

Chapter 17.11 R-R (RURAL RANCHO) ZONE

17.11.010 Intent and purpose.

This zone accommodates low intensity residential development within a preserved rural landscape which is intended to serve as a buffer between Agriculture and any of the urban uses or as the edge of the urbanized City. It is intended to provide for the establishment of residential areas which are to be developed at low density and with reasonable and adequate limitations, safeguards, and controls for the keeping and maintenance of horses in those areas of the city where noncommercial equestrian activities may be an integral part of the neighborhood amenities. This zone implements the Rural Rancho land use designation in the General Plan.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.11.020 Permitted uses.

The following uses are permitted in the R-R (Rural Rancho) zone subject to all provisions of this chapter:

A. Primary Uses.

1. Dwellings, single-family detached. No more than one such dwelling shall be permitted on one lot regardless of the size of the lot.
2. The growing of field crops, trees, vegetables, fruits, berries, flowers, and nursery stock, including wholesaling of crops produced upon the premises.
3. Animal raising, noncommercial, small animals, such as, poultry, birds, fish, fowl, rabbits, chinchillas, mice, frogs, earthworms, bees, and others of similar nature, form, and size, including hatching and fattening, and involving eggs or similar products derived therefrom.
4. Public and private parks.
5. Public Utility Facilities (City-initiated).

B. Accessory Uses. The following buildings, structures, and uses are permitted when clearly incidental and accessory to the primary permitted use:

1. Accessory dwelling units and Junior accessory dwelling units, per Section 17.60.010.H. (Accessory Dwelling Units).
2. Accessory structures, non-habitable, including private garages or carports, garden greenhouses, recreation rooms, pool bathhouses, or private stables and swimming pools.
3. Storage of tools, supplies, equipment, and petroleum products intended for use on the premises, but not for resale.
4. Housing and storage (including corrals, coops, pens, etc.) for animals and for crop products produced on the premises.
5. Keeping of horses with the following specifications:
 - a. Minimum Lot Area. Twenty thousand (20,000) square feet.
 - b. Minimum Lot Area Per Horse. Five thousand (5,000) square feet.

-
- c. No stable, shelter or corral shall be located within thirty-five (35) feet of any dwelling or other building used for human habitation.
 - d. Horses are kept or maintained for the private use of the family residing on the premises, except that a maximum of two horses owned by residents in the neighborhood may be boarded.
 6. Pens and other shelter for domestic, noncommercial animals and pets. Such shelter shall not be nearer than thirty-five (35) feet from any building used for human habitation.
 7. Parking facilities, including cars, trucks, and vehicles owned by persons residing on the premises.
 8. Permitted Signs. Only the following signs shall be permitted:
 - a. One unlighted identification sign not to exceed twelve (12) square feet in area.
 - b. One unlighted sign pertaining to the rental, sale, or lease of the premises, not to exceed twelve (12) square feet in area. Such signs shall be located at least ten (10) feet from any property line.
 9. Home occupations, subject to the provisions of Section 17.58.010.
 10. Public Utility Facilities (City-Initiated)
 - C. Conditional Uses. The following may be permitted in the R-R (Rural Rancho) zone, subject to obtaining a conditional use permit as specified in Section 17.74.010.
 1. Animal Raising, Commercial. Small animals, such as, poultry, birds, fish, fowl, rabbits, chinchilla, mice, frogs, earthworms, bees, and others of similar nature, form, and size, including hatching and fattening, and involving eggs or similar products derived therefrom.
 2. Borrow pits, gravel pits, and other recovery of natural mineral resources.
 3. Campgrounds, private, containing picnic areas, overnight camping facilities and temporary parking for travel trailers and camper trucks.
 4. Cemeteries, crematories, columbariums, and mausoleums.
 5. Clubs and lodges, private, nonprofit when site fronting on an arterial street.
 6. Dairy farms.
 7. Equestrian establishments, provided that in no case shall permanent maintenance or stabling of horses, storage of feed, riding arenas, or storage or maintenance of equipment be permitted within three hundred (300) feet of the boundary of any residential zone except for A-R (Agricultural Reserve) zone.
 8. Farms or establishments for the selective or experimental breeding of cattle or horses, or the raising and training of horses or show cattle.
 9. Farm labor camps.
 10. Fruit and vegetable packing houses.
 11. Golf courses (public and private).
 12. Interim outdoor commercial cannabis cultivation, pursuant to Chapter 17.85.
 13. Kennels.
 14. Mobilehomes.

-
15. One temporary stand of temporary construction, for the display and sale of agricultural products produced on the premises, and placed not less than twenty-five (25) feet from any street or highway upon which such property fronts. When granting approval for such a temporary stand, the Planning Commission shall set a maximum time limit not to exceed one year on each such stand. Said time limit may be renewed at the option of the Planning Commission.
 16. Swimming, polo, and country clubs.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.11.030 Property development standards.

The following standards of development shall apply in the R-R (Rural Rancho) Zone:

- A. Residential Density.
 1. Minimum Density. 0.4 dwelling units/acre.
 2. Maximum Density. One dwelling unit/acre.
- B. Lot Requirements.
 1. Minimum Lot Size. One acre.
 2. Minimum Lot Width. One hundred twenty (120) feet.
 3. Minimum Lot Depth. One hundred twenty (120) feet.
- C. Yard Requirements.
 1. Building Setback. A building setback of not less than sixty (60) feet from the center line of any street, public or private, or not less than twenty (20) feet from the established street line of any street shall be maintained.
 2. Side Yard. Each lot shall have side yards of at least twenty (20) feet in width.
 3. Rear Yard. Each lot shall have a rear yard of at least twenty-five (25) feet.
 4. Animals. Housing for animals (including corrals, coops, pens, stables, etc.) as permitted in this zone shall not be located within thirty-five (35) feet of any building or structure which is used for human habitation or assembly of persons.
 5. Feed and Crop Storage. Feed and crop products shall not be stored within:
 - a. Fifty (50) feet of any front lot line.
 - b. Twenty (20) feet of any residential lot line.
- D. Height Limits.
 1. The maximum height of the primary structure shall be two-and-one-half stories or thirty-five (35) feet, whichever is less.
 2. The maximum height of accessory buildings or structures shall be seventeen (17) feet except that the maximum height of accessory buildings or structures incidental to agricultural pursuits as permitted in Section 17.10.020 shall be equal to one-half the distance of such building or structure from any property line.
 3. The maximum height of accessory dwelling units shall be per Section 17.60.010.H. (Accessory Dwelling Units).

E. Off-Street Parking. Off-street parking shall be provided for, subject to the requirements of Section 17.54.010 of this chapter.

F. The minimum perimeter landscape setback shall equal at minimum 10 feet at any point and have an average perimeter landscape setback of 20 foot for the entire frontage.

GF. Architectural Review. All development in the R-R, (Rural Rancho) Zone, is subject to architectural review as set forth in Section 17.72.010 of this title.

1. Single-family dwellings (one only per parcel) in the R-R (Rural Rancho) zone are subject to the architectural review process as set forth in Section 17.72.010 of this chapter. Approval of such applications shall be made only after review by the planning division and concurrence by the director therefor.
2. All mobilehomes subject to this review process shall be certified under the National Mobilehome Construction and Safety Act of 1974; and permanent foundations shall be approved by the Building Official; and roof material, roof overhang and exterior finish materials shall be the same as typically used on conventional single-family structures.
3. All mobilehomes shall be compatible with surrounding development.
4. All mobilehomes subject to the same development standards that apply to a conventional single-family dwelling.
5. All mobilehomes shall be allowed to be placed upon any lot of record.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

Chapter 17.13 S-N SUBURBAN NEIGHBORHOOD ZONE

17.13.010 Intent and purpose.

This zone is intended to provide areas within the city where development is limited to low-density concentrations of single-family dwellings, and to stabilize and protect the residential character of such areas. It has the further purpose of the provision of community facilities needed to complement urban residential areas and for institutions which require a residential environment and to minimize traffic congestion and to avoid an overload of utilities designed to service only low-density residential uses. The provisions of this zone are intended to encourage a suitable environment for family life through the regulation of densities of development, yards, fencing, heights, and similar aspects of development. This zone implements the Suburban Neighborhood land use designation in the General Plan.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.13.020 Permitted uses.

The following uses are permitted in the S-N (Suburban Neighborhood) zone subject to all provisions of this chapter:

A. Primary Uses.

1. Single-family detached dwelling. No more than one principal dwelling unit shall be located on each lot.
2. Family daycare homes.
3. Public parks and playgrounds.
4. Temporary subdivision sales offices.
5. The keeping of household pets so long as the number thereof does not exceed four dogs or cats, or a combination thereof, over four months of age, and other household pets that shall not be a public nuisance due to odors, noise, or public health considerations.
7. Such other similar uses as are approved by the Planning Commission.
8. Public Utility Facilities (City-initiated).
9. Community gardens (subject to site plan review).

10. Existing commercial agricultural activity consistent with California Civil Code "Right to Farm Act."

B. Accessory Uses. The uses listed below are allowed as incidental uses to an existing permitted or conditional use on the site.

1. Utility and recreational uses including garages, carports, pool cabana, storage shed, laundry room, electrical equipment room, shade structure, and similar uses subject to the provisions of Chapter 17.60.
2. Swimming pools and related equipment, outdoor kitchen countertops and gas-fired pits/barbeque grills, subject to the provisions of Chapter 17.60.
3. Court games and outdoor play courts with lighting up to ten (10) feet in height.

-
4. Greenhouses, date orchards, and other fruit and vegetable gardens for private use.
 5. Home occupations, and cottage food operations, subject to the provisions of Section 17.58.010.
 6. Accessory dwelling units and Junior accessory dwelling units, per Section 17.60.010.H. (Accessory Dwelling Units).
- C. Conditional Uses. The following uses are permitted in the S-N (Suburban Neighborhood) zone subject to the acquisition of a conditional use permit in accordance with the provisions of Section 17.74.010:
1. Apiaries (bee farming).
 2. Commercial radio and television towers.
 3. Fire stations, police stations.
 4. Libraries, museums.
 5. Community centers.
 6. Parking lots.
 7. Private lighted or unlighted tennis courts and other similar uses, except for not to include swimming pools and spas.
 8. Public and quasi-public uses of an educational or religious type, including public and parochial elementary schools, junior high schools, high schools and colleges, commercial child daycare and pre-school facilities, churches, parsonages, and other religious institutions.
 9. Public and private golf courses.
 10. Public utility distribution substations and public service facilities.
 11. Single-family detached residential subdivisions using flexible standards of the planned development overlay zone in Chapter 17.38.
 12. Special Event Establishments on a parcel two acres or greater.
- D. Prohibited Uses. The following uses are expressly prohibited in the S-N (Suburban Neighborhood) district:
1. Outdoor advertising displays and billboards.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.13.030 Property development standards.

The following standards of development shall apply in the S-N (Suburban Neighborhood) zone:

- A. Residential Density.
 1. Minimum Density. Two dwelling units/acre.
 2. Maximum Density. Eight dwelling units/acre.
- B. Lot Area Requirements. The minimum lot area for any new lot created in the S-N (Suburban Neighborhood) zone shall be as follows:
 1. Interior Lots. Five thousand four hundred (5,400) square feet; however, the average lot size for any subdivision shall be a minimum of five thousand (5,000) square feet.
 2. Corner Lots. Six thousand (6,000) square feet.

-
3. Minimum lot width shall be fifty (50) feet; corner lots shall be sixty (60) feet minimum. Knuckle or cul-de-sac lots shall be forty (40) feet, provided the average width is fifty (50) feet.
 4. Minimum lot depth shall be eighty (80) feet.
- C. Yard Requirements.
1. Minimum side yards shall be five feet and maintained free and clear of obstructions from ground or wall-mounted equipment.
 2. Minimum street side yard shall be ten (10) feet.
 3. Minimum front yard shall be fifteen (15) feet for the habitable portion of the residence, and twenty (20) feet for front-loading garages. Side-loaded garages shall be a minimum of twelve (12) feet from the front property line. The percentage of side-loaded garages shall not exceed fifty (50) percent within any block face.
 4. Minimum rear yard shall be twenty (20) feet for the main residence. Accessory structures shall comply with the rear yard regulations of Section 17.60.010(F).
 5. Front yard setbacks in subdivision developments may be reduced by twenty-five (25) percent provided the average of all such setbacks is not less than the minimum for the district.
- D. Maximum Lot Coverage.
1. The maximum lot coverage by all buildings, main and accessory structures, shall be fifty (50) percent, except as allowed per Section 17.60.010.H. (Accessory Dwelling Units).
- E. Height Limits.
1. Building height for the primary structure shall not exceed thirty-five (35) feet; not to exceed three stories.
 2. Building height for accessory structures shall not exceed seventeen (17) feet; not to exceed one story.
 3. The maximum height of accessory dwelling units shall be per Section 17.60.010.H. (Accessory Dwelling Units).
- F. Off-Street Parking.
1. Off-street parking spaces shall be provided and continuously maintained (free of storage or other obstructions) in accordance with the requirements set forth in Section 17.56.010.
 2. All new single-family homes shall provide a two-car garage with a minimum clear dimension of twenty (20) feet by twenty (20) feet. An approved two-car carport in the rear yard may satisfy the minimum parking requirements for an existing single-family dwelling and would qualify the home for a garage conversion into habitable space, provided the driveway and drive approach serving the garage are completely removed and replaced with front yard landscaping.
- G. Additional Regulations and Standards.
1. Architectural review by the Planning Commission is required for development projects involving the construction of more than three dwelling units. The Planning Commission shall make a decision pursuant to Chapter 17.72 after conducting a public hearing. An administrative architectural review is required by the planning director for up to ~~two~~ three units concurrent with building plan check.
 2. Covered Parking. All new single-family homes shall provide a two-car garage with a minimum clear dimension of twenty (20) feet by twenty (20) feet. An approved two-car carport in the rear

yard may satisfy the minimum parking requirements for an existing single-family dwelling and would qualify the home for a garage conversion into habitable space, provided the driveway and drive approach serving the garage are completely removed and replaced with front yard landscaping.

3. Energy Efficient Design and Heat Island Reduction Strategies. New development shall submit an Energy Efficient Design and Heat Island Reduction Plan that incorporates heat island reduction strategies such as light-colored cool roofs, light-colored paving, permeable paving, substantial shade tree coverage, shade structures and shaded asphalt paving. Energy efficient building and site design strategies shall be incorporated such as appropriate solar orientation, thermal mass, use of natural daylight and ventilation, and shading.
4. Perimeter Landscape setback. The minimum perimeter landscape setback for residential projects without buildings frontages along perimeter streets shall equal at minimum 10 feet at any point and have an average perimeter landscape setback of 20 foot for the entire frontage. Shade tree plantings shall be installed to provide shade of 30 percent of landscape area within 10 years. Shade structures with cool roofing materials may be permitted in whole or in part in lieu of shade tree plantings. California native species shall be incorporated in at least 40 percent of required landscape areas.
5. Perimeter Rear-facing Building Variation. Residential dwellings with rear elevations facing perimeter streets exceeding 1 story, shall include two of the four options for building variation: vertical modulation demonstrated by two façade heights varying by 5 feet (minimum), built-in patio or balcony, chimney structure, or building horizontal modulation with a minimum 15 percent façade recess or projection by a minimum of 4 feet.
6. Equestrian and Agricultural themed improvements including equestrian rail fencing, agrarian lighting, agrarian signage, 10 foot wide decomposed granite multi-purpose trail and date palms planted 20 feet on center shall be installed along Avenue 50, Avenue 52, Van Buren Street, Avenue 53, and Avenue 54 South of Avenue 50.
7. Circulation. Residential projects with new proposed streets shall incorporate a circulation design to minimize traffic speed and reduce the need for speed bumps.
83. Landscaping in the front yard and within the public right-of-way abutting a site shall include the following.
 - a. A minimum of one twenty-four-inch box shade tree and one fifteen-gallon shade tree.
 - b. A minimum of twenty (20) shrubs, espaliers, and succulent plants. Landscaping shall include vertical shrubs to adequately screen the sides of utility boxes or cables boxes without obstructing access to the utility boxes.
 - c. Ground cover in the form of decomposed granite for yard or planter areas less than ten (10) feet in width, and three-fourths-inch pea gravel or larger gravel for planter or yard areas larger than ten (10) feet in width.
 - d. The use of sod shall be limited to no more than twenty (20) percent of the total front yard area. The remainder of the yard shall be landscaped utilizing a variety of drought tolerant plant materials including shrubs, espaliers, and succulents.
 - e. The front yard area between the front building line of the home and the street line shall not be paved more than sixty (60) percent of the total front yard area. Those areas that are not paved shall be landscaped in accordance with this section.

-
- f. A minimum thirty-inch landscaped planter is required along the interior property line abutting a residential driveway serving an attached garage, unless the side yard serves as an approved driveway, pursuant to Section 17.54.010(H).
 - g. A permanent underground irrigation system shall be installed for the front yard and public right-of-way areas of the site.
 - h. All trees, plants and groundcovers located in the front yard and in the adjacent public right-of-way shall be maintained by the land owner/occupier as needed to avoid overgrowth and shall be adequately irrigated to avoid loss of plants. Dead plants shall be re-planted as needed with new plantings to provide a well-maintained front yard appearance.
94. Refer to Section 16.32.170 of the Coachella Municipal Code for proposed changes in product sizes within single-family residential tracts in which a previously approved product was constructed.
- H. Fencing. All developments in the S-N (Suburban Neighborhood) zone shall have fencing as follows:
- 1. A six-foot high fence on all rear property lines and interior side lot lines. Fences shall be solid and substantially built. Openings in such fences shall be protected by doors which are normally kept closed.
 - a. All wood fences shall be provided with a two-inch by four-inch plate, top and bottom, and shall be well braced.
 - b. The fence material shall be a minimum of three-fourths inch boards and shall be vertical in alignment and without interruption.
 - 2. In subdivisions of five or more units, fencing on all rear property lines and those side yard lot lines of those units denoting the boundaries of the subdivisions shall be of solid masonry construction. Such walls shall be finished with caps of appropriate size. Opening for pedestrian and bicycle connections shall be provided at no less than 250-foot intervals to improve connectivity with the surrounding neighborhood.
 - 3. Front and street side yard fencing shall conform to Section 17.60.010(D)(3) of this code.
 - 4. If a fence exists at the required location, the requirement may be waived. Waiver may be granted if the chief building official, with the concurrence of the director of community development, finds that the existing fence is of sound construction with an expected life of at least ten (10) years.
- I. All new single-family residential development shall be designed pursuant to the design standards included in Chapter 17.19 (Supplemental Standards for Single-family Residential).

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

Chapter 17.14 G-N GENERAL NEIGHBORHOOD ZONE

17.14.010 Intent and purpose.

This zone is intended to provide for the establishment and expansion of detached and attached single-family and multiple-family residential development areas at various medium and high population densities and related open space and community services, all located in conformance with the general plan. This zone implements the General Neighborhood land use designation in the General Plan.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.14.020 Permitted uses.

The following uses are permitted in the G-N (General Neighborhood) zone, subject to all provisions of this chapter:

A. Primary Uses.

1. Single-family and duplex dwellings:
 - a. Detached single-family dwellings shall conform to the standards as set forth in the S-N (Suburban Neighborhood) zone (Chapter 17.16) and Chapter 17.19 (Supplemental Standards for Single-Family Residential).
 - b. Duplex dwellings, attached or detached.
 - c. Attached single-family such as rowhouses.
 - d. Small lot single-family subdivisions.
2. Triplex or Fourplex.
3. Multi-family dwellings (five plus units).
4. Existing single-family residential uses built before the date of this adoption.
5. Public Utility Facilities (City-initiated).
6. Existing commercial agricultural activity consistent with California Civil Code "Right to Farm Act."

B. Accessory Uses. The following buildings, structures, and uses are permitted when clearly incidental and accessory to the primary permitted use.

1. Accessory structures, non-habitable, including private garages, carports, garden greenhouses, recreation rooms or pool bathhouses and swimming pools.
2. Accessory dwelling units and Junior accessory dwelling units, per Section 17.60.010.H. (Accessory Dwelling Units).
3. Permitted Signs. Only the following signs shall be permitted:
 - a. One unlighted identification sign of a maximum of twenty (20) square feet in area, placed on the wall of the building, containing only the name and address of the building.

-
- b. One unlighted sign pertaining to the rental, sale, or lease of the premises, not to exceed ten (10) square feet in area.
- C. Conditional Uses. The following uses are permitted in the G-N (General Neighborhood) zone subject to obtaining a conditional use permit in accordance with the provisions of Section 17.74.010:
- 1. All conditional uses listed in Section 17.16.020(C) of the S-N (Suburban Neighborhood) zone.
 - 2. Boarding and lodging houses.
 - 3. Child nurseries, day care centers.
 - 4. Hospitals, convalescent homes, rest homes, and sanitariums, excepting animal hospitals; subject to the following:
 - a. Minimum lot size shall be five acres.
 - b. All buildings shall be at least fifty (50) feet removed from any lot lines.
 - 5. Professional offices and uses accessory thereto, including medical and dental laboratories; subject to the following:
 - a. Minimum lot size shall be twenty thousand (20,000) square feet.
 - b. Access on arterial or collector.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

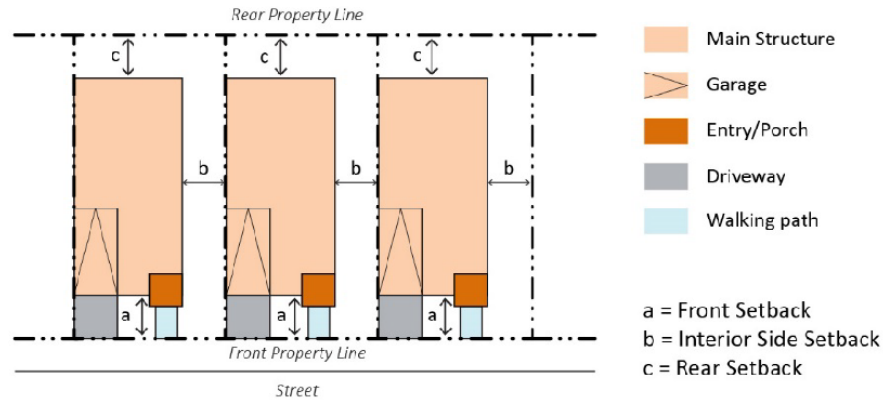
17.14.030 Property development standards.

