

CITY OF WESTMORLAND

Report to the City Council

MEETING DATE: February 19, 2024

FROM: Laura Fischer, City Manager

SUBJECT: Adopt Ordinance 2025-01 to Adopt the Zoning Ordinance Text Amendments via Resolution 2025-6.

ISSUE:

Shall the City of Westmorland Adopt Ordinance 2025-01 to Adopt the Zoning Ordinance Text Amendments via Resolution 2025-6.

RECOMMENDATION:

Adopt Ordinance 2025-01 to Adopt the Zoning Ordinance Text Amendments via Resolution 2025-6.

FISCAL IMPACT: None.

DISCUSSION:

On October 2, 2024, the City Council approved the 6th Cycle Housing Element Update. Required along with that update are zoning changes. As part of the Housing Element implementation process, the zoning ordinance is reviewed to ensure compliance with changes in state law that have occurred since the previous update. The reason that the changes are included in this action even though the provisions already apply to the City is that HCD requires that the zoning ordinance mirrors state law to avoid confusion.

Zoning Ordinance Amendments

There were several minor changes to the existing zoning ordinance required by programs 5, 8, and 18 of the 6th cycle Housing Element Update. The recommended zone changes are included in Attachment A of this Staff Report. As can be seen in the changes, there are additions to definitions and minor changes to procedures, additional provisions for residential uses, and a better connection to the Table of Residential Uses. The changes are consistent with state law which already applies to the City.

Environmental Review and Findings

The proposed project meets the criteria for an exemption from the California Environmental Quality Act Guidelines (CEQA) Section 153061(b)(3). Common Sense Exemption:

The activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that

the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Policies, programs, and actions included in the Housing Element Update encourage housing production and outline steps for the future implementation of certain actions consistent with the existing Land Use Plan of the General Plan. The zone changes reflect state law and establishes land use regulations or new definitions and does not grant entitlement.

CONCLUSION:

It is recommended that the City Council Adopt Ordinance 2025-01 to Adopt the Zoning Ordinance Text Amendments via Resolution 2025-6.

Respectfully Submitted,

Laura Fischer, Manager

ATTACHMENTS:

- A. Westmorland Zoning Ordinance Changes
- B. Westmorland Municipal Code

RESOLUTION NO. 2025-06

**A RESOLUTION OF THE CITY OF WESTMORLAND ADOPTING
ORDINANCE 2025-01 AMENDING THE ZONING ORDINANCE TO
INCLUDE UPDATES TO THE GENERAL PLAN**

Whereas, The purpose of this zoning ordinance is to classify, designate, regulate and restrict the use of land, buildings and other structures so as to ensure that the goals and objective of the Westmorland general Plan are realized, and to ensure the protection and enhancement of the public health, safety and general welfare; and

Whereas, On October 2, 2024, the City Council approved the 6th Cycle Housing Element Update. Required along with that update are zoning changes.; and

Whereas, As part of the Housing Element implementation process, the zoning ordinance is reviewed to ensure compliance with changes in state law that have occurred since the previous update; and

Whereas The reason that the changes are included in this action even though the provisions already apply to the City is that HCD requires that the zoning ordinance mirrors state law to avoid confusion; and

Whereas There were several minor changes to the existing zoning ordinance required by programs 5, 8, and 18 of the 6th cycle Housing Element Update; and

Now Therefore, Be It Resolved by the City Council of the City of Westmorland as follows:

1. To adopt Ordinance 2025-1 Adopting the Zoning Ordinance Text Amendments; and
2. To make the summary of Ordinance 2025-6 published in a press of general circulation; and
3. This Ordinance shall become effective 30 days after adoption by the City Council.

Passed, Approved, and Adopted at a regular meeting of the City Council the of the City of Westmorland held on the 19th day of February, 2025 by the following vote.

Judith Rivera, Mayor
City of Westmorland

ATTEST:

Christine Pisch, City Clerk
City of Westmorland

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF WESTMORLAND**MUNICIPAL CODE****TABLE OF CONTENTS**

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ARTICLE I. PURPOSE AND INTRODUCTORY PROVISIONS**SECTION 1.01 PURPOSE**

The purpose of this Zoning Ordinance is to classify, designate, regulate and restrict the use of land, buildings and other structures so as to ensure that the goals and objectives of the Westmorland General Plan are realized, and to ensure the protection and enhancement of the public health, safety and general welfare. This Ordinance is further intended to provide economic and social advantages resulting from an orderly planned use of land resources, and to encourage, guide and provide a definite plan for the future growth and development of the City. It is also intended to establish minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation, and energy conservation, safety to life and property from fire and other hazards attributed to the built environment; and provide safety to firefighters and emergency responders during emergency operations. The provisions of this code shall apply to the construction, alteration, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one and two single-family dwellings, buildings not more than three stories above grade plane in height with a separate means of egress and structures accessory thereto within the City of Westmorland. Therefore, the 2010 California Residential Code, Title 24, Part 2.5, published by the International Code Council (ICC), in the California Code of Regulations, except as specifically repealed or amended by ordinance of the City, is hereby adopted and made part of this chapter as though set forth in full herein. A true and correct copy of the 2010 California Residential Code as adopted by this section shall be on file in the office of the City Building Official for inspection by the public.

SECTION 1.02 GENERAL PROVISIONS

- (a) Provisions to Be Construed As Minimal Requirements.
- (b) In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Anything not expressly incorporated by reference in this Ordinance is hereby prohibited.
- (c) Effect on Other Ordinances.
- (d) The provisions of this Ordinance shall not be deemed or construed to repeal, amend, modify, alter or change any other ordinance or any part thereof not specifically repealed, amended, modified, altered or changed in the provision codified in this Ordinance, except in such particulars or matters as this Ordinance is more restrictive than such other ordinances or part thereof; and that in all particulars wherein this title is not more restrictive, each such other ordinance shall continue and shall be in full force and effect.
- (e) Exercise of Powers Granted By Title.
- (f) Whenever a power is granted to, or a duty imposed upon, a public officer by this Ordinance, the power may be exercised or the duty may be performed by the Planning Commission, a deputy of the chairperson, or a person authorized pursuant to law or ordinance by the Planning Commission unless this title expressly provides otherwise.

SECTION 1.03 DEFINITIONS

For the purpose of carrying out the intent of this ordinance, words, phrases and terms used in this document and in the implementation of this ordinance are defined as follows:

Abut:

“Abut” means two adjoining parcels of property with a common property line except where such common property line is located in a public street right-of-way.

Access

“Access” means the way by which pedestrians and vehicles shall have safe, adequate and useable ingress and egress to a property or use.

Accessory building or structure

“Accessory building” or “accessory structure” means a detached subordinate building or structure, the use of which is incidental to that of the predominant use of the land, and which is located in the same or less restrictive zone on the same lot or parcel with the predominant building, structure or use.

Apartment

“Apartment” means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the building

Alley

“Alley” means any dedicated way, intended for vehicular service to the rear or side of property served by a street.

Automobile storage space

“Automobile storage space,” when required by this code/ordinance, means any permanently maintained space of not less than one hundred forty-four square feet of useable area and not less than nine feet wide at any place, on the same lot or parcel of land as is located the structure it is designed to serve, so located and arranged as to permit the storage of, and be readily accessible under its own power, one (1) passenger automobile of average size.

Building

“Building” means any structure that is completely roofed and enclosed on all sides which is built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and having a fixed base on or fixed connection to the ground and as defined by the Uniform Building Code.

City

“City” means the City of Westmorland

Commission

“Commission,” as used in this document, means the Planning Commission of the City of Westmorland

Council

“Council” means the City Council of the City of Westmorland

Density

The number of dwelling units allowed within a given square footage. Density shall be based upon lot size and shall be determined by dividing the net useable area of the parcel to be subdivided or parcelized by the required lot area. "Net useable area" is the area of a parcel exclusive of streets, alleys and similar public right-of-ways.

Detached living quarters

"Detached living quarters" means living quarters within a detached accessory building located on the same premises as the main building, for use by temporary guests of the occupants of the premises. Such accessory building shall have no plumbing or plumbing facilities of any kind except for space heating, air conditioning, toilet or bath.

Disability

"Disability" Federal laws define a person with a disability as any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment. In general, a physical or mental impairment includes hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex, and mental retardation that substantially limit one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

Dwelling unit

"Dwelling Unit" means a building or portion thereof either designed for or occupied for residential purposes by one person living alone or a group of two or more persons living together whether related to each other by birth or not, but not including hotels, boarding and lodging houses, and trailers (unless the trailer meets building code requirements for dwelling unit).

Dwelling, Single Family

"Dwelling, Single Family" means a Single-Family Dwelling unit is a detached building, or portion thereof designed for occupancy by one or more families.

Dwelling, Two or more units

A multi-family dwelling unit is a detached building, or portion thereof designed for occupancy by two or more families.

Dwelling, Accessory Unit

An attached or detached dwelling unit which provides complete independent living facilities for one (1) or more persons, with permanent provisions for living, sleeping, eating, cooking and sanitation sited on the same parcel as a primary single-family or multifamily dwelling. This definition includes junior accessory dwelling units (JADUs) and other similar units, such as granny flats, in accordance with State law requirements.

Emergency Shelter

"Emergency Shelter" means a facility whose primary purpose is to provide temporary or transitional shelter for the homeless in general or for specific populations of the homeless. Emergency shelter may also mean other interim interventions, including but not limited to navigation centers, bridge housing, and respite or recuperative care.

Employee Housing, Serving Six or Fewer Persons

"Employee Housing, Serving Six or Fewer Persons" employee housing is set forth in California Health and Safety Code Section 17008, including farmworker housing, temporary mobile homes, and any attached or detached dwelling unit used to house farm or agricultural workers and their family members. Employee

housing for six or fewer persons shall be treated as a single-family structure and residential use as described in California Health and Safety Code Sections 17021.5.

Employee Housing, Serving Group Quarters

“Employee Housing, Serving Group Quarters” employee housing is set forth in California Health and Safety Code Section 17008 and includes farmworker housing, temporary mobile homes, and any attached or detached dwelling unit used to house farm or agricultural workers and their family members. Employee/farmworker housing consisting of no more than 36 beds in group quarters (or 12 units or less) designed for use by a single-family or household is treated as agricultural use as described in Health and Safety Code Section 17021.6.

Family

“Family” means one or more persons living together in a dwelling unit, with common access to and common use of all living, kitchen and eating areas within the dwelling unit.

Flag lot

“Flag lot” means a lot which does not abut or have access to a public road, other than by a narrow right-of-way which is part of the otherwise wider lot and which constitutes a significant portion of all of the width of the lot where the right-of-way is located.

Floor area ratio

“Floor area ratio” means the numerical value obtained through dividing the gross floor area of the building or buildings located upon a lot or parcel of land by the total area of such lot or parcel of land.

General Plan

As used in this document, the General Plan means The General Plan of the City of Westmorland.

Grade (ground level)

“Grade” or “ground level” means the average grade of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of sidewalks, the aboveground level shall be measured at the sidewalks.

Habitable building

“Habitable building” means a building or a portion thereof designed, built, rented, leased, used or occupied as living quarters of one person living alone or a group of two or more persons living together, and includes detached living quarters, trailers, and mobile home units.

Height

“Height” means the vertical distance from the grade to the highest point of the coping of a flat roof or to the average height of the highest gable of a pitch or hip roof. In calculating the height, roof structures which comply with Chapter 36 of the building code shall not be considered.

Homeless person

“Homeless person” means an individual or family who lacks a fixed, regular, and adequate nighttime residence; or an individual or family who has a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

Home occupation

“Home occupation” means a lawful occupation carried on by residents of a dwelling as an accessory use within the same dwelling.

Incentives or concessions

“Incentives” or “concessions” mean regulatory concessions as specified in Subsection 65915(l) of the California Government Code to include, but not be limited to, the reduction of site development standards or Zoning Code requirements, direct financial assistance, approval of mixed-use zoning in conjunction with the housing development, or any other regulatory incentive which would result in identifiable, financially sufficient, and actual cost avoidance or reductions that are offered in addition to a density bonus

Incidental use

“Incidental use” means a minor use incidental in all respects to the primary use permitted on the premises. An incidental use shall not be the only use of a parcel or commercial space

Indoor recreation facility

“Indoor recreation facility” means a building or structure in which a sports or recreational use is conducted. Such uses include a bowling alley, skating rink, health club, racket club and theater but do not include arcades.

Lot

“Lot” means a parcel or tract of land duly recorded and having its frontage upon a publicly dedicated street or, publicly dedicated easement accepted by the city and as defined by the Subdivision Map Act.

Lot area

“Lot area” means the total horizontal area within the lot lines of a lot.

Lot coverage

“Lot coverage” means the percentage of total building site area covered by a roof structure, open or enclosed excluding uncovered steps, patio and terraces.

Lot line

“Lot line” means the property line bounding a lot.

Lot, nonconforming

“Nonconforming lot” means any lot having a minimum square footage of not less than six thousand square feet or the minimum required by the underlying zoning designation, and which was legally created prior to the effective date of the ordinance codified in this section, but which does not conform to the lot area and lot width standards for the zone within which the lot is located. Such lot may be developed for such uses and be subject to the same development standards as apply to the remainder of the properties in the zone.

Lot width

“Lot width” means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

Lot, through

“Through lot” means a lot having frontage on two parallel or approximately parallel streets/ right-of-ways.

Low-Barrier Navigation Center

“Low-Barrier Navigation Center” means a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

Manufactured housing

“Manufactured housing” means and includes “manufactured housing,” “mobile homes” and “factory-built housing” as such terms is defined in Division 13, Part 2.1, Chapter 1 and Division 13, Part 6, Chapter 2 of

the Health and Safety Code. The term “manufactured housing” shall not include “commercial coaches,” “recreational vehicles,” or “travel trailers” as such are defined in Division 13, Part 2.1 Chapter 1 of the Health and Safety Code of the State.

Maximum residential density

“Maximum residential density” means the maximum number of residential units permitted by the City of Westmorland General Plan land use element and Zoning Code at the time of application.

Motel

“Motel” means a group of attached or detached buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage attached or automobile storage space conveniently located on the lot or parcel of land and which is designed, used or intended to be used wholly or in part for the accommodation of automobile transients. Motels include auto courts, motor lodges and tourist courts.

Natural catastrophe

For the purposes of this ordinance, “natural catastrophe” means damage or destruction to structural improvements and property occurring from fire, earthquake, flood or other act of God. A natural catastrophe shall not include destruction or damage incurred by demolition or other intentional act.

Nonconforming Use or Structure

A non-conforming use or structure is a lawful existing use or structure at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located, except that this ordinance or amendment thereto may provide for the abatement and amortization of nonconforming structures.

Parcel of land

“Parcel of land” means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person.

Person

“Person” means any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, this and any other county, city and municipality, district or other political subdivision, or any other group or combination acting as a unit, other than the city.

Residence

“Residence (single housekeeping unit)” means a building designed as living quarters with access to both living and eating areas as well as facilities for the preparation and storage of food.

Residential Care Facility (licensed)

“Residential Care Facility (licensed)” means any family home, group care facility, or similar facility, licensed by the state, that is maintained and operated to provide twenty-four (24) hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily life or for the protection of the individual. A Large Licensed Residential Care Facility serves seven (7) or more clients, while a Small Licensed Residential Care Facility serves six (6) or fewer clients.

Residential Care Facility (unlicensed)

“Residential Care Facility (unlicensed)” means any family home, group home, group care facility, or similar facility, not required to be licensed by the state and operated as a single housekeeping unit, maintained and operated to provide twenty-four (24) hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily life or for the protection of the individual.

Room

“Room” means an unsubdivided portion of the interior of a building excluding bathrooms, kitchens, closets, hallways and service porches.

Setback

“Setback” shall mean the required yard. See “yard”.

Stand

“Stand” means a structure for the display and sale of products with no space for customers within the structure itself.

Story

“Story” means that portion of a building included between the surface of any floor and the surface of the floor above it,

Street

“Street” means any public thoroughfare or right of way which affords the principle means of access to abutting property. The word “street” shall include all major and secondary highways, traffic collector streets and local roads on the street system.

Structure

“Structure” means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, which is located on the ground or is attached to something located on the ground.

Supportive housing

“Supportive housing” means housing that is linked with on- or off-site services that assist the resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community. In accordance with Section 50675.14 of the Health and Safety Code there is no limit on the length of stay and such facilities are occupied by a target population that includes, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people who are: 1) Low income having one (1) or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions; or 2) Individuals eligible for services provided under the Lanterman Development Disabilities Services Act (Division 4.5 of the Welfare and Institutions Code).

“Use”

Use means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained. For the purposes of carrying out the intent of this Ordinance, the term “use” includes construction, establishment, maintenance, alteration, moving onto, enlargement and occupation. Wherever this chapter prohibits the “use” of any premises for any purpose, such premises and any building, structure or improvement on such premises shall not be used, occupied, altered or improved for such purpose and no building, structure or improvement on such premises shall be erected, constructed, established, maintained, allowed to remain, altered, moved onto, or enlarged which is designed, arranged or intended to be occupied or used for such prohibited use.

Yard

“Yard” means any open space on the same lot with a building or dwelling which open space is unoccupied and unobstructed from the ground upward except as otherwise permitted by this Ordinance.

Yard, Front

“Front yard” means a yard extending across the front of a lot between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a main building or other structure. On corner lots the commission shall determine which the front yard is. In the absence of such determination, the front yard shall be provided on the roadway upon which the front of the building faces.

Yard, Rear

“Rear yard” means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building or other primary structures.

Yard, Side

“Side yard” means a yard between the front and rear yards measured horizontally at right angles from the side lot line to the nearest point of a main building or other primary structures.

SECTION 1.04 COMPLIANCE WITH THE ORDINANCE.

Land may be used and a structure or part of a structure may be constructed, reconstructed, altered, or occupied or used only as this Ordinance permits.

SECTION 1.05 SEVERABILITY.

The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE II. ESTABLISHMENT OF ZONES

SECTION 2.01 CLASSIFICATIONS OF ZONES.

For the purposes of this Ordinance, the following zones are hereby established:

- R-1 Single Family Zone
- R-2 Low/Medium Density Multi-Family Zone
- R-2-T Mobile Home Park Zone
- R-3 Medium/High (Reserved)
- R-4 High Density Multi Family Residential
- C Commercial Zone
- I Industrial Zone.
- OS Open Space Zone.

SECTION 2.02 LOCATIONS OF ZONES.

The boundaries for the zones listed in this Ordinance are indicated on the Westmorland Zoning Map which is hereby adopted by reference and as amended. The boundaries shall be modified and amended in accordance provisions set forth by this Ordinance.

SECTION 2.03 ZONING MAP.

A zoning map or zoning map amendment adopted by Section 2.2 of this Ordinance shall be prepared by authority of Planning Commission or be a modification by the City Council or a map or a map amendment so prepared. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the Office of the City Clerk as long as this Ordinance remains in effect.

SECTION 2.04 ZONE BOUNDARIES.

Where indicated zone boundaries are approximately street, ally or lot lines, said lines are determined to be the boundaries of the zone. In case any uncertainty exists, the City council shall determine the location of boundaries.

SECTION 2.05 NEWLY ANNEXED TERRITORY.

Territory annexed to the City of Westmorland shall be in the Single Family Zone (R-1). Such zoning may be temporary and the Planning Commission shall recommend to the City Council within a period not to exceed one (1) year a final zoning plan for the annexed territory. The City Council has the authority to pre-zone the annexed territory, and in which case, that pre-zoning designation shall apply.

ARTICLE III. ZONES

SECTION 3.01 SINGLE FAMILY (R-1) ZONE

- (a) **Intent.** It is the intent of the R-1 residential zone to provide for the development of low density single family homes on lots, not less than six thousand (6,000) square feet in area, and the protection of these zones from incompatible uses.
- (b) **Permitted Uses.** The following uses shall be permitted in an R-1 zone. These uses are also listed in Table 1, Table of Residential Uses.
- i. Single family dwellings
 - ii. Accessory dwelling units (see section 6.01).
 - iii. Accessory buildings and structures incidental to the above use
 - iv. Employee housing, serving six or fewer persons
 - v. Transitional and Supportive Housing
 - vi. Small licensed residential care facility
- (c) **Conditional Uses.** The following shall be permitted in an R-1 zone subject to a Conditional Use Permit. These uses are also listed in Table 1, Table of Residential Uses.
- i. Churches
 - ii. Education institutions
 - iii. Public service buildings including libraries
 - iv. Public parks and recreational facilities
 - v. Public utility structures
 - vi. Home occupations
 - vii. Large licensed residential care facility
- (d) **Property Development Standards.** The following property development standards shall apply to all land and buildings in an R-1 zone:
- i. Lot Area Minimum: six thousand (6,000) square feet
 - ii. Lot width minimum: fifty (50) feet
 - iii. Lot Width minimum one hundred twenty (120) feet
 - iv. Front Yard Minimum: twenty (20) feet. A carport, subject to planning Commission review and approval, may encroach within the front yard setback, provided that it is an open-frame structure and does not obstruct visual lines of sight from the roadway(s).
 - v. Side Yard Minimum: five (5) feet, except that on a corner lot the side yard on the street side shall be a minimum of eight (8) feet.
 - vi. Rear Yard Minimum: twenty (20) feet.
 - vii. Building Height Maximum: thirty-five (35) feet.
 - viii. Lot Coverage Maximum: fifty percent (50%)
 - ix. Off-Street Parking Requirements: see Section 4.5
 - x. Fences, Walls and Hedges: see Section 4.7
 - xi. Signs: see Section 4.8

SECTION 3.02 LOW/MEDIUM DENSITY MULTI-FAMILY (R-2) ZONE.

- (a) **Intent.** It is the intent of the R-2 residential zone to provide for multi-family residential development at low and medium densities on lots not less than six thousand (6,000) square feet in area, and the protection of these zones from incompatible uses.
- (b) **Permitted Uses.** The Following uses shall be permitted in an R-2 zone. These uses are also listed in Table 1, Table of Residential Uses.
- i. Any use permitted in the R-1 zone.
 - ii. Two and three family residential dwellings
 - iii. Accessory buildings and structures incidental to the above use.
- (c) **Conditional Uses.** The following shall be permitted in an R-2 zone subject to a Conditional Use Permit (see Section 5.02). These uses are also listed in Table 1, Table of Residential Uses.
- i. Four or more family residential dwellings, but less than fifteen.
 - ii. Churched
 - iii. Educational institutions
 - iv. Public service building including libraries
 - v. Public parks and recreational facilities
 - vi. Public utility structures
 - vii. Home occupations
- (d) **Property Development Standards.** The following property development standards shall apply to all land and buildings in an R-2 zone:
- i. **Density:** No lot shall contain less than two thousand (2,000) square feet per dwelling unit.
 - ii. **Lot Area Minimum:** seven thousand (7,000), square feet.
 - iii. **Lot width Minimum:** fifty (50) feet
 - iv. **Lot Depth Minimum:** one hundred forty (140) feet
 - v. **Front Yard Minimum:** twenty (20) feet
 - vi. **Side Yard Minimum:** five (5) feet, except that on a corner lot the side yard on the street side shall be a minimum of eight (8) feet.
 - vii. **Rear Yard Minimum:** twenty (20) feet
 - viii. **Building Height Maximum:** thirty-five (35) feet
 - ix. **Lot Coverage Maximum:** fifty percent (50%)
 - x. **Off-Street Parking Requirements:** see Section 4.5
 - xi. **Fences, Walls and Hedges:** see Section 4.7
 - xii. **Signs:** see Section 4.8

SECTION 3.03 HIGH DENSITY MULTI-FAMILIES RESIDENTIAL (R-4) ZONE

- (a) **Intent.** It is the intent of the R-4 residential zone to provide for the development of high density multi-family homes, and the protection of these zones from incompatible uses.
- (b) **Permitted Uses.** The following uses shall be permitted in an R-4 zone. These uses are also listed in Table 1, Table of Residential Uses.
- i. Single family dwellings
 - ii. Multifamily dwellings
 - iii. Mobile home parks, subject to Section 4.10 (Mobile Home Park Development Standards)
 - iv. Accessory dwelling units, (Section 6.01).
 - v. Accessory buildings and structures incidental to the above use
 - vi. Emergency Shelters
 - vii. Employee housing, serving six or fewer persons
 - viii. Transitional and Supportive Housing
 - ix. Small licensed residential care facility
- (c) **Conditional Uses.** The following shall be permitted in an R-4 zone subject to a Conditional Use Permit. These uses are also listed in Table 1, Table of Residential Uses.
- i. Churches
 - ii. Educational institutions
 - iii. Public service building including libraries.
 - iv. Public parks and recreational facilities
 - v. Public utility structures
 - vi. Home occupations
 - vii. Large licensed residential care facility
- (d) **Property Development Standards.** The following property development standards shall apply to all land and buildings in an R-4 zone:
- i. **Density:** No lot shall contain less than fifteen hundred (1,500) square feet per dwelling unit
 - ii. **Lot Area Minimum:** seven thousand five hundred (7,500), square feet.
 - iii. **Lot width Minimum:** fifty (50) feet
 - iv. **Lot Depth Minimum:** one hundred forty (140) feet
 - v. **Front Yard Minimum:** fifteen (15) feet
 - vi. **Side Yard Minimum:** five (5) feet, except that on a corner lot the side yard on the street side shall be a minimum of eight (8) feet
 - vii. **Rear Yard Minimum:** twenty (20) feet
 - viii. **Building Height Maximum:** thirty-five (35) feet
 - ix. **Lot Coverage Maximum:** fifty percent (50%)
 - x. **Off Street Parking Requirements:** see Section 4.5
 - xi. **Fences, Walls and Hedges:** see Section 4.7
 - xii. **Signs:** see Section 4.8

SECTION 3.04 RECREATIONAL VEHICLE PARK (-RV) OVERLAY ZONE

- (a) **Purpose and Intent.** The Recreational Vehicle Park Overlay Zone is intended to allow recreational vehicle parks in areas suitable for such use subject to restrictions otherwise required by the provisions of this Ordinance. Whenever the Recreational Vehicle Park (-RV) Overlay Zone is placed on the official zoning map, the designation –RV shall be indicated after the zoning area over which it is placed (e.g., C-RV). The regulations of the –RV Overlay Zone shall apply in addition to the regulations of the principal zone of the area to which it is applied. Whenever a use is permitted in the –RV Zone, the use shall be permitted in addition to the uses otherwise allowed in the area over which it is placed. In the event that regulations of the underlying zone conflict with the provisions of the overlay zone, the more stringent regulation shall apply.
- (b) **Definitions.**
- i. **Recreational vehicle.** Recreational vehicle is a motor home, travel trailer, truck camper, or camping trailer with or without motive power designed for human habitation for recreational or emergency occupancy.
 - ii. **Recreational vehicle Park.** Recreational Vehicle Park is any property where one or more lots are rented to users of recreational vehicles and which are occupied for temporary purposes.
 - iii. **Recreational vehicle site.** A plot of ground within a recreational vehicle park for one recreational vehicle, automobile and camping party.
- (c) **Permitted Uses.** All uses permitted by this overlay zone are subject to a Conditional Use Permit in accordance with provisions set forth in Section 5.02 of this Ordinance.
- i. Recreational vehicle parks which includes any lot or parcel where two or more recreational vehicles are stored and/or occupied as temporary residences, regardless of whether or not a fee is charged for such accommodations.
 - ii. Accessory uses limited to a permanent residence for the manager, vending machines and recreational facilities for the exclusive use of the park occupants.
 - iii. Any commercial activity which is related to and necessary for the operation of the park. No signs advertising the presence of such commercial activity shall be visible from a public street.
- (d) **Property Development Standards.** The following property development standards shall apply to all land and buildings in the –RV overlay zone:
- i. **Lot Area Minimum:** one and a half acres.
 - ii. **Lot width minimum:** one-hundred fifty (150) feet
 - iii. **Lot Depth Minimum:** none
 - iv. **Site Size.** Each recreational vehicle site shall have a minimum site size of twelve- hundred square feet (1,200sf)
 - v. **Front Yard Minimum:** fifteen feet (15')
 - vi. **Side Yard:** No minimum except as provided in the Building Code for separation of structures, and a minimum of ten feet (10') on the street side of a corner lot, and a minimum of twenty feet (20') of landscaped area shall be provided on a side adjoining any "R" zone.
 - vii. **Rear Yard:** No minimum except as provided in the Building Code for separation of structures and a minimum of twenty feet (20') of landscaped area shall be provided on a side adjoining any "R" zone.
 - viii. **Separation.** Recreational vehicle parking pads shall be located to maintain a ten- foot

separation between recreational vehicles.

