

**EXHIBIT A – LRP 2009-00009**

**ORDINANCE NO. 3242**

**AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, CHAPTER 22.22 RELATING TO CLUSTER DIVISIONS, PLANNED DEVELOPMENT PROJECTS AND OTHER RELATED CHANGES**

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1. Section 22.06.030 (Table 2-2) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

Add “Small Lot Single Family” as an A2 use in the Residential Single Family (RSF) and Residential Multi-Family (RMF) land use categories and reference Section 22.30.475 in the Specific use Standards box.

SECTION 2. Section 22.10.140.D.2.d of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- d. Planned development or cluster division.** Where a new residential land division is proposed as a planned development, condominium or cluster division (Sections 22.22.140 and 22.22.145), front setbacks may be determined through Conditional Use Permit approval, provided that in no case shall setbacks be allowed that are less than the minimum required by the Uniform Building Code or Section 22.22.145, whichever is greater.

SECTION 3. Section 22.22.080.D. of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- D. Condominiums / Planned Development.** A condominium, planned development or similar residential unit ownership project in compliance with Subdivision Map Act Sections 66427 et seq. may use smaller parcel sizes to be determined by the Review Authority through Conditional Use Permit approval as set forth in Section 22.62.060 consistent with Sections 22.22.140 and/or 22.22.145 as applicable, provided that:

1. The common ownership external parcel is in compliance with the provisions of this Section; and
2. The density of residential units is in compliance with Section 22.10.130 where the project is located in the Residential Multi-Family category.

SECTION 4. Section 22.22.090 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

A commercial condominium, planned development in compliance with Section 66427 et seq. of the Subdivision Map Act, with individual unit ownership, may use smaller parcel sizes to be determined by the Review Authority through Conditional Use Permit approval as set forth in Section 22.62.060, consistent with Section 22.22.145 provided that the common ownership external parcel is in compliance with the provisions of this Section

SECTION 5. Section 22.22.100 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

A industrial condominium, planned development in compliance with Section 66427 et seq. of the Subdivision Map Act, with individual unit ownership, may use smaller parcel sizes to be determined by the Review Authority through Conditional Use Permit approval as set forth in Section 22.62.060, consistent with Section 22.22.145 provided that the common ownership external parcel is in compliance with the provisions of this Section

SECTION 6. Section 22.22.120 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

### **22.22.120 - Recreation Category**

The minimum parcel size shall be determined by the Review Authority through Conditional Use Permit approval (Section 22.62.060), unless a specific minimum parcel size is applied by a planning area standard or through approval of a Specific Plan per Government Code Section 65450 et seq. The purpose of Conditional Use Permit review shall evaluate the appropriateness of a land division request on the basis of the type of development proposed and the character of the site vicinity. The minimum parcel size shall be within the range specified for the Recreation land use category by Table N in Framework for Planning, Part I of the Land Use Element is as follows:

<b>Location or Development Type</b>	<b>Minimum Parcel Size Range</b>
Outside Urban and Village Areas	20 acres to one acre
Inside Urban and Village Areas	20 acres to 6,000 square feet
Condominiums / Planned Development	Common ownership parcel within the above specified range

The size of the new lots within the range specified by the Land Use Element as consistent with the Recreation land use category, shall be based on the design of the proposed development, the services provided, and the character of surrounding land uses consistent with Section 22.22.145.

SECTION 7: Section 22.22.140 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

### **22.22.140 - Cluster Division**

At the option of the land division applicant, the minimum parcel sizes established by this Chapter for the Rural Lands, Recreation, Residential Rural, Residential Suburban, ~~and~~ Residential Single-Family, and Residential Multi-Family categories may be decreased as provided by this Section.

- A. Permit requirement.** Conditional Use Permit approval in compliance with Section 22.62.060 through a public hearing held as set forth in Section 22.70.060, to occur at the same time as approval of a tentative map. Conditional Use Permit approval shall include conditions specifying a phasing schedule for the recordation of a final tract or parcel map, where applicable, the installation of required improvements and a date for termination of the entitlement in the event the use is not established within the specified schedule.
  