The following standards of development shall apply in the G-N (General Neighborhood) zone:

- A. Residential Density.
 - 1. Minimum Density. Seven dwelling units/acre.
 - 2. Maximum Density. 25 dwelling units/acre.
- B. Lot Area Requirements.
 - 1. Single-family detached residential subdivisions shall have a minimum lot size of four thousand (4,000) square feet. The minimum lot width and depth for an interior lot shall be forty (40) feet and seventy-five (75) feet respectively. The minimum lot width for a corner lot shall be forty-five (45) feet.
 - 2. Single-family attached residential subdivisions shall have a minimum lot size of two thousand five hundred (2,500) square feet. The minimum lot width and depth for an interior lot shall be thirty (30) feet and fifty (50) feet respectively. The minimum lot width for a corner lot shall be thirty-five (35) feet.
 - 3. Multiple-family residential developments of five or more dwelling units shall have a minimum site area of ten thousand (10,000) square feet. The minimum lot width and depth for an interior lot shall be sixty (60) feet and one hundred (100) feet respectively. The minimum lot width for a corner lot shall be seventy (70) feet.
- C. Yard Requirements.
 - 1. Front Yard. Each lot or building site shall have a front yard of at least fifteen (15) feet in depth for single-family residential development and ten (10) feet for multifamily housing types.

-
2. Side Yard. Each lot or building site shall have a minimum side yard as follows:
 - a. Interior and Corner Lots. Ten (10) percent of the lot width, but not less than five feet, and need not be greater than ten (10) feet, except as specified below.
 - b. Street Side of Corner Lots. Ten (10) feet.
 3. Rear Yard. Each lot or building site shall have a minimum rear yard of twenty (20) feet.
- D. Height Limits.
1. The maximum height of all buildings shall be three stories, or forty-five (45) feet, whichever is less.
 2. The maximum height of all accessory structures shall be one story, or fifteen (15) feet, whichever is less.
 3. The maximum height of accessory dwelling units shall be per Section 17.60.010.H. (Accessory Dwelling Units).
- E. Usable Open Space.
1. Single-family detached and attached residential subdivisions shall provide a minimum of two hundred fifty (250) square feet per unit.
 2. Multifamily developments shall provide a minimum of two hundred fifty (250) square feet total per unit, minimum one hundred fifty (150) square feet of private open space required for ground-level units and eighty (80) square feet of private open space for upper-level units. The remaining area shall be provided as common open space. Portions of spaces required under the yard and distance between buildings provisions of this section may be included in the calculation of usable open space, provided they are integrated with and clearly usable as part of a larger area per Section E.3 below.
 3. Usable Open Space Standards:
 - a. Usable open space may be provided as private outdoor living areas, balconies, decks, or as common recreational-leisure areas. Except in the case of balconies, such areas shall be landscaped.
 - b. Usable open space, when provided as common recreational leisure area, may extend into the required front yard to within five feet of the front lot line, subject to the following provisions:
 - i. No more than forty (40) percent of the required front yard may be so used.
 - ii. No permanent structures, except swimming pools and those structures required by law, shall be permitted in the required front yard.
 - iii. Such areas shall be screened from the street and adjacent properties by landscaping and/or decorative fencing of a maximum height of forty-two (42) inches, except where a greater height is required by law.
 - iv. The remaining portion of the required front yard, except for access drives and walks, shall be landscaped and maintained.
- F. Off-Street Parking. Off-street parking shall be provided for each dwelling unit subject to the requirements of Section 17.54.010 of this title.
- G. Zero Lot Line Option. If new zero lot line single-family residential developments are proposed, these standards shall apply:

1. The total setback may be aggregated on one side of the dwelling unit, with no setback required on the opposite side. The minimum setback on one side of the dwelling shall be ten (10) feet. See diagram below:



2. All or part of the setback requirements of interior yards along property lines adjoining other private lots may be waived with the written approval of the City and the property owner of the lot adjoining the yard which is being encroached upon. This written agreement shall take the form of a zero-lot line agreement which shall be recorded on the chain of title of both properties involved. The zero-lot line agreement shall describe in detail the extent of said waiver. Zero lot line agreements shall be executed between private property owners only. Swimming pools are not eligible for zero lot line agreements.
3. Approval of a zero-lot line agreement shall be subject to the following requirements:
 - a. All building and fire code requirements related to construction shall be met.
 - b. Approval regarding the provision of adequate access shall be obtained by the Fire Department.
 - c. Where the setback is reduced to less than three feet, a maintenance access easement of five feet in width shall be provided on the adjoining property.
- H. All new single-family residential development shall be designed pursuant to the design standards included in Chapter 17.19 (Supplemental Standards for Single-family Residential).
- I. All new multi-family residential development shall be designed pursuant to the City of Coachella Multi-Family Objective Design Standards.
- J. Energy Efficient Design and Heat Island Reduction Strategies. New development shall submit an Energy Efficient Design and Heat Island Reduction Plan that incorporates heat island reduction strategies such as light-colored cool roofs, light-colored paving, permeable paving, substantial shade tree coverage, shade structures and shaded asphalt paving. Energy efficient building and site design strategies shall be incorporated such as appropriate solar orientation, thermal mass, use of natural daylight and ventilation, and shading.
- K. Perimeter Landscape setback. The minimum perimeter landscape setback for residential projects without buildings frontages along perimeter streets shall equal at minimum 10 feet at any point and have an average perimeter landscape setback of 20 foot for the entire frontage. Shade tree plantings shall be installed to provide shade of 30 percent of landscape area within 10 years. Shade structures with cool roofing materials may be permitted in whole or in part in lieu of shade tree plantings. California native species shall be incorporated in at least 40 percent of required landscape areas.

L. Perimeter Rear-facing Building Variation (Single-family dwellings). Residential dwellings with rear elevations facing perimeter streets exceeding 1 story, shall include two of the four options for building variation: vertical modulation demonstrated by two façade heights varying by 5 feet (minimum), built-in patio or balcony, chimney structure, or building horizontal modulation with a minimum 15 percent façade recess or projection by a minimum of 4 feet.

L. Equestrian and Agricultural themed improvements including equestrian rail fencing, agrarian lighting, agrarian signage, 10 foot wide decomposed granite multi-purpose trail and date palms planted 20 feet on center shall be incorporated with new development along Avenue 50, Avenue 52, Van Buren Street and Calhoun Street South of Avenue 50.

G. Distance Between Buildings. No requirements

L. Circulation. Residential projects with new proposed streets shall incorporate a circulation design to minimize traffic speed and reduce the need for speed bumps.

L.J. Architectural Review. All development in the G-N (General Neighborhood) zone is subject to architectural review as set forth in Section 17.72.010 of this title.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

Chapter 17.15 U-N URBAN NEIGHBORHOOD ZONE

17.15.010 Intent and purpose.

This zone is intended to provide for the establishment of high-intensity, walkable, transit-ready neighborhoods with a variety of types of housing—predominantly multi-family of various types. These compact neighborhoods are located within easy walking distance of parks, schools, shops, transit, and employment. This zone implements the Urban Neighborhood land use designation in the General Plan.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.15.020 Permitted uses.

The following uses are permitted in the U-N (Urban Neighborhood) zone, subject to all provisions of this chapter:

A. Primary Uses.

1. Multi-family dwellings (five plus units).
2. Attached single-family dwellings such as rowhouses.
3. Small lot single-family subdivisions.
4. Duplex, Triplex or Fourplex.
5. Neighborhood retail uses under ten thousand (10,000) square feet, along Major Arterials, Major Arterials with Enhanced Bicycle Facilities, Primary Arterials, and Primary Arterials with Enhanced Bicycle Facilities, per Chapter 17.24 (C-N Neighborhood Commercial Zone).
6. Restaurants along Major Arterials, Major Arterials with Enhanced Bicycle Facilities, Primary Arterials, and Primary Arterials with Enhanced Bicycle Facilities, per Chapter 17.24 (C-N Neighborhood Commercial Zone).
7. Child nurseries, day care centers.
8. Public Utility Facilities (City-initiated).
9. Existing single-family residential uses built before the date of this adoption.
10. Existing commercial agricultural activity consistent with California Civil Code "Right to Farm Act."

B. Accessory Uses. The following buildings, structures, and uses are permitted when clearly incidental and accessory to the primary permitted use.

1. Accessory dwelling units and Junior accessory dwelling units, per Section 17.60.010.H. (Accessory Dwelling Units).
2. Accessory structures, non-habitable, including private garages, carports, garden greenhouses, recreation rooms or pool bathhouses and swimming pools.
3. Permitted Signs. Only the following signs shall be permitted:
 - a. One unlighted identification sign of a maximum of twenty (20) square feet in area, placed on the wall of the building, containing only the name and address of the building.

-
- b. One unlighted sign pertaining to the rental, sale, or lease of the premises, not to exceed ten (10) square feet in area.
 - C. Conditional Uses. The following uses are permitted in the U-N (Urban Neighborhood) zone subject to obtaining a conditional use permit in accordance with the provisions of Section 17.74.010:
 - 1. All conditional uses listed in Section 17.13.020(C) of the S-N (Suburban Neighborhood) zone.
 - 2. Boarding and lodging houses.
 - 3. Child nurseries, day care centers.
 - 4. Hotels.
 - 5. Medical Offices.
 - D. Prohibited Uses. The following uses are prohibited in the U-N (Urban Neighborhood) zone:
 - 1. Mobilehomes.
 - 2. Motels.
 - 3. Outdoor advertising and billboards.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.15.030 Property development standards.

The following standards of development shall apply in the U-N (Urban Neighborhood) zone:

- A. Residential Density and Non-Residential Intensity.
 - 1. Minimum Density. Twenty (20) dwelling units/acre.
 - 2. Maximum Density. Thirty-eight (38) dwelling units/acre.
 - 3. Maximum non-residential FAR. 0.5, where allowed.
- B. Lot Area Requirements.
 - 1. Single-family attached residential subdivisions shall have a minimum lot size of one thousand eight hundred (1,800) square feet. The minimum lot width and depth for an interior lot shall be twenty-five (25) feet and forty-five (45) feet respectively. The minimum lot width for a corner lot shall be thirty (30) feet.
 - 2. Multiple-family residential developments of five or more dwelling units shall have a minimum site area of ten thousand (10,000) square feet.
 - 3. Developments with stand-alone commercial uses or mixed uses shall have a minimum site area of twenty thousand (20,000) square feet.
- C. Yard Requirements.
 - 1. Front Yard. Each lot or building site shall have a front yard of at least ten (10) feet in depth.
 - 2. Side Yard. Each lot or building site shall have a minimum side yard as follows:
 - a. Interior and Corner Lots. Ten (10) percent of the lot width, but not less than five feet, and need not be greater than ten (10) feet, except as specified below.
 - b. Street Side of Corner Lots. Ten (10) feet.
 - 3. Rear Yard. Each lot or building site shall have a minimum rear yard of fifteen (15) feet.

D. Height Limits.

1. The maximum height of all buildings shall be four stories, fifty (50) feet, whichever is less.
2. The maximum height of all accessory structures shall be one story, or fifteen (15) feet, whichever is less.
3. The maximum height of accessory dwelling units shall be per Section 17.60.010.H. (Accessory Dwelling Units).

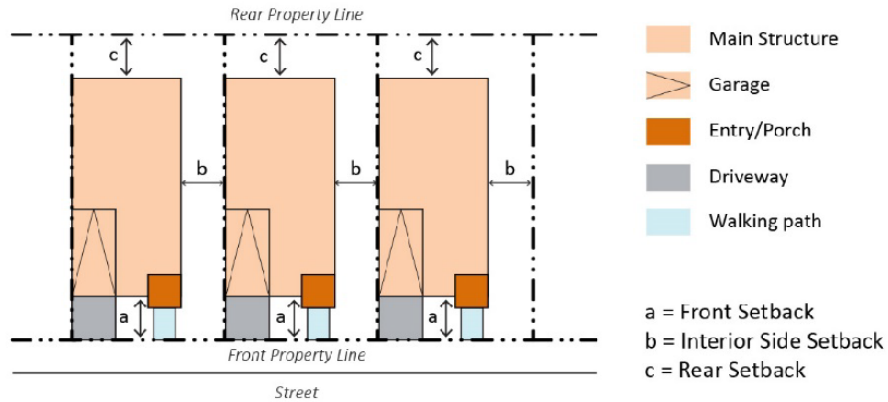
E. Usable Open Space.

1. Single-family detached and attached residential subdivisions shall provide a minimum of two hundred (200) square feet per unit.
2. Multifamily developments shall provide a minimum of two hundred (200) square feet total per unit, minimum one hundred twenty (120) square feet of private open space required for ground-level units and sixty (60) square feet of private open space for upper-level units. The remaining area shall be provided as common open space. Portions of spaces required under the yard and distance between buildings provisions of this section may be included in the calculation of usable open space, provided they are integrated with and clearly usable as part of a larger area.
3. Usable Open Space Standards:
 - a. Usable open space may be provided as private outdoor living areas, balconies, decks, or as common recreational-leisure areas. Except in the case of balconies, such areas shall be landscaped.
 - b. Usable open space, when provided as common recreational leisure area, may extend into the required front yard to within five feet of the front lot line, subject to the following provisions:
 - i. No more than forty (40) percent of the required front yard may be so used.
 - ii. No permanent structures, except swimming pools and those structures required by law, shall be permitted in the required front yard.
 - iii. Such areas shall be screened from the street and adjacent properties by landscaping and/or decorative fencing of a maximum height of forty-two (42) inches, except where a greater height is required by law.
 - iv. The remaining portion of the required front yard, except for access drives and walks, shall be landscaped and maintained.

F. Off-Street Parking. Off-street parking shall be provided for each dwelling unit or commercial use subject to the requirements of Section 17.54.010 of this title.

G. Zero Lot Line Option. If new zero lot line single-family residential developments are proposed, these standards shall apply:

1. The total setback may be aggregated on one side of the dwelling unit, with no setback required on the opposite side. The minimum setback on one side of the dwelling shall be ten (10) feet. See diagram below:



2. All or part of the setback requirements of interior yards along property lines adjoining other private lots may be waived with the written approval of the City and the property owner of the lot adjoining the yard which is being encroached upon. This written agreement shall take the form of a zero-lot line agreement which shall be recorded on the chain of title of both properties involved. The zero-lot line agreement shall describe in detail the extent of said waiver. Zero lot line agreements shall be executed between private property owners only. Swimming pools are not eligible for zero lot line agreements.
3. Approval of a zero-lot line agreement shall be subject to the following requirements:
 - a. All building and fire code requirements related to construction shall be met;
 - b. Approval regarding the provision of adequate access shall be obtained by the Fire Department; and,
 - c. Where the setback is reduced to less than three feet, a maintenance access easement of five feet in width shall be provided on the adjoining property.
- H. All new single-family residential developments shall be designed pursuant to the design standards included in Chapter 17.19 (Supplemental Standards for Single-family Residential).
- I. All new multi-family residential developments shall be designed pursuant to the City of Coachella Multi-Family Objective Design Standards.
- J. Architectural Review. All development in the U-N (Urban Neighborhood) zone is subject to architectural review as set forth in Section 17.72.010 of this title.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

Chapter 17.16 U-E URBAN EMPLOYMENT ZONE¹

¹Editor's note(s)—Ord. No. 1204, § 3(Exh. A.1), adopted July 26, 2023, repealed the former Ch. 17.16, §§ 17.16.010—17.16.030, and enacted a new Ch. 17.16 as set out herein. The former Ch. 17.16 pertained to R-S Residential Single-Family Zone and derived from Prior code §§ 030.01—030.03; Ord. 909, adopted 2004; Ord. No. 1021, § 2, adopted July 28, 2010; Ord. No. 1026, § 6, adopted Jan. 12, 2011; Ord. No. 1075, §§ 3, 4, adopted June 10, 2015.

17.16.010 Intent and purpose.

This zone is intended to provide for the establishment of a range of employment uses such as office and research and development in a mixed, campus setting. The employment uses are supported by retail, service, and similar uses. Residential uses are allowed in residential-only buildings or in a mixed-use configuration with ground-floor retail. Also allowed are higher education uses (such as a college or university) designed in an urban setting. This zone implements the Urban Employment Center land use designation in the General Plan.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.16.020 Permitted uses.

The following uses are permitted in the U-E (Urban Employment) zone, subject to all provisions of this chapter:

A. Primary Uses.

1. Office uses of all types, including, but not limited to the following:
 - a. Medical and dental offices.
 - b. Administrative, business, executive and editorial.
 - c. Professional offices.
 - d. Financial, insurance, real estate offices, including banks and related institutions.
 - e. General offices.
2. Research and Development.
3. Neighborhood retail uses per Chapter 17.24 (C-N Neighborhood Commercial Zone).
4. Restaurants per Chapter 17.24 (C-N Neighborhood Commercial Zone).
5. Artisan manufacturing/flex space.
6. Multi-family dwellings (five plus units), except that no new residential uses are permitted in the area bounded by Avenue 53, Tyler Street, Avenue 54, and Shady Lane.
7. Public Utility Facilities (city-initiated).
8. Child nurseries, day care centers.
9. Existing commercial agricultural activity consistent with California Civil Code "Right to Farm Act."

B. Accessory Uses. The following buildings, structures, and uses are permitted when clearly incidental and accessory to the primary permitted use.

1. Accessory structures, non-habitable, including arcades (shade structures), parking garages, garden greenhouses, community gardens, recreation rooms or pool bathhouses and swimming pools.
2. Accessory dwelling units and Junior accessory dwelling units, per Section 17.60.010.H. (Accessory Dwelling Units), except that no new residential uses are permitted in the area bounded by Avenue 53, Tyler Street, Avenue 54, and Shady Lane.
3. Permitted Signs. Per Chapter 17.56 (Signs).

-
- C. Conditional Uses. The following uses are permitted in the U-E (Urban Employment) zone subject to obtaining a conditional use permit in accordance with the provisions of Section 17.74.010:
1. Bars and Cocktail lounges
 2. College/University.
 3. Community Gardens
 4. Hotels/Motels.
 5. Light Industrial uses as permitted in the M-S (Manufacturing Service) Zone, and as stand-alone uses operating indoors. Such uses in existence and permitted at the time of adoption of this code amendment shall be allowed to continue as a permitted use without obtaining a conditional use permit.
 6. Microbrewery and taprooms.
 7. Towing and impound uses. Such uses as standalone uses shall not exceed one percent of the U-E Zone.
- D. Consistency with the Jacqueline Cochran Regional Airport Land Use Compatibility Plan.
1. If a project is located in the Jacqueline Cochran Airport Compatibility zones, densities, intensities, and prohibited uses shall be consistent with criteria in the airport land use compatibility plan for the Jacqueline Cochran Regional Airport, including applicable Countywide criteria as may exist at the time of project review.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.16.030 Property development standards.

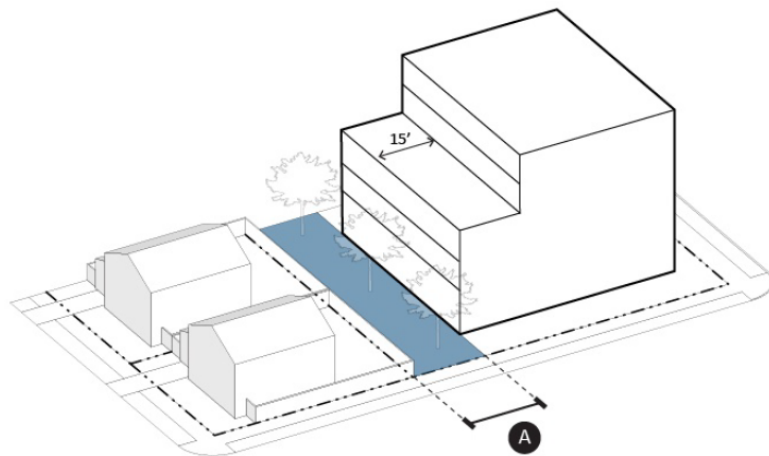
The following standards of development shall apply in the U-E (Urban Employment) zone:

- A. Residential Density and Non-Residential Intensity.
1. Minimum Density. Thirty (30) dwelling units/acre.
 2. Maximum Density. Sixty-five (65) dwelling units/acre.
 3. Maximum non-residential FAR. 2.0.
- B. Lot Area Requirements.
1. Developments with stand-alone commercial or light industrial uses or mixed uses shall have a minimum site area of twenty thousand (20,000) square feet.
 2. Stand-alone multiple-family residential developments shall have a minimum site area of ten thousand (10,000) square feet.
- C. Yard Requirements.
1. Front Yard. Where one or both adjoining zones are residential, a yard shall be provided which is equal in depth to the average of the required front yards of the adjoining zones.
 2. Side Yard. Where a parcel in the U-E (Urban Employment) zone adjoins a street or residential zone, there shall be a side yard of not less than ten (10) feet on the side or sides adjoining said street or residential zone. In the case of a reversed corner lot, the side yard adjoining the street shall be not less than the required front yard of the adjoining key lot to the rear.

