

TOWN OF YUCCA VALLEY  
PLANNING COMMISSION MEETING



*The Mission of the Town of Yucca Valley is to provide a government that is responsive to the needs and concerns of its diverse citizenry and ensures a safe and secure environment while maintaining the highest quality of life.*

**TUESDAY  
JULY 08, 2014  
6:00 p.m.**

**YUCCA VALLEY COMMUNITY CENTER, YUCCA ROOM  
57090 - 29 PALMS HIGHWAY  
YUCCA VALLEY, CALIFORNIA 92284**

\* \* \* \*

**PLANNING COMMISSION MEMBERS**

*Tim Humphreville, Chairman  
Vickie Bridenstine, Vice Chairman  
Jeff Drozd, Commissioner  
Warren Lavender, Commissioner  
Steve Whitten, Commissioner*

# AGENDA

## MEETING OF THE TOWN OF YUCCA VALLEY PLANNING COMMISSION 6:00 P.M., TUESDAY, JULY 08, 2014

*The Town of Yucca Valley complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the Town Clerk's office at (760) 369-7209 at least 48 hours prior to the meeting.*

***If you wish to comment on any subject on the agenda, or any subject not on the agenda during public comments, please fill out a card and give it to the Planning Commission secretary. The Chair will recognize you at the appropriate time. Comment time is limited to 3 minutes.***

### CALL TO ORDER:

**ROLL CALL:** Vickie Bridenstine, Vice Chairman  
Jeff Drozd, Commissioner  
Warren Lavender, Commissioner  
Steve Whitten, Commissioner  
Tim Humphreville, Chairman

### PLEDGE OF ALLEGIANCE

### APPROVAL OF AGENDA

**Action:** Move by \_\_\_\_\_ 2<sup>nd</sup> by \_\_\_\_\_ Voice Vote \_\_\_\_\_.

### PUBLIC COMMENTS

***In order to assist in the orderly and timely conduct of the meeting, the Planning Commission takes this time to consider your comments on items of concern, which are not on the agenda. When you are called to speak, please state your name and community of residence. Please limit your comments to three minutes or less. Inappropriate behavior, which disrupts or otherwise impedes the orderly conduct of the meeting, will result in forfeiture of your public comment privileges. The Planning Commission is prohibited by State law from taking action or discussing items not included on the printed agenda.***

**DEPARTMENT REPORT**

**1. STREET VACATION, SV-01-14  
CEQA EXEMPTION, SECTION 15301, Class 1**

Proposal to vacate a 7' by 152' easement along Sage Ave, at the southwest corner of Sage Ave and Hidden Gold Dr.

**RECOMMENDATION:** That the Planning Commission:

- A. Finds that the project is exempt from CEQA in accordance with Section 15301, Class 1 Existing Facilities of the California Environmental Quality Act.
- B. Recommends that the Town Council approve Street Vacation, SV-01-14 based upon the information contained within the staff report.

**Action:** Moved by \_\_\_\_\_ 2<sup>nd</sup> by \_\_\_\_\_ Voice Vote \_\_\_\_\_

**PUBLIC HEARINGS**

**2. DEVELOPMENT CODE AMENDMENT, DCA 04-14  
ARTICLE 1, AUTHORITY AND APPLICABILITY  
CEQA EXEMPTION, SECTION 15061(b)(3)**

Proposed amendment to Title 9, Yucca Valley Development Code adding Article 1, Chapter 9.01 thru Chapter 9.03, Authority and Applicability, identifying the purposes of the Development Code, the general standards of the Development Code and standards and procedures for non-conforming lots, structures and uses and repealing Sections 81.0101-81.0195, Section 81.0305 and Sections 84.0801-84.0830 of the Yucca Valley Development Code..

The project is exempt from CEQA in accordance with Section 15061(b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's Development Code Regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 04-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA".

**RECOMMENDATION:** That the Planning Commission:

- A. Finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's General Development Standards regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California

Environmental Quality Act. Development Code Amendment, DCA 04-14 meets the exemption criteria which states “that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”.

- B. Recommends that the Town Council adopts the Ordinance and repeals Development Code Sections 81.0101-81.0195, Section 81.0305 and Sections 84.0801-84.0830 of Title 8.

**Action:** Moved by \_\_\_\_\_ 2<sup>nd</sup> by \_\_\_\_\_ Voice Vote \_\_\_\_\_

**3. DEVELOPMENT CODE AMENDMENT, DCA 03-14  
ARTICLE 5, ADMINISTRATION  
CEQA EXEMPTION, SECTION 15061**

Proposed amendment to Title 9, Yucca Valley Development Code adding Article 5, Chapter 9.80 thru Chapter 9.86, Administration, providing standards and procedures for appeals, enforcement and violations, permit amendments, permit revocations, public notices and hearings and time limitations and time extensions and repealing Sections 83.010605-83.010630, Section 81.0150, Sections 81.0205-81.0235 and Sections 87.1201-87.1202 of Title 8 of the Town of Yucca Valley Development Code

The project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town’s Development Code Regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 03-14 meets the exemption criteria which states “that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”.

**RECOMMENDATION:** That the Planning Commission

- A. Finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town’s General Development Standards regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 03-14 meets the exemption criteria which states “that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”.

- B. Recommends that the Town Council adopts the ordinance and repeals Sections 83.010605-83.010630, Section 81.0150, Sections 81.0205-81.0235 and Sections 87.1201-87.1202 of Title 8 of the Town of Yucca Valley Development Code

**Action:** Moved by \_\_\_\_\_ 2<sup>nd</sup> by \_\_\_\_\_ Voice Vote \_\_\_\_\_

**4. DEVELOPMENT CODE AMENDMENT, DCA 02-14  
HOME OCCUPATION REGULATIONS  
CEQA EXEMPTION, SECTION 15061(b)(3)**

Proposed amendment to Title 9, adding Section 9.08.050 of Article 2, and adding Chapter 9.75, Sections 9.75.010 thru 9.75.080 of Article 4, of the Yucca Valley Development Code, establishing development regulations and permitting procedures for the operation of Home Occupation Permits and repealing Sections 84.0615, Chapter 6, Division 4 of Title 8.

The project is exempt from CEQA in accordance with Section 15061(b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's Home Occupation Permit Regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 02-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA".

**RECOMMENDATION:** That the Planning Commission:

- A. Finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's Home Occupation Permit regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 02-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA".
- B. Recommends that the Town Council adopts the Ordinances and repeals Development Code Section 84.0615, Chapter 6, Division 4 of Title 8.

**Action:** Moved by \_\_\_\_\_ 2<sup>nd</sup> by \_\_\_\_\_ Voice Vote \_\_\_\_\_

**5. DEVELOPMENT CODE AMENDMENT, DCA 01-14  
ARTICLE 2, ZONING DISTRICTS AND DEVELOPMENT STANDARDS  
CEQA EXEMPTION, SECTION 15061(b)(3)**

Proposed amendment to Title 9, Yucca Valley Development Code adding Article 2 Chapter 9.05 thru Chapter 9.22, Zoning Districts and Development Standards. This article establishes the Town's zoning districts and zoning map and provides land use standards and development requirements for the zoning districts and overlay districts.

The project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's Development Code Regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 01-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA".

**RECOMMENDATION:** That the Planning Commission reviews Article 2, takes public comment and provides direction to staff.

**Action:** Moved by \_\_\_\_\_ 2<sup>nd</sup> by \_\_\_\_\_ Voice Vote \_\_\_\_\_

**CONSENT AGENDA:** All items listed on the consent calendar are considered to be routine matters or are considered formal documents covering previous Planning Commission instruction. The items listed on the consent calendar may be enacted by one motion and a second. There will be no separate discussion of the consent calendar items unless a member of the Planning Commission or Town Staff requests discussion on specific consent calendar items at the beginning of the meeting. Public requests to comment on consent calendar items should be filed with the Planning Commission Secretary before the consent calendar is called

**STAFF REPORTS AND COMMENTS:**

**FUTURE AGENDA ITEMS:**

**COMMISSIONER REPORTS AND REQUESTS:**

Commissioner Drozd

Commissioner Lavender  
Commissioner Whitten  
Vice Chairman Bridenstine  
Chairman Humphreville

**ANNOUNCEMENTS:**

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, July 22, 2014

**ADJOURN**

**PLANNING COMMISSION STAFF REPORT**

**To:** Chairman & Planning Commission  
**From:** Shane Stueckle, Deputy Town Manager  
Alex Qishta, Project Engineer  
**Date:** June 20, 2014  
**For Commission Meeting:** July 8, 2014

**Subject:** Resolution No. 14-  
Street Vacation SV-01-14, Sage Avenue  
Approximately seven feet (7') by one hundred fifty two feet (152') easement  
on the southwest corner of Sage Avenue and Hidden Gold Drive

**Prior Commission Review:** There has been no prior Commission review of this matter.

**Recommendation:** That the Planning Commission finds that the street vacation, SV-01-14, is consistent with the General Plan and General Plan Circulation Element, and recommends to the Town Council to vacate an approximate 7' x 152' easement on the southwest corner of Sage Avenue and Hidden Gold Drive, as identified on Exhibit A to this staff report, being a portion of APN 585-362-01, and forwards that recommendation to the Town Council.

**Executive Summary:** The Streets and Highway Code Section 8300 et. et. permits the Town to vacate a street easement only upon a finding supported by substantial evidence that the easement is no longer needed for vehicular traffic and that the street is unnecessary for present or prospective public use.

The Planning Commission review all request for street vacations for consistency with the General Plan, Circulation Element and all other Town circulation requirements and forwards a recommendation to the Town Council for their consideration.

**Order of Procedure:**

- Request Staff Report
- Request Public Comment
- Commission Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Voice Vote)

**Discussion:** A proposal has been submitted to the Town of Yucca Valley by Copper Hills Homes, LLC/Sage Estates to vacate a 7' x 152' easement located adjacent to the westerly property line of APN 585-362-01.

Department Report       Ordinance Action       Resolution Action       Public Hearing  
 Consent                       Minute Action                       Receive and File                       Study Session

New adopted General Plan called that segment of Sage Avenue as s Local road with 60 feet Right-of-Way, the old General Plan call that segment of Sage Avenue as a Collector Road with 80 feet Right-of-way.

Section 8300 et. el. Of the Streets and Highways Codes requires the Town Council to set by resolution or ordinance, a public hearing date for action on the request for vacation. Adoption of a Resolution will set the date, time and place for the public hearing, and identified the location of the proposed easement vacation. The vacation is not final until Council action at the Public Hearing.

**Alternatives:** Staff recommends no alternative actions.

**Attachments:** Resolution 14-  
Request to Vacate Easement  
Exhibit A, Proposed Easement Vacation  
Assessor's Parcel Map  
Streets and Highways Code Section 8330  
New General Plan Roadway Classification  
Old General Plan Roadway Classification

RESOLUTION NO. PC-14-

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL APPROVES STREET VACATION SV-01-14, VACATING THAT PORTION OF EASEMENT ON ASSESSOR'S PARCEL NO. 585-362-01 AS IDENTIFIED ON EXHIBIT A TO THIS RESOLUTION

WHEREAS, the Planning Commission is considering the vacation of approximately 7' x 152' of access right of way on the southwest corner of Sage Avenue on APN 585-362-01; and

WHEREAS, the Planning Commission of the Town of Yucca Valley, California, has determined the easement identified is neither necessary for future circulation purposed nor needed for existing access by properties in the surrounding area; and

WHEREAS, the Planning Commission has considered the General Plan and General Plan Circulation Element, and the Planning Commission finds that the easement is not necessary for circulation purposes or for implementation of any portion of General Plan Policy; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, RESOLVES AS FOLLOWS:

Section 1: Street Vacation, SV-01-14, an area measuring approximately 7' by 152' at the southwest corner of Sage Avenue on APN 585-362-01, and as identified in Exhibit A, are recommended to be vacated by the Town Council.

PASSED, APPROVED AND ADOPTED this 8<sup>TH</sup> day of July 2014.

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Planning Commission Chairman

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Planning Commission Secretary



# Street Vacation Application

Date Received 07/16/14  
 By DOLSEN  
 Fee # 1340  
 Case # \_\_\_\_\_

Entire Street

Portion of Street

## General Information

**APPLICANT** Copper Hills Homes, LLC / Sage Estates Phone 760.365.0649 Fax \_\_\_\_\_  
 Mailing Address 8514 Barberry Ave. Email edward878@cs.com or vgreengolf@aol.com  
 City Yucca Valley State CA Zip 92284  
**REPRESENTATIVE** Nolte V5 / Bill Warner Phone 760.341.3101 Fax 760.341.5999  
 Mailing Address 42-829 Cook St., Suite 104 Email bill.warner@nv5.com  
**PROPERTY OWNER** Shack WE Jr Family Trust Phone 760.365.0649 Fax \_\_\_\_\_  
 Mailing Address Same as applicant Email \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

## Project Information

Street Name: Sage Ave.  
 Assessor Parcel Number(s) of adjacent parcels:  
 (Please provide a copy of the Assessor Parcel Map, with the portion to be vacated identified)  
0585-362-01  
 Nearest cross street(s): Hidden Gold Drive  
 Length of street to be vacated: ± 152 feet  
 Width of street to be vacated: ± 7.00 feet  
 Legal description of street, alley, or public easement to be vacated (attach additional pages if needed)  
See attached exhibits

Applicant Signature \_\_\_\_\_  
 Property Owner Signature \_\_\_\_\_

## Owner/Applicant Authorization

**Applicant/Representative:** I/We have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my/our knowledge. I/We further understand that the Town may not approve the application as submitted, and may set conditions of approval. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application.

Signed: \_\_\_\_\_

Date: 4-16-14

**Property Owner:** I/We certify that I/We are presently the legal owner(s) of the above described property (if the undersigned is different from the legal property owner, a letter of authorization must accompany the form). Further, I/We acknowledge the filing of this application and certify that all of the above information is true and accurate. I/We understand that I/We are responsible for ensuring compliance with conditions of approval. I/We hereby authorize the Town of Yucca Valley and or/its designated agent(s) to enter onto the subject property to confirm the location of existing conditions and proposed improvements including compliance with applicable Town Code Requirements. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. I am hereby authorizing

Notte V5

to act as my agent and is further authorized to sign any and all documents on my behalf.

Signed: \_\_\_\_\_

Dated: 4-16-14

Town of Yucca Valley  
Community Development Department  
Planning Division  
58928 Business Center Dr  
Yucca Valley, CA 92284  
760 369-6575 Fax 760 228-0084  
[www.yucca-valley.org](http://www.yucca-valley.org)

EXHIBIT 'A'

LEGAL DESCRIPTION

THAT PORTION OF THE EAST HALF OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 5 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, TOWN OF YUCCA VALLEY, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 89 OF TRACT 5964, AS RECORDED IN MAP BOOK 76, PAGES 83 THROUGH 85, IN THE OFFICE OF THE RECORDER OF SAID COUNTY;

THENCE N 0° 26' 00" E ALONG THE EAST LINE OF SAID LOT 89 A DISTANCE OF 131.77 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 20.00 FEET;

THENCE ALONG SAID CURVE A DISTANCE OF 31.66 FEET;

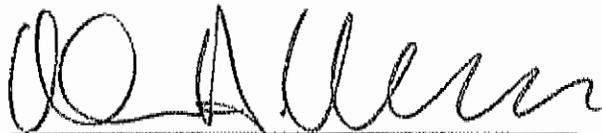
THENCE N 89° 44' 54" E A DISTANCE OF 7.00 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 20.00 FEET;

THENCE ALONG SAID CURVE A DISTANCE OF 31.66 FEET TO A LINE WHICH IS 7.00 FEET EASTERLY OF , AND PARALLEL TO SAID EAST LINE OF SAID LOT 89;

THENCE S 0° 26' 00" W, ALONG SAID PARALLEL LINE A DISTANCE OF 131.69 FEET;

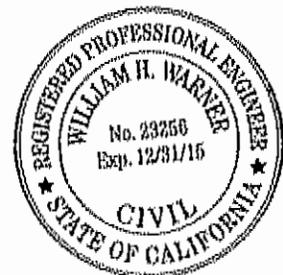
THENCE N 89° 34' 00" W A DISTANCE OF 7.00 FEET TO THE POINT OF BEGINNING.

PREPARED BY:



WILLIAM H. WARNER, R.C.E. 23256  
NOLTE ASSOCIATES, INC.

4/16/14  
DATE



HIDDEN GOLD  
DRIVE

30'

S 89°44'54" W  
7.00'

C1  
C2

33'

7.00'

89  
TRACT 5964  
MB 76/83-85

N 00°26'00" E 131.85'

S 00°26'00" W 131.93'

POINT OF BEGINNING

7.00'  
N 89°34'00" W

106

SAGE AVENUE

40'

30'

IVANHOE  
DRIVE

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	31.66	20.00	90°41'06"
C2	31.66	20.00	90°41'06"

**NOLTE**

BEYOND ENGINEERING

78-85 HANWAY TRL SUITE A  
TROUBLESHOOTING TEL 780.841.9900 FAX

FALM COUNTY, CA 95620  
WWW.NOLTE.COM

PREPARED FOR: #####

DATE SUBMITTED: #####

SHEET NUMBER

1

OF 1 SHEETS

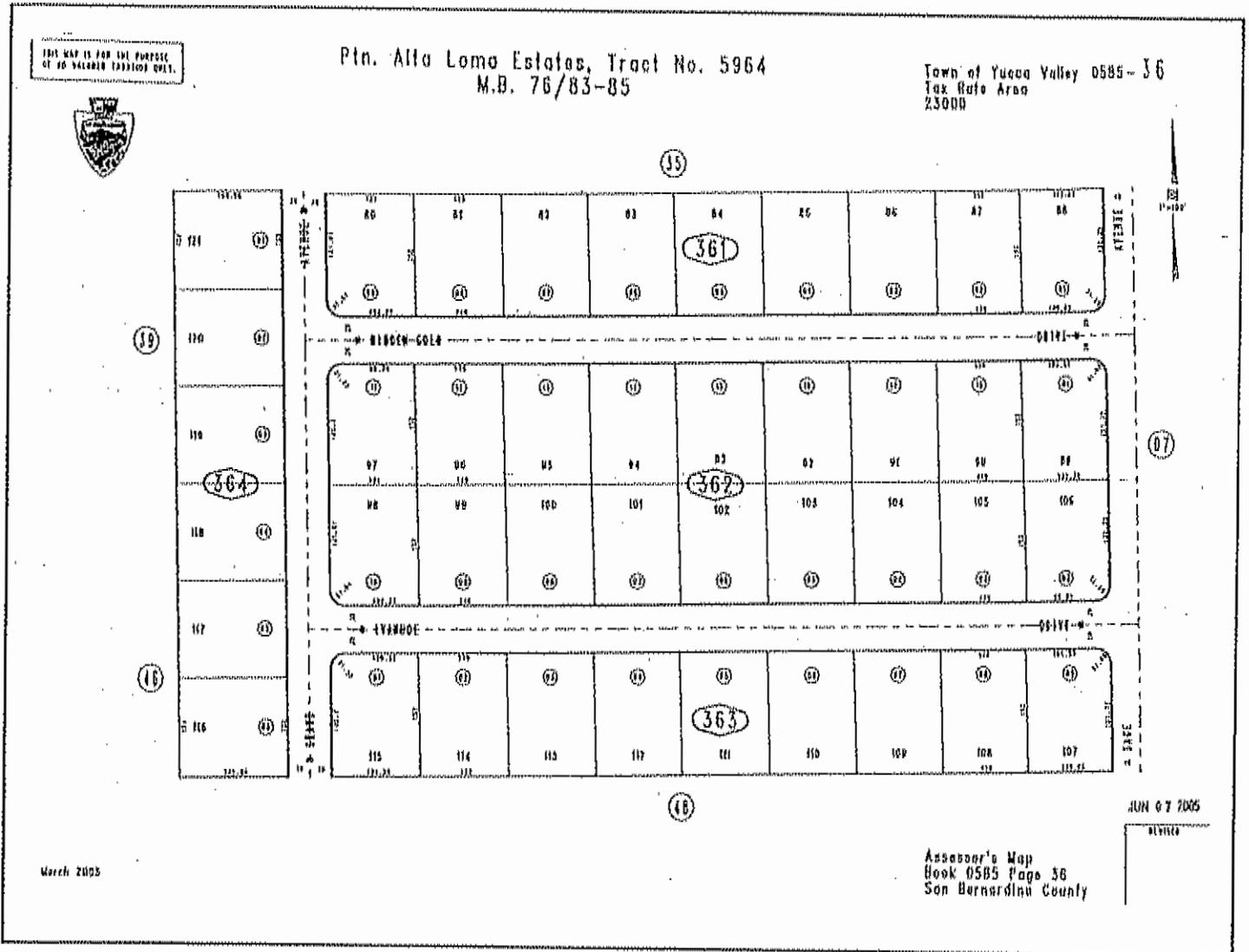
JOB NUMBER  
YVB021300



First American

myFirstAm™ Tax Map

, CA



Limitation of Liability for Informational Report

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## **STREETS AND HIGHWAYS CODE**

### **SECTION 8330-8334.5**

8330. (a) The legislative body of a local agency may summarily vacate a street or highway that has been superseded by relocation.

(b) A street or highway shall not be summarily vacated pursuant to this section if vacation would do either of the following:

(1) Cut off all access to a person's property which, prior to relocation, adjoined the street or highway.

(2) Terminate a public service easement, unless the easement satisfies the requirements of Section 8333.

8330.5. (a) Subject to subdivisions (b) and (c), the commission may retain, relinquish to a local agency pursuant to Section 73, or summarily vacate a state highway that has been superseded by relocation.

(b) The commission shall not vacate a state highway unless the commission has first given a notice of relinquishment pursuant to Section 73 and the legislative body of the local agency has protested within the prescribed 90-day period that the highway is not needed for public use and should be vacated by the commission.

(c) If vacation of a state highway would cut off all access to the property of any person which, prior to relocation, adjoined the highway, the commission shall either retain the highway or relinquish it pursuant to Section 73.

8331. The legislative body of a local agency may summarily vacate a street or highway if both of the following conditions exist:

(a) For a period of five consecutive years, the street or highway has been impassable for vehicular travel.

(b) No public money was expended for maintenance on the street or highway during such period.

8332. The legislative body of a local agency may summarily vacate a street or highway pursuant to an agreement entered into with the department pursuant to Section 100.2 to close the street or highway at or near the point of its interception with a state freeway.

8333. The legislative body of a local agency may summarily vacate a public service easement in any of the following cases:

(a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.

(b) The date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date.

(c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

8334. The legislative body of a local agency may summarily vacate any of the following:

(a) An excess right-of-way of a street or highway not required for street or highway purposes.

(b) A portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another.

8334.5. Notwithstanding any other provision of this article, a street, highway, or public service easement may not be summarily vacated if there are in-place public utility facilities that are in use and would be affected by the vacation.

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**Notice of Exemption**

Form D

To:  Office of Planning and Research  
PO Box 3044, 1400 Tenth Street, Room 222  
Sacramento, CA 95812-3044

From: (Public Agency) Town of Yucca Valley  
58928 Business Center Drive  
Yucca Valley, CA 92284

County Clerk  
County of San Bernardino  
185 N. Arrowhead, 2nd Flr.  
San Bernardino, CA. 92415

(Address)

Project Title: Street Vacation, SV-01-14 Sage Avenue

**Project Location - Specific:**

The project is at the southwest corner of Sage Avenue and Hidden Gold Drive and is identified as APN:585-362-01.

Project Location - City: Yucca Valley

Project Location - County: San Bernardino

**Description of Project:**

A proposal to vacate a 7' by 152' easement along Sage Ave, at the southwest corner of Sage Ave and Hidden Gold Dra.

Name of Public Agency Approving Project: Town of Yucca Valley

Name of Person or Agency Carrying Out Project: Copper Hills Homes, LLC

**Exempt Status: (check one)**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Section 15301, Class 1 Existing Facilities
- Statutory Exemptions. State code number: \_\_\_\_\_

**Reasons why project is exempt:**

The project is an existing roadway and involves no expansion

**Lead Agency**

Contact Person: Shane Stueckle Area Code/Telephone/Extension: (760) 369-6575 X305

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

- Signed by Lead Agency Date received for filing at OPR: \_\_\_\_\_
- Signed by Applicant

Revised May 1999

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

### 15301. EXISTING FACILITIES

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:

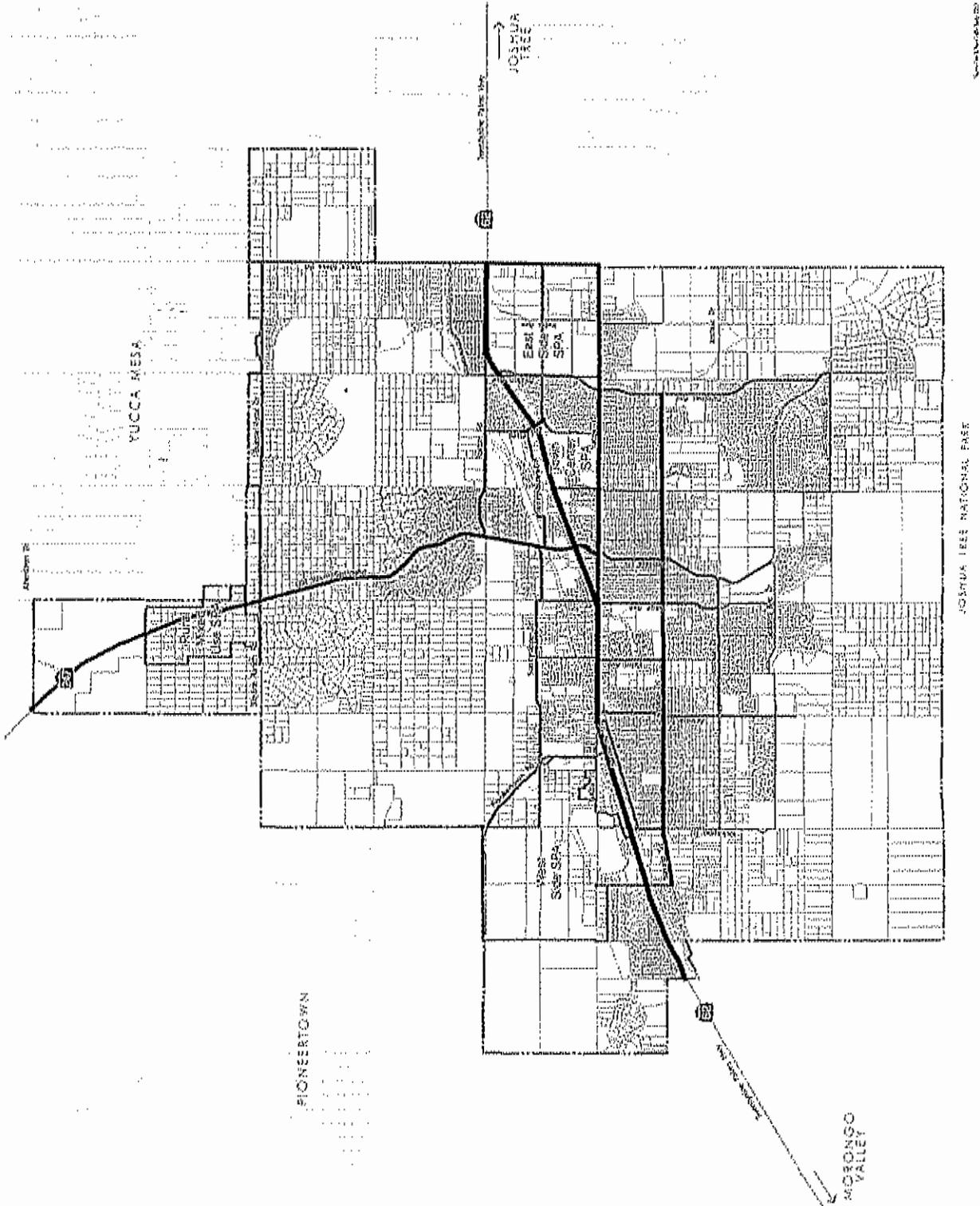
- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- (b) Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).
- (d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
- (e) Additions to existing structures provided that the addition will not result in an increase of more than:
  - (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or
  - (2) 10,000 square feet if:
    - (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
    - (B) The area in which the project is located is not environmentally sensitive.
- (f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;
- (g) New copy on existing on and off-premise signs;
- (h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);
- (i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;
- (j) Fish stocking by the California Department of Fish and Game;
- (k) Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;
- (l) Demolition and removal of individual small structures listed in this subdivision:
  - (1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.

Figure C-1

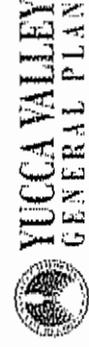
**ROADWAY CLASSIFICATIONS  
AT GENERAL PLAN BUILDOUT**

**ROADWAY CLASSIFICATIONS**

- Highway — 3 lanes divided — 134'
- Highway — 4 lanes divided — 92'
- Arterial — 4 lanes divided — 100'
- Arterial — 2 lanes — 70'
- Industrial — 2 lanes with stopped traffic — 70'
- Collector — 2 lanes — 64'
- SPA - Special Policy Area
- town limits



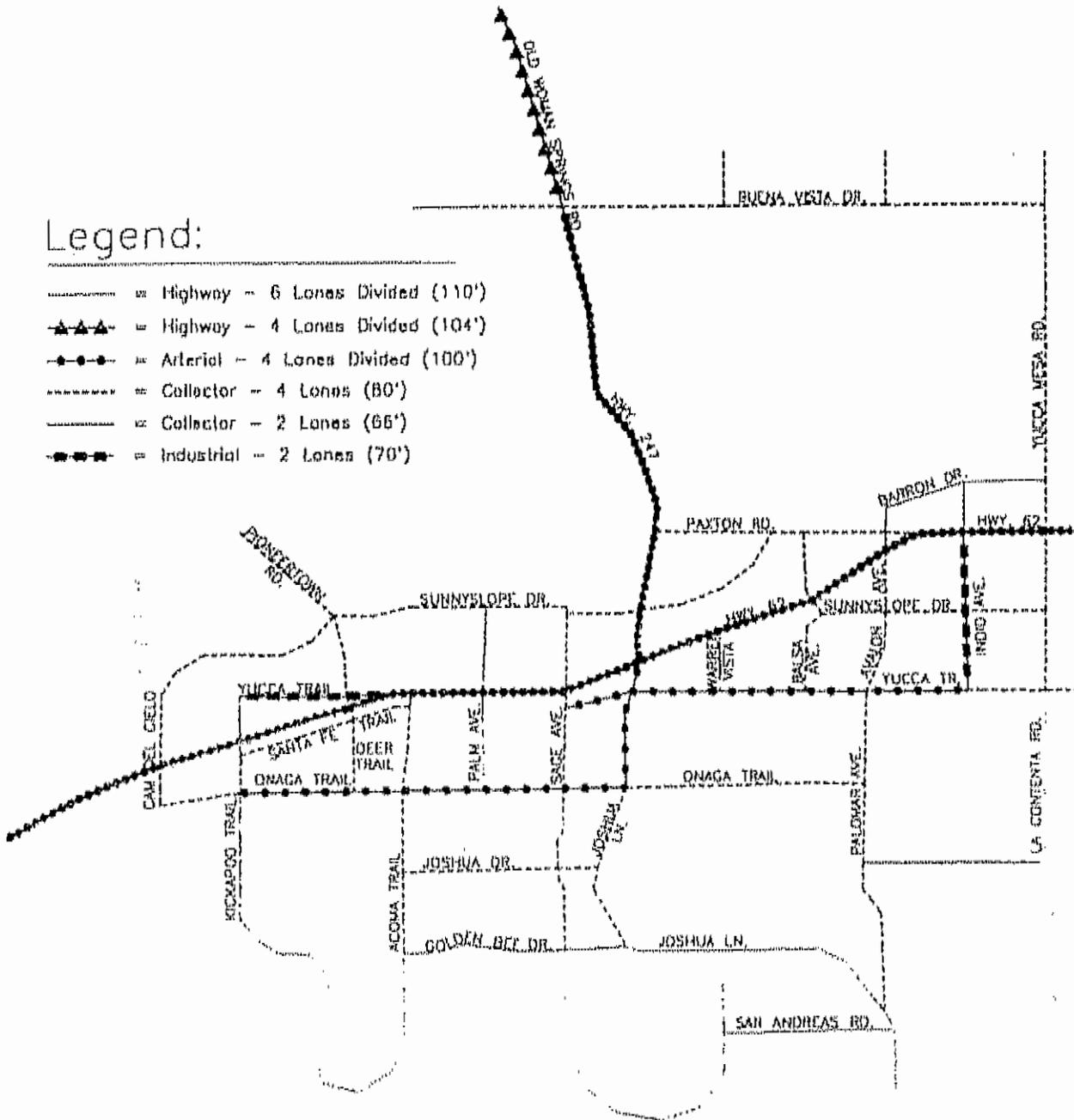
NOTE: All roads shown within the boundary of the map are subject to change in the future. The map is for informational purposes only and does not constitute a contract. All road names and classifications are subject to change without notice.



# TOWN OF YUCCA VALLEY CIRCULATION PLAN

## Legend:

- = Highway - 6 Lanes Divided (110')
- ▲▲▲▲ = Highway - 4 Lanes Divided (104')
- = Arterial - 4 Lanes Divided (100')
- = Collector - 4 Lanes (80')
- = Collector - 2 Lanes (66')
- = Industrial - 2 Lanes (70')



## TOWN OF YUCCA VALLEY GENERAL PLAN CIRCULATION ELEMENT

EXHIBIT III-2

Robert Kahn, John Kain  
& Associates, Inc.

**PLANNING COMMISSION STAFF REPORT**

**To:** Chairman & Planning Commission  
**From:** Shane Stueckle, Deputy Town Manager  
**Date:** June 25, 2014  
**For Commission Meeting:** July 08, 2014

**Subject:** Development Code Amendment, DCA-04-14  
Draft Development Code Article 1, Authority and Applicability  
CEQA Exemption 15061(b)(3)

**Prior Commission Review:** There has been no prior Planning Commission review of this item.

**Recommendation:** That the Planning Commission:

- A. Finds that the project is exempt from CEQA in accordance with Section 15061(b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's Development Code has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 04-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA".
  
- B. Recommends that the Town Council adopts the Ordinance and repeals Development Code Sections 81.0101-81.0195, Section 81.0305 and Sections 84.0801-84.0830 of Title 8.

**Executive Summary:** Article 1, Authority and Applicability, identifies the purpose of the Development Code, the general standards of the Development Code and standards and procedures for non-conforming lots, structures and uses

..... Department Report       Ordinance Action      ..... Resolution Action       Public Hearing  
..... Consent                      ..... Minute Action              ..... Receive and File              ..... Study Session

**Order of Procedure:**

- Request Staff Report
- Open the Public Hearing
- Request Public Comment
- Close the Public Hearing
- Commission Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote)

**Discussion:** Article 1, Authority and Applicability, identifies the purpose of the Development Code, the general provisions of the Development Code and standards and procedures for non-conforming lots, structures and uses.

Three Chapters are established within Article 1, and those Chapters are structured in the following manner:

- Chapter 9.01 Purpose and Applicability
- Chapter 9.02 General Provisions
- Chapter 9.03 Nonconforming Lots, Structures and Uses

**Chapter 9.01 Purpose and Applicability:**

This Chapter identifies the purpose and intent of the Development Code, the authority to enact the Development Code and the responsibility for the administration of the Development Code.

**Chapter 9.02 General Provisions:**

This Chapter identifies the authority to interpret division of the Development Code, identifies the relationship to the General Plan, and identifies the Legal Defense Fee Responsibility.

**Chapter 9.03 Nonconforming Lots, Structures and Uses:**

This Chapter establishes the standards and procedures for non-conforming lots, structures and uses.

**Alternatives:** The Planning Commission may elect to make recommended changes to the Article.

**Fiscal impact:** This Ordinance is included in the Town's contract for the Development Code Update project. No additional costs are incurred beyond existing contract services.

**Attachments:** Article 1, Authority and Applicability  
Notice of Hearing

# Article 1: Authority and Applicability

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## **Chapter 9.01 Purpose and Applicability**

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### **Sections:**

- 9.01.010 – Title
- 9.01.020 – Purpose and Intent of Development Code
- 9.01.030 – Authority
- 9.01.040 – Responsibility for Administration
- 9.01.050 – Applicability

### **9.01.010 – Title**

This title shall be known as the "Town of Yucca Valley Development Code" and referred to as the "Development Code."

### **9.01.020 – Purpose and Intent of Development Code**

The purpose of this Development Code is intended to carry out the policies of the Town of Yucca Valley General Plan by classifying and regulating the uses of land and structures within the Town. It is also the intent of this Development Code to promote the orderly and beneficial development of the Town; promote and protect the public health, safety, peace, comfort, and general welfare; and protect the character, social, and economic vitality of neighborhoods.

### **9.01.030 – Authority**

The Development Code is enacted based on the authority vested in the Town of Yucca Valley by the State of California, including but not limited to:

- A. Local Ordinances and Regulations (California Constitution, Article XI, Section 7)
- B. Planning and Zoning Law (Government Code Section 65000 et seq.)
- C. Airport Approaches Zoning Law (Government Code Section 50485 et seq.)
- D. Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code Section 2621 et seq.)
- E. California Environmental Quality Act (Public Resources Code Section 21000 et seq.)
- F. Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.)
- G. Land Conservation Act of 1965 (Williamson Act) (Government Code Section 51200 et seq.)
- H. Mobilehome Parks Act (Health and Safety Code Section 18200 et seq.)
- I. Subdivision Map Act (Government Code Sections 66410 et seq.)
- J. Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.)
- K. Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code Section 4526 et seq.)

**9.01.040 – Responsibility for Administration**

This Development Code shall be administered by the Town Council, the Planning Commission, the Director of Community Development, the Community Development Department, and any other departments, groups, or individuals identified in this Development Code in compliance with Title 2 (Administration and Personnel) of the Town Municipal Code.

**9.01.050 – Applicability**

This Development Code applies to all construction, modifications of existing development, land uses, subdivisions on property, and development within the Town of Yucca Valley.

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## Chapter 9.02 General Provisions

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### Sections:

- 9.02.010 – Rules of Interpretation
- 9.02.020 – Relationship to General Plan
- 9.02.030 – Severability of Any Portion of the Development Code
- 9.02.040 – Legal Defense Fee Responsibility

### 9.02.010 – Rules of Interpretation

- A. Authority.** The Director has the authority to interpret provisions of this Development Code. Whenever the Director determines that the meaning or applicability of a Development Code requirement is subject to interpretation, the Director shall issue a written interpretation. The Director may also refer any issue of interpretation to the Commission for a determination. A decision of the Director may be appealed to the Commission and a decision of the Commission may be appealed to the Council in compliance with Chapter 9.81 (Appeals).
- B. Terminology.** When used in this title, the following rules apply to all provisions of this Development Code:
1. **Language.** When used in this Development Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive.
  2. **Tense.** The present tense includes the past and future tense, and the future tense includes the present.
  3. **Number.** The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.
  4. **Calculations.**
    - a. **Number of lots.** The fractional/decimal results of calculations of the number of parcels allowed through subdivision based on a minimum lot area requirement shall be rounded down to the next lowest whole number.
    - b. **Residential Density.** When the number of dwelling units allowed on a site is calculated based on the minimum site area per dwelling unit, any fraction of a unit shall be rounded down to the next lowest whole number.

- c. **Other Calculations.** For calculations other than residential density, the fractional/decimal results of calculations shall be rounded to the next highest whole number unless otherwise specified.
  5. **Conjunctions.** "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to".
  6. **Local Reference.** "Town" as used herein means the Town of Yucca Valley and all public officials, bodies, and agencies referenced herein are those of the Town unless otherwise stated.
  7. **Definitions.** As defined in Article 7 (Definitions) and/or as determined/interpreted by the Director.
- C. Number of Days.** Whenever the number of days is specified in this Development Code, or in any permit, condition of approval or notice issued or given as provided in this Development Code, the number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or Town-recognized holiday, time limits shall extend to the end of the next working day.
- D. Conflicting Requirements.** Any conflicts between different requirements of this Development Code, or between this Development Code and other regulations, shall be resolved as follows.
1. **Development Code Provisions.** In the event of any conflict between the provisions of this Development Code, the most restrictive requirement shall control, except in case of any conflict between the land use zoning district regulations of Article 2 (Zoning Districts and Development Standards) and the provisions of Article 3 (General Development Standards), the provisions of Article 3 shall control.
  2. **Development Agreements or Specific Plans.** In the event of any conflict between the requirements of this Development Code and standards adopted as part of any Development Agreement or Specific Plan, the requirements of the Development Agreement or Specific Plan shall control.
  3. **Town Code Provisions.** In the event of any conflict between requirements of this Development Code and other regulations of the Town, the most restrictive requirement shall control.
  4. **Mitigation Measures.** In the event of any conflict between the requirements of this Development Code and mitigation measures adopted as part of a certified environmental impact report or approved negative declaration, the most restrictive shall control.
- E. Minimum Requirements.** When interpreting and applying the regulations of this Development Code, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

- F. **Interpretation of Boundaries.** See Chapter 9.05 (Zoning Districts and Zoning Maps).
- G. **Illustrations.** The figures, diagrams, and other graphics used throughout this Development Code are for illustration purposes only and to the extent any are in conflict with the written provisions, the written provisions shall govern.

**9.02.020 – Relationship to General Plan**

This Development Code is the primary tool used by the Town to carry out the goals, objectives, and policies of the General Plan. It is intended that all provisions of this Development Code be consistent with the General Plan and that any development, land use, or subdivision approved in compliance with these regulations will also be consistent with these documents.

**9.02.030 – Severability of Any Portion of the Development Code**

If any portion of this Development Code is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this title. The Council hereby declares that this title and each article, section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof is adopted without regard to the fact that one or more portions of this title may be declared invalid, unconstitutional, or unenforceable.

**9.02.040 – Legal Defense Fee Responsibility**

**A. Applicant's Agreement to Indemnify and Hold Harmless.**

The applicant shall agree to defend, indemnify and hold harmless the Town of Yucca Valley, its agents, officers and employees, at his sole expense, against any action, claim or proceedings brought against the Town or its agents, officers or employees, to attack, set aside, void, or annul this approval or because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition. The Town shall promptly notify the applicant of any claim, action or proceedings arising from the Town's approval of this project, and the Town shall cooperate in the defense.

~~As a condition of approval of a land use application, the applicant shall agree to defend, indemnify and hold harmless the Town of Yucca Valley, its agents, officers and employees, at his sole expense, against any action, claim or proceedings brought against the Town or its agents, officers or employees, to attack, set aside, void, or annul this approval or because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition. The Town shall promptly notify the applicant of any claim,~~

~~action or proceedings arising from the Town's approval of this project, and the Town shall cooperate in the defense;~~

- B. Town's Duty to Notify Applicant and Cooperate in Defense.** Any condition of approval imposed in compliance with this Development Code shall include a requirement that the Town acts reasonably to promptly notify the applicant of any claim, action, or proceeding and that the Town cooperates fully in the defense.

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## Chapter 9.03 Nonconforming Lots, Structures, and Uses

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### Sections:

- 9.03.010 – Purpose and Intent
- 9.03.020 – Applicability
- 9.03.030 – Determination, Extension, and Abatement Procedures
- 9.03.040 – Nonconforming Lots
- 9.03.050 – Nonconforming Structures
- 9.03.060 – Nonconforming Uses

### 9.03.010 – Purpose and Intent

- A. **Regulation of legal conformities.** This Chapter establishes uniform provisions for the regulation of legal nonconforming land uses, structures, and parcels. Within the land use zoning districts established by this Development Code, there exist land uses, structures, and parcels that were lawfully in existence before the adoption, or amendment of this Development Code, but which would be prohibited, regulated, or restricted differently under the terms of this Development Code, as amended. This Chapter provides for their eventual elimination, but allows them to exist under the limited conditions identified in this Chapter.
- B. **Intent.** It is the intent of this Development Code to discourage the long-term continuance of these nonconformities in order to promote the public health, safety, and general welfare and to bring the uses and structures into conformity with the goals and policies of the General Plan and any applicable Specific Plan.

### 9.03.020 – Applicability

The provisions in this Chapter apply to existing legal nonconforming structures, uses, and parcels.

### 9.03.030 – Determination, Extension, and Abatement Procedures

- A. **Purpose.** This section sets forth provisions for the abatement of lots, structures, and uses deemed to be nonconforming and subject to abatement pursuant to the provisions of this Article.
- B. **Authority.** The Director shall be the designated Review Authority for determining that a lot, structure, or use is nonconforming, and the Commission shall be the designated Review Authority for action on the abatement procedures and extensions of the nonconforming lots, structures, or uses.
- C. **Notice and Hearing.** Once the Director has determined that a lot, structure, or use is nonconforming, the Director shall provide required notice for hearing and action by the Commission. The purpose of the hearing is to determine whether the nonconformity should be

abated, given a specific term prior to abatement, or granted a time extension. Notice and hearing shall be performed and conducted pursuant to Chapter 9.86 (Public Notices and Hearings).

- D. Decision and Findings.** The Commission shall base its decision as to the length of the permitted amortization period on any competent evidence presented, included but not limited to the depreciation schedule attached to the owner's latest federal income tax return. Findings shall be made as to whether or not the balancing of the public interest and the request by the owner for continuance, alteration, or expansion of the nonconformity of the subject property requires a deviation from the's development standards. Findings shall be made in writing and provided to the property owner within 10 days after the decision is rendered.
- E. Appeal.** Actions taken by the Commission may be appealed to the Council in accordance with provisions of Chapter 9.81 (Appeals).
- F. Extension of Time.** The Review Authority, at its discretion, may grant an extension of time for the abatement of a nonconformity where it finds that an unreasonable hardship would otherwise be imposed on the property or business owner.
- G. Revocation of Nonconforming Use or Structure.** The Town may revoke the right to continue a nonconforming use or structure. Revocation procedures, including notice and hearing, shall be in accordance with provisions of Chapter 9.85 (Permit Modifications and Revocations).
- H. No Reversion to Nonconformance.** When any nonconformity is eliminated or brought into conformance with the current regulations of this Development Code, the nonconforming rights and privileges with respect to that nonconformity are terminated and shall not be restored.

#### 9.03.040 – Nonconforming Lots

- A. Continuation of Legal Nonconforming Lots.** Any lawfully created lot which becomes nonconforming with regard to lot area, street frontage, lot width, lot depth, or accessibility may continue indefinitely with such nonconformity and may be developed and used as if it were a conforming lot.
- B. Modification of Legal Nonconforming Lots.** Legal nonconforming lots may not be modified in any manner that increases the degree of nonconformity. Where feasible, parcel modifications (through lot merger or lot line adjustment) are encouraged to eliminate or minimize the degree of nonconformity.

#### 9.03.050 – Nonconforming Structures

- A. Continuation of Structure.** Any legally established nonconforming structure that does not conform to the provisions of this Development Code with regard to maximum permitted height, minimum required setback, lot coverage, and/or maximum permitted encroachment into required yard areas may be continued indefinitely.

**B. Exceptions.** The following are the exceptions to the indefinite continuation of a legal nonconforming structure:

1. Residential Structures. Any increase in the number of residential units for buildings designed and occupied for residential use shall be prohibited.
2. Nonresidential Structures. Any nonresidential building, structure, or facility designed or intended only for uses which are nonconforming shall be removed, or the design and use thereof shall be made conforming in all respects within 25 years from the date of construction or the effective date of creation of the nonconformity, whichever is later.
3. Utilities. Any new or replacement utility/mechanical facilities, equipment, or construction shall conform to the maximum extent feasible, as determined by the Director.
4. Encroachments in Commercial Zones. Within the commercial zones, any nonconforming encroachment into required yards may be required to be removed or reduced upon review by the Review Authority as follows:
  - a. When an expansion in floor area which is greater than 50 percent of the existing floor area is proposed for any structure maintaining a nonconforming encroachment, or
  - b. When an expansion in floor area is proposed anywhere within an integrated development which is greater than 50 percent of the total floor area of all structures within the integrated development.
5. Trash Facilities, Outdoor Storage, and Display. Trash areas or facilities, outdoor storage areas, and outdoor display areas shall be made fully conforming at the time of any expansion or intensification of use on the site.

**C. Modification or Expansion of Legal Nonconforming Structure**

1. A legal nonconforming structure shall not be modified in a manner that expands, extends, or enlarges the use in any manner beyond its existing scope upon the date the nonconformity was created, except as follows:
  - a. The modifications are, in and of themselves, in conformance with the provisions of this Development Code.
  - b. The modifications are limited to minor alterations, improvements, or repairs that do not increase the degree of nonconformity present and do not constitute or tend to produce an expansion or intensification of a nonconforming use.
  - c. The modifications are required by other laws.
  - d. The modifications are incidental to the public acquisition of a portion of a site, no greater degree of nonconformity will be created other than that caused as a result of

the public acquisition, and the changed development will conform to current regulations to the maximum extent feasible.

2. No change made to any development or use shall be construed as automatically permitting an extension of any time limit for the termination of a nonconformity.

**D. Destruction of Legal Nonconforming Structure**

1. A nonconforming structure(s) involuntarily damaged or partially destroyed by fire, act of nature, or act of the public enemy may be repaired or rebuilt and re-occupied only as follows:
  - a. If the cost of repairing or replacing the damaged portion of the structure(s) does not exceed 75 percent of its reasonable value, the structure may be restored, provided the following conditions are met:
    - (1) The reconstruction meets current Building Code requirements.
    - (2) Reconstruction begins within 12 months of the date of damage, unless otherwise allowed by the Director, and is diligently pursued to completion.

**E. Discontinuance of Legal Nonconforming Structure.** If any legal nonconforming structure is abandoned or the use thereof discontinued for a period of 180 consecutive days or more, all future development of the land shall be in conformity with the provisions of this Development Code. Maintenance of a valid business license shall of itself not be considered a continuation of the use.

**F. Off-site Relocation.** When a structure is relocated to another lot, it shall be made conforming in all respects with the provisions of this Development Code and all other applicable laws and regulations.

**9.03.060 – Nonconforming Uses**

Except as otherwise listed below, a legal nonconforming use may continue indefinitely.

- A. Nonconforming Commercial and Industrial Uses.** Nonconforming commercial and industrial uses shall be terminated or made conforming as to use within 10 years from the date on which the Town rendered the use nonconforming.
- B. Other Nonconforming Nonresidential Use.** Other nonconforming non-residential uses shall be terminated or made conforming as to use within 10 years from the date on which the Town rendered the use nonconforming.

- C. Nonconforming Mobile Home Park.** A mobile home park that is nonconforming as to use shall be terminated within 20 years from the date on which the Town rendered the use nonconforming.
- D. Nonconforming Animal Keeping.** Any nonconforming animal keeping, whether a primary use or an accessory use, shall be terminated or made conforming within three years from the date on which the Town rendered the use nonconforming.
- E. Nonconforming Use Eligible for Conditional Use Permit or Other Approval.** Any nonconforming use that is eligible to be considered for a Conditional Use Permit, Land Use Compliance Review, or other discretionary approval under this Development Code shall be considered to be a nonconforming use unless and until such permit or other such approval is granted.
- F. Modifications and Extensions to Legal Nonconforming Uses**
1. A legal nonconforming use shall not be modified in any manner that expands, extends, or enlarges the use beyond its existing scope upon the date the nonconformity was created, except as specified below.
    - a. The changes are, in and of themselves, in conformance with the provisions of this Development Code.
    - b. The changes are limited to minor alterations, improvements, or repairs that do not increase the degree of nonconformity present and do not constitute or tend to produce an expansion or intensification of a nonconforming use. A minor alteration shall not increase the area of the nonconforming structure by more than 120 square feet cumulative.
    - c. The changes are required by other laws.
    - d. The changes are incidental to the public acquisition of a portion of a site, no greater degree of nonconformity will be created other than that caused as a result of the public acquisition, and the changed development will conform to current regulations to the maximum extent feasible.
  2. No change made to any development or use shall be construed as automatically permitting an extension of any time limit for the termination of a nonconformity.
  3. Notwithstanding the provisions regarding Conditional Use Permit or variance, the Director may allow the construction of an additional modification to a legally existing structure within a current yard setback area, as established by an applicable residential Land Use District, when such legally existing building is within the yard setback area, and provided such additional modification does not exceed the projection of the existing structure into such current yard setback area and does not come closer than three (3) feet to any property line.
  4. The requirements for a Conditional Use Permit shall not apply to nonconforming residential uses, where such uses are being expanded or modified by no more than twenty-

five percent (25%) of the floor space or ground area existing at the time such use became a nonconforming use.

**G. Discontinuance of Legal Nonconforming Use**

1. If any legal nonconforming use is discontinued for a period of 180 consecutive days or more, subsequent use of the land shall be in conformity with the provisions of this Development Code. Maintenance of a valid business license shall of itself not be considered a continuation of the use.
2. This section shall not apply to any use for which a different period of discontinuance or abandonment is specified under other provisions of this Development Code.



**NOTICE OF PUBLIC HEARING  
YUCCA VALLEY COMMUNITY CENTER  
57090 29 PALMS HIGHWAY  
YUCCA VALLEY, CALIFORNIA 92284**

**TUESDAY JULY 08, 2014 - BEGINNING AT 6:00 P.M.**

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE TOWN OF YUCCA VALLEY PLANNING COMMISSION TO CONSIDER THE FOLLOWING DESCRIBED APPLICATION:

**CASE NUMBER:** Development Code Amendment, DCA 04-14  
Article 1, Authority and Applicability

**APPLICANT:** Town of Yucca Valley  
58928 Business Center Drive  
Yucca Valley, CA 92284

**PROPOSAL:** Proposed amendment to Title 9, Yucca Valley Development Code adding Article 1, Chapter 9.01 thru Chapter 9.03, Authority and Applicability, identifying the purposes of the Development Code, the general standards of the Development Code and standards and procedures for non-conforming lots and repealing Sections 81.0101-81.0195, Section 81.0305 and Sections 84.0801-84.0830 of the Yucca Valley Development Code.

**LOCATION:** Town wide

**ENVIRONMENTAL**

**DETERMINATION:** The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to implement same. The project is exempt from CEQA under Section 15061(b) (3) since there is no possibility of a significant impact on the environment caused by this amendment.

The proposed amendment to revise the Town's Development Code regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 04-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA".

Any person affected by the application(s) may appear and be heard in support of or opposition to the proposal at the time of the hearing. The environmental findings, along the with proposed project application(s) are available and may be reviewed at the Town of Yucca Valley Planning Division, 58928 Business Center Drive, Yucca Valley, CA 92284 from 7.30 a.m. to 5:30 p.m., Monday through Thursday or obtain information at (760) 369-6575.

The Planning Commission in its deliberation could recommend approval of the project, deny the project, or approve the project in an alternative form. If you challenge any of the projects in court, you may be limited to raising only the issues you or someone else raised at the

Public Hearing described in this notice, or in written correspondence delivered to the Town Planning Division at, or prior to the Public Hearing.

Publish Date: Published on June 25, 2014.

June 18, 2014

Date

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Lesley Copeland  
Town Clerk

## PLANNING COMMISSION STAFF REPORT

**To:** Chairman & Planning Commission  
**From:** Shane Stueckle, Deputy Town Manager  
**Date:** June 25, 2014  
**For Commission Meeting:** July 08, 2014

**Subject:** Development Code Amendment, DCA-03-14  
Draft Development Code Article 5, Administration  
CEQA Exemption 15061(b)(3)

**Prior Commission Review:** There has been no prior Planning Commission review of this item.

**Recommendation:** That the Planning Commission:

- A. Finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's Development Code has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 03-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA".
- B. Recommends that the Town Council adopts the Ordinance and repeals Sections 81.0101-81.0195, Section 81.0305 and Sections 84.0801-84.0830 of Title 8 of Title 8 of the Yucca Valley Development Code.

**Executive Summary:** Article 5, Administration, provides standards and procedures for appeals, enforcement and violations, permit amendments, permit revocations, public notices and hearings and time limitations and time extensions and repeals Sections 83.010605-83.010630, Section 81.0150, Sections 81.0205-81.0235 and Sections 87.1201-87.1202 of Title 8 of the Town of Yucca Valley Development Code

\_\_\_\_\_ Department Report  
\_\_\_\_\_ Consent

Ordinance Action  
\_\_\_\_\_ Minute Action

\_\_\_\_\_ Resolution Action  
\_\_\_\_\_ Receive and File

Public Hearing  
\_\_\_\_\_ Study Session

**Order of Procedure:**

- Request Staff Report
- Open the Public Hearing
- Request Public Comment
- Close the Public Hearing
- Commission Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Voice Vote)

**Discussion:** Article 5, Administration, provides standards and procedures for appeals, enforcement and violations, permit amendments, permit revocations, public notices and hearings and time limitations and time extensions and repeals Sections 83.010605-83.010630, Section 81.0150, Sections 81.0205-81.0235 and Sections 87.1201-87.1202 of Title 8 of the Town of Yucca Valley Development Code

Seven Chapters are established within Article 5, and those Chapters are structured in the following manner:

- Chapter 9.80 Administration
- Chapter 9.81 Appeals
- Chapter 9.82 Enforcement and Violations
- Chapter 9.83 Permit Amendments
- Chapter 9.84 Permit Revocations
- Chapter 9.85 Public Notices and Hearings
- Chapter 9.86 Time Limitations and Time Extensions

**Chapter 9.80 Administration**

Establishes general administrative provisions for implementation and administration of the Development Code.

**Chapter 9.81 Appeals**

Establishes procedures for the processing of appeal applications.

**Chapter 9.82 Enforcement and Violations**

Establishes provisions to ensure compliance with the requirements of the Development Code.

**Chapter 9.83 Permit Amendments**

Establishes procedures for the processing of an amendment to Conditions of Approval, project design, or alteration or expansion of an approved use.

**Chapter 9.84 Permit Revocations**

Establishes procedures the revocation of permit approvals.

**Chapter 9.85 Public Notices and Hearings**

Establishes noticing procedures for public hearings.

**Chapter 9.86 Time Limitations and Time Extensions**

Establishes time limits for permit approvals and procedures for approving time extensions.

**Alternatives:** The Planning Commission may elect to make recommended changes to the Article.

**Fiscal impact:** This Ordinance is included in the Town's contract for the Development Code Update project. No additional costs are incurred beyond existing contract services.

**Attachments:** Article 5, Administration



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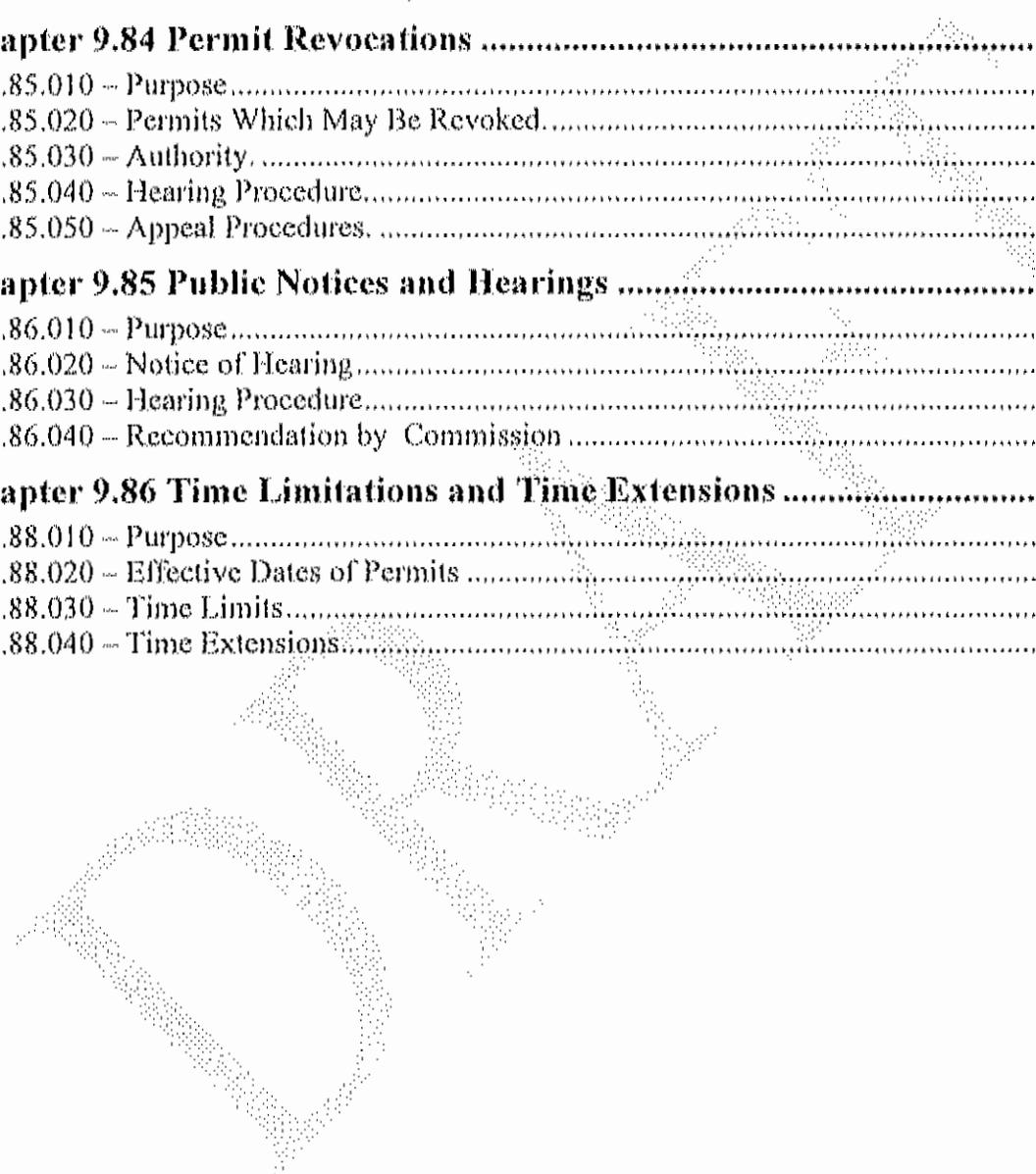
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## Chapter 9.80 Administration

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### Sections:

- 9.80.010 – Purpose
- 9.80.020 – Permits and Conditions to Run with the Land
- 9.80.030 – Performance Guarantees
- 9.80.040 – Easements and Deed Notices
- 9.80.050 – Legal Defense Fee Responsibility

#### 9.80.010 – Purpose

This Chapter establishes general administrative provisions for implementation and administration of the Development Code and the permits which are approved pursuant to the Development Code.

#### 9.80.020 – Permits and Conditions to Run with the Land

A Conditional Use Permit, Land Use Compliance Review, Site Plan and Design Review Permit, Variance, Planned Development Permit, Specific Plan or Special Use Permit approval that is granted in compliance with Article 4 shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void. All applicable conditions of approval shall continue to apply after a change in property ownership.

#### 9.80.030 – Performance Guarantees

##### A. Deposit of security.

1. As a condition of approval of a Conditional Use Permit, Land Use Compliance Review, Site Plan and Design Review Permit, Specific Plan, Variance, Planned Development Permit, Special use Permit, Temporary Special Event Permit, Temporary Use Permit, or upon a finding that the public health, safety, and welfare warrant, the review authority may require the execution of a covenant to deposit security, and the deposit of security in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval in the event that the obligor fails to perform.
2. The applicant/owner may elect to provide adequate security for the faithful performance of a condition(s) of approval imposed as part of the approval process if the Director determines that the condition(s) may be implemented at a later specified date (e.g., inability to install required landscaping due to poor weather conditions).
3. The security shall, as required by law or otherwise at the option of the Town, be in the form of cash, a certified or cashier's check, letter of credit, a performance bond or other form of surety executed by the applicant and a corporate surety authorized to do business in California and approved by the Town.

4. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director.
  5. Any security required in compliance with this Section shall be payable to the Town.
- B. Release of security.** Upon satisfactory compliance with all applicable provisions of this Section, the security deposit shall be released.
- C. Failure to comply.**
1. Upon failure to perform any secured condition, the Town may perform the condition, or cause it to be done, and may collect from the obligor, and surety in case of a bond, all costs incurred, including administrative, engineering, legal, and inspection costs.
  2. To the extent that the Director can demonstrate that the obligor willfully breached an obligation in a manner that the obligor knew, or should have known, would create irreparable harm to Town, the entire amount of the bond or deposit may be withheld.
  3. The Director's determination may be appealed to the Council by the obligor by filing an appeal within 10 days after the decision to withhold the bond, in compliance with Chapter 9.81 *Appeals*.

**9.80.040 – Easements and Deed Notices**

**A. Implementation.**

The Town of Yucca Valley may require offers of dedication, the granting of easements, or the recordation of deed notices to assist to Town in the implementation of the General Plan and/or adopted Master Plans, including but not limited to the Town's Master Plan of Drainage, Parks and Trails Master Plans, and Airport Comprehensive Land Use Plan.

**B. Requirements for Easements and Deed Notices**

A grant of easement or deed notice may be required by the Town of Yucca Valley as a condition of issuing a building permit for any residential or nonresidential project that includes additional square-footage for a new or existing structure and/or any other entitlement. Recordation of all grants of easement and deed notices on forms to be provided by the Town shall occur prior to the issuance of a building permit or as otherwise approved by the Town of Yucca Valley Community Development Department, Commission or Council.

1. Avigation and Noise Easements or Deed Notices:
  - a. An Avigation and Noise Easement shall be granted to the Yucca Valley Airport District and shall be recorded against those parcels of property within the Avigation Easement Area as identified on the Avigation Easement & Deed Notice Map on file with the Town Planning Division. A copy of the recorded Easement shall be forwarded to the Town of Yucca Valley and the Yucca Valley Airport District.

- b. A Deed Notice shall be recorded against those parcels of property outside of the Avigation Easement Area but within the Airport Influence Area as identified on the Airport Influence Map. A copy of the recorded Deed Notice shall be forwarded to the Town of Yucca Valley and the Yucca Valley Airport District.

2. Drainage Easements.

Parcels that are affected by the Yucca Valley Master Plan of Drainage and as deemed necessary by the Town Engineer shall offer a drainage easement to the Town of Yucca Valley and/or County of San Bernardino.

3. Public Rights of Way.

Parcels shall offer easements or dedication of right-of-ways for streets, roads, alley, sidewalks, utilities or trails as deemed necessary by the Director to implement Town's roadway and trails networks.

**C. Covenants of Easements**

1. Applicability. When necessary to achieve the land use goals of the Town, the Town may require a property owner holding property in common ownership to execute and record a Covenant of Easement in favor of the Town, in compliance with Government Code Section 65870 et seq. A Covenant of Easement may be:

- a. Required to provide for emergency access, ingress and egress, landscaping, light and air access, open space, parking, or for solar access; and
- b. Imposed as a condition of approval by the review authority.

2. Form of covenant. The form of the Covenant shall be approved by the Council, and the Covenant of Easement shall:

- a. Describe the real property subject to the easement and the real property to be benefited by the easement;
- b. Identify the Town approval or planning permit granted that relied on or required the Covenant; and
- c. Identify the purposes of the easement.

3. Recordation. A Covenant of Easement shall be recorded in the County's Recorder's Office.

4. Effect of covenant.

- a. From and after the time of its recordation, a Covenant of Easement shall:

- (1) Act as an easement in compliance with Civil Code Section 801 et seq., except that it shall not merge into any other interest in the real property. Civil Code Section 1104 shall be applicable to the conveyance of the affected real property; and
  - (2) Impart notice to all persons to the extent afforded by the recording laws of the State.
- b. Upon recordation, the burdens of the Covenant shall be binding on, and the Covenant shall benefit all successors-in-interest to the real property.
5. **Enforceability.** A Covenant of Easement shall be enforceable by the successors-in-interest to the real property benefited by the Covenant and the Town. Nothing in this Section creates standing in any person, other than the Town, and any owner of the real property burdened or benefited by the Covenant, to enforce or to challenge the Covenant or any requested amendment or release.
6. **Release of covenant.** A Covenant of Easement may be released by the Director, or by another appropriate review authority in the event of an appeal, at the request of any person, including the Town, or an affected property owner.
- a. **Process for release.** The release of a Covenant Easement shall require that the review authority first:
    - (1) Conduct a noticed public hearing in compliance with Chapter 9.60.020(A) *Public Hearings*; and
    - (2) Find that the Covenant on the site is no longer necessary to achieve the land use goals of the Town.
  - b. **Recordation.** A notice of the release of the Covenant of Easement shall be recorded by the Town Clerk in the County Recorder's Office.
  - c. **Fees.** The applicant for a release of a Covenant of Easement shall pay the fee for the processing of the release in compliance with the Engineering fee schedule.