- B. Determining the number of parcels that can be clustered.** The number of buildable lots allowed in a cluster division shall be determined through the use of the parcel size tests in Sections 22.22.050 et seq. applicable to the land use categories in which the site is located. In the Residential Multi-Family land use category, the density shall be equal to the density allowed by Section 22.10.130.B. Where a minimum parcel size for new land divisions or a density for multi-family development is set by planning area standard, the number of lots to be clustered shall be determined by dividing the total site area by the minimum parcel size or density specified in the planning area standard. The actual size of the clustered lots shall then be determined by Subsection D.
  
- C. Density increase bonus.** The number of residential lots created by cluster division in the Residential Single-Family and Suburban categories within urban and village reserve lines may be increased from that resulting from application of the minimum parcel size standards of this Chapter by determining the allowed number of lots on the basis of gross density rather than net density, as follows:
  - 1. Residential single-family.** One unit per 6,000 square feet of gross site area.
  - 2. Residential suburban.** One unit per acre of gross site area.

The density bonus provided by this Section may be decreased by the Review Authority on the basis of specific site characteristics through the Conditional Use Permit approval, where it is determined that the site or vicinity cannot support the number of units resulting from the bonus without significant adverse effects.

**D. Lot size and open area requirements.** The minimum size of lots created through cluster division shall be as specified in the following table:

Land Use Category	Area of Buildable Lots <sup>(1)</sup>		
	Minimum <sup>(2)</sup>	Maximum <sup>(4)</sup>	Open Space Parcel Minimum Area <sup>(3)</sup>
Rural Lands	1 Acre	10 Acres	90%
Recreation	6,000 Sq. Ft.	None	90% <sup>(6)(7)</sup>
Residential Rural	20,000 Sq. Ft.	4 Acres	60%
Residential Suburban	10,000 Sq. Ft.	2.5 Acres	50%
Residential Single-Family	1,750 Sq. Ft. <sup>(5)</sup>	6,000 Sq. Ft.	40% <sup>(6)</sup>
Residential Multi-Family	None	2,000 Sq. Ft.	As set forth in Section 22.10.130.B.2

**Notes:**

- (1) Net area.
- (2) A minimum lot size less than 2-1/2 acres may be granted only when community water is provided. A minimum lot size less than one acre may be granted only when the leaching capacity of site soils for septic tank use is from 0 to 5 minutes per inch, or where community sewer is provided.
- (3) The minimum area is expressed as a percentage of the gross site area.
- (4) Larger parcel sizes may be approved by the Review Authority where requested by the applicant and justified based on specific site characteristics, provided that the minimum open space area requirement is met.
- (5) Lot sizes smaller than 2,000 square feet may be allowed only where the project is consistent with Section 22.30.475 (Small Lot Single-Family)
- (6) The minimum open space parcel shall include a CCGA as set forth in Section 22.22.145.B.1.e.
- (7) A cluster division proposed within the Recreation land use category shall meet the design requirements of Subsection B of Section 22.22.145.

**E. Planned Developments.** A cluster division proposed within the Residential Single-Family and Residential Multi-Family land use categories shall be processed as and shall meet the requirements of Subsections B., E, F., and G. of Section 22.22.145 (Planned Development).

**F. Design standards.**

1. **Open space parcel required.** A cluster division shall include at least one open space parcel. For land use categories other than Residential Single-Family and Multi-Family, such parcel may be used for one of the allowable residential units, provided that the building site does not exceed 6,000 square feet and is defined on the recorded map. Otherwise, the open space parcel shall not be developed with structural uses except as follows: (1) in the Rural Lands, Residential Rural and Residential Suburban land use categories: agriculture accessory buildings; (2) in the Recreation, Residential Single Family and Residential Multi-Family land use categories: community buildings, community residential accessory structures, parking structures, parking spaces and driveways. The open space parcel in all land use categories may be used for any of the following: Crop production or range land; historic, archaeological, or wildlife preserves, water storage or recharge; leach field or spray disposal area; scenic areas; protection from hazardous areas; public outdoor recreation; or other similar open space use.

2. **Guarantee of open space.** The required open space parcel shall be maintained as open space as long as the clustered lots exist, or such other period designated through Conditional Use Permit approval. Such period shall be guaranteed by open space easement. The open space parcel shall be held in common by the homeowners, owned by one of the lot owners with an easement for the benefit of all lot owners, or dedicated in fee or partial fee title to a quasi-public agency.
  
