

ORDINANCE NO. 126

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 4, SECTION 84.0410 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO INSTITUTIONAL USES BY AMENDING SUBSECTION 84.410(a) AND ADDING NEW SUBSECTION 84.410(e) AND (f) (DCA-04-00)

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

Chapter 4

ADDITIONAL USES

1.1 Section 84.0410(a)(4) is amended to read in its entirety as follows:

84.410 List of Additional Uses.

- “(a) The following uses shall be allowed in any official land use district subject to the reviews specified by Sections 84.0401 and 84.0405.
- (4) Airports, heliports, train stations, bus station, car pool facilities, and organizational camps.”

1.2 Subsection 84.410(a)(9) is hereby deleted.

1.3 A new Subsection 84.410(e) relating to additional institutional uses, is hereby added to the Code to read as follows:

- “(e) **Institutional Uses:** Churches, school, college and university, residential care facility (congregate care), convalescent home, hospitals, interim housing, or similar type of uses
- (1) **Purpose:** The purpose of this section is to provide 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.
- (2) **Permitted Land Use Districts:** Unless otherwise specifically prohibited by this section, institutional uses shall be permitted in all land use districts subject to the requirements of an approved Conditional Use Permit.

- (3) **Churches, School, Hospital, College and University:** The following standards shall apply:
- (A) The site shall be located on or adjacent to a paved street.
 - (B) The site shall be located on a 80-foot wide collector or greater as shown on the Circulation Element of the General Plan;
 - (C) Building setback of 50 feet from all property lines as required when developing in or adjacent to a single family residential land use district; otherwise the underlying building setbacks of the land use district shall apply;
 - (D) Minimum parcel size shall be 2.5 acres in single family residential land use districts;
 - (E) Mid-block locations within a single family residential land use districts shall be discouraged;
 - (F) The height of any structure shall be compatible with that of the surrounding development;
 - (G) 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;
 - (H) Parking areas 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;
 - (I) Access drives and parking aisles shall be kept at the maximum distance possible from any adjacent residential units.”
- (4) **Residential Care Facility (congregate care), Convalescent Home, Community Care Facility, and Interim Housing (homeless shelter, halfway house, emergency shelter, dormitories, fraternities, sororities, and labor camps):** No Conditional Use Permit is required for facilities with six or fewer persons as allowed by State law. The following standards shall apply for any facility which serves seven (7) to eighteen (18) persons. Facilities with nineteen or more persons shall be subject to Section 84.410(e)(3):

- (A) The site shall be located on or adjacent to a paved street where required street improvements can connect.
- (B) 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.
- (C) Common outdoor recreational amenities shall be provided subject to review and approval by the Planning Commission.
- (D) The heights of any proposed structure(s) shall be compatible with that of the surrounding development
- (E) The architectural design of facilities shall be compatible and in scale with the surrounding development. A project within a commercial land use district shall be consistent with the adopted *Commercial Design Guidelines*.
- (F) 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.
- (G) Access drives and parking aisles shall be kept at a maximum distance possible from any adjacent residential units.”

1.4 Section 84.0410(f) relating to Family Day Care Homes is hereby added to the Code to read as follows:

“(f) **Family Day Care Homes:**

(1) **Definitions:**

- (A) Child Care Facility. A child care facility is a facility which provides non-medical care to children under eighteen (18) years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. A Child Care Facility includes day care centers and family day care homes.
- (B) Family Day Care Home. Family Day Care Home means a home which regularly provides care, protection, and supervision of fourteen (14) or fewer children, in the provider's own home, for periods for less than 24 hours per day, while the parents or guardians are away, and includes the following:

- (1) Large Family Day Care Home: means a home which provides family day care to nine (9) to fourteen (14) children, including children under the age of (10) years who reside at the home, as defined in regulations issued by the State of California.
- (2) Small Family Day Care Home: means a home which provides family day care for eight (8) or fewer children, including children under the age of ten (10) years who reside at the home, as defined in regulations issued by the State of California.
- (C) Day Care Center. Day Care Center means any child care facility which serves 15 children or more, other than a family day care homes, and includes infant center, preschools, and extended day care facilities.
- (2) **Family Day Care Homes.**
 - (A) Small Family Day Care Homes. Small family day care homes shall be considered a residential use of property for the purposes of the Yucca Valley Development Code, and shall be a permitted use in all zones in which residential uses are permitted.
 - (B) Large Family Day Care Homes. Large family day care homes shall be considered a residential use of property for the purposes of the Yucca Valley Development Code, and shall be a permitted use in all zones in which residential uses are permitted.
- (3) **Non-discretionary Permits.**
 - (A) A non-discretionary permit approved by the Community Development Department shall be required for all large family day care homes located in Hillside Reserve (R-HR), Rural Living (RL), and Single Residential (RS) land use districts prior to the commencement of the use.
 - (B) No hearing shall be held before a decision is made on the application.
 - (C) The Community Development Department shall approve the application upon finding that the proposed use:
 - (1) Provides one off street parking space for each employee who drives to the program and who requires a parking space;
 - (2) Provides drop-off facilities as necessary to avoid interference with traffic and to promote the safety of children;

- (3) Is not located within 300 linear feet of an existing large family day care home; provided, however, that the Community Development Department shall disregard this requirement where the administrative use permit applicant can demonstrate that:
 - (a) The existing large family day care home is operating at full capacity; or
 - (b) A need exists for a particular service not provided by the existing large family day care home.
 - (4) Complies with the noise element of the Town's General Plan;
 - (5) Has been licensed for such use by the State of California;
 - (6) Complies with all State Fire Marshal requirements for building and safety which apply to large family day care homes, and with all local building and fire codes which apply to single family residences.
- (D) Written Decision. The Community Development Department shall prepare a written decision which shall contain the findings of fact upon which such decision is based. The decision shall be mailed to the applicant and to property owners of parcels adjacent to the parcel for which the non-discretionary Permit was requested. Copies of the decision shall also be provided to the Planning Commission.
- (E) Revocation. A non-discretionary Permit may be revoked by the Community Development Department or the Planning Commission on appeal, if anyone of the following findings can be made:
- (1) That the permit was obtained by misrepresentation or fraud.
 - (2) That the use for which the permits was granted has ceased or has been suspended for six or more consecutive months.
 - (3) That one or more of the required standards have not been complied with.

The Community Development Department shall notify the permit holder in writing of the pending revocation and state specifically the grounds therefore. In the event the grounds stated for the revocation are not corrected within fourteen (14) calendar days or if evidence of substantial compliance is not provided to the Community Development Department within fourteen (14) calendar days from the date upon which the notice is mailed, the permit shall be revoked. The fourteen (14) day period may be extended if good faith corrective action is taken by the applicant and approved by the Community Development Department.

- (4) **Day Care Centers.** Day Care Centers may be permitted in any district, subject to a Conditional Use Permit. Any facility with more than 18 children shall be subject to the standards specified in Section 84.410(e)(3).”

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 attested by the Town Clerk this _____ day of _____ 2002.

MAYOR

ATTEST:

Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Town Attorney

Town Manager