



CITY OF TWENTYNINE PALMS
STAFF REPORT
6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 • Fax (760) 367-5400
commdev@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Director
Date: April 15, 2008
RE: PC 08-20 – Zoning Ordinance Amendment amending Chapters 19.07 (Rural Living), 19.08 (Single Family), 19.12 (Service Commercial and Industrial District) and adding 19.25 (Planned Development District).

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt a Categorical Exemption pursuant to CEQA, and recommend that the City Council approve the Zoning Ordinance Amendments.

BACKGROUND:

The proposed Amendment includes the following elements:

- Chapter 19.07 (Rural Living);
- Chapter 19.08 (Single Family);
- Chapter 19.12 (Service Commercial and Industrial District); and
- Chapter 19.25 (Planned Development District).

In taking action on this application, the Planning Commission may recommend that the City Council:

- Take no action;
- Approve the amendments;
- Approve portions of the amendments; or
- Deny the amendments.

Attachments
Draft Development Code
<ul style="list-style-type: none">• Chapter 19.07 (Rural Living);• Chapter 19.08 (Single Family);• Chapter 19.12 (Service Commercial and Industrial District).• Chapter 19.25 (Planned Development District).

The Planning Commission has conducted a series of study session in these topics. This amendment is the culmination of those efforts.

California Environmental Quality Act

The proposed zoning code amendments are not defined as a project under CEQA, and are therefore exempt from further environmental review under state law.

Approval Authority

The Planning Commission is the Review Authority and the City Council is the Approval Authority for this Zoning Ordinance Amendment.

Chapter 19.07**RURAL LIVING DISTRICT (RL)****Sections:**

- 19.07.010 Purpose**
- 19.07.020 Permitted and Conditional Uses**
- 19.07.030 Development Standards**
- 19.07.040 Encroachments into Yards or Setbacks**
- 19.07.050 Parking and Driveways**
- 19.07.060 Street Dedications and Improvements**
- 19.07.070 Utilities**
- 19.07.080 Signage**
- 19.07.090 Standards for Residential Development**

19.07.010 Purpose. This district is intended for large residential parcels located on the outskirts of the City. The district is intended for quiet and spacious single-family residential use with some areas of quiet institutional uses. Because of the rural setting more relaxed standards may apply.

19.07.020 Permitted and Conditional Uses. The Rural Living District is further subdivided into three categories: RL-1, which requires a minimum lot size of one acre; RL-2.5, which requires a minimum lot size of two and one half acres; and RL-5, which requires a minimum lot size of five acres. Permitted and conditional uses for each classification are provided in Table 19.07-A, and have been determined to be compatible with the values and character of the district, subject to appropriate development conditions. Any use identified in the table that is left blank (or identified by a “-“) shall be prohibited.

Any use not included in the table shall be considered prohibited, unless it is determined by the Community Development Director to be compatible with the values and character of the district. Such determination is dependent upon both the compatibility of the use with the purpose and function of the district, and the anticipated impacts, including, but not limited to, aesthetics, generation of traffic, types of traffic, parking requirements, hazards, and noise generation.

New construction or development of *permitted* uses may be subject to Site Plan Review approval pursuant to Chapter 19.28 *Site Plan Review*. Conditional uses, whether established through new construction or reuse of an existing facility, are subject to review and approval pursuant to Chapter 19.30, *Conditional Use Permits* or Chapter 19.31, *Minor Use Permits*. All temporary uses are subject to review and approval pursuant to Chapter 19.32, *Temporary Use Permits*.

Table 19.07-A

PERMITTED AND CONDITIONAL USES

Key: P = Permitted Use
 C = Conditional Use Permit
 M = Minor Use Permit

Use	RL-1	RL-2.5	RL-5	Notes
<u>A. Residential Uses and Care Facilities</u>				
Single family dwelling	P	P	P	Includes mobilehomes and manufactured homes, which comply with the requirements of Section 19.07.090 of this Chapter. A maximum of one single-family dwelling is allowed per parcel, except as provided in Chapter 19.53, <i>Second Units</i> .
Small family day care	P	P	P	Day care for eight (8) or fewer children, in compliance with the requirements of Chapter 19.56, <i>Community Care Facilities</i> .
Large family day care	P	P	P	Day care for nine (9) to fourteen (14) children, in compliance with the requirements of Chapter 19.56, <i>Community Care Facilities</i> .
Day care centers	C	C	C	Day care facility other than small or large family day care.
Residential, community, or congregate care facilities serving six (6) or fewer persons.	P	P	P	Includes intermediate health care facilities, community care facilities, residential care facilities for elderly, alcoholism recovery facilities, and facilities for mentally disordered, handicapped persons, or dependent and neglected children, subject to the provisions of Chapter 19.56, <i>Community Care Facilities</i> .
Residential, community, or congregate care facilities serving seven (7) or more persons.	C	C	C	Includes intermediate health care facilities, community care facilities, residential care facilities for elderly, alcoholism recovery facilities, and facilities for mentally disordered, handicapped persons, or dependent and neglected children, subject to the provisions of Chapter 19.56, <i>Community and Day Care Facilities</i> .