- ix. **Building Height Maximum:** thirty-five (35) feet.
- x. **Lot Coverage Maximum:** eighty percent (80%)
- xi. **Landscaping.** All required yards shall be landscaped
- xii. **Required Facilities:**
 - 1. A recreation area of at least five thousand (5,000) square feet shall be provided in addition to the required landscaping. Recreation equipment, such as a pool, playground, and picnic tables, and a service building, including toilets, showers, and laundry, can be located within the recreation area.
 - 2. **Sanitation Facilities:**
 - a. A minimum of one toilet and one lavatory for each sex shall be provided for the exclusive use of the park occupants. An additional toilet and lavatory for each sex shall be provided for each fifteen (15) sites or fraction thereof which is not provided with a water connection and a three-inch drain inlet for connection to a vehicle equipped with a toilet.
 - b. A minimum of one shower for each sex and one washer and dryer is required.
 - c. Trailer sanitation stations designed to receive the discharge of sewage holding tanks for self-contained vehicles shall be installed in an accessible location in every recreational vehicle park in which there are sites not provided with drain inlets designed to receive the discharge of toilets. Trailer sanitation stations shall be provided on the basis of one station for each one hundred (100) such sites or fraction thereof.
 - d. Trash containers shall be located within three hundred (300) feet of every recreational vehicle site and enclosed with a masonry fence six feet in height.
- xiii. **Off-street Parking Requirements:** One visitor parking space shall be provided for every fifteen (15) recreational vehicle sites or fraction thereof.
- xiv. **Fences, Walls, and Hedges:** see Section 4.7
- xv. **Signs:** see Section 4.8

SECTION 3.05 COMMERCIAL (C) ZONE.

- (a) **Intent.** It is the intent of the Commercial (C) zone to provide areas within the community which are primarily retail and service business in character, and to provide as a conditional use for more intense uses which are customarily accomplished at the commercial place of business. The Commercial (C) zone is intended to accommodate general commercial, office and other highway-oriented businesses and transportation-related service facilities which serve city-wide and transportation corridor-related needs. Primary uses in the Commercial (C) zone should be directed towards the provision of goods and services to the residents of Westmorland.
- (b) **Permitted Uses.** Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, structurally altered or enlarged only for the following uses, plus such other uses as the Planning Commission determines to be similar or not more obnoxious or detrimental to the public health, safety and welfare. The following uses shall be permitted in a (C) zone.
- i. Retail uses engaged in selling merchandise for personal and/or household consumption, and
 - ii. Financial and professional services and office uses which are conducted in office buildings or clinics.
 - iii. Commercial recreation uses whose primary function is to provide amusement or entertainment.
 - iv. Private non profit institutions and organizations
 - v. Hotels and Motels.
 - vi. Parking lots.
 - vii. Transportation terminals.
 - viii. Emergency Shelters.
- (c) **Conditional Uses.** The following shall be permitted in a C zone subject to a Conditional Use Permit (see section 5.02):
- i. Automobile repair, painting or washing related uses.
 - ii. Churches
 - iii. Educational institutions
 - iv. Heavy agricultural machinery and equipment sales and rentals.
 - v. Public service buildings including libraries
 - vi. Public parks and recreational facilities
 - vii. Public utility structures
 - viii. Wholesale distributors.
 - ix. Storage of empty bee hives and equipment pertaining to bees.
- (d) **Property Development Standards.** The following property development standards shall apply to all land and buildings in a C zone:
- i. **Lot Area Minimum:** seven thousand five hundred (7,500) square feet.
 - ii. **Lot Width Minimum:** fifty (50) feet.
 - iii. **Lot Depth Minimum:** one hundred fifty (150) feet.
 - iv. **Front Yard Minimum:** Ten feet (10')

- v. **Side Yard:** No minimum except as provided in the Building Code for separation of structures, and a minimum of ten feet (10') on the street side of a corner lot, and a minimum of fifteen feet (15') shall be provided on a adjoining any "R" zone.
- vi. **Rear Yard:** No minimum except as provided in the Building Code for separation of structures and a minimum of ten feet (10') shall be provided upon that portion of a lot abutting or across a rear street from any "R" zone. Where there is an alley or other right-of-way separating the commercial use from the "R" zone, the minimum rear yard shall be ten feet (10') or as required by the Planning Commission.
- vii. **Building Height Maximum:** thirty-five (35) feet
- viii. **Lot Coverage Maximum:** eighty percent (80%)
- ix. **Off-Street Parking Requirements:** see Section 4.5
- x. **Off Street Loading Requirements:** see Section 4.6
- xi. **Fences, Walls, and Hedges:** see Section 4.7
- xii. **Signs:** see Section 4.8

SECTION 3.06 INDUSTRIAL (I) ZONE

- (a) **Intent.** It is the intent of the Industrial (1) zone to provide for wholesale uses as well as those industrial uses that include manufacturing, assembly or processing and which require large storage areas.
- (b) **Permitted Uses.** The following uses shall be permitted in an I zone:
- i. Emergency Shelters.
 - ii. Transitional Housing Facilities.
 - iii. Any of the following uses provided that such operations, manufacturing, assembly or processing are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, glare, wastes, noise, vibrations, disturbance, or other similar causes which may impose hazard to life or property.
 - iv. Wholesale and warehouse uses which include establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional users or to other wholesalers. The function of bulk storage and related uses is also included in this classification.
 - v. Manufacturing which includes establishments primarily engaged in assembly, processing, packaging or treatment of various food stuffs or natural or person- made materials.
 - vi. Storage of empty bee hives and equipment pertaining to bees.
 - vii. Tractor/Truck repairing, painting or washing and related uses.
- (c) **Conditional Uses.** The following shall be permitted in an I zone subject to a Conditional Use Permit (Refer to Section 5.02):
- i. Establishments or enterprises involving large assemblages of people or automobiles.
 - ii. Commercial storage of oil, gasoline or petroleum products.
- (d) **Property Development Standards.** The following property development standards shall apply to all uses and buildings in an I zone.
- i. **Lot Area Requirements:** none
 - ii. **Front Yard Minimum.** Fifteen feet (15')
 - iii. **Side Yard:** A minimum of ten (10) feet on the street side of a corner lot. Also, a minimum of fifteen feet (15') shall be provided on a side adjoining any "R" Zone.
 - iv. **Rear Yard:** A minimum of twenty-five (25) feet shall be provided upon that portion of a lot abutting or across a rear street from any "R" zone.
 - v. **Building Height Maximum:** fifty (50) feet
 - vi. **Off Street Parking Requirements:** see Section 4.5
 - vii. **Off Street Loading Requirements:** see Section 4.6
 - viii. **Fences, Walls, and Hedges:** See Section 4.8
 - ix. **Signs:** see Section 4.7

SECTION 3.07 OPEN SPACE (OS) ZONE

- (a) **Intent.** It is the intent of the Open Space (OS) zone to provide open space for the preservation of natural resources, managed production of resources, open space for outdoor recreation, and for the protection of public health and safety.
- (b) **Permitted Uses.** The following uses shall be permitted in an OS Zone.
- i. Emergency Shelters.
 - ii. Employee and Farmworker Housing.
 - iii. Transitional and Supportive Housing Facilities
 - iv. Agricultural land and areas of economic importance for the production of food or fiber
 - v. Areas required for the preservation of plant and/or animal life
 - vi. Areas which require special management or regulation because of hazardous conditions
 - vii. Open space for outdoor recreation, including parks and utility easements.
- (c) **Conditional Uses:** The following shall be permitted in an OS zone subject to a Conditional Use Permit (see Section 5.02):
- i. Commercial recreation facilities
 - ii. Residential uses on parcel with a minimum of ten (10) acres
 - iii. Public utility structures
 - iv. City Hall, Fire Station and/or Police Department.

ARTICLE IV. SUPPLEMENTARY PROVISIONS

SECTION 4.01 MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS.

No lot area, yard or other open space existing prior to the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.

SECTION 4.02 ACCESS.

Every building hereafter erected shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off street parking.

SECTION 4.03 EXCEPTIONS AND MODIFICATIONS.

The following exceptions and modifications to yard and height requirements and reasonable accommodation are hereby authorized.

- (a) **Yard Requirements.** If there are buildings on both adjacent lots which are within one hundred (100) feet of the intervening lot, and the buildings have front yards of less than the required setback for the zone, the setback of the front yard for the intervening lot shall not exceed the average setbacks of the front yards of the adjacent lots. Where a building on an adjacent lot as above has a front yard setback of less than that required by the zone, the front yard shall not exceed a setback distance of halfway between that on the adjacent front yard and that required by the zone.
- (b) **Height Requirements.** Vertical projections such as chimneys, spires, domes, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of the Ordinance.
- (c) In order to comply with the provisions of SB 20 (Chapter 671 of the government code) regarding reasonable accommodation, an exception is provided for persons with disabilities to allow a ministerial process with no processing fee, subject to approval by the Building Official, as follows:
 - i. The request for reasonable accommodation will be used by an individual with a disability protected under fair housing laws.
 - ii. The requested accommodation is necessary to make housing available to an individual with a disability protected under fair housing law.
 - iii. The requested accommodation would not impose an undue financial or administrative burden on the City.
 - iv. The requested accommodation would not require a fundamental alteration in the nature of the City's land use and zoning program.

SECTION 4.04 ACCESSORY USES.

No attached accessory structure shall be erected in any required yard except for open sided canopy or roof structures, and no detached accessory structure shall be erected within five feet (5') of any other structure.

SECTION 4.05 OFF STREET PARKING REQUIREMENTS.

For each main building, dwelling, commercial, industrial establishment or other structure hereafter erected, converted, reconstructed or enlarged there shall be provided and maintained off street parking facilities to accommodate the motor vehicles used by the occupants, customers, clientele, and employees of such building or structure. Each required parking space shall be not less than nine (9) feet wide and twenty (20) feet long. In addition, vehicular access to a public right of way shall be provided. The number of parking spaces for each type of use shall not be less than that stated as follows:

- (a) **Residential Dwellings.** For every dwelling, multiple dwelling or other structure erected or intended to be used as a dwelling, there shall be provided on the same lot or parcel of land at least

one and a half (1 ½) parking spaces for each dwelling unit. These standards shall apply to Employee Housing, Serving Six or Fewer Persons and Residential Care Facilities. A full parking space shall be provided in each instance where a fractional space would otherwise be required by the terms herein.

- (b) **Commercial and Industrial Buildings.** For all office and commercial buildings at least one (1) parking space shall be provided for each two hundred and fifty (250) square feet of floor space or fraction thereof in said building. Each such parking space shall be on the same lot or within five hundred feet (500') of the building.
- (c) **Group Occupancies.** For each guest room in rooming, lodging, clubs, and dormitories, there shall be provided one (1) parking space. These standards shall apply to Employee Housing, Serving Group Quarters and Residential Care Facilities of Seven or More Persons. Each such parking space shall be on the same lot or parcel of land or contiguous thereto.
- (d) **Hotels, Motels and Tourist Courts.** For hotels, motels, and tourist courts at least one (1) parking space shall be provided for each living or sleeping unit on the same lot or parcel of land or contiguous thereto.
- (e) **Public Assembly Uses.** For places of public assembly, including churches and theaters, at least one (1) parking space shall be provided for every three (3) seats provided in the assembly place. Each such parking space shall be on the same lot or within five hundred (500') feet of the building.
- (f) **Mobile Home Parks.** For each mobile home space, there shall be provided at least two (2) parking spaces. In addition, guest parking space shall be provided at the ratio of one (1) space for each eight (8) home sites in the park.
- (g) **Emergency Shelter.** For each emergency shelter, at least one (1) parking space shall be provided for each staff member working in the emergency shelter, provided that standards do not require more parking than other residential or commercial uses within the same zone.
- (h) **Parking for All Other Uses.** Parking for all other uses permitted, but not enumerated in this section, shall be furnished as required by the Planning Commission.

SECTION 4.06 OFF-STREET LOADING.

On the same premises with every building, structure or part thereof erected or occupied for manufacturing storage, warehouse, department store, wholesale or retail market, hotel, restaurant, hospital, laundry plant or other uses similarly involving the receipt or distribution of materials or merchandise carried by vehicle there shall be provided and maintained on the lot adequate space for standing loading and unloading service in order to avoid undue interference with the public uses of the streets or alleys. Such off-street loading facilities shall be located on the same site with the use for which it is required. The facilities shall not occupy required front yard space nor shall facilities be located closer than fifty (50) feet to any lot in any residential zone.

SECTION 4.07 FENCES, WALLS AND HEDGES.

A fence, wall, or hedge within a front yard or a street side yard shall not exceed an elevation of four feet above a street elevation. A fence, wall, or hedge not more than six (6) feet tall as measured from the highest grade, may be maintained along the side or rear lot lines, provided that such fence, wall, or hedge does not extend into a required front yard. In the Industrial (I) Zone, all improved property shall be fenced as stated above; however, where such a use forms a common side or rear boundary with a residential zone, a solid masonry wall not less than six (6) feet in height shall be erected along the property line.

- (a) **Minor Deviation from standards.** A fence not more than six feet (6') in height may be constructed along the property line abutting a street upon request by the owner and approval by the Planning Commission based on the following findings:
 - i. The installation of such a fence or wall is necessary to protect the public health, safety and

welfare from noise, vibration, odor, etc.

- ii. The height and location of the fence does not create a traffic hazard by blocking lines-of-sight from public rights-of-ways and does is not otherwise detrimental to the public health, safety and general welfare.

SECTION 4.08 SIGNS.

Signs shall be permitted as provided below:

(a) Sign in Residential Zones.

- i. Name plates on single family units shall be permitted provided that the area of the sign does not exceed two (2) square feet in area.
- ii. The name of the development and related information shall be permitted provided that the area of the sign does not exceed one (1) square foot of area for each apartment unit.
- iii. Not more than two "For Rent" and "For Sale" signs shall be permitted provided that the areas of the signs(s) do not exceed six (6) square feet in area.

(b) Signs in Commercial Zones.

- i. Business signs indicating the name and the nature of the occupancy shall be permitted provided the total sign area shall not exceed two (2) square feet per foot of building frontage facing a street. Such signs shall be affixed to the building surface unless otherwise allowed by conditional use permit.
- ii. Illumination of signs shall not create a nuisance to adjoining residential zones.

(c) Signs in Industrial Zones.

- i. Sign indicating the name and the nature of the occupancy shall be permitted provided the total sign area shall not exceed three (3) square feet per foot of building frontage facing a street.
- ii. No sign shall be located within fifty (50) feet of a Residential Zone.
- iii. Illumination of sign shall not create a nuisance to adjoining zones.

SECTION 4.09 HOME OCCUPATION REGULATIONS.

Home occupations shall be allowed in residential zones subject to the following regulations

- (a)** No persons other than residents of the dwelling unit shall be employed in the conduct of a home occupation.
- (b)** A home occupation shall be conducted in a dwelling and shall be clearly incidental and secondary to its use for dwelling purposes.
- (c)** There shall be no external alteration of the dwelling in which a home occupation is conducted, and the existence of a home occupation shall not be apparent beyond the boundaries of the site, except for a name plate.
- (d)** A home occupation shall not create any radio or television interference or create noise audible beyond the boundaries of the site. Also, no equipment shall be used that makes dust, odor, smoke, vibration or other adverse conditions which are detrimental to adjoining dwellings.
- (e)** There shall be no outdoor storage of materials or supplies.

SECTION 4.10 MOBILE HOME PARK DEVELOPMENT STANDARDS

- (a) **Size of Mobile Home Park.** No parcel containing less than three and one half (3½) acres may be used for the purpose permitted in R-2-T Zone.
- (b) **Density.** There shall be a minimum of five thousand (5,000) square feet of gross area for each mobile home space. The total area may include access roadways, accessory building space and recreational areas.
- (c) **Building Height.** Building Height for any structure shall be limited to fifteen (15) feet. Structures not more than 35 feet in height may be permitted subjected to a Conditional Use Permit.
- (d) **Mobile Home Park. Measurement of Yards.** Yards shall be measured perpendicular to the property line or from a future street or highway right of way line, as shown on the General Plan or Zoning Map.
- (e) **Mobile Home Park Space Requirements.** Mobile home spaces shall observe the following requirements:
- i. The minimum size of an individual mobile home space shall be twenty- seven hundred (2,700) square feet with a minimum width of forty-five (45) feet and a minimum depth of sixty (60) feet.
 - ii. No mobile home space shall be located closer than twenty (20) feet from the exterior property line of the mobile park when said line abuts a public street.
 - iii. No mobile home space shall be closer than five (5) feet from any other portion of the property line of said mobile home park.
 - iv. There shall be a minimum front yard of three (3) feet extending for the full width of the mobile home space and measured from the edge of the pavement or back of the curb of an interior street. The trailer tongue may encroach into the required front yard set back.
 - v. There shall be a minimum side yard of three (3) feet and a minimum rear yard of three (3) feet. Where a side or rear yard abuts an access road, public parking area, or walk, said yards shall not be less than ten (10) feet in width.
 - vi. **Distance between Mobile homes.**
 1. There shall be not less than ten (10) feet between mobile homes.
 2. Where residential mobile homes are located near any permitted building, other than another residential mobile home, Ramada or cabana, the minimum space between the mobile home and said building shall be fifteen (15) feet.
 - vii. **Patio and Skirting.**
 1. A cement concrete patio or other metal or wood deck having a minimum area of three hundred (300) square feet shall be installed as part of each mobile home space.
 2. The area between the ground level and the floor of a mobile home shall be screened from view by an opaque skirt entirely around the mobile home. The skirt shall be specifically designed for mobile home usage.
 - viii. **Tenant Storage.** Tenant storage may be provided for in any manner consistent with the requirements of the California Department of Housing & Community Development, Division of Codes and Standards.
 - ix. **Access Roads.**
 1. Access roads within a mobile home park shall be paved to a width of not less than twenty-five (25) feet.

2. Portland cement concrete curbs and gutters shall be installed on both sides of all access roads.
 3. Access roads, with paved width of less than thirty-two (32) feet shall not be used for automobile parking at any time.
 4. Access roads, with paved width of less than forty (40) feet shall not be used for automobile parking on more than one side at any time.
 5. Access roads around the recreational area shall be paved to a minimum width of thirty-six (36) feet with off-street parking provisions and no on-street parking shall be permitted around the recreational area.
 6. All access roads shall be adequately lighted.
 7. Each mobile home shall have frontage on an access road. A minimum fifteen (15) foot wide unobstructed access shall be provided to approved access road for the movement of mobile home service vehicles.
- x. **Sanitary Sewer.** Each mobile home space shall be provided with a connection to a sewer line. Mobile homes that cannot be connected to a sanitary sewer system shall not be permitted to be used for human habitation. The sewer system and connection plans shall be subject to the approval of the County Health Department and the City.
- xi. **Electrical Service.**
1. All electrical, telephone and television services within the mobile home park shall be underground.
 2. All services to the individual spaces shall be a minimum of 100-AMP service.
- xii. **Management Office.** Each mobile home park shall have a management office with a gross floor area of not less than two hundred (200) square feet. The office may include space for usual office furniture and supplies and shall contain a lavatory and water closet. Suitable facilities shall be provided for mail distribution.
- xiii. **Park Storage.** Storage space for supplies, maintenance materials, and equipment shall be provided in a separate building or in a building with other facilities.
- xiv. **Laundry Facilities.**
1. Laundry facilities equipped with washing machines and dryers shall be provided.
 2. Outside drying yards shall be enclosed with a six (6) foot high solid fence.
- xv. **Accessory Structures.** No accessory building shall be constructed as a permanent part of the mobile home. Accessory structures such as cabana, Ramada, patio, carport, and/or storage cabinet are permitted.
- xvi. **Trash Enclosures.** One (1) standard trash enclosure shall be provided for every fifteen (15) mobile homes units.
- xvii. **Offsite Improvements.**
1. All mobile home parks shall connect to City water and sewer facilities. Extension from existing facilities shall be borne by developer.
 2. All streets abutting park shall be improved to city standards.
 3. All plans shall be approved prior to issuance of a building permit.
- xviii. **Recreational Vehicle Storage Yard.** Recreational vehicle storage yards may be provided and shall conform to the following standards. No recreational vehicle, travel trailers, boat and trailer or accessories shall be kept on the mobile home space, but shall be stored as provided

herein, except that one recreational vehicle or travel which is the primary residence of the occupant of the space may be permitted.

1. The area shall be graded and graveled or surfaced with asphalt concrete or Portland Cement Concrete.
2. The storage yard shall be enclosed by a six (6) foot high fence and landscaped to shield the interior of the area from view on all sides. The wall or fence shall be broken only by a solid gate.
3. No sewer connection other than standard trailer sanitation shall be permitted within the storage yard.
4. The storage yard shall not be used for living purposes.

xix. Submittal Requirements.

1. Six (6) copies of plot plan providing sufficient detail of proposed park shall be submitted to determine sufficiency of plans, along with a written statement of intent to comply with the standards of this ordinance.
2. Upon approval the application shall be submitted to the planning commission for review and approval. The plans must delineate all property lines, right-of-ways, easements, setbacks, location of accessory structures, offsite improvements, other information that illustrate compliance with the provisions of this zoning ordinance and other information deemed necessary by Planning Staff. The Planning Commission may approve, approve with conditions or disapprove the project. The Planning Commission shall recommend to the City Council that a conditional use permit be issued or that the application be denied.

- xx. Establishment and Enlargement.** No mobile home park, as defined herein, shall be established and maintained in the City of Westmorland, nor shall any mobile home park already existing in the City of Westmorland be enlarged unless such mobile park shall be established, maintained or enlarged in compliance with all provisions of this ordinance and shall further comply with the provisions of Chapter 5, Title 25 of the California Administrative Code.

- xxi. Off Street Parking Requirements:** see Section 4.5.6

xxii. Fences, Walls, and Hedges:

1. Each mobile home park shall be entirely enclosed at its exterior boundaries by fence or wall six (6) feet in height, and by screen landscaping not less than six (6) feet in height. Said wall or fence shall run along and be contiguous to the boundary line or property line except where abutting a front street. The minimum height of fence along any public street shall be four (4) feet.
2. The type of fence or wall shall be set forth by the Planning Commission at time of review of Plot Plan and issuance of Conditional Use Permit.
3. Also see Section 4.7

- xxiii. Signs:** see Section 4.8

SECTION 4.11 APPLICATION OF ENVIRONMENTAL GUIDELINES.

In accordance with the California Environmental Quality Act of 1970 (and as amended), an environmental review shall be initiated for any actions that are not categorically and/or Statutorily Exempt.

