Article 2:
Zoning Districts and Development Standards

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Chapter 9.05 Zoning Districts and Zoning Maps

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 designated 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.

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

Zoning Map Symbol	Zone Description	Corresponding General Plan Land Use Designation
Residential Zones		
R-HR	Hillside Reserve District – 1 unit/20 acres	Hillside Residential ~~Reserve~~ (R-HR)
RL-10 RL-5 RL-2.5 RL-1	Rural Living District – 1 unit/10 acres Rural Living District – 1 unit/5 acres Rural Living District – 1 unit/2.5 acres Rural Living District – 1 unit/acre	Rural Living (RL-10) Rural Living (RL-5) Rural Residential ~~Living~~ (RR~~L~~-2.5) Rural Residential ~~Living~~ (RR~~L~~-1)
RS-2 RS-3.5 RS-5	Single-Family Residential District – 2 units/acre Single-Family Residential District – 3.5 units/acre Single-Family Residential District – 5 units/acre	Rural Residential ~~Single Family~~ (RR-0.5 ~~R-S-2~~) Low Density Residential ~~Single Family~~ (LDR ~~R-S-3.5~~) Low Density Residential ~~Single Family~~ (LDR ~~R-S-5~~)
RM-4 RM-8 RM-10 RM-14	Multi-Family Residential – 4 units/acre Multi-Family Residential – 8 units/acre Multi-Family Residential – 10 units/acre Multi-Family Residential – 14 units/acre	Low Density Residential ~~Multi-Family~~ (LDR ~~R-M-4~~) Medium Density Residential ~~Multi-Family~~ (MDR ~~R-M-8~~) Medium High Density Residential ~~Multi-Family~~ (MHDR ~~R-M-10~~) 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)
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)

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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 9.05.05~~6~~0 (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

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).

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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:

   a~~A~~. 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.

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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 9.63~~4~~), 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 9.69~~73~~), 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 9.68~~72~~) 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,

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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 9.71~~6~~), 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 9.39~~XX~~ (Temporary Structures and Uses) and approval of a Temporary Use Permit (Chapter 9.72~~7~~), 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 9.67~~0~~) 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

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.

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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

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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.

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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

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

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

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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

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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
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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	
Recreation, Education, and Public Assembly Uses (Institutional Uses)					
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	--	--	
Transportation, Communication and Infrastructure					

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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
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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, not 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.

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TABLE 2-X: RESIDENTIAL ZONING DISTRICTS DEVELOPMENT STANDARDS				
Development Feature	**Requirement by Zoning District**			
	R-HR	**RL**	**RS**	**RM**[1]
Minimum Lot Size[2]	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.
Minimum Lot Dimensions (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.
Minimum Street Frontage	150 ft	100 ft.	< 1 ac: 60 ft. ≥ 1 ac: 100 ft.	60 ft.
Maximum Lot Dimensions (width to depth)	1:4	< 10 ac.: 1:4 ≥ 10 ac.: 1:3	< 10 ac.: 1:4 ≥ 10 ac.: 1:3	--
Maximum Density (dwelling units [du[4]]/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
Setbacks	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[5]
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[5]
Lot Coverage	Maximum percentage of total lot area that may be covered by structures.			
	20%	20%	40%	60%
Height Limit	Architectural features and equipment may exceed height pursuant to Section 9.XX.XXX			
	35 ft.	35 ft.	35 ft.	40 ft.

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TABLE 2-X: RESIDENTIAL ZONING DISTRICTS DEVELOPMENT STANDARDS				
Development Feature	**Requirement by Zoning District**			
	R-HR	**RL**	**RS**	**RM**[1]
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: • Dedications and Infrastructure Improvement Standards – Chapter 9.XX (Also, see Section 9.07.110.A.8 Dedication and Infrastructure Requirements for Single Family • Landscaping and Native Plan Protection – Chapter 9.XX • 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 • Property Maintenance Standards – Chapter 9.XX • Signs – Chapter 9.XX • Solar Energy Systems – Chapter 9.XX • Wind Energy Systems – Chapter 9.XX • Wireless Communications Facilities – Chapter 9.XX			

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 Structures and Uses

Residential accessory 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 Structure Development Standards).