3. **Site design.**
  - a. Site disturbance shall be minimized by clustering, road location along contours, and building site selection.
  - b. Access to off-site roads shall be controlled, with parcels having access from interior roads wherever feasible.
  - c. Development shall be designed to be consistent with the character of the immediate surrounding areas as designated in the Land Use Element.
  
4. **Attached dwelling units.** A cluster division in the Residential Single-Family category may incorporate attached dwelling units with not more than two units per structure where approved by the Review Authority.

SECTION 8: Chapter 22.22 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new Section 22.22.145 as follows:

### **22.22.145 – Planned Development**

This Planned Development Ordinance is intended to provide flexibility for applicants when applying development standards to proposed common interest developments or common area maintenance projects consistent with area plans, specific plans, design plans, and design guidelines. The purpose is to allow consideration of innovative and creative site planning and project design that will enable the County to meet its Strategic Growth goals. These specific standards are meant to incentivize creative design and include: reduced minimum lot sizes and common area, improved design qualities, more effective design responses to site features, compatibility with land uses on adjoining properties, more effective and attractive pedestrian orientation, enhanced environmental sensitivity and energy efficiency, and the more efficient use of resources.

- A. **Where Allowed.** A Planned Development may be proposed on property within the Residential Multi-Family, Residential Single-Family, Recreation, Commercial Retail, Commercial Service, Office & Professional, and Industrial land use categories.
  
- B. **Residential and Mixed-Use Planned Developments.**
  1. Residential Planned Developments and any portion of Mixed-Use Planned Developments with a residential component within the Residential Multi-Family, Residential Single-Family, Recreation, Commercial Retail, and Office & Professional land use categories shall meet the following site criteria:
    - a. **Minimum Lot Size.** As set forth in Section 22.22.140.D.

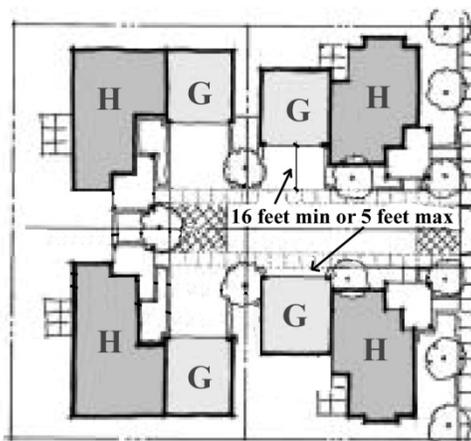
**b. Parking Design and Location.** All parking is subject to the following standards.

- (1) Uncovered residential parking spaces shall be screened from public streets and adjacent residential uses by landscaping or architectural screening.
- (2) Shall be located in clusters of not more than six spaces. Each parking bay of six spaces shall be separated by at least a six-foot landscape area unless located under a covered structure, which would allow up to 10 spaces.
- (3) All detached covered parking shall have a roof design that is consistent with the architecture of the primary structures. Flat or slightly pitched roofs may be used for solar access applications or where the architectural relationship to the overall design is compatible.

**c. Architectural Design.** For all Residential and Mixed-Use Planning Developments, the applicant shall ensure that projects are consistent with the corresponding sections of the Countywide Design Guidelines and any relevant local design plans. All applications shall include a list of how the local design plans and County Design Guidelines are met and a list of any proposed modifications as allowed by the design plans and guidelines.

**d. Front Setbacks.** For new residential neighborhoods, front setbacks may be modified as follows:

- (1) 10 feet minimum for residential structure and 5 feet minimum for covered porches that front on a public street or internal private street. Setbacks for lots along a public or internal private street shall be varied and not all set at the minimum. All individual garages shall be setback a minimum of 16 feet for garages that face a public or internal private street and 10 feet for side loaded garages. Where garages face a terminal drive court or internal drive aisle for the provision of vehicular access, the garage shall be setback a maximum of 5 feet or a minimum of 16 feet (nothing in between). (See Figure 22.22.145 – 1)



(Figure 22.22.145-1)

- (2) Where a project is within an existing residential neighborhood, front setbacks may be established consistent with Section 22.10.140.D.2.c, except where a smaller setback is established through the land use permit consistent with the context of the neighborhood and Subsection C.1.c.(1).