SECTION 4.12 ENVIRONMENTAL REVIEW PROCEDURES.

Procedures as they may be established by the City Council shall govern the preparation and review of environmental assessments, and where such environmental reports are required, procedural timing for zoning actions may be adjusted accordingly.

SECTION 4.13 PRIORITY FOR AFFORDABLE HOUSING DEVELOPMENTS.

- A. For the purpose of this section, moderate-, low- and very low-income persons shall be defined as set forth in California Health and Safety Code Sections 50079.5 and 50105.
- B. In any given year at the time any water or sewer equivalency units allocation are authorized by the city council, priority on the residential building permit waiting list shall be given for developments which provide a minimum of fifty percent of housing which will be guaranteed to be affordable to persons and families with moderate, low and very low incomes; provided:
 - 1. Developments which provide one hundred percent affordable housing shall have priority over projects which provide fifty percent affordable housing. The remaining permits shall be allocated in accordance with the existing waiting list.
 - 2. Developments which provide a minimum of fifty percent of affordable housing including a minimum of twenty-five percent affordable to low- and very low-income families shall have a priority over projects which do not provide units for low and very low-income families.
 - 3. Not more than fifty percent of the building permits allocated each year by the City Council shall be so prioritized over existing residences.
- C. An applicant desiring low-income housing priority shall submit to the public works department, a written request for such priority, listing the applicant/owner, the address and legal description of the project property, and written deed restrictions and agreements as approved by the city attorney, restricting the sale and occupancy of the affordable units in the project to moderate-, low- or very low-income persons for a period of thirty years after completion of the housing project. Upon receipt of this information and agreements, the applicant's property will be placed on a separate low-income housing waiting list for either single-family or multiple-family projects in the order in which the requests are received by the city to be eligible for priority in the following year's water or sewage services allocation.
- D. If a project due to be awarded water or sewage services fails to qualify or submit sufficient deed restrictions and agreements, as required in this section, prior to the award of water or sewage services, or voluntarily withdraws, then the project shall be removed from the priority list and shall be returned to its original position on the long-term building allocation waiting list.
- E. The City, at its option, may contract with a nonprofit housing agency to provide for administration of various aspects of deed restrictions, agreements and other procedures to ensure the effectiveness of this program to provide long-term low-income housing. Costs for such services shall be borne by the applicant/developer.

ARTICLE V. PROCEDURES

SECTION 5.01 CLASSIFICATION OF USE

- (a) **Purpose.** The City of Westmorland recognizes that in the development of this document, not all land use types can be listed nor can all future uses be anticipated, or a use may have been omitted from the list of those specified as permissible in the various zoning designations, or ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of this Ordinance.
- (b) **Procedure for Approval.** Any person seeking to establish a use that is not expressly contained in this Zoning Ordinance but is similar to any permitted use may submit a request for a “Classification of Use” by the Planning Commission. The applicant shall file an application with the City of Westmorland in a format prescribed by the City Council and pay the necessary fees. After receipt of the application, the Planning Commission shall review the request at its next regularly scheduled meeting. The Planning Commission action may be appealed to the City Council subject to the City’s appeal procedure.
- (c) **Findings.** In approving an unclassified use, the Planning Commission must make the following findings and determine that the following conditions exist:
- i. That the subject use and its operation is consistent with the goals, objective and policies of the General Plan;
 - ii. That the subject use and its operation is consistent with the purposes and intent of the zone in which the use is proposed to be located;
 - iii. That the subject use and its operation is a compatible use in all areas of the city where the zoning is applied;
 - iv. That the subject use is similar to one or more uses permitted in the zone within which it is proposed to be located. A use shall be deemed to be similar only where the size, scale, design and impact of the uses are comparable. A use shall not be deemed to be similar when the operation of the use involves greater impacts in terms of traffic, parking, noise, glare, odor, refuse, or other environmental considerations; generates greater demand for public services; does not have comparable hours of operation; is significantly more intensive in the number of employees, patrons and other users of the facility; and is not complementary to other uses in the zone;
 - v. That the subject use will be so designed, located and operated that the public health, safety and general welfare will be protected; and
 - vi. That the subject use and operation is not more obnoxious or detrimental to the public health, safety and general welfare than such other permitted uses.

SECTION 5.02 CONDITIONAL USE PERMITS

- (a) **Intent.** Uses permitted subject to conditional use permit are those uses necessary for the development of the community, having inherent qualities or characteristics which, unless provided for, would cause such uses to be incompatible or inharmonious with adjacent or nearby permitted uses. The procedures specified in this section are intended to provide a means whereby the Planning Commission may modify such uses to the extent that they can be made compatible and harmonious with the adjacent uses.
- (b) **Special Conditions.** In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may by resolution impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which the Planning Commission considers necessary to protect the public health, safety and general welfare. These

conditions may include but are not limited to the following:

- i. Regulations of use
- ii. Special yards, spaces and buffers
- iii. Special fences, solid fences and walls
- iv. Surfacing of parking areas
- v. Requiring street, service road or alley dedication and improvements or appropriate bonds
- vi. Regulation of points of vehicular ingress and egress
- vii. Regulation of signs
- viii. Requiring maintenance of the grounds
- ix. Time period within which the proposed use shall be developed
- x. Regulation of hours for certain activities
- xi. Duration of use
- xii. And any other such condition as will make possible the development of the City in an orderly and efficient manner.

(c) General Conditions. The Planning Commission shall, in addition to any special conditions, impose the following general conditions upon every Conditional Use Permit granted:

- i. The right to use and occupy the subject property shall be contingent upon the fulfillment of all general and special conditions imposed by the conditional use permit procedure.
- ii. That all of the special conditions shall constitute restrictions running with the land and shall be binding upon the owner of the land, his successors or assigns.
- iii. That in the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, any change in the use or in lot area or any alteration of structure shall conform to the requirements for the conditional use.

(d) Administrative Provisions. The following provisions shall apply in obtaining conditional use permits:

- i. **Application and Filing Fee:** Application for a conditional use permit giving such information as may be prescribed but the Planning Commission, shall be made upon forms provided by the City Clerk.
- ii. **Planning Commission Hearing:**
 1. Upon receipt of the application in proper form and application fee, the City Clerk shall place the item on the Planning Commission Agenda for public hearing not more than thirty (30) days after the date of the filing of the application, or sixty (60) days if an Environmental Impact Report is required.
 2. Notice of such hearing for the time and in the manner as established by resolution of the City Council which shall be mailed at least ten (10) days prior to the public hearing to all property owners whose names and addresses appear on the latest adopted tax roll as owning property within a distance of three hundred (300) feet from the exterior boundaries of applicant's property, and by the posting of said notice in three conspicuous places on or close to the property at least ten (10) days prior to the hearing.
- iii. **Action by the Planning Commission:** Within thirty (30) days after the conclusion of the

public hearing, the Planning Commission shall approve, conditionally approve, or deny the conditional use permit application based upon its findings along with any general and special conditions in Section 5.02(b) above as they might apply. Notice of the action shall be mailed to the applicant. The findings of the Commission shall be that the establishment, maintenance or operation of the use or building applied for will or will not, under the circumstances of the particular case, be detrimental to the public health, safety and the general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to the property and improvements in the neighborhood.

- iv. **Appeals to the City Council:** The decision of the Planning Commission is final unless an appeal is made in writing to the City Council within ten (10) days of such action. Following a public hearing, notice of which shall be given in the manner prescribed above, the Council may by resolution reverse or affirms wholly or in part, or may modify any decisions, determination or requirement of the Planning Commission. The Council shall also make a written finding of fact setting forth where the Planning Commission findings were in error.
- v. **Revocation of Conditional Use Permits:**
 1. The Planning Commission may by resolution and after a public hearing with notice in accordance with provisions set forth above revoke any conditional use permit for non-compliance with any of the conditions set forth in the resolution granting the application. Written notice of intention to revoke shall be mailed to the applicant not less than thirty (30) days before the Planning Commission action.
 2. If an established time limit for development expires or if the time limit for the duration of the carrying on the use has been established as one of the conditions then said permit shall be considered to be revoked upon such date of expiration without any notification to the owners.
 3. The revocation of a conditional use permit shall have the effect of denying all rights granted by the conditional use permit.

SECTION 5.03 NONCONFORMING USES

(a) **Intent.** Where building or lots legally existing on the effective date of the ordinance adopting these regulations are not in conformity with the provisions of these regulations, it is the intent of this section to declare such to be nonconforming and to encourage these nonconforming buildings and uses to be brought to or toward conformity as rapidly as possible; all for the purpose of protecting the public health, safety and general welfare.

(b) **Nonconforming Uses:**

- i. Nonconforming uses shall be those in any zone which are not provided for in the permitted uses or conditional uses section of each zone. A nonconforming use may not be expanded or extended within an existing building and no structural alterations except those required by law shall be made therein. A nonconforming structure which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this ordinance.
- ii. If a nonconforming use of land is discontinued for a period of one hundred eighty (180) days, any further use of the property shall conform to this ordinance.
- iii. If a nonconforming use is replaced by another use, the new use shall conform to this ordinance.

- (c) **Removal or Razing of Structures.** The right to operate and maintain a nonconforming use shall terminate when the structure or structures housing such uses are removed or razed to the extent of fifty percent (50%) of the structure's fair market value as determined by the last equalized assessment roll of the County of Imperial.
- (d) **Destruction, Damage or Obsolescence of Structure.** The right to operate and maintain a nonconforming use shall terminate when structure or structures housing such use is (are) damaged or destroyed from any cause whatsoever as to become obsolete or become(s) obsolete under any municipal ordinance.

SECTION 5.04 VARIANCES

- (a) **Intent.** When practical difficulties, unnecessary hardships or results inconsistent with the general intent and purpose of these regulations occur through the strict application of the provisions herein to a parcel or a group of parcels affected by a unique problem, the Planning Commission shall have the power to grant, upon such terms and conditions as it deems necessary and proper, variances from the strict provisions of these regulations. A variance shall not be granted to permit a use not permitted in the zone by this Ordinance.
- (b) **General Conditions.** The Planning Commission may impose the following general conditions upon a variance:
 - i. The Planning Commission, in approving a variance, may set force in its decision reasonable terms and conditions which it deems necessary to protect the health, safety, and general welfare of the community and to assure the intent and purposes of these regulations.
 - ii. Every variance from the provisions of these ordinance regulations shall become void one hundred and eighty (180) days after the effective date such variance is granted unless construction has commenced. The Planning Commission, however, may, by request, extend authorization for an additional period not to exceed one year.
- (c) **Administrative Provisions.** The following provisions shall apply in obtaining variances:
 - i. **Application and Filing Fee:** Application for variance, giving such information as may be prescribed by the Planning Commission, shall be made upon forms provided by the City Clerk. The Clerk shall charge and collect the filing fee for each such application as determined by resolution of the City Council.
 - ii. **Planning Commission Hearing:**
 - 1. Upon receipt of the application in proper form, the City Clerk shall place the item on the Planning Commission Agenda for public hearing not more than thirty (30) days after the filing of the application, or sixty (60) days if an Environmental Impact Report is required.
 - 2. Notice of such hearing for the time and in the manner as established by resolution of the City Council which shall be mailed at least ten (10) days prior to the public hearing to all property owners whose names and addresses appear on the latest adopt tax roll as owning property within a distance of three hundred (300) feet from the exterior boundaries of applicants property, and by the posting of said notice in three conspicuous places on or close to the property at least ten (10) days prior to the hearing.
 - iii. **Action by the Planning Commission:** Within thirty (30) days after the conclusion of the public hearing, the Planning Commission may grant the requested variance in whole or in part, or deny the application for variance based upon its findings with or without conditions. The Commission, in granting a variance, shall make a finding that in the evidence presented, all four of the following conditions exist in reference to the property being considered:

1. Because of unique circumstances applicable to subject property including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
 2. Any variance granted shall be subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.
 3. The granting of the variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.
 4. The granting of such variance will not adversely affect the General Plan for the City.
- iv. **Appeals to the City Council:** Appeal from any action of the Planning Commission on an application for variance may be made in writing to the City Council within ten (10) days of such action following public hearing. The Council may by resolution reverse or affirm, wholly or in part, or may modify any decision, determination or requirement of the Planning Commission findings that were in error.
- v. **Revocation of Variances:**
1. The Planning Commission may by resolution and after a public hearing with notice revoke any variance for noncompliance with any of the conditions set forth in the resolution granting the variance. Written notice of intention to revoke shall be mailed to the applicant(s) not less than thirty (30) days before the Planning Commission action.
 2. The revocation of a variance shall have the effect of denying all rights granted by the variance.

SECTION 5.05 ZONING MAP AND TEXT AMENDMENTS

- (a) **General Conditions.** The Planning Commission shall consider whether the following conditions exist:
- i. That the proposed zoning amendment is in conformity with the General Plan of the City.
 - ii. That in the case of a zoning map amendment, the subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the Planning Commission and the City Council.
- (b) **Administrative Provisions.** The following provisions shall apply in obtaining zoning map and text amendments:
- i. **Initiation:**
 1. The Planning Commission may initiate proceedings by motion and then hold public hearings.
 2. The City Council may initiate proceedings by submitting the matter to the Planning Commission for public hearings.
 3. In the case of a zoning map amendment, the owner of a property or duly authorized agent may initiate proceedings by filling an application on a form provided by the City Clerk giving such information as may be prescribed by the Planning Commission. The City Clerk shall charge and collect the filing fee for each such

application as determined by resolution of the City Council.

- ii. **Staff Investigation:** A city official, as may be designated by the City Council, shall investigate the proposed ordinance amendment in order to provide information necessary to assure action consistent with the intent of this ordinance and the General Plan and report the findings to the Planning Commission.
- iii. **Planning Commission Hearing:**
 1. The City Clerk shall place the matter on the Planning Commission Agenda for public hearing not more than thirty (30) days after the date of the initiating motion by the Planning Commission or City Council or upon receipt of an application in proper form. An additional thirty (30) days will be allowed if an Environmental Impact Report is required.
 2. Notice of such hearing shall be given both by mail or delivery at least ten (10) days prior to the public hearing to all property owners whose names and addresses appear on the latest adopted tax roll as owning property within a distance of three hundred (300) feet from the exterior boundaries of applicant's property and the posting of said public notice at three conspicuous places in the City.
- iv. **Action by the Planning Commission:** Within thirty (30) days after the conclusion of the public hearing, the Planning Commission shall file its recommendation together with a report of findings, hearings and other supportive data. In the case of a zoning map amendment notice of the action shall be mailed to the applicant within ten (10) days. The Planning Commission may reduce but shall not enlarge the area of any proposed zone change in any way, unless proper notice and publication of the enlarged area is made.
- v. **Action by the City Council:**
 1. In the case of a zoning map amendment, if the Planning Commission recommends against such an amendment, the City Council shall not be required to take any further action unless an interested party requests such a hearing by filing a written request with the City Clerk within ten (10) days after the Planning Commission files its decisions and recommendations. In this event, a public hearing shall be held and notice given.
 2. In all other cases where recommendations have been made on proposed zoning map and text amendments, the City Council shall, not more than thirty (30) days after publication of legal notice of a public hearing hold said public hearing. Such notice shall be given as provided above.
 3. The City Council may adopt by ordinance or reject the amendment recommended by the Planning Commission after holding at least one public hearing. The Council may modify the amendment recommended by the commission, provided the proposed modification has been referred back to the Planning Commission for its further recommendations or in the case of a zoning map amendment where the area of the proposed zone change is reduced, proper notice and publication is made.

SECTION 5.06 ENFORCEMENT

- (a) **Enforcement.** The City Council, the City Attorney, the Police Chief, the Building Inspector, the City Clerk and all officials charged with the issuance of licenses or permits shall enforce the provisions of this ordinance.
- (b) **Actions Deemed a Nuisance.** Any building or structure hereafter erected or maintained for any use of property contrary to the provisions of this ordinance shall be declared to be unlawful and a public nuisance.

- (c) **Remedies.** All remedies concerning this ordinance shall be cumulative and not exclusive. Conviction and punishment of any person hereunder shall not relieve such persons from the responsibilities of correcting prohibited conditions or removing prohibited buildings, structures, or improvements, and shall not prevent the enforced correction or removal thereof.

ARTICLE VI. ADDITIONAL RESIDENTIAL PROVISIONS

SECTION 6.01 ACCESSORY DWELLING UNITS

(a) **Purpose.** The purpose of this section is to regulate accessory dwelling units in residential zoning districts and on residential property consistent with State law. Implementation of this section is intended to expand housing opportunities for low income and moderate income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.

(b) **Number of ADUs.** The City shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

i. **Single-Family:**

1. One (1) ADU and one (1) junior ADU (JADU) per lot with a proposed or existing single-family dwelling if all of the following apply:
 - a. The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one-hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - b. The space has exterior access from the proposed or existing single-family dwelling.
 - c. The side and rear setbacks are sufficient for fire and safety.
 - d. The JADU complies with the requirements of this section.
2. One detached, new construction ADU with side and rear yard setbacks of no less than four (4) feet, with a height limitation of the underlying zoning for a lot with a proposed or existing single-family dwelling.
 - a. The City shall not require a detached, new construction ADU meeting the required side and rear yard setbacks to be smaller than eight-hundred (800) square feet.

ii. **Multi-family:**

1. Multiple ADUs within the portions of existing multifamily structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
 - a. The City shall allow at least one (1) ADU within an existing multifamily structure and shall allow up to twenty-five (25) percent of the existing multifamily dwelling units.
2. No more than two (2) detached ADUs that are located on a lot that has an existing or proposed multifamily dwelling. These detached ADUs are subject to the height limitations of the underlying zone, as applicable, and rear yard and side setbacks of no more than four (4) feet.
 - a. If the existing multifamily dwelling has a rear or side setback of less than four (4) feet, the City shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct of a detached ADU.

- (c) **Accessory Dwelling Units within Existing Space.** An accessory dwelling unit within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standards within the section if complying with building and safety codes, independent exterior access from the existing residence, and sufficient side and rear setbacks for fire safety.
- i. **General plan.** Construction of an ADU or JADU pursuant to this section shall not be considered when calculating compliance with the allowable density for the lot upon which the accessory dwelling unit is located, and an ADU or JADU that conforms to this section shall be deemed to be an accessory use and shall be deemed to be a residential use that is required to be consistent with the existing general plan and zoning designations for the lot.
 - ii. **Occupancy.** The ADU or JADU may be rented for a term which does not exceed one (1) year, but there shall be no limit on the number of times the term can be renewed.
 - iii. **Location.**
 1. The ADU may be within an existing space including the primary structure, attached or detached garage, or other accessory structure.
 2. The JADU shall be constructed within the walls of an existing single-family dwelling.
 - iv. **Zoning requirements.** The minimum front setbacks of the underlying zone provisions shall apply to any ADU or JADU. No setback shall be required for an existing garage that is converted to an ADU.
 - v. **Off-street parking.** Parking requirements for ADUs and JADUs shall not exceed one (1) parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.
 - vi. **Replacement parking.** When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU or JADU, replacement parking shall not be required and may be located in any configuration on the same lot as the ADU.
 - vii. **Unit size.**
 1. An ADU converted from an existing accessory structure shall not be subject to size maximums. Provided the conversion to an ADU creates no additional space, the entirety of the existing accessory structure may be utilized.
 2. If the primary unit is larger than one-thousand six-hundred (1,600) square feet in size, the converted ADU shall not exceed fifty (50) percent of the existing living area.
 3. If the primary unit is one-thousand six-hundred (1,600) square feet or less in size, the converted ADU shall not exceed eight-hundred (800) square feet.
 4. A JADU shall not have a size exceeding five-hundred (500) square feet.
 - viii. **Kitchen and bathroom, JADU.** JADUs shall include an efficiency kitchen, including a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU. A JADU does not require separate bathroom facilities.
 - ix. **Utility service.** The utility service for the ADU or JADU must be serviced through the existing single-family dwelling service. ADUs and JADUs shall not be considered new residential uses for the purposes of calculating town connection fees or capacity charges for utilities, including water and sewer service.

- x. **Passageway.** No passageway shall be required in conjunction with the construction of an ADU or JADU.
- xi. **Fire sprinklers.** ADUs and JADUs shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.
- xii. **Noncompliant structures.** An accessory dwelling unit within an existing accessory structure that does not comply with standards in this section may be permitted with a zoning certificate or an administrative use permit at the discretion of the City Manager subject to findings in this section.

(d) Accessory Dwelling Units, New Construction.

- i. **General plan.** Construction of an ADU pursuant to this section shall not be considered when calculating compliance with the allowable density for the lot upon which the ADU is located, and an ADU that conforms to this section shall be deemed to be an accessory use or an accessory building and shall be deemed to be a residential use that is required to be consistent with the existing general plan and zoning designations for the lot.
- ii. **Occupancy.** The ADU may be rented for a term which does not exceed one (1) year, but there shall be no limit on the number of times the term can be renewed.
- iii. **Location.** The ADU may be either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling by a minimum of ten (10) feet but located on the same lot as the existing dwelling, and subject to the same conditions as the main building.
- iv. **Zoning requirements.**
 - 1. The minimum front setbacks of the underlying zone provisions shall apply to any ADU.
 - 2. A setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU that is an expansion of an existing structure or is a new structure.
 - 3. A setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU that is constructed above a garage.
 - 4. Lot coverage requirements do not apply for ADUs eight-hundred (800) square feet and under.
 - 5. Lot coverage requirements apply to ADUs larger than eight-hundred (800) square feet.
- v. **Off-street parking.** Parking requirements for ADU shall not exceed one (1) parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.
- vi. **Replacement parking.** When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU, replacement parking shall not be required and may be located in any configuration on the same lot as the ADU.
- vii. **Unit size.** If the primary unit is larger than one-thousand six-hundred (1,600) square feet in size, the attached ADU not exceed fifty (50) percent of the existing living area. If the primary unit is one-thousand six-hundred (1,600) square feet or less in size, the attached ADU shall not exceed eight-hundred (800) square feet. A detached ADU on the subject parcel shall have a floor space not to exceed one-thousand two-hundred (1,200) square feet.

- viii. **Design.** The design shall use of the same exterior materials, roof covering, colors, and other architectural features.
 - ix. **Utility service.** The utility service for the ADU must be serviced through the existing single-family dwelling service. ADU shall not be considered new residential uses for the purposes of calculating town connection fees or capacity charges for utilities, including water and sewer service.
 - x. **Passageway.** No passageway shall be required in conjunction with the construction of an ADU.
 - xi. **Fire sprinklers.** ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.
- (e) **Permit Review.** Permit applications for accessory dwelling units shall be considered and approved ministerially without discretionary review or a hearing within sixty (60) days from receipt of a completed application if there is an existing single-family or multifamily dwelling on the lot or when the permit application for a proposed single-unit or multi-unit dwelling is acted upon.

SECTION 6.02 EMERGENCY SHELTERS

- (a) **Purpose and intent.** General Plan housing element Policies identify the City's need to provide equal access to housing for people with special needs, including encouraging the development of emergency and transitional housing. It is the intent of this chapter to provide for adequate development and operational standards to ensure appropriate housing and services for special needs populations are met.
- (b) **Applicability.** Emergency shelters are a permitted use in the R-4 (High Density Multi-Families), C (Commercial), Industrial (I) and O-S (Open Space) zoning districts, subject to the same restrictions that apply to other residential uses within these zones. Emergency shelters shall not be required to be more than 300 feet from any other emergency shelter.
- (c) **Permit Requirements and exemptions.**
- i. In zoning districts where emergency shelters are allowed, the only permit required is a building permit.
- (d) **Exemptions to Permit Requirements:**
- i. Shelter facilities may exceed the maximum one hundred (310) bed limitation through a conditional use permit subject to approval by the designated approving authority.
 - ii. An emergency shelter for ten (10) or fewer persons may be located in any portion of the City zoned for residential or commercial development.
- (e) **Operational and Development Standards.** Emergency shelters shall comply with all standards set forth in this Chapter in addition to any development standards in the underlying zoning district. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this Chapter shall apply.
- i. **Physical Characteristics.**
 - 1. All emergency shelters shall comply with applicable state and local uniform housing and building code requirements.
 - 2. The facility shall have on-site security during all hours when the shelter is in operation.
 - 3. Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.

4. Facilities shall provide secure areas for personal property.
- ii. Limited Number of Beds per Facility. Emergency shelters shall not exceed 25 beds.
- iii. Floor Area. An emergency shelter must contain a minimum of 200 square feet of gross floor area per bed.
- iv. Limited Terms of Stay. The maximum term of staying at an emergency shelter is 6 months.
- v. Parking. Off-street parking at an emergency shelter must be provided at the ratio of one space for every 10 beds.
- vi. Emergency Shelter Management. Emergency shelters shall provide on-site management

SECTION 6.03 REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

(a) Purpose and intent. The purpose of allowing reasonable accommodation(s) is to provide a process for individuals with *disabilities* to make requests for reasonable accommodation(s) for relief from the various land use, zoning, or rules, policies, practices, and/or procedures of the City. It is the policy of the City, pursuant to the Federal Fair Housing Act (as amended), to provide people with *disabilities* reasonable accommodation(s) in rules, policies, and procedures that may be necessary to ensure equal access to housing.

(b) Requesting Reasonable Accommodation(s):

- i. In order to make specific housing available to an individual with a *disability*, a disabled person or representative may request reasonable accommodation(s) relating to the various land use, zoning, or rules, policies, practices, and/or procedures of the City.
- ii. If an individual needs assistance in making the request for reasonable accommodation(s) or appealing a determination regarding reasonable accommodation(s), the Planning Director will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant.
- iii. A request for reasonable accommodation(s) with regard to City regulations, rules, policies, practices, and/or procedures may be filed on an application form provided by the Planning Director at the time that the accommodation may be necessary to ensure equal access to housing.

