

# Article 7: Definitions

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## Chapter 9.68 Definitions

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### 9.68.020 – “A” Definitions

**Abut or Adjacent:** Having a common border, boundary, or lot line.

**Access Rights:** The right, claim, title or privilege of access by pedestrians or vehicles, or a public road or way.

**Accessibility for the Disabled:** Accessible services, structure or facilities are those which be entered and used by individuals despite handicapping conditions. Accessibility also includes responding to the needs of people with sight or hearing disabilities, in addition to those with developmental, activity, manual or mobility impairment, so that they may enjoy the full and free use of those services, structure or facilities.

**Accessory Building:** A subordinate building, the use of which is incidental to that of the main building or main use of the land and not designed for living or sleeping purposes. The use of an accessory building may be for either a primary or an accessory use allowed by the appropriate land use district. An accessory building shall be located on either the same parcel as the main building or main use; or shall be located on a contiguous abutting parcel that is owned by the same owner who owns the parcel which has the main building or use. An accessory building shall always exist in conjunction with and never without a legally established main building or main use that has the same common owner.

**Acre:** 43,560 square feet of the land area.

**Advertising Structure:** Any structure of any kind or character erected or maintained for advertising purposes, upon which an advertising sign may be placed.

**Affordable Housing:** Housing that can be purchased or rented by a household with very low, low, or moderate income and based on a household's ability to make monthly payments necessary to obtain housing. Housing is considered affordable when a household pays less than 30% of its gross monthly income for housing including utilities.

**Agent of Owner:** A person authorized to act for the property owner.

**Agriculture:** The use of land for agricultural purposes, including the growing of vegetables, fruit, fiber, horticulture, pasturage, the keeping of apiaries and the necessary accessory uses for storing produce provided that the operations of any such accessory use shall be secondary to that of normal agricultural activities. Agriculture does not include animal husbandry or stockyards.

**Airport or Heliport:** Runways and related facilities for the takeoff and landing of aircraft, including rotary-winged and ultra light aircraft. Airports also include facilities for repair, maintenance and storage of aircraft.

**Airport-Related Uses:** Those uses which sell products or services directly to aircraft owners, pilots or support airport operations, or are dependent on direct access to the airport runway system, or include limited industrial uses restricted to aviation related products and services.

**Alley:** Any public way or thoroughfare less than 16 feet but not less than ten feet in width which has been dedicated or deeded to the public for public use. A public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street and affording only secondary means of access to abutting property.

**Alteration:** Any construction, addition, or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

**Ambulance Service:** Any business substantially devoted to providing emergency medical care and transportation, including incidental storage and vehicle maintenance.

**Amenity:** Aesthetic or other characteristics of a development that increase its desirability to the community or its marketability to the public. Amenities differ from development to development but may

include recreational facilities such as swimming pools or tennis courts, security systems, views, tree preservation, gardens, or enhanced open space.

**Amortization:** A term used in zoning to mean the process by which nonconforming uses and structures must be discontinued or made to conform to requirements of the ordinance at the end of a specified period or time. The term itself is a variation of the real estate term by which borrowers are required to pay back a debt in regular payments over a fixed period of time, e.g., installment payments on the principal of a mortgage.

**Amusement Device:** A player operated electronic or electrical coin-operated game available for use in return for compensation, examples of amusement devices include pinball machines and video games.

**Amusement Park:** A permanent outdoor facility with rides for entertainment, as a merry-go-round, roller coaster, etc.

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

**Animals, domestic:** Animals of the type generally accepted as pets, including dogs, cats, rabbits, fish, birds, and the like, but not including hoofed animals, chickens, ducks, geese, pea fowl, or the like,. Domestic animals shall not include any animals, birds, or fish maintained for commercial purposes.

**Animal Husbandry:** Raising of animals or production of animal products, such as eggs or dairy products, on a commercial basis. Typical uses include grazing, ranching, dairy farming, and poultry farming.

**Animal Keeping:** The keeping of domestic animals cared for and owned by the occupants of the residential property in accordance with the provisions of Title 10 of the Yucca Valley Municipal Code.

**Animal Sales and Service:**

- A. **Animal Boarding:** Provision of shelter and care for domestic animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.
- B. **Animal Grooming:** Provision of bathing and trimming services for domestic animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours per animal.
- C. **Animal Hospitals:** Establishments where domestic animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed and soundproofed. Grooming and temporary (30 days) boarding of animals is included if incidental to the hospital use.
- D. **Animals Retail Sales.** Retail sales and boarding of domestic animals, provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use.

**Antenna:** See “Wireless Communication”.

**Antique Shop:** Any premises used for sale or trading of antiques of which 80 percent or more are over 50 years old or have collective value. Antique shops does not include “secondhand store.”

**Apartment:**

- A. One or more rooms of a building used as a place to live, in a building containing at least one other unit used for the same purpose.
- B. A separate suite, not owner occupied, which includes kitchen facilities and is designed for and rented as the home, residence, or sleeping place of one or more persons living as a single housekeeping unit.

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

**Arcade:** Any business, use, or structure containing 6 or more coin-operated or token-operated amusement machines, or viewing machines. Any use or business with 6 or more amusement machines shall be considered an amusement center or arcade in addition to any other principal or conditional use of the land. Amusement center or arcade does not include adult motion picture theaters or adult entertainment facilities.

**Arterial Street:** Any street so designated in the Yucca Valley General Plan, existing or proposed.

**Artist Studio:** Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.

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

**Automated Teller Machine (ATM):** An automated device used by the public to conduct banking and financial transactions electronically (i.e., withdrawing cash from, or depositing cash or checks into, a bank, savings, credit union, credit card or similar account). Does not apply to retail point-of-sale transactions within a fully enclosed location. Also refers to machines located on properties separate from financial institutions.

**Automobile Sales and Service:**

- A. **General, New.** Sale of new automobiles, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including display, storage, maintenance, repair, and incidental rental of the vehicles and equipment. May include the sale, installation, and servicing of related equipment and parts.
- B. **General, Used.** Sale of used automobiles, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including display, storage, maintenance, repair, and incidental rental of the vehicles and equipment. May include the sale, installation, and servicing of related equipment and parts.

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

**Automobile Storage:** Lots for the storage and parking of tow-away vehicles, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles.

**Automobile/Vehicle Service and/or Repair.** The repair of motor vehicles in an enclosed building, including the repair or replacement of engines and transmissions, body and fender repair, and the installation of nonfactory-installed products.

- A. General (Major Repair/Body Work).** Major repair of automobiles, motorcycles, recreational vehicles, or trucks including light-duty trucks (i.e., gross vehicle weights of less than 10,000 pounds) and heavy-duty trucks (i.e., gross vehicle weights of more than 10,000 pounds). Examples of uses include full-service motor vehicle repair garages; body and fender shops; brake shops; machine shops, tire sales and installation shops, painting shops; towing services, and transmission shops. Does not include vehicle dismantling or salvage and tire retreading or recapping.
- B. Limited (Minor Repair/Maintenance).** Minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans or similar size vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds) including installation of electronic equipment (e.g., alarms, stereos, etc.); servicing of cooling and air conditioning, electrical, fuel and exhaust systems; brake adjustments, relining and repairs, oil and air filters, wheel alignment and balancing, tire, shock absorbers, chassis lubrication, smog checks, engine tune-ups, and installation of car alarms, audio equipment, window film, and similar accessory equipment.

**Automobile Washing:** Washing waxing, detailing, or cleaning of automobiles or similar light vehicles including the use of mechanical automobile washers.

**Automobile Wrecking (Dismantling):** The wrecking or dismantling of motor vehicles or trailers, or the storage of, sale of, or dumping of dismantled or wrecked motor vehicles or their parts.

**Awning:** A roof-like cover that is attached to and extends from the wall of a building to provide shielding of windows and entrances from inclement weather or sun.

#### 9.68.030 – “B” Definitions

##### **Bakery:**

- A. Retail Bakery:** A retail sales facility which offers bakery products for direct sale to the public and which, as an accessory use, may include the preparation of products normally sold in bakeries, for sale off the premises.

- B. Wholesale Bakery:** A bakery or other food store which devotes over 90 percent of its gross floor area to the preparation of bakery products for sale at other locations. Wholesale bakeries may offer bakery products for direct sale to the public.

**Bar:** See “Eating and Drinking Establishments.”

**Basement:** Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

**Bazaar:** A benefit sale for a church or non-profit organization.

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

**Berm (Landscape or earthen):** A mound or embankment of earth or a mound which has been improved with landscaping.

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

**Block Face:** One complete side of a block, usually facing a public street.

**Boarding House:** A dwelling with not more than five guest rooms, with not more than one person per room, where lodging and meals are provided for compensation on a weekly or greater basis, not including those facilities defined as social care facility.

**Borrow Pit:** Any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

**Buffer Area:** A strip of land established to protect one type of land use from another land use that is incompatible. A buffer includes plantings, berms, or other screens which block vision, noise, or other negative impacts of more intense uses on less intense uses.

**Building:** Any structure used or intended for supporting or sheltering any use or occupancy.

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

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

**Building Height:** The vertical distance above a reference datum to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- A. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade; or
- B. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in paragraph A above is more than ten feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

**Building Materials and Services:** Retailing or wholesaling of building supplies and/or equipment and excluding the general manufacturing of such supplies or equipment. This classification includes lumber yards, tool and equipment sales establishments, and building contractor's yards, but excludes establishments devoted exclusively to retail sales of paint and hardware.

**Building Site:** The ground area of a building together with all open spaces required by this Development Code.

**Business Center:** A development in which businesses and structures are designed as an architecturally integrated and interrelated development. Such design is independent of the number of structures, lots, or parcels making up the center.

