

**Chapter 19.18****OVERLAY DISTRICTS****Sections:****19.18.010 General Provisions****19.18.020 Preservation - Biological Habitat Overlay District (PR-BH)****19.18.030 Preservation - Scenic Vistas or Scenic Highways Overlay District (PR-S)****19.18.040 Safety - Geological Overlay District (S-G)****19.18.010 General Provisions.****A. Intent**

1. Overlay Districts are established in order to recognize and map environmental constraints or amenities that should be taken into consideration when land development is being proposed. Overlay Districts will be designated in conjunction with those land use districts that are affected by an environmental constraint or amenity.
2. An overlay may be appropriate where special development standards are necessary in earthquake fault areas in order to protect the health, welfare and safety of the public. Therefore, when a residential land use district is proposed for an area that has active earthquake faults, an overlay district will be established to map the hazardous areas and to provide special development standards.
3. An overlay district may be mapped over any land use district. The development standards used for a site shall be those set forth in the overlay district or the land use district, whichever is more restrictive.
4. The procedure for using overlay districts shall be as provided by this Chapter and the Development Code.
5. When appropriate, deviations from standards set forth in the overlay districts may be granted in accordance with the provisions of Chapter 19.34, Variances, of the Development Code.

**B. Format**

1. Overlay districts are divided into two groups:
  - a. Preservation Overlay Districts are intended to preserve and protect valuable resources of land, natural land formations and land uses which have been identified by the City.
  - b. Safety Overlay Districts are intended to identify natural or man-made conditions which are a potential threat to public health and safety and to formulate requirements to mitigate that threat.
2. Each Overlay District section within the Code includes the following subsections: “Intent”, “Locational Requirements”, and “Development Standards”. The “Intent” and “Locational Requirements” sections provide the necessary information for locating overlay districts within the City. The “Development Standards” section provides the necessary regulatory guidance for land use

proposals that are within an overlay district in addition to those required by the applicable land use district, Development Code, and/or other provisions of the City Code.

**C. Overlay Designations**

1. When an Overlay District is imposed upon a land use district, it shall be designated on the General Plan Land Use Map.
2. The General Plan Land Use Map may include notations regarding preservation or safety conditions.
3. The following designations may appear on the General Plan Land Use Map:
  - a. Preservation Overlays

Symbol	Meaning
PR-BH	Preservation - Biological Habitat Overlay
PR-S	Preservation - Scenic Vistas or Scenic Highways

- a. Safety Overlays

Symbol	Meaning
S-G	Safety- Geological

**A. Overlay District Application.** The regulations and development standards established by an overlay district shall be imposed in addition to those established by

**A. Intent.** The Intent and purpose of this Overlay is to establish development regulations to protect the natural beauty and biological resources of specific interest or concern within the City.

**B. Locational Requirements.**

the underlying land use district, shall prevail when they are more restrictive, and shall overlay all land use districts on all parcels or portions thereof which are encompassed or circumscribed by one or more overlay districts. The land use districts may augment and strengthen the standards and provisions specified by an Overlay District.

**B. Uses Permitted.** The uses permitted on a parcel which has an overlay district shall be those uses allowed by the primary land use district subject to the provisions of all applicable overlay districts as well as those of this Code. Where the regulations or standards established by an overlay district conflict with provisions of a primary land use district or other provisions of this Code, the more stringent regulations or standards shall govern.

**C. Establishment and Change of an Overlay District.** The provisions of each Section of this Chapter, in conjunction with the applicable Development Code provisions, shall provide the criteria for the establishment or change of the applicable overlay district. Each overlay district is an individual land use designation that is a separate and independent designation from the primary land use district and remains with the property irrespective of the underlying land use district unless specifically changed. A change in the primary underlying land use district does not change an overlay designation.

