
ZONING ORDINANCE

DESIGN GUIDELINES and SUBDIVISION ORDINANCE

October 3, 2000

**CITY OF
DESERT HOT SPRINGS**
RIVERSIDE COUNTY, CALIFORNIA

**Codified up to 03.18.07:
Includes Ords. 2004-05 & 10, 2005-08, 10, & 11, 2006-01, 02, 03, & 19**

CITY OF DESERT HOT SPRINGS

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ARTICLE I: GENERAL PROVISIONS

CHAPTER 159.02 BASIC PROVISIONS

159.02.010 TITLE

This Title shall be known as the “City of Desert Hot Springs Zoning Ordinance”, hereafter referred to as the “Zoning Ordinance”.

159.02.020 PURPOSE AND INTENT

The purpose of this Zoning Ordinance is to promote the public health, safety, general welfare, and preserve and enhance the aesthetic quality of the City by providing regulations to ensure an appropriate mix of land uses in an orderly manner. In furtherance of this purpose the City desires to achieve a pattern and distribution of land uses which generally:

- A. Preserve and enhance established residential neighborhoods, commercial and industrial districts, tourist and visitor-serving and recreation uses, and the unique desert open space areas and amenities.
- B. Allow for and encourage the in-fill and recycling of areas at their prevailing scale and character, and provide economic and social advantages through orderly and cohesively planned use of desert lands and climate.
- C. Allow for the integration of commercial and industrial uses and mixed-density as part of revitalization efforts in select residential neighborhoods and prime vacant lands.
- D. Accommodate expansion of development into vacant and low-use lands within environmental and infrastructure constraints.
- E. Maintain and enhance the significant environmental resources of the community, and protect lives and property from identified environmental hazards.
- F. Provided a diversity of areas characterized by differing land use activity, scale and intensity consistent with the General Plan and the physical environment of the City.
- G. Establish Desert Hot Springs as a unique and distinctive resort residential community in the California Desert, with a quality of life and aesthetic appeal based on the valued environment, for the benefit of the City’s residences and businesses.

159.02.030 AUTHORITY AND GENERAL PLAN CONSISTENCY

This Zoning Ordinance is the primary tool for implementing the goals, policies and programs of the Desert Hot Springs General Plan, pursuant to the mandated provisions of the State Planning and Zoning Law (Government Code Section 65000 et seq.), State Subdivision Map Act (Government Code Section 64410 et seq.) and California Environmental Quality Act (Public Resources Code 21000 et seq.), and other applicable State and local requirements. All development within the unincorporated area of the City's Sphere of Influence should be consistent and compatible with the Desert Hot Springs General Plan. All development within the incorporated area of the City shall be consistent with the General Plan.

Provisions in this Zoning Ordinance for the subdivision of land are intended to supplement and implement the state Subdivision Map Act, and serve as the Subdivision Ordinance of the City. If the provisions of this Zoning Ordinance conflict with any provision of the Subdivision Map Act, the provisions of the Subdivision Map Act shall prevail.

This Zoning Ordinance is designed to treat in one unified text those areas of regulation more typically dealt with in separate zoning and subdivision ordinances, and related chapters of the Municipal Code.

No land shall be subdivided and/or developed for any purpose which is not in conformity with the General Plan, and any applicable Specific Plan of the City and permitted by this Zoning Ordinance, or other applicable provisions of the Desert Hot Springs Municipal Code.

The type and intensity of land use as shown on the General Plan and any applicable Specific Plan shall determine, together with this Zoning Ordinance, the type of streets, roads, highways, utilities and public services that shall be provided by the sub divider.

159.02.040 REVIEW AUTHORITIES

The development review process involves the participation of the following:

1. CITY COUNCIL

The City Council shall have the review authority prescribed by this Zoning Ordinance, including but not limited to the authority set forth at Table 31.01 of this Zoning Ordinance.

2. PLANNING COMMISSION

The Planning Commission shall have the review authority prescribed by this Zoning Ordinance, including but not limited to the authority set forth at Table 31.01 of this Zoning Ordinance.

3. COMMUNITY DEVELOPMENT DIRECTOR

The Community Development Director (“Director”) shall have the review authority prescribed by this Zoning Ordinance, including but not limited to the authority set forth at Table 31.01 of this Zoning Ordinance.

4. CITY ENGINEER

The City Engineer shall have the review authority prescribed by this Zoning Ordinance in addition to any other authority prescribe by state and local laws or regulation.

159.02.050 DEFINITIONS

Abutting (Adjacent). Two or more parcels sharing a common boundary, of at least 1 point.

Abandoned. To cease or suspend from developing or maintaining a building or use for a stated period of time.

Abandoned Activity. A business or activity with no reported sales or activity for a period of at least 180 days. Exceptions are temporary closures for repairs, alterations, or other similar situations.

Access. Safe, adequate, and usable ingress or egress to a property or use.

Accessory Building or Structure. A structure, other than a garage, detached from a principal structure on the same lot, incidental to the principal building, and not designed for human habitation.

Action. The decision made by the review authority on a land use application, including appropriate findings, environmental determination and conditions of approval, where applicable.

Adult-Oriented Businesses. Those businesses and activities which are limited to consenting adults 21 years of age or older, and as defined in Section 8-101 of the Municipal Code.

Agriculture. The use of land for farming, dairying, pasteurizing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and accessory activities, including but not limited to storage, harvesting, feeding or maintenance of equipment excluding stockyards, slaughtering or commercial food processing.

Airport or Heliport. Any area of land designated and set aside for the landing and taking off of any aircraft regulated by Federal Aviation Administration.

Alley. A public or private way, at the rear or side of property, permanently reserved as an ancillary means of vehicular or pedestrian access to abutting property.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure (including exterior building color changes). Ord. 2006-19

Ancillary Structure. A building which is subordinate and customarily incidental to a principal building and is located on the same lot as the principal building.

Ancillary Use. A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

Animal Hospital. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment; the ancillary use of the premises as a kennel or a place where animals or pets are boarded for remuneration.

Antenna. A device for transmitting or receiving radio, television, or any other transmitted signal.

Apartment. A room or suite of two or more rooms, containing kitchen facilities, which is designated for, intended for or occupied by one family, and adjacent to other such rooms or suites of rooms, including duplexes, tri-plexes and other multi-unit configurations.

Applicant. Owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Zoning Ordinance, or the agent(s) of such persons.

Attached. Any structure that has an interior wall or roof in common with another structure.

Automobile Sales Lot. An open area used for display, sale and/or rental of new or used automobiles.

Automobile Service Station. An area which provides for the servicing or fueling of motor vehicles, including tube and tire repairs, battery charging, storage of merchandise and supplies related to the servicing of motor vehicles, sale of gasoline and other fuel and lubricants, motor vehicle washing, grease racks, and motor vehicle repairs, excluding body and fender work, engine overhauling and replacement, transmission work and other similar activities.

Automobile Wrecking. The wrecking or dismantling of motor vehicles or trailers, or the storage of, sale of or dumping of dismantled, partly dismantled, or wrecked motor vehicles or their parts.

Awning. A roof-like cover that is attached to and projects from the wall of a building for the purpose of shielding from the elements.

Basement. A story partly or completely underground. A basement shall be counted as a story for purposes of height measurement where any portion of a basement has more than 1/2 of its height above grade.

Bed and Breakfast. A transient lodging establishment primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals to the extent otherwise permitted by law.

Berm. A mound or embankment of earth.

Block. A parcel of land surrounded by public streets, highways, freeways, railroad rights-of-way, flood control channels, creeks, washes, rivers or unsubdivided acreage or any combination thereof.

Board and Care Facility. See Residential Care Facility.

Boarding House. A structure where lodging and meals for 7 or more boarders is provided for compensation.

Building. Any structure having a roof supported by columns or walls.

Building Area. The net portion of the lot remaining after deducting all required setbacks from the gross area of the lot.

Building Coverage. The percentage of lot area which may be covered by all the footprints of buildings or structures on a lot.

Building Height. The building height is the vertical distance from the finished grade to the highest point of the structure, excluding chimneys and vents. Refer to Zoning Districts for specific development standards (e.g., building pad, foundation, etc.).

Building Principal. A building in which the principal use is conducted.

Building Site. The ground area of a building together with all open spaces required by the Zoning Ordinance.

Carport. A permanent roofed structure not completely enclosed to be used for vehicle parking.

Certificate of Occupancy. A permit issued by the Planning and Building Services Department prior to occupancy of a structure to assure that the structure is ready for occupancy with all defects corrected and all construction debris removed and the site graded to final grade. Additionally, all on-site amenities (i.e., paving, landscaping, etc.) shall be in place prior to the issuance of the permit.

City. The City of Desert Hot Springs.

Clinic. A place for outpatient medical services to human patients.

Club. An association of persons (whether or not incorporated) organized for some common purpose, but not including a group organized primarily to render a service customarily carried on as a business.

Clustered Subdivision. A subdivision development in which building lots are sized to

conform to the “footprint” of the structures and sited closer together than conventional development, usually in groups or clusters, provided that the total density does not exceed that permitted under conventional zoning and subdivision regulations. The additional land that remains undeveloped is preserved as open space and recreation land. Private development easements around the structures are permitted for inclusion of private landscaping, pools, spas, yards, etc.

Combination Residence/Office Use. A structure used for a residence and an office where no major external structural alteration or additions are made and no advertising is permitted.

Combination Vehicle. A vehicle customarily used as part of a business for the transportation of goods or people.

Commission. The Planning Commission of the City of Desert Hot Springs.

Community Apartment. A development in which an undivided interest in the land is coupled with the right of exclusive occupancy of an apartment located on the land.

Community Care Facility. Consistent with Health and Safety Code (Section 1267.8) the intermediate care facility shall include provisions for developmentally disabled habilitative-nursing or congregate living.

Conditional Use/Development Permit. A discretionary entitlement which may be granted under the provisions of this Zoning Ordinance and which when granted authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the entitlement.

Condominium. A development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a residential or commercial building on the parcel.

Construction Commencement. The start of construction of substantial site and structural improvements after a building permit has been issued, subject to determination by the Director.

Council. The Mayor/City Council of the City of Desert Hot Springs.

County. The County of Riverside, hereafter referred to as “County”.

Court. An open, unoccupied space, other than a yard, on the same lot with a building and bounded on 2 or more sides by the walls of a building.

Day Care Center, Children. A facility which provides non-medical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than

a 24 hours basis. Day care center means any child care facility other than a family day care home and includes infant centers, pre-schools, and extended day care facilities.

Day Care Home, Children. A single family residence that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home. Day care homes include:

Small Family Day Care Home The use of a single family residence to provide family day care for eight or fewer children, including children under the age of 10 years who reside at the home, pursuant to Health and Safety Code 1597.44.

Large Family Day Care Home The use of a single family residence to provide family day care to 7 to 14 children, inclusive, including children under the age of 10 years who reside at the home, pursuant to Health and Safety Code 1597.465.

Day(s). Shall always be consecutive calendar days unless otherwise stated.

Defensible Space. A term for a design concept used to describe a series of physical design characteristics that maximize resident control of behavior, particularly crime, within a public, semiprivate, or private area, structure, or community.

Density. The number of dwelling units per gross acre, unless otherwise stated, for residential uses.

Department. The Desert Hot Springs Community Development Department, thereafter referred to as the "Department".

Design. Includes the planning and engineering of the following: street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignment and grades thereof; location and size of all required easements and rights-of-ways; fire roads and fire breaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; building and other such specific physical requirements.

Detached. Any building or structure that does not have a wall or roof in common with any other building or structure.

Development. The placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous liquid, solid or thermal waste; grading removing, dredging, mining or extraction of any soil or materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lots splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public

recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure including any facility of any private, public or municipal utility; and the removal of any major vegetation. As used in the Zoning Ordinance, “structure” includes but is not limited to any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. A “project”, as defined in Government Code Section 65931, is included with this definition.

Director. The Director of the Community Development Department, hereafter referred to as “Director” or designee.

Dormitory. A structure intended principally for sleeping accommodations, and where no individual kitchen facilities are provided, where such structure is related to an educational or public institution or is maintained and operated by a recognized non-profit welfare organization.

Dwelling. A structure or portion thereof designed for residential occupancy, not including hotels or motels.

Dwelling Multiple. A structure containing 2 or more dwelling units or a combination of 2 or more separate single family dwelling units.

Dwelling Unit. One or more rooms including bathroom(s) and a kitchen, designated as a unit for occupancy by 1 family or for living and sleeping purposes.

Easement. A grant of one or more property rights by the property owner for the use by the public, a corporation or another person or entity.

Educational Institution. A school, college or university, supported wholly or in part by public funds or giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

Entertainment (Live). Any act, play, revue, pantomime, scene, dance, art, or song and dance act, or any combination thereof, performed by 1 or more persons whether or not they are compensated for the performance.

Family. An individual, or 2 or more person related by blood, marriage or legal adoption, or a group of not more than 6 persons who are not related living together as a single housekeeping unit.

Frontage. The side of a lot abutting a street (the front lot line), except the side of a corner lot.

Front wall. The nearest wall of a structure to the street upon which the structure faces, but excluding cornices, canopies, eaves, or any other architectural embellishments.

Garage. An enclosed building, or a portion of an enclosed building used for the parking of vehicles.

General Plan. The City of Desert Hot Springs General Plan as adopted by the Mayor and City Council, who may amend the Plan from time to time, hereafter referred to as the “General Plan”.

Grade. The degree of rise or descent of a sloping surface (See Slope).

“Granny” Flat. This dwelling may not be rented and shall receive utilities through metering provider for the principal residence. An additional dwelling unit intended for the sole occupancy of one or two adult persons who are 62 years of age or over, and the floor area of the attached “granny” flat dwelling unit does not exceed 30 percent of the existing living area of the primary residence or the floor area of the detached “granny” flat dwelling unit does not exceed 1,200 square feet on a lot designated as residential, as defined in Government Code Section 65852.1.

Gross Acreage. The total area within the lot lines of a lot or parcel of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel, and does not include adjacent lands already dedicated for such purposes.

Gross Floor Area. The area included within the surrounding exterior finish wall surface of a building or portion thereof, exclusive of courtyards.

Guest House. Living quarters, having no kitchen facilities, located on the same premises with a main building and occupied for the sole and occasional use of members of the family, and temporary guests .

Half Story. A story under a gable, hip or gambrel roof, plates of which are not more than 2 feet above the floor of such story.

Home Occupation. An activity conducted in compliance with Chapter 159.54 carried out by an occupant conducted as an accessory use within the primary dwelling unit.

Hospital. An institution, designed within an integrated campus setting for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.

Hotel. Guest rooms or suites occupied on a transient basis, with most rooms gaining access from an interior hallway.

Indoor Retail Concession Mall. Any indoor, multi-tenant retail or discount mall, operated during regular business hours, wherein the majority of square footage is used (or offered) for concession or leased floor area and/or wall space for which a fee, commission, or lease is charged. Individual licensed vendors shall be permitted to engage in sales of either new or used merchandise.

In-fill Development. Development that occurs on up to 4 contiguous vacant lots scattered within areas that are already largely developed or urbanized. Generally, these sites are vacant because they were once considered of insufficient size for development, because an existing building located on the site was demolished or because there were other, more desirable sites for development.

Junk and Salvage Facility. Primary or accessory use of structures and/or land for storage, dismantling and/or selling of cast-off, unused, scrap or salvage material of any sort.

Kenel. Any lot where 4 or more dogs, cats, or other small animals over the age of 4 months are kept, whether such keeping is for pleasure, profit, breeding, or exhibiting, including places where said animals are boarded, kept for sale or hire.

Kitchen. Any room, all or part of which is designated and/or used as pantry and for refrigeration, cooking and preparation of food.

Landscaping. An area devoted to or developed and maintained predominantly with native or exotic plant materials including lawn, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas, and sculptural elements).

Land Use Zoning District. A portion of the City within which certain uses of land and structures are defined, and regulations are specified.

Lot. A parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon. The classification of lots are:

Corner Lot. A lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an “interior lot”.

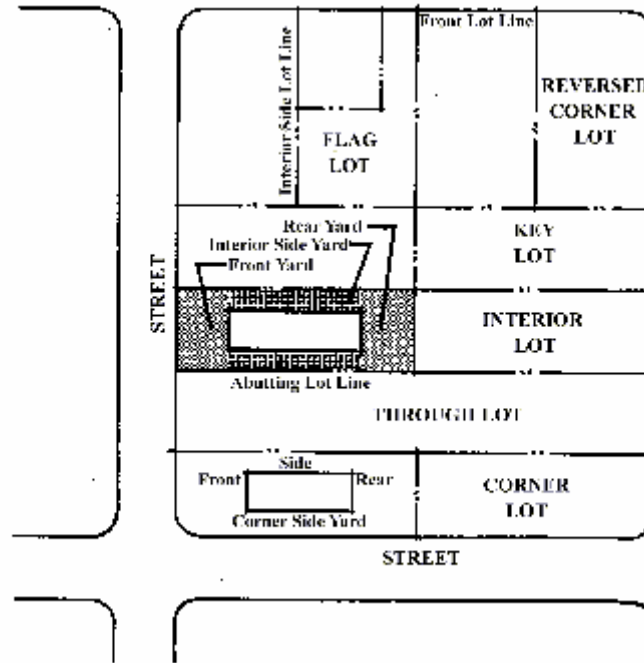
Flag Lot. A lot having access or an easement to a public or private street by a narrow, private right-of way.

Interior Lot. A lot abutting only one street.

Key Lot. A lot with a side line that abuts the rear line of any one or more adjoining lots.

Reverse Corner Lot. A corner lot, the rear of which abuts the side of another lot.

Through Lot. A lot having frontage on two generally parallel streets, with only one primary access.



Lot Area. The total horizontal area included within the lot lines of a lot.

Lot Averaging. The design of individual adjoining lots within a residential subdivision in which the average lot area equals the minimum prescribed areas for the R-L, Low Residential Land Use Zoning District. To maintain an average, some lots may be reduced to a maximum of 10% below the minimum lot size, while a corresponding number of lots shall each maintain a lot area of at least 10% above the minimum lot size. Allowable density shall be within the prescribed maximums.

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

Lot Frontage. The portion of the lot contiguous to the street.

Lot Line. Any boundary of a lot. The classifications of lot lines are:

Front. On an interior lot, the line separating the parcel from the street. On a corner lot, the shorter lot line abutting a street. (If the lot lines on a corner lot are equal in length, the front lot line shall be determined by the Director or Building Official.) On a through lot, the lot line abutting the street providing the primary access to the lot.

Interior. Any lot line not abutting a street.

Rear. A lot line, not intersecting a front lot line, which is most distant from and

most closely parallel to the front lot line. In the case of an irregularly shaped lot or a lot bounded by only three lot lines, a line within the lot having a length of 10 feet, parallel to and most distant from the front lot line shall be interpreted as the rear lot line for the purpose of determining required yards, setbacks, and other provisions of this Zoning Ordinance.

Side. Any lot line which not a front or rear lot line.

Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a midway point between the front and rear lot lines.

Manufactured Home. A factory built or manufactured home including mobile homes, as permitted by State of California and Federal laws.

Median. A paved or planted area separating a street or highway into 2 or more lanes of opposite direction of travel.

Mixed Use Development. The development of a parcel(s) or structure(s) with two or more different land uses such as, but not limited to a combination of residential, office, retail commercial, public, or entertainment in a single or physically integrated group of structures and support (parking, etc.) facilities.

Mobile home. Same as “Manufactured Home”, but subject to the National Manufactured Housing Construction and Safety Act of 1974.

Mobile home Park. A master planned neighborhood of spaces for lease to allow placement of mobile homes, and typically providing central recreational amenities, central access and security through walls and by other appropriate means.

Mobile home Subdivision. A master planned mobile home-oriented neighborhood which has been subdivided to allow fee simple interest in individual lots and undivided interest in common open space and amenities.

Motel. Guest rooms or suites occupied on a transient basis, with most rooms gaining access from an exterior walkway.

Multi-Family Dwelling. A room or suite of two or more rooms, containing kitchen facilities, which is designated for, intended for or occupied by one family, and adjacent to other such rooms or suites of rooms, including duplexes, tri-plexes and other multi-unit configurations.

Net Site Area. The total area within the lot lines of a lot or parcel of land after public street easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

Nonconforming Structure. A structure which conformed to applicable laws when constructed but does not conform to provisions of this Zoning Ordinance; is

grandfathered.

Nonconforming Illegal. A structure, lot or use which does not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this Zoning Ordinance.

Nonconforming Lot. A lot, the area, frontage or dimensions of which do not conform to the provisions of this Zoning Ordinance.

Nonconforming Use. A use complying with applicable laws when established but does not conform to the provisions of this Zoning Ordinance.

Open Space. Undisturbed wilderness areas, or that part of a development dedicated to undisturbed or landscaped area that is available for passive or active recreation.

Parcel. A parcel of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the latest equalized assessment roll.

Parkway. The area of a public street that lies between the curb and the adjacent property line or physical boundary definition such as fences or walls, which is used for landscaping and/or passive recreational purposes.

Person. Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, State of California, and its political subdivisions or instrumentalities, receiver, syndicate or any group or combination thereof, acting as a unit, including any trustee, receiver or assignee.

Permitted Use. Any use allowed in a land use zoning district and subject to the provisions applicable to that district.

Planned Residential Development (PRD). A type of development characterized by comprehensive planning for the project as a whole, clustering of structures to preserve usable open space and other natural features, and a mixture of housing types within the prescribed densities.

Principal Use. The primary or predominant use of any lot, building or structure.

Public Park. A park, playground, swimming pool, beach, pier, reservoir, golf course or athletic field within the City which is under the control, operation or management of the City, the County or the State.

Public Right-of Way. A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or other public uses.

Quarry. A place where rock, ore, stone and similar materials are excavated, processed for

sale or for off-site use.

Queue Line. An area for temporary awaiting of motor vehicles while obtaining a service or other activity.

Recreational Vehicle. A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks or buses, boats and boat trailers, and all terrain vehicles.

Recreational Vehicle Park. A master planned and managed neighborhood of spaces, amenities, access, walls and other amenities designed for transient, seasonal but not permanent habitation in recreational vehicles.

Recycling. The process by which waste products are reduced to raw materials and transformed into new products, including automobiles.

Religious Institution. A structure which is used primarily for religious worship and related religious activities.

Residential Care Facility. A family home, group care facility, or similar facility for 24 hour non-medical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

Resort Hotel. A group of buildings containing guest rooms and providing outdoor recreational activities.

Rest Home. Premises used for the housing of and assisted caring for the aged and infirm. There shall be only incidental convalescent care not involving either a nurse or physician residing on the premises. There shall be no surgery, physical therapy or other similar activities.

Restaurant. A use providing preparation and retail sale of food and beverages, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e., pizza), and similar uses, and may include licensed “on-site” provision of alcoholic beverage for consumption on the premises when accessory to such food service.

Restaurant, Drive-Thru. A use providing preparation and retail sale of food and beverages, as defined under “Restaurant” with the added provision of 1 or more drive thru lanes for the ordering and dispensing of food and beverages to patrons remaining in their vehicles.

Review Authority. The person, committee, Commission or Council responsible for the review and/or final action on a land use entitlement.

Rounding of Quantities. The consideration of distances, unit density, density bonus calculations, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers; the numbers are to be rounded to the nearest highest whole number when the fraction is .5 or more, and to the next lowest whole number when the fraction is less than .5, except as otherwise provided in this Zoning Ordinance.

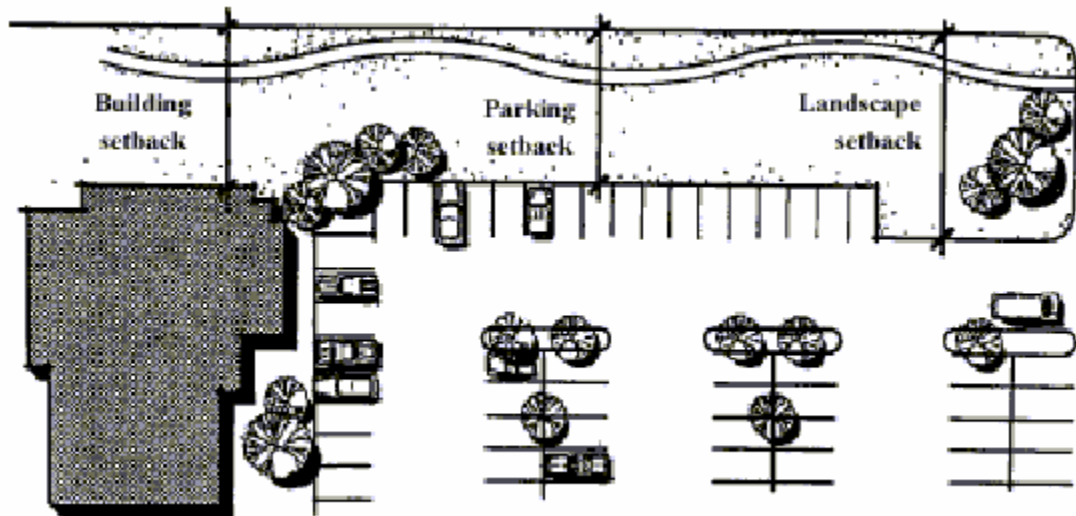
Satellite Dish Antenna. An apparatus capable of receiving or transmitting communications from a satellite.

School. An institution of learning, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of Education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

Second Dwelling Unit. An additional dwelling unit which may be rented, and the floor area of the attached second dwelling unit does not exceed 30 percent of the existing living area of the primary residence or the floor area of the detached second dwelling unit does not exceed 1,200 square feet on a lot designated as residential, as defined in Government Code Section 65852.2.

Senior Congregate Care Housing. A structure(s) providing residence for a group of senior citizens (60 years of age or more) with central or private kitchen, dining, recreational, etc. facilities with separate bedrooms and/or living quarters.

Setback. The required distance that a building, structure, parking or other designated item must be located from a lot line.



Shed. A typically small ancillary building used for storage of garden or shop equipment and clearly incidental to the primary residential use.

Sidewalk/Parking Lot Sale. A promotional sales event conducted by 1 or more businesses which is held outside the confines of the commercial or manufacturing structure(s) in which such business is normally conducted and which sale involves the outdoor display within a paved or concreted area on the same lot as the structure(s) of merchandise which is normally displayed within the structure(s). Sale events shall be conducted solely on private property and not encroach within public rights-of-way.

Single Room Occupancies (SROs). Single room living spaces located within organized multi-unit residential complexes and supported by common facilities for dining and recreation.

Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

$$\text{Slope Percentage} = \frac{\text{Rise}}{\text{Run}} \times 100 = \%$$

$$\text{Slope Ratio} = \frac{\text{Run}}{\text{Rise}} = (x) \text{ feet run to one foot rise} = \frac{x:1}{\text{Rise}}$$

% Grade	100%	50%	40%	33.3%	30%	25%	20%	15%	12%	10%	8%	6%
Degrees	45	26.6	21.8	18.4	16.7	14	11.3	8.5	6.8	5.7	4.6	3.4
Ratio	1:1	2:1	2.5:1	3:1	3.3:1	4:1	5:1	6.7:1	8.3:1	10:1	12.5:1	16.7:1

Small Lot Subdivision. Limited lot size subdivision (5,000 s.f. minimum lot size) for single family detached dwellings.

Solar Facilities. The airspace over or adjacent to a parcel that provides access for a solar energy system to absorb energy from the sun.

Specific Plan. A plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the City, consistent with the General Plan and the provisions of California Government Code Section 65450 et. seq.

Stable, Commercial. A structure for keeping of horses, mules or ponies which are boarded for compensation.

Stable, Private. An accessory structure for the keeping of horses or ponies for the use of occupants of the premises.

Standard Industrial Classification (SIC) System. The classification of establishments by type of activity which is determined by its principal product or group of products produced or distributed, or services rendered. The purpose of the system is to facilitate the collection, tabulation, presentation and analysis of data relating to the establishments. This system is detailed in the Federal Office of Management and Budget's Standard Industrial Classification Manual, as amended.

Storage. A space or place where goods, materials and/or personal property are put for more than 24 hours.

Storage Yard. An outdoor area used for the storage of equipment and/or materials incidental to other commercial or industrial operations occurring on the same property.

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

Street. Any public or private thoroughfare, which affords a primary means of access to abutting property.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Swap Meets. Any outdoor place, location, or activity where new or used goods are offered for sale or exchange to the general public by multiple individuals or licensed vendors, usually in compartmentalized spaces; and where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

Temporary Use. A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.

Traffic Safety Sight Area. A space that is set aside on a corner lot in which all visual obstructions, such as structures and plantings that inhibit visibility and thus cause a hazard to traffic and pedestrian safety are prohibited.

Transient Basis. A continuous period of 2 weeks or less.

Use. The purpose (type and extent) for which land or a building is arranged, designed or intended, or for which either land or a structure is occupied or maintained.

Use Initiation. The implementation of a use on a parcel or occupancy of a structure, or

construction of substantial site improvements after a building permit has been issued, subject to determination by the Director.

Variance. A discretionary entitlement which permits the departure from the strict application of the development standards contained in this Zoning Ordinance.

Wildlands. Any area of land that is essentially unimproved, in a natural state of hydrology, vegetation and animal life, and not under cultivation.

Yard. An open space on a parcel of land, other than a court, unobstructed and unoccupied from the ground upward, except for projections permitted by this Zoning Ordinance.

Yard Front. An area extending across the full width of the lot between the front lot line or the existing or future street right-of-way and a structural setback line parallel thereto. On corner lots, the shortest street frontage shall be the front yard in residential land use districts, while the longest street frontage shall be the front yard in commercial/industrial land use districts.

Yard, Interior Side. An area extending from the required front yard or, where there is no required front yard, from the front lot line to the required rear yard or, where there is no required rear yard, to the rear lot line and from the interior side lot line to a setback line parallel thereto.

Yard, Rear. An area extending across the full width of the lot between the rear lot line and a setback line parallel thereto. On flat lots, the rear yard location shall be determined through project review.

Yard, Side of Street. An area extending from the required front yard or, where there is no required front yard, from the front lot line to the rear lot line, and from the side street lot line, or the existing or future side street right-of-way (which ever is greater) to a structural setback line parallel thereto.

Zero Lot Line. The location of a structure on a lot in such a manner that 1 or more of the structure's sides rest directly on a lot line.

Zoning Ordinance. A unified text incorporating those areas of regulation more typically presented in separate zoning and subdivision ordinances and related chapters of the Municipal Code, hereafter referred to as the "Zoning Ordinance".

159.02.060 ESTABLISHMENT OF LAND USE ZONING DISTRICTS

1. ESTABLISHMENT OF ZONING DISTRICTS

Desert Hot Springs shall be divided into land use zoning districts which consistently implement the General Plan. The following zoning districts are established:

- R-E (Residential Estate) District (1/5ac)
- R-L (Residential Low) District (5/ac)
- R-M (Residential Medium Density) District(8/ac)
- R-MH (Residential Mobile home) District
- R-H (Residential High Density) (14/ac)
- R-VS (Residential Visitor-Serving) District

-
- C-N (Commercial Neighborhood) District
 - C-C (Commercial Community) District
 - C-G (Commercial General) District
 - C-R (Commercial Resort)

-
- I-L (Industrial Light) District
 - I-M (Industrial Medium) District
 - I-E (Energy Production) District

-
- PF (Public Facility) District
 - FC (Flood Control) District
 - PP (Public Park) District
 - SP (Specific Plan Overlay) District
 - CC (Civic Center Overlay) District
 - HM (Hillside Management Overlay) District
 - HP (Historic Preservation Overlay) District

- | | |
|--|--------------|
| TBPSP (Two Bunch Palms Specific Plan overlay) District | |
| PD (Planned Development) district | Ord. 2006-01 |
| VS (Visitor Serving) district | |
| V-S-V (Visitor Serving Village) district | |
| V-S-C (Visitor Serving Corridor) district | Ord. 2004-10 |

2. ADOPTION OF LAND USE ZONING DISTRICT MAP

The boundaries of the land use districts established by this Section shall be shown upon the map designated as the “City of Desert Hot Springs Official Land Use Zoning District Map”, on file with the City Clerk, and available at the Department. This map shall be consistent with the adopted General Plan Land Use Map. Amendments shall follow the process outlined in Chapter 159.50 (General Plan Amendments).

3. **INTERPRETING BOUNDARIES ON LAND USE & ZONING DISTRICT MAP**

The following shall apply in determining uncertain boundaries of a district as shown on the Official Land Use Zoning District Map:

- A. Where a boundary follows a public street or alley, the centerline of the street shall be the boundary. Where a boundary follows a lot line, the lot line shall be the boundary.
- B. Where a district boundary divides a lot or parcel, the location of the boundary, unless indicated by dimension, shall be determined by referencing the adopted General Plan Land Use District Map and legal description of the parcel.
- C. Where any public right-of-way is officially vacated or abandoned, the land use district regulations applied to abutting property shall thereafter extend to the centerline of such vacated or abandoned right-of-way.
- D. In case any uncertainty exists, the Director shall determine the location of the district boundary.

4. **PRE-ZONING**

The City may pre-zone unincorporated property adjoining the City. This process shall comply with Chapter 159.50 (General Plan Amendments). The zoning shall become effective upon annexation.

159.02.070 GENERAL REQUIREMENTS

1. **APPLICATION**

All land or structures shall be used and constructed in accordance with the regulations and requirements of this Zoning Ordinance, including obtaining applicable permits prior to use initiation.

2. **CONFLICTING PERMITS AND LICENSES TO BE VOIDED**

All permits or licenses shall be issued in conformance with the provisions of this Zoning Ordinance. Any permit or license subsequently issued and in conflict with this Zoning Ordinance shall be null and void.

3. SIMILAR USES PERMITTED

When a use is not specifically listed in this Zoning Ordinance, it shall be understood that the use may be permitted if it is determined by the Director that the use is similar to other uses listed.

It is further recognized that every conceivable use can not be identified in this Zoning Ordinance, and anticipating that new uses will evolve over time, this Section establishes the Director's authority to compare a proposed use and measure it against those listed in this Zoning Ordinance and the Standard Industrial Classification Manual for determining similarity.

In determining "similarity" the Director shall make all of the following findings:

- A. The proposed use shall meet the intent of, and be consistent with the goals, objectives and policies of the General Plan;
- B. The proposed use shall meet the stated purpose and general intent of the district in which the use is proposed to be located:
- C. The proposed use shall not adversely impact the public health, safety and general welfare of the City's residents; and
- D. The proposed use shall share characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the land use district in which it is to be located.

4. MINIMUM REQUIREMENTS

When interpreting and applying the regulation of this Zoning Ordinance, the provisions shall be the minimum requirements, unless otherwise stated.

5. CONFLICT WITH OTHER REGULATIONS

Where conflicts occur between the provisions of this Zoning Ordinance and the Building and Fire Codes, or other regulations of the City, the more restrictive shall apply.

It is not intended that this Zoning Ordinance shall interfere with, repeal, abrogate or annul any easement, covenant, or other agreement in effect at the time of adoption. Where this Zoning Ordinance imposes a greater restriction upon the use

of structures or land, the provisions of this Zoning Ordinance shall apply.

Nothing contained in this Zoning Ordinance shall be deemed to repeal or amend any regulation of the City requiring a permit or license or both. Nor shall anything in this Zoning Ordinance be deemed to repeal or amend the Building Code of the City.

6. LANGUAGE

In interpreting this Zoning Ordinance, it is understood that the term “shall” is mandatory, “should” is not mandatory, and “may” is permissive.

7. IMPLEMENTATION

All applications which have been accepted as complete, pursuant to Government Code Section 65943, by the Department prior to the effective date of this Zoning Ordinance, shall be processed in compliance with the regulations and requirements in effect at the time the application was accepted as complete. Applications for extensions of time shall be consistent with the Zoning Ordinance.

159.02.080 DENSITY AND INTENSITY

The density and intensity limitations established in the Land Use Element of the General Plan shall apply to each lot, except as provided in this Zoning Ordinance.

159.02.090 SEVERABILITY

If any chapter, section, subsection, sentence, clause or phrase of this Zoning Ordinance is for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Zoning Ordinance. The Council hereby declares that it would have adopted this Zoning Ordinance and each chapter, section, subsection, sentence, clause or phrase thereof irrespective of the fact that any 1 or more portions of this Zoning Ordinance might be declared invalid.

ARTICLE II: LAND USE DISTRICTS

CHAPTER 159.04 RESIDENTIAL DISTRICTS

159.04.010 PURPOSE

1. The purpose of this Chapter is to achieve the following:
 - A. Preservation of Desert Hot Springs' spa resort residential character by preserving established neighborhoods, and reserving neighborhood areas for residential development with an appropriate range of dwelling unit densities (i.e., low-density rural estates estate, single-family detached and attached, duplex, multi-family, and housing for special needs) in conformance with the General Plan and assuring the protection of the public health, safety, welfare, and aesthetics.
 - B. Ensure adequate light, air, privacy, and open space for each dwelling.
 - C. Protect the community from traffic congestion and facilitate planning for the timely expansion of associated services and utilities.
 - D. Protect residential neighborhoods from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable impacts.
 - E. Provide a basis for demand analysis and projections, and facilitate the planning of public improvements commensurate with anticipated increase in population, dwelling unit densities, and service requirements.
 - F. Assure adequate lands to accommodate housing units which meet the diverse economic and social needs of the residents; locating development to achieve the following:
 1. That residential neighborhoods retain their scale and character;
 2. The upgrading of declining and mixed-density residential neighborhoods;
 3. Enhancing residential and commercial neighborhoods through thoughtful infill development in these areas.
 4. Orderly expansion into vacant and low-intensity use lands within infrastructure and environmental constraints.

G. Single-family dwelling units which legally existed in the residential land use prior to October 3, 2000 may remain as a permitted and continuing "Non-Conforming Use" as defined in this ordinance.

2. The purpose of the individual residential zoning districts is as follows:

A. R-E (RESIDENTIAL ESTATE) DISTRICT

This district is intended for low-density, residential units located on large lots and conveying an "estate" character with a minimum lot size of 5 gross acres per unit.

B. R-L (RESIDENTIAL LOW) DISTRICT

This district is intended to promote the development of low-density, single-family detached residential units with a minimum average lot size of 9,000 square feet. The R-L district allows a maximum density of 5 units per gross acre.

C. R-M (RESIDENTIAL MEDIUM) DISTRICT

The intent of this district is to promote the development of detached and attached units, duplexes, garden apartments and small lot subdivisions, and may be proposed as planned residential development to increase efficiencies in design and consolidate lots for maximum open space areas. The R-M district requires a minimum lot size of 10,000 square feet for multiple family dwellings. It also permits the development of a more affordable single family home with a minimum lot size of 7,200 square feet. The R-M district allows a maximum density of eight (8) units per gross acre. It also permits the development of affordable housing and senior housing (citizen and senior congregate care) with a maximum density of 10 units per gross acre with a marketing feasibility study and a conversion plan, if appropriate. Units that legally existed in the R-M district prior to October 3, 2000, may remain as a permitted continuing "Non-Conforming Uses", as defined in this ordinance.

D. R-MH (RESIDENTIAL MOBILEHOME) DISTRICT

The intent of this district is to provide for the development of mobile home parks and subdivisions, which should be proposed as integrated and planned residential development to increase efficiencies in design and for maximum open space areas. The R-MH district requires a minimum lot size of 2.5 acres. The R-MH district allows a maximum density of 10 units per gross acre. Mobile home parks and subdivisions which legally existed in the R-MH district prior to October 3, 2000, may remain as a permitted continuing "Non-Conforming Uses", as defined in this ordinance.

E. R-H (RESIDENTIAL HIGH) DISTRICT

The intent of this district is to promote the development of attached apartment and condominium units as part of planned residential developments, to gain efficiencies in design and land use, and to maximize landscaped open space opportunities. This district requires a minimum lot size of 20,000 square feet with a maximum density of 14 units per gross acre. It also permits the development of affordable housing and senior housing (apartments, SROs and senior congregate care) with a maximum density of 17.5 units per gross acre with a marketing feasibility study and a conversion plan, if determined appropriate. Existing lots as of October 3, 2000, which are less than 20,000 square feet shall be developed at R-M densities.

G. R-VS (RESIDENTIAL-VISITOR SERVING) DISTRICT

The intent of this district is to foster the compatible development of permanent and seasonal residences with hot water spa-oriented resorts, hotels and motels also permitted in this district. Residential densities are broadly represented and are set forth in the General Plan Land Use Element and in this ordinance. Each R-VS area includes a suffix, designating the lands as follows: R-VS-L, Low Density Residential; R-VS-M, Medium Density Residential; and R-VS-H, High Density Residential. Minimum lot size for spa development is one (1) acre and minimum residential parcels shall be a minimum of 9,000 square feet. Lots and/or units that legally existed in the R-VS district prior to October 3, 2000, may remain as a permitted continuing “Non-Conforming Uses”, as defined in this ordinance.

Compatibility and development standards and guidelines set forth in other residential districts are especially applicable here. Special effort must be made to optimize the commercial and residential enjoyment of the City’s hot water resources while assuring compatibility of differing land uses, site planning and building design.

H. VS (Visitor Serving) District

This district is meant to foster increased tourist and visitor-related activities; support the maintenance and enhancement of existing hot mineral water spas and encourage and development of similar new facilities in particular, “destination resort spas” and hotels that utilize the City’s sub-surface hot mineral waters. Accessory uses may include commercial uses operated as an integral part of a resort hotel/spa operation as long as it remains accessory to the primary use. Development within this district will be subject to approval of a Conditional Use Permit (CUP) and be in accordance with a Master Development Plan. Residential development is not a permitted use within this district. Structure height shall be limited to a maximum of three (3) stories or thirty-five (35’) feet, except as may be provided for under a Conditional Use Permit. Residential units that legally existed in the VS District prior to the adoption of this Ordinance may remain as a

permitted continuing “Non-conforming Uses”, as defined in this ordinance.

I. V-S-V (Visitor Serving Village) District

This district is meant to include numerous spa-type hotels and foster the development of the area in the concept of a pedestrian-friendly European village with small to medium sized spas/resorts intermix with limited (boutique) retail and restaurants, unique streetscape, parks and similar compatible uses. Accessory uses may include commercial uses operated as an integral part of a resort hotel/spa operation as long as it remains accessory to the primary use. Development within this district will be subject to approval of a Conditional Use Permit (CUP). Residential development is not a permitted use within this district and a Specific Plan. Structure height shall be limited to a maximum of two (2) stories or twenty-four (24') feet, except as may be provided for under a Conditional Use Permit. Residential units that legally existed in the V-S-V District prior to the adoption of this Ordinance may remain as a permitted continuing “Non-conforming Uses”, as defined in this ordinance.

J. V-S-C (Visitor Serving Corridor) District

This district is assigned to a small portion of Hacienda Drive and meant to include numerous small to medium sized spas/resorts. The intent of this land use district is to encourage the development with small to medium sized spas/resorts including motel-type or boutique-type of spas, day visit spas, or similar limited uses/facilities with unique streetscape, landscaping and small mini-parks forming an open space belt through the district. Accessory uses may include commercial uses operated as an integral part of a resort hotel/spa operation as long as it remains accessory to the primary use. Development within this district will be subject to approval of a Conditional Use Permit (CUP) with a Specific Plan. Structure height shall be limited to a maximum of one (1) story or twenty (20) feet, except as may be provided for under a Conditional Use Permit. Residential development is not a permitted use within this district. Residential units that legally existed in the V-S-C District prior to the adoption of this Ordinance may remain as a permitted continuing “Non-conforming Uses”, as defined in this ordinance. Ord. 2004-10

**159.04.020 PERMITTED, DEVELOPMENT PERMITTED AND
CONDITIONALLY PERMITTED USES:**

The following list represents those uses in the residential districts which are Permitted (P), subject to a Development Permit (D), a Conditional Use Permit (C) or Prohibited (X):

**TABLE 04.01
PERMITTED, DEVELOPMENT PERMITTED,
AND CONDITIONALLY PERMITTED USES**

R-VS		R-E	R-L	R-M	R-MH	R-H	
1. Residential Uses							
A.	Affordable Housing (Section 159.04.030)	C	C	C	C	C	C
B.	Community Care Facility (6 or less)	P	P	P	P	P	P
C.	Condominium or Townhouse	X	X	D	D	D	D
D.	Convalescent Homes	X	X	X	C	D	D
E.	Day Care Center	X	X	X	X	C	C
F.	Day Care Homes, Family 6 or less children	D	D	D	D	X	D
	7 + children	D	D	D	D	X	D
G.	Dormitories/Fraternity/ Sorority	X	X	X	X	C	C
H.	“Granny” Housing	D	D	D	D	D	C
I.	Homeless Facilities	X	X	C	X	C	C
J.	Manufactured Housing	D	D	D	D	D	D
K.	Mobile home Parks Or Subdivisions	X	X	C	C	C	C
L.	Multi-Family Dwellings	X	X	D	D	D	D
M.	Planned Residential Dev.	X	C	C	C	C	D
N.	Second Dwelling Unit	D	D	D	D	D	D
O.	Senior Citizen/Congregate Care Housing	X	X	X	C	D	D
P.	Single Family Dwellings	D	D	D	D	D	D
2. <u>Equestrian Uses</u>							
A.	Stables, Private	D	D	C	X	X	C
B.	Stables, Commercial	C	C	C	X	X	C
3. <u>Agricultural Uses</u>							
		C	C	X	X	X	C

4. Recreational Uses

A.	Clubhouses	C	C	C	C	C	C
B.	Golf Course	C	C	C	C	C	C
C.	Golf Course Related Facilities	C	C	C	C	C	C
D.	Swimming Pool/Spa	D	D	D	D	D	D
E.	Tennis Court, Private	D	D	D	D	D	D
F.	Trails, Equestrian	P	P	P	P	P	P
G.	Bed & Breakfast	C	C	C	X	X	D
H.	Hotel/Motel/Resort	C	X	X	X	X	D

5. Accessory Uses

A.	Antennae, Vertical/ Satellite Dish	D	D	D	D	D	D
B.	Fences and Walls	D	D	D	D	D	D
C.	Garage	D	D	D	D	D	D
D.	Guest Houses	D	D	C	C	X	X
E.	Storage	D	D	D	D	D	D

6. Other

A.	Churches	C	C	C	C	C	C
B.	Private/Public Utility Facilities	D	D	D	D	D	D
C.	Schools	C	C	C	C	C	C
D.	Other such uses that the Director may find to be similar with those uses previously listed, pursuant to Section 159.02.070 (3)						

7. Home Occupations (Subject to (H) Home Occupation Permit in all residential zones)

8. Temporary Uses (Subject to (T) Temporary Use Permit in all residential zones)

159.04.030 LAND USE DISTRICT DEVELOPMENT STANDARDS

1. GENERAL STANDARDS

The standards contained in Table 04.02 (Residential Zoning District Development Standards) relating to density, lot area and configuration, building setbacks, building lot coverage and height, accessory building and structure height, distance between buildings, and private outdoor living space, apply to all residential districts, and shall be determined to be minimum requirements, unless stated as maximum by this Zoning

Ordinance.

**TABLE 04.02
RESIDENTIAL DEVELOPMENT STANDARDS**

STANDARD	R-E	R-L	R-M	R-MH	R-H	
R-VS						
Max. Density						
Unit/Gross Acre	1/5 ac	5	8	10	14	Varies
Min. Lot Area (ac or s.f.) (1)	5 ac	9,000	7,200.sfd			
			10,000/mfd	2.5 ac	20,000	Varies
Lot Width (Min. feet)	660	70 (5)	60	100	100	Varies
Corner Lot Width	---	---	--	65	---	---
Cul-de-sacs or Knuckles	---	35	--	--	---	---
Min. Lot Depth (Min. feet)	1,220	100	90	100	100	200
Front Setback (Min. feet)	100	20	20	20	20	20
Rear Setback (Min. feet)	100	20	10	10	10	Varies
All Standard Lots (Over 79 feet wide)						
Side Yard Setback (Min. feet)	100	10	10	5	5	5
Between Dwelling Units	200	20	15	10	10	10
Street Side Setback	100	15	15	10	10	10
Substandard Lots (50-79 feet wide)						
Side Yard Setback (Min. feet)	---	5	---	---	---	---
Between Dwelling Units	---	10	---	---	---	---
Street Side Setback	---	10	---	---	---	---
Bldg Lot Coverage (Max. %)	5%	40%	40%	40%	50%	Varies
Lot Disturbance	15%	100%	100%	100%	100%	100%
Min. Private Outdoor Living Space (s.f.)	---	---	300 s.f. (2)	300 s.f. (2)	300 s.f. (2)	Varies
Min. Common Usable Outdoor Space (s.f.)	---	---	30% (3)	30% (3)	30% (3)	Varies
Maximum Height in:						
Stories	2	1 (4)	2	2	3	3
Feet	30	20	30	30	35	35

1. Minimum net lot area after subdividing and granting of public right-of-way.
2. Minimum of 300 square feet or 25% of unit size, whichever is less.
3. Requires provision of 30% of net site area as usable common area open space.
4. Second stories may be allowed subject to the issuance of a conditional use permit and the development standards contained in Table 04.03, Section R.
5. Further lot with reduction may be approved by the Planning Commission and City Council at noticed public hearings wherein the subject property is surrounded by existing residential development which also does not conform to the minimum lot with standard.

2. LAND USE DISTRICT SPECIFIC STANDARDS

In addition to the general development requirements contained in Chapter 159.20 (Property Development Standards), the following standards shall apply to specific residential districts:

**TABLE 04.03
RESIDENTIAL DISTRICTS SPECIFIC STANDARDS**

Specific Standards	R-E	R-L	R-M	R-MH	R-H	R-VS
A. Accessory Structures	+	+	+	+	+	+
B. Day Care Center					+	+
C. Day Care Home, Large Family	+	+	+	+		+
D. Density Bonus/affordable Housing	+	+	+	+	+	+
E. Golf Courses & Related Facilities	+	+	+	+	+	+
F. Guest Housing	+	+	+	+		+
G. Min. Dwelling Size	+	+	+	+	+	+
H. Mobile home & Manufactured Housing	+	+	+	+	+	+
I. Mobile home Park or Subdivision				+		
J. Multiple Family Housing				+	+	+
K. Planned Residential Development	+	+	+	+	+	+
K.1 Planned Development district. Ord. 2006-01	+	+	+	+	+	+
L. Recreational Vehicle Storage			+	+	+	+
M. Second Dwelling Unit/"Granny Housing"	+	+	+	+	+	+
N. Senior Citizen /Congregate Care Housing		+	+	+	+	+
O. Single Family Dwelling, Existing	+	+	+	+	+	+
P. Single Room Occupancy			+		+	+
Q. Small Lot Subdivisions		+	+		+	+

R. Second Stories for Single
Family Units in the R-L
District

+

Key: “+” = applies in the land use district.

A. ACCESSORY STRUCTURES

The construction of accessory structures in residential land use districts are subject to Development Review and shall be compatible with the materials and architecture of the main dwelling of the property. Accessory structures may only be constructed on a lot containing a main dwelling unit. Accessory structures may be built toward the side and rear property lines provided that such structures are not closer than 10 feet to any other structure and conform to the setback requirements of each district. Building Code requirements may further restrict the distance to be maintained from property lines or other structures.

B. DAY CARE CENTER DESIGN STANDARDS

Day Care Centers are permitted for 7 or more children, subject to Development Permit review, pursuant to Section 159.04.020 (Table 04.01) and Section 159.44 . The centers shall be constructed in the following manner:

1. The facility shall conform to all property development standards of the land use district in which it is located.
2. Facilities shall not be located within 500 feet of another day care center.
3. An outdoor play area of no less than 75 square feet per child, but in no case less than 450 square feet in area shall be provided. The outdoor play area shall be located in the rear (non-street) area. Stationary play equipment shall not be located in required side and front yards.
4. A 6 foot high solid decorative fence or wall shall be constructed on all property lines, except in the front yard. In the front yard, the open fence shall not exceed 48 inches in height, and a solid wall shall not exceed 42 inches in height. Materials, textures, colors, and design of the fence or wall shall be compatible with on-site develop and adjacent properties. All fences or walls shall provide for safety with controlled points of entry.
5. On-site landscaping shall be consistent with the use and that prevailing in the neighborhood and shall be installed and maintained, pursuant to Chapter 159.28 (Landscaping Standards). Landscaping shall be provided to reduce noise impacts on surrounding properties.
6. All on-site parking shall be provided pursuant to the provisions of Chapter 159.24 (Off-Street Parking). On-site vehicle turnaround or separate entrance and exit points, and adequate passenger loading spaces shall be provided.
7. All on-site lighting shall be stationary, directed away from adjacent properties and public rights-of-away, and of an intensity appropriate to the use it is serving.

8. All on-site signage shall comply with the provisions of Chapter 159.22 (Sign Standards).
9. The center shall contain a fire extinguisher and smoke detector devices and meet all standards established by the City Fire Marshall.
10. A center within a residential land use district may operate up to 14 hours per day.
11. Outdoor activities may only be conducted between the hours of 8:30 A.M. to 8:00 P.M.

C. DAY CARE HOMES -IN-RESIDENCE

Large family day care homes shall be subject to the following standards:

1. The facility shall conform to all property development standards of the land use district in which it is located.
2. The facility shall be located at least 500 feet from another large family day care home.
3. The facility shall meet all the requirements of the Fire Marshall.
4. The facility shall comply with the requirements of Section 159.20.030 (15), Noise.
5. In addition to the garage parking required for the single family residential unit, two additional parking spaces shall be provided, one of which shall be on-site.
6. The facility shall be subject to the signage requirements of Section 159.22, Signs.
7. The operator shall provide the City with written evidence that he or she has applied for a large family day care license.

D. DENSITY BONUS

There are two density bonus provisions contained in this section. The first entitlement is based upon the provision of affordable housing pursuant to State Government Code Section 65915. The second provision is intended to provide density bonus incentives for the incorporation of on-site amenities.

1. Affordable Housing

State Government Code Section 65915 provides for the granting of a density bonus or other incentives of equivalent financial value when a developer of housing agrees to construct at least 1 of the following:

- a. Twenty percent (20%) of the total units of a housing development for persons and families of lower income, as defined in Section 50079.5 of the Health and Safety Code.
- b. Ten percent (10%) of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.
- c. Fifty percent (50%) of the total dwelling units of a housing development for qualifying residents, as defined in Section 51.2 of the Civil Code.

A request for a density bonus and regulatory concessions and/or incentives shall require Conditional Use Permit review and final City Council approval, and be subject to the following provisions:

- a. For the purpose of this Section, “density bonus” shall mean a density increase of 25% over the otherwise maximum allowable residential density under this Zoning Ordinance and the General Plan. When determining the number of housing units which are to be affordable, the density bonus shall not be included.
- b. The procedures for implementing this section are as follows:
 - 1) The City shall within 90 days of receipt of a written proposal, notify the developer in writing of the procedures governing these provisions.
 - 2) The Council may approve the density bonus and regulatory concessions and/or incentives only if all of the following findings are made:
 - a) The developer has proven that the density bonus and adjustment of standards is necessary to make the project economically feasible;
 - b) That additional adjustment of standards are not required in order for the rents for the targeted units to be set, pursuant to Government Code Section 65915 (c); and
 - c) The proposed project is compatible with the purpose and intent

of the General Plan and this Zoning Ordinance.

- c. The density bonus shall only apply to housing developments consisting of 5 or more dwelling units.
- d. The density bonus provision shall not apply to senior citizen and senior congregate care housing projects that utilize the senior citizen housing density provisions of this Zoning Ordinance.
- e. Prior to the issuance of building permits for any dwelling unit in a development for which “density bonus units” have been awarded or incentives have been received, the developer shall submit documentation which identifies the restricted units and shall enter into a written agreement with the City to guarantee for 30 years their continued use and availability to low and moderate-income households. The agreement shall extend more than 30 years if required by the Construction or Mortgage Financing Assistance Program, Mortgage Insurance Program, or Rental Subsidy Program. The terms and conditions of the agreement shall run with the land which is to be developed, shall be binding upon the successor in interest of the developer, and shall be recorded in the Office of the Riverside County Recorder.

The agreement shall include the following provisions:

- 1) The developer shall give the City the continuing right-of-first-refusal to purchase or lease any or all of the designated units at fair market value;
 - 2) The deeds to the designated units shall contain a covenant stating the developer or his/her successor in interest shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without the written approval of the City confirming that the sales price of the units is consistent with the limits established for low-and moderate-income households, which shall be related to the Consumer Price Index;
 - 3) The City shall have the authority to enter into other agreements with the developer or purchasers of the dwelling units, as may be necessary to assure that the required dwelling units are continuously occupied by eligible households.
- f. “Density bonus units” shall be generally dispersed throughout a development project and shall not differ in appearance from other units in the development.
 - g. The City may provide, in addition to a density bonus, regulatory concessions and/or incentives. Such a request must be accompanied by detailed supporting documentation regarding appropriateness of and demonstrated need for the concession/incentive. The following regulatory concessions and/or incentives are examples that may serve to insure that the multi-family residential project

will be developed at a reduced cost:

- 1) A reduction or modification of Zoning Ordinance requirements which exceed the minimum building standards approved by the State Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 123 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required.
- 2) Approval of mixed use development in conjunction with the multi-family residential project if commercial, office, industrial, or other land uses will reduce the cost of the development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed housing project will be located.
- 3) Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions.

2. Amenities Bonus Provision

This provision allows an increase in the maximum permitted density of 15% in only the R-M, R-H, R-MH or R-VS land use zoning districts. Increases of up to 15% may be granted based upon the finding(s) that any proper combination of the following amenities are provided in excess of those required by the applicable land use district:

- a. Architectural features that promote upscale multi-family development;
- b. Additional on site or off-site mature landscaping and similar improvements which will benefit the project;
- c. Additional useable open Space;
- d. Attached garages;
- e. Additional recreational facilities (i.e., clubhouse, play area, pool/jacuzzi, tennis court, etc.); and
- f. Day care facilities.

This amenity bonus provision shall not be used as an addition to the affordable housing density bonus provision.

E. GOLF COURSES AND RELATED FACILITIES STANDARDS

Golf course developments are subject to Conditional Use Permit review and shall be constructed in the following manner:

1. State-of-the-art water conservation techniques shall be incorporated into the design and irrigation of the golf course.

2. Treated effluent shall be used for irrigation where available.
3. Perimeter walls or fences shall provide a viewshed window design along all public rights-of-way, incorporating a mix of pilasters and wrought iron fencing or equivalent treatment.
4. All accessory facilities, including but not limited to, club houses, maintenance buildings, and half-way club houses shall be designed and located to ensure compatibility and harmony with the golf course setting, surrounding land uses and public viewsheds.

F. GUEST HOUSE DESIGN STANDARDS

Guest houses are subject to Conditional Use Permit review and shall be constructed in the following manner:

1. All guest houses shall conform to all development standards of the underlying land use district.
2. There shall be no more than 1 guest house on any lot.
3. The floor area of the guest house shall not exceed 500 square feet.
4. The guest house shall not exceed the height of the main dwelling.
5. There shall be no kitchen or cooking facilities or wet bar facilities within a guest house.
6. The guest house shall conform to all of the setback regulations outlined in the applicable land use district.
7. A guest house shall be used only by the occupants of the main dwelling, their non-paying guests, or domestic employees. The guest house shall not be rented.

G. MINIMUM DWELLING SIZE STANDARDS

The following minimum dwelling areas are computed by calculating the living area as measured from the outside of walls and excludes garages, carports, exterior courtyards, patios, or balconies.

1. The minimum area requirements for single-family residential units are 1,200 square feet for any unit of three bedrooms or less. For any unit with more than three bedrooms, 200 square feet per additional bedroom shall be required.
2. The minimum area requirements for apartments/multi-family units are as

follows:

MULTIFAMILY

<u>Bedrooms</u> <u>Maximum Number</u>	<u>Livable Area</u> <u>in Square Feet</u>	<u>Baths</u> <u>Minimum Number</u>
Single Room Occupancy, Bachelor/Studio	600	1
1	800	1
2	1,000	1 ^{1/2}
3	1,200	2
3 ⁺	1,200 + 100/bdrm	2

3. The minimum size of guest rooms in hotels and motels, and spas with lodging facilities shall provide a minimum of 400 200 sq. ft. ~~excluding bathroom, closet and any kitchen.~~ Ord. 2004-05

H. MOBILEHOME AND MANUFACTURED HOUSING DESIGN STANDARDS

Mobile homes and manufactured housing are subject to Development Permit review and shall be installed in the following manner:

1. Mobile homes and manufactured housing may be used as single-family dwellings if the home is certified under the National Mobile home Construction and Safety Standards Act of 1974.
2. Mobile homes and manufactured housing, which are used as single-family residences, shall be installed on an approved permanent foundation system in compliance with applicable codes, and shall meet all applicable development standards for the zone in which they are located.
3. Director shall determine that the subject lot together with the proposed mobile or manufactured home is compatible with surrounding development. This determination shall include an assessment of on-site design and development standards and materials, architectural aesthetics, setbacks, building height, accessory buildings, access, off-street parking and minimum square footage requirements, and any other criteria determined appropriate by the Director.
4. The following Specific Design Standards shall govern the installation and construction of mobile homes and manufactured housing.
 - a. All homes shall have a minimum eave dimension of 1 foot.
 - b. All siding shall be non-reflective and shall be installed from the ground up to the roof.
 - c. All roofs shall have a minimum pitch of 1:4.

- d. All homes shall have a minimum width (across the narrowest portion) of 20 feet.

I. MOBILEHOME PARK OR SUBDIVISION DESIGN STANDARDS

Mobile home parks or subdivisions are subject to Development Permit review and shall be constructed in the following manner:

1. Individual mobile home space minimum setbacks shall be measured from the edge of internal streets and space lines as follows:
 - a. Front - 15 feet
 - b. Side - 5 feet on each side (or zero lot line on one side & 10 feet on the opposite side).
 - c. Rear - 10 feet
 - d. Structural separation - 10 foot minimum between dwelling units.
2. Maximum mobile home space coverage (mobile home and its accessory structure) shall be 75%.
3. Each mobile home shall be equipped with skirting, or provided with a support pad which is recessed to give the appearance of the mobile home being located on-grade. Some developments may be required to place units on permanent foundations.
4. All on-site utilities shall be installed underground.
5. The mobile home park shall be provided with parking as required by Chapter 159.24 (Off-street Parking Standards).
6. A common recreation area which may contain a recreation building shall be provided in the park/subdivision for use by all tenants and their invited guests. The area shall be provided in 1 common location with a minimum aggregate area of 400 square feet of recreational space for each mobile home space/lot.
7. All exterior boundaries of the mobile home park shall appear similar to conventional residential developments and shall be screened by a decorative wall, fence or other comparable device 6 feet in height, with a minimum 6 foot wide landscaped area provided along the inside of the perimeter screen.
8. Common open space shall be landscaped in accordance with a landscape plan approved by the review authority and in a manner consistent with Chapter 159.28 (Landscaping Standards).
9. All mobile home park or subdivision developments shall provide recreational amenities within the site which may include: a swimming pool; spa;

clubhouse; tot lot with play equipment; picnic shelter - barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or, day care facilities. The type of amenities shall be approved by the Director and provided according to the following schedule:

<u>Units</u>	<u>Amenities</u>
0-9	0
10-50	1
51-100	2
101-200	3
201-300	4

Add 1 amenity for each 100 additional units or fraction thereof.

K. MULTI-FAMILY HOUSING STANDARDS

Multi-family housing is permitted in the R-M-1 & 2, R-H and ~~C-MU~~ R-MH land use districts subject to Development Permit Review and shall be constructed in the following manner:

1. All multi-family developments with 12 or more dwelling units shall provide 30% useable open space for passive and active recreational uses. Useable open space areas shall not include: right-of-ways; vehicle parking areas; areas adjacent to or between any structures less than 15 feet apart; setbacks; patio or private yards; or, slope areas greater than 8%.
2. Each dwelling unit shall have a private (walled) patio or balcony not less than 300 square feet in area or 25% of the dwelling unit size, whichever is less.
3. All multi-family developments shall provide recreational amenities within the site which may include: a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter - barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or, day care facilities. The type of amenities shall be approved by the Director and provided according to the following schedule:

<u>Units</u>	<u>Amenities</u>
0-11	0
12-50	1
51-100	2
101-200	3
201-300	4

Add 1 amenity for each 100 additional units or fraction thereof.

4. Off-street parking spaces for multi-family residential developments shall be located within 150 feet from the dwelling unit (front or rear door) for which the parking space is provided.
5. Each dwelling unit shall be provided a minimum of 150 cubic feet or private enclosed storage space within the garage, carport, or immediately adjacent to the dwelling unit.
6. Driveway approaches within multiple family developments of 12 or more units shall be delineated with interlocking pavers, rough-textured concrete, or stamped concrete and landscaped medians.
7. All parts of all structures shall be within 150 feet of paved access for single story and 50 feet for multi-story.
8. Common laundry facilities of sufficient number and accessibility consistent with the number of living units and the Uniform Building Code shall be provided.
9. Each dwelling unit shall be plumbed and wired for a washing machine and dryer.
10. Management and security plans shall be submitted for review and approval for multi-family developments with 12 or more dwelling units. These plans shall be comprehensive in scope.

K. PLANNED RESIDENTIAL DEVELOPMENT

Planned Residential Developments (PRDs), including Clustered Subdivisions and Small Lot Divisions, are permitted in residential districts subject to Development Permit review, and conditionally permitted in all residential districts subject to approval of a Conditional Use Permit. Attached and detached single-family dwelling units are permitted.

The purpose of allowing these types of developments is to promote open space and other residential amenities beyond those expected in conventional residential developments, to achieve greater flexibility in design, to encourage well planned neighborhoods through overall creative and imaginative planning as a unit, to provide for appropriate use of land which is sufficiently unique in its physical characteristics or other circumstances to warrant special methods of development, to reduce development problems in hillside areas and to preserve areas of natural scenic beauty through the encouragement of integrated planning and design.

1. Density

The underlying residential land use district shall determine the maximum

number of dwelling units allowed in a PRD or Small Lot Subdivision. Where a parcel or parcels have more than one land use district, the maximum number of dwelling units shall be determined by adding together the allowable density for each land use district area.

Density transfer throughout the PRD project area is permitted for the promotion of clustering units in those areas suited to development, and thus preserving the open space and natural features of the site.

2. Minimum Lot Size

The minimum lot size for a detached single-family unit a Small Lot Subdivision shall be 5,000 square feet. PRD's may typically be expected to create lot sizes to accommodate the creation of attached single-family dwelling units or Clustered Subdivisions.

3. Site Coverage

Lot coverage shall be limited to that set forth in Table 159.04.02, and in no instance shall structures cover more than 50% of the gross site area.

4. Structure Height/Number of Attached Dwelling Units

Building height shall be limited to that set forth in Table 159.04.02. Detached single-family structures shall not exceed 2 stories, or 30 feet. Attached single-family structures shall not exceed 2 stories or 30 feet. The maximum number of single-family units attached in any manner to form a single structure shall be six.

5. Setbacks

Setbacks shall be limited to that set forth in Table 159.04.02. The minimum front, rear, and side structural setback from the project perimeter boundary shall be 15 feet. The minimum dwelling unit side structural setback from other dwelling unit structures is 15 feet plus 1 foot for each 15 feet of structure length.

6. Open Space

All Planned Residential Developments with 12 or more dwelling units shall provide 30% useable open space for passive and active recreational uses. Useable open space areas shall not include: right-of-ways; vehicle parking areas; areas adjacent to or between any structures less than 15 feet apart; setbacks; patios and private yards; or, slope areas greater than 8 percent. Slopes greater than 8 percent may be approved in the Hillside Management Overlay District by the Director as useable open space.

7. Amenities

As an essential aspect of Planned Residential Developments, they shall provide recreational amenities within the site which may include: a swimming pool/spa; clubhouse; tot lot and adult recreation areas with playground, volleyball and other equipment; picnic shelter - barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or, day care facilities. The type of amenities shall be approved by the Director and provided according to the following schedule:

<u>Units</u>	<u>Amenities</u>
0-11	0
12-50	1
51-100	2
101-200	3
201-300	4

Add 1 amenity for each 100 additional units or fraction thereof.

8. Private Streets

Private streets shall be permitted when there is a homeowner’s association established to maintain them. The streets shall be built to City standards and specifications for public works construction.

9. Maintenance and Completion of Open Space, Amenities, Landscaping, and Manufactured Slopes

No lot or dwelling unit in the development shall be sold unless a corporation, homeowner’s association, assessment district or other approved appropriate entity has been legally formed with the right to assess all those properties which are jointly owned or benefited to operate and maintain all of the mutually available features of the development including, but not limited to, open space, amenities, landscaping or slope maintenance landscaping (which may be on private lots adjacent to street rights-of-way).

Conditions, Covenants, and Restrictions (CC&R’s) may be developed and recorded for the development subject to the review and approval of the City Attorney. The recorded CC&R’s shall permit the enforcement by the City, if required. No lot or dwelling unit shall be sold unless all approved and required open space, amenities, landscaping, or other improvements, or approved phase thereof, have been completed or completion is assured by financing guarantee method approved by the City Engineer.

10. Fire Department Standard

All parts of all structures shall be within 150 feet of paved or otherwise approved access for single-story and 50 feet for multi-story.

11. Residential Specific Standards

In addition to the PRD development requirements, the following specific standards contained within this chapter shall apply:

- a. Day care facilities
- b. Golf courses and related facilities
- c. Guest house
- d. Lighting
- e. Minimum room size
- f. Minimum dwelling size
- g. Mobile home and manufactured housing
- h. Mobile home park or subdivision
- i. Recreational vehicle storage

L. RECREATIONAL VEHICLE STORAGE FACILITIES

Developments within the multi-family land use districts ~~and with twelve (12) or more dwelling units, shall provide recreational vehicle storage facilities. The storage facilities shall be reviewed as part of the Development Permit and shall be constructed in the following manner:~~ that desired to incorporate or propose recreational vehicle storage facilities will be reviewed on a case-by-case basis as part of the Development Permit/Design Review and will be constructed in the following manner:

~~Centralized storage areas shall be provided for recreational vehicles, boats, etc., at a rate of 1 space for each 8 dwelling units. Any fractional space requirement shall be construed as requiring 1 full storage space pursuant to Chapter 159.24 (Off Street Parking Standards).~~

1. Individual storage spaces shall measure not less than 12 feet by 30 feet, and shall have direct access to a driveway with a minimum paved width of 25 feet.
2. Storage areas shall be paved and drained.
4. Storage areas shall be completely screened from exterior view by a combination of landscaping, masonry walls, fences or other comparable screening devices 8 feet in height, subject to the approval of the ~~Planning Director,~~ City Manager or his/her designee. Ord 2005-11.

M. SECOND DWELLING UNIT/"GRANNY" HOUSING DESIGN STANDARDS

Second dwelling units require a Development Permit and shall be constructed in the following manner:

1. No more than one second dwelling unit shall be permitted on any parcel or lot.
2. A second dwelling unit may only be permitted on a residential lot on which there is already built one owner occupied single-family detached dwelling unit (main unit).
3. A second dwelling unit may not be permitted on residential lots already having two or more dwelling units.
4. The parcel upon which the second dwelling unit is to be established shall conform to all standards of the land use district in which it is located.
5. Any increase in the floor area of an attached second unit shall not exceed 30% of the existing living area of the main dwelling.
6. The total area of floor space for a detached second unit shall not exceed 1,200 square feet.
7. The second dwelling unit shall be architecturally compatible with the main dwelling.
8. The second dwelling unit shall be provided with parking in addition to and the same as the required for the main dwelling, pursuant to Chapter 159.24 (Off-Street Parking Standards). No variance or minor exception may be filled for allowing parking within the required front or side yard setbacks.
9. The second dwelling unit may be metered separately from the main dwelling for gas, electricity, and water/sewer services.
10. Prior to issuance of a building permit for the second dwelling unit, a covenant of restriction to run with the land, shall be recorded which specifies that the use of the second unit as an independent dwelling may continue only as long as principle unit on the property is owner-occupied.
11. The applicant for the Development Permit shall be the owner of the subject property.
12. Illegally established existing second dwelling unit shall in no way validate any by the provisions of the district. An application for a permit may be made pursuant to the provisions of Section 159.44 (Development Permits) to

convert an illegal second unit to a conforming legal second unit, and the standards and requirements for said conversion shall be the same as for newly proposed second dwelling units.

13. The following findings shall be made (in addition to those outlined in Section 159.44 [Development Permits]) in order to approve a permit for a second dwelling unit:
 - a. The second dwelling unit is compatible with the design of the main dwelling unit and the surrounding neighborhood in terms of landscaping, scale, height, length, width, bulk, lot coverage, and exterior treatment, and will not cause excessive noise, traffic, or other disturbances to the existing neighborhood or result in significantly adverse impacts on public services and resources.
 - b. The second dwelling unit shall not cause a high concentration of such units sufficient to change the character of the surrounding residential neighborhood.

N. SENIOR CITIZEN/CONGREGATE CARE HOUSING DESIGN STANDARDS

Senior group housing developments are subject to Development Permit review and shall be constructed in the following manner:

1. A bus turnout and shelter on the on-site arterial frontage shall be dedicated if the project is located on a bus route as determined by the Director.
2. Dial-a-ride transportation shuttles shall be provided; number to be determined during project review.
3. The parcel upon which the senior group housing facility is to be established shall conform to all standards of the underlying land use district.
4. The senior group housing shall conform to all local, state, and federal requirements.
5. The number of dwelling units shall be based on Table 04.02 (Residential Development Standards).
6. The minimum floor area for each residential unit shall be as follows:

Studio	410 square feet
One-bedroom:	510 sq. ft. if kitchen-dining living areas are combined. 570 sq. ft. if kitchen-dining living areas are separate.
Two-bedroom:	610 sq. ft. if kitchen-dining living areas are combined.

670 sq. ft. if kitchen-dining living areas are separate.

7. The main pedestrian entrance to the development, common areas, and the parking facility shall be provided with handicapped access pursuant to Section 159.24.050.
8. Indoor common areas and living units shall be handicap adaptable and be provided with all necessary safety equipment (e.g., safety bars, etc.), as well as emergency signal/intercom systems as determined by the Director.
9. Adequate internal and external lighting including walkways shall be provided for security purposes. The lighting shall be energy efficient, stationary, deflected away from adjacent properties and public rights-of-way, and of an intensity compatible with the residential neighborhood.
10. Common recreational and entertainment activities of a size and scale consistent with the number of living units shall be provided. The minimum size shall equal 100 square feet for each living unit.
11. Common laundry facilities of sufficient number and accessibility, consistent with the number of living units and the Uniform Building Code shall be provided. The facilities shall have keyed access for tenants only.
12. Each residential unit shall be plumbed and wired for a washing machine and dryer.
13. The development may provide one or more of the following specific internal common facilities for the exclusive use of the residents:
 - a. Central cooking and dining room(s).
 - b. Beauty and barber shop.
 - c. Small scale convenience drug store not exceeding 1,000 square feet.
14. Off-street parking shall be provided in the following manner:
 - a. One covered parking space for each dwelling unit for the exclusive use of the senior citizen residents, plus one space for every 5 units for guest parking.
 - b. Three parking spaces for every 4 dwelling units for employee and guest use for congregate care residences.
 - c. All off-street parking shall be located within 150 feet of the front door of the main entrance.
 - d. Adequate and suitably striped paved areas for shuttle parking. Shaded waiting areas shall be provided adjacent to the shuttle stops.
 - e. Design standards relating to handicapped parking, access, surfacing, striping, lighting, landscaping, shading, dimensional requirements, etc.

shall be consistent with the standards outlined in Chapter 159.24 (Off-Street Parking Standards).

- f. Senior citizen/congregate care parking requirements may be adjusted on an individual project basis, subject to a parking study based on project location and proximity to services for senior citizens including, but not limited to medical offices, shopping areas, mass transit, etc.