#### 9.68.040 – “C” Definitions

**California Environmental Quality Act (CEQA):** A State law requiring State and local agencies to regulate activities with consideration for environmental protection. If a proposed activity has the potential for a significant adverse environmental impact, a Negative Declaration or Environmental Impact Report must be prepared and certified before an action is taken on the project.

**Camp, Campgrounds:** A site used or intended for use for temporary occupancy by campers traveling by automobiles or otherwise, which may include individual campsites, but where utility hookups for recreational vehicles are typically not provided. See also “Recreational Vehicle Park.” Other types of camping facilities regulated by this Development Code include the following.

**Canopy:** A permanent roof-like structure constructed of durable material extending from part or all of a building face.

#### Care Uses:

- A. **Child Day Care:** See “Day Care, Child.”
- B. **Day Care, Adult:** A state-licensed facility that provides nonmedical care and supervision for adult clients for periods of less than 24 hours for any client.
- C. **Day Care, Child:**
  - 1. **Child Care Home, Small Family (8 or fewer children):** Day care facilities located in single-family dwellings where an occupant of the dwelling provides care

and supervision for eight or fewer children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility. Such use must comply all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a small family child care home.

**2. Child Care Home, Large Family (9 to 14 children):** Day care facilities located in single-family dwellings where an occupant of the dwelling provides care and supervision for nine to 14 children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility. Such use must comply all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a large family child care home.

**D. Child Day Care, General:** See “Day Care, General” for facilities serving 15 or more children.

**E. Day Care, General:** Establishments that provide nonmedical care for 15 or more persons on a less than a 24-hour basis, including nursery schools, preschools, and day care centers for children or adults. Such use must comply all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a General Day Care facility. General Day Care establishments may be accessory to an industrial, commercial or institutional use, as may be allowed by Article 2 of this Development Code.

**Carnival:** See “Circuses and Carnivals.”

**Carport:** A permanent roofed structure with not more than two completely enclosed sides used or intended to be used for vehicle storage for the occupants of the premises.

**Catering Services:** Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

**Cemetery:** A spatially defined area where the remains of deceased people or animals are buried or are otherwise interred. The term "cemetery" implies that the land is specifically designated as a burial ground.

**A. Public Cemetary:** A public cemetery is one used by the general community, a neighborhood, or a church.

**B. Private Cemetary:** A private cemetery is one used only by a family or a small portion of the community.

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

**Certified Farmers Market:** A location, approved by the Agricultural Commissioner of San Bernardino County, where agricultural products are sold by producers or certified produces directly to consumers.

**Chemical Manufacturing/Processing:** An industrial process whereby substances are produced from or converted into other substances. In the process, the composition and properties of the starting material are altered.

**Church (Place of Religious Worship/Assembly):** An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The Term ‘church’ shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. A place where religious worship is held. This definition includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) and residences for clergy. Associated uses (i.e., day care centers, full-time or part-time schools, or emergency housing) may be allowed but require separate discretionary approvals pursuant to the requirements of this Development Code.

**Circuses and Carnivals:** A temporary attraction including, but not limited to games, eating, and drinking facilities, live entertainment (but excluding adult entertainment facilities), animal exhibits, souvenir sales and rides.

**Clear Sight Triangle:** Triangular-shaped portion of land established at a street intersection or driveway in which no signs are placed in a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection or driveway.

**Clinic:** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians, dentists, psychologists, or social workers, practicing together or individually.

**Clubs and Lodges (Public or Private):** Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members or their guests, excluding “commercial recreation and entertainment.” This classification includes union halls, social clubs and youth center.

**Cluster Development:** Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area .

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

**Commercial:** A land use classification that permits facilities for the buying and selling of commodities and services.

**Commercial Complex:** A group of three or more commercial uses on a single parcel or contiguous parcels which function as a common commercial area including those which utilize common off-street parking or access. Commercial

**Commercial Recreation and Entertainment:** This classification includes, but is not limited to, theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, ice/roller skating rinks, golf

courses, miniature golf course, model courses, shooting galleries, tennis/racquetball courts, amusement centers or arcades and health/fitness clubs. Commercial recreation and entertainment does not include “adult entertainment facilities.”

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

Commission: The Planning Commission of the Town of Yucca Valley

**Communications Equipment Building:** A building housing electrical and mechanical equipment and the administrative staff necessary for the conduct of a public communications business and open only to personnel necessary for the operation and maintenance of such equipment and administrative functions.

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

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

**Community Noise Equivalent Level (CNEL):** A 24-hour energy equivalent level derived from a variety of single-noise events, with weighing factors of 5 and 10 dBA applied to the evening (7 p.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.) periods, respectively, to allow for the greater sensitivity to noise during those hours.

**Composite Development Plan:** A map or plan on file with the Building and Safety Division that reflects additional information related to the development of lots created by a Final or Parcel Map recorded after March 1, 1986. Notes on this plan or map are for informational purposes and indicate conditions and criteria that exist on the property that were known and identified as of the date of the recordation of the Final or Parcel Map. Authority for this plan is derived from California Government Code Section 66434.2.

**Concerts, Open-Air Theaters:** See “Sports or Entertainment Assembly.”

**Conditional Use Permit:** Uses which may be permitted, subject to approval of a Conditional Use Permit. Generally, conditional uses are those uses which have the potential objectionable operating characteristics or appearance which may be out of character in a particular zoning district, either of which may make those uses suitable or unsuitable for a particular site or location.

**Condominium Project:** A common interest development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, water, or earth, or any combination thereof, and need not be physically attached to land except by easement for access, and if necessary, support.

**Congregate Care Facility:** See “Residential Care Facilities (Congregate Care)”.

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

**Convalescent Home/ Skilled Nursing Facility:** A facility licensed by the State Department of Public Health, the State Department of Social Welfare, or the County Health Department, which provides bed and ambulatory care for patients with postoperative convalescent, chronically ill, or dietary problems, and persons aged or infirmed unable to care for themselves; but not including substance abusers or persons with mental or contagious diseases or afflictions.

**Convenience Store:** Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with same and having a gross floor area of less than 5,000 square feet.

**Conversion:** Changing the original use or purpose of a building to different use or purpose.

**Council:** The Town Council composed of the Mayor and Council members of the Town of Yucca Valley.

**County:** The County of San Bernardino, hereinafter referred to as County.

**Covenants, Conditions, and Restrictions (CC&Rs):** A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

**Cultural Institutions:** Institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification generally includes libraries, museums, and art galleries where displayed objects are not intended for sale.

**Curb Cut:** The lowering of a curb to permit access by vehicles, wheelchairs, carts, and pedestrians.

#### 9.68.050 – “D” Definitions

**Dedication:** The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school sites, or other public uses often are made conditions for approval of a development by the Town.

#### **Density:**

- A. **Density Bonus:** An increase in the number of dwelling units over the otherwise maximum allowable residential density.
- B. **Density, Net:** The number of dwelling units per acre of developable land exclusive of public and private streets, greenways, drainage, power transmission line easements, or other public and semipublic uses.

**Destination Retail:** Retail businesses that generate a special purpose trip and that do not necessarily benefit from a high volume pedestrian location.

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

**Developable Land:** Land that is suitable as a location for structures and that can be developed free of hazards to, disruption of, or significant impact on natural resource areas.

**Development:** The placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any soil or materials; change in the density or intensity of use of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity or use of water, or of access thereto; construction; reconstruction, demolition, or alteration of the size of any structure including any facility of any private, public or municipal utility; and the removal of any major vegetation. A project, as defined in Government Code Section 65931, is included in this definition.

- A. Any subdivision pursuant to the Subdivision Map Act;
- B. The division of a parcel of land into two or more parcels;
- C. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure;
- D. Any mining, excavation, landfill or grading;
- E. Any use or extension of the use of land; or
- F. Any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use.

**Development Agreement:** An agreement entered into between the Town of Yucca Valley and a contracting party which relates to a specific real property, subject to the terms of the agreement.

**Development Code:** A unified text incorporating areas of regulation including administration, development review, residential districts, commercial and office districts, industrial districts, other districts, overlay districts, general standards, and other related topics.

**Development Review Committee:** A committee consisting of representative from various agencies whose function are to review and makes recommendations on development proposal.

**Development Rights:** The right to develop land by a land owner who maintains fee simple ownership over the land or by a party other than the owner who has obtained the rights to develop.

**Development Plan (Planned Unit Development):** A detailed, comprehensive plan of development for a Planned Development. This development unit plan applies limits and parameters for development derived from a development suitability analysis to a specific development scheme. Development plans shall include a detail description of the proposed development and its effects including, but not limited to, a written text, diagrams or maps describing the program for development and the functional arrangement of

structures and uses, the effect of such arrangement upon the physical characteristics of the site, available public services, the capacity of existing circulation system and the existing and planned land use of adjacent properties. It includes a dimensioned site plan showing the location of all structures and lots in sufficient detail to permit recordation and the preparation of construction drawings.

**Disability:** A physical or mental impairment that substantially limits one or more of the major life activities of individuals, there is a record of such an impairment, or the individual is regarded as having such an impairment. It is the intent of this definition to substantially comply with the term “disability” as defined by the Americans With Disabilities Act of 1990, as may be amended from time to time.

**Discretionary Decision:** An action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project.

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

**Drive-Thru Restaurant:** See “Restaurant, Drive-Thru”.

**Driveway:** A private roadway for the exclusive use of the occupants of a property and their guests or patrons, and which provides vehicular access to parking spaces, garages, dwellings or other structures on a site.

**Duplex:** A detached building under single ownership that is designed for occupation as the residence of two families living independently of each other.

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

**Dwelling, Multiple:** A structure containing two or more dwelling units or a combination of two or more separate single family dwelling units.