1. Zoning District Regulations Applicable. Unless otherwise provided, accessory structures and uses shall be subject to the same regulations as the primary structure or use. Accessory structures shall have the same setback requirements as primary structures, except pursuant

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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 structure or use shall always exist in conjunction with, and never without, a legally established primary structure or primary use that has the same common owner. Where the primary use has not yet been established, an accessory structure may only be built subject to the issuance of a Temporary Use Permit in compliance with Chapter 9.77 (Temporary 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 STRUCTURE DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	R-HR	RL	RS
Maximum Floor Area of a single accessory structure	100% of primary structure.	100% of primary structure.	50% of the primary structure
Maximum number of accessory structures	Four, regardless of the requirement for a building permit or not	Four, regardless of the requirement for a building permit or not	Four, regardless of the requirement for a building permit or not
Maximum Height	25 feet, or height of primary structure, whichever is greater	25 feet, or height of primary structure, whichever is greater	25 feet, or height of primary structure, whichever is greater
Cumulative area of all accessory structures 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 structure greater than 120 square feet in area or six feet in height shall be architecturally compatible with the primary structure. To be considered architecturally compatible, accessory 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

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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.

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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)

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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 affixed 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.

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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

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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).

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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 limits 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.

TABLE 2-X:
PROJECTIONS INTO YARDS – AMOUNT OF ENCROACHMENT ALLOWED

Facilities	Front and Street Side Yards	Interior Side Yards	Rear Yard
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.
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, unwalled 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.

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TABLE 2-X: PROJECTIONS INTO YARDS – AMOUNT OF ENCROACHMENT ALLOWED			
Facilities	**Front and Street Side Yards**	**Interior Side Yards**	**Rear Yard**
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.		
14. Fences, screening, safety guard rails, walls, and dense hedges along property lines in Residential Zoning Districts.	4 ft. max. height[1]	6 ft. max. height	6 f ft. max. height
15. Signs	Allowed, subject to Sign Standards		

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TABLE 2-X: PROJECTIONS INTO YARDS – AMOUNT OF ENCROACHMENT ALLOWED			
Facilities	**Front and Street Side Yards**	**Interior Side Yards**	**Rear Yard**
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

Notes:

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**
Yucca brevifolia	Joshua Tree
Yucca schidigera	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

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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

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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 foot print 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

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(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

(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

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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
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

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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.

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(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:

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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

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).

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TABLE 2-X:
ALLOWED NUMBER OF SMALL ANIMALS

Animal	Single Residential (RS)		Multi-Family Residential (RM) [1]	Rural Living (RL) and Hillside Reserve (R-HR) [1]
	Lot Size	Maximum Number of Animals Allowed Per Lot[1]		
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
	7,200 to 10,000 sq. ft	3 dogs and 3 cats		
	10,000 to 20,000 sq. ft	4 dogs and 4 cats		Greater than 2 acres, 1 additional dog and cat for each additional 20,000 sq. ft. lot (max. 8each) Over 8 each requires SUP
	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

2. 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

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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[1]
Equine[1]	20,000 sq. ft.	1 per 10,000 sq. ft. (maximum 9)
Sheep[1]	7,200 sq. ft.	1 per lot
Female Goat[1]	7,200 sq. ft.	1 per 5,000 sq. ft.
Male Goat[1]	20,000 sq. ft.	1 per lot
Cattle[1]	20,000 sq. ft. with 60 feet minimum lot frontage	1 per 10,000 sq. ft. (maximum 9)
Llamas and Camelids[1]	20,000 sq. ft.	1 per 10,000 sq. ft. (maximum 9)
Emus and Ostriches[1]	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).

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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.

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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 REQUIRMENTS

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.

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TABLE 2-X: FENCING AND SHELTER REQUIRMENTS		
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.