3. Rear Yard. Where a parcel in the U-E (Urban Employment) zone adjoins a residential zone, there shall be a rear yard of not less than ten (10) feet adjoining that residential zone. This shall not apply where there exists a public alley separating the two zones.
4. Permitted Encroachments in Required Yards. The yards required in subsections 1—3 of this section may be used as part of an automobile parking area, provided however that a minimum three-foot wide screen planting strip shall be maintained adjacent to the street right-of-way lines.

D. Height Limits.

1. The maximum height of all buildings shall be five stories, or seventy-five (75) feet, whichever is less, except that for properties adjacent to a single-family zone, starting from the third floor up, each subsequent floor shall be stepped back by fifteen (15) feet for every two floors. See diagram below:



A ■ Minimum Interior Setback
 ---- Property Line
 Starting from the third floor up, step back each subsequent floor by 15 ft for every two floors

2. The maximum height of all accessory structures shall be one story, or fifteen (15) feet, whichever is less. Accessory structures exceeding fifteen (15) feet may be approved up to thirty-five (35) feet subject to Architectural Review by the Planning Commission.
3. The maximum height of accessory dwelling units shall be per Section 17.60.010.H. (Accessory Dwelling Units)

E. Distance Between Buildings.

1. Between two main buildings: Twenty (20) feet.
2. Between a main building and an accessory structure, or between two accessory structures: Fifteen (15) feet.

F. Usable Open Space.

1. Greater than twenty-five thousand (25,000) square feet non-residential portion of developments shall provide three percent of the gross building area as usable open space. Common open space may be utilized for employees or publicly accessible open space. If the open space is over one thousand (1,000) square feet and provided as publicly accessible, up to fifty (50) percent may count toward the required residential common open space (if in a mixed-use project).

-
2. Multifamily developments shall provide a minimum of one hundred fifty (150) square feet total per unit, minimum one hundred twenty (120) square feet of private open space required for ground-level units and sixty (60) square feet of private open space for upper-level units. The remaining area shall be provided as common open space. Portions of spaces required under the yard and distance between buildings provisions of this section may be included in the calculation of usable open space, provided they are integrated with and clearly usable as part of a larger area.
 3. Usable Open Space Standards:
 - a. Usable open space may be provided as private outdoor living areas, balconies, decks, or as common recreational-leisure areas. Except in the case of balconies, such areas shall be landscaped.
 - b. Usable open space, when provided as common recreational leisure area, may extend into the required front yard to within five feet of the front lot line, subject to the following provisions:
 - i. No more than forty (40) percent of the required front yard may be so used.
 - ii. No permanent structures, except swimming pools and those structures required by law, shall be permitted in the required front yard.
 - iii. Such areas shall be screened from the street and adjacent properties by landscaping and/or decorative fencing of a maximum height of forty-two (42) inches, except where a greater height is required by law.
 - iv. The remaining portion of the required front yard, except for access drives and walks, shall be landscaped and maintained.
 - G. Off-Street Parking. Off-street parking shall be provided for each dwelling unit or commercial use subject to the requirements of Section 17.54.010 of this title.
 - H. All new multi-family residential development shall be designed pursuant to the City of Coachella Multi-Family Objective Design Standards.
 - I. Architectural Review. All development in the U-E (Urban Employment) zone is subject to architectural review as set forth in Section 17.72.010 of this title.
 - J. Consistency with the Jacqueline Cochran Regional Airport Land Use Compatibility Plan.
 1. If a project is located in the Jacqueline Cochran Airport Compatibility zones, densities, intensities, and prohibited uses shall be consistent with criteria in the airport land use compatibility plan for the Jacqueline Cochran Regional Airport, including applicable Countywide criteria as may exist at the time of project review.
 - K. Other Property Development Standards.
 1. All uses shall be conducted entirely within a completely enclosed building, except for off-street parking and loading facilities, and certain uses permitted subject to a conditional use permit.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

Chapter 17.60-21 DEVELOPMENT STANDARDS Accessory Dwelling Units

H. Accessory Dwelling Units- 17.21.010 Accessory Dwelling Unit Requirements

1. Purpose. ~~The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code. The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22. Notwithstanding any conflicting regulations in this title, the regulations in this subsection shall supersede and be applicable to the new construction of ADUs and JADUs, and the conversion of existing structures for said purpose, in the city's residential and agricultural zones.~~
2. Effect of Conforming. An ADU or JADU that conforms to the standards in this section will not be:
 - a. Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.
 - b. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 - c. Considered in the application of any local ordinance, policy, or program to limit residential growth.
 - d. ~~Required to correct a nonconforming zoning condition, as defined in subsection Error! Reference source not found.. This does not prevent the city from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12. Required to correct a nonconforming zoning condition, as defined in subsection (3)(g) below.~~
3. Definitions. As used in this section, terms are defined as follows:
 - a. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - 1) An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - 2) A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
 - b. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
 - c. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
 - d. "Efficiency kitchen" means a kitchen that includes each of the following:
 - 1) A cooking facility with appliances.
 - 2) A food preparation counter ~~or counters that total a minimum of fifteen (15) square feet in area. and storage cabinets that are of a reasonable size in relation to the size of the JADU~~
 - 3) ~~Food storage cabinets that total a minimum of thirty (30) square feet of shelf space.~~

-
- e. "Junior accessory dwelling unit" or "JADU" means a residential unit that satisfies all of the following:
- 1) It is no more than five hundred (500) square feet in size.
 - 2) It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
 - 3) It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and.
 - 4) If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
 - 5) It includes an efficiency kitchen, as defined in subsection (3)(d) above.
- f. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- g. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- h. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- i. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- j. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- k. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
4. Approvals. The following approvals apply to ADUs and JADUs under this section:
- a. ~~Building-permit Only~~ **Type A - ADU**. If an ADU or JADU complies with each of the general requirements in subsection (5e) below, it is allowed with only a building permit in the following scenarios:
- 1) ~~Converted on Single-family Lot: Only One ADU as described in this subsection (4)(a)(1) and one or~~ JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - (i) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to one hundred fifty (150) additional square feet if the expansion is limited to accommodating ingress and egress.
 - (ii) Has exterior access that is independent of that for the single-family dwelling, and.
 - (iii) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

(iv) ~~The JADU complies with the requirements of Government Code sections 66333 through 66339.~~

2) Limited Detached ~~or Attached~~ on Single-family Lot: One detached ~~or attached~~, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (4)(a)(1) above), if the detached ~~or attached~~ ADU satisfies the following limitations:

- (i) The side- and rear-yard setbacks are at least four-feet.
- (ii) The total floor area is eight hundred (800) square feet or smaller.
- (iii) The peak height above grade ~~does not exceed the applicable height limit in subsection Error! Reference source not found. below is sixteen (16) feet or less.~~

3) Converted on Multifamily Lot: Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. ~~Under this subsection (4)(a)(3), a~~At least one converted ADU is allowed within an existing multifamily dwelling, ~~and up to a quantity equal to twenty-five (25) percent of the existing multifamily dwelling units may each have a converted ADU under this paragraph.~~

4) Limited Detached on Multifamily Lot: No more than two detached ADUs on a lot that has an existing ~~or proposed~~ multifamily dwelling if each detached ADU satisfies the following limitations:

- (i) The side- and rear-yard setbacks are at least four-feet. ~~If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.~~
- (ii) ~~The peak height above grade does not exceed the applicable height limit provided in subsection Error! Reference source not found. below~~ The total floor area is eight hundred (800) square feet or smaller.

b. ~~ADU Permit~~ **Type B - ADU.**

1) Except as allowed under subsection (d4)(1a) above, no ADU may be created without a building permit and ~~an ADU permit~~ in compliance with the standards set forth in subsections (e5) and (f6) below.

2) ~~The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU permit processing fee is determined by the planning director and approved by the city council by resolution.~~

c. **Process and Timing.**

1) An ADU ~~or JADU~~ permit is considered and approved ministerially, without discretionary review or a hearing.

2) The city must ~~act on~~ **approve or deny** an application to create an ADU or JADU within sixty (60) days from the date that the city receives a completed application. ~~If the city has not approved or denied the completed application within 60 days, the application is deemed approved unless either;~~ **unless either:**

-
- (i) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - (ii) ~~When an application to create an ADU or JADU in the case of a JADU and the application to create a junior accessory dwelling unit~~ is submitted with a permit application to create a new single-family dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multi-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

3) If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection ~~Error! Reference source not found.~~ above

4) A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

5. General ADU and JADU Requirements. The following requirements apply to all ADUs and JADUs that are approved under subsections (4)(a) or (4)(b) above:

a. Zoning.

- 1) An ADU ~~or JADU~~-subject only to a building permit under subsection (4)(a) above may be created on a lot in a residential or mixed-use zone.
- 2) An ADU ~~or JADU~~-subject to an ~~ADU~~ permit under subsection (4)(b) may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
- 3) In accordance with Government Code section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

b. Height.

- 1) Except as otherwise provided by subsections ~~Error! Reference source not found.~~ and ~~Error! Reference source not found.~~ below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.
- 2) A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
- 3) A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.
- 4) An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection 0 may not exceed two stories.

-
- 5) ~~For purposes of this subsection **Error! Reference source not found.**, height is measured from existing legal grade or the level of the lowest floor, whichever is lower, to the peak of the structure.~~
- b~~c~~. Fire Sprinklers. ~~Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.~~
- 1) ~~Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.~~
 - 2) ~~The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.~~
- c. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.
- d. No Separate Conveyance. An ADU or JADU may be rented, but, except as otherwise provided in Government Code section 66341, ~~but~~ no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).
- e. Septic System. If the ADU or JADU will connect to an onsite water-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last ten (10) years.
- f. Owner Occupancy.
- 1) ~~All ADUs created under this section on or after January 1, 2020 are not subject to an owner-occupancy requirement ADUs created before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was created.~~
 - 2) ~~An ADU that is created after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.~~
 - 3) ~~All ADUs that are created on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.~~
 - 4) As required by state law, ~~a~~All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement ~~of this paragraph in this subsection (5)(f)(2)~~ does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
- g. Deed Restriction. Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the ~~C~~county ~~R~~ecorder's office and a copy filed with the ~~planning director~~Development Services Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:
- 1) Except as otherwise provided in Government Code section 66341, ~~The the~~ ADU or JADU may not be sold separately from the primary dwelling.
 - 2) The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
 - 3) The deed restriction runs with the land and may be enforced against future property owners.

- 4) The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the ~~director~~**Director**, providing evidence that the ADU or JADU has in fact been eliminated. ~~Appeal may be taken from the Director's determination consistent with other provisions of this Code~~The director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the director's determination consistent with other provisions of this code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this code.
- 5) The deed restriction is enforceable by the director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

h. **Rent Reporting.** In order to facilitate the city's obligation to identify adequate sites for housing in accordance with Government Code sections 65583.1 and 66330, the following requirements must be satisfied:

- 1) With the building-permit application, the applicant must provide the city with an estimate of the projected annualized rent that will be charged for the ADU or JADU.
- 2) Within 90 days after each January 1 following issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the city does not receive the report within the 90-day period, the owner is in violation of this Code, and the city may send the owner a notice of violation and allow the owner another 30 days to submit the report. If the owner fails to submit the report within the 30-day period, the city may enforce this provision in accordance with applicable law.

i. **Building & Safety.**

- 1) Must comply with building code. Subject to subsection **Error! Reference source not found.** below, all ADUs and JADUs must comply with all local building code requirements.
- 2) No change of occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or Code Enforcement Division officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection **Error! Reference source not found.** prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

i. **Parking.**

- 1) Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection **Error! Reference source not found.**
- 2) Exceptions. No parking under subsection **Error! Reference source not found.** is required in the following situations:
 - (i) The ADU is located within one-half mile walking distance of public transit, as defined in subsection **Error! Reference source not found.**

Commented [AM1]: Do we want to require this? Ask Anahi or Gabe.
Rent reporting section is not required, but optional per BB&K.

- (ii) The ADU is located within an architecturally and historically significant historic district.
 - (iii) The ADU is part of the proposed or existing primary residence or an accessory structure under subsection **Error! Reference source not found.**
 - (iv) When on-street parking permits are required but not offered to the occupant of the ADU.
 - (v) When there is an established car share vehicle stop located within one block of the ADU.
 - (vi) When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections **Error! Reference source not found.** through **Error! Reference source not found.**
- 3) No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
- 4) JADU Parking Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of a JADU or converted to an JADU, a maximum of one off-street parking space is required to be replaced, unless a parking exception is made under subsection (5)(i)(2).

6. **Specific Type B - ADU** Requirements. The following requirements apply only to ADUs that require **an ADU a permit** under subsection (4)(b) above.

- a. **Maximum Size.**
 - 1) The maximum size of a detached or attached ADU subject to this subsection (6) is eight hundred fifty (850) square feet for a studio or one-bedroom unit and one thousand (1,000) square feet for a unit with two bedrooms. ~~No more than two bedrooms are allowed.~~
 - 2) An attached ADU that is created on a lot with an existing primary dwelling is further limited to fifty (50) percent of the floor area of the existing primary dwelling.
 - 3) Application of other development standards in this subsection (6), such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection **Error! Reference source not found.** or of a FAR, lot coverage, lot coverage limit, or open-space requirements may require the ADU to be less than eight hundred (800) square feet.
- b. **Floor Area Ratio (FAR).** No ADU subject to this subsection (6) may cause the total FAR of the lot to exceed forty-five (45) percent, subject to subsection (6)(a)(3).
- c. **Setbacks.**

Commented [AM2]: Making it clear what this applies to, Type B ADU's

Commented [AM3]: Removed the term "ADU permit".

-
- 1) ~~ADUs that are subject to this subsection Error! Reference source not found. must conform to 4-foot side and rear setbacks. ADUs that are subject to this subsection Error! Reference source not found. must conform to 15-foot front setbacks, subject to subsection Error! Reference source not found..~~
 - 2) ~~No setback is required for an ADU that is subject to this subsection Error! Reference source not found. if the ADU is constructed in the same location and to the same dimensions as an existing structure.~~
- c. Lot Coverage. No ADU subject to this subsection (6) may cause the total lot coverage of the lot to exceed fifty (50) percent, subject to subsection (6)(a)(3).
- d. Minimum Open Space. No ADU subject to this subsection (6) may cause the total percentage of open space of the lot to fall below fifty (50) percent, subject to subsection (6)(a)(3) above.
- e. ~~Height.~~
- 1) ~~A single-story attached or detached ADU may not exceed sixteen (16) feet in height above grade, measured to the peak of the structure.~~
 - 2) ~~A second-story or two-story attached ADU may not exceed the height of the primary dwelling.~~
 - 3) ~~A detached ADU may not exceed one story.~~
- f. Passageway. No passageway, as defined by subsection (e3)(8h) above, is required for an ADU.
- g. ~~Parking.~~
- 1) ~~Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined in subsection (3)(k) above. The parking space may be provided in setback areas or as tandem parking, as defined in subsection (3)(k) above.~~
 - 2) ~~Exceptions. No parking under subsection (6)(g)(1) is required in the following situations:~~
 - (i) ~~The ADU is located within one-half mile walking distance of public transit, as defined in subsection (3)(j) above.~~
 - (ii) ~~The ADU is located within an architecturally and historically significant historic district.~~
 - (iii) ~~The ADU is part of the proposed or existing primary residence or an accessory structure under subsection (4)(a)(1) above.~~
 - (iv) ~~When on-street parking permits are required but not offered to the occupant of the ADU.~~
 - (v) ~~When there is an established car share vehicle stop located within one block of the ADU.~~
 - 3) ~~No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.~~
- h. Architectural Requirements.
- 1) Exterior building materials and colors of the exterior walls, roof, and windows and doors ~~shall match the appearance and architectural design~~ must be the same as of those of the primary dwelling.
 - 2) The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

-
- 3) The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
 - 4) The ADU must have an independent exterior entrance, apart from that of the primary dwelling.
 - 5) The interior horizontal dimensions of an ADU must be at least ten (10) feet wide in every direction, with a minimum interior wall height of seven feet.

68) Decorative exterior facing material such as exterior belt courses, decorative stone veneer, window shutters, and decorative gable accents shall be provided and must be the same as those of the primary dwelling for all elevations visible from the public R.O.W.

796) Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

i. Historical Protections. An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way

i. Allowed Stories. No ADU subject to this subsection **Error! Reference source not found.** may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under subparagraph 0 of this section.

i. Landscape Requirements.

1) Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels as follows:

a) At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24-inch box size plant shall be provided for every ten (10) linear feet of exterior wall.

b) For a ground-level ADU, plant specimens must be at least six feet tall when installed. As an alternative, for a ground-level ADU, a solid fence of at least six feet in height may be installed.

c) For a second-story ADU, plant specimens must be at least twelve (12) feet tall when installed.

2) All landscaping must be desert-friendly and water-efficient plantings and irrigation systems.

7. Fees. The following requirements apply to all ADUs that are approved under subsections **Error! Reference source not found.** or **Error! Reference source not found.**

a. Impact Fees.

1) No impact fee is required for an ADU that is less than seven hundred fifty (750) square feet in size. For purposes of this subsection **Error! Reference source not found.**, "impact fee" means a "fee" under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

2) Any impact fee that is required for an ADU that is seven hundred fifty (750) square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (e.g., the floor area of the primary dwellingADU, divided by the floor

area of the ADU primary dwelling, times the typical fee amount charged for a new dwelling.)
"Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

b. Utility Fees.

- 1) If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
- 2) Except as described in subsection 0, cConverted ADUs and JADUs on a single-family lot, created under subsection (4)(a)(1) above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required.
- 3) Except as described in subsection 0, all ADUs that are not covered by subsection **Error! Reference source not found.** require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the city. All utilities that are not provided by the city are subject to the connection and fee requirements of the utility provider.
 - (i) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixtue units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 - (ii) The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

8. Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

- a. Generally, the city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
- b. Unpermitted ADUs constructed before 2018.
 - 1) Permit to Legalize. As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:
 - (i) The ADU violates applicable building standards, or
 - (ii) The ADU does not comply with state ADU law or this ADU ordinance (section 17.21).
 - 2) Exceptions:
 - (i) Notwithstanding subsection 0 above, the city may deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if the city makes a finding that correcting a violation is necessary to protect the health and safety of the public or of occupants of the structure.
 - (ii) Subsection 0 above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3. ~~unless the ADU or JADU is constructed with a new single-family home.~~

98. Nonconforming ADUs and Discretionary Approval. Any proposed ADU or JADU that would otherwise be allowed under this section but that does not conform to the objective design or development standards set forth in subsections (1) through ~~(7)(b8)~~ of this section may be allowed by the city with a conditional use permit, in accordance with Chapter 17.74 of this title.

(Ord. 984 § 1, 2007; prior code § 070.07)

(Ord. No. 1075, §§ 10, 11, 6-10-15; Ord. No. 1150, Exh. A, 12-11-19; Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

Chapter 17.24 C-N NEIGHBORHOOD COMMERCIAL ZONE

17.24.010 Intent and purpose.

This zone is intended to provide for every day convenience shopping intended to serve residential neighborhoods, consistent with the environmental requirements of such neighborhoods. Convenience shopping facilities are those which provide space for retail and service businesses serving the immediate neighborhood. This zone also provides the opportunity for multi-family housing mixed in with the neighborhood serving uses, all within convenient walking or biking distance of nearby neighborhoods. These areas provide gathering places for the residents of surrounding neighborhoods. The provisions of this zone are intended to minimize or eliminate, insofar as possible, any conflicting aspects of commercial land use within residential neighborhoods, particularly as related to traffic, type of activity, and site requirements. This zone implements the Neighborhood Center land use designation in the General Plan.

(Prior code § 040.01)

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.24.020 Permitted uses.

The following uses are permitted in the C-N (Neighborhood Commercial) zone, subject to all provisions of this chapter:

A. Primary Uses.

1. Local retail businesses primarily intended to serve the immediate neighborhood, ~~provided that no one use shall exceed ten thousand (10,000) square feet of floor area~~, including the following:
 - a. Grocery, fruit, or vegetable store; meat market.
 - b. Meat, fish, or dressed poultry (no live poultry) sales.
 - c. Bakery.
 - d. Drugstore.
 - e. Hardware store.
 - f. Restaurant, café, or soda fountain, not including entertainment, dancing, sale of liquor, beer, or other alcoholic beverages.
 - g. Existing commercial agricultural activity consistent with California Civil Code "Right to Farm Act."
2. Local service businesses primarily intended to serve the immediate neighborhood, including the following:
 - a. Barber or beauty shop.
 - b. Child care centers.
 - c. Clothes cleaning and laundry pickup stations, laundromat, coin-operated dry-cleaning establishment.

-
- d. Offices of physicians, dentists, optometrists, chiropractors, accountants, and realtors.
 - e. Tailor, dressmaker.
3. Multi-tenant retail, ~~up to thirty-five thousand (35,000) square feet of floor area.~~
 4. Public Utility Facilities (City-initiated).
 5. Existing single-family residential uses built before the date of this adoption.
- B. Accessory Uses. The following buildings, structures, and uses are permitted when clearly incidental and accessory to the primary permitted use:
1. Signs as follows, subject to all provisions of Section 17.56.010 of this title.
 - a. One unlighted sign pertaining to the rental, sale, or lease of the premises, not to exceed twenty (20) square feet in area.
 - b. Advertising signs pertaining only to the goods and services sold on the premises, or to the name of the establishment. The total aggregate area of all signs pertaining to any one establishment shall be eighty (80) square feet.
 2. Canopies, arcades, carports, or similar shading devices.
 3. Other accessory buildings, structures and uses customarily appurtenant to a primary permitted use.
- C. Conditional Uses. The following uses may be permitted in the C-N (Neighborhood Commercial) zone, subject to obtaining a conditional use permit as specified in Section 17.74.010 of this title.
1. Those uses allowed as conditional uses by Section 17.12.020(C) of the S-N (Suburban Neighborhood) zone.
 2. Multi-family residential (five plus units).
 3. Ambulance services.
 4. Automobile accessories and parts.
 5. Automobile service stations.
 6. Automotive repair garage as an accessory to automobile service station.
 7. Bars and cocktail lounges.
 8. Bowling, pool, or billiard centers.
 9. Bus terminals, depots, and similar transit facilities.
 10. Check cashing services.
 11. Commercial cannabis testing laboratories, pursuant to Chapter 17.85.
 12. Non-storefront cannabis retailers and non-storefront retail microbusinesses, pursuant to Chapter 17.84.
 13. Car washes.
 14. Commercial parking lots.
 15. Commercial psychic activities.
 16. Dance halls.
 17. Drive-in, walk-up, or other fast-food establishments.