15. The project shall be designed to provide maximum security for residents, guests, and employees.
16. Trash receptacle(s) shall be provided on the premises. Trash receptacle(s) shall comply with adopted Public Works Department Standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least 3 sides by a solid wall 6 feet in height. The opaque gate shall be maintained in good working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding buildings and structures. The receptacle(s) shall be located within close proximity to the residential units which they are intended to serve.
17. Residential occupancy shall be limited to single persons over 60 years of age or married couples of which one spouse is over 60 years of age.
18. Developers of Senior Citizen/Congregate Care housing which have a density larger than that allowed in the underlying land use district, shall provide a marketing analysis which analyzes long term feasibility and a conversion plan of Senior residential units to standard units, with a corresponding reduction in the number of units to equal the density allowed in the underlying land use district if the project is not occupied by Seniors 55 years of age or older.

The feasibility study and conversion plan shall not be required if the project is sponsored by any government housing agency, the City's Development Department or a non-profit housing development corporation. If the proposed project is to be located a commercial land use district the conversion plan shall address the transformation of residential units into the uses allowed in the commercial districts.

19. All parts of all structures shall be within 150 feet of fire lane/paved access for single-story and 50 feet for multi-story.

O. SINGLE FAMILY HOUSING, EXISTING

Additions, alterations and expansions to single-family housing which legally existed prior the date of adoption of this ordinance shall comply with the standards of the residential district in which the project is located.

P. SINGLE ROOM OCCUPANCY (SRO) FACILITIES

Single Room Occupancy (SRO) facilities are subject to Conditional Use Permit review and approval and shall conform to the following standards:

1. SRO's shall not be located within 250 feet of a parcel which has a school for children, adult bookstore or theatre, bar or liquor store; and existing motels, hotels, or apartments shall not be permitted to convert to SRO's.
2. SRO's shall be located within 1/4 mile of a bus stop.
3. SRO's shall comply with the following parking requirements: 1 per full time SRO employee at maximum shift and 1 per 10 occupants.
4. Secured bicycle or motorcycle spaces shall be provided at a ration of 1 space per 10 occupants.
5. Any design of a SRO project shall coordinate with and complement the existing architectural style and standards of the surrounding land uses and local community. If a design theme has become established in an area, this should be reflected in the design and scale of the SRO project.
6. An unrestricted drop-off/pick-up/loading/temporary parking area shall be provided near a single entry located adjacent to front entry/desk area.
7. Exterior common areas and/or open courtyards should be provided throughout the project. If common areas are made available, these areas should be designed to provide passive open space with tables, chairs, planters, or small garden spaces to make these areas useful and functional for the residents. Exterior common areas, including parking areas, should be illuminated with a minimum of 2 foot-candles by low pressure sodium lighting from dusk to dawn.
8. Each SRO unit shall be provided with the following minimum amenities:

Adequate heating and air conditioning. (Window air conditioning units are not permitted. Air conditioning units may be installed for each SRO unit as long as they are flush with the exterior wall surface.)

Kitchen sink with garbage disposal.

Counter top measuring a minimum of 12 inches deep and 24 inches wide.

Space and proper wiring for microwave and small refrigerator. (These appliances must be available for rent.)

Pre-wired for telephone and cable television.

Toilet and sink in a separate room that is a minimum of 20 square feet.

One bed space per person.

One closet per person.

One storage/desk arrangement per person.

Intercom system.

Lockable door, which is a minimum of 36 inches wide, opens inward, and has a reprogrammable key card access from a secured enclosed interior hallway or common area.

9. The maximum occupancy and minimum unit size (not including toilet compartments) shall be:
 - 1 person - 150 square feet.
 - 2 persons-175 square feet.
 - The maximum unit size shall be 325 square feet.
10. Elevators shall be required on new SRO's which are 3 stories or more in height.
11. A full common kitchen facility shall be provided on each floor, if complete kitchens are not provided in each unit. Complete kitchen shall include a range stove, sink with garbage disposal, and refrigerator. Cooking appliances or facilities shall be prohibited in each SRO unit, unless approved in writing by the management staff.
12. If complete bathrooms are not provided in each unit, shared showers shall be provided at a ratio of 1 per 7 occupants or fraction thereof on the same floor with interior lockable doors. These shall be directly accessible from indoor common areas or indoor hallways.
13. SRO facilities shall provide for 1 handicapped-accessible unit for every 25 units or fraction thereof for up to 100 units and 1 handicapped-accessible unit for every 40 units or fraction thereof for the number of units over 1159.
14. At least 1 janitor closet and trash chute shall be provided on each floor.
15. Common laundry facilities shall be provided with 1 washer & 1 dryer for every 25 units or fraction thereof for up to 100 units and 1 washer and 1 dryer for every 50 units or fraction thereof for the number of units over 1159. Keyed access for tenants only shall be provided. Defensible space concepts should be

employed in the design and location of the laundry facility areas.

16. Common furnished and secured indoor space shall be provided at the following ratios:

4.5 sq. ft. per 150 to 159 sq. ft. unit
4.0 sq. ft. per 160 to 169 sq. ft. unit
3.5 sq. ft. per 170 to 179 sq. ft. unit.
3.0 sq. ft. per 180 and up sq. ft. unit

Common indoor space means all useable interior common areas not used for circulation or service facilities. Common indoor space includes lobby, recreation room or reading room.

17. Ingress and egress shall be strictly limited and monitored by the use of a front desk area which has a full view of the entry/lobby area, is staffed 24 hours a day, 7 days a week, and has an operational outdoor entry intercom system with intercoms in each unit and common areas. Entrance into the hallways of common areas where individual units are located shall be regulated by the front desk clerk through the use of "buzz-in" doors. Each resident and guest must be cleared by the front desk clerk before entry is permitted. The required secondary egress areas shall also be alarmed and monitored. A notice shall be posted in the common indoor lobby area regarding contact procedures to investigate code compliance problems. At least 1 pay telephone, a drinking fountain and individual mail boxes shall be provided in the lobby/front desk area.
18. An adequately size supply room shall be provided with adequate security control.
19. SRO's of any size shall be required to have fully automatic fire sprinkler systems with a central monitoring system, alarm and fire annunciator in compliance with Fire Department standards. A manual fire alarm system shall also be installed.
20. All provisions of the Uniform Building Code and Uniform Fire Code must be complied with for hotels. However, reasonable equivalent alternatives to Fire and Building Code requirements may be utilized, if approval is obtained from the Chief Building Official and Fire Chief on a case-by-case, item-by-item basis.
21. Defensible space concepts should be employed in the design and location of SRO's.
22. Interior hallways shall be brightly lit with at least 1 foot-candle of lighting on the floor surface.
23. All lighting fixtures shall be vandal and graffiti resistant. All ground-floor

exteriors and common areas, including hallways, elevators and shower facilities should be made graffiti resistant through the use of special paint, texturing, carpeting or other means as approved by the Police Department.

24. A Management Plan shall be submitted for review and approval, or approval with modifications as part of the Conditional Use Permit. This Plan shall be comprehensive and shall contain provisions as recommended by the Director of the Department of Planning and Building Services and as adopted by the Planning Commission. The failure of the property owner to comply with the Management Plan may be grounds for revocation of the Conditional Use Permit pursuant to Section 159.36.

25. Security provisions shall be provided in the following manner:

a. Video cameras equipped with infrared detectors must be strategically placed in all public areas including hallways, elevator entrances, lobby areas, garage areas, laundry areas, profit centers and other common areas, and monitored for internal security. The monitoring station may be at the front desk. In order to provide for adequate monitoring, the location and configuration of monitors is subject to review by the Police Department.

NOTE: Infrared detectors are to activate a flashing light to help direct monitoring staff to a specific monitor and area of the facility.

b. Unit doors shall be equipped with interior locks and key card entrance systems which shall be reprogrammable.

c. Common shower area doors accessible through hallways shall be equipped with interior locks with access by a management master key. An emergency call button or pull cord shall be provided.

d. Front entry areas shall allow for adequate visual access into the front desk/lobby area by police from patrol cars.

e. Each room and all common areas shall have operable windows, except for the first floor which may be fixed, if a reasonable equivalent alternative is approved by the Chief Building Official and Fire Chief.

f. Adequate measures shall be taken to provide for vehicle parking security including limited secured access by electronic wrought iron security gates and fencing or alternative materials compatible with the architectural style, night lighting and video camera monitoring. Override devices for gates shall be provided for the Police and Fire Department.

g. Pursuant to 159.06.030 (2) (Q) (26) or (27), if “failure by management” has occurred or violations of conditions of approval are found then a private security guard may be required to be provided on a 24 hours a day basis. The security guard shall be fully uniformed, bonded, P.O.S.T. certified and licensed by the State to bear firearms.

h. Valid photo identification shall be required as a condition of registration. A valid photo identification is a state or official driver’s

license, a military identification card, an official state identification card or a Desert Hot Springs Police Department registration card. Management shall post in the registration area signs declaring that photo identification is required for tenants and a valid identification for their guests (photo identification is

not required, unless the guest is staying overnight), and that the registration information will be presented to the Police Department upon demand.

- i. Management is to keep and maintain complete and accurate tenant registration cards in duplicate, including photocopies of required photo identification. Registration information shall include the name of the occupant, unit number, rental rate, vehicle type and vehicle license number. The duplicate copies of the registration cards shall be taken to the Desert Hot Springs Police Department weekly. Registration information shall be provided to the police Department upon demand.

26. A condition of approval of a SRO facility shall be compliance with Municipal Code Chapter 110 (Business Permit Regulations). A SRO facility with excessive drug or prostitution arrests may be brought before the City Council with advisement from Police Department for review, with notice of that review meeting being sent to the SRO facility owner. If the City Council determines that a “failure by management” has occurred, in that a finding is made that excessive drug or prostitution arrests are occurring at the SRO facility, the Operators Permit issued to the SRO facility may be revoked pursuant to Section 159.36. Further operation of the SRO facility shall not occur without first processing and obtaining approval for a new Operators Permit.

27. Condition compliance inspections by the City may be made on an annual basis, and the costs of such inspections, up to \$5,0159.00 adjusted annually for inflation, shall be paid by the SRO facility operator. Any violation(s) of the conditions of approval, municipal codes, or state or federal laws or regulations pertaining to SRO facilities, as they exist at the time of the inspection, shall be corrected within the time period(s) specified in the notice of violation. If the Director makes a finding that the corrections have not been made within the specified time period(s), the Conditional Use Permit and Operators Permit for the SRO facility may be revoked pursuant to the provisions in Chapter 159.36.

28. The maximum number of SRO units to be brought into service within the Desert Hot Springs after the effective date of the Zoning Ordinance, shall be the number that accommodates 500 occupants. Prior to any proposed amendments to these SRO standards or to an increase in the maximum number of SRO units-in-service, the Department of Planning and Building Services shall present a report to the City Council, with the following information: the number and location of permitted SRO projects, the number and capacity of existing SRO units, the average occupancy rate, the rent levels, the average number of vehicles per resident, the perceived adequacies/deficiencies of management services provided in the SRO facilities.

Q. SMALL LOT SUBDIVISION STANDARDS

Standards for small lot subdivisions are located in Subsection M. (Planned Residential Development Standards) of this chapter.

R. SECOND STORIES FOR SINGLE FAMILY RESIDENTIAL UNITS IN THE R-L DISTRICT

Second stories located on single family residents within the R-L District shall require a Conditional Use Permit pursuant to the following standards:

1. The second story shall conform to the color, material, architectural style, and detailing of the first story, and shall meet all other applicable building code requirements and development standards of the R-L zone for single family residential structures.
2. A second story on a single family residential unit must conform with the following setback and height limitations:
 - a. Front property: at 20 foot setback from front property line, height limited to 26 feet.
 - b. Rear property: between 20 feet and 40 feet setback from the rear property line, height limited to 17 feet; at 40 feet or greater setback from rear property line, height limited to 26 feet.
 - c. Side property: with a five foot structure setback, height is limited to 17 feet at the setback line, and may then rise one foot in height for every one foot in from the setback to a maximum height of 26 feet. With a 10 foot structure setback, height is limited to 17 feet at the setback line, and may then rise one foot in height for every one foot from the setback to a maximum of 26 feet.
3. The applicant for the Conditional Use Permit shall be the owner of the subject property.
4. Findings (in addition to those outline in Section 159.36.050, Conditional Use Permit Findings) addressing 1 and 2 above shall be made in order to approve a conditional use permit for a second story.
5. Review and approval is subject to the procedural requirements contained n Chapter 159.36 of this Ordinance.

159.04.040 APPLICABLE REGULATIONS

All uses shall be subject to the applicable regulations of this Zoning Ordinance, including, but not limited to, Article IV, Administration Provisions.

G. 159.04.050 DEVELOPMENT GUIDELINES-RESIDENTIAL DESIGN

1. PURPOSE

The purpose of these design guidelines is to serve as a reference to assist the designer in understanding the City's goals and objections for quality residential development. The guidelines complement the mandatory site development regulations contained in this chapter by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations.

Design guidelines are general and are meant to be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the City's design review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

Design guidelines are divided into two general categories; 1) single-family residential, and 2) multi-family residential. Each category is further divided into architectural and site planning guidelines.

The implementation of these guidelines is essential to affect continued quality community development. Unless compelling reason is demonstrated for variance to the Planning Commission, and then the City Council, these design guidelines shall be followed.

2. APPLICABILITY

This section shall apply to all residential development within the City. Any addition, remodeling, relocation or construction requiring a building permit subject to review by the Development Review Committee shall adhere to these guidelines where applicable.

3. SINGLE-FAMILY SITE PLANNING

The principle function of this portion of the Zoning Ordinance is to implement the goals and policies of the General Plan, which reflect the community's desire to promote the rural residential/quality open space character of Desert Hot Springs. The more focused goal of the single-family site planning guidelines is to create functional and visual variety along local streets in a manner consistent with the scale and intensity of subdividing. It is the intent that these guidelines encourage subdivisions with a broad,

diverse, and thoughtfully conceived mix of architecturally designed homes distributed along streets within new subdivisions. Roadway and streetscape design should also include a mix of straight and curvilinear lotting patterns, with a varied parkway landscape treatment to set the tone for the neighborhood.

All single-family subdivision plans that apply for alternative lot sizes will be evaluated using the guidelines contained in this section with emphasis on the following criteria:

- A. Proportional mix and distribution of lots
- B. Preserving of mature trees and natural features
- C. Placement of dwelling (setbacks, bldg. heights, etc.) unit on lot
- D. Maximizing preservation of viewsheds
- E. Provision of amenities (subdivision entrance treatment, landscaping, open space, etc.)
- F. Treatment of drainage courses
- G. Treatment of walls and fences
- H. Other unique amenities

A. VARIED FRONT SETBACKS

Homes and garages placed closer to or further back from the street creates patterns of massing and open space that lends variety to views from the streetscape. The structures close to the street project themselves into the scene, while structures set further back recede and open space to the viewer, also adding diversity to the view.

B. INTERRUPTION OF STRAIGHT STREETS

Roadway capacity and vehicular and pedestrian safety are an essential element of residential subdivision design. Traffic speeds through residential subdivisions can be reduced by introducing curvilinear road designs. However, lines-of-sight for drivers and pedestrians must be considered when introducing curves to roadway design. On straight roads, knuckles or cul-de-sacs can sometimes be introduced to limit the length of straight stretches.

C. VARIED SIDE YARD SETBACKS

The distance between adjoining homes, or between homes and fences, results in different types of yards ranging in size from private patio areas in more densely designed developments to hundreds of feet in the least dense large lot areas (R-E). Greenbelts are an integral part of apartment and condominium developments, and respond to the design needs at these densities. In small lot single family subdivisions the use of zero-lot line setbacks on one side of the lot consolidates open space and increases opportunities for enhanced private open space. In contrast, lands designated for, or already subdivided into, larger lots should be able to enjoy a more generous setback of improvements, consistent with the rural intensity of the development. Building setbacks, including those for ancillary buildings, should be more generous on

these larger lots.

D. ATTACHED DWELLINGS

Attached dwelling units include units connected only at garages and those which may include six or more residences and attached parking structures effectively under one roof. Their design and architectural treatment can either enhance the multi-unit appearance or they can be integrated into one concept that treats each side of the entire building envelope as a single unifying facade.

E. LOT ORIENTATION

Lots should be oriented to take optimum advantage of the development site, to provide the most functional layout while maximizing the exposure of residences to viewsheds and prevailing wind patterns. Lot layouts should also take into account solar exposure and opportunities for locating residences and seasonally appropriate landscaping.

The layout of individual lots orientation and subdivision overall can also have a significant effect on the type and feel of neighborhood that results. On curves, corners or cul-de-sacs lots can often be oriented in a different direction than those at mid-block. In these cases some lots can be non-rectangular and angled on the street. The streetscape and viewshed can be enhanced by the variety of setbacks and landscaped areas. Structures should be oriented so that a majority of primary living spaces can receive direct sunlight for the daylight hours. In new projects, structures should be positioned to minimize the impact of shadows on adjacent properties and within the project.

F. VARIED LOT WIDTHS

Subdivisions should be encouraged to include a varied mix of lot widths. Making some lots wider, and some narrower, than the average can provide a less regimented and repetitive and a more varied mix of open area and structures. It also allows placement of different shapes and sizes of homes. On narrow lots, a variation of only 3 or 4 feet can make a perceptible difference. In no instance shall lot widths fall below the minimum set for each zoning district.

G. VARIED GARAGE PLACEMENT AND ORIENTATION

Access to residential garages shall be taken directly from the street. With sufficient lot width, garages can be front or side accessed. They can also vary in size and provide utility, work and storage areas. Garages can be detached and connected to the home by breezeways. In two-story homes, the second floor can be extended over the garage. In all cases, garages must be designed as integral parts of the home design concept.

H. ZERO LOT LINE HOMES

Zero lot line subdivisions are typically found in planned residential communities, where single family homes are planned on smaller lots in a way that maximizes open space and privacy. Each subdivision home is flush to the same side lot line. Zero lot line design, also as allowed in Planned Residential Development, lends itself well to creation of enclosed courts and patios that a traditional planning approach may prevent.

I. CUL-DE-SAC TREATMENTS

Cul-de-sac streets, literally “bottom of the sack”, are relatively short parts of a subdivision lotting plan where traffic is largely cut off, and the street serves only those homes located on it. Closed cul-de-sacs are preferable in general. However, for longer cul-de-sacs and in special circumstances, openings should be provided at the ends for pedestrians.

J. STRAIGHT AND CURVED STREETS

Straight streets are generally the most efficient, but occasional curves can provide changing street scenes. Curves that seem very slight in a bird’s-eye view are readily perceived by the driver and interrupt the line of sight. Curves designed on long radii best preserve line-of-sight distances for vehicular and pedestrian safety, while providing visual relief and variety in the streetscape.

K. WALLS

Walls and fences are an integral part of the streetscape.

1. Walls should be of masonry with appropriate plaster or stucco finishes or other approved masonry. Slumpstone walls with a sack finish are typical of a generic type that would meet most proposed design criteria. They should be designed in a style, materials and color to complement the dwelling units to which they are attached.
2. Other materials may include wrought iron, tile insets or grillwork. The recommended choice for wrought iron is 1 inch pickets, at a maximum of 6 inch on center.
3. Architectural treatment of walls, such as plastering, painting special finishes of all perimeter walls or fences should be architecturally treated consistently.
4. Builders and home owners may be advised to surface exposed walls with an anti-graffiti coating to ease removal.

L. GARAGES

1. Garage door setbacks should allow driveway parking that keeps the sidewalk clear of vehicles.
2. The street portion of the garages should have a single story massing to provide an intermediate architectural transition to two-story massing.
3. A mix of front and side-loaded garages is encouraged to break up a potentially monotonous repetition of garage doors and lend variety to the pattern of open space and structures.

M. IN-FILL IN EXISTING NEIGHBORHOODS

1. In-fill development should be encouraged to completely integrate the adjoining residential neighborhood. When new residences are designed for these areas, the character and best standards of the area should be considered to enhance integration of the new home into the established neighborhood.
2. In-fill development in existing neighborhoods should complement the distinctive architectural characteristics of surrounding development, for example: general architectural styles, window and door detailing, decoration, materials, roof style and pitch, finished-floor height, porches, bay windows, and other elements should be considered when planning a new structure.
3. In-fill development should continue the functional, on-site relationships of the surroundings neighborhood. For example, in many older neighborhoods common patterns that should be continued are entries facing the street, front porches, and parking at the rear.

N. GRADING

The City's varying terrain and high degree of exposure argue the encouragement of planning, engineering and development that results in minimal site grading. This can be accomplished by following the natural contours as much as possible. From large-scale subdivision design to individual lot grading plans, graded slopes should be rounded and contoured to blend with the existing terrain.

Significant natural vegetation should be retained and incorporated into projects whenever possible. Contact the City's Community Development Department regarding requirements and an approved landscape materials list. Also see Section 159.28.

4. SINGLE-FAMILY ARCHITECTURE

No particular architectural "style" is required for residential structures. However, the City will judge all residential plans on their architectural merits. Residences designed with a southwestern, mission, or Mediterranean style will respond to the varying temperatures and outdoor living opportunities of the desert. The focus should be on the

creation of a quality residential environment. In general, the architecture should consider compatibility with surroundings character, including harmonious building style, form, size, color, material, and roofline. Individual dwelling units should be distinguishable from one another.

A. FACADE AND ROOF ARTICULATION

Thoughtful space planning for interior and exterior areas should also include consideration for the resulting building envelope. Facades and the massing of structures should provide variety, proportion and interest. Long uninterrupted exterior walls should be avoided on all structures. Varying or articulating the facade also increases opportunities for tying the structure to the site through the use of landscape materials. Appropriate textures, a variety of spacial relief, and design accents on building walls can enhance the integration of the building into the neighborhood.

Roofline articulation is encouraged for sloped roofs. Parapet and cornices on flat roofs should be finished with architectural moldings that are appropriate in terms of style and proportion. Roof design must be an integral part of the building architecture. Roof articulation may be achieved by changes in plane of no less than 2 feet 6 inches and/or the use of traditional roof forms such as gables, hips, and dormers. Flat roofs and A-frame type roofs are generally discouraged unless appropriate to the overall architectural style being promoted.

B. VARIED STRUCTURE DESIGN

Much of recent residential design has been dominated by large tract development with a limited number of models and regimented development standards. To avoid this “cookie cutter” look in single family development, the design of structures should be varied in tract developments to create variety and interest. Differences in massing and design approaches of each adjacent house should be accomplished. Generally, one residential design should not be repeated more frequently than each fourth house.

C. ATTACHED DWELLINGS

1. Attached single-family dwellings should be designed and located on the lot to enhance their appearance as custom homes. Configurations can include architectural treatment as apparently large single-family units, largely free-standing units sharing a common garage wall, or as traditional row houses.
2. Lengthening the street elevation through the use of walls or other features may frequently be appropriate, can reduce the visual impact of garage doors and can provide private open space areas screened from traffic and noise.
3. Driveways should be grouped with a separating planting strip to provide clear definition and maximum effective landscape areas.

4. The street-portion of garages should have a single-story appearance, while allowing the building to step back in an appropriate architectural transition for two story structures. Garages shall be set back from the street sufficiently to allow driveway parking without overhanging the sidewalk; on public streets the minimum setback shall be 20 feet behind the public right-of-way.

D. SCALE

Proportion is the essence of good design. The variety and size of massing and shapes designed into a building shall be scaled to one another and shall relate to the use of the structure as a single-family residence. Residential structures shall be designed to be within a human scale so as not to overwhelm or dominate their surroundings.

E. FINISH MATERIALS

Finish materials to be used on the facades of structures and garage doors is important in providing a functional and attractive living space. The selection of finish materials should be consistent with a direct outgrowth of the architectural concept for the building. The use of tile roofing materials is particularly appropriate for residences designed in Spanish, mission, southwestern and Mediterranean architecture

Materials to be avoided include; metal or aluminum siding and most metal roofs, reflective materials and finishes, and unfinished concrete block. Exposed wood should be properly finished and stained rather than painted to assure maximum life of the coating in the desert environment.

Stucco is the predominant finish material on new homes. When applied in new development, the finish texture shall be consistent with the architectural style of the building. For instance, adobe or southwestern style architecture will typically have a smooth, hand-finished stucco appearance. A "sack-finish" over slumpstone is also an appropriate finish. More conventional home designs will use an "orange peel" finish consistent with the crisp lines of these residences.

F. VENTS AND DOWNSPOUTS

Frequently and unnecessarily a functional afterthought are roof and side wall vents, flashings and downspouts. These and other protrusions from the building envelope should be finished to match the adjacent materials and/or colors. Sidewall vents should be framed in to make them an integral part of the elevation and should be finished (stucco, etc.) consistent with the treatment of the facade. Flashing shall be obscured or coated in a manner that reduces contrast and enhances its compatibility with the adjoining roof or wall treatment.

G. EQUIPMENT SCREENING

Heating/air conditioning (HVAC) or other type of equipment shall be mounted on the side of the structure or on the ground. No roof-mounted equipment shall be permitted. All HVAC and similar equipment must be visually and acoustically screened. Screens shall be designed and constructed to intercept both equipment view and noise. The method of screening must be functionally and architecturally compatible in terms of materials, color, shape, and size. The screening design shall blend with the building design. Where individual equipment is provided, a continuous screen is desirable.

H. ANCILLARY STRUCTURES

Ancillary structures (guesthouses, cabanas, barns storage sheds, etc.) shall be designed in a manner that is architecturally compatible with the main structure in terms of design and the use of walls/roofs/trellises, fence/wall connections, and/or landscaping.

I. GARAGE DOORS

In new construction the design and construction of garage doors shall be to integrate these into the walls, rather than flush with the exterior wall. Garage door framing should be kept simple, clean, and with limited adornment. Garage doors shall be steel or aluminum and shall be preferably roll-up type of design. In tract subdivisions, a variety of compatible designs should be used throughout a project to enhance visual interest. The design of the garage door should relate to the particular architectural style selected.

J. LIGHTING FIXTURES/INTENSITY

Lighting fixtures on single family homes serve safety and convenience, as security devices, and as integral design elements of the home. Garage-mounted lighting should be carriage- type or equivalent in scale that is consistent with the architectural style and proportions of the home. The use of flood security lighting shall be screened or shielded to avoid spilling onto adjoining properties and streets. In all instances, lighting levels shall be kept to that minimum necessary to illuminate paths and walkways, while providing their security function.

5. MULTI-FAMILY SITE PLANNING

Because of their higher densities and their shared amenities and services, multi-family and cluster housing tends to generate large parking courts and decreased private open space. Parking structures and open parking spaces can dominate the site and recreational open spaces may be relegated to left over areas that may address setback requirements, but which are not related to the residences or the people who live there.

Residential developments surrounded by high walls, parking lots, and rows of carports along public streets are examples of practices to be used only in limited and

special circumstances. Unbuffered perimeter parking and drives are discouraged providing a poor image of a project and often functioning as barriers between the project and the surrounding community. The guidelines that follow are intended to help mitigate these effects and to provide a pleasant residential environment within the context of higher density development.

A. BUILDING ARTICULATION

Buildings shall be designed to create elevations that are varied and relatively seamless, blending the facade across multiple units located behind the facade. Long, unbroken facades and box-like forms shall be avoided. Building facades shall be broken up to give the appearance of a collection of smaller structures tied together through a unifying elevation. Building function and visual interest can be enhanced through the use of balconies, setbacks and projections, which help articulate individual dwelling units or collections of units, and by the pattern and rhythm of windows and doors.

B. CLUSTERING OF UNITS

Multi-family development is characterized by the clustering of groups of units within one building and under one roof. Clustering should be consistent with the overall site planning principles being applied to the site. Structures composed of a series of simple yet varied planes assure compatibility and variety in overall building form. Clustered unit design must be developed in a manner that integrates automobile circulation, storage and access to each unit.

The following design techniques should be considered and implemented whenever possible:

1. Varying front setbacks within same structure and between different buildings and the street.
2. Use of staggered and jogged unit planes to distinguish units and increase visual interest.
3. Use of reverse building plans to add variety.
4. Limit to the extent practical the development of adjacent units with identical wall and rooflines.
5. Variety of orientations to avoid the monotony of garage door corridors shall be applied to the greatest extent practical.
6. Parking facilities shall be conveniently located, with street access made as direct as possible.

C. PROJECT ENTRIES

Entries into multi-family developments shall provide the resident and visitor with a broad view into the project. They shall be designed as specially treated areas that may provide an open window with landscaping, recreational facilities, and project directories. Special attention shall be given to hardscape and landscape treatment to

enhance the overall project image.

D. ENTRY DRIVES

Entry drives shall serve as principal vehicular accesses into multi-family developments rather than a parking drive, with parking somewhat segregated from entry drives. Colored, textured paving treatment at entry drives is encouraged; however, stamped concrete is not permitted within public street right-of-ways. Drives shall be located a sufficient distance from intersections to minimize conflicting traffic patterns and to assure adequate lines-of-sight distances.

E. ON-SITE PARKING AND DRIVES

1. In higher-density projects, there are 3 means of accommodating parking: parking drives, parking areas, and garages within residential buildings. Projects with either long, monotonous parking drives or large, undivided parking lots are not desired. When cost considerations preclude parking within residential structures, dispersed parking areas are the desired alternative.
2. Parking drives, when located on the periphery of a project, isolate the development from its surroundings. Unless the new and existing adjacent uses are considered incompatible, the extent of perimeter parking drives should be minimized.
3. Parking areas should be visible from the residential units which use them.

F. PARKING COURTS

1. A parking court of any length should not consist of more than 2 double-loaded parking aisles (bays) adjacent to each other.
2. The length of a parking court should not exceed 14 stalls.
3. Parking courts should be separated from each other by dwelling units or by a substantial landscape buffer.

G. PARKING DRIVES

1. There should be no more than an average of 10 spaces of uninterrupted parking, whether in garages, carports, or open parking areas.
2. Each average of 10 spaces of parking should be separated from additional spaces by a substantial landscaped bulb typically not less than 10 feet wide.

H. GARAGES

1. Individual parking garages within residential structures should be enclosed behind

garage doors.

2. In new construction garages with parking aprons less than 20 feet in length shall have automatic garage door openers and/or sectional roll-up doors.

I. CARPORTS

Where carports are utilized, they must follow the same criteria for spatial arrangement as parking courts (#F above). Carports may be incorporated with patio walls or used to define public and private open space, but incorporating carports into exterior project walls adjacent to streets is strongly discouraged. The ends of each cluster of carports should be landscaped.

J. PEDESTRIAN ACCESS FROM PARKING

Landscape bulbs should, whenever possible, align with major building entrances to provide pedestrian access to the building entrance from a parking court or drive. Bulbs that align with entrances should be at least 2 car spaces wide and should include a pathway as well as a vertical landscape or architectural element, for example, a trellis or a tree.

K. OPEN SPACE

Residents of housing projects should have safe and efficient access to useable open space, whether public or private, for recreation and social activities. The design and orientation of these areas should take advantage of available sunlight and should be sheltered from the noise and traffic of adjacent streets or other incompatible uses.

Required common open spaces should be conveniently located for the majority of units. Private open spaces should be contiguous to the units they serve and screened from public view. Projects should have secure open spaces and children's play areas that are visible from the units.

L. LANDSCAPE AREAS

Landscape treatments and enhancements in all development in the City shall implement goals and policies of the General Plan by maximizing the use of native desert and compatible drought tolerant planting materials. Landscape plans must also address wind and water erosion issues and must demonstrate the water efficiency gained from plant and irrigation system selection. All areas not covered by structures drives, parking or hardscape shall be appropriately landscaped. Landscape plans are subject to the approval of the Director.

As a design element, landscaping is used to frame, soften, and enhance the quality of environment, to provide buffer units from noise or undesirable views, to break up large expanses of parking, and to separate frontage roads within a project from public streets.

To accomplish these design objectives, landscape elements need vertical dimension. Mexican and desert fan palms, thornless mesquite, Mondale pines, silk oak, etc. and tall shrubs are appropriate in addition to grass and groundcover. Trees can also be used to provide shading and climatic cooling of nearby units. Use of trees shall take into careful account the viewsheds seen from the development sight, as well as that rightfully enjoyed by adjoining properties.

M. REFUSE STORAGE/DISPOSAL

Refuse storage, transfer and disposal facilities shall be enclosed within six-foot concrete block containments designed in accordance with the requirements of the City standards and those minimal requirements of the disposal service purveyor. In terms of location and design and treatment, enclosures shall be architecturally related to other structures on the site. They shall also be softened with landscaping and essentially made an integral part of the overall design. Recommended locations include inside parking areas or at the end of parking bays. Locations should be conveniently accessible for trash collection and maintenance and should not block access drives during loading operations. Recycling facilities and programs shall be incorporated into refuse storage/disposal areas for all new development projects and all new construction in existing projects.

N. AUXILIARY FACILITIES

Support structures within multi-family residential projects, such as laundry facilities, health spa and recreation buildings, pool cabanas and sales/lease offices, shall be consistent in architectural design and form with the rest of the complex. Temporary sales offices should also be compatible with these guidelines.

O. MAILBOXES

Where common mailbox services are provided, they shall be located as close to the project entry as is practical, giving careful consideration to staking at entries and on interior drives. Locating mailboxes near recreational or other common use facilities will enhance resident interaction and the community function of the development. Design and architectural character shall be compatible in form, materials, and colors to the surrounding buildings. Minimal mailbox design specifications and locations must be approved by the U.S. Postal Service.

P. SITE GRADING

Pre-Development planning conferences/consultations shall be held between developer and City Planning staff prior to the preparation of development and grading plans intended for submittal to the City for approval. Planning development and grading strategies shall reflect the City's desire to minimize site disturbances and to enhance open space in all development. In areas with slope, development planning shall follow site contours to the greatest extent practical. Site grading shall also recognize existing

drainage patterns, and landforms while providing appropriate transition of architectural elements to grade. Site grading shall also provide for an uninterrupted flow of vehicular and pedestrian traffic through the development. The grading plan shall direct and provide adequate flow of surface run-off to catch basins while consistently contouring the land to blend functionally and aesthetically with conditions at the boundaries of the site.

Drainage within developments shall be collected in curb gutters and conveyed to integrated on-site detention facilities and/or off-site facilities. The use of center-swale drainage devices result in an undesirable road design profile, accelerate deterioration of asphalt, and should be used only when other options are not available. Parking lots may drain to a single concrete swale at the edge of the aisle.

Q. SECURITY

All development design must integrate “defensible space” concepts into the overall plan. In multi-family projects shall be designed to optimize security for residents and visitors, while focusing on the creation of an enjoyable residential environment. Parking areas should be well lit and located so as to be visible from residential units. Landscaping should be planned and maintained to provide views into open space areas.

R. LIGHTING FIXTURES/INTENSITY

Lighting fixtures on multi-family structures serve safety and convenience, as security devices, and as integral design elements of the project. Garage and carport mounted lighting should be carriage-type or equivalent in scale that is consistent with the architectural style and proportions of the structures. The use of flood security lighting shall be functionally directed, and shall be screened or shielded to avoid spilling onto adjoining properties and streets. In all instances, lighting levels shall be kept to that minimum necessary to illuminate paths and walkways, while providing their security function. Plans shall comply with any night-sky preservation ordinance adopted by the City.

6. MULTI-FAMILY ARCHITECTURE

No particular architectural “style” is required for residential structures. However, the City will judge all residential development plans on their architectural merits. Multi-family residential development designed with a southwestern, mission, or Mediterranean style will best respond to the goals and policies of the General Plan, and to the varying temperatures and outdoor living opportunities of the high desert. The focus shall be on the creation of a quality, self-contained residential community. Designers and architects shall consider compatibility with surroundings neighborhood character, including harmonious building style, form, size, color, material, and roofline. Individual dwelling units should be distinguishable from one another, while being viewed as integral parts of the larger building design.

Many of the same architectural principles and techniques discussed under the single family category of these guidelines are also applicable to multi-family projects and these should be reviewed by the designer in conjunction with the following:

A. FACADE AND ROOF ARTICULATION

Multi-family development offers special opportunities to create visually and environmentally interesting residential communities in an efficient manner. Thoughtful space planning for interior and exterior areas should also include consideration for the resulting building envelope.

Facades and the massing of structures should provide variety, proportion and interest. Long uninterrupted exterior walls should be avoided on all structures. Varying or articulating the facade also increases opportunities for tying structures to the site through the use of landscape materials. Appropriate textures, a variety of spacial relief, and design accents on building walls can enhance the integration of the building into the neighborhood.

Roofline articulation is encouraged for sloped roofs. While generally discouraged, when used, parapet and cornices on flat roofs shall be finished with architectural moldings that are appropriate in terms of style and proportion. Secondary hipped or gabled roofs covering the entire mass of a building are generally preferable to mansard roofs or segments of pitched roof applied at the structure's edge. Roof design must be an integral part of building architecture. Roof articulation may be achieved by changes in plane of no less than 2 feet 6 inches and/or the use of traditional roof forms such as gables, hips, and dormers. The use of flat roofs and A-frame type roofs must be appropriate to the overall architectural style being promoted. Long structures, if they are appropriately articulated, may be acceptable; however, structures (including garages and carports) exceeding 150 feet in length are generally discouraged.

B. SCALE

In order to achieve higher densities and provide adequate parking and open space amenities, multi-family projects are typically multi-story, and their bulk has the potential to dominate surrounding uses. The scale of such projects should be considered within the context of their surroundings. Structures with greater height may require additional setbacks to assure development that integrates well with the surrounding neighborhood.

Multi-family developments that include multiple buildings shall be planned on the site in a balanced and coordinated manner. If development phasing is proposed, each phase must be self-sustaining in terms of scale and amenities. Individual residential buildings shall have no more than 12 units, excepting low income and senior housing, which may request discretionary approval of a greater number of units. Fewer units per building are also encouraged.

C. BUILDING/FINISH MATERIALS

Finish materials to be used on the facades of structures, walls, carports and garage doors is important in providing a functional and attractive living space. The selection of finish materials should be consistent with and a direct outgrowth of the architectural concept for the building. The use of tile roofing materials is particularly appropriate for residences designed in Spanish, mission, southwestern and Mediterranean architecture or their derivations.

Materials to be avoided include; metal or aluminum siding and most metal roofs, reflective materials and finishes, and unfinished concrete block. Use of exposed wood shall be kept to a minimum and shall be properly finished and stained rather than painted to assure maximum life of the coating in the desert environment.

Stucco is the predominant finish material on new residential development. When applied in new development, the finish texture shall be consistent with the architectural style of the building. For instance, adobe or southwestern style architecture will typically have a smooth, hand-finished stucco appearance.

Larger residential buildings offer more opportunities for the use of additional building materials in buildings, walls and other structures. These include split-face precision block, fluted block, brick, and tile. A “sack-finish” over slumpstone is an especially appropriate finish, consistent with the Community Design goals and policies of the general Plan.

D. BALCONIES, PORCHES, AND PATIOS

Balconies, porches, and patios integrated into the design and siting of multi-family structures, is encouraged for enhanced functional and living environment values. These elements should be integrated to break up large wall masses, offset floor setbacks, and add human scale to structures. Common exterior balconies and corridors that provide access to units should not require circulation past adjacent unit windows and entries.

E. DWELLING UNIT ACCESS

Individual walkways, corridors or access balconies shall be designed to serve no more than five units. Access points to units should be clustered in groups of 4 or less. The use of long, monotonous walkways should be avoided. To the extent possible, the entrances to individual units should be plainly visible from nearby parking areas. The use of distinctive architectural elements and materials to denote prominent entrances is encouraged.

F. EXTERIOR STAIRS

Exterior stairs offer significant opportunities and challenges to the designer. The best and generally most practical approach is to design simple, clean, bold projections of

stairways that complement the architectural massing and form of the multi-family structure. Stairways should be of smooth stucco, plaster or wood, with accent trim of complementary colors to help identify them in the elevation and denote their function. Thin-looking and disproportionate, open metal, prefabricated stairs are discouraged.

G. CARPORTS, GARAGES AND ACCESSORY STRUCTURES

Detached and attached garages, carports and accessory structures shall be designed as an integral part of the architecture of projects. They shall be consistent in their use of materials, color, and design detail and compatible with the principal structures of a development. Carports may utilize flat roofs but shall not project above any exterior walls adjacent to streets, their preferred location being on the interior side of parking areas. Prefabricated metal carports should not be used.

Where garages are utilized, doors shall appear set into walls rather than flush with the exterior wall. Their design should be compatible with the architectural theme. Garage doors shall be steel and preferable of roll-up design.

H. GUTTERS AND DOWNSPOUTS

When gutters and downspouts are planned they should be concealed unless designed as a continuous architectural feature. Exposed gutters used as architectural features should be colored to match fascia or wall material. Exposed downspouts should be colored to match the surface to which they are attached unless uncoated copper is used.

Roof vents should be colored to match roofing materials or the dominant trim color of the structure. Sidewall vents should be framed in to make them an integral part of the elevation and should be finished (stucco, etc.) consistent with the treatment of the facade. Flashing shall be obscured or coated in a manner that reduces contrast and enhances its compatibility with the adjoining roof or wall treatment.

I. ACTIVE AND PASSIVE SOLAR DESIGN

Multi-family development has significant opportunities to take advantage of passive and active solar design. When active solar panels are planned, they shall be integrated into the roof design, flush with the roof slope. Frames and supports shall be colored to match roof colors. Natural aluminum finish is strongly discouraged. Active panels may also be placed on or made an integral part of pool cabanas. Any mechanical equipment should be pad-mounted and completely screened from view.

J. MECHANICAL AND UTILITY EQUIPMENT

Heating/air conditioning (HVAC) or other type of equipment shall be pad-mounted on the ground. No roof-mounted equipment shall be permitted. All HVAC and similar equipment must be visually and acoustically screened. Screens shall be designed and constructed to intercept both equipment view and noise. The method of screening must be functionally and architecturally compatible in terms of materials, color, shape, and size. The screening design shall blend with the building design. Where individual equipment is provided, a continuous screen is desirable. Utility meters and equipment must be placed in locations which are not exposed to view from the street or they must be suitably screened. All screening devices are to be compatible with the architecture and color of the adjacent structures.

K. ANTENNAS

All antennas should be placed in attics or building interiors. It is recommended that all new units be pre-wired to accommodate cable reception. Satellite dish antennas are specifically prohibited on roofs and should be considered early in the design process in terms of location and any required screening.

7. MULTI-FAMILY IN-FILL IN SINGLE FAMILY NEIGHBORHOOD

Efforts should be made to integrate new multi-family projects into existing neighborhoods so that they are compatible with adjacent structures and fit within the context of the existing neighborhood.

A. FRONT YARD SETBACKS

Front yard setbacks for structures in new multi-family projects shall be a minimum of 20 feet. Setbacks for structures which exceed 35 feet shall increase setbacks two feet for each additional foot of height. Parking spaces shall be setback from the right-of-way a minimum of five feet and shall be buffered by landscaping and/or decorative block wall, which shall complement and extend the landscaped portion of the public parkway.

B. ARCHITECTURAL COMPATIBILITY

New multi-family developments in existing neighborhoods shall make every practical effort to incorporate and complement existing architectural characteristics and scale of existing development. A differing or contrasting architectural style may be appropriate if it enhances the visual environment and establishes a desirable precedent for future development.

C. SITE DESIGN

New multi-family developments being integrated into an existing neighborhood shall utilize setbacks and placement of multi-story buildings that are compatible with and enhance the integration. Multiple family dwellings planned in areas of predominantly single story structures should make every effort to utilize single story development in the project.

8. PRIVATE TENNIS COURT DESIGN GUIDELINES

Private tennis courts are subject to Development Permit review and should be constructed in the following manner:

1. Tennis courts shall not encroach into the front or side setback, or within 10 feet of rear property line.
2. There shall be no more than 1 tennis court for each residential parcel of land. The Design Review Committee may approve additional tennis courts in multi-family developments in the R-M, R-MF, and R-PD zoning districts.
3. Private tennis courts shall not be used for commercial purposes, and shall be used only by the residents and their invited guests.
4. All tennis court fencing shall not exceed 10 feet in height as measured from the court surface, and shall be screened from public view by appropriate landscaping or other on-site structures.
5. All tennis courts should be recessed 4 feet and shall be further screened with a combination of walls, berms or landscaping.
6. A plan for overhead court lighting shall be subject to a Director's approved Development Permit review.
7. Light standards should not exceed the following heights as measured from the court surface:
 - a. Eighteen feet with 4 poles on each side.
 - b. Twenty feet with 3 poles on each side.
8. All illumination fixtures shall be energy efficient and directed inward and away from adjoining properties and public rights-of-way.
9. Hours of lighting operation should be determined during permit review; in no instance should lighting be used after 10:00 P.M.

ARTICLE II: LAND USE DISTRICTS

CHAPTER 159.06 COMMERCIAL DISTRICTS

159.06.010 PURPOSE

1. The purpose of this Chapter is to achieve the following:
 - A. Provision of appropriate commercial areas for retail and service establishments, neighborhood and regional convenience, mixed use development, and office uses required by residents of the City and the area in a manner consistent with the General Plan.
 - B. Provision of adequate space to meet the needs of commercial development, including off-street parking and loading.
 - C. Minimize traffic congestion and avoid the overloading of utilities.
 - D. Protection of commercial and adjoining residential areas from excessive noise, illumination, unsightliness, odor, smoke, and the objectionable influences.
 - E. Promotion of quality site planning, and landscape design for commercial, mixed use and office developments within the City.
 - F. Provision of employment opportunities for existing and future residents of the City and those of adjacent communities.
 - G. Provision for land uses which meet the needs of and attract regional populations, in addition to local residents.
 - H. Ensure compatibility with adjacent land uses.
 - I. Single-family dwelling units which legally existed in commercial land use districts prior to the date of adoption of this ordinance may remain as permitted non-conforming use.

2. The purpose of the individual commercial land use districts are as follows:

A. C-N (NEIGHBORHOOD COMMERCIAL) DISTRICT

This district is intended for neighborhood-scale shopping centers conveniently located near residential areas. These developments are typically anchored by

supermarkets and super drugstores. A wide range of other uses, including banking, barbers/beauty salons, dry cleaners, restaurants and other related activities are typically found in these planned centers. Typical sizes are 8 to 10 acres providing approximately 80,000 to 100,000 square feet of gross leasable floor area.

B. C-G (GENERAL COMMERCIAL) DISTRICT

These lands includes a wide variety of smaller commercial centers at nodes with development such as small scale convenience commercial centers that provide a limited range of convenience commercial services, smaller grocery and convenience stores, service stations, and other limited retail operations; and also along major commercial corridors, with shops including specialty retail shops, a broad range of clothing and apparel, jewelry stores and a variety of personal service businesses. Smaller, moderately priced department stores may also be appropriate under this designation. Development may range from free-standing retail buildings and restaurants, to planned commercial centers. Typical sizes range between 1 to 8 acres with gross leasable square footage varying with uses. Hotels and motels may also be appropriate on these lands.

C. C-C (COMMUNITY COMMERCIAL) DISTRICT

This designation provides for larger, community scale shopping centers and malls, which may be anchored by several department stores, a variety of retail outlets, and restaurant and entertainment uses. Hotels and motels may also be appropriate on these lands. Typical sizes range between 100-200,000 square feet or more of gross leasable floor area. This type of development requires approval of a Specific Plan. While smaller than regional facilities, the community commercial center will serve the entire community, as well as the surrounding market area.

159.06.20 DEVELOPMENT PERMITTED AND CONDITIONALLY PERMITTED USES:

Table 06.01 represents those uses in the commercial/industrial land use districts which are subject to permit review and approvals. They include: "Permitted Uses" (P) requiring Zoning Review; "Allowed Uses" (D) requiring Development Plan Permit; "Conditional Uses Permit" (C) requiring a Conditional Use Permit; and "Temporary Use" (T) requiring a Temporary Use Permit. Development standards and other regulations pertaining to industrial districts are included under section 159.08.

The organization and numerical ordering of Table 06.01 is based on the Standard Industrial Classification System as defined in Section 159.02.050 of this Zoning Ordinance. It is not expected that the range of uses set forth below is all inclusive. In cases of uncertainty regarding whether a particular land use is permitted and by what process, shall be determined by the Director.

**TABLE 06.01
PERMITTED, DEVELOPMENT PERMITTED,
AND CONDITIONALLY PERMITTED USES**

	C-N	C-C	C-G	I-L	I-M	I-E
1. Agricultural, Resource and Open Space						
Commercial gardening	D	D	D	D	D	C
Crop production	D	D	D	D	D	C
Plant nurseries, with on-site sales	P	P	P	P	P	X
Plant nurseries, without on-site sales	X	X	X	P	P	D
Wind machines and wind farms	C	C	C	C	C	D
2. Manufacturing and Processing						
Auto wrecking/parts salvaging	X	X	X	X	C	X
Distribution	C	C	X	P	P	X
Food products	C	C	C	D	D	X
Furniture and fixtures	X	X	X	D	D	X
Laundries and dry cleaning plants	C	C	C	D	D	X
Light manufacturing facilities	X	X	X	P	P	X
Medium manufacturing facilities	X	X	X	C	D	X
Mixed use office/industrial	X	X	X	C	X	X
Printing/publishing	C	C	C	P	P	X
Recycling facilities	X	X	X	D	D	X
Recycling - reverse vending machines	D	D	D	P	P	X
Storage Yard	X	X	X	D	D	C
Warehousing	X	X	X	D	D	X
Wholesaling	C	D	D	P	P	X
3. Recreation, Education and Public Assembly						
Adult entertainment	X	X	X	C	C	X
Adult day care facilities	X	X	C	X	X	X
Art galleries	P	P	P	X	X	X
Athletic facilities	P	P	P	D	X	C
Billiard parlors/pool halls	C	C	D	D	X	X
Child day care facilities	X	X	D	X	X	X
Child day care, large family day care homes	X	X	X	X	X	X
Child day care, small family day care homes	X	X	X	X	X	X
Community centers	D	D	D	C	X	X
Convention centers	D	D	D	D	X	X

TABLE 06.01 (cont'd)
PERMITTED, DEVELOPMENT PERMITTED,
AND CONDITIONALLY PERMITTED USES

	C-N	C-C	C-G	I-L	I-M	I-E
3. Recreation, Education and Public Assembly, continued						
Convention facilities	D	D	D	D	X	X
Entertainment facilities	D	D	D	D	X	X
Golf courses/driving ranges/country clubs	D	D	D	D	C	C
Health/fitness facilities	P	P	P	P	X	X
Indoor recreation centers	D	D	D	D	X	X
Libraries	P	P	P	P	X	X
Membership organization facilities	D	D	D	D	D	X
Museums	P	P	P	P	X	X
Organization offices	P	P	P	C	X	X
Outdoor commercial recreation	C	C	C	C	X	C
Public parks and playgrounds	P	P	P	P	X	P
Recreational vehicle (RV) parks	X	C	X	X	X	X
Recreational vehicle (RV) storage	X	X	X	C	D	X
Churches	C	C	C	C	C	X
Schools	X	X	X	C	X	X
Sport facilities and outdoor public assembly	D	D	D	C	X	C
Studios for dance, art, music, photography, etc.	P	P	P	P	C	X
Theatres and meeting halls	D	D	D	D	X	X
4. Residential						
Caretaker/watchperson's dwelling	X	X	X	D	D	D
Group homes	X	X	C	X	X	X
Guest house	X	X	X	X	X	X
Home occupations	X	X	X	X	X	X
Multi-family dwellings	X	C	C	X	X	X
Organizational and boarding houses	X	X	C	X	X	X
Residential accessory uses and structures	X	X	X	X	X	X
Senior Citizen/Congregate Care Housing	C	X	X	X	X	X
Single room occupancy facilities	X	X	C	X	X	X
Single family dwellings	X	X	X	X	X	X

5. Retail Trade

Accessory retail uses	P	P	P	C	X	X
Auto, mobile home, motor veh./parts sales, new	C	C	C	C	X	X
Auto, mobile home, motor veh./parts sales, used	C	C	C	C	X	X
Bars and drinking establishments	C	C	C	X	X	X
Building material stores	P	P	P	D	X	X
Certified farmers' markets	D	D	D	C	X	X
Convenience Stores	D	X	D	D	X	X
Department stores	P	P	P	X	X	X
Drive-in and drive-through sales	D	D	D	X	X	X
Drug stores	P	P	P	X	X	X
Factory outlet centers	D	D	D	C	X	X
Farm and ranch supply stores	P	P	P	D	X	X
Fuel and ice dealers	D	D	D	X	X	X
Furniture, furnishings, home equipment stores	D	D	D	D	X	X
Gift shops	P	P	P	X	X	X
Grocery stores	P	C	P	X	X	X
Hardware/lumber stores	D	D	D	D	X	X
Liquor stores (off-site consumption)	C	C	C	C	X	X
Outdoor retail merchandise display & activities	C	C	C	X	X	X
Outdoor retail sales, temporary	T	T	T	T	X	X
Restaurants, no beer, wine or liquor sales	D	D	D	D	X	X
Restaurants, serving beer, wine or liquor	C	C	C	C	X	X
Restaurants, drive-in, take-out, fast food	C	C	C	C	X	X
Retail stores, general merchandise	P	P	P	X	X	X
Retail stores, tourist/traveler oriented	P	P	P	C	X	X
Second hand/thrift stores	C	C	C	D	X	X
Shopping centers, 12,000 square feet or more	D	D	D	X	X	X
Video rental stores	P	P	P	X	X	X
Warehouse or club stores (i.e. "Big box stores")	X	D	D	X	X	X

6. Services

Automatic teller machine (ATM), not at a bank	P	P	P	X	X	X
Banks and financial establishments/services	P	P	P	X	X	X
Bed and breakfast establishments	X	X	C	X	X	X
Business support/secretarial services	P	P	P	C	X	X
Cemeteries, columbriums and mortuaries	C	C	C	D	D	X
Construction storage (indoor and/or outdoor)	X	X	X	D	D	C
Drive-in and drive-through services	X	X	X	D	D	X
Hotels/motels, with or without spas	X	D	D	X	X	X
Medical services, clinics and labs	C	C	C	C	X	X

TABLE 06.01 (cont'd)**PERMITTED, DEVELOPMENT PERMITTED,
AND CONDITIONALLY PERMITTED USES**

	C-N	C-C	C-G	I-L	I-M	I-E
6. Services, continued						
Motor vehicle fueling/service stations	D	D	D	D	X	X
Offices, permanent	P	P	P	D	X	X
Offices, temporary	T	T	T	T	T	T
Personal services	D	D	D	X	X	X
Pet grooming (no boarding)	P	P	P	P	X	X
Public and quasi-public uses	D	D	D	D	D	D
Public utility and safety facilities	D	D	D	D	D	D
Repair and maintenance of consumer products	X	X	D	D	X	X
Repair and maintenance of motor vehicles	X	C	C	C	D	X
Research and development facilities	X	C	C	D	D	X
Storage, accessory, including self-storage	X	X	X	D	D	C
Veterinary clinics, animal hospitals	C	C	C	C	X	X
7. Transportation and Communications						
Commercial parking and motor vehicle storage	X	X	X	C	D	X
Freight terminals	X	X	X	C	D	X
Pipelines and utility lines	C	C	C	C	C	C
Telecommunications facilities, inc. antenna	C	C	C	C	C	C
Transit stations and terminals	C	C	C	C	C	X
Transit stop shelters	D	D	D	D	D	X

**TABLE 06.01
PERMITTED, DEVELOPMENT PERMITTED,
AND CONDITIONALLY PERMITTED USES**

	VS	VSV	VSC
1. Agricultural, Resource and Open Space			
Commercial gardening	X	X	X
Crop production	X	X	X
Plant nurseries, with on-site sales	C	X	X
Plant nurseries, without on-site sales	X	X	X
Wind machines and wind farms	X	X	X
2. Manufacturing and Processing			
Auto wrecking/parts salvaging	X	X	X
Distribution	X	X	X
Food products	X	X	X
Furniture and fixtures	X	X	X
Laundries and dry cleaning plants	X	X	X
Light manufacturing facilities	X	X	X
Medium manufacturing facilities	X	X	X
Mixed use office/industrial	X	X	X
Printing/publishing	X	X	X
Recycling facilities	X	X	X
Recycling - reverse vending machines	X	X	X
Storage Yard	X	X	X
Warehousing	X	X	X
Wholesaling	X	X	X
3. Recreation, Education and Public Assembly			
Adult entertainment	X	X	X
Adult day care facilities	X	X	X
Art galleries	C	C	C
Athletic facilities	X	X	X
Billiard parlors/pool halls	C	C	X
Child day care facilities	X	X	X
Child day care, large family day care homes	X	X	X
Child day care, small family day care homes	X	X	X
Community centers	C	C	X
Convention centers	C	C	X

TABLE 06.01 (cont'd)
PERMITTED, DEVELOPMENT PERMITTED,
AND CONDITIONALLY PERMITTED USES

	VS	VSV	VSC
3. Recreation, Education and Public Assembly, continued			
Convention facilities	C	X	X
Entertainment facilities	C	C	X
Golf courses/driving ranges/country clubs	C	X	X
Health/fitness facilities	C	C	X
Indoor recreation centers	C	C	X
Libraries	X	X	X
Membership organization facilities	C	C	X
Museums	C	C	C
Organization offices	X	X	X
Outdoor commercial recreation	C	X	X
Public parks and playgrounds	C	C	C
Recreational vehicle (RV) parks	X	X	X
Recreational vehicle (RV) storage	X	X	X
Churches	C	C	C
Schools	X	X	X
Sport facilities and outdoor public assembly	C	X	X
Studios for dance, art, music, photography, etc.	C	C	C
Theatres and meeting halls	C	C	X
4. Residential			
Caretaker/watchperson's dwelling	X	X	X
Group homes	X	X	X
Guest house	X	X	X
Home occupations	X	X	X
Multi-family dwellings	X	X	X
Organizational and boarding houses	X	X	X
Residential accessory uses and structures	X	X	X
Senior Citizen/Congregate Care Housing	X	X	X
Single room occupancy facilities	X	X	X
Single family dwellings	X	X	X

5. Retail Trade	VS	VSV	VSC
Accessory retail uses	P	P	P
Auto, mobile home, motor veh./parts sales, new	X	X	X
Auto, mobile home, motor veh./parts sales, used	X	X	X
Bars and drinking establishments	C	C	C
Building material stores	X	X	X
Certified farmers' markets	X	X	X
Convenience Stores	X	X	X
Department stores	X	X	X
Drive-in and drive-through sales	X	X	X
Drug stores	X	X	X
Factory outlet centers	X	X	X
Farm and ranch supply stores	X	X	X
Fuel and ice dealers	X	X	X
Furniture, furnishings, home equipment stores	X	X	X
Gift shops	C	C	C
Grocery stores	X	X	X
Hardware/lumber stores	X	X	X
Liquor stores (off-site consumption)	X	X	X
Outdoor retail merchandise display & activities	C	C	C
Outdoor retail sales, temporary	T	T	T
Restaurants, no beer, wine or liquor sales	C	C	C
Restaurants, serving beer, wine or liquor	C	C	C
Restaurants, drive-in, take-out, fast food	X	X	X
Retail stores, general merchandise	X	X	X
Retail stores, tourist/traveler oriented	C	C	C
Second hand/thrift stores	X	X	X
Shopping centers, 12,000 square feet or more	X	X	X
Video rental stores	X	X	X
Warehouse or club stores (i.e. "Big box stores")	X	X	X

6. Services

Automatic teller machine (ATM), not at a bank	P	P	P
Banks and financial establishments/services	X	X	X
Bed and breakfast establishments	C	C	C
Business support/secretarial services	X	X	X
Cemeteries, columbriums and mortuaries	X	X	X
Construction storage (indoor and/or outdoor)	X	X	X
Drive-in and drive-through services	X	X	X
Hotels/motels, with or without spas	C ¹	C ¹	C ¹
Medical services, clinics and labs	X	X	X

Note:

¹ spa-type hotels/motels, day visit spas, or similar use/facilities that utilize the City's hot mineral water.

TABLE 06.01 (cont'd)
PERMITTED, DEVELOPMENT PERMITTED,
AND CONDITIONALLY PERMITTED USES

	VS	VSV	VSC
6. Services, continued			
Motor vehicle fueling/service stations	X	X	X
Offices, permanent	X	X	X
Offices, temporary	T	T	T
Personal services	C	C	X
Pet grooming (no boarding)	X	X	X
Public and quasi-public uses	C	C	C
Public utility and safety facilities	D	D	D
Repair and maintenance of consumer products	X	X	X
Repair and maintenance of motor vehicles	X	X	X
Research and development facilities	X	X	X
Storage, accessory, including self-storage	X	X	X
Veterinary clinics, animal hospitals	X	X	X
7. Transportation and Communications			
Commercial parking and motor vehicle storage	X	X	X
Freight terminals	X	X	X
Pipelines and utility lines	C	C	C
Telecommunications facilities, inc. antenna	C	C	C
Transit stations and terminals	C	C	C
Transit stop shelters	D	D	D

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159.06.030 LAND USE DISTRICT DEVELOPMENT STANDARDS

1. GENERAL STANDARDS

A. The following standards are minimum unless stated as maximum.

The following standards shall apply to development in all commercial districts, except as otherwise provided for in this Zoning Ordinance:

1. All indoor uses shall be conducted within a completely enclosed structure. Limited outside uses (e.g. patio dining areas and nursery sales limited to plants and trees) shall be approved with a Development Permit.
2. There shall be no visible storage of motor vehicles (except display area for sale or rent of motor vehicles), trailers, airplanes, boats, recreational vehicles, or their composite parts; loose rubbish, garbage, junk, or their receptacles; tents; equipment; or building materials in any portion of a lot. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.
3. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least 3 sides by a solid wall 6 feet in height and on the fourth side by a solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Recycling facilities and programs shall be incorporated into refuse storage/disposal areas for all new development projects and all new construction in existing projects.
4. All roof-mounted air conditioning or heating equipment, vents or ducts shall not be visible from any abutting lot, or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof or screened in a manner which is architecturally integrated with the main structure(s).
5. Elevations of all structures shall be architecturally treated to ensure compatibility with or enhancing of neighboring structures.
6. An intensity bonus of up to 12 square feet for each 1 square foot of permanent space for properly designed and administered day care facilities may be approved by the review authority.

SITE DEVELOPMENT STANDARDS

C-N (NEIGHBORHOOD COMMERCIAL) DISTRICT

Gross Lot Area:	8 to 10 acres (Minimum to Maximum)
Indiv. Lot Area:	7,200 sq. ft. (Minimum)
Maximum Building Coverage:	35%
Distance Between Buildings	20 feet
Max. Building Height:	35 feet
Front Set Backs:	25
Rear Set Back:	Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)
Side Setbacks:	Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)

C-C (COMMUNITY COMMERCIAL) DISTRICT

Gross Lot Area:	10 to 20 acres (Minimum to Maximum)
Indiv. Lot Area:	10,000 sq. ft. (Minimum)
Maximum Building Coverage:	35%
Distance Between Buildings	20 feet
Max. Building Height:	35 feet
Front Set Backs:	25
Rear Set Back:	Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)
Side Setbacks:	Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)

C-G (GENERAL COMMERCIAL) DISTRICT

Gross Lot Area:	2.5 to 5 acres (Minimum to Maximum)
Indiv. Lot Area:	5,000 sq. ft. (Minimum)
Maximum Building Coverage:	35%
Distance Between Buildings	20 feet
Max. Building Height:	35 feet
Front Set Backs:	10 feet
Rear Set Back:	Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)
Side Setbacks:	Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)

VS (Visitor Serving) District

Gross Lot Area:	Varies
Indiv. Lot Area:	Varies
Maximum Building Coverage:	Varies
Distance Between Buildings	10 feet
Max. Stories:	3

Max. Building Height:	35 feet
Front Setback:	20 feet
Street Side Setback:	15 feet
Rear Set Back:	10 feet and 20 feet if adjacent to residential
Side Setbacks:	10 feet and 20 feet if adjacent to residential

V-S-V (Visitor Serving Village) District

Gross Lot Area:	Varies
Indiv. Lot Area:	Varies
Maximum Building Coverage:	Varies
Distance Between Buildings	10 feet
Max. Stories:	2
Max. Building Height:	24 feet
Front Setback:	20 feet
Street Side Setback:	15 feet
Rear Set Back:	10 feet and 20 feet if adjacent to residential
Side Setbacks:	10 feet and 20 feet if adjacent to residential

V-S-C (Visitor Serving Corridor) District

Gross Lot Area:	Varies
Indiv. Lot Area:	Varies
Maximum Building Coverage:	Varies
Distance Between Buildings	10 feet
Max. Stories:	1
Max. Building Height:	20 feet
Front Setback:	20 feet
Street Side Setback:	15 feet
Rear Set Back:	10 feet and 20 feet if adjacent to residential
Side Setbacks:	10 feet and 20 feet if adjacent to residential

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2. LAND USE DISTRICT SPECIFIC STANDARDS

In addition to the general development requirements contained in Chapter 159.20 (Property Development Standards), the following standards shall apply to specific commercial land use districts. For residential uses in commercial land use districts, see Table 04.01 and the standards contained in Chapter 159.04.

G-1. OUTDOOR DINING

Outdoor dining shall be a development permitted use (Development Permit required) in all zoning districts in which restaurant uses are permitted or conditionally permitted within the City. In addition to meeting all standards necessary for the approval of a development permit, such use shall further comply with all of the following standards and conditions:

- (1) Parking shall be provided pursuant to the off-street parking standards set forth in Section 159.24, et seq., of this Zoning Ordinance;
- (2) No area used for open air dining shall be located in the public right of way except as provided in this paragraph G-1.
- (3) Any lighting in outdoor dining areas shall comply with all applicable City ordinances regulating outdoor lighting and shall be of a design that is directed away from and avoids disruptions to nearby properties and uses. Flame lighting such as Tiki torches shall only be permitted if encased in a design that eliminates fire safety hazards in a manner satisfactory to the City's Fire Department.
- (4) Reviewing Authority.
 - (a) Unless otherwise specified herein, the reviewing authority for a Development Permit for outdoor dining shall be the Director of Community Development. If, in the opinion of the Director, an application merits review by the Planning Commission, the Director may refer such application to the Planning Commission, and the Commission shall serve as the reviewing authority and shall conduct a noticed public hearing regarding the request consistent with Chapter 159.52.
 - (b) Notwithstanding the provisions of subsection (a), if the application for a Development Permit for outdoor dining accompanies an application for any other type of discretionary approval from the Planning Commission or City Council for the same site area, the Planning Commission or City Council, as appropriate, shall be the reviewing authority for the application for a Development Permit for outdoor dining and shall conduct a noticed public hearing regarding the request.
- (5) Outdoor dining in the public rights of way.
 - (a) No outdoor dining use shall be established in the public right of way without further complying with the following conditions:
 - (i) A minimum distance of not less than a five-foot wide wheelchair accessible path of travel pedestrian aisle shall be

maintained on the public right of way at all times: to assure the required pedestrian travel aisle, all outdoor dining areas shall be set back a minimum of five feet from the edge of the curb and any fixed sidewalk obstruction including, without limitation, curb lines, tree wells, street trees, parking meters, water hydrants, light poles, utility equipment boxes, newspaper racks and bus benches.

(ii) Umbrellas located in the outdoor dining area shall have a minimum seven-foot clearance from the ground to the lowest element of the umbrella and shall be located completely within the outdoor dining areas permitted boundaries. No writing or graphic of any type shall be permitted upon the umbrella or upon any other furniture located in the outdoor dining area.

(iii) Portable heaters shall be located a minimum of three feet from any combustible material and shall be located completely within the outdoor dining area's permitted boundaries.

(iv) Unless a permanent structure is approved pursuant to the development permit, all fixtures and furniture used in an outdoor dining area shall be removed from the public right of way and stored out of public view during non-business hours. At the discretion of the reviewing authority, outdoor dining areas with more than eight (8) chairs that present increased safety risks due to their configuration may be required to provide a permanent barrier delineating the usable open air dining area from the public right of way.

(v) The outdoor dining area must be immediately adjacent to and abutting the associated restaurant space. Areas used for outdoor dining shall not extend beyond the building frontage for the associated restaurant space.

(vi) The material and design of the furniture (including umbrellas) and barrier, if any, shall be reviewed and approved by the reviewing authority prior to installation. The reviewing authority shall consider whether the design of the furniture and barrier are integrated and compatible in terms of color, shape and size with the adjacent restaurant and shall further ensure that all outdoor furniture and other permitted structures are of a size, shape and weight that can resist being moved in severe wind conditions.

(vii) An encroachment permit allowing establishment of an outdoor dining area shall be issued by the Public Works Department in a form satisfactory to the City Attorney. Such permit shall be conditioned in a manner acceptable to the City

Attorney to protect the health, safety and welfare of the City and its citizens, and shall include, without limitation, reasonable insurance requirements and indemnification provisions acceptable to the City Attorney to protect persons and the City from injury and risks associated with the outdoor dining use.

(viii) Areas used for outdoor dining in the public right of way shall comply with all applicable provisions of the City's building codes, including, but not limited to, maintaining proper building egress and ingress at all times, observing maximum seating capacities, providing proper circulation, and providing appropriate handicap access.

(ix) An annual rental fee payable to the City shall be imposed on the use or operation of outdoor dining areas located in the public right of way. The rental fee schedule shall be set by resolution of the City Council. In the event that a permit is suspended pursuant to this paragraph G-1, rental fees shall not be required to be paid during the period of suspension,

(x) Areas used for outdoor dining in the public right of way shall at all times be maintained in a neat and orderly manner free from any visible signs of disrepair.

(xi) Music, whether live or pre-recorded, and any other form of live or pre-recorded entertainment, shall not be broadcast or performed within outdoor dining areas occupying the public right of way. Electronic sound amplification equipment (e.g. speakers, microphones, amplifiers, sound receivers) is prohibited within outdoor dining areas occupying the public right of way.

(xii) Alcohol served in outdoor dining areas in the public right of way shall only be served in its original container or in nondisposable drink-ware. A permittee serving alcohol within a sidewalk dining area shall place a notation on the menus provided to patrons that states in bold lettering of a size that is no smaller than 1/4 of an inch in height: "People consuming alcohol on the public sidewalk or other public place outside of this outdoor dining area are subject to arrest. DHSMC Section 131.12." Any outdoor dining area located in the public right of way that intends to serve alcohol shall be required to have a barrier satisfactory to the reviewing body cordoning off the entire outdoor dining area from the public sidewalk or other public areas.

(xiii) All outdoor dining areas located in the public right of way shall remain free of litter at all times.

(xiv) There shall be no modification of the texture of the surface of the public right of way to accommodate the outdoor dining facilities.

(xv) Outdoor dining areas located in the public right of way shall not interfere with visibility, vehicular or pedestrian mobility.

(xvi) Use, occupation and obstruction of the public right of way for outdoor dining purposes is a revokable privilege. As such, the privilege may be temporarily suspended when, in the discretion of the Director of Community Development, the Police Chief, the Fire Chief, the City Engineer, the Public Works Director, or the City Manager, any such use, occupation or obstruction may interfere with public safety efforts or programs, street improvement activities, construction activities, public utility installations, cleaning efforts or other similar activities or with the health, welfare or safety of the citizens of the City. No hearing shall be required prior to such suspensions. However, the City shall provide the permittee with at least 20-days prior written notice of such suspension by posting such notice at the entrance to the permittee's eating establishment where the outdoor dining facilities are located, unless due to and immediate threat to health, welfare or safety, the City is unable to provide such notice, in which case, such notice shall be provided as soon as is reasonably possible,

(xvii) Consistent with Section 159.22.060 of the City's Zoning Ordinance, no signs, including, without limitation portable signs or A-frame signs, shall be permitted in the outdoor dining area occupying the public right of way.

(6) In addition to any other noticing requirements provided in this Zoning Ordinance, the following noticing requirements shall apply to Development Permit applications for outdoor dining uses:

(a) A notice of application, in a form approved by the City, shall be posted in a conspicuous place on the subject site of any proposed outdoor dining use within three days after an application for an outdoor dining permit has been deemed complete. Such notice shall be visible from a distance of sixty feet (60) and shall remain posted in such conspicuous place for no less than (10) days. Within five (5) days of posting, the applicant for an outdoor dining permit shall submit an affidavit to the City certifying such notice has been posted in compliance with this provision.

(b) A notice of intended decision regarding an application for an

outdoor dining permit shall be mailed at least ten (10) days prior to any decision rendered by the Director of Community Development to all property owners and residential occupants within one hundred feet (100) of the exterior boundaries of a project site.

- (c) A notice of public hearing shall be mailed at least ten (10) days prior to any hearing held by a reviewing authority other than the Director of Community Development, by United States mail, postage paid, to all property owners and occupants within one hundred feet (100) of the exterior boundaries of a project site, as shown on the latest equalized assessment roll.
 - (d) When a decision regarding a Development Permit for outdoor dining is rendered by the Director of Community Development, then a notice of decision shall be mailed in the same manner as the notice of intended decision.
- (7) All outdoor dining areas shall comply with the City's noise ordinances, including, without limitation, Section 159.20.030(15) ("Noise") of the City's Zoning Ordinance.
- (8) In approving a Development Permit for outdoor dining, the reviewing authority may impose such conditions as may be reasonably necessary to protect the public health, safety and general welfare, and to ensure that the proposed outdoor dining use is established and conducted in a manner that is consistent with this paragraph G-1 and the development standards for the underlying commercial zone. The conditions imposed by the reviewing authority may include, but shall not be limited to:
- (a) The appropriate setback for the proposed outdoor air dining use;
 - (b) Pedestrian access and safety;
 - (c) Barrier requirements surrounding the proposed open air dining use;
 - (d) The time limit on the Permit;
 - (e) Restrictions governing the hours the proposed outdoor dining use may operate;
 - (f) Design restrictions to ensure neighboring properties and uses are not negatively impacted by noise, light or other attributes of the outdoor dining use.
- (9) Revocation of a development permit for outdoor dining shall occur pursuant to the standards and procedures set forth in Section 159.44.110 of

this Zoning Ordinance. An appeal from any determination to revoke a development permit for outdoor dining shall be pursuant to the procedures set forth in Chapter 159.52 of this Zoning Ordinance.

- (10) Any violation of subparagraphs 1, 2, 3, 4, 5, or 7 of this paragraph G-1 shall constitute a public nuisance and an infraction, subject to all remedies available by law.

**TABLE 06.01
COMMERCIAL DISTRICT
SPECIFIC STANDARDS**

Specific Standards	C-N	C-C	C-G
Alcohol Beverage Control “ABC” License	+	+	+
Automobile Sales	+	+	+
Bonus Height	+		+
Convenience Stores	+		+
Day Care Centers			+
Drive-Through Restaurants	+	+	+
Indoor Retail Concession Malls	+	+	+
Mini-Malls	+	+	+
Multi-Family Housing		+	+
Recycling Facilities for Reusable Domestic Containers	+	+	+
Senior Citizens/Congregate Care Housing	+		
Service Stations	+	+	+
Service Station Conversions	+	+	+
Single Family Housing, Existing	+	+	+
Single Family/Office Conversions	+	+	+
Single Room Occupancy Facilities			+
Wind Energy Conversion Systems (WECS)	*	*	*

Key: “+” applies in the land use district.

* See Section 159.08, Industrial Development Standards.

A. ALCOHOL BEVERAGE CONTROL “ABC” LICENSE

A business or establishment requiring issuance of an “ABC” license is subject to a Conditional Use Permit, and shall comply with the following standard(s), in addition to conditions imposed by the Commission:

Establishments subject to an off-site “ABC” license shall not be located within 500 feet of any religious institution, school, or public park within the City; and shall not be located in such close proximity to another similar use to cause over saturation of the neighborhood. The license application shall be reviewed by the Police Department prior to City approval.

Sit-down restaurants whose predominant function is the service of food where the on-site sale of alcoholic beverages is incidental or secondary are exempt from the requirement for a Conditional Use Permit; an incidental bar or lounge shall be allowed for the convenience of dining patrons. (Establishments which are primarily a bar or lounge or have a bar or lounge area as a principal or independent activity are not included in this exemption.)