**Dwelling Unit:** A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities), but not more than one kitchen, which constitutes an independent housekeeping unit, occupied or intended for occupancy by one family on a long-term basis.

#### 9.68.060 – “E” Definitions

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

**Easement, Conservation:** A tool for acquiring open space with less than full fee purchase, whereby a public agency buys or is granted only certain specific rights from the land owner. These may be positive rights (providing the public with the opportunity to hunt, fish, hike, or ride over the land), or they may be restrictive rights (limiting the uses to which the land owner may devote the land to in the future).

**Eaves:** The projecting overhang at the lower edge of a roof.

**Eating and Drinking Establishments:** Businesses serving prepared food or beverages for consumption on or off the premise. Also refer to “Food and Beverage Sales”. Related eating and drinking establishment terms are defined as follows:

- A. **Accessory Food Service:** An establishment that sells food and/or beverages as an accessory use in a retail, office, or institutional structure and that does not change the character of the primary use.
- B. **Bar, Lounges, Nightclubs, Taverns (includes independent or accessory establishments):** Any establishment that sells or serves alcoholic beverages for consumption on the premises and is holding or applying for a public premise license from ABC and in which persons under 21 years of age are restricted from the premises. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee.
- C. **Fast Food:** A restaurant which supplies food and beverages primarily in disposable containers and which is characterized by high automobile accessibility, self-service and short stays by customers.
- D. **Outdoor Dining:** A dining area with seats and/or tables located outdoors of a sit-down restaurant, fast food, or other food service establishment. Outdoor dining is located entirely outside the walls of the contiguous structure or enclosed on one or two sides by the walls of the structure with or without a solid roof cover.
  - 1. **Limited:** Outdoor dining area encompassing up to 800 square feet of area, inclusive.
  - 2. **General:** Outdoor dining area encompassing more than 800 square feet of area.
- E. **Restaurant:** An establishment engaged in the business of selling food and beverages, including alcoholic beverages, prepared on site for primarily on-site consumption. Food and beverages are served to the customer at a fixed location (i.e., booth, counter, or table). Food and beverages are ordered from individual menus. Customers typically pay for food and beverages after service and/or consumption. The sale or service of sandwiches, whether prepared in the kitchen or made elsewhere and heated up on the premises, or snack foods, shall not constitute a sit-down restaurant. For off-site consumption, see “Food and Beverage Sales”.
- F. **Take-Out Service:** An establishment that offers a limited variety of food or beverages. Transactions are sales for off-site consumption. Customers are served either at a counter or service window. Incidental seating (less than 250 sq. ft. of seating area) may be provided for limited on-site consumption of food or beverages. Typical uses include bakeries, coffee stores, ice cream and frozen dessert stores, delivery-only pizza establishments, small delicatessens, and similar establishments.

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

**Emergency Shelter:** A facility that provides immediate and short-term housing and supplemental services. Shelters come in many sizes, but an optimum size is considered to be 20 to 40 beds. Supplemental services may include food, counseling, and access to other social programs.

**Entertainment, Live:** A musical, theatrical, dance, cabaret, or comedy act performed by one or more persons. Any form of dancing by patrons or guests at an eating and drinking establishment or bar is live entertainment. Live entertainment does not include the term “adult entertainment facility” or “adult entertainment establishment.”

**Environment:** The physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance.

**Equipment Sales, Services and Rentals:** Sales, services or rentals of equipment including, but not limited to, construction equipment and agricultural equipment.

**Equestrian Facility.** A commercial facility for horses, donkeys, and/or mules. Examples include horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), and barns, stables, corrals and paddocks accessory and incidental to these uses. Does not include the simple pasturing of horses, donkeys, and/or mules, which is instead included in “Animal Keeping.” Does not include rodeo arenas, which are under “Sports or Entertainment Assembly.”

#### 9.68.070 – “F” Definitions

**Façade:** The main face or front of the building.

**Fair or Festival:** Temporary gathering consisting of but not limited to, carnival, a competitive exhibition of farm, new household and manufactured products, including art and craft items, with various amusements, which may include carnival rides and games, and educational displays.

**Family:** Any group of individuals living together based on personal relationships. Family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries, nunneries, nor does it include such commercial group living arrangements as boardinghouses, lodging houses and farm labor camps.

**Farmers Markets:** A public market at which farmers and other vendors sell produce directly to consumers. Farmer’s Markets includes Certified Farmer’s Markets (see Definition for Certified Farmer’s Markets). Produce at Farmer’s Markets may include produce purchased from wholesalers and retailers. Farmer’s Markets shall be composed at a minimum of 80 percent business activity of fresh produce, artisan cheeses, hand-harvested honey, flowers, and other fresh, small-batch foodstuffs. The remaining 20 percent business activity at Farmers Markets may be composed of the sale of art, handcrafts, and other handmade goods.

**Fast Food:** See also “Eating and Drinking Establishments”.

**Financial Services:** A commercial land use involved with the exchange of money and services related to the financial system.

**Findings:** The result(s) of an investigation and the basis upon which decisions are made. Findings are used by government agencies to justify action taken by them.

**Fitness Center:** Facilities equipped and used for training and conditioning.

**Flood, Flooding, or Flood Water:**

1. a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of flood waters; the unusual and rapid accumulation or run-off of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. the condition resulting from flood-related erosion

Related Flood terms are defined as follows:

A. **Accessory Use:** means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

B. **Alluvial Fan:** means geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

C. **Apex:** means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

D. **Appeal:** A request for a review of the Floodplain Administrator's interpretation of any provision of this Chapter.

E. **Area of Shallow Flooding:** means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

F. **Area of Special Flood Related Erosion Hazard:** is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Insurance Rate Map (FIRM).

G. **Area of Special Flood Hazard:** See "Special flood hazard area".

H. **Area of Special Mudslide (i.e., Mudflow) Hazard:** is the area subject to severe mudslides (i.e., mudflows).

I. The area is designated as Zone M on the Flood Insurance Rate Map (FIRM).

J. **Base Flood:** means the flood having a one (1) percent chance of being equaled or exceeded in any given year (also called the "one hundred (100)-year flood"). Base flood is the term used throughout this Chapter.

K. **Basement:** means any area of the building having its floor subgrade (i.e. below ground level) on all sides.

L. **Breakaway Walls:** are any type of wall, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. **Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and**
2. **The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.**

M. **Building:** - see "Structure".

N. **Development:** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

O. **Encroachment:** means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

P. **Existing Manufactured Home Park or Subdivision:** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the Town.

Q. **Expansion to an Existing Manufactured Home Park or Subdivision:** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

R. **Flood Boundary and Floodway Map (FBFM):** means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

**S. Flood Hazard Boundary Map:** means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

**T. Flood Insurance Rate Map (FIRM):** means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town.

**U. Flood Insurance Study:** means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**V. Floodplain or Flood Prone Area:** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

**W. Floodplain Administrator:** is the individual appointed to administer and enforce the floodplain management regulations.

**X. Floodplain Management:** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations and open space plans.

**Y. Flood Plain Management Regulations:** means this Chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (grading ordinances and erosion control ordinances) and other applications of the police power which control development in flood-prone areas. The term describes such federal, state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Z. Floodproofing:** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet floodproofing.)

**AA. Floodway:** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory floodway".

**BB. Floodway Fringe:** is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

**CC. Fraud and Victimization:** as related to Section 6, Variances, of this Chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Town of Yucca Valley will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to

one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

**DD. Governing Body:** is the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

**EE. Hardship:** as related to Section 6, Variances, of this Chapter means the exceptional hardship that would result from a failure to grant the requested variance. The Town Council of the Town of Yucca Valley requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**FF. Highest Adjacent Grade:** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**GG. Historic Structure:** An Historic Structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

**HH. Levee:** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**II. Levee System:** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

**JJ. Lowest Floor** means the lowest floor of the lowest enclosed area including basement (see “basement” definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided it conforms to applicable non-elevation design requirements, including, but not limited to:

- a. **The wet floodproofing standard in Section 8.04.050;**
- b. **The anchoring standards in Section 8.04.050(A)(1);**
- c. **The construction materials and methods standards in Section 8.04.050(B); and**
- d. **The standards for utilities in Section 8.04.051.**

2. **For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see “Basement” definition). This prohibition includes below-grade garages and storage areas.**

**KK. Manufactured Home:** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for longer than one hundred eighty (180) consecutive days. The term "manufactured home" does not include a "recreational vehicle".

**LL. Manufactured Home Park or Subdivision:** A parcel of land (or contiguous parcels) of land subdivided into two (2) or more manufactured home lots for sale or rent.

**MM. Market Value:** means the Market Value shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

**NN. Mean Sea Level:** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the Town's Flood Insurance Rate Map are referenced.

**OO. Mudslide:** describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the

subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

**PP. Mudslide (i.e., mudflow) Prone Area:** means an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

**QQ. "New Construction:** for flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by the Town, and includes any subsequent improvements to such structures.

**RR. New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the Town.

**SS. Obstruction:** includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**TT. One Hundred (100)-Year Flood:** a flood which has a one (1) percent annual probability of being equaled or exceeded. It is identical to the "base flood", which will be the term used throughout this Chapter.

**UU. Public Safety and Nuisance:** As related to Section 6, Variances, of this Chapter means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**VV. Recreational Vehicle:** A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**WW. Regulatory Floodway:** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**XX. Remedy a Violation:** means to bring the structure or other development into compliance with State or the Town's flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Chapter or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

**YY. Riverine:** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**ZZ. Sheet Flow Area:** - see "Area of shallow flooding".

**AAA. Special Flood Hazard Area (SFHA):** An area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99 or AH.

**BBB. Start of Construction:** includes substantial improvement and other proposed new development and means; the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**CCC. Structure:** A walled and roofed building or a manufactured home, including a gas or liquid storage tank, that is principally above ground, this includes a gas or liquid storage tank.