(c) Required Information. The applicant shall provide the following information when requesting reasonable accommodation(s). This information shall be made part of the public record for the project and subject to all applicable State and Federal laws for public access to records.

- i. A completed City application indicating, among other things, the applicant's name, address, and telephone;
- ii. Address of the property for which the request is being made;
- iii. The current actual use of the property;
- iv. The Westmorland ordinance, provision, regulation, or policy from which reasonable accommodation(s) is being requested;
- v. The basis for the claim that the person(s) for whom the reasonable accommodation(s) is/are sought is/are considered disabled under the Fair Housing Act and why the accommodation is reasonably necessary to make specific housing available to the person(s);
- vi. Such other relevant information as may be requested by the Planning Director as the Director reasonably concludes is necessary to determine whether the findings required by subsection (F) of this section (Required Findings for Reasonable Accommodation(s)) can be made, so long as any request for information regarding the *disability* of the individuals benefited complies with fair housing law protections and the privacy rights of the individual(s) affected.

(d) Approving Authority and Approval Process. The Planning Director shall have the authority to consider and take action on requests for reasonable accommodation(s). When a request for reasonable accommodation(s) is filed with the Planning Department, it will be referred to the Planning Director for review and consideration as a ministerial action unless determined otherwise by the Planning Director. A request for reasonable accommodation(s) shall be considered ministerial in nature when it is related to a physical improvement that cannot be constructed to conform to the City's setbacks or design standards. Typical improvements considered to be "ministerial" in nature would include ramps, walls, handrails, or other physical improvements necessary to accommodate a person's *disability*. The Planning Director shall issue a written determination of his or her action within fifteen (15) days of the date of receipt of a completed application and may:

- i. Grant or deny the accommodation request; or
- ii. Grant the accommodation request subject to specified nondiscriminatory condition(s); or
- iii. Forward the request to the Planning Commission for consideration as a conditional use permit.
 1. In the event the Planning Director determines that the request for reasonable accommodation(s) is non-ministerial in nature, such request shall be forwarded to the Planning Commission in accordance with City of Westmorland Conditional Use Permit provisions, and shall be subject to the findings stated in subsection "F" of this section (Required Findings for Reasonable Accommodation(s))
 2. All written determinations of actions of the Planning Director shall give notice of the right to appeal and the right to request Reasonable Accommodation(s) on the appeals process (e.g., requesting that City staff attempt to schedule an appeal hearing as soon as legally and practically possible), if necessary. The notice of action shall be sent to the applicant by mail.
 3. If necessary to reach a determination or action on the request for reasonable accommodation(s), the Planning Director may request further information from the applicant specifying in detail what information is required. In the event a request for further information is made, the fifteen (15) day period to issue a written determination shall be stayed until the applicant fully and sufficiently provides such information

(e) Considerations.

- i. The City may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one (1) or more individuals with a *disability* an equal opportunity to use and enjoy a dwelling:
 1. Whether the requested accommodation will affirmatively enhance the quality of life of one (1) or more individuals with a disability;
 2. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation;
 3. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants;
 4. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.

(f) Required Findings for Reasonable Accommodation(s).

- i. In making a determination regarding the reasonableness of a requested reasonable accommodation(s), the approving authority shall make the following findings:
 1. The housing which is the subject of the request for reasonable accommodation(s) will be used for an individual protected under the Fair Housing Act.
 2. The request for reasonable accommodation(s) is necessary to make specific housing available to an individual protected under the Fair Housing Act.
 3. The requested reasonable accommodation(s) does not impose an undue financial or administrative burden on the City and does not fundamentally alter City zoning, development standards, policies, or procedures.
 4. The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program, as "fundamental alteration" is defined in fair housing laws and interpretive case law.
 5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

SECTION 6.04 DENSITY BONUS AND OTHER DEVELOPER INCENTIVES

- (a) Purpose and Intent.** This density bonus section is intended to implement the State Density Bonus Law, California Government Code Section 65915 et seq.
- (b) Applicability.** This section shall be applicable in all zoning districts that allow residential uses.
- (c) Qualifications.** All proposed housing developments that qualify under California Government Code Section 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code Section 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code Section 65915, as may be amended.
- (d) Density Bonus, Incentives and Concessions.** The City shall grant qualifying housing developments and qualifying land transfers a density bonus, the amount of which shall be as specified in California Government Code Section 65915 et seq., and incentives or concessions also as described in California Government Code Section 65915 et seq.
- (e) Application.** An application for a density bonus or other incentive under this section for a housing development shall be submitted in writing to the Planning, Building & Engineering Department to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this section and applicable State law.
- (f) Review and Consideration.** The application shall be considered by the City Council at the same time the project for which the request is being made is considered. If the project is not to be otherwise considered by the City Council, the request being made under this section shall be considered by the Planning Director. The request shall be approved if the applicant complies with the provisions of California Government Code Section 65915 et seq.
- (g) Continued Affordability.** Consistent with the provisions of California Government Code Section 65915 et seq., prior to a density bonus or other incentives being approved for a project, the City and the applicant shall agree to an appropriate method of assuring the continued availability of the density bonus units.

SECTION 6.05 TRANSITIONAL AND SUPPORTIVE HOUSING

- (a) **Purpose and Intent.** Pursuant to California Government Code Section 65583(c)(3), transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.
- (b) **Applicability.** This section shall be applicable in all zoning districts that allow residential uses.
- (c) **Permit Requirements, Operational and Development Standards.** Pursuant to California Government Code Section 65651, supportive housing development with up to 50 supportive housing units shall be permitted by right in all zoning Districts where multi-family and mixed-use residential development are permitted provided the development satisfies all of the following requirements:
- i. All supportive housing units within the development are subject to a recorded affordability restriction for 55 years.
 - ii. One hundred (100%) percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, "lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code.
 - iii. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.
 - iv. The developer shall provide the information required by California Government Code Section 65652 to the Planning Department.
 - v. Nonresidential floor area shall be used for onsite supportive services in the following amounts:
 1. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
 2. For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
 - vi. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915.
 - vii. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
 - viii. Notwithstanding any other provision of this Section to the contrary, the City shall, at the request of the project owner, reduce the number of residents required to live in supportive housing if the project-based rental assistance or operating subsidy for a supportive housing project is terminated through no fault of the project owner, but only if all of the following conditions have been met:
 1. The owner demonstrates that it has made good faith efforts to find other sources of financial support.
 2. Any change in the number of supportive service units is restricted to the minimum necessary to maintain a project's financial feasibility.

3. Any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of any supportive housing units.

SECTION 6.06 EMPLOYEE / FARMWORKER HOUSING

- (a)** Six or Fewer Employees. Employee housing providing accommodations for six or fewer employees shall be deemed to be a single-unit structure with a residential land use and shall be treated the same as a single unit dwelling of the same type in the same zoning district.
- (b)** Zones Where Agriculture Uses Are Allowed. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located, and may consist of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household on land zoned for agricultural uses. Such employee housing shall be considered to be an activity that in no way differs from an agricultural use.
- (c)** Streamlined Approval for Agricultural Employee Housing Developments. To be eligible for streamlined approval under this section, an agricultural employee housing development must meet all of the following requirements:
 - i. The development must be located on land designated as agricultural in the City of Huron General Plan.
 - ii. The development must be 12 units or less.
 - iii. The development must not be located in any of the following areas:
 - iv. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - v. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code.
 - vi. A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356.
 - vii. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist.
 - viii. A flood plain as determined by maps promulgated by the Federal Emergency Management Agency.
- (d)** The development must meet all applicable requirements of the City of Westmorland Municipal Code, including but not limited to the following:
 - i. The development must have adequate water and wastewater facilities.
 - ii. The development must comply with all applicable zoning and land use regulations.
 - iii. The development must comply with all applicable building and safety codes.

SECTION 6.07 LICENSED RESIDENTIAL CARE FACILITY

(a) **Purpose.** The purpose of this section is to implement the applicable state regulations in a manner that allows for the establishment of residential care facilities while preserving the character of the zone in which the uses are located.

(b) **Permitted Zones.**

- i. Large Licensed Residential Care Facilities shall be considered a residential use of property and shall be permitted with a Conditional Use Permits in all zones permitting residential uses in the City of Westmorland subject to the requirements of Section 5.02 (Conditional Use Permits).
- ii. A Large Licensed Residential Care Facility that also qualifies as Supportive Housing or Transitional Housing shall be subject only to those restrictions and development standards that apply to other residential dwellings of the same type (e.g., single-family or multifamily) in the same zone. Notwithstanding the previous sentence, if the facility qualifies as “supportive housing” as defined in Government Code Section 65650 (which has a different definition of “target population” than the definition in Section 1.03 (Definitions)), then the facility shall be a use by right in all zones where multifamily and mixed uses are permitted and shall be processed as required by Government Code Sections 65650, et seq.
- iii. Small Licensed Residential Care Facilities and Unlicensed Residential Care Facilities shall be considered a residential use of property. Small Residential Care Facilities, Licensed, and Unlicensed Residential Care Facilities are permitted uses in all zones permitting residential uses in Santa Rosa subject to compliance with the restrictions and development standards for other residential dwellings of the same type (e.g., single-family or multifamily) in the same zone.

(c) **Development standards.** The following standards of development shall apply to a Large Licensed Residential Care Facility.

- i. **Development Standards.** Unless otherwise indicated below, the Large Residential Care Facility must conform to the development standards for the zoning classification in which it is located.
- ii. **Accessory Dwelling Units.** The Large Licensed Residential Care Facility shall not be located in an Accessory Dwelling Unit unless the primary dwelling unit is used for the same purpose.
- iii. **Kitchens.** The Large Licensed Residential Care Facility must provide either (i) congregate dining facilities or (ii) kitchens in individual units.
- iv. **Landscaping.** The Large Licensed Residential Care Facility shall provide minimum landscaped areas in accordance with [this code](#).
- v. **Signs.** The Large Licensed Residential Care Facility shall comply with the provisions of Section 4.08 (Signs).
- vi. **Lighting.** The Large Licensed Residential Care Facility shall comply with the provisions of this code. Security night lighting must be shielded so that the light source cannot be seen from adjacent residential properties.
- vii. **Parking.** The number of required automobile storage spaces shall be determined in accordance with this code at the time of the approval of the project; however, notwithstanding any provision of this Title to the contrary, a 20% reduction in the total number of required vehicle parking spaces for residential purposes may be allowed if appropriate, and an additional five percent reduction may be allowed if the applicant proposes alternative senior citizen transportation programs; however, in no case shall the reduction of parking spaces exceed 25% of the total spaces required by Section 4.05 (Off Street Parking Requirements). Public street parking and tandem parking shall not be counted in this requirement. All

required parking spaces shall be located entirely within the development, accessible to the units which they serve, and no parking space shall be located more than 150 feet from the unit it is designed to serve. Parking requirements for other facilities within the development shall be subject to the provisions of Section 4.05 (Off Street Parking Requirements) and may not be reduced. Not less than 10% of the required parking spaces shall be designed and designated for use by the handicapped; provided, however, that there shall be at least one designed and designated handicapped parking space provided for each handicapped resident. Handicapped parking spaces shall be distributed evenly throughout the parking areas.

- viii. **Common Areas and Open Space.** The Large Licensed Residential Care Facilities shall include at least 350 square feet of indoor or outdoor common areas or open space, plus 5 square feet per resident. The common area(s) or open space shall be furnished. Appropriate furnishings for indoor spaces include, but are not limited to, such items as lounge chairs, couches, tables with chairs, writing desks, and televisions. Outdoor furnishings include but are not limited to such items as outdoor benches, tables with chairs, barbeques, and shade coverings like arbors, patio covers, garden shelters or trellises. A central dining room shall be provided. The size of the room shall be sufficient to accommodate all of the residents. The minimum room size shall be the product of the proposed maximum number of residents in the facility multiplied by five square feet per resident; however, in no instance shall the central dining room be less than 350 square feet.
- ix. **Management.** The Large Licensed Residential Care Facilities shall have either (i) a manager who resides on-site or (ii) a number of persons acting as a manager who are either present at the facility on a 24-hour basis or who will be available twenty-four (24) hours a day, seven (7) days a week to physically respond within forty-five (45) minutes notice and who are responsible for the day-to-day operation of the facility. The provisions of this section shall be superseded by any management requirements imposed on the Large Licensed Residential Care Facilities pursuant to state law.
- x. **Security.** A designated area for on-site personnel shall be located at the main entrance to the facility for the purpose of controlling admittance to the facility and providing security. Emergency contact information shall be posted on the exterior of the facility adjacent to the main entrance, as well as on the interior in a location accessible to all residents.
- xi. **Personal Storage.** Each resident of the Large Licensed Residential Care Facility shall be provided with at least one (1) private storage area or private closet, with a lock or other security mechanism, in which to store their personal belongings.

(d) **Application Procedures.** The application for a Large Licensed Residential Care Facility shall be submitted and processed in accordance with the requirements for residential developments in the zone in which the Large Licensed Residential Care Facility is proposed, and with the requirements outlined in Section 5.02 (Conditional Use Permits). In addition, the application for a Large Licensed Residential Care Facility shall include the following:

- i. **Applicant Information.** The name and address of the applicant, including the name and address of the lessee, if the property is to be leased by someone other than the applicant; and the name and address of the owner of the property for which the Conditional Use Permit is requested. If the applicant and/or lessee or owner is a partnership, corporation, firm, or association, then the applicant/lessee shall provide the additional names and addresses as follows and such persons shall also sign the application: (i) every general partners of the partnership; (ii) every owner with a controlling interest in the corporation; or (iii) the person designated by the officers of the corporation as set forth in a resolution of the corporation that is to be designated as the permit holder for the Use Permit.
- ii. **Owner Authorization.** If the operator of the Large Licensed Residential Care Facility is not the legal owner of the property, the operator shall provide written documentation evidencing

- the owner's authorization and approval to operate the Large Licensed Residential Care Facility at the property.
- iii. **Parcel Information.** The zoning and general plan designations and assessor's parcel number(s) of the site on which the Large Licensed Residential Care Facility is proposed.
 - iv. **Project Description.** A narrative project description of the Large Licensed Residential Care Facility that summarizes the proposed use and its purpose.
 - v. **Plan; Building Diagram and Floor Plan.** A preliminary site plan, drawn to scale, showing the facility's building footprint and property lines as well a diagram intended to show (i) all building(s) to be occupied, including a floor plan for all rooms intended for residents' use indicating the number of residents per bedroom, the location and number of beds for all residents, and (ii) on-site parking, including designations of staff and visitor parking.
 - vi. **Facility Users.** The projected number and types of users of the facility, including but not limited to, residents, staff, clients, visitors, and students.
 - vii. **Transportation and Parking.** Expected parking demand and vehicular use and the availability of and proximity to public transportation or other means to transport facility users.
 - viii. **Management Plan.** A comprehensive Management Plan, which shall include, at a minimum, the following:
 1. Detailed information on property management policies and operations, including information regarding maintenance and repairs;
 2. An explanation of how the Large Licensed Residential Care Facility, intends to meet the requirements of subsection (c)(ix);
 3. An explanation of how the Large Licensed Residential Care Facility, intends to meet the requirements of subsection (c)(x);
 4. A copy of the Large Licensed Residential Care Facility's written resident intake procedures, including rental procedures and rates;
 5. A copy of the Large Licensed Residential Care Facility's written termination and eviction procedures;
 6. A copy of the Large Licensed Residential Care Facility's resident and guest rules; and
 7. If applicable, the Large Licensed Residential Care Facility's plan for disposing of medical waste or other bio-waste.
 - ix. **Licensing.** Proof of all required licensing from the California Department of Social Services, the California Department of Health and Human Services, the California Department of Health Care Services, or other applicable regulatory agency, along with a license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefore.
 - x. **Similar Facilities.** A list of addresses of all other licensed facilities for which a Conditional Use Permit is requested in the State of California owned or operated by the applicant(s) within the past five (5) years and whether such facilities have been found by state or local authorities to be operating in violation of state or local law.
 - xi. **Project Review.** The Planning Commission shall review an application for the Large Licensed Residential Care Facility and shall approve, conditionally approve, or disapprove of the application for the Large Licensed Residential Care Facility. The decision of the Planning Commission shall be final unless appealed to the City Council within the

timeframes set forth in this code

- xii. **Findings and Decision.** The Planning Commission shall only approve an application for a Large Licensed Residential Care Facility if the Planning Commission makes all of the findings required pursuant to Section 5.02 (Conditional Use Permits) and conforms with all provisions of this section.
- xiii. **Design Review.** The Large Licensed Residential Care Facility shall require design review approval, pursuant to the city's single family residential design guidelines prior to issuance of a building permit.

TABLE 1 – TABLE OF RESIDENTIAL USES

Residential Use	R-1 Zone	R-2 Zone	R-4 Zone	Specific Use Regulations
Dwelling, Single Family	P	P	P	
Dwelling, Two- and three Family	CUP	P	P	
Dwelling, Multi-Family (4 or more units)	N	CUP	P	
Accessory Dwelling Unit	P	P	P	Section 6.01
Guest House	P	P	P	
Mobile home park	N	N	P	Section 4.10
Employee Housing, six or fewer persons	P	P	P	Section 6.06
Child Day Care Center < 5	P	P	P	
Child Day Care Center ≥ 5	N	CUP	CUP	
Adult Day Care Center < 5	P	P	P	
Adult Day Care Center ≥ 5	N	CUP	CUP	
Group Residential	N	CUP	CUP	
Residential Care Facility, small licensed	P	P	P	Section 6.07
Residential Care Facility, large licensed	CUP	CUP	CUP	Section 6.07
Single Room Occupancy	N	N	CUP	
Supportive Housing	P	P	P	Section 6.05
Transitional Housing	P	P	P	Section 6.05
Emergency Shelter	N	N	P	Section 6.02
Low-Barrier Navigation Center	N	N	P	
Home Occupations	P	P	P	Section 4.09

CITY OF WESTMORLAND

MUNICIPAL CODE

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ARTICLE I. PURPOSE AND INTRODUCTORY PROVISIONS**SECTION 1.01 PURPOSE**

The purpose of this Zoning Ordinance is to classify, designate, regulate and restrict the use of land, buildings and other structures so as to ensure that the goals and objectives of the Westmorland General Plan are realized, and to ensure the protection and enhancement of the public health, safety and general welfare. This Ordinance is further intended to provide economic and social advantages resulting from an orderly planned use of land resources, and to encourage, guide and provide a definite plan for the future growth and development of the City. It is also intended to establish minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation, and energy conservation, safety to life and property from fire and other hazards attributed to the built environment; and provide safety to firefighters and emergency responders during emergency operations. The provisions of this code shall apply to the construction, alteration, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one and two single-family dwellings, buildings not more than three stories above grade plane in height with a separate means of egress and structures accessory thereto within the City of Westmorland. Therefore, the 2010 California Residential Code, Title 24, Part 2.5, published by the International Code Council (ICC), in the California Code of Regulations, except as specifically repealed or amended by ordinance of the City, is hereby adopted and made part of this chapter as though set forth in full herein. A true and correct copy of the 2010 California Residential Code as adopted by this section shall be on file in the office of the City Building Official for inspection by the public.

SECTION 1.02 GENERAL PROVISIONS

- (a) Provisions to Be Construed As Minimal Requirements.
- (b) In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Anything not expressly incorporated by reference in this Ordinance is hereby prohibited.
- (c) Effect on Other Ordinances.
- (d) The provisions of this Ordinance shall not be deemed or construed to repeal, amend, modify, alter or change any other ordinance or any part thereof not specifically repealed, amended, modified, altered or changed in the provision codified in this Ordinance, except in such particulars or matters as this Ordinance is more restrictive than such other ordinances or part thereof; and that in all particulars wherein this title is not more restrictive, each such other ordinance shall continue and shall be in full force and effect.
- (e) Exercise of Powers Granted By Title.
- (f) Whenever a power is granted to, or a duty imposed upon, a public officer by this Ordinance, the power may be exercised or the duty may be performed by the Planning Commission, a deputy of the chairperson, or a person authorized pursuant to law or ordinance by the Planning Commission unless this title expressly provides otherwise.

SECTION 1.03 DEFINITIONS

For the purpose of carrying out the intent of this ordinance, words, phrases and terms used in this document and in the implementation of this ordinance are defined as follows:

Abut:

“Abut” means two adjoining parcels of property with a common property line except where such common property line is located in a public street right-of-way.

Access

“Access” means the way by which pedestrians and vehicles shall have safe, adequate and useable ingress and egress to a property or use.

Accessory building or structure

“Accessory building” or “accessory structure” means a detached subordinate building or structure, the use of which is incidental to that of the predominant use of the land, and which is located in the same or less restrictive zone on the same lot or parcel with the predominant building, structure or use.

Apartment

“Apartment” means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the building

Alley

“Alley” means any dedicated way, intended for vehicular service to the rear or side of property served by a street.

Automobile storage space

“Automobile storage space,” when required by this code/ordinance, means any permanently maintained space of not less than one hundred forty-four square feet of useable area and not less than nine feet wide at any place, on the same lot or parcel of land as is located the structure it is designed to serve, so located and arranged as to permit the storage of, and be readily accessible under its own power, one (1) passenger automobile of average size.

Building

“Building” means any structure that is completely roofed and enclosed on all sides which is built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and having a fixed base on or fixed connection to the ground and as defined by the Uniform Building Code.

City

“City” means the City of Westmorland

Commission

“Commission,” as used in this document, means the Planning Commission of the City of Westmorland

Council

“Council” means the City Council of the City of Westmorland

Density

The number of dwelling units allowed within a given square footage. Density shall be based upon lot size and shall be determined by dividing the net useable area of the parcel to be subdivided or parcelized by the required lot area. "Net useable area" is the area of a parcel exclusive of streets, alleys and similar public right-of-ways.

Density Bonus

~~Density Bonus means a density increase of at least twenty percent (20%) unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density, as required for some affordable housing, mixed use, or other designated residential developments.~~

Detached living quarters

"Detached living quarters" means living quarters within a detached accessory building located on the same premises as the main building, for use by temporary guests of the occupants of the premises. Such accessory building shall have no plumbing or plumbing facilities of any kind except for space heating, air conditioning, toilet or bath.

Disability

"Disability" Federal laws define a person with a disability as any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment. In general, a physical or mental impairment includes hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex, and mental retardation that substantially limit one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

Dwelling unit

"Dwelling Unit" means a building or portion thereof either designed for or occupied for residential purposes by one person living alone or a group of two or more persons living together whether related to each other by birth or not, but not including hotels, boarding and lodging houses, and trailers (unless the trailer meets building code requirements for dwelling unit).

Dwelling, Single Family

"Dwelling, Single Family" means a Single-Family Dwelling unit is a detached building, or portion thereof designed for occupancy by one or more families.

Dwelling, Two or more units

A multi-family dwelling unit is a detached building, or portion thereof designed for occupancy by two or more families.

Dwelling, ~~Second-Accessory~~ Unit

An attached or detached dwelling unit which provides complete independent living facilities for one (1) or more persons, with permanent provisions for living, sleeping, eating, cooking and sanitation sited on the same parcel as ~~at the~~ primary single-family or multifamily dwelling unit. This definition includes junior accessory dwelling units (JADUs) and other similar units, such as granny flats, in accordance with State law requirements.

Emergency Shelter

"Emergency Shelter" means a facility whose primary purpose is to provide temporary or transitional shelter for the homeless in general or for specific populations of the homeless. Emergency shelter may also mean other interim interventions, including but not limited to navigation centers, bridge housing, and respite or recuperative care.

Employee Housing, Serving Six or Fewer Persons

~~“Employee Housing, Serving Six or Fewer Persons” employee housing is set forth in California Health and Safety Code Section 17008, including farmworker housing, temporary mobile homes, and any attached or detached dwelling unit used to house farm or agricultural workers and their family members. Employee housing for six or fewer persons shall be treated as a single-family structure and residential use as described in California Health and Safety Code Sections 17021.5. Property used temporarily or seasonally for the residential use of unrelated persons/families employed to perform agricultural or industrial labor either on- or off-site of agricultural activities. The accommodations may consist of any living quarters, dwelling, boardinghouse, tent, bunkhouse, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodations maintained in one (1) or more buildings, or one (1) or more sites, and the premises upon which they are situated, including area set aside for parking of mobile homes or camping of employees by the employer. Employee housing may also involve permanent residency if the housing accommodation is a mobile home, manufactured home, travel trailer, or recreational vehicle. Specifically, there are two (2) types of employee housing as follows: Employee Housing, Large. Employee housing that serves more than six (6) employees and consists of no more than thirty six (36) beds in group quarters or twelve (12) units or spaces designed for use by a single family or household; and Employee Housing, Small. Employee housing that serves six (6) or fewer employees.~~

Employee Housing, Serving Group Quarters

~~“Employee Housing, Serving Group Quarters” employee housing is set forth in California Health and Safety Code Section 17008 and includes farmworker housing, temporary mobile homes, and any attached or detached dwelling unit used to house farm or agricultural workers and their family members. Employee/farmworker housing consisting of no more than 36 beds in group quarters (or 12 units or less) designed for use by a single-family or household is treated as agricultural use as described in Health and Safety Code Section 17021.6.~~

Family

~~“Family” means one or more persons living together in a dwelling unit, with common access to and common use of all living, kitchen and eating areas within the dwelling unit. Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following: A group of persons residing together.~~

Flag lot

“Flag lot” means a lot which does not abut or have access to a public road, other than by a narrow right-of-way which is part of the otherwise wider lot and which constitutes a significant portion of all of the width of the lot where the right-of-way is located.