B. AUTOMOBILES SALES

Automobile sales dealerships, new and/or used, in the City must conform to the intent of this Zoning Ordinance and shall enhance and promote the image of the City. A Conditional Use Permit shall be required, and all dealerships must be constructed in the following manner:

1. The minimum site area shall be 15,000 square feet, except where a larger minimum area is required.
2. All parts, accessories, etc., shall be stored within a fully enclosed building.
3. Service and associated car storage areas shall be screened from public view.
4. All on-site lighting shall be stationary, and directed away from and sensitive to adjoining properties and public rights-of-way.
5. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 159.28 (Landscaping Standards).
6. All on-site signage shall comply with the provisions of Chapter 159.22 (Sign Standards).
7. All loading and unloading of vehicles shall occur on-site and not in adjoining streets or alleys.
8. All vehicles associated with the business shall be parked or stored on-site and not in adjoining streets and alleys.
9. An adequate on-site queuing area for service customers shall be provided. Required parking spaces may not be counted as queuing spaces.
10. No vehicle service or repair work shall occur except within a fully enclosed structure. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way.
11. All on-site parking shall comply with provisions of Chapter 159.24 (Off-Street Parking Standards). A parking plan shall be developed as part of the permit review process.
12. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with applicable Planning and Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least 3 sides by a solid wall 6 feet in height and on the fourth side by a

solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Recycling facilities and programs shall be incorporated into refuse storage/disposal areas for all new development projects and all new construction in existing projects.

C. BONUS HEIGHT

Proposed structures shall not exceed the maximum height limit of the district. This section provides a special incentive to increase the maximum allowable height limit through a program which encourages such additional amenities as deemed desirable by the Commission. These amenities may include, but not limited to the following:

1. Mixed Use Developments (i.e. residential above commercial office and retail uses, restaurants, theaters, etc.);
2. Enhanced pedestrian activities;
3. Improved signage and additional landscaping;
4. Additional parking;
5. Ground level and second floor plazas;
6. Outdoor cafes;
7. Artistic sculptures and aquatic amenities; and
8. Day care centers.

D. CONVENIENCE STORES

The retail sale of groceries, staples, sundry items and/or alcoholic beverages where the gross floor area is less than 5,000 square feet is subject to Development Permit review, and shall be constructed and operated in the following manner:

1. The minimum site area shall be 10,000 square feet.
2. The site shall have direct frontage along a major or secondary street. The site shall not have primary access on a local residential street.
3. One access drive may be permitted for each street frontage. The design and location of the access drive(s) shall be subject to the approval of the City Engineer and the Commission. Access drives may not be permitted on limited-access roadways (including Mission Lakes Blvd., Pierson

Blvd., Two Bunch Palm Trail, Indian Ave., Little Morongo and Palm Drive).

4. No convenience store shall be located less than 1,000 feet from an existing or previously approved convenience store, or an existing elementary, junior high school, or high school, as measured from one property line to another.
5. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way.
6. All on-site signage shall comply with the provisions of Chapter 159.22 (Sign Standards).
7. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 159.28 (Landscaping Standards).
8. All on-site parking shall comply with the provisions of Chapter 159.24 (Off-Street Parking Standards). A parking plan shall be development as part of the permit review process.
9. The premises shall be kept in a neat and orderly condition at all times.
10. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least 3 sides by a solid wall 6 feet in height and on the fourth side by solid gate not less those 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Recycling facilities and programs shall be incorporated into refuse storage/disposal areas for all new development projects and all new construction in existing projects.
11. If on-site dispensing of automotive fuels is provided, the design, location and operation of these facilities shall be consistent with the provisions of Section 159.06.030 (L.) (Service Stations Standards). Additionally, the cashier location shall be provided with direct visual access to the pump islands and the vehicles parked adjacent to the islands.
12. A bicycle rack shall be installed in a convenient location visible form the inside of the store.
13. Each convenience store shall provide a public restroom located within the store.
14. Public pay telephones provided on-site shall not be set up for incoming

- calls. Public telephones shall be featured with call out service only.
15. On-site video games may not be installed or operated on the premises.
 16. A convenience store adjacent to any residentially designated district shall have a 6 foot high decorative masonry wall along property lines adjacent to such districts.
 17. All parking, loading, circulation aisles, and pump island bay areas shall be constructed with (PCC) concrete.

E. DAY CARE CENTERS

Refer to Section 159.04.030(2)(B).

F. DRIVE-THROUGH RESTAURANTS

This Section contains standards for drive-thru restaurants as well as prohibition of same in specified land use districts. Drive-thru restaurants are subject to Development Permit review.

1. Establishments providing drive-thru facilities may be permitted in the C-N, C-C and C-G zoning districts.
2. Pedestrian walkways should not intersect the drive-thru aisles, but where they do, they shall have clear visibility, and they must be emphasized by enriched paving or striping.
3. Drive-thru aisles shall have a minimum 12 foot width on curves and a minimum 11 foot width on straight sections.
4. Drive-thru aisles shall provide sufficient stacking area behind menu board to accommodate minimum of 4 cars.
5. All service areas, rest rooms and ground mounted and roof mounted mechanical equipment shall be screened from view.
6. Landscaping shall screen drive-thru or drive-in aisles from the public right-of-way and shall be used to minimize the visual impact of readerboard signs and directional signs.
7. Drive-thru aisles shall be constructed with (PCC) concrete.
8. Parking areas and the drive-thru aisle and structure shall be setback from the ultimate curb face a minimum of 25 feet
9. Menu boards shall be a maximum of 30 square feet, with a maximum height of 7 feet, and shall face away from the street.

10. Drive-thru restaurants within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-thru, restaurant must provide compatibility with surrounding uses in form, materials, colors, scale, etc. Structure plans shall have variation in depth and angle to create variety and interest in its basic form and silhouette. Articulation of structure surface shall be encouraged through the use of openings and recesses which create texture and shadow patterns. Structure entrances shall be well articulated and project a formal entrance through variation of architectural plane, pavement surface treatment, and landscape plaza.
11. No drive-thru aisles shall exit directly onto a public right-of-way.

G. INDOOR RETAIL CONCESSION MALLS

Indoor retail concession malls are subject to a Conditional Use Permit and shall comply with the following standards:

1. Additional refuse containers may be required.
2. A centralized loading area is required.
3. A parking study may be required which addresses available off-street parking for establishments which are proposed for tenant suites within existing multi-tenant, commercial centers.
4. Indoor retail concession malls shall be considered to be one tenant for purposes of Zoning Ordinance sign standards.

H. MINI -MALLS

Mini-malls (small scale, up to 30,000 square feet, multi-tenant shopping centers) are subject to a Development Permit and shall comply with the following standards.

1. All development and operational standards outlined in Section 159.06.030 (2) (D) (Convenience Stores), except for items Nos. 4 and 17, shall apply.
2. The development shall provide internal continuity, uniformity, and compatibility relating to architectural design, vehicular and pedestrian access, and on-site provisions for landscaping, loading, parking and signage.
3. To the extent feasible, the on-site vehicular circulation system shall provide continuity with adjacent and similar commercial developments.

4. No outdoor displays or sale of merchandise shall be permitted, However, limited outdoor sales may be allowed subject to the issuance of a Temporary Use Permit.
5. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacles(s) shall be screened from public view on at least 3 sides by a solid wall 6 feet in height and on the fourth side by a solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Recycling facilities and programs shall be incorporated into refuse storage/disposal areas for all new development projects and all new construction in existing projects.

I. MULTI-FAMILY HOUSING

Refer to Section 159.04.030 (2) (K).

J. HOUSEHOLD RECYCLING FACILITIES FOR REUSEABLE DOMESTIC CONTAINERS

Household recycling facilities are subject to permit review in all commercial and industrial land use districts according to the following schedule:

<u>Type of Facility</u>	<u>Districts Permitted</u>	<u>Permit Required</u>
Reverse Vending and Machine(s) vending	All commercial and All Industrial	Development Permit up to 5 reverse machines
Small Collection	C-G, C-N, C-C	Development Permit
Large Collection Permit	C-N, C-C and All Industrial	Conditional Use
Light Processing Permit	All Industrial	Conditional Use
Heavy Processing Permit	All Industrial	Conditional Use

1. For the purposes of this Section, the following definitions shall apply:

- a. Collection Facility. A center for the acceptance by donation, redemption or purchase of recyclable materials from the public, which may include the following:
 - 1) Reverse vending machine(s)
 - 2) Small collection facilities which occupy an area of less than 500 square feet and may include:
 - a) A mobile unit;
 - b) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and
 - c) Kiosk-type units which may include permanent structures.
 - 3) Large Collection facilities which may occupy an area of more than 500 square feet and may include permanent structures.
- b. Mobile Recycling Unit. An automobile, truck, trailer, or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials, including bins, boxes, or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.
- c. Convenience Zones. An area within a 1/2 mile radius of a supermarket.
- d. Supermarket. A full-service, self-service retail store with gross annual sales of 2,000,000 dollars or more, and which sells a line of grocery, canned goods, or non-food items and some perishable items.
- e. Processing Facility. A building or enclosed space used for the collection and processing of recyclable materials to prepare for either efficient shipment or to an end-user's specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing. Processing facilities include the following:
 - 1) Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages 2 outbound truck shipments per day. Light processing facilities area limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
 - 2) A heavy processing facility is any processing facility other than a light processing facility.

- f. Recycling Facility. A center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residential, commercial or manufacturing designated parcel used solely for the recycling of material generated on the parcel.
- g. Recycling or Recyclable Material. Reusable domestic containers including but not limited to metals, glass, plastic and paper which are intended for reuse, remanufacture, or reconstitution for the purpose of using in altered form. Recyclable material does not include refuse or hazardous materials.
- h. Reverse Vending Machine. An automated mechanical device which accepts at least 1 or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than 1 container at a time and will pay by weight instead of by container.

- 2. The standards for recycling facilities are as follows:
 - a. Reverse vending machine(s) located within a commercial structure shall require a Development Permit, shall not require additional parking spaces for recycling customers, and may be permitted in all commercial and industrial land use districts subject to compliance with the following standards:
 - 1) Shall be installed as an accessory use to a commercial use which is in full compliance with all applicable provisions of this Development Code and the Municipal Code;
 - 2) Shall be located within 30 feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
 - 3) Shall not occupy parking spaces required by the primary use;

- 4) Shall occupy no more than 50 square feet of floor space per installation, including any protective enclosure, and shall be no more than 8 feet in height;
- 5) Shall be constructed and maintained with durable waterproof and rustproof material;
- 6) Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
- 7) Shall have a sign area of a maximum of 4 square feet per machine, exclusive of operating instructions;
- 8) Shall be maintained in a clean, sanitary, and litter-free condition on a daily basis;
- 9) Operating hours shall be consistent with the operating hours of the primary use;
- 10) Shall be illuminated to insure comfortable and safe operation if operating hours are between dusk and dawn; and
- 11) Shall maintain an adequate on-site refuse container for disposal of non-hazardous waste.

b. Small Collection Facilities located within applicable commercial and industrial land use districts shall be subject to a Development Permit, and comply with the following standards:

- 1) Shall be installed as an accessory use to an existing commercial use which is in full compliance with all applicable provisions of this Zoning Ordinance and the Municipal Code;
- 2) Shall be no larger than 500 square feet and occupy no more than 5 parking spaces not including space that will be periodically needed for removal of materials or exchange of containers
- 3) Shall be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation;
- 4) Shall accept only glass, metals, plastic containers, papers and reusable items;
- 5) Shall use no power-driven processing equipment except for reverse vending machines;
- 6) Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
- 7) Shall store all recyclable material in the mobile unit vehicle and shall not leave materials outside of the unit when attendant is not present;
- 8) Shall be maintained in a clean and sanitary manner free of litter and any other undesirable materials, including mobile facilities;

- 9) Shall not exceed noise levels of 65 dBA as measured at the property line of adjacent residential land use districts;
- 10) Attended facilities shall not be located within 100 feet of any residential land use district;
- 11) Collection containers, site fencing, and signage shall be of such color and design so as to be compatible with and to harmonize with the surrounding uses and neighborhood;
- 12) Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure of containers;
- 13) Signs may be provided as follows:
 - a) Recycling facilities may have identification signs with a maximum of 15% per side of a structure or 16 square feet, whichever is greater. In the case of a wheeled facility, the side will be measured from the ground to the top of the container;
 - b) Signs shall be consistent with the character of their location;and

- c) Directional signs, consistent with Chapter 159.22 (Sign Standards), bearing no advertising message may be installed with the approval of the Director if found necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
 - 14) The Facility shall not impair the landscaping required by Chapter 159.28 (Landscaping Standards) for any concurrent use;
 - 15) No additional parking space shall be required for customers of a small collection facility located at the established parking lot of the primary use. One space will be provided for the attendant, if needed;
 - 16) Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
 - 17) Occupation of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the primary use unless all of the following conditions exist:
 - a) A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site; and
 - b) The permit shall be reviewed at the end of 18 months.
 - 18) Small collection facilities shall not be 24 hour operations;
 - 19) Small collection facilities may be subject to landscaping and/or screening as determined by the review authority; and
 - 20) Shall maintain adequate refuse containers for the disposal of non-hazardous waste.
- c. A Large Collection Facility which is larger than 500 square feet, or on a separate parcel not accessory to a “primary” use, which has a permanent structure is permitted in the commercial, and industrial land use districts, subject to a Conditional Use Permit, and the following standards:
- 1) The facility does not abut a parcel designated or planned for residential use;
 - 2) The facility shall be screened from the public right-of-way, within an enclosed structure;
 - 3) Structure setbacks and landscape requirements shall be those provided for the land use district in which the facility is located;
 - 4) All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition. Outdoor storage shall be screened by a 6 foot, solid decorative masonry wall. No storage, excluding truck trailers shall be visible above the height of the wall. No outdoor storage shall be permitted in the land use districts; which do not permit outdoor storage.

- 5) The site shall be maintained clean, sanitary and free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis;
 - 6) Space shall be provided on site for 6 vehicles to circulate and to deposit recyclable materials;
 - 7) Four parking spaces for employees plus 1 parking space for each commercial vehicle operated by the recycling facility shall be provided on-site;
 - 8) Noise levels shall not exceed 65 dBA as measured at the property line of adjacent residential land use districts;
 - 9) If the facility is located within 500 feet of property designated, or planned for residential use, it shall not be in operation between 7:00 PM and 7:00 AM;
 - 10) Any containers provided for after hours donation or recyclable materials shall be at least 50 feet from any residential land use district permanently located, or sturdy rustproof construction, and shall have sufficient capacity to accommodate materials collected and be secure from unauthorized entry or removal of materials;
 - 11) Donation areas shall be kept free of litter and any other undesirable material and the containers will be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers;
 - 12) The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs shall meet the standards of the land use district; and directional signs bearing no advertising message may be installed with the approval of the Director, if necessary to facilitate traffic circulation; and
 - 13) Adequate refuse containers for the disposal of non-hazardous waste shall be permanently maintained on-site.
- d. Light Processing Facilities and Large Processors shall be permitted in all industrial land use districts subject to a Conditional Use Permit, and shall comply with the following standards:
- 1) The facility shall not abut a residentially designated parcel;
 - 2) In the I-L land use district, processors shall operate within a completely enclosed structure;
 - 3) Power-driven processing shall be permitted provided all noise level requirements are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials;
 - 4) A light processing facility shall be no larger than 45,000 square feet and shall have no more than an average of 2 outbound truck shipments of material per day and shall not shred, compact or bale

- ferrous metals other than food and beverage containers;
- 5) Structure setbacks and landscaping requirements shall be those provided for the land use district in which the facility is located;
 - 6) All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured and maintained in good condition, Storage containers for flammable materials shall be constructed of nonflammable material. No storage excluding truck trailers shall be visible above the height of the required walls;
 - 7) The site shall be maintained in a clean manner and free of litter and any other undesirable materials(s). Loose debris shall be collected on a daily basis and the site shall be secured from unauthorized entry and removal of materials when attendants are not present;
 - 8) Space shall be provided on-site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, a parking area shall be provided for a minimum of 10 customers at any 1 time;
 - 9) One employee space shall be provided for each commercial vehicle operated by the processing center;
 - 10) Noise levels shall not exceed 65 dBA as measured at the property line of residential land use districts;
 - 11) If the facility is located within 500 feet of property designated or planned for residential use, it shall not be in operation between 7:00 PM and 7:00 AM. The facility shall be administered by on-site personnel during the hours the facility is open;
 - 12) Any containers provided for after-hours donation or recyclable materials shall be at least 100 feet from any residential land use district parcel, and shall be sturdy, rustproof construction, with sufficient capacity to accommodate materials collected , and shall be secure from unauthorized entry or removal of materials;
 - 13) Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers;
 - 14) Signs shall be installed pursuant to Chapter 159.22 (Sign Standards). Additionally, the facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.
 - 15) No dust, fumes, smoke, vibration or odor above ambient level shall be detectable from adjacent residentially designated parcels; and
 - 16) The facility shall maintain adequate on-site refuse containers for the disposal of non-hazardous waste.

K. SENIOR CITIZEN/CONGREGATE CARE HOUSING STANDARDS

Refer to Section 159.04.030 (2) (N).

L. SERVICE STATION (GASOLINE) STANDARDS

Service stations are subject to a Development Permit and shall comply with the following standards:

1. New service stations shall be permitted only at the intersections of major and secondary arterials, their intersections with freeway off-ramps, and as tenants of multi-tenant shopping centers, provided that they are integrated into the design of the shopping centers. A maximum of 2 service stations shall be permitted at each intersection. The use shall not adjoin a residential land use district.
2. The minimum parcel size shall be 15,000 square feet, with a minimum structures footage of 100 feet on each street.
3. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
 - a. The dispensing of petroleum products, water and air from pump islands.
 - b. The provision of emergency service of a minor nature.
 - c. The sale of items via vending machines which shall be placed next to the main structure in a designated area not to exceed 32 square feet, and which must be screened from public view.
4. Pump islands shall be located a minimum of 20 feet from a street property line, however, a canopy or roof structure over a pump island may encroach up to 10 feet within this distance. Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands.
5. The maximum number of points of ingress/egress to any one street shall be 2.
6. There shall be a minimum distance of 30 feet between curb cuts along a street frontage.
7. No driveway may be located closer than 35 feet to the curb return.
8. The width of a driveway may not exceed 36 feet at the sidewalk.
9. On-site parking shall be provided at 1 space for each pump island, plus 1 space for each service bay.
10. Outside storage of motor vehicles is prohibited.

11. No vehicles may be parked on sidewalks, parkways, driveways or alleys.
12. No vehicle may be parked on the premises for the purpose of offering it for sale.
13. Landscaping shall comprise a minimum of 15% of the service station site area, exclusive of required setbacks, and shall be provided and permanently maintained according to the following regulations, as well as those contained in Chapter 159.28 (Landscaping Standards).
 - a. A minimum 5 foot wide (inside dimension), 6 inch high planter area shall be provided along interior property lines, except for openings to facilitate vehicular circulation to adjacent properties. Where adjacent to a periphery wall, trees planted not more than 16 feet apart shall be included in the planter areas.
 - b. A planter area of not less than 200 square feet shall be provided at the corner of 2 intersecting streets. Landscaping shall not exceed a height of 30 inches.
 - c. A minimum of 50 square feet of planter area shall be located along those portions of the main structure fronting on a public street.
 - d. Additional landscaping may be required to screen the service station from adjacent properties.
15. All on-site signage shall comply with the provisions of Chapter 159.22 (Sign Standards).
16. Openings of service bays shall not face the public right-of-way and shall be designed to minimize the visual intrusion onto adjoining properties.
17. No used or discarded automotive parts or equipment, or disabled, junked or wrecked vehicles may be located in any open area outside the main structure.
18. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least 3 sides by a solid wall 6 feet in height and on the fourth side by a solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Recycling facilities and programs shall be incorporated into refuse storage/disposal areas for all new development projects and all new construction in existing projects.
19. All light sources, including canopy, perimeter, and flood shall be energy

efficient, stationary and shielded or recessed within the roof canopy so that the service station shall be indirectly visible and light is deflected away from adjacent properties and public rights-of-way. Lighting shall not be of such a high intensity as to cause a traffic hazard or adversely affect adjoining properties. No luminary shall be higher than 15 feet above finished grade.

20. Where an existing service station adjoins property in a residential land use district, a 6 foot high decorative masonry wall shall be constructed at the time the station requires a permit for the on-site improvement/modification. Materials, textures, colors and design of the wall shall be compatible with on-site development and adjoining properties. When the wall reaches the established front-yard setback line of a residentially designated lot abutting or directly across an alley from the service station, it shall decrease to a height of 30 inches.
21. Restroom entrances viewable from adjacent properties or public-rights-of-way shall be concealed from view by planters or decorative screening.
22. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.
23. All parking, loading, circulation aisles, and pump island bay areas shall be constructed with (PCC) concrete.

M. SERVICE STATION CONVERSIONS

A structure originally constructed as a service station and which is proposed for conversion to another allowable use shall require upgrading and remodeling for such items as, but not limited to, removal of all gasoline appurtenances, removal of canopies, removal of pump islands, removal of gas tanks, removal of overhead doors, additional street improvements or modification of existing improvements to conform to access regulations, exterior remodeling, and any additional standards as required by this Zoning Ordinance.

N. SINGLE FAMILY HOUSING, EXISTING

Additions, alterations and expansion to single-family units which legally existed in the commercial and industrial districts prior to October 2000, shall comply with the R-L-1 District Standards.

O. SINGLE FAMILY/OFFICE CONVERSIONS

A structure originally constructed as a family residence which is proposed or conversion to a low intensity office use shall require the following:

1. The building elevations and the landscaping between the front property line and the building front shall be maintained in their residential character.
2. Parking shall be provided to the rear of the structure. Access may be permitted from the original driveway if there is a minimum width of 10 feet.
3. Any trees with a trunk diameter great than 6 inches shall be preserved. If it becomes necessary to remove a tree with a trunk diameter greater than 6 inches, each tree removed shall be replaced on a 2:1 ration with 36 inch box trees.
4. If the rear property line abuts an alley, access to parking shall be provided from the alley whenever possible.
5. Where 2 or more single family residences adjacent to one another are converted to office uses, reciprocal access and parking may be required.
6. Parking spaces shall be provided as determined at project review. To the greatest extent possible professional office parking requirements shall be met. Landscaping requirements may be reduced to provide adequate parking.
7. Unattended tandem parking will be permitted if it is determined such parking would be appropriate and effectively used.
8. Parking lot landscaping may be reduced to 5% of the parking area (plus setbacks) if it is deemed necessary in order to provide adequate parking spaces.
9. Loading spaces are not required.
10. A monument sign shall be permitted with the following standards:
 - Maximum height 4 feet.
 - Maximum area 16 square feet
 - Minimum distance from property line 10 feet
 - No illumination shall be permitted
11. The structure shall be made to conform to the provisions of the Uniform Fire Code and the Uniform Building Code for commercial structures.
12. Trash receptacles should be placed to the rear of the structure and screened from view. Location and size of receptacles will be determined at project review. Recycling facilities and programs shall be incorporated into refuse

storage/disposal areas for all new development projects and all new construction in existing projects.

P. SINGLE ROOM OCCUPANCY (SRO) FACILITIES

Refer to Section 159.04.030 (2) (P).

Q. Visitor Serving (VS) District Development Standards.

1. This district is meant to foster increased tourist and visitor-related activities; support the maintenance and enhancement of existing hot mineral water spas and encourage and development of similar new facilities in particular, “destination resort spas” and hotels that utilize the City’s sub-surface hot mineral waters.
2. Uses other than those specifically mentioned in this section may be permitted, including but not limited to recreational, educational and public assembly facilities including 301C non-profit organizations, provided such uses can be shown, in the opinion of the Planning Commission, as evidenced by resolution, to make up the "Hot Water Spa experience".
3. Development within this district will be subject to approval of a Conditional Use Permit (CUP) and utilize those Visitor Serving development standards/regulations contained in Section 159.06.030(1)(A), Table 06.01 of Section 159.06.020, Section 159.06.060(2)(Q), Section 159.06.060 (where applicable); and
 - a. Shall be those which the City Council deems appropriate to:
 1. Ensure the continued quality and image of the City as an international destination Hot Water Spa/Resort community;
 2. Ensure the continued integrity of the low density residential and resort character of the City;
 3. Ensure the internal integrity, over time, of the proposed resort complex.
 - b. Other standards and/or regulations that the Director may determine to be necessary.
4. All development in this zone shall be in accordance with a Master Development Plan.
5. Residential development is not a permitted use within this district.
6. Structure height shall be limited to a maximum of three (3) stories or thirty-five (35’) feet, except as may be provided for under a Conditional Use Permit.

7. Existing lots of record within this District shall not be subdivided to less than one (1) acre (net), but may be merged with adjacent properties for purposed of creating larger resort development sites.
8. Accessory uses may include commercial uses operated as an integral part of a hot water spa-oriented resort, hotel, motel or other similar visitor serving industry use as long as it remains accessory to the primary use, subject to the following standards:
 - a. Street Entrances: There shall be no street entrances directly to such commercial uses.
 - b. Percentage of Commercial Uses Allowed: Such commercial uses shall occupy not more than twenty percent (20%) of the ground floor area of the resort, hotel, motel or other similar visitor use.
 - c. Signs. All signs shall be for the use of the resort, hotel, motel or other similar visitor use only; the signs may state that a restaurant or the commercial facility is available.
8. Review Required: New or proposed building, modification, expansions, repainting with a different color shall be subject to Design Review before the Planning Commission. This requirement shall also ally to proposed improvement to existing uses not otherwise listed in this chapter.
9. Building Materials/Colors: Unless otherwise approved by the Planning Commission color schemes sympathetic with desert surroundings (such as sands, grays, shades of brown) shall be utilized for all exterior finishes of a residence including door and window trim colors, roof tile, and garden walls.
10. Construction Times: Construction activities within a VS District will be subject to the following restrictions:

Summer months (~~April—September~~ June-November): 7:00 a.m. till 6:00 p.m.
 No construction on Sundays or national holidays

Winter months (~~October—March~~ December - May): 8:00 a.m. till 5:00 p.m.
 No construction on Saturdays, Sundays or national holidays

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11. Exemptions. Parcels with residential land uses and/or structures which were established prior to the adoption of this Section shall be exempt from the provisions of the VS District and the Abatement of Nonconforming Uses as specified in Section 159.62.040.

R. Visitor Serving Village (V-S-V) District Development Standards.

1. This district is meant to include numerous spa-type hotels and foster the development of the area in the concept of a pedestrian-friendly European village

with small to medium sized spas/resorts intermix with limited (boutique) retail and restaurants, unique streetscape, parks and similar compatible uses.

2. Uses other than those specifically mentioned in this section may be permitted, including but not limited to recreational, educational and public assembly facilities including 301C non-profit organizations, provided such uses can be shown, in the opinion of the Planning Commission, as evidenced by resolution, to make up the "Hot Water Spa experience".
3. Development within this district will be subject to approval of a Conditional Use Permit (CUP) and utilize those Visitor Serving development standards/regulations contained in Section 159.06.030(1)(A), Table 06.01 of Section 159.06.020, Section 159.06.060(2)(Q), Section 159.06.060 (where applicable); and
 - a. Shall be those which the City Council deems appropriate to:
 1. Ensure the continued quality and image of the City as an international destination Hot Water Spa/Resort community;
 2. Ensure the continued integrity of the low density residential and resort character of the City;
 3. Ensure the internal integrity, over time, of the proposed spa/visitor serving facility.
 4. Ensure the development of the district in the concept of a pedestrian-friendly European village with small to medium sized spas/resorts intermix with limited (boutique) retail and restaurants, unique streetscape, parks and similar compatible uses.
 - b. Other standards and/or regulations that the Director may determine to be necessary.
4. All development in this zone shall be in accordance with a Specific Plan.
5. Residential development is not a permitted use within this district.
6. Structure height shall be limited to a maximum of two (2) stories or twenty-four feet, except as may be provided for under a Conditional Use Permit.
7. Existing lots of record within this District shall not be subdivided to less than one (1) acre (net), but may be merged with adjacent properties for purposed of creating larger resort development sites.
8. Accessory uses may include commercial uses operated as an integral part of a hot water spa-oriented resort, hotel, motel or other similar visitor serving industry use as long as it remains accessory to the primary use, subject to the following standards:

- a. Street Entrances: There shall be no street entrances directly to such commercial uses.
 - b. Percentage of Commercial Uses Allowed: Such commercial uses shall occupy not more than twenty percent (20%) of the ground floor area of the resort, hotel, motel or other similar visitor use.
 - c. Signs. All signs shall be for the use of the resort, hotel, motel or other similar visitor use only; the signs may state that a restaurant or the commercial facility is available.
9. Review Required: New or proposed building, modification, expansions, repainting with a different color shall be subject to Design Review before the Planning Commission. This requirement shall also apply to proposed improvement to existing uses not otherwise listed in this chapter.
 10. Building Materials/Colors: Unless otherwise approved by the Planning Commission color schemes sympathetic with desert surroundings (such as sands, grays, shades of brown) shall be utilized for all exterior finishes of a residence including door and window trim colors, roof tile, and garden walls.
 11. Construction Times: Construction activities within a V-S-V District will be subject to the following restrictions:

Summer months (~~April—September~~ June-November): 7:00 a.m. till 6:00 p.m.
No construction on Sundays or national holidays
Winter months (~~October—March~~ December - May): 8:00 a.m. till 5:00 p.m.
No construction on Saturdays, Sundays or national holidays
Ord. 2006-03

12. Exemptions. Parcels with residential land uses and/or structures which were established prior to the adoption of this Section shall be exempt from the provisions of the V-S-V District and the Abatement of Nonconforming Uses as specified in Section 159.62.040.

S. Visitor Serving Corridor (V-S-C) District Development Standards.

1. This district is assigned to a small portion of Hacienda Drive and meant to include numerous small to medium sized spas/resorts. The intent of this land use district is to encourage the development with small to medium sized spas/resorts including motel-type or boutique-type of spas, day visit spas, or similar limited uses/facilities with unique streetscape, landscaping and small mini-parks forming an open space belt through the district.
 - This designation is intended to accommodate boutique-type restaurants, art galleries, gift shops, coffee shops and similar small scale specialized visitor serving uses intermixed within the district and

along Hacienda Drive. Strip-commercial development along Hacienda Drive is not permitted.

2. Uses other than those specifically mentioned in this section may be permitted, including but not limited to recreational, educational and public assembly facilities including 301C non-profit organizations, provided such uses can be shown, in the opinion of the Planning Commission, as evidenced by resolution, to make up the "Hot Water Spa experience".
3. Development within this district will be subject to approval of a Conditional Use Permit (CUP) and utilize those Visitor Serving development standards/regulations contained in Section 159.06.030(1)(A), Table 06.01 of Section 159.06.020, Section 159.06.060(2)(Q), Section 159.06.060 (where applicable); and
 - a. Shall be those which the City Council deems appropriate to:
 1. Ensure the continued quality and image of the City as an international destination Hot Water Spa/Resort community;
 2. Ensure the continued integrity of the low density residential and resort character of the City;
 3. Ensure the internal integrity, over time, of the proposed spa/visitor serving facility.
 4. Ensure the development of the district in the concept of a pedestrian-friendly corridor with small to medium sized spas/resorts including motel-type or boutique-type of spas, day visit spas, or similar limited uses/facilities with unique streetscape, landscaping and small mini-parks forming an open space belt through the district.
 - b. Other standards and/or regulations that the Director may determine to be necessary.
4. All development in this zone shall be in accordance with a Specific Plan.
5. Residential development is not a permitted use within this district.
6. Structure height shall be limited to a maximum of one (1) story or twenty feet, except as may be provided for under a Conditional Use Permit.
7. Accessory uses may include commercial uses operated as an integral part of a hot water spa-oriented resort, hotel, motel or other similar visitor serving industry use as long as it remains accessory to the primary use, subject to the following standards:
 - a. Street Entrances: There shall be no street entrances directly to such commercial uses.

- b. Percentage of Commercial Uses Allowed: Such commercial uses shall occupy not more than twenty percent (20%) of the ground floor area of the resort, hotel, motel or other similar visitor use.
 - c. Signs. All signs shall be for the use of the resort, hotel, motel or other similar visitor use only; the signs may state that a restaurant or the commercial facility is available.
13. Review Required: New or proposed building, modification, expansions, repainting with a different color shall be subject to Design Review before the Planning Commission. This requirement shall also apply to proposed improvement to existing uses not otherwise listed in this chapter.
14. Building Materials/Colors: Unless otherwise approved by the Planning Commission color schemes sympathetic with desert surroundings (such as sands, grays, shades of brown) shall be utilized for all exterior finishes of a residence including door and window trim colors, roof tile, and garden walls.
15. Lot Size: Existing lots of record within this District shall not be subdivided to less than one (1) acre (net), but may be merged with adjacent properties for purposes of creating larger resort development sites.
16. Visual Impact: Building locations and height must demonstrate that their placement on the lot will minimally obstruct visibility of scenic vistas, impacting surrounding or proposed facilities, structures or improvements.
17. Off-Street Parking: Spa-oriented facilities such as motel-type or boutique-type of spas, day visit spas, or similar limited uses/facilities with less than 15 guest suites shall be allowed the following exceptions:
 - The restriction of locating required parking spaces in the front, side or rear setback area as specified by Chapter 159.24.060(8) (Location of Required Parking Spaces) may be adjusted on an individual project basis, subject to a parking study, as approved by Planning Commission.
 - The minimum number of parking spaces as specified in Section 159.24.040 for accessory commercial areas, assembly rooms, and other such ancillary uses may be adjusted on an individual project basis, subject to a parking study, as approved by Planning Commission.
 - The required parking lot landscaping requirements as specified by Chapter 159.24.060(6) (Landscaping) may be adjusted on an individual project basis, subject to a parking study, as approved by Planning Commission.
18. Minimum Dwelling Size Standards: Spa-oriented facilities such as motel-type or boutique-type of spas, day visit spas, or similar limited uses/facilities with less than 15 guest suites shall be allowed the following exceptions:

19. Minimum size of guest rooms in as specified by Chapter 159.04.030(G)(3) (Minimum Dwelling Size Standards) may be adjusted on an individual project basis, as approved by Planning Commission.
20. Lighting: Lighting shall be deflected away from all adjacent properties and public streets and rights-of-way in conformance with the City's Lighting Ordinance.
 - No lighting shall blink, flash, or be of unusually high intensity or brightness.
 - All lighting fixtures shall be appropriate in scale, intensity, and height to the use it is serving.
21. Signage/Landscaping: Proposed signage and landscaping shall be an integral architectural feature which does not overwhelm or dominate the structure or property.
22. New lighted signage including neon signage within a this District will be subject to Development Permit review before the Planning Commission in a manner consistent with the requirements contained Chapter 159.22 (Development Permits).
23. Site Specific Design Guidelines:
 - Provide 6-foot high decorative block walls with the option of integrated decorative wrought iron, stain glass, or glass block elements 10 feet inside of property lines (except within the Traffic Safety Sight Area (line of sight) at street intersections.
 - Provide for exterior wall variation in design and setbacks to relieve monotony.
 - Incorporate unique architectural elements fostering a sense of destination and celebration, i.e. cupolas, balconies, stain glass, glass block elements, etc. consistent with the particular architectural theme.
 - Utilize unique entry statements, i.e., raised roofs and forms, etc. that are internally consistent with the particular architecture theme.
 - Utilize unique and notable signage and address identification plaques that are consistent with the particular architectural theme;
 - Provide unique exterior building lighting that is consistent with the particular architectural theme.
 - Utilize contrasting colors, materials and textures for walkway and driveway areas; use of stamped, colored concrete at drive approaches.
 - Provide unique and notable mailboxes.
 - Limit the use of exposed wood.
 - Conceal all mechanical equipment.

24. Site Landscaping: All structures shall be landscaped to provide a mature appearance so as to blend with existing neighborhoods and enhance the overall appearance of the residential areas.

- Landscaping shall be required within the front or side front building setback areas, undeveloped portion of a road right-of-way, and within any other portions of the lot visible from off site views.

25. To assure a "mature" look within a reasonable amount of time, the following minimum plant sizes shall be used:

Trees: Canopy trees (African Sumacs, Carobs, etc.) - 24" box; and palm trees (Mexican Fan Palm, Queen Palm, etc.) - 8' trunk height.

Shrubs: Shrubs (Natal Plum, Hibiscus, etc.) and Vines (Carolina Jasmine, Bougainvillea, etc.) in front and rear yard areas visible from a street or golf course (public or private):

- 30% or more of plants selected should be 15 gallon plants.
- 50% or more of plants selected should be 5 gallon plants.
- up to 20% of plants selected should be 1 gallon plants.

Groundcovers: Groundcovers (Star Jasmine, Verbena, Mock Strawberry, etc.) in front and rear yard areas visible from a street or golf course (public or private):

- 25% or more of plants selected should be 1 gallon plants planted at 24" on center.
- 50% or more of plants selected should be flats planted at 12" on center.
- Up to 25% or more of plants selected should be flats planted at 6" on center.

26. Front yard landscaping shall include a minimum of two twenty-four inch box trees or one thirty-six inch box tree. Palm trees shall be counted toward this minimum if eight feet or higher. Corner lots shall have this minimum number and size of trees on each frontage. Trees existing on the site at the time of construction shall not be counted toward the minimum tree installation.

27. Use of bare earth or decomposed granite in lieu of ground cover plantings or decorative rock may not exceed twenty percent (20%) of the total front yard landscaped area excluding driveways, decks, pools, or walkways. When walkways, pools, or deck areas exceed sixty percent (60%) of the total rear yard area, the preceding limitation shall not be in effect.

28. Building Materials/Colors: Unless otherwise approved by the Planning Commission color schemes sympathetic with desert surroundings (such as sands, grays, shades of brown) shall be utilized for all exterior finishes of a residence including door and window trim colors, roof tile, and garden walls.

29. Construction Times: Construction activities within this District will be subject to the following restrictions:

Summer months (~~April—September~~ June-November): 7:00 a.m. till 6:00 p.m.

No construction on Sundays or national holidays

Winter months (~~October—March~~ December - May): 8:00 a.m. till 5:00 p.m.

No construction on Saturdays, Sundays or national holidays

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30. Noise: No loudspeaker, bells, gongs, buzzers, mechanical equipment or other sounds, attention-attracting, or communication device associate with any use shall be discernible beyond any boundary line of the parcel, except fire protection devices, burglar alarms.

31. Roof Design: Nearly vertical roofs and piecemeal mansard roofs (used on a portion) of the structure perimeter only) are prohibited. Mansard roofs, if utilized, shall be as low as possible and shall not exceed a height of three feet above the roof deck. Roof pitch for any structure within a HWO district shall not exceed a 4 in 12 pitch.

32. Waste Disposal: Prior to the issuance of any building permits the applicant shall submit to the Desert Hot Springs Building Department, for review and approval, a plot plan showing the proposed water/sewage or waste disposal system location with respect to any sub-surface hot mineral waters well within a radius of 500 feet from the water/sewage or waste disposal system.

Every water/sewage or waste disposal system shall be located an adequate distance from a sub-surface hot mineral water well as follows:

- a. Sewer: 50-foot minimum
- b. Watertight septic tank: 100-foot minimum
- c. Subsurface sewage leach line or leach field: 100-foot minimum
- d. Cesspool or seepage pit: 150-foot minimum
- e. Animal or fowl enclosures: 100-foot minimum
- f. Any surface sewage disposal system discharging 2,000 gal/day or more: 200-foot minimum.

Minimum distances from other sources of pollution or contamination shall be as determined by the Department upon investigation and analysis of the probable risks involved.

33. Site Specific Design Guideline:

- a. Provide 6-foot high decorative block walls with the option of integrated decorative wrought iron, stain glass, or glass block elements 10 feet inside of property lines (except within the Traffic Safety Sight Area (line of sight) at street intersections.

- b. Provide for exterior wall variation in design and setbacks to relieve monotony.
 - c. Incorporate unique architectural elements fostering a sense of destination and celebration, i.e. cupolas, balconies, stain glass, glass block elements, etc. consistent with the particular architectural theme.
 - d. Utilize unique entry statements, i.e., raised roofs and forms, etc. that are internally consistent with the particular architecture theme.
 - e. Utilize unique and notable signage and address identification plaques that are consistent with the particular architectural theme;
 - f. Provide unique exterior building lighting that is consistent with the particular architectural theme.
 - g. Utilize contrasting colors, materials and textures for walkway and driveway areas; use of stamped, colored concrete at drive approaches.
 - h. Provide unique and notable mailboxes.
 - i. Limit the use of exposed wood.
 - j. Conceal all mechanical equipment.
34. Exemptions. Parcels with residential land uses and/or structures which were established prior to the adoption of this Section shall be exempt from the provisions of the V-S-C District and the Abatement of Nonconforming Uses as specified in Section 159.62.040.

Ord. 2004-10

159.06.050 APPLICABLE REGULATIONS

All uses shall be subject to the applicable regulations of this Zoning Ordinance, including, but not limited to Article IV, Administration Provisions.

159.06.060 COMMERCIAL DEVELOPMENT DESIGN GUIDELINES

1. GENERAL

The following design guidelines are intended as a reference framework to assist the designer in understanding the City's goals and objectives for high quality development within the commercial land use districts. The guidelines complement the mandatory site development regulations contained in this chapter by providing good examples of appropriate design solutions and by providing design interpretations of the various mandatory regulations.

The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the City's design review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

Unless there is a compelling reason, these design guidelines shall be followed. If a guideline is waived by the Development Review Committee, the Mayor and Common Council shall be notified. An appeal, which does not require a fee, may be filed by the Mayor or any Council person within 15 days of the waiver approval.

2. APPLICABILITY

The provisions of this section shall apply to all commercial development within the City, except within the subject property is under the regulation of an approved Specific Plan, which is subject to the guidelines contained in Chapter 159.10 and 159.13, Special Purpose Districts and Specific Plan Districts, respectively. Any addition, remodeling, relocation, or construction requiring a building permit within any commercial land use district subject to review by the Development Review Committee shall adhere to these guidelines where applicable.

3. GENERAL DESIGN PRINCIPLES

A. DESIRABLE ELEMENTS OF PROJECT DESIGN

The qualities and design elements for commercial structures that are most desirable include:

1. Richness of surface and texture
2. Significant wall articulation (insets, canopies, wing walls, trellises)
3. Multi-planed, pitched roofs
4. Roof overhangs, arcades
5. Regular or traditional window rhythm
6. Articulated mass and bulk
7. Significant landscape and hardscape elements
8. Prominent access driveways
9. Landscaped and screened parking
10. Comprehensive sign program

B. UNDESIRABLE ELEMENTS

The elements to avoid or minimize include:

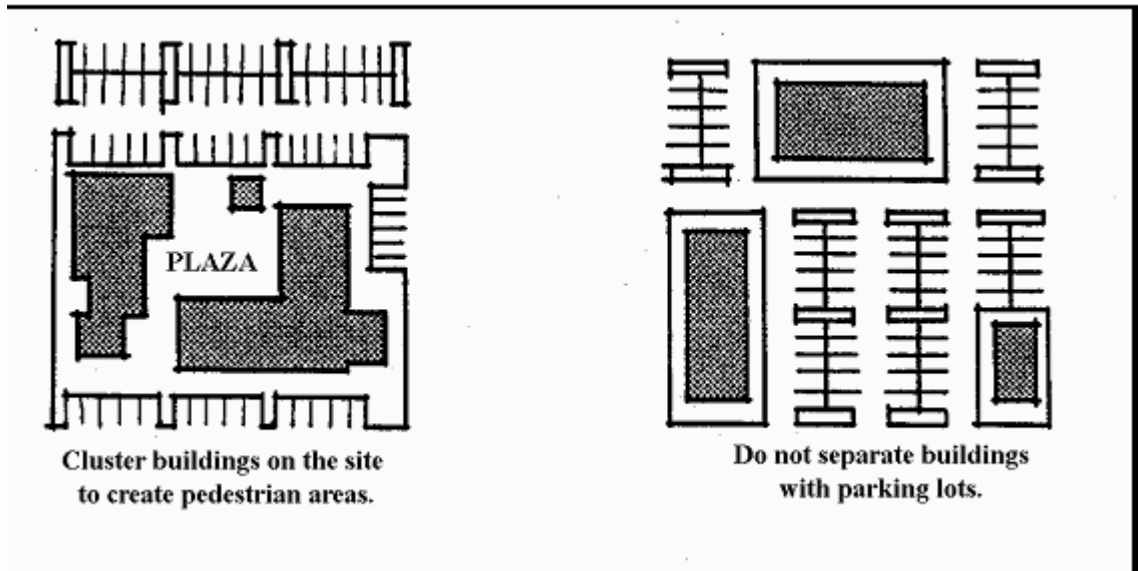
1. Large blank, unarticulated stucco wall surfaces
2. Unpainted concrete precision block walls
3. Highly reflective surfaces
4. Metal siding on the main facade
5. Plastic siding
6. Square “boxlike” structures
7. Mix of unrelated styles (i.e. rustic wood shingles and polished chrome)
8. Large, out of scale signs with flashy colors
9. Visible outdoor storage, loading, and equipment areas

10. Disjointed parking areas and confusing circulation patterns

4. **SITE PLANNING**

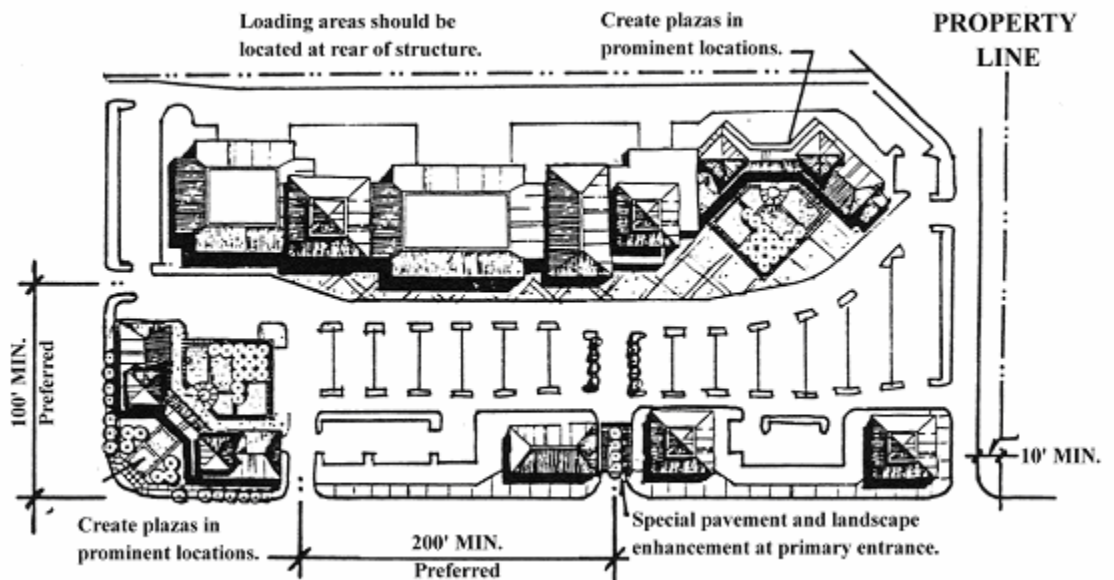
Placement of structures should consider the existing built context of the commercial area, the location of incompatible land uses, the location of major traffic generators as well as an analysis of a site's characteristics and particular influences.

- A. Structures should be sited in a manner that will complement the adjacent structures. Sites should be developed in a coordinated manner to provide order and diversity and avoid a jumbled, confused development.
- B. Whenever possible, new structures should be clustered. This creates plazas or pedestrian malls and prevents long "barracks-like" rows of structures. When clustering is impractical, a visual link between separate structures should be established. This link can be accomplished through the use of an arcade system, trellis, or other open structure.



- C. Locate structures and on-site circulation systems to minimize pedestrian/vehicle conflicts where possible. Link structures to the public sidewalk where possible with textured paving, landscaping, and trellises.

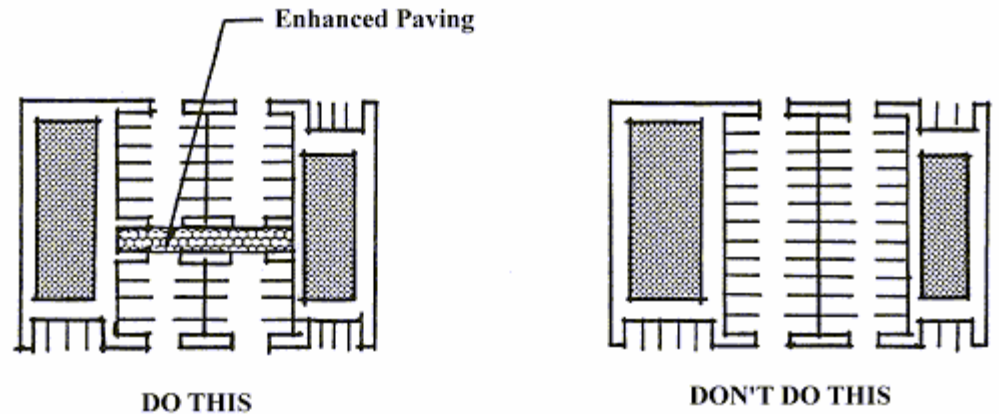
- D. Recognize the importance of spaces between structures as “outdoor rooms” on the site. Outdoor spaces should have clear, recognizable shapes that reflect careful planning and are not simply “left over” areas between structures. Such spaces should provide pedestrian amenities such as shade, benches, fountains, etc.
- E. Freestanding, singular commercial structures should be oriented with their major entry toward the street where access is provided, as well as having their major facade parallel to the street.
- F. Load facilities should not be located at the front of structures where it is difficult to adequately screen them from view. Such facilities are more appropriate at the rear of the site where special screening may not be required.
- G. Open space areas should be clustered into larger, predominant landscape areas rather than equally distributing them into areas of low impact such as at building peripheries, behind a structure or areas of little impact to the public view, where they are not required as land use buffer or as a required yard setback.



5. PARKING AND CIRCULATION

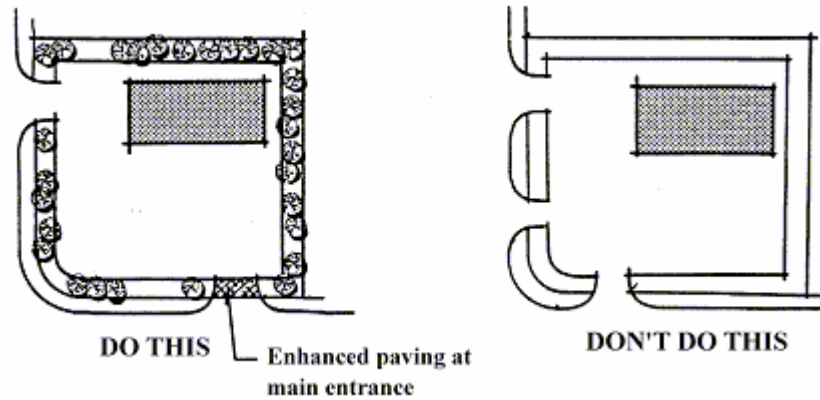
Parking lot design can be a critical factor in the success or failure of a commercial use. In considering the possibilities for developing a new parking area, a developer should analyze the following factors: ingress and egress with consideration to possible conflicts with street traffic; pedestrian and vehicular conflicts; on-site circulation and service vehicle zones; and the overall configuration and appearance of the parking area.

- A. Separate vehicular and pedestrian circulation systems should be provided. Pedestrian linkages between uses in commercial developments should be emphasized, including distinct pedestrian access from parking areas in large commercial developments, such as shopping centers.



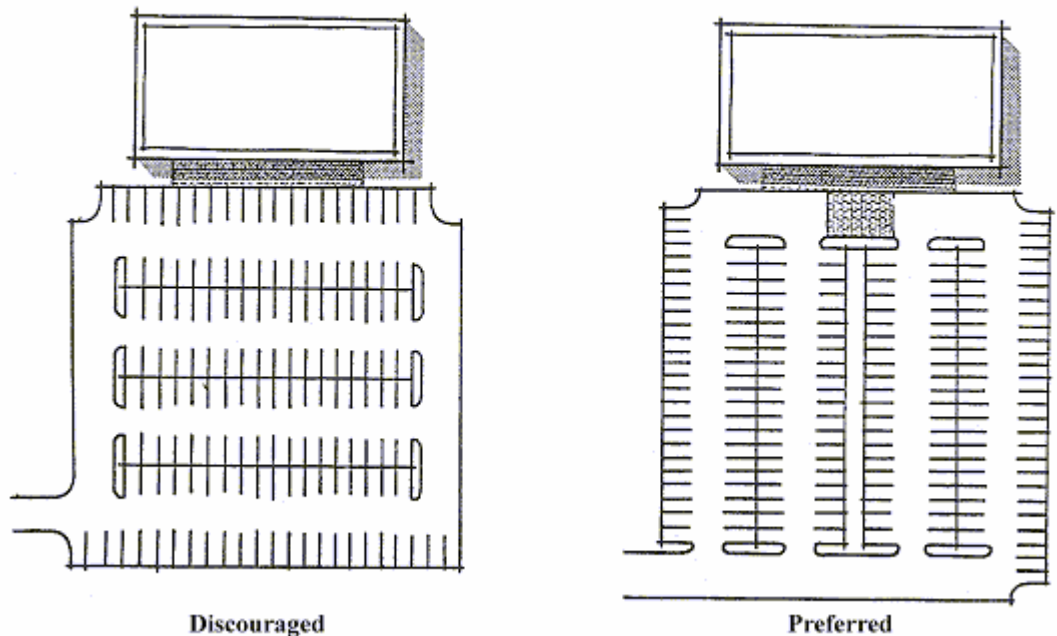
- B. Parking aisles should be separated from vehicle circulation routes whenever possible.
- C. Common driveways which provide vehicular access to more than 1 site are encouraged.
- D. Angled parking is preferred over 90° parking.
- E. Parking areas shall be landscaped, receiving interior as well as perimeter treatment in accordance with the requirements of this Zoning Ordinance.
- F. Parking areas should be separated from structures by either a raised concrete walkway or landscaped strip, preferable both. Situations where parking spaces directly abut the structures should be avoided.
- G. Shared parking between adjacent businesses and/or developments is highly encouraged whenever practical.
- H. Where parking areas are connected, interior circulation should allow for a similar direction of travel and parking bays in all areas to reduce conflict at points of connection.
- I. Whenever possible, locate site entries on side streets in order to minimize pedestrian/vehicular conflicts. When this is not possible, design the front site entry with appropriately patterned concrete or pavers to differentiate it from the sidewalks.

- J. Parking access points, whether located on front or side streets should be located as far as possible from street intersections so that adequate stacking room is provided. The number of access points should be limited to the minimum amount necessary to provide adequate circulation.



- K. Design parking areas to that pedestrians walk parallel to moving cars. Minimize the need for the pedestrian to cross parking aisles and landscape areas.

PARKING AISLE ARRANGEMENT

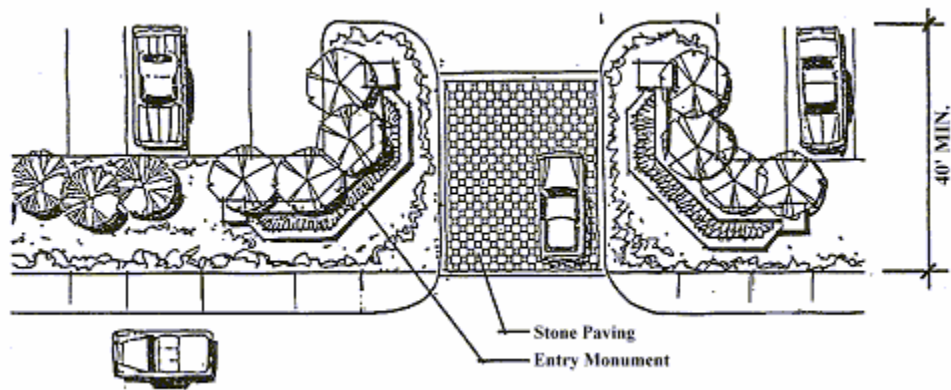


- L. Frontage roads should be provided for large projects on major arterials whenever possible

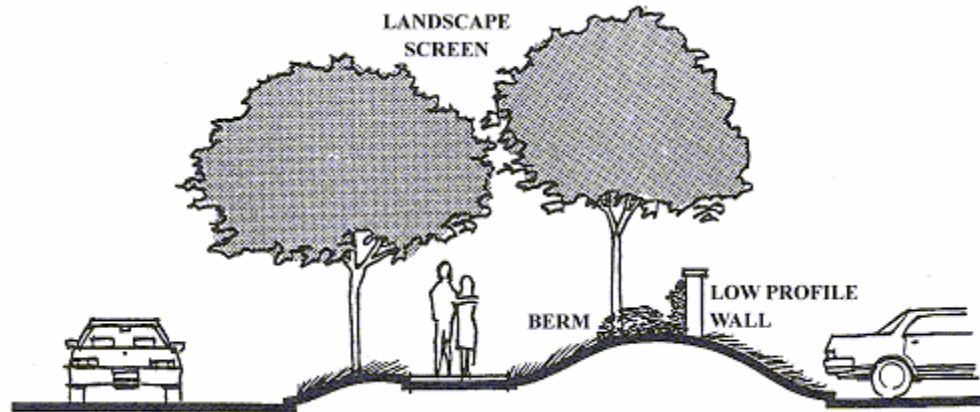
- M. Parking areas and pedestrian walkways should be visible from structures

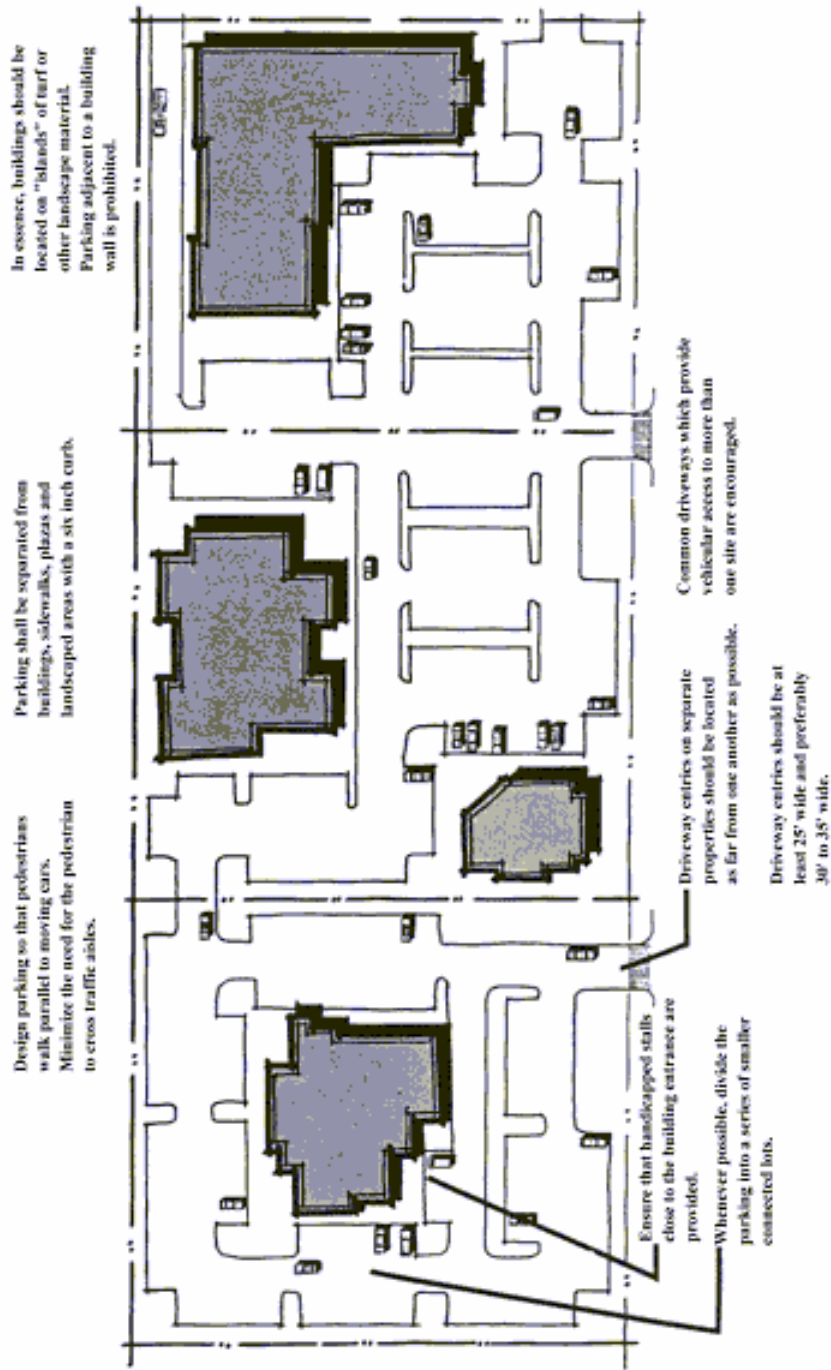
to the greatest degree possible.

- N. The parking area should be designed in a manner which links the structures to the street sidewalk system as an extension of the pedestrian environment. This can be accomplished by using design features such as walkways with enhanced paving, trellis structures, or a special landscaping treatment.
- O. Parking areas which accommodate a significant number of vehicles should be divided into a series of connected smaller lots. Landscaping and offsetting portions of the lot are effective in reducing the visual impact of large parking areas.
- P. The first parking stall which is perpendicular to a driveway or first aisle juncture, should be at least 40 feet back from the curb. With larger centers, significantly more setback area may be required.



Q. Utilize a 36 inch high opaque wall or landscaping to screen any parking at the street periphery. A combination of walls, berms, and landscape material is highly recommended. Where practical, lowering the grade of the parking lot from existing street elevations may aid in obscuring views of automobiles while promoting views of architectural elements of the structures beyond.





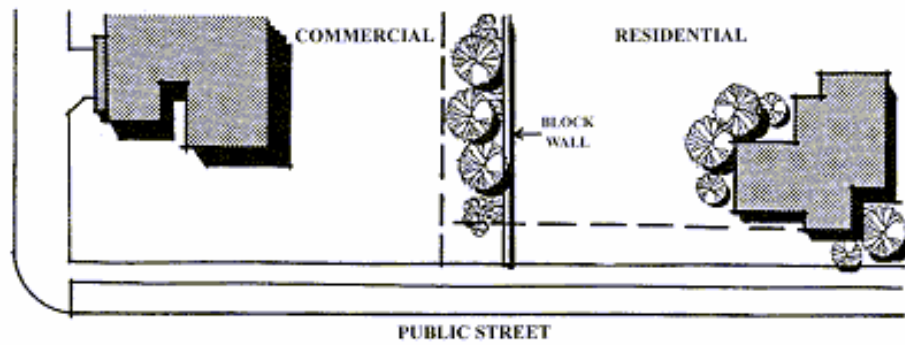
6. LANDSCAPING

- A. Landscaping for commercial uses should be used to define specific areas by helping to focus on entrances to buildings and parking lots, define the edges of various land uses, provide transition between neighboring properties (buffering), and provide screening for loading and equipment areas.

- B. Landscaping should be in scale with adjacent structures and be of appropriate size at maturity to accomplish its intended purpose.
- C. Landscaping around the entire base of structures is recommended to soften the edge between the parking lot and the structure. This should be accented at entrances to provide focus.
- D. Trees should be located throughout the parking lot and not simply at the ends of parking aisles. In order to be considered within the parking lot trees should be located in planters that are bounded on at least 3 sides by parking area paving.
- E. Landscaping should be protected from vehicular and pedestrian encroachment by raised planting surfaces, depressed walks, or the use of curbs. Concrete mow-stripes separating turf and shrub areas are required per the development regulations.
- F. Vines and climbing plants integrated upon buildings, trellises, and perimeter garden walls are strongly encouraged. A few plants to consider for this purpose are: bougainvillea, grape ivy, and wisteria vines.
- G. Use boxed and tubbed plants in clay or wood containers, especially for enhancement of sidewalk shops, plazas, and courtyards.
- H. At maturity, trees should be able to be trimmed 10 feet above ground and shrubs should be maintained at a height of approximately 3 feet to provide adequate visibility.

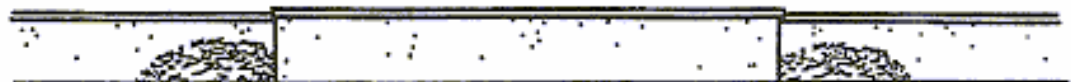
7. WALLS AND FENCES

- A. If not required for a specific screening or security purpose, walls should not be utilized within commercial areas. The intent is to keep the walls as low as possible while performing their screening and security functions.
- B. Where walls are used at property frontages, or screen walls are used to conceal storage and equipment areas, they should be designed to blend with the site's architecture. Both sides of all perimeter walls or fences should be architecturally treated. Landscaping should be used in combination with such walls whenever possible.

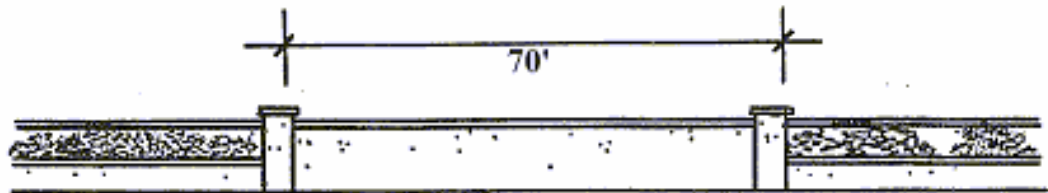


Buffer separation between two different uses.

- C. When security fencing is required, it should be a combination of solid walls with pillars and decorative view ports or short solid wall segments and wrought iron grill work.
- D Long expanses of fence or wall surfaces should be offset and architecturally designed to prevent monotony. Landscape pockets should be provided.



Elevation of Staggered Wall



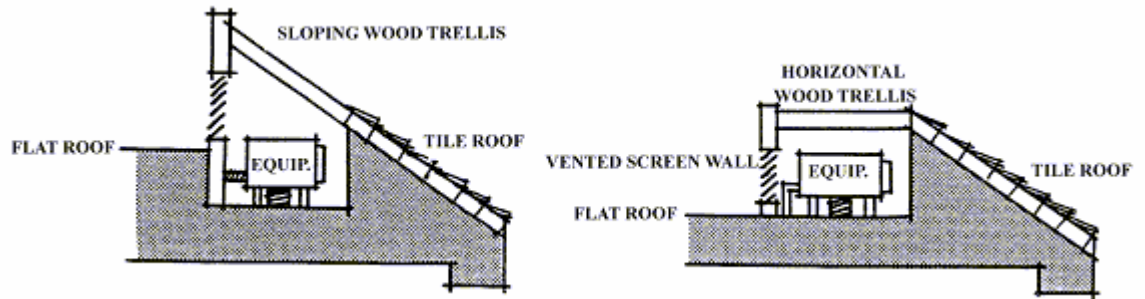
Elevation of Planters/Wall



Elevation of Wall with Breaks

8. SCREENING

- A. Screening for outdoor storage should be a minimum of 6 feet and a maximum of 10 feet high. The height should be determined by the height of the material or equipment being screened. Chain link fencing with redwood or neutral colored slatting is an acceptable screening material for areas of any lot not visible from the street. Exterior storage should be confined to portions of the site least visible to public view.
- B. Where screening is required, a combination of elements should be used including solid masonry walls, berms, and landscaping. Chain link fencing with wood or metal slatting is not permitted when visible from the public right-of-way.
- C. Any outdoor equipment, whether on a roof, side of a structure, or on the ground, shall be appropriately screened from view. The method of screening shall be architecturally integrated with the adjacent structure in terms of materials, color, shape, and size. Where individual equipment is provided, a continuous screen is desirable.



9. ARCHITECTURAL DESIGN GUIDELINES

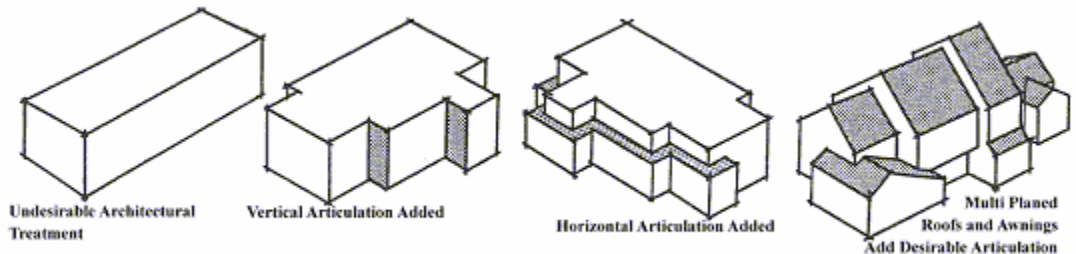
- A. Heights of structures should relate to adjacent open spaces to allow maximum sun and ventilation, protection from prevailing winds, enhance public views of surrounding mountains and minimize obstruction of view from adjoining structures.
- B. Height and scale of new development should be compatible with that of surrounding development. New development height should “transition” from the height of adjacent development to the maximum height of the proposed structure.
- C. Large buildings which give the appearance of “box-like” structures are generally unattractive and detract from the overall scale of most buildings. There are several ways to reduce the appearance of large scale, bulky structures.

1. Vary the planes of the exterior walls in depth and/or direction. Wall planes should not run in 1 continuous direction for more than 50 feet without an offset.
2. Vary the height of the buildings so that it appears to be divided into distinct massing elements.
3. Articulate the different parts of a buildings facade by use of color, arrangement of facade elements, or a change in materials.
4. Use landscaping and architectural detailing at the ground level to lessen the impact of an otherwise bulky building.
5. Avoid blank walls at the ground floor levels. Utilize windows, trellises, wall articulation, arcades, change in materials, or other features.
6. All structure elevations should be architecturally treated.



Awnings of the same form and location are repeated, with the signage on the awning's valance.

Varying roof planes, setbacks and articulated front facades add a pedestrian scale.



Undesirable Architectural Treatment

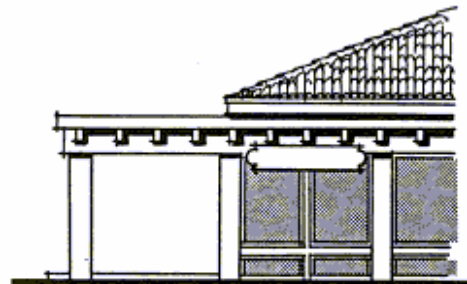
Vertical Articulation Added

Horizontal Articulation Added

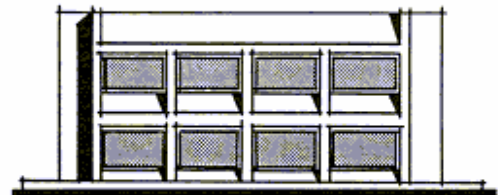
Multi Planed Roofs and Awnings Add Desirable Articulation

D. Scale, for purposes here, is the relationship between the size of the new structure and the size of adjoining permanent structures. It is also how the proposed building's size relates to the size of a human being (human scale). Large scale building elements will appear imposing if they are situated in a visual environment which is predominantly smaller in scale.

1. Building scale can be reduced through the proper use of window patterns, structural bays, roof overhangs, siding, awnings, moldings, fixtures, and other details.
2. The scale of buildings should be carefully related to adjacent pedestrian areas (i.e. plazas, courtyards) and other structures.
3. Large dominating structures should be broken up by:
 - 1) Creating horizontal emphasis through the use of trim
 - 2) Adding awnings, eaves, windows, or other architectural ornamentation;
 - 3) Use of combinations of complementary colors
 - 4) Landscape materials



Storefront elements and pedestrian level details provide an intimate scale



Form and texture shall be repeated in a manner to provide a sense of unity within a large mass

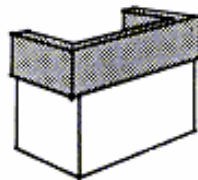
E. The use of standardized “corporate” architectural styles associated with chain-type restaurants is strongly discouraged.

F. Much of the existing color in the City is derived from the primary building's finish materials such as brick, wood, stucco, and terra cotta tile. Also dominant are earth tones that match these natural materials.

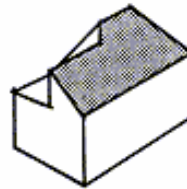
1. Large areas of intense white color should be avoided. While subdued colors usually work best as a dominant overall color, a bright trim color can be appropriate.
2. The color palette chosen for new structures should be compatible with the colors of adjacent structures. An exception is where the colors of

adjacent structures strongly diverge from these design guidelines.

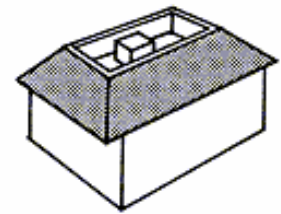
3. Whenever possible, minimize the number of colors appearing on the structure's exterior. Small commercial structures should use no more than 3 colors.
4. Primary colors should only be used to accent elements, such as door and window frames and architectural details.
5. Architectural detailing should be painted to complement the facade and tie in with adjacent structures.



Partial mansard roof discouraged



Clipped roof to hide rooftop equipment



Full mansard roof will hide rooftop equipment

10. ROOFS

- A. The roofline at the top of the structure should not run in continuous plane for more than 50 feet without offsetting or jogging the roof plane.
- B. All roof top equipment shall be screened from public view by screening materials of the same nature as the structure's basic materials. Mechanical equipment should be located below the highest vertical element of the building.
- C. The following roof materials should not be used:
 1. Corrugated metal (standing rib metal roofs are permitted)
 2. Highly reflective surfaces (copper roofs may be considered)
 3. Illuminated roofing

11. AWNINGS

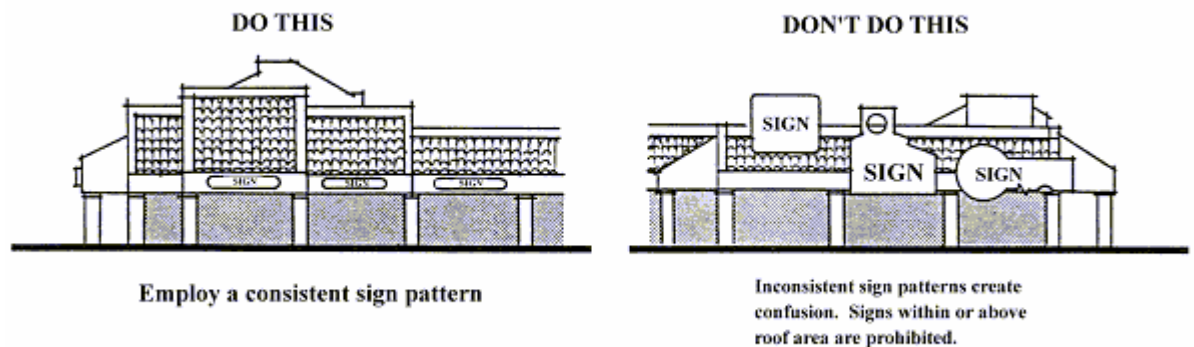
- A. The use of awnings along a row of contiguous structures should be restricted to awnings of the same form and location. Color of the awnings should be consistent and a minimum of 8 foot vertical clearance should be maintained.
- B. Signs on awnings should be printed on and be limited to the awning's flap

(valance) or to the end panels of angled, curved or box awnings.

- C. Plexiglas, metal, and glossy vinyl illuminated awnings are strongly discouraged. Canvas, treated canvas, matte finish vinyl, and fabric awnings are encouraged.
- D. Internally lit awnings should not be used.