**DDD. Substantial Damage:** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**EEE. Substantial Improvement:** means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

2 any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

FFF. **Variance:** means a grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

GGG. **Violation:** means the failure of a structure or other development to be fully compliant with the Town's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Chapter is presumed to be in violation until such time as that documentation is provided.

HHH. **Water Surface Elevation:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

III. **Watercourse:** means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Floor Area, Gross:** The total enclosed area of all floors of a building, measured to the outside face of the structural members and exterior walls, including halls, stairways, mechanical equipment rooms, and habitable basements.

**Floor Area Ratio (F.A.R.):** The gross floor area of a building(s) on a lot divided by the area of the lot. For example, on a site with 10,000 gross sq. ft. of land area, a Floor Area Ratio of 1.0 will allow a maximum of 10,000 sq. ft. of building floor area to be built. Similarly, an F.A.R. of 1.5 would allow 15,000 sq. ft. of floor area; an F.A.R. of 2.0 would allow 20,000 sq. ft.; and F.A.R. of 2.5 would allow 25,000 sq. ft.; and an F.A.R. of 0.5 would allow only 5,000 sq. ft. to be built. F.A.R.s shall be applied on a parcel by parcel basis as opposed to an average F.A.R. for an entire land use or zoning district.

**Food and Beverage Sales:** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores and delicatessens. Establishments at which 20 percent or more of the floor area is used for the sale of prepared food for on-site or take-out consumption shall be classified as eating and drinking establishments. See also "Eating and Drinking Establishments".

**Footprint, Building:** The outline of a building at all of those points where it meets the ground.

**Fortunetelling:** A use involving the foretelling of the future in exchange for financial or other valuable consideration.

**Frontage:** The side of a lot abutting a street (the front lot line), except the side of a corner lot (the street side lot line). On corner lots the narrowest frontage shall be considered the front of the lot. The frontage of a non-rectangular lot or a lot located on a cul-de-sac, curved street, or dead-end street with a curved turn-around shall be measured as the chord drawn between the terminuses of the side property lines at their intersection with the street right-of-way.

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

**Funeral Services:** Establishments primarily engaged in the preparation of the deceased for burial or cremation, the temporary display of the deceased, cremations and rituals connected with the burial of cremation.

#### **9.68.080 – “G” Definitions**

**Garage:** An enclosed accessory building, either attached or detached, used for the private parking or temporary storage of motor vehicles and recreational vehicles for the occupants of the premises.

**General Plan:** The Town of Yucca Valley General Plan as adopted by the Town Council.

**Golf Course:** Golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; “pro shops” for on-site sales of golfing equipment; and golf cart storage and sales facilities.

**Grade:** The elevation of the surface of the ground.

**Grade, Adjacent Ground Elevation:** The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line.

**Grade, Finished:** The elevation of the surface of the ground after grading, construction, or landscaping activities.

**Grade, Natural:** The elevation of the surface of the ground before the ground elevation is altered by any grading, construction, or landscaping activities.

#### **9.68.090 – “H” Definitions**

**Habitable Structure:** A structure which includes habitable space for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

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

**Home Occupation:** A commercial activity conducted in compliance with Chapter 6, Section 84.0615 of this Development Code, carried out by an occupant and conducted as an accessory use within the primary dwelling unit.

**Health Center:** See “Fitness Center.”

**Home Occupation:** A commercial activity conducted in compliance with Chapter 6, Section 84.0615 of this Development Code, carried out by an occupant and conducted as an accessory use within the primary dwelling unit.

**Homeless Shelter:** See “Emergency Shelter”

**Hookah Lounge:** An establishment where patrons share shisha (flavored tobacco) from a communal hookah or nargile which is placed at each table. Sometimes food and beverages are served. In addition some will include live music.

**Horse Keeping:** Boarding of horses owned by the occupants of the residential property. See also “Animal Keeping”.

**Horse Boarding:** See “Animal Sales and Services, Animal Boarding/Kennels.”

**Horticulture:** The study and practice of cultivating plants, such as growing fruit, flowers, ornamental plants, and vegetables.

- A. **Horticulture, Commercial.** The cultivation of agricultural products for retail or wholesale sales. Includes plant nurseries.
- B. **Horticulture, Private.** The cultivation (but not sale) of agricultural products for use or consumption only by property owner or tenant.
- C. **Horticulture, Public.** See “Plant Nursery.”

**Hospital:** An institutional land use consisting of a facility licensed by the State Department of Public Health for the provision of clinical and temporary or emergency service of a medical, obstetrical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services nature to human patients, including inpatient and outpatient care.

**Hotel:** A facility in which guest rooms or suites are offered for compensation to the general public for lodging with or without meals and where no provision is made for cooking in any individual guest room or suite.

#### 9.68.100 – “T” Definitions

**Impact:** The effect of any direct human-made actions or indirect repercussion of human-made actions on existing physical, social, or economic conditions.

**Impervious Surface:** Surface through which water cannot penetrate, such as roof, road, sidewalk, or paved parking lot. The amount of impervious surface increases with development and establishes the need for drainage facilities to carry the increased runoff.

**Improvement:** Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

**Industrial Park:** A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space. An industrial park is designed as a coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable master plan and/or CC&Rs.

**Infill development:** Development of vacant land within areas that are already largely developed.

**Institutional Use:**

- A. Publicly or privately owned and operated activities that are institutional in nature, such as hospitals, museums, and schools;
- B. Churches and other religious organizations; and
- C. Other nonprofit activities of a welfare, educational, or philanthropic nature that can not be considered a residential, commercial, or industrial activity.

**Interim Housing:** Shared living quarters, generally without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate needs. Interim housing includes, but is not limited to the following:

- |                   |                    |
|-------------------|--------------------|
| Homeless shelters | Emergency shelters |
| Fraternities      | Sororities         |
| Dormitories       | Labor camps        |
| Halfway houses    |                    |

Interim housing does not include residential care facilities, family day care homes, family day care centers, convalescent hospitals, hotels, motels or single room occupancy housing.

**Internet café:** A place which provides internet access to the public, usually for a fee. These businesses usually provide snacks and drinks, hence the *café* in the name. The fee for using a computer is usually charged as a time-based rate. These do not include sweepstakes or similar gambling venues.

**9.68.110 – “J” Definitions**

**Junk and Salvage Facility:** Primary or accessory use of structures and/or land for storage, dismantling and/or selling of cast-off, unused, scrap or salvage material of any sort, excluding vehicles (see “Automobile wrecking”).

**9.68.120 – “K” Definitions**

**Kennels and Catteries:** Facilities for the care of dogs and cats.

- A. **Commercial Kennel or Cattery:** The boarding, breeding, raising or training of five or more dogs or cats of any age not owned by the owner or occupant of the premises, and/or for commercial gain. For the purposes of this section, a commercial kennel or cattery also includes the breeding of five or more dogs or cats of any age owned by the owner or occupant of the premises for commercial gain.
- B. **Private Kennels or Cattery:** The keeping, raising, showing, or training of five to 15 dogs or cats over six months of age for personal enjoyment of the owner or occupants of the

property, and for which commercial gain is not the objective. All such animals shall be spayed or neutered.

**Kiosk Building:** An accessory building used for key shops, photo drops and the like, and generally located in a shopping center parking lot.

**Kitchen or Kitchenette:** Any room or part of a room which is designated, built, used, or intended to be used for food preparation and dishwashing; but not including a bar, butler's pantry or similar room adjacent to or connected with a kitchen.

#### 9.68.130 – "L" Definitions

**Laboratories:** Establishments providing medical or dental laboratory services or establishments providing photographic, analytical, or testing services.

**Landscaping:** Planting, including trees, shrubs, and ground covers, suitably designed, selected, installed, and maintained so as to enhance a site or roadway permanently.

**Land Use:** The occupation or utilization of land area for any human activity or any purpose defined in the General Plan.

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

#### **Laundry:**

- A. **Limited.** An establishment to dry clean and/or wash and dry clothes and other fabrics brought in and carried away by the customer. This may include self-service or coin-operated facilities.
- B. **Unlimited.** An establishment where large quantities of clothes and other fabrics are washed and/or ironed but are collected and delivered primarily by laundry employees. Unlimited laundry does not include the term "Limited laundry."

**Livestock Operations:** Intensive commercial hooved animal keeping operations including dairies, feedlots, hog ranches, etc.

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

#### **Lot Types:**

- A. **Corner.** A lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "interior lot";
- B. **Flag.** A lot having access or an easement to a public or private street by a narrow, private right-of-way;

- C. Interior.** A lot abutting only one street;
- D. Irregular.** A non-rectangular lot or rectangular lot not abutting a public street;
- E. Key.** A lot with a side line that abuts the rear line of any one or more adjoining lots;
- F. Reverse Corner.** A corner lot, the rear of which abuts the side of another lot;
- G. Through.** A lot having frontage on two generally parallel streets, with only one primary access.

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

**Lot Depth:** Lot depth is the horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line; in the case of a triangular or other irregularly shaped lot, the rear lot line is defined as a line within the lot having a length not less than ten feet, parallel to and most distant from the front lot line.

**Lot Frontage:** The portion of the lot contiguous to the street. On corner lots the narrowest frontage shall be considered the front of the lot. On a lot located on a cul-de-sac, curved street, or dead-end street with a curved turn-around, the frontage shall be measured as the chord drawn between the terminuses of the side property lines at their intersection with the street right-of-way.

**Lot Line:** Any boundary of a lot.

**Lot Line Adjustment:** The adjustment of a lot line between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where no additional parcels are created or the number of parcels reduced.