-
18. Engineering research and testing firms and laboratories.
 19. Hotels, motels.
 20. Laundromat/coin operated laundry so long as a full-time attendant is provided.
 21. Liquor sales, subject to Section 17.74.015.
 22. Lodges, fraternal organizations, and clubs.
 23. Mattress manufacture.
 24. Mortuaries.
 25. Neighborhood recycling centers, pursuant to Chapter 17.90.
 26. New and used automobile sales and mobilehome sales, located on sites with frontage on Cesar Chavez Street provided that a ten-foot landscaped setback from the planned highway right-of-way line be maintained.
 27. Pawn shops.
 28. Parcel or overnight delivery services.
 29. Photocopying, photo processing and blueprinting.
 30. Plumbing shop, provided all outside storage is completely screened.
 31. Printing establishments.
 32. Private lodges, clubs, meeting halls.
 33. Special event establishments.
 34. Swap meet, indoor.
 35. Swap meet, outdoor.
 36. Taproom.
 37. Tattoo and body piercing parlors.
 38. Thrift stores.
 39. Truck, farm implement and machinery sales and rental, sale of parts.

(Prior code § 040.02)

(Ord. No. 1088, § 1, 12-14-16; Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.24.030 Property development standards.

The following standards of development shall apply in the C-N (Neighborhood Commercial) zone:

- A. Residential Density and Non-Residential Intensity.
 1. Minimum Density. Fifteen (15) dwelling units/acre, when residential uses are provided.
 2. Maximum Density. Forty (40) dwelling units/acre.
 3. Maximum FAR. 1.5.
- B. Lot Requirements.

-
1. Minimum Lot Area. Five thousand (5,000) square feet.
 2. Minimum Lot Width. Fifty (50) feet.
 3. Minimum Lot Depth. None.
 4. Maximum Lot Coverage. No limit.
- C. Yard Requirements.
1. Front Yard. Where one or both adjoining zones are residential, a yard shall be provided which is equal in depth to the average of the required front yards of the adjoining zones.
 2. Side Yard. Where a C-N (Neighborhood Commercial) zone adjoins a street or a residential zone, there shall be a side yard of not less than ten (10) feet on the side or sides adjoining such street or residential zone. In the case of a reversed corner lot, the side yard adjoining the street shall be not less than the required front yard of the adjoining key lot to the rear.
 3. Rear Yard. Where the C-N (Neighborhood Commercial) zone adjoins a residential zone, there shall be a rear yard of not less than ten (10) feet adjoining that residential zone. In the case of a building or structure for residential use, there shall be a rear yard of not less than twenty (20) feet.
 4. Permitted Encroachments in Required Yard. The yards required in subsections 1—3 of this section may be used as part of an automobile parking area, provided however that a minimum three-foot wide screen planting strip shall be maintained adjacent to the planned highway right-of-way line.
 5. All landscape areas shall be maintained consistent with approved landscape plans. Landscape modifications shall be approved by the Planning Director and referred to the Planning Commission for review at the Director's discretion.
- D. Height Limit. The maximum height of any building or structure shall be three stories or fifty (50) feet, whichever is less.
- E. Distance Between Buildings. Buildings not actually adjoining shall be provided with a minimum eight-foot separation.
- F. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided in accordance with the provisions of Section 17.54.010.
- G. Screening. Where the C-N (Neighborhood Commercial) zone abuts upon any residential zone, there shall be provided screening not less than six feet or more than eight feet in height on the zoning boundary line. Said screening shall be reduced to forty-two (42) inches in height within a setback area adjacent to a street or highway. Rooftop mechanical equipment shall be screened by a parapet wall or other architectural features. Any rooftop screening elements shall be architecturally consistent and well-integrated with overall building architecture.
- H. Landscape setback. The minimum perimeter landscape setback for residential or hotel projects without buildings frontages along perimeter streets shall equal at minimum 10 feet at any point and have an average perimeter landscape setback of 20 foot for the entire frontage. Shade tree plantings shall be installed to provide shade of 20 percent of landscape area within 10 years. Shade structures with cool roofing materials may be permitted in whole or in part in lieu of shade tree plantings.
- I. Energy Efficient Design and Heat Island Reduction Strategies. New development shall submit an Energy Efficient Design and Heat Island Reduction Plan that incorporates heat island reduction strategies such as light-colored cool roofs, light-colored paving, permeable paving, substantial shade tree coverage, shade structures and shaded asphalt paving. Energy efficient building and site design strategies shall be

incorporated such as appropriate solar orientation, thermal mass, use of natural daylight and ventilation, and shading. Shade tree plantings in surface parking areas shall be installed to provide shade over 50 percent of the parking area within 10 years. Solar photovoltaic shade structures or shade structures with cool roofing materials shall be permitted in whole or in part in lieu of shade tree plantings.

JH. Other Property Development Standards.

1. All residential uses shall follow the site development standards for U-N (Urban Neighborhood) zone, except as noted in this subsection.
2. Any structure originally designed or intended for residential purposes may be used for service businesses, (except clothes cleaning, etc.) as permitted in this zone, subject to all provisions of this article, and further subject to the following conditions:
 - a. The required front yard of the structure shall be permanently maintained in landscaping as defined in Section 17.60.010(D)(4).
 - b. All parking shall be provided to the rear of the residential structure.
 - c. All structures shall conform to all provisions of the applicable building, housing, and fire codes of the city.
 - d. Signs permitted shall be limited to a total surface area twenty (20) square feet.
 - e. No structure shall be used for residential and commercial uses at the same time.
3. All uses shall be conducted entirely within a completely enclosed building, except for off-street parking and loading facilities, and automobile service stations permitted subject to Section 17.24.020(C)(3).
4. Cesar Chavez Street Sidewalk Improvements. Sidewalks shall be constructed at a minimum nine (9) feet for new development projects. The City Engineer may permit deviations from this standard to ensure connectivity between existing public improvements and that may be necessary so as not to be detrimental to the public health, safety, or welfare.
5. New Development on Cesar Chavez Street. New development projects on Cesar Chavez Street shall maximize building frontage along the street and demonstrate consistency with the Improving Neighborhood Connections Along Coachella's Harrison Street Corridor report.

KI. All new multi-family residential development shall be designed pursuant to the City of Coachella Multi-Family Objective Design Standards.

LJ. Architectural Review. All development in the C-N (Neighborhood Commercial) zone is subject to architectural review as set forth in Section 17.72.010 of this title.

(Prior code § 040.03)

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

Chapter 17.26 C-G GENERAL COMMERCIAL USE ZONE

17.26.010 Intent and purpose.

This zone is intended to provide for and encourage the orderly development of commercial areas designed to serve community-wide needs. Such areas provide a wide variety of goods and services and must be consistent with the overall development of the city and its environs. The provisions of this zone are intended to ensure that such commerce will be compatible with adjacent, noncommercial development, and to minimize the undesirable effects of heavy traffic, type of activity, and to set forth site requirements. This zone implements the Suburban Retail land use designation in the General Plan.

(Prior code § 042.01)

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.26.020 Permitted uses.

The following uses are permitted in the C-G (General Commercial) zone, subject to all provisions of this chapter:

A. Primary Uses.

1. All uses permitted by Section 17.24.010 A of the C-N (Neighborhood Commercial) zone except laundromats/coin-operated dry-cleaning establishments.
2. Retail Uses:
 - a. Antique shop.
 - b. Appliance store.
 - c. Automobile accessories and parts.
 - d. Art gallery.
 - e. Bicycle shop.
 - f. Bookstore.
 - g. Cigar or tobacco store.
 - h. Clothing or apparel sales.
 - i. Confectionery store.
 - j. Department store.
 - k. Drugstore.
 - l. Electronics store.
 - m. Furniture store.
 - n. Grocery store.
 - o. Interior decorator.

-
- p. Jewelry store.
 - q. Lapidary.
 - r. Motorcycle sales and accessories.
 - s. Pet shop, including grooming, but no kennel.
 - t. Photographic supplies.
 - u. Restaurant without liquor sales.
 - v. Shoe store.
 - w. Sporting goods store.
 - x. Toy store.
 - y. Unfinished furniture sales (new).
 - z. Yardage store.
- 3. Multi-tenant retail.
 - 4. Service Businesses.
 - a. Bicycle repair shop.
 - b. Blueprinting service.
 - c. Business, trade schools.
 - d. Drafting service.
 - e. Drycleaning establishments.
 - f. Exhibition hall, theater, auditorium.
 - g. Hotels and motels.
 - h. Library or reading room.
 - i. Locksmith.
 - j. Medical or dental clinic.
 - k. Microfilm service.
 - l. Mortuary.
 - m. Photo studio.
 - n. Private lodges, clubs, meeting halls.
 - o. Radio, television repair
 - p. Rental of household, sickroom, and office equipment.
 - q. Secretarial service.
 - r. Shoe repair.
 - s. Small appliance repair.
 - t. Studio, dancing, music, art, etc.
 - u. Telephone answering service.

-
- v. Tuxedo/costume rental.
5. Office uses of all types, including, but not limited to the following:
 - a. Medical and dental offices.
 - b. Administrative, business, executive and editorial.
 - c. Professional offices.
 - d. Financial, insurance, real estate offices, including banks and related institutions.
 - e. General offices.
 6. Outdoor Uses. Only the following outdoor uses are permitted:
 - a. Plant nurseries, provided that all areas devoted to outdoor storage of other than live plant material shall be completely screened from view from arterial highways and abutting residential properties. No bulk storage of sand, gravel, fertilizer, or other chemical or organic materials is permitted.
 7. Public Utility Facilities (City-initiated).
- B. Accessory Uses. The following buildings, structures, and uses are permitted when clearly incidental and accessory to a primary permitted use:
1. Wholesaling of products.
 2. The manufacturing, processing, treatment, or storage of products which is clearly incidental to the retail or service business conducted on the premises, provided that:
 - a. The premises are not the primary source of the production of goods sold on the premises.
 - b. Not more than twenty-five (25) percent of the ground floor area shall be used for such purposes.
 - c. No motor exceeding one horsepower be used for manufacturing, treatment, or processing in connection therewith, and that the total horsepower so used shall not exceed five horsepower. This restriction shall not apply to air conditioning equipment.
 - d. No portion of any building or premises so used shall be less than fifty (50) feet from any residential district.
 3. Dwelling, where used by a proprietor, manager, or custodian of a use permitted within this zone.
 4. Signs as follows, subject to all provisions of Section 17.56.010 of this title:
 - a. One unlighted sign pertaining to the rental, sale or lease of the premises, not to exceed twenty (20) square feet in area.
 - b. Advertising signs pertaining only to the goods and services sold on the premises, or to the name of the establishment. The total aggregate area of all signs pertaining to any one establishment shall be one hundred fifty (150) square feet for those establishments with less than one thousand five hundred (1,500) square feet of gross floor area, and two hundred fifty (250) square feet for those establishments with one thousand five hundred (1,500) or more square feet of gross floor area.
 5. Canopies, arcades, carports, or similar shading devices.
 6. Other accessory uses customarily appurtenant to a primary permitted use.

-
- C. Conditional Uses. The following uses may be permitted in all sectors of the CG zone subject to obtaining a conditional use permit pursuant to Chapter 17.74.
1. Ambulance services.
 2. Automobile accessories and parts.
 3. Automotive repair garage as an accessory to automobile service station.
 4. Automobile service stations, including self-service stations or self-service islands at a store, but only if such self-service establishments maintain restroom facilities for both sexes and water and air for the vehicles.
 5. Bars and Cocktail Lounges.
 6. Bowling, pool, or billiard centers.
 7. Bus terminals, depots, and similar transit facilities.
 8. Car washes.
 9. Ceramic products manufacture.
 10. Check Cashing services.
 11. Commercial cannabis testing laboratories, pursuant to Chapter 17.85.
 12. Commercial parking lots.
 13. Commercial psychic activities.
 14. Dance Halls.
 15. Drive-in, walk-up, or other fast-food establishments.
 16. Engineering research and testing firms and laboratories.
 17. Laundromat/coin operated laundry so long as a full-time attendant is provided.
 18. Liquor sales, subject to Section 17.74.015.
 19. Mattress manufacture.
 20. Mini-Storage Warehouse as accessory to a permitted use.
 21. Multi-bay auto repair.
 22. Mortuaries.
 23. Neighborhood recycling centers, pursuant to Chapter 17.90;
 24. New and used automobile sales and mobilehome sales, provided that a ten-foot landscaped setback from the planned highway right-of-way line be maintained.
 25. Non-storefront cannabis retailers and non-storefront retail microbusinesses, pursuant to Chapter 17.84.
 26. Pawn shops.
 27. Parcel or overnight delivery services.
 28. Photocopying, photo processing and blueprinting.
 29. Plumbing shop, provided all outside storage is completely screened.
 30. Printing establishments.

-
31. Sign manufacture.
 32. Special Event Establishments.
 33. Taproom.
 34. Tattoo and body piercing parlors.
 35. Thrift stores (Reconditioned or used merchandise sales)
 36. Tourist camps.
 37. Truck, farm implement and machinery sales and rental, sale of parts.
 38. Swap meet, indoor.
 39. Swap meet, outdoor.

D. Prohibited Uses. The following uses are prohibited in the C-G (General Commercial) zone:

1. Residential.
2. Mobilehomes.

(Prior code § 042.02)

(Ord. No. 1033, § 2, 1-11-12; Ord. No. 1065, § 2, 6-11-14; Ord. No. 1088, § 2, 12-14-16; Ord. No. 1108, § 1, 7-12-17; Ord. No. 1161, § 2, 5-27-20; Ord. No. 1195, § 3, 7-27-22; Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.26.030 Property development standards.

The following standards of development shall apply in the C-N (Neighborhood Commercial) zone:

A. Non-Residential Intensity.

1. Maximum FAR. 1.0.

B. Lot Requirements.

1. Minimum Lot Size. Ten thousand (10,000) square feet; Parcels not contiguous to C-G (General Commercial) zoned property shall have a minimum area of five acres.
2. Minimum Lot Width. Fifty (50) feet.
3. Minimum Lot Depth. None.
4. Maximum Lot Coverage. No limit.

C. Yard Requirements.

1. Front Yard. Where one or both adjoining zones are residential, a yard shall be provided which is equal in depth to the average of the required front yards of the adjoining zones.
2. Side Yard. Where a C-G (General Commercial) zone adjoins a street or residential zone, there shall be a side yard of not less than ten (10) feet on the side or sides adjoining said street or residential zone. In the case of a reversed corner lot, the side yard adjoining the street shall be not less than the required front yard of the adjoining key lot to the rear.
3. Rear Yard. Where the C-G (General Commercial) zone adjoins a residential zone, there shall be a rear yard of not less than ten (10) feet adjoining that residential zone. This shall not apply where there exists a public alley separating the two zones.

-
4. Permitted Encroachments in Required Yards. The yards required in subsections 1—3 of this section may be used as part of an automobile parking area, provided however that a minimum three-foot wide screen planting strip shall be maintained adjacent to the planned highway right-of-way lines.
5. All landscape areas shall be maintained consistent with approved landscape plans. Landscape modifications shall be approved by the Planning Director and referred to the Planning Commission for review at the Director's discretion.
- D. Height Limits.
1. The maximum height of any building within one hundred thirty (130) feet of any residential zone shall be two stories or thirty-five (35) feet, whichever is less. Vehicular rights-of-way shall be included in calculating distance. The distance of one hundred thirty (130) feet is a minimum setback and setbacks requirements may be increased based on safety, privacy, views, noise, and light issues.
2. The maximum height of all other buildings shall be fifty (50) feet or three stories, whichever is less.
- E. Distance Between Buildings. Buildings not actually joined, shall be provided with a minimum eight-foot separation.
- F. Off-Street Parking And Loading. Off-street parking and loading facilities shall be provided in accordance with the provisions of Section 17.54.010.
- G. Screening. Where the C-G (General Commercial) general commercial zone abuts any residential zone, there shall be provided screening not less than six feet or more than eight feet in height on the zone boundary line. Said screening shall be reduced to forty-two (42) inches in height within a required yard adjacent to a street or highway. Rooftop mechanical equipment shall be screened by a parapet wall or other architectural features. Any rooftop screening elements shall be architecturally consistent and well-integrated with overall building architecture.
- H. Landscape Setback. The minimum perimeter landscape setback for residential or hotel projects without buildings frontages along perimeter streets shall equal at minimum 10 feet at any point and have an average perimeter landscape setback of 20 foot for the entire frontage. Shade tree plantings shall be installed to provide shade of 20 percent of landscape area within 10 years. Shade structures with cool roofing materials may be permitted in whole or in part in lieu of shade tree plantings.
- I. Energy Efficient Design and Heat Island Reduction Strategies. New development shall submit an Energy Efficient Design and Heat Island Reduction Plan that incorporates heat island reduction strategies such as light-colored cool roofs, light-colored paving, permeable paving, substantial shade tree coverage, shade structures and shaded asphalt paving. Energy efficient building and site design strategies shall be incorporated such as appropriate solar orientation, thermal mass, use of natural daylight and ventilation, and shading. Shade tree plantings in surface parking areas shall be installed to provide shade over 50 percent of the parking area within 10 years. Solar photovoltaic shade structures or shade structures with cool roofing materials shall be permitted in whole or in part in lieu of shade tree plantings.
- JH. Architectural Review. All development in the C-G (General Commercial) zone, is subject to architectural review as set forth in Section 17.72.010 of this title.
- KI. Non-storefront retailer and non-storefront retail microbusiness. A non-storefront retailer or non-storefront retail microbusiness shall have a minimum of one hundred (100) feet separation from any residential structure; be at least five hundred (500) feet from any other storefront retail or non-storefront retail cannabis business; and may not be located in the City's Pueblo Viejo District. For purposes of this chapter, "Pueblo Viejo District" shall be that area in the city bounded by Cesar Chavez

Street to the south, First Street to the west, Grapefruit Boulevard to the north, and Nineth Street to the east.

(Prior code § 042.03)

(Ord. No. 1161, § 3, 5-27-20; Ord. No. 1195, § 4, 7-27-22; Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

Chapter 17.28 R-C REGIONAL COMMERCIAL ZONE¹

¹Editor's note(s)—Ord. No. 1204, § 3(Exh. A.1), adopted July 26, 2023, repealed the former Ch. 17.28, §§ 17.28.010—17.28.030, and enacted a new Ch. 17.28 as set out herein. The former Ch. 17.28 pertained to C-T Tourist Commercial Zone and derived from Prior code §§ 046.01—046.03; Ord. No. 1088, § 3, adopted Dec. 14, 2016.

17.28.010 Intent and purpose.

This zone is intended to provide for and encourage a wide range of shopping and entertainment in a variety of urban and suburban formats. These include regional shopping centers, mixed destination centers or similar uses. The uses allowed in this zone will cater to regional clientele and provide a unique amenity to all residents of the Coachella Valley and an important revenue source for the City. Implementing the Regional Retail land use designation in the General Plan, the primary purpose of the zone is to provide for commercial opportunities, with residential uses supporting the retail environment.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.28.020 Permitted uses.

The following uses are permitted in the R-C (Regional Commercial) zone, subject to all provisions of this chapter:

- A. Primary Uses.
 - 1. All retail establishments including big box retail (> thirty-five thousand (35,000) square feet).
 - 2. Automobile rental.
 - 3. Hotel.
 - 4. Motel.
 - 5. Resort.
 - 6. Restaurants.
 - 7. Private swimming pools.
 - 8. Public Utility Facilities (City-Initiated).
- B. All uses permitted by Section 17.26.020 in Chapter 17.26 C-G (General Commercial).
- C. Accessory Uses. The following buildings, structures, and uses are permitted when clearly incidental and accessory to primary permitted use:
 - 1. Dwelling, where used by a proprietor, manager, or custodian of a use permitted within this zone.
 - 2. Ice vending machines, of three-ton capacity or less subject to all other provisions of this zone. Such machines shall be located so as not to interfere with the movement of traffic on the site.
- D. Conditional Uses. The following uses may be permitted the R-C (Regional Commercial) zone subject to obtaining a conditional use permit as specified in Section 17.74.010.
 - 1. Amusement center or theme park.
 - 2. Automotive repair garage as an accessory to automobile service station.
 - 3. Automobile service station.
 - 4. Bars and Cocktail lounges.
 - 5. Billiard parlor.
 - 6. Bowling alley.
 - 7. Bus terminals, depots, and similar transit facilities.

-
8. Car washes as part of a multi-tenant retail center.
 9. Commercial Parking Lot.
 10. Drive-in or walk-up or other fast-food service establishments.
 11. Exhibition hall, conference center, theater, amphitheater, auditorium.
 12. Golf courses, driving ranges.
 13. Hospital Uses.
 14. Liquor sales, subject to Section 17.74.015;
 15. Medical offices.
 16. Microbreweries and taproom.
 17. Mini-storage warehouse as an accessory to a permitted use.
 18. Multiple-family residential (five plus units).
 19. New and used automobile sales and recreational vehicle sales.
 20. Recreational vehicle storage as an accessory to a permitted use.
 21. Restaurants with liquor sales.
 22. Skating rinks.
 23. Special event establishments.
 24. Sports Complex.
 25. Theater, including drive-in.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.28.030 Property development standards.