**e. Common Community Gathering Area (CCGA).** CCGA(s) available for use by the entire development shall be provided as follows and may be counted as required minimum open space consistent with Section 22.10.130.B.2:

- (1) 250 square feet minimum per every two residential units.
- (2) Front setbacks and private open space shall not be counted as CCGA(s) but may be counted as required minimum open space consistent with Section 22.10.130.B.2.
- (3) Residential units that abut the CCGA shall be related to common area either through orientation of the main entry toward the CCGA(s) or through physical and visual connection to the common usable recreation area(s). CCGAs shall be located as centrally as possible, but may be located throughout a project with the objective of creating pleasant and convenient usable activity spaces. All units shall be within a minimum 300 feet walking distance of CCGA(s) and connected to the CCGA(s) by pedestrian access.
- (4) No CCGA is required for a project of five (5) residential units or less if the project is:
  - i. Located within ¼ mile (1,320 feet) walking distance of a public park or facility with public open space (i.e., public school); and
  - ii. Accessible to the public park or public open space by a dedicated pedestrian path such as a public sidewalk.

**f. Common Community Gathering Area Landscaping.** The maximum amount of irrigated turf shall be consistent with Chapter 22.16 (Landscaping Standards). In addition, these gathering areas may include hardscape, planters, and common use amenities such as barbeques, tables and chairs, all in lieu of traditional turf.

**g. Private Outdoor Open Space.**

- (1) 175 square feet minimum per unit with one minimum dimension of 8 feet, and may include patios, decks, balconies, roof decks, and front porches where porches are not required by Section 22.30.475 (Small Lot Single-Family).
- (2) Shall be adjacent to each unit and be for the exclusive use of the residents of that unit.

**h. Community Buildings/Facilities.** Where a community building is available for use by the development, the following standards shall apply:

- (1) Shall be clearly incidental in use and size to the units.
- (2) Shall be commonly owned by property owners.
- (3) Shall be architecturally consistent with the project's residential units.

**i. Fencing.** Fencing for both the CCGAs and the private open space shall be designed as follows:

- (1) Fencing within the CCGA and in front yard private open space shall be consistent with Section 22.10.080. In no case shall fencing in these areas exceed four feet in height.
- (2) Fencing around side and rear yard private open space areas shall have a maximum height of six feet.
- (3) Fencing shall not be chain link. Fencing can include materials such as wood, wrought-iron, wood-appearing material, plaster, decorative concrete, or stone.
- (4) Fencing, if over three feet in height, shall be broken-up with textural variety or architectural elements designed to add interest to the fencing. All fencing shall be compatible with the design theme of the project.

**2. Detached Housing.** Planned Developments in the Residential Multi-Family, Recreation, Commercial Retail, and Office & Professional land use categories that propose a single-family detached residential style of development (i.e. separated by 3 feet or greater) shall also be consistent with the standards of Section 22.30.475 (Small Lot Single-Family).

**3. Secondary Dwellings.** Secondary dwellings proposed in Planned Developments in the Residential Single-Family land use category may be located on parcels with a minimum lot size of 4,000 square feet with a request for an exception from the provisions of Section 22.30.470.E (Minimum Site Area) consistent with Section 22.30.020.D.

**C. Commercial, Office, and Industrial Planned Developments.** Commercial, Office, and Industrial Planned Developments and the commercial/office/industrial component of Mixed-Use Planned Developments within the Commercial Retail, Commercial Service, Office & Professional, and Industrial land use categories shall meet the following standards:

**1. Site Planning.** Site planning shall include buildings, site landscaping and hardscape improvements designed to attract pedestrian movement, with vehicle circulation, storage and utilities located elsewhere on the perimeter. The use of plazas or courtyards as a means to enhance the pedestrian experience is encouraged.

- a. Building entries shall be oriented so that pedestrian circulation is attractive and convenient. Sidewalks shall be separated from vehicle circulation and loading through the use landscaped areas or planters.
- b. Work bays shall be oriented away from fronting streets, or screened by landscaping.