Floor area ratio

“Floor area ratio” means the numerical value obtained through dividing the gross floor area of the building or buildings located upon a lot or parcel of land by the total area of such lot or parcel of land.

General Plan

As used in this document, the General Plan means The General Plan of the City of Westmorland.

Grade (ground level)

“Grade” or “ground level” means the average grade of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of sidewalks, the aboveground level shall be measured at the sidewalks.

Habitable building

“Habitable building” means a building or a portion thereof designed, built, rented, leased, used or occupied as living quarters of one person living alone or a group of two or more persons living together, and includes detached living quarters, trailers, and mobile home units.

Height

“Height” means the vertical distance from the grade to the highest point of the coping of a flat roof or to the average height of the highest gable of a pitch or hip roof. In calculating the height, roof structures which comply with Chapter 36 of the building code shall not be considered.

Homeless person

“Homeless person” means an individual or family who lacks a fixed, regular, and adequate nighttime residence; or an individual or family who has a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

Home occupation

“Home occupation” means a lawful occupation carried on by residents of a dwelling as an accessory use within the same dwelling.

Incentives or concessions

“Incentives” or “concessions” mean regulatory concessions as specified in Subsection 65915(l) of the California Government Code to include, but not be limited to, the reduction of site development standards or Zoning Code requirements, direct financial assistance, approval of mixed-use zoning in conjunction with the housing development, or any other regulatory incentive which would result in identifiable, financially sufficient, and actual cost avoidance or reductions that are offered in addition to a density bonus

Incidental use

“Incidental use” means a minor use incidental in all respects to the primary use permitted on the premises. An incidental use shall not be the only use of a parcel or commercial space

Indoor recreation facility

“Indoor recreation facility” means a building or structure in which a sports or recreational use is conducted. Such uses include a bowling alley, skating rink, health club, racket club and theater but do not include arcades.

Lot

“Lot” means a parcel or tract of land duly recorded and having its frontage upon a publicly dedicated street or, publicly dedicated easement accepted by the city and as defined by the Subdivision Map Act.

Lot area

“Lot area” means the total horizontal area within the lot lines of a lot.

Lot coverage

“Lot coverage” means the percentage of total building site area covered by a roof structure, open or enclosed excluding uncovered steps, patio and terraces.

Lot line

“Lot line” means the property line bounding a lot.

Lot, nonconforming

“Nonconforming lot” means any lot having a minimum square footage of not less than six thousand square feet or the minimum required by the underlying zoning designation, and which was legally created prior to the effective date of the ordinance codified in this section, but which does not conform to the lot area and lot width standards for the zone within which the lot is located. Such lot may be developed for such uses and be subject to the same development standards as apply to the remainder of the properties in the zone.

Lot width

“Lot width” means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

Lot, through

“Through lot” means a lot having frontage on two parallel or approximately parallel streets/ right-of-ways.

Low-Barrier Navigation Center

“Low-Barrier Navigation Center” means a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

Manufactured housing

“Manufactured housing” means and includes “manufactured housing,” “mobile homes” and “factory-built housing” as such terms is defined in Division 13, Part 2.1, Chapter 1 and Division 13, Part 6, Chapter 2 of the Health and Safety Code. The term “manufactured housing” shall not include “commercial coaches,” “recreational vehicles,” or “travel trailers” as such are defined in Division 13, Part 2.1 Chapter 1 of the Health and Safety Code of the State.

Maximum residential density

“Maximum residential density” means the maximum number of residential units permitted by the City of Westmorland General Plan land use element and Zoning Code at the time of application.

Motel

“Motel” means a group of attached or detached buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage attached or automobile storage space conveniently located on the lot or parcel of land and which is designed, used or intended to be used wholly or in part for the accommodation of automobile transients. Motels include auto courts, motor lodges and tourist courts.

Natural catastrophe

For the purposes of this ordinance, “natural catastrophe” means damage or destruction to structural improvements and property occurring from fire, earthquake, flood or other act of God. A natural catastrophe shall not include destruction or damage incurred by demolition or other intentional act.

Nonconforming Use or Structure

A non-conforming use or structure is a lawful existing use or structure at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located, except that this ordinance or amendment thereto may provide for the abatement and amortization of nonconforming structures.

Parcel of land

“Parcel of land” means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person.

Person

~~22~~“Person” means any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, this and any other county, city and municipality, district or other political subdivision, or any other group or combination acting as a unit, other than the city.

Residence

~~“Residence (single housekeeping unit)” means a building designed as living quarters for persons doing their own cooking in such building with access to both living and eating areas as well as facilities for the preparation and storage of food, which either complies with, or was erected before the effective date of the requirements for group 1 occupancies in the city building code.~~

~~“Residential care facility,” consistent with the definitions of State law, means a facility that provides twenty-four (24) hour nonmedical care for more than six (6) persons eighteen (18) years of age or older, or emancipated minors, with chronic, life threatening illnesses in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California.~~

~~“Residential care home,” consistent with the definitions of State law, means a home that provides twenty-four (24) hour nonmedical care for six (6) or fewer persons eighteen (18) years of age or older, or emancipated minors, with chronic, life threatening illnesses in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group homes, rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of “medical services, extended care.”~~

Residential Care Facility (licensed)

~~“Residential Care Facility (licensed)” means any family home, group care facility, or similar facility, licensed by the state, that is maintained and operated to provide twenty-four (24) hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily life or for the protection of the individual. A Large Licensed Residential Care Facility serves seven (7) or more clients, while a Small Licensed Residential Care Facility serves six (6) or fewer clients.~~

Residential Care Facility (unlicensed)

~~“Residential Care Facility (unlicensed)” means any family home, group home, group care facility, or similar facility, not required to be licensed by the state and operated as a single housekeeping unit, maintained and operated to provide twenty-four (24) hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily life or for the protection of the individual.~~

Room

“Room” means an unsubdivided portion of the interior of a building excluding bathrooms, kitchens, closets, hallways and service porches.

~~“Second dwelling unit” means an attached or detached dwelling unit, sited on the same parcel as the primary dwelling unit, which provides complete independent living facilities for one (1) or more persons, with permanent provisions for living, sleeping, eating, sanitation, and includes a single kitchen as defined in this chapter. This definition shall also include: 1. An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code; and 2. A manufactured home, as defined in Section 18007 of the California Health and Safety Code~~

Setback

“Setback” shall mean the required yard. See “yard”.

Stand

“Stand” means a structure for the display and sale of products with no space for customers within the structure itself.

Story

“Story” means that portion of a building included between the surface of any floor and the surface of the floor above it,

Street

“Street” means any public thoroughfare or right of way which affords the principle means of access to abutting property. The word “street” shall include all major and secondary highways, traffic collector streets and local roads on the street system.

Structure

“Structure” means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, which is located on the ground or is attached to something located on the ground.

Supportive housing

“Supportive housing” means housing that is linked with on- or off-site services that assist the resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community. In accordance with Section 50675.14 of the Health and Safety Code there is no limit on the length of stay and such facilities are occupied by a target population that includes, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people who are: 1) Low income having one (1) or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions; or 2) Individuals eligible for services provided under the Lanterman Development Disabilities Services Act (Division 4.5 of the Welfare and Institutions Code).

“Use”

Use means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained. For the purposes of carrying out the intent of this Ordinance, the term “use” includes construction, establishment, maintenance, alteration, moving onto, enlargement and occupation. Wherever this chapter prohibits the “use” of any premises for any purpose, such premises and any building, structure or improvement on such premises shall not be used, occupied, altered or improved for such purpose and no building, structure or improvement on such premises shall be erected, constructed, established, maintained, allowed to remain, altered, moved onto, or enlarged which is designed, arranged or intended to be occupied or used for such prohibited use.

Yard

“Yard” means any open space on the same lot with a building or dwelling which open space is unoccupied and unobstructed from the ground upward except as otherwise permitted by this Ordinance.

Yard, Front

“Front yard” means a yard extending across the front of a lot between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a main building or other structure. On corner lots the commission shall determine which the front yard is. In the absence of such determination, the front yard shall be provided on the roadway upon which the front of the building faces.

Yard, Rear

“Rear yard” means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building or other primary structures.

Yard, Side

“Side yard” means a yard between the front and rear yards measured horizontally at right angles from the side lot line to the nearest point of a main building or other primary structures.

SECTION 1.04 COMPLIANCE WITH THE ORDINANCE.

Land may be used and a structure or part of a structure may be constructed, reconstructed, altered, or occupied or used only as this Ordinance permits.

SECTION 1.05 SEVERABILITY.

The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE II. ESTABLISHMENT OF ZONES

SECTION 2.01 CLASSIFICATIONS OF ZONES.

For the purposes of this Ordinance, the following zones are hereby established:

- R-1 Single Family Zone
- R-2 Low/Medium Density Multi-Family Zone
- R-2-T Mobile Home Park Zone
- R-3 Medium/High (reserved)
- R-4 High Density Multi Family Residential
- C Commercial Zone
- I Industrial Zone.
- OS Open Space Zone.

SECTION 2.02 LOCATIONS OF ZONES.

The boundaries for the zones listed in this Ordinance are indicated on the Westmorland Zoning Map which is hereby adopted by reference and as amended. The boundaries shall be modified and amended in accordance provisions set forth by this Ordinance.

SECTION 2.03 ZONING MAP.

A zoning map or zoning map amendment adopted by Section 2.2 of this Ordinance shall be prepared by authority of Planning Commission or be a modification by the City Council or a map or a map amendment so prepared. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the Office of the City Clerk as long as this Ordinance remains in effect.

SECTION 2.04 ZONE BOUNDARIES.

Where indicated zone boundaries are approximately street, ally or lot lines, said lines are determined to be the boundaries of the zone. In case any uncertainty exists, the City council shall determine the location of boundaries.

SECTION 2.05 NEWLY ANNEXED TERRITORY.

Territory annexed to the City of Westmorland shall be in the Single Family Zone (R-1). Such zoning may be temporary and the Planning Commission shall recommend to the City Council within a period not to exceed one (1) year a final zoning plan for the annexed territory. The City Council has the authority to pre-zone the annexed territory, and in which case, that pre-zoning designation shall apply.

ARTICLE III. ZONES

SECTION 3.01 SINGLE FAMILY (R-1) ZONE

- (a) **Intent.** It is the intent of the R-1 residential zone to provide for the development of low density single family homes on lots, not less than six thousand (6,000) square feet in area, and the protection of these zones from incompatible uses.
- (b) **Permitted Uses.** The following uses shall be permitted in an R-1 zone. These uses are also listed in Table 1, Table of Residential Uses.
- i. Single family dwellings
 - ~~ii. Detached Accessory second dwelling units -(see sSection 6.01).~~
 - ~~ii. on lots with land area exceeding 15,000 square feet, subject to the following provisions:~~
 - ~~— The Detached second accessory residential dwelling units shall be separated from the primary residential unit by a minimum of twenty feetfour (20'4) feet; and~~
 - ~~1. All provisions outlined in Section 6.013.01 (c) (2) through Section 3.01(e)~~
 - ~~— (6) of this Ordinance.~~
 - iii. Accessory buildings and structures incidental to the above use.
 - iv. Employee housing, serving six or fewer persons
 - v. Transitional and Supportive Housing
 - vi. Small licensed residential care facility
- (c) **Conditional Uses.** The following shall be permitted in an R-1 zone subject to a Conditional Use Permit. These uses are also listed in Table 1, Table of Residential Uses.:
- ~~i. Second dwelling units subject to the following provisions and in accordance with California Government Section 65852.1 et seq.~~
 - ~~1. Second dwelling units shall be conditionally permitted on R-1 zoned parcels with an existing single family residence, or if the lot is vacant and is to be developed in conjunction with the construction of the primary single family residence.~~
 - ~~2. Attached and detached secondary dwelling units shall not exceed fifty percent of the floor area of the primary residence, or one thousand square feet, whichever is less.~~
 - ~~3. In addition to the required parking for the primary residence, a minimum of one (1) off street parking space shall be provided. Direct access to the second unit shall be provided from a public right of way.~~
 - ~~4. All development standards shall apply to both the primary residence and the second unit as a whole. This includes, but is not limited to, lot coverage maximum, setback requirements, and infrastructure requirements.~~
 - ~~5. Second dwelling units shall not be separated sold or subdivided, and the owner of the subject property shall be occupant of either unit.~~
 - ~~6. Second units may be rented subject to Council approval, provided that the second unit is rented to "low" and "very low" income households as defined by the most currently published State Housing and Community Development (HCD) income limits for Imperial County. The Property owner shall enter into and record an affordable housing contract with City for as long as the second unit exists and shall run with the land.~~

- ~~ii.~~ Churches
- ~~iii.~~ii. Education institutions
- ~~iv.~~iii. Public service buildings including libraries
- ~~v.~~iv. Public parks and recreational facilities
- ~~vi.~~v. Public utility structures
- vi. Home occupations
- vii. Large licensed residential care facility

(d) Property Development Standards. The following property development standards shall apply to all land and buildings in an R-1 zone:

- i. Lot Area Minimum: six thousand (6,000) square feet
- ii. Lot width minimum: fifty (50) feet
- iii. Lot Width minimum one hundred twenty (120) feet
- iv. Front Yard Minimum: twenty (20) feet. A carport, subject to planning Commission review and approval, may encroach within the front yard setback, provided that it is an open-frame structure and does not obstruct visual lines of sight from the roadway(s).
- v. Side Yard Minimum: five (5) feet, except that on a corner lot the side yard on the street side shall be a minimum of eight (8) feet.
- vi. Rear Yard Minimum: twenty (20) feet.
- vii. Building Height Maximum: thirty-five (35) feet.
- viii. Lot Coverage Maximum: fifty percent (50%)
- ix. Off-Street Parking Requirements: see Section 4.5
- x. Fences, Walls and Hedges: see Section 4.7
- xi. Signs: see Section 4.8

SECTION 3.02 LOW/MEDIUM DENSITY MULTI-FAMILY (R-2) ZONE.

(a) Intent. It is the intent of the R-2 residential zone to provide for multi-family residential development at low and medium densities on lots not less than six thousand (6,000) square feet in area, and the protection of these zones from incompatible uses.

(b) Permitted Uses. The Following uses shall be permitted in an R-2 zone: These uses are also listed in Table 1, Table of Residential Uses.

- i. Any use permitted in the R-1 zone.
- ii. Two and three family residential dwellings
- iii. Accessory buildings and structures incidental to the above use.

(c) Conditional Uses. The following shall be permitted in an R-2 zone subject to a Conditional Use Permit (see Section 5.02): These uses are also listed in Table 1, Table of Residential Uses.

- i. Four or more family residential dwellings, but less than fifteen.
- ii. Church
- iii. Educational institutions

- iv. Public service building including libraries
- v. Public parks and recreational facilities
- vi. Public utility structures
- vii. Home occupations

(d) Property Development Standards. The following property development standards shall apply to all land and buildings in an R-2 zone:

- i. **Density:** No lot shall contain less than two thousand (2,000) square feet per dwelling unit.
- ii. **Lot Area Minimum:** seven thousand (7,000), square feet.
- iii. **Lot width Minimum:** fifty (50) feet
- iv. **Lot Depth Minimum:** one hundred forty (140) feet
- v. **Front Yard Minimum:** twenty (20) feet
- vi. **Side Yard Minimum:** five (5) feet, except that on a corner lot the side yard on the street side shall be a minimum of eight (8) feet.
- vii. **Rear Yard Minimum:** twenty (20) feet
- viii. **Building Height Maximum:** thirty-five (35) feet
- ix. **Lot Coverage Maximum:** fifty percent (50%)
- x. **Off-Street Parking Requirements:** see Section 4.5
- xi. **Fences, Walls and Hedges:** see Section 4.7
- ~~iii~~. **Signs:** see Section 4.8

SECTION 3.03 HIGH DENSITY MULTI-FAMILIES RESIDENTIAL (R-4) ZONE

(a) Intent. It is the intent of the R-4 residential zone to provide for the development of high density multi-family homes, and the protection of these zones from incompatible uses.

(b) Permitted Uses. The following uses shall be permitted in an R-4 zone. These uses are also listed in Table 1, Table of Residential Uses.

- i. Single family dwellings
- ii. Multifamily dwellings
- iii. Mobile home parks, subject to Section 4.10 (Mobile Home Park Development Standards) of this Zoning Ordinance
- iv. Accessory dwelling units, (Section 6.01).
- v. Accessory buildings and structures incidental to the above use
- vi. Emergency Shelters
- vii. Employee housing, serving six or fewer persons
- viii. Transitional and Supportive Housing
- ix. Small licensed residential care facility

(c) Conditional Uses. The following shall be permitted in an R-4 zone subject to a Conditional Use Permit: These uses are also listed in Table 1, Table of Residential Uses.

- ~~v. Multi family dwellings up to four units~~
- ~~vi. Four or more family residential dwellings~~
- i. Churches
- ii. Educational institutions
- iii. Public service building including libraries.
- iv. Public parks and recreational facilities
- v. Public utility structures
- vi. Home occupations
- vii. Large licensed residential care facility

(d) Property Development Standards. The following property development standards shall apply to all land and buildings in an R-4 zone:

- i. **Density:** No lot shall contain less than fifteen hundred (1,500) square feet per dwelling unit
- ii. **Lot Area Minimum:** seven thousand five hundred (7,500), square feet.
- iii. **Lot width Minimum:** fifty (50) feet
- iv. **Lot Depth Minimum:** one hundred forty (140) feet
- v. **Front Yard Minimum:** fifteen (15) feet
- vi. **Side Yard Minimum:** five (5) feet, except that on a corner lot the side yard on the street side shall be a minimum of eight (8) feet
- vii. **Rear Yard Minimum:** twenty (20) feet
- viii. **Building Height Maximum:** thirty-five (35) feet
- ix. **Lot Coverage Maximum:** fifty percent (50%)
- x. **Off Street Parking Requirements:** see Section 4.5
- xi. **Fences, Walls and Hedges:** see Section 4.7
- xii. **Signs:** see Section 4.8

SECTION 3.04 RECREATIONAL VEHICLE PARK (-RV) OVERLAY ZONE

(a) Purpose and Intent. The Recreational Vehicle Park Overlay Zone is intended to allow recreational vehicle parks in areas suitable for such use subject to restrictions otherwise required by the provisions of this Ordinance. Whenever the Recreational Vehicle Park (-RV) Overlay Zone is placed on the official zoning map, the designation –RV shall be indicated after the zoning area over which it is placed (e.g., C-RV). The regulations of the –RV Overlay Zone shall apply in addition to the regulations of the principal zone of the area to which it is applied. Whenever a use is permitted in the –RV Zone, the use shall be permitted in addition to the uses otherwise allowed in the area over which it is placed. In the event that regulations of the underlying zone conflict with the provisions of the overlay zone, the more stringent regulation shall apply.

(b) Definitions.

- i. **Recreational vehicle.** Recreational vehicle is a motor home, travel trailer, truck camper, or camping trailer with or without motive power designed for human habitation for recreational or emergency occupancy.
- ii. **Recreational vehicle Park.** Recreational Vehicle Park is any property where one or more

lots are rented to users of recreational vehicles and which are occupied for temporary purposes.

- iii. **Recreational vehicle site.** A plot of ground within a recreational vehicle park for one recreational vehicle, automobile and camping party.

(c) **Permitted Uses.** All uses permitted by this overlay zone are subject to a Conditional Use Permit in accordance with provisions set forth in Section 5.02 of this Ordinance.

- i. Recreational vehicle parks which includes any lot or parcel where two or more recreational vehicles are stored and/or occupied as temporary residences, regardless of whether or not a fee is charged for such accommodations.
- ii. Accessory uses limited to a permanent residence for the manager, vending machines and recreational facilities for the exclusive use of the park occupants.
- iii. Any commercial activity which is related to and necessary for the operation of the park. No signs advertising the presence of such commercial activity shall be visible from a public street.

(d) **Property Development Standards.** The following property development standards shall apply to all land and buildings in the –RV overlay zone:

- i. **Lot Area Minimum:** one and a half acres.
- ii. **Lot width minimum:** one-hundred fifty (150) feet
- iii. **Lot Depth Minimum:** none
- iv. **Site Size.** Each recreational vehicle site shall have a minimum site size of twelve- hundred square feet (1,200sf)
- v. **Front Yard Minimum:** fifteen feet (15’)
- vi. **Side Yard:** No minimum except as provided in the Building Code for separation of structures, and a minimum of ten feet (10’) on the street side of a corner lot, and a minimum of twenty feet (20’) of landscaped area shall be provided on a side adjoining any “R” zone.
- vii. **Rear Yard:** No minimum except as provided in the Building Code for separation of structures and a minimum of twenty feet (20’) of landscaped area shall be provided on a side adjoining any “R” zone.
- viii. **Separation.** Recreational vehicle parking pads shall be located to maintain a ten- foot separation between recreational vehicles.
- ix. **Building Height Maximum:** thirty-five (35) feet.
- x. **Lot Coverage Maximum:** eighty percent (80%)
- xi. **Landscaping.** All required yards shall be landscaped
- xii. **Required Facilities:**
 - 1. A recreation area of at least five thousand (5,000) square feet shall be provided in addition to the required landscaping. Recreation equipment, such as a pool, playground, and picnic tables, and a service building, including toilets, showers, and laundry, can be located within the recreation area.
 - 2. **Sanitation Facilities:**
 - a. A minimum of one toilet and one lavatory for each sex shall be provided for the exclusive use of the park occupants. An additional toilet and lavatory for each sex shall be provided for each fifteen (15) sites or fraction thereof which

- is not provided with a water connection and a three-inch drain inlet for connection to a vehicle equipped with a toilet.
- b. A minimum of one shower for each sex and one washer and dryer is required.
 - c. Trailer sanitation stations designed to receive the discharge of sewage holding tanks for self-contained vehicles shall be installed in an accessible location in every recreational vehicle park in which there are sites not provided with drain inlets designed to receive the discharge of toilets. Trailer sanitation stations shall be provided on the basis of one station for each one hundred (100) such sites or fraction thereof.
 - d. Trash containers shall be located within three hundred (300) feet of every recreational vehicle site and enclosed with a masonry fence six feet in height.
- xiii. **Off-street Parking Requirements:** One visitor parking space shall be provided for every fifteen (15) recreational vehicle sites or fraction thereof.
- xiv. **Fences, Walls, and Hedges:** see Section 4.7
- xv. **Signs:** see Section 4.8

SECTION 3.05 COMMERCIAL (C) ZONE.

- (a) **Intent.** It is the intent of the Commercial (C) zone to provide areas within the community which are primarily retail and service business in character, and to provide as a conditional use for more intense uses which are customarily accomplished at the commercial place of business. The Commercial (C) zone is intended to accommodate general commercial, office and other highway- oriented businesses and transportation- related service facilities which serve city-wide and transportation corridor-related needs. Primary uses in the Commercial (C) zone should be directed towards the provision of goods and services to the residents of Westmorland.
- (b) **Permitted Uses.** Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, structurally altered or enlarged only for the following uses, plus such other uses as the Planning Commission determines to be similar or not more obnoxious or detrimental to the public health, safety and welfare. The following uses shall be permitted in a (C) zone.
- i. Retail uses engaged in selling merchandise for personal and/or household consumption, and
 - ii. Financial and professional services and office uses which are conducted in office buildings or clinics.
 - iii. Commercial recreation uses whose primary function is to provide amusement or entertainment.
 - iv. Private non profit institutions and organizations
 - v. Hotels and Motels.
 - vi. Parking lots.
 - vii. Transportation terminals.
 - viii. Emergency Shelters.
- (c) **Conditional Uses.** The following shall be permitted in a C zone subject to a Conditional Use Permit (see section 5.02):
- i. Automobile repair, painting or washing related uses.
 - ii. Churches

- iii. Educational institutions
- iv. Heavy agricultural machinery and equipment sales and rentals.
- v. Public service buildings including libraries
- vi. Public parks and recreational facilities
- vii. Public utility structures
- viii. Wholesale distributors.
- ix. Storage of empty bee hives and equipment pertaining to bees.

(d) Property Development Standards. The following property development standards shall apply to all land and buildings in a C zone:

- i. **Lot Area Minimum:** seven thousand five hundred (7,500) square feet.
- ii. **Lot Width Minimum:** fifty (50) feet.
- iii. **Lot Depth Minimum:** one hundred fifty (150) feet.
- iv. **Front Yard Minimum:** Ten feet (10')
- v. **Side Yard:** No minimum except as provided in the Building Code for separation of structures, and a minimum of ten feet (10') on the street side of a corner lot, and a minimum of fifteen feet (15') shall be provided on an adjoining any "R" zone.
- vi. **Rear Yard:** No minimum except as provided in the Building Code for separation of structures and a minimum of ten feet (10') shall be provided upon that portion of a lot abutting or across a rear street from any "R" zone. Where there is an alley or other right-of-way separating the commercial use from the "R" zone, the minimum rear yard shall be ten feet (10') or as required by the Planning Commission.
- vii. **Building Height Maximum:** thirty-five (35) feet
- viii. **Lot Coverage Maximum:** eighty percent (80%)
- ix. **Off-Street Parking Requirements:** see Section 4.5
- x. **Off Street Loading Requirements:** see Section 4.6
- xi. **Fences, Walls, and Hedges:** see Section 4.7
- xii. **Signs:** see Section 4.8

SECTION 3.06 INDUSTRIAL (I) ZONE

(a) Intent. It is the intent of the Industrial (I) zone to provide for wholesale uses as well as those industrial uses that include manufacturing, assembly or processing and which require large storage areas.