The following standards of development shall apply in the R-C (Regional Commercial) zone:

- A. Residential Density and Non-Residential Intensity.
 1. Minimum Density. Ten (10) dwelling units/acre, when residential uses are provided.
 2. Maximum Density. Fifteen (15) dwelling units/acre.
 3. Maximum Non-Residential FAR. 2.0.
- B. Residential uses shall follow the development standards in Section 17.14.030 for multi-family uses and the City of Coachella Multifamily Objective Design Standards.
- C. Lot Requirements.
 1. Minimum Lot Size. The minimum lot size shall be twenty thousand (20,000) square feet for commercial uses.
 2. Minimum Lot Width. None.
 3. Minimum Lot Depth. None.
 4. Maximum Lot Coverage. None.
- D. Yard Requirement.

-
1. Front Yard. Each lot or building site shall have a front yard of at least fifteen (15) feet in depth, except where one or both adjoining zones are residential, in which case the required yard shall be increased to equal the average of the required front yards of the adjoining zones.
 2. Side Yard. There shall be no side yard requirement except where a R-C (Regional Commercial) zone adjoins a street or a residential zone, in which case there shall be a side yard of not less than ten (10) feet on the side or sides adjoining said street or residential zones. In the case of a reversed corner lot, the side yard adjoining the street shall be not less than the required front yard of the adjoining key lot to the rear.
 3. Rear Yard. There shall be no rear yard requirement except where the R-C (Regional Commercial) zone adjoins a residential zone, in which case there shall be a rear yard of not less than ten (10) feet adjoining that residential zone. This shall not apply where there exists a public alley separating the two zones.
 4. Permitted Encroachments in Required Yards.
 - a. The yards required in subsections 1—3 of this section may be used as part of an automobile parking area, provided however that a minimum three-foot wide screen planting strip shall be maintained adjacent to the planned highway right-of-way line.
 - b. Swimming pools provided as an accessory use to a hotel or motel may encroach into the rear two-thirds of the required front yard.

5. All landscape areas shall be maintained consistent with approved landscape plans. Landscape modifications shall be approved by the Planning Director and referred to the Planning Commission for review at the Director's discretion.

E. Height Limits.

1. The maximum height of any building located within one hundred fifty (150) feet of any ~~S-N or G-N zone~~~~R-S, single-family residential zone~~, or any agricultural zone, shall be one story or twenty (20) feet, whichever is less. Vehicular rights-of-way shall be included in calculating the distance.
2. The maximum height of all other buildings shall be two stories or thirty-five (35) feet, whichever is less, except that hotels shall have a maximum height of eighty-five (85) feet.
3. Rooftop mechanical equipment shall be screened by a parapet wall or other architectural features. Any rooftop screening elements shall be architecturally consistent and well-integrated with overall building architecture.

F. Landscape Setback. The minimum perimeter landscape setback for residential or hotel projects without frontage of buildings along perimeter street shall equal at minimum 10 feet at any point and have an average perimeter landscape setback of 20 foot for the entire frontage. Equestrian and Agricultural themed improvements including equestrian rail fencing, agrarian lighting, agrarian signage, 10 foot wide decomposed granite multi-purpose trail and date palms planted 20 feet on center shall be installed along Avenue 52, Van Buren Street, and Calhoun Street.

G. Energy Efficient Design and Heat Island Reduction Strategies. New development shall submit an Energy Efficient Design and Heat Island Reduction Plan that incorporates heat island reduction strategies such as light-colored cool roofs, light-colored paving, permeable paving, substantial shade tree coverage, shade structures and shaded asphalt paving. Energy efficient building and site design strategies shall be incorporated such as appropriate solar orientation, thermal mass, use of natural daylight and ventilation, and shading. Shade tree plantings in surface parking areas shall be installed to provide shade over 50 percent of the parking area within 10 years. Solar photovoltaic shade structures or shade structures with cool roofing materials shall be permitted in whole or in part in lieu of shade tree plantings.

-
- HF. Distance Between Buildings. No requirements, except that buildings not actually adjoining shall be determined through site plan review.
- IG. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided in accordance with the provisions of Section 17.54.010.
- JH. Screening. Where the ~~R-CC-T~~ zone abuts upon a residential zone, there shall be provided screening not less than six feet, or more than eight feet in height on the zone boundary line. Said screening shall be reduced to forty-two (42) inches in height within a required yard adjacent to a street or highway.
- KI. Other Property Development Standards.
1. All uses shall be conducted entirely within a completely enclosed building, except for off-street parking and loading facilities, those outdoor uses permitted by Section 17.28.020(A)(7), and certain uses permitted subject to a conditional use permit by Section 17.28.020(D).
 2. No building or structure having exterior walls of sheet metal shall be erected in this zone.
- LJ. Architectural Review. All development in the R-C (Regional Commercial) Zone, is subject to architectural review as set forth in Section 17.72.010 of this title.

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

Chapter 17.30 M-S MANUFACTURING SERVICE ZONE

17.30.010 Intent and purpose.

This zone is intended to provide for and encourage the orderly development of light manufacturing, wholesaling, and commercial service within the community. Such areas are vital to the community's economic health and well-being by providing employment and an important revenue source for the city. The provisions of this zone are intended to ensure that manufacturing service areas will be compatible with adjacent, non-industrial development and will protect such areas from potential hazards of industrial development.

(Prior code § 050.01)

(Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.30.020 Permitted uses.

The following uses are permitted in the M-S (Manufacturing Service) zone subject to all provisions of this chapter.

A. Primary Uses.

1. Engineering research and testing firms and laboratories;
2. Trailer, camper, mobile home manufacturer or assembly;
3. Automotive repair garage, body and fender works, within a completely enclosed building;
4. Sales and rental of trucks, autos, farm machinery and implements, and truck and auto parts;
5. Bakery;
6. Boat building;
7. Bottling plant;
8. Cabinet shop;
9. Carpet cleaning plant;
10. Ceramic products manufacture;
11. Cleaning and dyeing plant;
12. Dairy products processing;
13. Drugs manufacture;
14. Electrical, electronic, or electro-mechanical machinery manufacturing;
15. Food products processing, manufacturing, canning, preserving and freezing;
16. Fruit and vegetable packing house;
17. Furniture manufacturing, refinishing;
18. Garment manufacture;

-
19. Glass manufacture;
 20. Ice and cold storage plant;
 21. Laboratories. Experimental, testing, motion picture;
 22. Laundry;
 23. Machine shop;
 24. Metalworking, fabrication, or welding firm;
 25. Newspaper printing plants;
 26. Nurseries
 27. Existing commercial agricultural activity consistent with California Civil Code "Right to Farm Act."
 286. Parcel delivery services;
 297. Photo-engraving, photocopying, photo-processing and blueprinting;
 3028. Plastic, fabrication firm;
 3129. Plumbing shop;
 320. Prefabricated buildings manufacture;
 331. Printing establishments;
 342. Sheet metal shop;
 353. Sign manufacture;
 364. Textile manufacture;
 375. Tire rebuilding, recapping, and retreading;
 386. Upholstering and reupholstering;
 397. Wholesale business, storage buildings, and warehouses;
 4038. Woodworking shop;
 4139. Storage yards:
 - a. Contractors storage yards,
 - b. Building materials,
 - c. Lumber yards,
 - d. Machinery, truck rental yards,
 - e. Draying and freight yard, and
 - f. Truck terminal; and
 420. Retail sales.
 431. Restaurant.
 442. Emergency shelters complying with the following criteria.
 - a. Emergency shelters shall be operated by a responsible agency or organization, with experience in managing or providing social services.

-
- b. The shelter shall provide at least one qualified on-site supervisor at all times, plus one attendant for each fifty (50) occupants.
 - c. A shelter shall not be approved when another homeless shelter exists within three hundred (300) feet of the proposed site.
 - d. Emergency shelters shall provide a setback of thirty (30) feet from the shelter building to any residential zone.
 - e. Parking shall be supplied at a ratio of one vehicle space per ten (10) beds, and one secured bicycle parking area designed to accommodate up to one bicycle per ten (10) beds.
 - f. Each shelter shall be limited to a maximum occupancy of fifty (50) persons, including warming shelters and daytime facilities.
 - g. A management plan shall be required to address how the immediate sheltering needs of individuals who may be turned away from the shelter will be handled. The management plan shall establish a maximum length of time for which clients may be accommodated.

453. Public Utility Facilities (City-Initiated).

- B. Accessory Uses. The following buildings, structures, and uses are permitted when clearly incidental and accessory to a primary permitted use:
 - 1. Detached dwelling, where used by a proprietor, manager, or custodian of a use permitted within this zone.
 - 2. Retail distribution of products produced on the premises (where not the primary retail outlet for said products).
 - 3. Storage of equipment, materials, finished products, or refuse basic to operations of a permitted use.
 - 4. Signs as follows, subject to all provisions of Section 17.56.010 of this title:
 - a. One unlighted sign pertaining to the rental, sale or lease of the premises, not to exceed twenty (20) square feet in area.
 - b. Advertising signs pertaining to the goods and services sold on the premises, or to the name of the establishment. The total aggregate area of all signs pertaining to any one establishment shall be two hundred (200) square feet.
 - 5. Other accessory uses customarily appurtenant to a primary permitted use.
- C. Conditional Uses. The following uses may be permitted in the M-S (Manufacturing Service) zone subject to obtaining a conditional use permit as specified in Section 17.74.010.
 - 1. Automotive repair garage as an accessory to automobile service station.
 - 2. Breweries and Distilleries.
 - 3. Cotton gins, oil mills, vegetable oil plants.
 - 4. Exterminating or disinfecting service firm.
 - 5. Metal plating.
 - 6. Mini storage warehouse.
 - 7. Non-storefront cannabis retailers and non-storefront retail microbusinesses, pursuant to Chapter 17.84.

-
8. Oil cloth or linoleum manufacture.
 9. Paint, oil, shellac, turpentine, or varnish manufacture.
 10. Plastic manufacture.
 11. Planing mills.
 12. Poultry dressing and packaging.
 13. Recreational Vehicle Storage. Such uses as standalone uses shall not exceed ten (10) percent of the M-S Zone.
 14. Restaurant with cocktail lounge.
 15. Service stations.
 16. Stone monument works.
 17. Taproom.
 18. Tattoo and body piercing parlors.
 19. Wire and wire products manufacture.

20. Hotels on a building site with frontage on Major or Primary Arterials.

- D. Industrial-Related Uses. Certain non-industrial uses are functionally related to industrial areas. The following uses are permitted only when intended to serve industrial areas and employees.
 1. Restaurants and coffee shops.
 2. Industrial hospitals or clinics.
 3. Industrial training center.

(Ord. 925 § 1, 2005; Ord. 918 § 1, 2005; prior code § 050.02)

(Ord. No. 1033, § 3, 1-11-12; Ord. No. 1051, § 2, 5-22-13; Ord. No. 1161, § 4, 5-27-20; Ord. No. 1195, § 5, 7-27-22; Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

17.30.030 Property development standards.

The following standards of development shall apply in the M-S (Manufacturing Service) zone:

- A. Non-Residential Intensity.
 1. Maximum FAR. 1.0.
- B. Lot Requirements.
 1. Minimum Lot Size. Ten thousand (10,000) square feet.
 2. Minimum Lot Width. None.
 3. Minimum Lot Depth. None.
 4. Maximum Lot Coverage. None.
- C. Yard Requirements. None, except in the following instances:

-
1. Where an M-S (Manufacturing Service) zone abuts upon a street or highway where two-thirds of the property in the block on the opposite side of the street is zoned residential, a yard shall be provided of ten (10) feet in depth.
 2. Where an M-S (Manufacturing Service) zone abuts upon a street or highway and where one or both adjoining zones are residential, a yard shall be provided which is equal in depth to the average of the required yards of the adjoining zones.
 3. Where an M-S (Manufacturing Service) zone abuts upon a Major Arterial, Major Arterial with Enhanced Bicycle Facilities, Primary Arterial, and Primary Arterial with Enhanced Bicycle Facilities as designated on the circulation element of the general plan, a yard of ten (10) feet in depth shall be provided.
 4. Where an M-S (Manufacturing Service) zone directly abuts a residential zone, there shall be a yard of not less than thirty (30) feet adjoining that zone. This shall be reduced to twenty (20) feet where there exists a public alley separating the two zones.
 5. Permitted Encroachments in Required Yards. The yards required in subsections 1—3 of this section may be used as part of an automobile parking area, provided however that a minimum three-foot wide screen planting shall be maintained adjacent to the planned highway right-of-way line.
- D. Height Limits.
1. The maximum height of any buildings or structures located within one hundred fifty (150) feet of any residential zone shall be two stories or thirty-five (35) feet, whichever is less. Vehicular rights-of-way shall be included in calculating distance.
 2. The maximum height of all other buildings or structures shall be fifty (50) feet.
- E. Distance Between Buildings. No requirements, except that buildings not actually adjoining shall be provided with a minimum eight-foot separation.
- F. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided in accordance with the provisions of Section 17.54.010.
- G. Walls and Screening.
1. Where an M-S (Manufacturing Service) zone abuts upon any residential zone there shall be provided a solid masonry wall not less than six feet nor more than eight feet in height along the zone boundary. Said wall shall be reduced to forty-two (42) inches in height within a required yard adjacent to a street or highway.
 2. Where property in an M-S (Manufacturing Service) zone is used for operations incidental to a primary permitted use, as a storage yard, or where material necessary to the conduct of a primary permitted use is stored outside, there shall be provided screening not less than six feet or more than eight feet in height. Said screening shall screen storage areas from adjacent residential and/or commercial zones.
- H. Other Property Development Standards.
1. No structure originally designed or intended for residential purposes shall be occupied by uses permitted in this zone, except when used as a dwelling by a proprietor, manager or custodian or custodian of a permitted use.
 2. No use shall be established in any M-S (Manufacturing Service) zone which causes or emits any dust, gas, smoke, fumes, odors, noises, vibrations, electromagnetic disturbance, radiation, or other similar effects which are or may be detrimental to the public health, safety, or general welfare. All uses shall be continuously maintained so that they are neither obnoxious nor offensive by reason of the above emissions.

-
3. All lot area not in use by buildings shall be paved, planted, or otherwise surfaced to eliminate dust. Use of gravel, decomposed granite and similar materials is permitted, subject to continuous maintenance in a neat and sightly manner. Use of oil is permitted only where treated areas will not be visible from public streets, or adjacent residential or commercial zones. Yards and off-street parking and loading areas shall be treated as required in this title.
 - I. Architectural Review. All development in the M-S (Manufacturing Service) zone is subject to architectural review as set forth in Section 17.72.010 of this title.
 - J. Non-storefront retailer and non-storefront retail microbusiness. A non-storefront retailer or non-storefront retail microbusiness shall have a minimum of one hundred (100) feet separation from any residential structure; be at least five hundred (500) feet from any other storefront retail or non-storefront retail cannabis business; and may not be located in the City's Pueblo Viejo District. For purposes of this chapter, "Pueblo Viejo District" shall be that area in the city bounded by Cesar Chavez Street to the south, First Street to the west, Grapefruit Boulevard to the north, and Nineth Street to the east.

(Prior code § 050.03; Ord. No. 1161, § 5, 5-27-20; Ord. No. 1195, § 6, 7-27-22; Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

Chapter 17.38 PUD PLANNED UNIT DEVELOPMENTS

17.38.010 Intent and purpose.

The purpose of this chapter is to provide for attractive, planned ~~zoning, residential~~ districts in accordance with the general plan; to provide a means of achieving greater quality, variety and flexibility in ~~residential~~ development on relatively large areas of land; to encourage more imaginative and innovative design of projects; to promote more desirable living environments that would not be possible through the strict application of zoning standards; to assist in the development of old or blighted neighborhoods by providing incentives for higher quality multiple residential housing and project design; to require a more efficient use of open space, separation of pedestrian and vehicular traffic and increased project amenities; to insure that such projects will be assets to their surrounding neighborhoods, and safeguards will be required through the conditional use procedure. The overall plan shall provide equivalent or higher standards of development, operation, light, air, safety, convenience and aesthetics, than if developed under the underlying zone.

(Prior code § 060.01)

17.38.020 Procedure and regulations.

- A. Procedure. An application for a planned development project or ~~mobilehome project~~ shall submit a request for ~~change-of-zone~~ conditional use permit to allow a "PUD", Planned Unit Development, overlay zone on base district zone, pursuant to Chapter 17.82. Conditional Use Permit. A conditional use permit must be obtained by the applicant as a part of the PUD overlay zone and related entitlements in order to vest modified land use regulations, utilize flexible standards of the PUD overlay zone and vest the design guidelines for the planned unit development.
- B. Land Use Regulations. All planned development projects shall comply with the land use and density regulations of the base district, except as may be modified by the PUD ~~overlay zone~~ regulations, subject to compliance with the general plan.
- C. Development Standards. All planned development projects shall comply with the applicable development standards of the base district and other sections of the municipal code, except that an applicant for a PUD project may utilize flexible development standards in order to meet the policy directives of the general plan.
- D. ~~Conditional Use Permit. A conditional use permit must be obtained by the applicant as a part of the PUD overlay zone and related entitlements in order to vest modified land use regulations, utilize flexible standards of the PUD overlay zone and vest the design guidelines for the planned development.~~

(Ord. No. 1075, § 7, 6-10-15; Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

Editor's note(s)—Ord. No. 1075, § 7, adopted June 10, 2015, amended § 17.38.020 in its entirety to read as herein set out. Former § 17.38.020, pertained to uses, and derived from prior code, § 060.02; and Ord. No. 1026, § 7, adopted Jan. 12, 2011.

17.38.030 Design guidelines.

- A. Design Guidelines. All planned developments shall submit a comprehensive set of design guidelines for the project as part of the conditional use permit required under Section 17.38.020(D), that include the following items.

-
1. Circulation and Streets Plan. The design guidelines shall incorporate a street network plan showing street and pedestrian connectivity for future neighborhoods of the planned development. This shall include the typical roadway diagrams proposed for neighborhood streets and shall incorporate the use of a landscaped parkway with street trees separating the sidewalk from the street curb line. Any deviations, for private streets, from the city's public street improvement requirements shall be included in the circulation and streets plan. The minimum perimeter landscape setback for residential or hotel projects without frontage of buildings along perimeter street shall equal at minimum 10 feet at any point and have an average perimeter landscape setback of 20 foot for the entire frontage.
 2. Open Space Plan. A plan for the major common open space elements ~~for a residential~~of the community shall be included in the design guidelines of the project. This shall include conceptual plans for park amenities, recreational facilities, and gathering spots for the future residents.
 3. Building Massing Plan. A colored site plan showing the typical building massing and relationship of buildings to streets and pedestrian paths and open space features ~~for the various neighborhoods~~ within the planned development shall be included as part of the design guidelines.
 4. Architectural Theming. Detailed architectural and/or artist renderings of allowable building types, architectural themes, and typical front yard landscaping shall be provided for all planned developments. Conceptual design guidelines in text describing the architectural theming and exterior building materials, window treatments, and garage door designs, and landscaping plant palettes, must accompany the planned development submittal.
 5. Signs. A comprehensive sign program shall be included as a part of all planned developments.
 6. PUD justification. The applicant shall submit a project justification statement identifying the following:
 - i. How the proposed development is superior to which is permitted by the underlying zone;
 - ii. How the proposed project conforms to the Planned Unit Developments Chapter 17.38;
 - iii. Which exceptions to the underlying zoning regulations are being requested and why they are necessary;
 - iv. What public benefit is being provided that justifies the exception for underlying zoning standards.
- B. Change in Product Size. Refer to Section 16.32.170 of the Coachella Municipal Code for proposed changes in product sizes within single-family residential tracts in which a previously approved product was constructed.

17.38.035 Public Benefit Required. A PUD shall provide a public benefit that offsets the impact created by an exception from development standards. An approved public benefit shall include one or more if the elements listed below or a similar element that proportionally offset the additional impacts created by the exception to the development standards requested.

1. Affordable housing. The construction of affordable housing on the site or off-site affordable housing.
2. On-Site Public Amenities. The provision of on-site amenities that benefit the general public such as parks, community spaces, civic spaces, child care facilities, preservation of historic structures or places, agricultural preservation, open space preservation, or similar amenities.
3. Off-site Improvements. The provision of off-site amenities and dedications including traffic enhancements, traffic calming improvements, bikeways and trails, park lands, recreation facilities, or

other public improvements that proportionally offset the additional impacts specifically created by the exception requested for the PUD.

(Ord. No. 1075, § 8, 6-10-15)

Editor's note(s)—Ord. No. 1075, § 8, adopted June 10, 2015, amended § 17.38.030 in its entirety to read as herein set out. Former § 17.38.030, pertained to property development standards, and derived from prior code, § 060.03; and Ord. No. 1021, § 5, adopted July 28, 2010.