**Lot Lines:**

- A. Front.** On an interior lot, the line separating the parcel from the street right-of-way. On a corner or through lot, the lot line abutting the street providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained;
- B. Interior.** A lot line not intersecting a street which is not a front, rear or side lot line. For purposes of this Code setbacks from interior lot lines shall be the same as for side or street side lot lines, whichever is applicable;
- C. Rear.** A lot line which intersects a side lot line and which is most distant from and most closely parallel to the front lot line. In the case of a triangular or otherwise irregularly shaped lot, a line within the lot having a length not less than ten feet, parallel to and most distant from the front lot line shall be interpreted as the rear lot line for the purpose of determining required setbacks and other provisions of this Development Code;

- D. Side.** Those two lot lines which intersect the rear line of the front setback and at least one of which extends from the street right-of-way to the rear property line, the other may extend to an interior lot line.

**Lot of Record:** A lot that is part of a recorded subdivision or a parcel of land that has been recorded at the County recorder's office containing property tax records.

**Lot Width:** The horizontal distance between the side lot lines, measured at the required front setback line.

**Lounge:** See "Eating and Drinking Establishments."

#### 9.68.140 – "M" Definitions

##### Maintenance and Repair Service:

- A. Major.** Facilities providing equipment maintenance and repair services and materials storage areas. This classification includes, but is not limited to, corporation yards and equipment service centers, and excludes maintenance and repair of motor vehicles.
- B. Minor.** Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of motor vehicles.

**Manufactured Housing:** Residential structures that are constructed entirely in the factory, and that since June 15, 1976 have been regulated by the Federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD).

**Massage:** Any method of pressure on or friction against, or stroking, kneading, nabbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor. Related massage terms are defined as follows:

- A. Massage Establishment:** An establishment where massage services are provided. Massages are defined as the application of a system of structured touch, pressure, movement, and holding to the soft tissues of the human body with the intent to enhance or restore the health and well-being of the client.
- B. Massagist:** Any person who, for any consideration whatsoever, engages in the practice of massage as defined in this section.
- C. Outcall Massage Service:** Any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than a massage establishment as defined in this section.

- D. Patron:** Any person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefore.
- F. Permittee.** The person to whom a permit has been issued to act in the capacity of a massagist (masseur or masseuse) as herein defined.
- G. Person:** Any individual, partnership, firm, association, joint stock company, limited liability company, corporation or combination of individuals of whatever form or character.
- H. Recognized School:** Any school or educational institution licensed to do business as a school or educational institution in the state in which it is located, or any school recognized by or approved by or affiliated with the American Massage Therapy Association, Inc. or by a professional association of similar status which has for its purpose, the teaching of the theory, method, profession, or work of massage, which school requires a resident course of study of not less than 100 hours before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning.
- I. Sexual or Genital Area:** The genitals, pubic area, anus, or perineum of any person, or the vulva or breast of a female.

**Median Strip:** A paved or planted area separating a street or highway into two or more opposing lanes of travel.

**Mini-Mall:** A shopping center of from 80,000 to 150,000 square feet in size located on a site of eight to 15 acres where tenants are located on both sides of a walkway having direct pedestrian access to all establishments from the walkway. Mini-malls usually function as neighborhood shopping centers or specialty shopping centers. Mini-malls usually do not require an anchor store.

**Mini-Warehousing/Storage:** See “Warehousing and Storage, Limited”.

**Mining:** The act or process of extracting resources, such as coal, oil, or minerals, from the earth.

**Mitigate:** To ameliorate, alleviate, or avoid to the extent reasonably feasible.

**Mixed Use:** Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A single site may include contiguous properties.

**Manufactured/Mobile Home Unit:** A manufactured dwelling unit designed for use as a single family dwelling capable of being transported to a site on a trailer or on wheels in one or more sections and not designed to be affixed to a permanent foundation. A mobile home is not considered a building, as defined by the Uniform Building Code.

**Mobile Home Park:** A type of residential development, established either as a legal subdivision of land with individual mobile home pads and common areas or as a development where pads are leased or

rented, for the purpose of accommodating mobile home units on individual pads as part of a coordinated development. A mobile home park may include common areas and facilities for the use of all park residents.

**Modular Office:** A manufactured unit not designed for use as a single family dwelling that is capable of being transported to a site on a trailer or on wheels in one or more sections and not designed to be affixed to a permanent foundation.

**Motel:**

- A. A hotel for motorists.
- B. A facility in which guest rooms or suites are offered to the general public for lodging with or without meals and for compensation, and where guest parking is provided in proximity to guest rooms. Quite often, provision is made for cooking in individual guest rooms or suites.
- C. A commercial land use providing short term shelter for 28 or fewer days in one or more buildings on the same lot. The buildings contain guest rooms or dwelling units or both, which are usually individually and independently accessible from outside the building. Motel includes motor lodge, tourist court, motor hotel or any other designation intended to identify the premises as providing for rental or overnight accommodation primarily to motorists.

**Motor Vehicle:** Any motorized vehicle designed to operate on a public street including, but not limited to, automobiles, motorcycles, trucks and recreational vehicles.

**Motor Vehicle Repair:** See “Automobile/Vehicle Service and/or Repair.”

**Museum, Library, Art Gallery, Outdoor Exhibit:** Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos.

**9.68.150 – “N” Definitions**

**Nature Preserve:** An area of land maintained in its natural state for the preservation of habitat or other natural resources

**Nightclub.** See “Eating and Drinking Establishments.”

**Noise:** Any sound that is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying. Noise, simply, is unwanted sound.

**Noise Attenuation:** Reduction of the level of a noise source using a substance, device, material, or surface, such as earth berms and/or solid concrete walls.

**Nonconforming, Illegal:** A structure, lot, or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this Development Code.

**Nonconforming Lot (Legal):** A lot, the area, frontage or dimensions of which do not conform to the provisions of this Development Code but which did conform to applicable laws at the time it was subdivided.

**Nonconforming Structure (Legal):** A structure which conformed to applicable laws when constructed but does not conform to the provisions of this Development Code.

**Nonconforming Use (Legal):** A use complying with applicable laws when established but does not conform to the provisions of this Development Code.

**Nursery:** An establishment in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure.

### **9.68.160 – “O” Definitions**

**Off-Highway or Off-Road Vehicle Race:** Any organized sporting event or rally where motorized vehicles are utilized in a contest of speed, or in a competitive trial of speed or skill or recreational event, all or a portion of which is conducted outside dedicated public rights-of-way maintained by a public agency.

#### **Office:**

- A. Administrative Business Professional, Corporate:** Offices of or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, legal, and medical/dental laboratories incidental to an office use, but excluding banks, savings and loan associations and other similar financial institutions and dental and medical offices.
- B. Government:** An administrative, clerical, or public contact office of a government agency, including postal facilities, together with the incidental storage and maintenance of vehicles.
- C. Medical and Dental:** An office or health facility providing health services including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatry, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these offices, but exclude inpatient services and overnight accommodation.

**Official Map:** An Official Map is a map prepared in compliance with this Development Code and shall be substituted for a final map when it is certified, filed and bound, but not before.

**Open Space (Useable):** Open Areas within a multiple-family or planned residential development project which are to be used for scenic, landscaping or recreational purposes by all the residents of the project. This does not include flood control channel right-of-way, areas devoted to parking, vehicular traffic, service areas, or slopes over 10 percent, required setbacks, and any other area which does not significantly lend itself to the overall benefit of a particular development or surrounding environment. Usable common

open space shall be devoted primarily to active recreational opportunities (i.e., pool, court games, wading pools, barbecue area or other recreational facilities for the common use of all residents. Open space areas shall not have any dimension less than 25 feet, except decks or balconies, which shall not have any dimension less than 6 feet to qualify as usable open space. Decks shall not be counted as usable open space where they are used solely as a passageway and entrance to a dwelling. Where decks are private in nature or are for the general use of tenants residing on the property and do not serve principally as a passageway, such decks may be counted as usable open space when otherwise conforming with the requirements of this Chapter.

**Outdoor Dining:** See “Eating and Drinking Establishments”.

**Outdoor Facilities:** Any business enterprise, temporary use, sales or service, storage or activity conducted outside an enclosed building.

**Outdoor Storage.** The storage of any materials outside of a structure, either as an accessory or primary use.

**Overlay District:** A set of zoning requirements that are described in the text of the Zoning Regulations and which are imposed in addition to those requirements of the base district.

#### **9.68.170 – “P” Definitions**

**Parcel:** A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.

**Park and Recreation Facilities:** Noncommercial parks, playgrounds, recreation facilities, and open spaces.

**Parking Lot:** A site or a portion of a site, devoted to the temporary off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing vehicle access to a public street.

**Parking, Off-Street Loading Facilities:** A site or a portion of a site, including loading berths, aisles, access drives, and landscape areas, devoted to the loading or unloading of people or materials.

**Parking Space:** A readily accessible area maintained exclusively for the parking of one motor vehicle. The parking space may be either within a structure or in the open and does not include driveways, ramps, loading or working areas, and conforms to dimensions and standards established in this Chapter.

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

**Pawn Shop:** An establishment engaged in retail sales of new or secondhand merchandise and offering loans secured by personal property.

**Pedestrian Food Vendor:** A person who sells or offer for sale any food or beverage from any portable box, pushcart, stand, bag, or similar container on any public street, including parkways or sidewalks within the Town.

**Performance Standards:** Zoning regulations that set standards of operation. Performance standards provide specific criteria limiting noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts and visual impact of a use.

**Permitted Use/Structure:** Refers to a use or structure which is allowed without the requirement for approval of a Conditional Use Permit, Land Use Compliance Review, Site Plan Review or Planned Unit Development Permit and subject to the provisions applicable to that district.

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

**Personal Improvement Services:** Services or facilities including, but not limited to, photography, fine arts, crafts, driving schools, beauty and hair salon, and diet centers.