12. SIGNS

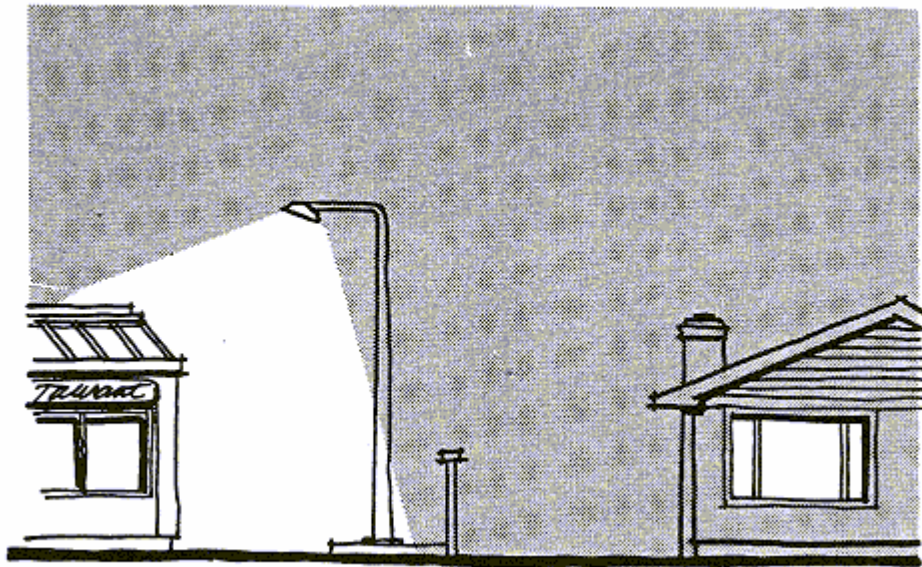
- A. Every structure and commercial complex should be designed with a precise concept for adequate signing. Provisions for sign placement, sign scale in relationship with the building, and sign readability should be considered in developing the signing concept. All signing should be highly compatible with the building and site design relative to color, material, and placement.
- B. Monument-type signs are the preferred alternative for business identification whenever possible. Where several tenants occupy the same site, individual wall mounted sign are appropriate in combination with a monuments sign identifying the development and address.
- C. The use of backlit individually cut letter signs is strongly encourage.
- D. Each development site should be appropriately signed to give directions to loading and receiving areas, visitor parking and other special areas.



13. LIGHTING

- A. Lighting should be used to provide illumination for the security and safety of on-site areas such as parking, loading, shipping, and receiving, pathways, and working areas.

- B. The design of light fixtures and their structural support should be architecturally compatible with the main structures on-site. Illuminators should be integrated within the architectural design of the structures.
- C. As a security device, lighting should be adequate but not overly bright. All building entrances should be well lighted.
- D. All lighting fixtures must be shielded to confine light spread within the site boundaries.



ARTICLE II: LAND USE DISTRICTS

CHAPTER 159.08 INDUSTRIAL DISTRICTS

159.08.010 PURPOSE

1. The purpose of this Chapter is to achieve the following:
 - A. Provide appropriate industrial areas to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment.
 - B. Provide adequate space to meet the needs of industrial development, including off-street parking and loading.
 - C. Minimize traffic congestion and avoid the overloading of utilities.
 - D. Protect industrial areas from excessive noise, illumination, unsightliness, odor, smoke, toxic wastes, and other objectionable influences.
 - E. Promote high standards of site planning and landscape design for industrial developments within the City.
 - F. Promote consolidation of industrial uses into comprehensively planned industrial uses and parks.
 - G. Promote a mix of industrial uses that provide the City with a sound, diverse and employment enhancing industrial base.
 - H. Promote and regulate the development of wind, solar and other alternative energy resources available within the City and its Sphere-of-Influence.
 - I. Ensure compatibility with adjacent land uses.
 - J. Single-family dwelling units which legally existed in the industrial land use districts prior October 2000, may remain as a permitted non-conforming use.
2. The purpose of the individual industrial land use districts are as follows:
 - A. **I-L (INDUSTRIAL LIGHT) DISTRICT**

This district is intended to retain, enhance, and intensify existing and provide for

the new development of lighter industrial uses along major transportation routes serving the City.

C. I-E (INDUSTRIAL-SCALE ENERGY PRODUCTION) DISTRICT

This district is intended to promote the developing and harvesting of the City’s wind and other energy resources in the western areas, while ensuring their compatibility with adjacent land uses. Additionally, this land use district provides for the development of interim uses including, but not limited to properly screened equipment storage yards, plant nurseries, recreation (non-structural), etc., which do not impair the long term ability to develop and harvest wind and other energy resources. Wind turbines are herein generally referred to as WECS (Wind Energy Conversion Systems).

159.08.020 DEVELOPMENT PERMITTED AND CONDITIONALLY PERMITTED USES:

The list which represents those uses in the industrial land use districts which are subject to a Development Permit (D), or a Conditional Use Permit (C) is presented in Section 159.06.020 and the accompanying land use table.

159.08.030 LAND USE DISTRICT DEVELOPMENT STANDARDS

1. GENERAL STANDARDS

A. The following standards are minimum unless stated as maximum:

**TABLE 08.01
INDUSTRIAL ZONES DEVELOPMENT STANDARDS**

Development Standards I-E	I-L	I-M
Gross Lot Area ⁽¹⁾ 10 ac.	20,000	40,000
Front Setback 20 ⁽⁴⁾	20	20
Rear Setback NA	10	10
Side Setback (Each) NA	10 ⁽²⁾	10 ⁽²⁾
Side Setback (Street Side) NA	10	10
Lot Coverage (Maximum) NA	75	75
Structure Height (Maximum/Feet) NA	2 stories/50 ⁽³⁾	35 feet

-
- (1) Area in square feet, unless otherwise indicated; only required for new subdivisions.
 - (2) Unless attached buildings are proposed, where no side yard would be required for the attached side.
 - (3) Unless the Planning Commission finds that increased height is necessary for the proposed industrial use.
 - (4) Setback is for structures other than wind turbines, industrial stacks, etc. See standards below.

2. INDUSTRIAL LAND USE DISTRICT STANDARDS

The following standards shall apply to development in all industrial districts, except as otherwise provided for in this Zoning Ordinance:

1. All uses shall be subject to the approval of a Development Permit or Conditional Use Permit, pursuant to Chapters 159.44 and 159.36.
2. Retail sales and service incidental to a principally permitted use are allowable provided that the following standards are met:
 - a. The operations are contained within the main structure which houses the primary use;
 - b. Retail sales occupy no more than 15% of the total building square footage;
 - c. No retail sales or display of merchandise occur(s) outside the structure(s); and
 - d. All products offered for retail sales on the site are manufactured, warehoused, or assembled on the premises.
3. Outside storage shall be confined to the rear of the principal structure(s) or the rear two-thirds of the site, which ever is the more restrictive, and screened from public view from any adjoining properties and public rights-of-way by appropriate walls, fencing and landscaping.
4. An intensity bonus of up to 12 square feet for each 1 square foot of permanent space for properly designed and administered day care facilities may be approved by the review authority.
5. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of a sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least 3 sides by a solid wall 6 feet in height and on the fourth side by a solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Recycling facilities and programs shall be incorporated into refuse storage/disposal areas for all new development project and all new construction in existing

projects.

6. In addition to the general development requirements contained in Chapter 159.20 (Property Development Standards), the Standards referred to in Table 08.02 shall apply to specific Industrial Land Use Districts.

**TABLE 08.02
INDUSTRIAL DISTRICT
SPECIFIC STANDARDS**

Specific Standards	I-L	I-M	I-E
Adult Businesses	+	+	
Automobile Dismantling		+	
Convenience Stores	+		
Drive-Through Restaurants	+		
Mini-Storage	+	+	+
Recycling Facilities for Reusable Domestic Containers	+	+	
Service Stations	+		
Service Station Conversions	+		
Single Family Housing, Existing	+	+	+
Single Family/Office Conversions	+	+	
Wind Energy Conversion Systems (WECS)	+	+	+

Key: “+” applies in the land use district.

A. AUTOMOBILE DISMANTLING

Automobile dismantling establishments are subject to discretionary Conditional Use Permit review in the I-M zoning district, and shall be constructed in the following manner:

1. The minimum site area shall be 20,000 square feet.
2. The site shall be entirely paved, except for structures and landscaping, so that vehicles are not parked in a dirt or otherwise not fully improved area.
3. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 159.28 (Landscaping Standards).
4. All stored, damaged, or wrecked vehicles shall be effectively screened so as not to be visible from adjoining properties or public rights-of-way.
5. Service access shall be located at the rear or side of structure(s) and as far as possible from adjoining residential uses.
6. Repair activities and vehicle loading and unloading shall be prohibited on adjoining streets and alleys.
7. Service bays with individual access from the exterior of the structures

shall not face the public right-of-way.

8. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least 3 sides by a solid wall 6 feet in height and on the fourth side by solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Recycling facilities and programs shall be incorporated into refuse storage/disposal areas for all new development project and all new construction in existing projects.
9. All on-site lighting shall be stationary and directed away from adjoining properties and public rights-of-way.
10. All on-site signage shall comply with the provisions of Chapter 159.22 (Sign Standards).
11. All repair activities and operations shall be conducted entirely within an enclosed structure. Outdoor hoists shall be prohibited.
12. All repair facilities shall close all windows when performing body and fender work, hammering, sanding or other noise-generating activity. Exterior noise shall not exceed 65 dBA at the property line.
13. All on-site parking shall comply with the provisions of Chapter 159.24 (Off-Street Parking Standards). A parking plan shall be developed as part of the permit review process.
14. The premise shall be kept in a neat and orderly condition at all times.
15. All used or discarded automotive parts, or equipment or permanently disabled, junked or dismantled vehicles shall be permanently screened from public view.
16. All hazardous materials resulting from the repair or dismantling operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable federal, state and local regulations prior to issuance of a Certificate of Occupancy.

B. CONVENIENCE STORES

The retail sale of groceries, staples, sundry items and/or alcoholic beverages where the gross floor area is less than 5,000 square feet is subject to Development Permit review in the I-L zoning district, and shall be constructed and operated in the following manner:

1. The minimum site area shall be 10,000 square feet.
2. The site shall have direct frontage along a major or secondary street. The site shall not have primary access on a local residential street.
3. One access drive may be permitted for each street frontage. The design and location of the access drive(s) shall be subject to the approval of the City Engineer and the Commission. Access drives may not be permitted on limited-access roadways (including Mission Lakes Blvd., Pierson Blvd., Two Bunch Palm Trail, Indian Ave., Little Morongo and Palm Drive).
4. No convenience store shall be located less than 1,000 feet from an existing or previously approved convenience store, or an existing elementary, junior high school, or high school, as measured from one property line to another.
5. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way.
6. All on-site signage shall comply with the provisions of Chapter 159.22 (Sign Standards).
7. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 159.28 (Landscaping Standards).
8. All on-site parking shall comply with the provisions of Chapter 159.24 (Off-Street Parking Standards). A parking plan shall be development as part of the permit review process.
9. The premises shall be kept in a neat and orderly conditions at all times.
10. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least 3 sides by a solid wall 6 feet in height and on the fourth side by solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Recycling

facilities and programs shall be incorporated into refuse storage/disposal areas for all new development project and all new construction in existing projects.

11. If on-site dispensing of automotive fuels is provided, the design, location and operation of these facilities shall be consistent with the provisions of Section 159.06.030 (2) (L.) (Service Stations Standards). Additionally, the cashier location shall be provided with direct visual access to the pump islands and the vehicles parked adjacent to the islands.
12. A bicycle rack shall be installed in a convenient location visible from the inside of the store.
13. Each convenience store shall provide a public restroom located within the store.
14. Public pay telephones provided on-site shall not be set up for incoming calls. Public telephones shall be featured with call out service only.
15. On-site video games may not be installed or operated on the premises.
16. A convenience store adjacent to any residentially designated district shall have a 6 foot high decorative masonry wall along property lines adjacent to such districts.
17. All parking, loading, circulation aisles, and pump island bay areas shall be constructed with (PCC) concrete.

C. DRIVE-THROUGH RESTAURANTS

Drive-thru restaurants are subject to Development Permit review in the I-L zoning district.

1. Establishments providing drive-thru facilities may be permitted in the I-L zoning district.
2. Pedestrian walkways should not intersect the drive-thru aisles, but where they do, they shall have clear visibility, and they must be emphasized by enriched paving or striping.
3. Drive-thru aisles shall have a minimum 12 foot width on curves and a minimum 11 foot width on straight sections.
4. Drive-thru aisles shall provide sufficient stacking area behind menu board to accommodate minimum of 4 cars.

5. All service areas, rest rooms and ground mounted and roof mounted mechanical equipment shall be screened from view.
6. Landscaping shall screen drive-thru or drive-in aisles from the public right-of-way and shall be used to minimize the visual impact of readerboard signs and directional signs.
7. Drive-thru aisles shall be constructed with (PCC) concrete.
8. Parking areas and the drive-thru aisle and structure shall be setback from the ultimate curb face a minimum of 25 feet
9. Menu boards shall be a maximum of 30 square feet, with a maximum height of 7 feet, and shall face away from the street.
10. Drive-thru restaurants within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-thru, restaurant must provide compatibility with surrounding uses in form, materials, colors, scale, etc. Structure plans shall have variation in depth and angle to create variety and interest in its basic form and silhouette. Articulation of structure surface shall be encouraged through the use of openings and recesses which create texture and shadow patterns. Structure entrances shall be well articulated and project a formal entrance through variation of architectural plane, pavement surface treatment, and landscape plaza.
11. No drive-thru aisles shall exit directly onto a public right-of-way.

D. MINI-STORAGE

Mini-storage facilities are subject to a Development Permit in the I-L and I-M districts, and a Conditional Use Permit in the I-E district, and shall be constructed in the following manner:

1. The minimum site area shall be 20,000 square feet.
2. The site shall be entirely paved, except for structures and landscaping.
3. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way.
4. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 159.28 (Landscaping Standards).
5. All on-site signage shall comply with the provisions of Chapter 159.22 (Sign Standards)

6. The site shall be completely enclosed with a 6 foot high solid decorative masonry wall, except for points of ingress and egress (including emergency fire access) which shall be properly gated. The gates(s) shall be maintained in good working order and shall remain closed except when in use.
7. No business activity shall be conducted other than the rental of storage spaces for inactive storage use.
8. All storage shall be located within a fully enclosed structure(s).

9. No flammable or otherwise hazardous materials shall be stored on-site.
10. Residential quarters for a manager or caretaker may be provided in the development.
11. The development shall provide for 2 parking spaces for the manager or caretaker, and a minimum of 5 spaces located adjacent or in a close proximity to the manager's quarters for customer parking.
12. Aisle width shall be a minimum of 25 feet between buildings to provide unobstructed and safe circulation.
13. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least 3 sides by a solid wall not less than 6 feet in height and on the fourth side by a solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Recycling facilities and programs shall be incorporated into refuse storage/disposal areas for all new development project and all new construction in existing projects.
14. Storage facilities located adjacent to residential districts shall have their hours of operation restricted to 7:00 AM to 9:00 PM, Monday through Saturday, and 9:00 AM to 9:00 PM on Sundays.

E. HOUSEHOLD RECYCLING FACILITIES FOR REUSEABLE DOMESTIC CONTAINERS

Refer to Section 159.06.030 (2) (J).

F. SERVICE STATION (GASOLINE) STANDARDS

Refer to Section 159.06.030 (2) (L).

G. SERVICE STATION CONVERSIONS

A structure originally constructed as a service station and which is proposed for conversion to another allowable use shall require upgrading and remodeling for such items as, but not limited to, removal of all gasoline appurtenances, removal of canopies, removal of pump islands, removal of gas tanks, removal of overhead doors, additional street improvements or modification of existing improvements to conform to access regulations, exterior remodeling, and any additional standards as required by this Zoning Ordinance.

H. SINGLE FAMILY HOUSING, EXISTING

Additions, alterations and expansion to single-family units which legally existed in the commercial and industrial districts prior to October 20000, shall comply with the R-L-1 District Standards.

I. SINGLE FAMILY/OFFICE CONVERSIONS

Refer to Section 159.06.030 (2) (O.).

J. WIND ENERGY CONVERSION SYSTEMS (WECS)

- a. Purposes: A Conditional Use Permit process for a Commercial Wind Energy Conversion System (WECS) is intended to regulate and provide for the installation of commercial WECS which are made feasible by the strong prevailing winds within certain areas of the City designated by the General Plan. The conditions of the permit are meant to ensure that a safe and beneficial environment, for both the WECS development and the adjacent properties, is provided.
- b. Applicability. Commercial WECS or WECS arrays, and all other uses listed in subsection c. below, are permitted in the commercial and industrial zoning districts and a Conditional Use Permit is granted pursuant to this Section:
- c. Uses Permitted with a Conditional Use Permit
 - (1) Commercial WECS and WECS arrays with no limit as to rated power output.
 - (2) Meteorological towers under 200 feet high
 - (3) Accessory uses. Parcels may be used for accessory uses provided such uses are established on the same parcel of land, are incidental, or supplemental, to a permitted use, and do not substantially alter the character of any permitted use. Accessory uses include, but are not limited to:
 - (a) Storage of trucks and other vehicles.
 - (b) Storage of materials, inventory, tools and machinery.
 - (c) Offices and maintenance shop structures.
 - (d) Caretaker dwellings provided no compensation is received for the use of any such dwelling and the size of such dwelling is no greater than 2000 sq.ft.
 - (e) Overhead and underground transmission and communications lines and facilities, including transformers,

substations, control rooms, switching facilities and microwave towers.

- (f) Structures necessary for the conservation and development of water resources, such as dams, pipelines and pumping facilities, and aquaculture.
- (g) Cogeneration facilities.
- (h) Solar collectors and photovoltaic panels.
- (i) Energy storage facilities.

d. Applications. Every application for a Conditional Use Permit shall be made in writing to the Planning Commission on the forms provided by the Planning Department and shall be accompanied by the filing fee set forth by City Council resolution. Applications shall be reviewed by the Planning Commission for conformance with this section. The application shall include the following information:

- (1) Name and address of the applicant.
- (2) Evidence that the applicant is the owner of the property involved or has written permission of the owner to make such application.
- (3) A plot plan and development plan drawn in sufficient detail to clearly describe the following:
 - (a) Physical dimensions of the property
 - (b) Locations and physical dimensions of existing and proposed structures
 - (c) Location of electrical lines and facilities
 - (d) Existing topography
 - (e) Proposed grading and removal of natural vegetation
 - (f) Wind characteristics and dominant wind direction at the site. Dominant wind direction is the direction from which 50 percent or more of the energy contained in the wind flows.
 - (g) Setbacks
 - (h) Circulation
 - (i) Ingress and egress
 - (j) Utilization of the property under the requested permit
- (4) Utility interconnection data and a copy of written notification to the utility of the proposed interconnection.
- (5) A photograph or detailed drawing of each model of WECS, including the tower and foundation; and one or more detailed perspective drawings showing the site fully-developed with all proposed WECS and accessory structures.

- (6) Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of each model of WECS.
- (7) Specific information on the type, height, material and safety of each model of tower.
- (8) A site preparation and installation schedule.
- (9) A geotechnical report.
- (10) A vicinity map or aerial photograph describing the location, including distances from existing and proposed WECS, of all residences and other structures which are within one (1) mile of any property proposed for WECS installation.
- (11) Drawings which show phase spacing, configurations and grounding practices of any proposed electrical distribution lines.
- (12) An application including any WECS which is located within 20,000 feet of the runway of any Airport shall be accompanied by a copy of written notification to the Federal Aviation Administration.
- (13) If the application includes any WECS which requires the approval of a height limit greater than that allowed in Section 13.e. (1) (a), a Variance application, pursuant to Section 159.72 of the Zoning Ordinance, shall be filed concurrently.
- (14) An application including any WECS with a rated power output of 100 kw or larger, which is located within a State-designated Alquist-Priolo Act Special Study Zone, shall be accompanied by a detailed fault hazard report prepared by a California registered geologist. Said report shall address the potential for rotor tower failure calculated for the vertical and horizontal accelerations reasonably expected on the site in the event of a design earthquake.
- (15) An application including any WECS which is located within two (2) miles of any microwave communications link shall be accompanied by a copy of a written notification to the operator of the link or evidence that no WECS are located in the microwave path.
- (16) An application including any WECS which is located with a 100-year floodplain area, as such flood hazard areas are shown on

FEMA or County floodplain management maps, shall be accompanied by a detailed report which shall address the potential for wind and water erosion, as well as sedimentation and flooding. Said report(s) shall propose mitigation measures for such impacts to the extent that such impacts are caused by the proposed WECS.

- (17) Such additional information as shall be reasonable required by the Director.

e. Standard & Development Criteria

(1) Height Limits

- (a) No commercial WECS shall exceed 200 feet in height, measured at the top of the blade in the twelve o'clock position. Where unusual conditions warrant, a lower height limit may be imposed as a condition of a Conditional Use Permit.
- (b) No other building or structure shall exceed 30 feet in height, except for meteorological towers permitted by Section 13. c. (2).

(2) Setbacks. All commercial WECS shall meet these general setback requirements as well as the other setbacks set forth below.

- (a) No building or structure shall be located closer than 50 feet from any lot line.
- (b) No WECS shall be located closer than 1200 feet from any residence, hotel, hospital, school, library or convalescent home unless the owner of such structure waives, in writing, the setback requirement.
- (c) Notwithstanding the 1200' setback requirement specified above, a lesser setback may be permitted where due to factors of topography or the characteristics of the proposed WECS project, the approving entity finds that the noise, aesthetic or other environmental impacts of the project on adjacent properties will not be any more significant than if the 1200' setback were applied. In the case of the replacement of WECS, pursuant to subsection f (3), the standard for determining whether a reduction shall be approved is whether the replacement WECS will have a substantially reduced cumulative impact on surrounding property, as compared to the existing project, and whether adhering to the 1200' setback will be an unreasonable economic hardship to the applicant. Wherever a setback reduction is proposed pursuant to this subsection, the

setback reduction shall be included in all notices, and, if granted, the WECS permit shall specifically state the required setback.

(3) Safety Setbacks

- (a) No commercial WECS shall be located where the center of the tower is within a distance of 1.25 times the total WECS height from any above-ground electrical transmission line of more than 12kV.
- (b) No commercial WECS shall be located where the center of the tower is within a distance of 1.25 times the total WECS height from any public highway or road, railroad or off-site building. The setback herein specified shall be measured from the boundary of the public right-of-way or railroad right-of-way.
- (c) No commercial WECS shall be located where the center of the tower is within a distance of 1.25 times the total WECS height from any lot line. No commercial WECS shall be located where the center of the tower is within a distance of 1200 feet from any lot line of a lot which contains a dwelling.
- (d) Notwithstanding the provisions of subsections b & c above, the setbacks therein specified may be reduced to less than 1.25 times the total WECS height if the Planning Commission determines that the topography of, or other conditions related to, the adjacent property or right-of-way eliminates or substantially reduces the potential safety hazards. Whenever a setback reduction is proposed pursuant to this subsection, the setback reduction shall be included in all notices regarding the Conditional Use Permit, and, if granted, the Conditional Use Permit shall specifically state the required setback.

(4) Wind Access Setbacks

- (a) No commercial WECS shall be located where the center of the tower is within a distance of five (5) rotor diameters from a lot line that is perpendicular to and downwind of, or within 45 degrees of perpendicular to and downwind of, the dominant wind direction.
- (b) Notwithstanding the provisions of subsection a, above, such setbacks from lot lines do not apply if the application

is accompanied by a legally enforceable agreement or waiver for a period of 25 years or the life of the permit that the adjacent landowner agrees to the elimination of the setback, or if the Planning Commission determines that the characteristics of the downwind property eliminate the ability to develop said downwind property with commercial WECS.

(5) Scenic Setbacks

- (a) No commercial WECS shall be located where the center of the tower is within 1320 feet (1/4 miles) of State Highway 62.
- (b) No commercial WECS shall be located where the center of the tower is within 500 feet of Indian Avenue.
- (c) No commercial WECS shall be located where the center of the tower is within 500 feet of Interstate 10.
- (d) No commercial WECS shall be located where the center of the tower is within 1.25 times the total WECS height from Dillon road.
- (e) The setbacks specified in the subsections above shall be measured from the nearest boundary of the public right-of-way.
- (f) Notwithstanding the provisions of the subsections above, the setbacks therein specified may be reduced if the Planning Commission determines that the characteristics of the surrounding property eliminate or substantially reduce considerations of scenic value. Whenever a setback reduction is proposed pursuant to this subsection, the setback reduction shall be included in all notices regarding the conditional use permit, and, if granted, the conditional use permit shall specifically state the required setback.

(6) Safety & Security

- (a) Fencing, or other appropriate measures, shall be required to prevent unauthorized access to the WECS or WECS array.
- (b) Guy wires shall be distinctly marked.
- (c) signs in English and Spanish warning of the electrical and

other hazards associated with the WECS shall be posted at the base of each tower and at reasonable intervals on fences or barriers.

- (d) Horizontal-axis WECS: the lowest extension of the rotor of a horizontal-axis WECS shall be at least 25 feet from the ground.
- (e) Vertical-axis WECS: a fence or other barrier shall be erected around a vertical-axis WECS whose rotors are less than 15 feet from the ground.

(7) Seismic Safety

- (a) All WECS shall comply with the requirements of the applicable seismic zone of the Uniform Building Code or with the seismic design recommendation in an approved geotechnical report on the project.
- (b) Control facilities for commercial WECS or WECS arrays shall not be located within 660 feet of any fault within a state-designated Alquist-Priolo Act Special Studies Zone.

(8) Fire Protection: Upon recommendation of the City Fire Marshall, commercial WECS and WECS arrays may include fire control and prevention measures including, but not limited to, the following:

- (a) Fireproof or fire-resistant building materials
- (b) Buffers of Fire-retardant landscaping
- (c) an automatic fire-extinguishing system
- (d) fire breaks

(9) Interconnection & Electrical Distribution Facilities: Interconnection shall conform to procedures and standards established by the California Public Utilities Commission.

(10) Unsafe & Inoperable WECS:

- (a) Whenever any existing commercial WECS are modified, or any new commercial WECS are installed, any commercial WECS on the site which are unsafe, inoperable or abandoned, or for which the permit has expired, shall be removed by the owner or brought into compliance with the provisions of this section. All safety hazards created by the installation and operation of the WECS shall be eliminated. Whenever the operation of any WECS is eliminated, the

site shall be restored to its condition prior to installation. A bond, in an amount approved by the Director, or other appropriate form of security, in a form approved by the City Attorney, may be required to cover the cost of removal and site restoration.

- (b) Every unsafe or inoperable commercial WECS and every commercial WECS which has not generated power for 12 consecutive months is hereby declared to be a public nuisance which shall be abated by repair, rehabilitation, demolition or removal. The appropriate abatement method shall be determined by the Director of Planning & Zoning based upon the cost of abatement and the degree to which the WECS will meet the requirements of this section following abatement. A commercial WECS which has not generated power for 12 consecutive months shall not be considered a public nuisance provided the owner can demonstrate that modernization, rebuilding or repairs are in progress or planned and that a good faith effort is being made to return the WECS to service at the earliest practical date. If a commercial WECS does not deliver power as a result of a curtailment whereby power is not accepted by the contracted utility, the period of curtailment shall be added to the minimum period defined above.
- (11) Interference with Navigational Systems: No commercial WECS shall be installed which do not comply with Federal Aviation Administration regulations for siting structures near an airport or VORTAC installation.
 - (12) Site Disruption: Prior to the issuance of building permits for a commercial WECS development, all areas where significant site disruption is proposed shall be temporarily marked off. All construction activities shall be limited to the areas marked off.
 - (13) Certification
 - (a) The foundation, tower and compatibility of the tower with the rotor and rotor-related equipment shall be certified in writing by a structural engineer registered in California that they conform with good engineering practices and comply with the appropriate provisions of the Uniform Building Code that have been adopted by the City.
 - (b) The electrical system shall be certified in writing by an electrical engineer, registered in California, that it conforms

with good engineering practices and complies with appropriate provisions of the National Electrical Code that have been adopted by the City.

- (c) The rotor overspeed control system shall be certified in writing by a mechanical engineer, registered in any state, that it conforms to good engineering practices.
- (14) Noise: A commercial WECS or WECS array shall not be operated inconsistent with the provision of Section 159.20.030 (15).
- (15) Electrical Distribution Lines
- (a) To the extent economically prudent, as determined by the Planning Commission, electrical distribution lines on the project site shall be under grounded up to the low voltage side of the step-up transformer or to the utility interface point of an on-site substation.
 - (b) Any electrical distribution line of less than 34 kv, not subject to the jurisdiction of the California Public Utilities Commission, which is located within one (1) mile of State Highway 62 shall be installed underground if such installation is feasible, as determined by the Director.
 - (c) Electrical distribution lines shall be governed by the latest edition of “Suggested Practices for Raptor Protection on Powerlines” on file with the Bureau of Land Management. Use of this information should be made to design the proposed facilities with proper grounding, phase spacing and configuration such that it will prevent, to the best of the design engineer’s ability, the electrocution of raptors. The use of designs other than those included in “Suggested Practices” that are, in the opinion of the Director, raptor safe, shall be permitted in public rights-of-way. The cost for review of such alternate designs shall be at the applicant’s expense.
- (16) Monitoring
- (a) Upon reasonable notice, and subject to the applicant’s safety and security procedures, City officials or their designated representatives may enter a lot on which a Conditional Use Permit has been granted for the purpose of monitoring noise and other environmental impacts. Twenty-four hours advance notice shall be deemed

reasonable notice.

- (b) The holder of a Conditional Use Permit shall report to the City Planning Department all dead birds found within 500 feet of a WECS and all sightings of the Coachella Valley Fringe-Toed Lizard on the WECS site.
 - (c) The holder of a Conditional Use Permit may be required to submit periodic monitoring reports containing data on the operations and environmental impacts.
 - (d) A toll-free telephone number shall be maintained for each commercial WECS project and shall be distributed to surrounding property owners to facilitate the reporting of noise irregularities and equipment malfunctions.
- (17) Time-Related Conditions: Where no operating data for the proposed turbines is available, the granting of a Conditional Use Permit may be conditioned upon the installation and operation of one or more WECS for a period not to exceed six months in order to demonstrate performance characteristics of the WECS. If such a monitoring condition is imposed, the permit shall specify the standards which must be met in order to continue development. If a standard is not being met at the expiration of the required monitoring period, the applicant and the City may agree to an extension. The time within which the permit must be used shall be extended for the period of required monitoring.
- (18) Development Impacts: A one-time periodic fee and a requirement to provide public works or services may be imposed as a condition of a Conditional Use Permit. Such exactions must be related to the public need created by the wind energy development. The purposes for which the permit exaction may be used include, but are not limited to, providing roads required by the wind development and establishing and operating a monitoring system.
- (19) Signs: No advertising sign or logo shall be placed or painted on any commercial WECS. Unless otherwise approved by the Planning Commission, the conditional use permit may permit the placement of no more than one (1) project identification sign relating to the development on the project site, but no such sign shall exceed 50 square feet in surface area or eight (8) feet in height.
- (20) Color & Finish of WECS: All commercial WECS shall be either light environmental colors such as off-white, gray or galvanized,

beige or tan. All commercial WECS shall have a matte or galvanized finish unless the Director determine that such finish adversely affects the performance of the WECS or other good cause is shown to permit any other finish.

- (21) Contingent Approval: A commercial WECS may be granted subject to necessary approvals from the Federal Aviation Administration (FAA) or other approving authorities.
- (22) General Conditions: The City may impose conditions on the granting of a Conditional Use Permit in order to achieve the purposes of this Ordinance and the General Plan and to protect the health, safety or general welfare of the community.
- (23) Notification: Upon approval of a Conditional Use Permit, the City shall provide written notice to the California Public Utilities Commission, the California Energy Commission and the concerned utility.

f. Use of Permit

- (1) Any WECS Conditional Use Permit that is granted shall be used within two (2) years from the effective date thereof, or within such additional time as may be set in the conditions or approval, which shall not exceed a total of five (5) years; otherwise, the permit shall be null and void. Notwithstanding the foregoing, if a permit is required to be used within less than five (5) years, the permittee may, prior to its expiration, request an extension of time in which to use the permit. An extension of time may be granted by the Commission upon a determination that valid reason exists for permittee not using the permit within the required period of time. If an extension is granted, the total time allowed for use of the permit shall not exceed a period of five (5) years, calculated from the effective date of the issuance of the permit. The term “use” shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion.
- (2) Life of Permit: A Conditional Use Permit shall be valid for the useful life of the WECS included in the permit. The life of the permit shall be determined at the time of approval and shall not exceed 30 years.
- (3) Replacement
 - (a) Individual commercial WECS which have been installed

pursuant to a Conditional Use, or other WECS, Permit may be replaced with approval of a Land Use Permit provided the replacement WECS meets the standards of Subsection 13. e. above. Such determination shall be made by the Director.

- (b) WECS arrays which have been installed pursuant to a Conditional Use, or other WECS Permit may be replaced with approval of a revised Conditional Use Permit provided two (2) or more individual WECS shall be removed for each replacement WECS installed and the resultant array meets the standards of Subsection 13. e. above. Such determination shall be made by the Director.
- (c) WECS replacements not meeting the criteria above require approval of a new Conditional Use Permit.
- (d) Any WECS on which the cost of alteration, restoration, repair or rebuilding in a 12-month period exceeds 75% of the replacement cost and shall be subject to Subsections (a)-(c) above.
- (e) Existing WECS, upon adoption of this section, shall be considered to hold a valid Conditional Use Permit under the conditions by which such WECS was originally approved; such WECS shall not be considered nonconforming by virtue of the provisions of this

159.08.040 APPLICABLE REGULATIONS

All uses shall be subject to the applicable regulations of this Zoning Ordinance, including, but not limited to, Article IV, Administration Provisions.

159.08.050 INDUSTRIAL DEVELOPMENT DESIGN GUIDELINES

1. PURPOSE

The following design guidelines are intended as a reference framework to assist the designer in understanding the City's goals and objectives for high quality development within the industrial districts. The guidelines complement the mandatory site development regulations contained in this chapter by providing good examples of potential design solutions and by providing design interpretations of the various mandatory regulations.

The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the City's design review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

Unless there is a compelling reason, these design guidelines shall be followed. If a guideline is waived by the Community development Director, Planning Commission, the City manager shall first be notified. An appeal, which does not require a fee, may be filed by the Mayor or any Council person within 15 days of the waiver approval.

2. APPLICABILITY

The provisions of this section shall apply to all industrial development within the City, unless otherwise specified herein. Any addition, remodeling, relocation, or construction requiring a building permit within any industrial district subject to review by the Community Development Department shall adhere to these guidelines where applicable.

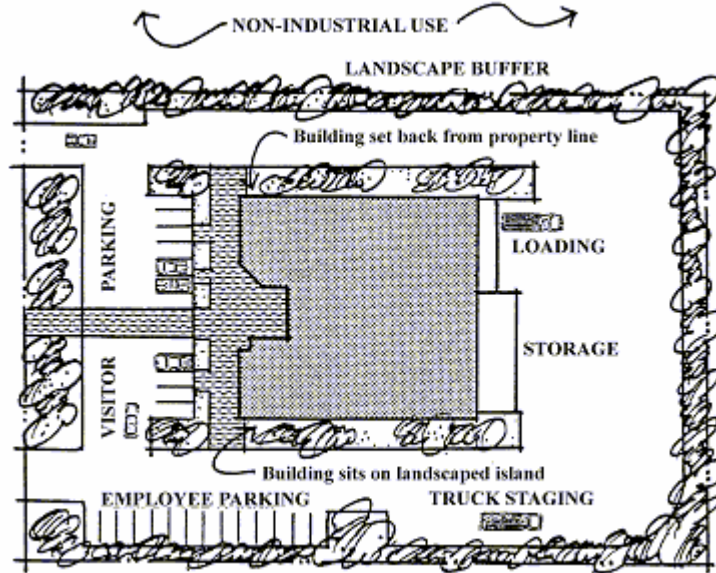
3. SITE PLANNING PRINCIPLES

A. The main elements of sound industrial site design include the following:

1. Controlled site access
2. Service areas located at the sides and rear of buildings
3. Convenient access, visitor parking and on-site circulation
4. Screening of outdoor storage, work areas, and equipment
5. Emphasis on the main building entry and landscaping
6. Landscaped open space.

B. A variety of building and parking setbacks should be provided in order to avoid long monotonous building facades and to create diversity.

- C. Structures should be located on landscaped pads, where the office portion of the building does not directly abut paved parking areas. A minimum 5 to 7 foot landscape strip should be provided between parking areas and the office portion of a structure.



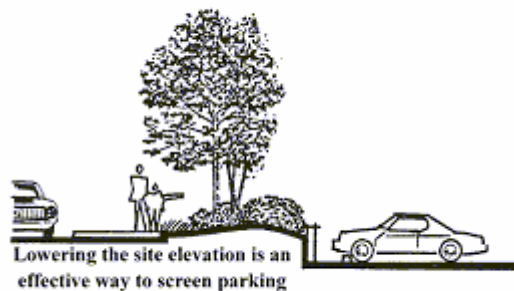
- D. Building setbacks should be provided proportionate to the scale of the structure and in consideration of existing development adjacent to it. Larger structures require more setback area for a balance of scale and so as not to impose on neighboring uses.
- E. Placement of structures which creates opportunities for plazas, courts, or gardens is encouraged. Setback areas can often be used to provide space for patio areas.
- F. Where industrial uses are adjacent to non-industrial uses, appropriate buffering techniques such as setbacks, screening, and landscaping need to be provided to mitigate any negative effects of industrial operations.



Use a variety of techniques to buffer non-residential uses.

4. PARKING AND CIRCULATION

- A. The parking lot and cars should not be the dominant visual elements of the site. Large expansive paved areas located between the street and the building should be avoided in favor of smaller multiple lots separated by landscaping and buildings. Angled parking is highly encouraged for larger parking lots which can accommodate one way aisles.
- B. Site access and internal circulation should be designed in a straight forward manner which emphasizes safety and efficiency. The circulation system should be designed to reduce conflicts between vehicular and pedestrian traffic, combine circulation and access areas where possible, provide adequate maneuvering and stacking areas and consideration for emergency vehicle access. Circulation routes and parking areas should be separated.
- C. Entrances and exits to and from parking and loading facilities should be clearly marked with appropriate directional signage where multiple access points are provided.
- D. Vehicles should not be required to enter the street in order to move from 1 area to another on the same site.
- E. Parking lots adjacent to and visible from public streets must be adequately screened from view through the use of rolling earth berms, low screen walls, changes in the elevation, landscaping or combinations thereof whenever possible.

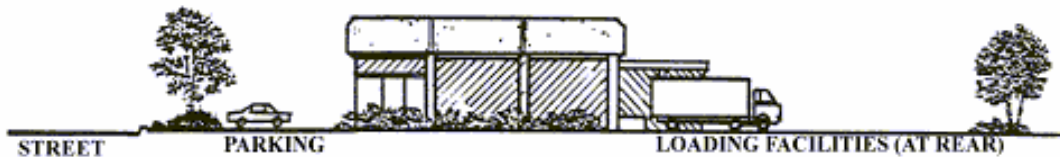


- F. The industrial site should be a self-contained development capable of accommodating its own parking needs. The use of the public street for parking and staging of trucks is not allowed.
- G. All parking spaces should be visible from the interior of the structures,

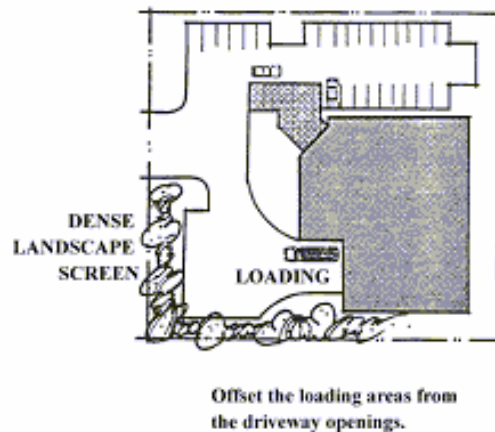
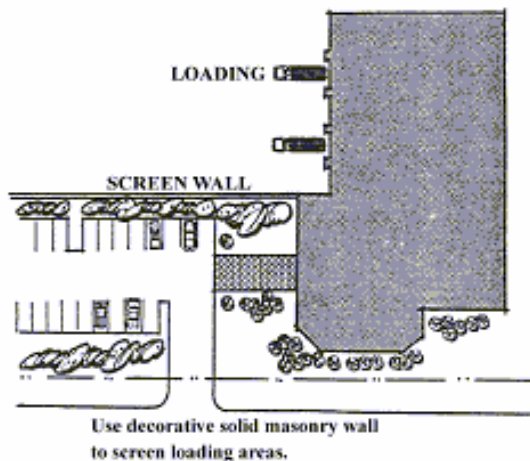
especially entrances.

5. LOADING FACILITIES

- A. To alleviate the unsightly appearance of loading facilities for industrial uses, these areas should not be located at the front of building where it is difficult to adequately screen them from view. Such facilities are more appropriate at the rear of the site where special screening may not be required.

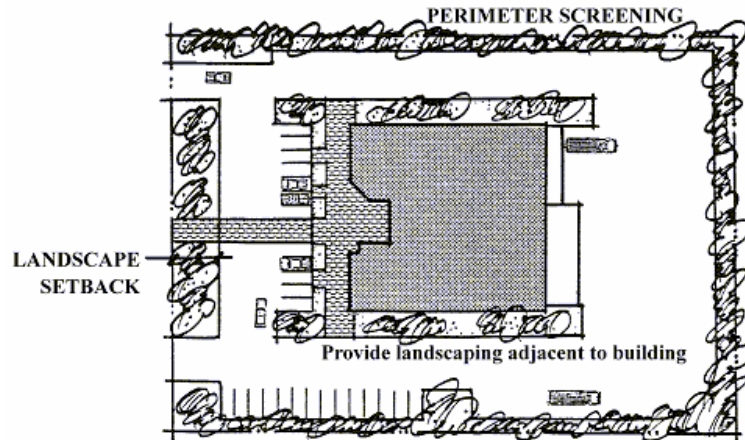


- B. When it is not possible to locate loading facilities at the rear of the building, loading docks and doors should not dominate the frontage and must be screened from the street. Loading facilities should be offset from driveway openings.
- C. Backing from the public street onto the site for loading into front end docks causes unsafe truck maneuvering and should not be utilized except at the ends of industrial cul-de-sacs where each circumstance will be studied individually at the time of design review.

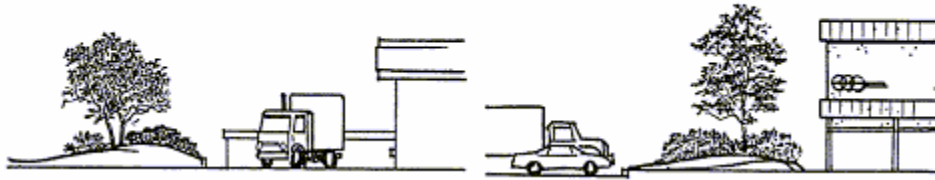


6. LANDSCAPING

- A. For industrial uses landscaping should be used to define areas by helping to focus on entrances to building, parking lots, loading areas, defining the edges of various land uses, providing transition between neighboring properties (buffering), and providing screening for outdoor storage, loading, and equipment areas.

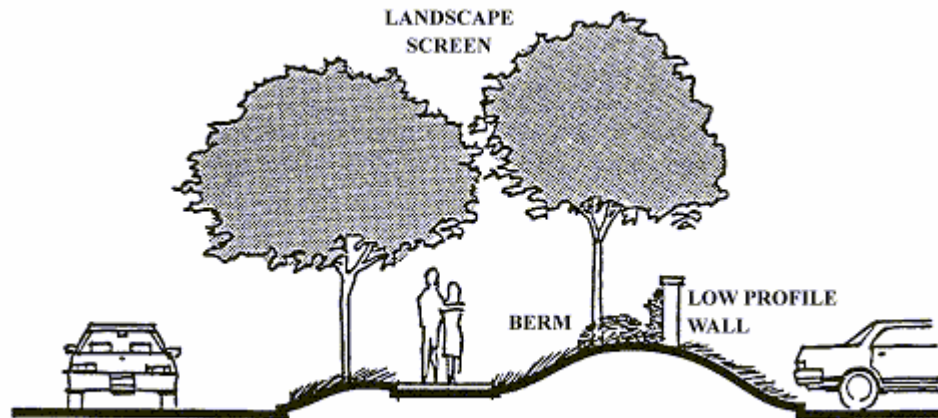
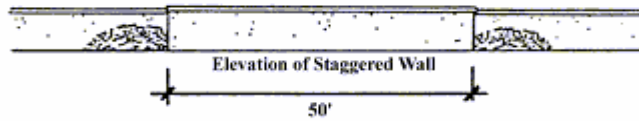


- B. Landscaping should be in scale with adjacent building and be of appropriate size at maturity to accomplish its intended goals.
- C. Use of vines on walls is appropriate in industrial areas because such walls often tend to be large and blank.
- D. Landscaping around the entire base of building is recommended to soften the edge between the parking lot and the structure. This should be accented at entrances to provide focus.
- E. Trees should be located throughout the parking lot and not simply at the ends of parking aisles. In order to be considered within the parking lots, trees should be located in planters that are bounded on at least 3 sides by parking area paving.
- F. Landscaping should be protected from vehicular and pedestrian encroachment by raised planting surfaces, depressed walks, or the use of curbs.



7. WALLS AND FENCES

- A. Walls will serve a major function in the industrial landscape and will be used to screen automobiles, loading and storage areas, and utility structures. However, if not required for a specific screening or security purpose they should not be utilized. The intent is to keep the walls as low as possible while performing their screening and security functions.
- B. Where walls are used at property frontages, or screen walls are used to conceal storage and equipment areas, they should be designed to blend with the site's architecture. Both sides of all perimeter walls should be architecturally treated. Landscaping should be used in combination with such walls whenever possible.
- C. When security fencing is required, it should be a combination of solid pillars or short solid wall segments and wrought iron grill work.
- D. Long expanses of fence or wall surfaces should be offset and architecturally designed to prevent monotony. Landscape pockets should be provided.

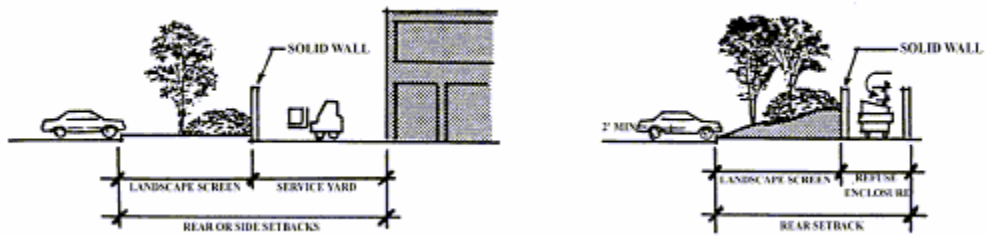


8. **SCREENING**

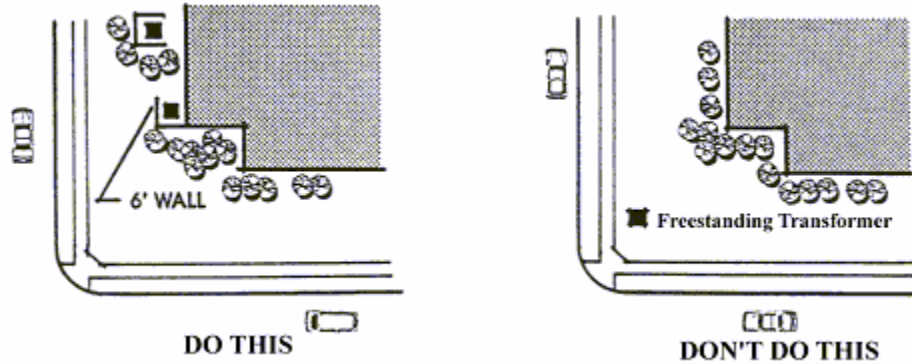
A. Screening for outdoor storage should be a minimum of 8 feet and a

maximum of 12 feet high. The height should be determined by the height of the material being screened. Chain link fencing with appropriate slatting is generally an acceptable screening material for areas of any lot not visible from the street. Exterior storage should be confined to portions of the site least visible to public view.

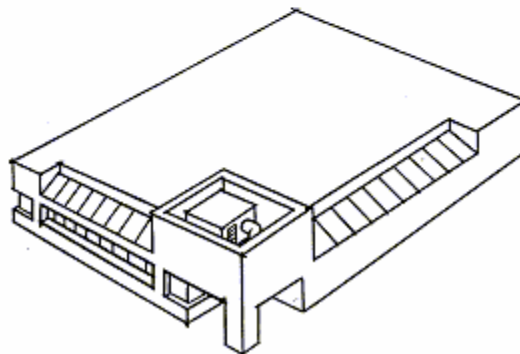
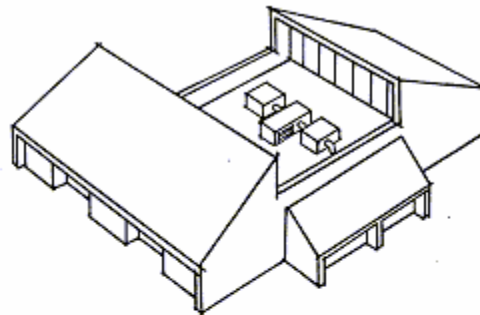
- B. Where screening is required, a combination of elements should be used including solid masonry walls, berms, and landscaping. Chain link fencing with wood or metal slatting is an acceptable screening material only for areas of a lot not visible from a public street.



- C. Any equipment, whether on the roof, side of building, or ground, shall be screened. The method of screening shall be architecturally integrated in terms of materials, color, shape, and size. The screening design shall blend with the building design. Where individual equipment is provided, a continuous screen is desirable.



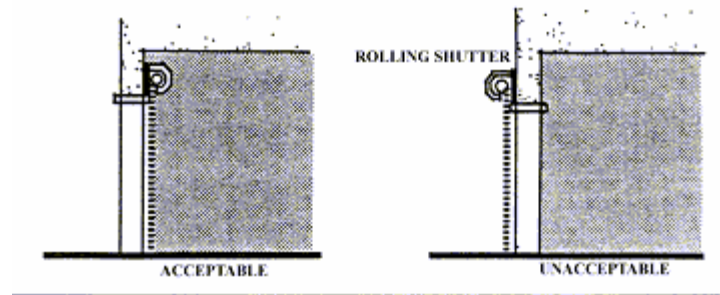
- D. The need to screen rooftop equipment should be taken into consideration during the initial design phase for the structure(s).



9. ARCHITECTURAL DESIGN

- A. As a category of structure types, industrial structures often present unattractive and monotonous facades. There are, however, varieties of design techniques which can be utilized to help overcome this situation and to direct development into a cohesive design statement.
1. Employ variety in structure forms, to create visual character and interest.
 2. Avoid long, “unarticulated” facades. Facades with varied front setbacks are strongly encouraged. Wall planes should not run in one continuous direction for more than 50 feet without an offset.
 3. Avoid blank front and side wall elevations on street frontages.
 4. Entries to industrial structures should portray a quality office appearance while being architecturally tied into the overall mass and building composition.
 5. All structure elevations should be architecturally treated.
 6. Windows and doors are key elements of any structure’s form, and should relate to the scale of the elevation on which they appear. Windows and doors can establish character by their rhythm and variety. Recessed openings help to provide depth and contrast on elevation planes.
 7. Sensitive alteration of colors and materials can produce diversity and enhance architectural forms.
 8. The staggering of planes along an exterior wall elevation creates pockets of light and shadow, providing relief from monotonous, uninterrupted expanses of wall.
- B. Design elements which are undesirable and should be avoided include:
1. Highly reflective surfaces at the ground story
 2. Large blank, unarticulated wall surfaces
 3. Exposed, untreated precision block walls
 4. Chain link fence, barbed wire
 5. False fronts
 6. “Stuck on” mansard roofs on small portion of the roofline
 7. Unarticulated buildings facades
 8. Materials with high maintenance such as stained wood, shingles or metal siding

- C. Choose wall materials that will withstand abuse by vandals or accidental damage from machinery.
- D. All metal buildings should be architecturally designed providing variety and visual interest to the streetscape.
- E. Berming in conjunction with landscaping can be used at the building edge to reduce structure mass and height along facades.
- F. Rolling shutter doors located on the inside of the building are the preferred method for providing large loading doors while keeping a clean, uncluttered appearance from the exterior.



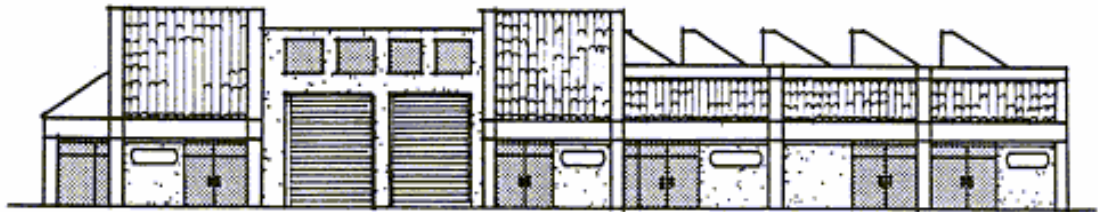
10. ROOFS

- A. The roofline at the top of the structure should not run in a continuous plane for more than 50 feet without offsetting or jogging the roof plane.
- B. Nearly vertical roofs (A-frames) and piecemeal roofs (used on a portion of the building perimeter only) should not be utilized. Mansard roofs should wrap around the entire perimeter of the structure.
- C. All roof top equipment must be screened from public view by screening materials of the same nature as the building's basic materials. Mechanical equipment should be located below the highest vertical element of the building.
- D. The following roof materials should not be used:
 1. Corrugated metal (standing rib metal roofs are permitted)
 2. Highly reflective surfaces
 3. Illuminated roofing
- E. The roof design should be considered as a component of the overall

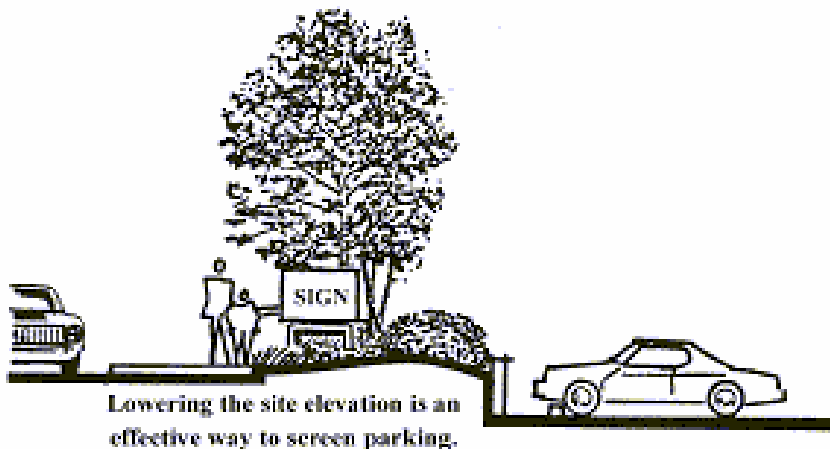
architectural design theme.

11. **SIGNS**

- A. Every structure should be designed with a precise concept for adequate signage. Provisions for sign placement, sign scale in relationship with building and the readability of the sign should be considered in developing the overall signing concept. All signs should be highly compatible with the structure and site design relative to color, material, and placement.
- B. Monument-type signs are the preferred alternative for business identification. Where several tenants occupy the same site individual wall mounted signs are appropriate in combination with a monument sign identifying the development and address.
- C. The use of backlit individually cut letter signs is strongly encouraged.
- D. The industrial site should be appropriately signed to give directions to loading and receiving areas, visitor parking and other special areas.



Employ a consistent sign program
for multiple tenant projects.



Lowering the site elevation is an
effective way to screen parking.

12. LIGHTING

- A. Lighting should be used to provide illumination for the security and safety of on-site areas such as parking, loading, shipping, and receiving, pathways, and working areas.
- B. The design of light fixtures and their structural support shall be architecturally compatible with main buildings on-site. Illuminators should be integrated within the architectural design for the buildings.
- C. As a security device, lighting should be adequate but not overly bright. All building entrances should be well lighted.
- D. All lighting should be shielded to confine light spread within the site boundaries.
- E. One foot-candle evenly distributed across a parking lot is the required minimum. At entrances, loading docks and other limited areas, up to 2 foot-candles may be appropriate.

ARTICLE II: LAND USE DISTRICTS

CHAPTER 159.10 OPEN SPACE

159.10.010 PURPOSE

- A. The purpose of this Chapter is to achieve the following:
1. Encourage the provision of parks and recreation through flexible development standards;
 2. Protect, preserve, and manage natural resources;
 3. Protect public outdoor recreation areas from nonconforming uses;
 4. Protect the public health and safety;
 5. Preserve scenic viewsheds and prevent view blockage;
 6. Reflect the needs of the community each park serves and locate recreational areas in close proximity to residential areas;
 7. Create a multi-user park and trail system which meets basic human needs, is efficient and harmonious, ecologically sound, and can balance cost and revenues over time.
- B. The purpose of the individual Open Space districts is as follows:
1. **Open Space/Mountain Reserve (OS/MR).**
 2. **Open Space/Parks (OS/PP).** The purpose of this district is to provide for the continuation and enhancement of existing public parks and development of new parks and recreation facilities.
 3. **Open Space/Private Open Space (OS/PV).**
 4. **Open Space/Floodways (OS/FW).**

59.10.020 DEVELOPMENT PERMITTED AND CONDITIONALLY PERMITTED USES:

Table 10.01 represents those uses in the open space land use districts which are subject to permit review and approvals. They include: “Permitted Uses” (P) requiring Zoning Review; “Allowed Uses” (D) requiring Development Plan Permit; “Conditional Uses Permit” (C) requiring a Conditional Use Permit; “Temporary Use” (T) requiring a Temporary Use Permit; and “Prohibited” (X), not permitted in the district.

The organization and numerical ordering of Table 10.01 is based on the Standard Industrial Classification System as defined in Section 159.02.050 of this Zoning Ordinance. It is not expected that the range of uses set forth below is all inclusive. In cases of uncertainty regarding whether a particular land use is permitted and by what process, shall be determined by the Director.

**TABLE 10.01
PERMITTED, DEVELOPMENT PERMITTED,
AND CONDITIONALLY PERMITTED USES**

	OS/MR	OS/PP	OS/PV	OS/FW
1. Agriculture and Animal Keeping				
Aviary and Apiary	X	C	C	X
Botanical Garden	X	D	D	X
Stables, Private	X		P	X
Stables, Public	X		P	X
Wildlife Refuge	P		P	X
Zoo	X		C	X
2. Recreational				
Athletic Fields	X	P	D	D
Educational Recreational Facilities(Aquariums, etc.)	C	D	D	X
Golf Course	X	D	D	D
Museum	C	P	D	X
Playgrounds and Picnic Areas	D	P	P	D
Retail Store ancillary to a recreational use	C	D	D	X
Sports Courts	X	P	D	D
Swimming Pool	X	P	D	D
Tennis Courts	X	P	D	D
Trails	P	P	P	P
3. Other				
Antennae/Satellite Dishes	C	C	C	C
Caretaker's Residence	C	D	D	X
Parking lots, public	D	P	P	D
Utility Facilities	C	C	C	C
Schools	C	C	C	X
Temporary Uses	Requires Temporary Use Permit			

159.10.030 OPEN SPACE ZONING DISTRICT DEVELOPMENT STANDARDS

1. GENERAL STANDARDS

The following standards are minimum unless stated as maximum. The standards shall apply to all development, except as otherwise provided for in this Zoning Ordinance:

1. All indoor uses shall be conducted within a completely enclosed structure. Limited outside uses shall be approved during Site Plan Review.

2. There shall be no visible storage of motor vehicles, loose rubbish, garbage, junk, tents, equipment, or building materials in any portion of a lot. During Site Plan Review for any new use, properly screened outdoor storage shall be reviewed and included in the conditions of approval if it meets the requirements of this Ordinance. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.
3. Every parcel with an occupiable structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted City standards and be of sufficient size to accommodate the trash generated by the use. The receptacle(s) shall be screened from public view on at least 3 sides by an opaque wall 6 feet in height and on the fourth side by an opaque gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Utility lines, flagpoles, and similar structures are exempt from this provision.
4. All mechanical equipment should be screened in a manner which is architecturally integrated with the main structure. Vents, ducts, chimneys and steeples shall be exempt from this provision.
5. Elevations of all buildings shall be architecturally treated to ensure compatibility with neighboring buildings.
6. Outdoor Paging Systems shall be prohibited.
7. All development shall incorporate alternative transportation and transit into its site planning. Alternative transportation shall include pedestrian connections to adjacent land uses, bicycle lanes and parking facilities in conformance with Section 159.24, Off-street Parking Standards. Transit facilities shall be reviewed with SunLine Transit, to determine need and location for commuter facilities, bus stops and shelters.

2. OPEN SPACE DISTRICT SPECIFIC STANDARDS

The following special standards shall apply to the Open Space Zoning District. For residential uses in the Open Space Zoning District, see Table 04.02, Residential District Development Standards and the standards contained in Section 159.04.030.

A. PARK SYSTEM DEVELOPMENT STANDARDS

1. Types of Parks

- A) **Community Parks.** Should be located near residential areas and accessible to the entire community.
- B) **Neighborhood Parks and Urban Parks.** Should be located near neighborhoods planned for intense development.

- C) **Mini-parks.** Should be located inside a neighborhood with close proximity to heavily populated areas especially those areas with a majority of multi-family dwellings. Mini-parks are most often constructed within projects or subdivisions.

2. Standards for Parks

The following table describes the City’s standards for parks.

**Table 10.01
Standards for Recreation Areas**

Type of Park Area	Acres/1,000 Pop.	Ideal Site Size /Min.	Radius Served
Mini-Parks	0.25-0.5	1 AC./0.5 acres.	<0.25 Miles
Neighborhood Parks/ Urban Parks/ Playgrounds Playfields	1.0-2.0	≈ 15 acres	0.25-0.5 Miles
Community Parks	5.0-8.0	≈ 25 acres	1.0-2.0 Miles

In addition, the following development standards shall apply:

- A. The minimum setback for all buildings and structures shall be:
1. Adjacent to residential uses: 20 feet
 2. Adjacent to any other zone or use: 10 feet

This requirement shall not apply to mini-parks. In addition, variations to setback requirements will be considered through an application for a Conditional Use Permit, pursuant to Section 159.36, Conditional Use Permits.

3. Recreational Area Development

Parkland facilities within the City shall be developed at a minimum rate of 5 acres/1,000 population.

Recreational areas and open space development are subject to Development Permit Review, pursuant to Section 159.40 of this document, and shall meet the following standards:

A. Parks and Open Space Development

Sensitive plant and animal species shall be identified and mapped by a qualified biologist prior to development, if applicable. Sensitive areas and appropriate buffers shall be incorporated into the development plan.

B. Trail Development

Trails are an important aspect of the City's transportation system, providing direct access to and linkage with existing and future recreational areas. Areas that are not developable for structures may be adaptable for trail development. Such areas can include geologically hazardous grounds, wildlife corridors, floodways, and utility easements.

The City shall establish the following trail standards as a guide for future trail development. The standards contained in Table 10.02 (Trail Standards) shall be considered as the minimum requirements.

**Table 10.02
Trail Standards
Urban Standards (Maximum Accessibility)**

Bicycle + Item Pedestrian Only	Pedestrian	Bicycle Only	Hiking Only	Equestrian
Min. Width (one Way)	10'	5'	5'	8'
Min. Width (two-way)	12'	8-10'	8-10'	10'
Surface	hardened, e.g. asphalt	hard-packed, e.g. asphalt	hard-packed, no paving	no paving
Shoulder	2' min.	2' min.	2' min.	2' min.
Vertical Clearance	12'	10'	10'	12'
Cross Slope	2% max.	2% max.	2% max.	2% max.

Low Use and Natural Area Standards

Item	Multi-User Hiking Only	Mountain Bicycle	Equestrian Only Only (foothill & mtn. areas)
Min. Width (one-way)	6-8'	2'	2'
Min. Width (two-way)	8-10'	2'	4'
Surface	firm all-weather & unobstructed	minimize erosion	minimize erosion
Shoulder	2' min.	2' min.	2' min.
Vertical Clearance	10'	8'	8'
Cross Slope	3% max.	3% max.	3% max.

159.10.040**APPLICABLE REGULATIONS**

All uses developed in the Open Space districts shall be subject to the applicable regulations of this Zoning Ordinance. Development standards and design guidelines shall conform to Section 159.06.030 and 159.06.060.

ARTICLE II: LAND USE DISTRICTS

CHAPTER 159.12 PUBLIC USE DISTRICTS

159.12.010 PURPOSE

The purpose of this Chapter is to provide for lands designated for Public Uses on the Zoning Map. The Public Uses designation applies to institutional uses, including fire stations, schools, post offices, and public utility facilities. This Zoning Ordinance also allows for schools as a Conditionally Permitted use in all Residential Districts.

159.12.020 DEVELOPMENT PERMITTED AND CONDITIONALLY PERMITTED USES:

Table 12.01 represents those uses in the Public Use districts which are subject to permit review and approvals. They include: “Permitted Uses” (P) requiring Zoning Review; “Allowed Uses” (D) requiring Development Plan Permit; “Conditional Uses Permit” (C) requiring a Conditional Use Permit; “Temporary Use” (T) requiring a Temporary Use Permit; and “Prohibited” (X), not permitted in the district.

The organization and numerical ordering of Table 12.01 is based on the Standard Industrial Classification System as defined in Section 159.02.050 of this Zoning Ordinance. It is not expected that the range of uses set forth below is all inclusive. In cases of uncertainty regarding whether a particular land use is permitted and by what process, shall be determined by the Director.

**TABLE 12.01
PERMITTED, DEVELOPMENT PERMITTED,
AND CONDITIONALLY PERMITTED USES**

	P/F	P/S	P/PO	P/U
1. Schools and Related Facilities				
Schools	X	D	X	X
Athletic or Sports Fields	X	D	X	X
Accessory Structures	D	D	D	D
2. Recreation				
Commercial Recreation Areas	X	C	C	X
Parks, Public	P	P	P	P
3. Lodging and Residential				
Fraternity or Sorority House	X	C	X	X
Caretaker's Residence	D	D	D	D
4. Other				
Antennae/Satellite Dishes	C	C	C	C
Vehicle Storage and Repair Facilities	C	C	C	C
Day Care Center	C	C	C	X
Library, Public or Private	X	D	X	X
Museums	C	C	C	X
Parking lots, public	P	P	P	P
Temporary Uses	Requires Temporary Use Permit			

159.12.030 PUBLIC USES ZONING DISTRICT DEVELOPMENT STANDARDS

1. GENERAL STANDARDS

The following standards are minimum unless stated as maximum, except as otherwise provided for in this Zoning Ordinance:

1. Every parcel with an occupiable structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted City standards and be of sufficient size to accommodate the trash generated by the use. The receptacle(s) shall be screened from public view on at least 3 sides by a solid wall 6 feet in height and on the fourth side by a solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures.
2. All mechanical equipment should be screened in a manner which is architecturally integrated with the main structure. Vents, ducts, chimneys and steeples shall be exempt from this provision.
3. Elevations of all buildings shall be architecturally treated.
4. Outdoor Paging Systems shall not exceed 65 dBA at the property line.
5. All Public Use development shall incorporate alternative transportation and transit into its site planning. Alternative transportation shall include pedestrian connections to adjacent land uses, bicycle lanes and parking facilities (in conformance to Section 159.24, (Off-street Parking Standards). Transit facilities shall be reviewed with SunLine Transit, to determine need and location for commuter facilities, bus stops and shelters.

**Table 12.01
Public Use Development Standards**

Front Setback	25 feet
Rear Setback	10 feet
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Side Setback ea.	10 feet
Side Setback (Street side)	10 feet
Maximum Lot Coverage	50%
Maximum Structure Height: Feet	30*
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*Gymnasiums, auditoriums, pools and athletic field grandstands are exempt from the height limit of 30 feet.

159.12.040 APPLICABLE REGULATIONS

All uses shall be subject to the applicable regulations of this Zoning Ordinance, including, but not limited to Article IV, Administration provisions. Development guidelines for all structures shall conform to Section 159.06.060, Commercial Design Guidelines.

ARTICLE II: ZONING DISTRICTS

CHAPTER 159.13 ZONING DISTRICTS

159.13.010 PURPOSE

The purpose of the SPA-1-02 zoning district is to promote the development of a mixed use project consisting of single family, multifamily, golf course, hotel, timeshare, resort, commercial development, neighborhood serving commercial uses and such other uses as are consistent with the Rancho Royale Specific Plan Amendment No. 1-02 and Vesting Tentative Tract Map No, 30616.

159.13.020 Permitted Development and Conditionally Permitted Uses.

1. Single Family Dwellings (Permitted).
2. Multi-family Dwellings (Permitted).
3. Condominium and Townhouse (Permitted).
4. Planned Residential Development (Development Permitted).
5. Model homes and temporary sales offices (Permitted).
6. Public and private golf courses/driving ranges/country clubs (Permitted).
7. Golf Course Clubhouses and Golf Course Related Facilities (Permitted).
8. Hotels, Resort Hotels/Motels, Timeshare Condominiums and Bed and Breakfast together with ancillary retail or restaurant, bar, lounge, ballroom, conference and meeting rooms, recreational amenities and restaurants (Permitted).
9. Health Club and Fitness Centers (Permitted),
10. Public and private recreational facilities, including Swimming Pool/Spas and Private Tennis Courts (Permitted).
11. Art galleries (Permitted).
12. Athletic facilities (Permitted).
13. Child daycare facilities (Permitted).
14. Community centers (Permitted).
15. Convention facilities (Permitted).
16. Entertainment facilities (Development Permitted).
17. Indoor recreation centers (Permitted).
18. Libraries (Permitted).
19. Membership Organizations (Development Permitted).
20. Museums (Permitted).
21. Organization offices (Permitted).
22. Outdoor commercial recreation (Development Permitted).
23. Public parks and playgrounds (Permitted).
24. Sports facilities and outdoor public assembly (Permitted),
25. Studios for dance, art, music, photography, etc. (Permitted).

26. Theaters and meeting halls (Permitted).
27. Accessory retail uses (Permitted).
28. Bars and drinking establishments, other than in connection with hotel and similar uses as listed in item 8. (Conditional Use Permitted).
29. Certified farmers markets (Development Permitted).
30. Convenience stores (Permitted).
31. Department stores (Conditional Use Permitted).
32. Drive-in and drive-through sales (Conditional Use Permitted).
33. Drug stores (Permitted).
34. Furniture, furnishings, home equipment stores (Development Permitted).
35. Gift shops (Permitted).
36. Grocery stores (Permitted).
37. Liquor stores (offsite consumption) (Conditional Use Permitted).
38. Restaurants, including incidental service of beer, wine, or liquor for onsite consumption (Permitted).
39. Restaurants, drive-in, or take out fast food (Development Permitted).
40. Retail stores, general merchandise (Permitted).
41. Retail stores, tourist/travel oriented (Permitted),
42. Shopping centers, 12,000 square feet or more (Permitted).
43. Video rental stores (Permitted).
44. Warehouse or club stores (i.e., "Big Box" stores) (Conditional Use Permitted).
45. Automatic teller machine (ATM), not at a bank (Permitted),
46. Banks and financial establishment services/services (Permitted).
47. Bed and breakfast establishments (Permitted).
48. Business support/secretarial services (Permitted).
49. Medical services, clinics and labs (Permitted).
50. Office, temporary or permanent (Permitted).
51. Personal services (Permitted).
52. Pet grooming (no boarding) (Permitted).
53. Public utility and safety facilities (Permitted).
54. Repair and maintenance of consumer products (Development Permitted).
55. Motor vehicle/fueling service stations) (Conditional Use Permitted).
57. Guest houses (Permitted).
58. Storage (Conditional Use Permitted).
59. Garages (Permitted),
60. Fences and walls (Permitted).
61. Accessory buildings and structures in conjunction with any use that is permitted under this Section 159.14.020 (Permitted).
62. Any other use which is similar to the permitted uses set forth in this Section 159.13.020, as determined by the Director.

159.13.030 Rancho Royale Specific Plan Amendment District.

1. General Standards.

The following standards are minimum unless stated as maximum, except as otherwise provided for in this Zoning Ordinance.

- A. Minimum Lot Areas, Frontages and Yards The minimum lot areas, lot frontages and front and side yards shall be those shown on Vesting Tentative Tract Map No. 30616, and/or the SPA1-02 as such map may be amended from time to time.
- B. Maximum Height. The maximum height of Single Family Dwellings shall be 3 stories or 45 feet. The maximum height of Multi-family Dwellings shall be 5 stories or 75 feet. The maximum height of commercial uses, and other than hotel/timeshare/resort hotel/motel shall be 4 stories or 60 feet. The maximum height of a hotel/timeshare/resort hotel/motel and timeshare shall be 12 stories or 180 feet.
- C. Maximum Density. The maximum density for the property shall be the density set forth in the Amendment to Rancho Royale Specific Plan Amendment (SPA-1 -02).
- D. Development Standards. The development standards under the SPA-1-02 zone shall be those development standards set forth in the Rancho Royale Specific Plan Amendment (SPA1-02), Vesting Tentative Tract Map No. 30616, and the Development Agreement between the City and Roger Snellenberger Development for the Project.
- E. Design Review, No building permit shall be issued for any building or structure unless plans for the design of such building and structure have been reviewed and approved by the Director. The purpose of the Director's review shall be to ensure consistency with the goals and objective of the Rancho Royale Specific Plan Amendment (SPA-1-02), Vesting Tentative Tract Map No. 30616, the Development Agreement between the City and Roger Snellenberger Development, and any design guidelines which may have been developed in furtherance thereof.
- F. Conflict, In the event of any inconsistency between the provisions of this Chapter and other provisions of the Zoning Ordinance, the provisions of this Chapter shall prevail."

ARTICLE II: OVERLAY DISTRICTS

CHAPTER 159.14 OVERLAY DISTRICTS

159.14.010 PURPOSE AND INTENT

The intent of this chapter is to provide guidance on the implementation of Overlay Districts within this Zoning Ordinance.

159.14.020 Established Overlay Districts

For purposes of this chapter, Overlay Districts shall refer to those overlay districts established in Chapter 159.02.060 of this Ordinance.

159.14.030 Specific Plan Overlay District (SP)

Where a Specific Plan District overlies another zoning district established in this Zoning Ordinance, the development standards and other relevant regulations of such Specific Plan District shall supercede any conflicting development standards and other regulations of the underlying zoning district.

159.14.030(1) For development projects on contiguous properties having significant and definable inter-related planning and land use issues which required uniform resolution in order to insure basic fairness in application and administrative economy and that are consistent with the City's adopted General Plan, the use of a Planned Development (PD) district may be allowed in lieu of the development and/or adoption of a Specific Plan subject to the approval of a Conditional Use Permit by City Council (See Chapter 159.38). Ord. 2006-01

159.14.040 Two Bunch Palms Specific Plan (TBPSP) Overlay

The Two Bunch Palms Specific Plan (TBPSP) Overlay shall include approximately 269.89± acres of land generally bounded by Verbena Drive to the west; Miracle Hill Road to the east; Rochelle Road to the north; and Camino Campanero to the south (Assessor Parcel Numbers: 642-150-022, 023, 024; and 642-170-015, 023, 024, 026, 029, 031, 035, 036-042, 044; and 656-130-006-009, 014, 017, 019, and 020-024).

Prior to development of any individual parcel located within the TBPSP boundary, the property owner(s) shall undertake the preparation of a Specific Plan covering all parcels within the TBPSP boundary, consistent with the California Planning Laws and Chapter 159.64 (Specific Plans) of the Cit Zoning Ordinance.

The Specific Plan provide the framework for future development with the overlay area which will emphasize visitor and spa/health related uses capitalizing on hot water

resources and will allow limited commercial and residential uses only where these uses can be demonstrated and controlled to specifically support the spa/health-related uses. The Specific Plan shall address a comprehensive plan for the improvement of the Two Bunch Palms Resort, including expansion of the spa services and facilities and addition of visitor lodging to accommodate increased number of guests. The Specific Plan may address a variety of visitor-serving uses, including traditional hotel rooms, condominium hotel rooms, timeshare hotel uses, extended-stay visitor lodging, and vacation club membership-oriented visitors. To the extent that more traditional residential uses of the overlay area wish to be used as second homes or seasonal transient lodging, the Specific Plan may allow for such uses of residential units provided they are managed by the Two Bunch Palms Resort operators, and all appropriate business license and transient occupancy taxes payable to the City. The Specific Plan will anticipate phased development of the site over several years, and provide for subsequent reviews of development projects, use permits and subdivisions to fully implement the final vision of the Specific Plan. If the Specific Plan does not address a particular standard, the provisions of the base-zoning district shall apply. Unless otherwise waived by the City, all development within the boundaries of the Specific Plan shall require the consideration and approval of a Development Agreement pursuant to Chapter 159.40 of the Municipal Zoning Ordinance.