#### 9.80.050 – Legal Defense Fee Responsibility

Applicant's Agreement to Indemnify and Hold Harmless. The applicant shall agree to defend, indemnify and hold harmless the Town of Yucca Valley, its agents, officers and employees, at his sole expense, against any action, claim or proceedings brought against the Town or its agents, officers or employees, to attack, set aside, void, or annul this approval or because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition. The Town shall promptly notify

the applicant of any claim, action or proceedings arising from the Town's approval of this project, and the Town shall cooperate in the defense.

A. As a condition of approval of a land use application, the applicant shall agree to defend, indemnify, and hold harmless the Town or its agents, officers, and employees from any claim, action, or proceeding against the Town or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Town, an advisory agency, Council or legislative body concerning the map or permit or any other action relating to or arising out of Town approval, as determined by the Town attorney based upon language in substantial conformance to the following:

The applicant shall agree to defend, indemnify and hold harmless the Town of Yucca Valley, its agents, officers and employees, at his sole expense, against any action, claim or proceedings brought against the Town or its agents, officers or employees, to attack, set aside, void, or annul this approval or because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition. The Town shall promptly notify the applicant of any claim, action or proceedings arising from the Town's approval of this project, and the Town shall cooperate in the defense.

**B. Town's Duty to Notify Applicant and Cooperate in Defense.** Any condition of approval imposed in compliance with this Development Code shall include a requirement that the Town act reasonably to promptly notify the applicant of any claim, action, or proceeding and that the Town cooperates fully in the defense.

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## Chapter 9.81 Appeals

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### Sections:

- 9.81.010 – Appeal of Land Use Decision
- 9.81.020 – Application for the Appeal of a Land Use Decision
- 9.81.030 – Time for Filing an Appeal
- 9.81.040 – Notice of Appeal
- 9.81.050 – Authority of Appeal Body
- 9.81.060 – Withdrawal of Appeal
- 9.81.070 – Judicial Appeal

### 9.81.010 – Appeal of Land Use Decision

Any land use decision made in compliance with the provisions of this Development Code by a review authority other than the Council may be appealed by the applicant or other affected party as described in this Chapter.

- A. **Director's decisions.** The Director's decision on determinations required by this Code where the Director's decision would otherwise be final is subject to appeal to the Commission.
- B. **Commission's decisions.** The Commission's decision on determinations required by this Code where the Commission's decision would otherwise be final is subject to appeal to the Council.
- C. **Council considerations.**
  - 1. The Council shall consider appeals regarding land use decisions made by the Commission.
  - 2. The Council shall only conduct hearings regarding an EIR or other environmental action in conjunction with consideration of the subject land use application and project for which the EIR was prepared or other environmental action proposed.

### 9.81.020 – Application for the Appeal of a Land Use Decision

- A. **Appropriate forms.** Applications for an appeal of a land use decision shall be made on forms supplied by the review authority to which the appeal is being made.
- B. **Appeal submittals.** Applications for appeals addressed to the Commission shall be submitted to the Planning Division. Applications for appeals addressed to the Council shall be submitted to the Town Clerk.

- C. **Grounds for appeal.** Application for appeals shall include a written statement of the grounds upon which the appeal is based.
- D. **Appeal fees.** An appeal fee, as established by the Town, shall accompany any application.
- E. **Contents of appeal application.** The appeal application shall identify:
  - 1. The subject land use application;
  - 2. The specific decision, condition of approval, or other matter being appealed;
  - 3. The date of the action;
  - 4. The justification for the appeal; and
  - 5. Any remedy or solution for which the appellant petitions.
- F. **Appeal shall stay all proceedings.** A properly filed application for appeal shall stay the proceedings in the matter appealed until a decision is rendered on the appeal.

**9.81.030 – Time for Filing an Appeal**

Appeals shall be filed with the Planning Division within ten (10) consecutive calendar days following the date of action. If the last day to act is not a Town business day, the following business day shall be deemed to be the last day to act. Appeals requiring Council consideration will be forwarded to the Town Clerk by the Director.

**9.81.040 – Notice of Appeal**

- A. **Notice of appeal required.** Within 30 days of the acceptance of an application for an appeal of a land use decision, the Director shall set the matter for hearing and shall give notice of the date, time, and place of the hearing to the appellant, the applicant, and to any other party who has requested in writing to be so notified.
- B. **Same notice as originally required.** In addition, notice shall also be given in the same manner as notice was given for the land use decision being appealed.

**9.81.050 – Authority of Appeal Body**

- A. **Action on appeal.** Upon hearing the appeal, the appeal body shall consider the record and any additional evidence that may be offered, and may affirm, reverse, or modify, in whole or in part, the decision appealed.
- B. **Applicable criteria, findings, and requirements.** The appeal body is subjected to all of the criteria, findings, and requirements imposed by this Development Code upon the original decision maker (e.g., review authority).

**9.81.060 – Withdrawal of Appeal**

An appeal may be withdrawn before the time that the review authority issues a decision. The applicant or the applicant's representative shall notify the Planning Division in writing that they wish to withdraw the appeal.

**9.81.070 – Judicial Appeal**

No person shall seek judicial review of a Town decision on a planning permit or other matter in compliance with this Development Code until all appeals to the Commission and Council have been first exhausted in compliance with this Chapter.

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## Chapter 9.82 Enforcement and Violations

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### Sections:

- 9.82.010 – Purpose
- 9.82.020 – Permits and Approvals
- 9.82.030 – Authority of Enforcement
- 9.82.040 – Unlawful to Violate Development Code Provisions
- 9.82.050 – Violations of Development Code and Conditions of Approval Declared Public Nuisance
- 9.82.060 – Unlawful to Refuse or Fail to Comply With a Condition of Land Use Approval
- 9.82.070 – Enforcement
- 9.82.080 – Criminal Actions
- 9.82.090 – Civil Actions
- 9.82.100 – Administrative Actions
- 9.82.110 – Filing of a Notice of Liens
- 9.82.120 – Filing Notice of Action
- 9.82.130 – Initial Investigation Procedures
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- 9.82.150 – Stop Work Orders
- 9.82.160 – Revocation or Modification of Permits or Approvals
- 9.82.170 – Recovery of Costs
- 9.82.180 – Additional Permit Processing Fees
- 9.82.190 – Reinspection Fees
- 9.82.200 – Documentation

### 9.82.010 – Purpose

This Chapter establishes provisions that are intended to ensure compliance with the requirements of this Development Code and any conditions of planning permit approval, to promote the Town's planning efforts, and for the protection of the public health, safety, and welfare of the Town.

### 9.82.020 – Permits and Approvals

All departments, officials, and public employees of the Town who are assigned the authority or duty to issue authorizations, certificates, licenses, or permits shall comply with the provisions of this Development Code.

- A. **Permits in conflict with Development Code.** Authorizations, certificates, licenses, or permits for uses or structures that would be in conflict with the provisions of this Development Code shall not be issued.

- B. Permits deemed void.** Any authorization, certificate, license, or permit issued in conflict with the provisions of this Development Code shall be void and of no effect.

**9.82.030 – Authority of Enforcement**

- A. Responsibility of Director.** The Director and designated employees and representatives shall have the authority to enforce the provisions of this Development Code.
- B. Authority to Inspect.** All persons authorized to enforce the provisions of this Development Code are authorized to enter upon any property or premises within the Town to ascertain whether the property or premises is in compliance with this Development Code, and to make any inspections as may be necessary in the performance of their enforcement duties. These inspections may include the taking of photographs, samples, or other physical evidence, and the making of video and/or audio recordings. All such entries and inspections shall be done in a reasonable manner. If an owner, lawful occupant, or the respective agent, employee, or representative thereof refuses permission to enter and/or inspect, the Town, acting by and through such persons authorized to enforce this Development Code, may seek an administrative inspection warrant pursuant to the procedures provided by California Code of Civil Procedures §§ 1822.50 through 1822.59, as may be amended from time to time, or the successor provisions thereto.

**9.82.040 – Unlawful to Violate Development Code Provisions**

- A.** It is unlawful for any person to violate or to cause or to allow a violation of any provision of this Development Code. Any act or omission constituting a violation of the Development Code includes the aiding, abetting, allowing, or causing that act or omission.
- B.** Each and every day, and during any portion of which, any violation of this Development Code, or of the provisions of any code adopted and incorporated by reference by this Development Code, is committed, continued, or allowed, is a new and separate offense.

**9.82.050 – Violations of Development Code and Conditions of Approval Declared Public Nuisance**

- A. Use of land.** Any use of land that is not allowed by this Development Code (either as a matter of right or through the application of the appropriate land use approval or permit) and/or which is conducted without first obtaining all permits and/or licenses otherwise required pursuant to all applicable state and/or federal laws and/or other provisions of the Development Code (and thereafter maintaining each such permit and/or license so as to remain legally valid at all times) is hereby declared unlawful and a public nuisance.
- B. Use of occupancy of structure.** Any structure used or occupied in a manner not allowed by this Development Code (either as a matter of right or through the application of the appropriate land use approval or permit) and/or which is used or occupied without first obtaining all permits and/or licenses otherwise required pursuant to all applicable state and/or federal laws and/or other provisions of the Town Code (and thereafter maintaining each such permit and/or license so as to remain legally valid at all times) is hereby declared unlawful and a public nuisance.
- C. Property Not in Compliance with a Condition of Land Use Approval Declared Public Nuisance.** Any property not in compliance with an applicable condition of approval imposed

upon any land use approval authorization, permit, or variance is hereby declared to be unlawful and a public nuisance.

**9.82.060 – Unlawful to Refuse or Fail to Comply With a Condition of Land Use Approval**

- A. It is unlawful for the owner, the owner's agent or representative, or other person in whose favor or for whose benefit, a land use approval of any kind has been granted for the parcel of real property at issue, to refuse or to fail to comply with the conditions of approval, either individually or collectively in any number.
- B. Each and every day, and during any portion of which, any failure or refusal to comply with the condition or conditions of approval imposed on any land use approval, authorization, permit, or variance, is committed, continued, or allowed, is a new and separate offense.

**9.82.070 – Enforcement**

- A. **Notices, orders, and citations.** This Development Code may be enforced through the issuance of various notices and orders pertaining to any land use; or to any addition, alteration, construction, conversion, enlargement, installation, moving, reconstruction, rehabilitation of any structure; or to any use of any structure; that is contrary to any provision of this Development Code as provided herein. Such notices may include, without limitation, notice of violation, notice to correct, notice to vacate, stop work orders, infraction citations, misdemeanor citations, administrative citation, and etc..
- B. **Enforcement remedies are cumulative and discretionary, not exclusive.** All remedies contained in this Development Code for the handling of violation or enforcement of the provisions of this Development Code shall be discretionary and cumulative, and not exclusive of any other applicable provisions of the Town Code or other applicable State law. The Town at its sole discretion and acting through the officials designated in this Chapter and in consultation with Town Attorney may enforce this Development Code through the application of criminal, civil, and administrative remedies as set forth in this Chapter. In the exercise of such discretion in selecting an appropriate code enforcement remedy, the Town shall not be required to institute available code enforcement remedies in any particular order, or to prefer the application of one remedy to another.

**9.82.080 – Criminal Actions**

- A. Notwithstanding any other provision of the Town Code, each person violating, causing, or allowing a violation of any provision of this Development Code or any permit or condition of approval granted pursuant thereto, shall be guilty of an infraction, unless the violation is specifically declared to be a misdemeanor.
- B. Every violation of any provision of this Development Code, or of any permit issued pursuant to this Development Code (including any of the conditions of approval for such permit) that is prosecuted as an infraction shall be punished, upon conviction or upon a plea of nolo contendere (commonly called no contest), by: (1) a base fine as established by the local court of jurisdiction. Any court costs that the court may otherwise be required to impose pursuant to applicable state

law or local ordinance shall be imposed in addition to the base fine. Notwithstanding the above, a first or subsequent violation of this Development Code may be charged and prosecuted as a misdemeanor.

- C. A misdemeanor shall be punished, upon conviction or upon a plea of nolo contendere (commonly called no contest), by a base fine as established by the local court of jurisdiction, or by imprisonment in the County jail for a period of not more than six months, or by both such base fine and imprisonment. Any court costs that the court may otherwise be required to impose pursuant to applicable state law or local ordinance shall be imposed in addition to the base fine.
- D. The conviction and punishment of any person of an offense as described in this Section or the payment of a criminal fine by or on behalf of the person convicted, shall not relieve that person from the responsibility for correcting, removing, or abating the violation that resulted in the conviction; nor prevent the enforced correction, removal or abatement thereof by the Town. The correction, removal, or abatement of a violation begun after the issuance of a criminal citation or the filing of a criminal complaint shall not be a defense to the infraction or misdemeanor so charged and, following a conviction or plea of nolo contendere, shall not be grounds for the dismissal of the action or the waiver, stay, or reduction of any fine established in this Section.

#### **9.82.090 – Civil Actions**

- A. **Injunctive relief and abatement.** At the request of any person authorized to enforce this Development Code, the Town may commence proceedings for the abatement, removal, correction and enjoinder of any act or omission that constitutes or will constitute a violation of this Development Code or any permit or land use approval granted pursuant thereto, and an order requiring the violator(s) to pay civil penalties and/or abatement costs. Where multiple violators are involved, they shall be jointly and severally liable for the civil penalties and/or abatement costs.
- B. **Civil Remedies and Penalties.** Any person, whether acting as principal, agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor, or otherwise, who violates any provision of this Development Code or any permit or any condition of land use approval granted pursuant thereto, shall be liable for a civil penalty as established by Council per violation for each day or any portion thereof, that the violation continues to exist. In determining the amount of civil penalty to be imposed, both as to the daily rate and the subsequent total amount for any given violation, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting the violation, the nature and persistence of such conduct, the length of time over which the conduct occurred or as repeated, the assets, liabilities, and net worth of the violator, whether a corporate entity or an individual, and any corrective action taken by the violator.
- C. **Attorney's Fees.** In any civil action, administrative proceeding, or special proceeding to abate a public nuisance, whether by seeking injunctive relief and/or an abatement order, or other order: attorney's fees may be recovered by the prevailing party and shall not exceed the amount of reasonable attorney's fees incurred by the Town in that action or proceeding (Government Code §§ 25845).

**9.82.100 – Administrative Actions**

- A. Application.** All violations of any provision of this Development Code or any permit or land use approval granted pursuant thereto are subject to enforcement through the use of administrative citations in accordance with Government Code Section 53069.4 and this Section. The following procedures shall govern the imposition, enforcement, collection, administrative, and judicial review of administrative citations and penalties.
- B. Content of Citation.** The administrative citation shall be issued on a form approved by the Town Administrative Officer in consultation with the Town Attorney. The administrative citation form may be tailored to the specific needs of the issuing department as approved by the Director; however, all administrative citations regardless of the issuing department shall contain the following information:
1. The administrative citation shall refer to the date and location of the violation and the approximate time, if applicable, that the violation was observed.
  2. The administrative citation shall identify each violation by the applicable section number of this code and by either the section's title or a brief descriptive caption; or by reference to the applicable permit or land use approval and describing the condition violated.
  3. The administrative citation shall describe the action required to correct the violations.
  4. The administrative citation shall require the responsible party to immediately correct the violation and shall explain the consequences of failure to correct the violation.
  5. The administrative citation shall state the amount of the penalty imposed for the violation. Multiple violations may be listed on the same citation form. In the event of multiple violations, the administrative citation shall list the penalty amount for each violation and the total amount of all of the penalties.
  6. The administrative citation shall contain a notation box for the enforcement officer to indicate whether or not the citation is issued as a "warning only" and without penalty. The administrative citation shall also include a notation box for the enforcement officer to indicate that the penalty will be waived if the violation is corrected by the compliance deadline date indicated on the citation form.
  7. The administrative citation shall explain how the penalties shall be paid and the time period by which it shall be paid, and the consequences of failure to pay the penalty within this time period.
  8. The administrative citation shall identify all appeal rights and instructions on how to appeal the citation.

9. The administrative citation shall contain the printed name and the signature of the enforcement officer and the signature of the responsible party, if he/she can be located, as set forth in subsection "C" below.

**C. Service of Citation.**

1. If the responsible party is present at the scene of the violation, the enforcement officer shall attempt to obtain their signature on the administrative citation and shall deliver a copy of the administrative citation to them.
2. If the responsible party is a business, and the business owner is on the premises, the enforcement officer shall attempt to deliver the administrative citation to them. If the enforcement officer is unable to serve the business owner on the premises and the enforcement officer can only locate the manager or on-site supervisor, the administrative citation may be issued in the name of the business and a copy given to the manager or on-site supervisor. A copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested and by first class mail. If a copy of the administrative citation that is sent by certified mail is returned by the United States Postal Service unsigned or marked "unclaimed" and/or "refused", then service by first class mail shall be deemed effective provided it is not returned by the United States Postal Service.
3. If no one can be located at the property, then a copy of the administrative citation shall be posted in a conspicuous place on or near that property and a copy mailed by certified mail, return receipt requested and by first class mail, to each responsible party at their last known addresses as they appear on the last County equalized assessment role, or other available public records related to title or ownership of the property that is the subject of the administrative citation. If the copy of the administrative citation sent by certified mail to a responsible party is returned by the United States Postal Service with the mail receipt unsigned, or marked "unclaimed" and/or "refused", then service by first class mail shall be deemed effective provided it is also not returned by the United States Postal Service.
4. The failure of any responsible party to receive a copy of the administrative citation shall not affect the validity of the proceedings.

**D. Administrative Penalties.**

1. Unless otherwise provided in this code, the amount of penalty to be imposed for a violation of this code and assessed by means of an administrative citation shall be established by a resolution of the Council. Notwithstanding this paragraph, the amount of penalty to be assessed by means of an administrative citation may be established by resolution of the Council.
2. If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of the penalty shall increase at the rate as adopted by the Town.
  - a. Payment of the penalty shall not excuse failure to correct the violation nor shall it bar further enforcement action by the Town.

- b. The penalties assessed shall be payable to the Town within 30 calendar days from the date the administrative citation is issued.
- c. Except as provided below, any person who fails to pay to the Town any penalty imposed pursuant to the provisions of this Chapter on or before the date that the penalty is due shall also be liable for the payment of any applicable late payment charges as established by the Council.
- d. The Town may collect any past due administrative citation penalty or late payment charge by use of any available legal means, including without limitation, the filing of a notice of lien, describing the real property affected and the amount of the costs, penalties or damages to the County Assessor, who shall place the amount thereof on the assessment role as a special assessment to be paid with County taxes, unless sooner paid. The Town may also recover its collection costs. A judgment or award of such costs, penalties or damages may also be enforced in other manner provided by law.
- e. The Town may also recover administrative costs for defending the citation at the appeal hearing.

**E. Appeal of Administrative Citation.**

1. Notice of Appeal. A responsible party may appeal the administrative citation by filing a written notice of appeal with the department that issued the administrative citation. The written notice of appeal must be filed within 20 calendar days of the date the administrative citation was served in a manner set forth in subsection "D" of this Section. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall be submitted on Town forms and shall contain the following information:
  - a. A brief statement setting forth the appealing responsible party's (hereinafter appellant) interest in the proceedings;
  - b. A brief statement of the material facts, which the appellant claims supports their contention that no administrative penalties should be imposed or that an administrative penalty of a different amount is warranted under the circumstances;
  - c. An address at which the appellant agrees that notice of any additional proceeding, or an order relating to the imposition of an administrative citation penalty, shall be received by the appellant by mail;
  - d. The notice of appeal must be signed by the appellant.
2. Administrative Hearing. Upon a timely, written notice of appeal by the appellant, an administrative hearing shall be held as follows:

- a. **Hearing Date.** The date of the hearing shall be set for a date that is no later than 60 days from the date of the violation.
- b. **Notice of Hearing.** Notice of the administrative hearing shall be given at least 10 calendar days before the hearing to the appellant. The notice may be delivered to the appellant or mailed by first class mail to the address listed in the notice of appeal.
- c. **Hearing Officer.** The administrative hearing shall be held before the Director. The hearing officer shall not be the enforcement officer who issued the administrative citation. The Director may contract with a qualified provider to conduct administrative hearings and process administrative citations including the collection of payment of administrative citation penalties and processes.
- d. **Conduct of the Hearing.**
  - (1) The enforcement officer who issued the administrative citation shall not be required to participate in the administrative hearing. The contents of the enforcement officer's file in the case shall be admitted as prima facie evidence of the facts stated therein. The hearing officer shall not be limited by the technical rules of evidence. The issuing department shall bear the burden of proof at the administrative hearing to establish the existence of a violation of this code by a preponderance of the evidence.
  - (2) If the appellant requesting the review fails to appear at the administrative hearing, the hearing officer shall make their determination based on the information contained in the enforcement officer's file in the case and the appellant's notice of appeal.
  - (3) The only evidence that shall be permitted at the administrative hearing and considered by the administrative hearing officer in reaching a decision is that evidence which is relevant to the proof or disproof of:
    - (a) Ownership of the subject property, when applicable;
    - (b) Whether a person noticed by the issuing department as a responsible party is, in fact, a responsible party;
    - (c) Whether a violation of this code occurred and/or continues to occur on the date or dates specified in the administrative citation;
    - (d) Whether the responsible party has committed, caused, maintained, or permitted a violation of this code on the date or dates specified on the administrative citation.

**F. Hearing Officer's Decision.**

1. After considering all the testimony and evidence submitted at the hearing, the hearing officer shall promptly issue a written decision ("Administrative Citation Appeal Ruling") to uphold or cancel the administrative citation and shall list in the decision the reasons for that decision.
2. If the hearing officer determines that the administrative citation should be upheld, then the amount of the penalties set forth in the citation shall not be reduced or waived for any reason. This subsection shall not apply to "warning only" administrative citations or to any administrative citation that indicates on its face that the penalty will be waived if the violation is corrected by the deadline compliance date and the violation is so corrected.
3. If the administrative citation has been upheld, the hearing officer may allow payment of the administrative penalty in installments, if the appellant has provided evidence satisfactory to the hearing officer of an inability to pay the penalty in full.
4. If the hearing officer denies the administrative citation, then no penalty shall be assessed and any penalty otherwise deposited with the issuing department shall be promptly refunded to the appellant.
5. The appellant shall be served with a copy of the hearing officer's written decision either at the conclusion of the hearing or sent by first class mail. The hearing officer's written decision shall become final on the date of the hearing unless mailed; otherwise it shall become final on the date of mailing.
6. The hearing officer's written decision shall contain instructions for obtaining judicial review of the decision pursuant to California Government Code Section 53069.4, as that section may be from time to time amended, or the successor provision thereto.
7. If the administrative citation is upheld, the Hearing Officer shall award the costs of the Town's enforcement and costs in defense of the citation to the Town as outlined in full in an itemized summary of costs presented at the hearing, including cost of the actual time spent to conduct the hearing.

**G. Judicial Review of Administrative Hearing Officer's Decision.**

1. Notice of Appeal. Within 20 calendar days of the date of the delivery or mailing of the hearing officer's decision to the appellant, the appellant (hereafter "contestant") may contest that decision by filing an appeal to be heard by the Superior Court, and paying the filing fee set forth at Government Code Section 53069.4, or the successor provision thereto. The failure to file the written appeal and to pay the filing fee within this period shall constitute a waiver of the right to an appeal and the decision shall be deemed confirmed. The contestant shall serve a copy of the notice of appeal in person or by first class mail upon the Town department that had issued the original administrative citation.
2. Conduct. The Superior Court Appeal Hearing. The conduct of the appeal before the superior court is a subordinate judicial duty and may be performed by traffic trial

commissioners and other subordinate judicial officers at the direction of the presiding judge at the superior court. The appeal shall be heard de novo, except that the contents of the issuing department's file in the case shall be received in evidence. A copy of the document or instrument of the issuing agency providing notice of the violation and imposition of the administrative penalty (i.e., the administrative citation) shall be admitted into evidence as prima facie evidence of the facts stated therein. The court shall request that the issuing department's file in the case be forwarded to the court, to be received within 15 calendar days of the request.

3. Judgment. The court shall retain the filing fee regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the issuing department. Any deposit of the administrative penalty shall be refunded by the issuing department in accordance with the judgment of the court. If the administrative penalty has not been deposited and the decision of the court is against the contestant and in favor of the issuing department, the issuing department may proceed to collect the penalty pursuant to the procedures set forth in this Chapter, or in any other manner provided by law.

#### **9.82.110 – Filing of a Notice of Liens**

Whenever the Town institutes a judicial action or proceeding to enforce the Development Code, a Notice of Lien of the action or proceeding may be filed with the County Recorder's Office. The notice shall be filed at the time of the commencement of the action or proceeding, and upon recordation of the notice, consistent with the standards and requirements of the County Recorder's Office. The notice shall have the same effect as a notice recorded in compliance with Section 409 of the State Code of Civil Procedure.

- A. **The County Recorder shall record and index the Notice of Lien of action or proceeding in the Grantor/Grantee Index.**
- B. **Any Notice of Lien of action or proceeding filed in compliance with this Section may, upon motion of a party to the action or proceeding, be vacated upon an appropriate showing of need therefore by an order of a judge of the court in which the action or proceeding is pending.**
  1. A certified copy of the "Order to Vacate Notice of Lien" may be recorded with the County Recorder's Office, and upon the recordation, the Notice of Lien of the action or proceeding shall not constitute constructive notice of any of the matters contained therein nor create any duty of inquiry in any person thereafter dealing with the property described therein.
  2. An "Order to Vacate Notice of Lien" shall not be appealable, but the party aggrieved by the order may, within 20 days after service of written notice of the order, or within additional time not exceeding 20 days as the court may, within the original 20 days allow, but in no event later than 60 days after entry of the order, petition the proper reviewing court to review the order by Writ of Mandate.
  3. No "Order to Vacate Notice of Lien" shall be effective, nor shall it be recorded with the County Recorder's Office, until the time within which a petition for the filing of a Writ of Mandate has expired in compliance with this Section.

**9.82.120 – Filing Notice of Action**

Whenever an enforcement action is initiated and prior to filing a Notice of Lien, the Code Enforcement Division, may pursuant to Government Code Section 27280, file with the County Recorder's Office a notice of action identifying the enforcement action taken for violation of the Development Code or other applicable law.

**9.82.130 – Initial Investigation Procedures**

This Section describes the procedures for initiating enforcement action in cases where the Director has determined that real property within the Town is being used, maintained, or allowed to exist in violation of the provisions of this Development Code. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Chapter may be avoided.

- A. **Notice.** Subject to Subsection (c) of this Section upon investigation and a determination that a violation of any of the provisions of this Development Code or any condition(s) imposed on any approval, authorization, permit, or variance is found to exist, the Director shall notify the record owner or any person having possession or control of the property by mail, of the existence of the violation(s), the Department's intent to charge the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on any objections they may have. The notice shall be in a form approved by the Town Attorney.
  
- B. **Notice of Violation.** The Director shall provide the record owner of the subject site and/or any person in possession or control of the site with a written Notice of Violation, which shall include the following information:
  - 1. A description of each violation, and citation of applicable Development Code provisions being violated;
  - 2. A time limit for correcting for violation(s) in compliance with Subsection "C", below;
  - 3. A statement that the Town intends to charge the property owner for all administrative costs associated with the abatement of the violation(s) in compliance with Section 9.82.170 (Recovery of Costs), and/or initiate legal action as described in Section 9.82.070 (Enforcement).
  
- C. **Time limit for correction.**
  - 1. The Notice of Violation shall state that the violation(s) shall be corrected within 30 days from the date of the notice to avoid further enforcement action by the Town, unless the responsible party contracts the Code Enforcement Division within that time to arrange for a longer period for correction
  - 2. The 30-day time limit may be extended by the Director upon a showing of good cause.

3. The Director may also require through the Notice of Violation that the correction occur within less than 30 days if the Director determines that the violation(s) constitutes a hazard to public health or safety.

**D. Use of other enforcement procedures.** The enforcement procedures of Section 9.82.070 (Enforcement), may be employed by the Director after or instead of the provisions of this Section where the Director determines that this Section would be ineffective in securing the correction of the violation(s) within a reasonable time.

#### 9.82.140 – Inspections

- A. Pre-approval inspections.** Every applicant seeking an authorization, permit, or any other action in compliance with this Development Code shall allow the Town officials handling the application access to any premises or property which is the subject of the application.
- B. Post approval inspections.** If the authorization, permit, or other action in compliance with this Development Code is approved, the owner or applicant shall allow appropriate Town officials access to the premises in order to determine continued compliance with the approved authorization or permit and/or any conditions of approval imposed on the approval, authorization, permit, or Variance.

#### 9.82.150 – Stop Work Orders

- A.** Any construction in violation of this Development Code or any conditions imposed on any approval, authorization, permit, or Variance shall be subject to the issuance of a “Stop Work Order.”
- B.** Any violation of a Stop Work Order shall constitute a misdemeanor and a public nuisance, and shall be subject to the remedies and penalties established by the Town Code and this Chapter.

#### 9.82.160 – Revocation or Modification of Permits or Approvals

- A. Purpose.** Discretionary permits or approvals issued in compliance with this Development Code may be revoked or modified in compliance with this Section.
- B. Procedures.** This Section provides procedures for securing revocation or punitive modification of previously approved permits or approvals.
- C. Revocations.** The Town’s action to revoke a permit or approval shall have the effect of terminating the permit and denying the privileges granted by the original approval.
- D. Modifications.** Town modification of a permit or approval instead of revocation may include any operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit is operated in a manner consistent with the original finding for approval.

**E. Hearings and notice.**

1. The appropriate review authority shall hold a public hearing to revoke or modify a permit or approval granted in compliance with the provisions of this Development Code.
2. At least ten days before the public hearing, notice shall be "delivered" in writing to the applicant for the permit or approval being considered for revocation, and/or owner of the property for which the permit was granted. The only exception to the 10-day notice provision shall be for Temporary Use Permits which, because of their short term nature, shall only require a 24-hour notice.
3. Notice shall be deemed "delivered" two days after being mailed, certified and first class, through the United States Postal Service, postage paid, to the owner as shown on the County's current equalized assessment roll and to the project applicant, if not the owner of the subject property.

**F. Action by Reviewing Authority.**

1. Permits. A Conditional Use Permit, Site Plan and Design Review, or other Town planning permit or approval (except a Variance, see Subsection (I)(2), below) may be revoked or modified by the reviewing authority (e.g., Director, Commission, or Council) that originally approved the permit, if the reviewing authority first makes any one of the following findings:
  - a. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and welfare require the revocation or modification;
  - b. The permit or other approval was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;
  - c. One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated;
  - d. The approved use or structure has ceased to exist or has been suspended for at least 12 months;
  - e. An improvement authorized in compliance with the permit is in violation of any applicable code, law, ordinance, regulation, or statute; or
  - f. The improvement allowed by the permit has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance.

2. Variances. A Variance may be revoked or modified by the review authority which originally approved the Variance, if the review authority first makes any one of the following findings, in addition to any one of the findings in Subsection (f)(1), above:
    - a. Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Variance; or
    - b. One or more of the conditions of the Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance.
- G. Amortization.** If a revocation is ordered, the Commission may provide for a reasonable period of time to amortize any lawful existing uses on the site. Extensions of this time period may be granted for good cause shown on an application to the applicable review authority by any affected person.
- H. Action is appealable.** The revocation or modification of a permit or Variance is appealable in compliance with Chapter 9.81 (Appeals).
- I. Enforcement.** The Town department or agency that issues the permit shall have the primary responsibility for enforcing compliance with the permit.

#### 9.82.170 – Recovery of Costs

This Section establishes procedures for the recovery of administrative costs, including staff and Town Attorney time expended on the enforcement of the provisions of this Development Code, other than administrative citation cases, to correct a violation. The intent of this Section is to recover Town administrative costs reasonably related to enforcement.

**A. Record of Costs.**

1. The Department shall maintain records of all administrative costs incurred by responsible Town departments, associated with the processing of violations and enforcement of this development Code, and shall recover the costs from the property owner in compliance with this Section.
2. Staff time shall be calculated at an hourly rate as established and revised from time to time by the Council.

**B. Summary of costs and notice.**

1. At the conclusion of the case, the Director shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the property by certified and first class mail.

2. The summary shall include a notice in a form approved by the Town Attorney, advising the responsible party of their right to request a hearing on the charges for Town cost recovery within 10 days of the date of the notice, and that if no request for hearing is filed, the responsible party will be liable for the charges.
3. In the event that no request for hearing is timely filed or, after a hearing the Director affirms the validity of the costs, the property owner or person in control shall be liable to the Town in the amount stated in the summary or any lesser amount as determined by the Director.
4. The costs shall be recoverable in a civil action in the name of the Town, in any court of competent jurisdiction, or by tax assessment, or by a lien on the property, at the Town's election.

**C. Attorney's fees.** In any action or administrative proceeding to abate a nuisance, the prevailing party in the action or proceeding shall be entitled to recover reasonable attorney's fees; however, the amount of attorney's fees awarded to a prevailing party shall not exceed the amount of attorney's fees incurred by the Town in the action or proceeding. Further, an award of attorney's fees in compliance with this Section shall only be allowed where the Town elects, at the initiation of the action or proceeding, to seek recovery of its own attorney's fees.

**D. Request for hearing on costs.** Any property owner, or other person having possession and control of the subject property, who receives a summary of costs shall have the right to a hearing before the Director on their objections to the proposed costs.

1. A written request for hearing shall be filed with the Department within 10 days of the service by mail of the Department's summary of costs, on a form provided by the Department.
2. Within 30 days of the filing of the request, and on 10 days written notice to the owner, the Director shall hold a hearing on the owner's objections, and determine their validity.
3. In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include:
  - a. Whether the present owner created the violation(s);
  - b. Whether there is a present ability to correct the violation(s);
  - c. Whether the owner promptly corrected the violation(s);
  - d. The degree of cooperation provided by the owner; and
  - e. Whether reasonable minds can differ as to whether a violation(s) exists.
4. The Director's decision shall be appealable as provided by Chapter 9.81 (Appeals).

**9.82.180 – Additional Permit Processing Fees**

Any person who establishes a land use, or alters, constructs, demolishes, enlarges, erects, maintains, or moves any structure without first obtaining any authorization or permit required by this Development Code, shall pay the additional permit processing fees in compliance with the Town Fee Ordinance for the correction of the violations, before being granted an authorization or permit for a use or structure on the site.

**9.82.190 – Reinspection Fees**

**A. Amount and applicability of reinspection fee.**

1. A reinspection fee shall be imposed on each person who receives a Notice of Violation, notice and order, or letter of correction of any provision of this Development Code or the Town Code, adopted Building Code, or State law.
  - a. The fee amount shall be established in compliance with the current Fee Ordinance.
  - b. The fee may be assessed for each inspection conducted when the particular violation, for which a Notice of Violation, notice and order, or letter of correction was issued, was not fully abated or corrected as directed by, and within the time and manner specified in, the notice or letter.
2. The fee shall not apply to the original verification inspection to document the violations and shall apply to the first compliance inspection made after the issuance of a notice or letter, unless the correction has been made.

**B. Continuation of the original case.**

1. If a notice or letter has been previously issued for the same violation and the property has been in compliance with the provisions of this Development Code or the Town Code for less than 90 days, the violation shall be deemed a continuation of the original case, and all inspections or reinspections, including the first inspection for the repeated offense, shall be charged a reinspection fee.
2. This fee is intended to compensate for administrative costs for unnecessary Town inspections, and is not a penalty for violating this Development Code or the Town Code.
3. Any reinspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of this Development Code or the Town Code, or costs incurred by the Town for the abatement of a public nuisance.

**9.82.200 – Documentation**

It is highly recommended that the property owner initiate a Land Use Compliance Review application to document any existing use where an application was not processed but determined to be a legal use and where the zoning or land use designation has changed and where a court decision determined a use to be legally established. This process records a document with the County Recorder's Office and is readily

available to future property owners, the public and agencies. It is also recommended that the property owner initiate a General Plan and Development Code Interpretation application whenever it is unclear to the owner, or may be to a future owner, what a specific use is determined to be considered under the Development Code.

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## Chapter 9.83 Permit Amendments

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### Sections:

- 9.83.010 – Purpose
- 9.83.020 – When Permit Amendments May be Considered.
- 9.83.030 – Types of Amendments.
- 9.83.040 – Procedures for Amendments
- 9.83.050 – Required Findings
- 9.83.060 – Limitation of Authority

### 9.83.010 – Purpose

Amendments or modifications of the conditions of approval, project design of an approved project, or the alteration or expansion of an approved use subject to a permit may be allowed through the approval of a Permit Amendment in compliance with this Chapter.

### 9.83.020 – When Permit Amendments May be Considered.

Amendments to projects approved in compliance with this Chapter may be made on the following grounds:

1. Change of circumstances;
2. New Information;
3. Correction of errors;
4. Public health, safety and welfare considerations; or
5. Changes in applicable General Plan designation or policy or applicable zoning regulations.

### 9.83.030 – Types of Amendments.

The following types of amendments apply to all projects approved in compliance with this Chapter, including Development Permits and land division approval:

- A. **Minor Amendments.** A Minor Amendment may include changes to project design, improvements, or conditions of approval, if the amendment does not affect the overall concept, density or intensity of use of the approved project, and if it does not involve either a modification of a design consideration, an improvement or a significant revision to a condition of approval which was a matter of controversy during the review and approval of the original permit, or which was required to mitigate a significant adverse environmental effect.
- B. **Corrections.** A correction is a change which corrects an error or omission in an approval which is otherwise at variance with the decision of the review authority or at variance with Town ordinances or regulations, and which correction does not involve either a modification of a design

consideration, an improvement or a condition of approval which was a matter of controversy during the review and approval of the original permit, or which was required to mitigate a significant adverse environmental effect.

- C. Correction and Amendment of Subdivision Maps.** The correction and amendment of subdivision maps are provided for in Section 9.92.080 (Correction and Amendment of Recorded Maps) of this Code.
- D. Major Amendments.** Any change to an approval which does not qualify as a Minor Amendment, Correction, or Correction and Amendment of a Subdivision Map, as defined in paragraphs 1, 2 and 3 above, shall be deemed a Major Amendment.

#### 9.83.040 – Procedures for Amendments

- A. Initiation.** Except as otherwise provided herein, any amendment may be initiated by the current holder of the approval, the Director, the Commission, or the Council.
1. **Initiation by the Director.** The Director may initiate amendments involving Minor Variations and Corrections. The Director shall send written notice of the pending action to amend the current permit to the current holder of the approved permit at least thirty (30) days prior to taking action on the amendment.
  2. **Initiation of corrections and amendments of subdivision maps.** The procedures and review authority for Correction and Amendment of Subdivision Maps are provided in Section 9.92.080 (Correction and Amendment of Recorded Maps) of this Code.
  3. **Council Initiation.** The Council, based upon a recommendation from the Commission may initiate an amendment. If the amendment is initiated by the Council, a Resolution of Intention shall be adopted. Such Resolution of Intention shall provide notice to the current holder of the approved permit at least thirty (30) days prior to an action being taken on the amendment, unless the public health, safety or welfare requires more immediate action.
  4. **Initiation by current holder of approved permit.** Permit amendments initiated by the current holder of an approved permit shall be made on forms provided by the Planning Division.
- B. Review Authority.** Except as otherwise provided in this Code, the review authority for a permit amendment shall be as follows:
1. **Minor amendments and corrections.** The Director shall be the review authority for Minor Variations and Corrections. No public hearing or notice of adjacent property owners shall be required.
  2. **Correction and amendment of subdivision maps.** The procedures and review authority for the Correction and Amendment of Subdivision Maps are provided in Section 9.92.080 (Correction and Amendment of Recorded Maps).

3. Major amendments. The review authority and processing procedures for Major Amendments shall be the same as for the original approval.
4. Amendment initiated by the Council. Amendments initiated by the Council shall be reviewed and final action shall be taken by the body which initiated the amendment, unless the original approving body was the Council, in which case the Council shall take final action.

**C. Referral to Next Higher Review Authority.** The provision of Section 9.60.040 of this Chapter authorizing referral to the next succeeding review authority are applicable to all types of amendments.

**9.83.050 – Required Findings**

Permit amendments of any type shall not be approved unless the review authority is able to make the findings required for approval of the original permit application.

**9.83.060 – Limitation of Authority**

The hearing on an application for a permit amendment filed by the current holder of the project approval shall be limited to that part of the project approval affected by the amendment application, unless the review authority finds that the amendment proposed should not be considered in isolation from all or any part of the project approval.

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## Chapter 9.84 Permit Revocations

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### Sections:

- 9.84.010 – Purpose
- 9.84.020 – Permits Which May Be Revoked.
- 9.84.030 – Authority.
- 9.84.040 – Hearing Procedure.
- 9.84.050 – Appeal Procedures.

### 9.84.010 – Purpose

To the extent consistent with law, in order to protect the public health, safety, and welfare, and in order to enforce the provisions of this Code, it may become necessary to revoke a previously authorized approval or approved permit. The purpose of this Section is to protect the public health, safety and welfare, as well as the rights to due process of permit holders within the Town.

### 9.84.020 – Permits Which May Be Revoked.

Any permit granted in compliance with this Code may be revoked by the Commission or Council upon one or both of the following findings: Any term or condition of that permit has not been, or is not being complied with; or the permit has been issued or exercised in a manner which creates a nuisance, or is otherwise detrimental to the public health, safety, or welfare. Such revocation may be initiated by a Resolution of Intention adopted by either the Commission or the Council. Such Resolution of Intention shall provide notice to the holder of the permit in noncompliance, violation or nuisance, reasonable opportunity to correct the noncompliance to the satisfaction of the Town. Such reasonable opportunity for correction may be provided by scheduling the actual hearing on revocation for a date which will allow time for such correction.

### 9.84.030 – Authority.

Authority to revoke permits or approvals shall be vested with the Commission for permits approved by staff or the Commission or vested with the Council where the Council was the final review authority in granting the permit or approval. A public hearing in compliance with Chapter 9.86 of this Code, *Public Notices and Hearings*, shall be required for revocation of permits or previous approvals.

### 9.84.040 – Hearing Procedure.

If a Resolution of Intention is adopted to initiate the revocation of any previously authorized approval or approved permit, the Commission or Council shall set the matter for a hearing, giving notice of the time, place and review authority as prescribed in Chapter 9.86 of this Code, *Public Notices and Hearings*. A copy of the Resolution of Intention shall be sent to the current owner of record. Upon the conclusion of the hearing, the Commission or the Council may, upon making the appropriate findings, either revoke the permit or amend the permit in lieu of revocation.

**9.84.050 – Appeal Procedures.**

Any decision of the Commission regarding an action to revoke or to amend a permit may be appealed to the Council in compliance with Chapter 9.81 of this Code, *Appeals*. Any decision of the Council to revoke a permit or to amend a permit shall be final.

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## Chapter 9.85 Public Notices and Hearings

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### Sections:

- 9.85.010 – Purpose
- 9.85.020 – Notice of Hearing
- 9.85.030 – Hearing Procedure
- 9.85.040 – Recommendation by Commission

### 9.85.010 – Purpose

This Chapter provides procedures for public hearings required by this Development Code and State law. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this Chapter.

### 9.85.020 – Notice of Hearing

When this Development Code requires a public hearing before a decision on a permit, or for another matter, the public shall be provided notice of the hearing in compliance with Government Code Sections 65090, 65091, 65092, 65093, and 65094, and Public Resources Code 21000 et seq., and as required by this Chapter.

- A. Content of notice.** Notice of a public hearing shall include all of the following information, as applicable.
1. **Hearing Information.** The date, time, and place of the hearing and the name of the review authority; a brief description of the public's right to appear and be heard, and where an interested person may obtain additional information.
  2. **Project Information.** The name of the applicant, the Town's file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing.
  3. **Statement on environmental document.** If a proposed Negative Declaration or final Environmental Impact Report has been prepared for the project in compliance with the California Environmental Quality Act (CEQA) and the Town's Environmental Review Procedures, the hearing notice shall include a statement that the review authority will also consider approval of the proposed Negative Declaration or certification of the final Environmental Impact Report.
- B. Notification Procedures.**
1. **Published Notice.** For General Plan Amendments and Amendments to the Development Code not affecting the permitted uses or intensity of uses of real property, notice of public

hearing shall be provided in at least one paper of general circulation within the Town at least 10 days prior to the hearing. If there is no such newspaper of general circulation, the notice shall be posted at least 10 days prior to the hearing in at least three public places within the Town.

2. **Mailed Notice.** For all other Public Hearings required by this Code, notice shall be given in all of the following ways:
  - a. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to the owner of the subject real property as shown on the latest equalized assessment roll. Instead of using the assessment roll, the local agency may use records of the county assessor or tax collector if those records contain more recent information than the information contained on the assessment roll. Notices shall also be mailed to the owner's duly authorized agent, if any, and to the project applicant.
  - b. When the Subdivision Map Act (Div. 2 (commencing with Section 66410)) requires notice of a public hearing to be given pursuant to this section, notice shall also be given to any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code.
  - c. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.
  - d. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing. In lieu of using the assessment roll, the local agency may use records of the county assessor or tax collector which contain more recent information than the assessment roll. If the number of owners to whom notice would be mailed or delivered pursuant to this paragraph or paragraph (1) is greater than 1,000, a local agency, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the local agency in which the proceeding is conducted at least 10 days prior to the hearing.
  - e. If the notice is mailed or delivered pursuant to paragraph (d), the notice shall also either be:
    - (1) Published in at least one newspaper of general circulation within the local agency which is conducting the proceeding at least 10 days prior to the hearing.

- (2) Posted at least 10 days prior to the hearing in at least three public places within the boundaries of the local agency, including one public place in the area directly affected by the proceeding.
3. Request for notification.
  - a. When a provision of this title requires notice of a public hearing to be given pursuant to Section 65090 or 65091, the notice shall also be mailed or delivered at least 10 days prior to the hearing to any person who has filed a written request for a notice with either the clerk of the governing body or with any other person designated by the governing body to receive these requests. The local agency may charge a fee which is reasonably related to the costs of providing this service and the local agency may require each request to be annually renewed.
  - b. As used in this chapter, "person" includes a California Native American tribe that is on the contact list maintained by the Native American Heritage Commission.
2. In addition to the notice required by this section, a local agency may give notice of the hearing in any other manner it deems necessary or desirable.

#### **9.85.030 – Hearing Procedure**

- A. Time and place of hearing.** A hearing shall be held at the date, time, and place for which notice was given.
- B. Continued hearing.** Any hearing may be continued from time to time without further notice; provided, the chairperson of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
- C. Deferral of final decision.** The review authority may announce a tentative decision, and defer their action on a final decision until appropriate findings and/or conditions of approval have been prepared.

#### **9.85.040 – Recommendation by Commission**

After a public hearing on a proposed legislative act (e.g. amendment to the General Plan, this Development Code, a development agreement, a specific plan, a Planned Development, or an action referred to the Council by the Commission) the recommendation and findings of the Commission shall be forwarded to the Council. A copy of the recommendation shall be mailed to the applicant at the address shown on the application.

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## Chapter 9.86 Time Limitations and Time Extensions

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### Sections:

- 9.86.010 – Purpose
- 9.86.020 – Effective Dates of Permits
- 9.86.030 – Time Limits
- 9.86.040 – Time Extensions

### 9.86.010 – Purpose

This Chapter provides requirements for the implementation or “exercising” of the permits and authorizations required by this Development Code, including time limits and procedures for granting extensions of time.

### 9.86.020 – Effective Dates of Permits

- A. **Effective date for planning permits and other approvals.** Except in the case of an Amendment and Zone Change (Chapter 9.63) or Development Agreement (Chapter 9.65), final action on any planning approval (e.g., Conditional Use Permits, Site Plan and Design Review, Variance, or other entitlement) shall become effective on the 11<sup>th</sup> consecutive calendar day following the date of application approval, where no appeal of the approval has been filed in compliance with Chapter 9.81 (Appeals).
- B. If the 11<sup>th</sup> day is not a Town business day, the following business day shall be deemed the effective date.

### 9.86.030 – Time Limits

- A. **Time limits.**
  - 1. Specified permits shall be exercised within 36 months. Unless a condition of approval or other provision of this Development Code establishes a different time limit, a Conditional Use Permit, Site Plan and Design Review, Variance, Planned Development Permit, Land Use Compliance Review, Tentative Parcel Map or Tentative Tract Map not exercised within 36 months of the actual date of the decision granting the permit or authorization shall expire and become void, except where an extension of time is approved in compliance with Section 9.88.040 (Time Extensions), below.
  - 2. Specified permits shall be exercised within 12 months. Unless another provision of this Development Code establishes a different time limit, Special Use Permit, or Temporary Use Permit or any other land use permit not exercised within 12 months of the actual date of the decision granting the permit or authorization shall expire and become void, except where an extension of time is approved in compliance with Section 9.88.040 (Extension of time), below.

3. Definition of "exercised." The permit or authorization shall not be deemed "exercised" until the permittee has commenced actual construction or alteration under a valid Building Permit, or has substantially commenced the approved activity or allowed use of the site in compliance with the conditions of approval, in cases where a Building Permit is not required.
4. Run with the land. After it has been exercised, a planning permit or authorization shall remain valid and run with the land in compliance with Section 9.80.020 (Permits and Conditions to Run with the Land), as long as a Building Permit is active for the project, and after a final building inspection or Certificate of Occupancy has been granted.

**B. Phased project.**

1. Projects other than Planned Development Permits. If a project (other than a Planned Development Permit) is to be developed in approved phases, each subsequent phase shall be exercised within 36 months from the date that the previous phase was exercised, unless otherwise specified in the permit or authorization, or the permit or authorization shall expire and become void, except where an extension of time is approved in compliance with Section 9.88.040 (Extensions of time), below. If the project also involves the approval of a Tentative Map, the phasing shall be consistent with the Tentative Map and the permit or authorization shall be exercised before the expiration of the Tentative Map, or the permit or authorization shall expire and become void.
2. Planned Development Permits. Notwithstanding the above provisions of this Section, a conditionally approved Planned Development Permit for a phased project shall be subject to a time limitation not to exceed that specified by the condition of approval for the Development Plan approval. The applicant, however, shall either record a tract map or obtain Building Permits for at least one phase of the project within three (3) years of the Development Plan conditional approval and, as applicable, within each succeeding three-year period. Each three-year period shall begin with the last Town approved action that was accomplished (e.g., recordation of a tract map, obtain a Building Permit).

**9.86.040 -- Time Extensions**

- A. **Review Authority.** Approvals for an extension of time beyond the original expiration date of any project may only be granted by the original approving review authority.
- B. **Submittal Requirements.**
  1. Extension of time requests for projects shall be considered only if filed with the Planning Division prior to the expiration date for the permit or approval.
  2. A subdivider may request an extension for projects subject to the Subdivision Map Act by written application to the Director in accordance with Chapter 9.91.110 (Tentative Map Expiration and Extensions) of this Code, Subdivision Regulations.
- C. **Time Limits on Extensions.** Other than Tentative Parcel Maps and Tract Maps, extensions may not exceed an aggregate total of three (3) years from the original date of expiration unless otherwise provided by law, unless the review authority finds that all findings required for the

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original approval can still be made and the application is consistent with the General Plan, Development Code, Master Plans and Specific Plans.

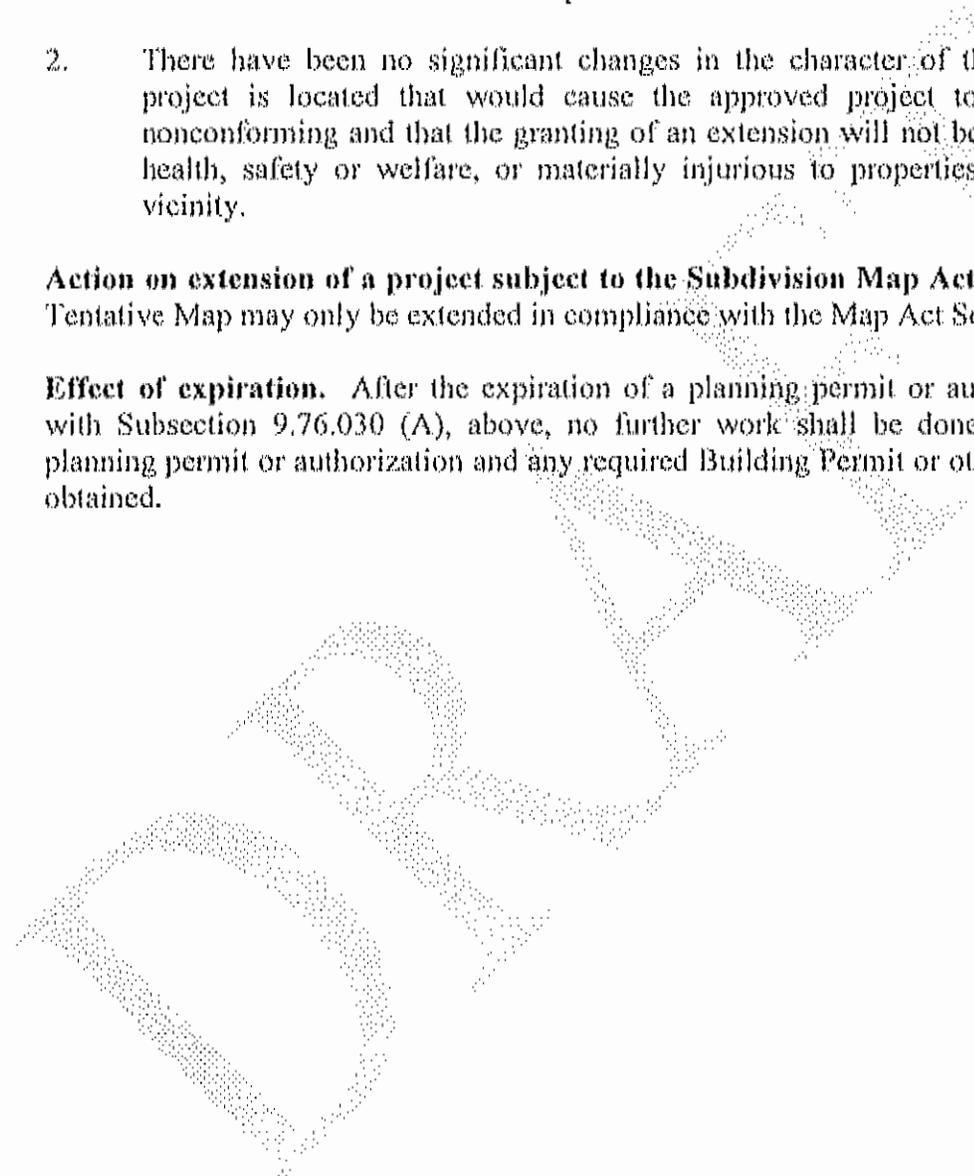
**D. Findings.**

Requests for extensions shall only be granted if the following findings can be made:

1. The project is consistent with the provisions of the General Plan and the Town Code in effect at the time of extension request is considered.
2. There have been no significant changes in the character of the area within which the project is located that would cause the approved project to become inconsistent or nonconforming and that the granting of an extension will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

**E. Action on extension of a project subject to the Subdivision Map Act.** The expiration date of a Tentative Map may only be extended in compliance with the Map Act Section 66452.6.

**F. Effect of expiration.** After the expiration of a planning permit or authorization in compliance with Subsection 9.76.030 (A), above, no further work shall be done on the site until a new planning permit or authorization and any required Building Permit or other Town permits are first obtained.



**NOTICE OF PUBLIC HEARING  
YUCCA VALLEY COMMUNITY CENTER  
57090 29 PALMS HIGHWAY  
YUCCA VALLEY, CALIFORNIA 92284**

**TUESDAY JULY 08, 2014 - BEGINNING AT 6:00 P.M.**

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE TOWN OF YUCCA VALLEY PLANNING COMMISSION TO CONSIDER THE FOLLOWING DESCRIBED APPLICATION:

**CASE NUMBER:** Development Code Amendment, DCA 03-14  
Article 5, Administration

**APPLICANT:** Town of Yucca Valley  
58928 Business Center Drive  
Yucca Valley, CA 92284

**PROPOSAL:** Proposed amendment to Title 9, Yucca Valley Development Code adding Article 5, Chapter 9.80 thru Chapter 9.86, Administration, providing standards and procedures for appeals, enforcement and violations, permit amendments, permit revocations, public notices and hearings and time limitations and time extensions and repealing Sections 83.010605-83.010630, Section 81.0150, Sections 81.0205-81.0235 and Sections 87.1201-87.1202 of the Town of Yucca Valley Development Code.

**LOCATION:** Town wide

**ENVIRONMENTAL**

**DETERMINATION:** The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to implement same. The project is exempt from CEQA under Section 15061(b) (3) since there is no possibility of a significant impact on the environment caused by this amendment.

The proposed amendment to revise the Town's Development Code regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 03-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA".

Any person affected by the application(s) may appear and be heard in support of or opposition to the proposal at the time of the hearing. The environmental findings, along the with proposed project application(s) are available and may be reviewed at the Town of Yucca Valley Planning Division, 58928 Business Center Drive, Yucca Valley, CA 92284 from 7.30 a.m. to 5:30 p.m., Monday through Thursday or obtain information at (760) 369-6575.

The Planning Commission in its deliberation could recommend approval of the project, deny the project, or approve the project in an alternative form. If you challenge any of the projects

in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Town Planning Division at, or prior to the Public Hearing.

Publish Date: Published on June 25, 2014.

June 18, 2014

Date

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Lesley Copeland  
Town Clerk



**PLANNING COMMISSION STAFF REPORT**

**To:** Chairman & Planning Commission  
**From:** Shane Stueckle, Deputy Town Manager  
Diane Olsen, Planning Technician  
**Date:** June 25, 2014  
**For Commission Meeting:** July 08, 2014

**Subject:** Development Code Amendment, DCA-02-14  
Title 9, Article 2, Chapter, 9.08, Section 9.08.050, repealing Section 84.0615, Chapter 6, Division 4 of Title 8.  
Title 9, Chapter 9.75, Sections 9.75.010 thru 9.75.080  
Home Occupation Permit Regulations  
CEQA Exemption Section 15061(b) (3)

**Prior Commission Review:** The Planning Commission discussed Home Occupation Permits at the meetings of August 27, 2013 and March 11, 2014, May 13, 2014 and June 10, 2014, June 24, 2014 and held a workshop on May 27, 2014

**Recommendation:** That the Planning Commission:

- A. Finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town’s Home Occupation Permit regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 02-14 meets the exemption criteria which states “that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”.
- B. Recommends that the Town Council adopts the Ordinances and repeals Development Code Section 84.0615, Chapter 6, Division 4 of Title 8.

**Executive Summary:** A proposed amendment to Title 9, adding Section 9.08.050 of Article 2, and adding Chapter 9.75 of Article 4, of the Yucca Valley Development Code, establishing development regulations and permitting procedures for the operation of a Home Occupation.

The project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town’s

<input type="checkbox"/> Department Report	<input checked="" type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session



Home Occupation Permit Regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 02-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA"

This matter was continued from the Planning Commission meeting of June 24, 2014. At the meeting of June 10, 2014, the Commission requested that the ordinance be revised to reflect a tiered structure for the operation of Home Occupations. The ordinance has been revised to include four classes of Home Occupations, to include Exempt, No Hearing Required, Public Notice and Hearing and Conditional Use Permit.

**Order of Procedure:**

- Request Staff Report
- Request Public Comment
- Commission Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Voice Vote)

**Discussion:** As part of the Development Code Update project, the Planning Commission is reviewing regulations for home occupations or home based businesses. Chapter 9.08.050 establishes regulations for the operation of Home Occupations in single family and multi-family land use districts. The intent of these regulations is to allow for certain business activities within residential neighborhoods without altering the character of the neighborhood or creating impacts or activities that are not commonly associated with residential neighborhoods.

While staff has made suggested modifications to the regulations, there are several policy areas that the Commission should review and discuss to ensure the regulations address the Commission's intended outcome for the process and standards for home based businesses.

As staff has reviewed the existing regulations in detail, there are areas within the existing regulations that are either "vague" or that "conflict" with other provisions. Therefore staff proposes the following Commission discussion points to assist in finalizing the regulations at the July 08, 2014 Planning Commission meeting.

**Approval Authority:** Modifications have been made that provide for two levels of approval authority including Director and Planning Commission. Planning Commission review applies to those home based businesses which propose sales activities from the home,



customers visiting the residence, and for uses which propose outdoor screened business activity. A conditional use permit application may be filed for Planning Commission consideration for any proposed home based business which exceeds the standards identified.

**Renewal Authority:** Renewal authority is recommended to be retained by the approval authority.

**Period of Approval:** Historically, approvals have been given for one year. Consideration should be given to modifying the time period to 2 or 3 years, unless a complaint is received and violations of requirements/standards have been verified by a field investigation.

**Prohibited Uses:** The Commission may desire to identify if additional prohibited uses should be added to the list.

**Exemptions:** Telecommuting, No Customers, Business Conducted Off-Site: Additional language has been added to this section that further clarifies what home based business activities are exempt from obtaining a permit.

**Outside Storage:** The current Ordinance identifies that outside storage is allowed, but the Ordinance does not provide sufficient details or standards. Modifications have been made which prohibit outside storage on smaller lots in the RS and RM zoning districts, while allowing "some" outside storage on lots larger than one acre in the RL and R-HR zoning districts.

**Percentage of Structures that may be used for business activities:** Current standards identify 25% and 35%, or 250 square feet or 500 square feet, as maximum areas for conducting home based businesses. The Commission may desire to discuss modifications to these standards.

**Where Are Business Activities To Be Conducted:** The current Ordinance identifies inside the primary structure, accessory structures, as well as storage and other associated activities outside of an enclosed structure. The Commission should discuss these standards and direct staff as to the allowable locations for home based business activities.

**Hours of Business Operation:** Current regulations establish business operating hours between 7:00 am and 8:00 pm. Modifications have been made to the regulations for home based businesses which have sales on the premises or customers to the site to 9:00 am to 5:00 pm. All other homes based business would be limited to between 7:00am and 7:00 pm. The Commission may desire to discuss the necessity for hours of operation where no customers visit the site, and when the business activity is in compliance with Town regulations.

Chapter 9.75 establishes the application submittal requirements, the permitting procedures and the required findings for the issuance of Home Occupation Permits.



**Alternatives:** The Planning Commission may provide direction to staff as deemed necessary.

**Fiscal impact:** This Ordinance is included in the Town's contract for the Development Code Update project. No additional costs are incurred beyond existing contract services.

**Attachments:**

Section 9.08.050, Home Occupation Permit Regulations

Chapter 9.75, Home Occupation Permit Permitting Procedures

Ordinance 178, Home Occupation Permits

Ordinance 54, Home Occupations Permits

Planning Commission minutes from August 27, 2013, March 11, 2014, May 13, 2014,

May 27, 2014 and June 10, 2014

Notice of Hearing

General Plan Land Use Policies-Residential



ORDINANCE NO. .

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 2, CHAPTER 9.08, SECTION 9.08.050, HOME OCCUPATIONS AND REPEALING SECTION 84.0615, CHAPTER 6, DIVISION 4 OF TITLE 8.

The Yucca Valley Town Council does ordain as follows.

Section 1:

**9.08.050 Home Occupations**

- A. Purpose.** The purpose of this Section is to establish regulations allowing for the operation of certain business activities in single and multi-family residential neighborhoods. The standards and requirements are intended to ensure that home occupation operations do not alter the character of any residential neighborhood, or create impacts or activities that are not typically and commonly associated with residential neighborhoods. It is the intent of this Section to allow for commercial uses that are accessory and incidental to the primary purpose of residential zones, which is that of providing a habitable dwelling for the owner or occupant as the primary use of the residential dwelling unit.
- B. Applicability.** The provisions in this Section shall apply to home occupations as defined in Article 7, *Definitions* and where allowed in compliance within this Article and the following standards. A home occupation shall only be allowed as an accessory use on a parcel with a legal residential dwelling unit.

A Home Occupation is defined as "a commercial activity conducted in compliance with Section 9.08.050 of this Development Code, carried out by an occupant and conducted as an accessory use within the primary dwelling unit, an accessory structure or approved outdoor activity".

- C. ~~Prohibited Home Occupations.~~** ~~The following uses are not incidental to or compatible with residential activities and therefore shall not be allowed as home occupations:~~

- ~~1. Animal hospitals, animal rehabilitation, pet grooming, kennels or catteries~~
- ~~2. Automotive and other vehicle repair (body or mechanical), upholstery, painting, or storage;~~
- ~~3. Junk yards;~~
- ~~4. Medical and dental offices, clinics, and laboratories;~~
- ~~5. Mini storage;~~
- ~~6. Storage of equipment, materials, and other accessories to the construction trades;~~

- ~~7. Welding and machining.~~
- ~~8. Cabinet shop.~~
- ~~9. Uses which may include the storage or use of explosives or highly combustible or toxic materials beyond that permitted by the Building, Fire Code, or adopted restrictions.~~
- ~~10. Sales of firearms in residential zoning districts other than Rural Living (RL) or Hillside Reserve (R-HR)~~
- ~~11. Sales of ammunition~~
- ~~12. Massage establishments~~
- ~~13. Any other use determined by the Director that is not incidental to and/or compatible with residential activities.~~

#### **D. Classes of Home Occupations Described**

1. Home occupations are commercial uses that are accessory and incidental to a residential land use and that do not alter the character or the appearance of the residential environment or neighborhood.
2. No person shall engage in a home occupation without first obtaining a Home Occupation Permit from the Planning Division consistent with the requirements of this Chapter, unless otherwise exempt. In addition, the operator of the home occupation shall procure a Business Registration in compliance with Municipal Code Chapter 5.20 (Business Registration Certificate), including home occupations that are exempt from permitting.

##### **a. Class I, Exempt from Permitting**

Class I Home Occupations shall have no impact on the neighborhood in which they are located. Work is performed exclusively by phone and mail, or over the internet, and/or the activity is limited so that there are no impacts on the neighborhood. Class I Home Occupations are allowed in any residential zoning district.

These uses include telecommuting and internet or electronic based businesses, or other similar activities that are transparent inside the residential structure, and do not involve customers to the site, employees, or any structural alteration.

In addition, no permit is required for home based businesses where no business activity takes place other than the scheduling of appointments or paperwork, there are no customers received at the residence, the exterior of the property is not modified for the business and there is no outdoor storage of materials or vehicles, except as normally associated with and allowed in a residential area. These business activities include, but are not limited to, contractors, housecleaning, carpet cleaning, mobile carwash or gardeners.

Class I Development Standards:

1. No customers or clients shall visit the residence
2. All employees shall be members of the resident family and shall reside on the premises.
3. Operating hours shall be limited to the hours of 7 AM to 7 PM.

**b. Class II, No Hearing Required.**

Class II Home Occupations may have a limited impact on the neighborhood in which they are located. Class II Home Occupations shall be allowed in the Residential Single Family (RS), Rural Living (RL) and Rural Hillside Reserve (R-HR) zoning districts.

Subject to the authority and discretion of the Director, Home occupations that meet the following standards, after appropriate application and subject to a field investigation, may be permitted without notice or a hearing. Alternatively, the Director may schedule a hearing or forward the matter to the Commission for action. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this subsection.

Class II Development Standards:

1. There may sales of products on the premises.
2. A maximum of three customers or clientele per day may visit the residence.
3. All employees, except one, shall be members of the resident family and shall reside on the premises.
4. Operating hours of a home occupation in which there are customers visiting the site shall be between the hours of 9:00 a.m and 5:00 p.m. Operating hours of all other home occupations requiring a permit shall be between the hours of 7:00 a.m. and 7:00 p.m.
5. There shall be no outdoor home occupation activity or outdoor storage of material.

**c. Class III, Notice and Hearing Required**

Class III Home Occupations may have a limited impact on the neighborhood in which they are located but are also slightly more intense than Class II in that they may involve outdoor storage of material and/or outdoor home occupation activities that do not impact the neighborhood. Class III Home Occupations are permitted in the Rural Living (RL) and Rural Hillside Reserve (R-HR) zoning districts.

Class III Home Occupations shall be subject to notice and hearing. The Commission is the review authority, and the Commission may forward the application to the Council for consideration.

**Class III Development Standards:**

1. There may be sales of products on the premises.
2. Customers may visit the residence and then only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for business activities shall not exceed 12 trips per day in all zoning districts.
3. All employees, except two, shall be members of the resident family and shall reside on the premises.
4. Operating hours of a home occupation in which there are sales on the premises or customers visiting the site shall be between the hours of 9:00 a.m and 5:00 p.m.- Operating hours of all other home occupations requiring a permit shall be between the hours of 7:00 a.m. and 7:00 p.m.
5. Lots in the Rural Living (RL) and Hillside Reserve (R-HR) zoning districts that are one acre or larger shall be permitted outdoor business activity or screened outdoor storage of materials subject to review and approval by the Commission.

**d. Class IV, Conditional Use Permit.**

Home Occupations which may exceed the standards provided in (D (2) or (3) may be approved subject to the review and approval of a Conditional Use Permit by the Commission.