**Personal Service:** A commercial land use providing recurrently needed services of a personal nature. Personal services generally include barber and beauty shops, seamstresses, tailors, shoe repair shops, dry cleaning (except bulk processing plants), photo processing, photo-copying, and self-service laundries.

**Place of Religious Assembly:** See “Church (Place of Religious Assembly).”

**Planned Residential Development.** An area of land, controlled by a landowner, to be developed as a unified project and single entity for a group of townhouse dwellings and/or detached dwelling units, the plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage, setback or required open space to the regulations in this Development Code.

**Plant Nursery:** A place where plants are propagated and grown to usable size. They include retail nurseries which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries which supply the needs of institutions or private estates.

**Playground:** See “Parks and Recreation Facilities.”

**Pre-existing:** In existence prior to the effective date of this Chapter, as amended.

**Principal Building:** A building in which the primary use of the lot on which the building is located is conducted.

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

**Printing and Publishing:**

- A. **Limited:** The preparation of camera-ready artwork and text, photocopying, printing, and binding in a building not exceeding 1,000 square feet.
- B. **Unlimited:** The preparation of camera-ready artwork and text, photocopying, printing and binding in a building exceeding 1,000 square feet.

**Private Clubs and Lodges:** An association of persons, whether incorporated or unincorporated and organized for some common nonprofit purpose, but not including a group organized solely or primarily to render a service customarily carried on as a business.

**Private Home Rental, Short-Term:** A dwelling unit, including either a single-family detached or multi-family attached unit, owned, leased or rented on a less than 30-day basis. This definition includes a second dwelling unit on-site. This does not include the ongoing month-to-month tenancy granted to the same renter for the same unit.

**Private Recreational Facilities:** Facilities including, but not limited to, country clubs, tennis and swim clubs, golf courses, racquetball and handball facilities, YMCA, YWCA, and limited commercial uses which are commonly associated and directly related to these primary uses.

**Professional Offices:** See “Office”.

**Public and Semipublic Uses:** A class of uses generally open to the public and maintained and supported by public or nonprofit agencies or organizations and which are of a recreational, civic, educational, religious or cultural nature.

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

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

**Public Safety Facilities:** Facilities for public safety and emergency services, including police and fire protection.

**Public Utility Service Yard:** A premises used for the office, warehouse, storage yard, or vehicle and equipment maintenance of a public utility. Public utility service yard may included microwave, radio, cable, and/or other communication equipment.

**Pushcart:** Any wagon, cart or similar wheeled container, not a vehicle as defined in the Vehicle Code of the State of California from which food or beverage is offered for sale to the public.

### 9.68.180 – “Q” Definitions

**Quarry:** A place where rock, ore, stone and similar materials are excavated and processed for sale or for off-site use.

**Queue Line:** An area for the temporary waiting of motor vehicles while obtaining a service or other activity such as a drive-thru restaurant or a car wash.

### 9.68.190 – “R” Definitions

**Recreational Courts:** Facilities developed for the purpose of playing court sports, including but not limited to tennis, paddle tennis, handball, racquetball, and other similar uses.

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

**Recreational Vehicle Park:** An area where spaces are offered to users of recreational vehicles for occupancy on a temporary basis.

**Recreation, Active:** A type of recreation or activity that requires the use of organized play areas including, but not limited to, softball, baseball, football and soccer fields, tennis and basketball courts and various forms of children's play equipment.

**Recreation, Commercial:** A commercial land use providing facilities for recreation in exchange for financial or other consideration.

**Recreation, Passive:** A type of recreation of activity that does not require the use of organized play areas.

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

**Recycling Facilities:** This land use type includes a variety of facilities involved with the collection of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. Recyclable material includes reusable domestic containers and other materials that can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper, and plastic. Recyclable material does not include refuse or hazardous materials. This land use does not include storage containers located on a residentially, commercially, or industrially designated site used solely for the recycling of material generated on the site.

**A. Collection Facility (small):** A facility that occupies an area of 350 square feet or less where the public may donate, redeem, or sell recyclable materials and may include:

1. A mobile unit;
2. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet. A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund or redeemable credit slip based on total weight instead of by container.
3. Kiosk-type units that may include permanent structures.

- B. Collection Facility (large):** A facility that occupies an area of more than 350 square feet and/or includes permanent structures where the public may donate, redeem, or sell recyclable materials.
- C. Reverse Vending Machine:** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers. The vending machines typically occupy an area of less than 50 square feet.
- D. Processing Facility:** A structure or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as bailing, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing. Processing facilities are not allowed in the Town of Yucca Valley.

**Recycling Plant:** A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products that are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

**Religious Assembly:** See "Church (Place of Religious Worship/Assembly)".

**Religious Institution:** See "Church (Place of Religious Worship/Assembly)".

**Research and Development Services:** Establishments primarily engaged in industrial or scientific research, including limited product testing.

**Residential:** A land use category with the principal purpose of providing shelter for people on a long-term basis.

**Residential Care Facilities (Congregate Care):** Residential facilities in which group care, supervision and/or assistance are provided for persons who may or may not have a disability. Residential facilities do not include family day care, foster care or any medical services, including nursing services, beyond that required by the residents of the facility for sustaining the activities of daily living. Examples of residential care facilities include, but are not limited to, facilities for the following:

- A. Elderly Residential Care Facility:** Provides 24-hour care for adults 60 years of age and older.
- B. Adult Residential Care Facility:** Provides 24-hour care for adults who are between 18-59 years of age.
- C. Group Home:** Provides 24-hour care for children under 18 years of age.

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

**Restaurant:** See “Eating and Drinking Establishment”.

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

**Retail:** The exchange of goods directly to the ultimate consumer in exchange for financial or other consideration.

**Retail Sales:** The retail sale of merchandise or product.

**Reverse Vending Machine:** See “Recycling Facilities”.

**Reversion of Acreage:** The process by which subdivided real property may be reverted to acreage.

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

**Rezoning:** An amendment to the map and/or text of a zoning ordinance to effect a change in the nature, density, intensity or regulation of uses allowed in a zoning district and/or on a designated parcel or land area or an amendment to procedures regarding implementation of zoning regulations.

**Riparian Lands:** Riparian lands are comprised of the vegetative and wildlife areas adjacent to perennial and intermittent streams. Riparian areas are delineated by the existence of plant species normally found near fresh water.

**Room, Habitable:** A room meeting the requirements of the Uniform Housing Code.

**Rounding of Quantities:** The consideration of distances, unit density, density bonus calculations, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers; the numbers are to be rounded to the nearest highest whole number when the fraction is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5, except as otherwise may be provided in this Development Code.

**Runoff:** That portion of rain or snow that does not percolate into the ground and is instead discharged into streams or other bodies of water.

#### **9.68.200 – “S” Definitions**

**Salvage and Wrecking Operation:** A place where used motor vehicles or trailers, or portions thereof, are discarded, bought, sold, exchanged, baled, packed, disassembled, stored, displayed or handled; house-wrecking operations; used lumber or other building material yards; places for storage of salvaged building materials and structural steel materials and equipment; but not including the sale of used motor vehicles in operable condition, establishments for the sale, purchase, or storage of used furniture and household fixtures when conducted entirely within an enclosed building.

**Satellite Dish Antenna:** See “Wireless Communication”.

**School (Elementary and High):** An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education.

**Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, trees and/or other plantings, berms or other features. Screening should include materials of sufficient mass to be opaque or that shall become opaque after 12 months and which shall be maintained in an opaque condition.

**Second Dwelling Unit:** A self contained living unit, either attached to or detached from, and in addition to, the primary residential unit of a single lot.

**Secondhand Store:** Any premises used for the sale or handling of used goods. Secondhand store includes establishments for the sale or trade of used clothing, furniture and appliances.

**Senior (Senior Citizen):** A person who is 55 years of age or older.

**Setback:** The horizontal distance between the property line and any structure.

**Shopping Center:** A group of two or more commercial establishments, the perimeter of which is clearly definable, developed on a continuous area of land, planned and developed as single unit and providing shared on-site parking, access, landscaping, and signage.

**Short-Term Private Home Rental:** See “Private Home Rental, Short-Term.”

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

**Sign:** A sign that identifies, advertises or otherwise attracts attention to a product or business. Related sign terms are defined as follows:

**Awning, Canopy, or Marquee Sign:** Signs which are placed on or integrated into fabric awnings or other material canopies which are mounted on the exterior of a building which extend from the wall of a building to provide shielding of windows and entrances from inclement weather and the sun.

**Banner, Flag, Pennant or Balloon:** Any cloth, bunting, plastic, paper, vinyl, or similar material used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing, or vehicle, including captive balloons and inflatable signs but not including official flags of the United States, the State of California, County of San Bernardino or Town of Yucca Valley.

**Bench Sign:** Copy painted on any portion of a bus stop bench.

**Building Wall:** The individual sides of a building.

**Billboard:** Any off-premise outdoor advertising sign structure which advertises products, services, or activities not conducted or performed on the same site upon which the outdoor advertising sign structure is located and governed by the Outdoor Advertising Act.

**Building Face and/or Frontage:** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

**Business Entrance Identification:** A sign adjacent to, or on the entrance door of a business which names, gives the address and such other appropriate information as store hours and telephone numbers.

**Cabinet:** A three dimensional structure which includes a frame, borders, and sign face panel and may include internal lighting upon which the sign letters and logos are placed or etched, and is architecturally integrated with the building.

**Canopy Sign:** Refer to definition of a Shingle Sign

**Changeable Copy Sign”** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

**Channel Letter Sign:** Three dimensional individually cut letters or figures, illuminated or non-illuminated, affixed to a building or sign structure.