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(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

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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.

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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.

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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.

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Table 2.X Bed and Breakfast Uses Number of Rooms and Parcel Sizes			
Type of Use	**Number of Guest Rooms**	**Minimum Number of Bathrooms**	**Minimum Parcel Size[1] (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.

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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:

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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:

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(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.

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(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;

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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

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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.

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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;

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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,

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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

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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:

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(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.

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(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.

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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.

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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.

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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:

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a. When the park is within the RM-l0 and RM-l4 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

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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	***2 units***	***3 or more units***	***Between accessory and other buildings***		
	15 ft.	25 ft.	15 ft.		
Minimum Dwelling Unit Size	***Studio***	***One Bedroom***	***Two Bedroom***	***Three Bedroom and Larger***	
	500 sf.	650 sf.	750 sf.	1,000 sf.	
Required Open Space					
Private Open Space: Minimum Square Feet	***2 to 3 units***	***4 or more units***	***Waiver of Private Open Space***		
	450 sf. Per unit 15 ft. (Min. Dimension)	1st Floor: 150 sf. Per unit 2nd 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	***2 to 3 units***	***4 to 10 units***	***11 to 50 units***	***51 to 100 units***	***101 to 200 units***
	Private outdoor space 450 sf.	200 sf. minimum space for each amenity			
		1	2	3	4

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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.

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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.

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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.

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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 payers) 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:

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- 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.

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(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.

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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 singe 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

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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

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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.

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(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

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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

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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[1]	**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

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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.

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(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.

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(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

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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.

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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)

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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.

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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.

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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

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 (XXXXX), 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

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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	
Residential								
Mixed Use Development	--	S	--	S	--	--	--	
Single-Family Dwelling Unit	--	--	--	--	--	--	--	
Single-Room Occupancy Housing	--	CUP	--	CUP	CUP	--	--	
Care Uses								
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)

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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	SPR	SPR	SPR	SPR	SPR	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	SPR	SPR	SPR	SPR	SPR	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	SPR	SPR	SPR	SPR	SPR	SPR	
Nursery/Garden Supply (with outdoor display)	SPR	SPR	SPR	CUP	CUP	SPR	SPR	
Nursery/Garden Supply (without outdoor display)	SPR	SPR	SPR	SPR	SPR	SPR	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	

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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)

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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	
Business, Financial, and Professional								
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, Corporate, Medical)	SPR	SPR	SPR	SPR	SPR	--	SPR	
Eating and Drinking Establishments								
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	
Commercial Service Uses								
Ambulance Service	SPR	SPR	SPR	--	--	--	SPR	
Appliance Sales, Service, Repair, and Rental	SPR	SPR	SPR	SPR	SPR	--	SPR	

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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	

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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 Section19.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	

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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)
Industry, Manufacturing and Processing, Wholesaling								
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	
Transportation, Communications, and Infrastructure								
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

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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)
Other Uses								
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	

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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[1]						
	C-C	C-G	C-O	C-MU	C-N	C-RR	C-S
Minimum Lot Size[2]	See map suffix[3]						
	1 acre[4]	5 acres[4]	1 acres[4]	1 acre[4]	1 acre[4]	5 acres[4]	5 acres[4]
Minimum Lot Dimensions (W: width, D: depth)	W: 120 ft. D: 120 ft.	W: 120 ft.	W: 120 ft. D: 120 ft..	W: 120 ft. D: 120 ft..	W: 120 ft. D: 120 ft..	W: 120 ft. D: 120 ft..	W: 60 ft. D: 120 ft..