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**TABLE 2-X:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR RESIDENTIAL ZONING DISTRICTS**

**Zoning Districts:** R-HR: Rural Hillside Reserve RL: Rural Living  
RS: Residential Single Family RM: Residential Multi Family

**Permit Required** CUP: Conditional Use Permit SPR: Site Plan and Design Review  
HOP: Home Occupation Permit SUP: Special Use Permit  
E: Exempt --: Prohibited

Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	

**Care Uses**

Child Day Care (small family)	E	E	E	E	Eight or fewer children, pursuant to Residential District Standards, Section 9.XX
Child Day Care (large family)	SUP	SUP	SUP	SUP	Nine to fourteen children, pursuant to Residential District Standards, Section 9.XX
Child Day Care Center	CUP	CUP	CUP	CUP	Fifteen or more children, pursuant to Section 9.XX.XXX
Homeless Shelter	--	--	--	--	Including Transitional and supportive uses.
Social Care Facility, Six or Fewer	E	E	E	E	Includes but is not limited to elderly care and sober living facilities. Pursuant to Residential District Standards Section 9.XX
Social Care Facility, Seven or More	CUP	CUP	CUP	--	Includes but is not limited to elderly care and sober living facilities See Section 9.XX.XXX (Social Care Facilities)

**Agriculture, Animal Related, and Open Space Uses**

Animal Care Facility	--	--	--	--	Including, but not limited to animal hospitals, veterinarian, pet stores, and grooming.
Community Gardens	HOP	HOP	--	--	
Equestrian Facility	--	--	--	--	
Feed and Tack	--	--	--	--	
Horticulture for private use, including growing fruit, flowers, ornamental plants and vegetables	E	E	E	E	Permitted as a use that is incidental to the primary use
Agriculture for commercial use not including animal husbandry or stockyards	CUP	CUP	--	--	Including but not limited to row, field, tree, and nursery crop cultivation

**TABLE 2-X:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR RESIDENTIAL ZONING DISTRICTS**

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Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
Kennels and Catteries (over 15 animals)	==	==	==	==	See Section 9.XX.XXX (Animal Keeping)
Livestock Operations	==	==	==	==	
Natural Resources Development	==	==	==	==	
Nature Preserve	==	==	==	==	
Nursery/Garden Supply (with outdoor display)	==	==	==	==	
Nursery/Garden Supply (without outdoor display)	==	==	==	==	
<b>Retail Commercial Uses</b>					
Ammunition Sales	==	==	==	==	
Antique/Second Hand Stores	==	==	==	==	
Adult-Oriented Business	==	==	==	==	See Section 9.XX.XXX (Adult-Oriented Uses)
Appliance Sales and Home Goods (no repair)	==	==	==	==	
Auto and Vehicle Sales and Rentals and Parts Sales	==	==	==	==	
Building and Landscape Materials Sales (indoor)	==	==	==	==	
Building and Landscape Materials Sales (outdoor)	==	==	==	==	
Convenience Store	==	==	==	==	
Construction and Heavy Equipment Sales and Rentals	==	==	==	==	
Farmers Market/Arts and Crafts Events	==	==	==	==	See Section 9.XX.XXX (Temporary Special Events)
Firearms Sales	HOP	HOP	==	==	

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Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
Fuel/Propane Dealer	--	--	--	--	See Section 9.XX.XXX (Gas or Other Fueling Stations)
Grocery, Supermarket, Specialty Food Store, Drug Store	--	--	--	--	
Manufactured Home Sales	--	--	--	--	
Boat and Recreational Vehicle Sales	--	--	--	--	
Pawn Shop	--	--	--	--	
Retail Store (less than 80,000 sf)	--	--	--	--	
Retail Store (80,000 or greater sf)	--	--	--	--	
Seasonal Holiday Sales Facilities	--	--	--	--	See Section 9.XX.XXX (Temporary Special Events Permits)
Swap Meet, Outdoor Market, Auction Yard (permanent)	--	--	--	--	See Section 9.XX.XXX (Swap Meets)
Shopping Center (neighborhood, community, or regional).	--	--	--	--	
Warehouse Retail	--	--	--	--	
<b>Business, Financial, and Professional</b>					
ATM	--	--	--	--	
Financial Institution and Related Service	--	--	--	--	
Laboratory	--	--	--	--	
Office	E	E	E	E	Provided that no customers are clients are visiting the residence.
Office	HOP	HOP	HOP	HOP	Customers or clients visiting the residence
<b>Eating and Drinking Establishments</b>					

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<u>Type of Use</u>	<u>Permit Required by Zoning District</u>				<u>Notes and Other Regulations</u>
	<u>R-HR</u>	<u>RL</u>	<u>RS</u>	<u>RM</u>	
<u>Bakery (retail), Coffee Shop and Similar Uses</u>	==	==	==	==	<u>Including but not limited to ice cream shops, frozen yogurt shops, and candy/sweet shops</u>
<u>Bakery (delivery only)</u>	HOP	HOP	HOP	HOP	
<u>Bar, Lounge, Nightclub, Tavern, and Pool Hall</u>	==	==	==	==	
<u>Catering Service</u>	HOP	HOP	HOP	HOP	
<u>Fast Food (w/drive through, delivery)</u>	==	==	==	==	
<u>Fast Food (w/o drive through, delivery)</u>	==	==	==	==	
<u>Full Service Restaurant</u>	==	==	==	==	
<b><u>Commercial Service Uses</u></b>					
<u>Ambulance Service</u>	==	==	==	==	
<u>Appliance Sales, Service, Repair, and Rental</u>	==	==	==	==	
<u>Automobile Gas Station</u>	==	==	==	==	
<u>Automobile Service/Repair (minor repair, maintenance, upholstery, painting)</u>	==	==	==	==	
<u>Automobile Service/Repair (major repair/body work)</u>	==	==	==	==	
<u>Automobile Washing (car wash)</u>	==	==	==	==	
<u>Barber, Beauty Shop, and other Similar Personal Service Uses</u>	HOP	HOP	HOP	HOP	
<u>Printing and Duplication Services</u>	HOP	HOP	HOP	HOP	
<u>Equipment Sales, Service, Repair, and Rental</u>	==	==	==	==	
<u>Fitness Center</u>	==	==	==	==	

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Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
Fortune Telling and Related Service	HOP	HOP	HOP	HOP	
Funeral Service (excluding crematorium)	--	--	--	--	
Funeral Service (including crematorium)	--	--	--	--	
Laundry and Dry Cleaning	--	--	--	--	
Locksmith	HOP	HOP	HOP	HOP	
Maintenance and Repair (Minor)	--	--	--	--	
Maintenance and Repair (Major)	--	--	--	--	
Massage Establishment	--	--	--	--	
Personal Trainer	HOP	HOP	HOP	HOP	
Studio (dance, music, martial arts, artists)	HOP	HOP	HOP	HOP	
Tattoo and Piercing	--	--	--	--	
<b>Commercial Recreation</b>					
Amusement Arcade or Park	--	--	--	--	
Carnivals/Circuses/Festivals /Fairs	--	--	--	--	
Campgrounds	--	--	--	--	
Concerts, Open-Air Theaters, Outdoor Entertainment Events	--	--	--	--	
Game Arcade, Internet Café, and Similar Businesses	--	--	--	--	
Golf Course	--	--	--	--	

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Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
Hookah Lounge	--	--	--	--	
Parks/ Recreation Facilities	--	--	--	--	
Private Clubs and Lodges	--	--	--	--	
Recreation and Entertainment (commercial indoor and outdoor)	--	--	--	--	
Recreational Vehicle Park	--	--	--	--	
<b>Industry, Manufacturing and Processing, Wholesaling</b>					
Construction/Contractor Storage Yard	--	--	--	--	--
Hazardous Waste Operations	--	--	--	--	See Section 9.XX.XXX (Hazardous Materials)
Manufacturing Operations	--	--	--	--	
Motor Vehicle Storage/Impound Facility	--	--	--	--	
Recycling Facility (small collection facility)	--	--	--	--	See Section 9.XX.XXX (Recycling Facilities)
Recycling Facility (processing facility)	--	--	--	--	
Research and Development	--	--	--	--	
Salvage Facility	--	--	--	--	
Storage – Mini-Storage (personal storage)	--	--	--	--	See Section 9.XX.XXX (Mini-Storage Facilities)
Storage (outdoor vehicles storage)	--	--	--	--	
Welding and machining	--	--	--	--	
Wholesaling and Distribution	--	--	--	--	
<b>Transportation, Communications, and Infrastructure</b>					

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Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
Communication Facility	--	--	--	--	Including, but not limited to, radio and television stations or towers, satellite receiving stations, but not wireless telecommunication facilities
Wireless Telecommunication Facilities	CUP	CUP	CUP	CUP	Pursuant to Chapter 9.XX
Parking Lot	---	--	--	--	
Public/Government Facilities	--	--	--	--	
Public Safety Uses (permanent)	--	--	--	--	
Solar Energy Systems (accessory)	P	P	P	P	See Section 9.45.010 (Solar Energy Systems)
Solar Energy Systems (Utility grade/primary use.)	--	--	--	--	See Section 9.44.010 (Solar Energy Systems)
Transmission utility lines, pipelines, and control stations	--	--	--	--	
Utilities (major)	--	--	--	--	
Wind Energy System (accessory)	SPR	SPR	SPR	SPR	See Section 9.46.010 ( Wind Energy System)
Wind Energy System (utility grade/primary use)	--	--	--	--	See Section 9.44.010 (Wind Energy System)
<b>Other Uses</b>					
Archery and Gun Ranges (Indoor)	--	--	--	--	
Archery and Gun Ranges (Outdoor)	--	--	--	--	
Bed and Breakfast	SUP	SUP	SUP	SUP	See Section 9.08.030 (Bed and Breakfast)
Cemeteries, Including Pet Cemeteries	--	--	--	--	

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Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
Churches, Religious Assembly, and Other Public Assembly	==	==	==	==	
Conference Centers and Group Camps	==	==	==	==	
Correctional Institution	==	==	==	==	
Emergency Facilities (temporary)	==	==	==	==	
Hotels and Motels	==	==	==	==	
Hospitals/Medical/Rehabilitation Centers/Clinics	==	==	==	==	
Medical and Dental Offices, clinics, laboratories	==	==	==	==	
Medical Marijuana Dispensary	==	==	==	==	See Section 9.XX.XXX (Medical Marijuana Dispensary)
Museum, Library, Art Gallery, Outdoor Exhibit	==	==	==	==	
Schools (private, vocational, charter, and other)	==	==	==	==	

**E. Development Standards.** All home occupations shall comply with all of the following conditions of approval at all times:

1. No dwelling or accessory structure shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;
2. There shall be no displays, sale, or advertising signs on the premises;
3. There shall be no signs other than one unlighted identification sign containing the name and address of the owner attached to the building not exceeding two square feet in area per street frontage;
4. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;
5. The home occupation shall not encroach into any required parking, setback, or open space area and required covered parking shall not be altered for the purpose of conducting the home occupation.
6. There shall be no outdoor home occupation activity or outdoor storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises, except as approved by the Commission.
7. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;
8. There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;
9. No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located;
10. No home occupation shall be initiated until a current business registration certificate is obtained, including home occupations that are exempt from permitting;
11. A Home Occupation Permit shall not be transferable to another person or property;

12. No use shall create or cause noise in excess of noise standards established for residential zoning districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, or other hazards or nuisances;
13. Public advertising shall only list phone number, operators name, post office box and description of business. Business address or location shall not be included in any public advertising.
14. Parking shall comply with the requirements of Chapter 9.33. One additional parking space shall be provided for each non-resident employee.
15. Up to 25 percent or 250 square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for the operation of the home occupation and for the storage of material and supplies related to the home occupation in all RS and RM zoning districts. Up to 35 percent or 500 square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for the operation of the home occupation and for the storage of material and supplies related to the use in all RL and R-HR zoning districts.
16. If the home occupation is to be conducted on rental property, written permission from the property owner shall be submitted.

**F. Review.** The Review Authority shall review all applications for a Home Occupation Permit to determine if the proposed use is consistent with the provision of Section 9.08.050. If all standards are met after complying with the noticing provisions of Section 9.75, the review authority shall make the following findings prior to issuance of the permit;

1. That the proposed use is not prohibited;
2. That the proposed use will comply with all applicable standards;
3. That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety, and general welfare;
4. That the proposed use will be consistent with any applicable specific plan.
5. That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the

Development Code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.

**G. Home Occupation Permit Renewal.**

Home Occupation Permits are approved for a period of three (3) years. The Director shall be the review authority for all home occupation permits.

**H. Home Occupation Permit Amendment**

Refer to Article 5, Chapter 9.83 Permit Amendments

**I. Home Occupation Permit Revocation**

Refer to Article 5, Chapter 9.84 Permit Revocation

**J. Appeal.**

Refer to Article 5, Chapter 9.81 Appeals

DRAFT

**Section 2: Repeal of County Code as Adopted and Amended by the Town:** The Town Council hereby repeals Sections 84.0615 thru 84.0622, Chapter 6, Division 4 of Title 8.

**Section 3. Severability:** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

**Section 4. Certification; Publication:** The Town Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the Town of Yucca Valley, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the Town Clerk in accordance with Government Code § 36933.

**Section 5. Effective Date:** This Ordinance shall become effective thirty (30) days from its adoption.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK

ORDINANCE NO. .

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 4, CHAPTER 9.75, SECTIONS 9.75.010 THRU 9.75.080, HOME OCCUPATIONS.

**Section 1:**

- 9.75.010 – Purpose**
- 9.75.020 – Applicability**
- 9.75.030 – Procedures**
- 9.75.040 – Application Submittal Requirements**
- 9.75.050 – Application Fee**
- 9.75.060 – Investigation and Report**
- 9.75.070 – Required Findings**
- 9.75.080 – Development of Property Before Final Decision**

**9.75.010 – Purpose**

The Home Occupation Permit review procedure allows the Town to evaluate proposed Home Occupations to determine consistency with the General Plan, Development Code and applicable Town ordinances. The Home Occupation Permit review procedure is intended to protect and enhance the visual appeal, environment and property values of the Towns residential neighborhoods. Review of such uses is necessary to ensure that the uses are developed, operated and located properly with respect to surrounding properties, and so that any and all potentially adverse impacts are mitigated.

**9.75.020 – Applicability**

The provisions of this Chapter are applicable to all single family residential and multi-family residential zoned property.

**9.75.030 – Procedures**

- A. Class II Home Occupations subject Section 9.08.050 (D)(2).

Procedure: Staff Review without Notice  
Reviewing Authority: Director

B. Class III Home Occupations subject to Section 9.08.050 (D)(3).

Procedure: Public Hearing  
Reviewing Authority: Commission

C. When necessary, the Director may forward any request for a Home Occupation Permit to the Commission for review and the Commission may forward any request to the Council for review.

D. Notice shall be given in accordance with Chapter 9:85, *Public Notices and Hearings*.

E. In approving an application for a Home Occupation Permit, the review authority may impose necessary conditions to ensure compliance with this Code.

#### **9.75.040 – Application Submittal Requirements**

Applications for Home Occupations Permits shall be filed on a form prescribed by the Planning Division and shall contain such information and reports as may be required by the application submittal packed or by other applicable ordinances or by the Town in order for the review authority to make the required findings.

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;

#### **9.75.050 – Application Fee**

The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling and processing the application as prescribed in this Chapter.

#### **9.75.060 – Investigation and Report**

The Director shall cause an analysis of each application for a Home Occupation Permit to be made. The level of detail of the analysis shall be appropriate to the type of project proposed and the needs of the Planning Division. The analysis shall examine the applications consistency with the content, intent and purpose of the General Plan, the Development Code, and any other applicable Town standards or policies. As a result of the analysis, the Planning Division may include a list of proposed conditions necessary to guarantee the public health, safety and welfare, should the proposed project be approved.

#### **9.75.070 – Required Findings**

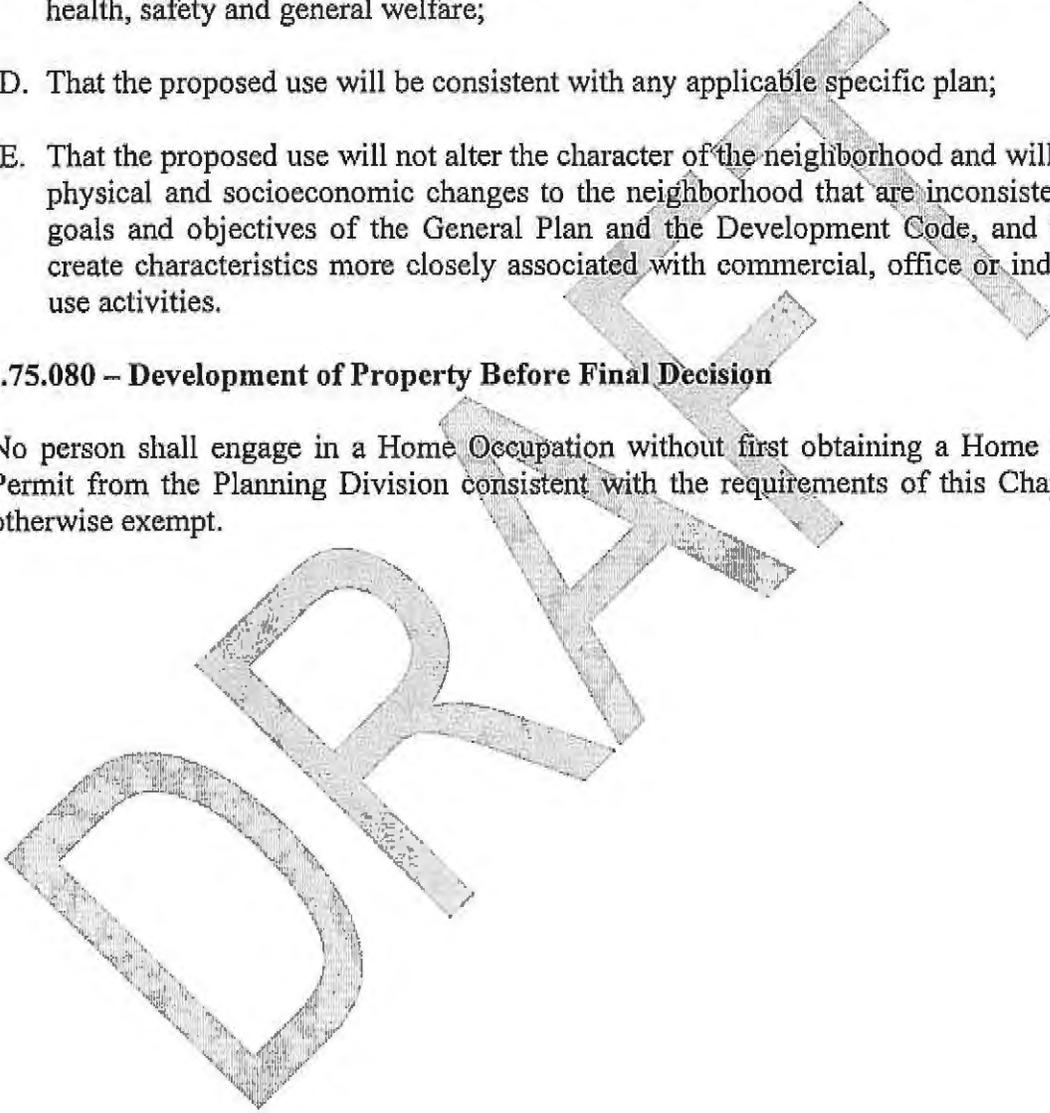
The review authority shall review all applications for a Home Occupation Permit to determine if the proposed use meets all of the standards of Section 9.08.050. If all standards are met

after complying with the noticing provisions of Chapter 9.85 the review authority shall make the following findings prior to the issuance of the permit:

- A. That the proposed use is not prohibited;
- B. That the proposed use will comply with all applicable standards;
- C. That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety and general welfare;
- D. That the proposed use will be consistent with any applicable specific plan;
- E. That the proposed use will not alter the character of the neighborhood and will not induce physical and socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan and the Development Code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.

**9.75.080 – Development of Property Before Final Decision**

No person shall engage in a Home Occupation without first obtaining a Home Occupation Permit from the Planning Division consistent with the requirements of this Chapter, unless otherwise exempt.



**Section 2. Severability:** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

**Section 3. Certification; Publication:** The Town Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the Town of Yucca Valley, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the Town Clerk in accordance with Government Code § 36933.

**Section 4. Effective Date:** This Ordinance shall become effective thirty (30) days from its adoption.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK

DRAFT

ORDINANCE NO. 178

AN ORDINANCE OF THE TOWN COUNCIL OF  
THE TOWN OF YUCCA VALLEY, CALIFORNIA,  
AMENDING TITLE 8, DIVISION 4, CHAPTER 6  
SECTION 84.0615 OF THE SAN BERNARDINO  
COUNTY CODE AS ADOPTED AND AMENDED BY  
THE TOWN OF YUCCA VALLEY RELATING TO  
HOME OCCUPATIONS (DCA-06-05)

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. Development Code Amended.

1.1 Title 8, Division 4, Chapter 6 Section 84.0615 of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is hereby further amended to read in its entirety as follows:

"84.0615

**Home Occupations**

84.0615

(a) **PURPOSE AND INTENT:**

The purpose and intent of this Section is to establish regulations allowing for the operation of certain business activities in single and multi-family residential neighborhoods. The standards and requirements are intended to ensure that home based business operations do not alter the character of any residential neighborhood, or create impacts or activities that are not typically and commonly associated within residential neighborhoods. It is the intent of this Section to allow for commercial uses that are accessory and incidental to the primary purpose of residential homes, which is that of providing a habitable dwelling for the owner or occupant as the primary use of the residential dwelling unit. Home Occupation permits may be allowed in multi-family zoning and in multi-family units, including duplexes, tri-plexes, and apartment units.

(b) No person shall engage in a home occupation without first obtaining a special use permit from the Planning Division consistent with the requirements of this Chapter, unless otherwise exempt.

(c) The Director of the Community Development Department, or his designee, shall review all applications for a Home Occupation Permit to determine if the proposed use meets all of the standards of subsection 84.0615 (j). If all standards are met after complying with the notice provisions of this subsection, the Community Development Director shall make the following findings prior to issuance of the permit:

- (1) That the proposed use is not prohibited;
  - (2) That the proposed use will comply with all applicable standards;
  - (3) That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety, and general welfare;
  - (4) That the proposed use will be consistent with any applicable specific plan.
  - (5) That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the development code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.
- (d)
- (1) In accordance with Section 83.010330 *Notice of Pending land Use Decision*, notice shall be given, except that such notice will be given at least fifteen (15) days prior to the scheduled hearing date. If no response has been received by the Town five (5) days prior to the scheduled hearing date and the applicant has no objections to the conditions of approval, the Community Development Director may elect not to hold a formal hearing.
  - (2) Home Occupation Permits are subject to review by the Community Development Director annually, or as a result of any written complaint.
  - (3) Telecommuting and internet or electronic based businesses, or other similar activities that are transparent inside the residential structure, and do not involve customer to site, employees, or any structural alteration are exempt from permitting requirements.
- (e) Subject to the authority and discretion of the Director, Home occupations that meet the following standards, after appropriate application and subject to a field investigation, may be permitted without notice or a hearing. Alternatively, the Director may schedule a hearing or forward the matter to the Planning Commission for action. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this subsection.
- (1) There is no visible or external evidence of the home occupation. The dwelling was not built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;

- (2) There are no displays, for sale, or advertising signs on the premises;
- (3) There are no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage;
- (4) All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;
- (5) The home occupation does not encroach into any required parking, setback, or open space area;
- (6) Outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises shall not be visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;
- (7) There is complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;
- (8) No pedestrian or vehicular traffic is generated in excess of that customarily associated with a residential use and the neighborhood in which it is located;
- (9) The Home Occupation has a current business registration certificate;
- (10) If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use has been obtained prior to the submittal for a Home Occupation Permit;
- (11) The garage has not and shall not be altered externally;
- (12) The Home Occupation does not create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;
- (13) There are no sales of products on the premises.
- (14) No customers or clientele may visit the residence.
- (15) All employees shall be members of the resident family and shall reside on the premises.
- (16) Up to twenty-five percent (25%) or two hundred fifty (250) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation.
- (17) No employees and no vehicle parking, other than that normally associated with a single family residential structure, is provided.

- (f) Home occupation permit applications meeting the following standards shall be subject to notice and hearing. The Community Development Director is the review authority, and the Director may forward the application to the Planning Commission for consideration.
- (1) There may be sales of products on the premises.
  - (2) Customers may visit the residence and then only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for business activities shall not exceed 10 trips per day in all Land use Districts.
  - (3) All employees of the home occupation, except one (1), shall be members of the resident family and shall reside on the premises provided all the required findings can be made, in all RS land use districts. All employees of the home occupation, except two (2), shall be members of the resident family and shall reside on the premises provided all the required findings can be made in all RL land use districts. The applicant must demonstrate that the lot can accommodate the parking of all personal and employee vehicles on-site.
  - (4) Up to twenty-five percent (25%) or two hundred fifty (250) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation in all RS land use districts. Up to thirty-five percent (35%) or five hundred (500) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the use in all RL land use districts.
  - (5) Operating hours of a home occupation shall be between the hours of 7:00 a.m. and 8:00 p.m.
- (g) **Prohibited Home Occupations.** The following uses are not incidental to or compatible with residential activities and therefore shall not be allowed as home occupations:
- (1) Animal hospitals;
  - (2) Automotive and other vehicle repair (body or mechanical), upholstery, painting, or storage;
  - (3) Junk yards;
  - (4) Medical and dental offices, clinics, and laboratories;
  - (5) Mini-storage;
  - (6) Storage of equipment, materials, and other accessories to the construction trades;
  - (7) Welding and machining.
  - (8) Cabinet shop.

- (9) Uses which may include the storage or use of explosives or highly combustible or toxic materials beyond that permitted by the Building, Fire Code, or adopted restrictions.
- (h) The Home Occupation Permit may be revoked by the Community Development Director if any one of the following findings can be made that there exists a violation of a condition; regulation or limitation of the permit and said violation is not corrected within ten (10) days after a notice of violation is served on the violator or after repeated violations. The permit shall not be revoked without notice of hearing ten days in advance of the hearing for consideration of permit revocation. The Director may schedule the revocation hearing for consideration by the Planning Commission.
- (1) That the permitted home occupation use has changed in kind, extent or intensity from the use which received an approved Home Occupation Permit;
  - (2) That the use has become detrimental to the public health, safety, welfare or traffic, or constitutes a nuisance;
  - (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 use is not being conducted in a manner consistent with applicable operating standards described in Section 84.0618 *Operating Standards*, of this Chapter;
  - (5) That the permit was obtained by misrepresentation or fraud;
  - (6) That one (1) or more of the conditions of the Home Occupation Permit have not been met;
  - (7) That the property owner or tenant fails to permit entry onto the premises to allow periodic inspections by representatives of the Town at any reasonable time;
  - (8) That the home occupation is in violation of any statute, law, ordinance, or regulation;
  - (9) That two (2) or more valid complaints from at least two (2) different parties have been filed against the home occupation within any six (6) month period, and it is found that the use is causing harm or unreasonable annoyance or is otherwise detrimental to other property or its use in the area.
  - (10) That the applicant has not obtained a current business registration certificate from the Town.
  - (11) That the proposed use altered the character of the neighborhood and/or induced physical or socioeconomic changes to the neighborhood that are not consistent with the goals and objectives of the General Plan, that are not consistent with the development code, and that create characteristics more closely associated with commercial, office or industrial land use activities.

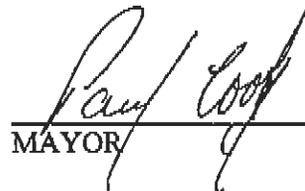
- (i) **Appeal.** Any affected person may appeal a decision of the Director of Community Development to the Planning Commission. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Upon receipt of the notice of appeal, the Community Development Director shall schedule the matter on the agenda for the next possible regular Planning Commission meeting. The Planning Commission may affirm, revise or modify the action appealed from the Town staff. Any decision of the Planning Commission may be appealed to the Town Council within ten (10) days following the Commission action.
- (j) **General Standards.** All home occupations shall comply with all of the following operating standards at all times:
- (1) There shall be no visible or external evidence of the home occupation. No dwelling shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;
  - (2) There shall be no displays, sale, or advertising signs on the premises;
  - (3) There shall be no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage;
  - (4) All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;
  - (5) The home occupation shall not encroach into any required parking, setback, or open space area;
  - (6) There shall be no outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;
  - (7) There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;
  - (8) No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located;
  - (9) No home occupation shall be initiated until a current business registration certificate is obtained;
  - (10) A Home Occupation Permit shall not be transferable;

- (11) 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;
- (12) The garage shall not be altered externally;
- (13) No use shall create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;
- (14) The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this Chapter.

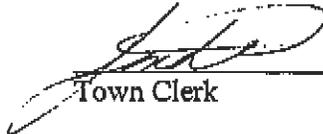
**SECTION 2. NOTICE OF ADOPTION.** Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

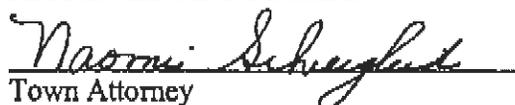
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 5th day of January, 2006.

  
 \_\_\_\_\_  
 MAYOR

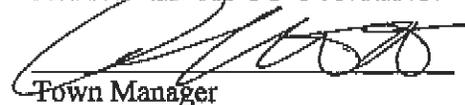
ATTEST:

  
 \_\_\_\_\_  
 Town Clerk

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Town Attorney

APPROVED AS TO CONTENT:

  
 \_\_\_\_\_  
 Town Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 178 as duly and regularly introduced at a meeting of the Town Council on the 8<sup>th</sup> day of December, 2005, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 5<sup>th</sup> day of January, 2006, by the following vote, to wit:

Ayes: Council Members Leone, Luckino, Mayes, Neeb and Mayor Cook

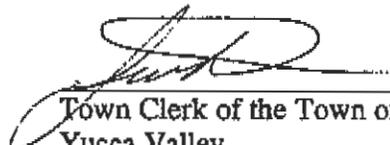
Noes: None

Abstain: None

Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 17<sup>th</sup> day of January, 2006.

(SEAL)

  
Town Clerk of the Town of  
Yucca Valley

PREVIOUS, NOW  
REPEALED  
ORDINANCE

Ordinance No. 54

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING SECTION 84.0615 OF THE TOWN OF YUCCA VALLEY DEVELOPMENT CODE REGARDING HOME OCCUPATIONS/COTTAGE INDUSTRY BY AMENDING SUBSECTION 84.0615 (a), AND 84.0615 (b) AND ADDING NEW SUBSECTIONS 84.0615(e), 84.0615(f), 84.0615(g), AND 84.0615(h)

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. SECTION 84.0615 AMENDMENTS

Section 84.0615 of the Yucca Valley Development Code is hereby amended as follows:

1.1 Subsection (a) of Section 84.0615 of the Town of Yucca Valley Development Code is hereby amended to read as follows:

"(a) Home Occupations and Cottage Industries are businesses, professions or trade activities of a non-residential nature which is accessory to a residential land use. The home occupation is performed by the resident within that residential dwelling unit for purposes of generating income or gainful employment by means of the manufacture, provision and/or sale of goods and/or services, where this activity is purely incidental to the use of the dwelling for residential purposes. Home Occupations and Cottage Industries conducted in accordance with the provision of this chapter shall be permitted in residential zones, and in areas where residential uses are allowed, provided that the occupation is clearly incidental to the use of the dwelling for residential purposes and does not alter the character nor the appearance of the residential environment. No home occupation shall be established until an application for a Home Occupation Permit has been submitted to and approved by the Director of the Community Development Department as being consistent with the requirements of this Chapter. Home Occupations and Cottage Industries shall be permitted as an accessory use to a residential land use, subject to a Special Use Permit and to the following standards:

Home Occupation and Cottage Industry Standards are divided into three (3) groups of provisions:

- (1) General standards applying to both Home Occupations and Cottage Industries.
- (2) Home Occupation standards for properties within land use districts which allow residential uses.
- (3) Cottage Industry standards for land use districts which require a minimum parcel size of two and one-half (2 1/2) acres and where the lot size is at least one (1) acre."

## SUMMARY OF STANDARDS

TOPIC	REGULATORY INTENT	STANDARDS
Location	To minimize unsightly conditions from disturbing surrounding neighbors.	<p>The home occupation shall be confined to an enclosed structure</p> <p>The home occupation may be conducted in the garage to the dwelling unit but shall not use any space required for off-street parking.</p> <p>All employees, partners or operators of the home occupation, shall be members of the resident family and shall reside on the premises.</p> <p>All employees, partners or operators of the home occupation, except two (2), shall be members of the resident family and shall reside on the premises (Cottage Industry)</p>
Sales Activity	Restrict scope of business activity to ensure that residential use remains primary	<p>Direct sales of products or merchandise shall be limited to seven (7) customers per week.</p> <p>Operating hours of a Home Occupation shall be between the hours of seven (7:00) a.m. and eight (8:00) p.m. (Cottage Industry).</p>
Appearance	Maintain visual character of the existing structure as a primary residence.	<p>The appearance of the structure shall not be altered, nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises and vibrations.</p> <p>The use shall not involve storage of materials outside any structures, nor shall merchandise be visible from outside of the home.</p>

TOPIC	REGULATORY INTENT	STANDARDS
Traffic	A home occupation shall not create pedestrian/automobile or truck traffic, or parking demand above normal levels for that zone.	<p>Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.</p> <p>The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.</p>
Utilities	Maintain residential scale of utility services to limit business activity to an incidental use and avoid TV/radio interference.	<p>The uses of utilities and community facilities shall be limited to that normally associated with the use of property for residential purposes.</p> <p>No equipment or process shall be utilized that causes electrical or reception interference to televisions or radios of neighboring residences.</p>
Business Vehicle	Restrict number, size and keeping of vehicles to reduce parking demand and maintain residential streetscapes.	<p>Parking shall comply with the parking requirements specified by Division 7, Chapter 6 of this Title. One additional on-site parking space shall be provided for each non-resident employee.</p> <p>The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.</p>
Storage	Ensure that stored material do not take up required parking space or accumulate in yards	<p>Up to twenty-five percent (25%) or two hundred fifty (250) square feet, whichever is greater, of the total floor area of the dwelling unit and related accessory structures, may be used for storage of materials and supplies related to the home occupation.</p> <p>Up to thirty five percent (35%) of the total floor area of the dwelling unit and related accessory structures or five hundred (500) square feet, whichever is greater, of the home may be used for storage of materials, supplies and equipment related to the cottage (Cottage Industry).</p>
Cumulative Effects	Ensure that home occupation at a site does not exceed single-activity performance levels	The Director of the Community Development Department may impose such additional conditions as deemed necessary to safeguard the health, safety, and general welfare of the neighborhood, and carry out the intent of this section..

1.2 Subsection (b) of Section 84.0615 of the Town of Yucca Valley Development Code is hereby amended to read as follows:

"(b) GENERAL STANDARDS.

All home occupations and cottage industries shall adhere to the following standards:

- (1) Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.
- (2) The home occupation shall be confined to an enclosed structure.
- (3) The home occupation shall be limited to one type of occupation per residence.
- (4) The home occupation may be conducted in the garage to the dwelling unit but shall not use any space required for off-street parking.
- (5) The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.
- (6) The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises and vibrations.
- (7) The use shall not involve storage of materials outside any structure. Merchandise shall not be visible from outside of the home.
- (8) Direct sales of products or merchandise shall be limited to seven (7) customers per week.
- (9) The uses of utilities and community facilities shall be limited to that normally associated with the use of property for residential purposes.
- (10) No equipment or process shall be utilized that causes electrical or reception interference to televisions or radios of neighboring residences.
- (11) If the business operation is to be operated by a tenant of the property, written permission from the property owner for the use of the property for the home occupations shall be submitted.
- (12) All required permits from other agencies and departments shall be submitted with the Home Occupation Permit application.

- (13) Noise emanations shall not exceed fifty five (55) dBA as measured at the property lines at all times.
- (14) Any activity producing glare shall be carried on so that direct or indirect light from the source shall not cause glare onto an adjacent parcel.
- (15) Chemicals, solvents, mixtures or materials which are corrosive, toxic, flammable, an irritant, a strong sensitizer, or other similar materials used in home occupation shall be used and stored in accordance with regulations of the San Bernardino County Department of Environmental Health Services, Hazardous Materials Division
- (16) Parking shall comply with the parking requirements specified by Division 7, Chapter 6 of this Title. One additional on-site parking space shall be provided for each non-resident employee.
- (17) No merchandise or articles shall be displayed for advertising. Public advertising (e.g. handbills) shall only list: phone number, home occupation operator's name, post office box and description of business. Location information shall be limited to community name only. Business address or location should not be included in any public advertising.
- (18) The Director of the Community Development Department may impose such additional conditions as deemed necessary to safeguard the health, safety, and general welfare of the neighborhood, and carry out the intent of this section."

1.3 Section 84.0615 of the Town of Yucca Valley Development Code is hereby amended by adding a new subsection 84.0615 (e) Permitted Home Occupations/Cottage Industry to read as follows:

"(e) **PERMITTED HOME OCCUPATIONS/COTTAGE INDUSTRY.**

The following home occupations/cottage industry shall be permitted provided they comply with all applicable standards of Section 84.0615(b), (c) and (d):

- (1) Office uses when the residence is used for the sole purpose of receiving mail, telephone calls, appointments, and bookkeeping,
- (2) Offices for accountant, bookkeeper, insurance agent, real estate broker, typist, notary public, architect, engineer, instructor in arts, crafts, or music, beauty shops, medical services, salesman (where no direct sales occur),

- (3) Crafts and hobby uses, such as photography, artwork, jewelry, home crafts, and minor baked goods.
- (4) Services, such as gardening, janitorial, typing,
- (5) Off premises sales and vending, such as import/export, product distributing, and swap meet vendors.
- (6) Any similar use as approved by the Community Development Director."

1.4 Section 84.0615 of the Town Development Code is hereby amended by adding a new subsection 84.0615 (f) Prohibited Home Occupations to read as follows:

"(f) PROHIBITED HOME OCCUPATIONS/COTTAGE INDUSTRY.

The following home occupations are expressly prohibited as home occupations:

- (1) The repair, reconditioning, servicing or manufacture of any internal combustion or diesel engine or of any motor vehicle, including automobiles, trucks, motorcycles, or boats,
- (2) The repair or construction of motor vehicles and appliances, machine shops, and cabinet shops,
- (3) Uses which entail food handling, processing or packing, other than specialized minor cooking or baking.
- (4) Uses which may include the services of training, breeding, raising or grooming of dogs, cats or other animals shall be approved only under separate permit pursuant to animal keeping regulations.
- (5) Sale of produce, hay or other agricultural product,
- (6) Uses which require the storage or use of explosives or highly combustible or toxic materials beyond that permitted by the building, fire code, or other adopted restriction,
- (7) ~~Uses which involve commercial vehicles (over a gross weight of 6,000 pounds or greater).~~
- (8) Other uses which the Community Development Director determines to be similar to those listed above or which include activities which the Director deems to be equally or more incompatible with the surrounding land uses as the activities normally found in the uses listed above and which may

adversely affect the health, safety, and general welfare of the neighborhood."

1.5 Section 84.0615 of the Town Development Code is hereby amended by adding a new subsection 84.0615 (g) Reviewing Authority and Enforcement to read as follows:

**"(g) REVIEWING AUTHORITY AND ENFORCEMENT**

(1) The Director of the Community Development Department, or his or her designee, shall review all applications for a Home Occupation Permit to determine if the proposed use meets all of the standards of Section 84.0615. If all standards are met, the Community Development Director shall make the following findings and issue the permit:

- (a) That the proposed use is not prohibited under Section 84.0615(f);
- (b) That the proposed use will comply with all applicable standards;
- (c) That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety, and general welfare;
- (d) That the proposed use will be consistent with any applicable specific plan.

(2) Home Occupation Permits are subject to review by the Community Development Director within one year after issuance, or as a result of any complaint by any person.

The Home Occupation Permit may be revoked by the Community Development Department upon making findings that there exists a violation of a condition; regulation or limitation of the permit and said violation is not corrected within ten (10) days after a notice of violation is served on the violator or after repeated violations."

1.6 Section 84.0615 of the Town Development Code is hereby amended by adding a new subsection 84.0615 (h) Appeals to read as follows:

**"(h) APPEALS**

Any affected person may appeal a decision of the Director of the Community Development Department to the Planning Commission. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Upon receipt of the notice of appeal, the Director Community Development shall schedule the matter on the agenda for the next possible regular Commission Meeting and shall cause notice of said appeal hearing to be given to the appellant not less than five (5) days prior to such hearing. The Planning Commission may affirm, revise or modify the action appealed from Town Staff. Any decision of the Planning Commission may be appealed to the Town Council within ten (10) days following Commission action. The notice of appeal shall be filed with the Community Development

Department who shall schedule the matter on the agenda for the next possible regular Council meeting and shall cause notice of said appeal hearing to be given the appellant not less than five (5) days prior to such hearing. The Council may affirm, revise, or modify the action appealed from the the Planning Commission. In ruling on the appeal, the findings and action of the Council shall be final and conclusive in the matter."

SECTION 2. PROVISIONS NOT AMENDED TO REMAIN. Except as specifically amended herein, all other provisions of section 84.0615 of the Town of Yucca Valley Development Code shall be and remain in effect.

SECTION 3. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 20th day of April, 1995.

\_\_\_\_\_  
Mayor

ATTEST:

Sheela Tuvola  
Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Town Attorney

Sheela Tuvola  
Town Manager

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3/21/95

there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. And,

Moved to recommend to the Town Council to adopt the Ordinance, and repeals Sections 83.010105 thru 83.0103.15, Sections 83.010325 thru 83.010335, Section 83.010505, Sections 83.020105 thru 83.020210, Sections 83.030805 thru 83.030855, Sections 83.030145 thru 83.030175, Sections 83.030205 thru 83.030230, Sections 83.030310 thru 83.030325, Section 83.030405, Section 83.030505, Section 83.030605 Sections 83.030705 thru 83.030765, Sections 83.030905 thru 83.030955 of Division 3 of Title 8 from the Yucca Valley Development Code and Sections 41.151 thru 41.1569 from Chapter 15, Division 1 Title 4 of the Yucca Valley Municipal Code.

Commissioner Drozd Seconded. Motion carried 5-0 on a voice vote.

**DEPARTMENT REPORT**

**2. HOME OCCUPATION PERMITS**

Deputy Town Manager Stueckle presented the staff report, explaining the general findings within Ordinance 178 relating to Home Occupation Permits.

Chair Humphreville opened public comment.

Barry Shaw, Esther Shaw, and Voss Schwartz, all of Yucca Valley spoke in opposition to firearm sales in residential neighborhoods.

Frank Hubbard, Yucca Valley requested the prohibition of firearm sales in residential neighborhoods.

Bonnie Brady, Yucca Valley spoke favorably of Commissioner Lavender's public request for input on neighborhood gun sales using the local newspaper.

With no other members of the public wishing to speak, Chair Humphreville closed public comment.

Commissioner Lavender commented that as a Planning Commissioner he needs to listen to the people and stated that he has received 17 responses, (13 opposed, 4 in favor) of residential gun shops. Lavender recommends revising the ordinance to not allow gun shops in residential neighborhoods.

Commissioner Whitten thanked the public for attending the meeting and providing input.

Whitten commented the language on stamped page 99 relating to public health and safety and questioned what would be considered appropriate for residential neighborhoods. Whitten suggested to allow these types of businesses in more rural areas and suggested that the approval process for HOP's to be brought to the Planning Commission for an extra set of eyes.

Commissioner Drozd inquired about firewood businesses in residential neighborhoods. Drozd explained he understands the interest in gun sales due the recent commission activity and questioned if the ordinance language was changed, how would it affect the current permit holders.

Deputy Town Manager Stueckle explained that just because there is an opposition, it is not always are basis for change. If the application is consistent with the General Plan and the Development Code and all code requirements are met, public input is not always a basis for denial.

Vice Chair Bridenstine stated that it was a difficult decision and there is a need to be careful to not take away people's rights.

Chair Humphreville stated home based businesses are a viable part of a community and inquired on how an HOP is enforced. Deputy Town Manager Stueckle explained that once the permit is approved, the site is inspected but continual monitoring is usually on a complaint driven basis. Humphreville continued by stating from a land use issue, a day care facility has the potential of disrupting a neighborhood due to increased traffic more than many other types of businesses such as a gun shop.

Vice Chair Bridenstine recommended the commission look in defining the term gun shop to bring into perspective.

Chair Lavender stated he often hears gun shots in his neighborhood and that the Planning Commission should not add to the number of guns that are in the people's possession.

Deputy Town Manager Stueckle reminded the Commission that their purpose is to address land use issues, not second amendment issues. Staff will take the comments into consideration and the item will be brought back for public hearing.

No action was taken.

**3. WIND ENERGY CONVERSION SYSTEMS**

Deputy Town Manager Stueckle presented the staff report by explaining past commission discussions on wind energy conversion systems (WECS) and presented different types of

meeting, and make revisions. The staff recommends that the Planning Commission continues the public hearing to the March 25, 2014 Planning Commission meeting to allow staff to make final changes for Commission consideration.

Commissioner Whitten moved that the Commission continue the public hearing to the March 25<sup>th</sup>, 2014 Planning Commission meeting to allow staff to make final changes for Commission consideration. The motion was seconded by Chairman Humphreville and was approved unanimously.

DEPARTMENT REPORTS:

**1. HOME OCCUPATION PERMIT REGULATIONS**

Deputy Town Manager Stueckle provided the staff report. He reminded the Commission that there had previously been a lengthy discussion of the Home Occupation Permit Regulations over what are appropriate types of home based businesses as the result of home based businesses requesting federal and state firearms licenses. He provided an over view of the current ordinance for the three tiers of home based businesses. Staff would like input from the Commission on the issue of whether or not the ordinances address the physical differences between lots of different sizes, and provided the example of a business on a two and a half acre lot, which is far away from any neighboring structures, having a small amount of outdoor storage. He also acknowledged that due to the late hour, the Commission may choose to continue the discussion on this issue at a later date.

After the conclusion of the staff's report, Chairman Humphreville opened the floor to public comment.

**PUBLIC COMMENTS**

Margo Sturges, Yucca Valley, is concerned over this issue and believes this is a topic that needs to be work shopped. She is feels that selling weapons out of the home in rented locations like apartment complexes may affect the expectation of quiet enjoyment of renters and the liability of a landlord. She believes that the neighborhood dislikes the idea of weapon sales, and it should be limited to large lots.

Chairman Humphreville asked for staff discussion on this issue, and Deputy Town Manager Stueckle said that because this is a complex issue with many elements to be considered, staff believes that this item requires further discussion at a later date.

Chairman Humphreville asked if the ordinance as it is written now gives the town the flexibility to work with the businesses like the earlier example of a home based business on a two and a half acre lot with outside storage. Deputy Town Manager Stueckle replied that under the current ordinances staff was not able to find any way to address this issue, and staff believes there needs to be some modifications to the ordinance.

Commissioner Lavender said that he believes that most Yucca Valley citizens are against residential gun sales.

Commissioner Whitten believes that there should be a workshop, and that regulations need to be changed to reflect the changing climate regarding guns. He also believes that the Town should send a building inspector to make sure a home fits home occupation permit. He also suggest that these permits come to Planning Commission for review, and that permitted operating hours be changed. He believes that 7:00am

is too early and 8:00pm is too late. He also thinks that home animal rescue and home animal care and boarding should be prohibited, and believes that this should be revisited in a workshop.

Commissioner Drozd suggested that arm sales under a certain lot size should prohibit ammunition sales.

There was a consensus among the Commissioners that a workshop in this issue would be appropriate.

Deputy Town Manager Stueckle agreed that this will be revisited at a later date for further discussion.

There was no motion, but there was a consensus to hold a workshop at a later date

**CONSENT AGENDA:**

**1. 2013 GENERAL PLAN ANNUAL REPORT**

Government Code Section 65400 mandates that all cities and counties submit to their legislative bodies an annual report on the status of the General Plan and progress on its implementation. The report must then be filed with the state’s Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD). This annual review addresses the January 1, 2013 through December 31, 2013 time period.

**2. MINUTES**

A request that the Planning Commission approve as submitted the minutes of the meetings held on October 08, 2013, November 12, 2013 and February 11, 2014.

**PUBLIC COMMENTS**

None

Commissioner Whitten moved that the Commission approve Consent Agenda items one and two. The motion was seconded by Commissioner Bridenstine and was carried unanimously.

**STAFF REPORTS AND COMMENTS:**

None

**FUTURE AGENDA ITEMS:**

Development Code Update - Article 3  
Site Plan Review 01-24 – Phase 1 Hawks Landing

**COMMISSIONER REPORTS AND REQUESTS:**

Commissioner Drozd thanked everyone for their participation.

Commissioner Lavender stated that it was a good discussion and he appreciates that.

Commissioner Whitten said that he wanted to know where adult orientated businesses are covered in the code. Deputy Town Manager Stueckle replied that it is covered in Article 2, and that conversation will be coming forward. Commissioner Whitten also stated that the recent rainstorm may have identified some

- 3. The strict application of the land use regulations would require extensive land disturbance on the site, would change the natural appearance of the site and could limit the ability to construct a single family residence on the property.
- 4. The variance is compatible with the following polices of the General Plan.

**PUBLIC COMMENTS**

None

**CLOSE PUBLIC COMMENTS**

Joanne Ballinger, the applicant, told the Commission that the intent of the project was to avoid disturbing as much of the landscape as possible, and that they were requesting the variance to avoid extensive changes given the limited size of the level portion of the lot.

Commissioner Lavender asked if they had considered alternative configurations which would allow them to build on that location without the variance.

The applicant said that they had looked at alternative options, but found that even a smaller home would require a variance, and that they wanted to keep the grading to a minimum.

Chair Humphreville said that he understood the issues with construction on that property, and that he appreciated their intent to preserve the attractive boulder piles.

Commissioner Bridenstine said that she felt a setback of 30 feet was reasonable given the circumstances.

**MOTION**

Chair Humphreville moved to approve variance, V 02-14. Commissioner Lavender seconded, and it passed unanimously.

**2. DEVELOPMENT CODE AMENDMENT, DCA 02-14 HOME OCCUPATION REGULATIONS**

Deputy Town Manager Stueckle presented the staff report. Staff presented the Commission with draft regulations for Home Occupation Permits for their consideration. A brief overview of the history of the Town's Home Occupation Permit regulations was provided. Staff stated that Article 4 of the development code was approved by the Town Council in October of 2013, but that the Commission had opted to defer Home Occupation Permits until they had received additional input from the community.

Deputy Town Manager Stueckle said that the Commission had talked about holding a workshop on the Home Occupation Permit regulations, and it was staff's interpretation that the Commission's intent was to receive maximum participation from the public. Staff explained that, in order to receive the maximum participation from the community, notice of the public hearing

on HOP regulations was provide not only through the usual notice of the meeting published in the newspaper and website, but also through the Community Updates, an additional press release, and through the Chamber Commerce. It was staff's opinion that this process met the Commission's intent for maximum participation, and if there are member of the community who are working on the regulations the Commission is always delighted to receive that information.

Staff provided an overview of the current Home Occupation Permit regulations and the changes presented in the draft regulations presented to the Commission. The changes in the draft regulations included:

- Staff recommended changing the approval authority from Director for all Home Occupation Permit's to two levels of approval authority including Director and Planning Commission, where the Planning Commission would be the approval authority for all home occupations involving sales activities from the home, customers visiting the home, or outdoor screened business activity.
- Staff recommended that the renewal authority is the same as the approval authority.
- Staff recommended that approvals be given for 2 or 3 years instead of for one unless a complaint is received and violations have been verified by a field investigation.
- Staff asked that the Commission consider any additional uses which should be added to the prohibited list.
- Staff recommended additional language to clarify what home based businesses are exempt from obtaining a permit.
- Staff said that the language allowing outside storage needed further clarification and standards. Staff recommended modifications which prohibited outside storage in smaller lots and allowed some outside storage on lots larger than one acre.
- Staff stated that the current standards only address the maximum areas for storage which can be used by a business and identify 25% and 35%, or 250 square feet or 500 square foot, as maximum areas for conducting home based businesses. Staff stated that the Commission may desire to discuss modifications to these standards.
- Staff asked that the Commission should discuss the standards regarding where business activities are to be conducted and direct staff as to the allowable locations for home based business activities.
- Staff recommended modifying the allowed business operating hours from between the hours of 7:00 a.m. and 8:00 p.m. to the hours of 9:00 a.m. and 5:00 p.m. for business which have sales on the premises or customers on the site. All other homes based business would be limited to between 7:00am and 7:00 pm. The Commission may desire to discuss the necessity for hours of operation where no customers visit the site, and when the business activity is in compliance with Town regulations.

#### PUBLIC COMMENTS

1. John Barriage, San Deigo, spoke. He stated that he is the attorney for Fritz Koenig. He said that he does not believe the staff's recommendations regarding where business activities are to be conducted were more restrictive. He also objected to allowing people to

apply for a Conditional Use Permit for uses which do not strictly comply with the Home Occupation Permit regulations.

2. Sabrina Peukert, Yucca Valley, asked if the regulations included provisions to make sure that sales tax was correctly paid to the jurisdiction when goods are sold. She said that she can't run the same business as the Fallosi's.
3. Fritz Koenig, Yucca Valley, asked that the public comment period be continued at the next meeting on this subject. He said that he believes the recommended changes presented by staff are less restrictive and that allowing Conditional Use Permits would allow the Planning Commission to permit any business they want, including a brothel. He believes home occupation business activities should be limited to the primary dwelling unit.
4. Margo Sturges, Yucca Valley, said that she believes that the regulations should prohibit more uses including gun sales, brothels, salons and mortuaries. She said that there should be workshop on the issue and that the public hearing wasn't enough.
5. Barry Shaw, Yucca Valley, said that selling guns and/or ammunition in a residential area should be strictly prohibited. He said that no one wants to live in a neighborhood where guns and ammo are sold.
6. Janice Pask, Yucca Valley, spoke in support of the proposed changes to the HOP regulations that take in to account the differences in lot sizes. She is a neighbor of David Fallosi, an artist, and feels that his home business is appropriate to the neighborhood.
7. David Cooper, Yucca Valley, commented on the proposed changes to the HOP regulations. He was on the planning commission when the current regulations were first drafted. He said he didn't have a problem with a properly licensed gun dealer operating a small home based business. He said that home occupation permits are not controversial, and that Yucca Valley is a rural area that doesn't face the same issues as a metropolitan area. He believes the regulations should have a light touch. Rural areas on large parcels should be allowed to do a lot of things that they can't do on small urban parcels. He also said he felt that the 9 to 5 retail hour limit was too restrictive. He also approved of the 2-3 year period for renewal.
8. David Fallosi, Yucca Valley, spoke asking the Commission to consider what is reasonable for artists. He is an artist with a home occupation business and the area has a large community of artists, and that this type of business improves the Town. He said that he doesn't think it is reasonable for a home owner to be discriminated against because they have a Home Occupation Permit. What is allowed for any home owner should not be prohibited simply because they have a HOP.

9. Herb Orban, Yucca Valley, said that he supports some home based businesses, but doesn't think the ordinance should be changed to allow a broader spectrum of home based businesses. He also does not support any home business which would increase traffic or increase crime related activities. He does not support residential gun sales.
10. Dennis Pask, Yucca Valley, spoke. He said he is a neighbor of David Fallosi and that he represents 30 residents of his neighborhood who support the proposed changes. He supports local artists who work out of their homes, and said that many of them may have developed their studios prior to incorporation. He believes the Town should encourage artists. He submitted a document for Commission review.
11. Bonnie Brady, Yucca Valley, said she thinks that any gun based businesses should be prohibited in residential areas. She also agreed with Fallosi about the needs of art based home businesses. She has participated in the art tours and believes they are important.
12. Ed Koesling, Yucca Valley, is a potter in Yucca Valley. He spoke in support for the new rules for rural areas with large lots. He encouraged the Commission to make it easier for artist to work in large areas. He said it wasn't clear to him whether or not the ordinance allowed artists to participate in art tours or open house type events. He also felt that the fee for the applying for a HOP is high.
13. Nora Fraser, said that she is a neighbor of David Fallosi and that his business is successful and should have a commercial space.
14. Marissa Corson, Yucca Valley, said that she felt that it is not fair that someone with a Home Occupation Permit is not allowed to have the same kind of commercial deliveries that someone without a home business would be allowed.
15. Esther Shaw, Yucca Valley, said that gun sales should be prohibited in residential neighborhoods with small lots. She said that gun shops have safety measures in place that residential homes do not have. She also spoke in support of regulations that support local artists.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

#### END PUBLIC COMMENTS

Chair Humphreville opened the Commission discussion on the Home Occupation Permit regulations.

Commissioner Drozd said that he agreed with the graduated ordinance based upon lot size. The regulations need to take into account both the business owners and the neighbors, and a graduate ordinance is a good way to go. He also stated that, while he understand the concern caused by gun

sales, he does not believe that sale of disassembled, non-operational guns are a problem, particularly when limited to less than ten visits per month, but he does believe that prohibiting ammunition sales on small lots may be a good solution.

Commissioner Bridenstine suggested adding language to make it clear that only legal businesses are allowed. She also said that she thinks that firearm sales should only be allowed in residential lots one acre or larger. She also doesn't think that firearms and ammunition should be allowed to be sold together. She thinks that restricting the number of sales and the licensing requirements for gun sellers both need to be clearly reviewed. She also said that there are extenuating circumstances effecting artist. Art tours and open houses are important for artists, and many artist need to use accessory structures. She suggested either having a separate section addressing artist or liberating the ordinance enough to allow them to fit.

Commissioner Lavender said that he felt there needed to be a workshop on this item, and he didn't feel that there should be a decision in the next meeting. He said that the process needed more informal discussion. He also said that he did some research into the regulations of cities with similar demographics to Yucca Valley, and that most had regulations similar to what is currently in place. He also stated that some other communities go into much greater detail about what is allowed and what isn't allowed than what the town currently has, and he felt that expanding that may create greater clarity. He also asked if staff has enough time to inspect properties to see if they are complying. Staff informed the Commission that currently inspections occur at the time the permit is granted, and subsequently only if there is a complaint. Commissioner Lavender also said that he felt that gun sales in general should be limited for personal reasons.

Chair Humphreville said that he agreed with Commissioner Bridenstine that language clarifying that only legal businesses are allowed should be included. He said that he doesn't believe that all gun businesses are the same. A legal home occupation business would have the same wait time requirements as a gun shop. He does understand the concerns caused by residential gun sales. He thought that were plenty of restrictions on the Home Occupation Permit previously issued by the Commission, and that gun sales are a legal business. He also said that he felt the Commission should consider prohibiting or restricting Home Occupation Permits in multi-family zones. He asked if there were currently any permits in multi-family zones, and was informed by staff that there are not.

Chair Humphreville called a recess at 7:35 p.m.

#### RECESS

The meeting resumed at 7:40 p.m.

Chair Humphreville opened a discussion on the exemption requirements. Staff stated that the draft language presented was intended only to clarify not modify what types of business are exempt from Home Occupation Permits. Commissioner Lavender said that he would like the businesses that are currently exempt to remain exempt.

Chair Humphreville opened a discussion on the conditions of approval.

Commissioner Bridenstine asked for clarification of the sign allowance. Staff provided clarification that the intent was that signage not change the character of the residential neighborhood and that sign size was limited to 2 square feet. Commissioner Bridenstine said that she agrees with small signs.

There was discussion on outside storage. Staff clarified that the intent of the proposed language was that all permits involving outside storage would go before the Planning Commission, but said that the language needs some fine tuning.

There was a discussion about the screening of storage. Commissioner Bridenstine and Commissioner Drozd agreed that the standard should be screened from the street level.

Commissioner Bridenstine also stated that she didn't want the rules to eliminate the possibility of having a separate studio. She stated that the rules either need to be permissive enough to allow for it, or there needs to be some kind of exception. She believes that the limit of 25% of the dwelling used for the operation of the business is too restrictive.

Chair Humphreville agreed that the 25% restriction was way too small. He said that he doesn't see any difference between allowing someone to use a barn for equestrian use and allowing them to use it for a home occupation. He stated that he would like to see storage size limited by parcel size.

Commissioner Lavender also agreed that the 25% or 250 square foot limitation is too small.

Chair Humphreville said that the average number of trips per day allowed may need to be modified to match the 12 trips per day which would occur in home daycare business with 6 or fewer clients.

There was a discussion of proposed changes to the sections addressing Review Authority. Staff provided an overview of the current process for Home Occupation Permit approval. Staff also explained that if sales taxes was an element of the business, it is included as part of the permit process. Both Commissioner Bridenstine and Chair Humphreville stated that they liked the change to a tiered approval authority.

There was a discussion of the proposed changes to the section addressing the Home Occupation Permit renewal. There was Commission consensus that the renewal authority should remain as the Director for both proposed tiers, provided that there were no complaints associated with the permit. The Commission also stated that they would like renewal notices be sent out when permits are due for renewal. Commissioner Lavender said that he would like to see inspections at the time of renewal. Commissioner Bridenstine agreed with a 3 year renewal period. Commissioner Lavender said that he would like to see inspections at the time of renewal.

Staff also explained that the language regarding permit revocation had been changed to a reference to Article 5, Chapter 9.84 to avoid duplication of that language.

Chair Humphreville asked if the Commissioners had any general comments regarding Home Occupation Permit Regulations.

Commissioner Drozd said that he thought it was a great process was glad that there was going to be another meeting on the topic.

Commissioner Bridenstine agreed with Commissioner Drozd and said that she hopes to hear more from the public at the next meeting.

Chair Humphreville said that he appreciates people attending the meeting, and that there will be another opportunity for community input, and that there was nothing nefarious on the part of staff to prevent comments.

Deputy Town Manager Stueckle provided a summary of the recommendations provided by the Commission.

Chair Humphreville said that they hadn't had a discussion on restrictions of deliveries. Chair Humphreville stated that he doesn't think that deliveries which would be allowed otherwise should be restricted by a HOP. Commissioner Drozd agreed, and pointed out how many UPS and trash deliveries go through residential areas. Commissioner Bridenstine said that the Commission needs to be careful in how the limit is worded and consideration should be given to the issue of size. There is a big difference between a semi-truck and a UPS truck. Commissioner Lavender thinks that the restrictions need to be relaxed.

Deputy Town Manager Stueckle asked if the Commission wished to hold a workshop on Home Occupation Permits on the 27<sup>th</sup> and continue the public hearing to the June 10<sup>th</sup> meeting. The Commission agreed with this approach.

#### **MOTION**

Chair Humphreville moved that the Public Hearing on Development Code Amendment, DCA 02-14 Home Occupation Regulations, be continued to the June 10<sup>th</sup> meeting. It was seconded by Commissioner Bridenstine, and the vote passed unanimously.

#### **RECESS**

Chair Humphreville called a recess 8:12

The meeting reconvened at 8:17

#### **3. DEVELOPMENT CODE AMENDMENT, DCA 07-13 ARTICLE 3 CEQA EXEMPTION, SECTION 15061**

Deputy Town Manager Stueckle spoke on behalf of staff. He stated that this was a continuation of prior meetings on this issue and provided a brief overview. He stated that staff was still waiting for a response regarding whether or not the Town was able to prohibit mining. Staff recommended that, given the lateness of the hour, the Commission continue this issue until the next meeting. Staff also recommended that the Commission wait until the whole code is finished before forwarding their recommendations to the Council.

#### **PUBLIC COMMENT**

None

#### **END PUBLIC COMMENTS**

**TOWN OF YUCCA VALLEY  
PLANNING COMMISSION MEETING MINUTES  
May 27, 2014**

Chair Humphreville called the regular meeting of the Yucca Valley Planning Commission to order at 6:00p.m.

Commissioners present were Bridenstine, Drozd, Lavender, Whitten and Chair Humphreville.

The Pledge of Allegiance was led by Chair Humphreville.

Commissioner Whitten moved to approve the agenda. Commissioner Bridenstine seconded, and the motion passed unanimously.

**PUBLIC COMMENTS**

1. Margo Sturges, Yucca Valley, said that she likes the Planning Commission using the workshop format.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

**CLOSE PUBLIC COMMENTS**

**1. WORKSHOP – HOME OCCUPATION PERMIT REGULATIONS**

Chair Humphreville opened the public workshop on Home Occupation Permit regulations. Deputy Town Manager Stueckle provided background on the Home Occupation Permit regulations and an overview of the purpose of the workshop. Chair Humphreville recessed the meeting for the workshop at 6:09, and one hour was dedicated to round table discussion with members of the public and the Commissioners. At 7:10, after the table discussion, Chair Humphreville resumed the meeting and opened the floor to reports from the table discussions and individual public comments. Posters listing each table's findings were displayed, and forms on which individuals wrote their suggestions were also submitted to the Commission.

**PUBLIC COMMENTS**

1. Nalini Maharaj, Yucca Valley, said that she would like to see gun sales prohibited as a home occupation.
2. Margo Sturges, Yucca Valley, said that she appreciated the workshop process, and would like the public hearing on the ordinance to be delayed.
3. Mark Miller, Yucca Valley, said that he approves of the changes in the regulation that makes the process of acquiring a home occupation permit easier and clearer. He said that the intent of the revisions should be to make it easier not harder to do business in Yucca Valley. He said that the regulations should be administered equally and without prejudice,

and we shouldn't unfairly discriminate against some businesses just because they are unpopular.

4. Dennis Pask, Yucca Valley, said that he approves of the changes in the draft ordinances. He said that it is unfair that artists with a HOP aren't allowed to display art in their front yard when anyone else in town is able to.
5. James Walker, Yucca Valley, said that he appreciates the workshop process, and that he believes that the process should be directed towards the regulations as whole and not specific cases.
6. Fitz Koneig, Yucca Valley, said that he believes that home business should be limited only to equipment or structures normally found within the home. He also objects the Planning Commission being able to issue Conditional Use Permits. He also doesn't think the noise ordinance is sufficient.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

#### CLOSE PUBLIC COMMENTS

Commissioner Whitten said that he appreciated the public coming out to participate. He said he wants a balanced approach to Home Occupation Permits. Property owners should be able to exercise their rights while respecting the rights of their neighbors. He believes that the Planning Commission need to work to fine tune the ordinance to make it a softer.

Commissioner Lavender said that some of the individuals he spoke with were concerned about the number of deliveries which might be made to some home occupations. He suggested providing some kind of public space for artists to use. He also said he was happy with the ordinance the way it was, but he would like to see gun sales prohibited.

Commissioner Drozd said that it was great to see so many people come out to participate. He asked staff if, under the current complaint driven process, complaints were made anonymously. Staff replied that complaints could be made either anonymously or not. Commissioner Drozd believes that it is important to keep neighborhood character, but also allow business. He said he like the graduated scale for different size lots. He said that home based business have been becoming more popular with the current economy. He also said that while different sized parcels should be treated differently, people on the same size parcels should be treated the same.

Commissioner Bridenstine also thanked everyone for coming out to participate. She agreed that we need a tiered system. Some business would not be appropriate for a multi-family zone, but would be appropriate on a five acre parcel. Someone on a five acre parcel who is operating a legal business, which is not effecting anyone, should be allowed the freedom to do so. She believes that we should be more concerned about illegal guns rather than legal, licensed sales. She also believes that that the concern about deliveries doesn't take into account the fact that trash trucks, which regularly travel these roads, weigh more than delivery trucks. Rather than creating nitpicky regulations, we should rely more on common sense. If you are causing a nuisance in your

neighborhood, your neighbors have the right to complain. There is a procedure in place for those complaints to be investigated and your permit possibly revoked. Having a clear procedure for addressing complaints is more important than a lot of overly specific regulation.

Commissioner Lavender said that plots that do not have maintained roads may create an issue.

Chair Humphreville asked staff to clarify the intent of the language prohibiting the storage or use of explosives or highly combustible or toxic materials beyond that permitted by the Building, Fire Code, or adopted restrictions. He pointed out that artists and welders use paint and material which may be combustible or toxic. Staff explained that the purpose of that section was to limit the amount of that kind of material to amounts more typically found in residential uses, so that we don't see the type of volume associated with large scale commercial operations. Chair Humphreville suggested further clarification to that language. He also asked about the fee schedule, particularly the \$750 fee for the appeal process. Deputy Town Manager Stueckle explained that the fee structure was based on total cost recovery, but that staff would look at the fees. Chair Humphreville said that he would like to see some kind of language differentiating between commercial welding and art welding. He also thought that allowing artists to display some art in their front yards is something the Commission should discuss. He also said that allowing 6 or 8 deliveries a year is reasonable, and he doesn't think that someone with a Home Occupation Permit should have greater weight restrictions than other property owners. He doesn't think gun sales should be prohibited; it is a legal and regulated business. He also believes that home occupations which are exempt from acquiring a permit are fine in multi-family zones, but an activity requiring a Home Occupation Permit should be prohibited.