**Civic Event Sign:** A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

**Flashing Sign:** A sign that contains an intermittent or sequential flashing light source.

**Construction Sign.** A temporary sign erected on the parcel on which construction is taking place, limited to the duration of the construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

**Directional Sign:** Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance", or "exit". **Directory Sign.** A sign for listing the tenants or occupants and their suite numbers of a building or center. **Double-faced Sign.** A single structure designed with the intent of providing copy on both sides. **Eaveline.** The bottom of the roof eave or parapet.

**Entryway Sign:** A sign which is placed on the perimeter of a recorded subdivision, townhouse project, commercial district, master planned community, hotel, motel, or guest ranch at a major street or driveway entrance to identify the name of the interior project. Such signs may flank both sides of the entrance and may include monument or landscape wall sign types.

**Fascia Sign:** A sign placed on a parapet type wall used as part of the face of a flat roofed building and projecting not more than one foot from the building face and may be incorporated as an architectural element of the building.

**Freestanding Sign:** Any sign which is supported by structures or supports that are placed on, or anchored in the ground which are independent from any building, such as a pole and monument signs.

**Future Tenant Identification Sign:** A temporary sign which identifies a future use of a site or building.

**Grand Opening:** A promotional activity used by newly established businesses, within 2 months after occupancy, to inform the public of their location and service available to the community. Grand Opening does not mean an annual or occasional promotion of retail sales or activity by a business.

**Height of Sign:** The greatest vertical distance measured from the immediate adjacent roadway grade level or existing grade, to the highest element of the sign structure

**Holiday Decoration Sign:** Temporary signs, in the nature of decorations, clearly incidental to and customarily associated with holidays.

**Illegal Sign.** Any sign erected without first obtaining a sign permit, or a sign. for which the permit has expired or been revoked.

**Illuminated Sign:** A sign with an artificial light source for the purpose of lighting the sign.  
**Institutional Sign.** A sign identifying the premises of a church, school, hospital rest home, or similar institutional facility.

**Kiosk.** An off-premise sign used for directing people to the sales office or models of a residential subdivision project

**Logo:** An established identifying symbol or mark associated with a business or business entity.

**Logo Sign:** An established trademark or symbol identifying the use of a building.

**Model Home.** A single family residential structure when used as a temporary sales office and model home for the sale of construction services to build single family residential units on vacant lots.

**Monument Sign:** An independent structure supported from grade to the bottom of the sign with the appearance of having a solid base.

**Moving Sign:** Animated signs or signs which contain any moving elements as part of the structure but does not include reflective, shimmering devices.

**Nonconforming Sign:** A legally established sign which fails to conform to the regulations of this Chapter.

**Off-Site Sign:** Any sign which advertises or informs in any manner businesses, services, goods, persons, or events at some location other than that upon which the sign is located.

**Open House Sign:** A temporary sign posted to indicate a salesperson is available to represent the property subject to sale, lease, or rent.

**Outdoor Advertising Sign Structure (Billboards):** A sign, display, or device affixed to the ground or attached to or painted or posted onto any part of a building or similar permanent structure, used for the display of an advertisement to the general public.

**Pole/Pylon Sign:** A two-sided sign with an overall height as allowed by Code and having one or more supports permanently attached directly into or upon the ground with the lower edge of the sign face to be at least seven feet above grade or four feet above grade if the sign is located within a street landscape setback.

**Political Sign:** A temporary sign directly associated with national, state, county or local elections.

**Portable Sign.** A sign that is not permanently affixed to a structure or the ground, not including A-frame signs.

**Projecting Sign:** A sign other than a wall sign suspended from, or supported by, a building or structure and projecting outward.

**Promotional Sign:** A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

**Real Estate Sign:** An on-site sign pertaining to the sale or lease of the premises.

**Roof Sign:** A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof and which is wholly or partly supported by such buildings.

**Shingle Sign (Canopy Sign).** A sign suspended from a roof overhang of a covered porch or walkway that identifies the tenant of the adjoining space.

**Sign:** Any structure, housing, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to advertise, or to provide data or information in the nature of advertising, for any of the following purpose: to designate, identify, or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located; or, to advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display is erected.

**Sign Area:** The entire face of a sign, including any framing, projections, or molding, but not including the support structure. Individual channel-type letters mounted on a building shall be measured by the area enclosed by straight lines not to exceed ten sides, containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures.

**Sign Program:** A coordinated program of one or more signs for an individual building or building complexes with multiple tenants.

**Special Event:** An event such as sales, grand openings, going out of business, or other promotional events that are not part of typical business, cultural, or civic activity.

**Temporary Sign:** A sign intended to be displayed for a limited period of time.

**Tract:** A residential subdivision of contiguous lots within a recorded tract where five or more lots are concurrently undergoing construction.

**Trademark:** A word or name which, with a distinctive type or letter style, is associated with a business or business entity in the conduct of business.

**Two-sided Sign:** Means a freestanding sign where two identical sign faces are placed back to back on the same structure. Any other configuration is considered to be a sign with more than two faces except as allowed by the freestanding sign standards.

**Vehicle Sign:** A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property.

**Wall Sign:** A sign painted on or fastened to a wall and which does not project more than 12 inches from the building or structure.

**Window Sign:** Any sign that is applied or attached to a window so that it can be seen from the exterior of the structure.

**Single Room Occupancy:** A multiple-tenant building that houses one or two people in individual rooms (sometimes two rooms, or two rooms with a bathroom or half bathroom), or to the single room dwelling itself. SRO tenants typically share bathrooms and/or kitchens, while some SRO rooms may include kitchenettes, bathrooms, or half-baths.

**Site Plan Review:** A review process conducted in accordance with Division 3, Chapter 3 of this Title.

**Social Care Facility:** Any facility in the general classification of boarding home for aged persons, boarding home for children, day care home for children, day nursery, nursing home or parent child boarding home. These facilities consist of a building or group of buildings used or designed for the housing of sick, demented, injured, convalescent, infirm, or well, normal healthy persons, requiring licensing or certification by regulating government agencies. This definition shall not include use of a part of any single or multiple dwelling, hotel, apartment, or motel not ordinarily intended to be occupied by these persons unless so licensed or certified by the governmental agency concerned with the administration of each specific classification.

**Solar Energy System:** Any solar collector solar device, or structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling; for domestic, recreational, therapeutic, or service water heating; for the generation of

electricity; for the production of process heat; and for the production of mechanical work. Solar energy systems include passive thermal systems, semipassive thermal systems, active thermal systems and photovoltaic systems. This category does not include parabolic mirror and devices of a similar nature.

**Specific Plan:** A detailed plan that includes the text and maps or diagrams that specifically follow a portion of the area covered by the General Plan:

- A. Land use;
- B. Distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid-waste disposal, energy, and other public facilities and services;
- C. Standards and criteria by which development will proceed; and
- D. The relationship of the Specific Plan to the adopted General Plan.

**Speculative Building:** A permanent structure for which the specific use or uses are not known at the time application is made for building permits.

**Sports or Entertainment Assembly.** A large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheatres, race tracks, rodeo arenas, stadiums and coliseums. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.

**Sports and Recreation Facility:** See “Sports or Entertainment Assembly.”

**Square:** A public open space in a developed area.

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

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

**Standard:**

- A. A rule or measurement establishing a level of quality or quantity that must be complied with or satisfied. Examples of standards might include the number of acres of park land per 1,000 population that the community will attempt to acquire and improve, or the planned traffic level of service (LOS).
- B. Requirements in a zoning ordinance that govern building and development as distinguished from use restrictions; for example, site design regulations such as minimum lot area, height limit, frontage, landscaping and floor area ratio.

**Storage:** A space or place where goods, materials and/or personal property is put for more than twenty-four (24) hours.

**Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

**Story, First:** The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than eight feet below grade, as defined herein, at any point.

**Street:** Any thoroughfare or public way not less than 16 feet in width which has been dedicated or deeded to the public for public use.

**Street Furniture:** Man-made above-ground items that are usually found in street rights-of-way, including benches, kiosks, plants, canopies, shelters and phone booths.

**Street Hardware:** Mechanical and utility systems within a street right-of-way such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, parking meters and the like.

**Streetscape:** An urban design component that concentrates on making the road system and road environment useful as a instrument in understanding and organizing the urban development. It may be defined as the sensitive placement of landscaping, signage, lighting and street furniture. Views, driver orientation, meaningful visual sequences, and the design of compatible land use edge conditions are essential objectives of a streetscape system. The primary objective of a streetscape system is to design the major streets with a consistent landscape pattern and appropriate scale to distinguish them from the lesser streets and provide strong visual orientation for the driver.

**Strip Development:** Commercial or retail development, usually one store deep, that fronts a street.

**Structure:** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. (By this definition all buildings are structures, however, not all structures are buildings.)

**Subdivision:** The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion of land thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, except for leases of agricultural land for agricultural purposes (i.e., the cultivation of food or fiber or the grazing or pasturing of livestock). Property shall be considered as contiguous units even if it separated by roads, streets, utility easement or railroad rights of way. "Subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code, or a community apartment project, as defined in Section 11004 of the California Business and Professions Code or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the California Business and Professions Code. A conveyance of land to or from a governmental agency, public entity, public utility, common carrier or

subsidiary of a public utility for conveyance to the public utility for rights of way shall not be considered a division of land for the purpose of computing the number of parcels.

**Swimming Pools, Hot Tubs and Spas:** Any constructed or prefabricated water-filled vessel which is not drained, cleaned, or refilled for each individual, and is used for swimming, soaking, or recreation.

#### **9.68.210 – “T” Definitions**

**Take-Out Services:** See “Eating and Drinking Establishments”.

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

**Tentative Map:** A map made for the purpose of showing the design and improvements of the proposed subdivision, to include the street pattern, lot layout, easements that are to remain, and existing and proposed subdivision. The Tentative Map need not be based upon an accurate or detailed final survey of the property. See also “Vesting Tentative Map.”