- c. Parking lots shall be limited in size by separating them into sub-areas divided by landscaping or structures.
- d. Building orientation shall take advantage of active and passive solar opportunities where feasible and practical.
- e. Wherever feasible, site design shall avoid locating vehicle parking at the front of the lot between the buildings and the street.
- f. The use of fences and walls shall be minimized except where required for screening outdoor storage and noise. When proposed, fences/walls shall be solid, attractive, two-sided, and designed for low maintenance, with materials and colors that are complementary to the building. No chain link fences with or without slats are allowed.

**2. Common Open Space.** Common open space shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. The following shall not be considered usable common open space:

- a. Areas reserved for the exclusive use or benefit of an individual tenant or owner;
- b. Dedicated streets, alleys and other public rights -of-way;
- c. Vehicular drives, parking, loading and storage area; and
- d. Irregular or unusable narrow strips of land less than ten (10) feet in width, unless such area is improved or planted with the expressed intent to be utilized as common open space.

**3. Functional and Mechanical Features.** To the maximum extent practicable, exposed storage areas, trash and garbage containers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the commercial, office, or industrial planned development and screened from public streets.

**4. Driveways, Parking and Circulation.** Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior driveways and parking, special attention shall be given to the location and number of access points to the public streets, the width of interior driveways and access points, the general interior circulation, the separation of pedestrian and vehicular traffic, the adequate provision for service by emergency vehicles, and the arrangement of parking areas that are safe and convenient, and, insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.

**D. Required Findings for Approval.** The Review Authority may approve a Planned Development only after considering the justification provided in Subsection H. and making all of the following findings in addition to the findings required by Section 22.62.060.C.4.

***Compliance***

1. The project complies with all applicable provisions of this Title except where modifications are granted consistent with this Section, the design plans and design guidelines;

***Proposed Modifications***

2. The modifications to the development standards of this Title, and any applicable design plan and design guidelines are necessary and appropriate to accommodate the creative and thoughtful design of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of environmental impacts;

***Site Suitability and Neighborhood Compatibility***

3. The site is suitable for the project in terms of size, configuration, topography, and other applicable features, has appropriate access to public streets with adequate capacity to accommodate the quantity and type of traffic expected to be generated by the use and all public facilities, services, and utilities are adequate to serve the proposed project; and
4. The location, size, site planning, building design features, and operating characteristics of the project are complementary to the surrounding neighborhood, and will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the General Plan.

- E. Ownership and Maintenance.** The common area of all Planned Developments shall be owned and maintained either by a Homeowner's Association or in common by the owners of the separate interests who have rights to the beneficial use and enjoyment of the common area through the use of a maintenance agreement.
- F. Phasing.** If the construction of the Planned Development is to occur in phases, the common recreation area and common facilities shall be developed and made available in proportion to the number of dwelling units or nonresidential floor area occupied during any given phase. At no time during construction of the project shall the density of developed land exceed the overall density of the established land use category.
- G. Expiration.** Timeframes and time extensions for approved Planned Developments with concurrent tentative subdivision maps are prescribed by those timeframes associated with the approved tentative map. Timeframes and time extensions for approved Planned Developments with no concurrent tentative subdivision maps are prescribed by those timeframes associated with the approved Conditional Use Permit.
- H. Justification.** The initial application shall include an explanation of why the project is proposed as a Planned Development. This explanation shall include:
1. A list of which development standards will need to be modified in order to allow a Planned Development to be approved.
  2. A list of project design features and amenities that represent innovative and creative site planning and project design to enable the County to meet its Strategic Growth goals.
  3. A statement describing how the project achieves more effective and attractive pedestrian orientation enhanced environmental sensitivity and energy efficiency, and the more efficient use of resources.

**I. Requests for Modifications to Standards.** The Director may approve an Adjustment pursuant to Section 22.70.030 to the standards set forth in this section, provided the following criteria are met:

1. The site is constrained due to unusual slope, topography, easements, or sensitive areas.
2. The modification is consistent with the objectives and intent of this Chapter.
3. The modification meets the required findings set forth in in Subsection 22.22.145D.