(b) Permitted Uses. The following uses shall be permitted in an I zone:

- i. Emergency Shelters.
- ii. Transitional Housing Facilities.
- iii. Any of the following uses provided that such operations, manufacturing, assembly or processing are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, glare, wastes, noise, vibrations, disturbance, or other similar causes which may impose hazard to life or property.
- iv. Wholesale and warehouse uses which include establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or

professional users or to other wholesalers. The function of bulk storage and related uses is also included in this classification.

- v. Manufacturing which includes establishments primarily engaged in assembly, processing, packaging or treatment of various food stuffs or natural or person-made materials.
- vi. Storage of empty bee hives and equipment pertaining to bees.
- vii. Tractor/Truck repairing, painting or washing and related uses.

(c) Conditional Uses. The following shall be permitted in an I zone subject to a Conditional Use Permit (Refer to Section 5.02):

- i. Establishments or enterprises involving large assemblages of people or automobiles.
- ii. Commercial storage of oil, gasoline or petroleum products.

(d) Property Development Standards. The following property development standards shall apply to all uses and buildings in an I zone.

- i. **Lot Area Requirements:** none
- ii. **Front Yard Minimum.** Fifteen feet (15')
- iii. **Side Yard:** A minimum of ten (10) feet on the street side of a corner lot. Also, a minimum of fifteen feet (15') shall be provided on a side adjoining any "R" Zone.
- iv. **Rear Yard:** A minimum of twenty-five (25) feet shall be provided upon that portion of a lot abutting or across a rear street from any "R" zone.
- v. **Building Height Maximum:** fifty (50) feet
- vi. **Off Street Parking Requirements:** see Section 4.5
- vii. **Off Street Loading Requirements:** see Section 4.6
- viii. **Fences, Walls, and Hedges:** See Section 4.8
- ix. **Signs:** see Section 4.7

SECTION 3.07 OPEN SPACE (OS) ZONE

(a) Intent. It is the intent of the Open Space (OS) zone to provide open space for the preservation of natural resources, managed production of resources, open space for outdoor recreation, and for the protection of public health and safety.

(b) Permitted Uses. The following uses shall be permitted in an OS Zone.

- i. Emergency Shelters.
- ii. Employee and Farmworker Housing.
- ~~iii.~~ Transitional Housing Facilities
- ~~iv.~~ Agricultural land and areas of economic importance for the production of food or fiber
- ~~v.~~ Areas required for the preservation of plant and/or animal life
- ~~vi.~~ Areas which require special management or regulation because of hazardous conditions
- ~~vii.~~ Open space for outdoor recreation, including parks and utility easements.

(c) Conditional Uses: The following shall be permitted in an OS zone subject to a Conditional Use Permit (see Section 5.02):

- i. Commercial recreation facilities

ii. Residential uses on parcel with a minimum of ten (10) acres

~~iii.~~ Public utility structures

~~iv.~~ City Hall, Fire Station and/or Police Department.

ARTICLE IV. SUPPLEMENTARY PROVISIONS

SECTION 4.01 MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS.

No lot area, yard or other open space existing prior to the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.

SECTION 4.02 ACCESS.

Every building hereafter erected shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off street parking.

SECTION 4.03 EXCEPTIONS AND MODIFICATIONS.

The following exceptions and modifications to yard and height requirements and reasonable accommodation are hereby authorized.

- (a) **Yard Requirements.** If there are buildings on both adjacent lots which are within one hundred (100) feet of the intervening lot, and the buildings have front yards of less than the required setback for the zone, the setback of the front yard for the intervening lot shall not exceed the average setbacks of the front yards of the adjacent lots. Where a building on an adjacent lot as above has a front yard setback of less than that required by the zone, the front yard shall not exceed a setback distance of halfway between that on the adjacent front yard and that required by the zone.
- (b) **Height Requirements.** Vertical projections such as chimneys, spires, domes, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of the Ordinance.
- (c) In order to comply with the provisions of SB 20 (Chapter 671 of the government code) regarding reasonable accommodation, an exception is provided for persons with disabilities to allow a ministerial process with no processing fee, subject to approval by the Building Official, as follows:
 - i. The request for reasonable accommodation will be used by an individual with a disability protected under fair housing laws.
 - ii. The requested accommodation is necessary to make housing available to an individual with a disability protected under fair housing law.
 - iii. The requested accommodation would not impose an undue financial or administrative burden on the City.
 - iv. The requested accommodation would not require a fundamental alteration in the nature of the City's land use and zoning program.

SECTION 4.04 ACCESSORY USES.

No attached accessory structure shall be erected in any required yard except for open sided canopy or roof structures, and no detached accessory structure shall be erected within five feet (5') of any other structure.

SECTION 4.05 OFF STREET PARKING REQUIREMENTS.

For each main building, dwelling, commercial, industrial establishment or other structure hereafter erected, converted, reconstructed or enlarged there shall be provided and maintained off street parking facilities to accommodate the motor vehicles used by the occupants, customers, clientele, and employees of such building or structure. Each required parking space shall be not less than nine (9) feet wide and twenty (20) feet long. In addition, vehicular access to a public right of way shall be provided. The number of parking spaces for each type of use shall not be less than that stated as follows:

- (a) **Residential Dwellings.** For every dwelling, multiple dwelling or other structure erected or intended to be used as a dwelling, there shall be provided on the same lot or parcel of land at least one and a half (1 ½-) parking spaces for each dwelling unit. These parking standards shall apply to include Employee Housing, Serving Six or Fewer Persons and Residential Care Facilities. A full parking space shall be provided in each instance where a fractional space would otherwise be required by the terms herein.
- (b) **Commercial and Industrial Buildings.** For all office and commercial buildings at least one (1) parking space shall be provided for each two hundred and fifty (250) square feet of floor space or fraction thereof in said building. Each such parking space shall be on the same lot or within five hundred feet (500') of the building.
- (c) **Group Occupancies.** For each guest room in rooming, lodging, clubs, and dormitories, there shall be provided one (1) parking space. These parking standards shall apply to Employee Housing, Serving Group Quarters and Residential Care Facilities of Seven or More Persons. Each such parking space shall be on the same lot or parcel of land or contiguous thereto.
- (d) **Hotels, Motels and Tourist Courts.** For hotels, motels, and tourist courts at least one (1) parking space shall be provided for each living or sleeping unit on the same lot or parcel of land or contiguous thereto.
- (e) **Public Assembly Uses.** For places of public assembly, including churches and theaters, at least one (1) parking space shall be provided for every three (3) seats provided in the assembly place. Each such parking space shall be on the same lot or within five hundred (500') feet of the building.
- (f) **Mobile Home Parks.** For each mobile home space, there shall be provided at least two (2) parking spaces. In addition, guest parking space shall be provided at the ratio of one (1) space for each eight (8) home sites in the park.
- (g) **Emergency Shelter.** For each emergency shelter, at least one (1) parking space shall be provided for each staff member working in the emergency shelter, provided that standards do not require more parking than other residential or commercial uses within the same zone.
- (h) **Parking for All Other Uses.** Parking for all other uses permitted, but not enumerated in this section, shall be furnished as required by the Planning Commission.

SECTION 4.06 OFF-STREET LOADING.

On the same premises with every building, structure or part thereof erected or occupied for manufacturing storage, warehouse, department store, wholesale or retail market, hotel, restaurant, hospital, laundry plant or other uses similarly involving the receipt or distribution of materials or merchandise carried by vehicle there shall be provided and maintained on the lot adequate space for standing loading and unloading service in order to avoid undue interference with the public uses of the streets or alleys. Such off-street loading facilities shall be located on the same site with the use for which it is required. The facilities shall not occupy required front yard space nor shall facilities be located closer than fifty (50) feet to any lot in any residential zone.

SECTION 4.07 FENCES, WALLS AND HEDGES.

A fence, wall, or hedge within a front yard or a street side yard shall not exceed an elevation of four feet above a street elevation. A fence, wall, or hedge not more than six (6) feet tall as measured from the highest grade, may be maintained along the side or rear lot lines, provided that such fence, wall, or hedge does not extend into a required front yard. In the Industrial (I) Zone, all improved property shall be fenced as stated above; however, where such a use forms a common side or rear boundary with a residential zone, a solid masonry wall not less than six (6) feet in height shall be erected along the property line.

- (a) Minor Deviation from standards.** A fence not more than six feet (6') in height may be constructed along the property line abutting a street upon request by the owner and approval by the Planning Commission based on the following findings:
- i. The installation of such a fence or wall is necessary to protect the public health, safety and welfare from noise, vibration, odor, etc.
 - ii. The height and location of the fence does not create a traffic hazard by blocking lines-of-sight from public rights-of-ways and does is not otherwise detrimental to the public health, safety and general welfare.

SECTION 4.08 SIGNS.

Signs shall be permitted as provided below:

(a) Sign in Residential Zones.

- i. Name plates on single family units shall be permitted provided that the area of the sign does not exceed two (2) square feet in area.
- ii. The name of the development and related information shall be permitted provided that the area of the sign does not exceed one (1) square foot of area for each apartment unit.
- iii. Not more than two "For Rent" and "For Sale" signs shall be permitted provided that the areas of the signs(s) do not exceed six (6) square feet in area.

(b) Signs in Commercial Zones.

- i. Business signs indicating the name and the nature of the occupancy shall be permitted provided the total sign area shall not exceed two (2) square feet per foot of building frontage facing a street. Such signs shall be affixed to the building surface unless otherwise allowed by conditional use permit.
- ii. Illumination of signs shall not create a nuisance to adjoining residential zones.

(c) Signs in Industrial Zones.

- i. Sign indicating the name and the nature of the occupancy shall be permitted provided the total sign area shall not exceed three (3) square feet per foot of building frontage facing a street.
- ii. No sign shall be located within fifty (50) feet of a Residential Zone.
- iii. Illumination of sign shall not create a nuisance to adjoining zones.

SECTION 4.09 HOME OCCUPATION REGULATIONS.

Home occupations shall be allowed in residential zones subject to the following regulations

- (a)** No persons other than residents of the dwelling unit shall be employed in the conduct of a home occupation.
- (b)** A home occupation shall be conducted in a dwelling and shall be clearly incidental and secondary to its use for dwelling purposes.
- (c)** There shall be no external alteration of the dwelling in which a home occupation is conducted, and the existence of a home occupation shall not be apparent beyond the boundaries of the site, except for a name plate.
- (d)** A home occupation shall not create any radio or television interference or create noise audible beyond the boundaries of the site. Also, no equipment shall be used that makes dust, odor, smoke, vibration or other adverse conditions which are detrimental to adjoining dwellings.
- (e)** There shall be no outdoor storage of materials or supplies.

SECTION 4.10 MOBILE HOME PARK DEVELOPMENT STANDARDS

- (a) **Size of Mobile Home Park.** No parcel containing less than three and one half (3½) acres may be used for the purpose permitted in R-2-T Zone.
- (b) **Density.** There shall be a minimum of five thousand (5,000) square feet of gross area for each mobile home space. The total area may include access roadways, accessory building space and recreational areas.
- (c) **Building Height.** Building Height for any structure shall be limited to fifteen (15) feet. Structures not more than 35 feet in height may be permitted subjected to a Conditional Use Permit.
- (d) **Mobile Home Park. Measurement of Yards.** Yards shall be measured perpendicular to the property line or from a future street or highway right of way line, as shown on the General Plan or Zoning Map.
- (e) **Mobile Home Park Space Requirements.** Mobile home spaces shall observe the following requirements:
- i. The minimum size of an individual mobile home space shall be twenty- seven hundred (2,700) square feet with a minimum width of forty-five (45) feet and a minimum depth of sixty (60) feet.
 - ii. No mobile home space shall be located closer than twenty (20) feet from the exterior property line of the mobile park when said line abuts a public street.
 - iii. No mobile home space shall be closer than five (5) feet from any other portion of the property line of said mobile home park.
 - iv. There shall be a minimum front yard of three (3) feet extending for the full width of the mobile home space and measured from the edge of the pavement or back of the curb of an interior street. The trailer tongue may encroach into the required front yard set back.
 - v. There shall be a minimum side yard of three (3) feet and a minimum rear yard of three (3) feet. Where a side or rear yard abuts an access road, public parking area, or walk, said yards shall not be less than ten (10) feet in width.
 - vi. **Distance between Mobile homes.**
 1. There shall be not less than ten (10) feet between mobile homes.
 2. Where residential mobile homes are located near any permitted building, other than another residential mobile home, Ramada or cabana, the minimum space between the mobile home and said building shall be fifteen (15) feet.
 - vii. **Patio and Skirting.**
 1. A cement concrete patio or other metal or wood deck having a minimum area of three hundred (300) square feet shall be installed as part of each mobile home space.
 2. The area between the ground level and the floor of a mobile home shall be screened from view by an opaque skirt entirely around the mobile home. The skirt shall be specifically designed for mobile home usage.
 - viii. **Tenant Storage.** Tenant storage may be provided for in any manner consistent with the requirements of the California Department of Housing & Community Development, Division of Codes and Standards.
 - ix. **Access Roads.**
 1. Access roads within a mobile home park shall be paved to a width of not less than

- twenty-five (25) feet.
2. Portland cement concrete curbs and gutters shall be installed on both sides of all access roads.
 3. Access roads, with paved width of less than thirty-two (32) feet shall not be used for automobile parking at any time.
 4. Access roads, with paved width of less than forty (40) feet shall not be used for automobile parking on more than one side at any time.
 5. Access roads around the recreational area shall be paved to a minimum width of thirty-six (36) feet with off-street parking provisions and no on-street parking shall be permitted around the recreational area.
 6. All access roads shall be adequately lighted.
 7. Each mobile home shall have frontage on an access road. A minimum fifteen (15) foot wide unobstructed access shall be provided to approved access road for the movement of mobile home service vehicles.
- x. **Sanitary Sewer.** Each mobile home space shall be provided with a connection to a sewer line. Mobile homes that cannot be connected to a sanitary sewer system shall not be permitted to be used for human habitation. The sewer system and connection plans shall be subject to the approval of the County Health Department and the City.
- xi. **Electrical Service.**
1. All electrical, telephone and television services within the mobile home park shall be underground.
 2. All services to the individual spaces shall be a minimum of 100-AMP service.
- xii. **Management Office.** Each mobile home park shall have a management office with a gross floor area of not less than two hundred (200) square feet. The office may include space for usual office furniture and supplies and shall contain a lavatory and water closet. Suitable facilities shall be provided for mail distribution.
- xiii. **Park Storage.** Storage space for supplies, maintenance materials, and equipment shall be provided in a separate building or in a building with other facilities.
- xiv. **Laundry Facilities.**
1. Laundry facilities equipped with washing machines and dryers shall be provided.
 2. Outside drying yards shall be enclosed with a six (6) foot high solid fence.
- xv. **Accessory Structures.** No accessory building shall be constructed as a permanent part of the mobile home. Accessory structures such as cabana, Ramada, patio, carport, and/or storage cabinet are permitted.
- xvi. **Trash Enclosures.** One (1) standard trash enclosure shall be provided for every fifteen (15) mobile homes units.
- xvii. **Offsite Improvements.**
1. All mobile home parks shall connect to City water and sewer facilities. Extension from existing facilities shall be borne by developer.
 2. All streets abutting park shall be improved to city standards.
 3. All plans shall be approved prior to issuance of a building permit.
- xviii. **Recreational Vehicle Storage Yard.** Recreational vehicle storage yards may be provided

and shall conform to the following standards. No recreational vehicle, travel trailers, boat and trailer or accessories shall be kept on the mobile home space, but shall be stored as provided herein, except that one recreational vehicle or travel which is the primary residence of the occupant of the space may be permitted.

1. The area shall be graded and graveled or surfaced with asphalt concrete or Portland Cement Concrete.
2. The storage yard shall be enclosed by a six (6) foot high fence and landscaped to shield the interior of the area from view on all sides. The wall or fence shall be broken only by a solid gate.
3. No sewer connection other than standard trailer sanitation shall be permitted within the storage yard.
4. The storage yard shall not be used for living purposes.

xix. **Submittal Requirements.**

1. Six (6) copies of plot plan providing sufficient detail of proposed park shall be submitted to determine sufficiency of plans, along with a written statement of intent to comply with the standards of this ordinance.
2. Upon approval the application shall be submitted to the planning commission for review and approval. The plans must delineate all property lines, right-of-ways, easements, setbacks, location of accessory structures, offsite improvements, other information that illustrate compliance with the provisions of this zoning ordinance and other information deemed necessary by Planning Staff. The Planning Commission may approve, approve with conditions or disapprove the project. The Planning Commission shall recommend to the City Council that a conditional use permit be issued or that the application be denied.

- xx. **Establishment and Enlargement.** No mobile home park, as defined herein, shall be established and maintained in the City of Westmorland, nor shall any mobile home park already existing in the City of Westmorland be enlarged unless such mobile park shall be established, maintained or enlarged in compliance with all provisions of this ordinance and shall further comply with the provisions of Chapter 5, Title 25 of the California Administrative Code.

- xxi. **Off Street Parking Requirements:** see Section 4.5.6

xxii. **Fences, Walls, and Hedges:**

1. Each mobile home park shall be entirely enclosed at its exterior boundaries by fence or wall six (6) feet in height, and by screen landscaping not less than six (6) feet in height. Said wall or fence shall run along and be contiguous to the boundary line or property line except where abutting a front street. The minimum height of fence along any public street shall be four (4) feet.
2. The type of fence or wall shall be set forth by the Planning Commission at time of review of Plot Plan and issuance of Conditional Use Permit.
3. Also see Section 4.7

- xxiii. **Signs:** see Section 4.8

SECTION 4.11 APPLICATION OF ENVIRONMENTAL GUIDELINES.

In accordance with the California Environmental Quality Act of 1970 (and as amended), an environmental review shall be initiated for any actions that are not categorically and/or Statutorily Exempt.

SECTION 4.12 ENVIRONMENTAL REVIEW PROCEDURES.

Procedures as they may be established by the City Council shall govern the preparation and review of environmental assessments, and where such environmental reports are required, procedural timing for zoning actions may be adjusted accordingly.

SECTION 4.13 PRIORITY FOR AFFORDABLE HOUSING DEVELOPMENTS.

- A. For the purpose of this section, moderate-, low- and very low-income persons shall be defined as set forth in California Health and Safety Code Sections 50079.5 and 50105.
- B. In any given year at the time any water or sewer equivalency units allocation are authorized by the city council, priority on the residential building permit waiting list shall be given for developments which provide a minimum of fifty percent of housing which will be guaranteed to be affordable to persons and families with moderate, low and very low incomes; provided:
1. Developments which provide one hundred percent affordable housing shall have priority over projects which provide fifty percent affordable housing. The remaining permits shall be allocated in accordance with the existing waiting list.
 2. Developments which provide a minimum of fifty percent of affordable housing including a minimum of twenty-five percent affordable to low- and very low-income families shall have a priority over projects which do not provide units for low and very low-income families.
 3. Not more than fifty percent of the building permits allocated each year by the City Council shall be so prioritized over existing residences.
- C. An applicant desiring low-income housing priority shall submit to the public works department, a written request for such priority, listing the applicant/owner, the address and legal description of the project property, and written deed restrictions and agreements as approved by the city attorney, restricting the sale and occupancy of the affordable units in the project to moderate-, low- or very low-income persons for a period of thirty years after completion of the housing project. Upon receipt of this information and agreements, the applicant's property will be placed on a separate low-income housing waiting list for either single-family or multiple-family projects in the order in which the requests are received by the city to be eligible for priority in the following year's water or sewage services allocation.
- D. If a project due to be awarded water or sewage services fails to qualify or submit sufficient deed restrictions and agreements, as required in this section, prior to the award of water or sewage services, or voluntarily withdraws, then the project shall be removed from the priority list and shall be returned to its original position on the long-term building allocation waiting list.
- E. The City, at its option, may contract with a nonprofit housing agency to provide for administration of various aspects of deed restrictions, agreements and other procedures to ensure the effectiveness of this program to provide long-term low-income housing. Costs for such services shall be borne by the applicant/developer.

ARTICLE V. PROCEDURES

SECTION 5.01 CLASSIFICATION OF USE

- (a) **Purpose.** The City of Westmorland recognizes that in the development of this document, not all land use types can be listed nor can all future uses be anticipated, or a use may have been omitted from the list of those specified as permissible in the various zoning designations, or ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of this Ordinance.
- (b) **Procedure for Approval.** Any person seeking to establish a use that is not expressly contained in this Zoning Ordinance but is similar to any permitted use may submit a request for a “Classification of Use” by the Planning Commission. The applicant shall file an application with the City of Westmorland in a format prescribed by the City Council and pay the necessary fees. After receipt of the application, the Planning Commission shall review the request at its next regularly scheduled meeting. The Planning Commission action may be appealed to the City Council subject to the City’s appeal procedure.
- (c) **Findings.** In approving an unclassified use, the Planning Commission must make the following findings and determine that the following conditions exist:
- i. That the subject use and its operation is consistent with the goals, objective and policies of the General Plan;
 - ii. That the subject use and its operation is consistent with the purposes and intent of the zone in which the use is proposed to be located;
 - iii. That the subject use and its operation is a compatible use in all areas of the city where the zoning is applied;
 - iv. That the subject use is similar to one or more uses permitted in the zone within which it is proposed to be located. A use shall be deemed to be similar only where the size, scale, design and impact of the uses are comparable. A use shall not be deemed to be similar when the operation of the use involves greater impacts in terms of traffic, parking, noise, glare, odor, refuse, or other environmental considerations; generates greater demand for public services; does not have comparable hours of operation; is significantly more intensive in the number of employees, patrons and other users of the facility; and is not complementary to other uses in the zone;
 - v. That the subject use will be so designed, located and operated that the public health, safety and general welfare will be protected; and
 - vi. That the subject use and operation is not more obnoxious or detrimental to the public health, safety and general welfare than such other permitted uses.

SECTION 5.02 CONDITIONAL USE PERMITS

- (a) **Intent.** Uses permitted subject to conditional use permit are those uses necessary for the development of the community, having inherent qualities or characteristics which, unless provided for, would cause such uses to be incompatible or inharmonious with adjacent or nearby permitted uses. The procedures specified in this section are intended to provide a means whereby the Planning Commission may modify such uses to the extent that they can be made compatible and harmonious with the adjacent uses.
- (b) **Special Conditions.** In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may by resolution impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which the Planning Commission considers necessary to protect the public health, safety and general

welfare. These conditions may include but are not limited to the following:

- i. Regulations of use
- ii. Special yards, spaces and buffers
- iii. Special fences, solid fences and walls
- iv. Surfacing of parking areas
- v. Requiring street, service road or alley dedication and improvements or appropriate bonds
- vi. Regulation of points of vehicular ingress and egress
- vii. Regulation of signs
- viii. Requiring maintenance of the grounds
- ix. Time period within which the proposed use shall be developed
- x. Regulation of hours for certain activities
- xi. Duration of use
- xii. And any other such condition as will make possible the development of the City in an orderly and efficient manner.

(c) General Conditions. The Planning Commission shall, in addition to any special conditions, impose the following general conditions upon every Conditional Use Permit granted:

- i. The right to use and occupy the subject property shall be contingent upon the fulfillment of all general and special conditions imposed by the conditional use permit procedure.
- ii. That all of the special conditions shall constitute restrictions running with the land and shall be binding upon the owner of the land, his successors or assigns.
- iii. That in the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, any change in the use or in lot area or any alteration of structure shall conform to the requirements for the conditional use.

(d) Administrative Provisions. The following provisions shall apply in obtaining conditional use permits:

- i. **Application and Filing Fee:** Application for a conditional use permit giving such information as may be prescribed but the Planning Commission, shall be made upon forms provided by the City Clerk.
- ii. **Planning Commission Hearing:**
 1. Upon receipt of the application in proper form and application fee, the City Clerk shall place the item on the Planning Commission Agenda for public hearing not more than thirty (30) days after the date of the filing of the application, or sixty (60) days if an Environmental Impact Report is required.
 2. Notice of such hearing for the time and in the manner as established by resolution of the City Council which shall be mailed at least ten (10) days prior to the public hearing to all property owners whose names and addresses appear on the latest adopted tax roll as owning property within a distance of three hundred (300) feet from the exterior boundaries of applicant's property, and by the posting of said notice in three conspicuous places on or close to the property at least ten (10) days prior to the hearing.
- iii. **Action by the Planning Commission:** Within thirty (30) days after the conclusion of the

public hearing, the Planning Commission shall approve, conditionally approve, or deny the conditional use permit application based upon its findings along with any general and special conditions in Section 5.02(b) above as they might apply. Notice of the action shall be mailed to the applicant. The findings of the Commission shall be that the establishment, maintenance or operation of the use or building applied for will or will not, under the circumstances of the particular case, be detrimental to the public health, safety and the general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to the property and improvements in the neighborhood.