1. Failure to Utilize Plan.

Failure to utilize a plan, by an applicant or his successor, within two years of its effective date (unless extended by action of the Planning Commission) will automatically void such plan. In the event construction work is involved, such work must actually commence within the stated period and be diligently pursued. If the city should find that there has been no construction of substantial character taken or if such construction should lapse for more than six months, the plan shall be void. This subsection dealing with failure to utilize is of no force and effect when applicant has an approved Development Agreement on file covering the same area as the specific plan.

2. Extension of Time.

Extension of time up to a maximum of one year may be granted from the date of expiration of the plan by the Planning Commission when extenuating circumstances can be clearly shown by the applicant. Said one year extension(s) are limited to three. This subsection dealing with extension is of no force and effect when applicant has an approved Development Agreement on file covering the same area as the specific plan.

Ord. 2005-08

ARTICLE III: GENERAL

CHAPTER 159.20 PROPERTY DEVELOPMENT STANDARDS

159.20.010 PURPOSE

These standards shall ensure that new or modified uses and development will produce an urban environment of stable, desirable character which is harmonious with the existing and future development, consistent with the General Plan.

159.20.020 APPLICABILITY

Any permit which authorized new construction or modifications to an existing structure in excess of 25% of the structure floor area shall be subject to the standards set forth in this Chapter.

159.20.030 GENERAL STANDARDS

No permit shall be approved unless it conforms to all of the following standards set forth in this Chapter:

1. Access
2. Additional Height Restrictions
3. Antennae, Vertical & Satellite Dish
4. Design Considerations
5. Dust and Dirt
6. Environmental Resources/Constraints
7. Exterior Building Walls
8. Fences, Walls and Hedges
9. Fire Protection
10. Fumes, Vapor and gases
11. Glare
12. Hazardous Materials
13. Hght. Determination (Bldgs & Structures)
14. Lighting
15. Noise
16. Odor
17. Projections into Setbacks
18. Public Street Improvements
19. Radioactivity
20. Refuse Storage/Disposal
21. Screening
22. Signs, Off-Street Parking, Off-Street Loading and Landscaping
23. Solar Energy
24. Storage
25. Toxic Substances
26. Undergrounding Utilities
27. Vibration

These standards apply to more than one land use district, and therefore are combined in this Chapter. Also, these standards are to be considered in conjunction with those standards and design guidelines located in the specific land use district chapters.

1. ACCESS

Every structure or use shall have frontage upon a public street or permanent means of access to a public street by way of a public or private easement, or recorded reciprocal access agreement.

2. ADDITIONAL STRUCTURAL SETBACK RESTRICTIONS

Where the maximum permitted height of a new structure exceeds 35 feet, the following provisions shall apply:

- A. Enhanced buffering to surrounding properties and the appropriateness of understructure parking shall be evaluated.
- B. A visual analysis relating structure proportions, massing, height and setback shall be conducted to preserve and enhance the scenic viewshed.
- C. The need and appropriateness of the additional height shall be demonstrated.
- D. Compatibility and harmony with surrounding development, and land use designations shall be demonstrated.
- E. Above 35 feet, additional structural setbacks (step back) may be required.

3. ANTENNAE, VERTICAL AND SATELLITE DISH DESIGN STANDARDS

All antennae, including portable units, but exempting residential satellite dish installations which are 10.5 feet or less in diameter, 12 feet or less in height, located in the rear yard, and are ground mounted; ;and, exempting residential single-pole or tower roof or ground mounted television or amateur radio antennae, where the boom or any active element of the antenna array is 30 feet or less and the height does not exceed 75 feet, shall be installed in the following manner:

- A. The subject location shall conform to all standards of the land use district in which it is proposed.
- B. The antennae shall not be located in the following areas:
 - 1. Front setback;
 - 2. Street side setback;
 - 3. On any structure, unless architecturally screened and approved by the Planning Commission. The screening restriction on antennae may be modified by the Commission, if there is no alternative to maintain line of sight clearance for satellites or amateur radio antennas.
- C. The maximum overall height for a ground mounted antennae shall be 75 feet above grade.

- D. The operation of the antennae shall not cause interference with any electrical equipment in the surrounding neighborhoods (e.g., television, radio, telephone, computer, etc.), unless exempted by Federal regulation.
- E. The antennae shall be a single, non-glossy color (e.g., off-white crème, beige, grey).
- F. The antennae shall be sited to assure compatibility with surrounding development and not adversely impact the neighborhood.
- G. The installation and maintenance of television antennae shall be consistent with all other applicable provisions of the Municipal Code.

4. DESIGN CONSIDERATIONS

The following standards are in addition to the specific design guidelines contained in the individual land use districts:

- A. The proposed development shall be of a quality and character which is consistent with the community design goals and policies including but not limited to scale, height, bulk, materials, cohesiveness, colors, roof pitch, roof eaves and the preservation of privacy.
- B. The design shall improve community appearance by avoiding excessive variety and monotonous repetition.
- C. Proposed signage and landscaping shall be an integral architectural feature which does not overwhelm or dominate the structure of property.
- D. Lighting shall be stationary and deflected away from all adjacent properties and public streets and rights-of-way.
- E. Mechanical equipment, storage, trash areas, and utilities shall be architecturally screened from public view.
- F. With the intent of protecting sensitive land uses, the proposed design shall promote a harmonious and compatible transition in terms of scale and character between areas of different land uses.
- G. Parking walls and structures shall be architecturally compatible with the primary and surrounding structures.

H. Nearly vertical roofs (A-frames) and piecemeal mansard roofs (used on a portion of the structure perimeter only) are prohibited. Mansard roofs, if utilized on commercial structures, shall wrap around the entire structure perimeter.

5. DUST AND DIRT

In addition to the provisions of the City Grading and PM₁₀ Ordinances, all land use activities (e.g. construction, grading, and agriculture) shall be conducted so as not to create any measurable amount of dust or dirt emission beyond any boundary line of the parcel. To ensure a dust free environment, appropriate grading procedures shall include, but are not limited to, the following:

- A. Schedule all grading activities to ensure that repeated grading will not be required, and that implementation of the desired land use (e.g. planting, paving or construction) will occur as soon as possible after grading.
- B. Disturb as little native vegetation as possible.
- C. Water graded areas as often as necessary to prevent blowing dust or dirt, hydro seeding with temporary irrigation, adding a dust pallative, and/or building wind fences.
- D. Re-vegetate graded areas as soon as possible.
- E. Construct appropriate walls or fences to contain the dust and dirt within the parcel subject to the approval of the City Engineer.

6. ENVIRONMENTAL RESOURCES/CONSTRAINTS

All development proposals shall be evaluated in compliance with the California Environmental Quality Act (CEQA) and all General Plan environmental policies including, but not limited to biological resource management; rare, threatened and/or endangered species; air quality; mineral resources, archaeological resources; high wind areas; and geologic hazards. Development within 50 feet of an active or potentially active fault shall be prohibited. Development within these areas shall be subject to the submittal of appropriate report(s) prepared by qualified professionals which address the impacts of the proposed project; the identification of mitigation measures necessary to eliminate the significant adverse impacts; and, the provision of a program for monitoring, evaluating the effectiveness of , and insuring the adequacy of the specified mitigation measures.

7. EXTERIOR BUILDING/STRUCTURE WALLS

The following standards shall apply to all exterior building/structure wall construction:

- A. Since walls will always be a main architectural and visual feature in any major development, restraint must be exercised in the number of permissible finish materials. The harmony of materials and particularly color treatment is essential to achieve unity in the project.
- B. The following designs are deemed unacceptable in any development and therefore shall be prohibited:
 - 1. Non-anodized and unpainted aluminum finished window frames.
 - 2. Metal grills and facades. However, grills and facades of unique design and in keeping with the general decor of the development and neighborhood may be permitted subject to prior approval by the Director.
 - 3. Aluminum or other metal panels are not permitted on the street elevation; unless it can be demonstrated that they are consistent with a structures overall design character, and do not adversely effect the pedestrian environment.

8. FENCES, WALLS AND HEDGES

The following standards shall apply to the installation of all fences, walls and hedges:

A. HEIGHT AND TYPE LIMITS

Fences, walls, and hedges shall conform to the limitations outlined in Table 20.01.

**TABLE 20.01
FENCES, WALLS, AND HEDGES
HEIGHT AND TYPE LIMITS**

Districts	Maximum	Comments Permitted Height *
1. <u>Residential</u>		
-Front or side of street yard setback	4'	-Solid structures or plants
	4'	-Open work structures or plants (must permit the passage of a minimum of 90% of light).
-Corner lot (street side setback)	5'	-Solid structures ⁽⁴⁾
-Other yard area	6'	-Solid structures include:
-Outside of required yard area	6'	Solid, decorative masonry wall,
-Abutting a non-residential district	6'	wood framed with stucco exterior and wrought iron fence with pilasters.
2. <u>Commercial, Industrial</u>		
-Front yard or side of street yard	4'	-Solid structures or plants
	6'	-Open work structures or plants
-Abutting residential district	8'	-Solid, decorative masonry wall
-Other yard area	6'	
-Outdoor storage areas visible from public rights-of-way (located behind required yards)	8'	-Commercial
	8'	-Industrial
3. <u>All Districts - Traffic Safety Site Area</u>		
	30''	
4. <u>Public Right-of-Way</u>		
	6'	
5. <u>Retaining Walls</u>		
	6'	

* The limitations shall not apply in the following instances:

1. Where a greater height is required by any other provision of the Municipal Code; or
2. Where a greater height or type of fence, wall or hedge is required by a condition of approval.
3. Refer to Section 159.20.030(8)(E) regarding residential fencing and wall standards.
4. Solid Structures to include: Decorative masonry wall constructed of slumpstone, split faced or other similar materials as approved by the Planning Director. Ord. 2005-10

B. TRAFFIC SAFETY SITE AREA

On a corner lot, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over 30 inches in height above the nearest street curb elevation shall be erected, placed, planted, or allowed to grow within a Traffic Safety Sight Area. The foregoing provision shall not apply to public utility poles; trees trimmed (to the trunk) to a line at least 6 feet above the level of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross view; supporting members of appurtenances to permanent structures existing on the date this Zoning Ordinance becomes effective; and official warning signs or signals.

C. PROHIBITED FENCE MATERIALS/CHAIN LINK FENCING

The use of barbed wire, electrified fence or razor wire fence in conjunction with any fence, wall, roof, hedge, or by itself within any land use district, is prohibited unless required by any law or regulation of the City, the State of California, Federal Government, or agency thereof. Agricultural uses may use electrical fences if approved by the Director.

Chain link fencing in residential districts within the City shall only be permitted on lots that are an acre or more. Chain link fencing is permitted in the I-L, I-M and I-E districts, excepting industrial lands fronting on a major public street which shall use decorative block or other appropriate design approved by the Director. The fence in such districts may only be located on side and rear property lines behind the front yard setback, and further provided the fence would not be readily visible from a public right-of-way. However, such fence with neutral screening may be readily visible from a public right-of-way. Landscaped planting of sufficient density and height may be used to screen the fence from public view. Notwithstanding any provision to the contrary, chain link fencing may be used with tennis courts, private and commercial, temporarily at construction sites, as approved by the Director, and where it is required by any law or regulation of the City, the State of California, Federal Government, or agency thereof. Any chain link fencing authorized within the City shall have a top rail, bottom wire and caps on the poles, and shall be properly maintained, free from holes, tears, or bent or otherwise disfigured surfaces or materials caused by damage to the fence. Any violation of this paragraph "C" shall constitute a public nuisance and an infraction, subject to the remedies set forth in Title VIII of the City's Municipal Code.

The above limitations shall not apply where the prohibited fence material is required as a condition of approval.

D. WALL DESIGN STANDARDS

Perimeter walls may be required to have articulated planes by providing at a minimum for every 100 feet of continuous wall an 18 inch deep by 8 foot long landscaped recession.

Walls shall be constructed with pilasters provided at every change in direction, every 5 feet difference in elevation and at a minimum of every 25 feet of continuous wall.

E. RESIDENTIAL FENCING/WALL REQUIREMENT

Fencing or walls are required between individual residential units, and residential developments if adjacent to parks, open spaces, and/or major rights-of-way. All fencing and walls are to be provided by each developer at the time of construction.

9. FIRE PROTECTION

All structures shall meet the requirements of the City Fire Marshall.

10. FUMES, VAPOR, GASES, AND OTHER FORMS OF AIR POLLUTION

No emission which can cause damage to human health, animals, vegetation or other forms of property shall be discharged into the atmosphere. No other forms of emission shall be measurable at any point beyond the boundary line of the parcel. Emissions shall be in compliance with Air Quality Management District and Regional Water Quality Control Board permits.

11. GLARE

No glare incidental to any use shall be visible beyond any boundary line of the parcel.

12. HAZARDOUS MATERIALS

The following standards are intended to ensure that the use, handling, storage and transportation of hazardous materials comply with all applicable requirements of Government Code 65850.2 and Health and Safety Code 25505, Article 80-Uniform Fire Code, et.al. It is not the intent of these regulations to impose additional restrictions on the management of hazardous wastes, which would be contrary to State Law, but only to require reporting of information to the City that must be provided to other public agencies.

For the purposes of this Section, "hazardous materials" shall include all substances on the comprehensive master list of hazardous materials compiled and maintained by the California Department of Health Services.

A. A Conditional Use Permit shall be required for any new commercial, industrial, or institutional or accessory use, or major addition to an existing use, that involves the manufacture, storage, handling, or processing of hazardous materials in sufficient quantities that would require permits as hazardous chemicals under the Uniform Fire Code, with the following exceptions:

1. Underground storage of bulk flammable and combustible liquids; and

2. Hazardous materials in container sizes of 10 gallons or less that are stored or maintained for the purposes of retail or wholesale sales.
- B. All businesses required by Chapter 6.95 of the California Health and Safety Code to prepare hazardous materials release response plans shall submit copies of this plans, including revisions to the Director at the same time these plans are submitted to the administrating agency which is responsible for administering these provisions.
 - C. Underground storage of hazardous materials shall comply with all applicable requirements of Chapter 6.7 of the California Health and Safety Code, and Article 79 of the Uniform Fire Code. Any business that uses underground storage tanks shall comply with the following:
 1. Notify the City Fire Marshall of any unauthorized release of hazardous materials immediately, after the release has been detected and the steps taken to control the release; and
 2. Notify the City Fire Marshall and the Director of any proposed abandoning, closing or ceasing operation of an underground storage tank and the actions to be taken to dispose of any hazardous substances.
 - D. Above-ground storage tanks for any flammable liquids shall meet all standards of the City Fire Marshall.
 - E. All structures subject to the provisions of this Zoning Ordinance and all newly created lots shall be designed to accommodate a setback of at least 100 feet from a pipeline conveying flammable materials. This setback may be reduced, where the Director finds that:
 1. The structure would be protected from the radiant heat of an explosion by berming or other physical barriers;
 2. A 100-foot setback would be impractical or unnecessary because of existing topography, streets, lot lines, or easements; and,
 3. There shall be construction of hazardous liquid containment system or other mitigating facility where the City Engineer finds that a leak would accumulate within the reduced setback area. The design shall be approved by the City Engineer and a surety instrument shall be approved by the City Attorney to ensure the construction of the system.

A proposed structure (including a residence) on an undeveloped existing lot of record that cannot be constructed only because of this restriction, shall be allowed to be constructed if the structure is located so as to comply with the setback regulation as closely as possible. The Director may require a hazardous liquid containment system, to be approved by the City Engineer.

A pipeline is defined as follows:

1. A pipe with a nominal diameter of 6 inches or more, that is used to transport hazardous liquids, but does not include a pipe used to transport a hazardous liquid by gravity and a pipe used to transport or store a hazardous liquid within a refinery, storage, or manufacturing facility; or,
2. A pipe with a nominal diameter of 6 inches or more operated at a pressure of more than 275 pounds per square inch that carries gas.

A sub-divider of a development within 500 feet of a pipeline shall notify a new owner at the time of purchase agreement and at the close of escrow of the location, size, and type of pipeline.

13. HEIGHT DETERMINATION (STRUCTURES)

All structures shall meet the following standards relating to height:

- A. The structure's height shall not exceed the standard for the land use district in which it is located. The structure height shall be determined from the finished grade to the highest point of the structure, excluding chimneys and vents.
- B. Pad elevations shall be determined by the Director and the City Engineer based on the following criteria:
 1. Flood Control;
 2. Site drainage;
 3. Viewshed protection from both public and private property;
 4. Protection of privacy of surrounding properties including consideration of the location of windows, doors, balconies, and decks;
 5. Structure setback in relationship to structure height and property lines;
 6. Sightline and structure envelope analysis;

7. Sewer line grade and location; and
 8. Necessary slopes and retaining walls.
- C. Perimeter fences, or walls, shall not exceed 6 feet in height, unless as otherwise provided in this Zoning Ordinance. The height shall be measured from the finished grade of the property.
- D. Architectural walls integral to the structure design, attached to the structure may exceed 6 feet in height, subject to review by the Director.
- E. To assure safe sight-distance for vehicular movement, sight obscuring fences, or walls, or other obstruction shall not exceed 30 inches in height when located in a front setback.
- F. Free-standing flagpoles and radio and television antennas may not exceed the structure height restrictions of the land use district in which they are located, except as otherwise provided in this Zoning Ordinance.

14. OUTDOOR LIGHTING STANDARDS

- A. Intent and Purpose.** This section is intended to provide standards for outdoor lighting so as to maintain ambient lighting levels as low as possible in order to enhance the City's community character and charm and maintain dark skies; provide for good visibility while maintaining minimum glare and spillage onto other properties or into the sky; and maintain safety, utility, security and productivity while enhancing nighttime enjoyment of property and the night skies.
- B. Applicability.** All outdoor artificial lighting devices shall be installed and operated in accordance with the provisions of this section, plus any Uniform Building or Uniform Electrical Codes, NEC codes, NFPA codes or any other code presently or subsequently administered or adopted by the City. Any language contained therein which may conflict with this section shall be construed in a manner that is consistent with this section.
- C. Alternative Materials and Methods of Installation.** The provisions of this section are not intended to prevent the use of any material or method of installation not specifically prescribed by this section provided any such alternative has been approved by the Building Official. Any alternative method must meet the following:
- 1) The proposed design, material or method provides protection that is equivalent to the protection specified in this section; and
 - 2) The proposed alternative method otherwise complies with the intent of this

section.

D. Definitions. For the purposes of this section, certain terms are defined as follows:

- 1) “Display lighting” means a beam of light projected into the sky.
- 2) “Individual” means any private individual, tenant, lessee, owner, or any commercial entity including, but not limited to, companies, partnerships, joint ventures or corporations.
- 3) “Installed” means the initial installation of outdoor light fixtures defined in this section following the effective date of this section.
- 4) “Outdoor lighting Wure” means outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and flood lights for:
 - a. Buildings and structures.
 - b. Recreational areas.
 - c. Parking lot lighting.
 - d. Landscape lighting.
 - e. Billboards and signs.
 - f. Street lighting.
 - g. General area and yard lighting.

E. General Requirements.

- 1) Shielding. All exterior illuminating devices, except those exempt from this section and those regulated by subsection F of this section shall be fully or partially shielded as required in Table A of this section.
 - a. “Fully shielded” means the fixture shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted, thus preventing the emission of light above the horizontal.
 - b. “Partially shielded” means the fixture shall be shielded in such a manner that the bottom edge of the shield is below the plane centerline of the light source (lamp), minimizing the emission of light rays above the horizontal.
- 2) Filtration. Those outdoor light fixtures requiring a filter per Table A, shall be equipped with a filter consisting of a glass, acrylic or translucent

enclosure. Quartz glass does not meet this requirement.

- 3) Requirements for shielding and filtering. The requirements for shielding and filtering light emission from outdoor light fixtures shall be as set forth in Table A.

Table A

Requirements for Shielding and Filtering of Outdoor Lighting
(see also footnotes following table)

FIXTURE LAMP TYPE	SHIELDING REQUIREMENT	FILTERING REQUIREMENT
Low pressure sodium (1)	Partially	None
High pressure sodium	Fully	None
Metal halide (2)	Fully	Yes
Fluorescent	Fully (3)	Yes (4)
Quartz (5)	Fully	None
Incandescent, greater than 160 watts	Fully	None
Incandescent, 160 watts or less	None	None
Mercury vapor	Fully (6)	Yes
Fossil fuel	None	None
Glass tubes filled with neon, argon or krypton	None	None
Other sources	As required by the Building Official	As required by the Building Official

1. This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.
2. Metal halide display lighting shall not be used for security lighting after eleven p.m. (or after closing hours if before eleven p.m.) unless fully shielded, Metal halide lamps shall be in enclosed luminaires.
3. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.
4. Warm white and natural lamps are preferred to minimize detrimental effects.
5. For the purposes of this section, quartz lamps shall not be considered an incandescent light source.
6. Recommended for existing mercury vapor fixtures. The installation of new mercury fixtures is prohibited.

F. Prohibited Lighting.

- (1) Outdoor Building/Landscaping Illumination. The unshielded outdoor illumination of any building, landscaping, signing, or other purpose is prohibited except with incandescent fixtures less than 160 watts, fossil fuels, and/or glass tubes (see Table A in this section).
- (2) New Mercury Vapor Installations. The installation of mercury vapor fixtures is prohibited. All existing mercury vapor lights installed shall be fully shielded.
- (c) Illuminated Awnings. The use of lighting inside a transparent or translucent ground or wall mounted awning is prohibited.

G. Procedures for Compliance.

(1) Applications.

- (a) Any individual intending to install outdoor lighting fixtures (other than incandescent lights of 160 watts or less) shall submit an application to the building department providing evidence that the proposed work will comply with this section.
- (b) Any individual applying for a building permit and intending to install outdoor lighting fixtures (other than incandescent lights of 160 watts or less) shall, as a part of the application, submit such evidence as may be requested to assure that the proposed work complies with this section.
- (c) Utility companies, lighting or improvement districts entering into a duly approved contract with the City in which they agree to comply with the provisions of this section shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.

(2) Contents of Application. The application shall contain, but shall not necessarily be limited to, the following:

- (a) Plans indicating the location on the premises, the height of the supports and fixtures, and the type of illuminating devices, fixtures, lamps, supports and other devices.
- (b) Description of the illuminating devices, fixtures, lamps, supports, shielding, filtering and other devices. This description may include but is not limited to, wattage, lighting output, manufacturer's catalog cuts, and drawings (including sections where required).
- (c) The above required plans and descriptions shall be sufficiently complete to enable the building official to readily determine whether compliance with the requirements of this section will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.

(3) Issuance of a Permit. Upon the determination that the installation will be in compliance with the requirements of this section, the building official shall issue a permit for installation of the outdoor lighting fixtures, to be installed per the approved application.

- (4) Appeals. Appeal procedures contained in Section 159.52, Hearings and Appeals, applicable to decisions of the Director, shall apply to decisions of the building official.
- (5) Amendment to Permit. Should the applicant desire to substitute outdoor light fixtures or lamps after a permit has been issued, the applicant must submit all changes to the building official for approval. Such application for amendment shall contain adequate information to assure compliance with this section.

H. Exemptions.

- (1) Nonconforming Fixtures All outdoor light fixtures existing and fully and legally installed, prior to September 1, 2002, may indefinitely remain in use as nonconforming structures provided that no change in use, replacement, structural alteration, or restoration of outdoor light fixtures, other than bulb replacement, is made unless such change conforms to the regulations of this section.
- (2) Fossil Fuel light. Light fixtures using fossil fuel (i.e. light produced directly or indirectly from the combustion of natural gas or other utility type fossil fuel) are exempt from the requirements of this section.
- (3) Government Facilities. Those facilities and lands owned and operated or protected by the federal government, the state of California, the county of Riverside, the Palm Springs Unified School District or the City of Desert Hot Springs are exempted by law from all requirements of this section. Voluntary compliance with the intent of this section at those facilities is encouraged.
- (4) Recreational Facilities. –The illumination of outdoor recreational facilities, public and private, is exempt from the requirements of this section with the following limitations:
 - (a) The light fixtures for outdoor recreational facilities shall meet the shielding requirements in Table A of this section.
 - (b) No such outdoor recreational facility shall be illuminated by nonconforming means after ten p.m. except to conclude a specific recreation or sporting event or any other activity conducted at a ballpark, outdoor amphitheater, arena, or similar facility in progress prior to ten p.m.

I. Temporary and Special Exemptions.

- (1) Request for Temporary Exemptions. Any individual may submit application for a minor use permit, on a form prepared by the community

development department, to the building official for a temporary exemption to the requirements of this section, Such exemptions shall be valid for thirty days. The request for temporary exemption shall contain, at a minimum, the following information:

- (a) Specific exemptions and justification for the exemptions requested;
- (b) Type, use and hours of operation of the exterior light involved;
- (c) Duration of time for the requested exemption;
- (d) Type of lamp and calculated lumens;
- (e) Total wattage of the lamp or lamps;
- (f) Proposed location and height of exterior lights;
- (g) Physical size of the exterior lights and the type of shielding and/or filtering provided;
- (h) Previous temporary exemptions, if any.

(2) Special Exemption. The community development director may grant a special exemption to the requirements of Table A in this section only by approval of a minor exception permit which includes, in addition to the findings required in Section 159,58.040 of the Zoning Ordinance, a written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that will otherwise suffice. The request for a special exemption shall contain, at a minimum, the information specified in items a through g of subsection I(1) of this section.

(3) Additional Information. In addition to the information required in subsection I (1) of this section, the building official or community development director may request any additional information which would enable the building official or community development director to make a reasonable evaluation of the request for temporary exemption or special exemption.

(4) Appeal of a Temporary Exemption or Special Exemption. The building official or community development director, within five days from the date of the properly completed request for an exemption, shall approve or reject in writing the request.-If rejected, the individual making the request shall have the right to appeal to the Planning Commission for the City of Desert Hot Springs, for review pursuant to the procedures applicable to any other appeal of a decision of the building official or director.

- (5) Extension of Time for a Temporary Exemption. Any individual requesting a temporary exemption for a period greater than thirty days, or an extension beyond the original thirty-day period for a temporary exemption, shall apply to the planning commission for an extension. The extension request shall contain (in addition to other permit requirements), the information specified in subsection G of this section.

J. Display Lighting Use. With the approval of the City Council, searchlights and laser lights may be used. This type of lighting shall comply with the following requirements:

- (1) Permits shall be issued for grand openings only or in conjunction with an entertainment event or similar activity. A grand opening shall commemorate an initial building or project opening, a change in ownership of an existing business, or remodel/enlargement of over fifty percent of the floor area or a new business in an existing building.
- (2) The only uses allowed to apply for this permit are: shopping centers with not less than 50,000 square feet of leased area, hotel with fifty rooms or more or automobile dealerships that sell new cars.
- (3) The application for a permit must be received 30 days prior to the event commencing.
- (4) Hours of operation shall be limited from dusk to 10 p.m.
- (5) Use of the display light(s) is limited to a maximum period of ten days per calendar year.
- (6) Approval of the Federal Aviation Agency, if required, shall be obtained prior to each event.

K. Public Nuisance. Any light fixture installed after December 1, 2002 which violates the provisions of this subsection 14 constitutes an infraction and a public nuisance and shall be abated.

15. NOISE

No loudspeaker, bells, gongs, buzzers, mechanical equipment or other sounds, attention-attracting, or communication device associated with any use shall be discernible beyond any boundary line of the parcel, except fire protection devices, burglar alarms and church bells. The following provisions shall apply:

- A. In residential areas, no exterior noise level shall exceed 65dBA and no interior noise level shall exceed 45dBA.

- B. All residential developments shall incorporate the following standards to mitigate noise levels:
1. Increase the distance between the noise source and receiver.
 2. Locate land uses not sensitive to noise (i.e., parking lots, garages, maintenance facilities, utility areas, its.) between the noise source and the receiver.
 3. Bedrooms should be located on the side of the structure away from major rights-of-way.
 4. Quiet outdoor spaces may be provided next to a noisy right-of-way by creating a U-shaped development which faces away from the right-of-way.
- C. The minimum acceptable surface weight for a noise barrier is 4 pounds per square foot (equivalent to 3/4 inch plywood). The barrier shall be of continuous a material which is resistant to sound including: 1) Masonry block; 2) Precast concrete; or 3) Earth Berm or a combination of earth berm with block concrete.
- D. Noise barriers shall interrupt the line-of-sight between noise source and receiver.

16. ODOR

No use shall emit any obnoxious odor or fumes.

17. PROJECTIONS/CONSTRUCTION AND EQUIPMENT PERMITTED INTO SETBACKS

The following list represents the only projections, construction, or equipment that shall be permitted within the required setbacks:

- A. Front Setback: Roof overhangs, fireplace chimney, awnings, & canopies
- B. Rear Setback: Roof overhangs, pools, patio covers, tennis courts, gazebos, and awnings & canopies, provided there is no projection within 10 feet of the property line. Accessory structures may be built to the side or rear property lines provided that such structures are not closer than 10 feet to any other structures.
- C. Side Setback: Roof overhangs, fireplace chimney, awnings & canopies

Building code requirements may further restrict the distance required to be maintained from the property lines and other structures.

18. PUBLIC STREET IMPROVEMENTS

- A. Any new construction or remodel construction valued at 25% or more of the assessed valuation of the primary structure shall require the dedication and improvement of public right-of-way for public street purposes. In addition, the property owner shall be required to irrevocably agree to participate in any future assessment district that may be formed to construct public street improvements in accordance with the policies, procedures and standards of the Director of Public Works and City Engineer.
- B. Whenever street improvements are required along a parcel as a condition of approval, and the off-site drainage pattern requires it, the entire street section shall be improved in accordance with the policies, procedures and standards of the Director of Public Works and City Engineer.

19 RADIOACTIVITY OR ELECTRIC DISTURBANCE

No activity shall be permitted which emits radioactivity or electrical disturbance.

20. REFUSE STORAGE/DISPOSAL

Every parcel with a multi-family, commercial or industrial structure shall have a trash receptacle on the premises. The trash receptacle shall be of sufficient size to accommodate the trash generated. The receptacle shall be screened from public view on at least 3 sides by a solid wall 6 feet in height and on the fourth side by a solid gate not less than 5 feet in height, in compliance with adopted Public Works Department Standards. The gate shall be maintained in good working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Trash receptacles for single family homes should be stored within the enclosed garage or behind a fence.

21. SCREENING

Any equipment, whether on the roof, side of structure, or ground, shall be screened. The method of screening shall be architecturally compatible in terms of materials, color, shape, and size. The screening design shall blend with the building design and include landscaping when on the ground.

22. SIGNS, OFF-STREET PARKING, OFF-STREET LOADING AND LANDSCAPING

All development shall comply with the provisions of Chapter 159.22 (Sign Standards); Chapter 159.24 (Off-Street Parking Standards); Chapter 159.26 (Off-Street Loading Standards) and Chapter 159.28 (Landscaping).

23. SOLAR ENERGY DESIGN STANDARDS

Passive heating and cooling opportunities should be incorporated in all developments in the following manner:

- A. Future structures should be oriented to maximize solar access opportunities.
- B. Streets, lot sizes, and lot configurations should be designed to maximize the number of structures oriented so that the south wall and roof area face within 45 degrees of due south.
- C. The proposed lot size and configuration should permit structures to receive cooling benefits from both prevailing breezes and existing and proposed shading.
- D. Any pool or spa facilities owned and maintained by a homeowners association should be equipped with a solar cover and solar water heating system.
- E. No structure (building, wall or fence) shall be constructed or vegetation placed so as to obstruct solar access on an adjoining parcel.
- F. Roof-mounted solar collectors shall be placed in the most obscure location without reducing the operating efficiency of the collectors. Wall-mounted and ground-mounted collectors shall be screened from public view.
- G. Roof-mounted collectors shall be installed at the same angle or as close as possible to the pitch of the roof.
- H. Appurtenant equipment, particularly plumbing and related fixtures, shall be installed in the attic.
- I. Exterior surfaces of the collectors and related equipment shall have a matte finish and shall be color-coordinated to harmonize with roof materials or other dominated colors of the structure.

24. STORAGE

There shall be no visible storage of motor vehicles, trailers, airplanes, boats, or their composite parts; loose rubbish, garbage, junk, or their receptacles; tents; or building or manufacturing materials in any portion of a lot, except as allowed under the provisions of this Zoning Ordinance. No storage shall occur on any vacant parcel.

No vehicles may be stored or displayed for sale on any vacant lot or at any vacant business location.

Building materials for use on the same promises may be stored on the parcel during the time that a valid building permit is in effect for construction.

25. TOXIC SUBSTANCES AND WASTES

No use may operate that utilized toxic substances or produces toxic waste without the approval of a Conditional Use Permit pursuant to the provisions of Chapter 159.36 (Conditional Use Permits). Prior to consideration of a Conditional Use Permit., the operator must prepare a toxic substance and waste management plan which will provide for the safe use and disposal of these substances.

26. UNDERGROUNDING OF UTILITIES

Utilities shall be placed underground pursuant to Section 159.30.110. In the event an above ground electrical transformer is located outdoors on any site, it shall be screened from view with a solid wall and landscaping and not located in any setback area. If it cannot be screened, it shall be located in an underground vault. Exceptions to the undergrounding of utilities requirements are as follows:

- A. Transformers, pedestal-mounted terminal boxes, meter cabinets and concealed ducts may be placed above ground, if they are used solely in connection with the underground transmission or distribution lines;
- B. Poles supporting street lights, and the electrical lines within the poles, may be situated above the surface of the ground;
- C. The City Council may waive any requirement of this section if topographical, soil or similar physical conditions make such underground installation unreasonable or impractical;
- D. Any Parcel Map with a maximum of 4 residential parcels, no parcel of which has previously been exempted from this section; and where at least 50% of the surrounding area within a radius of 500 feet has been previously developed without undergrounding utilities:
- E. That portion of a previously developed nonresidential Parcel Map;
- F. The requirement to underground shall apply to all utility lines traversing a subdivision, or installed along either side of the streets and alleys adjoining the subdivision, except for electrical lines of 33 KVA or more. Where 1 line is exempt, all parcel lines on that same pole shall be exempt;

- G. Any single lot development on an R-E, R-L-1 & R-L-2 designated parcel; or any single lot development of 1 net acre or less in any land use district, may be exempted from this requirement. This exemption shall not apply where the requirement to underground utilities is imposed as a condition of approval of a subdivision map; and
- H. The remodeling of existing structures where the cost of remodeling is less than 50% of the replacement cost of the existing structure as determined for building permit fees shall be exempt.

27. VIBRATION

No vibration associated with any use shall be permitted which is discernible beyond the boundary line of the property.

ARTICLE III: GENERAL

CHAPTER 159.22 SIGN REGULATIONS

159.22.010 PURPOSE

The purpose of this Chapter is to establish sign regulations that are intended to:

- A. Protect the general public health, safety, welfare, viewsheds and other and aesthetic values of the community.
- B. Assure the implementation of community design standards consistent with the General Plan.
- C. Promote the community's appearance by regulating the design, character, and location, and type, quality of materials, scale, color illumination, and maintenance of signs.
- D. Place limits on the use of signs which provide direction and aid orientation for businesses and activities.
- E. Promote signs that identify uses and premises without confusion.
- F. Reduce possible traffic and safety hazards through good signage.

159.22.020 APPLICABILITY

This Chapter shall apply to all signage proposed within the community. No signs shall be erected or maintained in any land use district established by this Zoning Ordinance, except those signs specifically enumerated in this Chapter. The number and area of signs as outlined in this Chapter are intended to be maximum standards. In addition to the standards set forth herein, consideration shall be given to a sign's relationship to the need that it serves, and the overall appearance of the subject property as well as the surrounding community. Compatible design, simplicity, and sign effectiveness are to be used in establishing guidelines for sign approval, but shall not limit maximum standards for signs.

159.22.030 DEFINITIONS

Abandoned Sign. Any display remaining in place or not maintained for a period of 120 days or more which no longer advertises or identifies an on-going business, product, or service available on the business premises where the display is located.

Address Sign. The numeric reference of a structure or use to a street, included as part of a wall or monument sign.

A-Frame Sign. A free standing sign usually hinged at the top, or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A". Such signs are usually designed to be auxiliary portable commercial signage, hence they are not considered permanent signs.

Anchor Tenant. A shopping center key tenant, usually the largest or one of the largest tenants located within the shopping center, which serves to attract customers to the center through its size, product line, name, and reputation. The term anchor tenant is interchangeable with the term major tenant.

Animated or Moving Sign. Any sign which uses movement, lighting, or special materials to depict action or create a special effect or scene.

Awning, Canopy, or Marquee Sign. A nonelectric sign that is printed on, painted on, or attached to an awning, canopy, or marquee and is only permitted on the vertical surface or flap.

Banner, Flag, Pennant or Balloon. Any cloth, bunting, plastic, paper, or similar material used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing, or vehicle, including captive balloons and inflatable signs but not including official flags of the United States, the State of California, County or City.

Bench Sign. Copy painted on any portion of a bus stop or other bench.

Billboard or Off-Site Sign. A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which the sign is located.

Building Face and/or Frontage. The length of the single front building elevation in which the primary entrance to the business is located. If more than one business is located in a single building, then such length shall be limited to that portion which is occupied by each individual business.

Changeable Copy Sign. A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

Civic Event Sign. A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

Commercial Seasonal Sign. An "open" or "closed" window sign, posted on a seasonal basis.

Construction Sign. A temporary sign erected on the parcel on which construction is taking place, limited to the duration of the construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

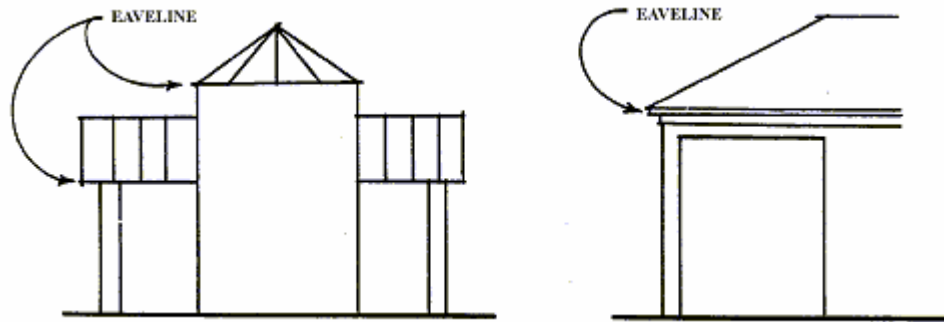
Directional Sign.

Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance", or "exit".

Directory Sign. A sign for listing the tenants or occupants and their suite numbers of a building or center.

Double-faced Sign. A single structure designed with the intent of providing copy on both sides.

Eave line. The bottom of the roof eave or parapet.



Flashing Sign. A sign that contains an intermittent or sequential flashing light source.

Freestanding Sign. A sign which is supported by one or more uprights, braces, poles, or other similar structural components that is not attached to a building or buildings.

Future Tenant Identification Sign. A temporary sign which identifies a future use of a site or building.

Grand Opening. A promotional activity not exceeding 30 calendar days used by newly established businesses, within 2 months after occupancy, to inform the public of their location and service available to the community. Grand Opening does not mean an annual or occasional promotion of retail sales or activity by a business.

Height of Sign. The greatest vertical distance measured from the existing grade at the mid-point of the sign support(s) that intersect the ground to the highest element of the sign.

Holiday Decoration Sign. Temporary signs, in the nature of decorations, clearly incidental to and customarily associated with holidays.

Identification Sign. A sign providing the name, type of business, or the name and logo in combination, identifying a particular business establishment.

Illegal Sign. Any of the following: a sign erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use; a sign that was legally erected, but whose use has ceased, or the structure upon which the display is placed has been abandoned by its owner, not maintained, or not used to identify or advertise an ongoing business for a period of not less than 120 days; a sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display nonconforming has expired, and conformance has not been accomplished; a sign which is a danger to the public or is unsafe; a sign which is a traffic hazard not created by relocation of streets or highways or by acts of the City or County.

Illuminated Sign. A sign with an artificial light source for the purpose of lighting the sign.

Institutional Sign. A sign identifying the premises of a church, school, hospital rest home, or similar institutional facility.

Kiosk. An off-premise sign used for directing people to the sales office or models of a residential subdivision project.

Logo. An established identifying symbol or mark associated with a business or business entity.

Logo Sign. An established trademark or symbol identifying the use of a building.

Monument Sign. An independent structure supported from grade to the bottom of the sign with the appearance of having a solid base.

Nonconforming Sign. A legally established sign which fails to conform to the regulations of this Chapter.

Off-Site Sign. Any sign which advertises or informs in any manner businesses, services, goods, persons, or events at some location other than that upon which the sign is located. Off-premise sign, billboard, and outdoor advertising structure are equivalent terms.

Open House Sign. A temporary on-site sign posted to indicate a salesperson is available to represent the property subject to sale, lease, or rent.

Political Sign. A temporary sign directly associated with national, state, county or local elections.

Portable Sign. A sign that is not permanently affixed to a structure or the ground.

Promotional Sign. A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

Real Estate Sign. An on-site sign pertaining to the sale or lease of the premises.

Roof Sign. A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof and which is wholly or partly supported by such buildings.

Sign. Any structure, housing, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to advertise, or to provide data or information in the nature of advertising, for any of the following purpose: to designate, identify, or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located; or, to advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display is erected.

Sign Area. The entire face of a sign, including the surface and any framing, projections, or molding, but not including the support structure. Individual channel-type letters mounted on a building shall be measured by the area enclosed by four straight lines outlining each word or grouping of words.

Sign Program. A coordinated program of one or more signs for an individual building or building complexes with multiple tenants.

Temporary Sign. A sign intended to be displayed for a limited period of time.

Trademark. A word or name which, with a distinctive type or letter style, is associated with a business or business entity in the conduct of business.

Vehicle Sign. A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property.

Wall Sign. A sign painted on or fastened to a wall and which does not project more than 12 inches from the building or structure.

Window Sign. Any sign that is applied or attached to a window or located in such a manner that it can be seen from the exterior of the structure.

159.22.040 SIGN PERMIT REQUIRED

1. GENERAL

No sign, including a copy change, or temporary sign, unless exempted by this Chapter, shall be constructed, displayed or altered without a sign permit or sign program approved by the City. The Director shall review all signs unless otherwise stated.

2. SIGN PROGRAM

A permit for a sign program shall be required for all new commercial, office, and industrial centers consisting of three or more tenant spaces. The program shall be filed with the project application to construct the center, and shall be processed concurrently with the project application. The purpose of the program shall be to integrate signs with building and landscaping design to form a unified architectural statement. This may be achieved by:

- A. The use of the same background color, and allowing signs to be of up to 3 different colors per multi-tenant center smaller than 25 acres in area, and up to 5 different colors per multi-tenant center 25 acres in area or greater.
- B. The use of the same type of cabinet supports, or method of mounting for signs, and the same type of construction material for components, such as sign copy, cabinets, returns, and supports.
- C. The use of the same form of illumination of the signs.
- D. Uniform sign placement specifications, letter height, and logo height for both anchor tenants and minor tenants.
- E. Logos may be permitted and are not subject to the color restrictions specified in the program. However, no logo should exceed 25% of the allowable sign area.

159.22.050 EXEMPT SIGNS

1. The following signs shall be exempt from the provisions of this Chapter:
 - A. Window signs not exceeding 3 square feet and limited to business identification, hours of operation, address, and emergency information. (Neon signs of any size require a permit, if allowed.)
 - B. Signs within a structure and not visible from the outside.
 - C. Memorial signs and plaques installed by a civic organization recognized by the Council.
 - D. Official and legal notices issued by a court or governmental agency.
 - E. Official flags of the United States, the State of California, County of Riverside, City of Desert Hot Springs, and nationally or internationally recognized organizations.
 - F. Identification signs on construction sites. Such signs shall be limited to one directory or pictorial display sign per street frontage or entrance, up to a maximum of two signs, identifying all contractors and other parties (including lender, realtor, subcontractors, etc.). Each sign shall not exceed 32 square feet in area and 8 feet in height. Each sign shall be removed prior to issuance of a Certificate of Occupancy.
 - G. Political signs, regulated in Municipal Code Chapter 154.
 - H. Real estate signs for residential sales shall be one sign per street frontage not exceeding four square feet in area and five feet in height, provided it is unlit and is removed within 15 days after the close of escrow or the rental or lease has been accomplished. Open House signs, for the purpose of selling a single house or condominium and not exceeding four square feet in area and five feet in height, are permitted for directing prospective buyers to property offered for sale.
 - I. Real estate signs for the initial sale, rental, or lease of commercial and industrial premises: One sign per street frontage not to exceed 32 square feet in area to advertise the sale, lease, or rent of the premises. No such sign shall exceed eight feet in overall height and shall be removed upon sale, lease or rental of the premises or 24 months, whichever comes first. Thereafter, one sign per premise not to exceed 16 square feet in size and five feet in height is permitted for the sale, lease or rent of the premise.
 - J. Future tenant identification signs: One wall or freestanding sign may be placed on vacant or developing property to advertise the future use of an approved project on the property and where information may be obtained. Such sign shall be limited to one sign per street frontage, a maximum of 32 square feet in area and eight feet in overall height. Any such signs shall be single faced and shall be removed upon the granting of occupancy of the City.
 - K. Incidental signs for automobile repair stores, gasoline service stations, automobile dealers

with service repairs, motels and hotels, showing notices of services provided or required by law, trade affiliations, credit cards accepted, and the like, attached to the structure or building; provided that all of the following conditions exist:

1. The signs number no more than four.
 2. No such sign projects beyond any property line.
 3. No such sign shall exceed an area per face of three square feet.
 4. Signs may be double-faced.
- L. Copy applied to fuel pumps or dispensers such as fuel identification, station logo, and other signs required by law.
- M. Agricultural signs, either wall or freestanding types, non-illuminated, and not exceeding four square feet for lots two acres or less and 16 square feet for lots greater than two acres, identifying only the agricultural products grown on the premises. The number of such signs shall be one per street frontage or a maximum of two, with wall signs to be located below the roofline and freestanding signs to be no higher than six feet.
- N. Sign programs which have been approved prior to the adoption of this Zoning Ordinance.
- O. Sign programs for theme areas as approved by the Council.
- P. Directional signs to aid vehicle or pedestrian traffic provided that such signs are located on-site, have a maximum area which does not exceed three square feet, have a maximum overall height of four feet above grade, and are mounted on a monument or decorative pole. Such signs may be located in a required setback provided that a minimum distance of five feet from any property line is maintained.
- Q. Temporary window signs may be permitted on the inside of windows facing out which do not cover more than 25% of the individual window surface for a period not to exceed 30 days use during any 60 day period. Temporary painted signs may be on the outside of the window.

159.22.060 PROHIBITED SIGNS

The following signs are inconsistent with the sign standards set forth in this Chapter, and are therefore prohibited:

- A. Abandoned signs
- B. Animated, moving, flashing, blinking, reflecting, revolving, or any other similar sign, except electronic message boards
- C. Banners, flags, and pennants, except with Temporary Use Permit
- D. Bench signs

- E. Chalkboards or blackboards
- F. Changeable copy signs and electronic message boards, except as allowed by a CUP for movie theaters, arenas, stadiums, or auto malls in the commercial land use districts.
- G. Off site or billboard signs, except as permitted by Section 159.22.080
- H. Permanent sale or come-on signs
- I. Portable signs or A-frame signs
- J. Roof signs
- K. Signs on public property, except for traffic regulatory, informational signs, signs required by a governmental agency, and model home tour signs, and except as permitted by Section 159.22.080
- L. Signs painted on fences or roofs
- M. Balloons and other inflated devices or signs designed to attract attention, except with Temporary Use Permit.
- N. Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic

159.22.070 TEMPORARY SIGNS

Special event signs and civic event signs may be approved by the Director for a limited period of time as a means of publicizing special events such as grand openings, carnivals, parades, charitable events and holiday sales. Such special event signs shall be limited to the following provisions:

- A. No special event sign shall be erected without a temporary use permit.
- B. Special event signs shall be limited to 30 days per event from the date of erection or date of permit, whichever occurs first.
- C. Special event signs shall not include promotional sales signs.
- D. Special event signs may include balloons, inflated devices, search lights, beacons, pennants, and streamers.

159.22.080 OFF-SITE SIGNS

1. REPLACEMENT OF OFF-SITE BILLBOARD SIGNS ON SAME SITE

Any company owning an off-site billboard sign may replace such sign on the same site with another off-site billboard sign when located in the commercial land use districts, subject to obtaining a Conditional Use Permit in accordance with the provisions of Chapter 159.36. The following conditions shall apply:

- A. The advertising display area of the replacement sign shall not exceed the display area of the existing sign or signs to be replaced, and in no event shall it be greater than 200 square feet per face with a maximum of two faces. Display area does not include decor or pole covers.
- B. Under no circumstance shall more than one new sign be erected to replace one sign removed.
- C. The replaced sign(s) shall be removed prior to the use of the replacement sign.
- D. The Commission may require the removal of more than one off-site billboard or painted bulletin by the company in exchange for the right to locate one new replacement sign on the same site.

2. OFF-SITE RESIDENTIAL SUBDIVISION DIRECTIONAL SIGNS

The following shall regulate and establish a standardized program of off-site residential subdivision directional kiosk signs for the City. For the purposes of this subsection, a residential subdivision is defined as a housing project within a recorded tract where five or more structures or dwelling units are concurrently undergoing construction.

- A. The panel and sign structure design shall be in accordance with Figure 22-01, below.
- B. No kiosk sign structure shall be located less than 300 feet from an existing or previously approved kiosk site, except in the case of signs on different corners of an intersection.
- C. The placement of each kiosk sign structure shall be reviewed and approved by the Director.

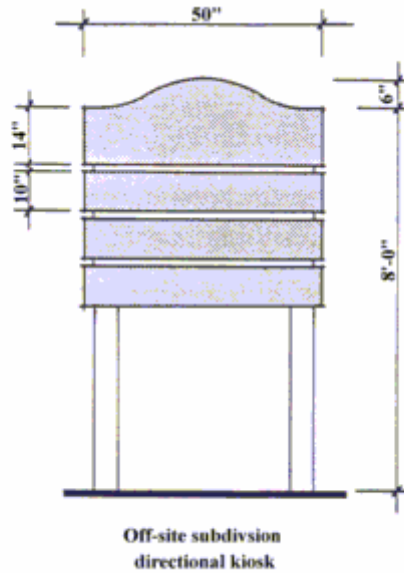


Figure 22-01

- D. All kiosk signs shall be placed on private property with written consent of the property owner or on City right-of-way pursuant to a City encroachment permit.
- E. A kiosk sign location plan shall be prepared, showing the site of each kiosk directional sign, and shall be approved by the Director prior to the issuance of a sign permit.
- F. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances, added to the kiosk signs as originally approved, no other non-permitted directional signs, such as posters or trailer signs, may be used.
- G. All non-conforming subdivision kiosk directional signs associated with the subdivision in question must be removed prior to the placement of directional kiosk sign(s).
- H. Kiosk signs, or attached project directional signage, shall be removed when the subdivision is sold out. The entity administering the program will be responsible for removal of panels and structures no longer needed.

3. OFF-SITE SIGNS ON PUBLIC PROPERTY

Private advertising signs may be placed on structures in the public right of way, such as bus shelters, if there is a licensing agreement approved by the Mayor and City Council authorizing such off-site signs on public property. An application for a sign permit must be approved prior to the construction of off-site signs on public property and the applicant and the owner of the sign shall comply with the provisions of Section 159.22.100 regarding sign construction and maintenance standards.

159.22.090 ABANDONED SIGNS

1. Any abandoned or illegal sign is hereby declared to be a danger to the health, safety, and welfare of the citizens of Desert Hot Springs. Any sign, which is partially or wholly obscured by the growth of dry vegetation or weeds or by the presence of debris or litter also presents a danger to the health, safety, and welfare of the citizens of Desert Hot Springs.
2. Any such signs as set forth above are hereby deemed to be a public nuisance. Any such sign shall be removed by the property owner within 10 days after notice from the Director, which notice shall provide an opportunity to be heard before the Director on the abandonment and nuisance decision. The appeal shall be granted or the decision modified if facts or circumstances disprove the existence of a public nuisance. Any sign not removed within 10 days after such notice, may be summarily abated by the Director if no appeal has been taken from the Director's decision pursuant to Municipal Code Section 154.05 or, if the appeal has been denied or modified. Costs of such abatement may be assessed against the property, using the procedures established in Municipal Code Sections 154.05.
3. Legal, conforming structural supports for abandoned signs may remain, if installed with a blank sign face and supporting structures are maintained.

159.22.100 SIGN CONSTRUCTION AND MAINTENANCE

1. Every sign, and all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and City regulations and the Uniform Building Code.
2. Every sign, including those specifically exempt from this Zoning Ordinance, in respect to permits and permit fees, and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any crack, broken surfaces, malfunctioning lights, missing sign copy or other unmaintained or damaged portion of a sign shall be repaired or replaced within 30 calendar days following notification by the City. Noncompliance with such a request shall constitute a nuisance and penalties may be assessed in accordance with the provisions of Chapter 159.46.

159.22.110 NONCONFORMING SIGNS

1. A legally established sign which fails to conform to this Chapter shall be allowed continued use, except that the sign shall not be:
 - A. Structurally altered so as to extend its useful life.

- B. Expanded, moved, or relocated.
 - C. Re-established after a change in use
 - D. Re-established after a business has been abandoned for 120 days or more.
 - E. Re-established after damage or destruction of more than 50% and the destruction is other than facial copy replacement and the display cannot be repaired within 30 days of the date of its destruction, as determined by the Director.
2. Sign copy and sign faces may be changed on nonconforming signs when there is no change in use of the site or when only a portion of a multiple tenant sign is being changed.
 3. Legal non-conforming wall signs shall not prevent the installation of conforming freestanding signs, nor shall legal non-conforming free-standing signs prevent the installation of conforming wall signs.
 4. Any non-conforming sign shall be required to be brought into conformance or abated in conjunction with any Conditional Use Permit or Development Permit which is hereafter granted on the same site.

159.22.120 REMOVAL OF ILLEGAL SIGNS

1. The Director shall remove or cause the removal of any fixed, permanent sign constructed, placed or maintained in violation of this Chapter, after 30 days following the date of mailing of registered or certified written notice to the owner of the sign, if known, at the last known address or to the owner of the property as shown on the latest assessment roll, or to the occupant of the property at the property address.
The notice shall describe the sign and specify the violation involved, and indicate that the sign will be removed if the violation is not corrected within 30 days. If the owner disagrees with the opinion of the Director, the owner may, within the said 30 day period request a hearing before the Planning Commission to determine the existence of a violation.
2. Signs removed by the Director pursuant to this Chapter shall be stored for a period of 60 days, during which time they may be recovered by the owner upon payment to the City for costs of removal and storage. If not recovered prior to expiration of the 60 day period, the sign and supporting structures shall be declared abandoned and title thereto shall vest to the City, and the cost of removal shall be billed to the owner or lien placed on the property upon which said sign was erected.

159.22.130 AMORTIZATION

Any sign that is nonconforming to the requirements of this Chapter, either by variance previously granted or by conformance to the existing sign regulations at the time the initial permit for said sign was issued, shall either be removed or brought up to code requirements within 10 years from the effective date of this Zoning Ordinance.

159.22.140 INVENTORY AND ABATEMENT

Within 6 months from the date of adoption of this Zoning Ordinance, the City shall commence a program to inventory and identify illegal or abandoned signs within its jurisdiction. Within 60 days after this 6-month period, the City may commence abatement of identified illegal or abandoned signs.

159.22.150 SIGN REGULATIONS

Table 22.01 identifies the signs permitted in each of the land use districts. In addition to the following regulations, all signs must be in compliance with all other provisions of this Chapter pertaining to signs.

**TABLE 022.01
SIGN REGULATIONS BY SIGN USE CATEGORY**

Class	Type	Max. Number	Max. Sign Area	Max. Sign Height	Location	Illumination Allowed	Remarks
<u>A. SIGNS PERMITTED IN RESIDENTIAL DISTRICTS</u>							
1. <u>Name Plate</u>	Wall/Door	1/occupied unit	2s.f.	Below eave line	Wall/Door	No	Shall identify only the name and/or address of the occupant
2. <u>Apartment Identification</u>	Wall or monument	One/street frontage	12 s.f.	Below eave line for wall sign & 6' for monument	5 ft. setback	May be illum. only in Multiple Family Districts	Signs shall not be internally lighted.
3. <u>Institutional Signs</u>	Wall or monument	One per use.	24 s.f.	Below eave line for wall sign & 6' for monument	10' setback from front & 5' setback from the property line.	Yes	a. Name of Institution only. b. May incorporate Changeable copy. c. Signs shall not be internally lighted.
4. <u>Neighborhood Identification</u>	Wall or monument	2 per major entrance	30 s.f.	5 ft.	At major entrances to	Yes	a. Copy limited to project/neighborhood name only. b. Shall not be internally lighted. c. Allowed only if maintenance responsibility assigned to community association.
5. <u>Mobile Home</u>	Wall or monument	1 per street frontage	24 s.f.	10 feet	May not be located in a required setback area adjoining a st.	Yes	
6. <u>Project Identification Sign (Temp)</u>	Freestanding (on-site)	2 for subdivisions more than 5 Acre	76 s.f.	15 ft.	10' setback from any street Located on the	No	a. All signs shall be removed within 30 days after the sale/rental of the last unit in the project/subdivision. b. Refer to sec. 19.22.080(2) for regulations pertain to off-site subdivision signs.
7. <u>Real Estate</u>	Freestanding	1/residence	4 s.f.	5 feet	Within the subject property	No	Copy limited to the sale, rent or lease of the subject property.
8. <u>Crime Prevention</u>	Freestanding	Subject to approval	6 s.f.	10 ft.	Within the public R-O-W.	No	a. Subject to authorization form City & subject to conditions. b. Only at designated locations, for specific periods of time.
9. <u>Business Identification</u>	Wall or monument	1 per street frontage	8 s.f.	5 ft.	10' setback from the property	No	

**TABLE 022.01
SIGN REGULATIONS BY SIGN USE CATEGORY**

Class	Type	Max. Number	Max. Sign Area	Max. Sign Height	Location	Illumination Allowed	Remarks
<u>C. SIGNS PERMITTED IN C-N, C-C, AND C-G COMMERCIAL DISTRICTS</u>							
1. <u>Single Tenant Sites-Not Part of a Center</u>							
a. Business Identification	Wall or canopy	One sgle, face sign/bldg/st. or parking lot frontage Max. 3 signs/businesses	1.5 sf of sign area/ each lineal' or bldg. fronting on street. 75 sf max sign area in CN otherwise 100 sf max. In addition 1.5 sf of sign area/ ea. lineal ft. of the bldg.'s rear elevation if a public entrance is provided from a rear st. Or parking lot. 50 sf max.	May not project above the eave line.	May be located on parapet or canopy	Yes	Allowable aggregate wall sign(s) area shall include areas of allowed permanent window signs.
c. Business Identification	Projecting	1 dbl face sign/ frontage	25 sf max/face	May not extend beyond eave line	May only be attached to the bid, to which the copy relates	Yes	a. Authorized in lieu of a wall sign. b. Authorized only where no bldg. setback is required.
c. Business Identification	Window (permanent)	1 sign/window	25% of the glass area upon which the sign is located.		Window lettering permitted or exterior of glass window or door.	No, except signs constructed of neon tube letters &/or symbols	Allowable Aggregate of window sign(s) area shall include areas of allowable wall signs. Signage located within 3 linear feet of a window within the store shall be considered window signage.
d. Business Identification	Monument	1 dbl face sign per st frontage	24 sf in CN 32 sf in CG, Cr, & CH	8' above grade or 4' 4' above top of planter or landscaped mound (berm)	Must not create hazard at corner or drive ways. May not be located within 100' of any R district	Yes	a. Min. st. frontage of 100' required. b. Planter base or landscape area to be provided equal to 4 times the area of one face of the sign. c. May be located within 5' of public R-O-W.
e. Drive-thru Restaurants	Menu Board	1 per bid	30 sf	7'	Shall not be located so as to be a hazard for drive-way or corner radius.	Yes	Shall face away from the street.

**TABLE 022.01
SIGN REGULATIONS BY SIGN USE CATEGORY**

Class	Type	Max. Number	Max. Sign Area	Max. Sign Height	Location	Illumination Allowed	Remarks
f. Business Identification	Monument or Pole sign with decorative pole cover.	1 double-face sign/business	125 sf/face	25' with 22' maximum sign face or copy areas height monument or supportive structure to consist of an area face or copy area.	May be located in landscaped	Yes	a. Site must have at least 300' frontage adjacent to the R-O-W of a state or federal freeway. b. Refer to Sec. 19.14.030(6) & (7), Freeway Corridor Overlay Zone for sign regulations.
g. Drive-thru Restaurants	Menu Board	1 per bldg.	30 sf	7'	Shall not be located so as to be a hazard for drive-way or corner radius.	Yes	Shall face away from the street.
2. High rise bids. (4 stories or more).							
a. Bldg. Ident.	Wall sign	4/bldg.	225-500 sf See Fig 22.2		Above the windows or the highest floor & below	Yes	a. Copy is limited to one company bldg. /name arranged in a single line. b. Company logos may be used in combination with letters. c. Signs shall be designed to compatible with the architecture of the bldgs.
b. Secondary Tenant Ident.	Wall sign	4/bldg.	22 sf max/sign max letter height + 18"	below the 2nd floor or 20' whichever is less	Near the entrance of the tenants they identify.	Yes	
c. Center or Project	Monument	1st. frontage	40 sf/face	6' above grade or max. of 4' above planter or landscape mound.	At main entrance	Yes	Shall contain only the name of the center or project, no tenant information.

3. Multiple Tenant Sites-Shopping Centers

a. Business Identification	Wall or canopy	1 single face per bldg./st. or parking lot frontage. Max 2 signs per business.	1.5 sf or sign area/each lineal ft. of bldg. fronting on a st. Not to exceed 75 sf in addition 1.5 sf of sign area/ea. Lineal ft. of the bldg's rear elevator if a public entrance is provided from a rear st. or parking lot. Not to exceed 50 sf.	may not project above the eave line	May be located on project or	Yes	<p>a. All shopping centers shall develop a coordinated sign program for all tenants & uses in accordance with the requirements of Section 19.22.040(2).</p> <p>b. Allowable aggregate wall sign area shall include window area(s) used for permanent signing.</p> <p>c. A center is one in which business & structures are designed in an integrated & interrelated development. Such design is independent of the number of structures, lots or parcels making up the center.</p>
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**TABLE 022.01
SIGN REGULATIONS BY SIGN USE CATEGORY**

Class	Type	Max. Number	Max. Sign Area	Max. Sign Height	Location	Illumination Allowed	Remarks
b. Business Identification	Window (permanent)	1 sign/window	25% of the glass area upon which the sign is located.		Window lettering permitted on interior or exterior glass window or door.	No, except sign constructed of neon tube letters	Allowable aggregate of window sign (s) area shall include area of allowable wall sign.
c. Business Identification	under marquee	1/entrance (double face)	6 sf per face		Below eave line & beneath canopy or marquee with 7' clearance from sidewalk level to lowest point of sign.		Signs shall be uniform in color & design for all tenant identification with in the center.
d. Business Identification	Monument	1/double face	25 sf per face	6' above grade or 4' above top of	Shall be setback a min of 5' from front or side of property lines.	Yes	a. Min. st. frontage of 100' required. b. Planter base or landscape area to be provided equal to 4 times the area of one face of the sign. c. May be located within 5' of public R-O-W MC 834 5-19-92.
e. Center Identification Centers less than 23 A.	Monument	1 dbl face/ea. st. frontage	75 sf per face	Sign shall not exceed the height of the structure it identifies or 20' which ever is less.	Shall not be located so as to be a hazard for driveway or corner radius.	yes	a. Min .st. frontage of 200' required. b. Sign may identify center and/or up to 3 major tenants. c. Planter base or landscape area equal to or greater than that 4 times the area of 1 face of a sign. d. Vertical clearance of 10' required for freestanding signs projecting over vehicular passageway. e. A min. of 20% of the sing area shall be dedicated to center identification. MC 834 5-19-92.
Centers 25 A or greater	Monument	1 dbl face/ea. st. frontage	120 sf per face	Sigh shall not exceed the hgt. of the structure it identifies or	Shall not be located so as to be a hazard for a driveway or	Yes	a. Min. st. frontage of 1200' required. If street frontage is less than 1200', then the monument sign development standards for the centers less than 25 A apply. b. Sign may be up to 4 anchor tenants. c. Planter base or landscape area equal to or greater that 4 times the area of 1 face of the sign. d. Vertical clearance f 10' required for freestanding signs projecting over vehicular passageway. e. A min. of 20% of the sign area shall be dedicated to center identification. MC 834 5-19-92.

**TABLE 022.01
SIGN REGULATIONS BY SIGN USE CATEGORY**

Class	Type	Max. Number	Max. Sign Area	Max. Sign Height	Location	Illumination Allowed	Remarks
f. Center Identification (freeway adj)	Monument or pole sign with decorative cover.	1 dbl face sign per center.	125 sf/face	25' with 22' max sign face or copy height & monument or supportive structure to consist of an area equal to sign face or copy area.	May be located in landscaped setback area.	Yes	a. Center site must have at least 300' of frontage adjacent to the R-O-W of a state of federal freeway. b. Refer to Sec. 19.14030(6) & (7). Freeway Corridor Overlay Zone for sign regulations.
g. drive thru restaurants	Menu board	1/bldg.	30 sf	7'	Shall not be located so as to be a hazard for driveway or corner radius.		Shall face away from street.
4. <u>Service Station</u>							
a. Service Station Identification	Wall	1/st. frontage max 2	10% of bldg face not to exceed	Not above eave line or 20' whichever		Yes	a. A combination of monument & wall may be used, but no more than a total of 3 signs.
	& Monument	1/st. frontage max 2	30 sf/face	6'			b. The monument sign shall be designed to include the identity of the station. Price signs are allowed in accordance with state regulations.
b. Special Service Signs	Wall or ground	1 for ea. Pump island, not to exceed a total of 4/station.	2 sf/face	8'		No	Special service signs shall be limited to such items as self serve, full serve, air, water, and cashier & shall be non-illuminated.
5. <u>Temporary Signs</u>							
a. Promo signs	Window		25% of the window area.		Ground floor windows only.	No	a Such signs are limited to temporary messages such as sales or special events. No business identification is permitted. b. Refer to Sec 19.22.070, Temporary Signs.
b. Construction	Freestanding	1 single face sign/st. frontage.	32 sf	10'	Located so as not to create traffic hazard or overhang public R-O-W.	No	a. Authorized upon the issuance of a grading or bldg. permit. b. Sign shall be removed prior to certificate of occupancy.
c. Future Facility or Tenant	Freestanding wall or	1/st. frontage or tenant	32 sf/face	8'	Within the subject property	No	Sign shall be removed upon occupancy of the bldg(s).
d. Real Estate	Freestanding wall or window.	1/st. frontage	32 sf/face	8'	Within the subject property	No	To advertise the sale or lease of structure or ground and not for the purpose of advertising an agency occupying the premises.

**TABLE 022.01
SIGN REGULATIONS BY SIGN USE CATEGORY**

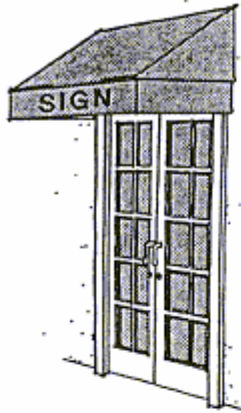
Class	Type	Max. Number	Max. Sign Area	Max. Sign Height	Location	Illumination Allowed	Remarks
<u>D. SIGNS PERMITTED IN OIP, IL, IL IH, AND IE INDUSTRIAL DISTRICTS</u>							
<u>1. Business Identification</u>							
Single Tenant	Monument Sign	2/st or parking lot frontage	1 sf of sign area per ea. lineal foot of bldg. fronting on st. Not to exceed 200 sf.	Wall signs shall not project above the eave line. Monument signs 8' above grade or max of 4' above planter or landscape mound.	Shall not be located so as to create traffic hazard for driveway or corner radius as determined by the City Engineer.	Yes	a. A combination of wall & monument signs may be used; however, their combined area shall not exceed the maximum sign area & no more than 3 signs/business. b. Planter area or landscape area equal to or greater than the area of one face of a sign.
<u>2. Multi-Tenant Sites</u>							
a. Center or project	Entrance Monument	1/st. entrance & 1/major intersection.	40 sf/face	8' above grade or max 4' above top or planter or landscape mound.	Shall not be located so as to create traffic hazard for drive way or corner.	Yes	a. Planter base or landscape area equal to or greater than the area of 1 face of a sign. b. Shall contain only the name of the center or project, no tenant information.
b. Business Identification	Wall	1/st. or parking lot frontage	1 sf of sign area/ea. lineal foot of bldg. frontage.	May not project eave line.		Yes	a. Shall contain only the name & product of the company. b. A sign program shall be required for developments with 3 or more tenants. Section 19.22.040(2).
c. Business Directory	Freestanding	1/st. or parking lot frontage	32 sf/face	8'		Yes	a. Intended to list only the names & addresses of on-site occupants. b. Shall be designed as part of overall sign program.
d. Advisory/ Directional	Wall or Freestanding	Min. number necessary to provide	4 sf	4'	Min 5' setback from property lines.	Yes	Copy limited to directional information such as "entrance" or "exit", but no directions to individual businesses.
c. Business Information	Window or wall sign.	1/main bldg. entrance	4 sf	8'	At main bldg.	No	Intended to provide only name, address, telephone, business hrs. & emergency information for occupant.
<u>3. Temporary Signs:</u> Same as Temporary Signs allowed in CN, CG, CC Commercial Districts.							

159.22.160 SIGN DESIGN GUIDELINES

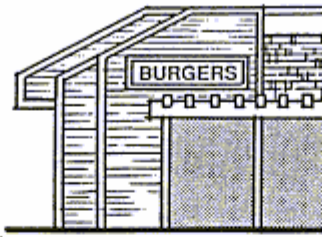
1. GENERAL

The following design guidelines shall be consulted prior to developing signs for any project. Unless there is a compelling reason, these design guidelines shall be followed. If a guideline is waived by the Planning Commission/Development Review Committee, the Mayor and City Council shall be notified. An appeal, which does not require a fee, may be filed by the Mayor or any Council person within 15 days of the waiver approval.

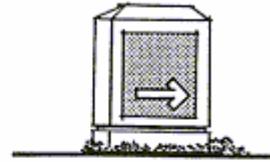
- A. Use a brief message: The fewer the words, the more effective the sign. A sign with a brief, succinct message is simpler and faster to read, looks cleaner and is more attractive.
- B. Avoid hard-to-read, overly intricate typefaces: These typefaces are difficult to read and reduce the sign's ability to communicate.
- C. Avoid faddish and bizarre typefaces: Such typefaces may look good today, but soon go out of style. The image conveyed may quickly become that of a dated and unfashionable business.
- D. Sign colors and materials-should be selected to contribute to legibility and design integrity. Even the most carefully thought out sign may be unattractive and a poor communicator because of poor color selection. Day-glo colors must be avoided.
- E. Use significant contrast between the background and letter or symbol colors: If there is little contrast between the brightness or hue of the message of a sign and its background, it will be difficult to read.
- F. Avoid too many different colors on a sign: Too many colors overwhelm the basic function of communication. The colors compete with content for the viewer's attention. Limited use of the accent colors can increase legibility, while large areas of competing colors tend to confuse and disturb.



CANOPY SIGN



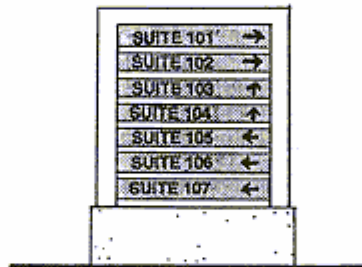
WALL



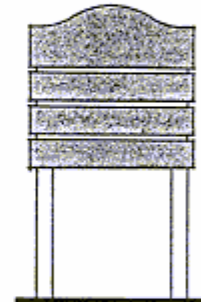
DIRECTIONAL



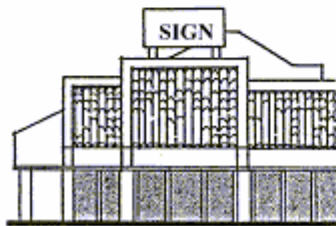
MONUMENT



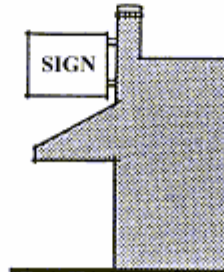
DIRECTORY



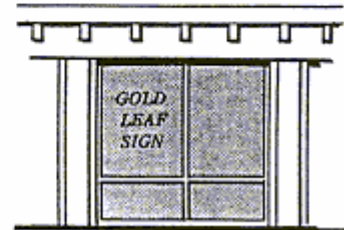
FREESTANDING



ROOF

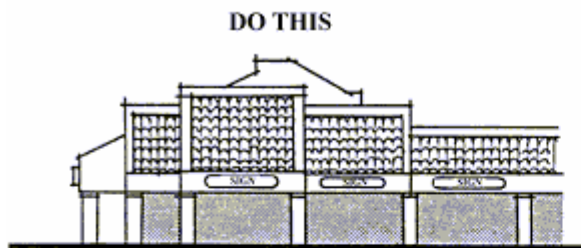


PROJECTING

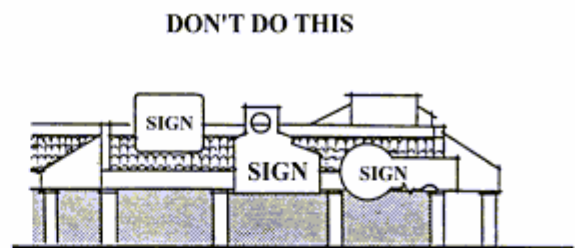


WINDOW IDENTIFICATION

- G. Place signs to indicate the location of access to a business: Signs should be placed at or near the entrance to a building or site to indicate the most direct access to the business.
- H. Place signs consistent with the proportions of scale of building elements within the facade: Within a building facade, the sign may be placed in different areas. A particular sign may fit well on a plain wall area, but would overpower the finer scale and proportion of the lower storefront. A sign which is appropriate near the building entry may look tiny and out of place above the ground level.
- I. Place wall signs to establish rhythm across the facade, scale and proportion where such elements are weak. In many buildings that have a monolithic or plain facade, signs can establish or continue appropriate design rhythm, scale, and proportion.
- J. Avoid signs with strange shapes: Signs that are unnecessarily narrow or oddly shaped can restrict the legibility of the message. If an unusual shape is not symbolic, it is probably confusing.



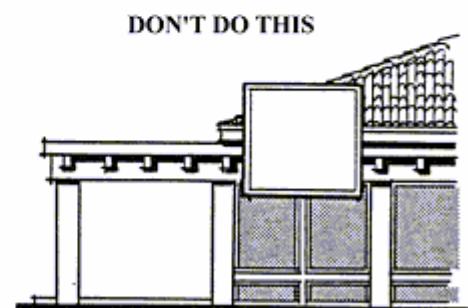
Employ a consistent sign pattern



Inconsistent sign patterns create confusion. Signs within or above roof area are prohibited.



Sign is in scale and character with building articulation.



Sign is out of scale and character with building.

- K. Carefully consider the proportion of letter area to overall sign background area: If letters take up too much sign, they may be harder to read. Large letters are not necessarily more legible than smaller ones. A general rule is that letters should not appear to occupy more than 75% of the sign panel area.
- L. Consider interior neon signs: Neon signs lend themselves to creative and exciting artistic expression. The use of neon signs inside a storefront can be used to attract attention and create a special ambience.
- M. Make signs smaller if they are oriented to pedestrians: The pedestrian-oriented sign is usually read from a distance of 15 to 20 feet; the vehicle-oriented sign is viewed from a much greater distance. The closer a sign's viewing distance, the smaller that sign need be.