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		D: 120 ft..					
Maximum Lot Dimensions (width to depth)	1:3	1:3	1:3	1:3	1:3	1:3	1:3
Setbacks	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[5]	10 ft.	0 ft.	10 ft.	0 ft.	10 ft.	10 ft.	0 ft.
Rear[6]	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.
Maximum Floor Area Ratio (FAR)	*Maximum allowed floor area ratio (FAR): floor area/lot area.*						
	0.50	0.50	1.0	0.50	0.50	0.50	1.0
Dwelling Units/Acre	--	--	--	Up to 40 with Specific Plan	--	--	--
Lot Coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.						
	60%	60%	60%	60%	40%	60%	65%
Height Limit	40 ft.	40 ft.	40 ft.	40 ft.	35 ft.	40 ft.	60 ft.
Minimum District Size	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres
Other Applicable Standards	See Article 3 – General Development Standards including the following standards: • Dedications and Infrastructure Improvement Standards – Chapter 9.XX • Landscaping and Native Plan Protection – Chapter 9.XX • 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 • Property Maintenance Standards – Chapter 9.XX • Signs – Chapter 9.XX • Solar Energy Systems – Chapter 9.XX • Wind Energy Systems – Chapter 9.XX • Wireless Communications Facilities – Chapter 9.XX						

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.

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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

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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**
Yucca brevifolia	Joshua Tree
Yucca schidigera	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

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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.

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(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.

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(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

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

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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.

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 I	Notes and Other Regulations
Agriculture and Animal Related		
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	
Industry, Manufacturing and Processing, Wholesaling		
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	

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TABLE 2-X : PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR THE INDUSTRIAL ZONING DISTRICT

Zoning Districts **I**: Industrial

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PD: Planned Development Permit | **TUP**: Temporary Use Permit

Type of Use	Permit Required I	Notes and Other Regulations
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	

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TABLE 2-X : PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR THE INDUSTRIAL ZONING DISTRICT

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PD: Planned Development Permit | **TUP**: Temporary Use Permit

Type of Use	Permit Required I	Notes and Other Regulations
Business, Financial, and Professional		
ATM	P	
Financial Institution and Related Services	SPR	
Laboratory	SPR	
Office (Business, Professional, Corporate, Medical)	SPR	
Eating and Drinking Establishments		
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	
Commercial Service Uses		
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	

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TABLE 2-X : PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR THE INDUSTRIAL ZONING DISTRICT

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PD: Planned Development Permit | **TUP**: Temporary Use Permit

Type of Use	Permit Required I	Notes and Other Regulations
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)

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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 I	Notes and Other Regulations
Transportation, Communication, and Infrastructure		
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)
Other Uses		
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	

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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 I	Notes and Other Regulations
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).

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TABLE 2-X: INDUSTRIAL ZONING DISTRICT DEVELOPMENT STANDARDS	
Development Feature	**Standard[1]**
Minimum Lot Size[2]	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[3]	0 ft.
Side[4]	0 ft.
Street Side	15 ft.
Maximum Floor Area Ratio (FAR) [5]	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: • Dedications and Infrastructure Improvement Standards – Chapter 9.XX • Landscaping and Native Plan Protection – Chapter 9.XX • 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 • Property Maintenance Standards – Chapter 9.XX • Signs – Chapter 9.XX • Solar Energy Systems – Chapter 9.XX • Wind Energy Systems – Chapter 9.XX • Wireless Communications Facilities – Chapter 9.XX

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.

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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**
Yucca brevifolia	Joshua Tree
Yucca schidigera	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.

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(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.

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(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

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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 9.12 Public/Quasi Public and Open Space Districts

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).

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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

Permit Required

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	
Agriculture and Animal Related			
Community Gardens	P	P	
Natural Resources Development	CUP	CUP	
Nature Preserve	P	P	
Industry, Manufacturing and Processing, Wholesaling			
Recycling Facility (small collection facility)	SUP	--	See Section 9.XX.XXX (Recycling Facilities)
Commercial Recreation			
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	
Transportation, Communication, and Infrastructure			
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)

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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	
Permit Required			
	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	
Other Uses			
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).