17.38.040 Mobilehome parks.

- A. Intent and Purpose. These regulations are intended to provide for the development of mobilehome parks within the city, consistent with the general plan. These provisions are further intended to create standards of development consistent with those in other residential areas of the community.
- B. Review Procedure. A mobilehome park community may be established in the **RM-G-N** base district zone through a planned unit development overlay zone, subject to approval of the conditional use permit, change of zone and design guidelines required under Sections 17.38.020 and 17.38.030, and subject to compliance with the regulations contained herein.
- C. Permitted Uses. The following uses are permitted in any mobilehome park:
 - 1. Mobilehomes, trailers, trailer coaches, campers, camp cars;
 - 2. Recreational buildings, structures, and uses intended to serve only the residents of the mobilehome park; and
 - 3. Accessory buildings normally appurtenant to the conduct of a mobilehome park, including buildings and structures required by law.
- D. Lot Requirements for Mobilehome Parks.
 - 1. Minimum Lot Size. Five acres.
 - 2. Density Permitted. One mobilehome for each four thousand five hundred (4,500) square feet of gross lot area.
 - 3. Lot width and depth shall be determined by the Planning Commission or City Council when the conditional use permit is considered.
- E. Yard Requirements for Mobilehome Parks.
 - 1. Front Yard. Each park shall have a front yard of at least twenty-five (25) feet in depth.
 - 2. Side Yard. Each park shall have side yards of at least fifteen (15) feet in depth.
 - 3. Rear Yard. Each park shall have a rear yard of at least fifteen (15) feet in depth.
- F. Requirements for Individual Mobilehome Sites Within a Mobilehome Park.
 - 1. Minimum individual site size shall be three thousand (3,000) square feet.
 - 2. Each individual mobilehome site shall have a minimum width of thirty-five (35) feet.
 - 3. Each mobilehome shall be set back at least five feet from the edge of any interior site roadway.
- G. Height Limits. Height limits shall be those in the zone in which a mobilehome park is authorized.
- H. Distance Between Buildings and Mobilehomes.

-
1. There shall be a minimum average distance between mobilehomes of twenty (20) feet; except that where placed end to end, the distance may be reduced by ten (10) feet.
 2. There shall be a minimum distance between mobilehomes and accessory buildings of fifteen (15) feet.
 3. There shall be a minimum distance between accessory buildings of ten (10) feet.
- I. Usable Open Space.
1. A common recreational-leisure area shall be provided for each mobilehome park. Such recreational-leisure area shall be for the purpose of providing usable open space for the residents of the mobilehome park, and shall not be for the use of the general public.
 2. The size of such recreational-leisure area shall be equal to at least four hundred (400) square feet for each mobilehome site. Cabanas, swimming pools, decks, game areas, and similar uses may be included in such an area.

(Prior code § 060.04)

(Ord. No. 1075, § 8, 6-10-15; Ord. No. 1204 , § 3(Exh. A.1), 7-26-23)

17.38.050 Nonresidential uses.

The Planning Commission shall approve the appropriate number, location, area requirements, access, parking, identification, and operating conditions for all institutional, recreational, commercial and health facilities in the planned unit development.

(Prior code § 060.05)

(Ord. No. 1204 , § 3(Exh. A.1), 7-26-23)

17.38.060 Special conditions and procedures.

In addition to the following special conditions and procedures for planned unit development, the Planning Commission may impose such other conditions as it deems necessary or desirable in carrying out the general purpose and intent of this section.

- A. A conditional use permit obtained through procedures contained in this chapter and in Sections 17.74.010 through 17.74.050 of this title is required for any planned unit development.
- B. Tract or Parcel Maps. A tentative tract or parcel map is required to be submitted to the planning director subsequent to approval of the application but may be filed with the application for ~~a zone change and~~ conditional use permit. However, if the property is located in a hillside area, the tentative tract or parcel map shall be filed concurrently with the application.

No building permit shall be issued for any building within a planned unit development, except for sales models, recreational buildings, or community facilities, unless a final tract or parcel map has first been recorded for the property on which the building or buildings are located.

- C. Project Site Plans.
 1. A preliminary project site plan is required to be filed with the application for planned unit development. Contour intervals shall be indicated for property in hillside areas. The site plan required by Section 17.62.010 shall, in addition to other requirements, indicate compliance with the provisions of this chapter.

(Supp. No. 25)

Created: 2023-11-09 16:06:39 [EST]

-
2. Landscape Plans and List. A plan for landscaping all common area, including plant lists and sprinkler system, shall be approved by the planning director.
 3. Phasing Plans. A progress plan delineating the various development phases, if more than one, and specifying a reasonable time allocation for each phase, shall be submitted, and made a condition of approval by the Planning Commission. No phase component shall have a residential density that exceeds by twenty (20) percent the proposed residential density of the entire planned unit development. The total area of common open space provided in each phase shall, at a minimum, be in the same proportion as in the entire development.
 4. Highway Access. Each planned unit development shall be located on and have direct access to a major or secondary arterial or a collector street.
 5. Utilities. All utility lines necessary to serve the development shall be installed underground.
 6. Vehicular Access. The approved site plan shall indicate all vehicular access. In order to encourage inward orientation, increased living amenities, and variety and flexibility of parking areas, direct access to all dwelling units is not required. However, the planning director shall determine the property access system.
 7. Specific Plan. The project plans for a planned unit development may be adopted as a specific plan amendment to the general plan.
- D. Condominium Common Areas. Except for property dedicated to the City for inclusion within a public park, school site or park maintenance district, every owner of a dwelling unit or lot shall own as an appurtenance to such dwelling unit or lot, either an undivided interest in the common areas and facilities of the entire project or of the tract in which the ownership is located; or a share in the corporation, or voting membership in an association owning the common areas and facilities of the entire project or of the tract in which the ownership is located.
1. Management Agreement for Control and Maintenance of Common Areas. No lot or dwelling unit in the development shall be sold until a corporation, association, property owner's group or similar entity has been formed with the right to assess all the properties which are jointly owned with interests in the common areas and facilities in the entire development or in the tract which is a part of the entire development to meet the expenses of such entity, and with authority to control, and the duty to maintain, all of said mutually available features of the development or tract portion thereof. Such entity shall operate under recorded conditions, covenants and restrictions which shall include compulsory membership of all owners of lots and/or dwelling units, and flexibility of assessments to meet changing costs of maintenance, repairs, and services. The developer shall submit evidence of compliance with the requirement to the planning director. This condition shall not apply to land dedicated to the city and included in a park maintenance district or dedication to the city for other public purposes.
 2. Maintenance. The right to maintain the buildings and use the property for a residential planned unit development as indicated on the approved revised site plan shall continue in effect only so long as all of the mutually available features, such as recreational areas, community buildings, and landscaping, as well as the general appearance of the premises and buildings are all well maintained.
 3. Covenants.
 - a. The provisions of subsections (C)(1) and (C)(2) of this section shall be included in the conditions, covenants, and restrictions applying to the property, which are recorded in the office of the county recorder, and copies of said provisions shall be furnished to the individual purchasers of units in the development.

-
- b. The provisions of subsections (C)(1) and (C)(2) of this section shall also be in each of the preliminary and final drafts of the conditions, covenants, and restrictions submitted to the real estate commissioner.
 - E. Separate Lots. No portion of land within a residential planned unit development shall be divided in ownership unless it is first recorded as a separate lot on a recorded final tract or parcel map.
 - F. Sale of Lots or Units. No dwelling unit or lot shall be sold or encumbered separately from an interest in the common areas and facilities in the development which shall be appurtenant to such dwelling unit or lot. No lot shall be sold or transferred in ownership from the other lots in the total development, unless all approved community buildings, structures, and recreational facilities for the total development, or approved phase thereof, have been completed, or completion is assured, to the satisfaction of the planning director.
 - G. Nonconformities. All nonconformities existing prior to development of the project must be eliminated or alleviated to the satisfaction of the Planning Commission.

(Prior code § 060.06)

(Ord. No. 1204 , § 3(Exh. A.1), 7-26-23)

Chapter 17.60 DEVELOPMENT STANDARDS

17.60.010 Property development standards.

- A. Intent and Purpose. The following general development standards are set forth in order to assure that property in the various zones of the city will be developed in a uniform and orderly manner which will promote the public health, safety, comfort, convenience, and general welfare. These development requirements shall be in addition to the property development standards set forth in each zone. In addition, the design standards established for single-family residential development in Chapter 17.19 (Supplemental Standards for Single-Family Residential Development shall apply.
- B. Responsibility for Measurements. In measuring lot dimensions and other requirements, it shall be the responsibility of the property owner or his or her authorized agent to provide accurate dimensions and calculations. The submission of inaccurate dimensions or calculations which result in a lot or structure not complying with the requirements set forth in this chapter shall constitute a violation of this chapter, and any permits or approvals granted thereunder shall be void.
- C. Lot Widths. Lot widths in residential zones shall vary according to the size of the lot, and shall be determined per the zone-specific standards in Chapters 17.10 to 17.18 and Chapters 17.22 to 17.35).
- D. Yards.
1. Encroachments. Where yards are required in this chapter, they shall not be less in depth or width than the minimum dimensions specified in any part, and they shall be at every point open and unobstructed from the ground to the sky, except as follows:
 - a. Outside stairways, porches, or landing places, if unroofed and unenclosed, may extend into a required side yard for a distance of not to exceed three feet or into the required rear yard a distance not to exceed five feet.
 - b. Awnings, cornice trims, eaves, decks, railings, stoops, and landings, and similar architectural features may encroach two feet into a required front, side, or rear yard.
 2. Through Lot Regulations. On through lots either separating such lot from a public thoroughfare may be designated as the front lot line. In such cases the minimum rear yard shall be the average of the yards required on lots next adjoining.
 3. Fences, Walls in Yards. Fences or walls not exceeding six feet in height may occupy any portion of a side or rear yard. In a residential single-family zone, where any such fence or wall projects beyond the front yard line or setback toward the front property line it shall not be more than six feet in height if it is of wrought iron, or other such material; provided that such material does not obscure the view to the front lawn-yard through the fence.
 - a. Walls and low silhouette plants such as hedges, and other flora along front yard property lines must be approved by city staff and shall not be more than thirty (30) inches in height.
 - b. Fences and walls shall not extend beyond the property line.
 - c. Any front yard wall that obscures view to the front lawn shall not be more than six feet in height, built with a pedestrian entrance and subject to the following findings:
 1. The design of the fence or wall, including architectural style, materials, and colors, is compatible with the main dwelling.

2. The materials are of good and durable quality.

3. The design will not be detrimental to the health, safety and general welfare of the community in the vicinity of the project site.

- de. There shall be no visual obstructions which would interfere with intersection visibility from a corner setback area. In the corner property radius area any fence shall not be more than six feet in height provided it does not cause visual obstruction. In the corner property radius area, visual obstructions are hereby defined as any wall, obstacle mature landscaping or thing allowed, installed, set out or maintained which obscures intersection visibility.
 - ed. Notwithstanding the above provisions, existing walls and fences shall be permitted to remain unless and until the property owner applies for a building permit to reconstruct, remodel or otherwise perform any construction activity upon the property; at such time any walls or fences shall be brought into compliance with subsections (D)(3)(a) through (c) of this section, as a condition of obtaining such building permit.
 - fe. In residential districts the use of razor, chain-link, or barbed wire is prohibited. Precision concrete block shall not be used unless exterior surfaces visible from the outside of the property are covered by stucco, paint, or texture coating as approved by the community development director.
 - gf. Maintenance. All walls and fences shall be continuously maintained in good repair. The property owner shall be provided thirty (30) days after receiving notice from the city to repair a wall or fence. The building official may grant an extension for the repair of the wall or fence.
4. Landscaping.
- a. Except where otherwise provided, required yards and setback areas shall be landscaped with lawn, trees, shrubs, or other plant materials and shall be permanently maintained in a neat and orderly manner as a condition to use. Decorative rock may be used for landscaping in a manner incidental and accessory to the required lawn, trees, shrubs, or other plant materials. Fountains, ponds, sculpture, planters, walkways, flagpoles for display of national, state, city or company ensigns only, light standards, and decorative screen-type walls, forty-two (42) inches or less in height, where an integral part of a landscaping scheme comprised primarily of plant materials are permitted. Entrance and exit drives and walks may be provided into parking areas. Said drives shall not exceed thirty (30) feet in width for each curb opening.
 - b. Where walls are required between nonresidential and residential zones, no landscaping zones, no landscaping shall be required.
 - c. Additional standards as established in zone-specific standards (Chapters 17.10 to 17.18 and Chapters 17.22 to 17.35) and Chapter 17.19 (Supplemental Standards for Single-Family Residential) also apply.
5. Measurement. The depth of all required yards which abut a street or highway shall be measured from the street or planned highway right-of-way line, as specified in Section 17.66.010 of this title.
- E. Distance Between Buildings. Encroachment into required distances between buildings are permitted as specified for encroachments into yards in subsection D of this section.
- F. Accessory Structures. The following regulations shall apply to accessory structures in residential zones:
- 1. Accessory structures detached from the main dwelling, may not occupy a required front yard, side yard, or corner side yard, except as provided herein.
 - 2. An accessory structure may occupy a required rear yard provided it is at least five feet from any interior property line, and a minimum of ten (10) feet from any street property line.

-
3. An accessory structure may be a maximum of fifteen (15) feet in height and no more than one story in height, or as provided by the specific zone standards.
 4. An accessory structure in the rear yard is limited to a maximum size of four hundred (400) square feet or thirty (30) percent of the size of the main dwelling, whichever is greater. Interior partitions are not allowed within accessory structures. Kitchens and full bathrooms are not allowed inside of any accessory structure.
 5. Except for side loaded garages, the wall planes or sides of an accessory structure must be a minimum of ten (10) feet from the sides or wall planes of any other structure, measured at right angles from the wall plane or sides of the accessory structure. The corner of an accessory structure may be no closer than five feet from the corner of any other structure, provided the wall planes or sides of both structures comply with the distance requirements specified in this subsection.
 6. Accessory structures on a site may not cover more than fifty (50) percent of the required rear yard setback area.
 7. Pools and spas may encroach into any required side or rear yard provided they are at least five feet from any property line. Pools and spas may ~~not~~ occupy a required front yard subject to construction of a courtyard with front yard wall of six (6) feet in height and that the pool and spa is at least five feet from any property line.
 8. Mechanical and pool equipment may ~~not~~ occupy a required front yard servicing a front yard pool or spa and located a minimum setback of three feet from any property line.
 9. Mechanical and pool equipment may occupy a required side yard or corner side yard provided a minimum setback of three feet is provided from any property line.
 10. Mechanical and pool equipment may occupy a required rear yard provided a minimum setback of twelve (12) inches is provided from any property line and provided a minimum distance of three feet is provided from any other structure.
 11. On lots under seven thousand two hundred (7,200) square feet, an attached patio cover may encroach into a required rear yard provided a minimum setback of ten (10) feet is provided. On lots under six thousand five hundred (6,500) square feet, an attached patio cover may encroach into a required side yard or corner side yard provided a minimum setback of five feet is provided.
 12. One freestanding arbor or trellis, up to twelve (12) feet in height and open on all sides, may encroach into a required front yard, provided no more than five percent of the required yard area is covered with the arbor or trellis.
 13. Driveway Trellis: A trellis intended to serve as a canopy for parked vehicles on a single-family dwelling driveway within the required front yard setback shall comply with the following:
 - a. The maximum height of the structure may be up to twelve (12) feet and open on all sides.
 - b. May not exceed 60% of the total driveway area or 400 square feet in coverage area, whichever is less.
 - c. Must be setback at least five (5) feet from side property lines, and may not encroach into the public right of way.
 - d. The structure shall be constructed with materials that are consistent with the primary dwelling, including roofing materials and colors.
 - e. The structure should include features that enhance the visual appeal, such as decorative columns or trim, and must not detract from the neighborhood's character.
 - f. All structures must comply with local building codes.

g. If the structure falls into disrepair, the property owner must either repair or remove it to maintain neighborhood standards.

h. Approval of the application will not create conditions materially detrimental to the public health, safety and general welfare or injurious to properties or improvements in the vicinity.

143. Carports may be allowed in a required rear yard of any single-family residential site provided they are accessible through an approved driveway that is at least eleven (11) feet clear in width. All vehicles parked in a carport must be architecturally screened from view to the street, and located behind an opaque metal gate at least six feet in height.

154. A detached garage or carport must be a minimum of twenty (20) feet from any street property line if front loading. Side-loaded garages may be twelve (12) feet from the street line. Carports must provide a minimum of ten (10) feet from any corner street line.

165. An attached carport accessed from the corner street must be at least fifteen (15) feet from the rear property line.

G. Trailers Outside Camps. It shall be unlawful for any person to keep or maintain, or to permit to be placed, kept or maintained, any trailer coach being presently used or being intended for present use for human habitation upon any lot, piece or parcel of land within the city, except in a trailer camp or when all of the following regulations and conditions have been complied with:

1. Such trailer coach shall be kept or maintained at the rear of a private residential building, other than an apartment house or hotel.
2. Such trailer coach shall not be placed closer than ten (10) feet to any building or closer than five feet to any property line other than a public street or alley line.
3. Such trailer coach shall be used only for sleeping quarters, and none of the sanitary and cooking facilities in such trailer coach shall be used.
4. Such trailer coach shall not be kept or maintained for sleeping purposes as permitted herein for more than three successive nights in any successive ninety (90) days.

~~H.—Accessory Dwelling Units.~~

~~1.—Purpose. The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22. Notwithstanding any conflicting regulations in this title, the regulations in this subsection shall supersede and be applicable to the new construction of ADUs and JADUs, and the conversion of existing structures for said purpose, in the city's residential and agricultural zones.~~

~~2.—Effect of Conforming. An ADU or JADU that conforms to the standards in this section will not be:~~

- ~~a.—Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.~~
- ~~b.—Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.~~
- ~~c.—Considered in the application of any local ordinance, policy, or program to limit residential growth.~~
- ~~d.—Required to correct a nonconforming zoning condition, as defined in subsection (3)(g) below.~~

~~3.—Definitions. As used in this section, terms are defined as follows:~~

- ~~a.—"Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a~~

lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

- 1) — An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - 2) — A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
- b. — "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- c. — "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
- d. — "Efficiency kitchen" means a kitchen that includes each of the following:
- 1) — A cooking facility with appliances.
 - 2) — A food preparation counter or counters that total a minimum of fifteen (15) square feet in area.
 - 3) — Food storage cabinets that total a minimum of thirty (30) square feet of shelf space.
- e. — "Junior accessory dwelling unit" or "JADU" means a residential unit that
- 1) — is no more than five hundred (500) square feet in size,
 - 2) — is contained entirely within an existing or proposed single-family structure,
 - 3) — includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and
 - 4) — includes an efficiency kitchen, as defined in subsection (3)(d) above.
- f. — "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- g. — "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- h. — "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- i. — "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- j. — "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- k. — "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
4. — Approvals. The following approvals apply to ADUs and JADUs under this section:
- a. — Building permit Only. If an ADU or JADU complies with each of the general requirements in subsection (e) below, it is allowed with only a building permit in the following scenarios:
 - 1) — Converted on Single-family Lot: Only one ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

-
- (i) — Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an accessory structure, plus up to one hundred fifty (150) additional square feet if the expansion is limited to accommodating ingress and egress.
 - (ii) — Has exterior access that is independent of that for the single-family dwelling.
 - (iii) — Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - 2) — Limited Detached on Single-family Lot: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (4)(a)(1) above, if the detached ADU satisfies the following limitations:
 - (i) — The side- and rear-yard setbacks are at least four feet.
 - (ii) — The total floor area is eight hundred (800) square feet or smaller.
 - (iii) — The peak height above grade is sixteen (16) feet or less.
 - 3) — Converted on Multifamily Lot: Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling, and up to twenty-five (25) percent of the existing multifamily dwelling units may each have a converted ADU under this paragraph.
 - 4) — Limited Detached on Multifamily Lot: No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:
 - (i) — The side- and rear-yard setbacks are at least four feet.
 - (ii) — The total floor area is eight hundred (800) square feet or smaller.
- b. — ADU Permit:
- 1) — Except as allowed under subsection (d)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections (e) and (f) below.
 - 2) — The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU permit processing fee is determined by the planning director and approved by the city council by resolution.
- c. — Process and Timing:
- 1) — An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
 - 2) — The city must act on an application to create an ADU or JADU within sixty (60) days from the date that the city receives a completed application, unless either:
 - (i) — The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - (ii) — In the case of a JADU and the application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the city may delay acting on the permit application for the

JADU until the city acts on the permit application to create the new single-family dwelling, but the application to create the JADU will still be considered ministerially without discretionary review or a hearing.

5. — General ADU and JADU Requirements. The following requirements apply to all ADUs and JADUs that are approved under subsections (4)(a) or (4)(b) above:
- a. — Zoning.
 - 1) — An ADU or JADU subject only to a building permit under subsection (4)(a) above may be created on a lot in a residential or mixed-use zone.
 - 2) — An ADU or JADU subject to an ADU permit under subsection (4)(b) may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
 - b. — Fire Sprinklers. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
 - c. — Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days.
 - d. — No Separate Conveyance. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).
 - e. — Septic System. If the ADU or JADU will connect to an onsite water treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last ten (10) years.
 - f. — Owner Occupancy.
 - 1) — All ADUs created before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was created.
 - 2) — An ADU that is created after that date but before January 1, 2025, is not subject to any owner-occupancy requirement.
 - 3) — All ADUs that are created on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.
 - 4) — All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
 - g. — Deed Restriction. Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the county recorder's office and a copy filed with the planning director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:
 - 1) — The ADU or JADU may not be sold separately from the primary dwelling.
 - 2) — The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
 - 3) — The deed restriction runs with the land and may be enforced against future property owners.