**Thrift Store:** See “Secondhand Store”.

**Topography:** Configuration of the surface of land, including its relief and the position of natural and man-made features

**Townhouse; Townhome:** An attached single family dwelling in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common and fire-resistant walls. Townhouses usually have separate utilities; however, in some condominium situations, common areas are serviced by utilities purchased by a homeowners' association on behalf of all members of the association.

**Town of Yucca Valley General Plan:** The long range and comprehensive plan for the orderly growth and development of Yucca Valley, including text, maps, and amendments, adopted by the Town Council in accordance with the laws of the State of California. Also referred to as the “General Plan.”

**Transfer Station:** A collection and transportation facility used by persons and route collection vehicle to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility. Transfer station may also include recycling facility.

**Transit:** The conveyance of persons or goods from one place to another by means of a local, public transportation system.

**Transit, Public:** A system of regularly-scheduled buses and/or trains available to the public on a fee-per-ride basis. Also called mass transit.

**Transitional Housing:** Shelter provided to the homeless for an extended period, often as long as 18 months, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency.

**Transportation Demand Management:** A strategy for reducing demand on the road system by reducing the number of vehicles using the roadways and/or increasing the number of persons per vehicle. TDM attempts to reduce the number of persons who drive alone on the roadway during the commute period and to increase the number in carpools, vanpools, buses, trains, walking and biking.

**Travel Services:** Office establishments providing travel information and reservations to individuals and businesses.

**Trellis:** An open framework or lattice used for training vines and climbing plants.

**Trip:** A one-way journey that proceeds from an origin to a destination via a single mode of transportation; the smallest unit of movement considered in transportation studies. Each trip has one production end (or origin, often from home, but not always) and one attraction end (destination).

**Truck Depot:** A facility for the temporary storage, servicing, or maintenance of trucks or buses. Truck depots may include fueling facilities, traffic routing office, restaurants, wash racks, minor facilities and related business offices and motels.

**Truck Parking Permit:** The Commercial Vehicle Parking Permit issued by the Town of Yucca Valley.

**Truck Tractor:** A motor vehicle designed and used primarily for drawing another vehicle and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. As used in this section “load” does not include items carried on the truck tractor in conjunction with the operation of the vehicle if the load carrying space for these items do not exceed 34 square feet.

**Truck Yard:** A facility used exclusively for breaking-down and assembling tractor-trailer transport, or for parking of heavy vehicles for short periods of time. Truck yard does not include facilities for the loading and unloading of materials being transported.

#### **9.68.220 – “U” Definitions**

**Undevelopable:** Specific areas where topographic, geologic, and/or surface soil conditions indicate a significant danger to future occupants and a liability to the Town are designated as undevelopable by the Town.

**Urban Design:** The attempt to give form, in terms of both beauty and function, to selected urban areas or to whole cities. Urban design is concerned with the location, mass, and design of various urban components and combines elements of urban planning architecture and landscape architecture.

**Use:** The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered and/or enlarged in accordance with this Development Code.

**Use Initiation:** The implementation of a use on a parcel or occupancy of a structure, or construction of substantial site improvements after a building permit has been issued, subject to determination by the Director.

**Utilities:**

- A. **Major:** Generating plants, electrical substations, above-ground electrical transmission lines, microwave or cellular antennas, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation facilities, and similar facilities of public agencies or public utilities.
- B. **Minor:** Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution line and underground water and sewer lines.

#### 9.68.230 – “V” Definitions

**Variance:** A deviation from any provision of the zoning requirements except for a land use activity, for a specific parcel without changing the zoning ordinance or the underlying zoning of the parcel. A variance usually is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zoning district.

**Vehicle:** A device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks. Trailers, semi trailers, and truck tractors are considered vehicles.

**View Corridor:** The line of sight identified as to height, width and distance of an observer looking toward an object of significance to the community (e.g., ridgeline, river, historic building, etc.); the route that directs the viewer’s attention.

**Vocational School:** A technical, trade or self-improvement school providing highly specialized technical courses or a limited range of technical courses not recognized by accredited organizations.

#### 9.68.240 – “W” Definitions

##### **Warehousing and Storage Facility:**

- A. **Limited:** A building or group of buildings in a controlled access compound that contains individual compartmentalized stalls which are rented or leased for the storage of customer goods or wares, and which may include an on-site manager’s quarters, but excludes “warehousing and storage, wholesale distribution.” Limited warehousing and storage shall also mean “Mini-warehousing.”
- B. **Wholesale Distribution:** A building or group of buildings used for storage and distribution of wholesale goods without direct public access.

Warehousing and storage does not include direct sales, offices, manufacturing, and assembly of goods or animal storage.

**Wetland:** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for like in saturated soil conditions, commonly known as hydrophytic vegetation.

**Wholesale for Retail Sales:** The exchange of goods not intended for direct sale to the public but intended for future distribution and resale for financial or other consideration.

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

**Wind Energy System:** A system that utilizes wind energy to pump a fluid or gas, or to drive a mechanical device to generate electricity. Related wind energy terms are defined as follows:

- A. **Accessory Wind Energy System:** A wind energy conversion system consisting of a wind turbine and blades, a tower, and associated control or conversion electronics, which will be used primarily to reduce onsite consumption of utility power.
- B. **System Height:** The combined height of the tower, the turbine and any blade when at the 12 o'clock position.

**Wireless Communication:** A broad range of telecommunication services that enable people and devices to communicate independent of location. This includes the current technologies of cellular communications and personal communications services. This excludes noncommercial antennas, radio, and television signals, and noncommercial satellite dishes. Related wireless communication terms are defined as follows:

**Antenna:** An antenna is any system of dishes, panels, poles, reflecting disks, rods, and wire or similar devices used for the transmission or reception of electromagnetic signals.

**Antenna Height:** The overall vertical distance from the base or pad to the highest point of the antenna mounted on its support structure.

**Antenna Structure:** An antenna structure is any structure, including mast, pole, or tower, whether ground mounted or mounted on another structure that supports an antenna or an array of antennas. The height of an antenna structure is measured to the highest point of any antenna mounted upon it or to any higher point of the antenna structure.

**Cell Site:** A cell site is a parcel of land that contains a Wireless Communication Facility/ies (WCFs).

**Co-Location:** Co-location is the placement of two or more WCF on the same site, building, or structure where each facility is operated by a different carrier, operator, or owner.

**Lattice Tower:** A guyed or self-supporting, three or four sided, open frame structure used to support telecommunications equipment.

**Monopole.** A monopole is a freestanding antenna structure with antennas attached to it that consists of a single shaft, including stealth designs (e.g., flag poles, monopalms, monopines) and has a single continuous footing designed to be self-supporting without the use of any guy wires.

**Mount:** A mount is the structure or surface upon which antennas are mounted. There are two types of mounts: (1) Ground mounted – mounted on the ground, including but not limited to, monopoles, and (2) structure mounted – mounted to the façade or roof of an existing structure.

**Stealth and Stealthing:** Stealth and stealthing is a WCF that is: (1) not easily identifiable as a WCF by a casual observer, and (2) aesthetically compatible and blends with the cell site and immediate surroundings. Stealthing may be achieved by any means or combination of means including, but not limited to, the use of camouflage, painting, screening, textures, or architectural integration with the surroundings (e.g., a bell tower within a church or a church steeple, an unobtrusive penthouse on a roof, false structure integrated into the design of existing site or structure, false rock, or false tree amongst existing or new vegetation).

**WCF Support Facilities:** WCF support facilities are any enclosed box, cabinet, shed, or structure located on the cell site which houses, among other things, batteries, electrical, or other equipment necessary for the operation of the WCF. This shall apply to any associated structures deemed necessary for the operation of the WCF.

**Wireless Communication Facility/ies (WCFs):** Wireless Communication Facility/ties (WCF/s) are any co-located, ground-mounted, roof-mounted, or stealth device or system used for transmitting and/or receiving electromagnetic signals, including, but not limited to, microwaves and radio waves for cellular technology, data transmission, e-mail, mobile services, paging systems, personal communications services, and related technologies. A WCF includes antennas, antenna structures, microwave dishes, parabolic structures; WCF support facilities that house support equipment; and other accessory development, equipment, improvements, and structures used to support the operation of the WCF.

**Wireless Communication Facilities – Height:** The height of wireless communication towers or poles shall be measured from natural, undisturbed ground surface below the center of the tower or pole to the top of the highest antenna or piece of equipment attached thereof. In the case of building mounted facilities, the height shall include the height of the portion of the building on which it is mounted.

**Whip Antennas:** An omni directional antenna that is very thin, less than two inches in diameter, and not exceeding 18 feet in height.

#### **9.68.250 – “Y” Definitions**

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

**Yard, Front (Setback):** An area extending across the full width of the lot between the front lot line or the existing or future street right-of-way and the front structural setback line.

**Yard, Rear (Setback):** An area extending across the full width of the lot between the rear lot line and the rear structural setback line.

**Yard, Side or Street Side (Setback):** An area bounded by the front and rear structural setback lines, the side lot line or street right-of-way, and the side or street side structural setback line.

**9.68.260 – “Z” Definitions**

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

**Zoning:** The division of the Town by legislative regulation into areas, districts or zones, which specify allowable uses for real property and size restrictions for structures within these areas; a program that implements the policies of the General Plan.

**Zoning District:** A designated section of the Town for which prescribed land use requirements and building and development standards are uniform.

**Zoning, Exclusivity:** Development regulations that result in the exclusion of low and moderate income families from a community.

**Zoning, Inclusiveness:** Regulations which increase housing choice by providing the opportunity to construct more affordable, diverse, and economical housing to meet the needs of low and moderate income families.”