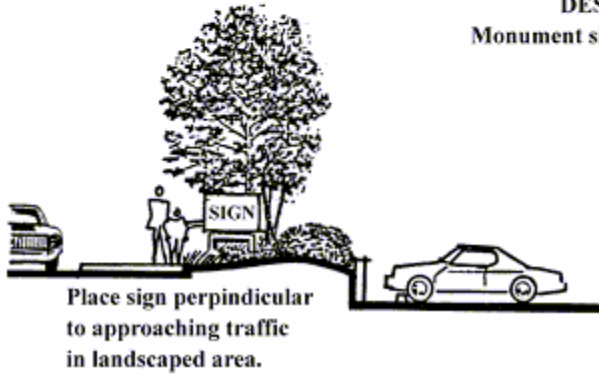
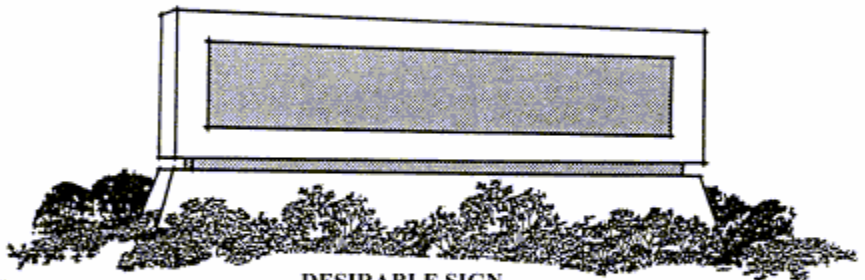
2. **WALL OR FASCIA SIGNS**

- A. Building wall and fascia signs should be compatible with the predominant visual elements of the building. Commercial centers, offices, and other similar facilities are required to be part of a sign program in accordance with the provisions of this Chapter.
- B. Where there is more than one sign, all signs should be complementary to each other in the following ways:
 - 1. Type of construction materials (cabinet, sign copy, supports, etc.)
 - 2. Letter size and style of copy
 - 3. Method used for supporting sign (wall or ground base)
 - 4. Configuration of sign area
 - 5. Shape to total sign and related components
- C. The use of graphics consistent with the nature of the product to be advertised is encouraged, i.e., hammer or saw symbol for a hardware store, mortar and pestle for a drug store.
- D. Direct and indirect lighting methods are allowed provided that they are not harsh or unnecessarily bright. The use of can-type box signs with translucent backlit panels are less desirable. Panels should be opaque if a can-type sign is used and only the lettering should appear to be lighted.
- E. The use of backlit individually cut letter signs is strongly encouraged.

- F. The use of permanent sale or come-on signs is prohibited. The temporary use of these signs is limited by the provisions of Section 159.22.070.
- G. The identification of each building or store's address in 6 inch high numbers over the main entry doorway or within 10 feet of the main entry is encouraged.

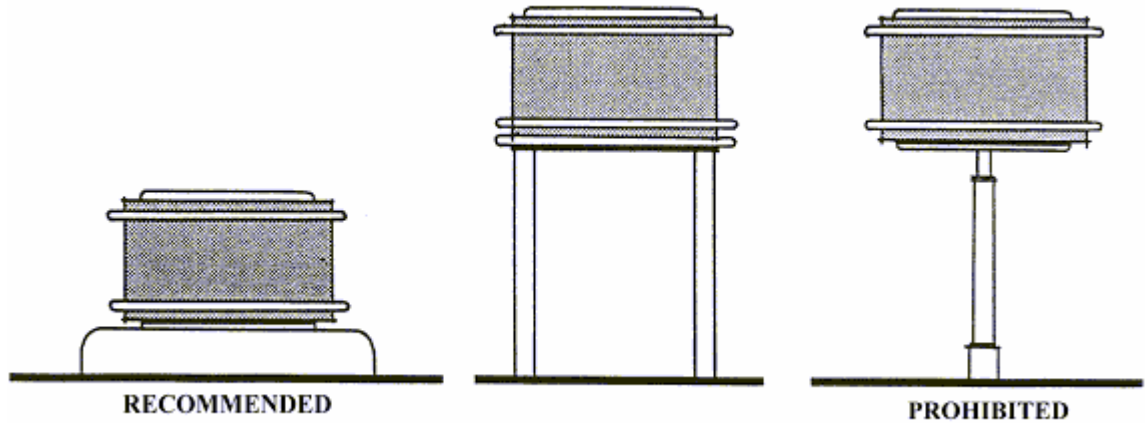
3. FREESTANDING SIGNS

- A. Freestanding signs are intended to provide street addresses, and identification for the freestanding building or commercial center development as a whole and for up to three major tenants.
- B. All tenant signs should be limited in size to the width of the architectural features of the sign and shall be uniform in size and color.
- C. A minimum of 10% of the sign area of freestanding signs for large, multi-story buildings or center developments should be devoted to identification of the center or building by address or name. Strip developments should display the range of store addresses for that development on their freestanding sign.
- D. Freestanding signs should be placed perpendicular to approaching vehicular traffic.
- E. Freestanding signs should be placed in raised planters whenever possible.



F. Each monument sign should be located within a planted landscaped area which is of a shape and design that will provide a compatible setting and ground definition to the signs, incorporating the following ratio of landscape area to total sign area:

1. Monument: 4 square feet of landscaped area for each square foot of sign area (1 side only).
2. Directory: 2 square feet of landscaped area for each square foot of sign area.



ARTICLE III: GENERAL

CHAPTER 159.24 OFF-STREET PARKING STANDARDS

159.24.010 PURPOSE

These regulations are intended to achieve the following:

1. To provide accessible, attractive, secure, properly lighted, and well-maintained and screened off-street parking facilities.
2. To reduce traffic congestion and hazards.
3. To protect neighborhoods from the effects of vehicular noise and traffic generated by adjacent non-residential land use districts.
4. To assure the maneuverability of emergency vehicles.
5. To provide appropriately designed parking facilities in proportion to the needs generated by varying types of land use.

159.24.020 APPLICABILITY

Every use hereafter inaugurated, and every structure hereafter erected or altered, shall have permanently maintained off-street parking areas pursuant to the following provisions.

159.24.030 GENERAL REGULATIONS

1. No structure or use shall be permitted or constructed unless off-street parking spaces are provided in accordance with the provisions of this Chapter.
2. The word “use” shall mean both the type and intensity of the use, and that a change in use shall be subject to all of the requirements of this Chapter.
3. When a structure is enlarged or increased in excess of 25% of the floor area, or when a change in use creates an increase in the required amount of parking, additional parking spaces shall be provided in accordance with the provisions of this Chapter. A parking study may be prepared examining the proposed use in light of available public off-street parking facilities which may result in a City approved parking reduction program. If a study is not prepared, the required parking shall be provided.
4. Within the Palm Drive Commercial District, parking required by this Chapter may be provided on-site or off-site within an established parking district lot or structure. Required

parking within this area may be reduced by up to 20% by the review authority provided that off-site parking districts have been established and developed.

5. Requirements for uses not specifically listed herein shall be determined by the Director based upon the requirements for comparable uses and upon the particular characteristics of the use, pursuant to Section 159.02.070 (3) (Similar Uses Permitted).
6. In any residential land use district, a garage with a garage door shall be provided, and permanently maintained. Exceptions to the garage requirement shall be for apartments and affordable housing as determined by the Director.
7. Fractional space requirements shall be rounded up to the next whole space.
8. Required guest parking in residential land use districts shall be designated as such and restricted to the use of guests.
9. All parking, including recreational vehicle parking in residential land use districts, shall occur on paved areas.
10. Senior citizen apartments/congregate care parking requirements may be adjusted on an individual project basis, subject to a parking study based on project location and proximity to services for senior citizens including, but not limited to, medical offices, shopping areas, bus stops, etc.
11. Parking in residential land use districts, shall occur as follows:
 1. Motor vehicles are to be parked in areas constructed for vehicles (i.e., garage, carport or paved driveway) and shall not be parked or stored in other portions of the front or side street yard, particularly not on what is commonly referred to as the front lawn (yard).
 - o Limitation on amount of paved surface. It shall be unlawful for any person to pave with asphalt, cement or any other impervious surface on portions of the front or side street yard, particularly on what is commonly referred to as the front lawn (yard), in excess of the minimum driveway requirements as specified Section 159.24.060(5) for providing primary access to the required number of parking spaces as specified in Section 159.24.040.
 2. Parking or storing of commercial vehicles [including trailers] in residential districts for any length of time is prohibited except for pickups and deliveries.
 - a. Any truck which has a length of 20 feet or less and which is used primarily as the owner's personal means of transportation and which is licensed for a gross weight of not more than 12,000 pounds shall be excluded from the aforementioned restriction.

3. No motor vehicles other than those recreational vehicles expressly specified and allowed under Section 159.24.030(11), shall be kept, stored or parked in any other portions of the rear or side yard area of any residential land use district, particularly not on what is commonly referred to as the back yard.
 - No more than two recreational vehicles (boats, trailers, campers, etc.) per dwelling unit may be parked or stored anywhere outside on any residential district or containing a residential use. Parking of any recreational vehicles shall be in conformance to parking standards set forth in Section 159.24.030(11).
 - As a condition of approval of a Tentative Tract Map, recreational vehicle parking (as regulated by the Zoning Ordinance) shall be prohibited in the driveway of private residences. Ord. 2006-02

159.24.040 NUMBER OF PARKING SPACES REQUIRED

The following minimum number of parking spaces shall be provided for each use (where “sf.” refers to square foot and “gfa.” refers to gross floor area). The Planning Director shall have the authority to vary from the standards in this section for uses which represent special circumstances or for legal con-conforming uses.

USE

NUMBER OF REQUIRED SPACES

Residential Uses

Mobile home parks	2 covered spaces within an enclosed garage, which may be tandem, and 1 uncovered guest space for each unit.
Multi-family Residential:	
Studio and 1 bedroom	1.5 covered and 1 uncovered guest space for every 5 units.
Two bedrooms	2 covered and 1 uncovered guest space for every 5 units.
Three or more bedrooms	2.5 covered and 1 uncovered guest space for 5 units.

Planned residential developments, including single-family dwellings and condominiums	2 covered spaces within an enclosed garage and 1 uncovered off-street guest parking space for every 5 units.
Residential day care	2 spaces in addition to those required for primary residence.
Senior citizen apartments	1 covered space for each unit, plus 1 uncovered space for 5 units for guest parking.
Senior congregate care	.75 covered space for each unit.
Single-family dwellings	For new construction 2 spaces within an enclosed garage. Existing single family residence with garage may be permitted to construct a carport meeting design standard & applicability code.

Commercial Uses

Adult businesses	1 space for each 200 sf. of gfa. plus 1 space for each employee.
Bowling Alley	3 spaces per lane, plus as required for incidental uses (i.e., pro shop, coffee shop, etc.).
Driving range	One space per tee, plus the spaces required for additional uses on the site
Golf course	6 spaces per hole, plus as required for incidental uses (i.e., pro shop, bar, banquet room, etc.).
Miniature golf course	3 spaces per hole, plus as required for incidental uses (i.e., game room, food service, etc.).
Tennis/racquetball courts	3 spaces per court, plus as required for incidental uses.
RV Parks	1 space for each recreational vehicle space.
Theme amusement/ recreational parks, skating rinks	Determined at project review.
Video arcade/go carts	1 space per 200 square feet of area within enclosed structures, plus 1 space per 3 persons at maximum capacity.
Art/dance studio	1 space per employee, plus 1 space per 2 students at

maximum capacity.

Banks, savings and loans, financial	1 space for each 200 sf. of gfa. plus 1 lane for each drive up window and/or automatic teller machine with 6 vehicles per lane.
Barber shop/beauty parlor	2 spaces for each barber chair; 3 spaces for each beautician station.
Business/professional trade schools	1 space per 1.5 students.
Carwash-self service	2 spaces per stall plus 2 space queuing lane in front of each stall.
Carwash-full service	1 space per every 3 employees on the maximum shift plus reservoir capacity equal to 2 times the capacity of the washing operation.
Commercial stables	1 space for each 5 horses boarded on-site.
Furniture/appliance stores	1 space for each 500 sf. of gfa. of sale floor display area, plus 1 space for each 2500 sf. of gfa. of warehouse storage.
Health clubs	1 space for each 200 sf. of gfa.
Hotels/motels	1.1 space for each bedroom, plus requirements for related commercial uses, plus 1 space for each 50 sf. of gfa. of main assembly room, plus 2 spaces for manager's unit. For facilities visible from any freeway, on-site parking for "big rigs" shall be determined at project review.
Indoor retail concession mall	1 space for each 200 sf. gfa. plus 1 space for each vendor.
Lube-n-tune	1 space per bay, plus 1 space for each employee, plus 2 space queuing lanes for each bay.
Multi-tenant auto-related facilities	1 space for each 200 sf. of gfa., plus 1 space for each employee

Offices, general:

gfa. up to 2000 sf.	1 space for each 200 sf.
2001 to 7500 sf.	1 space for each 250 sf.
7501 to 40000sf.	1 space for each 300 sf.
40001 and greater	1 space for each 350 sf.

Office, medical/dental 10 spaces for first 2000 sf., plus 1 space for each additional 175 sf. over 2000 sf.

Office, conversions from single family Determined at project review.

Restaurants, cafes, bars and other eating and drinking establishments (gfa. includes outdoor seating/eating area) 1 space per 75 sq/ft GFA including indoor and outdoor seating areas

Restaurants, with drive-up or drive-thru facilities (including outdoor seating areas) 1 space for each 100 sf. of gfa. plus one lane for each drive-up window with stacking space for 6 vehicles before the menu board.

Delicatessen/donut shop 1 space per 150 sf. of GFA

Retail commercial 1 space for each 250 sf. of gfa.

Retail nursery/garden shop 1 space for each 500 sf. of indoor display area, plus 1 space for each 2500 sf. of outdoor display area.

Service stations 1 space for each pump island, plus 1 space for each service bay.

Swap meet 1 space per 200 square feet gfa, plus 1 space per vendor space.

Vehicle repair/garage 5 spaces plus 1 space for each 200 sf. of gfa.

Vehicle sales	1 space for each 400 sf. of gfa. for showroom and office, plus 1 space for each 2000 sf. of outdoor display area, plus 1 space for each 500 sf. of gfa. for vehicle repair, plus 1 space for each 300 sf. of gfa. for the parts department.
All other commercial uses	1 space for each 200 sf. of gfa. and not listed above

Institutional Uses

Churches, conference/ meeting facilities, mortuaries, theaters, auditoriums	1 space for each 5 fixed seats, or 1 space for each 35 sf. of non-fixed seating area in the principal sanctuary, conference space or auditorium, whichever is greater.
Hospitals	1 space for each patient bed, plus 1/2 space for each patient bed for employees, or as determined at project review.
Libraries, museums, art galleries	1 space for each 300 sf. of gfa.
Residential clubs, fraternity/sorority houses, rooming houses and similar facilities with guest rooms	1 space for each 2 guest rooms.
Retirement homes	1 space for each 1.5 living units.
Sanitariums/nursing homes	1 space for each 6 beds, plus 1 space for each employee on the largest shift, plus space for each staff doctor.
Schools:	
Nursery/pre-school	1 space for each staff member, plus 1 space for each 10 children.
Elementary/junior high	2 spaces for each classroom.
High school	7 spaces for each classroom.
Community/college/ university	10 spaces for each classroom.

Industrial Uses

Auto dismantling/junk yards/recycling centers	1 space for each 300 sf. of gross building area plus one space for every 10,000 sf. of gross yard area.
Mini-storage	7 spaces
Industrial/warehousing	1 space per 750 sf. GFA

159.24.050 HANDICAPPED PARKING REQUIREMENTS

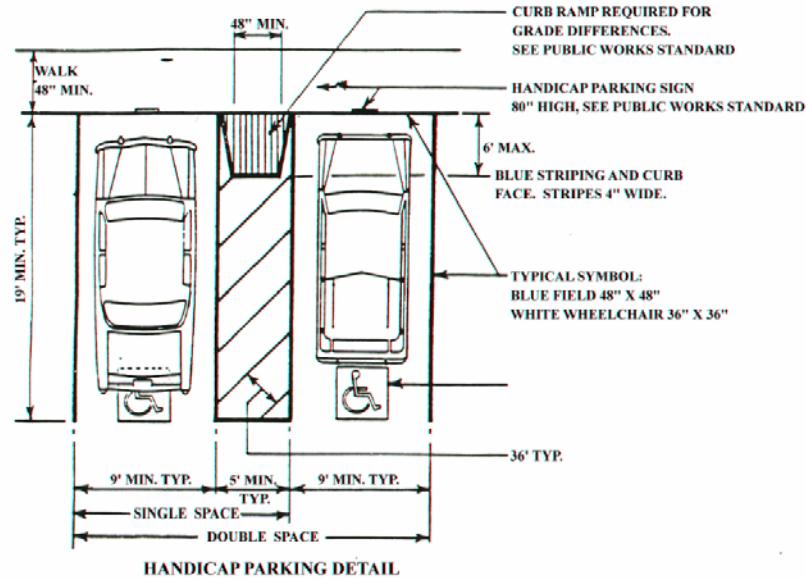
Handicapped parking requirements are established by the State of California. The parking standards contained in this section are identical to those established by the State at the time of the adoption of this Zoning Ordinance. Any change in the State’s handicapped parking requirements shall preempt the affected requirements in this Section.

1. Handicapped parking for residential uses shall be provided at the rate of 1 space for each dwelling unit that is designed for occupancy by the handicapped.
2. Handicapped parking spaces shall be provided for all uses other than residential at the following rate, and shall provide auto and van accessibility.

<u>Total Number of Parking Spaces Provided</u>	<u>Number of Handicapped Parking Spaces Required</u>
1 - 25	1 van accessible
25-50	2, including 1 van accessible
51-75	3, including 1 van accessible
76-100	4, including 1 van accessible
101-150	5, including 1 van accessible
151-200	6, including 1 van accessible
201-300	7, including 1 van accessible
301-400	8, including 1 van accessible
401-500	9, including 2 van accessible
501+	2% including 3 van accessible

3. Handicapped parking spaces shall be designed in a manner consistent with the standard drawings approved by the Building and Public Works Departments, as illustrated by Figure below.
4. Handicapped parking spaces required by this Section shall count toward fulfilling off-street parking requirements.

Figure 24.01



159.24.060 DESIGN STANDARDS

Off-Street parking areas shall be provided in the following manner:

1. ACCESS

- A. All parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. The Director may approve exceptions for single-family homes and other residential projects.
- B. No parking space shall be located so that a vehicle will maneuver within 20 feet of a vehicular entrance measured from the property line.

2. COMMERCIAL VEHICLE PARKING

No commercial vehicle exceeding 8 feet in height and/or 20 feet in combined total length, or towed equipment, shall park between the hours of 6:00 P.M. and 6:00 A.M. on private property or public rights-of-way in residentially designated areas, unless the vehicle or vehicles are screened from public view and adjacent properties subject to the approval of the Director. This prohibition shall not apply to construction sites during the construction process

or to vehicles in the process of making delivery or pickup.

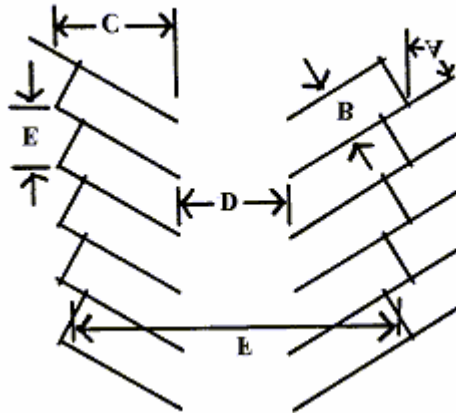
3. DIMENSIONAL REQUIREMENTS

- A. Parking stalls shall be non-perpendicular whenever possible.
- B. A minimum unobstructed inside dimension of 20 feet by 20 feet shall be maintained, for a private two-car garage or carport. The minimum unobstructed ceiling height shall be 7 feet, 6 inches.
- C. Parking structures may be subject to dimensional adjustments based on utilization (i.e., public or private garage with or without an attendant), but in no case shall the stall width be less than 9 feet. Reductions in design standards shall be subject to approval by the Director.
- D. Minimum parking dimensions shall be as indicated in the following table as illustrated by Figure 24.02.

A	B	C	D	E	F	A	B	C	D	E	F
0°	9'0"	9.0	15.0	23.0	-	60°	9'0"	21.0	18.0	10.4	55.5
	9'6"	9.5	15.0	23.0	-		9'6"	21.2	18.0	11.0	55.6
	10'0"	10.0	15.0	23.0	-		10'0"	21.5	18.0	11.5	56.0
20°	9'0"	15.0	15.0	26.3	36.5	70°	9'0"	21.0	19.0	9.6	57.9
	9'6"	15.5	15.0	27.8	37.1		9'6"	21.2	19.0	10.1	58.2
	10'0"	15.9	15.0	29.2	37.4		10'0"	21.2	19.0	10.6	58.0
30°	9'0"	17.3	15.0	18.0	41.8	80°	9'0"	20.3	24.0	9.1	63.0
	9'6"	17.8	15.0	19.0	42.4		9'6"	20.4	24.0	9.6	63.2
	10'0"	18.2	15.0	20.0	42.7		10'0"	20.5	24.0	10.2	63.3
45°	9'0"	19.8	15.0	12.7	48.3	90°	9'0"	19.0	24.0	9.0	-
	9'6"	20.1	15.0	13.4	48.5		9'6"	19.0	24.0	9.5	-
	10'0"	20.5	15.0	14.1	48.9		10'0"	19.0	24.0	10.0	-

**Figure 24.02
PARKING STANDARDS**

- A. PARKING ANGLE
- B. STALL WIDTH
- C. STALL DEPTH
- D. AISLE WIDTH
- E. CURB LENGTH PER CAR
- F. CENTER TO CENTER WIDTH OF DOUBLE ROW AND AISLE



4. DRAINAGE

All required off-street parking areas shall be designed so that surface water will not drain over any sidewalk, or adjacent property.

5. DRIVEWAYS

Commercial/Industrial/Multiple Family Residential

Driveways providing ingress and egress to off-street parking spaces shall be a minimum width of 15 feet for a one-way driveway and 24 feet for a two-way driveway. City design specifications may require different standards which supersede these standards.

Single Family Residential

Attached Garage

Driveways for an attached 2-car garage shall have a minimum width of 18 feet and minimum length of 24 feet measured from inside the sidewalk or apron to the front of the garage. All minimum set backs shall also be met.

Driveways for an attached 3-car garage shall have a minimum width of 24 feet and a minimum length of 24 feet measured from inside the sidewalk or apron to the front of the garage. All minimum set backs shall also be met.

Detached Garage

Driveways for a detached 2-car garage shall be minimum width of 10 feet with a minimum 18 feet wide by 24 feet deep back up area immediately adjacent to the garage door.

Driveways for a detached 3-car garage shall be a minimum width of 12 feet with a minimum 24 feet wide by 24 feet deep back up area immediately adjacent to the garage door.

6. LANDSCAPING

A minimum of 15% of the net area of all surface parking areas shall be landscaped as follows:

- A. Where parking areas adjoin a public right-of-way, a landscaped planting strip equal to the required yard setback shall be established and continuously maintained between the public right-of-way and parking area. Any planting, sign, or any other structure within safety sight-distance of a driveway shall not exceed 30 inches in height.
- B. Provisions shall be made to ensure that adequate pedestrian paths are provided throughout the landscaped areas. At least one 24 inch box tree for every 4 spaces shall be included in the development of the overall landscape program. The maximum spacing between trees in parking areas shall be 30 feet; however, appropriate clustering of trees may be permitted.
- C. All areas in a parking lot not used for driveways, maneuvering areas, parking spaces, or walks, shall be permanently landscaped with suitable materials and permanently maintained, pursuant to a program submitted by the applicant and approved by the Director.
- D. All landscaped areas shall be bordered by a concrete curb that is at least 6 inches high and 6 inches wide. All landscaped areas shall be a minimum of 6 feet in width. Concrete mow strips at least 6 inches deep and 4 inches wide may be required to separate turf areas from shrub areas.
- E. A permanent and automatic irrigation system shall be installed and permanently maintained in all landscaped areas. The system shall employ state-of-the-art water conservation technology and recognize differing irrigation needs of various plant materials.

- F. The landscaping plan shall provide for a variety of plant materials, with an emphasis on native and other drought tolerant species appropriate for the local environment, and shall include a legend showing common and botanical names, sizes, quantities, location, dimensions of planted area, and percentage of parking lot landscaping.
- G. To increase the parking lot landscaped area, a maximum of 2 and 1/2 feet of the parking stall depth may be landscaped in lieu of asphalt while maintaining the required parking dimensions. This overhang is in addition to the required yard setbacks.

7. LIGHTING

Parking areas shall have lighting capable of providing adequate illumination for security and safety and that is consistent with all outdoor lighting standards of the City, including, without limitation, those set forth in Subsection 14, of Section 159.20.030, of Chapter 159.20, of Article III, of the City of Desert Hot Springs Zoning Ordinance. The minimum requirement for adequate illumination is 1 foot candle, maintained across the surface of the parking area. Lighting shall be in scale with the height and use of the surrounding structures. Light poles and other similar free standing structures used to house outdoor lighting in off-street parking facilities shall not exceed 18 (eighteen) feet in height. Any illumination, including security lighting, shall be directed away from adjoining properties and public rights-of-way.

8. LOCATION OF REQUIRED PARKING SPACES

All parking spaces shall be located on the same parcel as the structure or use, unless approved otherwise by the review authority.

Off-street parking spaces for multi-family residential developments shall be located within 150 feet from the dwelling unit (front or rear door) for which the parking space is provided.

No parking space required by this Chapter shall be located in the front, side or rear setback area of any land use district.

9. MAINTENANCE

All required parking facilities shall be permanently maintained and free of litter and debris.

10. PARKING STRUCTURES

All parking structures shall be landscaped as follows:

- A. The parking structure shall have a continuous minimum 10 foot perimeter landscaping with vertical elements at least every 20 feet.
- B. The entries and exits of the parking structure shall include a minimum 6 foot wide landscaped median island and accent paving in the driveway.

- C. Landscaped materials, excluding vertical element openings, shall be provided in planters and/or pots for 5% of the total surface deck area. The planters and/or pots shall be distributed throughout the top deck area, and perimeter of intermediate decks.
- D. All landscaping shall be permanently maintained and automatically irrigated.
- E. Lighting for the above ground deck shall be energy-efficient, low-level and directed so as not to spill beyond the surface deck. Lighting fixtures shall not exceed 4 feet in height.

11. RECREATIONAL VEHICLE PARKING - RESIDENTIAL

- A. A recreational vehicle may only be parked on a lot behind the front line of the house or, in the case of a corner lot, behind the front line facing each street or right-of-way, and shall be screened to a height of 6 feet from view from any public or private right-of-way.
- B. Recreational vehicles may be temporarily parked on public or private rights-of-way in front of residences for not more than 48 continuous hours for the purposes of loading and unloading. Forty-eight hours must elapse before the start of a new 48 hour period, together with movement of the vehicle a distance of at least 500 feet.

12. SECURITY

All parking facilities shall be designed, constructed and maintained with security as a priority to protect the safety of the users.

13. SCREENING

Commercial/industrial and public parking areas abutting residentially designated property shall have a 6 foot high solid architecturally treated decorative masonry wall approved by the Director. All wall treatments shall occur on both sides.

14. SHADING

All parking areas shall provide 25% permanent shading for parked vehicles. Any reasonable combination of shading methods can be utilized. If trees are used, they may not thereafter be trimmed so as to reduce the effectiveness of their shading ability.

15. SHARED PARKING

Parking facilities may be shared if multiple uses cooperatively establish and operate the facilities and if these uses generate parking demands primarily during hours when the remaining uses are not in operation. (For example, if one use operates during evenings or week days only.) The applicant shall have the burden of proof for a reduction in the total number of required off-street parking spaces, and documentation shall be submitted substantiating their reasons the requested parking reduction. Shared parking may only be approved if:

- A. A sufficient number of spaces are provided to meet the greater parking demand of the participating uses;
- B. Satisfactory evidence, as deemed so by the Director, has been submitted by the parties operating the shared parking facility, describing the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict between them; and
- C. Additional documents, covenants, deed restrictions, or other agreements as may be deemed necessary by the Director are executed to assure that the required parking spaces provided are maintained and uses with similar hours and parking requirements as those uses sharing the parking facilities remain for the life of the commercial/industrial development.

16. SLOPE

- A. Parking areas shall be designed and improved with grades not to exceed a 5% slope.
- B. Driveways shall have no grades exceeding 8% slope or as approved by the City Engineer.

17. STRIPING

All parking spaces shall be striped in accordance with City requirements. The striping shall be maintained in a clear and visible manner. Applies to all zones.

18. SURFACING

All driveways and parking areas shall be surfaced with a minimum thickness of 3 inches of asphaltic concrete, concrete, or any City Engineer approved bituminous surfacing over a minimum thickness of 4 inches of an aggregate base material. An appropriate structural section of gravel or other material may be approved by the City Engineer and Director for storage areas of industrial uses, provided that toxic or hazardous materials are not located in such storage areas.

19. TANDEM PARKING

The review authority may approve an off-street parking program utilizing limited tandem parking for commercial and industrial uses provided that the development requires 150 or more parking spaces, with no more than a maximum of 10% of the total number of spaces designated as tandem and an attendant is on duty during the normal hours that the commercial/industrial development is open for business.

20. WHEEL STOPS/CURBING

Continuous concrete curbing at least 6 inches wide shall be provided at least 3 feet from any wall, fence, property line, walkway, or structure where parking and/or drive aisles are located adjacent thereto. Curbing may be left out at structure access points. The space between the curb and wall, fence, property line, walkway or structure shall be landscaped, except as allowed by the Director. The clear width of a walkway, which is adjacent to overhanging parked cars shall be 4 feet. All parking lots shall have continuous curbing at least 6 inches high and 6 inches wide around all parking areas and aisle planters; wheel stops shall not be used in lieu of curbing, to protect landscaping, signage, structures and walls.

ARTICLE III: GENERAL

CHAPTER 159.26 OFF-STREET LOADING STANDARDS

159.26.010 PURPOSE

These provisions establish comprehensive standards to regulate the number, design, and location of off-street loading areas, in a manner which, ensures the following:

1. Accessible, attractive, secure, and well-maintained loading and delivery facilities.
2. Reduces potential for traffic congestion and hazards.
3. Protection for adjacent parcels and surrounding neighborhoods from the effects of vehicular noise and traffic generated from the anticipated land use and loading activities.
4. Loading and delivery services in proportion to the needs generated by the proposed land use which are clearly compatible with adjacent parcels and the surrounding neighborhood.

159.26.020 APPLICABILITY

Every non-residential land use shall have permanently maintained off-street loading areas pursuant to the following provisions.

159.26.030 NUMBER OF LOADING SPACES REQUIRED

Off-street freight and equipment loading spaces shall be provided for all offices, hospitals, institutions, hotels, senior group housing, schools, day care centers, and other commercial and industrial land uses.

The following minimum number of loading spaces shall be provided for each use:
Commercial, industrial, office, institutional, hospital, hotel, schools:

<u>Gross floor area</u>	<u>Spaces required</u>
Less than 25,000 sf. of gfa.	1
25,001 + sf.	1+ additional as required by the Director

Requirements for uses not specifically listed shall be determined by the Director based upon the requirements for comparable uses and upon the particular characteristics of the proposed use, pursuant to Section 159.02.070 (3) (Similar Uses Permitted).

159.26.040 DESIGN STANDARDS

Off-street loading spaces shall be provided in the following manner:

1. ACCESS

When the lot upon which the loading space is located abuts an alley, the loading space shall have access from the alley.

2. DIMENSIONS

Required freight and equipment loading spaces shall be no less than 15 feet in width, 50 feet in length, with 14 feet of vertical clearance.

3. LIGHTING

Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy-efficient and in scale with the height and use of the structure. Any illumination, including security lighting, shall be directed away from adjoining properties and public rights-of-way.

4. LOCATION

Loading spaces shall be located and designed as follows:

- A. Adjacent to, or as close as possible to, the main structure.
- B. Situated to ensure that all loading and unloading takes place on-site and in no case within adjacent public rights-of-way, or other traffic areas on-site.
- C. Situated to ensure that all vehicular maneuvers occur on-site.

5. PASSENGER LOADING

Passenger loading spaces shall be provided in addition to any required freight and equipment loading spaces whenever required by a Development Permit. Passenger loading spaces shall be no less than 10 feet wide and 20 feet long, shall be located in close proximity to the structure entrance, and shall not require pedestrians to cross a driveway, parking aisle, alley, or street in order to reach the structure entrance. Required loading spaces shall not count as required parking spaces.

6. SCREENING

All loading areas abutting residentially designated property shall have a 6 foot high solid architecturally treated decorative masonry wall approved by the Director; a higher screening wall may be required as determined appropriate by the Director. All wall treatments shall occur on both sides. In addition, adequate area shall be provided adjacent to public rights-of-way to accommodate a required 3 foot high permanently maintained and irrigated landscaped berm.

7. SECURITY

All loading facilities shall be designed, constructed, and maintained with security as a priority to protect the safety of the users.

8. STRIPING

Loading areas shall be striped indicating the loading spaces and identifying the spaces for loading only. The striping shall be permanently maintained in a clear and visible manner.

9. SURFACING

Loading areas shall be surfaced with a minimum thickness of 4 inches of asphaltic concrete over a minimum thickness of 6 inches of an aggregate base material or an equivalent structural section to be approved by the City Engineer.

10. WHEEL STOPS/CURBING

Continuous concrete curbing at least 6 inches high and 6 inches wide shall be provided for all loading spaces, and shall be set at least 3 feet from any wall, fence, property line, walkway or structure.

ARTICLE III: GENERAL

CHAPTER 159.28 LANDSCAPING STANDARDS

159.28.010 PURPOSE

The purpose of this Chapter is to establish landscaping regulations that are intended to:

1. Establish and enhance the aesthetic appearance of development in all areas of the City by providing standards relating to quality, quantity and functional aspects of landscaping and landscape screening.
2. Increase compatibility between residential and abutting commercial and industrial land uses.
3. Reduce the heat and glare associated with development.
4. Protect public health, safety, and welfare by minimizing the impact of all forms by physical and visual pollution, controlling soil erosion, screening incompatible land uses, preserving the integrity of neighborhoods, and enhancing pedestrian and vehicular traffic and safety.

159.28.020 APPLICATION

A concept landscaping plan shall be submitted as part of a permit application, pursuant to Chapter 159.32 (Applications and Fees).

The concept plan shall meet the intent of this chapter by exhibiting a generalized design layout which adequately demonstrates the desired landscaping program in terms of location, size/scale, function, theme and similar attributes. The concept plan shall provide the review authority with a clear understanding of the landscaping program prior to the preparation of a detailed, comprehensive landscaping plan.

159.28.030 GENERAL REGULATIONS

The comprehensive landscaping plan shall be prepared following approval of the permit application by the review authority. Submittal of the comprehensive plan shall be concurrent with the grading plan(s) and other documents and reports. This section and those that follow provide the regulations to be followed in the preparation of the comprehensive landscape program.

In addition to the following regulations, the Director requires the use of the procedures and policies to ensure effective implementation of a landscape and irrigation plan.

1. Landscape designs shall be in harmony with the surrounding environment.
2. Landscape design and construction shall emphasize drought-tolerant landscaping whenever/wherever possible.
3. Processing of landscape plans shall conform to the policies and procedures of the Director. A fully dimensioned comprehensive landscape and irrigation plan shall include, but not be limited to:
 - List of Plants (Common & Botanical) +Any other information deemed necessary, by the Director of Parks and Recreation.
 - Size
 - Location
 - Irrigation Plan
 - Hardscape
 - Water Elements
4. The planting of trees and shrubs shall comply with the following installation requirements:
 - A. Landscape areas shall have plant material selected and planting methods used which are suitable for the soil and climatic conditions of the site. Sizes of the plant materials shall conform to the following mix:
 - Trees
20%, 24 inch box;
50%, 15 gallon

In addition, every reasonable effort shall be made to preserve and re-integrate mature trees and other vegetation appropriate for landscape use, including but not limited to palo verde, smoke tree, mesquite, encilia, and cactus.

 - Shrubs
80%, 5 gallon; and
20%, 1 gallon
 - Groundcover
100% coverage within 1 year. Decorative shale/gravel/crushed rock may also be used as groundcover, which must also include vegetative groundcover.
 - B. Trees shall be long-lived, clean, require little maintenance, be structurally strong, insect and disease resistant, and require limited pruning.
 - C. Trees and shrubs shall be planted so that a maturity they do not interfere with service lines, Traffic Safety Sight Area, basic property rights of adjacent property owners, particularly the right of solar access, pursuant to Section 159.20.030 (23) (Solar Energy Design Standards).
 - D. Trees planted near public curbs shall have a limited root structure and shall be installed in such a manner as to prevent physical damage to sidewalks, curbs, gutters and other public improvements. A deep root system shall be used.
5. Where trees are planted in paved areas, they shall have a protective tree grate or other appropriate hard- or landscape interface. If used, tree grates shall be cast iron with a natural finish. A deep root system shall be used.

6. Concrete mow strips are recommended to separate turf areas from other landscaped areas for all developments except single family residential.
7. Buffer planting shall occur along all freeways, highways and major arterials in order to visually screen uses and provide noise reduction. This landscaping shall be in addition to screening requirements set forth in Sec. 159.28.040 below.
8. Appropriate shrubbery, vines and other planting materials shall be provided along all walls and fences adjoining public rights-of-way.
9. When inorganic groundcover is used, it shall be in combination with live plants and may be best used as an accent feature.
10. All landscaping shall have an approved automatic irrigation system.
11. All residential subdivisions shall be provided with trees, shrubs, and ground cover in the front yard and that portion of the side yards which are visible from the street. The type and quality shall generally be consistent or compatible with that characterizing single-family homes. All landscaped areas shall be provided with an automatic irrigation system adequate to insure their viability. The landscape and irrigation plans shall be approved by the Director.

159.28.040 SCREENING REQUIREMENTS

1. Every development shall provide sufficient screening so that neighboring properties are effectively shielded from any adverse impacts of that development or so that the new developing use shields itself from existing potential impacts from uses already in operation.
2. Section 159.28.040(3) describes the type of screening method required between various uses in order to provide a mechanism to buffer potential negative impacts. The Director and/or Commission shall determine the type of screening required of the proposed use to be developed and which adjoins the property to be developed.
3. The three basic types of screens that may be required are as follows:

A. OPAQUE SCREEN, TYPE A GUIDELINES

A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spacial separation. The opaque screen may be composed of a wall, fence, or densely planted vegetation. Compliance of planted vegetative screens will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen should be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide. Suggested planting patterns are shown in Figure 28.01.

B. SEMI-OPAQUE SCREEN, TYPE B GUIDELINES

A screen that is opaque from the ground to height of 3 feet, with intermittent visual obstruction from above the opaque portion to a height of a least 20 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, or planted vegetation. Compliance of planted vegetative screens will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of

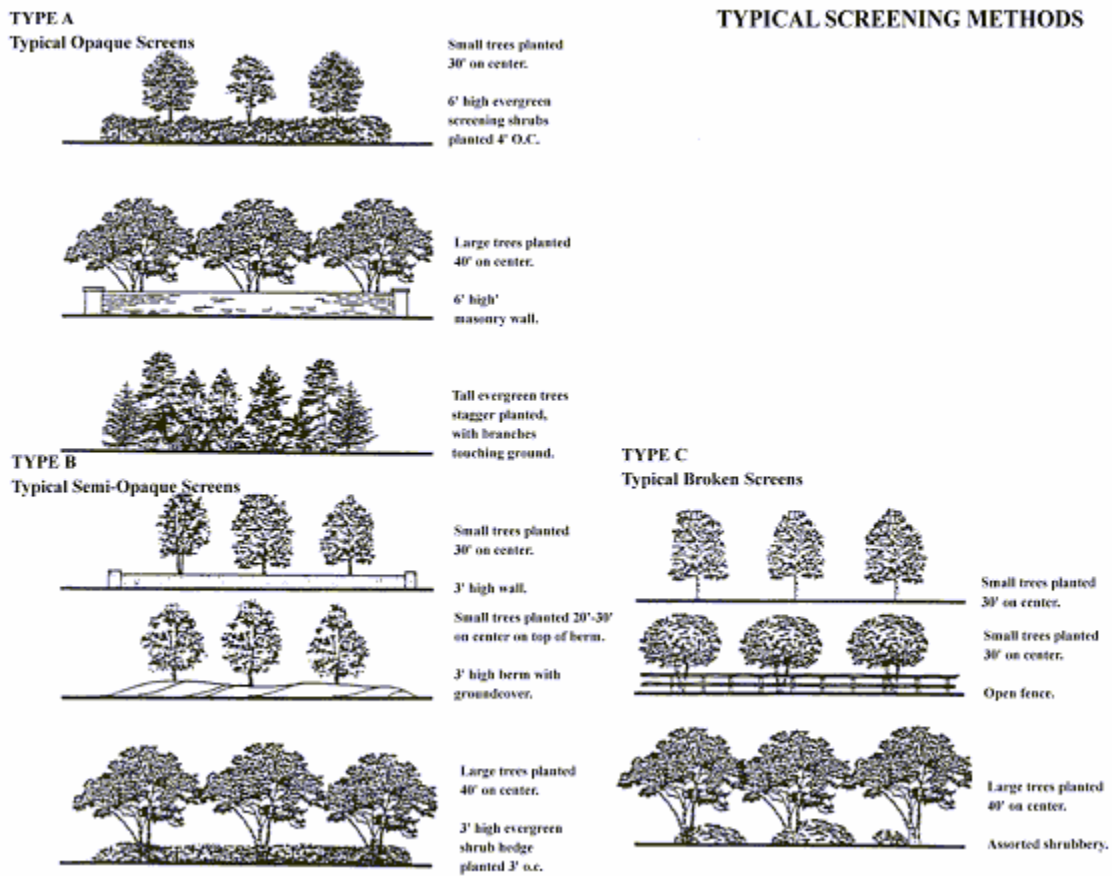
intermittent visual obstructions should not contain any completely unobstructed openings more than 15 feet wide.

C. BROKEN SCREEN, TYPE C GUIDELINES

A screen composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants.

- The screening requirements set forth in this section may be interpreted with some flexibility by the Director and Commission in their enforcement of the standards.

FIGURE 28.01



159.28.050 SETBACK AND PARKWAY TREATMENT STANDARDS

Landscape plans for setback and parkway areas shall include but not be limited to the following:

1. Setback and parkway areas shall be properly designed and landscaped in order to establish a high level of development quality while providing for neighborhood identity where appropriate. The design shall utilize uniform street tree planting with complementary landscape materials.
2. Provide a design, which ensures the desired screening, shading, appearance and compatibility with established setback and parkway areas, including a sensitive transition between diverse landscape types and patterns.
3. Incorporate mounding within the overall design, with landscaped slopes not exceeding a 3:1 ratio, or 3 feet in height. A minimum of 6 feet of landscaping shall be placed on the exterior of perimeter walls and fences.
4. Incorporate walls and fences into the landscape design, including the special treatment of meandering walls, and wall breaks or openings where the design shall complement the interior landscaping of the adjacent development.
5. The appropriateness of street tree varieties and their exact location shall be determined by the Director, who may mark locations on plans and inspect plant material on site, prior to planting. Sidewalks, curb and gutter, must be clean of debris prior to marking. A 24-hour notice is required for inspection. The size of the street trees shall be 24-inch box specimens. The 24-inch box trees shall be planted as street trees within the public parkway or City property.

159.28.060 CORNER TREATMENT STANDARDS

Landscape plans for any development involving corner lots shall include additional special design requirements, including but not limited to the following:

1. A minimum landscape area of 300 square feet for corner areas.
2. Incorporate significant landscape and water features, including specimen trees, coordination with wall breaks or openings, and special "City entry" image treatment wherever appropriate.
3. Specimen trees shall be a minimum of 24-inch box size.
4. Ensure that any corner landscape plan within the "Traffic Safety Sight Area", as defined, shall be designed to protect public safety.

159.28.070 INSTALLATION OF LANDSCAPING

All required landscaping shall be properly installed, irrigated, inspected and permanently maintained prior to use of property or the issuance of a Certificate of Occupancy, whichever first occurs. The landscaping and irrigation shall be inspected as stated in the procedures and policy for landscaping and irrigation.

159.28.080 MAINTENANCE OF LANDSCAPING

1. Maintenance of approved landscaping shall consist of regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants, and the repair and replacement of irrigation systems and integrated architectural features.
2. Prior to the issuance of a Certificate of Occupancy, the landowner may be required to file a maintenance agreement or covenant and easement to enter and maintain, subject to the approval of the City Attorney. The agreement or covenant and easement to enter and maintain shall ensure that if the landowner, or subsequent owners, fails to maintain the required/installed site improvements, the City will be able to file an appropriate lien(s) against the property in order to accomplish the required maintenance.

159.28.090 REMOVAL OR DESTRUCTION OF TREES

Removal of healthy, shade providing, aesthetically valuable trees shall be discouraged. In the event that more than 5 trees are to be cut down, uprooted, destroyed or removed within a 36 month period, a permit shall first be issued by the Planning Department.

Prior to any permit issued for tree removal, all existing trees on-site shall be surveyed by the Community Development Department at the developer's expense. Unless there is a pre-approved tree replacement plan, each tree that is removed in a new subdivision and is considered to be of significant value shall be replaced with a 24 inch box specimen tree in the subdivision in addition to any other required landscaping. Such a plan does not necessarily require a tree for tree replacement provision. Commercial tree farms, City Government projects, and individual single-family residential lots less than one acre shall be exempt from this provision.

159.28.100 EROSION CONTROL LANDSCAPING

Landscaping for the purpose of erosion control shall be installed in a manner consistent with the conditions of the slope. Where stabilization of soils is required, a combination of fast growing groundcovers and shrubs shall be used to affect control in the shortest time possible. Plans for effective erosion control shall be included in required landscape plans and shall be approved by the Director.

159.28.110 APPLICABLE REGULATIONS

All landscape plans shall be subject to the applicable regulations of the Zoning Ordinance, including, but not limited to Article IV, Administration Provisions.

159.28.120 LANDSCAPE DESIGN GUIDELINES

1. PURPOSE

The following design guidelines are intended as a reference framework to assist the designer in understanding the City's goals and objectives for high quality development. The guidelines will be utilized during the City's design review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

2. APPLICABILITY

The provisions of this section apply to all development projects within the City, unless otherwise specified herein. Any addition, remodeling, relocation, or construction requiring a building permit subject to review by the Director, shall adhere to these guidelines where applicable.

Unless there is a compelling reason, these design guidelines shall be followed. Guidelines may be waived by the Director. An appeal, which does not require a fee, may be filed by any Commission member within 15 days or waiver approval shall be final.

3. GENERAL GUIDELINES

- A. Landscaping and open spaces should be designed as an integral part of the overall site plan design. Landscaping and open spaces should enhance the building design, enhance public views and spaces, provide buffers and transitions, provide for a balance of solar uses, and provide screening.
- B. Landscape design should accent the overall design theme through the use of structure such as arbors and trellises which are appropriate to the particular architectural style of adjacent structures.
- C. Landscaped areas should incorporate plantings utilizing a three tier system; 1) grasses and ground covers, 2) shrubs, and 3) trees.
- D. The following are common planting design concepts that should be used whenever possible:
 - 1. Specimen trees used in informal grouping and rows at major focal points
 - 2. Extensive use of flowering vines both on walls and arbors
 - 3. Pots, vases, wall or raised planters
 - 4. Plantings to create shadow and patterns against walls
 - 5. Trees to create canopy and shade, especially in parking areas
 - 6. Flowering trees in informal groups to provide color
 - 7. Informal massing of colorful plantings
 - 8. Distinctive plants as focal points

9. Berms, plantings, and low walls to screen parking areas from view of public rights-of-way, while allowing filtered views of larger buildings beyond
- E. Planting areas between walls and streets should be landscaped in a hierarchy of plants in natural formations and groupings. Solid walls 3'-0" or higher may also receive vines when adjacent to public streets.
- F. A colorful landscape edge should be established at the base of buildings. Avoid asphalt edges at the base of structures as much as possible. Plant materials located in container are appropriate.
- G. Planting masses on-site should assume a simple, non-uniform arrangement. The diversity of massing types should be great enough to provide interest, but kept to a level, which evokes a relaxed natural feeling.

4. **INSTALLATION AND MAINTENANCE**

- A. Trees should be adequate in trunk diameter to support the top area of the tree. Trees, shrubs, and vines should have body and fullness that is typical of the species.
- B. All ground cover should be healthy, densely foliated, and well rooted cuttings, or one gallon container plants. Herbaceous and flat plant ground covers should be planted no more than 12 inches on center and woody, shrub ground cover should be planted no more than 3 feet on center.
- C. The spacing of trees and shrubs should be appropriate to the species used. The plant materials should be spaced so that they do not interfere with the adequate lighting of the premises or restrict access to emergency apparatus such as fire hydrants or fire alarm boxes. Proper spacing should also insure unobstructed access for vehicles and pedestrians in addition to providing clear vision of the intersections from approaching vehicles.

Plant material should conform to the following spacing standards:

1. A minimum of 25 feet from the property corner at a street intersection to the center of the first tree or large shrub.
2. A minimum of 15 feet between center of trees and large shrubs to light standards.
3. A minimum of 15 feet between center of trees or large shrubs and fire hydrants.
4. A minimum of 10 feet between center of trees or large shrubs and edge of driveway.

ARTICLE III: GENERAL

CHAPTER 159.30 SUBDIVISION REGULATIONS

159.30.010 GENERAL

The subdivider, as a condition of approval of the final or parcel map shall, consistent with Subdivision Map Act (Map Act) Sections 66411.1 and 66462.5, improve or agree and guarantee to improve all land either within or outside the subdivision to be used for public or private streets, alleys, pedestrian ways, easements or other improvements in compliance with this Zoning Ordinance.

159.30.020 REQUIRED IMPROVEMENTS

Completion of improvements outlined within this Chapter shall be in compliance with any agreement entered into by the sub-divider and the City as well as plans and standard specifications applicable at the time of issuance of grading or building permits.

159.30.030 BLOCK STANDARDS

The lengths, widths and shapes of blocks shall comply with the following standards:

1. Convenient access, circulation, control and safety of street traffic, as outlined in the Circulation Element of the General Plan;
2. Lot specifications, as outlined in this Zoning Ordinance; and
3. Limitations and opportunities of existing topography.

159.30.040 GRADING

Proper grading and erosion control, including the prevention of sedimentation or damage to off-site property shall be in compliance with the standards outlined in Section 159.30, and Map Act Section 66411.

159.30.050 IMPROVEMENT STANDARDS

1. The subdivider shall provide and install all required streets and related improvements, either within or outside the subdivision, in compliance with the policies and procedures of the Department of Public Works/City Engineer, and the serving utility company. These improvement requirements shall be imposed as a condition of approval at the tentative map stage, and shall be completed or bonded for prior to recordation of the final map.

2. After final approval of the street lighting systems, it shall become the property of the City. The systems shall not be installed by a public utility or attached to poles or to a system owned by a public utility.
3. The subdivider shall pay to the City the cost of electrical energy for the street lighting system installed for his/her subdivision for a period of forty-eight months from the date of acceptance by the Director of Public Works/City Engineer. Payment shall be made to the City in one lump sum, prior to map recording, based on estimated rates approved by, and on file with the Director of Public Works/City Engineer.

159.30.060 LOT STANDARDS

The design, size shape and orientation of each lot, which provides for a suitable building site, shall be appropriate to its location and type of development contemplated. The following standards shall apply:

1. The lot lines of all lots, so far as practical, shall be at approximately right angles to the fronting street, or approximately radial to the center of the curvature, if the street is curved. Sidelines of each lot shall be approximately radial to the center of the curvature of a cul-de-sac, where applicable;
2. No lot shall be divided by a City or special district boundary line. Division of the lot by a tax code boundary shall be avoided;
3. Corner lots for residential use shall have extra width pursuant to Section 159.04.030 (1) (Table 04.02) to permit appropriate building setback from both streets;
4. Through lots and reverse corner lots shall be avoided;
5. All lots that abut on arterial streets or highways shall have an additional 10 feet of depth which shall be included as part of the landscape maintenance district;
6. No remnants of property, with the exception of 1 foot control lots and approved non-buildable sites, shall be created which do not conform to lot requirements or which are not required for public or private utility purposes;
7. Lot lines between adjacent lots within a subdivision shall be located at the top of any graded slope; and
8. All lots shall conform to the requirements contained in this Zoning Ordinance.

159.30.070 MEDIAN STANDARDS

Median islands shall be installed as a condition of approval of a tentative map at appropriate locations, and in compliance with City standards in effect at the time of issuance of a Construction Permit.

159.30.080 SANITARY SEWERS

The subdivider, as a condition of approval of a tentative map, shall provide and install adequate sanitary sewer facilities, either within and/or outside the subdivision, in compliance with the policies and procedures of the Department of Public Works/City Engineer and the public service purveyor.

159.30.090 STORM DRAINAGE RETENTION

The subdivider, as a condition of approval of a tentative map, shall provide and install storm drainage and/or retention improvements, either within and/or outside the subdivision, in compliance with the policies and procedures of the Department of Public Works/City Engineer.

159.30.100 STREET TREES

The subdivider, as a condition of approval of a tentative map, shall provide and install approved street trees within the street right-of-way, dedicated planting easement, or within a combination of both in compliance with City standards.

For street trees not installed at time of acceptance of the public improvements, the subdivider shall deposit funds in the amount established by the City Council. These funds shall be deposited in a Project Street Tree Fund, and shall be used for the purchase and planting of street trees, as the lots become occupied. The subdivider shall provide a specified list of City-approved trees for selection by the new lot owner.

159.30.110 UNDERGROUND UTILITIES

As a condition of approval of a tentative tract map, Mobile home Park, RV Park, etc., shall provide for the undergrounding of all existing and proposed utility distribution or transmission facilities (e.g. cable television, electric, gas, telephone and water), within the subdivision/development and along peripheral streets, in compliance with the following standards:

1. Utility lines, including, but not limited to, electric, communications, street-lighting and cable television shall be required to be placed underground in compliance with the specifications of the public utility providing such services. The subdivider is responsible for complying with the requirements of this Section, and shall make the necessary arrangements with the utility companies for the granting of easements and installation of such facilities. Exceptions to the underground requirements are as follows:
 - A. Transformers, pedestal-mounted terminal boxes, meter cabinets and concealed ducts may be placed above ground if within the subdivision and are used solely in connection with the underground transmission or distribution lines;
 - B. Poles supporting street lights, and the electrical lines within the poles, may be situated above the surface of the ground;
 - C. The City Council may waive any requirement of this Section if topographical, soil or other similar physical conditions make such underground installation unreasonable or impractical;
 - D. Any Parcel Map with a maximum of 4 residential parcels, no parcel of which has previously been exempted from this Section; and where at least 50% of the surrounding area within a radius of 500 feet has been previously developed without undergrounding utilities;
 - E. That portion of a previously developed nonresidential Parcel Map; and
 - F. The requirement to underground shall apply to all utility lines traversing a subdivision, or installed along either side of the streets and alleys adjoining the subdivision, except for electrical lines of 33 KVA or more. Where 1 line is exempt, all parallel lines on that same pole shall be exempt.
2. Subdividers/developers shall make the necessary arrangements with cable television operators to comply with the following requirements with respect to cable television installation in residential subdivisions:
 - A. Pre-wire all residential structures;
 - B. Connect laterals to each residential structure with a minimum of 2 outlets wired in each structure; and
 - C. Install "flush mounts" or "pedestals" as required by the cable television operator which will service the subdivision.

3. Payment for costs of undergrounding shall be as follows:
 - A. Arrangements, including payment of costs, shall be made by the subdivider directly with the serving utility company(s). Undergrounding of utility structures may be done by the subdivider, with permission from the serving utility;
 - B. For subdivisions with frontages of less than 300 feet, the City Engineer may accept a cash payment from the subdivider, in lieu of immediate undergrounding of the lines. Payments will be based upon a written estimate of the short unit cost from the serving utility company(s), and will reflect the subdivisions proportionate share of the estimated cost for undergrounding the lines over the entire area adopted by the City Engineer. Determination may be made by the City Engineer at the time any application is made to pay fees pursuant to this Section;
 - C. A Subdivider with property frontage of any length may elect to enter into an agreement with the City to defer the undergrounding until the utility lines along the frontage of 1 or more of the adjoining parcels are undergrounded. The agreement shall require the cost of the undergrounding, as determined pursuant to subsection (3) (B) to be made in semi-annual payments over a period of 5 years. The agreement shall be secured by a bond, or security interest in the subject real property;
 - D. A subdivider with property frontage of any length may petition the City to establish an assessment district to fulfill the requirement for undergrounding utilities. Prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structure in the subject subdivision, subdivider shall have an assessment district in place or shall have made provision for undergrounding pursuant to Sections (3) (A) through (C);
 - E. In the event that property on the opposite side of any street or highway from the property line along which undergrounding is required is vacant, and a single set of poles carry the overhead utility lines for both sides of the street or highway, the subdivider shall pay 50% of the estimated cost of undergrounding. When the vacant property is developed, the subdivider of the property shall, as a condition of the issuance of building permits, be required to pay the remaining 50% of the cost of such undergrounding. Where the property is not vacant, or more than 1 set of poles carry utility lines along the street or highway, the subdivider shall pay the full cost of required undergrounding; and
 - F. Unless otherwise specified any other provision herein notwithstanding, the entire cost to underground street crossing utility lines shall be the responsibility of the subdivider of the property served by the utility lines.

4. Deposit of payments for costs of undergrounding shall be as follows:
 - A. All payments collected pursuant to this Section shall be deposited into a City administered line item account for undergrounding utilities. Separate accounts shall be maintained for undergrounding in defined geographic areas throughout the City, as established by the City Engineer; and
 - B. In no event shall the payments from subdividers on both sides of the street exceed the total estimated cost for undergrounding utilities along that section of street plus reasonable costs of administering this Section as approved by the City Council.

159.30.120 WALLS

Each lot located on the exterior boundary of the subdivision shall have a wall adequate to prevent access between the lot and adjacent properties or streets subject to the approval of the Director and in compliance with this Zoning Ordinance.

159.30.130 WATER SUPPLY

The subdivider, as a condition of approval of a tentative map, shall provide and install adequate water supply facilities, either within and/or outside the subdivision, in compliance with the requirements of the applicable water district. Design and installation plans shall be subject to approval by the City Engineer and/or water district.

159.30.140 WELLS

Any water wells, which are required to be abandoned by conditions of approval or state law shall be abandoned in a manner approved by the City Engineer and the State Department of Water Resources. The location of any well shall be delineated on the final map, and well logs, if available, shall be submitted to the City and/or water district.

159.30.150 WIND EROSION

A subdivider, as a condition of approval of a tentative map, for a subdivision located within an area subject to high wind erosion shall comply with the following standards, consistent with the General Plan, this Zoning Ordinance and City regulation to control PM₁₀:

1. A solid masonry wall with a height of 6 feet and subject to design and materials approval by the Director shall be constructed on the peripheral boundary of the subdivision to protect it from the prevailing wind. Where the required wall extends over a future street opening, a fence, 6 feet in height, and subject to design and materials approval by the Director, may be substituted for the masonry wall;

2. Lots within and/or outside of the subdivision that have had soil disturbed during construction shall be covered with protective landscaping materials, subject to the approval of the City Engineer and in accordance with the City's PM₁₀ control plan; and,
3. Prior to and during construction, streets and disturbed open areas within and/or outside of the subdivision shall be treated by watering or other approved method to prevent fugitive dust.

159.30.160 DEFERRED IMPROVEMENT AGREEMENTS

1. SUBDIVISIONS OF 4 OR LESS PARCELS

The frontage improvements may be deferred when deemed appropriate by the City Engineer. Deferral will be allowed when the City Engineer finds that construction is impractical due to physical constraints, or the surrounding neighborhood is absent similar improvements. When improvements are deferred, the subdivider shall enter into an agreement with the City for the installation of all frontage improvements at a future date as determined by the City. The agreement shall provide for the following:

- A. The agreement shall be acceptable to the Director, City Engineer and City Attorney;
- B. Construction of required improvements shall begin within 90 days of the receipt of notice to proceed from the City;
- C. In the event of default by the owner or successors, the City is authorized to cause the construction to be done and charge the entire cost and expense to the owner or successors, including interest from the date of notice of the cost and expense until paid;
- D. This agreement shall be recorded in the office of the County Recorder at the expense of the owner and shall constitute notice to all successors of title to the real property of the obligation set forth, and also a lien in an amount to fully reimburse the City, including interest as above, subject to foreclosure in event of default in payment;
- E. In event of litigation caused by any default of the owner or successors, the owner or successors agree to pay all costs involved, including reasonable attorneys fees, which shall become a part of the lien against the real property;
- F. The term "owner" shall include not only the present owner but also heirs, successors, executors, administrators and assigns, with the intent that the obligations undertaken shall run with the real property and constitute a lien against it; and
- G. Any other provisions deemed necessary by the City

The agreement shall not relieve the owner of any other specific requirements of the Map Act or this Zoning Ordinance.

2. REMAINDERS

Where remainders are made part of a final or parcel map, the subdivider may enter into an agreement with the City to construct improvements within, and along exterior boundaries of the remainder at a future date and prior to the issuance of a permit or other entitlement for development of a remainder parcel. The improvements shall be at the subdividers expense. In absence of an agreement, the City may require completion of the construction improvements within a reasonable specified time following approval of the final or parcel map upon a finding that completion of the improvements is necessary for the following reasons:

- A. The public health and safety; or
- B. The required construction is a mandatory prerequisite to the orderly development of the area.

159.30.170 DESIGN

The design and layout of all required improvements, both on and off-site, public and private, shall conform to generally accepted engineering standards, the Map Act and applicable provisions of the Municipal Code.

1. STREETS

The design and layout of all required streets shall comply with the following standards/requirements:

- A. In compliance with the Circulation Element and all other related provisions of the General Plan;
- B. Direct driveway access shall be avoided when possible from arterials and collector streets as identified in the Circulation Element. Circular driveways or turnarounds shall be provided when direct access is unavoidable; and
- C. In compliance with standards established by the City Engineer including:
 - 1. Specific cross-section street standards, based upon and related to the use to be made of the street(s);
 - 2. Offset intersections shall be a minimum of 150 feet centerline to centerline for local streets. A greater distance shall be established for larger streets as determined by the City Engineer; and
 - 3. No cul-de-sac shall exceed 500 feet in length unless approved by the Fire Marshall and Planning Commission, or as otherwise provided in Chapters 159.15 and

159.17.

2. SIDEWALKS

Except as provided in Chapter 159.15 and 159.17, sidewalks shall be provided for all lots included in the subdivision. The sidewalks shall be of such width as may be required by the Policies and Procedures of Public Works, but in no case less than 5 feet in width adjacent to the curb in a residential area, or less than 6 feet in a commercial or industrial area. Considerations in design are to be given for handicapped persons and senior citizens. In addition, the following shall apply:

- A. Required sidewalk widths may include street signs, lights, fire hydrants, etc. These sidewalks should be located adjacent to the curb. However, in no instance may the clear path of travel be reduced to less than 4 feet.
- B. Meandering sidewalks, where used, shall be 5 feet in width and shall not include street signs, lights, etc;
- C. Sidewalks constructed of alternative paving materials as approved by the City Engineer, shall have smooth surfaces to ensure pedestrian safety. Asphalt shall not be used as an alternative paving material; and
- D. Undulating sidewalks are not permitted.

3. ALLEYS

All alleys shall have a minimum width of 20 feet. Intersecting alleys shall have a corner cutoff or radius of not less than 20 feet.

4. CORNER TREATMENT

At all block corners there shall be a rounding at the curb to a minimum radius of 25 feet. There shall also be a rounding of the property lines or a corner cutoff as established by the City Engineer.

159.30.180 CABLE TELEVISION SERVICE

The design of subdivision shall provide 1 or more appropriate cable television systems an opportunity to construct, install and maintain any necessary equipment, pursuant to Map Act Section 66473.3. Conduits and manvaults shall be dedicated to the City. This Section is not

intended to require free access to a subdivision, but to allow a cable franchise the opportunity to negotiate for providing service.

159.30.190 ENERGY CONSERVATION

The design of a subdivision shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities, solar access, etc. pursuant to Map Act Section 66473.1.

159.30.200 ACCESS

All subdivisions shall abut upon, or have an approved access to public street. In addition, the following standards shall apply:

1. Each lot or unit within the subdivision shall have approved direct access to a public or private street;
2. Street layout shall be designed to provide for future access to, and not impose undue hardship upon, property adjoining the subdivision;
3. No new direct driveway access from individual residential lots onto divided major arterials, major arterials or minor arterials shall be permitted, unless approved by the
4. In the case of private streets, the subdivider shall provide an appropriate method for permanent maintenance subject to approval of the City Engineer and the City Attorney; and
5. Reserve strips, or non-access at the end of any street or at the exterior boundary of the subdivision, shall be dedicated unconditionally to the City, when required.
6. A tentative tract or parcel map shall provide for at least 2 different standard routes for ingress and egress. A standard route is a road, which is dedicated to the City and has a minimum paved width of 40 feet.

159.30.210 IMPROVEMENT PLANS

Improvement Plans shall be prepared by a registered civil engineer licensed by the State of California, and shall include, but not be limited to, all improvements required in this Chapter.

1. FORM AND CONTENT

The form, content and supporting data of an improvement plan shall conform to the requirements of the City Engineer.

2. REVIEW AND APPROVAL BY CITY ENGINEER

The subdivider shall submit the preliminary improvement plans and all supporting data to the City Engineer for review. The subdivider shall revise the improvement plans until in final form as deemed by the City Engineer. Upon completion of the improvement plans and satisfaction of all other requirements of this Zoning Ordinance, the subdivider shall transmit the original set of improvement plans to the City Engineer for final review and signature. The originals shall be retained by the City.

Approval by the City Engineer shall in no way relieve the subdivider or the subdividers engineer from responsibility for the design of the improvements and for any error, omission or any deficiency resulting from the design or from any required conditions or approval of the tentative map.

3. REVISIONS TO APPROVED PLANS

A. BY SUBDIVIDER

Requests by the subdivider for revisions to the approved plans, appearing necessary during construction, shall be submitted in writing to the City Engineer and shall be accompanied by revised drawings showing the proposed revision(s) and appropriate fees. If found acceptable and consistent with the approved tentative map, the amended originals shall be initialed by the City Engineer. Construction of any proposed revision(s) shall not proceed until the revised plans have been initialed by the City Engineer.

B. BY CITY ENGINEER

When revisions are deemed necessary by the City Engineer to protect the public health and safety, or as field conditions may require, a request shall be made to the subdivider. The subdivider shall revise the plans and transmit the original(s) to the City Engineer for initialing within the time specified by the Engineer.

Construction of all, or any portion of, the improvements may be stopped by the City Engineer, in compliance with the Municipal Code, until the revised drawings have been submitted, approved and initialed.

159.30.220 IMPROVEMENT AGREEMENT

The improvement agreement shall be prepared and signed by the Mayor and approved as to form by the City Attorney. The agreement shall provide for the following:

1. Construction of all improvements according to approved plans and specifications on file with the City Engineer;

2. Completion of improvements within the time specified by Section 159.30.020 (Required Improvements);
3. Right by City to modify plans and specifications;
4. Warranty by subdivider that construction will not adversely affect any portion of adjacent properties;
5. Payment of fees in compliance with the City's "Schedule of Fees";
6. Payment of in-lieu fees for undergrounding of utilities on peripheral streets as well as payment of in-lieu fees for parkland dedication as may be required;
7. Payment of Area of Benefit Fees, if applicable;
8. Improvement security as required by Section 159.30.020. Improvement security for subdivisions of 4 or less parcels shall be provided before performance of the work;
9. Maintenance and repair of any defects of failures and causes thereof;
10. Release of the City from all liability incurred by the subdivision and payment of all reasonable attorney's fees that the City may incur because of any legal action resulting from the subdivision; and
11. Any other deposits, fees, or conditions required by this Zoning Ordinance, and as may be required by the City Engineer.

159.30.230 IMPROVEMENT SECURITY

1. REQUIRED

Any improvement agreement, contract or act required or authorized by the Map Act, for which security is required, shall be secured pursuant to Map Act Section 66499.

2. GENERAL

A. IMPROVEMENT AGREEMENT

The subdivider shall enter into a contract with the City, acceptable to the City Attorney, to make, install and complete within the time fixed, but in no case more than 2 years from the date of execution of the contract, all improvements and land alteration(s) in compliance with approved plans.

B. SECURITY ARRANGEMENTS

1. The subdivider shall file security to guarantee completion of public and private improvements with the improvement agreement as follows:
 - a. A faithful performance security in an amount deemed sufficient by the City Engineer to cover up to 100% of the total estimated cost of all required improvements, including bonding requirements for grading as outlined in the Municipal Code;
 - b. A labor and material security to cover up to 50% of the total estimated cost of all required improvements;
 - c. A grading security as required by the Municipal Code;
 - d. A monumentation security in an amount stipulated by the City Engineer to cover the cost of placing lot corners and other related monuments;
 - e. If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and labor and material security required by the special assessment act being used, the City may reduce the improvement security of the subdivider by an amount corresponding to the amount of the security furnished by the contractor; and
 - f. Notwithstanding the above, the subdivider may satisfy the requirement for security of certain improvements by providing proof that same has been posted with another public agency subject to the approval of the City Engineer.
2. Security may be 1 of the following types subject to the approval of the City Engineer and City Attorney as to form:
 - a. Bonds. All bonds shall be executed by a surety company authorized to transact business as a surety, and have an agent for service in California, together with an "A" policy holder's rating and a financial rating of at least "V" in compliance with the current "Best's" ratings. The bond(s) shall contain the nearest street address of the institution providing the bond(s).
 - b. Cash Deposits. In lieu of the faithful performance and labor and material bonds, the subdivider may submit cash deposits or negotiable bonds of a kind approved for securing deposits of public monies under the conditions hereinafter described.

Disbursements from cash deposits shall be made in compliance with a separate agreement between the subdivider and the City. A bookkeeping fee of 1% of the total amount deposited with the City for each cash deposit shall be submitted with each security. Disbursements from a cash deposit in any instance shall not be permitted unless and until authorized in writing by the Director.

- c. Letter of Credit. In lieu of faithful performance and labor and material bonds or cash deposits, the subdivider may submit a letter of credit subject to the California Commercial Code and under the conditions hereinafter described. The letter of credit shall be issued by a financial institution organized and doing business in, and subject to regulation by, the State of California or federal government, in a form, content, and duration as approved by the City Attorney, and shall pledge that the funds necessary to meet the performance are on deposit and guaranteed for payment and agree that the funds designated by the instrument shall become secured trust funds for the purposes set forth in the instrument. The letter of credit shall contain the nearest street address of the institution providing the instrument.
3. The City Clerk shall not endorse or sign its certificate contained on the final map unless and until improvement security as herein above specified has been posted.
4. The requirements stipulated above are applicable to any parcel map for which the installation of any public improvements or grading is a condition of approval.
5. No final or parcel map shall be presented to the City Council for acceptance until the requirements of this Section have been met and until all charges established by the City Council and pertaining to the property being subdivided have been paid.

3. IMPROVEMENT AGREEMENT NOT REQUIRED WITH SPECIAL PERMIT

Should the subdivider desire to do certain work prior to entering into an agreement with the City to install and complete all subdivision improvements and alteration work, the subdivider may make an application to do so under a special permit. This application shall be accompanied by detailed plans, describing the work which is proposed. The Director and City Engineer may issue a special permit to the subdivider upon submittal of an application, provided security has been posted in an amount which would insure the rehabilitation of the land, including grading and planting, in the event the subdivision map does not record. The security and contractor's qualifications shall be in compliance with this Section. When the special permit is for all work required in connection with the subdivision and the work has been completed and inspected prior to map recordation, an improvement agreement will not be required.

4. AGREEMENT BETWEEN REDEVELOPMENT AGENCY AND CITY IN LIEU OF BOND

An agreement between the Redevelopment Agency of the City and the City, approved by the City Attorney and unconditionally providing and guaranteeing that said Redevelopment Agency shall provide any or all required improvements and pay the costs thereof pursuant to the provisions of this Chapter, and which pledges the full faith and credit of said Redevelopment Agency, may be filed with the City Engineer as security in lieu of bond, cash, or certificate of deposit whenever the project is located in a redevelopment project area or the project is covered by a disposition and joint development agreement of which the City or Redevelopment Agency is a party. The guarantee agreement shall recite that the improvements will be in compliance with the redevelopment plan, if any, for the area and in furtherance of the public interest in promoting public or private development.

5. RELEASE OF SECURITY

Security provided may not be released. In the case of a letter of credit, the issuing bank or association will receive a copy of the Notice of Completion.

A. PROGRESS PAYMENTS

Progress payments may be made to the subdivider from any deposit money or letter of credit which the subdivider may have made in lieu of providing a security bond; provided, however, that no progress payment shall be made for more than 90% of the value of any installment of work. No progress payments from cash deposits shall be made except upon certification by the City Engineer, and the subdivider that work covered thereby has been completed.

B. RELEASE OF SECURITY

Improvements bonds given for faithful performance of the agreement shall be released upon final inspection and acceptance by the City Engineer. The labor and material bond shall be retained to secure payment to the contractor, the subcontractors, and to persons renting equipment or furnishing labor or materials for 6 months after completion and acceptance of the work. Following the 6-month period, the labor and material security may be reduced to an amount not less than the total of all claims on which an action has been filed and notice given in writing to the City.

C. MAINTENANCE GUARANTY

The subdivider shall guarantee all public improvements for a period of 1 year from the date of final acceptance and shall correct any and all defects of deficiencies arising during that period of limitation outlined in Code of Civil Procedure Sections 337 and 337.15, as a result of the acts or omissions of the subdivider, its agents, or employees. The subdivision guaranty shall be backed

by a bond or cash deposit in the amount of 25% of the surety posted for improvements. The City shall provide written notice of the defect or deficiency. In any instance where the subdivider fails to take action within the specified time, or when immediate action is required to protect the public health, safety and/or welfare, the City may cause the work to be performed and call on the surety for reimbursement. The maintenance security shall be submitted prior to final acceptance of the public improvements by the City.

D. FORFEITURE OF SURETY

In the event that subdivider fails to complete all improvement work in compliance with the provisions of this Section and the improvement agreement, and the City shall have to complete the same, the City shall call on the security for funds necessary to complete the improvement as reimbursement or shall appropriate from any cash deposit funds for reimbursement. If the amount of any security shall be less than the cost and expense incurred by the City, the subdivider shall be liable to the City for such difference. Any cash remaining in the possession of the City after completion of the improvement, shall be returned to the originator minus normal administrative costs.

159.30.240 CONSTRUCTION AND INSPECTION

The construction methods and materials for all subdivision improvements shall conform to City requirements.

Construction shall not commence until all required improvement plans have been approved by the City Engineer and all applicable City permits have been issued. All subdivision improvements are subject to inspection by the City Engineer and shall comply with City requirements.

159.30.250 COMPLETION OF IMPROVEMENTS

1. ALL SUBDIVISIONS

The subdivision improvements shall be completed by the subdivider within 12 months, or a later time as approved by the City Engineer, not to exceed a total of 24 months, from final map recordation, unless an extension is granted by the City Council.

If the subdivider fails to complete the subdivision improvements within the specified time limits, the City Council may, by resolution, cause any or all uncompleted improvements to be completed and the parties executing the security or securities shall be firmly bound for the payment of all necessary and appropriate costs.

2. EXTENSIONS

The completion date may be extended by the City Council upon written request by the subdivider and submittal of adequate evidence to justify the extension. The request shall be made not less than 30 days prior to expiration of the subdivision improvement agreement.

The subdivider shall enter into a subdivision improvement agreement extension with the City. The agreement shall be prepared by the City Engineer, approved as to form by the City Attorney, executed by the subdivider and surety and transmitted to the City Council for consideration. If approved by the City Council, the City Clerk shall execute the agreement on behalf of the City.