**RECESS**

Chair Humphreville called a five minute recess at 7:45. The meeting resumed at 7:50.

**PUBLIC HEARING**

**2. DEVELOPMENT CODE AMENDMENT, DCA 07-13 ARTICLE 3CEQA  
EXEMPTION, SECTION 15061**

Deputy Town Manager Stueckle gave the staff report. He stated that there have been multiple meetings on this public hearing, and that the only outstanding issue is the pending answer from the Town Attorney's office regarding whether or not surface mining can be prohibited and that section removed from the regulations. Staff recommended that, after receiving any public comments, if there were no further questions from the Commission, the Commission not send the item forward to the Town Council until the full draft of the Code has been completed.

**PUBLIC COMMENTS**

None

**CLOSE PUBLIC COMMENTS**

**TOWN OF YUCCA VALLEY  
PLANNING COMMISSION MEETING MINUTES  
June 10, 2014**

Chair Humphreville called the regular meeting of the Yucca Valley Planning Commission to order at 6:00p.m.

Commissioners present were Bridenstine, Drozd, Lavender, Whitten and Chair Humphreville.

The Pledge of Allegiance was led by Chair Humphreville.

Chair Humphreville moved to approve the agenda. Commissioner Whitten seconded, and the motion passed unanimously.

**PUBLIC COMMENTS**

None

**CLOSE PUBLIC COMMENTS**

**PUBLIC HEARINGS**

- 1. HOME OCCUPATION PERMIT, REQUEST FOR RENEWAL/APPROVAL, HOP 01-11 HOP 02-14, ZORAWICKI EXEMPT FROM CEQA UNDER SECTION 15301, CLASS 1, EXISTING FACILITIES 84.0635 (b) SPECIAL USE PERMITS MAY BE ISSUED FOR LIMITED TIME PERIODS. NEW APPLICATIONS MAY BE REQUIRED FOR SPECIAL USE PERMIT RENEWAL.**

The staff report was presented by Deputy Town Manager Stueckle. He provided an explanation of the home occupation and the location of the requested renewal. The request is for the renewal of a Home Occupation Permit for the assembly of firearms that are purchased in kit form, and the buying and selling of firearms to the public from a single family home. The home is located in an area zoned for rural living with a five acre minimum lot size, and the surrounding lots are either single family residences on five or more acres, or vacant land. Clients visit the residence by appointment only. The applicant is requesting to be allowed three client visits a day, which is less than the five visits permitted by the ordinance. The applicant is requesting business hours of 3 to 6PM. The storage area related to the business is 17% of the floor area. The permit was originally approved in March 22, 2011, and the home occupation was issued renewals at the director level in 2012 and 2013. All business registrations and state and federal licensing requirements are current, and there have been no complaints associated with this home occupation. At the time that the staff report was written, no comments on this issue had been submitted, but one comment has been submitted subsequently and distributed to the Planning Commission. There were also additional conditions added to the conditions of approval, including annual proof of an active alarm system, all doors and windows being equipped with glass break alarms, and that the applicant's home address shall not be used in any type of advertising or business promotion.

Staff recommended that the Planning Commission find the project exempt from CEQA, and approve the renewal of the Home Occupation Permit as recommendations A and B. Staff also provided the alternative recommendations that the Planning Commission either approve the continued operation of the Home Occupation Permit until such time as the Town Council acts upon the draft Home Occupation Permit regulations and directs staff to return the project to the Planning Commission following Town Council action on the draft regulations, or that the Planning Commission continue the public hearing based on the need for additional information.

After the presentation of the staff report Chair Humphreville opened the floor to public comments.

#### PUBLIC COMMENTS

- Jonathan Zorawicki, the applicant, said that the security and safety of the Morongo basin were his primary concern with regards to his business. He is selective with his customers, and exceeds all safety requirements. His business has all of the same safety features that large businesses are required to have. Chair Humphreville asked if Mr. Zorawicki had any issues with the additional Conditions of Approval. Mr. Zorawicki said that he did not have any problems with the conditions.
- Mike Reynolds, Yucca Valley, spoke in support of approving the Home Occupation Permit. He said that it is a light use in a rural area, and it is kept clean.
- Susan Simmons, Yucca Valley, said that the Zorawicki Home Occupation Permit is probably fine because it is on a five acre rural lot. She also said that gun sales should not be allowed in smaller lot sizes.
- Margo Sturges, Yucca Valley, said that she thought that gun sales on lots of five acres or more should be allowed but not on smaller lots, and she spoke in support of approving the Zorawicki Home Occupation Permit.
- David Cooper, Yucca Valley, spoke in support of approving the Zorawicki Home Occupation Permit. He also said that there is no reason to limit firearm sales to lots five acres or larger, as smaller lots would still be need to meet the same safety requirements.
- Bonnie Brady, Yucca Valley, said that there is a nationwide problem with firearms. She said that she doesn't see a problem with the renewal of the Home Occupation Permit given the safety measures and its location on a rural five acre lot.
- Fritz Koenig, Yucca Valley, said that firearm sales should not be allowed in residential areas.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

#### CLOSE PUBLIC COMMENTS

Commissioner Drozd said that he saw no reason to delay the renewal of the permit, and that he was in favor of accepting staff's recommendations A and B.

Commissioner Lavender said that he doesn't think gun sales belong in residential areas. He believes there are too many guns in America. He also said that some provisions might be made for large parcels such five acre lots.

Commissioner Bridenstine said that the issue was not about gun control, and it wasn't the Commission's place to decide which types of guns are safe. She said it was an issue of a business permit. There is nothing in our current ordinance which would prohibit this home occupation, and given that there have been no complaints and the applicant has agreed to additional conditions to improve safety, she said she supported approving the Home Occupation Permit as described in staff's recommendations A and B.

Commissioner Whitten said they need to look at the application based on its own merit, and it had to be weighed against the current ordinance. The applicant has agreed to additional conditions to enhance security. He also asked staff about the renewal period. Staff said that the renewal period is one year, but that the Commission had discretion to modify that period. Commissioner Whitten said that he was in favor of the renewal of the Home Occupation Permit.

Chair Humphreville said that he respects the anti-gun opinion, but he believes the community feels that we are over regulated at it is. Chair Humphreville also said that, given that the business has had no complaints and that Mr. Zorawicki neighbors support his business, he would recommending renewing the permit for a period of two years.

Commissioners Whitten, Bridenstine, and Drozd said that they would support renewing the permit for a period of two years.

**MOTION**

Commissioner Whitten moved that the Planning Commission find the project exempt from CEQA pursuant to Section 15301 Class 1, existing facilities, and that the Planning Commission approve the Home Occupation Permit, HOP 02-14 based upon the information contained within the staff report, all evidence presented at the public hearing, and the required findings for a period of two years, expiring on June 10, 2016, unless a request for renewal and related approval are obtained prior to that date. Chair Humphreville seconded the motion. Motion carried 5-0 on a roll call vote.

- AYES: Commissioners Bridenstine, Drozd, Lavender, Whitten and Chair Humphreville.
- NOES: None
- ABSTAIN: None
- ABSENT: None

**2. HOME OCCUPATION PERMIT REQUEST FOR RENEWAL/APPROVAL, HOP 11-06 HOP 01-14, FALOSSI EXEMPT FROM CEQA UNDER SECTION 15301, CLASS 1, EXISTING FACILITIES 84.0635 (b) SPECIAL USE PERMITS MAY BE ISSUED FOR LIMITED TIME PERIODS. NEW APPLICATIONS MAY BE REQUIRED FOR SPECIAL USE PERMIT RENEWAL**

The staff report was presented by Deputy Town Manager Stueckle. This project is a request for a renewal/approval of a Home Occupation Permit for an artist studio within an accessory structure of an existing single family residence. The home occupation will also include outdoor activity within a 53' X 58' screened area that encompasses the studio building. The property in question and its surrounding lots are zoned rural living, five acre minimum, and are signal family residences or vacant land. Staff said that the Home Occupation Permit was first approved in December of 2005. Renewals were issued in 2009 and 2013, and the business registration was kept current. There had been no complaints associated with this property prior to the renewal in November 2013. The Town received its first complaint on this property was received on December 16, 2013.

Staff then provided a brief overview of places in the development code where the language was seeming contradictory, for the Planning Commission to consider. Staff also provided some modified Conditions of Approval for this Home Occupation Permit, which were drafted after the staff report was written. Those changes included:

- modifying COA 1 to include the language “to include outdoor activity within a 53' x 58' screened area that also encompasses the workshop building;”
- modifying COA 10 to include the language “except for architectural or similar stone;”
- modifying COA 16 to change the number of customers allowed from five per day to two per week;
- modifying COA 17 to read “All employees of the home occupation, except one (1), shall be members of the resident family and shall reside on the premises provided all the required findings can be made, in all RS land use districts. All employees of the home occupation, except two (2), shall be members of the resident family and shall reside on the premises provided all the required findings can be made in all RL land use districts. The applicant must demonstrate that the lot can accommodate the parking of all personal and employee vehicles on site;”
- modifying COA 18 to read “Up to thirty-five percent (35%) or five hundred (500) square feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the use;”
- modifying COA 20 to change the hours of operation to 8AM to 5PM;
- modifying COA 21 to include “The use of a rental crane or forklift is permitted a maximum of six times per year;”
- and adding COA 22, which will read “The applicant shall be permitted to participate in public art tours as they occur in the Morongo Basin.”

Staff recommended that the Planning Commission find the project exempt from CEQA, and approve the renewal of the Home Occupation Permit for the period of one year as recommendations A and B. Staff also provided the alternative recommendations that the Planning

Commission either approve continued operation of the Home Occupation Permit until such time as the Town Council acts upon the draft Home Occupation Permit regulations, and directs staff to return the project to the Planning Commission following Town Council action on the draft regulations, or that the Planning Commission continue the public hearing based on the need for additional information.

Chair Humphreville opened the floor to public comments.

#### PUBLIC COMMENTS

- David Fallosi, the applicant, said that he was there to ask for an update and clarification of his Home Occupation Permit. He said he has had his art studio on their rural two and a half acres lot in Yucca Valley since 1989, and art studios were exempt from permit at that time. The neighborhood has been important to him, and he has been active in helping to maintain neighborhood signs and roads. He also clarified that he does not sell art supplies, and does not have a gift shop, museum or welding shop. He said he participates in a limited number of events a year, exhibiting and delivering his artwork to collectors after these events. He said he completes 95% of his sculptures inside his workshop, but uses the enclosed fence area for assembly, storage and occasional carving. He doesn't use trucking companies to ship his artwork from his home, have scheduled deliveries, or violate the noise ordinance. He uses a rental crane or forklift to move finished large sculptures or stones one or twice a year. Any welding associated with the sculptures is preformed off site. He is requesting reasonable conditions of approval, and is the only artist in town with a Home Occupation Permit.
- Dennis Pask, Yucca Valley, spoke in support of the approval of the Home Occupation Permit. He is a neighbor of Mr. Fallosi and said he was speaking on the behalf of other in his neighborhood. He said that Mr. Fallosi is an excellent neighbor and causes no trouble with his business.
- Edward Tucker, Yucca Valley, spoke in support of the approval of the Home Occupation Permit. He said that he has been a neighbor of the Fallosi family for over 20 years, and in that time there has never been a problem with excessive noise or traffic. He said that the property was well maintained and that the business was well camouflaged.
- Chris Bolin, Twentynine Palms, spoke in opposition of the approval of the Home Occupation Permit. He believes that there is favoritism and that acid runoff has killed nearby vegetation.
- Adam Fallosi, Yucca Valley, spoke in support of the approval of the Home Occupation Permit. He said that the practice of artistry has not had a negative impact on the neighborhood.

- Janice Pask, Yucca Valley, spoke in support of the approval of the Home Occupation Permit. They are neighbors of the Fallosi's, and said that they have had no problems with dirt from vehicles.
- Ernie Saenz, Yucca Valley, spoke in support of the approval of the Home Occupation Permit. He has been Fallosi's neighbor for two years and hasn't had any problems.
- Teresa Judd, Yucca Valley, spoke in support of the approval of the Home Occupation Permit. She objected to statements at a prior meeting that said that Fallosi should have a commercial space.
- David Cooper, Yucca Valley, spoke in support of the approval of the Home Occupation Permit. He suggested that Fallosi should be grandfathered in given that he started his home studio ten years before the town incorporated.
- John Barriage, San Diego, submitted a written report to the Commission. He said that he believes that there is no specific allowance in the ordinance for outdoor activity or use of an accessory structure in a home occupation. He also believes that the use is an industrial use and not a commercial use, so it should not be allowed.
- Fritz Koenig, Yucca Valley, objected to the procedures of the meeting. He objected to the fact that information was suppressed from release by a court order and not included in the packet and that information was redacted. He also felt that staff had impeded his ability to record the meeting.
- Robert Dunn, Yucca Valley, spoke in support of the approval of the Home Occupation Permit. He agreed with Mr. Cooper that it should be grandfathered in.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

#### CLOSE PUBLIC COMMENTS

Deputy Town Manager Stueckle clarified that, based upon staff's conversations with the applicant, approximately 95% of the business activity taking place occurred indoors and 5% occurred in an enclosed outdoor area. Since 1989 there have been seven sculptures of a large enough size that they had to be worked on outdoors. Ordinance 178 is clear that accessory structures are included in the calculation of space allowed for storage as the regulations are written today. Staff has previously identified in discussions of the HOP regulations that the ordinances is not completely clear on the intent of outdoor activities. There is language in the ordinance that implies that outdoor activities will be ongoing. Staff did not feel that grandfathering existed in this particular case. He also stated that staff had not impeded the public's ability to record the meeting, and had provided an area for video equipment. He also stated that Mr. Koenig had received information from the Town Attorney regarding the court order, and that the action taken in redacting

information was directed by the Town Attorney's office and based upon court records. He also stated that this is a land use issue and not related to civil matters.

Chair Humphreville asked the applicant, Mr. Fallosi, if he had any objections to the additional conditions provided by staff. Mr. Fallosi said that he had no objections.

Commissioner Bridenstine asked about rumors that Mr. Fallosi intended to enlarge his business and add a gift shop. Mr. Fallosi said that they were false. His business is limited to the amount of art he can generate. He said he had no intent to expand his business or open a gift shop.

Commissioner Whitten asked what his average sales per year were. Mr. Fallosi said that it varies and can be just a few or up to 30. On average he has between 12 to 30 sales per year.

Commissioner Lavender said that they should change the ordinance to make it easier for Mr. Fallosi to do business. He said that what they were doing was creating a double standard, one for artists and one for everyone else. He believes it creates a precedence if we make an exception for artists. Mr. Fallosi said he was currently the only artist with a Home Occupation Permit, and if the Town wants more artists to have Home Occupation Permits, they should streamline the process to make it easier for artists to operate in Yucca Valley. The Planning Commission should not try to regulate the type of art created and instead should just look at the land use and what is decent and reasonable.

Commissioner Lavender said that because Mr. Fallosi is successful and prominent in the community he should have a commercial space. Mr. Fallosi said he could say the same of Mr. Lavender, who runs a successful business from his home.

Commissioner Whitten asked if Mr. Fallosi has participated in the Morongo Valley art tour. Mr. Fallosi replied that he hasn't participated in the past, but he was asking to be allowed to participate in the future. Mr. Fallosi said that he believes the current regulations would keep an artist with a Home Occupation Permit from being able to participate in the art tours.

Mr. Fallosi additionally stated that he had just purchased the property directly to the south of his, so it would not be effected by the land use. He also said that, because of the nature of the area and the need to maintain the roads, people frequently brought in equipment to do work. He submitted a photo of equipment on a nearby property to the Planning Commission.

Chair Humphreville opened the floor for the Commissioners to ask the staff questions. Chair Humphreville asked for clarification on the purpose of having both the Conditions of Approval item 3 and 11, as they seemed repetitive. Staff provided clarification.

Commissioner Bridenstine asked if it was staff's opinion that the outdoor activity that is currently taking place is implied by the current ordinance. Staff said that it was, and that was why staff has asked the commission to consider that issue with regards to Home Occupation Permits.

Chair Humphreville called a recess at 7:41.

## RECESS

Chair Humphreville reconvened the meeting at 7:47

Commissioner Drozd stated that this is a complicated issue, but the Commission is just looking at the Home Occupation Permit. He said that it is not an unreasonable request for a Home Occupation Permit, and that he supports it, but there are some issues that need to be discussed.

Commissioner Bridenstine said that it was ironic that rock storage is an issue and Boulder Ridge. She said that we need to take into account the current ordinance. Commissioner Bridenstine said that Commissioner Lavender had stated that the Commission was making special rules for this home occupation, but she doesn't see it. The applicant is requesting fewer visitors and shorter hours than what is currently allowed by the ordinance. She doesn't see any reason to deny this request.

Chair Humphreville said that this type of business was the intent of the ordinance, and individuals who are opposed to a business can always find some kind of language to argue against. Chair Humphreville asked staff the approximate cost of the time and resources staff has spent on this project. Staff replied that approximately \$3,500 to \$3,700 in person hours had gone into this project. Chair Humphreville said that he didn't want to see Home Occupation Permits that do not have legitimate issues creating those kinds of costs for the town. For that reason, he suggested renewing the Home Occupation Permit for three years. He said that he has received dozens of calls in support of this home occupation.

Commissioner Whitten said that he likes this Home Occupation Permit, and it provides culture to our community. He also noted that if this activity was done as a hobby it would be allowed under the current ordinances. He said that he doesn't think that the permit should be approved for a renewal of three years, but would support a renewal for a period of two years.

Commissioner Lavender said he wanted to respond to some comments that had been made about thirty truckloads of rocks being dumped on the road way on a neighboring property. He clarified that only three loads of rocks had be dumped where they encroached on the road intersection, and the rest had been placed further in on the property. He said he would like more time to consider this issue.

Commissioner Drozd said that he would like to clarify that when he said he would approve the permit for one year it was because, while he is all for changing the Town ordinance for Home Occupation Permits to a period of three years, he doesn't want to jump the gun before the ordinance changes.

Commissioner Bridenstine said that she thinks that the Planning Commission set the precedent for a renewal for two years during this meeting.

Chair Humphreville said that he would be fine with a renewal for two years.

## MOTION

Chair Humphreville moved that the Planning Commission find the project exempt from CEQA pursuant to Section 15301 Class 1, existing facilities, and that the Planning Commission approve Home Occupation Permit, HOP 01-14 based upon the information contained within the staff report, all evidence presented at the public hearing and the required findings for a period of two

years, expiring on June 10, 2015, unless a request for renewal and related approval are obtained prior to that date. Motion was seconded by Commissioner Bridenstine. Motion carried 4-1 on a roll call vote.

AYES: Commissioners Bridenstine, Drozd, Whitten and Chair Humphreville.  
 NOES: Commissioner Lavender  
 ABSTAIN: None  
 ABSENT: None

**3. DEVELOPMENT CODE AMENDMENT, DCA 02-14  
 HOME OCCUPATION REGULATIONS**

Deputy Town Manager Stueckle provided the staff report. He provided a brief summary of the history of this item, noting that there had been a prior public hearing on this issue on May 13, 2014 and a public workshop was held on May 27, 2014. It was staff's understanding that there was Planning Commission consensus that the ordinance should be tiered based upon lot size. Staff asked for direction from the Commission.

Chair Humphreville opened the floor to public comments.

**PUBLIC COMMENTS**

- David Cooper, Yucca Valley, said that from a general standpoint he would like to see the Commission relax the standards and extend the time frame for renewal. If all applicants have to go through the process they saw that night, people are either not going to comply or they will choose not move here.
- Margo Sturges, Yucca Valley, said that she believes that Home Occupation Permits should be limited to the home owner. She also said she believed that the requirement that a renter get approval from the landlord had been removed, and that the proposed ordinance would allow large truck signs. She believes that the appeal fee is too high and that multiple houses in the same area should not be allowed to operate the same type of business.
- Fritz Koenig, Yucca Valley, said that he would like agenda items 1 and 2 to be incorporated into the record for agenda item 3. He said that the Town does not inspect Home Occupation Permits each year, and that action is only taken when someone makes a complaint. He also objected to the language allowing the Planning Commission to grant Conditional Use Permits to activities which do not comply with the Home Occupation Permit regulations.

Seeing there were no more individuals wishing to speak, Chair Humphreville closed public comments.

**CLOSE PUBLIC COMMENTS**

Chair Humphreville introduced a discussion of firearm sales as a home occupation.

Commissioner Whitten said that a distinction should be made between home occupations and home based businesses. Commissioners Drozd, Bridenstine, Whitten and Chair Humphreville all said that gun sales should be allowed in some residential zones. There was Commission consensus that firearm sales should be prohibited in multifamily zones. Commissioner Whitten said that he felt that firearm sales should be allowed in RL5 zoning, and didn't think ammunition should be sold on site. Chair Humphreville said that he didn't think firearm sales should be limited to five acre lots, and that if the business was legal and meets the criteria, it should be allowed on half acre lots. He also said that he didn't object to ammo sales as long as it was done as drop shipments and not stored on the property, but he would be ok with restricting it. Commissioner Whitten said he thought firearm sales need the buffer provided by RL lot sizes.

Commissioners Drozd, Bridenstine, and Humphreville said that a half acre or greater lot size might be an appropriate lot size for gun sales. Commissioner Bridenstine clarified that she did not approve of allowing firearm sales, or any traffic generating business, in any of the RS zones, and that they should only be allowed in RL or above. Commissioner Lavender asked about the lot sizes in tracks. Commissioner Whitten said that he thought that firearm sales should be prohibited in RS and RN, but allowed in RL zones. He also said that he liked the additional safety features required in the Zorawicki Conditions of Approval. Chair Humphreville said that the Commission should not try to make standards based on gun size. Staff said they would take the Commission's direction to structure new recommended standards.

Chair Humphreville asked the Commissioners for comments on the purpose section of the draft regulations. Commissioner Whitten said he doesn't want to see any Home Occupations strictly prohibited. He also suggested that staff included language in the draft ordinance adding a sunset clause.

There was a discussion about how to address restrictions in multifamily zones. Commissioner Whitten said he would like to see definitions first and a tiered system. Staff asked if the Commission felt that exempt home occupations which are exempt from permitting should be allowed in multifamily zones. Commissioner Whitten said that he was ok with allowing the occupations listed as exempt allowed in multifamily zones, but would like to see a tiered table. Commissioner Drozd suggested having a set of standards rather than a list of exempt home occupations.

Commissioner Whitten said that he thought that the landlord should have to give approval for a renter's home occupation. Staff said that there was no intent to remove that requirement, and while staff may have missed including that language, getting landlord approval is a requirement of law. Staff said they would include that language.

Chair Humphreville asked for clarification from staff that a business which was listed as prohibited, could be allowed through a Conditional Use Permit. He thinks including a list of prohibited occupations helps clarify what is generally allowed.

Commissioner Bridenstine also suggested getting rid of the list of exempt occupations. There was commission consensus that they would like to see a tiered table.

Staff said that they will take the Commission's direction and work on a new draft of the regulations.

Commissioner Drozd suggested the Commission consider something to address allowing artist to participate in the art tours.

Commissioner Bridenstine said that she likes the tiered idea, and that she would prefer not to add more restrictions, and instead see it taken on a more case by case basis for Conditions of Approval.

Chair Humphreville asked if there were any comments on section G, Review. Commissioner Whitten asked staff if a single Commissioner could appeal a decision made at the Director level. Staff said that is not addressed in the code.

Chair Humphreville introduced a discussion of permit renewal. There was Commission consensus on a renewal period of three years. Commissioner Whitten said that he would like to see an option for extensions. Commissioner Bridenstine disagreed, and pointed out that the staff costs for approving an extension would be comparable to approving a renewal. There was Commission consensus that renewals would happen on the Director level provided that there are no complaints. Commissioner Whitten suggested removing the fee for renewal on permits with no complaints.

The Commissioners had no comments on the sections addressing revocation, or appeals.

Chair Humphreville asked the Commissioners for any general comments they had on Home Occupation Permits.

Commissioner Whitten asked if violation of property maintenance standards was included as a reason for revocation of a Home Occupation Permit. Staff said that being in violation of any code would be a reason for revocation.

## **CONSENT AGENDA**

Chair Humphreville opened the floor to public comments.

## **PUBLIC COMMENT**

- Margo Sturges, Yucca Valley, requested that the minutes submitted to the commission be amended. She felt that the reason for the recess during the May 13, 2014 meeting should be included in the minutes.

## **CLOSE PUBLIC COMMENT**

## **MOTION**

Chair Humphreville moved that the Planning Commission approve the submitted minutes of the meetings held on May 13, 2014 and May 27, 2014. Commissioner Bridenstine seconded. The motion passed unanimously.

## **COMMISSIONER REPORTS AND REQUEST:**

Commissioner Drozd said that it was great seeing everyone at the meeting, but it is difficult to see a divided community. It is important that everyone is heard. He also thanked staff.

Commissioner Lavender apologized for his lack of preparation due to his recent health issues.

Commissioner Whitten thanked the citizens, and he said he appreciates the public coming out. He said that he appreciates what Margo does in the community. He said he would like a public announcement regarding the changed law regarding bicycles. He thanked staff, and said he is looking forward to progressing on the development code.

Commissioner Bridenstine thanked staff for their work, and thanked the public for coming out. She said we are not always going to agree, and that's ok. It take diversity to create a great community. She hopes not to see any more personal vendettas play out in front of the Commission, as it is a misuse of staff and Commission time.

Chair Humphreville thanked staff for their efforts. He said he hopes to complete the Home Occupation Permit regulations.

**ANNOUNCEMENTS:**

The next regular meeting of the Planning Commission is scheduled for June 24, 2014 and 6:00pm.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:04pm.

Respectfully submitted,



Allison Brucker  
Secretary

Approved by the Planning Commission on June 24<sup>th</sup>, 2014.

**NOTICE OF PUBLIC HEARING  
YUCCA VALLEY COMMUNITY CENTER  
57090 29 PALMS HIGHWAY  
YUCCA VALLEY, CALIFORNIA 92284**

**TUESDAY, MAY 13, 2014 - BEGINNING AT 6:00 P.M.**

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE TOWN OF YUCCA VALLEY PLANNING COMMISSION TO CONSIDER THE FOLLOWING DESCRIBED APPLICATION:

**CASE NUMBER:** Development Code Amendment, DCA 02-14  
Home Occupation Permit regulations

**APPLICANT:** Town of Yucca Valley  
58928 Business Center Drive  
Yucca Valley, CA 92284

**PROPOSAL:** Proposed amendment to Title 9, adding Section 9.08.050 of Article 2, and adding Chapter 9.75 of Article 4, of the Yucca Valley Development Code, establishing development regulations and permitting procedures for the operation of Home Occupation Permits.

**LOCATION:** Town wide

**ENVIRONMENTAL DETERMINATION:** The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to implement same. The project is exempt from CEQA under Section 15061(b) (3) since there is no possibility of a significant impact on the environment caused by this amendment.

The proposed amendment to revise the Town's Home Occupation Permit regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 02-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA".

Any person affected by the application(s) may appear and be heard in support of or opposition to the proposal at the time of the hearing. The environmental findings, along the with proposed project application(s) are available and may be reviewed at the Town of Yucca Valley Planning Division, 58928 Business Center Drive, Yucca Valley, CA 92284 from 7.30 a.m. to 5:30 p.m., Monday through Thursday or obtain information at (760) 369-6575.

The Planning Commission in its deliberation could recommend approval of the project, deny the project, or approve the project in an alternative form. If you challenge any of the projects in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Town Planning Division at, or prior to the Public Hearing.

Publish Date: Published on April 30, 2014

April 22, 2014

Date

/s/ Lesley R. Copeland

Lesley R. Copeland  
Town Clerk



## PLANNING COMMISSION STAFF REPORT

**To:** Chairman & Planning Commission  
**From:** Shane Stueckle, Deputy Town Manager  
**Date:** June 25, 2014  
**For Commission Meeting:** July 08, 2014

**Subject:** Development Code Amendment, DCA-01-14  
Draft Development Code Article 2  
Zoning Districts and Development Standards

**Prior Commission Review:** The Planning Commission discussed this item at the meetings of March 26, 2013, April 22, 2014, May 13, 2014 and June 24, 2014.

**Recommendation:** That the Planning Commission reviews the draft article, takes public comment and provides direction to staff.

**Executive Summary:** As part of the Development Code Update project, the Planning Commission received a presentation on Article 2 at the meetings of March 26, 2013, April 22, 2014, May 13, 2014 and June 24, 2014.

Article 2 establishes the Town's zoning districts and zoning map and provides land use standards and development requirements for the zoning districts and overlay districts.

### Order of Procedure:

- Request Staff Report
- Open the Public Hearing
- Request Public Comment
- Close the Public hearing
- Commission Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Voice Vote)

**Discussion:** Article 2, Zoning Districts and Development Standards, establishes the Town's zoning districts and zoning map and provides land use standards and development requirements for the zoning districts and overlay districts.

Department Report  
 Consent

Ordinance Action  
 Minute Action

Resolution Action  
 Receive and File

Public Hearing  
 Study Session



Eighteen Chapters are established within Article 2, and those Chapters are structured in the following manner:

Chapter 9.05	Zoning Districts and Zoning Maps
Chapter 9.06	Land Use Standards and Permit Requirements
Chapter 9.07	Residential and Hillside Reserve Districts
Chapter 9.08	Standards and Regulations for Specific Use in Residential and Hillside Reserve Districts
Chapter 9.09	Commercial Districts
Chapter 9.10	Industrial Districts
Chapter 9.11	Mixed Use Districts
Chapter 9.12	Public/Quasi Public and Open Space Districts
Chapter 9.13	Specific Plan Districts
Chapter 9.14	Standards and Regulations for Specific Uses in Non-Residential Districts
Chapter 9.15	Overlay Districts
Chapter 9.16	Airport Safety Overlay District
Chapter 9.17	Fire Safety Overlay District
Chapter 9.18	Flood Plain Safety Overlay
Chapter 9.19	Geologic and Seismic Hazards Overlay
Chapter 9.20	Hillside Overlay District
Chapter 9.21	Large Animal Overlay District
Chapter 9.22	Specific Plan Overlay District



**Chapter 9.05 Zoning Districts and Zoning Maps**

Identifies and establishes the base zoning districts and overlay zones.

**Chapter 9.06 Land Use Standards and Permit Requirements**

Establishes Town requirements for the approval of proposed development.

**Chapter 9.07 Residential and Hillside Reserve Districts**

Establishes the permitted uses and development standards for residential zoning districts .

**Chapter 9.08 Standards and Regulations for Specific Use in Residential and Hillside Reserve Districts**

Provides development standards for specific land uses that are allowed within Residential zoning districts.

**Chapter 9.09 Commercial Districts**

Provides development standards for land uses that are allowed within Commercial zoning districts.

**Chapter 9.10 Industrial Districts**

Provides development standards for land uses that are allowed within Industrial zoning districts.

**Chapter 9.11 Mixed Use Districts**

Provides development standards for land uses that are allowed within the Mixed Use zoning district.

**Chapter 9.12 Public/Quasi Public and Open Space Districts**

Provides development standards for land uses that are allowed within the Public/Quasi Public and Open Space zoning district.

**Chapter 9.13 Specific Plan Districts**

Established to provide for flexibility, innovative use of land resources and a variety of housing and other development types for a property or group of properties.

**Chapter 9.14 Standards and Regulations for Specific Uses in Non-Residential Districts**

Provides development standards for specific land uses that are allowed within Non-Residential zoning districts.

**Chapter 9.15 Overlay Districts**

Established to supplement the regulations and development standards of the underlying zoning district.



**Chapter 9.16 Airport Safety Overlay District**

Establishes requirements for land use compatibility for designated areas in close proximity to a public use airport or heliport.

**Chapter 9.17 Fire Safety Overlay District**

Established to provide greater protect in areas prone to brush fires.

**Chapter 9.18 Flood Plain Safety Overlay**

Establishes regulations for development and construction within flood prone areas.

**Chapter 9.19 Geologic and Seismic Hazards Overlay**

Establishes investigation requirements for areas that are subject to potential geologic problems.

**Chapter 9.20 Hillside Overlay District**

Establishes regulations for development within hillside areas to protect significant features of the natural topography and to discourage development that will increase hazards to public safety.

**Chapter 9.21 Large Animal Overlay District**

Established to allow properties to have an increased number of animals and allows for reduced setbacks for animal keeping activity.

**Chapter 9.22 Specific Plan Overlay District**

Established to provide for a coordinated level of site planning for specific properties, to ensure a more precise level of planning than ordinarily possible under the Development Code including land uses, infrastructure, open space and natural resources.

**Alternatives:** The Planning Commission may elect to make recommended changes to the Article.

**Fiscal impact:** This Ordinance is included in the Town's contract for the Development Code Update project. No additional costs are incurred beyond existing contract services.

**Attachments:**

Article 2, Zoning Districts and Development Design Standards  
Minutes from March 26, 2013 and April 22, 2014  
Notice of Hearing



# Article 2: Zoning Districts and Development Standards

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## Chapter 9.05 Zoning Districts and Zoning Maps

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### Sections:

- 9.05.020 – Purpose
- 9.05.030 – Establishment of Base Zoning and Overlay Districts
- 9.05.040 – Official Zoning Map
- 9.05.050 – Rights-of-way and Vacated Boundary Lines
- 9.05.060 – Determination of Boundaries

### 9.05.020 – Purpose

This Chapter identifies and establishes base zoning districts and the overlay zones.

### 9.05.030 – Establishment of Base Zoning and Overlay Districts

**General.** The Town is divided into zoning districts to allow for the orderly development of the Town and to implement the General Plan. Table 2-1 identifies all zones. All zones shall be listed and appropriately designāted on the official Zoning Map.

**Base District.** Every parcel shall have a base zone that establishes the primary type and intensity of land use permitted, along with development regulations for that particular type and intensity of land use. The Base Zoning Districts are described in Chapters 9.07 through Chapters 9.12.

**Overlay District.** An overlay zoning district supplements the base zone for the purpose of establishing special use or development regulations for a particular area in addition to the provisions of the underlying base zone. In the event of conflict between the base zone regulations and the overlay zone regulations, the provisions of the overlay zone shall apply. The Overlay Zoning Districts are described in Chapters 9.15 through Chapters 9.22.

**TABLE 2-1:  
BASE ZONING DISTRICTS IMPLEMENTING THE GENERAL PLAN**

Zoning Map Symbol	Zone Description	Corresponding General Plan Land Use Designation
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**Residential Zones**

R-HR	Hillside Reserve District – 1 unit/20 acres	Hillside Residential Reserve (R-HR)
RL-10	Rural Living District – 1 unit/10 acres	Rural Living (RL-10)
RL-5	Rural Living District – 1 unit/5 acres	Rural Living (RL-5)
RL-2.5	Rural Living District – 1 unit/2.5 acres	Rural Residential Living (RRL-2.5)
RL-1	Rural Living District – 1 unit/acre	Rural Residential Living (RRL-1)
RS-2	Single-Family Residential District – 2 units/acre	Rural Residential Single-Family (RR-0.5 R-S-2)
RS-3.5	Single-Family Residential District – 3.5 units/acre	Low Density Residential Single Family (LDR R-S-3.5)
RS-5	Single-Family Residential District – 5 units/acre	Low Density Residential Single Family (LDR R-S-5)
RM-4	Multi-Family Residential – 4 units/acre	Low Density Residential Multi-Family (LDR R-M-4)
RM-8	Multi-Family Residential – 8 units/acre	Medium Density Residential Multi-Family (MDR R-M-8)
RM-10	Multi-Family Residential – 10 units/acre	Medium High Density Residential Multi-Family-(MHDR R-M-10)
RM-14	Multi-Family Residential – 14 units/acre	Medium High Density Residential Multi-Family-(MHDR R-M-14)

**Commercial Zones**

C-N	Neighborhood Commercial	Neighborhood Commercial (C-N)
C-G	General Commercial	General Commercial (C-G)
C-C	Community Commercial	Community Commercial (C-C)
C-O	Office Commercial	Office Commercial (C-O)
C-MU	Commercial Mixed-Use	Mixed Use Commercial-(C-MU)
C-RR	Resort Recreation Commercial	Resort/Recreation Commercial (C-RR)
C-S	Service Commercial	Service Commercial (C-S)

I	Industrial	Industrial (I)
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**Special Purpose Zones**

P/QP	Public/Quasi Public	Public/Quasi-Public (P/QP)
OS	Open Space	Open Space (O-S)
SP	Specific Plan	Specific Plan Overlay (SP)

**TABLE 2-X:  
OVERLAY ZONING DISTRICTS**

Zoning Map Symbol	Overlay District Description
(AR-1), (AR-2), (AR-3)	Airport Safety Overlay Districts 1, 2, and 3
(FS)	Fire Safety Overlay District
(FP-1), (FP-2), (FP-3)	Flood Plain Safety Overlay Districts 1, 2, and 3
(GH)	Geologic and Seismic Hazards Overlay District
(HS)	Hillside Overlay District
(LA)	Large Animal Overlay District
(SP)	Specific Plan Overlay District

#### 9.05.040 – Official Zoning Map

The official Zoning Map, together with the legend, symbols, notations, references, district boundaries and other information thereon, shall be a part of the Development Code and shall be adopted concurrently with the Development Code. Changes, additions, and amendments to the Zoning Map shall be adopted by ordinance and shall be processed, considered, and adopted in compliance with Chapter 9.63 (Amendments to Development Code and Zone Changes). The Official Zoning Map shall be kept on file with the Town Clerk and shall constitute the original record.

#### 9.05.050 – Rights-of-way and Vacated Boundary Lines

Where a public street or alley is officially vacated or abandoned, the property encompassed by said street or alley shall be included within the zone or zones of the adjoining properties. If the adjoining properties are in different zones, the boundary lines shall be the centerline of the former street or alley and the extension of the side yard lines of the abutting properties. In the event such street, alley, or right-of-way was a boundary between two or more different zones, the new zone or zone boundary shall be the property line that is created by such vacation.

#### 9.05.060 – Determination of Boundaries

- A. If there is uncertainty about the location of a zone boundary shown on the official Zoning Map, the Director shall determine the location of the boundary in the following manner, except as provided in Section 9.05.0560 (Rights-of-way and Vacated Boundary Lines), above:
1. Where a zone or area boundary approximately follows a lot line, street or alley line, the lot line, street centerline, or alley centerline shall be construed as the zone boundary;
  2. Where a zone or area boundary divides a lot and the boundary line location is not specified by distances indicated on the subject map, the location of the boundary shall be determined by using the scale appearing on the map;
  3. Where a public street or alley is officially vacated or abandoned, the regulations applicable to the property to which it reverts shall apply to the vacated or abandoned street or alley.
- B. If the Director determines that the above rules do not resolve uncertainty about a boundary location, the Commission shall determine the location of the boundary.

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## Chapter 9.06 Land Use Standards and Permit Requirements

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### Sections:

9.06.010 – Purpose

9.06.020 – General Requirements of Development and New Land Uses

9.06.030 – Permitted Land Uses and Planning Permit Requirements

### 9.06.010 – Purpose

This Chapter describes the Town's requirements for the approval of proposed development and new land uses. The planning permit procedures established by this Development Code for specific types of development are in Chapters 9.63 through 9.78

### 9.06.020 – General Requirements of Development and New Land Uses

Each land use and/or structure shall be established, constructed, reconstructed, altered, moved or replaced in compliance with the following requirements.

- A. **Permitted Use.** The land use shall be allowed by this Development Code in the zoning district applied to the site. The basis for determining whether a use is allowed is described in Section 9.06.030 (Permitted Land Uses and Planning Permit Requirements).
- B. **Permit and Approval Requirements.** Any planning permit or other approval required by Section 9.06.030 (Permitted Land Uses and Planning Permit Requirements) shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 9.XX.XXX (Exemptions from Planning Permit Requirements). (can't find)
- C. **Development Standards, conditions of approval.** Each land use and structure shall comply with the development standards of this Article, ~~applicable standards and requirements in Article 2 (Zoning Districts and Development Standards), Article 3 (General Development Standards) and any applicable conditions imposed by a previously granted planning permit.~~
- D. **Legal parcel.** The site of a proposed development or new land use shall be a parcel that was legally created in compliance with the Subdivision Map Act and Article 6 (Subdivisions).

### 9.06.030 – Permitted Land Uses and Planning Permit Requirements

- A. **Permitted Land Uses.** The uses of land allowed by this Development Code in each zoning district are listed in Chapters 9.07 through 9.12, together with the type of planning permit required for each use. Each listed land use is defined in Article 7 (Definitions).

1. Establishment of a Permitted Use.
  - a. Any one or more land uses identified by the land use tables in Chapters 9.07 through 9.12 as being allowed within a specific zoning district may be established on any parcel within that zoning district, subject to the planning permit requirements of Subsection (B), and compliance with all applicable requirements of this Development Code.
  - b. Where a single parcel is proposed for development with two or more permitted land uses, the overall project shall be subject to the highest permit level required by the planning permit requirements of Subsection (B) for any individual use.
2. Use Not Listed.
  - a. A use not listed in any land use table in Chapters 9.07 through 9.12, and determined by the Director to not be included in Article 7 (Definitions) under the definition of a listed land use, is not allowed except as otherwise provided in Section 9.XX.XXX (Exemptions from Planning Permit Requirements).
  - b. A use that is not listed in a land use table within a particular zoning district is not allowed within that district, except as otherwise provided in Section 9.XX.XXX (XXX).
3. Similar and Compatible Use May be Allowed. The Director may determine that a proposed land use not listed in any land use table or Article 7 (Definitions) is allowed as follows:
  - aA. Required Findings. The Director may determine that a proposed use is similar to, and compatible with a listed use and may be allowed, only after first making all of the following findings with the determination:
    - (1) The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the district;
    - (2) The use will be consistent with the purposes of the applicable zoning district;
    - (3) The use will be consistent with the General Plan, and any applicable specific plan;
    - (4) The use will be compatible with the other uses allowed in the zoning district, ~~and~~
  - b. Findings in Writing. A determination that a use qualifies as a similar and compatible use, and the findings supporting the determination, shall be in writing.
  - c. Applicable Standards and Permit Requirements. When the Director determines that a proposed, but unlisted, use is similar and compatible to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.

- d. Referral for Determination. The Director may refer the question of whether a proposed use qualifies as a similar and compatible use directly to the Commission for a determination.
- e. Appeal. A determination of similar and compatible use may be appealed in compliance with Chapter 9.81 (Appeals).

**B. Permit requirements.** Chapters 9.07 through 9.13 provide tables showing allowed land use types that are:

- 1. "P" Uses. Permitted use, subject to compliance with all applicable provisions of this Development Code and the California Building Code. These are shown as "P" uses in the tables.
- 2. "CUP" Uses. Allowed projects subject to approval of a Conditional Use Permit (Chapter 9.634), and shown as "CUP" uses in the tables. Conditional Use Permits are approved by Commission and are subject to the California Environmental Quality Act (CEQA). Review of such uses is necessary and specific conditions of approval may be necessary to ensure that the uses are developed, operated, and located properly with respect to their effects on surrounding properties and so that any and all potentially adverse impacts are mitigated, and to ensure the general health, safety and welfare of the community through implementation of the General Plan through this Chapter.
- 3. "SUP" Uses. Allowed subject to the approval of a Special Use Permit (Chapter 9.6973), and shown as "SUP" uses in the tables. Special Use Permits are subject to the approval of the Director, with public notice. Review of such uses is necessary and specific conditions of approval may be necessary to ensure that the uses are developed, operated, and located properly with respect to their effects on surrounding properties and so that any and all potentially adverse impacts are mitigated, and to ensure the general health, safety and welfare of the community through implementation of the General Plan through this Chapter.
- 4. "HOP" Uses. Allowed subject to the approval of a Home Occupation Permit (Section 9.08.050), and shown as "HOP" in the uses table. Home Occupation permits are subject to the approval of the Director, with public notice. Review of such uses is necessary and specific conditions of approval may be necessary to ensure that the uses are developed, operated, and located properly with respect to their effects on surrounding properties and so that any and all potentially adverse impacts are mitigated, and to ensure the general health, safety and welfare of the community through implementation of the General Plan through this Chapter.
- 5. "SPR" Uses. New construction and certain expansions for uses identified as "SPR" in the tables are subject to a Site Plan and Design Review (Chapter 9.6872) and are approved by Commission and are subject to the California Environmental Quality Act (CEQA). The Site Plan Review procedure is intended to protect and enhance the visual appeal, environment, economic stability and property values of the Town's residential,

commercial, and industrial areas through the application of the provisions of this Code and the General Plan.

6. "TSEP" Uses. Allowed subject to the approval of a Temporary Special Event Permit (Chapter 9.716), and shown as "TSEP" uses in the tables. Temporary Special Event Permits are subject to the approval of the Director, without public notice. Temporary Special Event Permits provide for the review of events specified in this Development Code, in order to minimize any adverse effects on surrounding properties and infrastructure or on the public health, safety and welfare.
7. "TUP" Uses. Allowed subject to the provisions in Chapter 9.39XX (Temporary Structures and Uses) and approval of a Temporary Use Permit (Chapter 9.727), and shown as "TUP" uses in the tables. Temporary Use Permits are subject to the approval of the Director, without public notice. Temporary Use Permits provide for the review of temporary accessory uses and for temporary uses related to current and ongoing construction activities that are not otherwise permitted or regulated in this Development Code in order to minimize any adverse effects on surrounding properties and infrastructure or on the public health, safety and welfare.
8. "PD" Uses. Allowed subject to the approval of a Planned Development Permit (Chapter 9.670) and shown as "PD" uses in the tables. PD permits are reviewed by Commission and approved by Council, and are subject to the California Environmental Quality Act (CEQA). Planned Development Permits are intended to facilitate development of properties where greater flexibility in design is desired to provide a more efficient use of land than would be possible through strict application and land use district regulations. This process is also intended to serve as an alternate site planning process that encourages more creative and imaginative planning of mixed use multi-phased residential, commercial or industrial development within the framework of a single cohesive development plan.
9. "--" Uses. Not allowed in particular zoning districts, and show as "--" in tables.

- C. **Additional Permit Requirements.** A land use authorized through the approval of a Site Plan and Design Review Permit, Land Use Compliance Review, Conditional Use Permit, Planned Development Permit, or other permit required by this Article may also require a Building Permit and/or other permit required by the Town Code.

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## Chapter 9.07 Residential and Hillside Reserve Districts

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### Sections:

- 9.07.010 – Purpose
- 9.07.020 – General Provisions
- 9.07.030 – Residential Zoning Districts
- 9.07.040 – Permitted Uses and Permit Requirements
- 9.07.050 – Development Standards
- 9.07.060 – Accessory Structures and Uses
- 9.07.070 – Antennas
- 9.07.080 – Drainage, On-Site Retention, and Dust Control
- 9.07.090 – Fences, Walls, and Hedges
- 9.07.110 – Manufactured Home and Single Family Residential Construction Standards
- 9.07.120 – Outdoor Lighting
- 9.07.130 – Projections and Encroachments into Required Setback Areas and Above Height Limits

### 9.07.010 – Purpose

These zones are established to implement the Hillside Reserve, Rural Living, Residential Single Family, and Residential Multi-Family land use designations of the General Plan. The various designations are intended to provide a range of residential densities from Hillside Reserve lands constrained by topography to higher density multi-family designations. The standards, uses and densities allowed in these zones are intended to maintain a character consistent and compatible with residential neighborhoods.

### 9.07.020 – General Provisions

- A. **Hillside Reserve.** The specific purpose of the hillside reserve zoning district regulations and standards are to:
1. Provide for limited single-family residential development within hillside areas and similarly constrained areas and provide the greatest potential for open space preservation and managed animal keeping.
  2. Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental impacts.
  3. Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment.

4. Insure the provision of public services and facilities needed to accommodate planned population densities.

**B. Residential.** The specific purpose for the residential zoning district regulations and standards are to:

1. Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental impacts.
2. Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment.
3. Insure the provision of public services and facilities needed to accommodate planned population densities.

#### 9.07.030 – Residential Zoning Districts

**A. Hillside Reserve (R-HR).** The R-HR zoning district is established to provide areas for the development of hillside residential uses and similar and compatible uses and includes the following designations.

1. Hillside Reserve District (R-HR): 1 dwelling unit/20 acres

No more than one dwelling unit is allowed on each lot, except as otherwise provided in Section 9.08.080 (Second Dwelling Units).

**B. Rural Living Districts (RL).** The RL zoning districts are established to provide areas for the development and preservation of residential uses, incidental agricultural uses, and similar and compatible uses. There are four RL residential zones that provide a variety of living environments based upon the required minimum gross lot size.

1. Rural Living District (RL-10): 1 dwelling unit/10 acres
2. Rural Living District (RL-5): 1 dwelling unit/5 acres
3. Rural Living District (RL-2.5): 1 dwelling unit/2.5 acres
4. Rural Living District (RL-1): 1 dwelling unit/acre

No more than one dwelling unit is allowed on each lot, except as otherwise provided in Section 9.08.080 (Second Dwelling Units).

**C. Single-Family Residential Districts (RS).** The RS districts are established to provide areas for the development and preservation of residential subdivisions consisting of detached residences and accessory uses compatible with the residential use of the zone and includes the following designations. There are three single-family (RS) residential zones that provide a variety of living environments based upon the required minimum net lot size. No more than one dwelling unit is

allowed on each lot, except as otherwise provided in Section 9.08.080 (Second Dwelling Units). Required minimum lot sizes for each of the three zones are as follows:

1. Single-Family Residential District (RS-2): 2 dwelling units/acre
2. Single-Family Residential District (RS-3.5): 3.5 dwelling units/acre
3. Single-Family Residential District (RS-5): 5 dwelling units/acre

**D. Multi-Family Residential District (RM).** The RM zone is established to accommodate higher-density, multi-story residential development, with a focus on providing an intensity and function at locations within close proximity to recreation and community facilities and commercial services and includes the following designations.

1. Multi-Family Residential District (RM-4): up to 4 dwelling units/acre
2. Multi-Family Residential District (RM-8): up to 8 dwelling units/acre
3. Multi-Family Residential District (RM-10): up to 10 dwelling units/acre
4. Multi-Family Residential District (RM-14): up to 14 dwelling units/acre

#### 9.07.040 – Permitted Uses and Permit Requirements

Table 2-X identifies the uses of land allowed by this Development Code in each residential zoning district established by Chapter 9.05 (Zoning Districts and Zoning Maps).

All uses listed in the following table are subject to the applicable standards of this Development Code and the permit requirements referenced in the Notes and Other Regulations column and in Section 9.06.030B, Permit Requirements.

Pursuant to Section 9.06.030 (A)(3) – Similar and Compatible Uses May be Permitted. The Director may determine that a proposed use is permitted, provided that the Director makes the required findings that the proposed use is similar, compatible and consistent with the uses described in the table, the purposes, and the General Plan.

**TABLE 2-X:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR RESIDENTIAL AND HILLSIDE RESERVE ZONING DISTRICTS**

Zoning Districts		R-HR: Residential Hillside Reserve		RL: Rural Living	
		RS: Residential, Single-Family		RM: Residential, Multi-Family	
Permit Required					
P: Permitted		TSEP: Temporary Special Event Permit		SPR: Site Plan and Design Review	
CUP: Conditional Use Permit		TUP: Temporary Use Permit		PD: Planned Development Permit	
SUP: Special Use Permit		HOP: Home Occupation Permit		--: Not Allowed	
Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
<b>Residential</b>					
Single-Family Dwelling Unit	P	P	P	P	Pursuant Residential District Standards 9.XX.XXX
Accessory Structures and Uses	P	P	P	P	Permitted only in conjunction with an approved dwelling unit. Includes uses that are accessory or incidental to the primary use of the same property. Pursuant to Section 9.XX.XXX Accessory Structures and Uses.
Garage and Yard Sales	P	P	P	P	
Home Occupation	HOP	HOP	HOP	HOP	Permitted with a Home Occupation Permit, pursuant to Section 9.XX.XXX Home Occupations.
Manufactured/Mobile Home Unit	P	P	P	P	Pursuant to Section 9.XX.XXX
Mobile Home and Recreational Vehicle Parks	CUP	CUP	CUP	CUP	Pursuant to Section 9.XX.XXX Manufactured Housing, Mobile Home and Recreational Vehicle Parks.
Multi-Family Dwellings (1-3 units)	--	--	--	P	Pursuant to Multi-Family Residential Standards 9.XX.XXX
Multi-Family Dwellings (4 or more units)	--	--	--	SPR	Pursuant to Multi-Family Residential Standards 9.XX.XXX
Planned Residential Development	PD	PD	PD	PD	Pursuant to Section 9.XX.XXX
Second Dwelling Unit	P	P	P	P	Pursuant Section 9.XX.XXX
<b>Care Uses</b>					
Child Day Care, Small Family	P	P	P	P	Eight or fewer children, pursuant Residential District Standards, Section 9.XX.XXX
Child Day Care, Large Family	SUP	SUP	SUP	SUP	Nine to fourteen children, pursuant Residential District Standards, Section 9.XX.XXX

**TABLE 2-X:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR RESIDENTIAL AND HILLSIDE RESERVE ZONING DISTRICTS**

Zoning Districts		R-HR: Residential Hillside Reserve		RL: Rural Living	
		RS: Residential, Single-Family		RM: Residential, Multi-Family	
Permit Required					
P: Permitted		TSEP: Temporary Special Event Permit		SPR: Site Plan and Design Review	
CUP: Conditional Use Permit		TUP: Temporary Use Permit		PD: Planned Development Permit	
SUP: Special Use Permit		HOP: Home Occupation Permit		--: Not Allowed	
Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
Child Day Care Center	CUP	CUP	CUP	CUP	Fifteen or more children, pursuant to Section 9.XX.XXX
Social Care Facility, Six or fewer	P	P	P	P	Includes but is not limited to elderly care and sober living facilities. Pursuant to Residential District Standards Section 9.XX.XXX
Social Care Facility, Seven or more	CUP	CUP	CUP	CUP	Includes but is not limited to elderly care and sober living facilities. Pursuant to Section 9.XX.XXX Residential/Social Care Facilities
Agriculture and Animal Related					
Animal Keeping of densities allowed by Section 9.XX.XXX	P	P	P	P	Pursuant to Section 9.XX.XXX, Animal Keeping
Animal Keeping, Breeding/Raising of densities greater than those specified by Section 9.XX.XXX	SUP	SUP	SUP	SUP	Animal raising over densities allowed require a Special Use Permit, Pursuant to Section 9.XX.XXX
Commercial or Private Kennels and Catteries	CUP	CUP	--	--	Pursuant to Section 9.XX.XXX, minimum 1 acre parcel size
Exotic Animals	SUP	SUP	SUP	SUP	Pursuant to Section 9.XX.XXX
Horticulture (for private use), including growing fruit, flowers, ornamental plants, and vegetables	P	P	P	P	Permitted as a use that is incidental to the primary use
Agriculture (for commercial use), not including animal husbandry or stockyards	CUP	CUP	CUP		Including, but not limited to row, field, tree, and nursery crop cultivation
Other Uses					
Bed and Breakfast/Lodging	SUP	SUP	SUP	SUP	Pursuant to Section 9.XX.XXX
Temporary Special Events	TSEP	TSEP	TSEP	TSEP	Pursuant to Section 9.XX.XXX
Temporary Uses	TUP	TUP	TUP	TUP	Pursuant to Section 9.XX.XXX
Cemeteries	CUP	CUP	--	--	Pursuant to Section 9.XX.XXX

**TABLE 2-X:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR RESIDENTIAL AND HILLSIDE RESERVE ZONING DISTRICTS**

Zoning Districts		R-HR: Residential Hillside Reserve		RL: Rural Living	
		RS: Residential, Single-Family		RM: Residential, Multi-Family	
Permit Required					
P: Permitted		TSEP: Temporary Special Event Permit		SPR: Site Plan and Design Review	
CUP: Conditional Use Permit		TUP: Temporary Use Permit		PD: Planned Development Permit	
SUP: Special Use Permit		HOP: Home Occupation Permit		--: Not Allowed	
Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
<b>Recreation, Education, and Public Assembly Uses (Institutional Uses)</b>					
Arboretums, Botanical Gardens, Historic and Monument Sites, Zoos	CUP	CUP	CUP	CUP	Pursuant to Section 9.XX.XXX
Campgrounds	CUP	CUP	-	-	Pursuant to Section 9.XX.XXX
Religious Institutions, Religious Assembly, and other Public Assembly	CUP	CUP	CUP	CUP	Pursuant to Section 9.XX.XXX
Conference Centers/Group Camps	CUP	CUP	--	--	Pursuant to Section 9.XX.XXX
Governmental Facility	CUP	CUP	CUP	CUP	
Hospitals and Convalescent Homes	CUP	CUP	CUP	CUP	Pursuant to Section 9.XX.XXX
Museum, Art Gallery, Library, and Associated Outdoor Exhibits	CUP	CUP	CUP	CUP	Pursuant to Section 9.XX.XXX
Park/Playground	SPR	SPR	SPR	SPR	
Schools (Public and Private)	CUP	CUP	CUP	CUP	Pursuant to Section 9.XX.XXX
Sports and Recreation Facility (commercial operations open to the general public)	CUP	CUP	CUP	CUP	Including, but not limited to archery and gun ranges, equestrian facilities, golf courses, hunting clubs, off-road vehicle parks, and tennis and swim clubs.
Sports or Entertainment Assembly	--	CUP	--	--	Including, but not limited to racetracks and stadiums, and Per Location Criteria and Performance Standards, Section 9.XX.XXX
Indoor Archery and Gun Ranges	CUP	CUP	CUP	CUP	
Outdoor Archery and Gun Ranges	CUP	CUP	--	--	
Off Road Vehicle Parks	CUP	CUP	--	--	
<b>Transportation, Communication and Infrastructure</b>					

**TABLE 2-X:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR RESIDENTIAL AND HILLSIDE RESERVE ZONING DISTRICTS**

Zoning Districts		R-HR: Residential Hillside Reserve	RL: Rural Living	RS: Residential, Single-Family	RM: Residential, Multi-Family
Permit Required					
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CUP: Conditional Use Permit		TUP: Temporary Use Permit		PD: Planned Development Permit	
SUP: Special Use Permit		HOP: Home Occupation Permit		--: Not Allowed	
Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
Communication Facility	CUP	CUP	--	--	Including, but not limited to, radio and television stations or towers, satellite receiving stations, but not wireless telecommunication facilities
Transmission utility lines, pipelines, and control stations	CUP	CUP	CUP	CUP	
Solar/Wind or other Alternative Energy Accessory	P	P	P	P	Pursuant to Section 9.45, permitted as a use that is incidental/accessory to the primary use
Solar/Wind or other Alternative Energy, primary use	--	--	--	--	Pursuant to Section 9.464, <u>not</u> permitted as a primary use
Utility and Service Uses and Structures	CUP	CUP	CUP	CUP	Electrical Power Generation, Transportation Facilities (Airports, Bus Stations, Carpool Facilities), and Sewage Treatment and Disposal Facilities, require General Plan Amendment and Zone Change to Public/Quasi Public designation
Wireless Telecommunication Facilities	CUP	CUP	CUP	CUP	Pursuant to Chapter 9.XX

**9.07.050 – Development Standards**

Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and established in compliance with the requirements in Table 2-X, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3 (General Development Standards).

If a parcel is also located within an Overlay District, see Chapter 9.15 (Overlay Districts). In the event of conflict between the base zone regulations and the overlay zone regulations, the provisions of the overlay zone shall apply. The Overlay Zoning Districts are described in Chapters 9.XX through Chapters 9.XX.

**TABLE 2-X:  
RESIDENTIAL ZONING DISTRICTS DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District			
	R-HR	RL	RS	RM <sup>1</sup>
<b>Minimum Lot Size<sup>2</sup></b>	20 acres	RL-1: 1 ac. RL-2.5: 2.5 ac. RL-5: 5 ac. RL-10: 10 ac.	RS-5: 6,000 sf. RS-3.5: 7,200 sf. RS-2: 18,000 sf.	18,000 sf.
<b>Minimum Lot Dimensions</b> (W: width; D: depth)	W: 150 ft. D: 150 ft.	W: 150 ft. D: 150 ft.	< 1 ac: W: 60 D: 100 ft. ≥ 1 ac: W: 150 ft D: 150 ft.	W: 100 ft. D: 150 ft.
<b>Minimum Street Frontage</b>	150 ft	100 ft.	< 1 ac: 60 ft. ≥ 1 ac: 100 ft.	60 ft.
<b>Maximum Lot Dimensions</b> (width to depth)	1:4	< 10 ac.: 1:4 ≥ 10 ac.: 1:3	< 10 ac.: 1:4 ≥ 10 ac.: 1:3	--
<b>Maximum Density</b> (dwelling units [du <sup>4</sup> ]/acres [ac])	1 du/ 20 acres	RL-1: 1du/ ac. RL-2.5: 1 du/2.5 ac. RL-5: 1 du/5 ac. RL-10: 1 du /10 ac.	RS-5: 5 du/ac RS-3.5: 3.5 du/ac RS-2: 2 du/ac	RM-4: 4 du/ac RM-8: 8 du/ac RM-10: 10 du/ac RM-14: 14du/ac
<b>Setbacks</b>	Minimum setbacks required unless different setbacks are delineated on Final Map, Parcel Map, Composite Development Plan, or are allowed pursuant to Section 9.XX.XXX (XXX) Projection into Yards.			
Front	75 ft.	25 ft.	25 ft.	20 ft.
Rear	75 ft.	15 ft.	15 ft.	10 ft. per story <sup>5</sup>
Side – Street Side	75 ft.	Arterial: 25 ft. Collector: 25 ft. Local: 15 ft.	Arterial: 25 ft. Collector: 25 ft. Local: 15 ft.	Arterial: 25 ft. Collector: 25 ft. Local: 15 ft.
Side – Interior (each)	75 ft.	15 ft.	5 ft on one side, 10 ft on other,	10 ft. per story <sup>5</sup>
<b>Lot Coverage</b>	Maximum percentage of total lot area that may be covered by structures.			
	20%	20%	40%	60%
<b>Height Limit</b>	Architectural features and equipment may exceed height pursuant to Section 9.XX.XXX			
	35 ft.	35 ft.	35 ft.	40 ft.

**TABLE 2-X:  
RESIDENTIAL ZONING DISTRICTS DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District			
	R-HR	RL	RS	RM <sup>1</sup>
Minimum District Size	100 acres	30 acres	10 acres	10 acres
Parking	See Chapter 9.XX Parking and Loading Requirements) for additional parking regulations			
	2 parking spaces per unit within a garage or carport, with minimum interior clearance of 18 ft. width for two spaces and 19 ft. length.			See Chapter 9.XX
Accessory Structures	See Section 9.XX.XXX (Accessory Structures and Uses). Accessory structures have the same setback requirements as primary structures, except they may encroach within 3 feet of rear property line, but not occupy more than 25 % of the required rear yard.			
Other Applicable Standards	See Article 3 – General Development Standards including the following standards: <ul style="list-style-type: none"> <li>• Dedications and Infrastructure Improvement Standards – Chapter 9.XX (Also, see Section 9.07.110.A.8 Dedication and Infrastructure Requirements for Single Family)</li> <li>• Landscaping and Native Plant Protection – Chapter 9.XX</li> <li>• Performance Standards – Chapter 9.XX, relating avoiding adverse impact to adjoining properties relating to fire, explosive, or other hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness; electrical or other disturbance</li> <li>• Property Maintenance Standards – Chapter 9.XX</li> <li>• Signs – Chapter 9.XX</li> <li>• Solar Energy Systems – Chapter 9.XX</li> <li>• Wind Energy Systems – Chapter 9.XX</li> <li>• Wireless Communications Facilities – Chapter 9.XX</li> </ul>			

**Notes:**

1. See Section 9.08.XX for additional standards for the Multiple Residential Zoning District.
2. The above referenced acreages that are equal to one acre or more refers to gross acreage (total acreage including streets/infrastructure), less than one acre refers to net acreage (acreage not including streets, sidewalks, infrastructure).
3. Map suffix: the number placed after the zoning district initial is the allowable dwelling units (du) per one acre.
4. du: Dwelling Unit
5. One-story buildings are required to have a rear and interior side setback of 10 feet; two-story buildings are required to have a rear and interior side setback of 20 feet (for each additional story an additional 10 feet are required).

**9.07.060 – Accessory Buildings Structures and Uses**

Residential accessory buildings structures include any of those customarily related to a residence, including garages, greenhouses, storage sheds, studios, barns, workshops, guest house, and similar structures.

- A. General Development Standards.** Any new accessory buildings requiring a building permit shall be subject to the following standards in Table 2-X (Accessory Building Structure Development Standards).

1. Zoning District Regulations Applicable. Unless otherwise provided, accessory buildings structures and uses shall be subject to the same regulations as the primary building structure or use. Accessory buildings structures shall have the same setback requirements as primary buildings structures, except pursuant to Section 9.XX.XXX (Projections and Encroachments into Required Setback Areas and Above Height Limits), they may encroach within 3 feet of rear property line, but not occupy more than 25 % of the required rear yard.
2. Accessory to Legally Established Primary Use. An accessory building structure or use shall always exist in conjunction with, and never without, a legally established primary building structure or primary use that has the same common owner. Where the primary use has not yet been established, an accessory building or structure may only be built subject to the issuance of a Temporary Use Permit in compliance with Chapter 9.77 (Temporary Buildings Structures and Uses).
3. Determination of Accessory Uses. In addition to the accessory uses specifically provided for by this Chapter or elsewhere within this Development Code, each land use shall be deemed to include other accessory uses that are necessarily and customarily associated with and are clearly incidental and subordinate to the primary land use. The Director shall be responsible for determining if a proposed accessory use meets the criteria in this Chapter.

**TABLE 2-X:  
ACCESSORY BUILDING STRUCTURE DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District		
	R-HR	RL	RS
Maximum Floor Area of a single accessory structure	100% of primary <u>building structure</u> .	100% of primary <u>building structure</u> .	50% of the primary <u>building structure</u>
Maximum number of accessory structures	Four, regardless of <del>any the</del> requirement for a building permit <del>or not</del>	Four, regardless of <del>any the</del> requirement for a building permit <del>or not</del>	Four, regardless of <del>any the</del> requirement for a building permit <del>or not</del>
Maximum Height	25 feet, or height of primary <u>building structure</u> , whichever is greater	25 feet, or height of primary <u>building structure</u> , whichever is greater	25 feet, or height of primary <u>building structure</u> , whichever is greater
Cumulative area of all accessory <u>buildings structures</u> shall not exceed the allowable lot coverage.			

- B. Architecturally Compatible.** Except for open, unenclosed gazebos, pergolas, and similar structures not exceeding 240 square feet, any accessory building structure greater than 120 square feet in area or six feet in height shall be architecturally compatible with the primary building structure. To be considered architecturally compatible, accessory buildings structures shall not

exceed the height of the primary structure; have a hip, gable, or gambrel style roof; similar roofing materials, and shall have colors similar to the primary structure.

- C. **Agricultural Buildings.** Buildings which primary purpose is for the keeping of permitted animals, storage of animal feed (hay), or agricultural equipment shall be allowed a metal roof, provided the roof is painted a similar color to the roof of the primary residence. Siding material may consist of wood, metal, stucco or similar materials typical of animal keeping and compatible with the residence.
- D. **Cargo Containers.** Other than as a temporary use for construction purposes subject to, or where a building permit has been issued, cargo containers are not allowed in a residential land use districts, including containers under 120 square feet. As storage for construction clean-up or construction material, a cargo container used as a temporary storage device may be located anywhere on the property, except in the Clear Sight Triangle, see Section 9.XX.XXX (Clear Sight Triangle), during the duration of the construction activity associated with an active building permit subject to the approval of a Temporary Use Permit.

#### 9.07.070 – Antennas

The following non-commercial, receive-only antennas for the sole use of a resident occupying a residential structure shall be permitted subject to the specified standards:

- A. A ground or structure-mounted, radio or satellite dish antenna that does not project above the roof ridge line and does not have a diameter greater than one meter (39 inches), which does not encroach within any required setback.
- B. A ground or structure-mounted radio or television aerial not exceeding 75 feet in overall height, which does not encroach within any required setback, and which is setback from any property line by at least half the height of the overall height of the antenna structure.
- C. Any non-commercial, receive-only antenna which is proposed to exceed the allowed height or encroach within a described setback shall be subject to the review and approval of a Special Use Permit.

Commercial satellite and wireless communications antennas are not exempt, and are instead subject to Chapter 9.XX (Wireless Telecommunications Facilities).