-
- 4) — The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the director, providing evidence that the ADU or JADU has in fact been eliminated. The director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the director's determination consistent with other provisions of this code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this code.
 - 5) — The deed restriction is enforceable by the director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.
6. — Specific ADU Requirements. The following requirements apply only to ADUs that require an ADU permit under subsection (4)(b) above.
- a. — Maximum Size.
 - 1) — The maximum size of a detached or attached ADU subject to this subsection (6) is eight hundred fifty (850) square feet for a studio or one-bedroom unit and one thousand (1,000) square feet for a unit with two bedrooms. No more than two bedrooms are allowed.
 - 2) — An attached ADU that is created on a lot with an existing primary dwelling is further limited to fifty (50) percent of the floor area of the existing primary dwelling.
 - 3) — Application of other development standards in this subsection (6), such as FAR or lot coverage, might further limit the size of the ADU, but no application of FAR, lot coverage, or open-space requirements may require the ADU to be less than eight hundred (800) square feet.
 - b. — Floor Area Ratio (FAR). No ADU subject to this subsection (6) may cause the total FAR of the lot to exceed forty five (45) percent, subject to subsection (6)(a)(3).
 - c. — Lot Coverage. No ADU subject to this subsection (6) may cause the total lot coverage of the lot to exceed fifty (50) percent, subject to subsection (6)(a)(3).
 - d. — Minimum Open Space. No ADU subject to this subsection (6) may cause the total percentage of open space of the lot to fall below fifty (50) percent, subject to subsection (6)(a)(3) above.
 - e. — Height.
 - 1) — A single-story attached or detached ADU may not exceed sixteen (16) feet in height above grade, measured to the peak of the structure.
 - 2) — A second-story or two-story attached ADU may not exceed the height of the primary dwelling.
 - 3) — A detached ADU may not exceed one story.
 - f. — Passageway. No passageway, as defined by subsection (c)(8) above, is required for an ADU.
 - g. — Parking.
 - 1) — Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined in subsection (3)(k) above. The

parking space may be provided in setback areas or as tandem parking, as defined in subsection (3)(k) above.

2) — Exceptions. No parking under subsection (6)(g)(1) is required in the following situations:

- (i) — The ADU is located within one-half mile walking distance of public transit, as defined in subsection (3)(j) above.
- (ii) — The ADU is located within an architecturally and historically significant historic district.
- (iii) — The ADU is part of the proposed or existing primary residence or an accessory structure under subsection (4)(a)(1) above.
- (iv) — When on-street parking permits are required but not offered to the occupant of the ADU.
- (v) — When there is an established car share vehicle stop located within one block of the ADU.

3) — No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

h. — Architectural Requirements.

- 1) — Exterior building materials and colors of the exterior walls, roof, and windows and doors shall match the appearance and architectural design of those of the primary dwelling.
- 2) — The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
- 3) — The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
- 4) — The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must be located on the side or rear building façade, not facing a public right-of-way.
- 5) — The interior horizontal dimensions of an ADU must be at least ten (10) feet wide in every direction, with a minimum interior wall height of seven feet.
- 6) — Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

i. — Landscape Requirements:

- 1) — Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels as follows:
 - a) — At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24-inch box size plant shall be provided for every ten (10) linear feet of exterior wall.
 - b) — For a ground-level ADU, plant specimens must be at least six feet tall when installed. As an alternative, for a ground-level ADU, a solid fence of at least six feet in height may be installed.

c) — For a second-story ADU, plant specimens must be at least twelve (12) feet tall when installed.

2) — All landscaping must be desert-friendly and water-efficient plantings and irrigation systems.

7. — Fees:

a. — Impact Fees:

1) — No impact fee is required for an ADU that is less than seven hundred fifty (750) square feet in size.

2) — Any impact fee that is required for an ADU that is seven hundred fifty (750) square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (e.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling.) "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

b. — Utility Fees:

1) — Converted ADUs and JADUs on a single-family lot, created under subsection (4)(a)(1) above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required unless the ADU or JADU is constructed with a new single-family home.

8. — Nonconforming ADUs and Discretionary Approval. Any proposed ADU or JADU that does not conform to the objective standards set forth in subsections (1) through (7)(b) of this section may be allowed by the city with a conditional use permit, in accordance with Chapter 17.74 of this title.

(Ord. 984 § 1, 2007; prior code § 070.07)

(Ord. No. 1075, §§ 10, 11, 6-10-15; Ord. No. 1150, Exh. A, 12-11-19; Ord. No. 1204, § 3(Exh. A.1), 7-26-23)

Chapter 17.70 ADMINISTRATION GENERALLY

17.70.010 Public agencies.

There are various agencies and public officers concerned with the administration and implementation of this chapter. Their powers, duties and procedural rules are described more fully in this code and in the policy statements of the respective departments themselves. To lessen the public's need to search all these sources, the following sections relate to the principal statements and functions of those agencies and persons, with respect to this chapter.

(Prior code § 080.01)

17.70.020 City planning commission.

- A. Authority—General. The city planning commission shall advise and recommend to the city council, planning director, municipal departments and agencies with respect to city planning and related activities and legislation. On matters of policy, it shall direct and supervise the planning director in the execution of his or her various powers and duties. It shall perform such other functions as are set forth elsewhere in Chapters 2.32 through 2.40 and Chapter 2.48 of this code, or as specified by ordinance.
- B. The planning commission shall have and exercise the following powers:
 - 1. To review and determine appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by the zoning administrator.
 - 2. To review and determine such other appeals as may be delegated to it by ordinance.
- C. Authority—Specific. The planning commission has original jurisdiction over the following procedures:
 - 1. Amendment to change the text of the ordinance.
 - 2. Change or establishment of zones.
 - 3. Zone boundary adjustments.
 - 4. Change or establishment of combination districts.
 - 5. Change or establishment of planned street lines and building lines.
 - 6. Uses and structures permitted subject to conditional use permit by the planning commission.
 - 7. Referrals—Land for public use or disposal.
 - 8. General plan approval or amendments to the general plan.
 - 9. Attachment or removal of temporary classifications, (e.g. "T", Tentative Improvement.)
 - 10. Review of plans subject to architectural review, except as provided in Section 17.16.020, 17.16.030, and 17.56.010(J)f regarding director reviews.
- D. Reserved.

(Prior code § 080.02)

(Ord. No. 1075, § 12, 6-10-15)

17.70.030 Planning director.

The planning director under the direction of the city manager, shall have the following powers and duties, subject to supervision and direction by the city council and planning commission as to matters of policy:

- A. He or she shall prepare the general plan of the city and any extensions and modifications thereto.
- B. He or she shall prepare all proposed zoning regulations and requirements, including the necessary districts or zones in connection therewith, and he shall prepare all maps, charts and diagrams which may be necessary or advisable in the making of such zoning regulations.
- C. He or she shall make investigations and report on the design and improvements of all proposed divisions of land.
- D. He or she shall investigate and make recommendations upon applications for those conditional use permits specified by ordinance for their jurisdiction or any similar administrative determination required by this chapter.
- E. Subject to the provisions of this chapter, he or she shall investigate and make a recommendation upon applications for variances from the regulations and requirements of the chapter.
- F. He or she shall determine, pursuant to procedures and limitations provided in this chapter, the proper classification of those uses not specifically listed in such ordinance.
- G. He or she may adopt such rules as deemed necessary to carry out this Title and which are not in conflict or inconsistent therewith.
- H. He or she may determine by interpretation the status and conditions of nonconformities, or may permit minor extensions under site plan approval or under certain conditions and limitations.
- I. He or she shall have such additional powers and duties as may be imposed upon him by ordinance, or as may be assigned by the city manager.

(Prior code § 080.03)

(Ord. No. 1087, § 1, 5-25-16)

17.70.040 Reserved.

Editor's note(s)—Ord. No. 1087, § 2, adopted May 25, 2016, repealed former § 17.70.040 in its entirety which pertained to the office of zoning administration and derived from prior code, § 080.04.

17.70.050 General rules for processing applications.

- A. Initiation. Applications to initiate consideration of planning and zoning matters may be made by a variety of persons or agencies, such as owners, bona fide lessees, the city planning commission or the city council. The specific types of are listed under the applicable procedures.
- B. Applications—Form and Content.
 - 1. Applications shall be made on a form prepared by the agency having jurisdiction. Additional verified information may also be required in accordance with provisions of this chapter and rules established by the authorized agency.
 - 2. Applications shall be filed in person at the public counter of the department and must include payment of required filing fees.

(Supp. No. 26)

Created: 2024-06-26 08:27:41 [EST]

-
- C. Applications—Required Plan or Maps.
1. Applications may require inclusion of a zoning and land use map plus a verified list of property owners that are shown upon the records of the county assessor to be within the area of required notification. Specific requirements shall be as shown on the application and the requirements of notification.
 2. Sets of plot plans of the property and tentative plans for any proposed building construction or structural changes may also be required. Photographs and other descriptive material are generally recommended.
- D. Withdrawal of Application. Any applicant may withdraw an application at any time, provided the withdrawal is in writing and notification of public hearing has not been mailed. Any public hearing for which notification has been given shall be held, after which the withdrawal in writing of the application may be approved. If the withdrawal is accepted, the application shall be deemed null and void.
- E. Public Hearings.
1. A public hearing is a session to receive original evidence or testimony on applications regulated by this chapter. These, when required, are held by the planning commission or city council, depending on the type of case involved.
 2. The planning commission and city council meet in regularly scheduled sessions to discuss and rule on planning and zoning matters. At these public meetings, they may hear original evidence or testimony on applications where permitted or not prohibited by this chapter. In such cases, the meeting is also a public hearing.
 3. Public hearings on matters under planning commission jurisdiction are generally conducted by a member of the planning department staff who shall investigate and prepare a report for the commission. The commission may conduct the public hearing if it so elects.
- F. Notification of Public Hearing. A public hearing shall require notification of the time, place and purpose of the hearing in one or more of the ways listed below and as noted by reference under the specific procedure. Written notice provided in the ways listed below shall be provided in English and Spanish, or in such other language as may be required by law. Failure to provide written notice in any language other than English shall not affect the validity of any notice provided hereunder.
1. Newspaper. by at least one publication in a newspaper of general circulation in the city not less than ten (10) days prior to the date of the hearing.
 2. Written Notice to Applicant and Surrounding Owners. By mailing written notice not less than twelve (12) days prior to the date of such hearing to the applicant and owners of all property within a three hundred-foot radius from the subject property. However, in the case of wireless communication facility applications under Chapter 17.86, the radius shall be five hundred (500) feet. Where seventy-five (75) percent or more of the property within the three hundred-foot or five hundred-foot radius is owned by the applicant, or is in public ownership, notification shall include all adjacent property owners.
 3. Written Notice to Applicant and Adjacent Property Owners. By mailing written notice not less than twelve (12) days prior to the date of such hearing to the applicant and adjacent property owners or other persons on request.
 4. Written Notice for Applications Governing Public Facilities. By written notice to the applicant not less than twelve (12) days prior to the date of such hearing. Additional notice to adjacent or surrounding residents is at the option of the agency having jurisdiction.
 5. Posting. Posting of notification may be required for building line and planned street line procedures or for other cases at the discretion of the responsible agency. Upon written request of the agency having jurisdiction, an agent of the superintendent of public works shall post notices of public hearings not

less than twelve (12) days before the event. At least three notices, not more than three hundred (300) feet apart, shall be posted in front of each block or part of a block affected by the public hearing.

6. Notification of Subsequent Hearings. Notice of subsequent public hearings may be given at each preceding meeting, but additional written notice is not required.
- G. Combined Procedures. The planning commission may hear or consider simultaneously multiple proposals for any matter under its jurisdiction if the procedural questions refer to the same property or to adjoining property under the same ownership.
 1. If in such cases, only one notification of public hearing need be given concerning the proposals and all matters may be considered at one public hearing.
 2. The property owners to be notified shall be the same ones that would be notified if each procedure was handled separately. Where time limits differ, the longer time periods shall govern.
 3. If the planning commission approves either or all of the proposals under consideration, a recommendation or ordinance in conformity therewith shall be presented to the city council for required action or adoption concurrently.
 4. The city council may also hear or consider simultaneously multiple proposals for any matter under its jurisdiction, if the procedural questions refer to the same property or to adjoining property under the same ownership. It is subject to rules of notification similar to those of the planning commission, where applicable.
- H. Procedure for Conduct and Recordation of Public Hearing. Whenever a public hearing is conducted to receive original evidence or testimony, a written report and summary of the pertinent points presented at the hearing or a written determination, where applicable, shall be prepared by the person conducting the hearing.
 1. Oaths. All testimony and statements of fact received at public hearings may be under oath.

(Prior code § 080.20)

(Ord. No. 1026, § 4, 1-12-11; Ord. No. 1176, § 2, 4-28-21)

17.70.060 Recommendations and determinations.

- A. Findings. Each recommendation or determination shall be supported by written findings showing specifically how the recommendation or determination meets the criteria and requirements set forth in this chapter.
- B. Record and Notice of Determination. The written findings and determination shall be attached to the file. A copy of the determination shall be mailed or delivered to the applicant, and where applicable to the building department. Additional copies may be sent to other interested parties on request.

(Prior code § 080.21)

17.70.070 Failure to act—Definition.

Failure to act by the planning commission within the specified time periods shall include a tie vote, inability to obtain a quorum, inability to obtain three concurring votes, nonperformance, or refusal to take action.

(Prior code § 080.22)

17.70.080 Appeals.

A. Procedure—Appeal.

1. An appeal shall stay all proceedings in furtherance of the action appealed from, pending its determination.
2. Before granting an appeal in whole or in part, the appeal body shall make written findings. First, setting forth specifically wherein there was error or abuse of discretion in the original determination; and secondly, making those findings required to support any new or revised determination of the matter. A determination on appeal shall be a de novo hearing based upon the evidence and testimony introduced at any previous hearing or hearings and the subsequent record, findings and recommendations or determinations.
3. If the appeal body fails to render a decision, the prior decision made at the lower level shall be the final decision.

B. Time Limit—Applicant's Filing of Appeal. Any valid appeal shall be filed by the applicant within fifteen (15) days after the date on which ~~notice of the determination was mailed~~ the decision being appealed was rendered, except that when the final day for filing an appeal falls on a Saturday, Sunday or legal holiday, the time for filing such appeal shall be extended to the close of business on the next succeeding working day. ~~Mailing of notice shall be as expeditious as practicable.~~

C. "Call-Up Appeal Procedure. Not later than fifteen (15) days after the date on which ~~notice of the determination was mailed~~ the decision being appealed was rendered, the City Council or Planning Commission may "call-up" an action and decide to hear it on appeal, if it is the next direct level of appeal for a particular matter. "Calling-up" an action for appeal shall not require an application from the applicant, but shall require the written direction of at least two members of the city council or planning commission, whichever is applicable. Upon receipt of such written direction, staff shall process the appeal in the same way as an applicant-filed appeal.

(Prior code § 080.23)

(Ord. No. 1087, § 3, 5-25-16)

17.70.090 Calculation of time limit periods.

For the purpose of determining time limits applicable to procedures for appeal or transfers of jurisdiction, the last day of the prescribed period for filing the appeal or request shall be considered to be the first day of the proceedings.

(Prior code § 080.24)

17.70.100 Conformance to general plan.

- A. All matters governed by this chapter shall substantially conform to the purposes, intent or provisions of the general plan. If any action of the planning commission or city council does not conform to the general plan, the recommendations and findings of the commission or council must contain valid reasons based upon sound planning and zoning principles and practices, for not conforming therewith.
- B. Proposed zone changes have considerable potential influence on the effectuation of the general plan. Any recommendations for such changes if found to be not in conformance with the general plan and its phasing,

(Supp. No. 26)

Created: 2024-06-26 08:27:41 [EST]

should not be permitted unless it is also found in writing wherein the general plan is in error or in need of change.

- C. Long-Term Zone Districts—Conservation. To ensure the effectuation of the general plan, the city council may designate by ordinance, following recommendations by the planning commission, specific areas of the city where changes of zone from one classification to another classification of greater intensity shall not be permitted for a period of at least twenty (20) years. Such districts shall be subject to review at the call of the city council, every five years.

(Prior code § 080.25)

17.70.110 Zoning of annexed or unzoned areas.

- A. All land or territory annexed to the city after the effective date of the ordinance codified in this chapter shall be immediately classified in the ~~RA-ET~~ zone unless the city council specifically determines otherwise by ordinance. The council may establish specific zoning by ordinance for land or territory to be annexed. Such an ordinance may be adopted concurrently with the annexation. Unless such specific zoning is established by ordinance, the zoning map shall be amended so as to indicate what land or territory is annexed as ~~RA-ET~~, without additional proceedings.
- B. Any land or territory in the city which is not indicated on the zoning map as being in any zone, shall be construed as being classified in the same zone as that existing on the side of the street opposite said land or territory, and the zoning map is amended to indicate said zone without additional procedure.
- C. Where uncertainty exists as to the zone indicated on the map, such zone shall be determined by the planning commission by written decision.

(Prior code § 080.26)

17.70.120 Minor modifications.

- A. ~~Notwithstanding any provision of this Chapter 17.70 or Chapter 17.76 to the contrary, when the strict application of the zoning code results in practical difficulties or unnecessary hardships with respect to a particular piece of property which is not enjoying the privileges commonly enjoyed by other properties in the same vicinity and zone, where there are unique circumstances applicable to the site that merit some relief from zoning development standards and the deviation does not create an adverse impact on the surrounding neighborhood, and when it is in the public interest, the planning director may consider and render decisions on minor modifications in the provisions of this title, limited to the items listed below. No publishing, posting or mailing of notice is required, nor is a public hearing required. A minor modification permit is to provide for minor deviations from specific development standards of any zoning district.~~
- B. Applicability. A minor modification permit may be approved by the planning director for deviations from a numerical development standards of any zoning district of up to ten percent (10%). Up to four (4) modifications per parcel shall be allowed.
 - 1. ~~Reduction of minimum lot area and/or lot dimensions, by not more than twelve (12) percent for up to twenty (20) percent of the lots in a subdivision. However, such modifications are not permitted for lot area in the R-O 6000 zone, and the dwelling unit on such a lot shall meet all setback and coverage requirements.~~
 - 2. ~~Reduction in front, side or rear yard setback by not greater than ten percent of code required minimum.~~

(Supp. No. 26)

Created: 2024-06-26 08:27:42 [EST]

-
3. — Increase in fence height not greater than ten percent above code-required maximum.
 4. — Reduction in required off-street parking, by not greater than five percent of code-required minimum.
 5. — Increase in building height not greater than five percent above code-required maximum.
 6. — Modification of allowable sign area not greater than ten percent above Code-required maximum.

 7. — Modification of allowable paving and hardscape in the front yard of residential zones not greater than ten percent above code-required maximum.
 8. — Modification of allowable size of accessory structure not greater than ten percent above code-required maximum, and minimum distance between accessory structures and other buildings not greater than ten percent of code-required minimum, in the residential zones.

C. Approving authority. Minor modifications shall be administratively reviewed by the planning director unless combined with another application which requires approval by the planning commission or city council. The director shall, not later than sixty (60) days from receipt of a complete application, render a decision and prepare written findings as to whether the minor modification meets the criteria of this section and notify the applicant by first class mail. ~~The director may deny, approve or approve the minor modification with conditions to protect the surrounding area.~~

D. Required Findings. The following findings shall be made by the decision-making authority prior to approval of a minor modification permit:

1. The proposed project will not be in conflict with, but will be in harmony with and in accordance with the objectives of the general plan.
2. The proposed project complies with the zoning regulations.
3. Processing and approval of the permit application are in compliance with the requirements of the California Environmental Quality Act.
4. Approval of the application will not create conditions materially detrimental to the public health, safety and general welfare or injurious to properties or improvements in the vicinity.
5. The proposed project is located, designed, constructed, operated and maintained so as to be compatible with the existing or intended character of the general vicinity and shall not change the essential character of the same area.

E. Appeals. Appeals to decision of minor modifications shall be reviewed pursuant to Section 17.70.080.

~~The director shall, not later than sixty (60) days from receipt of a complete application, render a decision and prepare written findings as to whether the minor modification meets the criteria of this section and notify the applicant by first class mail. The director may deny, approve or approve the minor modification with conditions to protect the surrounding area.~~

(Prior code § 080.65)

(Ord. No. 1087, § 4, 5-25-16)

17.70.130 Applicant Requests to Change Approved Applications.

Projects shall be developed in conformity with project approvals. If the applicant wishes to modify the project, as approved, the applicant shall submit revised plans and any other applicable information to the City for review by the Planning Director. The Director shall make one of the following determinations regarding the request:

1. Minor Modifications. If the Director determines that the modifications are minor the modification may be approved administratively.
2. Significant Modifications. If the Director determined that the modification is significant to warrant discretionary review then the modifications shall be referred to the final decision-making authority for the original project. Changes to original project conditions of approval added or modified by the decision-making authority during the original project approval shall be considered significant modifications and require discretionary review by the final decision-making authority.