- iv. **Appeals to the City Council:** The decision of the Planning Commission is final unless an appeal is made in writing to the City Council within ten (10) days of such action. Following a public hearing, notice of which shall be given in the manner prescribed above, the Council may by resolution reverse or affirms wholly or in part, or may modify any decisions, determination or requirement of the Planning Commission. The Council shall also make a written finding of fact setting forth where the Planning Commission findings were in error.
- v. **Revocation of Conditional Use Permits:**
 1. The Planning Commission may by resolution and after a public hearing with notice in accordance with provisions set forth above revoke any conditional use permit for non-compliance with any of the conditions set forth in the resolution granting the application. Written notice of intention to revoke shall be mailed to the applicant not less than thirty (30) days before the Planning Commission action.
 2. If an established time limit for development expires or if the time limit for the duration of the carrying on the use has been established as one of the conditions then said permit shall be considered to be revoked upon such date of expiration without any notification to the owners.
 3. The revocation of a conditional use permit shall have the effect of denying all rights granted by the conditional use permit.

SECTION 5.03 NONCONFORMING USES

(a) **Intent.** Where building or lots legally existing on the effective date of the ordinance adopting these regulations are not in conformity with the provisions of these regulations, it is the intent of this section to declare such to be nonconforming and to encourage these nonconforming buildings and uses to be brought to or toward conformity as rapidly as possible; all for the purpose of protecting the public health, safety and general welfare.

(b) **Nonconforming Uses:**

- i. Nonconforming uses shall be those in any zone which are not provided for in the permitted uses or conditional uses section of each zone. A nonconforming use may not be expanded or extended within an existing building and no structural alterations except those required by law shall be made therein. A nonconforming structure which conforms with respect to use may be altered or extended if the alteration or extension does not cause the structure to deviate further from the standards of this ordinance.
- ii. If a nonconforming use of land is discontinued for a period of one hundred eighty (180) days, any further use of the property shall conform to this ordinance.
- iii. If a nonconforming use is replaced by another use, the new use shall conform to this ordinance.

- (c) **Removal or Razing of Structures.** The right to operate and maintain a nonconforming use shall terminate when the structure or structures housing such uses are removed or razed to the extent of fifty percent (50%) of the structure's fair market value as determined by the last equalized assessment roll of the County of Imperial.
- (d) **Destruction, Damage or Obsolescence of Structure.** The right to operate and maintain a nonconforming use shall terminate when structure or structures housing such use is (are) damaged or destroyed from any cause whatsoever as to become obsolete or become(s) obsolete under any municipal ordinance.

SECTION 5.04 VARIANCES

- (a) **Intent.** When practical difficulties, unnecessary hardships or results inconsistent with the general intent and purpose of these regulations occur through the strict application of the provisions herein to a parcel or a group of parcels affected by a unique problem, the Planning Commission shall have the power to grant, upon such terms and conditions as it deems necessary and proper, variances from the strict provisions of these regulations. A variance shall not be granted to permit a use not permitted in the zone by this Ordinance.
- (b) **General Conditions.** The Planning Commission may impose the following general conditions upon a variance:
- i. The Planning Commission, in approving a variance, may set force in its decision reasonable terms and conditions which it deems necessary to protect the health, safety, and general welfare of the community and to assure the intent and purposes of these regulations.
 - ii. Every variance from the provisions of these ordinance regulations shall become void one hundred and eighty (180) days after the effective date such variance is granted unless construction has commenced. The Planning Commission, however, may, by request, extend authorization for an additional period not to exceed one year.
- (c) **Administrative Provisions.** The following provisions shall apply in obtaining variances:
- i. **Application and Filing Fee:** Application for variance, giving such information as may be prescribed by the Planning Commission, shall be made upon forms provided by the City Clerk. The Clerk shall charge and collect the filing fee for each such application as determined by resolution of the City Council.
 - ii. **Planning Commission Hearing:**
 1. Upon receipt of the application in proper form, the City Clerk shall place the item on the Planning Commission Agenda for public hearing not more than thirty (30) days after the filing of the application, or sixty (60) days if an Environmental Impact Report is required.
 2. Notice of such hearing for the time and in the manner as established by resolution of the City Council which shall be mailed at least ten (10) days prior to the public hearing to all property owners whose names and addresses appear on the latest adopt tax roll as owning property within a distance of three hundred (300) feet from the exterior boundaries of applicants property, and by the posting of said notice in three conspicuous places on or close to the property at least ten (10) days prior to the hearing.
 - iii. **Action by the Planning Commission:** Within thirty (30) days after the conclusion of the public hearing, the Planning Commission may grant the requested variance in whole or in part, or deny the application for variance based upon its findings with or without conditions. The Commission, in granting a variance, shall make a finding that in the evidence presented, all four of the following conditions exist in reference to the property being considered:

1. Because of unique circumstances applicable to subject property including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
 2. Any variance granted shall be subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.
 3. The granting of the variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.
 4. The granting of such variance will not adversely affect the General Plan for the City.
- iv. **Appeals to the City Council:** Appeal from any action of the Planning Commission on an application for variance may be made in writing to the City Council within ten (10) days of such action following public hearing. The Council may by resolution reverse or affirm, wholly or in part, or may modify any decision, determination or requirement of the Planning Commission findings that were in error.
- v. **Revocation of Variances:**
1. The Planning Commission may by resolution and after a public hearing with notice revoke any variance for noncompliance with any of the conditions set forth in the resolution granting the variance. Written notice of intention to revoke shall be mailed to the applicant(s) not less than thirty (30) days before the Planning Commission action.
 2. The revocation of a variance shall have the effect of denying all rights granted by the variance.

SECTION 5.05 ZONING MAP AND TEXT AMENDMENTS

- (a) **General Conditions.** The Planning Commission shall consider whether the following conditions exist:
- i. That the proposed zoning amendment is in conformity with the General Plan of the City.
 - ii. That in the case of a zoning map amendment, the subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the Planning Commission and the City Council.
- (b) **Administrative Provisions.** The following provisions shall apply in obtaining zoning map and text amendments:
- i. **Initiation:**
 1. The Planning Commission may initiate proceedings by motion and then hold public hearings.
 2. The City Council may initiate proceedings by submitting the matter to the Planning Commission for public hearings.
 3. In the case of a zoning map amendment, the owner of a property or duly authorized agent may initiate proceedings by filling an application on a form provided by the City Clerk giving such information as may be prescribed by the Planning

Commission. The City Clerk shall charge and collect the filing fee for each such application as determined by resolution of the City Council.

- ii. **Staff Investigation:** A city official, as may be designated by the City Council, shall investigate the proposed ordinance amendment in order to provide information necessary to assure action consistent with the intent of this ordinance and the General Plan and report the findings to the Planning Commission.
- iii. **Planning Commission Hearing:**
 1. The City Clerk shall place the matter on the Planning Commission Agenda for public hearing not more than thirty (30) days after the date of the initiating motion by the Planning Commission or City Council or upon receipt of an application in proper form. An additional thirty (30) days will be allowed if an Environmental Impact Report is required.
 2. Notice of such hearing shall be given both by mail or delivery at least ten (10) days prior to the public hearing to all property owners whose names and addresses appear on the latest adopted tax roll as owning property within a distance of three hundred (300) feet from the exterior boundaries of applicant's property and the posting of said public notice at three conspicuous places in the City.
- iv. **Action by the Planning Commission:** Within thirty (30) days after the conclusion of the public hearing, the Planning Commission shall file its recommendation together with a report of findings, hearings and other supportive data. In the case of a zoning map amendment notice of the action shall be mailed to the applicant within ten (10) days. The Planning Commission may reduce but shall not enlarge the area of any proposed zone change in any way, unless proper notice and publication of the enlarged area is made.
- v. **Action by the City Council:**
 1. In the case of a zoning map amendment, if the Planning Commission recommends against such an amendment, the City Council shall not be required to take any further action unless an interested party requests such a hearing by filing a written request with the City Clerk within ten (10) days after the Planning Commission files its decisions and recommendations. In this event, a public hearing shall be held and notice given.
 2. In all other cases where recommendations have been made on proposed zoning map and text amendments, the City Council shall, not more than thirty (30) days after publication of legal notice of a public hearing hold said public hearing. Such notice shall be given as provided above.
 3. The City Council may adopt by ordinance or reject the amendment recommended by the Planning Commission after holding at least one public hearing. The Council may modify the amendment recommended by the commission, provided the proposed modification has been referred back to the Planning Commission for its further recommendations or in the case of a zoning map amendment where the area of the proposed zone change is reduced, proper notice and publication is made.

SECTION 5.06 ENFORCEMENT

- (a) **Enforcement.** The City Council, the City Attorney, the Police Chief, the Building Inspector, the City Clerk and all officials charged with the issuance of licenses or permits shall enforce the provisions of this ordinance.
- (b) **Actions Deemed a Nuisance.** Any building or structure hereafter erected or maintained for any use of property contrary to the provisions of this ordinance shall be declared to be unlawful and

a public nuisance.

- (c) **Remedies.** All remedies concerning this ordinance shall be cumulative and not exclusive. Conviction and punishment of any person hereunder shall not relieve such persons from the responsibilities of correcting prohibited conditions or removing prohibited buildings, structures, or improvements, and shall not prevent the enforced correction or removal thereof.

ARTICLE VI. ADDITIONAL RESIDENTIAL PROVISIONS

SECTION 6.01 ~~SECOND DWELLING~~ ACCESSORY DWELLING UNITS

(a) Purpose. The purpose of this section is to regulate ~~accessorysecond~~ dwelling units in residential zoning districts and on residential property consistent with State law ~~(Sections 65852.1 through 65852.2 of the California Government Code)~~. Implementation of this section is intended to expand housing opportunities for low income and moderate income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.

(b) Number of ADUs. The City shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

i. Single-Family:

- 1. One (1) ADU and one (1) junior ADU (JADU) per lot with a proposed or existing single-family dwelling if all of the following apply:**
 - a. The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one-hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.**
 - b. The space has exterior access from the proposed or existing single-family dwelling.**
 - c. The side and rear setbacks are sufficient for fire and safety.**
 - d. The JADU complies with the requirements of this section.**
- 2. One detached, new construction ADU with side and rear yard setbacks of no less than four (4) feet, with a height limitation of the underlying zoning for a lot with a proposed or existing single-family dwelling.**
 - a. The City shall not require a detached, new construction ADU meeting the required side and rear yard setbacks to be smaller than eight-hundred (800) square feet.**

ii. Multi-family:

- 1. Multiple ADUs within the portions of existing multifamily structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.**
 - a. The City shall allow at least one (1) ADU within an existing multifamily structure and shall allow up to twenty-five (25) percent of the existing multifamily dwelling units.**
- 2. No more than two (2) detached ADUs that are located on a lot that has an existing or proposed multifamily dwelling. These detached ADUs are subject to the height limitations of the underlying zone, as applicable, and rear yard and side setbacks of no more than four (4) feet.**
 - a. If the existing multifamily dwelling has a rear or side setback of less than four (4) feet, the City shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct of a detached**

ADU.

(c) Accessory Dwelling Units within Existing Space. An accessory dwelling unit within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standards within the section if complying with building and safety codes, independent exterior access from the existing residence, and sufficient side and rear setbacks for fire safety.

i. **General plan.** Construction of an ADU or JADU pursuant to this section shall not be considered when calculating compliance with the allowable density for the lot upon which the accessory dwelling unit is located, and an ADU or JADU that conforms to this section shall be deemed to be an accessory use and shall be deemed to be a residential use that is required to be consistent with the existing general plan and zoning designations for the lot.

ii. **Occupancy.** The ADU or JADU may be rented for a term which does not exceed one (1) year, but there shall be no limit on the number of times the term can be renewed.

iii. **Location.**

1. The ADU may be within an existing space including the primary structure, attached or detached garage, or other accessory structure.

2. The JADU shall be constructed within the walls of an existing single-family dwelling.

iv. **Zoning requirements.** The minimum front setbacks of the underlying zone provisions shall apply to any ADU or JADU. No setback shall be required for an existing garage that is converted to an ADU.

v. **Off-street parking.** Parking requirements for ADUs and JADUs shall not exceed one (1) parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.

vi. **Replacement parking.** When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU or JADU, replacement parking shall not be required and may be located in any configuration on the same lot as the ADU.

vii. **Unit size.**

1. An ADU converted from an existing accessory structure shall not be subject to size maximums. Provided the conversion to an ADU creates no additional space, the entirety of the existing accessory structure may be utilized.

2. If the primary unit is larger than one-thousand six-hundred (1,600) square feet in size, the converted ADU shall not exceed fifty (50) percent of the existing living area.

3. If the primary unit is one-thousand six-hundred (1,600) square feet or less in size, the converted ADU shall not exceed eight-hundred (800) square feet.

4. A JADU shall not have a size exceeding five-hundred (500) square feet.

viii. **Kitchen and bathroom, JADU.** JADUs shall include an efficiency kitchen, including a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU. A JADU does not require separate bathroom facilities.

ix. **Utility service.** The utility service for the ADU or JADU must be serviced through the existing single-family dwelling service. ADUs and JADUs shall not be considered new residential uses for the purposes of calculating town connection fees or capacity charges for

utilities, including water and sewer service.

- x. **Passageway.** No passageway shall be required in conjunction with the construction of an ADU or JADU.
- xi. **Fire sprinklers.** ADUs and JADUs shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.
- xii. **Noncompliant structures.** An accessory dwelling unit within an existing accessory structure that does not comply with standards in this section may be permitted with a zoning certificate or an administrative use permit at the discretion of the City Manager subject to findings in this section.

(d) Accessory Dwelling Units, New Construction.

- i. **General plan.** Construction of an ADU pursuant to this section shall not be considered when calculating compliance with the allowable density for the lot upon which the ADU is located, and an ADU that conforms to this section shall be deemed to be an accessory use or an accessory building and shall be deemed to be a residential use that is required to be consistent with the existing general plan and zoning designations for the lot.
- ii. **Occupancy.** The ADU may be rented for a term which does not exceed one (1) year, but there shall be no limit on the number of times the term can be renewed.
- iii. **Location.** The ADU may be either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling by a minimum of ten (10) feet but located on the same lot as the existing dwelling, and subject to the same conditions as the main building.
- iv. **Zoning requirements.**
 - 1. The minimum front setbacks of the underlying zone provisions shall apply to any ADU.
 - 2. A setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU that is an expansion of an existing structure or is a new structure.
 - 3. A setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU that is constructed above a garage.
 - 4. Lot coverage requirements do not apply for ADUs eight-hundred (800) square feet and under.
 - 5. Lot coverage requirements apply to ADUs larger than eight-hundred (800) square feet.
- v. **Off-street parking.** Parking requirements for ADU shall not exceed one (1) parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.
- vi. **Replacement parking.** When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU, replacement parking shall not be required and may be located in any configuration on the same lot as the ADU.
- vii. **Unit size.** If the primary unit is larger than one-thousand six-hundred (1,600) square feet in size, the attached ADU not exceed fifty (50) percent of the existing living area. If the primary unit is one-thousand six-hundred (1,600) square feet or less in size, the attached ADU shall not exceed eight-hundred (800) square feet. A detached ADU on the subject parcel shall have

a floor space not to exceed one-thousand two-hundred (1,200) square feet.

viii. **Design.** The design shall use of the same exterior materials, roof covering, colors, and other architectural features.

ix. **Utility service.** The utility service for the ADU must be serviced through the existing single-family dwelling service. ADU shall not be considered new residential uses for the purposes of calculating town connection fees or capacity charges for utilities, including water and sewer service.

x. **Passageway.** No passageway shall be required in conjunction with the construction of an ADU.

xi. **Fire sprinklers.** ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.

(e) **Permit Review.** Permit applications for accessory dwelling units shall be considered and approved ministerially without discretionary review or a hearing within sixty (60) days from receipt of a completed application if there is an existing single-family or multifamily dwelling on the lot or when the permit application for a proposed single-unit or multi-unit dwelling is acted upon.

~~(a) **Definition.** Second Dwelling Unit means an attached or detached dwelling unit, sited on the same parcel as the primary dwelling unit, which provides complete independent living facilities for one (1) or more persons, with permanent provisions for living, sleeping, eating, sanitation, and includes a single kitchen as defined in this chapter. This definition shall also include: (1) An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code; and (2) A manufactured home, as defined in Section 18007 of the California Health and Safety Code.~~

~~(b) **Permitted use provisions.** Pursuant to Section 65852.2 of the Government Code, second units shall be permitted in all residential, agricultural residential and agricultural zoning districts in compliance with the development standards as set forth on single family residential parcels by the Planning Director when the following conditions are met~~

- ~~• Second units shall only be located on lots with an area of six thousand (6,000 ft²) square feet or larger.~~
- ~~• Second units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit.~~
- ~~• No more than one (1) second unit shall be allowed per parcel.~~
- ~~• The property owner shall occupy either the primary unit or second unit. The property owner shall record a declaration acknowledging owner occupancy, recorded with the property as a condition of the administrative permit.
 - ~~○ Prior to issuance of the administrative permit, the declaration shall be recorded with the Imperial County recorder's office.~~
 - ~~○ The declaration shall be in a form as required by the Planning Director.~~
 - ~~○ The declaration shall run with the land and be binding upon the applicant and successor property owners. Lack of compliance at any time after recording shall void the approval of the second unit permit and shall constitute a public nuisance which may result in legal or administrative action against the property owner.~~~~
- ~~• A second unit shall not exceed one thousand two hundred (1,200 ft²) square feet, excluding garage area. If a secondary dwelling unit includes an attached garage or other unfinished space, the characterization of the structure shall be based upon which use encompasses the greater square footage. If the square footage of the attached garage or other unfinished~~

~~space exceeds the square footage of the habitable area, the structure shall be deemed to be an accessory structure and shall be denied.~~

- ~~• The maximum building coverage, including a second unit, is five (5%) percent above the maximum lot coverage as set forth in this code for the underlying zoning district.~~
- ~~• Building setbacks for attached second units shall comply with all required building setbacks for the primary unit. Within the agricultural and agricultural residential zoning districts, the building setbacks for detached second units shall not be less than the height of the structure at the highest point, with a minimum distance of ten (10' 0") feet between structures. Building setbacks for detached second units within all other residential zones shall be the same as the underlying zoning district for front and street side yards, five feet from interior and rear yard property lines, with a minimum distance of ten (10' 0") feet between structures.~~

6.01 SECTION 6.02 EMERGENCY SHELTERS AND TRANSITIONAL HOUSING FACILITIES

- (a) Purpose and intent.** General Plan housing element Policies identify the City's need to provide equal access to housing for people with special needs, including encouraging the development of emergency and transitional housing. It is the intent of this chapter to provide for adequate development and operational standards to ensure appropriate housing and services for special needs populations are met.

(a) Definition

~~"Emergency shelter" means any facility, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for specific populations of the homeless.~~

- (b) Applicability.** ~~Emergency shelters are a permitted use in the R-4 (High Density Multi-Families), C (Commercial), Industrial (I) and O-S (Open Space) zoning districts, subject to the same restrictions that apply to other residential uses within these zones. Emergency shelters shall not be required to be more than 300 feet from any other emergency shelter.~~

(b)(c) Permit Requirements and exemptions.

- ~~i. In zoning districts where emergency shelters are allowed, the only permit required is a building permit.~~

~~Emergency shelter and transitional housing facilities are permitted in I and OS zones, and emergency shelters are also permitted in the R-4 and C zone, and shall be subject to the following conditions:~~

(e) Permit Requirements

- ~~vi. Emergency shelter and transitional housing facilities shall comply with all federal and California State licensing requirements.~~
- ~~vii. Emergency shelter and transitional housing facilities shall comply with all applicable Uniform Building and Fire Codes, including maximum occupancy restrictions.~~

- (d) Maximum Number of Beds.** ~~No more than thirty (30) beds shall be provided in any single emergency shelter or transitional housing facility.~~

(d) (2) Exemptions to Permit Requirements:

- i. Shelter facilities may exceed the maximum one hundred (310) bed limitation through a conditional use permit subject to approval by the designated approving authority.
- ii. An emergency shelter ~~or transitional housing facility~~ for ten (10) or fewer persons may be located in any portion of the City zoned for residential or commercial development.

(e) Operational and Development Standards. Emergency shelters shall comply with all standards set forth in this Chapter in addition to any development standards in the underlying zoning district. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this Chapter shall apply.

i. (1)-Physical Characteristics.

1. (a)-All emergency shelters shall comply with applicable state and local uniform housing and building code requirements.
2. (b)-The facility shall have on-site security during all hours when the shelter is in operation.
3. (c)-Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.
4. (d)-Facilities shall provide secure areas for personal property.

ii. (2)-Limited Number of Beds per Facility. Emergency shelters shall not exceed 25 beds.

iii. (3)-Floor Area. An emergency shelter must contain a minimum of 200 square feet of gross floor area per bed.

iv. (4)-Limited Terms of Stay. The maximum term of staying at an emergency shelter is 6 months.

v. (5)-Parking. Off-street parking at an emergency shelter must be provided at the ratio of one space for every 10 beds.

vi. (6)-Emergency Shelter Management. Emergency shelters shall provide on-site management

iii. Location and Separation

4. Emergency shelters and transitional housing facilities of more than ten (10) persons shall be located in I and OS zones and situated within one half (1/2) mile of a transit corridor or existing bus route.
5. All shelter programs must be situated more than one thousand (1,000) feet from any other similar program; a public park; a public or private K—12 school; an indoor or outdoor recreational facility primarily designed to serve persons under eighteen (18) years old; a child care facility or single family residential zone [one thousand (1,000) feet measured from property line to property line]. Programs may have multiple buildings.

iv. Physical Characteristics

6. The maximum number of beds (100) does not apply in situations of Citywide or statewide designated disasters or catastrophic conditions.
7. Smoke detectors, approved by the Fire Department, must be provided in all sleeping and food preparation areas.
8. The facility shall have adequate private living space, shower and toilet facilities and secure storage areas for its intended residents.
9. The size of an emergency facility shall be in character with the surrounding neighborhood.
10. The facility shall have at least one room, which has one hundred twenty (120 ft²) square feet of floor area. Other habitable rooms shall have an area not less than seventy (70 ft²) square feet. When more than two (2) persons occupy a room used

~~for sleeping purposes, the required floor area shall be increased at the rate of fifty (50 ft²) square feet for each occupant in excess of two (2).~~

~~v. **Operational Standards**~~

- ~~11. If the facility is proposed for location in an area either zoned or developed as a residential area, all intake and screening shall be conducted off-site.~~
- ~~12. If a program includes a drug or alcohol abuse counseling component, appropriate State and/or Federal licensing shall be required.~~
- ~~13. The program shall provide accommodations appropriate for a minimum stay of twenty-eight (28) days and a maximum stay of one hundred eighty (180) days per client/family.~~
- ~~14. The program shall identify a transportation system that will provide its clients with a reasonable level of mobility including, but not limited to, access to social services, housing and employment opportunities.~~
- ~~15. Transitional housing programs shall provide specific mechanisms for residents to contact social services.~~
- ~~16. The program shall include clear and acceptable arrangements for facility residents, such as on-site meal preparation or food provision and disbursement.~~
- ~~17. The program, where applicable, shall provide child care services and ensure that school-aged children are enrolled in school during their stay at the facility.~~
- ~~18. The transitional housing provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility and for training, counseling, and treatment programs for residents.~~
- ~~19. Shelters may establish written expectations of residents—behavioral, medical, and religious, etc. Expectations of residents will be available to each resident at entry to the shelter, and to the public (upon request).~~
- ~~20. Shelters shall have infection control policies in accordance with guidelines of the Centers for Disease Control covering but not necessarily limited to HIV/AIDS, hepatitis, and tuberculosis.~~
- ~~21. Emergency shelters and transitional housing facilities shall provide on-site management and support staff at all times during shelter use.~~

SECTION 6.03 REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

(a) Purpose and intent. The purpose of allowing reasonable accommodation(s) is to provide a process for individuals with *disabilities* to make requests for reasonable accommodation(s) for relief from the various land use, zoning, or rules, policies, practices, and/or procedures of the City. It is the policy of the City, pursuant to the Federal Fair Housing Act (as amended), to provide people with *disabilities* reasonable accommodation(s) in rules, policies, and procedures that may be necessary to ensure equal access to housing.

(b) Requesting Reasonable Accommodation(s):

- i. In order to make specific housing available to an individual with a *disability*, a disabled person or representative may request reasonable accommodation(s) relating to the various land use, zoning, or rules, policies, practices, and/or procedures of the City.
- ii. If an individual needs assistance in making the request for reasonable accommodation(s) or appealing a determination regarding reasonable accommodation(s), the Planning Director

will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant.

- iii. A request for reasonable accommodation(s) with regard to City regulations, rules, policies, practices, and/or procedures may be filed on an application form provided by the Planning Director at the time that the accommodation may be necessary to ensure equal access to housing.

(c) Required Information. The applicant shall provide the following information when requesting reasonable accommodation(s). This information shall be made part of the public record for the project and subject to all applicable State and Federal laws for public access to records.

- i. A completed City application indicating, among other things, the applicant's name, address, and telephone;
- ii. Address of the property for which the request is being made;
- iii. The current actual use of the property;
- iv. The Westmorland ordinance, provision, regulation, or policy from which reasonable accommodation(s) is being requested;
- v. The basis for the claim that the person(s) for whom the reasonable accommodation(s) is/are sought is/are considered disabled under the Fair Housing Act and why the accommodation is reasonably necessary to make specific housing available to the person(s);
- vi. Such other relevant information as may be requested by the Planning Director as the Director reasonably concludes is necessary to determine whether the findings required by subsection (F) of this section (Required Findings for Reasonable Accommodation(s)) can be made, so long as any request for information regarding the *disability* of the individuals benefited complies with fair housing law protections and the privacy rights of the individual(s) affected.