#### 9.07.080 – Drainage, On-Site Retention, and Dust Control

All new construction, including Single-Family residences shall comply with Chapter 9.XX Drainage and Erosion Control, which includes the following:

- A. **Drainage.** All new construction shall be designed so that drainage is directed away from any new construction. Diversions, obstructions, or confining of existing drainage courses shall not be made in a manner as to divert drainage to different properties, cause accelerated erosion, or to otherwise cause damage to other properties.

- B. **On-Site Retention.** Any development of property shall provide on-site retention facilities so that the run-off rate does not exceed pre-development levels or concentrates flows to a greater extent than pre-development conditions.
- C. **Dust Control.** On parcels of one acre or larger, land being utilized for residential purposes may only be cleared to provide for the installation of building pads, driveways, landscaping, yards, play areas, vehicle parking, accessory structures, property access, agricultural activities, or other accessory use normally appurtenant to residential use. The purpose of this is to reduce site disturbances and to reduce the amount of fugitive dust generated from cleared land.
- D. **Easements and Deed Notices.** The Town may require offers of dedication, granting of easements, or recordation of deed notices to assist in the implementation of the Town's Master Plan of Drainage pursuant to Chapter 9.XX

#### 9.07.090 – Fences, Walls, and Hedges

- A. **Standards.** Fences and walls within Hillside-Reserve and Residential districts shall be subject to the following standards:
  - 1. Solid walls and fences shall not exceed four feet in height within a required front yard setback area as specified in Table 2.X, Development Standards. Within the required front setback area fences up to 6 feet in height may be allowed which do not impair visibility. Horizontal fence elements shall not exceed four inches in diameter to maintain visibility.
  - 2. Barbed wire, barbless wire or similar fencing shall be allowed in the Rural Living and Hill Side Reserve land use districts on lot sizes of one acre or greater. Razor wire is not permitted.
  - 3. Barb wire, razor wire, or similar fencing or electrified fencing shall not be allowed in the Residential, Single family zoning districts.
  - 4. Fences and walls on interior side and rear lots lines may be up to six feet in height.
  - 5. The height of walls and fences shall be measured from the highest side of the fence, however, where there are grade differences on side and rear lots lines, total height of solid fences measured from the lowest side may be increased by a maximum of two feet. Within required front yard setback areas, total height of solid walls, measured from the lowest side, shall not exceed 4 feet.
  - 6. Swimming pools, spas, and similar water elements shall be fenced in compliance with the California Building Codes.
  - 7. Materials shall include wood, stone, brick, masonry, stucco, adobe, wrought iron, chain link, or similar materials. Materials shall be consistent with Section 9.37 Property

Maintenance standards and shall not include materials such as garage doors, tires, plywood, or other used materials.

8. All fencing shall comply with the standard in 9.31.030 (Clear Site Triangle)
- B. **Excess Heights.** Fence heights in excess of these standards may be allowed by an approved Conditional Use Permit or Variance or when required by the Town for reasons of health, safety, and welfare of the general public.
- C. **Landscaped Hedges.** Solid landscaped hedges in excess of four feet in height that would impair visibility shall not be allowed within required front yard setback areas. Solid landscaped hedges beyond the required front yard setback areas may be allowed in excess of 4 feet in height.

#### 9.07.100 – Manufactured Home and Single Family Residential Construction Standards

- A. **Standards.** The following standards shall be applied to construction or installation of all detached single-family residential structures and second units unless otherwise specified within this Code.
  1. **Manufactured home foundation systems.** Manufactured home foundation systems shall comply with either Health and Safety Code Section 18551 or Title 25, Chapter 2, Sections 1333 and 1334 of the California Code of Regulations, and shall include tie down, clip, or anchoring systems approved by an engineer to resist lateral forces for the subject manufactured home.
  2. **Manufactured home certification tag or label required.** A permit from the Building and Safety Division for the installation of a manufactured home not within an approved and properly licensed mobile home park shall not be issued, if more than ten years have elapsed between the date of manufacture and the date of the application for the issuance of the permit to install such manufactured home except as provided below. Also, the manufacturer shall permanently affix a label or tag to the manufactured home certifying that the manufactured home complies with Federal construction and safety standards applicable to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et. Seq., Section 5415).
  3. **Siding.** Siding material shall consist of stucco, wood, brick, stone, or decorative concrete block. Synthetic products of a similar appearance and equivalent durability shall be allowed. Metal siding, if utilized, shall be nonreflective. The exterior covering material shall extend to a point at or near grade, except if an approved solid wood, metal, concrete, or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
  4. **Roofing material.** The roofing material shall be tile, composite shingles, wood shakes, and shingles (if allowed by the Fire Safety (FS) overlay or other applicable overlay(s) , or other material customarily used in the surrounding community. Roofs shall have eave and gable

overhangs of not less than 12 inches, measured from the vertical side of building, except for flat roof designs, with parapets, such as southwestern architectural styles.

5. Entries and exits. Entries and exits shall be completed in compliance with Chapter 10 of the California Building Code.
6. Minimum Size and Dimensions. Minimum floor area shall be 725 square feet measured from the exterior of the structure. Minimum floor width and depth shall each average 20 feet measured from the exterior of the structure, excluding garages, porches, patios, eaves, cabanas, and popouts.
7. Utility hookups. Utility hookups and an area suitable to accommodate the installation of a clothes washer and dryer shall be provided within the primary structure or within an enclosed accessory structure.
8. Dedication and Infrastructure requirements. A building permit shall not be issued for the construction of single-family residential dwelling unless all of the following infrastructure requirements are satisfied for an existing lot of record:
  - a. Proof of legal and physical access.
    - (1) Physical access is a route which is traversable in a standard (two-wheel drive) sedan. Proof shall consist of an Engineer or Surveyor's signed and sealed letter, certifying that physical access has been completed.
    - (2) Legal access is:
      - (a) A dedicated right-of-way;
      - (b) A dedication to the Town of Yucca Valley and to the public in general, an easement for public road, Town highway and public utility purposes of a width as established by the Circulation Element of the General Plan. The easement or road constructed on the dedicated land shall not become a Town highway until and unless the Council, by appropriate resolution, has caused the road to be accepted into the Town maintained road system.
      - (c) An existing traveled way that is substantially in compliance with Town road standards, where a prescriptive right by the user has been established for the public use by court decree.
      - (d) Private road easement
    - (3) When all feasible efforts to establish legal access in accordance with 84.21.030 (j) (1) (B) have been exhausted, the lot is an existing legally created parcel, and the property owner has physical access, the Director, in

his/ her discretion, may waive the requirement for legal access on the condition that the property owner enters into an agreement in the form required by the Town which includes the property owner's: (1) representation that the owner has a right to physical access; (2) acknowledgement that proof of legal access has not been provided to the Town's satisfaction; and, (3) agreement to disclose to any subsequent owners that legal access has not been established to the satisfaction of the Town. Notation of said agreement and conditions of waiver shall also be included on the building permit.

- b. Infrastructure as determined by the Director depending on the location of the parcel to be developed. This may include, but not limited to, any of the following: paved access, curbs and gutters, sidewalk, bike paths and trails and/or appropriate drainage improvements.
- c. Water.
  - (1) Water purveyor. Required when in the service area of a water purveyor and the purveyor can supply the water.
  - (2) Substantiated well water. If the subject parcel is not within the service area of a water purveyor, well water may be allowed if all required setbacks are met.
- d. Sanitation.
  - (1) Sewer. Projects shall connect as required by ordinances and policies adopted by the Hi Desert Water District.
  - (2) Septic systems: Allowed in compliance with the local Regional Water Quality Control Board regulations.
- e. Fireflow. Adequate fireflow and fire safety measures in compliance the most current regulations adopted by the San Bernardino County Fire Department.

#### 9.07.110 – Outdoor Lighting

Outdoor lighting shall be fully shielded or recessed in a manner to preclude adverse impacts to adjacent properties as a result of light trespass, or to any member of the public traveling on adjacent roadways or right-of-way, pursuant to Chapter 8.70 (Outdoor Lighting) of Title 8 (Buildings and Construction) of the Yucca Valley Municipal Code for outdoor lighting standards.

**9.07.120 – Projections and Encroachments into Required Setback Areas and Above Height Limits**

**A. General Provisions.** All required yards or court areas shall be open and unobstructed from finished grade or from such other specified level at which the yard is required, to the sky, except for structures allowed in yard by the table in Section 9.XX.XXX (XXX).

Nothing in this section is intended to prevent the construction of any allowed primary or accessory structure within the building envelope which is the lot area not included in any required yard or court.

**B. Clear Areas.**

1. The projections listed in the Table 2-X may not, in any event, encroach on or into the following:
  - a. The Clear Sight Triangle (Section 9.XX.020) required at street and alley intersections. The Clear Sight Triangle is measured along the edge of the ultimate right-of-way of any street or alley for thirty feet from the intersection of two streets, or street and alley with a diagonal connecting the end points. It is intended to limit objects which would obstruct the sight distance of motorists entering the intersection.
  - b. Within three feet of any lot line, unless greater setback is required as noted in Table 2-X (Projections Into Yards).

**C. Projections allowed into required yards are described in the following table.**

<b>TABLE 2-X: PROJECTIONS INTO YARDS – AMOUNT OF ENCROACHMENT ALLOWED</b>			
<b>Facilities</b>	<b>Front and Street Side Yards</b>	<b>Interior Side Yards</b>	<b>Rear Yard</b>
1. Eaves; awnings, canopies, louvers, and similar shading devices; sills, cornices, planting boxes, cantilevered closet and bay windows on the first floor, and similar features; skylights, flues, and chimneys; and other similar architectural features.	4 ft.	2 ft.	4 ft.
2. Evaporative coolers, air condition compressors, and pool equipment.	4 ft. when screened from view	2 ft.	4 ft.

**TABLE 2-X:  
PROJECTIONS INTO YARDS – AMOUNT OF ENCROACHMENT ALLOWED**

Facilities	Front and Street Side Yards	Interior Side Yards	Rear Yard
3. Propane tanks sited per California Fire Code and Fire Hazard Design Standards specified by Chapter 9.XX of this Division.	4 ft. when screened from view	2 ft.	4 ft.
4. Attached patio roofs and similar residential structures having open, unwallled sides along not less than 50 percent of their perimeters, including top deck.	4 ft.	2 ft.	15 ft., Min. 5 ft. from rear lot line.
5. Breezeways and similar roofed passageways projecting from a residential building.	4 ft.	2 ft.	2 ft.
6. Cantilevered or supported decks; and cantilevered bay windows provided the total width of bay windows on any one story does not exceed 50 percent of the length of the wall containing them.	4 ft.	3 ft.	4 ft.
7. Roofed stairways, landings corridors and fire escapes that are enclosed.	5 ft.	3 ft.	10 ft.
8. Porches, platforms, or stairways that are uncovered, or landings of average height not greater than four feet above required yard or court level, plus railings up to four feet high.	4 ft.	4 ft.	10 ft.
9. Open storage of boats, recreational vehicles, trailers, appliances, and similar materials and temporary trash storage. This shall not be located within 10 feet of structures.	Not allowed	Allowed	Allowed
10. Slides, clotheslines, and similar equipment and radio or television masts or antennas.	Not allowed	Not allowed	Allowed
11. Garages, carports, sheds, and other detached, enclosed accessory building which occupy no more than 25 percent of the required rear yard.	Not allowed	Not Allowed	Allowed
12. Unroofed parking and loading areas.	See parking regulations (Section 9.XX.XXX)	Allowed	Allowed
13. Covered, underground, or partially excavated structures, such as garages, fallout shelters, wine cellars, basement and public utility or telephone/cable television vaults.	Allowed, provided that the facilities do not extend more than 30 inches above the adjoining average finished grade level.		

**TABLE 2-X:  
PROJECTIONS INTO YARDS – AMOUNT OF ENCROACHMENT ALLOWED**

Facilities	Front and Street Side Yards	Interior Side Yards	Rear Yard
14. Fences, screening, safety guard rails, walls, and dense hedges along property lines in Residential Zoning Districts.	4 ft. max. height <sup>1</sup>	6 ft. max. height	6 f ft. max. height
15. Signs	Allowed, subject to Sign Standards		
16. Swimming pools and spas no closer than 5 ft. from property line. Pool equipment may not project into the required setbacks.	Not allowed	Not allowed	Allowed
17. Freestanding photovoltaic or solar panels, no closer than 5 ft. from property line.	Not allowed	Not allowed	Allowed
18. Handicapped access ramps are permitted in the front, side and rear setbacks.	Allowed	Allowed	Allowed
<b>Notes:</b>			
1. Pursuant to Section 9.07.090, in a front and street side yard fence height can be up to 6 ft, if it is an open design.			

**D. Projections Above Height Limits**

These shall be allowed pursuant to Section 9.31.040.

**9.07.130 Native Landscape Documentation Package**

**A. General Provisions:** This section identifies the standards and requirements for native landscaping on residential developments.

Regulated desert native plants for all residential projects, include the following.

Regulated Desert Native Plants	
Botanical Name	Common Name
<i>Yucca brevifolia</i>	Joshua Tree
<i>Yucca schidigera</i>	Mojave Yucca

Pursuant to section 80017 of the State Food and Agricultural Code, the clearing or removal of native plants from a canal, lateral ditch, survey line, building site, or road or other right-of-way by the landowner or his agent, if the native plants are not to be transported from the land or offered for sale, are not subject to State regulations. For plants regulated by the State to be transplanted off-site, the Town shall issue permits for their relocation in accordance with this chapter.

**B. Scope**

(1) The provisions of this Section shall apply to all land within the Town of Yucca Valley.

- (a) It is prohibited for any individual or entity to remove, transplant, damage, disturb, or destroy any part of any regulated desert native plant, except its fruit, from any privately or publicly owned piece of land in the Town of Yucca Valley, without first obtaining a Regulated Desert Native Plant Permit from the Town, unless said activity is exempt from the requirement to first obtain a Regulated Desert Native Plant Permit.
- (b) It is prohibited for any individual or entity to remove or damage all or part of any regulated desert native plant on another property without first obtaining written permission from the landowner and an approved Regulated Desert Native Plant Permit. It is unlawful for any person to falsify any document offered as evidence of permission to enter upon the property of another to remove all or parts of a regulated desert native plant, whether it is alive or dead.
- (c) It is prohibited for any individual or entity, unless exempted by this Division, to destroy, dig up, mutilate or to possess any regulated desert native plant, including the living parts of such, unless the regulated desert native plant was disturbed under a Regulated Desert Native Plant Permit. Any individual or entity shall exhibit the Regulated Desert Native Plant Permit upon request for inspection by any duly authorized entity as described in Section 89.0340 (Enforcement) of this Division.
- (d) The commercial harvesting of regulated desert native plants is prohibited.

(2) **Exceptions:** The following are exempt from the provisions of this Division.

- (a) The removal and transplanting on and off-site of regulated desert native plants on and from lands owned by the United States Government or any Federal agency, the State of California, the County of San Bernardino, the Town of Yucca Valley, and all special districts.
- (b) The removal and transplanting on and off-site of regulated desert native plants required by other codes, ordinances or laws of Town of Yucca Valley, County of San Bernardino, the State of California or the United States Government or any Federal agency.
- (c) The removal and transplanting on and off-site of regulated desert native plants which are an immediate threat to the public health, safety or welfare, as determined by the Planning Division.
- (d) Removal as part of a bona fide agricultural activity as determined by the Town that is:
  - (1) Served by a water distribution system adequate for the proper operation of such activity; and or
  - (2) Conducted under a land conservation contract; and or

- (3) An existing agricultural activity; and or
  - (4) A proposed bona fide agricultural activity if the Planning Division is given thirty (30) days written notice of the removal describing the location of the land and the nature of the proposed activity. The Planning Division shall notify the landowner in writing prior to the lapse of the thirty (30) day period if, in the opinion of the Planning Division the activity is not a bona fide agricultural activity or else the activity shall be deemed bona fide.
- (e) Destruction or removal of a regulated desert native plant that has died from natural causes or that has been destroyed by fire or other natural disasters, as determined by the Planning Division.
- (f) Any regulated desert native plant that is within the building footprint and within twenty (20) feet of the building footprint of an existing structure and for new infill residential development, as determined by the Planning Division.
- (g) When removal is required by any public utility subject to jurisdiction of the Public Utilities Commission or any other constituted public agency, including franchised Cable TV, to establish or maintain safe operation of facilities under their jurisdiction

**(3) Permit Required**

A Native Plant Permit shall be required for the removal and transplanting on and off-site of any regulated desert native plants identified in Section 89.0102.

- (a) A Regulated Native Plant Permit Application shall be submitted to and approved by the Town prior to the removal and transplanting on and off-site of any regulated desert native plant.
- (b) The Regulated Native Plant Permit Application shall include the following information.
  - (1) The botanical and common name of the regulated desert native plant.
  - (2) A Native Plant Survey showing the precise location of each regulated desert native plant.
  - (3) The trunk or stem diameter of each regulated desert native plant.
  - (4) The height of each regulated desert native plant.
  - (5) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.
  - (6) The proposed placement or disposition of the regulated desert native plant, i.e.: transplant on-site, adopt off-site, remove, etc.
  - (7) Additional information that may be required based upon the individual application.

**C. Single-Family Residential In-Fill, Existing Single Family Residences And Multi-Family Residential Three Units Or Less**

- (1) A Regulated Desert Native Plant Permit Application shall be submitted to the Planning Division at the time of a filing building or grading permit applications for development of infill residential lots unless exempt.
- (2) A Regulated Desert Plant Permit Application shall be submitted to the Planning Division for removal or relocation on or offsite when the property owner is proposing improvements to the property including swimming pools, swing sets, horse arenas, other animal keeping activities, basketball courts, tennis courts, recreational or other vehicle parking, driveways and access, play areas, accessory structures, and other uses typical to single family residences.
- (3) The Regulated Desert Native Plant Application Documentation shall contain the following information.
  - (a) Printed Photographs depicting the proposed native plant that is to be removed or transplanted. The photographs must clearly show the location, size of the subject plant, and its surroundings. At minimum, the surrounding area photographs shall include two different views of the subject plant.
  - (b) A Plot Plan is required in order to show location of regulated desert native plants proposed to be removed, transplanted, or retained in its native location. The plot plan shall clearly demonstrate that the property meets the standards in Table 1.
- (4) Written permission from the property owner(s) authorizing the proposed removal or relocation of regulated desert native plants from the property.
- (5) The property owner may attempt to retain as many regulated desert native plants in their native location as possible. The property owner may also attempt to transplant or relocate as many regulated desert native plants as possible on-site. The property shall comply with the minimum standards specified in Table 1.
- (6) Those regulated desert native plants identified in the Permit Application to not remain on site following development, and which are not incorporated into a projects' landscaping plan, may be available for adoption at the property owners discretion.
- (7) The following chart establishes the minimum undisturbed area that shall be provided:

Table 1

Lot Size	Required undisturbed area
Up to 2.49 acres	No mandate, incentives only
2.5 to 4.99 acres	A minimum of 5% of the lot shall remain undisturbed

5+ acres	A minimum of 10% of the lot shall remain undisturbed
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- (8) Single Family Residential in-fill development in the Rural Living Residential Land Use District, which exceed the minimum required undisturbed area from Table 1 by a minimum of 10%, shall be allowed up to a 10% deviation of all Development Code standards listed in table 2 and approved in conjunction with the project. The deviations include the following:

Table 2

Typical Standards		Deviations permitted
Lot size	Varies	Up to a 10% reduction in lot size based on property zoning
Front setback	25'	22.5' setback
Side/rear setbacks	15'	13.5' setback
Arterial/Collector Street side setback	25'	22.5' setback
Local street side setback	25'	22.5' setback
Lot dimensions	150'/150'	135'/135'
Lot Coverage	20%	22%

- (9) Single Family Residential in-fill development in the Single Family Residential Land Use District which voluntarily retains 10 % undisturbed area shall be allowed up to a 10% deviation of all Development Code standards listed in table 3 and approved in conjunction with the project. The deviations include the following:

Table 3

Typical Standards		Deviations permitted
Lot size	Varies	Up to a 10% reduction in lot size based on property zoning
Front setback	25'	22.5' setback
Side/rear setbacks	5'/10'	4.5'/9' setback
Arterial/Collector Street side setback	25'	22.5' setback
Local street side	15'	13.5' setback
Lot dimensions	60'/100'	54'/90'
Lot Coverage	40%	44%

- (j) Single Family Residential in-fill development in the Hillside Reserve Land Use District which exceeds the minimum required undisturbed area from Table 1 by a minimum of 10% and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a 10% deviation of all Development Code standards listed in table 4 and approved in conjunction with the project. The deviations include the following:

Table 4

Typical Standards	Deviations permitted
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Lot size	Varies	Up to a 10% reduction in lot size based on minimum lot size required
Front setback	75'	67.5' setback
Side/rear setbacks	75'	67.5' setback
Arterial/Collector Street side setback	75'	67.5' setback
Local street side	75'	67.5' setback

**D. Regulated Desert Native Plant Removal Procedures For All New Residential Subdivisions And Multi-Family Four Units Or More.**

Single Family Residential Subdivisions and multi-family four units or more, shall be allowed to transplant on and off-site and to remove all regulated desert native plants from their native locations within the property boundaries, pursuant to the following development standards and requirements.

- (1) A Regulated Desert Native Plant Permit Application shall be submitted to the Planning Division at the time of filing land use applications for development of residential subdivision projects. Land use applications for residential subdivision projects may include, but are not limited to, Planned Developments, Specific Plans, Parcel and Tract map applications, Grading Permit applications, Building Permit applications, and any other applications necessary for Town authorization of land disturbing or development activity. The Planning Commission shall review and approve all native plant applications for residential subdivisions.
- (2) The Regulated Desert Native Plant Application Documentation shall contain the following information:
  - (a) The botanical and common name of the regulated desert native plant.
  - (b) The precise location of each regulated desert native plant.
  - (c) The trunk or stem diameter of each regulated desert native plant.
  - (d) The height of each regulated desert native plant.
  - (e) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.
  - (f) The proposed placement or disposition of the regulated desert native plant, i.e. transplant on-site, adopt off-site, remove, etc. The plans for the regulated desert native plant survey shall be no smaller than 24" by 36" unless otherwise approved by the Planning Division.
- (3) Transplanting Off-Site and On-Site: All regulated desert native plants identified in the regulated desert native plant survey as likely to survive transplanting shall be made available for adoption or shall be transplanted on-site as part of the projects' landscaping plan. All native plant permit applications shall illustrate maximum utilization of regulated desert native

plants in the projects' landscaping plan. It is strongly encouraged that all *Yucca brevifolia* (Joshua Trees) identified for adoption and transplantation be relocated through the uses of an adequately sized tree spade.

- (4) Adoption: Those regulated desert native plants identified in the Regulated Desert Native Plant Survey as likely to survive transplanting procedures, and which are not incorporated into a projects' landscaping plan, shall be available for adoption pursuant to Section 89.0108 Regulated Desert Native Plant Adoption Program to the general public for an adoption period of thirty (30) days, or until all available plants have been adopted, whichever is sooner, prior to any other ground disturbing activity on the project site. A Thirty (30) day noticing and signage period is required which noticing period may begin prior to issuance of the Regulated Desert Native Plant Permit.
- (5) Removal: Those regulated desert native plants not incorporated into a projects' landscaping plan and not adopted during the thirty (30) day adoption period are allowed to be removed.
- (6) The following additional standards shall apply to all new Residential Subdivisions:

Table 5

Proposed Lot Size	Required undisturbed area
Up to 2.49 acres	None required, incentives only
2.5 to 4.99 acres	A minimum of 5% of the project site shall remain undisturbed
5+ acres	A minimum of 10% of the project site shall remain undisturbed

- (7) New Residential Subdivisions in the Rural Living Land Use Districts, which exceed the minimum required undisturbed area from Table 5 by a minimum of 10%, and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a 10% deviation of all Development Code standards listed in table 6 and approved in conjunction with the project. The deviations include the following:

Table 6

Typical Standards		Deviations permitted
Lot size	Varies	Up to a 10% reduction in lot size based on property zoning
Front setback	25'	22.5' setback
Side/rear setbacks	15'	13.5' setback
Arterial/Collector Street side setback	50'	45' setback
Local street side setback	25'	22.5' setback
Lot dimensions	150'/150'	135'/135'
Lot Coverage	20%	22%

- (8) New Residential Subdivisions in the Single Family Residential Land Use Districts which exceed the minimum required undisturbed area from Table 5 by a minimum of 10% shall be allowed up to a 10% deviation of all Development Code standards including:

Table 7

Typical Standards		Deviations permitted
Lot size	Varies	Up to a 10% reduction in lot size based on property zoning
Front setback	25'	22.5' setback
Side/rear setbacks	5'/10'	4.5'/9' setback
Arterial/Collector Street side setback	25'	22.5' setback
Local street side	15'	13.5' setback
Lot dimensions	60'/100'	54'/90'
Lot Coverage	40%	44%

- (9) New Residential Subdivisions in the Hillside Reserve Land Use District, which exceed the minimum required undisturbed area from Table 5 by a minimum of 10%, and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a 10% deviation of all Development Code standards listed in table 8 and approved in conjunction with the project. The deviations include the following:

Table 8

Typical Standards		Deviations permitted
Lot size	Varies	Up to a 10% reduction in lot size based on minimum lot size required
Front setback	75'	67.5' setback
Side/rear setbacks	75'	67.5' setback
Arterial/Collector Street side setback	75'	67.5' setback
Local street side	75'	67.5' setback

Table 9

Typical Standards for Multi-Family Projects		Deviations Permitted
	Residential Multi-family RM	Residential Multi-family RM
Front setback	25	22.5'
Side/rear setback	10/10(per story)	9'/9'(per story)
Arterial/collector street side setback	35'	31.5'
Local street side setback	25'	22.5'
Lot coverage	60%	66%

Parking	Varies	10% reduction of total parking not to include handicap stalls
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## Chapter 9.08 Standards and Regulations for Specific Uses in Residential and Hillside Reserve Districts

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### Sections:

- 9.08.010 – Purpose
- 9.08.020 – Accessory Uses
- 9.08.030 – Animal Keeping in Residential Districts
- 9.08.040 – Bed and Breakfast Uses
- 9.08.050 – Child Day Care Homes
- 9.08.060 – Churches and Other Places of Public Assembly
- 9.08.070 – Garage and Yard Sales
- 9.08.080 – Home Occupations
- 9.08.090 – Manufactured Housing, Mobile Homes and Recreational Vehicle Parks
- 9.08.100 – Multi-Family Residential Design Guidelines and Architectural Standards
- 9.08.110 – Planned Residential Development
- 9.08.120 – Residential/Social Care Facilities
- 9.08.130 – Second Dwelling Units

### 9.08.010 – Purpose

This Chapter provides locational, site planning, developmental, and/or operational standards for certain land uses that are allowed by this Article 2 within residential districts, and for activities that require special standards to mitigate their potential adverse impacts.

### 9.08.020 – Animal Keeping in Residential Districts

- A. **Purpose.** This section establishes regulations to allow animal keeping as an accessory use to a primary single dwelling unit for all properties which allow for the keeping of animals unless otherwise specified.
- B. **Allowed Number of Animals.**
  - 1. **Small Animals.** Accessory small animal raising are allowed in all residential districts subject to the lot sizes and number of allowed animals identified in Table 2-X (Allowed Number of Small Animals).

**TABLE 2-X:  
ALLOWED NUMBER OF SMALL ANIMALS**

Animal	Single Residential (RS)		Multi-Family Residential (RM) <sup>1</sup>	Rural Living (RL) and Hillside Reserve (R-HR) <sup>1</sup>
	Lot Size	Maximum Number of Animals Allowed Per Lot <sup>1</sup>		
Dogs/Cats	Less than 7,200 sq. ft.	2 dogs and 2 cats	Maximum 2 animals allowed (1 dog and 1 cat; 2 dogs or 2 cats) More dogs and cats require SUP	Less than 2 acres, RS standards apply Greater than 2 acres, 1 additional dog and cat for each additional 20,000 sq. ft. lot (max. 8 each) Over 8 each requires SUP
	7,200 to 10,000 sq. ft.	3 dogs and 3 cats		
	10,000 to 20,000 sq. ft.	4 dogs and 4 cats		
	20,000 sq. ft and greater	5 dogs and 5 cats		
	Over 5 dogs and over 5 cats require Special Use Permit (SUP)			
Pot-bellied Pig	Less than 20,000	1 pig allowed in lieu of 1 dog (female or neutered male only)	Not allowed	Less than 1 acre, RS standards apply 2 per first acre; 1 each additional acre.
Fowl	20,000 sq. ft. minimum	10 fowl for first 20,000 sq. ft.	Not allowed	10 fowl for first 20,000 sq. ft.
	Each additional 10,000 sq. ft.	5 additional fowl (max. 25 total)		Each additional 10,000 sq. ft.: 5 fowl (max. 25 total)
Male Fowl	20,000 sq. ft. minimum	1 male fowl per 20,000 sq. ft. min. (max. 2)	Not allowed	1 male fowl per 20,000 sq. ft. min. (max. 2)
Rabbits	20,000 sq. ft. minimum	5 rabbits for first 20,000 sq. ft.	Not allowed	5 rabbits for first 20,000 sq. ft.
	Each additional 10,000 sq. ft.	2 rabbits (max. 10 total)		Each additional 10,000 sq. ft.: 2 rabbits (max. 40 total)
Notes:	1. The cumulative total of all large animals allowed is 9 per lot. More than a cumulative total of 9 large animals shall be subject to a Special Use Permit, see Section 9.XX.XXX			

- Large Animals. Large animal raising for parcels not located within the Large Animal Overlay district is allowed in single-family residential districts subject to the lot sizes and number of allowed animals identified in Table 2-(Allowed Number of Large Animals Not Within Large Animal Overlay District) and Table 2-X (Allowed Number of Large Animals Within Large Animal Overlay District). See Chapter 9.XX (Large Animal Overlay

District) for allowed large animal types and large animal densities for properties located within the Large Animal Overlay District.

**TABLE 2-X:  
ALLOWED NUMBER OF LARGE ANIMALS IN SINGLE FAMILY RESIDENTIAL  
DISTRICTS  
NOT WITHIN LARGE ANIMAL OVERLAY DISTRICT**

Animal Type	Minimum Lot Size	Maximum Number of Animal <sup>1</sup>
Equine <sup>1</sup>	20,000 sq. ft.	1 per 10,000 sq. ft. (maximum 9)
Sheep <sup>1</sup>	7,200 sq. ft.	1 per lot
Female Goat <sup>1</sup>	7,200 sq. ft.	1 per 5,000 sq. ft.
Male Goat <sup>1</sup>	20,000 sq. ft.	1 per lot
Cattle <sup>1</sup>	20,000 sq. ft. with 60 feet minimum lot frontage	1 per 10,000 sq. ft. (maximum 9)
Llamas and Camelids <sup>1</sup>	20,000 sq. ft.	1 per 10,000 sq. ft. (maximum 9)
Emus and Ostriches <sup>1</sup>	1 acre minimum lot size in RL and R-HR districts	2 pair (male and female) per acre or (1 male and 3 female). Maximum 4 on first acre. 2 additional for every 10,000 sq. ft. after first acre. Maximum 9. Over 9 requires Livestock Permit.
Notes:	1. The cumulative total of all large animals allowed is 9 per lot. More than a cumulative total of 9 large animals shall be subject to a Special Use Permit, see Section 9.XX.XXX	

1. Animals Not Classified. Any animal not specifically classified within this section shall be classified by the Director based upon a determination of what it is most similar to and as to the probable impact on the health, safety, or general welfare of the community and the neighborhood.
2. Single family residences located on property designated as Multi-Family shall be subject to the RS standards.

**C. Accessory Animal Raising.** Accessory animal raising of densities greater than, or of animal types different from, those specified Table 2-X (XXX), Table 2-X (XXX), and Table 2-X (XXX), shall be subject to approval of a Special Use Permit..

1. Newborn Animal Exception. Offspring of allowed adult animals shall not be counted in determining the number of adult animals on a given parcel, if such offspring do not exceed the age limitations for accessory animal keeping as identified in Table 2-X (Newborn Animal Exception).

TABLE 2-X:  
NEWBORN ANIMAL EXCEPTION

Animal	Minimum Time Limit
Dogs/Cats	4 Calendar Months
Emu/Ostriches	12 Calendar Months
Equine	12 Calendar Months
Sheep	2 Calendar Months
Goats	2 Calendar Months
Bovine	6 Calendar Months (300 lb. max.)
Buffalo	6 Calendar Months
Swine	2 Calendar Months
Llama/Camelid	12 Calendar Months

- a. Offspring of non-allowed adult animals shall be counted as adult animals, notwithstanding their age at any particular time.
- b. The total number of offspring shall not exceed 50 percent of the number of adult animals maintained on the parcel(s) unless authorized by approval of a discretionary Livestock Permit except for offspring of dogs and cats.
- c. Bovine offspring up to 300 pounds or six months old, may be substituted for equine off-spring in all single family residential land use districts where large animal keeping is allowed.

**D. Confined Animals.** Animals which are normally maintained in aquariums, terrariums, bird cages or similar devices, each of which does not exceed 50 cubic feet and where such devices are maintained within an enclosed building, shall be allowed as an accessory animal raising use. The maximum number or density limitations for these animal types shall comply with public health regulations.

**E. Combination of Animals.** Combination of the animal types are allowed, provided:

- 1. The total number in each category is not exceeded.
- 2. Where a density ratio of animals per lot area is specified, the lot area or portion thereof shall be allocated only once to accessory animal raising use. Lot area used to qualify one animal type shall not be reused to allow another animal type.
- 3. Animal types which are limited only by a maximum number per lot are allowed in addition to any other accessory animal raising use.

4. For the purpose of this section, lots with attached multi-family residential structures shall be limited to those animals allowed to Subsections XX and XX for lots less than 7,200 square feet.
5. All animal raising land uses shall comply with public health laws regarding proper care and maximum number of animals.
6. Each animal raising land use includes all structures necessary to maintain and care for such animals (i.e., barn corral, stable, pens and coops). Such structures shall comply with all development standards including those specified by the land use district and this section.

**F. Animal Separation**

1. Setbacks. Animal setback requirements are identified in Table 2-X (Animal Setback Requirements).

**TABLE 2-X:  
ANIMAL SETBACK REQUIREMENTS**

Setback Requirements	Equine, Fowl, Emus, and Ostrich	Cattle, Buffalo, Sheep, Goats, Llamas, Pigs, and Camelids	
From nearest livable dwelling or buildable setback line of adjoining property.	70 ft.	100 ft.	
From nearest livable dwelling or buildable setback line of adjoining property within the Animal Overlay District, which do not have property lines contiguous to the boundaries of the Large Animal Overlay District.	45 ft.	45 ft.	
Front property line	10 ft.	10 ft.	
Rear property line, if adjacent to other privately held property	10 ft.	10 ft.	
Rear property line, if alleyway or dedicated flood control right of way	0 ft.	0 ft.	
Side property lines	5 ft.	5 ft.	
Street Side Setbacks shall be pursuant to Section 9.07.050			

2. Fencing, Shelters, and Enclosures. Animal fencing, shelter, and enclosure requirements are identified in Table 2-X (Fencing and Shelter Requirements) and the following subsections.

TABLE 2-X:  
FENCING AND SHELTER REQUIREMENTS

Animal	Fencing Requirements	Shelter Requirements
Equine	All equine shall be maintained in a fenced area at all times.	All equine shall be provided with adequate shelter to protect them from the elements.
Cattle/Buffalo	Each individual cattle/buffalo shall be kept on private property and provided with a minimum of 400 square feet in a fenced area. Fencing shall be adequate to maintain cattle and buffalo.	All cattle/buffalo shall be provided with adequate shelter to protect them from the elements.
Goats	Fencing shall be adequate to maintain goats.	All goats shall be provided with adequate shelter to protect them from the elements.
Pigs	Pigs shall be maintained in a fenced area at all times. Fencing shall be adequate to maintain the animal on the property at all times.	Adequate cooling systems shall be required for the keeping of pigs, in addition to providing shelter from the elements.

a. **Animal Enclosures.** Animals shall be maintained by a fence at least five feet high and made of either chain link, wood with horizontal members no less than six inches apart, solid masonry or other appropriate screening and confining materials. Such a fence may be located on an interior side or rear lot line and 15 feet from a side street right-of-way.

- (1) No barbed wire fencing shall be allowed within the incorporated Town boundaries that is specific to livestock keeping pursuant to these regulations.
- (2) Fences which are adjoining and running parallel to private or public streets or bridle trails shall be a minimum of five feet in height with posts spaced not more than 10 feet apart.
- (3) Animals shall be properly caged or housed in their corrals, barns, pens or other enclosures. All corrals, pens, coops, lofts, exercise areas or similar structures shall be fenced or otherwise enclosed to adequately confine the animal(s).

b. All animals shall be kept no closer than 100 feet from domestic water well.

**G. Animal and Premise Maintenance.** The occupant of the premises on which any livestock is kept shall keep and maintain the animal(s) and premises in such a manner as not to be detrimental to the health, safety or welfare of any person on any adjoining property or of the general public, nor be materially detrimental to the use, enjoyment or value of property of other persons in the vicinity of the premises. Such maintenance shall be at least sufficient to keep dust, odors and flies from having an adverse effect on any other property. The following techniques are recommended to

meet the maintenance standard specified by this section and shall be utilized if no other alternative techniques sufficient to meet that standard are utilized.

1. Sprinkler system or other control methods adequate to control dust in corrals, turn out areas, and riding rings shall be installed and utilized as necessary on the premises.
2. Lime, sand or other appropriate materials shall be utilized on the premises to eliminate odor problems.
3. Chemical spray and/or bait and other approved measures to control flies shall be utilized as frequently as necessary for vector control.
4. Livestock keeping areas shall be maintained in a clean and sanitary condition at all times.
5. Standing surface water, refuse and manure shall not be permitted to accumulate in piles that are not able to dry out. In all cases of livestock keeping, manure shall be spread to dry daily and shall not be allowed to accumulate to create a nuisance to surrounding properties.
6. Other sections of this chapter notwithstanding, no person shall keep or permit to remain on any premises within the Town any animal that habitually disturbs the peace and quiet of the inhabitant of a neighborhood by howling, barking, crying, baying, or making other noise.
8. Buildings housing farm animals, all animal enclosures, and all pasture areas shall be maintained free from litter, garbage and the accumulation of weeds or manure. Premises shall be maintained in a neat and sanitary manner. All animal raising shall comply with public health laws regarding proper care of animals. If animals are not maintained in compliance with these standards or are otherwise allowed to become a nuisance, the Town shall initiate enforcement proceedings.

**H. Commercial Animal Keeping.** Commercial animal keeping for equine and other large animals is permitted within all single-family residential land use districts subject to the standards and provisions as identified in the Development Code. Commercial uses include, but shall not be limited to, boarding, training, breeding and other similar uses related to the keeping of equine and other large animals which do not belong to the property owner or lessee and for those similar uses which generate additional traffic, noise and similar or associated impacts within the vicinity of the proposed site.

1. **Density.** The densities established for commercial animal keeping shall be the same as those densities for those single family residential land use districts located within the Large Animal Overlay District map, as accessory to the residential use.
2. **Minimum Parcel Size.** One acre is established as the minimum parcel size for the commercial keeping of large animals, except for buffalo, bulls and boars. A minimum of five acres is required for the keeping of buffalo, bulls and boars.

- I. **Required Permits.** Prior to the establishment of any commercial livestock keeping activity, the property owner or lessee shall first obtain a Special Use Permit from the Town.
- J. **Animals Not Classified.** Any animal not specifically classified within this chapter shall be classified by the Director based upon a determination of what it is most similar to and as to the probable impact on the health, safety, or general welfare of the community and the neighborhood.

#### 9.08.030 – Bed and Breakfast Uses

This Section establishes standards for the operation of bed and breakfast facilities in order to maintain and preserve the residential character, integrity, and property values of surrounding areas within which these facilities are located and maintained.

**A. All Bed and Breakfast Uses shall be subject to the following:**

- 1. **Special Use Permit.** A Special Use Permit shall be required in compliance with Chapter 9.73 (Special Use Permits) and shall be renewed annually. The review authority may void a Special Use Permit for a bed and breakfast use for noncompliance with the conditions outlined in the approval.
- 2. **County Health Permit.** A County health permit shall be required and renewed as required by San Bernardino County Environmental Health Services.
- 3. **Transit Occupancy Tax (bed tax) requirements.** Bed and breakfast uses shall be subject to the Transient Occupancy Tax (bed tax).

**B. Development Standards and Requirements.** All Bed and Breakfast Uses shall comply with the following standards and requirements:

- 1. **Land use zoning district requirements.** Bed and breakfast uses shall be subject to the development standards for the land use zoning district in which they are located as identified in Chapter 9.07 Residential and Hillside Reserve District and the development standards in this Chapter.
- 2. **Single-family dwelling structure only.** Only a single-family dwelling structure, including related habitable accessory structures (e.g., guest house, second dwelling units, etc.) shall be considered for bed and breakfast uses.
- 3. **Accessory to residential use.** The bed and breakfast use shall be conducted as an accessory residential use only.
- 4. **Owner residency requirement.** The residential structure shall serve as the primary residence of the owner of the bed and breakfast use. If a corporation is the owner, a majority shareholder of the corporation shall reside in the residential structure where the bed and breakfast use is operated.

5. Code and State law requirements.
  - a. Dwelling units proposed for bed and breakfast use shall comply with standards and specifications of the California Building Code.
  - b. Each guest room shall be equipped with a fire extinguisher and a smoke detector that conform to the California Building Code Standards (CBC No. 43-6).
  - c. An exit/egress map and an emergency evacuation map shall be displayed in a prominent location in each guest room in compliance with State law.
6. Access and driveways. The owner of the bed and breakfast use shall ensure that required access, driveways, and parking spaces remain clear and unobstructed and are available and ready for the occupants' use at all times.
7. Parking. In addition to the required parking standards for residential uses in Chapter 9.XX (Parking and Loading Standards), one parking stall measuring 19 feet in length and nine feet in width shall be provided on-site for each guest room. These additional parking spaces shall comply with the location and design standards established by the applicable land use zoning district and the provisions of Chapter 9.XX (Parking and Loading Standards). Neither on-street parking nor tandem parking shall be used to satisfy this on-site parking requirement. Additional parking spaces may be required when deemed necessary by the review authority.
8. Design standards.
  - a. Number of rooms and parcel size requirements. Table 2.X (Bed and Breakfast Uses Number of Rooms and Parcel Sizes) identifies the number of guest rooms, minimum number of bathrooms, and minimum parcel sizes applicable to each of the three types of bed and breakfast uses.

Type of Use	Number of Guest Rooms	Minimum Number of Bathrooms	Minimum Parcel Size <sup>1</sup> (Net Area)
Host Home	1	2	6,000 sq. ft.
	2	2	7,200 sq. ft.
Bed and Breakfast Home	3	3	8,200 sq. ft.
	4	3	9,200 sq. ft.
	5	3	10,200 sq. ft.
Bed and Breakfast Inn/Lodge	6 - 10	4 Access for physically handicapped required.	20,000 sq. ft. + 1,000 sq. ft per every bedroom over 6
	Over 10	Not Allowed	Not Allowed

Note:  
(1) A bed and breakfast use shall not be allowed in a dwelling that is located on a site that has less than the required parcel area specified by the underlying land use zoning district.

- b. Alterations and modifications. Alterations and modifications may be made to the structures and the site but the alterations shall be compatible with the character of the neighborhood. The alterations and modifications shall also comply with applicable provisions, requirements, and standards of the Town Code.
  - c. Landscaping. Additional landscaping may be required to screen parked vehicles from direct view of the neighbors, particularly where the parking is located within the front yard setback.
    - . Exterior lighting. All exterior lights shall comply with Chapter 8.70(Outdoor Lighting) of the Municipal Code.
  - e. Signs. A non-illuminated identification sign, not to exceed six square feet in area, shall be allowed. If not attached to the residence, the sign shall not exceed six feet in height and shall blend with the architectural style of the structure and the neighborhood.
  - f. Minimum separation requirements. No bed and breakfast use shall be allowed where more than two other bed and breakfast uses currently exist within 1,000 feet of the perimeter of the proposed site.
9. Kitchen facilities and service of meals.
- a. No cooking facilities shall be allowed in guest rooms.
  - b. The sale of food or other materials shall be limited to guests who are currently residing on the premises where the use is located and not to the general public.

10. Records of patrons. Records of all guests who patronize the bed and breakfast establishment shall be preserved for a minimum period of three years before they are discarded.
11. Pedestrian and vehicular traffic. Pedestrian and vehicular traffic shall be limited to that normally associated with residential land use zoning districts.
12. Commercial vehicles. The use shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.
13. Outdoor storage. There shall be no outdoor storage of materials or equipment, nor shall merchandise be visible, from outside the home.
14. Residential character of structure. The appearance of the structure shall not be altered nor the occupancy within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, and vibrations.
15. Utilities and community facilities. The uses of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.

#### **9.08.040 – Child Day Care Homes**

- A. **Purpose.** This Section provides standards for the location, development, and operation of large and small family child day care homes in compliance with State law.
- B. **Child Day Care. Large Family (9 to 14 Children)**
  1. **Purpose.** This Subsection provides standards for the location, development, and operation of large family child day care homes for nine to 14 children in compliance with State law.
  2. **Applicability.** The provisions in this Subsection shall apply to large family child day care homes, as defined by current State law, which shall be allowed in all residential zones in compliance with Article 2 (Zoning Districts and Development Standards) and the following standards.
  3. **State and Other Regulatory Requirements.** These standards shall apply in addition to requirements imposed by the California Department of Social Services and other regulatory agencies (e.g., Fire Department).
  4. **Town Standards.** All large family child day care homes shall comply with all of the following Town standards:

- a. Licensing. The operator of a large family child day care home shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 12 (Child Care Facility Licensing Requirements).
- b. Special Use Permit Required

(1) Review of Permit – Director. A Special Use Permit shall be reviewed and either approved or denied by the Director in compliance with the provisions of Health and Safety Code Section 1597.46(a)(3) and this Section.

(2) Approval of Permit. The permit may be approved only if the large family child day care home complies with Health and Safety Code Section 1597.46(d), this Section, all applicable Town ordinances, and any regulations adopted by the State Fire Marshall.

- c. Care Provider's Residence. The large family child day care home shall be the primary residence of the care provider, and the use shall be clearly residential in character and shall be incidental and accessory to the use of the property as a residence.

- d. Fences or Walls Required

(1) A six-foot-high fence or wall shall be constructed and properly maintained along all property lines or around the area where outdoor care is provided (as deemed appropriate by the Director), except in the front setback area or within a clear site triangle, in compliance with the requirements of Section 9.XX.XXX (Fences, Hedges and Walls).

(2) Fences or walls shall provide for safety with controlled points of entry.

- e. Play Area and Equipment. Outdoor play area(s), including all stationary play equipment, shall be located in the rear area of the parcel or outside of required front or side yards.

- f. Separation

(1) A large family child day care home proposed within a residential zoning district shall not be located within a 300-foot radius of another large family child day care home, other day care facility, or group home facility, disregarding the corporate boundary of the Town.

(2) The Director may allow more than one large family child day care home within 300 feet of another like facility specified in Subparagraph (1), above, if the applicant first demonstrates one of the following to the satisfaction of the Director:

- (a) Any existing large family child day care home located within 300 feet is at capacity; or
  - (b) The need exists for a particular or unique service not provided by an existing like facility specified in Subparagraph (1), above, located within 300 feet of a proposed large family child day care home.
- g. Drop-off/Pick-up Areas, and Use of Garages
- (1) A minimum of two off-street parking spaces shall be provided as a drop-off and pick-up area. The spaces shall be in addition to those required for the dwelling unit in compliance with Chapter 9.XX (Parking and Loading Requirements). A driveway may be used to provide the spaces; provided, the Town Traffic Engineer approves the arrangement based on traffic and pedestrian safety considerations.
  - (2) A passenger loading plan shall be required to minimize noise and parking issues to the maximum extent possible.
  - (3) Additional off-street parking may be required by the Director to minimize impacts on adjacent parcels.
  - (4) A facility located on a through street classified as a collector or arterial street shall provide a drop-off and pick-up area that does not require backing into the street.
  - (5) Garages shall not be used as a family child day care play area unless alternative on-site covered parking is available to meet minimum residential parking requirements and further, the garage is improved to meet Building and Fire Code regulations as a habitable space.
- h. Noise. In order to protect adjacent residential dwellings from noise impacts, a large family child day care home located within a residential zone may only operate a maximum of 17 hours each day between the hours of 6:00 A.M. and 11:00 P.M. and may only conduct outdoor activities between the hours of 7:00 A.M. and 9:00 P.M.
- i. No Exterior Evidence. There shall be no exterior evidence and/or signage identifying the large family child day care home.
- j. Inspection Required.
- (1) Before commencing operation of a large family child day care home, the Building and Safety Division shall conduct an inspection of the premise on which the large family child day care home is to be operated to ensure that there is no unpermitted building, electrical, and/or mechanical improvements to the property.

- (2) The property owner shall obtain and final all required Building Permits for all unpermitted construction on the premises before commencing the on-site operation of a large family day care home.
- k. Issuance of Special Use Permit. The Director shall issue the Special Use Permit before the operation of the large family child day care home begins, once the operator has demonstrated compliance with Health and Safety Code Section 1597.46(d), this Section, all applicable Town ordinances, and any regulations adopted by the State Fire Marshall.

**C. Child Day Care: Small Family (1 to 8 Children)**

Permitted by Right. As required by State law (Health and Safety Code Section 1597.30 et seq. [Family Day Care Homes]), small family child day care homes (eight or fewer children) shall be considered a residential use of property and shall be an allowed use, permitted by right, within a residence located in a residential zone with no Town land use permits required. The operator of a small family child day care home shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 12 (Child Care Facility Licensing Requirements).

**9.08.050 – Home Occupations**

- ~~A. Purpose. The purpose of this Section is to establish regulations allowing for the operation of certain business activities in single and multi family residential neighborhoods. The standards and requirements are intended to ensure that home based business operations do not alter the character of any residential neighborhood, or create impacts or activities that are not typically and commonly associated with residential neighborhoods. It is the intent of this Section to allow for commercial uses that are accessory and incidental to the primary purpose of residential homes, which is that of providing a habitable dwelling for the owner or occupant as the primary use of the residential dwelling unit. Home Occupation permits may be allowed in the Multi Family Zoning District and in multi family units, including duplexes, tri-plexes, and apartment units.~~
- ~~B. Applicability. The provisions in this Section shall apply to home occupations as defined in Article 7 and where allowed in compliance within this Article and the following standards. A home occupation shall only be allowed as an accessory use on a parcel with a legal residential dwelling unit.~~
- ~~C. Prohibited Home Occupations. The following uses are not incidental to or compatible with residential activities and therefore shall not be allowed as home occupations:
  - 1. Animal hospitals;
  - 2. Automotive and other vehicle repair (body or mechanical), upholstery, painting, or storage;
  - 3. Junk yards;
  - 4. Medical and dental offices, clinics, and laboratories;~~

5. ~~Mini storage;~~
6. ~~Storage of equipment, materials, and other accessories to the construction trades;~~
7. ~~Welding and machining;~~
8. ~~Cabinet shop;~~
9. ~~Uses which may include the storage or use of explosives or highly combustible or toxic materials beyond that permitted by the Building, Fire Code, or adopted restrictions.~~

**D. ~~Operating Standards.~~** All home occupations shall comply with all of the following operating standards at all times:

1. ~~There shall be no visible or external evidence of the home occupation. No dwelling shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;~~
2. ~~There shall be no displays, sale, or advertising signs on the premises;~~
3. ~~There shall be no signs other than one unlighted identification sign containing the name and address of the owner attached to the building not exceeding two square feet in area per street frontage;~~
4. ~~All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;~~
5. ~~The home occupation shall not encroach into any required parking, setback, or open-space area;~~
6. ~~There shall be no outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;~~
7. ~~There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;~~
8. ~~No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located;~~
9. ~~No home occupation shall be initiated until a current business registration certificate is obtained;~~
10. ~~A Home Occupation Permit shall not be transferable;~~
11. ~~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;~~
12. ~~The garage shall not be altered externally;~~
13. ~~No use shall create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;~~
14. ~~The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this Chapter.~~

~~E. Tiering/Levels of Review Required. No person shall engage in a home occupation without first obtaining a Home Occupation Permit from the Planning Division consistent with the requirements of this Chapter, unless otherwise exempt. In addition, the operator of the home occupation shall procure a Business License in compliance with Municipal Code Chapter 5.20 (Business Registration Certificate).~~

~~1. No Permit Required. Telecommuting and internet or electronic based businesses, or other similar activities that are transparent inside the residential structure, and do not involve customers to the site, employees, or any structural alteration are exempt from permitting requirements.~~

~~In addition no permit is required for a contractor, or similar occupation which utilizes the home as an office where there are no customers received at the residence, the exterior of the property is not modified for the business and there is no outdoor storage of materials or vehicles, except as normally associated and allowed in a residential area.~~

~~2. No Hearing Required. Subject to the authority and discretion of the Director, Home occupations that meet the following standards, after appropriate application and subject to a field investigation, may be permitted without notice or a hearing. Alternatively, the Director may schedule a hearing or forward the matter to the Commission for action. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this subsection.~~

~~a. There is no visible or external evidence of the home occupation. The dwelling was not built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;~~

~~b. There are no displays, for sale, or advertising signs on the premises;~~

~~c. There are no signs other than one unlighted identification sign containing the name and address of the owner attached to the building not exceeding two square feet in area per street frontage;~~

~~d. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;~~

~~e. The home occupation does not encroach into any required parking, setback, or open space area;~~

~~f. Outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises shall not be visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;~~

~~g. There is complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;~~

- ~~h. No pedestrian or vehicular traffic is generated in excess of that customarily associated with a residential use and the neighborhood in which it is located;~~
- ~~i. The home occupation has a current business registration certificate;~~
- ~~j. If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use has been obtained prior to the submittal for a home occupation Permit;~~
- ~~k. The garage has not and shall not be altered externally;~~
- ~~l. The home occupation does not create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;~~
- ~~m. There are no sales of products on the premises.~~
- ~~n. No customers or clientele may visit the residence.~~
- ~~o. All employees shall be members of the resident family and shall reside on the premises.~~
- ~~p. Up to 25 percent or 250 square feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation.~~
- ~~q. No employees and no vehicle parking, other than that normally associated with a single family residential structure, is provided.~~

~~3. Public Notice and Hearing Required. Home occupation permit applications meeting the following standards shall be subject to notice and hearing. The Community Development Director is the review authority, and the Director may forward the application to the Commission for consideration.~~

- ~~a. There may be sales of products on the premises.~~
- ~~b. Customers may visit the residence and then only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for business activities shall not exceed 10 trips per day in all Zoning Districts.~~
- ~~c. All employees of the home occupation, except one (1), shall be members of the resident family and shall reside on the premises provided all the required findings can be made, in all RS land use districts. All employees of the home occupation, except two (2), shall be members of the resident family and shall reside on the premises provided all the required findings can be made in all RL land use districts. The applicant must demonstrate that the lot can accommodate the parking of all personal and employee vehicles on-site.~~
- ~~d. Up to 25 percent or 250 square feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation in all RS land use districts. Up to 35 percent or 500 square feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the use in all RL land use districts.~~
- ~~e. Operating hours of a home occupation shall be between the hours of 7:00 a.m. and 8:00 p.m.~~

~~F. **Review.** The Director shall review all applications for a Home Occupation Permit to determine if the proposed use meets all of the general development standards Section 9.XX.XXX (J). If all standards are met after complying with the notice provisions of this subsection, the Director shall make the following findings prior to issuance of the permit;~~

- ~~1. That the proposed use is not prohibited;~~
- ~~2. That the proposed use will comply with all applicable standards;~~
- ~~3. That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety, and general welfare;~~
- ~~4. That the proposed use will be consistent with any applicable specific plan.~~
- ~~5. That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the development code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.~~
- ~~6. In accordance with Section 9.XX.XXX (Notice of Pending Land Use Decision), notice shall be given, except that such notice will be given at least 15 days prior to the scheduled hearing date. If no response has been received by the Town five days prior to the scheduled hearing date and the applicant has no objections to the conditions of approval, the Director may elect not to hold a formal hearing.~~
- ~~7. Home Occupation Permits are subject to review by the Director annually, or as a result of any written complaint.~~

~~G. **Permit Revocation.** The Home Occupation Permit may be revoked by the Director if any one of the following findings can be made that there exists a violation of a condition, regulation or limitation of the permit and said violation is not corrected within 10 days after a notice of violation is served on the violator or after repeated violations. The permit shall not be revoked without notice of hearing ten days in advance of the hearing for consideration of permit revocation. The Director may schedule the revocation hearing for consideration by the Commission:~~

- ~~1. That the permitted home occupation use has changed in kind, extent or intensity from the use which received an approved Home Occupation Permit;~~
- ~~2. That the use has become detrimental to the public health, safety, welfare or traffic, or constitutes a nuisance;~~
- ~~3. That the use for which the permit was granted has ceased or was suspended for six or more consecutive calendar months;~~

4. ~~That the use is not being conducted in a manner consistent with applicable operating standards described in Section 9.XX.XXX(D) (Operating Standards), of this Chapter;~~
5. ~~That the permit was obtained by misrepresentation or fraud;~~
6. ~~That one or more of the conditions of the Home Occupation Permit have not been met;~~
7. ~~That the property owner or tenant fails to permit entry onto the premises to allow periodic inspections by representatives of the Town at any reasonable time;~~
8. ~~That the home occupation is in violation of any statute, law, ordinance, or regulation;~~
9. ~~That two or more valid complaints from at least two different parties have been filed against the home occupation within any six month period, and it is found that the use is causing harm or unreasonable annoyance or is otherwise detrimental to other property or its use in the area;~~
10. ~~That the applicant has not obtained a current business registration certificate from the Town;~~
11. ~~That the proposed use altered the character of the neighborhood and/or induced physical or socioeconomic changes to the neighborhood that are not consistent with the goals and objectives of the General Plan, that are not consistent with the development code, and that create characteristics more closely associated with commercial, office or industrial land use activities;~~

~~G. **Appeal.** Any affected person may appeal a decision of the Director to the Commission. Appeals shall be filed with the Community Development Department within 10 calendar days following the date of the action appealed. Upon receipt of the notice of appeal, the Director shall schedule the matter on the agenda for the next possible regular Commission meeting. The Commission may affirm, revise or modify the action appealed from the Town staff. Any decision of the Commission may be appealed to the Council within 10 calendar days following Commission action.~~

#### 9.08.060 – Institutional Uses

- A. **Purpose.** This Section provides general standards applicable to institutional uses to preserve neighborhood character, provide compatibility with adjoining properties, and to insure that existing traffic improvements for the site are at appropriate levels and that traffic improvements are required in accordance with the Circulation Element of the General Plan.
- B. **Applicability.** The provisions in this Section shall apply to Recreation, Education and Public Assembly (Institutional Uses) as listed in the Permitted Uses Table (Table 2-X). This includes Arboretums, Campgrounds, Religious Institutions and Other Places of Public Assembly, Conference Centers, Hospitals and Convalescent Homes, Museums, and Schools, which shall be subject to the standards of this section.

**C. Locational, Developmental, and Operational Standards.** In addition to the standards specified for the specific Zoning District in which a use is located the following shall also apply to Institutional Uses. In the event of a conflict between provisions, the following provisions shall apply.

1. The site shall be located on or adjacent to a paved street.
2. The site shall be located on an 80-foot wide collector or greater as shown on the Circulation Element of the General Plan.
3. Building setback of 50 feet from all property lines is required when developing in or adjacent to a single family residential land use district; otherwise the underlying building setback of the land use district shall apply.
4. Minimum parcel size shall be 2.5 acres in single family residential land use districts.
5. Mid-block locations within a single family residential land use districts shall be discouraged.
6. The height of any structure shall be compatible with that of the surrounding development.
7. The architectural design of facilities shall be designed in such a manner that the facility is compatible with and in scale with the surrounding development. For development within a commercial land use district the project shall be consistent with the adopted Commercial Design Guidelines.
8. Parking area for facilities in residential land use districts that accommodate a large number of vehicles shall be divided into a series of smaller parking areas by landscaping and by offsetting portions of lots in ways that effectively reduce the visual impacts of large parking areas.
9. Access drives and parking aisles shall be kept at the maximum distance possible from any adjacent residential units.

#### **9.08.070 – Manufactured Housing, Mobile Homes and Recreational Vehicle Parks**

##### **A. Manufactured Housing and Mobile Home Parks.**

1. Purpose. This subsection provides for the establishment, location, design, and improvement of mobile home parks.
2. Applicability
  - a. Where Allowed. The development standards provided in this Chapter shall apply to the establishment or enlargement of mobile home parks in zoning districts where

allowed in compliance with Article 2 (Zoning Districts and Development Standards).

- b. State Law. The requirements of this Chapter shall include the provisions of the Mobile Home Parks Act (Health and Safety Code Section 18200 et seq.) and the applicable Mobile Home Parks Regulations adopted by the State Department of Housing and Community Development (Code of Regulations, Title 25, Division 1, Chapter 2, Section 1000 et seq.) The requirements of this Chapter are intended to equal or exceed the requirements of the Mobile Home Parks Act and the Mobile Home Regulations. The requirements of the Mobile Home Parks Regulations shall be incorporated as part of this Chapter and compliance with the regulations shall be required.
3. Enforcement Authority. The California Department of Housing and Community Development shall enforce State law and regulations that apply to the maintenance, use, occupancy, sanitation, and safety of mobile home parks or that apply to permits to operate them.
4. Development Standards
  - a. Locations. Mobile home parks/manufactured home land-lease communities shall be located where allowed in compliance with Article 2 (Zoning Districts and Development Standards) and in compliance with State law.
  - b. Parcel Size and Density. The minimum parcel sizes and density standards for mobile home parks shall be as indicated in Table 2-XX (Residential and Open Space Zoning Districts Development Standards).
  - c. Drainage and flood hazard. A mobile home park shall be located on a well-drained site, properly graded to provide for adequate disposition of water runoff. The area shall be free of flood hazard from external sources. The review authority may require dedications and improvements that will ensure proper protection of a mobile home park.
  - d. Streets and highways. The review authority may require additional dedication and improvements on streets and highways abutting the proposed mobile home park in compliance with the Circulation Element of the General Plan and established widths of local and collector streets.
  - e. Parcel areas and dimensions. A parcel in a mobile home park shall contain a minimum area of 1,200 square feet with a minimum width of 30 feet fronting on a driveway, provided that:
    - (1) Parcels larger than the above minimum sizes may be required by the Commission where it is determined that the larger parcel size will be:

- (a) Consistent with the general pattern established by mobile home parks in the vicinity, or
  - (b) Necessary to accommodate manufactured home sizes as stated in the Mobile Home Park Report submitted by the applicant.
- (2) Parcels on curved driveways or cul-de-sacs where lot lines are either converging or diverging from the front to the rear of the parcel shall have an average width of at least 30 feet with a minimum 25-foot driveway frontage.
- f. **Required Separation Distances.** Mobile homes shall be located so they are at least 10 feet apart from side to side, eight feet apart from side to rear, six feet apart from rear to rear, and 10 feet from a structure, except for accessory structures used as private toilets or baths for exclusive use of the occupant of the mobile home site. Mobile home hitches shall face the access driveway.
- g. **Minimum Side and Rear Setbacks.** The combined side setbacks of a mobile home parcel shall total a minimum of 10 feet; provided, however, that a mobile home shall not be closer than three feet to a side or rear parcel line. Where mobile home lots abut side or rear setbacks as defined in Subsection (i) (Perimeter setbacks), below, setback areas may be included as a part of the perimeter setback.
- h. **Maximum Coverage.** The maximum lot or parcel coverage of a mobile home parcel shall not exceed 75 percent of the total area of the parcel. Coverage shall include any area that is covered or occupied by a trailer coach, cabana, vehicle, ramada, awning, closet, cupboard, or other structure.
- i. **Perimeter setbacks.** The following setbacks shall apply to the perimeters of a mobile home park:
  - (1) Front setback of at least 25 feet along the public street upon which the mobile home park fronts. This setback shall extend across the entire width of the park.
  - (2) Side setbacks of not less than five feet along each side boundary line of the mobile home park.
  - (3) A rear setback of not less than 10 feet along the rear boundary line of the mobile home park.
  - (4) Greater setbacks may be required at the discretion of the Commission where, greater setbacks are necessary due to topographic conditions, grading, drainage, or protection of adjacent property.
  - (5) No part of a mobile home shall be located within a required perimeter setback area.

- a. Circulation. Roads within mobile home parks shall be designed to provide reasonable and convenient traffic circulation and shall meet the following standards:
- (1) A road shall not be less than 34 feet in width if car parking is allowed on one side of the road and not less than 42 feet in width if parking is allowed on both sides.
  - (2) Road widths shall be limited to 34 feet when parcels are located on only one side of the road. Road widths of 34 feet shall be required to provide for parking on both sides shall be necessary when parcels abut the road on both sides.
  - (3) The entire width of the roads within mobile home parks shall be surfaced with a minimum of two-inch thick asphalt concrete, mix, or other material as approved by a soils report.
- a. Parking. Two parking spaces shall be provided on each mobile home parcel, one of which shall be covered. A parking area for use by guests and visitors shall also be established and maintained. There shall be one guest parking space for every 10 mobile home parcels, or fraction of 10, within the mobile home park. Each parking space shall be 10 by 20 feet in size plus the additional area for adequate ingress and egress. Tandem parking is allowed.
- b. Walkways. Walkways shall be provided to allow reasonably direct access to all parcels, service structures, and other areas or structures used by occupants of the mobile homes. Collector walkways serving utility structures, playgrounds and other general areas shall be at least four feet in width and individual entrance walks to each mobile home site shall be at least two feet in width. Walkways shall be constructed of asphalt, concrete, plant mix, or other approved materials that will allow all-weather pedestrian movement.
- c. Walls or Fences. A wall or fence six feet in height shall be erected and maintained along each side and rear boundary of a mobile home park except along the portion of the side or rear boundary line that either abuts a public street or is within a front or side setback adjacent to the street, in which case, a wall or fence may be required. A wall or fence shall be solid and of concrete, brick, or other masonry construction or of chain link metal construction or rod iron with an evergreen hedge planted on the side facing the mobile home park. Where, in the opinion of the review authority, it is unreasonable to require the construction of a fence or wall, the review authority may waive or modify the requirements as specified in this paragraph.
- d. Screening of Service Areas. The Review Authority may require fencing or screen planting around areas containing garbage, rubbish, or waste disposal, or ground service, or recreational areas as a condition of approval of a mobile home park.

e. Storage Areas.

(1) Common storage areas shall be provided with an enclosed fenced area for the residents of the mobile home park for the storage of licensed recreational vehicles, trailers, travel trailers, and other licensed vehicles. The storage area shall contain a minimum of 50 square feet for each mobile home parcel in the mobile home park.

(2) Storage on a mobile home parcel shall comply with the provisions of Title 25, Division 1 of the California Code of Regulations.

5. Bonds to Guarantee Improvements. If all improvements required as a condition of approval of a mobile home park are not satisfactorily completed at the time a Certificate of Occupancy is requested, the owner or owners of the mobile home park shall, before the issuance of the permit, enter as contractor into an agreement with the Town guaranteeing that the required work will be accomplished. The form and amount of security shall be determined by the Director.

a. Public Address Systems. Public address systems or loudspeakers shall not be allowed if audible outside the boundaries of the mobile home park.

b. Modifications in Design. Where a mobile home park application is submitted for approval that, although not in compliance with the design requirements in this Chapter, are consistent with the general purpose and intent of this Chapter, the review authority may approve the park with conditions and restrictions that ensure that the general purposes are satisfied.

(1) Park designs utilizing duplex or cell-type groupings of mobile home parcels or other modified designs may be approved under the provisions of this Section.

(2) Modifications of the above standards of design may be approved under the provisions of this Section for mobile home parks, travel trailer parks, recreational trailer parks, temporary trailer parks, and tent camps. However, in no case shall the modifications conflict with minimum requirements of the Mobile Home Parks Act (Health and Safety Code Section 18200 et seq.) and the applicable Mobile Home Parks Regulations adopted by the State Department of Housing and Community Development (Code of Regulations, Title 25, Division 1, Chapter 2, Section 1000 et seq.).

**B. Recreation Vehicle Parks.**

1. Purpose. The purpose of this section is to provide general standards applicable to recreational vehicle parks to provide compatibility with adjoining properties.