Chapter 17.72 ARCHITECTURAL REVIEW

17.72.010 Architectural review.

- A. Intent and Purpose. To provide flexibility in the placement and interrelationship of structures and uses subject to architectural review; to provide for the implementation of sound site plan design concepts while maintaining the overall intensity of land use and density of population; to review the site plan of those uses which are not intrinsically objectionable to the predominant use category of the district, but which have inherent characteristics which, if not properly handled, have potentials for becoming detrimental to the health, safety, or general welfare of the public, or to neighboring land uses; to determine whether or not a proposed development will properly comply with the architectural guidelines of the city and the provisions and development standards required by this chapter or as prescribed by the planning director, or other authorized agent; to improve the quality of development and to provide a mechanism whereby the city can insure well-designed development.
- B. Submission of Site Plan. Any use, development of land, structure, building or modification of standards requiring the submission of a site plan for architectural review shall not be established, modified or otherwise altered. No certificate of occupancy shall be issued until all of the requirements of this section have been met. Continued conformance with such a plan and such requirements shall be a condition of any certificate of occupancy.
- C. Required Plans or Documents.
1. A site plan for any use, development of land, structure, building or modification of standards that involves architectural review.
 2. Such other forms or documents as are necessary to determine compliance with the provisions of this chapter or any conditions that the planning director or planning commission may impose in granting an approval of the requested use, development or modification.
- D. Application Forms.
1. The planning director shall prescribe the form for applications and site plans, and the information to be included in the required site plan for architectural review.
- E. Required Information. Applications involving architectural review shall contain site plans as set forth in Section 17.62.010.
1. Projects Subject to Pre-Application Review. All projects subject to pre-application review, pursuant to Section 17.77.020, shall complete the pre-application review process prior to submitting a formal development application. A copy of the pre-application review written report shall be submitted along with the application for architectural review.
- F. Approving Authority and Basis for Approval of Architectural Review.
1. The director shall be the decision-making authority for the following projects:
 - a. ~~For Architectural Review involving (i) Not more than three~~New single family residences ~~not exceeding three total units pursuant to Section 17.16.030(C) and new one-family and two-family dwelling units pursuant to Section 17.18.030F1 (ii)~~
 - b. ~~F~~five hundred (500) square feet of new multifamily residential square footage or less ~~or (iii)~~

~~c. New two thousand (2,000) square feet of new commercial/industrial projects of no more than two thousand (2,000) square feet. Notage or less, the planning director shall be the reviewing and approval authority. For all other architectural review, the planning commission shall be the approving authority.~~

~~d. New building construction, remodels, and landscape plans within an approved specific plan with architectural design standards.~~

~~2. The planning commission shall be the approving authority for all other architectural review.~~

~~32. Development to comply with provisions of this chapter. Every use, development of land and application of development standards shall take place in compliance with all applicable provisions of this chapter.~~

~~43. Compatibility with neighboring property. Every use, development of land and application of architectural guidelines and development standards shall be considered on the basis of the suitability of the site for a particular use or development intended, and the total development, including the prescribed development standards, shall be so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and shall be in accord with all elements of the general plan.~~

G. *Reserved.*

H. Action Upon Site Plans. The planning director or planning commission, whichever is applicable, acting upon any site plans offered for review as provided in this chapter, shall either:

1. Approve; or,
2. Approve with modification and conditions; or,
3. Disapprove the proposed site plan, development or modification as requested in the application.

I. Findings. Each determination granting architectural review approval shall be supported by written findings of fact showing how the determination meets the following criteria and requirements:

1. The proposed project is consistent with the General Plan;
2. The proposed project complies with zoning regulations;
3. The proposed project is consistent with the City's Design Guidelines;
4. The proposed development will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity; and
5. The proposed project is located, designed, constructed, operated and maintained so as to be compatible with the existing or intended character of the general vicinity and shall not change the essential character of the same area.†

J. Notice of Action on a Site Plan.

1. Notification to the Applicant. The planning director shall notify the applicant by mail of the action taken on the application.
2. Appeal. In the event the applicant does not agree with the action taken on a site plan by the planning director or planning commission, he may appeal such decision (to the planning commission if a decision of the planning director, and to the city council if a decision of the planning commission). Such appeal shall be filed within fifteen (15) days after the date on which the determination was mailed. The decision of the city council shall be final.

KJ. Expiration of Architectural Approval.

-
1. Architectural approval shall expire two (2) years from approval unless the applicant has: obtained a building permit; paid all applicable fees; commenced construction; and is diligently pursuing completion. A cessation of construction for a period of more than thirty (30) consecutive days shall be presumed to be nondiligent.
 2. The architectural review approval that has been granted, but not been exercised within two years, may be renewed for three one-year time extensions only if an application stating reasons for renewal is filed with the planning director at least ten (10) days prior to one two years after the effective date of the architectural review approval. The original approving authority for the architectural review (planning director or planning commission) shall render a decision regarding an extension. In the event that the planning director or planning commission acts to grant a time extension for the architectural approval, the planning director or planning commission may impose any reasonable conditions on the architectural approval as a condition of its renewal. In the event that such additional conditions are not acceptable to the applicant and/or owner, the planning director or planning commission shall deny the time extension request.
 3. The criteria for granting a two year extension are:
 - a. No significant change has occurred in the surrounding neighborhood;
 - b. The project conforms to existing and any new building and zone requirements;
 - c. A request for the extension is properly filed with the planning director ten (10) days or more prior to expiration; and
 - d. The applicant states upon affidavit the reasons requiring an extension and such other criteria as the planning department shall set forth in the application.
 4. The planning director or planning commission shall grant the extension if good cause is set forth in the application.

(Ord. 1004-(2) § 3, 2008; prior code § 080.10)

(Ord. No. 1195, § 14, 7-27-22)

Chapter 17.76 VARIANCES

17.76.010 Variances.

- A. Intent and Purpose. To prevent or to lessen practical difficulties and unnecessary physical hardships; to remedy disparity of privilege, nor to permit a use substantially inconsistent with the limitation upon other properties in the same zone and vicinity, nor to grant relief from self-imposed hardships.
- B. Definition—Variances. "Variances" are adjustments in the application of this chapter to avoid practical difficulties and unnecessary hardships with respect to a particular piece of property which is not enjoying the privileges commonly enjoyed by other properties in the same vicinity and zone. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site, or because of the location of existing structures on the site, or from setbacks or building lines, or from geographic, topographic or other physical conditions on the site or in the immediate vicinity.
- C. Authority of the Director. Subject to the provisions of this chapter, the planning director shall investigate and either make a recommendation or render a decision supported by findings on applications for variances as follows:
1. Major Variances from Development Standards. The planning director may recommend to the planning commission variances from the following development standards: fences and walls, site area, width, frontage, depth, coverage, floor area ratio, yards, height of structures, distance between structures and off-street parking and loading facilities, signs and enclosures or screening.
 2. Variances from industrial performance standards not permitted.
 3. Minor ~~Variances/~~Modifications from Land Use Standards. The planning director may grant minor ~~variances/~~modifications from certain land use standards pursuant to Section 17.70.120 of this title.
 4. Use Variances. A variance which could essentially permit a change to a use not permitted by the district regulations controlling the applicant's property shall not be permitted.
- D. Initiation. Owners or bona fide lessees of the affected property.
- E. Public Hearing—Notification. Public hearings for major variances (those not subject to Subsection (C)(3)) are required. Notification shall be given in accordance with Section 17.70.050(F).

(Prior code § 080.60)

(Ord. No. 1087, § 7, 5-25-16)

17.76.020 Determinations.

- A. Types of Determinations. The planning commission shall consider the reports, recommendations, and any evidence presented, and its determination may take the following forms:
1. Approval of the application as filed or amended.
 2. Modification of the Application. Determination may include granting of a change other than that requested, but any such change must be of equal or lesser intensity than that originally requested.
 3. Disapproval of the application.

-
4. Action postponed. (Time extension agreed to if necessary.)
 5. Failure to act.
- B. Findings. Each determination granting a variance shall be supported by written findings of fact showing specifically how the determination meets the following criteria and requirements:
1. That the strict application of the provisions of this chapter would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the chapter;
 2. That there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings, that do not apply generally to other property in the same zone and vicinity;
 3. That such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity, but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question;
 4. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located, and;
 5. That the granting of the variance will not adversely effect any element of the general plan.
- C. Conditions. In granting the permissible variance, the commission may attach such additional conditions and safeguards as are deemed necessary to protect the surrounding area including, but not limited to the following:
1. Requirement of yards greater than the minimum required by this chapter.
 2. Requirement of screening of parking, recreation or storage areas or other portions of the subject property from adjoining premises or from any street by walls, fences, plantings or other devices.
 3. Modification of the exterior features or appearance of any structure where necessary to preserve property values.
 4. Limitation of size and extent of facilities, machine capacity, number of employees or occupants, and method or times of operation.
 5. Regulation of number, design and location of access drives or other traffic features.
 6. Requirement of off-street parking or other special features beyond the minimum required by this chapter or applicable codes or regulations.
 7. Utilities.
 8. Control of location, number, color, size, height, lighting and landscaping of signs and structures as related to traffic hazards and appearance in harmony with surrounding development and community.
 9. Maintenance of the grounds, landscaping and irrigation system.
 10. Regulation of noise, vibration, odors and other similar performance standards.
 11. A time period within which the proposed variance shall be utilized plus any specified period for the life of the variance.
 12. A bond or deposit of money for completion of street improvements and other facilities or to guarantee the change or removal of any designated use or structure within a specified period of time, to assure faithful performance on the part of the applicant.

-
13. Regulation of fences and/or walls shall pertain to the height thereof, materials used and visibility through and around said fence and walls.
- D. Time Limits—Determination. The commission shall make determination within sixty (60) days of the filing date or such longer period up to an additional sixty (60) days as may be mutually agreed upon in writing between the commission and the applicant.
- E. Effective Date—No Appeal Filed.
1. If no appeal is filed, the determination of the commission shall become effective upon the close of the appeal filing period (fifteen (15) days).
 2. If an appeal is filed, see Section 17.70.070.
 3. If the commission fails to act on the matter, see Section 17.70.070.

(Prior code § 080.61)

17.76.030 Transfer of jurisdiction.

- A. Commission Fails to Act. If the commission fails to act within the sixty-day prescribed time period or after any authorized extension period, the applicant may file a request for transfer of jurisdiction. The request shall be filed by mail, or at the public counter of the department within ten (10) days from the expiration of the authorized time period. The commission shall forward the application, with the file and any relevant information to the council for determination of the original application. If the applicant fails to file a request for transfer of jurisdiction, the original application shall be deemed denied and is not subject to appeal.
- B. Procedure—Transfer of Jurisdiction. When a matter is transferred the council shall be governed by the same procedural and time requirements as apply to an original proceeding. When the council assumes jurisdiction, the commission shall lose jurisdiction in the matter. The director shall make such investigations and furnish such reports as the council may request. However, the matter may be remanded by the council in which case the commission shall regain jurisdiction. If the file is remanded, the time period shall not exceed that allowed to the council on transfer. If after a remand and expiration of the time specified, the commission still fails to act, the original application shall be deemed denied and is not subject to appeal.
- C. Council Fails to Act. If the council fails to act on a variance application transferred to it, the original application shall be deemed denied and no appeal may be taken.
- D. Effective Date—Transfer of Jurisdiction.
1. If the case was determined by the commission on remand and there was no appeal, decision is effective on the expiration of the appeal filing period (fifteen (15) days).
 2. If the case was determined by the council, its decision is final ~~on the date of mailing of its determination and findings~~ the date the decision was rendered to the applicant.

(Prior code § 080.62)

17.76.040 Appeals to the council.

- A. Appellants. An appeal may be filed by the applicant, by any person aggrieved, or by any officer, board, department or bureau of the city.
- B. Procedure—Appeal.
1. When an appeal is filed, the commission shall transmit its record of the matter to the council.

-
2. If the original applicant or the appellant wishes to offer into the proceedings any new evidence or testimony, a written summary stating why such evidence or testimony could not have been presented during the original consideration shall be filed. If the council determines that such evidence could not reasonably have been presented earlier and is of such nature as might reasonably have led to a different determination, the matter shall be remanded to the commission. The commission shall reopen the matter and make a determination before expiration of the time period allotted to the council.
 3. If the planning commission fails to act on remand after appeal, the matter is deemed denied and is not subject to further appeal.
- C. Time Limit—Council Action. The council shall act on appeals concerning variances within sixty (60) days or within such extended period of time up to an additional sixty (60) days, as may be mutually agreed upon by the applicant or the appellant and the council.
 - D. Council Failure to Act on Appeal. If the council fails to act on an appeal concerning variances within the time limit specified, the action of the planning commission on the matter shall be final.
 - E. Effective Date—Appeal.
 1. A determination by the council on appeals concerning variances shall become effective on the date ~~of mailing of the council's determination~~the decision was rendered.
 2. A determination by the commission on remand is not subject to appeal and shall become effective on the date ~~of mailing of the determination~~the decision was rendered.

(Prior code § 080.63)

17.76.050 Post-determination procedures.

- A. Expiration of Variance.
 1. A variance shall expire and shall become void one year following the date on which the variance became effective, unless prior to the expiration of one year, a building permit is filed and construction is commenced and diligently pursued toward completion, or a certificate of occupancy is issued.
 2. A variance that has not been exercised may be renewed for an additional period of one year if an application stating reasons for renewal is made prior to one year after the effective date of the variance.
- B. Revocation of Variance. A variance that has been exercised may be revoked by the commission if one or more conditions are not complied with. An appeal from the commission's decision to revoke a variance may be taken to the council, subject to provisions of Section 17.76.030. The council's decision is final.
- C. Permits—Building Department. Upon the effective date of any variance authorization and subject to all conditions thereof, the building department may issue permits.
- D. Variances Granted Prior to Effective Date.
 1. All use variances granted and exercised prior to the effective date of this chapter, plus subsequent amendments, may be continued provided no new structure is erected, no existing structure is enlarged and no existing use is extended.
 2. If any use variance granted prior to the effective date of this chapter has never been exercised or if once exercised and the use or development authorized has been discontinued or removed from the premises for a period of at least six months, such variance shall no longer be of any force and effect, and, the respective ordinance granting such variance is repealed.

-
- E. Change of Conditions and Minor Extensions. A subsequent change in the conditions of a variance which has been granted by the commission may be authorized by the planning director without a hearing, provided the change does not increase the density, nor decrease the number of parking stalls, nor substantially alter the intensity of operation beyond what was originally approved by the commission.
 - F. Reapplication—Variance. At least one year shall have elapsed since the effective date of disapproval of the application or revocation of variance before filing a new application seeking substantially the same variance for any of the same property.

(Prior code § 080.64)

(Ord. No. 1087, § 8, 5-25-16)

Chapter 17.77 PRE-APPLICATION REVIEW

17.77.010 Intent and purpose.

The purpose of a pre-application review includes the following:

- A. To achieve better projects through early consultation between city staff and project proponents;
- B. To notify the city's executive staff of major projects that have significant impacts on the community;
- C. To coordinate reviews of projects among city staff, city departments, and outside agencies;
- D. To familiarize project proponents with the regulations and procedures that apply to the project;
- E. To provide project proponents with an early indication of whether a proposed development will be recommended for approval by staff;
- F. To avoid significant investment in the design of a project without preliminary directions from city staff; and to identify issues that may arise during review of the projects (e.g., conformance with applicable design guidelines, conformance with goals, policies, and objectives of the general plan, environmental requirements and possible recommended mitigation measures, possible recommended conditions of approval, and requirements for public improvements).

(Ord. 1004-(2) § 4 (part), 2008)

17.77.020 Applicability.

- A. Pre-application review shall be required for projects subject to one or more of the following approvals:
 1. Projects involving a specific plan adoption, specific plan amendment, or planned development overlay;
 2. Projects involving a general plan amendment, or change of zone;
 - ~~3. Projects involving new construction of more than five thousand (5,000) square feet of commercial or institutional building area if not within the boundaries of an adopted specific plan;~~
 - ~~4. Projects involving four or more dwelling units;~~
 5. New construction of more than five hundred (500) square feet of building area within the boundaries of the Pueblo Viejo Master Plan;
 6. New construction located within the boundaries of an adopted specific plan, if the review is required by the director;
 7. Projects involving service stations, auto repair facilities, car washes, drive-thru businesses, auto dismantling, salvage yards, and outdoor storage uses;
 8. New construction of more than ten thousand (10,000) square feet of industrial building area;
 9. Land uses involving a conditional use permit in the industrial zones;
 10. Street vacations;
 11. Water reservoirs and wastewater treatment plants;
 12. Subdivisions of land involving five or more lots.

-
- B. **Optional Review.** A project proponent may voluntarily submit a request for a pre-application review for any project involving a discretionary land use entitlement, change of zone request, or a tentative map.
 - C. **Director-Required Review.** The director reserves the right to require pre-application review for any project involving multiple-agency coordination and discretionary land use entitlements, where the proposed land uses have the potential to cause adverse impacts upon surrounding property owners. The director shall issue findings in writing requiring pre-application review, pursuant to this subsection.

(Ord. 1004-(2) § 4 (part), 2008)

17.77.030 Procedure.

- A. **Procedure.** Once the director determines that a request for pre-application review is complete, the director or designee shall process the request in the following manner.
 - 1. **Submittal Requirements.** All requests for pre-application review shall be accompanied by a form to be provided by the community development department, twelve (12) copies of a site plan as specified in Chapter 17.62 of this title, and the required processing fee. Additional graphic materials may be requested by the director as part of the initial review of the pre-application submittal.
 - 2. **Notice.** The director or designee shall send a written notice, with a project description and copy of site plan, to all affected city departments, outside agencies and special districts, informing of the time and place of the scheduled pre-application review.
 - 3. **Meeting.** The pre-application review shall be conducted at a meeting in which the applicant for a project is invited and city departments and outside agencies are in attendance.
 - 4. **Scheduling.** The director shall set the time and place of the pre-application review meeting, to be conducted within three weeks of receipt of a complete application.
 - 5. **Responsible Staff.** The city manager, or designee, shall determine which city departments and outside agencies shall participate in the pre-application meeting. The director shall designate the staff person(s) responsible for scheduling and conducting the pre-application meeting.
 - 6. **Written Report.** A written report from the director outlining the results of the pre-application review shall be provided to the applicant within thirty (30) days of the meeting. The written report shall be distributed to the city manager and executive staff, and shall be attached to the formal development application.

(Ord. 1004-(2) § 4 (part), 2008)

17.77.040 Pre-application review meeting.

- A. **Case Manager.** The city manager shall appoint a case manager for the project, which shall be the primary liaison responsible for overseeing the project through the city's review and approval process. The case manager may be from the planning staff, economic development staff, public works staff, or redevelopment/housing staff, depending on the major entitlements needed and/or areas of expertise required for processing of the project.
- B. **Coordination.** The staff person assigned to conduct the meeting shall provide an overview of procedures, introduce the case manager assigned to the project, engage the applicant and agencies in discussion, and conclude the meeting. At the initiation of the meeting, the applicant shall present a brief overview of the development proposal. All staff and agencies shall be prepared to discuss the proposal in detail and identify any major issues that may arise if the proposal is processed.

-
- C. Duration. The meeting shall be limited to one hour in duration. If additional time is required, this can be arranged at an additional cost to the applicant. If, at the end of the session, the status of certain issues remains unresolved, staff shall identify those issues and/or include any additional recommendations or study requests specified in the written report.
 - D. Disclaimer. Neither the pre-application meeting, the written report, nor information or pertinent policies provided by the city departments shall be construed as a city recommendation for approval or disapproval of the application/project.

(Ord. 1004-(2) § 4 (part), 2008)

17.77.050 Contents of written report.

- A. Report Contents. The written report required under Section 17.77.030(A)(6) shall contain a letter from the director and copies of all staff and agency comments on the development proposal that were received as part of the pre-application review. Although the contents of the written report will depend on the type of proposal, its proposed location, the background information provided by the applicant, and other factors, the report shall generally provide the applicant with the following types of information:
 - 1. Any applications which must be filed to process the proposal as well as any timing requirements associated with filing such applications. Applications which may be required include but are not limited to the following: general plan amendments, specific plans, changes of zone, and tentative maps.
 - 2. Any special studies which must be filed to process the proposal as well as any timing requirements associated with filing such special studies. Special studies which may be required include but are not limited to the following: fiscal impact, private debt burden, biological, archeological, paleontological, geological, flood, traffic, air quality study and noise studies.
 - 3. Any special plans which must be filed to process the proposal. Special plans which may be required include but are not limited to the following: conceptual grading plans, parks improvement plans, construction staging plans, dust control plans, and streetscape elevation renderings.
 - 4. Current fees including but not limited to the following: application fees, mitigation fees (e.g., signal mitigation fees or area drainage fees), and special district fees administered by the city (e.g., MSHCP fees, TUMF fees).
 - 5. Any major environmental issues associated with the proposal, including the possible need for an EIR subject to the anticipated environmental assessment.
 - 6. Any major design considerations associated with the proposal (e.g., grading and drainage design, ingress/egress designs, limitations on density, requirements for public parks).
 - 7. The availability of water, sewer, and fire flow rate.
 - 8. The concerns remaining for the proposal, if any.
 - 9. The changes that staff will require before making an approval recommendation, or a statement that an approval recommendation will not be made given the proposal's present configuration.
 - 10. Findings required for the necessary permit or approval.

(Ord. 1004-(2) § 4 (part), 2008)

17.77.060 Validity of agency comments.

- A. Agency Comments. No issues other than those identified in the written report shall be raised by staff during processing of the development proposal unless there are changed circumstances or new information identified during the processing of entitlement applications. The written report shall be valid for two years from the date thereof, unless a shorter period is specified in the written report.
- B. Changed Circumstances. Notwithstanding the provisions of this section, where the director, department head, or agency representative subsequently determine that conditions have changed or that the existing information does not fully address all significant concerns, staff may require an additional study or studies not specified in the pre-application written report. Similarly, city and special district policies may change during the report's two year life, and policy recommendations, which were valid when the written report was issued, may or may not be valid when the development proposal is filed and processed. In such cases, the development application will be subject to City and special district policies in effect at the time of filing or hearing, whichever is appropriate. State and federal policies and laws unknown or not effective at the time of pre- application review may also affect the subsequent application.
- C. Amended Recommendations. Notwithstanding the provisions of this section, the written report shall not in any manner whatsoever bind any city hearing body and shall not preclude such hearing body from requiring additional information or studies or from making additional recommendations in the course of the decision making process.

(Ord. 1004-(2) § 4 (part), 2008)

17.77.070 Revisions.

- A. Revisions. The pre-application written report shall apply to the development proposal described in the request for pre-application and discussed at the pre-application review meeting. Substantial revisions to the proposal after issuance of the written report which do not conform to the agency comments shall invalidate the written report.
- B. New Project. To process a substantially revised proposal, a new request for pre-application review and new fee will be required of the applicant. For purposes of this section, the director shall determine whether or not revisions made are substantial and constitute a new project.

(Ord. 1004-(2) § 4 (part), 2008)