SECTION 9: Chapter 22.30.290 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

**22.30.290 - Lodging - Hotels, Motels - Condominium or Planned Development**

The following standards apply to hotels and motels that are condominium or planned development projects as defined in Civil Code Section 1351. These standards apply in place of the standards of Section 22.22.145.

SECTION 10: Chapter 22.30.290 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

**E. Mobile home park condominiums.** A mobile home park condominium, planned development or similar residential unit ownership project may use smaller parcel sizes than what would otherwise be allowed by Chapter 22.22, to be determined by the Review Authority through Conditional Use Permit approval provided that the density of the units is in compliance with Subsection B. Mobile home park condominiums are also subject to the requirements of Subsection F in place of the standards of Section 22.22.145.

SECTION 11: Chapter 22.30 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new Section 22.30.475 as follows:

**22.30.475 – Residential – Small-Lot Single-Family**

In addition to complying with the Planned Development standards in Sections 22.22.145.B, Small-Lot Single-Family projects in the Residential Single-Family and Residential Multi-Family land use categories shall comply with the following standards:

- A. Minimum site area.** 6,000 square feet in Residential Single-Family.
- B. Parking.** The garage/workshop for a secondary dwelling is limited to a maximum of 50 percent of the size of the secondary dwelling. Parking shall be provided as follows:

Size of Unit	Number of Parking Spaces
Units 800 square feet in size or less	1 space
Units 801 to 1,000 square feet in size	1.5 spaces
Units over 1,000 square feet in size	2 spaces

- C. Height.** The height of all structures shall be no greater than 35 feet.
- D. Second and third stories.** Second story floor area cannot exceed 75 percent of first floor footprint. The second story floor footprint may be up to 100 percent of the first floor footprint where design features such as architectural details, building materials or building articulation are proposed. Where the structure is greater than two stories in height, the top story shall not exceed 75 percent of the first floor footprint; design features shall be used to break up the visual mass of the structure; and the effects of shadows of the structure on surrounding residences and yard areas shall be considered.
- E. Distance between structures.** Six feet minimum is required between all structures. Zero lot line designs are also allowable in accordance with Section 22.10.140.E.6.c.
- F. Attached Covered Porches.** The use of attached covered front porches is highly encouraged. If not proposed, the applicant shall include a request and explanation in the justification letter consistent with Subsection 22.22.145.H. Front porches shall be a minimum of 60 square feet.
- G. Common Community Gathering Area (CCGA).** In addition to the requirements for CCGA for Planned Developments in Section 22.22.145.B.1.e, CCGA shall be provided for Small-Lot Single Family developments as follows:
  1. 300 square feet minimum per unit. This requirement replaces the requirement as set forth in Subsection 22.22.145.B.1.e.(1).
  2. All units shall be a minimum 200 feet walking distance of CCGA.
- H. Storage.** For units with no dedicated enclosed parking, a storage area of a minimum of 100 cubic feet shall be provided for each unit. The storage may be attached to the dwellings or may be attached to a carport structure(s).

SECTION 12: Chapter 22.80.030 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

**Multi-Family Dwellings (land use).** Includes a building or a portion of a building used and/or designed as a residence for two or more families living independently of each other. Includes: duplexes, triplexes and apartments; attached ownership units such as planned developments, condominiums and townhouses; and rooming and boarding houses (a residential structure where rooms are rented for short or long-term lodging where at least one meal daily is shared in common dining facilities, with 10 or fewer beds for rent).

**Planned Development.** "Planned development" means a development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features:

- (1) The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.
- (2) A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separate interests in accordance with Section 1367 or 1367.1 (California Civil Code Section 1351).

**Small Lot Single Family (land use).** A building or factory-built housing designed for /or occupied exclusively for residential occupancy where the consistent with the standards of this Title for Small Lot Single Family. Also includes attached ownership units using common wall development, a planned development, or cluster division.

SECTION 13. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 14: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 18<sup>th</sup> day of June, 2013, by the following roll call vote, to wit:

AYES: Supervisors Bruce S. Gibson, Frank R. Mecham, Adam Hill, Debbie Arnold and Chairperson Paul A. Teixeira

NOES: None

ABSENT: None

ABSTAINING: None

Paul A. Teixeira  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

JULIE L. RODEWALD  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

By: Annette Ramirez  
Deputy Clerk