2. General Standards.

- a. All recreational vehicle parks shall contain a minimum of ten acres.
- b. Length of occupancy for any recreational vehicle shall not exceed 120 continuous days or 180 days in any one year period.
- c. Each site/space shall be of a size and shape that will provide reasonable area for the parking of the recreational vehicles next to the utility connections and for the parking of another vehicle side by side.
- d. Each site/space in the park shall be identified with an individual number in logical sequence and shown on the approved site plan for the park.
- e. A six-foot high masonry wall or approved equivalent fencing shall be constructed along all exterior property lines to protect the existing or future use of the adjacent property. Fencing along any street frontage may consist of a six-foot high decorative wrought iron or masonry wall.
- f. Each space shall have direct access to an abutting paved roadway. The roadways within the park shall be paved in accordance with Town standards to a width of not less than 30 feet for two-way traffic and a minimum width of not less than 20 feet for one-way traffic. One-way drive aisles must originate and terminate at two-way drive aisles.
- h. Roadways shall not be used for parking.
- i. All recreational vehicle parks shall be designed to allow for two access points to a public thoroughfare.
- j. Each space shall contain a picnic table, barbecue, and at least one shade tree for every two RV spaces.
- k. All exterior lighting shall comply with Chapter 8.70 (Outdoor Lighting).
- l. Refuse containers shall be conveniently located throughout the park and contained within a trash enclosure in accordance with Town standards.
- m. Common recreational area shall be required for all recreational vehicle parks. The recreation area may contain a clubhouse, swimming pool, game courts, and open areas. Open areas may be either designed for active or passive recreation, provided that the slope of the land does not exceed a gradient of ten percent. Grade of ten percent or more shall be common area, but not counted as recreational area.
- n. Each space shall be improved with paving, gravel, or other non-paved surface as approved by the Town.

- o. Each recreational vehicle park shall be landscaped in accordance with a landscape plan as approved by the Planning Division.
  - p. The facility shall have an on-site manager. The manager's living quarters can either be a recreational vehicle or single family residence.
3. Accessory Uses. The following structures and their uses are permitted in all recreational vehicle parks:
- a. Private recreation facilities for the use of the occupants of the park, including, but not limited to a swimming pool, playground area, putting green, game courts (i.e., tennis, basketball), and other similar recreational facilities..
  - b. Social and recreational clubhouse.
  - c. Common laundry facilities.
  - d. Common shower, bath, and locker room facilities.
  - e. Snack bar and food store provided this use is fully contained in a social or recreational center (clubhouse) and serving only park guests.
  - f. Other uses that are similar to those listed above and compatible with the site and surrounding land uses.
  - g. Recreation vehicle or travel trailer storage area shall be fully screened as approved by the Planning Commission with fencing not less than 6 feet in height and shall be clearly designated on the approved site plan.
4. Prohibited Uses.
- a. Except for park owner or park management personnel as allowed under Section XX, there shall be no permanent residency in a recreational vehicle park.
  - b. The on-site sale of propane is permitted subject to Fire Departments review and approval.
  - c. Except as otherwise expressly provided herein, no part of the park shall be used for any business, commercial, manufacturing, retail, vending purposes, unless those activities are approved under the CUP or separate permit
5. Setback Requirements:
- a. When the park is within the RM-10 and RM-14 land use district, the social and recreation (clubhouse) building shall maintain the following setbacks:

- (1) 100-foot setback from all interior property lines of the park.
  - (2) 50-foot setback from all streets.
  - (3) All other accessory structures shall maintain the required building setbacks of the land use district.
- b. When the park is within the CG, CS, RR-C, and I land use districts, the social and recreation (clubhouse) building shall maintain the following setbacks:
- (1) 50-foot setback from all interior property lines of the park.
  - (2) 15-foot from all street frontages.
  - (3) All other accessory structures shall maintain the required building setbacks of the land use district.
- c. A minimum 10-foot landscape setback shall be maintained along all street frontages.
- d. When a park is adjacent to a residential land use district, a minimum 25-foot wide landscape buffer shall be provided between the spaces and the property line.
- e. When a park is adjacent to a commercial or industrial land use district a minimum 10-foot wide landscape buffer shall be provided between the space and the property line.
6. Findings for Projects in the Multi-Family RM-10 and RM-14. Before taking any action to approve a project in the RM land use district, the Planning Commission or Council shall find that the proposed Recreational Vehicle Park conforms to the following criteria:
- a. Location and design be consistent with the goals and policies of the General Plan and other applicable goals and policies.
  - b. The RV Park is compatible with the surrounding land uses and does not negatively impact the surrounding neighborhood.

#### **9.08.080 – Multi-Family Residential Standards Site Design Guidelines and Architectural Design Guidelines**

##### **A. Multi-Family Development Standards**

1. General Provisions. The specific purposes of the Multiple Residential District regulations are to:

- a. Provide appropriately located areas for multiple family dwellings that are consistent with the General Plan and the standards of public health and safety established by the Yucca Valley Municipal Code;
  - b. Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, population density, traffic congestion and other adverse environmental impacts;
  - c. Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment; and
  - d. Insure the provisions of public services and facilities needed to accommodate planned population densities.
2. Development Standards. All multi-family housing projects shall comply with applicable site development standards of this Code. In addition, the following standards shall apply to multi-family projects:

**TABLE 2-X:  
MULTI-FAMILY DEVELOPMENT STANDARDS**

Development Feature	Required Standards				
Separation Between Buildings	<i>2 units</i>	<i>3 or more units</i>	<i>Between accessory and other buildings</i>		
	15 ft.	25 ft.	15 ft.		
Minimum Dwelling Unit Size	<i>Studio</i>	<i>One Bedroom</i>	<i>Two Bedroom</i>	<i>Three Bedroom and Larger</i>	
	500 sf.	650 sf.	750 sf.	1,000 sf.	
<b>Required Open Space</b>					
Private Open Space: Minimum Square Feet	<i>2 to 3 units</i>	<i>4 or more units</i>	<i>Waiver of Private Open Space</i>		
	450 sf. Per unit 15 ft. (Min. Dimension)	1 <sup>st</sup> Floor: 150 sf. Per unit 2 <sup>nd</sup> Floor: 75 sf. Per unit	Private open space may be waived if the dwelling unit size of the units built is at least 200 sq. ft. larger than the minimum dwelling unit size specified above.		
Common Open Space: Minimum Size	All multi-family developments, with the exception of duplexes and triplexes (2 to 3 units), shall provide not less than 30 percent of the net site area as common useable open space.				
Required Amenities: Number and size of Required Amenities	<i>2 to 3 units</i>	<i>4 to 10 units</i>	<i>11 to 50 units</i>	<i>51 to 100 units</i>	<i>101 to 200 units</i>
	Private outdoor space 450 sf.	200 sf. minimum space for each amenity			
		1	2	3	4

3. Common Usable Open Space Standards. Common usable open space shall meet the following requirements.
  - a. Useable open space areas shall not include rights-of-way, vehicle parking areas, areas adjacent to or between structures less than 15 feet apart, required front setbacks, private open space areas, or areas with slopes exceeding 15 percent;
  - b. Such areas shall be planted with turf or ground cover, or other landscape material that will control dust;
  - c. Such areas shall be screened from the streets and adjacent sites;
  - d. Common useable open space areas shall be unobstructed except by improvements that enhance the usability, such as swimming pools, fountains, sunshades, and plantings.
  - e. See Table 2-X for common open space required.
4. Required Amenities. The following amenities are required for multi-family residential projects.
  - a. All multi-family housing developments shall provide recreational amenities with the site which may include: swimming pool and spa; fitness room, clubhouse; tot lot with play equipment; daycare center; picnic shelter/barbeque area with seating; court game facilities such as tennis, basketball, or racquetball, softball or baseball fields.
  - b. The type of amenities shall be reviewed and approved with the Site Plan and Design Review process for the project. Additional amenity(s) may be required if the Planning Commission determines that the proposed amenity(s) are not of a quality that is in keeping with the number of dwelling units/scope of the project.
  - c. See Table 2-X for number and size of required amenities.
5. Landscaped Setback Required. A minimum landscape setback area of 15 feet as measured from the property line shall be provided along each street frontage of the project.
6. Permitted Installations within the required Building Setback Lines. Unless specifically regulated by another section of this Code or the Town Municipal Code, permitted installations within the required building setback lines may include Landscaping, garden walls, retaining walls, parking lots, recreational facilities (side and rear only), entry statements (decorative block/stucco, boulders, signage), sidewalks and driveways, underground utilities, lighting and similar fixtures.
7. Pedestrian Circulation. An interior walkway system with a minimum width of four feet shall be incorporated into the project for the purposes of providing direct access to and

from all individual dwelling units, trash storage areas, parking areas, recreational areas and other outdoor common areas.

8. Parking. The number of required parking spaces shall be in conformance with the Parking Code.
9. Laundry Facilities.
  - a. Common laundry facilities of sufficient number shall be provided (Facilities are required to be accessible, consistent with the California Building Code); or
  - b. Each dwelling unit shall be plumbed and wired for a washing machine and dryer.
10. Lighting. The following areas shall be lighted during the hours of darkness in a manner consistent with the Outdoor Lighting Ordinance:
  - Private streets and drive aisles;
  - Parking areas;
  - Walkways or pedestrian paths;
  - Individual dwelling entries;
  - Addresses;
  - Recreational facilities;
  - Active outdoor play areas; and
  - Project entryways.
11. Trash Enclosures. One trash enclosure per 10 units shall be located at convenient distances from the buildings they serve and sited to minimize visual and odor impacts to abutting properties.
12. Buffer Areas. There shall be a minimum 15 foot wide planted buffer between new multi-family residential development and existing single family developments or single family land use districts.

**B. Multi-Family Site Design Guidelines.**

1. Purpose. The Council finds that the general quality of multifamily development throughout the Town necessitates the implementation of better development standards than currently exists. The lack of architectural articulation, landscaping, proper parking accommodations, suitable amenity packages and other design features adversely affects the quality of life for multi-family development residents and adversely affects property values in these areas. Multi-family housing design standards are necessary to improve and maintain the quality of multi-family housing for the safety and benefit of residents and for the preservation of property values in the vicinity of multi-family neighborhoods.

Further, and in general, multi-family and cluster housing, because of their higher densities, tend to generate large parking areas and a decrease in private open space. If not properly

designed, parking facilities can dominate the site and relegate open spaces to left over areas not related to the structure and not useful to the residents. Multi-family developments surrounded by high walls and parking lots or rows of carports along public streets are examples of undesirable design features. These design standards are intended to mitigate these undesirable design features and promote a pleasant residential environment within the context of higher density development within the Town.

2. Objectives. The following are objectives of the Design Standards:
  - a. Introduce a clear and consistent set of standards designed to assist the development community in comprehending the Town's intent in regulating design quality and insuring that long term interests of the community are met;
  - b. Create an environmentally based set of standards intended to realistically reflect natural constraints and development opportunities;
  - c. To enhance and preserve neighborhoods and property values by providing good quality design;
  - d. Improve site planning and appearance through the application of modern and creative solutions to commonly repeated design problems found throughout the Town;
  
3. Site Planning and Design. Multi-family residential developments shall be sited to respond to and respect property views, site features, existing topography, dwelling unit privacy and any adjacent existing development. The following multi-family site planning standards shall be used to create a safe, neighborhood environment in the project area.
  - a. Integrate Structures into Natural Landforms
    - (1) Site grading shall recognize existing natural landforms and drainage patterns by providing an appropriate transition of architectural elements to grade. For example, in larger developments use the natural features as amenities by leaving natural drainage swales or rock outcroppings undisturbed and orienting buildings and open spaces around them.
    - (2) Building pads and vehicle circulation shall generally follow contour lines rather than cross them. When a building must cross contour lines, step building pads down the slope rather than mass grading the site.
    - (3) The grading plan shall direct and provide for an adequate flow of surface run-off to catch or retention basins while contouring the land to blend with existing conditions at the boundaries of the site.
  
  - b. Neighborhood Compatibility. New multi-family residential development shall relate to adjacent single family residential districts in the following ways:

- (1) By stepping down the scale, height and density of buildings at the edges of the development when surrounding neighborhoods are of lower density or smaller scale. Step the building down at the ends or sides nearest the single family unit to a height approximately equal to that of the adjacent single family residence (or of typical single family residences in the vicinity if adjacent to an undeveloped single family zoning district).
  - (2) By incorporating architectural elements and materials that are similar to those used in the neighborhood.
  - (3) By including a front yard that is similar to a single family residence.
  - (4) By locating parking areas within the project interior or at the side or back when necessary to achieve the "residential front yard" appearance.
4. Entry Drives. The principal vehicular access into a multi-family development shall be through an entry drive rather than a parking drive. Entry drives provide access to parking areas free from parking and backing out movements, parking drives lead through parking stall areas and can be interrupted by vehicles pulling into or out of parking spaces. Colored, textured paving (i.e., interlocking pavers) treatment at the entry drives is encouraged.
- a. Entry Statements
    - (1) Entry Statement Standards. Projects with ten or more units shall include vehicular and pedestrian entry statements that shall be consistent with the following:
      - (a) Provide one visually dominant entry to the development that conveys a sense of arrival;
      - (b) Entry statements shall provide an open view into the development with landscaping and project directories;
      - (c) Design the entry to provide a transition from the outside to an internal visual focus, such as landscaping, a water feature, sculpture or a building;
      - (d) Special attention shall be given to hardscape and landscape treatments at the entry to enhance the overall image of the development. An entry statement shall consist of at least two of the following items:
        - Hardscape structure (trellis, decorative, low garden wall with berming, guardhouse, decorative gate);

- Specimen landscaping (large, distinctive vegetation, i.e., relocated Joshua trees) or mature trees;
- Large boulder groupings;
- Water saving and easy maintenance fountains;
- Textured or stamped concrete;
- Monument signage with accompanying landscape and berming;  
or
- Other comparable installations.

5. Clustering of Units

- a. Consistent Application in Site Plan. The clustering of multi-family units shall be a consistent site planning element. Structures composed of a series of simple yet varied planes assure compatibility and variety in overall building form.
- b. Perimeter Arrangement. Buildings shall be clustered to achieve a pleasing streetscape and visual variety at the perimeters of the development through variation in building siting, massing, orientation and landscaping.
- c. Connections Between Building Clusters. In multi-building developments, pedestrian paths shall be provided to connect buildings in the development with one another, on-site amenities and adjacent streets.

6. On-Site Parking. In multi-family developments, there are generally three ways to accommodate parking: parking drives, parking lots/courts, and garages within the residential structures. Projects with either long, monotonous parking drives or large, undivided parking lots are prohibited. The following standards shall be followed in the design of parking areas for multi-family developments.

a. Parking Lot Layout.

- (1) In general, parking areas shall be visible from the residential units that utilize them.
- (2) Locate required resident parking spaces convenient to the units they serve.
- (3) The location of parking and drives aisles shall minimize the points of conflict between pedestrian and vehicular traffic.

b. Parking Area Landscaping

- (1) At least one landscape or shade tree shall be provided for every seven spaces of open parking areas.

- (2) Provide landscaped planters in parking areas to break up expanses of pavement.
  - (3) Parking drives, when located on the periphery of a project, tend to isolate the project from its surroundings. Perimeter parking drives are not desirable and shall be minimized. Where a parking area separates a group of dwellings from the street, pedestrian or bicycle paths consisting of contrasting paving material shall provide access from groups of dwellings to the street.
- c. Parking Lots/Courts
- (1) Parking courts shall not contain more than two adjacent double-loaded parking aisles.
  - (2) The length of parking courts shall not exceed a length greater than one half the length of the lot where they are located.
  - (3) Parking courts shall be separated by structures or by a landscape buffer of at least 30 feet.
- d. Garages/Carports
- (1) Incorporating carports into exterior project walls adjacent to streets is strongly discouraged.
  - (2) Provide a visual buffer between the fronts of carports and residential units by use of planting screens and/or architectural features.
  - (3) Provide landscaping on exposed sides of carport or garage structures.
- e. Parking within the Front Yard Building Setback. Parking may be located within the required front yard if it is completely screened from the street by either a landscaped hedge or a decorative, architectural screen wall, integrated into the architecture of the building by use of similar materials or accent treatments.
7. Connections between Buildings. In multi-family developments with three or more buildings, pedestrian paths to facilitate circulation between buildings shall be provided.
  8. Access to Amenities. Provide a pedestrian path to facilitate access between residential units and parking areas, recreational facilities, mailboxes, common open space, and to connect the development to the Town-Wide trails system where a project is adjacent to the system.

9. Arrangement of Open Space. Required common open space shall be conveniently located for the majority of residents and private open spaces shall be located near the units they serve.
10. Visibility. Multi-family developments shall have secure open space areas and children's play areas that are visible from the units.
11. Location of Amenities. Recreational amenities shall be located adjacent to designated open space areas wherever possible.
12. Landscaped Areas
  - a. Landscaping Considerations. Landscaping is used to frame, soften and embellish the quality of the environment, to buffer units from noise or undesirable views, to break up large expanses of parking, and to separate frontage roads within the development from public streets. To accomplish these design objectives, a landscape needs vertical elements. Trees and tall shrubs are needed in addition to groundcover and can also be used to provide shading and climatic cooling of nearby residential units.
  - b. Landscape for Screening and Privacy. Landscaping shall be used to maximize the privacy of adjacent single family residences. A minimum of 20 percent of the trees used for screening purposes shall be 24 inch box size when installed.

### **C. Multi-Family Architectural Design Guidelines.**

1. Dwelling Unit Architecture
  - a. General. New multi-family residential development shall relate to adjacent single family residential districts in the following ways:
    - (1) By stepping down the scale, height and density of buildings at the edges of the development when surrounding neighborhoods are of lower density or smaller scale. Step the building down at the ends or sides nearest the single family unit to a height approximately equal to that of the adjacent single family residence, or of typical single family residences in the vicinity if adjacent to an undeveloped single family zoning district.
    - (2) By incorporating architectural elements and materials that are similar to those used in the neighborhood.
  - b. Architectural Style. While there is no particular architectural style required for multifamily residential structures, the focus shall be on the development of a high quality residential environment that provides variety and visual interest while still creating an overall unified image. Desert appropriate architectural styles shall be

used to blend the development into the natural desert environment to the greatest extent possible. Desert appropriate styles will respond to desert conditions such as sun, wind, heat and cold. In selecting an architectural style, compatibility with surrounding character, including compatible building style, form, size, color, materials and roofline, shall be considered.

- c. Architectural Unity and Variation. Within multi-family developments containing several buildings, a common architectural theme among the buildings must be evident so that a unified image is presented. Within the unified image, each building should contain some identifying feature(s) that sets it apart from other buildings in the development so that an occupant can readily identify his/her building.
- (1) Unified Development Image. An overall unified image in a development with several buildings can be achieved through the use of common elements and/or materials. Multifamily buildings in such a context shall incorporate the following design principles:
- (a). Building form, roofline and primary materials shall represent a common theme throughout the development;
  - (b). A similar architectural character shall be provided on all sides of a building. Repeat details on all sides of a building; make them appear functional and real;
  - (c). Forms, colors, architectural details and landscape materials shall be consistent throughout the development. Variations for the purpose of establishing individuality among buildings within a group shall be consistent with an overall palette of materials and colors;
  - (d). Building entries shall be integrated into the building architecture. Upper decks, balconies, stair towers, utility closets and mechanical screening shall be integrated into the building architecture rather than add-on elements to a finished facade or roof
  - (e). Interior and exterior storage areas shall be integrated into the building design to make them compatible with the building architecture.
  - (f). Massing and Scale

1. Compatibility with Adjacent Single Family Residential Development. Because multifamily developments are frequently taller than one story, their bulk can be imposing to surrounding uses, especially single family residential uses. The scale of multi-family developments shall be considered within the context of their surroundings. This Section is not intended to limit two-story buildings but to provide transitions in rooflines and articulation of buildings and rooflines. The scale of multi-family

structures shall relate to adjacent single family residential structures in a manner consistent with this Code.

j. Mitigating Mass and Scale of Unarticulated Building Planes

(1) Blank end walls are not allowed. Instead, end walls shall be given some form of articulation or architectural treatment.

(2) Balconies, porches, patios and chimneys shall be integrated into multi-family structures to break up large wall masses, and to offset floor setbacks.

(3) Long barracks-like multi-family structures shall be avoided through the use of separations, changes in roof plane, horizontal offsets, and the inclusion of elements such as balconies, varied floor elevations, awnings, porches and patios.

k. Support Facilities, Compatibility with Primary Structures. Support facilities such as laundry facilities, recreation buildings, sales/lease offices or temporary sales offices within multi-family developments shall be consistent in architectural design, form, colors and materials with the residential structures.

l. Detached Garages. Detached garages shall be designed as an integral part of the architecture of projects and shall be similar in style, form, scale, color, detailing and materials to the primary structure.

m. Dwelling Unit Access and Entries

(1) Use in Providing Facade Articulation. Entry areas shall be utilized to articulate building faces through recesses, covered porches, or other architectural treatments in such a manner as to increase the sense of arrival.

(2) Provide Shelter. Entries shall provide shelter from natural elements such as sun, rain and wind.

(3) Shared Entries. Access points to residential units shall be clustered in groups of four or less. The use of long, monotonous balconies and corridors resulting in a "motel" type of appearance is discouraged.

(4) Visibility. Whenever possible, entrances to individual residential units shall be plainly visible from the parking areas that serve them.

(5) Maximize Privacy. Entries to individual units shall be spaced as far apart as possible to maximize privacy.

n. Roof. The pitch and form of roofs are a visible community feature. A range of roof forms and roof pitches can add an appealing visual impact to the community streetscape.

(1) Roof Overhangs. Broad roof overhangs when compatible with the basic architectural theme of the structure are recommended to produce interest and to respond to climatic conditions, especially when used in combination with courtyards, porch enclosures, balconies and recesses.

(2) Roof Materials. The roofing material shall be constructed of nonreflective fire retardant materials and exhibit muted earth tones.

o. Exterior Stairs, Integrate with Building Architecture

(1) In new buildings, simple, clean, bold projections of stairways integrated into the building architecture are encouraged to complement the architectural massing and form of the multi-family structure.

(2) Stairways integrated into the building architecture are encouraged in order to provide protection from natural elements such as sun and wind.

(3) Where modifications to existing multi-family residential structures include the addition of stairways, thin looking, open metal, prefabricated metal stairways shall be avoided. Instead, materials similar to the exterior of the building shall be used to architecturally link the stairway to the building.

p. Walls and Fences. Fencing requirements shall remain flexible, but installations shall take advantage of the natural features of the site like topography and vegetation.

(1) Privacy Screening. Closed privacy fencing should be limited to the immediate area around the private open space areas or outbuildings. If wood fencing is proposed, the fencing shall be designed to withstand the frequent high desert winds. Chain link is not permitted

(2) Private Courtyards. Private open space courtyards utilizing decorative walls providing shelter from wind are strongly encouraged.

(3) Materials Within Front and Street Side Yard. All walls and fences within the front yard or street side yard setback area shall be constructed of decorative materials such as split face or slump stone block, river rock or other similar materials that complement the materials used on the building or as approved by the Commission.

(4) Property Line Fencing. Property line walls and fences shall be constructed of decorative materials such as rail fencing or split face block or slumpstone, or incorporate decorative enhancements such as caps or pilasters. Property line fencing with unadorned solid wood or cinder block is prohibited.

(5) Articulation. Where any solid wall or fence exceeds 40 feet in length, the wall or fence shall be visibly articulated by pilasters or changes in the wall plane such as insets for plantings. Such articulation shall occur at a minimum of 40 foot intervals. All walls shall incorporate decorative caps.

2. Building Color

- a. Colors should be muted and lighter in value. Primary, bright, and florescent colors shall be avoided.

**D. Multi-Family Infill in Single-Family Neighborhoods.** New multifamily developments shall be integrated into an existing single family neighborhood so that they are compatible with adjacent structures and fit within the context of the existing neighborhood. Below are additional standards for these developments.

1. **Architectural Compatibility.** New multi-family developments in existing single family neighborhoods shall incorporate the architectural characteristics and maintain the scale of existing single family structures on the site and on adjacent property; for example, building height, window and door detailing, facade decoration, materials, color, roof style, roof pitch, porches, etc.
2. **Front Setbacks.** Front setbacks for new multi-family developments in existing single family neighborhoods shall be equal to or greater than the average front setbacks for the two adjacent properties. If one or both of the adjacent properties are vacant, then the average front setback shall be calculated on the next adjacent occupied properties.
3. **Site Design.** The site design of new multi-family developments in existing single family neighborhoods shall reflect the development patterns and scale of development of the surrounding neighborhood and any existing on-site single family structures, in terms of vehicular and pedestrian circulation, access, parking and landscaping. Any substandard conditions existing on the site shall be brought up to standard with the new development.

#### **9.08.090 – Planned Residential Development**

- A. Purpose.** The purpose of this Chapter is to provide standards for applicants that desire to develop under the provisions of Chapter 9.XX (Planned Development Permits). The standards in this Chapter are intended to promote a more efficient use of the land and to create a more desirable and affordable living environment by providing greater design flexibility than would be possible through the strict application of standard development regulations required by a zoning district.
- B. Applicability.** The provisions in this Chapter apply to development in any residential zoning district in compliance with the application requirements identified in Chapter 9.XX (Planned Development Permits). Strict compliance with the purpose and intent of the General Plan shall be required. Only uses allowed in the zoning district for which the planned development is proposed shall be allowed.
- C. Development Standards**
  1. **Size.** A minimum site of five acres shall be required for a planned residential development.
  2. **Density.** The total density of a planned development shall be determined by the zoning district applicable to the subject property. Increased densities may be granted by the review authority through the bonus density or transfer of density authorized by the General Plan

and implemented by this Development Code under the Housing Incentives Plan in Chapter XX (Affordable Housing Incentives - Density Bonus), or a Specific Plan. However, density increases shall not be granted for that portion of a planned development for which only a Preliminary Development Plan has been approved. Parcel sizes smaller than those required by the zoning district may be approved for a Planned Development provided the overall parcel density is not exceeded, except as otherwise allowed by this Development Code and/or the General Plan. The maximum unit allowable dwelling densities shall be as follows:

TABLE 2-X: TRANSFER OF DENSITY	
Maximum Unit allowable Dwelling Density <sup>1</sup>	Slope
4.0 Dwelling Unit per Acre	0%--less than 15%
2.0 Dwelling Unit per Acre	15% - less than 30%
1.0 Dwelling Unit per 3 Acres	30% - less than 40%
1.0 Dwelling Unit per 10 Acres	40% or greater

Note: 1) The density shall not be more than the maximum allowed by the zoning district.

- a. Transfer of Density. A 100 percent transfer of the density indicated on the General Plan official zoning district shall be allowed within a planned development project, provided all other performance criteria are met. The maximum allowable density transfers shall be determined by the table above. This transfer of density may include a transfer of density from adjacent property for which development restrictions in favor of the planned development project have been obtained.
  - (1) To be eligible for density transfer, adjacent private lands shall meet the following criteria:
    - (a) Private lands from which the density is being transferred shall be free of hazards or other physical constraints that prohibit the construction of residential dwellings.
    - (b) Private lands from which the density is being transferred shall be shown on the General Plan as developable for residential dwellings.
  - (2) Open space within the project that has been created as a result of a density transfer shall be common open space. However, in those circumstances when it is infeasible or impracticable for a private organization to adequately maintain and preserve the land as open space, the land may be dedicated to the public for open space purposes.

- (3) Transferable density on slopes in within a Fire Safety Overlay shall be determined by the formulas in Section 9.17.050 (Fire Safety Development Standards).
- b. Bonus Density.
    - (1) An additional bonus in dwelling-unit density, up to 10 percent above that indicated in the zoning district for the area, may be granted by the review authority provided one of the following criteria is met:
      - (a) A publicly valuable resource is provided, preserved, or enhanced that would otherwise require the expenditure of public monies.
      - (b) A public or quasi-public feature is provided above and beyond the normal expectations.
      - (c) An amenity, convenience, or excellence in design is provided above and beyond normal expectations.
      - (d) The granting of density bonuses shall further the purpose and intent of the planned development provisions of this Development Code and the General Plan.
    - (2) Density bonuses identified in State Planning and Zoning Law, including Section 65915 et seq shall also be considered.
3. Accessory Uses in Planned Residential Developments (PRD's).
    - a. Accessory uses allowed in the RS (Single-Family Residential) zoning district shall be allowed in a planned residential development, provided that the accessory uses are compatible with the approved PRD development plan.
    - b. When the underlying zoning district allows the keeping of horses, and where the density of a planned residential development project does not exceed four dwelling units per acre, horses shall be allowed in a PRD project as follows:
      - (1) On parcels 20,000 square feet or greater subject to the regulations of the RS (Single-Family Residential) zoning district.
      - (2) Where parcels are less than 20,000 square feet, horses shall be allowed subject to the following conditions:
        - (a) Horses shall be clustered onto common parcels.

- (b) The maximum density of horses shall not exceed four horses per gross acre of common parcel area.
  - (c) Standards and regulations relating to keeping of horses in Section 9.08.020 Animal Keeping shall also apply.
  - (d) Maintenance and management of the clustered facilities shall be provided by the property owners' association.
- c. Phased Development. In a phased development, safeguards shall be required in the form of easements or bonds or other commitments for open space requirements that will protect the integrity of the total project.
- d. Subdivision. When a tentative subdivision map is filed with a planned development project, before recordation of the final subdivision map, the following items shall be filed with the appropriate agency:
  - (1) Documentation of easements, covenants, deeds, and Property Owner Association by-laws, restrictions, and articles of incorporation.
  - (2) Sureties and performance bonds covering open space areas, dedicated public improvements, and other items as determined by the review authority. The amount of the performance bonds shall be reviewed annually by the appropriate agency.

#### **D. Design Standards**

- 1. Authority of Commission to Alter Standards. Unless specifically changed within this Section, adopted Town ordinances, standards, and polices shall apply to a planned development project, including those identified in this Development Code and the General Plan. The Commission may alter adopted standards, where, in the Commission's opinion, the altered standards would more adequately serve the purposes and intent of the planned development provisions of this Development Code.
- 2. Circulation and Parking.
  - a. Vehicular Circulation Pattern. The vehicular circulation pattern shall be designed to:
    - (1) Provide adequate vehicular access to and within the project, in compliance with adopted Town standards.
    - (2) Coordinate with external transportation networks in terms of location and loads.

- (3) Integrate with the natural landscape and, where possible, parallel the natural drainage system.
  - (4) The noise levels from vehicular traffic shall comply with the standards outlined in Section 9.XX.XXX (Noise).
  - (5) The planned development project, and each phase of the project, shall have two points of vehicular ingress and egress from surrounding streets, one of which may be emergency only, if approved by the Fire Department.
  - (6) Private streets are acceptable if they are built to Town standards and are inspected by the Town. However, rights-of-way shall not be accepted by the Town nor shall private streets be accepted as part of the Town's maintained road system.
- b. Pedestrian Circulation Pattern. The pedestrian circulation pattern shall be designed so that:
- (1) It is separated from vehicular traffic where possible and it discourages pedestrian crossing of the vehicular network, except at controlled points that are designed for pedestrian safety.
  - (2) Hard-surfaced, safely lighted pedestrian access to common open space, recreational areas, community facilities, and other logical terminal points shall be provided.
- c. Common Off-Street Parking Areas. Common off-street parking areas shall be designed so that:
- (1) They provide adequate, convenient, well-marked, and safely lighted parking.
  - (2) With the exception of enclosed parking structures, they shall contain appropriate landscaping to minimize the effect of large areas of asphalt or concrete.
- d. Parking Spaces Required per Unit. Two parking spaces per dwelling unit shall be provided. Tandem parking shall not be allowed. Guest parking, either on-street or in common parking areas, shall be provided at a ratio of one space per two dwelling units.
3. Open Space.
- a. Open Space Defined. For the purposes of this Chapter, open space within a planned development shall be the total area of land or water within the boundaries of a

planned development, designed and intended for use and enjoyment as open space areas.

(1) Open space within a planned development shall include the following:

- (a) Area of the site not covered by structures, paved areas or accessory structures, except recreational structures.
- (b) Land that is accessible and available to all occupants of the development for which the space is intended.

(2) Open space within a planned development shall not include:

- (a) Proposed and existing street rights-of-way and private streets.
- (b) Open parking areas, driveways.
- (c) School sites.
- (d) Commercial, industrial, or office areas, and their structures, accessory structures, parking, and loading facilities.

b. Minimum Open Space Required for Planned Development. A residential planned development project shall have a minimum of 40 percent private and common open space, not including balcony area.

c. Minimum open space required for each dwelling unit. Each dwelling unit shall have a minimum contiguous private open space area as follows:

- (1) Ground Floor: 225 square feet.
- (2) Upper-story dwelling without ground floor: 60 square feet.

d. Management of Common Facilities. Provisions for the maintenance and management of the common open space and common facilities shall be reviewed and approved by the Commission. The approval shall be based on the following criteria:

- (1) The applicant shall establish a property owners' association before the selling of a parcel or the occupancy of a dwelling unit.
- (2) The property owners' association by-laws, restrictions, and articles of incorporation shall include the necessary regulations required by the Federal Housing Administration. Other standards shall be approved by the Town.

#### 4. Site Resource Utilization.

- a. The planned development shall be designed and developed to minimize the cutting of trees, disturbance of ground cover, cut and fill work, drainage alteration, and hillside development. Removal of trees shall be in compliance with Town permit procedures.
- b. New earthwork and exposed slopes shall be suitably stabilized in compliance with Chapter XX (Hillside Grading). Scarred and erosion prone areas shall be stabilized with appropriate planting.

5. Site and Structure Relationship.

- a. The spacing of structures shall be governed by the requirements for adequate light and air, proper access, fire regulations, and the need for visual and auditory privacy.
- b. Whenever possible, dwelling units shall be arranged to take advantage of views and vistas.
- c. The planned development shall be designed to minimize the likelihood of criminal activity by:
  - (1) Minimizing those areas that are neither clearly private nor public.
  - (2) Planting landscaping to ensure that maximum observation is obtained while providing the desired degree of aesthetics.
- d. Structure height, bulk, and coverage are regulated only to the extent that ensures that they meet the performance criteria identified in Section C, Development Standards.

6. Perimeter.

- a. Adjacent properties to the planned development shall be protected from adverse influences of traffic, land use, structure scale, and density by the combined use of screening, setbacks, and land use location.
- b. Perimeter planning and coordination are required to ensure continuity in the community facilities and services. The applicant shall demonstrate that the development proposal can be adequately served by community facilities and services without undue public expenditure.
- c. Planned development projects that are within Fire Safety (FS) Overlay shall develop perimeter areas in compliance with Section 9.XX.XXX (Fire Safety Development Standards)

### 9.08.100 – Residential/Social Care Facilities

- A. Purpose.** This Chapter provides standards for the establishment and operation of residential/social care facilities.
- B. Applicability.** The standards in this Section apply to residential/social care facilities where allowed in residential districts, in addition to compliance with the standards in Chapter 9.07 (Residential, Open Space and Hillside Reserve Districts).

Facilities with 6 or fewer persons do not require a Conditional Use Permit and are allowed where a single-family dwelling is allowed, however, such facilities shall comply the General Requirements.

#### C. General Requirements

1. **Applicable Zoning District Development Standards.** Each social care facility shall conform to the property development standards for the zoning district in which it is located.
2. **Separation.** Social care facilities shall not be located within 300 feet of another similar facility.
3. **Applicable Health and Safety Regulations.** Social care facilities shall be operated in compliance with applicable State and local health and safety regulations.
4. **Required Permits and Licenses.** Social care facilities shall be in conformance with the California Building Code. A certificate of occupancy shall be obtained from the Building and Safety Division before occupancy of social care facilities.
5. **Fire Department Requirements.** Each social care facility shall provide fire extinguishers and smoke detector devices and shall meet all standards established by the Fire Chief.

**D. Development Standards.** In addition to the General Requirements residential/social care facilities with 7 or more persons shall comply with the following standards.

1. The site shall be located on or adjacent to a paved street where required street improvements can connect.
2. Building setback of 50 feet from all property lines as required when developing in or adjacent to a single family land use district; otherwise the underlying building setbacks of the land use district shall apply.
3. Common outdoor recreational amenities shall be provided subject to review and approval by the Commission.

4. The heights of any proposed structure(s) shall be compatible with that of the surrounding development.
5. The architectural design of facilities shall be compatible and in scale with the surrounding development.
6. Parking areas for facilities in residential land use districts that accommodate more than ten vehicles shall be divided into a series of smaller parking areas by landscaping and by offsetting portions of lots in ways that effectively reduce the visual impacts of large parking areas.
7. Access drives and parking aisles shall be kept at a maximum distance possible from any adjacent residential units.

#### 9.08.110 – Second Dwelling Units

- A. Purpose.** The purpose of this section is to expand the variety of housing opportunities in the Town by implementing State Government Code (65852.2) as it pertains to second dwelling units. In doing so, it is the intent of these regulations to insure that second dwelling units are located in areas where services are adequate to support them and to insure that second dwelling units are maintained as compatible and integral part of the Town's residential zoning districts.
- B. Development Standards.**
1. A second dwelling unit is an additional dwelling unit either attached or detached.
  2. The parcel upon which the second dwelling unit is to be built shall comply with all development standards for the district in which it is located.
  3. The total area of floor space for an attached second dwelling unit shall not exceed 30 percent of the habitable area of the main residential unit, or a detached second dwelling unit shall not exceed 60 percent of the main residential unit but not less than 725 square feet or greater than 1,200 square feet.
  4. A second dwelling unit may only be permitted on a residential lot on which there is already one owner occupied single family dwelling (primary dwelling) or concurrently.
  5. A second dwelling unit may not be allowed on any residential lot already containing two or more dwelling units, including dependent or guest housing.
  6. The driveway serving the primary dwelling unit shall be used to serve the second unit whenever feasible.
  7. The second dwelling unit may be metered separately from the main dwelling for gas, electricity, and water/sewer services.

8. The second dwelling unit shall be architecturally compatible with the design of the main dwelling and shall incorporate colors and materials that are complimentary to the primary unit.
- C. **Illegal Second Units.** This section shall not validate any existing illegal secondary unit. To convert a non-allowed secondary unit to a legal, conforming unit, the standards and requirements for the conversion shall be the same as for a newly proposed secondary unit.
- D. **Dependent Housing Units.** Those units approved under a Special Use Permit for a Dependent Housing Unit that do not meet these regulations shall be considered conforming.

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## Chapter 9.09 Commercial Districts

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### Sections:

- 9.09.010 – Purpose
- 9.09.020 – Permitted Uses and Permit Requirements
- 9.09.030 – Development Standards
- 9.09.040 – Other Applicable Regulations
- 9.09.050 – Property Maintenance Standards
- 9.09.060 – Projections and Encroachments into Required Setback Areas

### 9.09.010 – Purpose

This Chapter lists the land uses that may be allowed within the commercial zoning districts established by the General Plan and listed in Section 9.XX.XXX (XXXXXX), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

### 9.09.020 – Permitted Uses and Permit Requirements

Table 2-X identifies the uses of land allowed by this Development Code in each commercial zoning district established by Chapter 9.05 (Zoning Districts and Zoning Map).

All uses listed in the following table are subject to the applicable standards of this Development Code and the permit requirements referenced in the Notes and Other Regulations column and in Section 9.06.030B, Permit Requirements.

Pursuant to Section 9.06.030.A.3 – Similar and Compatible Uses May be Permitted. The Director may determine that a proposed use is permitted, providing that the Director makes the required findings that the proposed use is similar, compatible and consistent with the uses described in the table, the purposes, and the General Plan.

The following land uses shall be permitted, pursuant to the conditions stipulated

- A. Accessory Uses including parking lots and structures, accessory signs, and exterior storage which is fully fenced and screened with a solid fence and where no storage is visible above the fence. Accessory uses and structures shall comply with all requirements of this Code.
- B. General Commercial land uses proposed to operate from existing structures shall be permitted by right in the following cases
  1. The structure has historically been utilized in fashion similar to the proposed use.
  2. There are no structural off-street on-site improvements lack thereof which pose an immediate threat to the health safety or general welfare of the Town.
  3. There are no additions or alterations to the square footage of the existing structure

- C. Those General Commercial land uses proposed to operate from existing structures permitted by right at the approval of the Director include the uses identified as “SPR” in the following table.

TABLE 2-X: PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONING DISTRICTS								
Zoning Districts C-C: Community Commercial C-O: Office Commercial C-N: Neighborhood Commercial C-G: General Commercial C-MU: Mixed Use Commercial C-RR: Resort Recreation Commercial C-S: Service Commercial								
Permit Required SPR: Site Plan and Design Review CUP: Conditional Use Permit SUP: Special Use Permit TSEP: Temporary Special Event Permit TUP: Temporary Use Permit S: Specific Plan PD: Planned Development Review P: Permitted --: Not Allowed								
Type of Use	Permit Required by Zoning District							Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N	C-RR	C-S	
<b>Residential</b>								
Mixed Use Development	--	S	--	S	--	--	--	
Single-Family Dwelling Unit	--	--	--	--	--	--	--	
Single-Room Occupancy Housing	--	CUP	--	CUP	CUP	--	--	
<b>Care Uses</b>								
Child Day Care (small family)	--	CUP	--	SPR	CUP	CUP	--	Single family residences located in the commercial land use districts are subject to the standards specified in Section 9.XX.XXX
Child Day Care (large family)	--	CUP	--	CUP	CUP	CUP	--	
Child Day Care Center	--	CUP	--	CUP	CUP	CUP	--	See Section 9.XX.XXX (Child Day Care Centers)
Homeless Shelter	--	--	--	--	--	--	--	Including Transitional and supportive uses.
Home Occupation	HOP	HOP	HOP	HOP	HOP	HOP	HOP	Permitted for Single family residences located in the commercial land use districts pursuant to Section 9.XX.XXX (Home Occupation)
Social Care, Congregate Care, Convalescent Care Facilities	--	CUP	--	CUP	CUP	--	CUP	Including but not limited to elderly care and sober living facilities See Section 19.XX.XXX (Social Care Facilities)

**TABLE 2-X:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR COMMERCIAL ZONING DISTRICTS**

**Zoning Districts** C-C: Community Commercial C-O: Office Commercial C-N: Neighborhood Commercial  
C-G: General Commercial C-MU: Mixed Use Commercial C-RR: Resort Recreation Commercial  
C-S: Service Commercial

**Permit Required** SPR: Site Plan and Design Review CUP: Conditional Use Permit SUP: Special Use Permit  
TSEP: Temporary Special Event Permit TUP: Temporary Use Permit S: Specific Plan  
PD: Planned Development Review P: Permitted -- : Not Allowed

Type of Use	Permit Required by Zoning District							Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N	C-RR	C-S	

**Agriculture, Animal Related, and Open Space Uses**

Animal Care Facility (w/o exterior kennel, pens and runs)	SPR	Including, but not limited to animal hospitals, veterinarian, pet stores, and grooming. See Section 9.XX.XXX (Animal Keeping)						
Animal Care Facility (w/ exterior kennel, pens and runs)	CUP	CUP	--	--	CUP	--	CUP	
Community Gardens	SPR							
Equestrian Facility	CUP	CUP	--	--	CUP	CUP	CUP	--
Feed and Tack	CUP	CUP	--	--	CUP	CUP	CUP	In the C-RR zone store is allowed with a CUP only when associated with an Equestrian Facility.
Horticulture/Agriculture	SPR	SPR	--	--	SPR	SPR	SPR	Including, but not limited to crop production, orchards, and vineyards.
Kennels and Catteries (over 15 animals)	--	--	--	--	SUP	SUP	SUP	See Section 9.XX.XXX (Animal Keeping)
Livestock Operations	--	--	--	--	--	--	CUP	
Natural Resources Development	--	--	--	--	--	CUP	CUP	
Nature Preserve	SPR							
Nursery/Garden Supply (with outdoor display)	SPR	SPR	SPR	CUP	CUP	SPR	SPR	
Nursery/Garden Supply (without outdoor display)	SPR							

**Retail Commercial Uses**

Antique/Second Hand Stores	SPR	SPR	--	SPR	SPR	SPR	SPR	
Adult-Oriented Business	--	--	--	--	--	--	--	See Section 9.XX.XXX (Adult-Oriented Uses)
Appliance Sales and Home Goods (no repair)	SPR	SPR	SPR	SPR	--	--	SPR	

**TABLE 2-X:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR COMMERCIAL ZONING DISTRICTS**

<b>Zoning Districts</b> C-C: Community Commercial C-O: Office Commercial C-N: Neighborhood Commercial C-G: General Commercial C-MU: Mixed Use Commercial C-RR: Resort Recreation Commercial C-S: Service Commercial								
<b>Permit Required</b> SPR: Site Plan and Design Review CUP: Conditional Use Permit SUP: Special Use Permit TSEP: Temporary Special Event Permit TUP: Temporary Use Permit S: Specific Plan PD: Planned Development Review P: Permitted -- : Not Allowed								
Type of Use	Permit Required by Zoning District							Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N	C-RR	C-S	
Auto and Vehicle Sales and Rentals and Parts Sales	CUP	CUP	--	CUP	CUP	--	CUP	
Building and Landscape Materials Sales (indoor)	SPR	SPR	SPR	CUP	CUP	--	SPR	
Building and Landscape Materials Sales (outdoor)	CUP	CUP	--	CUP	--	--	SPR	
Convenience Store	CUP	CUP	CUP	CUP	CUP	CUP	SPR	
Construction and Heavy Equipment Sales and Rentals	--	CUP	--	--	--	--	CUP	
Farmers Market/Arts and Crafts Events	TSEP	TSEP	TSEP	TSEP	TSEP	TSEP	TSEP	See Section 9.XX.XXX (Temporary Special Events)
Fuel/Propane Dealer	--	--	--	--	--	--	SPR	See Section 9.XX.XXX (Gas or Other Fueling Stations)
Grocery, Supermarket, Specialty Food Store, Drug Store	SPR	SPR	SPR	SPR	SPR	SPR	SPR	
Manufactured Home Sales	--	--	--	--	--	--	CUP	
Boat and Recreational Vehicle Sales	CUP	CUP	--	CUP	CUP	--	CUP	
Pawn Shop	SPR	SPR	--	--	--	--	SPR	
Retail Store (less than 80,000 sf)	SPR	SPR	SPR	SPR	SPR	SPR	SPR	
Retail Store (80,000 or greater sf)	SPR	SPR	CUP	CUP	CUP	SPR	SPR	
Seasonal Holiday Sales Facilities	TSEP	TSEP	TSEP	TSEP	TSEP	TSEP	TSEP	See Section 9.XX.XXX (Temporary Special Events Permits)
Swap Meet, Outdoor Market, Auction Yard (permanent)	--	CUP	--	--	--	--	CUP	See Section 9.XX.XXX (Swap Meets)

**TABLE 2-X:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR COMMERCIAL ZONING DISTRICTS**

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Permit Required SPR: Site Plan and Design Review CUP: Conditional Use Permit SUP: Special Use Permit TSEP: Temporary Special Event Permit TUP: Temporary Use Permit S: Specific Plan PD: Planned Development Review P: Permitted --: Not Allowed								
Type of Use	Permit Required by Zoning District							Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N	C-RR	C-S	
Shopping Center (neighborhood, community, or regional),	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Warehouse Retail	CUP	SPR	CUP	--	CUP	CUP	SPR	
<b>Business, Financial, and Professional</b>								
ATM	P	P	P	P	P	P	P	
Financial Institution and Related Service	SPR	SPR	SPR	SPR	SPR	SPR	SPR	
Laboratory	SPR	SPR	SPR	SPR	SPR	--	SPR	
Office (Business, Professional, Medical), Corporate,	SPR	SPR	SPR	SPR	SPR	--	SPR	
<b>Eating and Drinking Establishments</b>								
Bakery (retail), Coffee Shop and Similar Uses	SPR	SPR	SPR	SPR	SPR	SPR	SPR	Including but not limited to ice cream shops, frozen yogurt shops, and candy/sweet shops
Bakery (wholesale)	SPR	SPR	SPR	CUP	--	CUP	SPR	
Bar, Lounge, Nightclub, Tavern, and Pool Hall	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Catering Service	SPR	SPR	SPR	SPR	SPR	SPR	SPR	
Fast Food (w/drive through, delivery)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	See Section 9.XX.XXX (Drive-in/Drive through Establishments)
Fast Food (w/o drive through, delivery)	CUP	SPR	SPR	SPR	CUP	SPR	SPR	
Full Service Restaurant	SPR	SPR	SPR	SPR	SPR	SPR	SPR	
<b>Commercial Service Uses</b>								
Ambulance Service	SPR	SPR	SPR	--	--	--	SPR	
Appliance Sales, Service, Repair, and Rental	SPR	SPR	SPR	SPR	SPR	--	SPR	

**TABLE 2-X:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR COMMERCIAL ZONING DISTRICTS**

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Permit Required SPR: Site Plan and Design Review CUP: Conditional Use Permit SUP: Special Use Permit TSEP: Temporary Special Event Permit TUP: Temporary Use Permit S: Specific Plan PD: Planned Development Review P: Permitted -- : Not Allowed								
Type of Use	Permit Required by Zoning District							Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N	C-RR	C-S	
Automobile Gas Station	SPR	SPR	SPR	CUP	CUP	SPR	SPR	See Section 9.XX.XXX (Gas or Other Fueling Stations)
Automobile Service/Repair (minor repair and maintenance)	CUP	SPR	CUP	CUP	CUP	--	SPR	
Automobile Service/Repair (major Repair/body work)	--	CUP	--	--	--	--	CUP	
Automobile Washing (car wash)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Automobile Washing (car wash) (fund raising, temporary)	P	P	P	P	P	P	P	
Barber, Beauty Shop, and other Similar Personal Service Uses	SPR	SPR	SPR	SPR	SPR	SPR	SPR	
Printing and Duplication Services	SPR	SPR	SPR	SPR	SPR	--	SPR	
Equipment Sales, Service, Repair, and Rental	CUP	CUP	CUP	--	CUP	--	CUP	
Fitness Center (less than 2,000 sf.)	SPR	SPR	SPR	SPR	SPR	SPR	SPR	
Fitness Center (more than 2,000 sf.)	CUP	CUP	CUP	--	CUP	CUP	SPR	
Fortune Telling and Related Service	SPR	SPR	SPR	CUP	SPR	SPR	SPR	
Funeral Service (excluding crematorium)	--	SPR	CUP	--	--	--	CUP	
Funeral Service (including crematorium)	--	CUP	CUP	--	--	--	CUP	
Laundry and Dry Cleaning	SPR	SPR	SPR	SPR	SPR	--	SPR	

**TABLE 2-X:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR COMMERCIAL ZONING DISTRICTS**

Zoning Districts C-C: Community Commercial C-O: Office Commercial C-N: Neighborhood Commercial C-G: General Commercial C-MU: Mixed Use Commercial C-RR: Resort Recreation Commercial C-S: Service Commercial								
Permit Required SPR: Site Plan and Design Review CUP: Conditional Use Permit SUP: Special Use Permit TSEP: Temporary Special Event Permit TUP: Temporary Use Permit S: Specific Plan PD: Planned Development Review P: Permitted -- : Not Allowed								
Type of Use	Permit Required by Zoning District							Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N	C-RR	C-S	
Locksmith	SPR	SPR	SPR	SPR	SPR	--	SPR	
Maintenance and Repair (Minor)	SPR	SPR	CUP	CUP	CUP	--	SPR	
Maintenance and Repair (Major)	--	CUP	--	--	--	--	CUP	
Massage Establishment	SPL	SPL	SPL	SPL	SPL	SPL	SPL	See Section 19.XX.XXX (Massage Services and Establishments)-
Studio (dance, music, martial arts, artists)	SPR	SPR	SPR	SPR/ CUP	SPR	SPR	SPR	Less than 2,000 sf (SPR for C-MU) More than 2,000 sf (CUP for C-MU)
Tattoo and Piercing	SPR	SPR	SPR	SPR	SPR	SPR	SPR	
Commercial Recreation								
Amusement Arcade or Park	--	CUP	--	--	--	CUP	--	
Carnivals/Circuses/Festivals/Fairs	TSEP	TSEP	TSEP	TSEP	TSEP	TSEP	TSEP	See Section 9.XX.XXX (Temporary Special Events)
Campgrounds	--	--	--	--	--	CUP	--	
Concerts, Open-Air Theaters, Outdoor Entertainment Events	TSEP	TSEP	TSEP	TSEP	TSEP	TSEP	TSEP	See Section 9.XX.XXX (Temporary Special Events)
Game Arcade, Internet Café, and Similar Businesses	CUP	CUP	--	CUP	CUP	CUP	--	
Golf Course	SPR	SPR	SPR	SPR	CUP	SPR	SPR	
Hookah Lounge	--	CUP	--	--	CUP	--	--	
Parks/ Recreation Facilities	SPR	SPR	SPR	SPR	SPR	SPR	SPR	
Private Clubs and Lodges	CUP	SPR	CUP	--	CUP	CUP	CUP	
Recreation and Entertainment (commercial indoor and outdoor)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	

**TABLE 2-X:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR COMMERCIAL ZONING DISTRICTS**

**Zoning Districts** C-C: Community Commercial C-O: Office Commercial C-N: Neighborhood Commercial  
C-G: General Commercial C-MU: Mixed Use Commercial C-RR: Resort Recreation Commercial  
C-S: Service Commercial

**Permit Required** SPR: Site Plan and Design Review CUP: Conditional Use Permit SUP: Special Use Permit  
TSEP: Temporary Special Event Permit TUP: Temporary Use Permit S: Specific Plan  
PD: Planned Development Review P: Permitted --: Not Allowed

Type of Use	Permit Required by Zoning District							Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N	C-RR	C-S	
Recreational Vehicle Park	--	--	--	--	--	CUP	--	See Section 9.XX.XXX (Recreational Vehicle Parks)
<b>Industry, Manufacturing and Processing, Wholesaling</b>								
Construction/Contractor Storage Yard	--	CUP	--	--	--	--	CUP	
Hazardous Waste Operations	--	--	--	--	--	--	CUP	See Section 9.XX.XXX (Hazardous Materials)
Manufacturing Operations	--	--	--	--	--	--	CUP	
Motor Vehicle Storage/Impound Facility	--	--	--	--	--	--	CUP	
Recycling Facility (small collection facility)	SUP	SUP	SUP	SUP	SUP	--	SUP	See Section 9.XX.XXX (Recycling Facilities)
Recycling Facility (processing facility)	--	--	--	--	--	--	SUP	
Research and Development	SPR	SPR	SPR	CUP	SPR	--	SPR	
Salvage Facility	--	--	--	--	--	--	CUP	
Storage - Mini-Storage (personal storage)	--	--	--	--	--	--	SPR	See Section 9.XX.XXX (Mini-Storage Facilities)
Storage (outdoor vehicles storage)	--	--	--	--	--	--	CUP	
Wholesaling and Distribution	--	--	--	--	--	--	CUP	
<b>Transportation, Communications, and Infrastructure</b>								
Communication Facility	CUP	CUP	--	--	CUP	--	CUP	Including, but not limited to, radio and television stations or towers, satellite receiving stations, but not wireless telecommunication facilities
Wireless Telecommunication Facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	Pursuant to Chapter 9.XX

**TABLE 2-X:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR COMMERCIAL ZONING DISTRICTS**

Zoning Districts C-C: Community Commercial C-O: Office Commercial C-N: Neighborhood Commercial C-G: General Commercial C-MU: Mixed Use Commercial C-RR: Resort Recreation Commercial C-S: Service Commercial								
Permit Required SPR: Site Plan and Design Review CUP: Conditional Use Permit SUP: Special Use Permit TSEP: Temporary Special Event Permit TUP: Temporary Use Permit S: Specific Plan PD: Planned Development Review P: Permitted -- : Not Allowed								
Type of Use	Permit Required by Zoning District							Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N	C-RR	C-S	
Parking Lot	SPR	SPR	SPR	SPR	SPR	SPR	SPR	See Section 9.XX.XXX (Parking and Loading Standards). Accessory or incidental to the primary use of the same property.
Public/Government Facilities	SPR	SPR	SPR	CUP	CUP	CUP	SPR	
Public Safety Uses (permanent)	SPR	SPR	SPR	SPR	SPR	SPR	SPR	
Solar Energy Systems (accessory)	P	P	P	P	P	P	P	See Section 9.45.010 (Solar Energy Systems)
Solar Energy Systems (Utility grade/primary use)	--	--	--	--	--	--	--	See Section 9.44.010 (Solar Energy Systems)
Transmission utility lines, pipelines, and control stations	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Utilities (major)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Wind Energy System (accessory)	SPR	SPR	SPR	SPR	SPR	SPR	SPR	See Section 9.46.010 ( Wind Energy System)
Wind Energy System (utility grade /primary use)	--	--	--	--	--	--	--	See Section 9.44.010 (Wind Energy System)
<b>Other Uses</b>								
Cemeteries, Including Pet Cemeteries	--	CUP	--	--	--	--	CUP	
Churches, Religious Assembly, and Other Public Assembly	CUP	CUP	CUP	CUP	CUP	--	CUP	See Section 9.XX.XXX (Churches and Other Places of Public Assembly)
Conference Centers and Group Camps	CUP	CUP	CUP	--	--	CUP	CUP	
Correctional Institution	--	--	--	--	--	--	CUP	
Emergency Facilities (temporary)	TUP	TUP	TUP	TUP	TUP	TUP	TUP	See Section 9.XX.XXX (Temporary Uses and Structures)
Hotels and Motels	SPR	SPR	CUP	SPR	CUP	SPR	CUP	

**TABLE 2-X:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR COMMERCIAL ZONING DISTRICTS**

Zoning Districts C-C: Community Commercial C-O: Office Commercial C-N: Neighborhood Commercial C-G: General Commercial C-MU: Mixed Use Commercial C-RR: Resort Recreation Commercial C-S: Service Commercial								
Permit Required SPR: Site Plan and Design Review CUP: Conditional Use Permit SUP: Special Use Permit TSEP: Temporary Special Event Permit TUP: Temporary Use Permit S: Specific Plan PD: Planned Development Review P: Permitted --: Not Allowed								
Type of Use	Permit Required by Zoning District							Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N	C-RR	C-S	
Hospitals/Medical/ Rehabilitation Centers/Clinics	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Medical Marijuana Dispensary	--	--	--	--	--	--	--	See Section 9.XX.XXX (Medical Marijuana Dispensary)
Museum, Library, Art Gallery, Outdoor Exhibit	SPR	SPR	SPR	SPR	SPR	SPR	SPR	
Schools (private, vocational, charter, and other)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Temporary Special Events	TSEP	TSEP	TSEP	TSEP	TSEP	TSEP	TSEP	See Section 9.XX.XXX (Temporary Special Events)
Temporary Structures and Uses	TUP	TUP	TUP	TUP	TUP	TUP	TUP	See Section 9.XX.XXX (Temporary Uses and Structures)

**9.09.030 – Development Standards**

Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and established in compliance with the requirements in Table 2-X, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3 (General Development Standards).

**TABLE 2-X:  
COMMERCIAL ZONING DISTRICTS  
DEVELOPMENT STANDARDS**

Development Feature	Requirements by Zoning District <sup>1</sup>						
	C-C	C-G	C-O	C-MU	C-N	C-RR	C-S
Minimum Lot Size <sup>2</sup>	See map suffix <sup>3</sup>						
	1 acre <sup>4</sup>	5 acres <sup>4</sup>	1 acres <sup>4</sup>	1 acre <sup>4</sup>	1 acre <sup>4</sup>	5 acres <sup>4</sup>	5 acres <sup>4</sup>
Minimum Lot Dimensions (W: width, D: depth)	W: 120 ft. D: 120 ft.	W: 120 ft.	W: 120 ft. D: 120 ft..	W: 60 ft. D: 120 ft..			

		D: 120 ft..					
<b>Maximum Lot Dimensions (width to depth)</b>	1:3	1:3	1:3	1:3	1:3	1:3	1:3
<b>Setbacks</b>	Minimum setbacks required unless different setbacks are delineated on Final Map, Parcel Map, Composite Development Plan, or are allowed pursuant to Section XX.XXX.						
Front	15 ft.	15 ft.	15 ft.	15 ft.	25 ft.	15 ft.	15 ft.
Side <sup>5</sup>	10 ft.	0 ft.	10 ft.	0 ft.	10 ft.	10 ft.	0 ft.
Rear <sup>6</sup>	10 ft.	0 ft.	10 ft.	0 ft.	10 ft.	10 ft.	0 ft.
Street Side	15 ft.	15 ft.	15 ft.	15 ft.	25 ft.	15 ft.	15 ft.
<b>Maximum Floor Area Ratio (FAR)</b>	<i>Maximum allowed floor area ratio (FAR): floor area/lot area.</i>						
	0.50	0.50	1.0	0.50	0.50	0.50	1.0
<b>Dwelling Units/Acre</b>	--	--	--	Up to 40 with Specific Plan	--	--	--
<b>Lot Coverage</b>	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.						
	60%	60%	60%	60%	40%	60%	65%
<b>Height Limit</b>	40 ft.	40 ft.	40 ft.	40 ft.	35 ft.	40 ft.	60 ft.
<b>Minimum District Size</b>	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres
<b>Other Applicable Standards</b>	<p>See Article 3 – General Development Standards including the following standards:</p> <ul style="list-style-type: none"> <li>• Dedications and Infrastructure Improvement Standards – Chapter 9.XX</li> <li>• Landscaping and Native Plan Protection – Chapter 9.XX</li> <li>• Performance Standards – Chapter 9.XX, relating avoiding adverse impact to adjoining properties relating to fire, explosive, or other hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness; electrical or other disturbance</li> <li>• Property Maintenance Standards – Chapter 9.XX</li> <li>• Signs – Chapter 9.XX</li> <li>• Solar Energy Systems – Chapter 9.XX</li> <li>• Wind Energy Systems – Chapter 9.XX</li> <li>• Wireless Communications Facilities – Chapter 9.XX</li> </ul>						

Notes:

1. All projects shall comply with the Commercial Design Guidelines, see Section 9.XX.XX (XXX)
2. Minimum lots size can be less if the subdivision application is filed concurrently with the Specific Plan, Site Plan and Design Review, or Conditional Use Permit application
3. Map suffix: the number placed after the zoning district initial is the allowable dwelling units (du) per one acre.
4. The above referenced acreages that are equal to one acre or more refers to gross acreage (total acreage including streets/infrastructure), less than 1 acre refers to net acreage (acreage not including streets/infrastructure).
5. Side yards are only required if necessary for emergency access. If adjacent property is not commercial or industrial, a side yard shall be required along that side of the property.
6. A rear yard is required only when the adjacent property is not designated commercial or industrial.

**9.09.040 – Projections and Encroachments into Required Setback Areas**

**A. General Provisions.** All required yards shall be open and unobstructed from finished grade or from such other specified level at which the yard is required, to the sky, except for structures allowed in yard or court by the table in Section 9.XX.XXX X..

Nothing in this section is intended to prevent the construction of any allowed primary or accessory structure within the building envelope which is the lot area not included in any required yard.

**B. Clear Areas**

1. The projections listed in the Table 2-X may not, in any event, encroach on or into the following:
  - a. The Clear Sight Triangle (Section 9.XX.020) required at street and alley intersections.
  - b. Within three feet of any lot line, dividing lots not in common ownership, except as noted in Table 2-X (Projections Into Yards and Courts).

**TABLE 2-X :  
PROJECTIONS INTO YARDS AND COURTS**

Facilities	Front and Street Side Yards	Interior Side Yards and Courts	Rear Yard
Evaporative coolers, air condition compressors, and similar equipment.	4 ft. when screened from view	2 ft.	4 ft.
Propane tanks sited per California Fire Code and Fire Hazard Design Standards specified by Chapter 9.XX of this Division.	If allowed by fire regulations and screened	If allowed by fire regulations and screened	4 ft.
Cantilevered or supported decks; and cantilevered bay windows provided the total width of bay windows on any one story does not exceed 50 percent of the length of the wall containing them.	4 ft.	3 ft.	4 ft.
Roofed stairways, landings corridors and fire escapes that are enclosed.	5 ft.	3 ft.	10 ft.
Garages, carports, sheds, and other detached, enclosed accessory building which occupy no more than 25 percent of the yard.	Not allowed	Not Allowed	Allowed

**TABLE 2-X :  
PROJECTIONS INTO YARDS AND COURTS**

Facilities	Front and Street Side Yards	Interior Side Yards and Courts	Rear Yard
Unroofed parking and loading areas.	See parking regulations (Section 9.XX.XXX)	Allowed	Allowed
Covered, underground, or partially excavated structures, such as garages, fallout shelters, wine cellars, basement and public utility or telephone/cable television vaults.	Allowed, provided that the facilities do not extend more than 30 inches above the adjoining average finished grade level.		
Fences, screening, safety guard rails, walls, and dense hedges along property lines.	4 ft. max. height	10 ft. max. height	10 ft. max. height
Fence heights in excess of these standards may be allowed by an approved Conditional Use Permit or Variance or when required by the Town for reasons of health, safety, and welfare of the general public.			
Signs	Allowed, subject to Sign Design Standards.		

**9.09.050 Native Landscape Documentation Package**

General Provisions: Commercial development projects shall be allowed to transplant on and off-site and to remove all regulated desert native plants from their native locations within the property boundaries, pursuant to the following development standards and requirements. Regulated desert native plants for all commercial land development projects, include the following.

Regulated Desert Native Plants	
Botanical Name	Common Name
<i>Yucca brevifolia</i>	Joshua Tree
<i>Yucca schidigera</i>	Mojave Yucca

Pursuant to section 80017 of the State Food and Agricultural Code, the clearing or removal of native plants from a canal, lateral ditch, survey line, building site, or road or other right-of-way by the landowner or his agent, if the native plants are not to be transported from the land or offered for sale, are not subject to State regulations. For plants regulated by the State to be transplanted off-site, the Town shall issue permits for their relocation in accordance with this chapter.

- (A) A Native Landscaping Documentation Package shall be submitted to the Division at the time of filing land use applications for development of commercial projects. Land use applications for commercial projects may include, but are not limited to, Specific Plans, Conditional Use Permit, Site Plan and Development Review applications, Land Use Compliance applications, Parcel and Tract map applications, Grading Permit applications, Building Permit applications, and any other applications necessary for Town authorization of land disturbing or development activity. The

Native Landscaping Documentation Package may be combined with Landscaping and Water Conservation requirements (Chapter 9.33).

- (B) The Native Landscaping Documentation Package shall contain the following information:
- (1) The botanical and common name of the regulated desert native plant.
  - (2) The precise location of each regulated desert native plant.
  - (3) The trunk or stem diameter of each regulated desert native plant.
  - (4) The height of each regulated desert native plant.
  - (5) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.
  - (6) The proposed placement or disposition of the regulated desert native plant, i.e. transplant on-site, adopt off-site, remove, etc. The plans for the regulated desert native plant survey shall be no smaller than 24" by 36" unless otherwise approved by the Director.
- (C) Transplanting Off-Site and On-Site: All regulated desert native plants identified in the Native Landscaping Documentation Package as likely to survive transplanting shall be made available for adoption or shall be transplanted on-site as part of the projects' landscaping plan. All native plant permit applications shall illustrate maximum utilization of regulated desert native plants in the projects' landscaping plan. It is strongly encouraged that all *Yucca brevifolia* (Joshua Trees) identified for adoption and transplantation be relocated through the uses of an adequately sized tree spade.
- (D) Adoption: Those regulated desert native plants identified in the Native Landscaping Documentation Package as likely to survive transplanting procedures, and which are not incorporated into a projects' landscaping plan, shall be available for adoption.
- (1) Any regulated desert native plant that is part of a commercial development project, which are determined likely to survive transplanting procedures and not incorporated into a projects' landscaping plan shall be made available for adoption. The project shall provide a minimum thirty 30 day noticing period and 30 day adoption period. The adoption period may be less than thirty 30 days if all available regulated desert native plants have been adopted.
  - (2) A Native Landscape Permit may include non-regulated desert native plants at the remover's discretion.
  - (3) In the adoption of Regulated Desert Native Plants first priority shall be within the Town of Yucca Valley and the second priority is Morongo Basin.

- (4) It is strongly recommended by native plant experts that native plants be moved only once to ensure survivability.
- (5) Prior to the adoption a thirty (30) day signage period is required which may commence with submittal of the Regulated Desert Native Plant Permit. All projects required by this ordinance to offer native plants for adoption shall at a minimum install the required on-site signage on the property notifying the general public pursuant to the following
  - (a) A minimum of one (1) sign shall be displayed. The sign may be incorporated into a subdivision sign or other permitted sign. The minimum size of the sign shall be not less than 24-inches in height by 36-inches in width. Signs shall be no larger than thirty-two (32) square feet in area.
  - (b) Signage shall be displayed perpendicular to roadways.
  - (c) Where multiple signs are proposed, signs shall be displayed on separate roadways, where possible.
  - (d) Signs shall, at a minimum, display the following:
    - (1) A heading and statement indicating that regulated desert native plants are available for adoption.
    - (2) The name of the individual or entity removing the regulated desert native plants.
    - (3) A phone number where the individual or entity removing the regulated desert native plants may be contacted.
    - (4) A statement indicating that the individual or entity removing the regulated desert native plants is the primary contact, and that the Town of Yucca Valley may be contacted for more information on the regulated desert native plants available for adoption and for contacting the individual or entity removing the regulated desert native plants.
    - (5) The phone number for the Town of Yucca Valley's Community Development Department.
  - (e) Signs required by this Section are in addition to the subdivision signage allowed by the Town of Yucca Valley Development Code.
  - (f) The sign may be installed in conjunction with the Native Landscape Documentation Package submittal.