**19.18.020 Preservation - Biological Habitat Overlay District (PR-BH)**

1. The PR-BH Overlay may be applied to land areas which contain specified biological resources as determined by the City based upon the recommendation of a qualified biologist.
2. The Overlay shall be depicted on the General Plan Land Use map as currently shown or as may be amended.

**C. Development Standards.**

Proposed developments having portions of areas within the Overlay may credit this area for requirements related to landscaping. To preserve the open space resources and prevent destruction of the biological resource, the following restrictions shall apply:

1. Grading shall be limited to that necessary for approved building foundations, parking, and access driveways. A Grading Permit or Clearing Permit for grading or clearing of land in excess of this minimum shall not be issued unless specifically approved by the Planning Commission, at a noticed public hearing, with specific findings that the proposed Permit will not degrade the integrity of the
1. Other standards may be applied as deemed necessary by the Planning Commission to preserve the resource pursuant to the recommendation of a qualified biologist.
2. Any Conditional Use Permit within the PR-BH Overlay District shall only be approved if the Planning Commission makes the following findings in addition to any findings that may otherwise be required:
  - a. The project will not result in a significant adverse environmental

- A. **Intent.** The intent of the PR-S Overlay District is to provide development standards that will protect, preserve and enhance the aesthetic resources of a neighborhood or area. Design considerations can be incorporated in many instances to allow development to co-exist and not substantially interfere with the preservation of unique natural resources and roadside views of such natural resources. It is also the intent of the PR-S Overlay District to implement state and federal programs and regulations regarding scenic highway routes.

biological resources.

2. Proposed developments with views of the biological resources shall be encouraged to be designed so that the configuration and placement of buildings benefit from such views of the dunes (e.g., orientation of windows, main building entries, major drive aisles and courtyards).
3. Development shall be designed and located to avoid or minimize disturbance to the biological resources.
4. Any natural resource identified in the PR-BH Overlay (Subsection B Locational Requirements, 1. and 2.) shall be protected or impacts mitigated as a condition of any proposed project.
  1. impact on endangered species or sensitive habitats, plants or animals.
  - b. The project design and physical improvements minimize disturbance to the specified biological resource.
  - c. The project will not degrade the scenic and open space resources of the site or areas in the vicinity of the site.

**19.18.030 Preservation - Scenic Vistas or Scenic Highways Overlay District (PR-S)****B. Locational Requirements.**

1. The PR-S Overlay may be applied to State, County and City designated Scenic Highways as set forth in the City's General Plan.
2. The PR-S Overlay District may be applied to areas with unique views of the City's desert areas or other aesthetic natural land formations.
3. The PR-S Overlay District for the

Scenic Highways should apply to an area extending at least 200 feet on both sides of the ultimate road right-of-way. The area covered may vary to reflect the

changing topography and vegetation along the right-of-way.

access drives.

### C. Development Standards.

When a land use is proposed within a PR-S Overlay District, the following criteria shall be used to evaluate the project:

3. **Building and Structure Placement.** The building and structure placement should be compatible with and should not detract from the visual setting or obstruct significant views.
4. **Setbacks/Design.** Land development proposals shall be designed to blend into the natural landscape and maximize visual attributes of the natural vegetation and terrain. The design of said development proposals may also provide for maintenance of a natural open space parallel to the right-of-way. A setback should be specified for the view from the road in any affected land use district. Deviations from established setbacks in accordance with the provisions of Chapter 19.34, Variances, of the Development Code shall only be approved if one or more of the following are found and justified as being true:
  - a. Topographic or vegetative characteristics preclude such a setback.
  - b. Topographic or vegetative characteristics provide adequate screening of buildings and parking areas from the right-of-way.
  - c. Property dimensions preclude such a setback.
5. **Access Drives.** Right-of-way access drives shall be minimized. Developments involving concentrations of commercial activities shall be designed to function as an integral unit with common parking and right-of-way
6. **Landscaping.** The removal of native vegetation shall be minimized and replacement vegetation and landscaping shall be compatible with the local environment and, where practicable, capable of surviving with a minimum of maintenance and supplemental water. Landscaping and plantings shall not obstruct significant views, either when installed or when they reach mature growth.
7. **Parking and Storage Areas.** Parking and outside storage areas should be screened from view, to the maximum extent feasible, from either the Scenic Highway or the adjacent scenic or recreational resource by existing topography, by the placement of buildings and structures, or by landscaping and plantings which are compatible with the local environment and, where practicable, are capable of surviving with a minimum of maintenance and supplemental water. Outside storage areas associated with commercial activities should be completely screened from view of the right-of-way with screenwalls, landscaping and plantings compatible in the same manner noted above.
8. **Above Ground Utilities.** Utilities should be constructed and routed underground except in those situations where natural features prevent the underground siting or where safety considerations necessitate above ground construction and routing. Above ground utilities should be constructed and routed to minimize detrimental effects on the visual setting of the designated area. Where it is practical, above ground utilities should be screened from view from either the Scenic Highway or the adjacent scenic or recreational resource