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TABLE 2-X: PUBLIC/QUASI PUBLIC (P/QP) ZONING DISTRICT DEVELOPMENT STANDARDS		
Development Feature	**Public/Quasi Public[1]**	**Open Space[1]**
Minimum Lot Size[2]	10,000 sf	20 acres[2]
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
Setbacks		
Front	15 ft.	25 ft.
Rear[3]	10 ft.	25 ft.
Side[4]	10 ft.	25 ft.
Street Side	15 ft.	25 ft.
Maximum Floor Area Ratio (FAR) [5]	1.0	--
Maximum Lot Coverage	70%	10%
Height Limit[6]	75 ft.	35 ft.
Minimum District Size	5 acres	100 acres
Other Applicable Regulations	See Article 3 – General Development Standards including the following standards: • Dedications and Infrastructure Improvement Standards – Chapter 9.XX • Landscaping and Native Plan Protection – Chapter 9.XX • 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 • Property Maintenance Standards – Chapter 9.XX • Signs – Chapter 9.XX • Solar Energy Systems – Chapter 9.XX • Wind Energy Systems – Chapter 9.XX • Wireless Communications Facilities – Chapter 9.XX	

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

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.

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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

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

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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

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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).

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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.

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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.

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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.

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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.

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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 issues 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

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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.

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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.

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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.

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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

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.

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TABLE 2-X: OVERLAY DISTRICT ZONING MAP DESIGNATOR	
Overlay District	**Zoning Map Designator**
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

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.

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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.

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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.

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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

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

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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

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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.

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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

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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.

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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

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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

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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:

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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

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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:

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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).

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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:

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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

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

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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

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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

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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 hydrolographic 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

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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.

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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.

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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.

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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

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.

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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

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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

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.

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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.

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b. A separate map, with proposed fill areas and cut areas differentiated, with areas where cut and/or fill exceed depths established in compliance with this Chapter. If custom foundations are proposed, this shall be noted on the map. Additionally, the area of cut and/or fill, calculated as a percentage of the total surface area of the site, shall be included on the plan; and

c. Contours for existing and natural land conditions and proposed work. Existing contours shall be depicted with a dashed line with every fifth contour line darker; and proposed contours shall be depicted similarly with solid lines. Contours shall be shown at maximum five-foot intervals above 20 percent slope.

3. Drainage Map. A conceptual drainage and flood control facilities map describing planned drainage improvements.

4. Slope Analysis Map. A slope analysis map for the purpose of determining the amount and location of land as it exists in its natural state falling into each slope category as specified in this subparagraph. This map shall be prepared and signed by a registered civil engineer or licensed land surveyor, and shall have a scale of not less than one inch to 100 feet and a contour interval of not more than two feet, provided that the contour interval may be five feet when the slope is more than 20 percent. A scale of not less than one inch to 200 feet may be used for developments greater than 100 acres in size. This map shall show the closest structures on all contiguous properties. It shall delineate slope bands in the range of zero to less than 15 percent, 15 to less than 30 percent, 30 percent to less than 40 percent, and 40 percent or greater. Also included shall be a tabulation of the land/area in each slope category specified in acres.

5. Slope Profiles. A sufficient number of slope profiles shall be provided as required by the Director to clearly illustrate the extent of the proposed grading. The slope profiles shall:

a. Be drawn at the same scale and indexed, or keyed, to the grading plan, and project site map.

b. Show existing and proposed topography, structures, and infrastructure. Proposed topography, structures, and infrastructure shall be drawn with a solid, heavy line. Existing topography and features shall be drawn with a thin or dashed line.

c. The slope profile shall extend far enough from the project site boundary to clearly show impact on adjacent property, within at least 150 feet.

d. The profiles shall be drawn along those locations of the project site where:

1) The greatest alteration of existing topography is proposed;

2) The most intense or dense development is proposed;

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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

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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 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 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.

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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..

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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:

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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 minimum12 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:

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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.

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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

Animal	Special Use Permit Required	Minimum Parcel Size	Livestock Densities	Maximum Number of Non-Exempt Animals without Livestock Permit
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

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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

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

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plan). Under these circumstances the properties included in the specific plan shall be indicated on the zoning map.

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