(E) **Adoption, Transplanting and Maintenance of Regulated Desert Native Plants.** All Regulated Desert Native Plants made available for adoption shall be transplanted and/or stockpiled and maintained until transplanted in accordance with the following standards.

- (1) Written permission must be obtained from and signed by the owner of the property on which the plants are to be located. A copy of the document granting such permission shall be submitted to the Director prior to issuance of the permit.
- (2) Approval of transplanting must take into consideration the plant's original and transplanted physical orientation, prevailing wind direction, soil type of the original and transplanted locations, and other related attributes which may affect the successful transplantation of the native plants in question

Native plants that are proposed to be removed shall be transplanted or stockpiled for future transplanting wherever possible. In the instance of stockpiling for future transplanting the permittee shall have submitted and received approval of a native plant maintenance plan. The Maintenance Plan shall include the following:

- (a) The proposed schedule of watering
- (b) The proposed location of stockpiled plants
- (c) How the plants will be supported
- (d) The method of trap fencing to be used
- (e) Removal: Those regulated desert native plants not incorporated into a projects' landscaping plan and not adopted during the thirty (30) day adoption period are allowed to be removed. In addition plants determined to be unlikely to survive transplantation may be removed.

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## Chapter 9.10 Industrial Districts

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### Sections:

- 9.10.010 – Purpose of Industrial District
- 9.10.020 – Permitted Uses and Permit Requirements
- 9.10.030 – Development Standards
- 9.10.040 – Other Applicable Regulations

### 9.10.010 – Purpose of Industrial District

This Chapter lists the land uses that may be allowed within the Industrial Zoning District established by the General Plan and listed in Section 9.XX.XXX (XXXX), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

### 9.10.020 – Permitted Uses and Permit Requirements

Table 2-X identifies the uses of land allowed by this Development Code in each industrial zoning district established by Chapter 9.05 (Zoning Districts and Zoning Map).

All uses listed in the following table are subject to the applicable standards of this Development Code and the permit requirements referenced in the Notes and Other Regulations column and in Section 9.06.030B, Permit Requirements.

Pursuant to Section 9.06.030.A.3 – Similar and Compatible Uses May be Permitted, the Director may determine that a proposed use permitted, providing that the Director makes the required findings that the proposed use is similar, compatible and consistent with the uses described in the table, the purposes, and the General Plan.

The following land uses shall be permitted, pursuant to the conditions stipulated.

- A. Accessory Uses including parking lots and structures, accessory signs, and exterior storage which is fully fenced and screened with a solid fence and where no storage is visible above the fence. Accessory uses and structures shall comply with all requirements of this Code.
- B. General Industrial land uses proposed to operate from existing structures shall be permitted by right in the following cases
  1. The structure has historically been utilized in fashion similar to the proposed use.
  2. There are no structural off-street on-site improvements lack thereof which pose an immediate threat to the health safety or general welfare of the Town.
  3. There are no additions or alterations to the square footage of the existing structure

- C. Those general industrial land uses proposed to operate from existing structures permitted by right at the approval of the Director include the uses identified as “SPR” in the following table.

<b>TABLE 2-X : PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR THE INDUSTRIAL ZONING DISTRICT</b>		
<b>Zoning Districts</b>	<b>I: Industrial</b>	
<b>Permit Required</b>		
--: Not Allowed	P: Permitted	SPR: Site Plan and Design Review
CUP: Conditional Use Permit	TSEP: Temporary Special Event Permit	SUP: Special Use Permit
PD: Planned Development Permit	TUP: Temporary Use Permit	
Type of Use	Permit Required	Notes and Other Regulations
	I	
<b>Agriculture and Animal Related</b>		
Animal Care Facility	SPR	Including, but not limited to animal hospitals, veterinarian, pet stores, and grooming. See Section 19.XX.XXX (Animal Keeping)
Community Gardens	SPR	
Equestrian Facility	SPR	
Feed and Tack	SPR	
Horticulture/Agriculture	SPR	Including, but not limited to crop production, orchards, and vineyards.
Kennels and Catteries (over 15 animals)	SUP	See Section 9.XX.XXX (Animal Keeping)
Livestock Operations	SUP	
Natural Resources Development	CUP	
Nature Preserve	SPR	
Nursery/Garden Supply (w/ outdoor display)	SPR	
Nursery/Garden Supply (w/o outdoor display)	SPR	
<b>Industry, Manufacturing and Processing, Wholesaling</b>		
Construction/Contractor Storage Yard	SPR	
Hazardous Waste Operations	CUP	See Section 9.XX.XXX (Hazardous Materials)
Manufacturing Operations	CUP	
Motor Vehicle Storage/Impound Facility	SPR	
Recycling Facility (small collection facility)	SPR	See Section 9.XX.XXX (Recycling Facilities)
Recycling Facility (processing facility)	SUP	
Research and Development	SPR	
Salvage Facility	CUP	

**TABLE 2-X : PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR THE INDUSTRIAL ZONING DISTRICT**

Zoning Districts		I: Industrial
Permit Required		
--: Not Allowed		P: Permitted
CUP: Conditional Use Permit		TSEP: Temporary Special Event Permit
PD: Planned Development Permit		TUP: Temporary Use Permit
SPR: Site Plan and Design Review		SUP: Special Use Permit
Type of Use	Permit Required	Notes and Other Regulations
	I	
Storage – Mini-Storage (personal storage)	SPR	See Section 9.XX.XXX (Mini-Storage Facilities)
Storage (outdoor vehicles storage)	CUP	
Wholesaling and Distribution	CUP	
Retail Commercial Uses		
Antique/Second Hand Stores	SPR	
Adult Oriented Business	CUP	See Section 9.XX.XXX (Adult-Oriented Uses)
Appliance and Home Goods Sales and Repair)	SPR	
Auto and Vehicle Sales and Rentals and Parts Sales	SPR	
Building and Landscape Materials Sales (indoor)	SPR	
Building and Landscape Materials Sales (outdoor)	SPR	
Convenience Store	SPR	
Construction and Heavy Equipment Sales and Rentals	SPR	
Farmers Market/Arts and Crafts Events	TSEP	See Section 9.XX.XXX (Temporary Special Events)
Fuel/Propane Dealer	SPR	See Section 9.XX.XXX (Gas or Other Fueling Stations)
Grocery, Supermarket, Specialty Food Stores, Drug Stores	SPR	
Manufactured Home Sales	SPR	
Boat and Recreational Vehicle Sales	CUP	
Pawn Shop	SPR	
Retail Store (less than 80,000 sf)	SPR	
Retail Store (80,000 or greater sf)	SPR	
Seasonal Holiday Sales Facilities	TSEP	See Section 9.XX.XXX (Temporary Special Event Permit )
Swap meet, Outdoor Market, Auction Yard (permanent)	CUP	See Section 9.XX.XXX (Swap Meets)
Shopping Center (neighborhood, community, or regional)	CUP	
Warehouse Retail	SPR	

**TABLE 2-X : PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR THE INDUSTRIAL ZONING DISTRICT**

Zoning Districts		I: Industrial	
Permit Required			
--: Not Allowed		P: Permitted	
CUP: Conditional Use Permit		TSEP: Temporary Special Event Permit	
PD: Planned Development Permit		TUP: Temporary Use Permit	
SPR: Site Plan and Design Review		SUP: Special Use Permit	
Type of Use	Permit Required	Notes and Other Regulations	
	I		
<b>Business, Financial, and Professional</b>			
ATM	P		
Financial Institution and Related Services	SPR		
Laboratory	SPR		
Office (Business, Professional, Corporate, Medical)	SPR		
<b>Eating and Drinking Establishments</b>			
Bakery (retail), Coffee Shop and Similar Uses	SPR	Including but not limited to ice cream shops, frozen yogurt shops, and candy/sweet shops	
Bakery (wholesale)	SPR		
Bar, Lounge, Nightclub, Tavern, and Pool Hall	CUP		
Catering Service	SPR		
Fast Food (w/ drive through, delivery)	CUP	See Section 9.XX.XXX (Drive-in/Drive through Establishments)	
Fast Food (w/o drive through, delivery)	SPR		
Full Service Restaurant	SPR		
<b>Commercial Service Uses</b>			
Ambulance Service	SPR		
Appliance Sales, Service, Repair, and Rental	SPR		
Automobile Gas Station	SPR	See Section 9.XX.XXX (Gas or Other Fueling Stations)	
Automobile Service/Repair (minor repair and maintenance)	SPR		
Automobile Service/Repair (major repair/body work)	SPR		
Automobile Washing (car wash)	CUP		
Automobile Washing (car wash) (fund raising, temporary)	P		
Barber, Beauty Shop, and other Similar Personal Service Uses	SPR		
Printing and Duplication Services	SPR		

**TABLE 2-X : PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR THE INDUSTRIAL ZONING DISTRICT**

Zoning Districts		I: Industrial	
Permit Required			
--: Not Allowed		P: Permitted	
CUP: Conditional Use Permit		TSEP: Temporary Special Event Permit	
PD: Planned Development Permit		TUP: Temporary Use Permit	
SPR: Site Plan and Design Review		SUP: Special Use Permit	
Type of Use	Permit Required	Notes and Other Regulations	
	I		
Equipment Sales, Service, Repair, and Rental	SPR		
Fitness Center (less than 2,000 sf.)	SPR		
Fitness Center (more than 2,000 sf.)	SPR		
Fortune Telling and Related Service	SPR		
Funeral Service (excluding crematorium)	SPR		
Funeral Service (including crematorium)	CUP		
Laundry and Dry Cleaning	SPR		
Locksmith	SPR		
Maintenance and Repair (Minor)	SPR		
Maintenance and Repair (Major)	SPR		
Massage Establishment	TSEP	See Section 9.XX.XXX (Massage Services and Establishments)	
Studio (dance, music, martial arts, artists)	SPR		
Tattoo and Piercing	SPR		
Commercial Recreation			
Amusement Arcade or Park	CUP		
Carnivals/Circuses/Festivals/Fairs	TSEP	See Section 19.XX.XXX (Temporary Special Events)	
Campgrounds	--		
Concerts, Open Air Theatres, Outdoor Entertainment Events	SPL	See Section 19.XX.XXX (Temporary Special Events)	
Game Arcade, Internet Café, and similar Business	SPR		
Golf Course	SPR		
Parks/ Recreation Facilities	SPR		
Private Clubs and Lodges	CUP		
Recreation and Entertainment (commercial indoor and outdoor)	CUP		
Recreational Vehicle Park	CUP	See Section 19.XX.XXX (Recreational Vehicle Parks)	

**TABLE 2-X : PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR THE INDUSTRIAL ZONING DISTRICT**

Zoning Districts		
I: Industrial		
Permit Required		
--: Not Allowed	P: Permitted	SPR: Site Plan and Design Review
CUP: Conditional Use Permit	TSEP: Temporary Special Event Permit	SUP: Special Use Permit
PD: Planned Development Permit	TUP: Temporary Use Permit	
Type of Use	Permit Required	Notes and Other Regulations
	I	
<b>Transportation, Communication, and Infrastructure</b>		
Communication Facility	CUP	Including, but not limited to, radio and television stations or towers, satellite receiving stations, but not wireless telecommunication facilities
Wireless Communication Facility	CUP	Pursuant to 9.XX
Parking Lot	SPR	See Section 9.XX.XXX (Parking and Loading Standards). Accessory or incidental to the primary use of the same property.
Public/Government Facilities	SPR	
Public Safety Uses (permanent)	SPR	
Solar Energy Systems (Utility grade/primary use )	--	See Section 9.XX.XXX (Solar Energy Systems)
Transmission utility lines, pipelines, and control stations	CUP	
Utilities (major)	CUP	
Wind Energy System (Utility Grade/Primary Use)	--	See Section 9.XX.XXX (Wind Energy System)
<b>Other Uses</b>		
Cemeteries, Including Pet Cemeteries	CUP	
Religious Institutions, Religious Assembly, and Other Public Assembly	CUP	See Section 9.XX.XXX (Religious Institutions and Other Places of Public Assembly)
Conference Centers and Group Camps	CUP	
Correctional Institution	CUP	
Emergency Facilities (temporary)	TUP	See Section 9.XX.XXX (Temporary Uses and Structures)
Hotels and Motels	CUP	
Hospitals/Medical/Rehabilitation Centers/Clinics	CUP	
Medical Marijuana Dispensary	--	See Section 9.XX.XXX (Medical Marijuana Dispensary)
Museum, Library, Art Gallery, Outdoor Exhibit	SPR	
Schools (private, vocational, charter, and other)	CUP	

**TABLE 2-X : PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR THE INDUSTRIAL ZONING DISTRICT**

Zoning Districts		I: Industrial	
Permit Required			
--: Not Allowed		P: Permitted	
CUP: Conditional Use Permit		TSEP: Temporary Special Event Permit	
PD: Planned Development Permit		TUP: Temporary Use Permit	
		SPR: Site Plan and Design Review	
		SUP: Special Use Permit	
Type of Use	Permit Required	Notes and Other Regulations	
	I		
Temporary Special Events	TSEP	See Section 9.XX.XXX (Temporary Special Events)	
Temporary Structures and Uses	TUP	See Section 9.XX.XXX (Temporary Uses and Structures)	

**9.10.030 – Development Standards**

Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and established in compliance with the requirements in Table 2-X, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3 (General Development Standards).

**TABLE 2-X:  
INDUSTRIAL ZONING DISTRICT  
DEVELOPMENT STANDARDS**

Development Feature	Standard <sup>1</sup>
Minimum Lot Size <sup>2</sup>	5 acres
Minimum Lot Dimensions (W: width, D: depth)	W: 60 ft. D: 100ft.
Maximum Lot Dimensions (width to depth)	1:3
Setbacks	
Front	15 ft.
Rear <sup>3</sup>	0 ft.
Side <sup>4</sup>	0 ft.
Street Side	15 ft.
Maximum Floor Area Ratio (FAR) <sup>5</sup>	1.0
Maximum Lot Coverage	70%
Height Limit	75 ft.
Minimum District Size	5 acres
Other Applicable Regulations	See Article 3 – General Development Standards including the following standards: <ul style="list-style-type: none"> <li>• Dedications and Infrastructure Improvement Standards – Chapter 9.XX</li> <li>• Landscaping and Native Plan Protection – Chapter 9.XX</li> <li>• Performance Standards – Chapter 9.XX, relating avoiding adverse impact to adjoining properties relating to fire, explosive, or other hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness; electrical or other disturbance</li> <li>• Property Maintenance Standards – Chapter 9.XX</li> <li>• Signs – Chapter 9.XX</li> <li>• Solar Energy Systems – Chapter 9.XX</li> <li>• Wind Energy Systems – Chapter 9.XX</li> <li>• Wireless Communications Facilities – Chapter 9.XX</li> </ul>

**Notes:**

1. All projects must comply with the performance standards indicating the acceptable levels of noise, vibration, air pollution, glare, and other possible pollutants that are set out in Chapter 9.XX (Performance Standards).
2. Minimum lots size can be less if the subdivision application is filed concurrently with the Planned Development or Conditional Use Permit application.
3. A rear yard is required only when the adjacent property is not designated commercial or industrial, unless otherwise required by the code or fire department.
4. Side yards are only required if necessary for emergency access. If adjacent property is not commercial or industrial, a side yard shall be required along that side of the property.
5. Maximum allowed floor area ratio (FAR): floor area/lot area.

**TABLE 2-X :  
PROJECTIONS INTO YARDS AND COURTS**

Facilities	Front and Street Side Yards	Interior Side Yards and Courts	Rear Yard
Fences, screening, safety guard rails, walls, and dense hedges along property lines.	Allowed 8 ft. max. height	Allowed 10 ft. max. height	Allowed 10 ft. max. height

**9.09.050 Native Landscape Documentation Package**

General Provisions: Industrial development projects shall be allowed to transplant on and off-site and to remove all regulated desert native plants from their native locations within the property boundaries, pursuant to the following development standards and requirements. Regulated desert native plants for all industrial land development projects, include the following.

Regulated Desert Native Plants	
Botanical Name	Common Name
<i>Yucca brevifolia</i>	Joshua Tree
<i>Yucca schidigera</i>	Mojave Yucca

Pursuant to section 80017 of the State Food and Agricultural Code, the clearing or removal of native plants from a canal, lateral ditch, survey line, building site, or road or other right-of-way by the landowner or his agent, if the native plants are not to be transported from the land or offered for sale, are not subject to State regulations. For plants regulated by the State to be transplanted off-site, the Town shall issue permits for their relocation in accordance with this chapter.

- (A) A Native Landscaping Documentation Package shall be submitted to the Division at the time of filing land use applications for development of commercial projects. Land use applications for industrial projects may include, but are not limited to, Specific Plans, Conditional Use Permit, Site Plan and Development Review applications, Land Use Compliance applications, Parcel and Tract map applications, Grading Permit applications, Building Permit applications, and any other applications necessary for Town authorization of land disturbing or development activity. The Native Landscaping Documentation Package may be combined with Landscaping and Water Conservation requirements (Chapter 9.33).
- (B) The Native Landscaping Documentation Package shall contain the following information:
  - (1) The botanical and common name of the regulated desert native plant.
  - (2) The precise location of each regulated desert native plant.
  - (3) The trunk or stem diameter of each regulated desert native plant.

- (4) The height of each regulated desert native plant.
  - (5) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.
  - (6) The proposed placement or disposition of the regulated desert native plant, i.e. transplant on-site, adopt off-site, remove, etc. The plans for the regulated desert native plant survey shall be no smaller than 24" by 36" unless otherwise approved by the Director.
- (C) Transplanting Off-Site and On-Site: All regulated desert native plants identified in the Native Landscaping Documentation Package as likely to survive transplanting shall be made available for adoption or shall be transplanted on-site as part of the projects' landscaping plan. All native plant permit applications shall illustrate maximum utilization of regulated desert native plants in the projects' landscaping plan. It is strongly encouraged that all *Yucca brevifolia* (Joshua Trees) identified for adoption and transplantation be relocated through the uses of an adequately sized tree spade.
- (D) Adoption: Those regulated desert native plants identified in the Native Landscaping Documentation Package as likely to survive transplanting procedures, and which are not incorporated into a projects' landscaping plan, shall be available for adoption,
- (1) Any regulated desert native plant that is part of a industrial development project, which are determined likely to survive transplanting procedures and not incorporated into a projects' landscaping plan shall be made available for adoption. The project shall provide a minimum thirty 30 day noticing period and 30 day adoption period. The adoption period may be less than thirty 30 days if all available regulated desert native plants have been adopted.
  - (2) A Native Landscape Permit may include non-regulated desert native plants at the remover's discretion.
  - (3) In the adoption of Regulated Desert Native Plants first priority shall be within the Town of Yucca Valley and the second priority is Morongo Basin.
  - (4) It is strongly recommended by native plant experts that native plants be moved only once to ensure survivability.
  - (5) Prior to the adoption a thirty (30) day signage period is required which may commence with submittal of the Regulated Desert Native Plant Permit. All projects required by this ordinance to offer native plants for adoption shall at a minimum install the Required On-Site Signage on the property notifying the general public pursuant to the following.
    - (a) A minimum of one (1) sign shall be displayed. The sign may be incorporated into a subdivision sign or other permitted sign. The minimum size of the sign shall be not less than 24-inches in height by 36-inches in width. Signs shall be no larger than thirty-two (32) square feet in area.

- (b) Signage shall be displayed perpendicular to roadways.
- (c) Where multiple signs are proposed, signs shall be displayed on separate roadways, where possible.
- (d) Signs shall, at a minimum, display the following:
  - (1) A heading and statement indicating that regulated desert native plants are available for adoption.
  - (2) The name of the individual or entity removing the regulated desert native plants.
  - (3) A phone number where the individual or entity removing the regulated desert native plants may be contacted.
  - (4) A statement indicating that the individual or entity removing the regulated desert native plants is the primary contact, and that the Town of Yucca Valley may be contacted for more information on the regulated desert native plants available for adoption and for contacting the individual or entity removing the regulated desert native plants.
  - (5) The phone number for the Town of Yucca Valley's Community Development Department.
- (e) Signs required by this Section are in addition to the subdivision signage allowed by the Development Code.
- (f) The sign may be installed in conjunction with the Native Landscape Documentation Package submittal.

(E) **Adoption, Transplanting and Maintenance of Regulated Desert Native Plants.** All Regulated Desert Native Plants entered into an Adoption Program shall be transplanted and/or stockpiled and maintained until transplanted in accordance with the following standards.

- (1) Written permission must be obtained from and signed by the owner of the property on which the plants are to be located. A copy of the document granting such permission shall be submitted to the Director prior to issuance of the permit.
- (2) Approval of transplanting must take into consideration the plant's original and transplanted physical orientation, prevailing wind direction, soil type of the original and transplanted locations, and other related attributes which may affect the successful transplantation of the native plants in question

Native plants that are proposed to be removed shall be transplanted or stockpiled for future transplanting wherever possible. In the instance of stockpiling for future transplanting the permittee shall have submitted and received approval of a native plant maintenance plan. The Maintenance Plan shall include the following:

- (a) The proposed schedule of watering
- (b) The proposed location of stockpiled plants
- (c) How the plants will be supported
- (d) The method of trap fencing to be used
- (e) Removal: Those regulated desert native plants not incorporated into a projects' landscaping plan and not adopted during the thirty (30) day adoption period are allowed to be removed. In addition plants determined to be unlikely to survive transplantation may be removed.

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**Chapter 9.11**

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## Chapter 9.12 Public/Quasi Public and Open Space Districts

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### Sections:

- 9.12.010 – Purpose
- 9.12.020 – Permitted Uses and Permit Requirements
- 9.12.030 – Development Standards
- 9.12.040 – Other Applicable Regulations

### 9.12.010 – Purpose

These zones are established to implement the Public/Quasi Public zone and the Open Space District. They are established to provide for areas at suitable locations for facilities intended to provide supportive government and open space functions to the population, including community centers, nature preserves, cultural institutions, government facilities, libraries, public utilities, public schools, and parks.

### X.XX.XXX-General Provisions

- A. Public/Quasi Public.** The Specific purpose of the Public/Quasi Public zoning district regulations and standards providing for areas where facilities dedicated to public or quasi-public uses may be appropriate.
- B. Open Space.** The specific purpose for the open space zoning district regulations and standards are to:
  - 1. Protect the physical, social, recreational, aesthetic, and economic resources of the Town.
  - 2. Preserve and enhance the use of open space lands as a limited and valuable resource.
  - 3. Permit limited but reasonable use of open space lands while protecting the public health, safety and welfare and to implement the Town's open space element of the General Plan.

### 9.12.020 – Permitted Uses and Permit Requirements

Table 2-X identifies the uses of land allowed by this Development Code in Public/Quasi Public and Open Space zoning districts established by Chapter XX (Zoning Districts and Zoning Map).

**TABLE 2-X: PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR PUBLIC/QUASI PUBLIC ZONING DISTRICTS**

Zoning Districts	P/QP: Public/Quasi Public		OS: Open Space
Type of Use	Permit Required		Notes and Other Regulations
	P/QP	OS	
<b>Permit Required</b>			
	P: Permitted	SPR: Sign Plan and Design Review	CUP: Conditional Use Permit
	SUP: Special Use Permit	PD: Planned Development Permit	TUP: Temporary Use Permit
	--: Not Allowed	TSEP: Temporary Special Event Permit	
<b>Agriculture and Animal Related</b>			
Community Gardens	P	P	
Natural Resources Development	CUP	CUP	
Nature Preserve	P	P	
<b>Industry, Manufacturing and Processing, Wholesaling</b>			
Recycling Facility (small collection facility)	SUP	--	See Section 9.XX.XXX (Recycling Facilities)
<b>Commercial Recreation</b>			
Campgrounds	--	SPR	
Concerts, Open Air Theatres, Outdoor Entertainment Events	TSEP	TSEP	See Section 19.XX.XXX (Temporary Special Events)
Parks/ Recreation Facilities	P	SPR	
Recreation and Entertainment (commercial indoor and outdoor)	CUP	CUP	
<b>Transportation, Communication, and Infrastructure</b>			
Communication Facility	CUP	CUP	Including, but not limited to, radio and television stations or towers, satellite receiving stations, but not wireless telecommunication facilities
Wireless Communication Facility	CUP	CUP	Pursuant to 9.XX
Parking Lot	P	--	See Section 9.XX.XXX (Parking and Loading Standards). Accessory or incidental to the primary use of the same property.
Public/Government Facilities	P	--	
Public Safety Uses (permanent)	P	CUP	
Solar Energy Systems (Utility grade/primary use)	--	--	See Section 9.XX.XXX (Solar Energy Systems)
Transmission utility lines, pipelines, and control stations	CUP	CUP	
Utilities (major/minor)	CUP	CUP	
Wind Energy System	SPR	SPR	See Section 9.XX.XXX (Wind Energy System)

**TABLE 2-X: PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR PUBLIC/QUASI PUBLIC ZONING DISTRICTS**

Zoning Districts	P/QP: Public/Quasi Public		OS: Open Space
<b>Permit Required</b>			
	P: Permitted	SPR: Sign Plan and Design Review	CUP: Conditional Use Permit
	SUP: Special Use Permit	PD: Planned Development Permit	TUP: Temporary Use Permit
	--: Not Allowed	TSEP: Temporary Special Event Permit	
Type of Use	Permit Required		Notes and Other Regulations
	P/QP	OS	
<b>Other Uses</b>			
Cemeteries, Including Pet Cemeteries	CUP	CUP	
Religious Institution, Religious Assembly, and Other Public Assembly	CUP	--	See Section 9.XX.XXX (Religious Institution and Other Places of Public Assembly)
Conference Centers and Group Camps	CUP	CUP	
Correctional Institution	CUP	--	
Emergency Facilities (temporary)	TUP	TUP	See Section 19.XX.XXX (Temporary Uses and Structures)
Hospitals/Medical/Rehabilitation Centers/Clinics	CUP	--	
Museum, Library, Art Gallery, Outdoor Exhibit	P	CUP	
Schools (private, vocational, charter, and other)	CUP	--	
Temporary Special Events	TSEP	TSEP	See Section 19.XX.XXX (Temporary Special Events)
Temporary Structures and Uses	TUP	TUP	See Section 19.XX.XXX (Temporary Uses and Structures)

**9.12.030 – Development Standards**

Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and established in compliance with the requirements in Table 2-X, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3 (General Development Standards).

**TABLE 2-X:  
PUBLIC/QUASI PUBLIC (P/QP) ZONING DISTRICT  
DEVELOPMENT STANDARDS**

Development Feature	Public/Quasi Public <sup>1</sup>	Open Space <sup>1</sup>
Minimum Lot Size <sup>2</sup>	10,000 sf	20 acres <sup>2</sup>
Minimum Lot Frontage	--	150 ft.
Minimum Lot Dimensions (W: width, D: depth)	W: 60 ft. D: 100ft.	--
Maximum Lot Dimensions (width to depth)	1:3	1:4
<b>Setbacks</b>		
Front	15 ft.	25 ft.
Rear <sup>3</sup>	10 ft.	25 ft.
Side <sup>4</sup>	10 ft.	25 ft.
Street Side	15 ft.	25 ft.
Maximum Floor Area Ratio (FAR) <sup>5</sup>	1.0	--
Maximum Lot Coverage	70%	10%
Height Limit <sup>6</sup>	75 ft.	35 ft.
Minimum District Size	5 acres	100 acres
Other Applicable Regulations	See Article 3 – General Development Standards including the following standards: <ul style="list-style-type: none"> <li>• Dedications and Infrastructure Improvement Standards – Chapter 9.XX</li> <li>• Landscaping and Native Plan Protection – Chapter 9.XX</li> <li>• Performance Standards – Chapter 9.XX, relating avoiding adverse impact to adjoining properties relating to fire, explosive, or other hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness; electrical or other disturbance</li> <li>• Property Maintenance Standards – Chapter 9.XX</li> <li>• Signs – Chapter 9.XX</li> <li>• Solar Energy Systems – Chapter 9.XX</li> <li>• Wind Energy Systems – Chapter 9.XX</li> <li>• Wireless Communications Facilities – Chapter 9.XX</li> </ul>	

**Notes:**

1. All projects must comply with the performance standards indicating the acceptable levels of noise, vibration, air pollution, glare, and other possible pollutants that are set out in Chapter 9.XX (Performance Standards).
2. Minimum lots size can be less if the subdivision application is filed concurrently with the Planned Development or Conditional Use Permit application.
3. A rear yard is required only when the adjacent property is not designated commercial or industrial.
4. Side yards are only required if necessary for emergency access. If adjacent property is not commercial or industrial, a side yard shall be required along that side of the property.
5. Maximum allowed floor area ratio (FAR): floor area/lot area.
6. Architectural Features and equipment may exceed height pursuant to Section 9.XX.XXX

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## **Chapter 9.13 Specific Plan Districts**

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### **Sections:**

- 9.13.010 – Purpose of Specific Plan Districts
- 9.13.020 – Effect of Specific Plan Zone
- 9.13.030 – Required Contents of a Specific Plan
- 9.13.040 – Land Use and Development Standards
- 9.13.050 – Adopted Specific Plans

### **9.13.010 – Purpose of Specific Plan Districts**

The Specific Plan (SP) zone is established to implement Sections 65450 through 65457 of the State Government Code. As provided for in the Government Code, a specific plan is designed to provide for flexibility, innovative use of land resources and development, a variety of housing and other development types, and an effective and safe method of pedestrian and vehicular circulation. A specific plan may be adopted for any property or group of properties meeting the criteria set forth in this Chapter and Chapter 9.74 (Specific Plans). The Specific Plan zone shall apply to all properties lying within the boundaries of a specific plan that has been adopted by resolution or ordinance of the Council.

### **9.13.020 – Effect of Specific Plan Zone**

Once adopted, a specific plan shall govern all use and development of properties within the bounds of that specific plan. Where a specific plan is silent with regard to particular development standards, the provisions of this Code shall govern. The Director shall have the authority to determine which provisions of this Code apply where a specific plan is silent.

### **9.13.030 – Required Contents of a Specific Plan**

The required contents of a specific plan shall be as set forth in Government Code Section 65450 et seq.

### **9.13.040 – Land Use and Development Standards**

Each adopted specific plan establishes the land use regulations and development standards applicable to the properties within the specific plan.

### **9.13.050 – Adopted Specific Plans**

Table 2-XX identifies the adopted specific plans in Yucca Valley. These specific plans define the development standards and guidelines for each corresponding Specific Plan zone.

TABLE 2-X: SPECIFIC PLANS		
Specific Plan	Location	Adoption Date (Adoption Mechanism)
Old Town Yucca Valley Specific Plan		December 13, 2007 (Ordinance No.: XXX)
Home Depot Specific Plan		Date (Ordinance No. XXX)
Super Wal-Mart Specific Plan		Date (Ordinance No. XXX)

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## Chapter 9.14 Standards and Regulations for Specific Uses in Non-Residential Districts

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### Sections:

- 9.14.010 – Purpose
- 9.14.020 – Adult-Oriented Uses
- 9.14.030 – Child Day Care Centers
- 9.14.040 – Drive-in/Drive-through Establishments
- 9.14.050 – Gas, or Other Fueling Stations
- 9.14.060 – Marijuana Dispensaries
- 9.14.070 – Mini/Self Storage Facilities
- 9.14.080 – Recycling Facilities
- 9.14.090 – Social Care Facilities
- 9.14.100 – Swap Meets

### 9.14.010 – Purpose

This Chapter provides locational, site planning, developmental, and/or operational standards for certain land uses that are allowed by this Article 2 within non-residential districts, and for activities that require special standards to mitigate their potential adverse impacts.

### 9.14.020 – Adult-Oriented Uses

#### A. Definitions.

1. Adult-Oriented Businesses shall include any of the following:
  - a. Adult Arcade. An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, videos, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”
  - b. Adult Bookstore. An establishment which has a substantial portion of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:

- 1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videos, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;" or
  - 2) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."
- c. Adult Cabaret. Night club, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or film, motion pictures, videos, slide or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
  - d. Adult Motel. A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with close circuit television transmissions, films, motion pictures, videos, slides or other photographic reproduction which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
  - e. Adult Motion Picture Theater. An establishment where, for any form of consideration, films, motion pictures, videos, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
  - f. Adult Theater. A theater, concert, hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances which are characterized by exposure of "specified sexual activities" or "specified anatomical areas."
  - g. Sexual Encounter Establishment. An establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in sexual therapy.
2. Specified Anatomical Areas. Includes any of the following:
    - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areole; or

- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
3. Specified Sexual Activities. Includes any of the following:
  - a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
  - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
  - c. Masturbation, actual or simulated; or
  - d. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this subsection.
4. Substantial Enlargement. The increase in floor area occupied by the business by more than 10%, as such floor area exists on the effective date of this Development Code.
5. Substantial Portion. For the purposes of subsection (A)(2) of this section, "substantial portion" shall mean 20 percent or more of the face value of the stock-in-trade, or 20 percent of the floor area of the store, whichever is more."

**B. General Provisions.**

Adult businesses shall only be permitted to be established in the Industrial (I) Zoning District subject to the general development requirements of Article 3, Chapter XX, Section 9.XX.XXX of this Title, the following standards specified by this Chapter and a Conditional Use Permit.

**C. Development Standards.**

1. Prohibition. It is unlawful to cause or permit the establishment or substantial enlargement of an adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor or sexual encounter establishment within 2,000 feet of another such business or within 1,000 feet of any religious institution and any school or public park within the Town or within 1,000 feet of any property designated for residential use or used for residential purposes, or within 1,000 feet of State Highway 62 or State Highway 247. Adult Businesses are permitted subject to a CUP only in the Industrial (I) land use districts.
2. For the purposes of this section, all distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structures in which the adult oriented business is or will be located to the nearest property line of any land use, Land Use District or zone described in Subsection (A).

- a. All building openings, entries and windows shall be located, covered or screened to prevent viewing the interior from any exterior area.
- b. No loudspeaker or sound equipment audible to persons in any public exterior area shall be used in connection with an adult oriented business, and the business shall be so conducted that sounds associated with the business are not emitted into any public exterior area.

**D. Establishment of an Adult Oriented Business.** The establishment of an adult-oriented business shall include any of the following:

1. The opening or commencement of any such business as a new business.
2. The conversion of an existing business (whether or not an adult-oriented business), to any of the adult-oriented businesses defined herein.
3. The addition of any of the adult-oriented businesses defined herein to any other existing adult-oriented businesses.
4. The relocation of any adult-oriented business.

#### 9.14.030 – Child Day Care Centers

**A. Purpose.** Child day center regulations are intended to address child day care uses in commercial districts consistent with State law and in manner that recognizes the need for such services and importance of minimizing the effects on surrounding properties.

**B. Child Day Care Center Types**

1. Day Care Centers. Day care centers are any facility other than family day care homes that provide, but are not limited to infant centers, preschools, and extended day care facilities.
2. Employer-sponsored Child Care Centers. Employer-sponsored child care centers are facilities at an employer's site of business that are operated directly or through a provider contract by any person or entity having one or more employees, and available exclusively for the care of children of that employer, and of the officers, managers, and employees of that employer.

**C. Development and Operational Standards**

1. License. Day care centers and employer-sponsored child care centers are required to obtain a business license from the Town and provide the Town with a copy of the State of California Day Care License.

2. Traffic Control. Off-street loading areas shall be provided on site and designated for the forward travel of vehicles both on entering and leaving the premises. The site plan shall clearly identify pedestrian routes to and from the drop-off and pick-up areas, including sidewalks and directional signage.
3. Parking. See Table 3-X for parking requirements for commercial child day care centers.
4. Noise. In order to protect adjacent uses from noise impacts associated with child day care centers, hours of operation are limited to 17 hours a day between the hours of 6:00 a.m. and 11:00 p.m., and outdoor activities are restricted to 7:00 a.m. to 9:00 p.m. Amplification equipment shall not be used for outdoor activities associated with the day care use. Day care centers shall comply with the Section XXX (Noise).
5. Signs. See Table 3-X for sign regulations for commercial child day care centers.

#### 9.14.040 – Drive-in/Drive-through Establishments

- A. **Purpose.** This Section provides locational and operational guidelines for retail trade or service uses providing drive-through and drive-up facilities to ensure that the facilities are designed and operated to effectively mitigate problems of congestion, excessive pavement, litter, noise, pedestrian safety, traffic, and unsightliness.
- B. **Applicability.** The provisions in this Section shall apply to drive-through and drive-up facilities as defined in Article 7 (Definitions) and where allowed in compliance with Article 2 (Zoning Districts and Development Standards) and the following Town guidelines.
- C. **Inwardly Focused.** Drive-through aisles should be inwardly focused within the site and located away from adjoining streets and any adjoining residential properties, wherever feasible.
- D. **Pedestrian Walkways.** Pedestrian walkways (including ADA access areas) should not intersect the drive-through access aisles, but where they do they shall have clear visibility and be emphasized by enhanced paving or markings.
- E. **No Reduction in Off-street Parking.** The provision of drive-through and drive-up service facilities shall not justify a reduction in the number of required off-street parking spaces.
- F. **Accommodation of Waiting Vehicles**
  1. Drive-through access aisles should provide sufficient space before the menu board to accommodate at least five waiting vehicles and at least five waiting vehicles between the menu board and the drive-up service window.
  2. Drive-through lanes shall be designed separately from drive-through access aisles and shall avoid the blocking of parking stalls or pedestrian access.

- G. Menu and Preview Boards.** Menu and preview boards may only be installed in compliance with all of the following requirements.
1. As practical, visibility of outdoor menu and preview boards should be minimized from any adjoining street(s). Additional landscape areas or shrub plantings may be required to provide proper screening.
  2. Any proposed carhop and/or walk-up menu boards shall not exceed 12 square feet in area and shall be located in areas generally defined through the required Conditional Use Permit process in compliance with Chapter 9.X (XXX).
- H. Noise.** Amplification equipment (e.g., speakers at menu boards, piped music, etc.) shall be located so as not to adversely impact adjoining uses and shall be operated in compliance with Section 9.XX.XXX (Noise) and 9.XX.XXX (Vibration).
- I. Prevention of Headlight Glare.** Each drive-through aisle should be appropriately screened with a combination of landscaping, low walls, and/or berms maintained at a minimum height of three feet to prevent headlight glare from impacting adjacent streets, adjoining properties, and parking lots.
- J. Wall Required When Adjoining Residential Uses.** A minimum six-foot-high solid decorative masonry wall shall be constructed on each property line that adjoins a parcel zoned for and/or developed with a residential use. The design of the wall and the proposed construction materials shall be subject to review and approval through the Site Plan review process. A minimum five-foot-deep landscaping strip shall be provided between the wall and any driveway.

#### 9.14.050 – Gas, or Other Fueling Stations

- A. Purpose.** This Section provides locational, developmental, and operational standards for fueling service stations.
- B. Applicability.** The provisions in this Section shall apply to fueling service stations as defined in Article 7 (Definitions) and where allowed in compliance with this Article and the following standards.
- C. Standards.** Fueling service stations shall comply with all of the following locational, developmental, and operational standards:
1. The minimum structure setback from street property lines shall be 40 feet, unless otherwise approved by the Commission for a reverse designed fueling service station (where rear of structure is placed adjacent to the street property line(s)).
  2. The minimum structure setback from other property lines shall be 10 feet.
  3. The minimum standard width of driveways at the sidewalk shall be 30 feet.

4. The centerline of driveways shall be perpendicular to the curbline.
5. The minimum distance from any driveway to any interior property line shall be five feet, and the minimum radius of the curb return for the driveway shall be 20 feet from full height curb on the street.
6. The minimum distance between curb cuts shall be 30 feet.
7. Parking shall comply with the design, parking ratio, and size requirements specified in Chapter 9.XX (Parking and Loading Regulations), but accessory uses associated with the fueling service station shall be parked as follows:
  - a. Accessory uses (e.g., car-wash and/or mini-market, fast food restaurant) may be allowed subject to meeting off-street parking standards for each accessory use.
  - b. The total number of off-street parking spaces shall be the sum total required for the various uses computed separately.
8. All pump or fuel dispensing islands shall be set back a minimum of 15 feet from the closest property line.
9. The maximum number of pumps or individual fuel dispensing appliances shall be as follows:
  - a. Site size of 12,000 square feet or less shall be limited to eight pumps or individual fuel dispensing appliances.
  - b. Two pumps or individual fuel dispensing appliances may be added for each additional 2,000 square feet of site area.
10. A solid decorative masonry wall of minimum six feet high, and five-foot wide landscape buffer, should be erected along all property lines separating the site from any parcel zoned for residential purposes, and along all alley property lines if the property opposite is zoned for residential purposes. The design of the wall and the proposed construction materials shall be subject to review and approval through the Site Plan review process.
11. No parking on the premises other than for those persons attending to business on the site and the vehicles of employees.

#### 9.14.060 – Marijuana Dispensaries

A. **Prohibition.** The establishment or operation of a marijuana dispensary for the sale or distribution of marijuana, including medical marijuana, is prohibited. No special use permit, variance, building permit, or other entitlement for use shall be accepted, processed, approved or issued for the establishment or operation of, and no person shall otherwise establish a marijuana dispensary. This prohibition shall apply regardless of the professed status of any person as qualified patient or primary caregiver as those terms or defined by State law.

#### 9.14.070 – Mini/Self Storage Facilities

- A. **General.** The only commercial activities permitted on the site of self-service storage facility shall be rental of storage bays and pickup and deposit of goods and/or property in dead storage. Storage bays shall not be used to: manufacture, fabricate or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on the site.
- B. **Security Quarters Permitted.** Residential quarters for security purposes may be established on the site.
- C. **Bays Have No Legal Address.** Individual storage bays or private postal boxes within a self-service storage facility shall not be considered a premise for the purpose of assigning a legal address in order to obtain an occupational license or other governmental permit or license to do business.
- E. **Outside Storage.**
1. Except as provided in this section, all property stored on site shall be entirely within enclosed buildings.
  2. Open storage of private recreational vehicles and dry storage of recreational boats for personal use shall be permitted within a self-service storage facility provided that the following is met:
    - a. Such storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the site plan accompanying the application.
    - b. The open storage area shall not exceed 25 percent of the buildable area of the site;
    - c. The open storage area shall be entirely screened from view from adjacent residential areas and street rights-of-way by a solid building wall or a masonry wall with a minimum height of eight feet;
    - d. Vehicles shall not be stored within the area set aside for minimum building setbacks; and

- e. No vehicle maintenance, washing or repair shall be permitted on site. Recreational boats stored on the site shall be placed and maintained upon wheeled trailers. No dry stacking of boats shall be permitted on site.
- F. **Minimum Lot Size.** Notwithstanding any other provision of this code the minimum lot size for a self-storage facility shall be one acre.
- G. **Separation Between Storage Buildings.** If separate buildings are constructed, there shall be a minimum 10 feet setback between individual buildings within the facility.
- H. **Maximum Bay Size.** The maximum size of a storage bay shall be 500 square feet.
- I. **Maximum Building Height.** With the exception of a structure used as a security quarters, the maximum height of a self-service storage facility shall be one story. The height of the building shall not exceed 20 feet, except for any architectural features located along the street entrance to the facility. In addition, a parapet wall shall be constructed to screen roof-mounted air conditioning and other equipment, if any. The combined height of the building and the parapet wall shall not exceed 25 feet.
- J. **Parking Requirements.** See Section 9.XX (Parking and Loading Regulations) for mini-storage parking requirements.
- L. **Miscellaneous Requirements.**
  - 1. **Outdoor Lighting.** All outdoor lighting shall meet the requirements of Section 8.70 (Outdoor Lighting).
  - 2. **Loudspeakers.** Exterior loudspeakers or paging equipment shall not be permitted on the site.
  - 3. **Bay Doors.** Storage bay doors shall not face any abutting property which is residentially zoned, nor shall they be visible from any adjacent residential property or any street right-of-way.
  - 4. **Barbed Wire.** Barbed or similar wire may be used for security purposes, but it shall not be visible from any adjacent residential property or any street right-of-way.
  - 5. **Architectural Treatment.** The exterior facades of all structures shall receive uniform architectural treatment, including stucco and painting of surfaces. All structures adjacent to properties designated with a residential land use shall have a pitched roof or other treatment comparable to the adjacent residential development.

**9.14.080 – Recycling Facilities**

- A. Purpose.** This Section provides locational, developmental, and operational standards for various types of recycling facilities (e.g., reverse vending machine(s) and small collection facilities).
- B. Applicability.** The provisions in this Section shall apply to recycling facilities as defined in Article 7 (Definitions) and where allowed in compliance with Article 2 (Zoning Districts and Development Standards) and the following standards.
- C. Town Locational, Developmental, and Operational Standards**
1. Reverse Vending Machine(s). Reverse vending machine(s) intended solely for recycling purposes shall be allowed in compliance with all of the following standards.
    - a. The machines shall be installed as an accessory use in compliance with the applicable provisions of this Development Code and shall not require additional parking.
    - b. If located inside the primary structure, the machines shall be within 30 feet of the entrance and shall not obstruct pedestrian circulation.
    - c. If located outside the primary structure, the number of machines shall be limited to a maximum of two, shall not occupy required parking spaces, shall be constructed of durable waterproof and rustproof material(s), and shall be placed in a manner that is properly designed and constructed in terms of architectural treatment and security from vandalism, subject to the approval of the Director.
    - d. The machines shall not exceed a floor or ground area of 50 square feet for each installation, including any protective enclosure, nor eight feet in height.
    - e. The machines shall have a maximum sign area of four square feet for each machine, exclusive of operating instructions.
    - f. The machines shall have operating hours which are consistent with the operating hours of the primary use.
    - g. The area in front of the machines shall be illuminated to ensure comfortable and safe operation, if operating hours are between dusk and dawn.
  2. Small Collection Facilities. Small collection facilities shall be allowed in compliance with all of the following standards.
    - a. The facility shall not exceed a floor or ground area of 350 square feet nor three parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers.

- b. The facility shall not use power-driven processing equipment, except for reverse vending machines. The Director may allow an exception to this processing equipment limitation through the Special Use Permit process in compliance with Chapter 9.XX.
- c. The facility shall not be located within 100 feet of any parcel zoned or occupied for residential use. The Director may modify this location limitation through the Special Use Permit process in compliance with Chapter 9.XX.
- d. The facility shall be set back at least 10 feet from any public right-of-way, and not obstruct vehicular or pedestrian circulation.
- e. The facility shall accept only glass, metal, or plastic containers, which have a CRV value, and other household beverage containers (i.e., plastic milk containers, wine bottles, etc.).
- f. All recycled items shall be stored within a fully enclosed structure which is designed and constructed to ensure against unauthorized removal of the items. The structure and containers within the structure shall be of a capacity sufficient to accommodate the items collected and the collection schedule. Outdoor storage of recycled items shall be prohibited.
- g. The fully enclosed structure, the collection containers, and site fencing shall be of a color and design that would be compatible and harmonious with the character of their location, subject to the review and approval of the Director. Landscaping and other appropriate screening may be required on a case-by-case basis as a condition to the required Special Use Permit approval.
- h. Signs may only be provided as follows:
  - 1) Recycling facilities may have identification signs with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is greater.
  - 2) Signs shall be both compatible and harmonious with the character of their location and in compliance with Chapter 9.XX (Sign Regulations).
  - 3) Directional signs without advertising messages may be installed with the approval of the Director.
- i. Additional parking spaces shall not be required for customers of a small collection facility located in the established parking lot of the primary use.
- j. 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. The mobile recycling units shall only be parked within the marked area.

- k. Use of parking spaces by the patrons and the attendant shall not reduce available parking spaces below the minimum number required for the primary use.

**9.14.090 – Swap Meets**

- A. **Purpose.** This Section provides standards for the establishment and operation of swap meets and flea market facilities.
- B. **Applicability.** The standards in this Section apply to swap meet where allowed in non-residential districts, in compliance with Chapter 9.XX (Commercial Districts).
- C. **Development Standards**
  - 1. No swap meets shall be allowed on any land that is adjacent to or abutting either SR-62 or SR-247 unless the sales activity is a minimum of 400 feet from any property line adjacent to either highway.
  - 2. In a General Commercial (CG) land use district, any sales activity, excluding parking shall be a minimum of 200 feet from any parcel zones Office Commercial, Neighborhood Commercial, Mixed Use Commercial, or any single-family residential district. Any sales activity in Service Commercial (CS), excluding parking shall be a minimum of 200 feet from any parcel zoned Office Commercial, Neighborhood Commercial, Mixed Use Commercial, or any single-family residential district.
- D. **Design Standards**
  - 1. Permanent restroom facilities shall be provided in accordance with the California Building Code and the San Bernardino County Health Department Requirements.
  - 2. The sales area shall be distinctly defined in either the form of fencing or vegetation or in a manner as approved by the Town. Landscape screen shall be encouraged.
  - 3. Parking and parking lot landscaping shall be provided in accordance with the Chapter 9.XX (Parking and Loading Requirements). Additional landscaping will be required along all street right-of-way.
  - 4. Minimum parcel size shall be five acres.
  - 5. No direct access to a swap meet will be permitted from either SR-62 or SR-247, but shall be restricted to non-highway streets.

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## Chapter 9.15 Overlay Districts

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### Sections:

- 9.15.010 – Purpose
- 9.15.020 – Overlay Zoning Districts
- 9.15.030 – Zoning Map Designator

#### 9.15.010 – Purpose

The overlay districts established by this Article supplement the use regulations and/or development standards of the applicable underlying base zone, where important site, neighborhood, or area characteristics require particular attention in project planning. In the event of a conflict between the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall govern. The provisions of this chapter shall apply to all projects located in a designated overlay district.

#### 9.15.020 – Overlay Districts

The following are the Overlay Districts

- Airport Safety Overlay District
- Fire Safety Overlay District
- Flood Plain Safety Overlay
- Geologic and Seismic Hazards Overlay
- Hillside Overlay District
- Large Animal Overlay District
- Specific Plan Overlay District

#### 9.15.030 – Zoning Map Designator

Overlay district(s) shall be designated by a representative symbol on the zoning map along with the base zoning district with which it is combined. See Table 2-X for overlay districts zoning map designator.

**TABLE 2-X:  
OVERLAY DISTRICT ZONING MAP DESIGNATOR**

<b>Overlay District</b>	<b>Zoning Map Designator</b>
Airport Safety Overlay District	AR-1, AR-2, AR-3
Fire Safety Overlay District	FS
Flood Plain Safety Overlay	FP1, FP2, FP3
Geologic and Seismic Hazards Overlay	GH
Hillside Overlay District	HS
Large Animal Overlay District	LA
Specific Plan Overlay District	SP

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**Chapter 9.16 Airport Safety Overlay District**

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**Sections:**

- 9.16.010 – Purpose
- 9.16.020 – Location Requirements
- 9.16.030 – Airport Safety Review Areas
- 9.16.040 – Applicable Airport Comprehensive Land Use Plans
- 9.16.050 – Review Procedures
- 9.16.060 – Development Standards

**9.16.010 – Purpose**

The Airport Safety (AR) Overlay established by Sections 9.XX.XXX (Establishment of Base Zoning and Overlay Districts) and Chapter 9.XX (Overlay Districts) is created to provide greater safety to aviators and the general public by establishing requirements for land use compatibility reviews within designated areas in close proximity to a public use airport or heliport.

**9.16.020 – Location Requirements**

Airport Safety (AR) Overlay boundaries are designated on the Zoning Map by the symbols AR1, AR2, and AR3, as defined in the following section:

- A. Area within an adopted Airport Comprehensive Land Use Plan for a public use airport;
- B. Area within a low altitude/high speed corridor designated for military aircraft operations.

**9.16.030 – Airport Safety Review Areas**

For the purposes of this Chapter, the following Airport Safety Review Areas are established.

- A. **Airport Safety Review Area 1 (AR1).** AR1 includes the areas at either end of a runway, outside the airport boundaries, that correspond with the FAA Runway Protection Zone (per FAR Part 152) for each runway end. AR1 also includes any area identified by an Interim Airport Land Use Plan as a crash hazard zone, or as a touchdown pad and peripheral area for a heliport.
- B. **Airport Safety Review Area 2 (AR2).** AR2 includes the areas within the adopted 65 CNEL (Community Noise Equivalency Level) or Ldn (Day-Night Average Sound Level) noise contours.
- C. **Airport Safety Review Area 3 (AR3).** AR3 includes one of the following areas, as applicable.

1. Public use airport with adopted noise contours. For a public use airport with adopted noise contours, AR3 includes the area within one mile outside the 65 Ldn noise contour, encompassing the boundaries prescribed in FAR Part 77 that depict imaginary surfaces for "objects affecting navigable airspace," as applicable to the specific FAA-approved Airport Layout and Approach Plan. The imaginary surfaces are as follows.
  - a. Approach Surface. Extending outward and upward from the end of the primary runway surface along a slope of 20 to 1 and extending for a horizontal distance of 5,000 feet. (Slope and distances increase depending on precise approach existing or planned for the particular runway.)
  - b. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation. The perimeter is constructed by swinging arcs of 5,000 feet (10,000 feet for runways other than utility or visual) radii from the center of each of the primary runway surfaces (i.e., beginning points of Safety Review Area I) and connecting the adjacent arcs by lines tangent to the arcs.
  - c. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 (20:1) for a horizontal distance of 4,000 feet.
2. Public use airport without adopted noise contours. For a public use airport without adopted noise contours (e.g. 65 Ldn), AR3 includes the area within one mile of the outer boundaries of the airport ownership.
3. Heliports. The area outside the 65 Ldn noise contour for a heliport but within one-half mile of the line.

#### 9.16.040 – Applicable Airport Comprehensive Land Use Plans

This Section lists the Airport Comprehensive Land Use Plans with which development in compliance with this Chapter shall be consistent.

1. Airport Comprehensive Land Use Plan-Yucca Valley Airport

#### 9.16.050 – Review Procedures

- A. **Public Hearing.** In addition to all other requirements of this Development Code that require a public hearing before a decision on a land use application, public hearing review is also required when a proposed use is inconsistent with the Comprehensive Land Use Compatibility criteria of the applicable Airport Comprehensive Land Use Plan.
- B. **Required Findings.** The approval of a land use application for a proposed expansion, revision, or establishment of airport or heliport facilities within an Airport Safety Review Area shall require that the review authority first find that the proposal is consistent with the General Plan, and the findings, development standards and review procedures of this Chapter.

- C. **Land Use Approval.** Land use approval for any project found to be inconsistent with an adopted Airport Comprehensive Land Use Plan shall be reviewed and acted upon by the Town in the form of a minute order or resolution, in compliance with Public Utilities Code Section 21661.5, and the State Department of Transportation shall be provided a copy of the minute order or resolution.
- D. **Conditions of Approval.** Any requirements resulting from project review in compliance with this Section shall be incorporated into the project design and conditions of approval.

#### 9.16.060 – Development Standards

The following standards and criteria shall apply to each development or land use proposed within an AR Overlay or an Airport Safety Review Area, in addition to any standards required by the applicable Airport Comprehensive Land Use Plan.

- A. **Allowed land uses.** Each proposed use shall be consistent with the General Plan, any applicable Airport Land Use Plan, and this Section; provided that no permanent structure or use shall be allowed within Airport Safety Review Area 1.
- B. **Height limits.** Proposed structures and the normal mature height of any vegetation shall not exceed the height limitations established in Federal Aviation Regulations (FAR) Part 77, unless Form 7460-1 (Notice of Proposed Construction or Alteration) has been filed with and approved by the FAA before the issuance of a Building Permit. All mitigation measures recommended by the FAA shall be incorporated into the project conditions of approval. Existing topographic elevations, as compared to the elevation of the centerline of the runway, shall be considered in determining the permitted height of an affected structure.

For heliports, structures and the normal mature height of any vegetation adjacent to the helipad shall not exceed the height limitations provided by the requirements of Federal Aviation Regulations (FAR) Part 77 for heliports.

- C. **Interference with Aircraft Operations.** The proposed use or structure shall not reflect glare, emit electronic interference, produce smoke, or store or dispense hazardous materials in such a manner that would endanger aircraft operations or public safety in the event of an aircraft accident.

For heliports, uses or structures adjacent to the helipad shall not reflect glare, emit electronic interference, produce smoke, or store or dispense hazardous materials in such a manner that would endanger aircraft operations or public safety in the event of an aircraft accident.

- D. **Federal and State Requirements.** Each airport and heliport shall be constructed in compliance with FAA requirements and the requirements of applicable state law.
- E. **Noise Standards.** Noise level reduction shall be designed and constructed in all structures to maintain maximum interior noise level of 45 dba for residential uses, and 55 dba for commercial and industrial uses.

- F. Easements.** An Avigation Easement acknowledging potential noise and safety impacts and limitations on heights and lighting shall be granted to the appropriate airport and recorded at sale of property for those uses established within an AR1, AR2, or AR3. A copy of the easement shall be forwarded to the Town and the affected airport.
- G. Notifications by Property Owner.** The property owner shall provide to all renters, lessees or buyers information that the site is subject to aircraft overflight from the applicable airport, is subject to the potential noise problems associated with aircraft operations, and is subject to an Avigation Easement. The information shall be provided before completion of the rental, lease or sale, and shall be incorporated into the CC & R's recorded with the property and in all lease and rental agreements.

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## Chapter 9.17 Fire Safety Overlay District

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### Sections:

- 9.17.010 – Purpose
- 9.17.020 – Location Requirements
- 9.17.030 – Fire Safety Area (FS)
- 9.17.040 – Application Requirements
- 9.17.050 – Fire Safety Development Standards
- 9.17.060 – Alternate Hazard Protection Measures

### 9.17.010 – Purpose

The Fire Safety (FS) Overlay established by Sections 9.XX.XXX (Establishment of Base Zoning and Overlay Districts) and Chapter 9.XX (Overlay Districts) is created to provide greater public safety in areas prone to wildland brush fires, by establishing additional development standards for these areas.

### 9.17.020 – Location Requirements

The FS Overlay shall be designated in high fire hazard areas as mapped on the General Plan Hazards Maps with the locations derived from the California Department of Forestry, U.S. Forest Service, and the County Fire Department.

### 9.17.030 – Fire Safety Area (FS)

The FS Overlay corresponds to a distinct geographic area that is associated as a wildland fire hazard. The requirements applicable to each fire safety area are found in Section XXX (Fire Safety Development Standards).

- A. **Fire Safety Area (FS).** Fire Safety Area includes those lands that have gentle to moderate sloping terrain and contain light to moderate fuel loading. These areas are periodically subject to high wind conditions that have the potential of dramatically spreading wildland fires.

### 9.17.040 – Application Requirements

- A. **Notice of application or permit.** A notice of each land use application and/or development permit that would lead to the construction of one or more structures or the subdivision of land within the FS Overlay shall be sent to the responsible Fire Authority for comment.
- B. **Review authorities.** Each proposed land use application that would lead to the construction or expansion of a structure or the subdivision of land shall be submitted to the responsible fire authority and the appropriate Natural Resource Conservation Service Office for review and recommendation. Any recommendations received shall be indicated in any staff report and/or

presentation for the proposed development and shall be incorporated into project conditions of approval where possible.

- C. **Density bonus.** A residential density bonus, if any, shall only be allowed through the approval of a Planned Development Permit in compliance with Chapter 9.70 (Planned Development Permits), which shall consider impacts of fire safety.
- D. **Subdivisions.** When 25 percent or more of a subdivision project site involving five or more lots is located on natural slopes greater than 30 percent, the subdivision application shall be submitted concurrently with a Planned Development application to evaluate appropriate project design in consideration of topographic limitations of the site. This provision shall not apply if all of the areas on the site with natural ungraded slopes over 30 percent are permanently restricted from structural development.
- E. **Application requirements.** Each land use and other project application shall include the following information and materials.
  - 1. **Slope analysis.** Each project application shall include a slope analysis. The slope analysis shall include the following information:
    - a. A topographic map of the proposed project area and all adjoining properties within 150 feet at a scale of not less than one-inch to 200-feet. The contour interval shall not be more than two feet except that the contour interval may be five feet if the general natural ungraded slope is more than 10 percent. Contour lines shall be obtained by aerial or field survey, done under the supervision of a licensed Land Surveyor or Registered Engineer.
    - b. The natural, ungraded, slope categories to be computed are zero percent to less than 15 percent, 15 percent to less than 30 percent, 30 percent to less than 40 percent, and 40 percent and greater. The minimum area (polygon) used for slope calculation shall be 5,000 square feet.
    - c. The area, in acres, shall be tabulated for each category.
  - 2. **Preliminary grading plan.** Each project application shall include a preliminary grading plan, except that preliminary grading plan requirements may be waived by the Director if it is determined through the required preapplication conference that this requirement is unnecessary due to site specific soils, topographic or other physical conditions, or due to the specific design of the project. The preliminary grading plan shall include the following information.
    - a. A topographic map of the proposed project area and all adjoining properties within 150 feet at a scale of not less than one inch to 200 feet. The contour interval shall not be more than two feet except that the contour interval may be five feet if the natural ungraded slope is more than 10 percent. Contour lines shall be obtained by

- aerial or field survey, done under the supervision of a licensed Land Surveyor or Registered Engineer.
- b. Contours of the finished graded slope shown at intervals similar to that on the topographic base map.
  - c. Street grades, slope ratios, flow lines, pad elevations, maximum elevation of top and minimum elevation of toe of finished slopes over five feet in vertical height, the maximum heights of those slopes and approximate total cubic yards of cut and fill shown on the preliminary grading plan.
  - d. Compliance with the current edition of the California Building Code, as adopted by the Town, is required.
  - e. In the event no grading is proposed, a statement to that effect shall be placed on the required topographic map described in Subsection (F)(1)(a), above, and the map shall delineate the boundary of an adequately sized building pad, driveway and septic system (if proposed) for each proposed parcel.
3. Fuel modification plan. Each project application shall include a fuel modification plan describing the fuel modification area required in Subsection 9.17.050(D)(6), below. The plan may be submitted as a preliminary and final plan. A preliminary and/or final plan shall be submitted concurrently with the development application to the Department for review in conjunction with the project design review. Final plans shall be reviewed and approved by the responsible Fire Authority in conjunction with the County Fire Marshall. The fuel modification plan shall address the standards in 9.17.050(D)(6), below, and the following factors:
- a. The natural ungraded slope of the land within the project and in the areas adjacent to the project;
  - b. Fuel loading;
  - c. Access to the project and access directly to the fuel modified area;
  - d. The on-site availability of water that can be used for firefighting purposes;
  - e. The continual maintenance of the fuel modified areas;
  - f. The soil erosion and sediment control measures to alleviate permanent scarring and accelerated erosion; and
  - g. A list of recommended landscape plant materials that are fire resistant.

### 9.17.050 – Fire Safety Development Standards

Development proposed Fire Safety Overlays shall comply with all applicable requirements of this Section. Development proposed in the Fire Safety Overlay shall also comply with the requirements of Section XXX (Additional Development Standards).

- A. **Fire Authority standards.** All proposed development shall comply with all other applicable standards required by the San Bernardino County Fire Department. This shall include the standards and provisions of the California Building Code (CBC) Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure) and California Fire Code as amended by County Ordinance adopting California Fire Code, which is included in this code by reference.
- B. **Applicability Zoning District Standards and Overlay Standards.** The development standards established by a zoning district and any applicable overlay shall apply, except as modified by this Chapter.
- C. **Residential Density.** In order to reduce fire hazards, prevent erosion, and to preserve the existing vegetation and visual quality, the density of development for any Tentative Parcel Map or Tentative Tract Map in sloping hillside areas shall be in compliance with the following criteria:
  - 1. One to four dwelling units per gross acre on slopes of zero to less than fifteen percent (0- <15%);
  - 2. Two dwelling units per gross acre on slopes of 15 to less than 30 percent (15- <30%);
  - 3. One dwelling unit per three gross acres on slopes of greater than 30 to less than 40 percent gradient;
  - 4. One dwelling unit per ten gross acres on slopes of 40 percent or greater gradient;
- D. **Site Development Requirements.**
  - 1. **Site and Emergency Access.** Each development project and each development project phase, except for a development project located exclusively on a cul-de-sac, shall have a minimum of two points of vehicular ingress and egress, designed to Town road standards, with a minimum width of 26 feet of all-weather surface as defined in the California Fire Code, from existing and surrounding streets. The Department may authorize one point of vehicular access to be an emergency access route with an all-weather surface if the Department first makes each of the following findings:
    - a. Two points of nonemergency access are physically infeasible;
    - b. Provisions have been made to reasonably ensure that the emergency access will be maintained; and

- c. Based on the review and consideration of the Fire Authority's recommendation, the emergency access route will provide adequate vehicular ingress and egress during emergencies.
2. Private Driveways or Access Roadways. Private driveways or access roadways for residential units shall not exceed 150 feet in length, unless approved by the Fire Authority in compliance with Section 10.207 of the California Fire Code.
3. Fences.
  - a. Where wood or vinyl fencing is used, there shall be a minimum five-foot separation between the wood or vinyl fencing and the wall of the nearest structure except on those properties where previous construction occurred in compliance with a previous code. Fencing within the five-foot separation area shall be of noncombustible material or modified one-hour fire-resistance-rated construction.
  - b. Fences or walls required adjacent to fuel modification areas or wildland areas as conditions of approval for a development project shall be constructed of noncombustible materials as defined in the California Building Code. All other fences, including those on the interior of a development project, are not subject to this requirement, except as required in subparagraph a, above.
  - c. Where side and rear yards are enclosed by fencing, gates shall be provided on both side yards for emergency access to the rear yard.
4. Water Supply. Each development project shall provide six-inch or larger circulating (loop) water mains as required by the California Fire Code, proper hydrant location and spacing, and have sufficient water storage capacity to provide the minimum fire flow duration requirements [gallons per minute (GPM) for a minimum number of hours or portions thereof] as specified by the minimum system standards established by the Fire Authority. Circulating (loop) mains are not required for cul-de-sacs and are not required for subdivisions that exclusively take all access from cul-de-sacs. In areas not served by water purveyors, on-site fire flow and water storage requirements shall be as specified by the California Fire Code.
5. Access to Water Supplies. There shall be vehicular access, at least 12 feet in width, to within at least 10 feet of each static water source, including ponds, lakes, swimming pools, reservoirs and water storage tanks. Access shall be either to a plumbed outlet with two-and-one-half-inch National Hose Thread Fitting, or directly to the source. This requirement shall be waived if the Fire Authority determines that the water source is sufficiently below the elevation of existing or proposed roads or driveways to make drafting of water from the source through a plumbed outlet infeasible, and that direct vehicular access to the water source would require an impractical extension of a road or driveway.
6. Fuel Modification Areas.

- a. A permanent fuel modification area shall be required around a development project or portions thereof that are adjacent or exposed to hazardous fire areas for the purpose of fire protection. In no case shall this area be less than 100 feet in width as measured from the development perimeter. Where feasible, the area shall be designated as common open space rather than private open space. The recommended width of the fuel modification area shall be determined based on a fuel modification plan filed in compliance with Subsection 9.17.040(F)(3) (Application Requirements – Fuel modification plans), above.
  - b. When a development project is phased, individual phases may be required to provide temporary fuel modification areas, where the development perimeter of a phase is contiguous to a subsequent phase of a project, which in its undeveloped state is a hazardous fire area. The need for a temporary fuel modification area shall be determined by the responsible Fire Authority in conjunction with the County Fire Marshall and shall be based upon the same considerations described in Subparagraph a, above, for permanent fuel modification areas and the factors addressed in the required fuel modification plan.
7. Setback Requirements. Each proposed structure shall comply with the following setback requirements as applicable, in addition to the setbacks required by the applicable primary zoning district, and the building separation requirements in Subsection C. (Building separation), below.
- a. Firewood or flammable materials storage. Each area used for the storage of firewood, or other flammable materials, shall either be located at least 30 feet away from all structures, or wholly enclosed within a structure.
  - b. Fuel tanks. Fuel tanks (e.g., liquefied petroleum tanks) shall be located at least 10 feet away from any structure and shall be in compliance with the standards in the California Fire Code. The tanks shall be secured to the ground.
  - c. Sloping site setbacks or fuel modification. Each structure proposed in an area with slopes exceeding 30 percent and 30 feet in height shall comply with the following requirements:
    - (1) Where a structure is proposed or within 200 feet of a slope that is greater than 30 percent before grading and where the slope is at least 30 feet in height, the vegetation on the slopes shall be treated in a manner so that it becomes a fuel modified area. The fuel-modified area shall be maintained for either the entire slope, or 100 feet, or to the property line, whichever distance is less for existing parcels or the distance prescribed by a fuel modification plan for new development.
    - (2) Where grading is utilized that does not conform to the natural slope and the graded area is adjacent to natural ungraded slopes that are greater than 30 percent in gradient and greater than 30 feet in height, each structure shall be

set back at least 30 feet from the edges of the graded area adjacent to the natural ungraded slopes.