In consideration of a subdivision improvement agreement extension, the following adjustments may be required:

- A. Revision of improvement plans to provide for current design and construction standards when required by the City Engineer;
- B. Revised improvement construction estimates to reflect current improvement costs as approved by the City Engineer;
- C. Increase of improvement securities in compliance with revised construction estimates;
- D. Inspection fees may be increased to reflect current construction costs, but shall not subject to any decrease or refund; and
- E. Any fees then in effect.

The City Council may impose additional requirements as recommended by the City Engineer or as it may deem necessary as a condition to approving any time extension for the completion of subdivision improvements.

159.30.260 ACCEPTANCE OF IMPROVEMENTS

1. GENERAL

After all improvement deficiencies have been corrected and “Drawings of Record” improvement plans filed, the completed subdivision improvements shall be considered by the City Engineer for acceptance. The developer shall be responsible for the cost of providing “as built” revisions to the approved original “drawings of record” on file in the office of the City Engineer. Redlined drawings shall not be accepted for “as built” revisions.

Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily and that public improvements have been accepted for public use.

2. ACCEPTANCE OF A PORTION OF IMPROVEMENTS

Upon written report of the subdivider, the City Engineer may accept a portion of the subdivision improvements. The improvements shall only be accepted if the City Engineer finds that it is in the public interest, and the improvements are for the use of the general public.

Acceptance of a portion of the improvements shall not relieve the subdivider from any other requirements imposed by this Zoning Ordinance.

159.30.270 BICYCLE PATHS

As required by Map Act Section 66475, regarding dedication of roadways to the public, the subdivider shall also dedicate additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the subdivision, if the subdivision contains 200 or more parcels, pursuant to Map Act Section 66475.1.

159.30.280 BRIDGES AND MAJOR THOROUGHFARES

The purpose of this Section is to provide for improvements or the payment of fees to defray the actual or estimated cost of the construction of bridges over waterways, railways, highways and canyons and/or major thoroughfares as a condition of approval of a final map or as a condition of issuing a building permit, pursuant to Map Act Sections 66484 and 66489, consistent with the Circulation Element of the General Plan.

1. DEFINITIONS

The following definitions apply specifically to this Section:

A. AREA OF BENEFIT

A specified area for which it has been determined that the real property located therein will benefit from the construction of a bridge and/or major thoroughfare.

B. BRIDGE FACILITIES

Those situations identified in the Circulation Element requiring construction of, or addition to, a bridge spanning a waterway, railway, highway or canyon or that is part of a major thoroughfare.

C. CONSTRUCTION

Design, acquisition of right-of-way, administration of construction contracts, actual construction and inspection(s).

D. MAJOR THOROUGHFARES

A roadway designated as arterial, major or secondary highway, as identified in the Circulation Element or as designated by the State, whose primary purpose is to carry through traffic and provide a network connecting to the state highway system.

2. ESTABLISHMENT PROCEDURES

Action to establish an area of benefit requiring the payment of fees outlined in this Section shall be accomplished, pursuant to the provisions of Map Act Section 66484.

3. AMENDMENTS

Resolutions establishing areas of benefit may be amended by the City Council to reflect modifications in either bridge and/or major thoroughfare facilities. These amendments shall be adopted in the same manner as the original resolution.

4. PAYMENT OF FEES

Fees required pursuant to this Section shall be paid prior to the recordation of a final or parcel map. These fees shall be based on the City's Schedule of Fees in effect on the date of payment.

5. IN LIEU CONSIDERATION

The City Council may approve the acceptance of consideration in lieu of payment of fees outlined in this Section.

6. REIMBURSEMENT

If a subdivider, as a condition of approval of a tentative map, is required or desires to construct a bridge and/or major thoroughfare, the City Council may enter into a reimbursement agreement with the subdivider, to provide for payments to the subdivider from the applicable fund.

159.30.290 DEDICATION OF STREETS, ALLEYS, AND OTHER PUBLIC RIGHTS-OF-WAY OR EASEMENTS

The subdivider, as a condition of approval of a tentative map, shall dedicate, or make an irrevocable offer of dedication of, all parcels of land within the subdivision that are needed for streets and alleys, including access rights and abutters rights, drainage, public open space, trails, scenic easements, public utility easements and other public easements, pursuant to Map Act Section 66475. In addition, the subdivider shall improve or agree to improve all the aforementioned dedications and easements.

159.30.300 DEDICATIONS

All dedications of property to the City for public purposes may be made in fee title, and that, at the City's discretion, a grant of an easement may be accepted for open space, scenic, trails, parks, and/or public utility easements. All dedications in fee and grants of easements shall be free of liens and encumbrances except for those, which the City finds would not conflict with the intended use. The City may accept an irrevocable offer of dedication in lieu of dedication.

159.30.310 LOCAL TRANSIT FACILITIES

The subdivider, as a condition of approval of a tentative map, may be required to dedicate, or make an irrevocable offer of dedication, of land within the subdivision for local transit facilities (e.g. shelters, bus turn outs, its.), pursuant to Map Act Section 66475.2.

159.30.320 PARKS AND RECREATION FACILITIES

1. GENERAL

The purpose of this Section is to provide additional park and recreational facilities and open space. The park and recreational facilities for which payment of a fee and/or dedication of land is required by this Section shall be in compliance with the policies, goals and standards contained in the Parks and Recreational Element of the General Plan and/or Parks Master Plan.

2. REQUIREMENTS

The subdivider, as a condition of approval of a tentative map, shall pay a fee in lieu, dedicate land, or both, at the discretion of the City Council for park and/or recreational purposes, pursuant to Map Act Section 66477.

3. PARK AREA STANDARD

It is hereby found and determined that the public interest, convenience, health, safety and welfare require that 5 acres of land for each 1000 persons residing within the City be devoted to park and

recreational purposes. Lands held as public open space, for wildlife habitat, shall not be included in this formula.

4. PARK AND RECREATION CONSTRUCTION FEE

- A. A park and recreation construction fee shall be assessed for any mobile home lot or residential dwelling unit constructed in the City. Any person securing a building permit to construct a residential dwelling unit, or to install electrical and/or plumbing equipment to provide service to a mobile home shall pay the following rates:
1. One half of one percent of the cost of the improvements for each single-family dwelling constructed, as determined by the building permit.
 2. One half of one percent of the cost of the improvements for each residential dwelling unit constructed in a multi-family dwelling containing 2 or more residential dwelling units, as determined by the building permit.
 3. One percent of the cost of the improvements or \$350.00 for each mobile home lot constructed, whichever is greater, in a mobile home park or mobile home park subdivision, as determined by the building permit.
- B. The fee imposed by this Section shall be imposed regardless of whether the new dwelling unit is created by new construction or by modification of existing nonresidential structures. The fee imposed shall apply to new mobile home park site regardless of whether they are part of a new mobile home park or an addition to an existing park.

5. GENERAL PLAN

Where a public park or recreational facility has been designated in the General Plan and is to be located in whole or in part within the proposed subdivision and is reasonably related to serving the needs of the residents of that subdivision, the subdivider shall dedicate land for park and recreational facilities sufficient in size and physical characteristics to meet that purpose. The amount of land shall be determined pursuant to Section 159.30.320 (6).

If there is no park or recreational facility designated in the General Plan to be located in whole or in part within the proposed subdivision to serve the needs of the residents of that subdivision, the subdivider shall, pursuant to Council determination, pay a fee in lieu of or dedicate land in compliance with Section 159.30.320 (6).

6. DETERMINATION OF LAND OR FEE

The City Council shall consider the following when evaluating the payment of fee in lieu of or the acceptance of land for dedication, or a combination of both:

- A. Parks and Recreation Element, Parks Master Plan and any other applicable provision of the General Plan;
- B. Topography, geology, access and location of land in the subdivision suitable for dedication;
- C. Size and shape of the subdivision and land suitable for dedication;
- D. Feasibility of dedication; and
- E. Availability of previously acquired private property.

7. PAYMENT OF PARK AND RECREATION CONSTRUCTION FEE

The fee required by Section 159.30.320 (4) shall be due and payable upon the issuance of a building permit for either construction of any residential dwelling unit, or installation of electrical and/or plumbing equipment to provide service to a mobile home. A refund of this fee may be made to the person who paid the fee in the event the building permit expires, pursuant to Section 302 (d) of the Uniform Building Code.

8. USE OF FEES

All park and recreation construction fees collected pursuant to the provisions of this Chapter shall be placed into a special fund which shall be known as the Park and Recreation Construction Fee Fund. The fund shall be composed of a separate revenue and expense account. Fees collected

pursuant to this Chapter shall be deposited in the revenue and expense account called Park and Recreation Construction Fee fund, and shall be used solely for the acquisition, improvement and expansion of the public park, playground and recreational facilities of the City, and for the installation and development of playground and recreational facilities owned by the elementary and high school districts.

9. CREDITS FOR LAND AND IMPROVEMENTS DEDICATION

In lieu of the payment of all or portion of the park and recreation construction fee, the City Council may grant credit for land and improvements which are dedicated in fee to public recreation and park purposes and accepted by the City. Dedicated land to be eligible for the credit shall be certified by the Commission as meeting the requirements of the Parks and Recreation Element. The amount of dedicated land eligible for the credit, the amount of credit to be given under this Section, and the terms and conditions of the credit, if any, between the City and the

dedicator shall be determined by mutual agreement.

10. SUBDIVISIONS NOT WITHIN CITY LIMITS

When the proposed subdivision lies within the Sphere of Influence of the City, and the subdivider intends to annex, the subdivider shall, pay a fee in lieu thereof, dedicate land, or both in compliance with adopted park and recreational principles and standards of the City's General Plan, and pursuant to the provisions of this Section.

159.30.330 RESERVATIONS

The subdivider, as a condition of approval of a tentative map, may be required to reserve areas of real property for parks, recreational facilities, fire stations, libraries or other public uses, pursuant to the requirements of Map Act Sections 66479 and 66480.

159.30.340 SCHOOL SITE RESERVATIONS

The subdivider, as a condition of approval of a tentative map, may be required to dedicate real property for the construction of a public school to assure the residents of the subdivision adequate public school service. The dedication and subsequent repayment to the subdivider shall comply with the provisions of Map Act Section 66478.

159.30.350 SOLAR ACCESS EASEMENTS

(Reserved for future ordinance)

159.30.360 SUPPLEMENTAL IMPROVEMENTS

The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a subdivision map, and thereafter to dedicate such improvements to the public. However, the subdivider may be reimbursed for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only, and the actual cost of such improvements pursuant to the provisions of Map Act Sections 66485, 66486 and 66487. The reimbursement shall be in conformance with an agreement approved by the City Council. No improvements shall be constructed prior to approval of the agreement.

1. The owner of property serviced by a sewer main extended by the owner 300 feet or more beyond the existing sewer facilities as measured from the point of connection with such

existing facilities to the point where the extension enters the lot, parcel or tract to be served by such line, may file with the City and/or Water District Engineer, 2 copies of an audited report of the costs incurred for the sewer line extension and manhole construction (except laterals) as an application for the reimbursement of the costs. The reports shall be filed within 90 days after written acceptance of such extension by the City and/or Water District. The City Engineer shall review such documentation and shall within 45 days after acceptance of same, make a recommendation to the City Manager that:

- A. All or portion of the costs be accepted or denied;
 - B. The City and/or Water District enter into a payback agreement with the owner or subdivider. The agreement shall provide that persons making connection to the line be assessed a fee on a pro rata basis as determined by the frontage of the lot, parcel, or tract serviced by sewer line extension and, that all fees collected shall be paid to the original builder of the line. Any such agreement shall have a maximum term of 10 years and shall not pay interest; or
 - C. The owner receive immediate payment from a sewer construction fund of the allowed costs of the construction.
2. The recommendation of the City Engineer shall be based upon the following criteria:
- A. That the extension represents a logical and reasonable extension of the water and/or sewer line;
 - B. Properties along the extension have a reasonable probability of development within the ensuing 10 years;
 - C. There are sufficient unencumbered funds in the water district's water and/or sewer line construction fund to finance the line;
 - D. The extension does not conflict with or delay the 5 year sewer line construction plan;
 - E. The extension is in compliance with the General Plan; and
 - F. The owner is not receiving any other form of government financing, including but not limited to inducement, reimbursement, or fee waiver for such development.

Based on the above, the City Administrator shall submit a recommendation to the City Council.

3. No reimbursement shall be made hereunder unless and until the City Administrator determines that the audited report and verified claim have been filed within the allotted time periods and are otherwise acceptable to the City.

159.30.370 WAIVER OF DIRECT ACCESS RIGHTS

The City shall require as a condition of approval of a tentative map dedication of streets designated as arterial highways, including waiver of direct access rights, except at approved access points. The City may require as a condition of approval of a tentative map that dedications or offers of dedication of streets include a waiver of direct access rights to any street from any property within or abutting the subdivision. The waiver shall become effective upon acceptance of the dedication, pursuant to Map Act Section 66476.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.31 ADMINISTRATION

159.31.010 PURPOSE

The purpose of this Article is to outline procedures for filing and processing the various land use permits, subdivision maps, variances and other regulatory review and approval responsibilities of the City. The Article also provides for the review and processing of development agreements, amendments to the General Plan and this Zoning Ordinance.

The system of regulatory review and permit approval provides a full range of processing options gauged to the type of use and its intensity and appropriateness. Table 31.01 (Review Authority) identifies the full range of land use permit options and applicable final review authority. Appeals of Director determinations are to the Planning Commission and appeals of Planning Commission determinations are to the City Council

Table 31.01
REVIEW AUTHORITY

Council	Director		Commission		
Certificate of Occupancy	X				
Home Occupation Permits	X				
Interpretations (Dev. Code)	X				
Interpretations (General Plan)			X		
Temporary Use Permits	X	or	X		
Minor Modifications	X				
Minor Exceptions	X				
Variances			X		
Development Permits					
Residential:					
1-4 Dwelling Units	X				
5-11 Units			X		
12+Units			X	or	X
Commercial:					
Occupancy Permit	X				
Tenant Improvements	X				
All other Improvements	X				
Building Color Modifications ⁽¹⁾	X	or	X		
Industrial:					
Occupancy permit	X				
Tenant Improvements	X				
All other Improvements			X		
Building Color Modifications ⁽¹⁾	X	or	X		
Development Permits - Misc.					
Antennae	X	or	X		
Fences and Walls	X				
Large Family Day Care	X				
Recycling Facilities			X	or	X

Note: Items indicating a choice of planning bodies depends upon the intensity of proposed uses.

* Commission recommends to Council for final determination.

** The merger of 4 or fewer parcels is subject to approval by the City Engineer,

pursuant to Section 159.48.110.

⁽¹⁾ No fee Development Permit unless forwarded to the Commission for consideration by the Director in a manner consistent with Section 159.44.050. Ord. 2006-19

**Table 31.01 (Cont'd)
Review Authority**

Council	Director		Commission	
Conditional Use Permits			X	
Lot Line or Boundary Adjustment	X**			
Reversions to Acreage**			X	
Tentative Parcel Maps			X	
Tentative Tract Maps			(X)*	X
Final Maps			X	
Specific Plans			(X)*	X
General Plan Amendments			(X)*	X
Planned Development districts			(X)*	X
Zoning Ordinance				
Amendments			(X)*	X
Design Review	X	or	X	
Development Agreements			(X)*	X
Landscape Plans	X			
Surface Mining and Land Reclamation (CUP)			(X)*	X
Sign Permits/Program	X			
Tree Removal	X			

Note: Items indicating a choice of planning bodies depends upon the intensity of proposed uses.

* Commission recommends to Council for final determination.

** The merger of 4 or fewer parcels is subject to approval by the City Engineer, pursuant to Section 159.48.110.

159.31.020 MULTIPLE PERMIT APPLICATIONS

Development project which would require the filing of more than one land use permit application may file all related permits concurrently and pay appropriate fees, as outlined in Chapter 159.32 (Applications and Fees). Processing and environmental review could be concurrent and final decision on the project shall be made by the highest level of review authority, pursuant to Table 31.01 (Review Authority). For example, a project requiring Variance and Development Permit applications shall be reviewed and

determination made by the Planning Commission, while a project requiring a Development Permit, Tentative Tract Map, and General Plan Amendment shall be determined by the City Council.

159.31.030 PRE-APPLICATION CONFERENCE

Applicant and/or their representatives may request a pre-application conference with the Department prior to formal submittal of a single land use permit application. Development projects involving multiple permit applications shall require a pre-application conference. This conference should take place prior to any substantial investment (i.e., land acquisition, site, engineering and construction plans) in the preparation of the proposed development project application. During the conference the Department representative(s) shall inform the applicant of applicable policies, plans, and requirements as they apply to the proposed development project, review the appropriate procedures outlined in this Zoning Ordinance, and examine possible alternatives or modifications relating to the proposed project.

ARTICLE IV: GENERAL

CHAPTER 159.32 APPLICATIONS AND FEES

159.32.010 PURPOSE

The purpose of these provisions is to prescribe the procedures and requirements for filing of applications for permits, amendments, and approvals.

159.32.020 FILING

The efficient processing of requests for permits and other regulatory determinations requires a systematic application process which is adhered to. Application for permits, permit modifications, amendments, and other matters pertaining to this Zoning Ordinance shall be filed with the Department on a City application form, together with all fees, plans, maps, and any other information required by the Department. The application shall be made by the owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Zoning Ordinance, or the agent(s) of such persons.

159.32.030 FEES

Fees support the administrative functions of City government regulating land use and development. The Council shall, by resolution, establish a schedule of fees for permits, amendments and other matters pertaining to this Zoning Ordinance. The schedule of fees may be changed or modified only by resolution of the Council. Until all applicable fees have been paid in full, review shall not commence on any application. The City is not required to continue processing any application unless its fees are paid in full. Failure to pay the applicable fees is ground for denial of the application.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.34 CERTIFICATES OF OCCUPANCY

159.34.010 PURPOSE

These provisions are intended to ensure that any initiation or re-establishment of a legally permitted use within a legally established (or a legal nonconforming) structure shall comply with all applicable provisions of the Municipal Code.

159.34.020 APPLICATION

No vacant, relocated, altered, repaired, or hereafter erected structure shall be occupied, or no change in use of land or structure(s) shall be inaugurated, or no new business commenced until a Certificate of Occupancy has been issued by the Department. An application for the permit shall be on a form prescribed by the Director and shall be filed with the Department pursuant to Chapter 159.32 (Applications and Fees).

159.34.030 APPLICABILITY

1. An application for a Certificate of Occupancy for a Structure which is to be relocated, remodeled, or erected shall be filed at least 30 days prior to the intended occupancy.
2. An application for a Certificate of Occupancy for the use of vacant land or structure(s), or a change in occupancy shall be filed at least 30 days prior to the intended use inauguration; and
 1. At its discretion, the Director may issue a temporary Certificate of Occupancy subject to the conditions imposed on the use, provided that a deposit is filed with the Building Department prior to the issuance of the certificate. The deposit or security shall guarantee the faithful performance and completion of all terms, conditions and performance standards imposed on the intended use. The form of the deposit or security shall be subject to the approval of the Director. The deposit or security shall be returned to the depositor within 10 working days following a determination by the Director that all of the terms, conditions and performance standards have been met.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.36 CONDITIONAL USE PERMITS

159.36.010 PURPOSE

Many land uses are or can be made conditionally appropriate, depending on the circumstances at the site and surrounding area; these discretionary determinations are termed "conditional uses". Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines. This review shall determine whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use against the impact which it may cause.

159.36.020 APPLICATION

An application for a Conditional Use Permit (CUP) shall be filed in a manner consistent with the requirements contained in Chapter 159.32 (Applications and Fees).

159.36.030 PROJECT REVIEW

Conditional Use Permit applications shall be analyzed to assure that the applications are consistent with the intent and the purpose of this Chapter. To ensure effective implementation of General Plan policies relating to design guidelines, each application for a Conditional Use Permit shall be reviewed by the Director prior to approval by the Commission.

159.36.040 HEARINGS AND NOTICE

Upon receipt in proper form of a Conditional Use Permit application, staff shall conduct necessary project and environmental reviews and determine the adequacy of the application. Once it is determined that no additional information is required, a hearing shall be set and notice of the Planning Commission hearing given in a manner consistent with Chapter 159.52 (Hearings and Appeals).

159.36.050 FINDINGS

At the completion of the public hearing, the Commission shall record the decision in writing and shall recite therein the findings upon which such decision is based. The Commission may approve and/or modify a Conditional Use Permit application in whole or in part, with or without conditions, only if all of the following findings are made:

1. That the proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this Zoning Ordinance;
2. That the proposed use would not impair the integrity and character of the land use district in which it is to be located;
3. That the subject site is physically suitable for the type and intensity of land use being proposed;
4. That the proposed use is compatible with the land uses presently on the subject property;
5. That the proposed use would be compatible with existing and future land uses within the general area in which the proposed use is to be located.
6. That the proposed use is compatible in scale, mass, coverage, density, and intensity with all adjacent land uses;
7. That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;
8. That there will be adequate provisions for public access to serve the subject proposal;
9. That there will not be an adverse effect upon desirable neighborhood characteristics;
10. That the proposed use is needed or appropriate at the prescribed location, as demonstrated in the market/feasibility study, if required;
11. That the proposed use is consistent with applicable goals and policies of the General Plan;
12. That there will not be significant harmful effects upon environmental quality and natural resources;
13. That the negative impacts of the proposed use are mitigated and/or a mitigated

negative declaration may be filed; and

14. That the proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience, or welfare of the City.

159.36.060 USE OF PROPERTY BEFORE FINAL DECISION

In no instance shall a permit be issued for any use involved in an application for approval of a Conditional Use Permit until, and unless, the same shall have become final.

159.36.070 CONDITIONAL USE PERMIT EXPIRATION

Conditional Use Permits shall be exercised by the commencement of construction within 2 year from the date of approval or the Conditional Use Permit shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, then the Conditional Use Permit shall become null and void. Projects may be built in phases if pre-approved by the review authority, If a project is built in pre-approved phases, each subsequent phase shall have 2 year from the previous phase's date of construction commencement to the next phase's date of construction commencement to have occurred, or the Conditional Use Permit shall become null and void.

159.36.080 MODIFICATION OF CONDITIONAL USE PERMIT

An approved Conditional Use may be modified, in a manner pursuant to Chapter 159.32 (Applications and Fees). Minor modifications to an approved Conditional Use may be approved by the Director, pursuant to Section 159.60 (Minor Modifications).

159.36.90 TIME EXTENSION

The Commission may, upon an application being filed 30 days prior to expiration and for good cause, grant a time extension not to exceed 12 months. Upon granting of an extension, the Commission shall ensure that the Conditional Use Permit complies with all current Zoning Ordinance provisions.

159.36.100 REVOCATION

In the event it determines adequate cause, the Commission may hold a hearing to revoke or modify a Conditional Use Permit granted pursuant to the provisions of this Chapter. Ten days prior to the hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such Conditional Use Permit was granted. Notice shall be deemed delivered two (2) days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the County of Riverside, and/or the project applicant.

A Conditional Use Permit may be revoked or modified by the Commission if any 1 of the following findings can be made:

1. That circumstances have changed so that 1 or more of the findings contained in Section 159.46.050 can no longer be made;
2. The Conditional Use Permit was obtained by misrepresentation or fraud;
3. The use for which the Conditional Use Permit was granted had ceased or was suspended for six (6) or more consecutive calendar months.
4. One or more of the conditions of the Conditional Use Permit have not been met;
5. The use is in violation of any statute, ordinance, law, or regulation; and
6. The use permitted by the Conditional Use Permit has subsequently been determined to be detrimental to the public health, safety or welfare or constitutes a nuisance.

159.36.110 CONDITIONAL USE PERMIT TO RUN WITH THE LAND

Conditional Use Permits are granted pursuant to the provisions of this Chapter and shall continue to be valid upon a change of ownership of the site, business, service, use or structure which was the subject of the permit application.

159.36.120 PERFORMANCE GUARANTEE

At the discretion of the Commission, the developer may be conditioned to provide performance security in a manner similar to Section 159.30.230 for the faithful performance of any or all conditions of approval.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.38 DESIGN REVIEW

159.38.010 PURPOSE

These provisions shall ensure the following:

1. The establishment of design review procedures for residential, commercial and industrial development proposals;
2. That proposed development projects comply with all applicable performance standards and design guidelines;
3. A focus on community design principles which result in creative, imaginative solutions which establish quality design for the City;
4. The orderly and harmonious appearance of structures along with associated facilities, such as signs, landscaping, parking areas etc;
5. Maintenance of the public health, safety and general welfare and property throughout the City; and
6. Effective implementation of the General Plan policies which encourage the preservation and enhancement of the particular character and unique assets of the City, and its harmonious development.

19.38.020 APPLICATION

The following list of structures shall be subject to design review by the Commission:

1. New structure(s)/development and related site plans subject to a review authority other than the Director, pursuant to Table 31.01;
2. Remodeled structure(s)/development and related site plans, which require a Development Permit;

3. A project involving an intensification of land use (e.g., conversion of a shoe store to a restaurant, or a residential structure to an office use, etc.); and
4. New or modified signs with review authority other than the Director.

19.38.030 APPLICABILITY

The Director, acting in the capacity for design review, shall receive and evaluate all projects subject to design review prior to final action by any subsequent review authority (Commission, etc.), if any. The Department, as part of the overall project review process, shall forward the appropriate materials to the Commission and submit a report to the review authority, if required.

19.38.040 DIRECTOR FINDINGS

The Director shall determine that the project adequately meets adopted City performance standards and design guidelines, base upon the following findings:

1. The design of the proposed project would provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, textures, and colors that will remain appealing and will retain a reasonably adequate level of maintenance.
2. The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards; and
3. The architectural design of the proposed project is compatible with the character of the surrounding neighborhood and will maintain the harmonious, orderly and attractive development contemplated by this Zoning Ordinance and the General Plan.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.40 DEVELOPMENT AGREEMENTS

159.40.010 PURPOSE

1. These provisions are intended to establish procedures and requirements for the consideration of Development Agreements upon application by, or on behalf of property owners or other persons having a legal or equitable interest in the property proposed to be subject to the agreement. It is intended that the provisions of this Chapter shall be fully consistent, and in full compliance, with the provisions of Article 2.5 of Chapter 4 of Division 1 of Title 7 (commencing with Section 65864) of the California Government Code, and shall be so construed.
2. Interpreting the provisions of any Development Agreement entered into pursuant to this Chapter, those provisions shall be read to fully implement, and to be consistent with, the language of this Chapter, Article 2.5 of the California Government Code, cited above, and the agreement itself. In the event that any apparent discrepancies between the meaning of these documents arise, then the documents shall control in interpreting the Development Agreement in the following order of priority:
 - A. Terms and expressions of the Development Agreement itself;
 - B. Provisions of this Chapter; and
 - C. Provisions of Article 2.5 of the California Government Code, cited above.

159.40.020 APPLICATION

1. Any owner of real property or other person having a legal or equitable interest in the property may request and apply through the Director to enter into a Development Agreement provided that:
 - A. Property proposed to be subject to the agreement shall be not less than 1 acre in size.
 - B. Application is made on forms approved, and contains all information required, by the Director;.

- C. The status of the applicant as an owner of, or holder of legal or equitable interest in the property is established to the satisfaction of the Director; and
 - D. Application is accompanied by the fee established pursuant to Chapter 159.32 (Applications and Fees) and all other lawfully required documents, materials and information.
2. This chapter empowers the Director to receive, review, process and prepare, together with recommendations, for Commission and Council consideration, as applicable, all applications for Development Agreements. The Director may call upon all other departments of the City for timely assistance in complying with this Chapter.
 3. Appropriate processing fees, as established by resolution of the Council, shall be charged for any application for a Development Agreement made pursuant to the provisions of this Chapter, and shall also be so established and charged for periodic reviews conducted pursuant to Section 159.32.

159.40.030 PUBLIC HEARINGS

1. Upon finding the application for a Development Agreement complete, the Director shall set the application, together with recommendations, for public hearing before the Commission pursuant to Chapter 159.52 (Hearings and Appeals). Upon conclusion of the public hearing by the Commission, the Commission shall recommend to the Council that it approve, conditionally approve, or disapprove the application.
2. Upon receipt of the Commission's recommendation, the City Clerk shall set the application and written report of the Commission for public hearing before the Council. Following conclusion of the public hearing by the Council, the Council shall approve, conditionally approve or deny the application.
3. Public hearing notice(s), as set forth in Subsections 1 and 2 above, shall be given noticing intention to consider adoption of a Development Agreement as required by Government Code Section 65867.
4. In the event the Council approves or conditionally approves the application, it shall, as a part of its action of approval, direct the City Attorney to prepare a Development Agreement embodying the terms and conditions of the application as approved or conditionally approved by it, as well as a resolution authorizing execution of Development Agreement by the City Manager.

5. The resolution shall set forth findings, and the facts supporting them, that the Development Agreement is consistent with the General Plan and any applicable Specific Plans, this Zoning Ordinance, and that it will promote the welfare and public interest of the City.
6. The resolution may be subjected to referendum in the manner provided by law.

159.40.040 CONTENT OF DEVELOPMENT AGREEMENT

1. MANDATORY CONTENTS

Development Agreements entered into pursuant to this Chapter must contain provisions that:

- A. Specify the duration of the agreement;
- B. Specify the permitted uses of the property,
- C. Specify the density or intensity of use(s);
- D. Set forth the maximum height and size of proposed structures;
- E. Set forth provisions, if any, for reservation or dedication of land for public purposes;
- F. Provisions not permitting protection from a future increase in development fees;
- G. Provisions for a tiered amendment review procedure such as:
 1. Director sign-off for small changes;
 2. Commission sign-off for large changes; and
 3. Major amendments by Council; and
- H. Provisions for a health and safety exception such as a "compelling public necessity" (i.e., a new environmental health hazard is discovered).

2. PERMISSIVE CONTENTS

Development Agreements entered into pursuant to this Chapter may:

- A. Incorporate terms, conditions, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses, and to the density or

- intensity of development, set forth in the agreement;
- B. Include provisions that construction shall be commenced within a specified time and that the project or any phase thereof shall be completed within a specified time;
 - C. Incorporate terms and conditions relating to applicant financing of necessary public improvements and facilities, including, but not limited to, applicant participation in benefit assessment proceedings; and
 - D. Incorporate such other terms, conditions and requirements as the Council may deem necessary and proper, including, but not limited to, a requirement for assuring, to the satisfaction of the City, performance of all provisions of the agreement in a timely fashion by the applicant/contracting party.

159.40.050 EXECUTION AND RECORDATION

1. The Development Agreement shall not be executed by the City until on or after the date upon which the resolution approving the agreement and enacted pursuant to Section 159.40.030 becomes effective.
2. A Development Agreement that has been properly executed shall be recorded in the office of the County Recorder no later than 10 days after it is entered into.

159.40.060 ENVIRONMENTAL REVIEW

Approval or conditional approval of a Development Agreement, pursuant to this Chapter shall be deemed a discretionary act for purposes of the California Environmental Quality Act (CEQA).

159.40.070 PERIODIC REVIEW

1. All Development Agreements approved and executed pursuant to this Chapter shall be periodically reviewed during the term of the agreement every year following the date of execution.
2. Reviews conducted pursuant to this Section shall be to determine whether the applicant/contracting party or its successor-in-interest has complied in good faith with the terms of the Development Agreement. The burden shall be on the applicant/contracting party or its successor to demonstrate such compliance to the full satisfaction of, and in a manner as prescribed by the City.
3. In the event that, as a result of periodic review pursuant to this Section, the Council finds and determines, on the basis of substantial evidence, that the applicant/contracting party or its successor-in-interest has not complied in good faith with terms or conditions of the agreement, the Council may order, after

hearing, that the agreement be terminated or modified.

159.40.080 EFFECT OF DEVELOPMENT AGREEMENT

The rules, regulations and official policies governing permitted uses of the land, density limits, and design standards, improvement and construction standards and specifications, applicable to development of the property subject to a Development Agreement, are the rules, regulations, and official policies in force at the time of execution of the agreement, unless otherwise provided by the Development Agreement. A Development Agreement does not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations and policies which do not conflict with those rules, regulations and policies applicable to the property under the Development Agreement, nor does a Development Agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations and policies.

159.40.090 APPROVED DEVELOPMENT AGREEMENTS

Pursuant to this Chapter, Development Agreements approved by the Council are on file with the office of the City Clerk.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.42 ZONING ORDINANCE AMENDMENTS

159.42.010 PURPOSE

Amendments to the provisions of this Zoning Ordinance may be made by the Council for the public health, safety, convenience, general welfare and the aesthetic harmony of the City.

159.42.020 HEARINGS AND NOTICE

Upon receipt in proper form of a Zoning Ordinance Amendment application, or at the direction of the Council, and following Department review, hearings shall be set before the Commission and Council. Notice of the hearings shall be given pursuant to the requirements of Chapter 159.52 (Hearings and Appeals).

159.42.030 COMMISSION ACTION ON AMENDMENTS

The Commission shall make a written recommendation on the proposed amendment whether to approve, approve in modified form or disapprove, based upon the findings contained in Section 159.42.050.

Commission action recommending that the proposed Zoning Ordinance Amendment be approved, approved in modified form, or denied shall be considered by the Council following Commission action.

159.42.040 COUNCIL ACTION ON AMENDMENTS

Upon receipt of the Commission's recommendations, the Council may approve, approve with modifications, or disapprove the proposed amendment based upon the findings contained in Section 159.42.050. Amendments to the Zoning Ordinance shall be adopted by ordinance.

159.42.050 FINDINGS

An amendment to this Zoning Ordinance may be adopted only if the following findings are made:

1. The proposed amendment is consistent with the general Plan;
2. The amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.44 DEVELOPMENT PERMITS

159.44.010 PURPOSE

Procedures for the processing of Development Permits are intended to protect the integrity and character of the residential, commercial and industrial areas of the City, through the application of the provisions of the Chapter consistent with General Plan. At the time of application submittal a review of the location, design, configuration and impact of the proposed use shall be conducted by comparing such use to established standards and design guidelines. This review shall determine whether the permit should be approved by weighing the public need for the benefits to be derived from the use against the impacts it may cause.

159.44.020 APPLICATION

Application for a Development Permit shall be filed in a manner consistent with the requirements contained in Chapter 159.32 (Applications and Fees).

159.44.030 APPLICABILITY

Development Permits shall be required for all applicable uses and structures permitted by this Zoning Ordinance; however, none shall be required for a new or existing single-family home. New or modifications to existing single family home does require a review and sign off from the Director for compliance with applicable design standards and guidelines. Specifically, a permit shall be required under the following circumstances:

1. A new use or structure;
2. Expansion or conversion of an existing use or structure;
3. Construction or conversion of a structure(s) to allow mixed use development(s);
4. Enlargement or exterior alteration of an existing structure for which a Development Permit has not been issued, excluding existing single-family structures;
5. Movement and relocation of any structure to any parcel within the City;
6. Floor plans, site plans, and elevations of models for new single-family structures in an approved subdivision.

159.44.040 PROJECT REVIEW

Development Permit applications shall be analyzed to ensure that each application is consistent with the intent and purpose of the Chapter. To ensure effective implementation of General Plan policies relating to design guidelines, each application for a Development Permit, except for single family residential structures and Development Permits approvable by the Director, shall be reviewed by the Commission.

159.44.050 HEARINGS AND NOTICE

Upon receipt in proper form of a Development Permit application, a hearing shall be set and notice of the hearing given in a manner consistent with Chapter 159.52 (Hearings and Appeals) for an application in which the Commission is the final review authority, or where the proposed commercial or industrial development is adjacent to a residential land use district.

159.44.060 FINDINGS

Following a hearing, the appropriate review authority, as outlined in Table 31.01, shall record the decision in writing and shall recite therein the findings upon which any such decision is based. The review authority may approve and/or modify a Development Permit in whole or in part, and shall impose specific development conditions. These conditions shall relate to both on-and off-site improvements that are necessary to mitigate project-related adverse impacts, and to carry out the purpose and requirements of the respective land use district. The review authority may approve a Development Permit, only if all of the following findings are made:

1. That the proposed use is permitted within the subject land use district and complies with all of the applicable provisions of this Zoning Ordinance, including prescribed development standards and design guidelines.;
2. That the subject site is physically suitable for the type and intensity of the land use being proposed;
3. That the proposed development would be compatible with existing and future developments within the land use district and general area;
4. That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use is not detrimental to public health and safety;
5. That there is adequate public access and roadway capacity to serve the subject proposal;
6. That there are no significant harmful effects upon environmental quality and natural resources;

7. That any negative impacts of the proposed use can and shall be mitigated.;
8. That the proposed use is consistent with the General Plan; and
9. That the proposed location, size, design, and operational characteristics of the planned use are not detrimental to the public interest, health, safety, convenience, or welfare of the City.

159.44.070 DEVELOPMENT PERMIT EXPIRATION

Commencement of construction shall have occurred within one (1) year of Development Permit approval, or the permit shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, then the Development Permit shall become null and void. Projects may be built in phases if so pre-approved by the review authority. If a project is built in pre-approved phases, each subsequent phase shall have one (1) year from the previous phase's date of construction commencement to the next phase's date of construction commencement to have occurred, or the Development Permit shall become null and void.

159.44.080 USE OF PROPERTY BEFORE FINAL DECISION

No permit shall be issued for any use involved in an application for approval of a Development Permit until, and unless, the same shall have become final, pursuant to Section 159.52.080 (Effective Date).

159.44.090 MODIFICATION OF DEVELOPMENT PERMIT

An approved development may be modified in a manner pursuant to Chapter 159.32 (Applications and Fees). Minor modifications to an approved development may be approved by the Director, pursuant to Section 159.60 (Minor Modifications).

159.44.100 TIME EXTENSION

The review authority may, upon an application being filed 30 days prior to expiration and for good cause, grant a time extension not to exceed twelve (12) months. Upon granting the extension, the review authority shall ensure that the Development Permit complies with all current Zoning Ordinance provisions.

159.44.110 REVOCATION

A hearing may be held by the review authority to revoke or modify a Development Permit granted pursuant to the provisions of this Chapter. Ten days prior to the hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such Development Permit was granted. Notice shall be deemed delivered 2 days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the County of Riverside, and/or the project applicant.

A Development Permit may be revoked or modified by the review authority if any of the following findings can be made:

1. That circumstances have changed so that one (1) or more of the findings contained in Section 159.44.060 can no longer be made;
2. That the Development Permit was obtained by misrepresentation or fraud;
3. That the use for which the Development Permit was granted had ceased or was suspended for six (6) or more consecutive calendar months.
4. That one (1) or more of the conditions of the Development Permit have not been met;
5. That the use is in violation of any statute, ordinance, law, or regulation; or
6. That the use permitted by the Development Permit is detrimental to the public health, safety, or welfare or constitutes a nuisance.

159.44.120 PERFORMANCE GUARANTEE

The developer may be required to provide performance security in a manner similar to that set forth in Section 159.30.230 for the faithful performance of any or all conditions of approval.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.46 ENFORCEMENT OF PROVISIONS

159.46.010 PURPOSE

Enforcement of the provisions of this Zoning Ordinance and any entitlements and sub-division maps approved by the City shall be diligently pursued in order to provide for their effective administration, to ensure compliance with any conditions of approval, to promote the City's planning efforts and for the protection of the public health, safety, and welfare of the City.

159.46.020 RESPONSIBILITY

The Community Development Department shall be responsible for enforcing the conditions and standards imposed on all permits granted by the City and permitted under this Zoning Ordinance. Any structure or use which is established, operated, erected, moved, altered, enlarged, or maintained, contrary to the provisions of this Zoning Ordinance, is hereby declared to be unlawful and a public nuisance and shall be subject to the remedies and penalties set forth in Chapter 95 of the Municipal Code, and/or revocation procedures contained in the following chapters of this Zoning Ordinance:

Chapter 159.36-Conditional Use Permits
Chapter 159.44-Development Permits
Chapter 159.54-Home Occupation Permits
Chapter 159.70-Temporary Use Permits
Chapter 159.72-Variances

Any permit, certificate, or license issued subsequent to the effective date of and in conflict with this Zoning Ordinance shall be null and void.

159.46.030 PROHIBITIONS

No person shall sell, lease, or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing for which a final subdivision map is required by this Zoning Ordinance, until the final map has been filed for recordation with the office of the County Recorder, pursuant to Map Act Sections 66410 et seq and 66499.30, and in full compliance with the City Municipal Code.

159.46.040 REMEDIES

1. Any and all remedies concerning this Zoning Ordinance shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited structures, signs, or improvements, and shall not prevent the enforced correction or removal thereof.
2. Construction in violation of this Zoning Ordinance, or any condition(s) imposed on a permit or license shall be subject to the issuance of a "Stop Work Order".
3. Deeds of conveyance, sale or contracts to sell real property which have been divided, or which have resulted from a division, in violation of the provisions of Map Act Section 66410 et seq. and the City Municipal Code, is voidable at the sole option of the grantee or successors, pursuant to Map Act Section 66499.32.

This Section does not bar any legal, equitable or summary remedy to which the City, public agency or any person, firm or corporation may otherwise be entitled, pursuant to Map Act Section 66499.33.

4. The City shall not issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of Map Act Section 66410 et seq. and the City Municipal Code, if it finds that the development of the real property is contrary to the public health or safety, pursuant to Map Act Section 66499.34.

159.46.050 NOTICE OF VIOLATION

Whenever the City has knowledge that real property has been divided in violation of the provisions of Map Act Section 66410 et seq. and the Municipal Code, it shall send, by certified mail to the then current owner(s) of record of the property, a notice of intention to record a notice of violation, describing the real property in detail, naming the owner(s) thereof, and stating that an opportunity will be given to the owner(s) to present evidence, pursuant to Map Act Section 66499.36.

159.46.060 PENALTIES

1. Persons, partnerships, organizations, firms or corporations, whether as principals, agents, employees or otherwise, violating any provision(s) of this Zoning Ordinance or any condition imposed on an entitlement, development permit, map or license, or violating or failing to comply with any order made hereunder, shall be guilty of an infraction or a misdemeanor and, upon conviction thereof, shall be punished as set forth in Chapter 95 of the Municipal Code, in addition to any other civil or administrative remedies provided by law.
2. Violation of Map Act Section 66410 et seq. by a person who is the subdivider or

an owner of record, at the time of the violation, of property involved in the violation, shall be punishable by imprisonment in the County jail not exceeding one (1) year, or in the state prison, by a fine not exceeding \$10,000, or by both that fine and imprisonment. Every violation of Map Act Section 66410 et seq. is a misdemeanor, pursuant to Map Act Section 66499.31.

159.46.050 ENFORCEMENT FEES

The City may impose fees on applicants to cover the full costs incurred by the City for the monitoring and enforcement of the requirements of the Zoning Ordinance as well as those conditions and mitigation measures imposed on an approved permit or license.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.48 FINAL AND PARCEL MAPS

159.48.010 PURPOSE

To establish the form, contents, accompanying data, and filing of the final and parcel map hereinafter referred to as a “final map” in conformance with the provisions of the Subdivision Map Act and this Chapter.

Final maps shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, in compliance with the applicable sections of the Business and Professions Code of the State of California.

159.48.020 PHASING

Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if the subdivider, at the time of tentative map application filing, notifies the Department in writing of the subdividers intention to file multiple final maps on the tentative map, pursuant to Section 159.66.120 (6). In providing the notice, the subdivider shall not, at that time, be required to define the number or configuration of the proposed multiple maps.

Filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the tentative map. Each final map which constitutes a part, or unit, of the approved or conditionally approved tentative map shall have a separate subdivision number. The subdivision improvement agreement executed by the subdivider shall provide for the construction of improvements as required to constitute a logical and orderly development of the entire subdivision.

159.48.030 SURVEY REQUIRED

Accurate and complete surveys of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision shall be tied into the survey. The allowable error of closure on any portion of the final map shall not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.

At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the California Business and Professions Code so that another engineer or surveyor may readily retrace the survey, pursuant to Subdivision Map Act Sections 66495 and 66496. At least one (1) exterior boundary line shall be monumented prior to recording the final map. Other monuments shall be set as follows:

1. Lot Corners: one inch iron pipe, 30 inches long, set 12 inches below ground level. Except, corners of lots fronting on streets may be marked by an offset lead and tag set in the permanent concrete curb along the prolongation of the lot line as approved by the City Engineer. Such monument shall be noted on the subdivision map.
2. Subdivision Boundary Corners: Two inch iron pipe, 30 inches long, set 12 inches below ground level.
3. Private street intersection centerlines, angle points, beginnings and endings of curves: One inch iron pipe 30 inches long, set flush with ground level.
4. Public street intersection centerlines, angle points, beginnings and endings of curves, subdivision boundary and section quarter corners with street intersection: One inch iron pipe, 30 inches long, set flush with ground level if pavement, set 12 inches below ground level if soil. Except, major street intersections and section corners shall be monumented with a City Standard Well Monument set flush with Ground level. All street monuments shall be tied to lead and tag set in permanent concrete curbs. Notes for ties shall be provided to the City on standard survey note paper, 8 1/2 by 11 inches, depicting the tie information, stamped and signed by the surveyor or engineer.

159.48.040 FORM OF FINAL MAP

The Form of the final map shall comply with Subdivision Map Act and as follows:

1. Final maps shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on polyester base film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque indelible ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
2. Map sheet shall be 18 inches by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of 1 inch. The scale of the map shall be an engineering scale and not less than 1" = 100' or as may be necessary to show all details clearly, and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown through the use of match lines or

similar notations. When 4 or more sheets including the certificate sheet are used, a key sheet shall be included. All printing or lettering on the map shall be of 1/8 inch minimum height and of a shape and weight as to be readily legible on prints and other reproductions made from the original drawings. The final form of the final map shall be in compliance with Subdivision Map Act Section 66434 and as approve by the City Engineer.

159.48.050 CONTENTS OF FINAL MAPS

The contents of the final map shall comply with the Subdivision Map Act and as follows:

1. Boundary. The boundary of the subdivision shall be designated by a heavy black line in a manner as not to obliterate figures or other data.
2. Title. Each sheet shall have a title showing the subdivision number and name and the location of the property being subdivided with reference to maps which have been previously recorded, or by reference to the plat of a United States Survey. The following words shall appear in the title, "City of Desert Hot Springs, Riverside County, California."
3. Certificates and Acknowledgments. All certificates and acknowledgments shall be made pursuant to Subdivision Map Act Sections 66433 et. seq. and as approved by the City Engineer, and shall appear only once on the cover sheet.
4. Scale, North Point and Basis of Bearings. The scale and north point shall appear on each map sheet. The basis of bearings shall appear on the title map sheet and each subsequent sheet or referenced on each subsequent sheet. The basis of bearing shall be based on Zone 5 of the California Coordinate System unless otherwise approved by the City Engineer.
5. Linear, Angular and Radial Data. Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of monument lines, street centerlines, the boundary lines of the subdivision, the boundary lines on every lot and parcel which is a part of the subdivision, and ties to existing monuments used to establish the boundary. Arc length, radius and total central angle and radial bearings of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the map.
6. Monuments. The location and description of all existing and proposed monuments shall be shown. Standard City monument types shall be set at the following locations:
 - A. The intersection of street centerlines;
 - B. The intersection of a street centerline and subdivision boundary;

- C. Beginning and end of curves or intersection of tangents on centerlines;
 - D. Each lot/parcel corner; and
 - E. At other locations as may be required by the City Engineer.
7. Lot Numbers. Lot numbers shall begin with the number 1 in each subdivision and shall continue consecutively with no omissions or duplications except where contiguous lands, under the same ownerships, are being subdivided in successive units, in which event, lot numbers may begin the next consecutive number following the last number in the preceding unit. Non-buildable, open space and common lot areas shall be lettered beginning with the letter "A", etc. and shall continue consecutively with no omissions or duplications. Each lot shall be shown entirely on 1 sheet of the final map, unless otherwise approved by the City Engineer.
 8. Adjoining Properties. The adjoining corners of all adjoining subdivisions shall be identified by subdivision number, or name when not identified by official number, and reference to the book and page of the filed map showing the subdivision; and if no subdivision is adjacent, then by reference to the last recorded deed by book and page number for the last record owner.
 9. City Boundaries. City Boundaries which cross or join the subdivision shall be clearly designated.
 10. Street Names. The names of all streets, alleys, or highways within or adjoining the subdivision shall be shown.
 11. Easements and Dedications. Easements and dedications for roads or streets, paths, alleys, utilities, local transit facilities, storm water drainage, sanitary sewers or other public use as may be required, shall be dedicated to the public for acceptance by the City or other public agency, and the use shall be specified on the map.

All easements of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance (e.g., recorders serial number and date, or book and page of official records).

Easements not disclosed by the records in the office of the County Recorder and found by the surveyor or engineer to be existing, shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.

The sidelines of all easements of record shall be shown by dashed lines on the final map with the widths, lengths, and bearings of record. The width and location

of all easements shall be approved by the City Engineer.

Between the time of the approval of the tentative map and the recordation of the final map, no easements shall be granted to other agencies or utility companies which interfere with the City's rights in any public right-of-way.

12. Open Space Areas. Open space areas may be shown, subject to the approval of the City. Public open space areas shall be dedicated in fee unless otherwise specified in the approval or conditional approval of the tentative map. Private open space areas shall be dedicated as open space easements unless otherwise specified in the approval or conditional approval of the tentative map.

159.48.060 PRELIMINARY SUBMITTAL

The subdivider shall submit prints of the final map to the City Engineer for checking. The preliminary prints shall be accompanied by the following data, plans, reports and documents in a form as approved by the City Engineer and, where applicable, the City Attorney:

1. Improvement Plans. Improvement plans pursuant to Section 159.30.210.
2. Soils Report. A soils report prepared pursuant to Section 159.66.120.
3. Title Report. A title report showing the legal owners at the time of submittal of the final map, to be current within 90 calendar days.
4. Tax Certificate. A certificate from the County Tax Collector stating that all taxes due have been paid or that a tax bond or other adequate form of security assuring payments of all taxes which are a lien but not yet payable has been filed with the County.
5. Deeds for Easements or Rights-of-Way. Deeds for off-site easements or rights-of-way required for road or drainage purposed which have not been dedicated on the final map. Written evidence acceptable to the City in the form of rights of entry or permanent easements across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility.
- 6.. Traverse Closures. Traverse closures for the boundary blocks, lots, easements, street centerlines and monument lines.
7. Hydrology and Hydraulic Calculations. Complete hydrology and hydraulic calculations of all storm drains, flood flows, and retention facilities.
8. Governing Documents. The submittal of the final map for a common interest development within the meaning of Sections 1350 et seq. of the State Civil Code shall include the proposed Declaration of Covenants, Conditions and Restrictions

containing the provisions described in Section 1353 of the Civil Code, and all other governing documents for the subdivision as are appropriate pursuant to Section 1363 of the Civil Code, and containing all conditions of approval designated to be contained within the "Code, Covenants and Restrictions." The submittal of the final map for all subdivisions other than a common interest development shall include any Declaration of Covenants, Conditions and Restrictions proposed in connection therewith. All documents shall be subject to review and approval by the Director and/or City Engineer.

9. Guarantee of Title. A guarantee of title, in form acceptable to the City Engineer and City Attorney, shall be issued by a competent title company to and for the benefit and protection of the City and shall be continued complete up to the instant of recording of the final map, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all public easements being offered for dedication, and all acknowledgments thereto, appear on the proper certificates and are correctly shown on the map, both as to consents as to the making thereof and affidavits of dedication where necessary.
10. Improvement Agreement. In the event sewer, water, drainage, grading, paving, or other improvements required pursuant to Section 159.30.010 have not been completed prior to the presentation of the final map, an agreement pursuant to the requirements of Section 159.30.220 shall be filed for the improvement thereof. The subdivider shall secure the performance of the agreement pursuant to the requirements of Section 159.30.230.
11. Liability Agreement and Insurance. A hold-harmless agreement obligating the subdivider to hold the City and its officers, agents and employees harmless from any liability for damages or claims for damages for personal injury or death, which arise from the operations of the subdivider and/or the subdividers subcontractors in connection with the subdivision. A certificate of insurance reporting to the City the amount of insurance the subdivider carries for the subdividers own liability for damages or claims for damages for personal injury or death which arise from the operations of the subdivider or related subcontractors in connection with the subdivision. The certificate of insurance shall name the City as an additional insured. The agreement and certificate required by this section shall be subject to prior review and approval by the City Engineer.
12. Any additional data, reports, or information as required by the City Engineer.

159.48.070 DETERMINATION BY CITY ENGINEER

The final map and any other required information shall be reviewed by the City Engineer, and the subdivider shall make corrections and /or additions until acceptable to the City Engineer.

The original tracing of the map and any duplicates shall submit by the subdivider to the City Engineer pursuant to City requirements, corrected to its final form and signed by all parties required to execute the certificates on the map. Original signatures shall appear on the original drawing. Upon receipt of all required certificates and submittals, the City Engineer shall sign the appropriate certificates and transmit the original map to the City Clerk or maintain same in the City Engineer's office, as deemed appropriate by the City.

159.48.080 APPROVAL BY COUNCIL

The final map approved by the City Engineer as complying with the approved or conditionally approved tentative map shall be filed with the Council for approval after all required certificates have been signed. The date the map shall be deemed filed with the Council is the date on which the City Clerk receives the map. The Council shall consider the final map for approval at its next available regular meeting after the City Clerk receives the map. Before approving the final map, the Council shall consider approval of the subdivision improvement agreement pursuant to Section 159.30.220.

If the subdivision improvement agreement and final map are approved by the Council, the Mayor shall execute the agreement on behalf of the City. At the time the Council approves the final map, it shall also accept, accept subject to improvement, or reject any offer of dedication. The City Clerk shall certify on the final map the action by the Council. If at the time the final map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities, or storm drainage easements are not accepted by the Council, the offer of dedication shall remain open and the Council may, by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, rights-of-ways for local transit facilities, or storm drainage easements, which acceptance shall be recorded in the office of the County Recorder.

The City may accept any dedications lying outside the subdivision boundary which require a separate grant deed. The acceptance shall be recorded in the office of the County Recorder.

If the subdivision improvement agreement and/or final map is not in substantial compliance with the approved tentative map, the Council shall deny the agreement and/or final map.

The Council shall not postpone or refuse approval of a final map because the subdivider has failed to meet a tentative map condition requiring construction or installation of off-site improvements on land which neither the subdivider nor the City has sufficient title or interest to permit the improvements to be made.

Additionally, the Council shall not deny approval of the final map if the City has previously approved a tentative map for the proposed subdivision and if the Council finds that the final map is in compliance with the requirements of the Subdivision Map Act, this Zoning Ordinance, and the tentative map and all conditions thereof.

159.48.100 RECORDATION

Upon approval of the final map by the Council, the City Clerk shall execute the appropriate certificate on the certificate sheet and shall, pursuant to the provisions of Subdivision Map Act Section 66464, transmit the map, or have an authorized agent forward the map, to the County Recorder.

159.48.110 PARCEL MERGERS AND UNMERGERS

1. The primary purpose of this section is to provide for a merger of parcels upon application of the property owner without the necessity of processing a parcel map. The specific requirement for a City-initiated merger are as follows in compliance Subdivision Map Act Section 66451.11.
2. Merger without final map.
 - A. Upon application by the property owner, on a form approved by the City Engineer, contiguous parcels under the same ownership may be merged without filing a map for a reversion to acreage. The form and content of the application and the information, data, fees, and other details required for the processing of same, shall be set by Council resolution.
 - B. The City Engineer shall have the authority to approve mergers, and no final map shall be required provided the merger does not involve the following:
 1. Streets or other easements to be vacated;
 2. Release of previously posted agreements or securities for improvements;
 3. Release of previously paid fees or deposits made pursuant to the division of the parcels to be merged; and/or
 4. Merger of more than 4 parcels.
 - C. Upon approval of a merger, the City Engineer shall cause to be prepared an appropriate instrument describing the parcels to be merged, which shall be executed by the owner involved and the City Engineer, and which shall be recorded with the County Recorder.

159.48.120 LOT LINE OR BOUNDARY ADJUSTMENTS

Procedures outlined in this Section shall govern the processing of and requirements for lot line or boundary adjustments, pursuant to Subdivision Map Act Section 66412(d). Any adjustment may be filed pursuant to the provisions of this Section to adjust the

boundaries between two (2) or more adjacent parcels, where the land taken from one (1) parcel is added to an adjacent parcel, and where a greater or lesser number of parcels than originally existed is not created, provided the Director determines that the proposed adjustment does not:

1. Create any additional or fewer parcels;
2. Include any parcels which are not legal as defined in the City Municipal Code;
3. Impair any existing access or create need for new access to any adjacent parcels;
4. Impair any existing easements or create a need for any new easements serving any adjacent parcels;
5. Increase or decrease the gross area of any property involved by more than 20%.
6. Require substantial alteration of any existing improvements or create a need for any new improvements; and
7. Adjust the boundary between parcels for which a covenant of improvement requirements has been recorded and all required improvements stated therein have not been completed unless the Director determines the proposed adjustment will not significantly affect the covenant of improvement requirements.

159.48.130 REVERSIONS TO ACREAGE

Subdivided real property may be reverted to acreage, pursuant to Subdivision Map Section 66499.11 et seq. and this Development Code. This Section shall apply to final and parcel maps.

Subdivided lands may be merged and resubdivided without reverting to acreage, pursuant to Subdivision Map Act Section 66499.20 1/2.

An application for reversion to acreage shall be filed with the Department, and reviewed by the City Engineer. A public hearing shall be held by the Commission on all proposed reversions to acreage. Notice of public hearing shall be given by the Department, pursuant to Section 159.52.

159.48.140 CORRECTION AND AMENDMENT OF MAPS

After a final or parcel map is filed in the office of the County Recorder, it may be amended by a certificate of correction or an amending map, pursuant to Subdivision Map Act Section 66469 et seq.

The certificate of correction or amending map, shall be submitted to the City Engineer, pursuant to Subdivision Map Act Section 66471.

159.48.150 CERTIFICATES OF COMPLIANCE

Any person owning real property within the City may request whether the property complies with the provisions of the Subdivision Map Act and the Municipal Code. Upon making this determination, the City Engineer shall cause a Certificate of Compliance, with or without conditions, to be filed for recordation with the office of the County Recorder, pursuant to Subdivision Map Act Section 66499.35. Any person requesting a Certificate of Compliance shall pay the applicable application and engineering fee(s).

ARTICLE IV: ADMINISTRATION

CHAPTER 159.50 GENERAL PLAN AMENDMENTS

159.50.010 PURPOSE

The City Council may amend the General Plan of the City of Desert Hot Springs whenever required by public necessity and general welfare.

159.50.020 HEARINGS AND NOTICE

Upon receipt in proper form of a General Plan Amendment Application, or direction of the Council, and following Department review, hearings shall be set before the Commission and Council. Notice of the hearings shall be given pursuant to the requirements of Chapter 159.52 (Hearings and Appeals).

159.50.030 COMMISSION ACTION ON AMENDMENTS

The Commission shall make a written recommendation on the proposed amendment whether to approve, approve in modified form or disapprove, based upon the findings contained in Section 159.50.050.

Commission action recommending that the proposed General Plan Amendment be approved, approved in modified form, or denied shall be considered by the Council following Commission action.

159.50.040 COUNCIL ACTION ON AMENDMENTS

Upon receipt of the Commission's recommendation, the Council may approve, approve with modifications, or disapprove the proposed amendment based upon the findings contained in section 159.50.050. Amendments to the General Plan Land Use map shall be adopted by resolution. Amendments to the text of the General Plan shall be adopted by resolution.

159.50.050 FINDINGS

An amendment to the General Plan may be adopted only if all of the following findings are made:

1. That the proposed amendment is internally consistent with the General Plan;
2. That the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;

3. That the proposed amendment would maintain the appropriate balance of land uses within the City; and
4. That in the case of an amendment to the General Plan Land Use Map, the Subject parcel(s) is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation(s) and the anticipated land use development(s).

ARTICLE IV: ADMINISTRATION

CHAPTER 159.52 HEARINGS AND APPEALS

159.52.010 PURPOSE

Provisions of this chapter specify procedures for hearings before the Council, Commission, and Director and appeals of any requirement, decision or determination made by the Director, or the Commission.

159.52.020 APPLICATION PROCESSING

Applications shall be reviewed and processed in a manner consistent with the provisions of the California Government Code Sections 65090, 65091, and 66451.3.

Not less than 10 days before the date of a hearing, public notice shall be given of such hearing by the following methods:

1. By one (1) publication in a newspaper of general circulation within the City. The notice shall state the nature of the request, the location of the property (text or diagram), the date, time, and place of the scheduled hearing, and hearing body;
2. By mailing, 10 days prior to said hearing, postage prepaid, to the owners and tenants of property within a radius of 300 feet of the exterior boundaries of the property involved in the application, using for this purpose the last known name and address of such owners as shown upon the current tax assessors records. Notice is deemed received 2 days after date of postmark. The list of property owners addresses shall be typed upon gummed labels, together with required postage. The list shall be prepared and certified by the applicant, or a title insurance company, civil engineer or surveyor licensed to practice in California. The notice shall state the nature of the request, location of the property (text or diagram), the date, time, and place of the scheduled hearing, and the hearing body; or, in the event that the number of owners and tenants to whom notice would be sent is greater than 1000, notice may be given at least 10 days prior to the hearing by placing a display advertisement of at least 1/8 page in the newspaper having the greatest circulation within the area affected by the proposed action. The notice shall state the nature of the request, the location of the property (text or diagram), the date, time, and place of the scheduled hearing, and the hearing body; and

3. By mailing, 10 days prior to said hearing, postage prepaid, to the owner of the subject real property or the owner's authorized agent, and to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the proposed project. The notice shall state the nature of the request, the location of the property (text or diagram), the date, time, and place of the scheduled hearing, and the hearing body. Notice is deemed received 2 days after date of postmark.

159.52.030 DIRECTOR INVESTIGATION

The Director shall make an investigation of facts bearing on the case to provide the information necessary for action consistent with the intent of this Zoning Ordinance and the General Plan. The Director shall report the findings to the Commission or Council, as appropriate.

159.52.040 HEARING PROCEDURE

Hearings as provided for in this Chapter shall be held at the date, time, and place for which notice has been given as required in this Chapter. The summary minutes shall be prepared, or audio tape made and filed in the Department. Any hearing may be continued provided that prior to the adjournment or recess of the hearing, a clear announcement is made specifying the date, time, and place to which said hearing will be continued.

159.52.050 NOTICE OF DECISION-DIRECTOR

The Director shall announce and record his/her respective decisions in writing. The decision shall set forth applicable findings and any conditions of approval. Following the decision a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown upon the application.

159.52.060 NOTICE OF DECISION - COMMISSION

The Commission shall announce and record its decision at the conclusion of the public hearing. The decision shall set forth the findings of the Commission together with all required conditions of approval deemed necessary to mitigate any impacts and protect the health, safety and welfare of the community.

Following the hearing, a notice of the decision of the Commission, and any conditions of approval shall be mailed to the applicant at the address shown upon the application.

The recommendation with findings of the Commission for the following applications shall be transmitted to the Council for final action:

1. Specific Plans;
2. General Plan Amendments, text or map;

3. Planned Development district;
4. Zoning Ordinance Amendments;
5. Development Agreements; and
6. Surface Mining and Land Reclamation Plans.

159.52.070 NOTICE OF DECISION - COUNCIL

The Council shall announce and record its decision at the conclusion of the public hearing. The decision shall set forth the findings of the Council and conditions of approval deemed necessary to mitigate any impacts and protect the health, safety and welfare of the City.

Following the hearing, a notice of the decision of the Council and any conditions of approval shall be mailed by the City Clerk to the applicant at the address shown upon the application.

The decision of the Council shall be final.

159.52.080 EFFECTIVE DATE

Development Permits approved by the Director shall become effective upon approval, unless appealed. Minor Exceptions, Variances, all other Development Permits, and Conditional Use Permits, shall become effective 15 days following the final date of action (i.e., approval by the appropriate review authority. Specific Plans, General Plan Amendments, Zoning Ordinance Amendments, Development Agreements, and Surface Mining and Land Reclamation Plans shall become effective 30 days following the final date of action (i.e., adoption) by the Council. The letter of approval shall constitute the permit, and the resolution or ordinance shall constitute the amendment.

159.52.090 APPEAL OF ACTION

Any determination or action taken by the Director may only be appealed to the Commission. In a similar manner, any action taken by the Commission to approve or disapprove an application may be appealed to the Council.

159.52.100 FILING OF APPEALS

Appeals shall be submitted to the Department on a City application form, and shall specifically state the basis of the appeal. An appeal of a Director action shall be filed with the Department within 15 days following the final date of action for which an appeal is made. Appeal of a Commission decision shall be filed with the Department within 15 days following the final date of action for which an appeal is made. Appeal of a City Engineer action shall be filed with the Department. All appeals relating to

subdivision matters shall be made within 15 days following the date of the decision or action for which an appeal is made. Appeals shall be accompanied by a filing fee as specified in Chapter 159.32 (Applications and Fees).

159.52.110 NOTICE OF APPEAL HEARINGS

The notice of an appeal hearing shall conform to the manner in which the original notice was given. The appellant shall be responsible for all, if any, noticing materials required in the original application, including postage.

159.52.120 EFFECTIVE DATE OF APPEALED ACTIONS

An action of the Director appealed to the Commission shall not become final until upheld by the Commission. An action of the Commission or City Engineer appealed to the Council or Director, respectively, shall not become final unless and until upheld by the Council or Director.

159.52.130 REAPPLICATION

When an application for a permit or amendment is denied, no application for the same or substantially same permit or amendment shall be filed in whole, or in part, for the ensuing twelve (12) months, except as otherwise specified at the time of denial. The Director shall determine whether the new application is for a permit or amendment which is the same or substantially the same as a previously denied permit or amendment. No decision of the Director shall be effective until a period of 15 days has elapsed following the written notice of decision.

159.52.140 RECONSIDERATION

In the event that more complete or additional facts or information, which may affect the original action taken on an application by a review authority, are presented, the review authority may reconsider such action taken, if a request for reconsideration is filed with the Department within 15 days following the final date of action. If a public hearing was required in the original review process, another public notice as specified in Section 159.52.020 shall be made prior to the reconsideration of the review authority, and all costs associated with the reconsideration shall be paid by the applicant

ARTICLE IV: ADMINISTRATION

CHAPTER 159.54 HOME OCCUPANCY PERMITS

159.54.010 PURPOSE

The provisions of this chapter allow for conducting home-based occupations which are incidental to and compatible with surrounding residential uses. A home occupation represents a legal income producing activity by the occupant of the dwelling.

159.54.020 APPLICATION

Conducting a home occupation requires the approval of the Director who may establish conditions to further the intent of this Chapter. An application for a Home Occupation Permit shall be on a form prescribed by the Director and shall be filed with the Department pursuant to Chapter 159.32 (Applications and Fees).

No home occupation permit shall be required for an in-home educational activity, including but not limited to music lessons, academic tutoring, or religious instruction, provided that no more than five (5) students are present at any one (1) time, and the use complies with all of the operating standards outlined below. In addition, no home occupation permit nor Certificate of Occupancy shall be required for a business using the owner(s) or any partner(s) home as its business address provided: 1) that there is no signage at the home address; 2) there are no building materials stored at the home address; 3) that no manufacturing takes place at the home address; 4) that no vehicles with commercial advertisements are stored where visible from a public right-of-way; and, 5) that in the course of doing business, no employees or customers appear at the home address to transact business.

159.54.030 OPERATING STANDARDS

Home occupations shall comply with all of the following operating standards:

1. No home occupation shall alter the appearance of the dwelling unit;
2. There shall be no displays, sale or delivery of merchandise, or advertising signs on the premises;
3. No signs other than the address and name of the resident shall be permitted;

4. No advertising which identifies the home occupation by street address shall be permitted;
5. All home occupations shall be confined completely to one (1) room located within the dwelling. It shall not occupy an area equivalent to more than 10 percent of the gross area of first floor. No portion of any garage, carport, or other accessory structure shall be used for home occupation purposes. Horticulture activities may be conducted outdoors but only within the rear 1/3 of the lot;
6. A limit of one (1) vehicle no larger than a 3/4 ton truck may be used by the occupant directly or indirectly in connection with a home occupation;
7. Home occupations shall not encroach into any required parking, setback, or open space areas;
8. There shall be no use or storage of material or mechanical equipment not recognized as being part of a normal household or hobby use;
9. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. Utility consumption shall not exceed normal residential usage;
10. No use shall create or cause noise, dust, light, vibration, odor, gas, fumes, toxic/hazardous materials, smoke, glare, or electrical interference or other hazards or nuisances;
11. Only the occupants of the dwelling may be engaged in the home occupation;
12. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises;
13. The home occupation shall not generate pedestrian or vehicular traffic in excess of that ordinarily associated with the land use district in which it is located;
14. No home occupation shall be initiated until a current business license is obtained, pursuant to the Desert Hot Springs Municipal Code;
15. Home Occupation Permits shall not be transferable;
16. There shall be no more than one (1) home occupation in any dwelling unit;
17. If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to the submittal for a Home Occupation Permit; and

18. Any special condition established by the Director and made part of the record of the Home Occupation Permit, as deemed necessary to carry out the intent of this Chapter.

159.54.040 PROHIBITED HOME OCCUPATION USES

The following are examples of uses that are not incidental to nor compatible with residential activities, and are prohibited:

1. Barber and beauty shop;
2. Businesses which entail the harboring, training, breeding, raising, or grooming of dogs, cats, or other animals on the premises;
3. Carpentry and cabinet making;
4. Medical and dental offices, clinics, and laboratories;
5. Mini storage;
6. Repair, fix-it, or plumbing shops;
7. Storage of equipment, materials, and other accessories to the construction and service trades;
8. Vehicle repair (body or mechanical), upholstery, and painting;
9. Welding and machining; and
10. Any other use determined by the Director to be not incidental nor compatible with residential activities.

159.54.050 REVOCATION

A Home Occupation Permit may be revoked or modified by the Director if any one (1) of the following findings can be made:

1. That the use has become detrimental to the public health, safety, or traffic, or constitutes a nuisance;
2. That the permit was obtained by misrepresentation or fraud;
3. That the use for which the permit was granted has ceased or was suspended for six (6) or more consecutive calendar months;

4. That the condition of the premises, or the area of which it is a part, has changed so that the use is no longer justified under the meaning and intent of this Chapter;
5. That one (1) or more of the conditions of the Home Occupations Permit have not been met; or
6. That the use is in violation of any statute, ordinance, law, or regulation.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.56 INTERPRETATION

159.56.010 PURPOSE

These procedures ensure the consistent interpretation and application of the provisions of the Zoning Ordinance and the General Plan.

159.56.020 PROCEDURE

The Director has the authority to make Zoning Ordinance interpretations and the Commission has the authority to make General Plan interpretations. A written appeal of any interpretation of the provisions of this Zoning Ordinance may be filed, together with all required fees, with the Department pursuant to Chapter 159.52. The appeal shall specifically state the Zoning Ordinance or General Plan provision(s) in question, and provide any information to assist in the review of the appeal. The decision of the Director may be appealed to the Commission. The decision of the Commission may be appealed to the Council.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.58 MINOR EXCEPTIONS

159.58.010 PURPOSE

Provisions of this chapter are meant to ensure the following:

1. Minor Exceptions or adjustments from the standards contained in this Zoning Ordinance shall be granted only when, because of special circumstances applicable to the property, the strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical land use districts.
2. Minor Exceptions granted shall be subject to such conditions as will ensure that the minor adjustment thereby authorized shall not constitute a grant of special privileges(s) inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is situated.

159.58.020 APPLICATION

Applications for Minor Exception shall be filed in a manner consistent with the requirements contained in Chapter 159.32 (Applications and Fees).

159.58.030 APPLICABILITY

Minor Exceptions may be granted by the Director for up to a maximum of 10% of only the following measurable design/site considerations:

- | | |
|---|----------------------|
| A. Distance between structures | D. Setbacks |
| B. Lot Dimensions | E. Structure Heights |
| C. On-site parking, loading and landscaping | |

Minor exception requests which exceed the prescribed limitations outlined in this Section shall require the filing of a Variance application, pursuant to Chapter 159.72. Minor exceptions may be approved by the Director only if no other entitlements are required. If other approvals are necessary, the minor exception shall be filed concurrently.

159.58.040 FINDINGS

Following his decision, the Director shall record the decision in writing and shall recite therein the findings upon which such decision is based, pursuant to Section 65906 of the Government Code. The Director may approve and/or modify an application in whole or in part, with or without conditions, only if all of the following findings are made:

1. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical land use district classification;
2. That granting the Minor Exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and land use district and denied to the property for which the Minor Exception is sought;
3. That granting the Minor Exception will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;
4. That granting the Minor Exception does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is located.
5. That granting the Minor Exception does not exceed 10% of the standard(s) being modified, or allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and
6. That granting the Minor Exception will not be inconsistent with the General Plan.

159.58.050 PRECEDENTS

The granting of a prior Minor Exception shall not serve as the basis for the granting of a new Minor Exception.

159.58.060 BURDEN OF PROOF

The burden of proof to establish the evidence in support of the findings, as required by Section 159.58.050, is the responsibility of the applicant.

159.58.070 MINOR EXCEPTION EXPIRATION

A Minor Exception shall be exercised within one (1) year from the date of approval, or the Minor Exception shall become null and void.

159.58.080 TIME EXTENSION

The Director may, upon an application being filed 30 days prior to expiration and for good cause, grant a time extension not to exceed 12 months. Upon granting of an extension, the Director shall ensure the Minor Exception complies with all current Zoning Ordinance provisions.

159.58.90 USE OF PROPERTY BEFORE FINAL DECISION

No permit shall be issued for any use involved in an application for approval of a Minor Exception until, and unless, the same shall have become final, pursuant to Section 159.52.080 (Effective Date).

159.58.100 REVOCATION

The Director may hold a public hearing to revoke or modify a Minor Exception granted pursuant to the provisions of this Chapter. Fifteen days prior to the public hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such Minor Exception was granted. Notice shall be deemed delivered 2 days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the County of Riverside, and/or the project applicant.

A Minor Exception may be revoked or modified by the Director if any one (1) of the following findings can be made:

1. That circumstances have changed so that one (1) or more of the findings contained in Section 159.58.050 can no longer be made, and the grantee has not substantially exercised the rights granted by the Minor Exception;
2. That the Minor Exception was obtained by misrepresentation or fraud;
3. That the improvement authorized pursuant to the Minor Exception had ceased or was suspended for six (6) or more consecutive calendar months;
4. That one (1) or more of the conditions of the Minor Exception have not been met, and the grantee has not substantially exercised the rights granted by the Minor Exception;
5. That the improvement authorized pursuant to the Minor Exception is in violation of any statute, ordinance, law, or regulation; or
6. That the improvement permitted by the Minor Exception is detrimental to the public health, safety, or welfare or constitutes a nuisance.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.60 MINOR MODIFICATIONS

159.60.010 PURPOSE

Modification procedures set forth in this chapter are intended to provide a method whereby minor changes may be made to existing, previously approved land use entitlements, without any additional impact or expansion of use or structure(s).

159.60.020 APPLICATION

Minor modification of a previously approved entitlement requires the approval of the Director, who may establish additional conditions to further the intent of this Chapter. Applications for the minor modification shall be on a form proscribed by the Director and shall be filed with Department, pursuant to Chapter 159.32 (Applications and Fees). Any modification request which exceeds the prescribed limitations outlined in this Chapter shall require the refiling of the original application and a subsequent hearing by the appropriate review authority.

159.60.030 APPLICABILITY

The Director may grant a minor modification to an approved permit up to a maximum of 10% governing only the following measurable design/site considerations, which in no case would result in a reduction from any minimum standard outlined in this Zoning Ordinance:

1. On-site circulation and parking, loading and landscaping;
2. Placement and/or height of walls, fences and structures;
3. Reconfiguration of architectural features, including colors, and/or modification of finished materials that do not alter or compromise the previously approved theme;
and
4. A reduction in density or intensity of a Development Project.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.62

NON-CONFORMING STRUCTURES AND USES

159.62.010 PURPOSE

Provisions of this chapter provide for the orderly termination of nonconforming structures and uses to promote the public health, safety, and general welfare, and to bring these structures and uses into conformity with the goals and policies of the General Plan. It is the intent of this chapter to prevent the expansion of nonconforming structures and uses to the maximum extent feasible, to establish the criteria under which they may be continued or possibly expanded, and to provide for the correction or removal of these land use nonconformities in an equitable, reasonable and timely manner.