(d) Approving Authority and Approval Process. The Planning Director shall have the authority to consider and take action on requests for reasonable accommodation(s). When a request for reasonable accommodation(s) is filed with the Planning Department, it will be referred to the Planning Director for review and consideration as a ministerial action unless determined otherwise by the Planning Director. A request for reasonable accommodation(s) shall be considered ministerial in nature when it is related to a physical improvement that cannot be constructed to conform to the City's setbacks or design standards. Typical improvements considered to be "ministerial" in nature would include ramps, walls, handrails, or other physical improvements necessary to accommodate a person's *disability*. The Planning Director shall issue a written determination of his or her action within fifteen (15) days of the date of receipt of a completed application and may:

- i. Grant or deny the accommodation request; or
- ii. Grant the accommodation request subject to specified nondiscriminatory condition(s); or
- iii. Forward the request to the Planning Commission for consideration as a conditional use permit.
 1. In the event the Planning Director determines that the request for reasonable accommodation(s) is non-ministerial in nature, such request shall be forwarded to the Planning Commission in accordance with City of Westmorland Conditional Use Permit provisions, and shall be subject to the findings stated in subsection "F" of this section (Required Findings for Reasonable Accommodation(s))
 2. All written determinations of actions of the Planning Director shall give notice of the right to appeal and the right to request Reasonable Accommodation(s) on the appeals process (e.g., requesting that City staff attempt to schedule an appeal

hearing as soon as legally and practically possible), if necessary. The notice of action shall be sent to the applicant by mail.

3. If necessary to reach a determination or action on the request for reasonable accommodation(s), the Planning Director may request further information from the applicant specifying in detail what information is required. In the event a request for further information is made, the fifteen (15) day period to issue a written determination shall be stayed until the applicant fully and sufficiently provides such information

(e) Considerations.

- i. The City may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one (1) or more individuals with a *disability* an equal opportunity to use and enjoy a dwelling:
 1. Whether the requested accommodation will affirmatively enhance the quality of life of one (1) or more individuals with a disability;
 2. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation;
 3. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants;
 4. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.

~~ii. The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of this title:~~

- ~~5. Whether the requested accommodation would fundamentally alter the character of the neighborhood;~~
- ~~6. Whether the accommodation would result in a substantial increase in traffic or insufficient parking;~~
- ~~7. Whether granting the requested accommodation would substantially undermine any express purpose of either the City's General Plan or an applicable specific plan;~~
- ~~8. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.~~

(f) Required Findings for Reasonable Accommodation(s).

- i. In making a determination regarding the reasonableness of a requested reasonable accommodation(s), the approving authority shall make the following findings:
 1. The housing which is the subject of the request for reasonable accommodation(s) will be used for an individual protected under the Fair Housing Act.
 2. The request for reasonable accommodation(s) is necessary to make specific housing available to an individual protected under the Fair Housing Act.
 3. The requested reasonable accommodation(s) does not impose an undue financial or administrative burden on the City and does not fundamentally alter City zoning, development standards, policies, or procedures.
 4. The requested accommodation will not result in a fundamental alteration in the

nature of the City's zoning program, as "fundamental alteration" is defined in fair housing laws and interpretive case law.

5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

SECTION 6.04 DENSITY BONUS AND OTHER DEVELOPER INCENTIVES

(a) Purpose and Intent. This density bonus ~~chapter section~~ is intended to implement the State Density Bonus Law, California Government Code Section 65915 et seq. ~~provide incentives for the production of housing for very low, lower income, or senior households and the development of child care facilities. In enacting this chapter, it is the intent of the City of Westmorland to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the City's Housing Element.~~

(g)(b) Applicability. This section shall be applicable in all zoning districts that allow residential uses.

(h)(c) Qualifications. All proposed housing developments that qualify under California Government Code Section 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code Section 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code Section 65915, as may be amended.

(i) Definition

~~Density Bonus means a density increase of at least twenty percent (20%) unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density, as required for some affordable housing, mixed use, other designated residential developments.~~

~~Eligibility for density bonus and other incentives.~~

~~(j) The City of Westmorland shall either grant a density bonus and concessions or incentives as set forth herein. Types of density bonus and other incentives allowed, or provide other incentives or concessions of equivalent financial value based upon the land cost per dwelling unit, when the applicant for the housing development seeks to construct at least any one (1) of the following~~

~~(k) Ten (10%) percent of the total units of a housing development for low income households;~~

~~(l) Five (5%) percent of the total units of a housing development for very low income households;~~

~~(m) A senior citizen development;~~

~~(n) Ten (10%) percent of the total dwelling units in a condominium project or in a planned development for persons and families of moderate income;~~

~~(o) Types of density bonus and other incentives~~

(d) Density Bonus, Incentives and Concessions. The City shall grant qualifying housing developments and qualifying land transfers a density bonus, the amount of which shall be as specified in California Government Code Section 65915 et seq., and incentives or concessions also as described in California Government Code Section 65915 et seq.

(e) Application. An application for a density bonus or other incentive under this section for a housing development shall be submitted in writing to the Planning, Building & Engineering Department to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to

fully evaluate the request under the requirements of this section and applicable State law.

- (f) Review and Consideration.** The application shall be considered by the City Council at the same time the project for which the request is being made is considered. If the project is not to be otherwise considered by the City Council, the request being made under this section shall be considered by the Planning Director. The request shall be approved if the applicant complies with the provisions of California Government Code Section 65915 et seq.
- (p) Project Specific Density Bonus.** A housing development that satisfies all applicable provisions of this chapter shall be entitled to the following density bonus:
- (g) Continued Affordability.** Consistent with the provisions of California Government Code Section 65915 et seq., prior to a density bonus or other incentives being approved for a project, the City and the applicant shall agree to an appropriate method of assuring the continued availability of the density bonus units.

SECTION 6.05 TRANSITIONAL AND SUPPORTIVE HOUSING

- (a) Purpose and Intent.** Pursuant to California Government Code Section 65583(c)(3), transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.
- (b) Applicability.** This section shall be applicable in all zoning districts that allow residential uses.
- (c) Permit Requirements, Operational and Development Standards.** Pursuant to California Government Code Section 65651, supportive housing development with up to 50 supportive housing units shall be permitted by right in all zoning Districts where multi-family and mixed-use residential development are permitted provided the development satisfies all of the following requirements:
- i. (1)–All supportive housing units within the development are subject to a recorded affordability restriction for 55 years.
 - ii. (2)–One hundred (100%) percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, “lower income households” has the same meaning as defined in Section 50079.5 of the Health and Safety Code.
 - iii. (3)–At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.
 - iv. (4)–The developer shall provide the information required by California Government Code Section 65652 to the Planning Department.
 - v. (5)–Nonresidential floor area shall be used for onsite supportive services in the following amounts:
 1. (a)–For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
 2. (b)–For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
 - vi. (6)–The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915.

- vii. (7)–Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
- viii. (8)–Notwithstanding any other provision of this Section to the contrary, the City shall, at the request of the project owner, reduce the number of residents required to live in supportive housing if the project-based rental assistance or operating subsidy for a supportive housing project is terminated through no fault of the project owner, but only if all of the following conditions have been met:
1. The owner demonstrates that it has made good faith efforts to find other sources of financial support.
 2. Any change in the number of supportive service units is restricted to the minimum necessary to maintain a project’s financial feasibility.
 3. Any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of any supportive housing units.

SECTION 6.06 EMPLOYEE / FARMWORKER HOUSING

- (a) Six or Fewer Employees. Employee housing providing accommodations for six or fewer employees shall be deemed to be a single-unit structure with a residential land use and shall be treated the same as a single unit dwelling of the same type in the same zoning district.
- (a)(b) Zones Where Agriculture Uses Are Allowed. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located, and may consist of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household on land zoned for agricultural uses. Such employee housing shall be considered to be an activity that in no way differs from an agricultural use.
- (c) Streamlined Approval for Agricultural Employee Housing Developments. To be eligible for streamlined approval under this section, an agricultural employee housing development must meet all of the following requirements:
- (i) The development must be located on land designated as agricultural in the City of Huron General Plan.
 - (ii) The development must be 12 units or less.
 - (iii) The development must not be located in any of the following areas:
 - (iv) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - (v) A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code.
 - (vi) A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356.
 - (vii) A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist.
 - (viii) A flood plain as determined by maps promulgated by the Federal Emergency Management Agency.
- (d) The development must meet all applicable requirements of the City of Westmorland Municipal

Code, including but not limited to the following:

- (i) The development must have adequate water and wastewater facilities.
- (ii) The development must comply with all applicable zoning and land use regulations.
- (iii) The development must comply with all applicable building and safety codes.

SECTION 6.07 LICENSED RESIDENTIAL CARE FACILITY

(a) Purpose. The purpose of this section is to implement the applicable state regulations in a manner that allows for the establishment of residential care facilities while preserving the character of the zone in which the uses are located.

(b) Permitted Zones.

- i. Large Licensed Residential Care Facilities shall be considered a residential use of property and shall be permitted with a Conditional Use Permits in all zones permitting residential uses in the City of Westmorland subject to the requirements of Section 5.02 (Conditional Use Permits).
- ii. A Large Licensed Residential Care Facility that also qualifies as Supportive Housing or Transitional Housing shall be subject only to those restrictions and development standards that apply to other residential dwellings of the same type (e.g., single-family or multifamily) in the same zone. Notwithstanding the previous sentence, if the facility qualifies as “supportive housing” as defined in Government Code Section 65650 (which has a different definition of “target population” than the definition in Section 1.03 (Definitions), then the facility shall be a use by right in all zones where multifamily and mixed uses are permitted and shall be processed as required by Government Code Sections 65650, et seq.
- iii. Small Licensed Residential Care Facilities and Unlicensed Residential Care Facilities shall be considered a residential use of property. Small Residential Care Facilities, Licensed, and Unlicensed Residential Care Facilities are permitted uses in all zones permitting residential uses in Santa Rosa subject to compliance with the restrictions and development standards for other residential dwellings of the same type (e.g., single-family or multifamily) in the same zone.

(c) Development standards. The following standards of development shall apply to a Large Licensed Residential Care Facility.

- i. **Development Standards.** Unless otherwise indicated below, the Large Residential Care Facility must conform to the development standards for the zoning classification in which it is located.
- ii. **Accessory Dwelling Units.** The Large Licensed Residential Care Facility shall not be located in an Accessory Dwelling Unit unless the primary dwelling unit is used for the same purpose.
- iii. **Kitchens.** The Large Licensed Residential Care Facility must provide either (i) congregate dining facilities or (ii) kitchens in individual units.
- iv. **Landscaping.** The Large Licensed Residential Care Facility shall provide minimum landscaped areas in accordance with this code.
- v. **Signs.** The Large Licensed Residential Care Facility shall comply with the provisions of Section 4.08 (Signs).
- vi. **Lighting.** The Large Licensed Residential Care Facility shall comply with the provisions of this code. Security night lighting must be shielded so that the light source cannot be seen from adjacent residential properties.
- vii. **Parking.** The number of required automobile storage spaces shall be determined in

accordance with this code at the time of the approval of the project; however, notwithstanding any provision of this Title to the contrary, a 20% reduction in the total number of required vehicle parking spaces for residential purposes may be allowed if appropriate, and an additional five percent reduction may be allowed if the applicant proposes alternative senior citizen transportation programs; however, in no case shall the reduction of parking spaces exceed 25% of the total spaces required by Section 4.05 (Off Street Parking Requirements). Public street parking and tandem parking shall not be counted in this requirement. All required parking spaces shall be located entirely within the development, accessible to the units which they serve, and no parking space shall be located more than 150 feet from the unit it is designed to serve. Parking requirements for other facilities within the development shall be subject to the provisions of Section 4.05 (Off Street Parking Requirements) and may not be reduced. Not less than 10% of the required parking spaces shall be designed and designated for use by the handicapped; provided, however, that there shall be at least one designed and designated handicapped parking space provided for each handicapped resident. Handicapped parking spaces shall be distributed evenly throughout the parking areas.

- viii. **Common Areas and Open Space.** The Large Licensed Residential Care Facilities shall include at least 350 square feet of indoor or outdoor common areas or open space, plus 5 square feet per resident. The common area(s) or open space shall be furnished. Appropriate furnishings for indoor spaces include, but are not limited to, such items as lounge chairs, couches, tables with chairs, writing desks, and televisions. Outdoor furnishings include but are not limited to such items as outdoor benches, tables with chairs, barbeques, and shade coverings like arbors, patio covers, garden shelters or trellises. A central dining room shall be provided. The size of the room shall be sufficient to accommodate all of the residents. The minimum room size shall be the product of the proposed maximum number of residents in the facility multiplied by five square feet per resident; however, in no instance shall the central dining room be less than 350 square feet.
- ix. **Management.** The Large Licensed Residential Care Facilities shall have either (i) a manager who resides on-site or (ii) a number of persons acting as a manager who are either present at the facility on a 24-hour basis or who will be available twenty-four (24) hours a day, seven (7) days a week to physically respond within forty-five (45) minutes notice and who are responsible for the day-to-day operation of the facility. The provisions of this section shall be superseded by any management requirements imposed on the Large Licensed Residential Care Facilities pursuant to state law.
- x. **Security.** A designated area for on-site personnel shall be located at the main entrance to the facility for the purpose of controlling admittance to the facility and providing security. Emergency contact information shall be posted on the exterior of the facility adjacent to the main entrance, as well as on the interior in a location accessible to all residents.
- xi. **Personal Storage.** Each resident of the Large Licensed Residential Care Facility shall be provided with at least one (1) private storage area or private closet, with a lock or other security mechanism, in which to store their personal belongings.

(d) Application Procedures. The application for a Large Licensed Residential Care Facility shall be submitted and processed in accordance with the requirements for residential developments in the zone in which the Large Licensed Residential Care Facility is proposed, and with the requirements outlined in Section 5.02 (Conditional Use Permits). In addition, the application for a Large Licensed Residential Care Facility shall include the following:

- i. **Applicant Information.** The name and address of the applicant, including the name and address of the lessee, if the property is to be leased by someone other than the applicant; and the name and address of the owner of the property for which the Conditional Use Permit is requested. If the applicant and/or lessee or owner is a partnership, corporation, firm, or association, then the applicant/lessee shall provide the additional names and addresses as

- follows and such persons shall also sign the application: (i) every general partners of the partnership; (ii) every owner with a controlling interest in the corporation; or (iii) the person designated by the officers of the corporation as set forth in a resolution of the corporation that is to be designated as the permit holder for the Use Permit.
- ii. **Owner Authorization.** If the operator of the Large Licensed Residential Care Facility is not the legal owner of the property, the operator shall provide written documentation evidencing the owner's authorization and approval to operate the Large Licensed Residential Care Facility at the property.
 - iii. **Parcel Information.** The zoning and general plan designations and assessor's parcel number(s) of the site on which the Large Licensed Residential Care Facility is proposed.
 - iv. **Project Description.** A narrative project description of the Large Licensed Residential Care Facility that summarizes the proposed use and its purpose.
 - v. **Plan; Building Diagram and Floor Plan.** A preliminary site plan, drawn to scale, showing the facility's building footprint and property lines as well a diagram intended to show (i) all building(s) to be occupied, including a floor plan for all rooms intended for residents' use indicating the number of residents per bedroom, the location and number of beds for all residents, and (ii) on-site parking, including designations of staff and visitor parking.
 - vi. **Facility Users.** The projected number and types of users of the facility, including but not limited to, residents, staff, clients, visitors, and students.
 - vii. **Transportation and Parking.** Expected parking demand and vehicular use and the availability of and proximity to public transportation or other means to transport facility users.
 - viii. **Management Plan.** A comprehensive Management Plan, which shall include, at a minimum, the following:
 1. Detailed information on property management policies and operations, including information regarding maintenance and repairs;
 2. An explanation of how the Large Licensed Residential Care Facility, intends to meet the requirements of subsection (c)(ix);
 3. An explanation of how the Large Licensed Residential Care Facility, intends to meet the requirements of subsection (c)(x);
 4. A copy of the Large Licensed Residential Care Facility's written resident intake procedures, including rental procedures and rates;
 5. A copy of the Large Licensed Residential Care Facility's written termination and eviction procedures;
 6. A copy of the Large Licensed Residential Care Facility's resident and guest rules; and
 7. If applicable, the Large Licensed Residential Care Facility's plan for disposing of medical waste or other bio-waste.
 - ix. **Licensing.** Proof of all required licensing from the California Department of Social Services, the California Department of Health and Human Services, the California Department of Health Care Services, or other applicable regulatory agency, along with a license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefore.
 - x. **Similar Facilities.** A list of addresses of all other licensed facilities for which a Conditional Use Permit is requested in the State of California owned or operated by the applicant(s) within

the past five (5) years and whether such facilities have been found by state or local authorities to be operating in violation of state or local law.

xi. **Project Review.** The Planning Commission shall review an application for the Large Licensed Residential Care Facility and shall approve, conditionally approve, or disapprove of the application for the Large Licensed Residential Care Facility. The decision of the Planning Commission shall be final unless appealed to the City Council within the timeframes set forth in this code

xii. **Findings and Decision.** The Planning Commission shall only approve an application for a Large Licensed Residential Care Facility if the Planning Commission makes all of the findings required pursuant to Section 5.02 (Conditional Use Permits) and conforms with all provisions of this section.

xiii. **Design Review.** The Large Licensed Residential Care Facility shall require design review approval, pursuant to the city's single family residential design guidelines prior to issuance of a building permit.

~~(a) For developments providing lower income target units, a twenty (20%) percent base density bonus plus a one and one half (1.5%) percent supplemental increase over that base for every one percent (1%) increase in low income units above ten (10%) percent. The maximum density bonus allowed including supplemental increases is thirty five (35%) percent;~~

~~(b) For developments providing very low income target units, a twenty (20%) percent base density bonus plus a two and one half (2.5%) percent supplemental increase over that base for every one (1%) percent increase in very low income units above five (5%) percent. The maximum density bonus allowed including supplemental increases is thirty five (35%) percent;~~

~~(c) For senior developments, a twenty five (25%) percent base density bonus plus a two and one half (2.5%) percent supplemental increase over that base for every one (1%) percent increase in senior units. The maximum density bonus allowed including supplemental increases is thirty five (35%) percent;~~

~~(d) For condominium/PUD developments providing moderate income target units a five (5%) percent base density bonus plus a one percent increase in moderate income units above ten (10%) percent. The maximum density bonus allowed including supplemental increases is thirty five (35%) percent.~~

~~(2) **Number of Other Incentives or Concessions.** In addition to the eligible density bonus percentage described above, an applicant may request incentives or concessions in connection with its application for a density bonus:~~

~~(a) One incentive or concession for housing developments that include at least ten (10%) percent of the total units for lower income households, at least five (5%) percent for very low income households, or at least ten (10%) percent for persons or families of moderate income in a condominium or planned development.~~

~~(b) Two incentives or concessions for housing developments that include at least twenty (20%) percent of the total units for lower income households, at least ten (10%) percent for very low income households, or at least twenty (20%) percent for persons or families of moderate income in a condominium or planned development.~~

~~(c) Three incentives or concessions for projects that include at least thirty (30%) percent of the total units for lower income households, at least fifteen (15%) percent for very low income households, or at least thirty (30%) percent for persons or~~

families of moderate income in a condominium or planned development.

- ~~(3) Available Incentives and Concessions.~~ The following incentives and concessions are available for compliance with this chapter:
- ~~(a) A reduction in the site development standards or a modification of Westmorland development standards, requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5, Section 18907 of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.~~
 - ~~(b) Approval of mixed use development in conjunction with the Housing Element. The City shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities in development if the nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing development and surrounding development.~~
 - ~~(c) Other regulatory incentives or concessions proposed by the applicant or that the City determines will result in identifiable, financially sufficient, and actual cost reductions.~~
 - ~~(d) Priority processing of a housing development that provides income restricted units.~~
- ~~(4) Denial of Request for Incentives or Concessions.~~ The City shall grant incentive(s) or concession(s) requested by the applicant unless the City makes a written finding, based upon substantial evidence, of either of the following:
- ~~(a) The incentive or concession is not required in order to provide for affordable housing costs or affordable rents.~~
 - ~~(b) The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or physical environment or any real property that is listed in the California Register of Historical Resources and for which the City determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.~~
- ~~(5) Density Bonus for Donation of Land~~
- ~~(a) An applicant for a tentative subdivision map, parcel map, or other residential development approval who donates land to the City in accordance with Section 65915(h) of the California Government Code shall receive a fifteen (15%) percent base density bonus plus a one (1%) percent supplemental increase over that base for every one (1%) percent increase in land donated above the minimum ten (10%) percent. The maximum density bonus allowed including supplemental increases is thirty five (35%) percent.~~
 - ~~(b) An applicant shall only be eligible to receive the density bonus described in this subsection if all the conditions listed in subsections (1) through (6) of Section 65915(h) are met.~~
 - ~~(c) Nothing in this subsection shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.~~

- ~~(6) Additional Density Bonus and Incentives or Concessions for Development of Child Care Facility.~~
- ~~(a) Housing developments meeting the requirements of the City of Westmorland Density Bonus Provisions and including a child care facility that will be located on the premises of, as part of, or adjacent to, the housing development shall receive either of the following:~~
- ~~(i) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.~~
- ~~(ii) An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility.~~
- ~~(b) The density bonus housing agreement for the housing development shall ensure that:~~
- ~~(i) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable; and~~
- ~~(ii) Of the children who attend the child care facility, the children of very low income households, lower income households, or persons or families of moderate income shall equal a percentage that is equal to or greater than the percentage of target units that are required pursuant to the City's Density Bonus provisions.~~
- ~~(b) The City shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities.~~
- ~~(c) General Provisions Related to Density Bonuses and Incentives and Concessions~~
- ~~(1) All density calculations resulting in fractional units shall be rounded up to the next whole number.~~
- ~~(2) The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.~~
- ~~(3) The density bonus shall not be included when determining the number of housing units that is equal to five (5%) percent or ten (10%) percent of the total.~~
- ~~(4) Upon request by the applicant, the City shall not require that a housing development that meets the requirements of 601.4.C. provide a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following:~~
- ~~(a) Zero (0) to one (1) bedroom: one (1) on-site parking space;~~
- ~~(b) Two (2) to three (3) bedrooms: two (2) on-site parking spaces;~~
- ~~(c) Four (4) and more bedrooms: two and one half (2.5) parking spaces.~~
- ~~— If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.~~
- ~~— The City shall not apply any development standard that would have the effect of precluding the construction of a housing development meeting the requirements of 6.04.C, eligibility, at the densities or with the incentives permitted by this chapter. An applicant may submit to~~

~~the City a proposal for the waiver or reduction of development standards. Nothing in this subsection, however, shall be interpreted to require the City to waive or reduce development standards if the waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which the City determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Furthermore, the applicant shall be required to prove that the waiver or modification is necessary to make the target units economically feasible.~~

~~(d) Location of bonus units.~~

~~As required by State law (Section 65915(j) of the California Government Code), the location of density bonus units within the housing development may be at the discretion of the developer. However, the inclusionary units shall be reasonably dispersed throughout the development (where feasible), shall contain on average the same number of bedrooms as the non-inclusionary units in the development, and shall be compatible with the design or use of the remaining units in terms of appearance, materials and quality finish.~~

~~(e) Continued availability~~

- ~~(1) If a housing development providing lower or very low income target units receives only a density bonus, the target units must remain restricted to lower or very low income households for a minimum of thirty (30) years from the date of issuance of the certificate of occupancy.~~
- ~~(2) If a housing development providing lower or very low income target units receives both a density bonus and an additional incentive, the target units must remain restricted to lower or very low income households for a minimum of fifty (50) years from the date of issuance of the certificate of occupancy.~~
- ~~(3) In the case of a housing development providing moderate income target units, the initial occupant of the target unit must be a person of family of moderate income. Upon resale, the seller of the target units shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation, which shall be used within three (3) years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code that promote home ownership. The City's proportionate share shall be equal to the percentage by which the initial sale price of the moderate income household was less than the fair market value of the home at the time of the initial sale.~~

EXHIBIT A TABLE 1 – TABLE OF RESIDENTIAL USES

Residential Use	R-1 Zone	R-2 Zone	R-4 Zone	Specific Use Regulations
Dwelling, Single Family	P	P	P	
Dwelling, Two- <u>and three</u> Family	CUP	P	P	
Dwelling, Multi-Family (4 or more units)	N	CUP	P	
Second-Accessory Dwelling Unit	<u>PCUP</u>	P	P	<u>Section 6.01</u>
Guest House	P	P	P	
<u>Mobile home park</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>Section 4.10</u>
<u>Employee Housing, six of fewer persons</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Section 6.06</u>
Child Day Care Center < 5 Child Day Care Center ≥ 5	P N	P CUP	P CUP	
Adult Day Care Center < 5 Adult Day Care Center ≥ 5	P N	P CUP	P CUP	
Group Residential	N	CUP	CUP	
Residential Care Facility, <u>small licensed</u>	<u>PN</u>	<u>PCUP</u>	<u>PCUP</u>	<u>Section 6.07</u>
Residential Care Facility, <u>large licensed</u>	<u>PNCUP</u>	CUP	CUP	<u>Section 6.07</u>
Residential Care Home	<u>N</u>	<u>CUP</u>	<u>CUP</u>	
Single Room Occupancy	N	N	CUP	
Supportive Housing	P	P	P	<u>Section 6.05</u>
Transitional Housing	P	P	P	<u>Section 6.05</u>
Emergency Shelter	N	N	<u>PCUP</u>	<u>Section 6.02</u>
<u>Low-Barrier Navigation Center</u>	<u>N</u>	<u>N</u>	<u>P</u>	
Home Occupations	P	P	P	<u>Section 4.09</u>