8. Street Name Signs. All public or private streets within or bordering a development project shall have noncombustible and reflective street name signs designed to Town standards and visible at all street intersections.
9. Fire hydrant identification. Each fire hydrant shall be identified by a method specified by the Fire Authority.
10. Erosion and sediment control. Each development project, building permit, grading and any other significant land disturbing activity shall include the installation of erosion control measures in compliance with this Development Code.
11. Concealed spaces. Unenclosed or projecting assemblies (e.g., cantilevered floors, bay windows, etc.) that contain concealed space shall be protected on the exposed surface with materials approved for the modified one-hour construction.
12. Decks. Cantilevered or standard type decks shall be:
  - a. Constructed with a minimum of at least one-and-one-half-inch wood decking; and/or
  - b. Protected on the underside with materials approved for one hour fire resistive construction; and/or
  - c. Composed of noncombustible materials, as defined in the California Building Code, or other materials approved by the responsible Fire Authority.
13. Exposed piping. Exposed piping, except for plumbing vents above the roof, shall be noncombustible as defined in the California Building Code.

**E. Building Separation Standards.** The intent of the following exterior wall separation standards is to reduce the exposure and risk from adjacent structural fires and to reduce the potential spread of fire from structure to structure.

1. Building Separation. In Fire Safety Areas, the following shall apply:
  - a. Each building on a parcel shall have exterior wall separations of at least 30 feet except as modified by Subsection (C) below.
  - b. Residential structures shall have interior side yard setbacks of 20 percent of the lot width, provided that these interior side yards shall not be less than five feet and need not exceed 15 feet. In no case shall exterior wall separations be less than 10 feet for all buildings, including those on adjoining parcels. Eaves shall be permitted

to project into the required setback no more than two feet. No other projections shall be allowed less than five feet to side or rear property lines.

- c. When the exterior walls of residential and accessory buildings or portions thereof are within 15 feet of interior side or rear lot lines, or the exterior wall separation is less than 30 feet, the outside of each exterior wall or portion thereof shall be constructed with exterior wall coverings that are constructed of noncombustible materials or provide the one-hour fire-resistance-rated construction on the exterior side. Modified one-hour construction shall be defined by the Building Official. Where building separations are less than 10 feet, additional mitigation measures may be required by the responsible Fire Authority;
- d. In compliance with Section XXX (Alternate Hazard Protection Measures), and dependent upon site specific conditions, the following measures or combinations of measures may be substituted for the exterior wall separation requirements for all structures in Fire Safety Areas:
  - (1) The expansion of fuel modified areas around the perimeter of the development project beyond that required by this Section or other requirement of the Development Code.
  - (2) A substantial transfer of density from steeper slopes, including areas with slopes less than 30 percent if they exist on-site, to less steep areas within the development project.
  - (3) Clustering of structures away from the development perimeter and away from fire hazard areas.
  - (4) Other alternate measures (e.g., sprinklers, etc.) if approved by the Department in compliance with Section XXXX (Alternate Hazard Protection Measures).

#### **F. Building Construction Requirements.**

- 1. Eaves. Eaves shall be enclosed with a minimum seven-eighth inch stucco or equivalent protection. Fascia shall be two inches nominal solid wood or stucco or equivalent protection.
- 2. Exterior Doors. All exterior doors made of wood or wood portions shall be solid core wood. For exterior doors with inset windows, refer to Subparagraph 3.(A), below.
- 3. Exterior Glazing. Exterior glazing shall comply with the provisions of the California Building Code and with the following additional requirements:

- a. Exterior windows, window walls and glazed doors, and windows within exterior doors, shall be multi-layered glass panels (dual- or triple-paned), tempered glass, or other assemblies approved by the Building Official.
- b. Vinyl window frame assemblies shall be prohibited, except when they have all of the following characteristics:
  - (1) Frame and sash are comprised of vinyl material with welded corners;
  - (2) Metal reinforcement in the interlock area;
  - (3) Glazed with insulated glass or tempered;
  - (4) Frame and sash profiles are certified in American Architectural Manufacturing Association (AAMA) Lineal Certification Program (verified with either an AAMA product label or Certified Products Directory); and
  - (5) Certified and labeled in compliance with American National Standards Institute (ANSI)/AAMA/National Wood Window and Door Association (NWWDA) structural requirements.
4. Insulation. Paper-faced insulation shall be allowed in attics or ventilated spaces only if the paper is not exposed to the attic open space. Cellulose insulation is required to be fire retardant.
5. Roof coverings. Roof coverings shall be either noncombustible or shall be fire retardant material not composed of organic fiber with a minimum Class A rating, as defined in the California Building Code. The tile shall be tight-fitting and the open ends of high-profile tile shall be capped with non-ignitable material to prevent birds' nests or other combustible material from accumulating. Gutters and downspouts shall be constructed of noncombustible material.
6. Spark Arresters. Each chimney used in conjunction with a fireplace, or other heating appliance in which solid or liquid fuel is used, shall be maintained with a spark arrester. An approved spark arrester shall mean a device constructed of stainless steel, copper or brass, woven galvanized wire mesh, 12 gauge minimum of three-eighths inch minimum to one-half inch maximum openings, mounted in or over all outside flue openings in a vertical and near vertical position, adequately supported to prevent movement and visible from the ground.
7. Street Address Numbers. Each non-accessory building shall have internally illuminated non-combustible building address numbers legible from the street in compliance with the California Fire Code.
8. Vents and Openings. Louvers, ventilators, or openings in walls, roofs, attics, and underfloor areas having headroom less than four feet in height that are not fitted with sash

or doors, shall be covered with wire screen. The screen covering the openings shall be corrosion-resistant metal or other approved material that offers equivalent protection and shall have a maximum mesh of one-eighth inch. Eave vents and roof-mounted turbine vents are prohibited.

9. Water Faucets. A minimum of two, three-quarter-inch faucets with hose connections each served by a three-quarter-inch waterline and installed before any pressure-reducing device shall be available per habitable structure separated by at least one-third of the perimeter of the structure. The faucets shall be on the sides of a structure facing fire hazardous areas whenever possible.

**G. Perimeter Access to Fuel Modified and Fire Hazard Areas.** Fire fighting vehicles shall have adequate access into areas between fire hazardous areas or fuel modified areas and the development perimeter, so that a wildland fire can be contained at the development perimeter and prevented from spreading to structures. Each development project shall provide adequate vehicular access for fire fighting vehicles to the development perimeter of the project along the portion of the development perimeter that is adjacent to either an existing or proposed fuel modified area, or a fire hazard area. Provisions shall be made and shall be required, where necessary, through conditions of approval for the development project for the continual maintenance of the areas intended to provide the access. Perimeter access shall be provided, through either of the following measures or through alternate measures in compliance with Section XXX (Alternate Hazard Protection Measures).

1. The provision of an existing or proposed road along the development perimeter, or portion thereof that is exposed to a fire hazard or fuel modified area, and which is accessible to fire fighting equipment. The road shall be capable of supporting fire-fighting equipment, shall be at least 20 feet in width, and shall not exceed a grade of 14 percent. The conditions of approval for the development project shall require provisions to ensure that the roadway will be maintained, if it is not within the publicly maintained road system.
2. Development projects shall provide access ways, at least 12 feet in width, with a grade not to exceed 14 percent, and capable of supporting fire fighting vehicles, between the development perimeter and proposed or existing streets. Access ways shall be spaced at intervals of no more than an average of 350 feet along each street. The conditions of approval for the development project shall require specific provisions to ensure that access ways will remain unobstructed and will be maintained. Where feasible, access ways may not be paved and shall be designed so as not to detract from the visual quality of the project.

**H. Length of Cul-de-Sacs.** Cul-de-sacs shall not exceed 350 feet in length, except that they may be extended as allowed by this Subsection.

1. Exception for Parcels of Less than Five Acres. A cul-de-sac may exceed 350 feet in length but shall not exceed 600 feet in length, if parcels that take access from the cul-de-sac are less than five acres, and:

- a. Alternate measures are utilized in compliance with Section 99.17.060 (Alternate Hazard Protection Measures); or
  - b. Based upon consideration of the recommendation of the Fire Authority, the Department determines that the cul-de-sac is situated and designed so that each parcel taking access from it is not contiguous to or exposed to either undeveloped fuel modified areas along the development perimeter of the project or to fire hazard areas, and that the extension of the cul-de-sac will not increase the exposure of buildings to wildland fires.
2. Exception for Parcels Larger than Five Acres. A cul-de-sac may exceed 600 feet in length if all parcels that take access from the cul-de-sac are five acres or greater in area and:
- a. The proposed cul-de-sac is not within or adjacent to areas that are zoned for or subdivided to parcels of five acres or less.
  - b. Alternate measures are utilized in compliance with Section 9.17.060 (Alternate Hazard Protection Measures).
3. Alternate Measures. In compliance with Section 9.17.060 (Alternate Hazard Protection Measures) and dependent upon site specific conditions, one of the following measures or combination of measures may be used to mitigate the effect of creating cul-de-sacs up to 600 feet in length with parcels less than five acres in area:
- a. Limitation of the total number of dwelling units with access to the cul-de-sac to no more than 15, and restriction of further subdivision of parcels and construction of additional independent residential units which have access to the cul-de-sac. These restrictions shall be imposed through conditions of approval of the development project.
  - b. A continuous perimeter access road at least 20 feet in width is provided along the portion of the cul-de-sac exposed to fire hazard or fuel modified areas such that it is drivable under normal conditions by fire fighting vehicles, provides adequate maneuvering space for the vehicles, and is designed so that at least one point of access to the perimeter access road is taken from roads other than the subject cul-de-sac.
  - c. The cul-de-sac road will have a paved width of at least 40 feet with posted no parking for its entire length, and there is at least one area approximately at the midpoint of the cul-de-sac that serves the same function of a cul-de-sac bulb in allowing fire fighting vehicles adequate room to turn around. This measure may only be utilized if the expansion of the road width will not contribute to slope stability hazards either on-site or off-site.
  - d. Other alternate measures approved by the Department in compliance with Section 9.17.060 (Alternate Hazard Protection Measures).

- I. Additional Requirements.** Dependent upon specific site conditions (e.g., building separation, fire flow, road conditions, slope, vegetation, etc.) or a combination of conditions, the responsible Fire Authority may require structures to meet more stringent construction standards (e.g., full perimeter exterior walls to be constructed to the modified or full one-hour construction standards, sprinklers, soffitted eaves, etc.) as additional mitigation to the fire threat.

**9.17.060 – Alternate Hazard Protection Measures**

- A. Purpose.** This Section allows greater design flexibility than would otherwise be permitted to more efficiently and effectively achieve the purposes of the FS Overlay. Design flexibility is provided by allowing the substitution of alternate measures for otherwise applicable requirements if it is found that they provide the same or a greater level of protection from wildland fires and other natural hazards, and that they will fulfill the same purpose as the established standard or requirement.

**B. Applicability.**

1. The provisions of this Section following shall apply only to the standards and requirements of:
  - a. Subsection 9.17.050(E) (Building separation standards in FS1 and 2 areas);
  - b. Subsection 9.17.050(G) (Perimeter access to fuel modified and fire hazard areas); and
  - c. Subsection 9.17.050(H) (Length of cul-de-sacs).
2. Since these alternative measures apply to the standards and requirements that pertain to these three specific design elements, they are intended to be applied to development projects only and not to individual parcel conditions. Therefore, they do not apply to the determination of setbacks for residential construction on individual lots.

**C. Substitution of alternative measures for standards and requirements.**

1. If alternative measures are proposed, the Fire Authority shall determine, with specific consideration of the effect of the proposed alternative measures, whether the proposed development project has adequate provisions for fuel modification and management, including the ongoing maintenance of fuel modified areas.
2. If the Fire Authority makes a positive determination in compliance with Paragraph 1, above, alternate measures may be substituted for the established standards and requirements if the Department, with consideration of the recommendation of the Fire Authority, finds and justifies all of the following:

- a. The approved alternative measures meet the intent of, and serve the same purpose as, the established standard or requirement.
- b. The approved alternative measures provide the same or a greater level of protection or are as effective as the established standard or requirement.
- c. There are clear and substantial reasons for utilizing the alternative measures because they provide for a more efficient and economic use of the site, or provide for a superior physical design, and are consistent with the intent of the Fire Safety Area Overlay.

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## Chapter 9.18 Flood Plain Safety Overlay

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### Sections:

- 9.18.010 – Purpose
- 9.18.020 – Location Requirement
- 9.18.030 – Applicability
- 9.18.040 – Review Area Procedures and Standards
- 9.18.050 – Development Standards
- 9.18.060 – Exceptions and Modifications
- 9.18.070 – Boundary Changes

#### 9.18.010 – Purpose

The Flood Plain Safety (FP) Overlay established by Sections 9.XX.XXX (Establishment of Base Zoning and Overlay Districts) and Chapter 9.XX (Overlay Districts) is created to provide greater public safety, promote public health, and minimize public and private economic losses due to flood conditions by establishing regulations for development and construction within flood prone areas.

#### 9.18.020 – Location Requirement

- A. The FP1, FP2, and FP3 Overlays described in Section 9.XX.XXX are applied to areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study" for the County of San Bernardino, prepared in 1996, which has subsequent updates, with accompanying Flood Insurance Rate Maps (FIRMs). Subsequent report and map updates that may be published in the future shall further identify additional flood hazard areas.
- B. The Flood Insurance Study establishes the minimum areas to which the FP Overlays may be applied. Additional areas may be added after studies for the areas are prepared by the Flood Control District or other governmental agencies (e.g., Corps of Engineers).

#### 9.18.030 – Applicability

No structure or land use shall hereafter be constructed, located, extended, converted, or altered without full compliance with the provisions of this Chapter and other applicable regulations. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violation of conditions and safeguards required by conditions of approval) shall be subject to the penalties established by this Development Code. Nothing in this Chapter shall prevent the Town from taking lawful action as is necessary to prevent or remedy any violation.

- A. **Abrogation and greater restrictions.** The provisions of this section are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this

section and another section, easement, covenant, or deed restriction conflict or overlap, the more stringent regulations or standards shall govern.

- B. **Interpretation.** In the interpretation and application of this section all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body and, deemed neither to limit nor repeal any other powers granted under state statutes.
- C. **Implementation.** The requirements of this section shall be integrated into the processing and review of all land use applications and development permits where specific flood hazard review and flood protection recommendations.

#### 9.18.040 – Review Area Procedures and Standards

The Flood Plain Safety Overlay (FP) shall be subdivided into three review areas as follows. Proposed development shall comply with the following standards of the applicable review area.

- A. **Flood Plain Review Area 1 - (FP1).** FP1 includes areas subject to a base flood (also called —100-year flood) as defined by the Federal Flood Insurance Regulations. The following FEMA-designated flood hazard zones are included in FP1: A and AE. The following standards shall apply to property within the FP1 area.
  - 1. **Elevation of lowest floor.** New construction and substantial improvement of any structure shall be constructed so that the first floor (including basement) shall be one foot or more above the base flood elevation, when the FEMA map base flood elevations are shown, and will not result in any significant increase in flood levels during the base flood discharge. When the base flood elevations are not shown, new construction and substantial improvement of any residential structure shall be constructed so that the first floor (including basement) shall be two feet or more above the highest adjacent grade.
  - 2. **Review Procedures.** A project proposed in this area shall be subject to a Flood Hazard Development Review. This review shall ensure that the proposed project complies with this Development Code regarding flood protection measures and will require the submittal of an Elevation Certificate completed by a land surveyor, engineer, or architect who is authorized by State or local law to certify elevation information.
  - 3. **Development Restriction.** In areas where no regulatory floodway has been designated, no new construction, substantial improvement or other development (including fill) shall be permitted within any areas designated by FEMA as A or AE on the FIRM or Flood Boundary Maps, unless it is demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- B. **Flood Plain Review Area 2 (FP2).** FP2 includes areas between limits of the base flood (100 year flood) and subject to a 500-year flood; and certain areas subject to 100 year flooding with an average depth of less than one foot or where the contributing drainage areas are less than one

square mile; or areas protected by levees from the base flood. The following FEMA-designated flood hazard zones are included in FP2: shaded Zone X. The following standards shall apply to property within the FP2 area.

1. Elevation of first floor. New construction and substantial improvement of any structure is recommended to be constructed so the first floor (including basement) shall be one foot above the highest adjacent grade.
2. Review procedures. A project proposed in this area may be subject a Flood Hazard Development Review based upon the determination by the Drainage Section of Land Development of the Town. This review shall ensure that the proposed project complies with this Development Code regarding flood protection measures and will require the submittal of an Elevation Certificate completed by a land surveyor, engineer, or architect who is authorized by State or local law to certify elevation information.

**C. Flood Plain Review Area 3 (FP3).** FP3 includes areas of shallow flooding with undetermined (D) as defined on the FIRM map, but possible, flood hazards as determined by the Town. The following standards shall apply to property within the FP3 area.

1. Field investigation required. Before a building permit can be issued on any affected lot, a field investigation shall be made of the lot to determine if the proposed construction will have any substantial detrimental effect on the drainage way. An applicant for the building permit on an affected lot shall first apply for the required field investigation and shall pay the appropriate fee. The following shall be included in the application for field investigation:
  - a. A plot plan showing the proposed structures and grading by size, location and orientation.
2. Final Building Plan Content. The final building plans that are submitted for approval shall show the approved location and mitigating measures.

#### 9.18.050 – Development Standards

**A. Standards of Construction.** The following provisions shall apply in all areas of special flood hazards:

1. Anchoring. All new construction and substantial improvements shall be anchored to the foundation to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. If a structure is elevated on fill as specified in Subsection A.2.e, and A.3.a, the anchoring requirement shall be satisfied. Other alternative anchoring techniques that are effective may be considered.
2. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. This would include but not be limited to water resistant lumber, floor coverings, adhesives, paints, masonry construction and finishes, water proof electrical systems, and mechanical footings, or other acceptable materials measures. (See FEMA Technical Bulletin TB 2-93.)
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. This would include but not be limited to elevating the structure, parallel alignment of structure with water flow, increase the structural designs to withstand hydrologic and hydrographic sources, and increase depth of footings.
- c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. Adequate drainage paths are provided around structures on slopes to guide flood waters around and away from proposed structures.
- e. If fill is placed to elevate pads one foot above base elevation, it must be demonstrated that fill will not settle and is protected from erosion, scour, or differential settlement, as follows.
  - 1) Fill shall be compacted to 95 percent per ASTM (American Society of Testing Materials) Standard D-698.
  - 2) Fill slopes of granular material shall be no steeper than one-half-foot horizontal to one-foot vertical ratio unless substantiating data for steeper slopes is provided, and the slopes are approved by the Town.
  - 3) If flow velocities are greater than five feet per second, fill slopes shall be armored with stone or rock slope protection.

### 3. Elevation and Flood Proofing

- a. New construction and substantial improvement of any residential structure shall include having the lowest floor (including basement), elevated to one foot above base flood elevation or two feet or more above the highest adjacent grade in the FP1 area, and it is recommended in the FP2 area. To be one foot above ground level. Upon completion of the structure, the elevation of the lowest floor (including basement) shall be certified by a registered professional engineer or licensed land surveyor, and verified by the Building Official to be properly elevated above the floodplain elevation at the time of certification. The certification or verification shall be provided to the Flood Plain Administrator. In instances when the base flood elevation data has not been provided on the Flood Insurance Rate

Map (FIRM), the provisions of Subsection 82.14.050(a) (3)(B) of this Development Code shall apply.

- b. Nonresidential construction shall be either elevated in compliance with Subsection (3)(A) of this Section or together with attendant utility and sanitary facilities and shall:
  - 1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - 3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Flood Plain Management Administrator.
- c. All new construction and substantial improvements to existing structures, shall include fully enclosed structural areas below the lowest floor that are subject to flooding, and the areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either:
  - 1) Be certified by a registered professional engineer or an architect; or
  - 2) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or
  - 3) Be verified by the Flood Plain Administrator as complying with flood proofing standards approved by the Federal Insurance Administration.

## **B. Utility Standards**

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

3. All public utilities and facilities such as electrical, telephone, cable TV, gas etc., shall utilize flood proofing measures in their location and construction to minimize flood damage.

**C. Zoning Application Review Requirements**

1. All preliminary proposals shall identify the special flood hazard area and the elevation of the base flood.
2. All final plans shall provide the elevation of proposed structures and pads above the flood plain elevation as derived from the FEMA map adopted at the time of certification. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or licensed land surveyor and shall be submitted to the Flood Plain Management Administrator. The entire site need not be elevated; only the building pads need be elevated and other means of conducting storm flows through the site shall be provided.
3. All proposals shall be consistent with the need to minimize flood damage.
4. All proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
5. All proposals shall provide adequate drainage to reduce exposure to flood hazards and not deflect flood flows onto other properties.

**D. Manufactured Homes.** All new and replacement manufactured homes and additions to manufactured homes shall comply with all applicable provisions this Section.

1. Nonresidential construction shall be elevated in compliance with Subsection A.3.
2. All manufactured homes shall be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement. Methods of anchoring shall include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

**E. Floodway Standards.** Floodways are extremely hazardous areas due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, therefore, the following provisions apply.

1. Encroachments, including fill, new construction, substantial improvements, stockpiling, and other development are prohibited unless certification by a registered professional engineer or architect is provided, demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Subsection (a)(1) is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this Section.

**9.18.060 – Exceptions and Modifications**

**A. Exceptions.** The following structures and land uses are exempt from the requirements and standards established by this Chapter.

1. Existing legally-constructed structures for human habitation within the Flood Plain Safety Overlay shall be considered legal nonconforming uses and subject to the privileges and regulations thereof.
2. Structures for human habitation for which there was a valid building permit in effect at the time this section became effective.
3. The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places.
4. Replacement of utilities, including septic systems, in compliance with health and safety codes shall be exempt from the flood elevation requirements of this Development Code and shall otherwise be subject to the legal non-conforming use provisions of this Development Code.

**B. Modifications.** In the public interest, the Director may, without notice or public hearing, approve, conditionally approve, deny or refer to the Commission requests to modify the requirements of the Flood Plain Safety (FP) Overlay.

1. Procedure. Written application (Variance) for such modifications shall be submitted to the Planning Division, upon the forms provided by the Town for this purpose.
2. Required findings. A modification to the standards imposed by this Chapter shall be allowed subject to lawful conditions that will secure substantial protection for the public health, safety and general welfare and provided that all of the following be found and justified as being true:
  - a. The modification, if within any designated regulatory floodway, will not result in any significant increase in flood levels during the base flood discharge.
  - b. The modification is for new construction or substantial improvement on lots contiguous to and surrounded by lots with existing structures constructed below the base flood level.
  - c. The granting of the modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing laws or ordinances.
  - d. The modification is the minimum necessary, considering the flood hazard, to afford relief and is consistent with the objectives of sound flood plain management.

**9.18.070 – Boundary Changes**

An applicant may apply to FEMA for an adjustment to the designated Base Flood elevation and/or other designations on the FIRM or Flood Boundary Maps. Prior to submitting such application to FEMA, all required documents required by FEMA must be submitted to the Town for review and acknowledgement. Depending on the size, scope and specific design a land use proposal within the Town, an applicant for such proposal may be required to submit an application to FEMA for an adjustment to the base flood elevation. The Town will determine if this FEMA application is actually required.

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## Chapter 9.19 Geologic and Seismic Hazards Overlay

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### Sections:

- 9.19.010 – Purpose
- 9.19.020 – Location Requirements
- 9.19.030 – Professional Reports
- 9.19.040 – Development Standards

#### 9.19.010 – Purpose

The Geologic Hazard (GH) Overlay established by Sections 9.XX.XXX (Establishment of Base Zoning and Overlay Districts) and Chapter 9.XX (Overlay Districts) is created to provide greater public safety by establishing investigation requirements for areas that are subject to potential geologic problems, including active faulting, landsliding, debris flow/mud flow, rockfall, liquefaction, and adverse soil conditions.

#### 9.19.020 – Location Requirements

The GH Overlay shall be designated:

- A. In areas that are adjacent to active earthquake fault traces as depicted on the Alquist-Priolo Earthquake Fault Zone Maps;
- B. In areas that are adjacent to potentially active earthquake fault traces as designated by the County Geologist.
- C. In areas where landslides, debris flows/mud flows, rockfall or other slope instabilities occur;
- D. In areas where liquefaction of the soil is associated with earthquake activity; and
- E. In areas of adverse soil conditions, such as those underlain by hydrocollapsible, expansive, or corrosive soils.

#### 9.19.030 – Professional Reports

Except as provided for areas of adverse soil conditions, a detailed geologic study prepared by a California Registered Professional Geologist shall be submitted with all land use applications and development permits proposed within the GH Overlay, that would lead to the construction of roads or structures or the subdivision of land.

**A. Report Contents**

1. **Areas of Faulting.** In areas of the GH Overlay where faulting is a concern, the geologic report shall confirm the presence or absence of active faults and, if applicable, shall establish appropriate construction setbacks from active faulting.
2. **Areas of Slope Stability.** In areas of the GH Overlay where slope stability is a concern, the geologic report shall evaluate landslides and other slope instabilities that could affect the project and, if applicable, shall include recommendations for mitigation.
3. **Areas of Liquefaction Susceptibility.** In areas of the GH Overlay where liquefaction is a concern, the geologic report shall evaluate the potential for liquefaction based upon anticipated ground shaking, historic groundwater levels and character of the alluvial materials. If the investigation determines that a potential for liquefaction exists, a geotechnical investigation may be required.
4. **Areas of Adverse Soil Conditions.** In areas of the GH Overlay where adverse soil conditions are known to exist, a geotechnical investigation report shall be prepared by a California Registered Professional Engineer. The investigation shall sample and conduct laboratory analysis of subsurface soils and, if applicable, shall include recommendations for mitigation.

**B. Exemptions from report requirements.** Exemptions to the requirement for a geologic study include:

1. A single-family residential wood or steel frame dwelling not exceeding two stories in height provided the proposed structure is not located within the boundaries of a mapped landslide or within that portion of the GH Overlay designated as having adverse soil conditions.
2. Single-family residential wood frame or steel dwellings located within a subdivision of land for which a geologic report was prepared and approved;
3. A non-habitable structure that is accessory to a residential use that is not physically connected to the principal structure; and
4. Alterations or additions to any structure where the value or area does not exceed 50 percent of the structure.

**9.19.040 – Development Standards**

Development and land uses proposed within the GH Overlay shall comply with the following standards.

- A. A structure used for human occupancy shall be located 50 feet or farther from any active earthquake fault traces. Lesser setbacks may be applicable in certain situations as determined by

an appropriate geologic investigation and approved by the County Geologist or other engineering geologist designated by the Town.

- B. A structure used for critical facilities shall be located 150 feet or farther from any active earthquake fault trace as indicated by General Plan. Critical facilities shall include dams, reservoirs, fuel storage facilities, power plants, nuclear reactors, police and fire stations, schools, hospitals, rest homes, nursing homes and emergency communication facilities.
- C. Utility lines and streets shall not be placed within the construction setback area of a hazardous fault except for crossing which can be made perpendicular to the fault trace or as recommended by the project geologist and approved by the County Geologist or individual designated by the Building Official.
- D. The use of development restricted areas as recreation and common open spaces is encouraged.

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## Chapter 9.20 Hillside Overlay District

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### Sections:

- 9.20.010 – Purpose and Intent
- 9.20.020 – Applicability
- 9.20.030 – Hillside Grading Review
- 9.20.040 – Hillside Grading Standards

### 9.20.010 – Purpose and Intent

This Chapter establishes regulations for development within hillside areas to:

- A. Facilitate appropriate hillside development through standards and guidelines for hillside areas.
- B. Ensure that development in the hillside areas is designed to fit the existing landform.
- C. Preserve significant features of the natural topography, including swales, canyons, streams, knolls, ridgelines, and rock outcrops.
- D. Provide a safe means of ingress, egress, and traffic flow for all forms of permissible traffic within hillside areas.
- E. Provide alternative approaches to conventional grading practices by achieving development intensities that are consistent with the natural characteristics of hillside areas (e.g., land form, scenic quality, slopes, and vegetation).
- F. Encourage the planning, design, and development of sites that provide maximum safety with respect to fire hazards, exposure to geological hazards, drainage, erosion and siltation, and materials of construction; provide the best use of natural terrain; and to discourage development that will create or disproportionately increase fire, flood, slide, or other safety hazards to public health, welfare, and safety.

### 9.20.020 – Applicability

- A. **Slope Gradient of 15 Percent or Greater.** The standards contained in this Chapter apply to all uses and structures within areas having a natural slope gradient of 15 percent or greater over the area being graded and requiring a Grading Permit. For the purpose of this Chapter, slope shall be computed as set forth in Section 9.XX.XXX for the area being graded before grading is commenced.

**B. Site Conditions Requiring Hillside Grading Review.** If the slope gradient is 15 percent or greater and if any one of the following thresholds applies on a particular site meeting the criteria set forth in subsection (A) on the previous page, a full analysis and compliance with this Chapter shall be required and a Hillside Grading Review shall be conducted in compliance with Section 9.XX.030 (Hillside Grading Review):

1. The volume of proposed grading is more than 500 cubic yards per lot or more than a total of 2,000 cubic yards for the total project.
2. If retaining walls or the proposed cut or fill slopes greater than 15 feet in height will be visible and exposed to permanent public view or will be adjacent to designated open space or public lands.
3. The width of proposed cut or fill slopes is greater than 150 feet as measured at the widest point of the slope.
4. The area of proposed disturbance is more than 50 percent of the site area, or the proposed disturbed area exceeds 10,000 square feet, whichever is less.

#### **9.20.030 – Hillside Grading Review**

A subdivision, land use permit, or Building Permit application for a site or development that meets or exceeds the thresholds in Section 9.XX.XXX (Applicability) shall require a Hillside Grading Review.

- A. Procedure.** The review shall be conducted concurrently with any required discretionary review or in conjunction with an application for a Grading Permit for any project that meets or exceeds the thresholds listed in Section 9.XX.XXX (Applicability).
- B. Submittal Requirements.** An application for a Hillside Grading Review shall require the following documents, reports, maps and such others as determined appropriate by the Director. Exceptions to the filing requirements shall require a written justification supported by factual information submitted to the Director for consideration. Some of the required submittals listed below may be displayed on a single map or plan.
  1. **Natural Features Map.** A natural features map shall identify all existing slope banks, ridgelines, canyons, natural drainage courses, Federally recognized blue line streams, rock outcroppings, and existing vegetation. When a geology report is required, landslides and other existing geologic hazards shall also be depicted.
  2. **Grading Plan.** A preliminary grading plan shall include the following items:
    - a. A legend with appropriate symbols shall include the following items: change in direction of drainage, elevation of regulated trees subject to the provisions of Section 9.36 (Plant Protection and Management), estimated volumes proposed to be cut and/or filled, finished floor elevations, high point, low point, pad elevations, spot elevations, top of curb, and top of wall.



- 3) The site that is most visible from surrounding land uses; and
  - 4) At all site boundaries illustrating maximum and minimum conditions.
- e. At least two of the slope profiles shall be roughly parallel to each other and roughly perpendicular to existing contour lines. At least one other slope profile shall be roughly at a 45-degree angle to the other slope profiles and existing contour lines.

#### 9.20.040 – Hillside Grading Standards

**A. Landform Grading and Re-vegetation Standards.** Incorporation of the basic principles of the landform grading and re-vegetation concept in the design and construction of hillside development projects shall be required so that they will be in harmony with the natural topography and reflect existing plant distribution patterns. The general principles of landform grading and re-vegetation include the following elements:

1. The basic land plan flows with the natural topography rather than against it. This means that street patterns and building pad configurations follow the underlying topographic features rather than cutting across them.
2. **Manufactured Sites.**
  - a. All manufactured cut and fill slopes exceeding 15 feet in height, which will be either exposed to permanent public view or are adjacent to environmentally sensitive areas, shall be designed with features characteristic of natural slopes so that their ultimate appearance will resemble a natural slope. This shall include slopes along streets and highways, slopes adjacent to parks, schools, open spaces, and other public facilities, and other prominent and highly visible slopes.
  - b. Side setback slopes and rear setback slopes, less than 25 feet in height, need not have landform design applied.
  - c. Slope drainage devices (i.e., down drains and interceptor drains) shall be designed so that they are built into the natural slope features and become hidden from view.
3. When not otherwise required, terracing and the associated concrete drainage devices (i.e., terrace drains, down drains, and interceptor drains) distract from efforts to give cut and fill slopes a natural appearance and are therefore discouraged.
4. Landscaping shall be applied in patterns resembling native plant distribution.

#### **B. Slope Analysis**

1. **Calculating Average Slope.** Use one of the following formulas or an acceptable alternative approved by the Director that would accurately portray the steepness of areas throughout the site that are proposed for development and preservation in open space to calculate the

weighted average natural slope by slope category for the entire project site and the weighted average for the area to be graded:

Example #1:

Weighted Average Slope =  $0.002296 \frac{IL}{A}$

I = Contour interval in feet

L = Summation of length of all contours in feet

A = Area in acres of parcel being considered

(minimum area to be considered shall be 10,000 square feet)

Example #2:

Weighted Average Slope =  $100 \frac{IL}{a}$

I = Contour interval in feet

L = Summation of length of all contours in feet

a = Area in square feet of parcel being considered

(minimum area to be considered shall be 10,000 square feet)

2. Slope Categories. Table 3-3 (Slope Categories) provides standards for hillside slopes in areas that will not be landform graded. These standards ensure that development will complement the existing character and topography of the land. The standards for one category may be applied to limited portions of the site in an adjacent category when a project is developed on a site with more than one slope category. The maximum allowable density for residential projects shall be determined by the formulas contained in Article 2 (Zoning Districts and Development Standards) or in Article 2 (Zoning Districts and Development Standards) if the projects is located within a Fire Safety Overlay.

**TABLE 3-3:  
SLOPE CATEGORIES**

Slope Category	Weighted Average Natural Slope Gradient	Site Standards
1	15% to less than 30%	Structures shall conform to the natural topography and natural grade by using appropriate techniques, including stepped or split-level foundations, stem walls, stacking, and clustering. Walls shall be as natural appearing as possible. Conventional grading may be considered for limited portions of a project when its plan includes special design features, extensive open space, or significant use of greenbelts.

**TABLE 3-3:  
SLOPE CATEGORIES**

Slope Category	Weighted Average Natural Slope Gradient	Site Standards
2	31% to less than 40%	Development within this category shall be restricted to those sites where it can be demonstrated that safety will be maximized while environmental and aesthetic impacts will be minimized. Use of large parcels, variable setbacks, and variable building structural techniques (e.g., stepped foundations) shall be expected. Extra erosion control measures may be included as conditions of approval.
3	41% and greater	This is an excessive slope condition. Pad grading shall not be allowed. Grading for driveways and roads shall be reviewed through the Minor Use Permit application process.

**C. Grading**

1. Grading Standards.

- a. Cut and fill slopes shall not be created greater than 50 percent (2:1).
- b. Where cut or fill conditions are created, slopes shall be varied rather than left at a constant angle that may be unstable or create an unnatural, rigid, "engineered" appearance.
- c. The toe and crest of any slope in excess of 10 feet in vertical height shall be rounded with vertical curves of radii no less than five feet and designed in proportion to the total height of the slope.
- d. A manufactured slope bank shall not exceed 30 feet in vertical height unless no feasible alternative exists or unless grading can be significantly reduced by increasing slope height. However, the use of an alternative design is strongly recommended as the desirable approach in reducing grading and slope height. Any bank exceeding 25 feet in height, regardless of length, shall have variable gradients.
- e. Grading shall be phased so that prompt re-vegetation or construction will control erosion. Where feasible, only those areas that will be built on, resurfaced, or landscaped shall be disturbed. Topsoil shall be stockpiled during rough grading and used on cut and fill slopes whenever feasible. Re-vegetation of cut and fill slopes shall occur within three months of grading completion.
- f. The grading operations shall install adequate erosion control measures, as required and approved by the Town Engineer..

- g. Retaining walls associated with lot pads shall not exceed four feet in height, where they will be visible to the public. Where an additional retained portion is necessary due to unusual or extreme conditions (i.e., parcel configuration, steep slope, or road design), the use of terraced retaining structures shall be considered on an individual parcel basis and shall only be allowed where landscaping is provided between the walls to soften the overall appearance. Terraced walls shall be separated by a minimum of three feet with appropriate landscaping. No more than three terraced or stepped walls shall be permitted without obtaining a Variance for more. Terraced retaining walls shall not be used as a typical solution within a development and shall be limited to the minimum required subject to approval of the Director.
- h. Parcel lines shall be placed two feet beyond top of major slope areas within public view corridors to help ensure their maintenance by the downhill owner.
- i. Where feasible, graded areas shall be designed with manufactured slopes located on the uphill side of structures, thereby hiding the slope behind the structure.
- j. On parcels sloping with the street and other configurations not addressed above in this subparagraph 1, one retaining wall, not to exceed 42 inches in height, may be used in a side setback where necessary.

## 2. Drainage Standards.

- a. Debris basins, riprap, and energy dissipating devices shall be provided where necessary to reduce erosion when grading is undertaken. Except for necessary flood control facilities and road and utility crossings, significant natural drainage courses shall be protected from grading activity. In instances where crossing is required, a natural crossing and bank protection shall be preferred over steel and concrete systems, where such crossing is feasible. Where brow ditches are required, they shall be naturalized with plant materials and native rocks.
- b. Terrace drains shall follow landform slope configuration. Down drains shall not be placed in exposed positions. Down drains shall be hidden in swales diagonally or curvilinearly across a slope face. In this manner they shall be built into the overall landform of the slope.
- c. Building Permits and Grading Permits shall not be issued for construction on any site without an approved location for disposal of runoff waters, (i.e., a drainage channel, public street or alley, or private drainage easement).
- d. The use of cross lot drainage shall be subject to the Director's review and may be approved after demonstration that this method will not adversely affect the proposed parcels or adjacent properties, and that it is absolutely required in order to minimize the amount of grading that would result with conventional drainage practices. Where cross lot drainage is utilized, the following shall apply:

- 1) One parcel may drain across another parcel if an easement is provided either within an improved, open V-swale gutter that has a naturalized appearance or within a closed drainage pipe that should be a minimum 12 inches in diameter. This drainage shall be conveyed to either a public street or to a drainage easement. The easement width shall be determined on an individual basis and shall be dependent on appropriate hydrologic studies and access requirements.
- 2) On-site drainage shall be conveyed in an improved, open V-swale gutter that has a naturalized appearance, or within an underground pipe as determined on an individual basis and shall be dependent on appropriate hydrologic studies and access requirements.
- e. Slope drainage on graded slopes should be regulated per the California Building Code.
- f. Natural drainage courses shall be preserved and enhanced to the extent feasible. Rather than filling them in, drainage features shall be incorporated as an integral part of the project design.
3. Access, Trails, and Roadway Standards.
  - a. Driveway grades up to a maximum of 20 percent shall be allowed and shall be aligned with the natural contours of the land. Proper design considerations shall be employed (i.e., vertical curbs and parking landings). Parking landings shall be utilized on all driveways over 10 percent in grade.
  - b. Where retaining walls are necessary adjacent to roadways or within street setbacks, they shall be limited to four feet in height where they will be visible from the street in order to avoid obstruction of motorists' and pedestrians' field of view and to create an aesthetically pleasing streetscape. No more than four terraced or stepped retaining walls shall be utilized. Walls shall be separated by a minimum of three feet and include appropriate landscaping.
  - c. Roadways and driveways shall conform to the natural landform, where feasible. They shall not greatly alter the physical and visual character of a hillside by creating large notches in ridgelines, defining wide straight alignments, or by building switch-backs on visually prominent hillsides. Split sections and parking bays shall be utilized in the layout of hillside streets.
  - d. Where road construction is allowed in hillside areas, the extent of vegetation disturbance and visual disruption shall be minimized by the combined use of retaining structures and regrading to approximate the natural slope. The following techniques shall be used where feasible:

- 1) Utilize landform re-vegetation planting in order to create a natural appearance and provide a sense of privacy.
  - 2) Reduce the visual and safety impacts by use of terraced retaining walls and landscaping.
  - 3) Split roadways increase the amount and appearance of landscaping and the median can be used to handle drainage.
4. Site Design.
- a. The dimensions of a structure parallel to the direction of the slope shall be maximized in order to limit the amount of cutting and filling and to better fit the structure to the natural terrain.
  - b. Design of building sites shall be sensitive to the natural terrain. Structures shall be located in ways that minimize grading and preserve natural features (i.e., knolls or ridgelines).
  - c. Projects shall incorporate variable setbacks, multiple orientations, and other site planning techniques to preserve open spaces, protect natural features, and offer views for residents.
5. Landscaping Standards. In addition to the requirements in Chapter 9.XX (Landscaping Standards) the following standards shall apply to hillside development subject to the requirements of this Chapter:
- a. Native or naturalized plants or other plant species that blend with the landscape shall be utilized in all areas with required planting.
  - b. Fire retardant plant materials shall be utilized.
  - c. A permanent landscape and irrigation system, for purposes of establishing and maintaining required planting, shall be installed on all slopes. The emphasis shall be toward using plant materials that will eventually need minimal irrigation. Water and energy conservation techniques shall be utilized, including drip irrigation, reclaimed water, and xeriscape. If a natural landscape palette is selected, permanent irrigation need not be provided if it is demonstrated to the satisfaction of the Director that permanent irrigation is unnecessary. Drip irrigation need not be provided for landscape palettes where such a system would not be water-efficient. Reclaimed water need be used only in situations where it is available at the site.
  - d. Landscaping shall be used to screen views of downslope building elevations. When the structure height exceeds 20 feet from finished grade on a downslope, additional landscaping shall be required and a landscaping plan shall be submitted for review with the submittal package.

- e. Slopes with required planting shall be planted with informal clusters of trees and shrubs to soften and vary the slope plane. Where required by the Town, jute netting or similar material shall be used to help stabilize planting and minimize soil erosion.
- f. Native vegetation shall be retained and supplemented within undeveloped canyons and along natural drainage courses as allowed by State and Federal resource agencies (e.g., State Department of Fish & Game, U.S. Fish and Wildlife, U.S. Army Corps of Engineers, etc.).
- g. Landscaping shall become a "re-vegetation" process and be applied in patterns that occur in nature: Trees and shrubs shall be concentrated largely in concave areas, while convex portions shall be planted mainly with groundcovers.

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**Chapter 9.21 Large Animal Overlay District**

**Sections:**

- 9.21.010 – Purpose
- 9.21.020 – Location Requirement
- 9.21.030 – Development Standards

**9.21.010 – Purpose**

The Large Animal (LA) Overlay established by Sections 9.XX.XXX (Establishment of Base Zoning and Overlay Districts) and Chapter 9.XX (Overlay Districts) is created to allow for properties to have an increased number of animals and allows for reduced setbacks for animal keeping activity.

**9.21.020 – Location Requirement**

The Large Animal Overlay shall be designated: LA

**9.21.030 – Development Standards**

A. Table 2-X (Allowed Number of Large Animals Within Large Animal Overlay District) establishes the animal densities for those single-family residential land use districts located within the Large Animal Overlay District.

**TABLE 2-X:  
ALLOWED NUMBER OF LARGE ANIMALS  
WITHIN LARGE ANIMAL OVERLAY DISTRICT**

<b>Animal</b>	<b>Special Use Permit Required</b>	<b>Minimum Parcel Size</b>	<b>Livestock Densities</b>	<b>Maximum Number of Non-Exempt Animals without Livestock Permit</b>
Equine	No	20,000 sq. ft.	4 animals on the first 20,000 sq. ft., 1 animal for each additional 10,000 sq. ft.	23
Sheep	No	7,200 sq. ft.	6 animals on the first 20,000 sq. ft., 1 animal for each additional 10,000 sq. ft.	12
Goats	No	7,200 sq. ft.	6 animals on the first 20,000 sq. ft., 1 animal for each additional 10,000 sq. ft.	12

**TABLE 2-X:  
ALLOWED NUMBER OF LARGE ANIMALS  
WITHIN LARGE ANIMAL OVERLAY DISTRICT**

Animal	Special Use Permit Required	Minimum Parcel Size	Livestock Densities	Maximum Number of Non-Exempt Animals without Livestock Permit
Billy Goat (Male Breeding Goats)	No	20,000 sq. ft.	1 animals on the first 20,000 sq. ft., 1 animal for each additional 10,000 sq. ft.	3
Cattle	No	20,000 sq. ft.	4 animals on the first 20,000 sq. ft., 1 animal for each additional 10,000 sq. ft.	23
Bull	Yes	5 acres	Maximum 4 animals on minimum 5 acres	4
Buffalo	Yes	5 acres	2 animals per 5 acres, 1 additional animal for each additional 5 acres	2
Boar	Yes	1 acre	4 animals per 5 acres, with no additional animals allow unless approved under Livestock Permit	4
Pig	No	5 acres	1 animals per acre., 1 animal for each additional 10,000 sq. ft.	4
Emus and Ostriches	No	1 acre	4 animals on the first 20,000 sq. ft., 1 animal for each additional 10,000 sq. ft.	23
Llamas and Camelids	No	20,000 sq. ft.	1 acre minimum in RL and R-HR districts	2 pair (male and female) per acre or (1 male and 3 females). Maximum 4 on first acre. 2 additional for every 10,000 sq. ft. after first acre. Maximum 28. Over 28 requires Livestock Permit.

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## Chapter 9.22 Specific Plan Overlay District

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### Sections:

- 9.22.010 – Purpose
- 9.22.020 – Applicability
- 9.22.030 – Locational Requirements
- 9.22.040 – Specific Plan Required
- 9.22.050 – Existing Specific Plan Adopted
- 9.22.060 – Adoption of Regulations and Standards Through Specific Plans

#### **9.22.010 – Purpose**

The purpose of the Specific Plan (SP) Overlay District is to provide for a coordinated level of site planning for specific properties. The intent is to ensure a more precise level of planning for such areas than is ordinarily possible under the Development Code. Therefore, a specific plan is an extension of the land use plan, including but not limited to the location and types of land uses, roads, infrastructure, open space, and natural resources.

#### **9.22.020 – Applicability**

The provisions of this district shall apply to any parcel(s) subject to the specific plan overlay district, as shown on the Town's official Zoning Map.

#### **9.22.030 – Specific Plan Required**

No new development will be approved within the specific plan areas designated in the general plan until a specific plan meeting the requirements of Section 65451 of the Government Code, has been adopted by the Town.

#### **9.22.040 – Existing Specific Plan Adopted**

Where specific plans have already been adopted, new development must be consistent and comply with that specific plan.

#### **9.22.050 – Adoption of Regulations and Standards Through Specific Plans**

Regulations and standards may be adopted by resolution or ordinance as a part of a specific plan. The regulations and standards for the specific plan are utilized in-lieu of adopted zoning regulations and standards (to be used instead of existing zoning districts contained in the Development Code) and the specific plan shall govern the use and development of any properties included in an adopted specific plan without regard to any adopted zoning regulations and standards (unless the specific plan contains specific provisions designed to rely on the Development Code in certain situations not covered in the specific

plan). Under these circumstances the properties included in the specific plan shall be indicated on the zoning map.

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**TOWN OF YUCCA VALLEY  
PLANNING COMMISSION MEETING MINUTES  
MARCH 26, 2013**

Chair Humphreville called the regular meeting of the Yucca Valley Planning Commission to order at 6:00 p.m.

Commissioners Present: Bridenstine, Drozd, Whitten, and Humphreville. Hildebrand was absent. (excused)

The Pledge of Allegiance was led by Chair Humphreville.

**APPROVAL OF AGENDA**

Commissioner Bridenstine moved to approve the agenda. Commissioner Whitten seconded. Motion carried 4-0-1.

**PUBLIC COMMENTS**

Yucca Valley Town Manager, Mark Nuaimi spoke with the Planning Commissioners regarding their participation in social media web sites while holding a public position on a Town commission.

**DEPARTMENT REPORT:**

**1. DRAFT DEVELOPMENT CODE**

Deputy Town Manager Shane Stueckle presented a staff report and Powerpoint presentation explaining the status of the Development Code Update process and the purpose of the discussion. Stueckle gave an overview of the Town Council's guiding principles and how they are incorporated within the draft document. The updated development code will be easier to use and will address common questions regularly posed by the public.

Stueckle continued to explain that the new document is comprehensive and not a duplication of efforts within Town regulations or a conflict of regulations from other agencies. The document will provide the Town Council and the Planning Commission one resource document which includes Overlay Zone Districts. Stueckle explained the proposed permit procedures designed to push the review and approval to the lowest levels available as appropriate to reduce and eliminate unnecessary review and to reduce process time.

Appropriate infrastructure as a guiding principle was explained by Stueckle. Examples were given to show how the document is being created to address appropriate infrastructure guidelines, yet presented in a way that is comprehensive and user-friendly. Stueckle continued by addressing the continued effort between the General Plan Update and the Development Code Update, evaluating multiple commercial zones. The Draft Development Code includes development and design standards and a new section addressing specific

standards for poorly kept properties and blighted areas. The quality of development and small town atmosphere is also addressed in the draft document. Native plan regulations are included in the draft development code and take an incentive approach versus a regulatory approach to reach the same results as the old document.

Associate Planner Robert Kirschmann read the section in the Draft Development Code regarding architectural standards to give an example of how some of the inconsistencies in current regulations are being addressed.

Commissioner Drozd questioned the type of native plants regulated by the State of California.

Commissioner Whitten spoke in favor of the draft document as a good foundation and questioned the approval timeline.

Commissioner Bridenstine explained that the ease of use can really be seen in the draft document and thanked staff for making this happen. Bridenstine asked for clarification on the approval process of some of the items presented in the staff report and spoke in favor of seeing the native plan restrictions being pulled back a bit.

Chair Humphreville explained that he would like to see smaller sections to review. Humphreville spoke in favor of the Old Town Specific Plan would like to see development and revitalization in this area. A question was asked about the difference between CC&R's and a development code.

Stueckle thanked the Planning Commissioners for the hard work and diligence in reviewing such a detailed and important document.

**STAFF REPORTS AND COMMENTS**

Deputy Town Manager Stueckle gave a brief update on the Super Wal-Mart project, and the Senior Housing project.

**COMMISSIONER REPORTS AND REQUESTS**

Commissioner Bridenstine spoke of her excitement to read the updated Development Code document and questioned on why the current development code is not available on the Town's website.

Commissioner Drozd thanked staff for their hard work.

Commissioner Whitten mentioned that he would like to see more of the public engaged in the Development Code update process. Thanked staff for their dedication to the project and questioned the new signals being erected in Town.

Chair Humphreville asked about the status of the soon-to- be vacated Walmart building.

**ANNOUNCEMENTS**

Draft Development Code Review

- April 9, 2013:
- April 23, 2013
- May 14, 2013
- May 28, 2013

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Lesley Copeland  
Deputy Town Clerk

**TOWN OF YUCCA VALLEY  
PLANNING COMMISSION MEETING MINUTES  
APRIL 22, 2014**

Chair Humphreville called the regular meeting of the Yucca Valley Planning Commission to order at 6:00p.m.

Commissioners present were Drozd, Lavender, Whitten and Chair Humphreville. Commissioner Bridenstine was not present (excused).

The Pledge of Allegiance was led by Chair Humphreville.

**APPROVAL OF AGENDA**

Commissioner Whitten moved to approve the agenda. Commissioner Drozd seconded. Motion carried unanimously.

**PUBLIC COMMENTS**

1. Dennis Pask, Yucca Valley, spoke in support of the Home Occupation Permit renewal for Mr. Falossi, which is currently under consideration. Mr. Pask submitted a list of signatures from families in the neighborhood who supported Mr. Falossi. He said that he believed that the individual bringing the complaint against Mr. Falossi was acting maliciously.

**PUBLIC HEARING**

**1. DEVELOPMENT CODE AMENDMENT, DCA 07-13 ARTICLE 3 CEQA EXEMPTION, SECTION 15061**

The staff report was presented by Deputy Town Manager Stueckle and Planning Technician Olsen. Staff anticipated that the Commission should be close to finishing its discussion of Article 3. Staff stated that they had added language on page 3-7 prohibiting real estate signs and sign twirlers from the clear sight triangle. Commissioner Whitten suggested also adding language prohibiting political signs. There was a consensus among the commissioners that that language should be added.

Staff outlined the changes removing the language referring to windmills and solar energy structures from the section addressing permitted structural height increases and the changes to the definition of mass grading. There was Commission consensus that these changes satisfied their previous concerns on these issues.

Staff also changed the number of spaces required for mini storage facilities to 6 plus 2 per caretaker, which is a standard common to other cities. The commission engaged in a discussion on this standard, and there was consensus that language should be modified to include 6 spaces plus 2 per caretaker with the fire department driveway width requirements. It was mentioned that climate controlled storage facilities may have different needs.

Staff modified page 3-32 in the recommended language to separate convalescent hospitals from retirement homes, and set the parking space requirement for convalescent hospitals at 1 space per 4 beds plus 1 per employee on the largest shift and 1 per staff doctor. They also set the requirements for retirement homes at 1 space per 3 beds and 1 per employee on the largest shift. There was Commission discussion on this standard. There was Commission consensus that term convalescent hospital should be changed to facility or care to remove confusion.

Staff modified page 3-53 to add language to clarify what would be considered a public nuisance. There was Commission discussion in this section. Commissioner Lavender and Commissioner Whitten expressed concern over subjective terms like substantial and unsightly. Chair Humphreville asked if the standard would be complaint driven. Staff informed the commission that the standard would complaint driven in part, but for major issues such as structure deterioration there would be proactive action. Current code enforcement tends to be 50 percent reactive and 50 percent proactive, but it varies. Commissioners Whitten, Lavender and Humphreville said that they would like to see more percentage driven standards.

Staff also modified the recommended language on 3-86 to change Soil Erosion Permit to Grading Permit, and modified 3-91 to add the language per location and/or per vendor to table 3-24 regarding special events, and changed the number of circuses or carnivals from 2 to 4. On page 3-96 and 3-98, language was combined to remove duplication. On page 3-100 Certificate of Land Use Compliance was changed to Land Use Compliance Review, and on page 3-124 the language was modified to remove reference to the scenic highway element of the general plan, and on page 3-125 language was modified to replace Conditional Use Permit with Land Use Compliance Review. On page 3-127 language was added to the effect that wireless communication facilities which are disguised may be allowed a reduced setback.

Staff informed the Commission that the State Mining and Geology board would prefer us to go through legal counsel to determine if we are mandated to allow mining activity. The questions on this area are being posed to legal counsel.

Staff recommended that the Commission continue this issue on to the next meeting. The Commission concurred with the staff recommendation.

**PUBLIC COMMENTS**

None

**MOTION**

None

**2. DEVELOPMENT CODE AMENDMENT, DCA 01-14 ARTICLE 2 CEQA EXEMPTION, SECTION 15061**

Staff provided a brief overview of Article 2 and recommended a few areas that the Commission may wish to discuss, particularly accessory structure standards and native plant regulations, and asked that the Commission begin its discussion of Article 2 and provide direction to staff.

Chair Humphreville suggested going through the article by section and allowing public comments after each section. There was Commission consensus to adopt this approach.

Chair Humphreville opened a discussion on sections 9.05, Zoning Districts and Zoning Maps, and 9.06, Land Use Standards and Permit Requirements. Chair Humphreville asked if there had been any changes made to the table on 2-3 addressing Overlay Zoning Districts. Some of the overlay districts were not adopted when the Town adopted the County Code. There have been some new elements added to reflect current practices.

## **PUBLIC COMMENTS**

1. Dennis Pask, Yucca Valley, said that he thought the zoning codes were being misused by individuals maliciously. He stated that he was not familiar with the codes.

Staff clarified that the section of the code relating to the speaker's concern was the section governing Home Occupation Permits and informed the speaker that Planning Commission would be holding a public hearing on the Home Occupation Permits on May 13, 2014.

## **END PUBLIC COMMENTS**

Chair Humphreville introduced a discussion about the issue of a business which has recently opened which is operating a flea market type business in a parking lot. He asked if there was language in the code to address this kind of activity. Commissioners Whitten and Lavender both expressed concern over this kind of activity. Deputy Town Manager Stueckle stated that the Town has not had regulations regarding the outdoor display of merchandise, although such regulations are common in other municipalities, and the Commission may want to consider including some kind of regulation, such as prohibiting that activity in the absence of a Conditional Use Permit. Chair Humphreville said that there was a difference between having a few antiques sitting out and have a trailer full of flea market goods, and that some kind of language was needed to deal with the issue. Commissioner Drozd suggested allowing only a certain percentage of a business's inventory to be displayed outside. Commissioner Whitten said that he thought that it was important that the display be neat and orderly. Chair Humphreville said that small temporary sales are fine but larger ongoing displays should require a Conditional Use Permit.

Chair Humphreville introduced a discussion on 9.07, Residential and Hillside Reserve Districts, and 9.08, Standards and Regulations for Specific Uses in Residential and Hillside Reserve Districts. Commissioner Whitten asked for clarification on the definition of multi-family dwellings, and social care facilities as they are currently addressed in the code, and staff provided the requested information. He also asked if vacation rentals are covered in the section

of the code addressing bed and breakfast, and if not, should they be addressed in the code. Deputy Town Manager Stueckle said that may be a topic for Commission discussion, as vacation rentals for the most part have not been an issue in this community, but it may be an issue in the future. Commissioner Whitten said that he thought it was a discussion the Commission should have. He also stated that because there were not many hotels in the area, vacation rentals may be an untapped market that would benefit the community. Chair Humphreville said he did not know of any current vacation rentals.

Commissioner Whitten also said that he felt the gun ranges and off road vehicle parks should be addressed separately from Sports and Recreational Facilities on page 2-13. The current regulation doesn't specify indoor or outdoor gun ranges and that there are additional hazards associated with gun ranges which should be addressed, particularly in outdoor gun ranges. He also feels that off road vehicle parks should be associated with a trail system. Chair Humphreville asked staff for and received confirmation that a gun range would require a Conditional Use Permit under the current regulations. Commissioner Whitten said that he thought there may be residential zones in which the Town wouldn't want outdoor gun ranges allowed, even with a CUP. There was Commission consensus that outdoor gun ranges shouldn't be allowed in zones RS and RM.

Commissioner Drozd asked if metal carports should be addressed on page 2-16. Deputy Town Manager Stueckle said that metal carports are addressed under the section on accessory structures, and said that the Commission should have a discussion on these standards, particularly the requirement for architectural compatibility. Staff has historically interpreted the current standards to mean that a metal roofed carport is not architecturally compatible with a standard stucco and tile roof construction. Staff believes that the 'architecturally compatible' standard need further definition, and asked that the commission consider what kind of standards they would like to see or if in fact it should just be adherence to the building code.

Chair Humphreville said that he believed that the Commission needs to work on the requirements for percent coverage of the house for accessory structures. The current standard can create unappealing architecture for RV garages, and in some cases prevents them from being constructed at all. Commissioner Whitten said that, when there is proper screening, architectural compatibility doesn't seem to matter. Chair Humphreville said that even on large lot sizes, there are too many limits to square footage. Commissioner Whitten pointed out that there are some structures such as horse stalls, which would not make sense to be required to be architecturally compatible. Commissioner Humphreville thought that the architectural compatibility standard is problematic for residents.

Chair Humphreville thought that, on page 2-24, boats and recreational vehicles should be in the same line. If we require recreational vehicles to be parked in the side or rear area only, there are some locations where they won't be able to be parked at all. Staff provided an overview of the current standards for placement and size of detached garages. Commissioner Whitten asked if staff can verify that the fire department's requirement is within 10 ft. of structures. Chair Humphreville asked if there were any state standards regulating square foot percentages, and was

informed by staff that those standards are up to the individual municipalities. He said he would like to see a recommendation for a greater square footage allowance.

Staff said that the Commission may wish to consider the native plant regulations. There had previously been discussion on these regulations, but the previous Planning Commission recommendations were not ultimately accepted by the Council. In commercial, multi-family, and single family developments of one unit per acre or less, it is anticipated that no native plants will remain in their original location. The California Desert Native Plants Act states that land development activity is exempt unless the plants are being transported off site, at which point those plants must be tagged and permitted. The Commission had flexibility to decide what they want those regulations to be. Staff recommends that the native plant regulations be applied to the Joshua tree and Mojave yucca.

Commissioner Drozd pointed out that two of the plants, the palo verde and the mesquite, are not actually native to the area, and should not be included in the native plant regulations. Chair Humphreville said there had previously been about 10 to 12 meetings on this issue. He believes that the ordinance was fairly balanced. Although there were things he personally disliked, he thought it was well put together. Commissioner Whitten said that he thinks that the regulation is reasonable as written and thinks it may almost be ready. Chair Humphreville said that he likes the use of incentives, and that he thinks including just the Joshua tree and the Mojave yucca is a good compromise, although he wouldn't personally include the yucca.

#### **PUBLIC COMMENT**

None

#### **END PUBLIC COMMENTS**

Staff provided a brief overview of the regulations regarding animal keeping in residential districts. He said that staff has made no changes to these, and hasn't heard of any issues that might indicate that they aren't working. Chair Humphreville said that he thought they were liberal, but he didn't think they needed to be changed. Commissioner Drozd asked what kind of permit would be required for commercial animal keeping, and was informed that it requires a livestock permit. He also said that he likes seeing these kind of regulations in place to protect animal welfare.

There was a discussion about the regulations governing bed and breakfast uses. Commissioner Whitten said that he did not have issues with this section. Chair Humphreville asked if there were any currently permitted. Staff stated that there had been no recent applications, but there had been two previous applications, neither of which were currently operational.

Chair Humphreville asked how many permits for child day care were currently active. Staff informed him that all currently active daycare facilities are limited to 7 or fewer attendees and are exempt. Staff will also double check that this is the standard mandated by state law.

Chair Humphreville asked if there were any issues regarding permanent yard sale activities. Staff said that those kind of activities were currently dealt with through code enforcement as non-

permitted home occupation activities. Staff had not previously recommended requiring permits for yard sale activities which are not ongoing.

Chair Humphreville asked if there were any proposed changes in the Multi-Family Residential Standards Site Design Guidelines and Architectural Design Guidelines section. Staff said that there were some new standards proposed in this section.

Chair Humphreville comment on second dwelling units, reiterating that he felt the size limitations were too restrictive.

**PUBLIC COMMENT**

None

**END PUBLIC COMMENTS**

Staff provided a brief overview of section 9.09, Commercial Districts. This section lays out the permitted land uses and permit requirements, and staff recommended that the Commission consider those uses. Chair Humphreville asked if staff had some specific issues that staff would like to call out. Staff said that they have not yet sat down and gone through all of this section on a technical level.

Commissioner Whitten asked about adult oriented businesses, and asked where they were permitted if they were prohibited in all commercial districts. Staff said that they were permitted in industrial zones. Chair Humphreville asked about the store with the XXX sign visible from the highway. Staff explained that under the current regulations that particular store was not classified as an adult oriented business, as that is determined by the percentage of square footage dedicated to adult oriented merchandise. Chair Humphreville would like to know what kind of zoning regulations other communities have used, and would like to see some recommendations regarding zoning areas. Staff also mentioned that part of the issue relates to the fact that, under the First Amendment, the Town does not have the ability to regulate the content of signage.

**PUBLIC COMMENT**

None

**END PUBLIC COMMENTS**

**MOTION**

Commissioner Whitten moved that the Planning Commission continue this item to the next meeting, which will be held on May 13, 2014. It was seconded by Chair Humphreville. The motion carried unanimously.

**CONSENT AGENDA**

**1. MINUTES**

A request that the Planning Commission approves as submitted the minutes of the meeting held on April 8, 2014.

**MOTION**

Commissioner Whitten moved that the Planning Commission approve the Consent Agenda. The motion was seconded by Commissioner Drozd and passed unanimously.

**STAFF REPORTS AND COMMENTS:**

Deputy Town Manager Stueckle and Project Engineer Qishta provided a report on the status current projects. Chair Humphreville asked about the overlay on the gutters along the highway. Some of the gutters are significantly higher than others. Project Engineer Qishta explained that the variation was due to the Caltrans request to meet the 2 percent slope. Commissioner Drozd asked when the highway construction was scheduled to be completed. Staff explained that the current phase was scheduled to be completed by April 30<sup>th</sup>, and that while they did not have a specific end date for the next phase as of yet, the contract was a 120 day contract. Commissioner Whitten said that the process sounded disruptive to traffic. Staff said they would have a conversation with Caltrans regarding scheduling and traffic control.

**FUTURE AGENDA ITEMS:**

A public hearing for the Home Occupation Permit regulations and a request for variance on a front yard setback are both scheduled for the May 13, 2014 Planning Commission meeting. Commissioner Drozd asked if the matter associated with the Falossi HOP would be brought before the Planning Commission. Staff stated that the matter wouldn't be coming before the Planning Commission at the May 13<sup>th</sup> meeting, but it would be coming before the Commission at a later date as a separate issue for the discussion of Home Occupation Permit regulations.

**COMMISSIONER REPORTS AND REQUEST:**

Commissioner Drozd thanked everyone for their efforts.

Commissioner Lavender had no comments.

Commissioner Whitten thanked staff for their efforts, particularly Planning Technician Olsen. He asked that staff speak to Caltrans about putting something up to prevent illegal and unsafe turning movement in front of the AM PM. Staff informed him that this request, along with two others, is being addressed to Caltrans in writing. Commission Whitten also request that the discussion of Article 2 and the Home Occupation Permit regulations be continued on to the following meeting to allow him to be part of the discussion on these items.

Chainman Humphreville thanked staff for their efforts, particularly Planning Technician Olsen.

**ANNOUNCEMENTS:****ADJOURNMENT**

There being no further business, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Allison Brucker".

Allison Brucker  
Secretary

**NOTICE OF PUBLIC HEARING  
YUCCA VALLEY COMMUNITY CENTER  
57090 29 PALMS HIGHWAY  
YUCCA VALLEY, CALIFORNIA 92284**

**TUESDAY JULY 08, 2014 - BEGINNING AT 6:00 P.M.**

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE TOWN OF YUCCA VALLEY PLANNING COMMISSION TO CONSIDER THE FOLLOWING DESCRIBED APPLICATION:

**CASE NUMBER:** Development Code Amendment, DCA 01-14  
Article 2, Zoning Districts and Development Standards

**APPLICANT:** Town of Yucca Valley  
58928 Business Center Drive  
Yucca Valley, CA 92284

**PROPOSAL:** Proposed amendment to Title 9, Yucca Valley Development Code adding Article 2, Chapter 9.05 thru Chapter 9.22, Zoning Districts and Development Standards, establishing the Town's zoning districts and zoning map and providing land use standards and development requirements for the zoning districts and overlay districts, and repealing Sections 83.020105-83.020205, Sections 84.0101-84.0125, Sections 84.0205-84.0250, Sections 84.0301-84.0390, Sections 84.0501-84.0570, Section 84.0601, Section 84.0605, Section 84.0620, Sections 85.0101-85.0145, Sections 85.020101-85.020130, Sections 85.020201-85.020230, Sections 85.020301-85.020335, Sections 85.020401-85.020415, Sections 85.020501-85.020510, Sections 85.030101-85.030110, Sections 85.030201-85.030220, Sections 85.030301-85.030315, Sections 85.030401-85.030425, Sections 85.030501-85.030520, Sections 85.030601-85.030610, Sections 88.0501-88.0520, Section 88.0605 and Sections 88.0701-88.0715 of the Yucca Valley Development Code.

**LOCATION:** Town wide

**ENVIRONMENTAL**

**DETERMINATION:** The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to implement same. The project is exempt from CEQA under Section 15061(b) (3) since there is no possibility of a significant impact on the environment caused by this amendment.

The proposed amendment to revise the Town's Development Code regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 01-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA".

Any person affected by the application(s) may appear and be heard in support of or opposition to the proposal at the time of the hearing. The environmental findings, along the with proposed project application(s) are available at P. 345 and may be reviewed at the Town of Yucca

Valley Planning Division, 58928 Business Center Drive, Yucca Valley, CA 92284 from 7.30 a.m. to 5:30 p.m., Monday through Thursday or obtain information at (760) 369-6575.

The Planning Commission in its deliberation could recommend approval of the project, deny the project, or approve the project in an alternative form. If you challenge any of the projects in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Town Planning Division at, or prior to the Public Hearing.

Publish Date: Published on June 25, 2014.

June 18, 2014

Date

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Lesley Copeland  
Town Clerk