Nonconforming structures and uses within the City are generally detrimental to both orderly and complementary development, and the general welfare of citizens and property. Furthermore, it is the intent of this chapter that nonconforming structures and uses shall be eliminated as rapidly as possible without infringing upon the constitutional rights of property owners.

159.62.020 NONCONFORMING STRUCTURES

Structures which lawfully existed prior to the effective date of this Zoning Ordinance are legal nonconforming structures, and may continue even though they fail to conform to the present requirements of the land use district in which they are located. Legal nonconforming structures may be maintained as follows:

1. Legal nonconforming structures which are damaged to an extent of 1/2 or more of replacement cost immediately prior to such damage may be restored only if made to conform to all provisions of the Zoning Ordinance. However, any residential structure(s), including multi-family, in a residential land use district destroyed by a catastrophe, including fire and earthquake, may be reconstructed up to the original size, placement, and density. However, reconstruction shall commence within two (2) years after the catastrophe.
2. Necessary repairs and desired alterations may be made to legal nonconforming residential structures, including multi-family, located in a residential land use district.

3. Reasonable repairs and alterations may be made to legal nonconforming commercial, institutional, or industrial structures, provided that no structural alterations shall be made which would prolong the life of the supporting members of a structure, such as bearing walls, columns, beams, or girders. Structural elements may be modified or repaired only if the Chief Building Official determines that such modification or repair is immediately necessary to protect the health and safety of the public or occupants of the nonconforming structure, or adjacent property and the cost does not exceed one-half (1/2) of the replacement cost limitations, provided that such retrofitting is strictly limited to compliance with earthquake safety standards.
4. Changes to interior partitions or other nonstructural improvements and repairs may be made to a legal nonconforming commercial, institutional, or industrial structure, provided that the cost of the desired improvement or repair shall not exceed one-half (1/2) of the replacement cost of the nonconforming structure over any consecutive five (5) year period.
5. The replacement cost shall be determined by the Director.
6. Any additional development of a parcel with a legal nonconforming structure will require that all new structures be in conformance with this Zoning Ordinance.
7. In the event that the use of a nonconforming structure is discontinued for a period of six (6) or more consecutive calendar months, the structure shall lose its legal nonconforming status, and shall be removed or altered to conform to the provisions of this Zoning Ordinance. A use of a legal nonconforming structure shall be considered discontinued when any of the following apply;
 - A. The intent of the owner to discontinue use of the nonconforming structure is apparent, as determined by the Director.
 - B. In the event that characteristic furnishings and equipment associated with the use have been removed and not replaced with equivalent furnishings and equipment during this time, and where normal occupancy and/or use has been discontinued for a period of six (6) or more consecutive calendar months.
 - C. Where there are no business receipts available for the six (6) month period.
8. The Director shall permit a non-conforming structure to be reoccupied without complying with the building dimensional requirements (pertaining to height, set-backs and/or lot coverage) or the landscaping requirements in Section 159.28 where the use of the non-conforming structure has been discontinued for six (6) months or more and if the Director determines that a portion of the structure or the required on-site parking must be removed in order for the structure to conform

to the provisions of this Ordinance. All other requirements in the Municipal Code, including but not limited to Section 159.62 shall apply to the reoccupancy of the structure.

159.62.030 NONCONFORMING USES

Nonconforming uses are those which lawfully existed prior to the effective date of this Zoning Ordinance, but which are no longer permitted in the land use district in which they are located. The continuance of legal nonconforming uses are subject to the following:

1. Change of ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status, provided that the use and intensity of use does not change.
2. If a nonconforming use is discontinued for a period of six (6) or more consecutive calendar months, it shall lose its legal nonconforming status, and the continued use of the property shall be required to conform with the provisions of this Zoning Ordinance.
3. Additional development of any property on which a legal nonconforming use exists shall require that all new uses conform to the provisions of this Zoning Ordinance.
4. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
5. No nonconforming use may be established or replaced by another nonconforming use, nor may any nonconforming use be expanded or changed, except as provided in 159.62.030.
6. A nonconforming use of a portion of a nonconforming commercial or industrial center or complex may be established or replaced by another similar nonconforming use subject to the granting of Development Permit after a noticed public hearing as specified in Section 159.52.020, and if all the following findings are made;
 - a. That the nonconforming use is similar to the uses originally allowed in the center or complex;
 - b. That the nonconforming use will not adversely affect or be materially detrimental to adjoining properties; and
 - c. That the use of the entire center or complex has not been vacant or discontinued for a period of six (6) or more calendar months.

7. An existing legal nonconforming use or legal nonconforming building may be minimally expanded or changed subject to the granting of a Development Permit after a noticed public hearing as specified in Section 159.52.020, and if all of the following findings are made:
 - a. That such expansion or change is minimal;
 - b. That such expansion or change will not adversely affect or be materially detrimental to adjoining properties;
 - c. That there is a need for relief of over crowded conditions or for modernization in order to properly operate the use; and
 - d. That the use is existing and has not been discontinued for a period of six (6) or more calendar months.

159.62.040 ABATEMENT OF NONCONFORMING USES

Legal nonconforming uses shall be discontinued within the following specified time limits, from the effective date of this Zoning Ordinance:

- | | |
|---|----------|
| 1. A nonconforming use which does not occupy a structure | 5 years |
| 2. The nonconforming use of a conforming structure within any residential land use district | 15 years |
| 3. The nonconforming use of a conforming structure within any commercial/industrial land use district | 10 years |

159.62.050 STRUCTURE PERMITS OR CERTIFICATED OF OCCUPANCY PROHIBITED

When any nonconforming structure or use is no longer permitted pursuant to the provisions of this Chapter, no permit for a structure shall thereafter be issued for further continuance, alteration, or expansion. Any permit issued in error shall not be construed as allowing the continuation of the nonconforming structure or use.

159.62.060 REMOVAL OF ILLEGAL NONCONFORMING STRUCTURES AND USES

Nothing contained in this Chapter shall be construed or implied so as to allow for the continuation of illegal nonconforming structures and uses. Said structures and uses shall be removed immediately subject to the provisions of Chapter 159.46 (Enforcement of

Provisions) and State Law.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.64 SPECIFIC PLANS

159.64.010 PURPOSE

The purpose of this Chapter is to establish uniform procedures for the adoption and implementation of Specific Plans for the coordination of future development within the City, consistent with Section 159.10.010 (2)(E) (SP [Specific Plan] District) and pursuant to Government Code Section 65450 et seq.

159.64.020 PRE-SUBMITTAL AND PREPARATION OF SPECIFIC PLANS

1. A pre-submittal application and fee are required prior to filing a formal Specific Plan application. A pre-application conference with Department representatives is required prior to filing of the formal specific plan application.
2. The Specific Plan and Environmental Impact Report (EIR), if required, shall not be prepared by the same consulting firm.
3. Consultants and/or the applicant may be responsible for preparation and advertisement of the Notice of Preparation (NOP) and the Notice of Completion (NOC) for the EIR, if an EIR is required.
4. Prior to the preparation of a Specific Plan or EIR the applicant may be required to hold a public scoping meeting to identify potential community impacts and concerns about the project. If held, public notice of the scoping meeting is required. Noticing procedures shall be defined by the Department at the pre-application conference.

159.64.030 CONTENT OF SPECIFIC PLAN

A Specific Plan application shall include a text and a diagram(s) which contain all of the provisions outlined in Government Code Sections 65451 and 65452, in addition to all data and related exhibits required by the Department.

159.64.040 HEARINGS AND NOTICE

Upon receipt in proper form of a Specific Plan application, or direction of the City Council, and following Department review, hearings shall be set before the Commission and City Council.

Notice of the hearings shall be given pursuant to the requirements of Chapter 159.52 (Hearings and Appeals).

159.64.050 COMMISSION ACTION ON SPECIFIC PLANS

The Commission shall make a written recommendation on the proposed Specific Plan whether to approve, approve in modified form or disapprove, based upon the findings contained in Section 159.64.070. Commission action recommending that the proposed Specific Plan be approved, approved in modified form, or denied shall be considered by the City Council following Commission action.

159.64.060 COUNCIL ACTION ON SPECIFIC PLANS

Upon receipt of the Commission's recommendation, the City Council may approve, approve with modifications, or disapprove the proposed Specific Plan based upon the findings contained in Section 159.64.070. Prior to City Council action, the City may require that all land within the scope of the Specific Plan shall be incorporated within the City.

159.64.070 FINDINGS

A Specific Plan may be adopted only if all of the following findings are made:

1. The proposed plan is consistent with the General Plan;
2. The proposed plan would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
3. The subject property is physically suitable for the requested land use designation(s) and the anticipated land use development(s);
4. The proposed plan shall ensure development of desirable character which will be compatible with existing and proposed development in the surrounding neighborhood; and
5. The proposed plan will contribute to a balance of land uses so that local residents may work and shop in the community in which they live.

159.64.080 SPECIFIC PLAN CONSISTENCY

No public works project, tentative map or parcel map, or other land use entitlement may be approved, adopted or amended within an area covered by a Specific Plan, unless found consistent with the adopted Specific Plan.

159.65.010 **Purpose.**

The planned development district is designed to provide various types of land use which can be combined in compatible relationship with each other as part of a totally planned development. It is the intent of this district to insure compliance with the general plan and good zoning practices while allowing certain desirable departures from the strict provisions of specific zone classifications. The advantages which are intended to result from the application of the planned development district are to be insured by the adoption of a precise development plan with a specific time limit for commencement of construction.

159.65.020 **Applicability of Regulations.**

The following regulations and general rules set forth in this section and in Chapter 159.36 (Conditional Use Permit) shall apply in a planned development district. Where a conflict in regulations occurs, the regulations specified in this section shall apply. A planned development district may be approved in lieu of a change of zone (for mixed use projects) as specified in Chapter 159.42.

159.65.030 **Uses Permitted.**

The Planning Commission and City Council shall find that the proposed uses as shown on a development plan for the Planned Development (PD) district are in conformity with the required findings and conditions as set forth in Chapter 159.36 (Conditional Use Permit), the General Plan and sound community development. Only those uses approved by the Planning Commission and City Council may be permitted in the PD district. The following types of uses may be permitted in a PD district.

1. Planned residential development districts may include a multiplicity of housing types; provided, the density does not exceed the general plan requirements. Housing density may be increased in conformance with state and local regulations if the district assists the city in meeting its housing goals as set forth in the housing element of the general plan. The form and type of development on the PD site boundary shall be compatible with the existing or potential development of the surrounding neighborhoods.
2. A specific commercial use for property adjacent to an existing commercial zone may be approved as a PD when such property is to be used for additional off-street parking or an extension of buildings proposed in the existing commercial zone or in combination with residential uses. Where this is permitted, the plan

for the total property shall be submitted and the applicant shall clearly detail, by engineering and architectural specifications and drawings, the manner in which the subject area is to be developed and the means that will be employed to protect the abutting property and the health, safety, welfare and privacy enjoyed thereon.

3. In industrial zones, a property which combines industrial and service commercial uses may be approved as a PD subject to the development standards of the for the zone in which the planned district is located to protect the health, safety and welfare of the area. Such PD's shall be permitted on a major or secondary thoroughfare as indicated on the general plan street plan or when these uses are integrated into an overall development plan. In both instances the proposed use shall not adversely affect the uses of properties in adjoining areas.
4. Additional uses may be permitted in the PD including churches, nursery and day schools for pre-school children, when these uses are located on a secondary or major thoroughfare as indicated on the general plan street plan or when these uses are integrated into an overall development plan and when in both instances the proposed use would not adversely affect the uses of property in adjoining areas.
5. Planned development districts may include a multiplicity of uses; providing, the proposed uses are permitted by the subject zoning and/or general plan regulations. The form and type of development on the site boundary shall be compatible with the existing or potential development of the surrounding neighborhoods.

159.65.040 Property Development Standards.

The planning commission and the city council shall establish a full range of development standards appropriate to the orderly development of the site which shall include the following:

1. Building heights shall conform to the requirements of the underlying zoning district unless modified by the planning commission and the city council. Structures which exceed permitted heights may be considered only when such additional building height would: 1) not adversely affect the uses of property in adjoining areas; 2) fits into the character of the community; and 3) blends in with the natural surroundings.
2. Parking and loading requirements shall be subject to the requirements of Chapter 159.24, Off-Street Parking Standards. The planning commission and the city council may modify such requirements based upon the submittal of a specific parking plan.

3. Front yard setbacks compatible with the existing or potential development adjacent and/or opposite from existing development shall be required to provide for an orderly and uniform transition along the streetscape to preserve, protect and enhance the properties adjacent to the proposed PD. Nonperipheral areas of the PD shall not be subject to this requirement but shall be determined by approval of the development plan by the planning commission and the city council.
4. Minimum lot frontage not less than that of existing lots adjacent and/or opposite from existing developments shall be required to provide for an orderly and uniform transition along the streetscape to preserve, protect and enhance the properties adjacent to a proposed PD. Nonperipheral areas of the PD shall not be subject to this requirement but shall be determined by approval of the development plan by the planning commission and the city council.
5. Open space for planned districts shall be equal to or greater than the minimum open space requirement for the zone in which the planned district is located, unless otherwise approved by the planning commission and city council.
 - a. Protection of natural landscape features such as watercourses, hillsides, sensitive land area, existing vegetation, wildlife, unique topographical features, and views shall be encouraged. Open spaces shall be integrated into the overall design of the project.
 - b. Open space for commercial, industrial and mixed uses shall be determined by the development plan approved by the planning commission and city council.

159.65.050 Subdivision Map.

A planned development which requires a subdivision map may include the required map proceedings in the PD public hearing process.

159.65.060 Establishment and Development of a PD District.

A PD may be established through application of the property owner or his legal representative or the city council in accordance with the public hearing procedures of the conditional use permit as set forth in Section 159.36.040, compliance with the requirements of the California Environmental Quality Act, and the approval of a development plan (map and text). A PD may be approved in lieu of a change of zone (for mixed use type of projects) as specified in Chapter 159.42.

Development in a PD shall be subject to the requirements of this section and shall conform to the specifications of the development plan (map and text) as approved by the city council.

1. Plan Development Plan--Approval by the Planning Commission and City Council.

The applicant shall submit a development plan package to the department of planning and building for approval by the planning commission and city council. A map and/or site plan of the subject property shall conform to the requirements of the application checklist provided by the department of planning and building.

Approval by the planning commission and city council of the development plan in accordance with the public hearing procedures required by Chapter 159.52 shall constitute approval of a planned development district. The development plan shall, by reference, be incorporated into and become a part of the planned development district.

2. Modification of Final Development Plan. The approved development plan may be modified by submitting a request for such modification according to the same procedure as is required in the initial review and approval process, including public hearing by the planning commission and city council in accordance with Chapter 159.52. Minor architectural or site changes not affecting the intent of the PD may be approved by the planning commission in accordance with the public hearing procedures required by Chapter 159.52. No council action is necessary for minor changes except appealed decisions.

159.65.070 Designation of Planned Development District on Zoning Map.

Each planned development district shall be numbered, the first being shown on the official zoning map as PD(1) and each district subsequently applied for being numbered successively. All approved planned development districts, including planned development districts in lieu of changes of zone, shall be shown on the official zoning map of the city. Designation of a planned development district on the official zoning map shall not constitute an amendment of the official zoning map, except PD's approved in lieu of a change of zone as provided in Chapter 159.42.

159.65.080 Effective Dates.

A Development Plan shall become valid fifteen (15) calendar days after the date of the decision by the City Council.

159.65.090 Extensions.

1. The City Council may extend the Development Plan time limit following the consideration of an application for same at a duly noticed public hearing upon making a finding that such extension is justified and not detrimental to the public safety and welfare.

2. The City Council may approve, approve with conditions, or deny the request for time limit extension. If approved, the length of the extension granted shall not exceed the length of time granted the original Development Plan approval.

159.65.100 Termination of Planned Development District.

1. The Development Plan shall lapse and become null and void five (5) years from the date the development plan was approved by the city council or within the time set by planning commission or city council approval, unless the right(s) granted therein have become vested [commenced substantial construction; building permits for commercial/industrial projects and final maps for residential projects] or the time limit is extended by the City Council.
2. If a planned development district lapses or is declared null and void, a new application may be filed and hearings shall be held in accordance with this section. If such a lapse or declaration occurs, all activity authorized by the planned development district, except that specifically approved by the City Council to prevent significant loss and/or to insure the public safety and welfare, shall cease.
3. For any phased planned development, cessation of development for a period of two (2) years or more shall require planning commission review and approval prior to further development of the district unless part of an approved development agreement.
4. Planned development districts which are approved in conjunction with an approved disposition and development agreement (DDA) and/or subdivision map shall not terminate if substantial construction has commenced prior to the termination of the DDA and/or subdivision map.
5. Any PD which has not started construction within the time constraints of this Chapter shall revert to the original zoning designation and the designation shall be removed from the zoning map.

159.65.110 Application Requirements.

The following information is required for submittal of a Development Plan application:

1. Proof of Title to all the property contained in the application and authorization of the legal owners(s).
2. A completed application form.
3. Plans to scale as follows:
 - a. Commercial Developments

- Site plan showing general building locations, service and loading areas, access points, location of buildings on adjacent lots, parking areas, on-site circulation, location, height, and type of walls, landscaped areas, proposed drive-through areas.
- A discussion of the proposed architectural theme, including available elevations, maximum building and wall height, and sign program.
- Landscaping plans showing general landscaping theme, including use of type of landscaping materials or berms to convey theme or image.
- Phasing Plan (if needed).
- A deposit/fee as required by City Council resolution.
- Information as required for a public hearing (See Section 159.52.020).

b. Residential Developments.

- Site plan showing use locations such as open space and residential.
- Landscape plans showing general character of streetscapes and other landscape elements.
- Circulation plan showing vehicular, golf cart path, pedestrian, and bicycle circulation systems.
- Plan illustrating general wall theme.
- Phasing Plan (if needed).
- A deposit/fee as required by City Council resolution.
- Information as required for a public hearing (See Section 159.52.020).

5. An environmental application. Supplemental documents may be required and may or may not be prepared by City Staff at the discretion of the Director of Community Development.
6. Other information as required by the Director of Community Development. Ord. 2006-01

ARTICLE IV: ADMINISTRATION

CHAPTER 159.66 SUBDIVISION MAPS

159.66.010 PURPOSE

The purpose of the subdivision requirements of this Zoning Ordinance is to promote the public health, safety, general welfare and preserve the aesthetic quality of the City through the regulation and control of the division of land, and to supplement the provisions of the Subdivision Map Act (Map Act) relating to design, improvement, and survey data of subdivisions, in addition to the form and content of all maps provided for by the Map Act, and the procedure to be followed in securing the official approval of the City regarding the maps. To achieve this purpose, the regulations contained in this Zoning Ordinance are determined to be necessary to promote orderly growth and development, open space, conservation, protection and proper use of land; and to ensure adequate provision for traffic circulation, utilities, and other services in the City.

It is the intent of this Zoning Ordinance to incorporate by reference, to the maximum extent feasible, the provisions of the Map Act, consistent with Section 66411 of the Government Code, as may be amended from time to time.

159.66.020 APPLICATION

The subdivision regulations shall apply to all or part of any subdivision within the City, and to the preparation of any subdivision maps or other maps required by the Map Act.

159.66.030 EXCLUSIONS

This Zoning Ordinance shall be inapplicable to those exclusions provided in the Map Act, Section 66412 of the Government Code.

159.66.040 EFFECT OF ANNEXATION

Any subdivision subject to annexation to the City shall comply with the Map Act, Section 66413 of the Government Code.

159.66.050 FEES

All persons submitting applications for maps or other approvals required by this Zoning Ordinance shall pay, at time of application, all fees and/or deposits as contained in the City's "Fees for Planning Services", pursuant to Chapter 159.32 (Application and Fees).

159.66.060 DEFINITIONS

In addition to those terms defined below, and specific terms defined in other Chapters of this Zoning Ordinance, this Chapter shall incorporate by reference those terms defined in the Subdivision Map Act, Section 66414 et seq. (Article 2. Definitions) of the Government Code.

Acreage. Any parcel of land, of 1 acre or more and those areas where a legal subdivision has not been made previously, or where a legal subdivision has declared the parcel as acreage.

Boundary Adjustment. A minor shift or rotation of an existing lot line where no additional parcels are created, nor deleted, as approved by the City Engineer.

City Engineer. The City Engineer of the City of Desert Hot Springs; hereinafter referred to as "City Engineer".

Conversion. The creation of separate ownership of existing real property together with a separate interest in space of residential or commercial buildings.

County Recorder. The County Recorder of the County of Riverside.

Department of Public Works. The Public Works Department of the City; hereinafter referred to as "Public Works".

Environmental Impact Report (EIR). A detailed document prepared under the California Environmental Quality Act (CEQA), State Public Resources Code Sections 21000 et seq., describing and analyzing the significant environmental effects of a project and discussing methods to mitigate or avoid said effects.

Final Map. A map showing a subdivision for which a tentative and final map is required under the Subdivision Map Act, Section 66426 of the Government Code, prepared in compliance with the provisions of this Zoning Ordinance and the Subdivision Map Act and designed to be recorded in the Office of the County Recorder.

Government Code. The Government Code of the State of California

Improvement Standard. A specified requirement imposed by this Zoning Ordinance relating to the installation, modification or removal by the subdivider of a street,

sidewalk, utility, well, tree, storm drain or other facility as necessary for the general use by the lot owners of the subdivision and local neighborhood.

Lot Line Adjustments. See boundary adjustment.

Merger. The joining of 2 or more contiguous parcels of land under 1 ownership into 1 parcel.

Negative Declaration. A detailed statement prepared under the California Environmental Quality Act (CEQA), pursuant to Public Resources Code 21000 et seq., documenting that a project will not result in any significant environmental effects.

Parcel Map. A map showing a subdivision for which a parcel map is required under Subdivision Map Act Section 66426, subdivision (a), (b), (c) or (d) and other subdivisions for which a final map is not required under the Subdivision Map Act prepared in compliance with the provisions of this Zoning Ordinance and the Subdivision Map Act designed to be recorded in the Office of the County Recorder.

Remainder. That portion of an existing parcel which is not included as part of the proposed subdivision. The remainder is not considered as part of the subdivision but must be shown as “Remainder Parcel” on the required maps as part of the area surrounding subdivision development.

Shall and May. “Shall” is mandatory and “may” is permissive.

Subdivision Map Act. State of California Government Code Section 66410 to 66499; hereinafter referred to as the “Map Act”.

159.66.070 DIVISION OF LAND - 5 OR MORE PARCELS

Tentative and final tract maps shall be required for all subdivisions creating 5 or more parcels, pursuant to Map Act Section 66426.

159.66.080 DIVISION OF LAND - 4 OR LESS PARCELS

A tentative and final parcel map shall be required for all divisions of land creating 4 or fewer parcels, as well as those divisions contained in Map Act Section 66426.

A tentative and final parcel map shall not be required for those divisions outlined in Map Act Section 66428, nor for lot line adjustments contained in Map Act Section 66412 (d).

159.66.090 WAVER OF PARCEL MAP REQUIREMENTS

The City Engineer may, at the City Engineer’s discretion, waive parcel map requirements for the following:

1. Division of real property or interest therein created by probate, eminent domain procedures, partition, or other civil judgments or decrees; or
2. A division of property resulting from the conveyance of land or interest to or from the City, public entity or public utility for a public purpose, such as school sites, public building sites, or rights-of-way, or easements for streets, sewers, utilities, drainage, etc.

Pursuant to Map Act Section 66428, the Commission may waive a parcel map upon making a finding that the proposed division of land complies with City requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Map Act, and the Municipal Code.

Upon waiver of the parcel map requirement by the Commission, the City Engineer shall cause to be filed with the County Recorder a certificate of compliance for the land to be divided and a plot map showing the division.

A parcel map waived by the Commission may be conditioned to provide for payment of parkland dedication, area of benefit fees, and other fees.

159.66.100 GENERAL

The content and form, submittal and approval of tentative maps shall be governed by the provisions of this Chapter.

An application for approval of a tentative map pursuant to this Chapter shall not be accepted for filing until the subdivision has been determined by the Department to be consistent with the General Plan, applicable specific plans and this Zoning Ordinance. Additionally, all required discretionary City approvals shall have been previously obtained or applications for same shall be filed concurrently with the tentative map.

159.66.110 CONTENT AND FORM

The tentative map shall be prepared in a manner acceptable to the Department and shall be prepared by a registered civil engineer or licensed land surveyor. The tentative map shall be clearly and legibly drawn and shall contain, but not limited to, the following:

1. A title which shall contain the subdivision number, and type of subdivision.
2. Name and address of legal owner, subdivider and person preparing the map, including registration or license number.
3. Sufficient legal description to define the boundary of the proposed subdivision.
4. The names and numbers of adjacent subdivisions and names of owners of

adjacent unplotted land.

5. Date, north arrow, scale, contour interval, and source and date of existing contours.
6. A statement of present land use designation(s) and of existing and proposed uses of the property.
7. A vicinity map showing roads, adjoining subdivisions, cities, washes, railroads and other data sufficient to locate the proposed subdivision and show its relation to the community.
8. List the applicable agencies that provide service to the proposed subdivision (i.e., school district[s], gas, electric, water and sewer, telephone, cable TV, etc.)
9. Existing topography of the proposed subdivision site and at least 100 feet beyond its boundary, including but not limited to:
 - A. Existing contours at 1 foot intervals if the existing ground slope is less than 15% and at not less than 5 foot intervals for existing ground slopes equal or greater than 15%. Contour intervals shall not be spread more than 150 feet apart. Existing contours shall be represented by dashed lines or by screened lines.
 - B. Type, circumference and dripline of existing trees with a trunk diameter of 4 inches or more. Any trees proposed to be removed shall be so indicated.
 - C. The location and outline of existing structures identified by type. Structures to be removed shall be so marked.
 - D. The approximate location of all areas subject to inundation or storm water overflow; the location, width, and direction of flow of each water course; and the flood zone designation as indicated on the Flood Insurance Rate Map ("FIRM"), as defined in Chapter 159.16 (Flood Plain Overlay District) of this Zoning Ordinance.
 - E. The location, pavement and right-of-way width, grade and name of all existing and proposed public or private streets or highways.
 - F. The widths, location and identity of all existing easements.
 - G. The location and size of existing wells, septic tanks, sanitary sewers, fire hydrants, water mains and storm drains. The approximate slope of existing sewers and storm drains shall be indicated. The location of existing overhead utility lines on-site or on peripheral streets shall be indicated.

10. Proposed on-site and off-site improvements to be illustrated shall include but not be limited to:
 - A. The location, grade, centerline radius and arc length of curves, pavement, right-of-way width and name of all streets. Typical sections of all streets shall be shown. Proposed private streets shall be clearly indicated.
 - B. The location and radius of all curb returns and cul-de-sacs.
 - C. The location, width and purpose of all easements.
 - D. The angle of intersecting streets if the angle deviates from a right angle by more than 2 degrees.
 - E. The proposed lot layout and the approximate dimensions of each lot and each building site. Engineering data shall show the proposed finished grading of each lot, the preliminary design of all grading, numeric estimate of grading activity relating to excavation and fill, the elevation of proposed building pads, the top and the toe of cut and fill slopes to scale, the number of each lot, and the elevation of adjacent parcels.
 - F. Proposed contours at 1 foot intervals shall be shown if the existing ground slope is less than 15% and not at less than 5 foot intervals for existing ground slopes of 15% or more. A separate grading plan may be required to be submitted.
 - G. Proposed recreation sites, bike paths, trails and parks for private or public use, which shall be indicated as lettered lots.
 - H. Proposed common areas and areas to be dedicated to public open space, shall be indicated as lettered lots.
 - I. The location and size of proposed and existing sanitary sewers, fire hydrants, water mains and storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.
 - J. Any proposed locations and sizes of storm water runoff retention basins.
 - K. Subdivision improvements outside of the boundary including right-of-way, roadway and/or intersection improvements, topography, and proposed work.
11. The name or names, state license number, address and telephone number, of any geologist and/or soils engineer whose services were required in the preparation of the tentative map.

12. The size of sheets shall be as required by the City Engineer. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of 1 inch. The scale of the map shall be an engineering scale and of a size necessary to show all details clearly. All printing or lettering on the map shall be of 1/8 inch minimum height and of a shape and weight as to be readily legible on prints and other reproductions made from the original drawings.
13. If the subdivider plans to develop the site in units or phases, the proposed units or phases and their proposed sequence of construction shall be shown.
14. Upon the written request of the subdivider, the Department may waive any of the above tentative map content requirements if the Department determines that the type of subdivision does not justify compliance with these requirements, or if the Department determines that other circumstances justify a waiver. The Department may require other drawings, data, or information as deemed necessary to accomplish the purposes of the Subdivision Map Act and this Zoning Ordinance.
15. Names of all streets as approved by the Fire Department and the Department of Public Works and/or City Engineer.

159.66.120 ACCOMPANYING DATA AND REPORTS

The tentative map shall be accompanied by the following data and reports:

1. Street Identification. Proposed streets shall be alphabetically labeled.
2. Soils Report.
 - A. If a preliminary soils report is required, it shall be prepared by a civil engineer registered in this State and based upon adequate test borings, and shall be submitted to the Department for every subdivision, pursuant to Chapter 15 of the Municipal Code.
 - B. A preliminary soils report may be required by the City Engineer.
 - C. If the City has knowledge of, or the preliminary soils report indicates, the presence of critically expansive soils, liquefaction, or other soil problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the Department. This soils investigation shall be done by a civil engineer registered in this State, who shall recommend the corrective action which will prevent structural damage to each structure proposed to be constructed in the area where the soil problems exist.

- D. The Commission may approve, upon recommendation of the City Engineer, the subdivision, or portion thereof, where a soils problem exists if it determines that the recommended action will prevent structural damage to each structure to be constructed, and a condition to the issuance of any building permit shall require that the approved recommended action will be incorporated into the construction of each structure.
3. Title Report. A preliminary title report, acceptable to the Department, showing the legal owners at the time of filing the tentative map, and dated within 90 days of the application being deemed complete.
 4. Environmental Review. Information shall be submitted, as required by the Department, to allow a determination on environmental review to be made in compliance with CEQA. The various time limits contained in this Zoning Ordinance for taking action on tentative maps shall not commence until the subdivision application is deemed complete for processing, pursuant to Public Resources Code 21151.5 and Map Act Sections 66452.1 and 66452.2. The subdivider shall deposit and pay all fees as may be required for the preparation and processing of environmental review documents.
 5. Preliminary Engineering Calculations. Information shall be submitted as required by the standard engineering specifications to demonstrate the adequacy of the design of the proposed improvements. This information shall include design parameters and engineering calculations, and be in conformance with the policies and procedures of Public Works.
 6. Phasing. If the subdivider plans to file multiple final maps on the tentative map, a written notice to this effect shall be filed with the Department. Phase lines shall be shown on the map(s).
 7. Solar Access. Any plans and information relating to solar access may be required to be submitted at the time of the tentative map submittal pursuant to the provisions of this Zoning Ordinance.
 8. Other Reports. Any other data or reports deemed necessary by the Department, or City Engineer.

159.66.130 DEPARTMENT REVIEW

A prospective subdivider, or agent, may request a pre-application conference with the Department prior to formal submittal of a subdivision application, pursuant to Section 159.31.030. During the conference, the Department representative(s) shall inform the subdivider of applicable policies, plans, and requirements as they apply to the proposed subdivision, review the appropriate procedures outlined in this Zoning Ordinance and examine possible alternatives or modifications relating to the proposed subdivision.

The tentative map application shall be filed with the Department. The application shall be determined by the Department to be complete only when the content and form of the tentative map conform to the requirements of Section 159.66.110 and when all accompanying data and reports, as required by Section 159.66.120, and all fees and/or deposits as required by Section 159.66.050, have been submitted and accepted by the Department. The subdivider shall file, with the Department, the number of tentative maps the Department deems necessary. The Department shall forward copies of the tentative map to the affected public agencies and utilities which may, in turn, forward to the Department their findings and recommendations.

Within 10 days of the filing of a tentative map application, the Department shall send a notice of the filing of the application to the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed to be located, as outlined in Map Act Section 66455.7.

159.66.140 EXTENSION OF TIME

Any applicable time limits for acting on the tentative map application may be extended by mutual written consent of the subdivider and the City, as outlined in Map Act Section 66451.1. A waiver of application time limits may be required to permit concurrent processing of related project requests.

159.66.150 COMMISSION DETERMINATION

1. Notice of Public Hearings. Upon receipt of a complete tentative map application, the Department shall prepare a report with recommendations after environmental review by the Director. The Department shall set the matter for public hearing before the Commission, pursuant to Chapter 159.52. A copy of the Department report shall be mailed to the subdivider at least 3 days prior to the public hearing at the address designated on the application.
2. Action. The Commission shall approve, conditionally approve or deny the tentative map within 50 days after the tentative map application has been determined by the Department to be complete, and report the decision to the subdivider. If an environmental impact report is prepared, the decision by the Commission shall be made 45 days after certification of the report.
3. Determination. The tentative map may be approved or conditionally approved by the Commission if it finds that the proposed subdivision, together with the provisions for its design and improvements, are consistent with the General Plan, and applicable Specific Plan, and all applicable provisions of the Municipal Code. The Commission may require, as a condition of its approval, that the payment by the subdivider of all development fees, required to be paid at the time of the application for, or issuance of, a building permit or other similar permit, shall be made at the rate for applicable fees in effect at the time of said application or

issuance of a building or similar permit.

The tentative map may be denied by the Commission on any of the grounds contained in the Map Act, General Plan or the Municipal Code. The Commission shall deny the tentative map if it makes any of the following mandatory findings contained in Map Act Section 66474:

- A. That the proposed map is not consistent with applicable General and Specific Plans as specified in Section 65451;
- B. That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans;
- C. That the site is not physically suitable for the type of development;
- D. That the site is not physically suitable for the proposed density of development;
- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- F. That the design of the subdivision or type of improvements is likely to cause serious public health problems;
- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of , property within the proposed subdivision.

159.66.160 EXPIRATION

1. The approval or conditional approval of a tentative map shall expire 24 months following approval by the Commission. However, the map may be extended if the subdivider has complied with Map Act Section 66452.6 (a) and (e). An extension to the expiration date may also be approved pursuant to Section 159.66.170.
2. The period of time outlined in (1.) above shall not include any period of time during which a lawsuit has been filed, whether or not first appealed to the City Council, and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map only if a stay of the time period is approved by the Commission. After service of the initial petition or complaint upon the City, the subdivider shall, in writing, to the Director, request a stay in the time period of the tentative map. Within 40 days after receiving the request, the Commission shall either stay the time period for up to 5 years or deny the requested stay. The request for the stay shall be a hearing with notice to the subdivider and to the appellant, and upon conclusion of the hearing, the

Commission shall render its decision.

3. The period of time outline in (1.) above shall not include any period of time during which a development moratorium is in effect pursuant to Map Act Section 66452.6.
4. Expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map. The final map or parcel map documents submitted for filing must be accepted as adequate for approval by City Council by the City Engineer prior to the expiration date.

159.66.170 EXTENSIONS

1. Request by Subdivider. The subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by written application to the Department. The application and appropriate fees shall be filed not less than 30 days before the map is to expire and shall state the reasons for requesting the extension. The subdivider shall be solely responsible for filing the application.
2. Commission Action. The Department shall review the request and submit the application for the extension, together with a report to the Commission for approval, conditional approval, or denial at the next regularly scheduled Commission meeting. A copy of the Department's report and recommendation shall be forwarded to the subdivider prior to the meeting on the extension. In approving, conditionally approving, or denying the request for extension, the Commission shall make findings supporting its decision. The subdivider shall pay any increase in unpaid applicable development fees which have occurred since the date of the approval or conditional approval of the tentative map.
3. Conditions of Approval. In granting an extension, new conditions or exaction may be imposed and existing conditions may be revised.
4. Time Limit of Extensions. The time at which the tentative map expires may be extended by the Commission for a period not exceeding a total of 3 years.

159.66.180 MINOR AMENDMENTS

Minor amendments to the approved tentative map or conditions of approval may be granted by the Department upon application by the subdivider or on the Department's own initiative, provided:

1. No lots, units, or building sites are added;

2. Changes are consistent with the intent of the intent of the original tentative map approval; and
3. There are no resulting violations of the Map Act, or this Zoning Ordinance.

The amendment shall be indicated on the approved or conditionally approved tentative map and certified by the Director. Amendments to the tentative map conditions of approval which, in the opinion of the Department, are not minor, shall be presented to the Commission for its approval. Processing shall comply with the provisions for processing a tentative map as contained in this Zoning Ordinance. Any approved amendment shall not alter the expiration date of the tentative map.

159.66.190 CITATION AND AUTHORITY-VESTING TENTATIVE MAP

This Chapter is adopted pursuant to Map Act Section 66498.1.

159.66.200 PURPOSE-VESTING TENTATIVE MAP

The purpose of this Chapter is to establish procedures necessary for the processing, reviewing and approving a vesting tentative map application, and to supplement the provisions of the Map Act and this Zoning Ordinance. Except as otherwise contained in this Chapter, the provisions of this Zoning Ordinance shall apply to a vesting tentative map application.

159.66.210 APPLICATION-VESTING TENTATIVE MAP

1. Whenever a provision of the Map Act, as implemented and supplemented by this Zoning Ordinance, requires the filing of a tentative map or tentative parcel map, a vesting tentative map may be filed, pursuant to the provisions of this Chapter.
2. If a subdivider does not seek the rights conferred by a vesting tentative map, the filing of a vesting tentative map shall not be a prerequisite to an approval for any proposed subdivision, permit for construction, or work preparatory to construction.

159.66.220 FILING AND PROCESSING-VESTING TENTATIVE MAP

A prospective subdivider, or agent, may request a pre-application conference with the Department prior to formal submittal of a subdivision application, pursuant to Section 159.31.030. During the conference, the Department representative(s) shall inform the subdivider of applicable policies, plans, and requirements as they apply to the proposed subdivision, review the appropriate procedures outlined in this Zoning Ordinance and examine possible alternatives or modifications relating to the proposed subdivision.

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as contained in

Section 159.66.130 of this Zoning Ordinance for a tentative map except as herein after provided:

1. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words “Vesting Tentative Map.”
2. An application for a vesting tentative map shall not be accepted for filing until the subdivision has been determined by the Department to be consistent with the General Plan, applicable Specific Plans and this Zoning Ordinance.
3. All required discretionary City approvals, shall have been previously obtained or applications for the same shall be filed concurrently with the vesting tentative map.
4. At the time a vesting tentative map is filed a subdivider shall supply the following information satisfactory to the Director, in addition to those requirements specified in Section 159.66.110 and 159.66.120:
 - A. Completed application;
 - B. Fees;
 - C. Property owners list of addresses (within 300 feet radius of property boundaries) printed on 2 sets of gummed labels and postage for same;
 - D. Environmental information form;
 - E. Site plans, including the following items of information:
 1. Project boundary and dimensions,
 2. Dimensions relating center line, property line and curb,
 3. Building dimensions,
 4. Setback dimensions,
 5. Building locations and size dimensions,
 6. Street, driveway widths,
 7. Bike paths, if required,
 8. Mechanical equipment, location and dimensions,
 9. Trash storage design, location and dimensions,
 10. Recreation area location and Design,
 11. Wall and Fence location and design;
 - F. Floor plans, dimensions and scale;
 - G. Elevations.
 1. Dimensions and scale,
 2. Color and materials,

3. Roof pitch and type;
- H. Landscape Plans.
1. Tree sizes, locations and species,
 2. Shrub species, range of sizes, typical locations,
 3. Groundcover (if not lawn, on-center dimension should be noted),
 4. Curbing and planter areas,
 5. Sidewalks,
 6. Lighting;
- I. One colored print of site plan, elevations and landscape plan, for public presentation;
- J. Colored rendering;
- K. Vicinity map (3 1/2 inches by 3 1/2 inches);
- L. Phasing map, if applicable;
- M. Preliminary grading plan;
- N. Sample materials board;
- O. Model, if required by the Development Review Committee;
- P. Uses of proposed buildings; and
- Q. Soils report, geological and hydrology studies, as required by the City Engineer.

159.66.230 EXPIRATION-VESTING TENTATIVE MAP

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by this Zoning Ordinance of the expiration of an approved tentative map.

159.66.240 RIGHTS OF A VESTING TENTATIVE MAP

1. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Map Act Section 66474.2.
2. However, if Map Act Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally

approved.

3. Notwithstanding Section 159.66.240 (1) above, a permit approval, extension or entitlement may be made conditional or denied if any of the following findings are determined:
 - A. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 - B. The condition or denial is required, in order to comply with state or federal law.
4. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 159.66.230. If the final map is approved, these rights shall last for the following periods of time:
 - A. An initial time period of 1 year beyond the recording of the final map or parcel map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded. All final maps or parcel maps must be recorded within the time period contained in Section 159.66.160 or the vesting tentative map approval shall expire for those parcels for which final maps or parcel maps are not timely recorded.
 - B. The initial time period contained in Section 159.66.160 (1) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if the processing exceeds 30 days, from the date a complete application is filed.
 - C. A subdivider may apply for a 1 year extension at any time before the initial time period outlined in Section 159.66.160 (1) expires.
 - D. If the subdivider submits a complete application for a building permit during the periods of time outlined in Sections 159.66.240 (4) (A) through 159.66.240 (4) (C) the rights referred to herein shall continue until either expiration or extension of that permit.
 - E. Consistent with Section 159.66.240, an approved or conditionally approved vesting tentative map shall not limit the City from imposing reasonable conditions on subsequent required approvals or permits necessary for the development.

159.66.250 AMENDMENTS-VESTING TENTATIVE MAP

Amendments to the approved or conditionally approved vesting tentative map shall be made pursuant to Section 159.66.180.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.68 SURFACE MINING AND LAND RECLAMATION

159.68.010 PURPOSE

The following provisions are intended to establish procedures implementing the Surface Mining and Land Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.), consistent with the following policies:

1. Adverse environmental effects should be prevented or minimized and mined land shall be reclaimed to a condition adaptable for alternative land use;
2. The production and conservation of minerals are possible, recognizing the importance of recreation, watershed, wildlife, range, forage, and aesthetic enjoyment considerations;
3. Residual hazards to the public health and safety should be eliminated; and
4. Regulation of surface mining and reclamation operations should be appropriate to the geologic, topographic, climatic, biologic and social conditions of the specific area being mined.

159.68.020 DEFINITIONS

1. All definitions contained in the Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.), are incorporated herein by reference.
2. Board. The State Mining and Geology Board, established pursuant to Public Resources Code Section 660.
3. Exploration or Prospecting. The search for minerals by geological, geophysical, geochemical, or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of mineral present.
4. Hazardous Excavation. An unattended pit, shaft, portal or other surface opening which is not secured by covering, fencing, or having access restricted by gates, doors, or other reasonable means presents a threat to the physical safety of the public.

5. Minerals. Any naturally occurring chemical element or compound or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.
6. Person. Any individual, firm, association, corporation, organization or partnership, or any city, county, district, or the state or any department or agency thereof.
7. Plan. A document(s) delineating the proposed program for mining and reclaiming operations of all lands to be affected by the proposed activities.
8. State Geologist. The individual holding office as provided in the California Public Resources Code Section 677.

159.68.030 SCOPE

The provisions of this Chapter are not applicable to activities excepted under the provisions of the Surface Mining and Reclamation Act of 1975.

159.68.040 VESTED RIGHTS

The existence of vested rights, and the application of this Chapter to such rights, shall be determined pursuant to the Surface Mining and Reclamation Act of 1975.

159.68.050 PLAN AND CONDITIONAL USE PERMIT REQUIRED

Except as provided in the Surface Mining and Reclamation Act of 1975, any person who proposes to engage in a surface mining activity shall, prior to the commencement of such operations, as defined in this Chapter, first, file and obtain approval from the Commission and City Council of a Plan and Conditional Use Permit pursuant to the requirements of this Chapter, and Chapter 159.36 (Conditional Use Permits).

159.68.060 PREPARATION OF PLAN

The plan shall be prepared by the applicant and filed with the Department for processing. The submitted plan shall include the following information and documents:

1. The name and address of the operator and the names and addresses of any persons designated as agent(s) for the service of process or notices.
2. The anticipated quantity and type of minerals for which the surface mining operation is to be conducted;
3. The proposed dates for the initiation and termination of such operation;

4. The maximum anticipated depth of the surface mining operation;
5. The size and legal description of the lands that will be affected by such operation, a map that includes the boundaries and topographic details of such lands, a description of the general geology of the area, a detailed description of the geology of the area in which surface mining is to be conducted, the location of all streams, roads, railroads, and utility facilities within or adjacent to, such lands, the location of all proposed access roads to be constructed in conducting such operation, and the names and addresses of all surface and mineral interests of such lands;
6. A description of and plan for the type of surface mining to be employed and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation;
7. A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of interests in the land have been notified of the proposed use or potential uses;
8. A description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished, including a description of the manner of control of contaminants and disposal of mining waste and a description of the manner in which rehabilitation of affected stream bed channels and stream banks to a condition minimizing erosion and sedimentation will occur;
9. An assessment of the effect of implementation of the plan on future mining in the area;
10. A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands pursuant to the plan; and
11. Any other information which the City may require by ordinance, motion or resolution.

159.68.070 APPLICABILITY

The plan shall be applicable to a specific piece of property or properties and shall be based upon the character of the surrounding area and such characteristics of the property as type of overburden, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities.

159.68.080 APPLICATION FEE

An application fee for the purpose of processing the Plan and Conditional Use Permit shall be paid to the City at the time of filing. The amount of the required application fee shall be the same as for a Conditional Use Permit pursuant to Chapter 159.32 (Applications and Fees). The purpose of the fees shall be to defray the costs to the City for review of the submitted plan.

159.68.090 PUBLIC HEARING

Upon completion of the required environmental studies and the filing of all documents required by this Zoning Ordinance, a public hearing will be scheduled for Commission consideration and recommendation regarding the Plan and the companion Conditional Use Permit for the proposed or existing surface mining operation pursuant to Chapter 159.52 (Hearings and Appeals).

159.68.100 DECISION BY COMMISSION

The Commission shall make its recommendation and findings in writing to the City Council and shall transmit as copy thereof to the applicant and the City Council.

159.68.110 REVIEW BY COUNCIL

The City Council, after receipt of the Commission's recommendation and findings, may either approve, modify or reject the application. The decision of the City Council shall be final.

159.68.120 PERIODIC REVIEW

As a condition of approval for the Plan and the companion Conditional Use Permit, a periodic review schedule shall be established and maintained to evaluate the compliance with the approved plan.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.70 TEMPORARY USE PERMITS

159.70.010 PURPOSE

The Temporary Use Permit allows for short-term activities which may be appropriate when regulated.

159.70.020 PERMITTED USES

The following temporary uses may be permitted, subject to the issuance of a Temporary Use Permit:

1. Real estate offices within approved development projects;
2. Outdoor display and sales of merchandise within commercial land use districts, limited to 2 events per calendar year, not exceeding 4 consecutive days each, including only merchandise customarily sold on the premises by a permanently established business;
3. On-and off-site contractors' construction yards in conjunction with an approved development project;
4. Trailer, coach or mobile home as a temporary residence of the property owner when a valid residential building permit is in force. The permit may be granted for up to 180 days, or upon expiration of the building permit, whichever first occurs;
5. Christmas tree sale lots; however, a permit shall not be required when such sales are in conjunction with an established commercial business holding a valid business license, provided such activity shall be only held from November 1st through December 31st, subject to all applicable provisions of the Municipal Code;
6. Circuses, rodeos and carnivals, subject to compliance with Chapter 113 of the Municipal Code;
7. Fairs, festivals and concerts, when not held within premises designed to accommodate such events, such as auditoriums, stadiums, or other public assembly facilities;
8. Emergency public health and safety needs;

9. Similar temporary uses which, in the opinion of the Director are compatible with the land use district and surrounding land uses, pursuant to Section 159.02.070 (3) (Similar Uses Permitted); and
10. City-sponsored uses and activities, not occupying a structure and occurring at regular periodic intervals (weekly, monthly, yearly, etc.)

159.70.030 APPLICATION

A Temporary Use Permit may be approved, modified, conditioned, or denied by the Director. The Director may refer such application to the Commission. Decisions of the Director may be appealed to the Commission, pursuant to Chapter 159.52 (Hearings and Appeals).

159.70.040 FINDINGS

The Director may approve, or conditionally approve a Temporary Use Permit application, only when all the findings contained in Section 159.36.050 (Conditional Use Permits) are made.

159.70.050 CONDITIONS OF APPROVAL

In approving an application for a Temporary Use Permit, the Director may impose conditions deemed necessary to ensure that the permit will be in accordance with the findings required by Section 159.36.050. These conditions may involve any pertinent factors affecting the operation of such temporary event, or use, and may include but are not limited to;

1. Provision for a fixed period not to exceed 90 days for a temporary use not occupying a structure, including promotional activities, or 1 year for all other uses or structures, or for a shorter period of time as determined by the Director. Periodic City-sponsored uses or activities outlined in Section 159.70.020 (11) are not subject to the fixed time limitations of this condition as determined by the Director.
2. Provision for temporary parking facilities, including vehicular ingress and egress;
3. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination on adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases, and heat;
4. Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.
5. Provision for sanitary and medical facilities;

6. Provision for solid, hazardous and toxic waste collection and disposal;
7. Provision for security and safety measures;
8. Regulation of signs;
9. Regulation of operating hours and days, including limitation of the duration of the temporary use, as outlined in Condition No.1;
10. Submission of a performance bond or other surety devices, satisfactory to the City Engineer, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition;
11. Submission of a site plan indicating any information required by this Chapter;
12. A requirement that the approval of the requested Temporary Use Permit is contingent upon compliance with applicable provisions of the Municipal Code; and
13. Any other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this Chapter.

159.70.060 CONDITION OF SITE FOLLOWING TEMPORARY USE

Each Site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used, pursuant to the provisions of this Zoning Ordinance.

159.70.070 REVOCATION

A Temporary Use Permit may be revoked or modified by the Director if any one of the following findings can be made:

1. That circumstances have changed so that 1 or more of the findings of fact contained in Section 159.36.050 can no longer be made;
2. That the Temporary Use Permit was obtained by misrepresentation or fraud;
3. That 1 or more of the conditions of the Temporary Use Permit have not been met; and
4. That the use is in violation of any statute, ordinance, law, or regulation.

ARTICLE IV: ADMINISTRATION

CHAPTER 159.72 VARIANCES

159.72.010 PURPOSE

These provisions shall ensure the following:

1. Variances from the terms of this Zoning Ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical land use districts;
2. Any Variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is situated; and
3. The power to grant Variances does not extend to use regulations. Flexibility in use regulations is provided in the Conditional Use Permit provisions of this Zoning Ordinance.
4. Modifications from the permissive requirements of the Design Guidelines are not subject to a variance.

159.72.020 APPLICATION

Application for a Variance shall be filed in a manner consistent with the requirements contained in Chapter 159.32 (Applications and Fees).

159.72.030 APPLICABILITY

The Commission may grant a Variance from the requirements of this Zoning Ordinance governing only the following matters:

1. Permit the modification of the dimensional standards of the following:
 - A. Distance between structures
 - B. Lot area
 - C. Lot Coverage
 - D. Lot dimensions
 - E. Setbacks
 - F. Structure heights
2. Permit the modification of sign regulations; and
3. Permit the modification of the number and dimensions of parking area or loading space requirements.

159.72.040 HEARINGS AND NOTICE

Upon receipt in proper form of a Variance application, a public hearing shall be set and notice of such hearing given in a manner consistent with Chapter 159.52 (Hearings and Appeals).

159.72.050 FINDINGS

Following a public hearing, the Commission shall record the decision in writing and shall recite therein the findings upon which such decision is based, pursuant to Section 65906 of the Government Code. The Commission may approve and/or modify an application in whole or in part, with or without conditions, only if all of the following findings are made:

1. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical land use district classification;
2. That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and land use district and denied to the property for which the Variance is sought;
3. That granting the Variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;
4. That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is located;
5. That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and
6. That granting the Variance will not be inconsistent with the General Plan.

159.72.060 PRECEDENTS

The granting of a prior Variance is not admissible evidence for the granting of a new Variance.

159.72.070 BURDEN OF PROOF

The burden of proof to establish the evidence in support of the findings, as required by Section 159.72.050, is the responsibility of the applicant.

159.72.080 VARIANCE EXPIRATION

A Variance shall be exercised within 1 year from the date of approval, or the Variance shall become null and void.

159.72.090 TIME EXTENSION

The Commission may, upon an application being filed 30 days prior to expiration and for good cause, grant a time extension not to exceed 12 months. Upon granting of an extension, the Commission shall ensure that the Variance complies with all current Zoning Ordinance provisions.

159.72.100 USE OF PROPERTY BEFORE FINAL DECISION

No permit shall be issued for any use involved in an application for approval of a Variance until, and unless, the same shall have become final, pursuant to Section 159.52.080 (Effective Date).

159.72.110 REVOCATION

The Commission may hold a public hearing to revoke or modify a Variance granted pursuant to the provisions of this Chapter. Ten days prior to the public hearing, notice shall be delivered in writing to the applicant and/or owner of the property for which such Variance was granted. Notice shall be deemed delivered 2 days after being mailed, first class postage paid, to the owner as shown on the current tax rolls of the County of Riverside, and/or the project applicant.

A Variance may be revoked or modified by the Commission if any 1 of the following findings can be made:

1. That circumstances have changed so that 1 or more of the findings contained in Section 159.72.050 can no longer be made, and the grantee has not substantially exercised the rights granted by the Variance:
2. That the Variance was obtained by misrepresentation or fraud;

3. That the improvement authorized pursuant to the Variance has ceased or was suspended for 6 or more consecutive calendar months;
4. That 1 or more of the conditions of the Variance have not been met, and the grantee has not substantially exercised the rights granted by the Variance;
5. That the improvement authorized pursuant to the Variance is in violation of any statute, ordinance, law, or regulation; and
6. That the improvement permitted by the Variance is detrimental to the public health, safety, or welfare or constitutes a nuisance.

ZONING: ADDENDUM I

ADDENDUM EXCERPT FROM MC-CHAPTER 155.05 DEVELOPMENT IMPACT FEES

155.05 ESTABLISHMENT OF DEVELOPMENT IMPACT FEES; FEE SCHEDULE; FEE REVISION

(a) The following development impact fees are established and shall be imposed on the issuance of all building permits for development within the City to finance the cost of the following categories of public facilities and improvements required by new development:

- (1) Law Enforcement Facilities, Vehicles and Equipment Fee. A development impact fee is established for law enforcement facilities, vehicles and equipment.
 - (2) Fire Suppression Facilities and Response Vehicles. A development fee is established for fire suppression facilities and response vehicles.
 - (3) Streets, Bridges and Traffic Signals. A development fee is established for streets, bridges and traffic signals.
 - (4) Storm Drainage Facilities. A development fee is established for storm drainage facilities.
 - (5) General Facilities, Vehicles and Equipment. A development fee is established for general facilities, vehicles and equipment.
 - (6) Community (Public Use) Center Facilities. A development fee is established for community (public use) center facilities.
 - (7) Aquatic Center Facilities. A development fee is established for the construction of additional aquatic centers.
 - (8) Park Acquisition and Development. A development impact fee is established for parkland and open space acquisition and parkland development.
- (b) The amount of each fee shall be the amount listed in the City's Development Impact Fee Schedule ("Development Impact Fee Schedule" attached hereto as Exhibit "A" and incorporated herein by this reference).

- (c) The amount of each fee set forth in the Development Impact Fee Schedule may be more specifically set and revised periodically by resolution of the City Council, with this ordinance being considered as enabling and directive in this regard.

155.10 DEFINITIONS

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings respectively ascribed to them by this section:

"Dedications" means a dedication of land for parks and recreation or other public facilities.

"Development project" means any project undertaken for the purpose of development.

"Development project" shall include a project involving the issuance of a permit for construction or reconstruction, remodeling, or any work requiring any permit under the ordinances of the City, as the same presently exist or may be amended from time to time hereafter. The term "development project" shall also include permits for erection of manufactured housing or structures, and structures moved into the City.

"Fee" means a monetary exaction, other than a tax or special assessment, which is charged by the City to an applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, and includes fees specified in Section 66477 of the California Government Code (in lieu of land dedication for parks), but does not include fees for processing applications for governmental regulatory actions or approvals.

"General facilities" means general office or work buildings and equipment used by City staff to undertake their daily duties.

"Public use facilities" includes public improvements, public services, and community amenities, including library facilities, public meeting facilities and aquatic center facilities.

155.15 IMPOSITION OF DEVELOPMENT IMPACT FEE

- (a) Any person who, after the effective date of the ordinance codified in this chapter, seeks to develop land within the City by applying for a building permit, is required to pay the appropriate development impact fees established pursuant to Section 155.05 as the same may be applicable, in the manner, amount and for the

purposes therein referenced.

- (b) No permits or extension of permits for the activities referenced in subsection (a) of this section shall be granted unless and until the appropriate development impact fees required have been paid to the City.
- (c) Notwithstanding anything to the contrary set forth in subsection (a) of this section, or in any other provision of this chapter, the development impact fees as established pursuant to Section 155.05 shall apply to any development project which has heretofore received a tentative map approval or other approval from the City, where the approval of the same, assented to by the developer, has been conditioned upon payment of the fees established as a result of the City's analysis and study pertaining to development impact fees.

155.020 AUTOMATIC ANNUAL ADJUSTMENT

Each fee imposed by this chapter shall be adjusted automatically on July 1st of each fiscal year, beginning on July 1, 2003, by a percentage equal to the Engineering Cost Index as published by Engineering News Record for the preceding twelve months. This automatic adjustment shall not apply to fees, which are based on variable factors, which result in automatic adjustments or those which specifically indicate otherwise.

155.030 CREATION OF SPECIAL FUNDS

- (a) Each fee collected pursuant to this chapter shall be deposited in a special fund created to hold the revenue generated by each such fee. Monies within each such fund may be expended only by appropriation by the city council for specific projects, which are of the same category as that for which the money was collected. In this regard, the following special funds are created and established for the purposes indicated:
 - (1) A law enforcement facilities, vehicles and equipment fund is established. Said fund is for payment of the actual or estimated costs of constructing and improving law enforcement facilities and purchasing and improving law enforcement equipment and training, including any required acquisition of land.
 - (2) A fire suppression facilities and response vehicles fund is established. Said fund is for payment of the actual or estimated costs of constructing and improving fire facilities

and purchasing and improving fire fighting equipment and training, including any required acquisition of land.

- (3) A streets, bridges and traffic signals fund is established. Said fund is for payment of the actual or estimated costs of constructing and improving streets, traffic signals and bridges, including any required acquisition of land.
- (4) A storm drainage facilities fund is established. Said fund is for payment of the actual or estimated costs of constructing and improving storm drainage, including any required acquisition of land.
- (5) A general facilities, vehicles and equipment fund is established. Said fund is for payment of actual or estimated costs of constructing and improving general facilities, vehicles and equipment, including any required acquisition of land.
- (6) A community (public use) center facilities fund is established. Said fund is for payment of actual or estimated costs of constructing and improving library facilities, public meeting facilities and aquatic facilities, including any required acquisition of land.
- (7) An aquatic center facilities fund is established. Said fund is for payment of actual or estimated costs for construction of additional aquatic centers that will benefit Desert Hot Springs residents and shall not be spent in rehabilitation of the existing aquatic center.
- (8) A park acquisition and development fund is established. Said fund is for payment of actual or estimated costs of constructing and improving recreation facilities, and the required acquisition of land, as well as grading, irrigation and turfing costs associated therewith.

155.040 ZONING TO BE UTILIZED TO COMPUTE FEE

The approved zoning for the property to be developed shall be used in the computation of the fees required to be paid with respect to any property. If a parcel contains more than one zone, then the applicable fees shall be prorated by acreage or units, as appropriate, attributable to each zone. Public properties shall be classified into the category of use as between residential, commercial, or industrial, and shall pay fees pursuant to that classification, as determined by the Community Development Director or his or her duly authorized designee. All fees due hereunder shall be calculated and

determined by the City Engineer or his or her duly authorized designee.

155.060 PAYMENT OF FEE

- (a) The fees established pursuant to this chapter shall be paid for the property on which a development project is proposed at the time of the issuance of any required building permit, except as otherwise provided below. Provided, however, that fees imposed on residential development shall be collected in accordance with the provisions of California Government Code Section 66007, as the same presently exists or may hereafter be amended from time to time. The term "building permit" as used herein includes any permits required for construction, reconstruction, remodeling, moving structures into the city, and the like, such as electrical and plumbing permits, moving permits, and the like.
- (b) The fees created pursuant to this chapter shall be calculated on the basis of net acreage or number of units, as set forth in the Development Impact Fee Schedule. For development projects containing a fraction of a net acre, the fee shall be calculated on the fraction of the acre involved in the development project. All fees collected shall be promptly transferred for deposit in the appropriate fund referenced in Section 155.030. Notwithstanding the foregoing, the fee for streets and thoroughfares in the case of commercial and industrial developments shall be calculated on the basis of gross square footage (i.e., all of the floor area confined by the outside surface of the exterior walls of a building, except for that floor area devoted solely to vehicle parking or circulation) times the rate per square foot established in Development Impact Fee Schedule.

155.050 FEE ADJUSTMENT

- (a) A developer of any project subject to the fees described herein may apply to the City Council for a reduction, adjustment, or waiver of any one or more of said fees, based upon the absence of any reasonable relationship or nexus between the impacts of that development and either the amount of the fee(s) charged or the type of facilities to be financed.
- (b) The application shall be made in writing and filed with the City Clerk not later than ten days prior to the public hearing on the development permit application for the project. If no public hearing is required, the application must be submitted at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of waiver,

reduction, or adjustment.

- (c) The City Council shall consider the application at the public hearing on the permit application or at a separate public hearing held within sixty days after the filing of the fee adjustment application, whichever is later. The hearing shall be noticed and conducted in the same fashion and manner as prescribed by the laws of the City for hearings on development permits. The decision of the City Council shall be final.
- (d) If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fee if such change in use would render the same inappropriate.
- (e) The City Council may, from time to time, and as the need may arise, set forth, by Council resolution, specific limitations which will apply to reductions, adjustments, or waivers of development impact fees, which may be made pursuant to this section. In this regard, this chapter shall be considered enabling and directory.

155.070 USE OF FUNDS

- (a) Funds collected from development impact fees shall be used for the purpose of:
 - (1) Paying the actual or estimated costs of constructing and/or improving the public facilities within the City to which said specific fee or fees relate, including any required acquisition of land or rights-of-way therefor;
 - (2) Reimbursing the City for the development's share of those public facilities already constructed by the City or to reimburse the City for costs advanced, including without limitation, administrative costs incurred with respect to a specific public facility project; or
 - (3) Reimbursing other developers who have constructed public facilities described in Section 155.05 where those facilities were beyond that needed to mitigate the impact of said developers project or projects.
- (b) In the event that bonds or similar debt instruments are issued for advanced provision of public facilities for which development impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that

the facilities provided are of the type to which the fees involved relate.

- (c) At least once each fiscal period, the City Manager or his or her duly authorized designee shall present to the City Council a proposed five year capital improvement program for the various public facilities referenced in Section 155.05 assigning monies (including any accrued interest) from the funds referenced in Section 155.030 to specific improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same fund until the next fiscal period except as provided by the refund provisions of Section 155.080.
- (d) Funds may be used to provide refunds as described in Section 155.080.

155.080 REFUND OF FUNDS PAID

- (a) If a building permit expires without commencement of construction, then the fee payer shall be entitled to a refund, without interest, of the impact fee paid as a condition for its issuance, except that the City shall retain one percent of the fee to offset a portion of the costs of collection and refund. The fee payer must submit an application for such a refund to the City Manager within thirty calendar days of the expiration of the permit. Failure to timely submit the required application for refund shall constitute a waiver of any right to the refund.
- (b) In the event any fee collected pursuant to this chapter remains unexpended or uncommitted in any fund established pursuant to Section 155.030 five or more years after deposit of said fee, the City shall make findings once each fiscal year to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged.
- (c) The unexpended or uncommitted portion of the fee, and any interest accrued thereon, for which need cannot be demonstrated pursuant to subsection (b) of this section, shall be refunded to the then current record owner or owners of lots or units of the development project or projects on a prorated basis.
- (d) The provisions of California Government Code Section 66001 (d), (e) and (f) shall apply fully to any refund of fees remaining unexpended or uncommitted in any such city fund for five or more

years after deposit, and the provisions of subsections (b) and (c) of this section, shall be subordinate to said section and shall be applied consistent therewith.

155.090 EXEMPTIONS

- (a) Any claim of exemption with respect to any one or more of the fees referenced in Section 16.18.050 must be made no later than the time of application for a building permit. The following shall be exempted from payment of the development impact fees referenced in Section 155.05:
 - (1) Alterations, renovations, or expansion of an existing building or structure where no additional dwelling units are created and the use is not changed; provided, however, that expansion of all existing commercial or industrial building or structure shall not be exempt from the fee for streets or thoroughfares; and
 - (2) The replacement of a destroyed or partially destroyed or damaged building or structure with a new building or structure of the same size and use, unless otherwise agreed to by the developer in a development agreement or other legally binding agreement.

155.100 CREDITS

- (a) New development that, through demolition or conversion will eliminate existing development is entitled to a fee credit if the existing development is a lawful use under the zoning ordinance, including a nonconforming use.
- (b) New development that will replace development that was partially or totally destroyed by fire, flood, earthquake, mudslide, or other casualty or act of God, is entitled to a fee credit if the development that was partially or totally destroyed was a lawful use under the zoning ordinance, including a nonconforming use, at the time thereof, unless otherwise agreed to by the developer in a development agreement or other legally binding agreement.
- (c) Credit for such eliminated development or development that was partially or totally destroyed (as above specified) shall be calculated by the City Engineer in accordance With the Development Impact Fee Schedule and shall be applied to new development on the same site.
- (d) Notwithstanding any other provision of this chapter, new development shall be given a credit against the fee due hereunder for park and recreation facilities to the extent of the amount of any fees paid and/or the value of any land dedicated by such new development, as well as the value of any credit due any such new development, for park and recreation facilities pursuant to the provisions of any ordinance of the City, as the same now exist or may hereafter be enacted or amended from time to time.

155.110 DEVELOPER CONSTRUCTION OF FACILITIES

- (a) In Lieu Fee Credits for Construction of Improvements.
 - (1) A developer that has been required by the City to construct any facilities or improvements (or a portion thereof) described in Section 155.05 as a condition of approval of a development permit may request an in lieu credit of the specific development impact fee(s) involved for the same development. Upon request, an in-lieu credit of fees shall be granted for facilities or improvements that mitigate all or a portion of the need therefor that is attributable to and reasonably related to the given development.
 - (2) Only costs proportional to the amount of the improvement

or facility that mitigates the need therefor attributable to and reasonably related to the given development shall be eligible for in-lieu credit, and then only against the specific relevant fee(s) involved to which the facility or improvement relates.

- (3) Fees required under this chapter shall be reduced by the actual construction costs of the facilities or improvements that relate to said fees, as demonstrated by the applicant and reviewed and approved by the City Engineer, all consistent with the provisions of subsections (a)(1) and (2) of this section. Subject to the applicable provisions of subsection (b) of this section, if the cost of the facilities or improvements is greater than required relevant fees, this chapter does not create an obligation on the City to pay the applicant the excess amount.
 - (4) An amount of in-lieu credit that is greater than the specific fee(s) required under this chapter may be reserved and credited toward the fee of any subsequent phases of the same development, if determined appropriate by the City Engineer. The City Engineer may set a time limit for reservation of the credit.
 - (5) Credits shall be calculated by the City Engineer in accordance with the Development Impact Fee Schedule.
- (b) Developer Construction of Facilities Exceeding Needs Related to Development Project. Whenever an applicant is required, as a condition of approval of a development permit, to construct any facility or improvement (or a portion thereof) described in the Development Impact Fee Schedule which facility or improvement is determined by the City to exceed the need therefor attributable to and reasonably related to the given development project, a reimbursement agreement with the applicant and a credit against the specific relevant fee which would otherwise be charged pursuant to this chapter on the development project, shall be offered. The credit shall be applied with respect to that portion of the improvement or facility which is attributable to and reasonably related to the need therefor caused by the development, and shall be determined, administered and processed in accordance with and subject to the provisions of this section. The amount to be reimbursed shall be that portion of the cost of the improvement or facility which exceeds the need therefor attributable to and reasonably related to the given development. The reimbursement agreement shall contain terms and conditions mutually agreeable to

the developer and the City, and shall be approved by the City Council.

- (c) Site-Related Improvements. Credit shall not be given for site-related improvements, including, but not limited to, traffic signals, right-of-way dedications, or providing paved access to the property, which are specifically required by the project in order to serve it and do not constitute facilities or improvements specified in the Development Impact Fee Schedule.
- (d) Determination of Credit. The developer seeking credit and/or reimbursement for construction of improvements or facilities, or dedication of land or rights-of-way, shall submit such documentation, including without limitation, engineering drawings, specifications, and construction cost estimates, and utilize such methods as may be appropriate and acceptable to the City Engineer to support the request for credit or reimbursement. The City Engineer shall determine credit for construction of improvements or facilities based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if he or she determines that such estimates submitted by the developer are either unreliable or inaccurate. The City Engineer shall determine whether facilities or improvements are eligible for credit or reimbursement.
- (e) Time for Making Claim for Credit. Any claim for credit must be made no later than the application for a building permit. Any claim not so made shall be deemed waived.
- (f) Transferability of Credit--Council Approval. Credits shall not be transferable from one project or development to another without the approval of the City Council.
- (g) Appeal of Determinations of City Engineer. Determinations made by the City Engineer pursuant to the provisions of this section may be appealed to the City Council by filing a written request with the City Manager, together with a fee established by Resolution of the City Council, within ten calendar days of the determination of the City Engineer.

155.120 REVIEW

- (a) Except for the first year the ordinance codified in this chapter is in effect, no later than six months following the end of each fiscal year, the City Manager shall prepare a report for the City Council identifying the balance of fees in the various funds established

pursuant to Section 155.030, the facilities constructed, and the facilities to be constructed. In preparing the report, the City Manager shall adjust the estimated costs of the public improvements in accordance with the Engineering Construction Cost Index as published by Engineering News-Record for the elapsed time period from the previous July 1st, or the date that the cost estimate was developed. The annual report shall also include a review of the administrative overhead charge.

- (b) At a noticed public hearing, the City Council shall review the report and the development impact fees to determine whether the fee amounts continue to be reasonably related to the impact of development and whether the described public facilities are still needed. The Council may revise the development impact fees to include additional projects not previously foreseen as being needed.
- (c) The report prepared by the City Manager and its review by the City Council, as well as any findings thereon, shall be subject to the provisions of California Government Code Section 6600 1 (d), to the extent applicable (which shall be controlling in the event of any conflict).

155.130 CONTROLLING STATE LAW

The provisions of this chapter and any resolution adopted pursuant hereto, shall at all times be subject and subordinate to the provisions of Chapter 5 (commencing with Section 66000), Division 1, of Title 7 of the California Government code, as the same presently exist or may hereafter be amended from time to time, to the extent the same are applicable. In the event of conflict between the provisions of this chapter and said state law, the latter shall control.

155.140 SUPERSEDING PROVISIONS

The provisions of this chapter and any resolution adopted pursuant hereto, shall supersede any previous ordinance or resolution to the extent the same is in conflict herewith.

EXHIBIT "A"

DEVELOPMENT IMPACT FEE SCHEDULE CITY OF DESERT HOT SPRINGS

A. Law Enforcement Facilities, Vehicles & Equipment Impact Fee Schedule

Proposed Land Use	Impact Fee perUnit S.F. or Acre/Space
Estate Residential	\$183/Unit
Single Family Residential	\$183/Unit
Multiple Family Residential	\$80/Unit
Mobile Home	80/Unit
Commercial Lodging	\$50/Unit
Commerical Uses	\$0.599/S.F.
Industrial Uses	\$0.599/S.F.

B. Fire Suppression and Response Vehicles Impact Fee Schedule

Proposed Land Use	Impact Fee perUnit S.F. or Acre/Space
Estate Residential	\$119/Unit
Single Family Residential	\$119/Unit
Multiple Family Residential	\$217/Unit
Mobile Home	113/Unit
Commercial Lodging	\$136/Unit
Commercial Uses	\$0.117/S.F.
Industrial Uses	\$0.100/S.F.

C. Streets Bridges and Traffic Signals Impact Fee Schedule

Proposed Land Use	Impact Fee per Unit S.F. or Acre/Space
Estate Residential	\$869/Unit
Single Family Residential	\$869/Unit
Multiple Family Residential	\$552/Unit
Mobile Home	\$438/Unit
Commercial Lodging	\$436/Unit
Commercial Uses	\$3.650/S.F.
Industrial Uses	\$0.473/S.F.

Alternative Fee Methodology	\$99.50 per Daily Trip (1)
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1. A trip is defined as a series of one or more trip-ends. A trip-end is a single stop in a trip. As an example, a drive from home to work is a trip whereas a i stops along the way home would be a trip-end.

D. Storm Drainage Facilities Impact Fee Schedule

Proposed Land Use	Impact Fee perUnit S.F. or Acre/Space
Estate Residential	\$424/Unit
Single Family Residential	\$314/Unit
Multiple Family Residential	\$248/Unit
Mobile Home	\$137/Unit
Commercial Lodging	\$116/Unit
Commerical Uses	\$0.204/S.F.
Industrial Uses	\$0.132/S.F.

E. General Facilities, Vehicles and Equipment Impact Fee Schedule

Proposed Land Use	Impact Fee per Unit S.F. or Acre/Space
Residential Uses	\$317/Unit
Commercial Lodging Uses	\$75/Unit
Business Uses	\$0.096/Unit

F. Community(PublicUse) Center Facilities Impact Fee Schedule

Proposed Land Use	Impact Fee per Unit
Single Family Detached Dwelling	\$448/Unit
Single Family Attached Dwelling	\$421/Unit
Multiple Family Dwelling	\$377/Unit
Mobile Home Dwelling	\$137/Unit

G. Aquatic Center Facilities Impact Fee Schedule

Proposed Land Use	Impact Fee per Unit
Single Family Detached Dwelling	\$116/Unit
Single Family Attached Dwelling	\$109/Unit
Multiple Family Dwelling	\$98/Unit
Mobile Home Dwelling	\$68/Unit

H. Parkland Acquisition and Recreational Facilities Impact Fee Schedule

Proposed Land Use	Impact Fee per Unit
Single Family Detached Dwelling	\$1,640/Unit
Single Family Attached Dwelling	\$1,541/Unit
Multiple Family Dwelling	\$1,381/Unit
Mobile Home Dwelling	\$963/Unit

ZONING: ADDENDUM II

ADDENDUM EXCERPT FROM MC-CHAPTER 155.200 SERVICE AND REGULATORY FEES

155.200 ESTABLISHMENT OF SERVICE AND REGULATORY FEES; FEE SCHEDULE; FEE REVISION

- (a) The following service and regulatory fees are established and shall be hereinafter imposed within the City:
- (b) The amount of each fee shall be the amount listed in the City's Service and Regulatory Fee Schedule ("Fee Schedule" attached hereto as Exhibit "A" and incorporated herein by this reference).
- (c) The amount of each fee set forth in the Service and Regulatory Fee Schedule may be more specifically set and revised periodically by resolution of the City Council, with this ordinance being considered as enabling and directive in this regard.

155.210 SUPERCEDED PROVISIONS

The provisions of this chapter and any resolution adopted pursuant hereto, shall supersede any previous ordinance or resolution to the extent the same is in conflict herewith.

Exhibit A

See current adopted Fee Schedule