

Chapter 19-02

AUTHORITY

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19.02.010 Title. This Title shall be known as the “City of Twentynine Palms Development Code,” hereinafter referred to as the “Development Code” or “Code.”

19.02.020 Purpose. The purpose of this Development Code is to protect and promote the public health, safety, and welfare of the citizens of Twentynine Palms; to implement the goals and objectives of the General Plan in guiding future growth of the City; to safeguard and enhance the appearance and quality of development of the City; and to protect the physical, social, and economic stability resulting from comprehensive and orderly planned development.

19.02.030 Constitutional Authority. This Development Code is adopted pursuant to the authority granted to the City of Twentynine Palms by the California Constitution, and pursuant to the *California Planning and Zoning Law* (Government Code Section 65000, et seq.), the *State Subdivision Map Act* (Government Code Section 66410, et seq.), the *California Environmental Quality Act* (Public Resources Code 21000, et seq.), and other applicable State and local requirements.

19.02.040 Effect of Code. The standards, criteria, policies and requirements contained within this Code shall be considered the minimum necessary to promote the health, safety, and welfare of the City.

19.02.050 Interpretations. The Planning Director shall interpret the provisions of the Development Code when questions related to meaning arise. Interpretations of the Planning Director are final unless appealed to the Planning Commission in accordance with Chapter 19.46.

19.02.060 Prior Approvals. Any project approved by the City prior to the effective date of this Code, which includes a use or improvement that does not conform to the regulations set forth herein, may nevertheless be developed to the extent authorized by the approval, provided the approval has not expired. Such uses and improvements shall be deemed legal non-conforming.

19.02.070 Status of Covenants and Agreements. The provisions of this Code are not intended to abrogate any legally adopted easements, covenants, or other agreements which are more restrictive than the provisions of this Code.

19.02.080 Conflicting Ordinances. In the event the provisions of this Code conflict with any other City Ordinance or regulation, the more restrictive shall govern.

19.02.090 Status of Specific Plans. Where a Specific Plan has been adopted containing specific development standards, the development standards contained in this Code shall not apply to the degree they are not consistent with the development standards contained in the Specific Plan.

19.02.100 Planning Commission.

A. Purpose. The purpose of this Section is to establish the Planning Commission for the City of Twentynine Palms and identify the membership, powers, and duties of the Planning Commission.

B. Membership. The Planning Commission shall consist of five (5) members, each of whom shall be appointed by and serve at the pleasure of the City Council.

The Planning Commission shall represent differing segments of the community. The members of the Commission shall be residents of the City and shall be registered voters. When a person serving on the City Planning Commission ceases to be a resident of the City of Twentynine Palms, the City Council shall declare vacant such person's position on the Planning Commission and shall nominate another eligible person to the unexpired term.

No members of the Planning Commission shall hold any other remunerative office or position with the City. No member of the City Council shall be eligible for membership on the Planning Commission.

Planning Commissioner's may, at the discretion of the City Council, be reappointed to subsequent terms of office upon the expiration of their term.

Members of the Planning Commission shall receive compensation for their

attendance at each meeting of the Commission as deemed appropriate by the City Council by Resolution.

C. Term of Office. The term of office for Planning Commissioners shall be four years, or until their successor is sworn into office. Terms shall be staggered with three terms expiring in December following a three-person City Council election and two terms expiring in December following a two-person City Council election.

Any member of the Planning Commission may be removed by a majority vote of the City Council at a duly noticed public meeting.

D. Absence from meetings. If a member of the Planning Commission is absent from three (3) successive regular meetings of the Planning Commission, without cause, the office of such member shall be deemed vacant and the Planning Director shall immediately inform the City Council of such vacancy.

An absence due to illness is an unavoidable absence and written notice thereof to the Chair of the Planning Commission on or before the day of any regular meeting of the Commission shall be deemed absence for cause.

E. Selection of Chair and Vice Chair. At the first meeting of each year, the Planning Commission shall elect its Chair from among the appointed members. The term of office as Chair shall be for one year.

Upon selection and seating of the Chair, the Planning Commission shall elect a Vice Chair from among the four remaining members.

F. Planning Commission Meetings. The Planning Commission shall hold regular meetings. The meeting schedule shall be determined by the Commission after selection of the Chair and Vice Chair. Such determination shall include the dates, time, and place of such meetings.

The Commission may hold additional adjourned or special meetings as may be called in accordance with the law.

If any regular meeting falls on a holiday, it shall be held on the next scheduled business day and all meetings otherwise scheduled or noticed to be held on a regular meeting day falling on a holiday shall be held at the meeting of the next business day without additional noticing requirements.

G. Powers of the Planning Commission.

1. The Planning Commission shall perform the following functions and shall have the power, except as otherwise provided by law, to:
 - (a) Act as the Planning Agency for the City of Twentynine Palms.
 - (b) Prepare and implement the General Plan. Such duties to include:
 - i.* Review public works projects for consistency with the General Plan,
 - ii.* Review discretionary projects and determine consistency with the General Plan,
 - iii.* Promote public interest in the General Plan regarding its implementation.
2. Provide an annual report to the City Council on the status of the General Plan.
3. Recommend regulations for future growth, development, and beautification of the City, in respect to its public and private buildings and works, streets, schools, parks, grounds and vacant lots.
4. Recommend plans, consistent with the future growth and development of the City, to secure sanitation, proper service

of public utilities, and transportation facilities.

5. Recommend to the City Council approval, conditional approval, or disapproval of tentative maps of proposed subdivision of land.
 - (a) The Council hereby designates the Planning Commission as its advisory agency with respect to the design and improvement of proposed subdivisions.
 - (b) Every such map or plat shall, prior to its final approval or disapproval by the Council, be submitted to the Commission for action thereon.
6. Hold Public Hearings to review and approve or deny, or make recommendation to the City Council on development and land use applications as identified on table 19.40.040-A of the Development Code.
7. Perform other duties as shall be necessary to carry out the provisions of this article and the provisions of the Conservation and Planning Act of the State, amendments or any act substituted therefor.

19.02.110 Code Administration. Administration of the Development Code shall be consistent with federal, state, and local laws.

19.02.120 Severability. Should any section, chapter, paragraph, phrase or any portion of this Code be declared unconstitutional, invalid, or set aside by any court of competent authority, such action shall not affect other sections, chapters, paragraphs, phrases, or parts hereof as adopted or amended.