by existing topography, or by placement of buildings and structures.

a minimum of maintenance and supplemental water.

9. Grading. The alteration of the natural topography of the site shall be minimized and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system. Alterations of the natural topography should be screened from view from either the scenic highway or the adjacent scenic or recreational resource by landscaping and plantings which harmonize with the natural landscape of the designated area, and which are capable of surviving with

**19.18.040 Safety - Geological Overlay District (S-G)**

**A. Intent.** The S-G Overlay District is created to provide greater public safety by establishing review procedures and setbacks for areas that are subject to such potential geologic problems as groundshaking, earthquake faults, liquefaction, and subsidence.

**B. Locational Requirements.**

1. The S-G Overlay shall apply to designated areas which are on or adjacent to active earthquake fault traces. The S-G Overlay shall implement the requirements of the Alquist-Priolo Special Studies Zones Act of 1972.

2. The S-G Overlay District shall be designated in areas where landslides or subsidence are prevalent.

3. The S-G Overlay District shall be designated in areas where liquefaction of the soil is associated with earthquake activity.

**C. Development Standards.** When a land use is proposed within an S-G Overlay, the following standards shall apply:

hundred-fifty (150) feet or further from any active earthquake fault trace as indicated within the City General Plan. Critical facilities shall include dams, reservoirs, fuel storage facilities, power plants, nuclear reactors, police and fire stations, schools, hospitals, rest homes, nursing homes and emergency communications facilities.

1. Development of all structures used for human occupancy, other than single-story wood frame structures, shall take place fifty (50) feet or further from any active earthquake fault traces. Active fault traces are those delineated on the Alquist-Priolo Special Studies Zones Maps or on maps contained within the City General Plan.
2. Development of all structures used for critical facilities shall take place one
  - a. Siting. All facilities and streets should be sited so as to minimize the erosion potential.
  - b. Vegetation. Natural vegetation shall be retained and protected where possible. Where inadequate vegetation exists, additional

3. The following conditions may apply to areas subject to periodic landslides, subsidence and soil liquefaction as indicated on the General Plan Land Use map:

landscaping shall be provided. Any additional landscaping shall be compatible with the local environment and capable of surviving with a minimum of maintenance and supplemental water.

c. Exposure of Bare Land. When land is exposed during development,

only the smallest practicable land portion, as an increment of a development project, shall be exposed at any one time; the duration of time that the exposure remains unprotected shall be the shortest practical time period and such exposure should be protected with temporary vegetation or mulching where practical.

- d. Run-off. The development should be designed to minimize water run-off. Provisions should be made to effectively accommodate any increased run-off.
- e. Special Measures. Measures shall be taken to offset the possible effects of landslides. A detailed geologic report identifying these measures shall be required prior to the issuance of building permits.
- f. All proposed facilities located within liquefaction and landslide hazard areas shall be constructed in a manner to minimize or eliminate subsidence damage.