Use	RL-1	RL-2.5	RL-5	Notes
Mobile home parks not exceeding the density as prescribed by the district.	C	C	C	Subject to permits and requirements specified in Chapter 19.72, <i>Mobile Home/RV Parks and Campgrounds</i> .
Resorts, group quarters and group camps.	C	C	C	Allowed only on parcels five acres or larger.
<u>B. Residential Accessory Uses</u>				
These uses are permitted only as accessory or incidental to a primary use on the same property.				
Non-habitable structures, unlighted private recreational courts, and private swimming pools and accessory equipment.	P	P	P	Subject to permits and requirements specified in Chapter 19.48, <i>Accessory Uses and Structures</i> .
Agriculture: Row, field, and tree crops, which do not require large amounts of water.	P	P	P	Crops shall be limited to that required to support on-site use, as opposed to commercial production.
Antennas, noncommercial, up to 52 feet in height.	P/M*	P/M*	P/M*	* One antenna Permitted per parcel. Minor Use Permit required for additional antennae. Antenna shall be set back from all property lines at least 1 ¼ times the height of the antenna. Height does not include the additional height of whip antenna.
Caretaker housing	C	C	C	For institutional and other non-residential uses permitted in the district.
Home occupations	P	P	P	Subject to permits and requirements specified in Chapter 19.36, <i>Home Occupations</i> .
Second units	P	P	P	Pursuant to the requirements specified in Chapter 19.53, <i>Second Units</i> .
Windmills and solar energy collectors, non-commercial, up to thirty-five (35) feet in height.	P/M*	P/M*	P/M*	Structures shall be set back from all property lines at least 1 ¼ times the height of the structure, measured to top of highest element of the structure.
Up to a fifty percent (50%) increase, to 52 feet, may be approved subject to Minor Use Permit.	M	M	M	* One windmill Permitted per parcel. Minor Use Permit required for additional windmills
<u>C. Agricultural Uses and Related Uses</u>				
Also see <u>Residential Accessory Uses</u> (above). Certain agricultural uses are permitted as accessory uses primarily restricted to those required for domestic, on-site family use.				

Use	RL-1	RL-2.5	RL-5	Notes
Row, field, and tree crops, which do not require large amounts of water for commercial purposes.	C	C	C	
Cultivation of ornamental or landscaping plants, including in greenhouses, for commercial purposes.	C	C	C	
Produce stands for products primarily grown on the same property.	M	M	M	
Retail nurseries	C	C	C	
<u>D. Institutional Uses</u>				
All institutional uses shall be accessible from an Expressway, Arterial or Collector Street, or have an adequate, improved private drive.				
Cemeteries	C	C	C	
Churches, synagogues, temples, and other religious facilities	C	C	C	
Conference centers and organizational camps	C	C	C	
Governmental facilities	C	C	C	Including public service facilities, such as libraries, museums, parks, recreation facilities, and civic uses.
Hospitals	C	C	C	
Schools	C	C	C	
<u>E. Recreational Facilities</u>				
Racetracks and Stadiums	C	C	C	
Sports oriented recreational facilities requiring remote locations.	C	C	C	Including, but not limited to archery and gun ranges, golf courses, hunting clubs, off-road vehicle parks, and tennis and swim clubs.
<u>F. Transient Lodging Facilities</u>				
Bed and breakfast uses	C	C	C	Subject to the limitations, regulations and standards in Chapter 19.54, <i>Bed and Breakfast Inns</i> .
Campgrounds and recreational vehicle parks not exceeding a density of eight (8) units per acre.	C	C	C	Subject to the limitations, regulations and standards in Chapter 19.72, <i>Mobile Home/RV Parks and Campgrounds</i> .

Use	RL-1	RL-2.5	RL-5	Notes
<i>G. Transportation and Communication Facilities, and Utilities</i>				
Communication facilities	C	C	C	Including, but not limited to, radio and television stations or towers, satellite receiving stations, microwave relay towers, and similar facilities. Subject to standards established in Chapter 19.58 <i>Telecommunications Facilities</i> .
Transportation facilities	C	C	C	Including, but not limited to airports, bus stations, and carpool facilities.
Utility and service uses and structures	C	C	C	Including, but not limited to reservoirs, pumping plants, electrical substations, central communications offices, and sewer plants, sewer treatment facilities, solid waste disposal sites.
<i>H. Temporary and Interim Uses (See Chapter 19.32, Temporary Use Permits)</i>				

19.07.030 Development Standards. The development standards for the Rural Living (RL) District shall be as delineated in Table 19.07-B:

**Table 19.07-B
RURAL LIVING DISTRICT
DEVELOPMENT STANDARDS**

Standard	RL-1	RL-2.5	RL-5	Notes
Minimum lot size	1 acre	2.5 acres	5 acres	
Minimum lot dimensions	Width = 100 ft. Depth = 150 ft.	Width = 150 ft. Depth = 200 ft.	Width = 200 ft. Depth = 250 ft.	
Maximum lot coverage (impervious surface)	20%	20%	20%	
Maximum building height	35 ft.	35 ft.	35 ft.	Structures, such as chimneys, cupolas, flagpoles, steeples, <i>communications towers</i> and the like may exceed height limits up to fifty (50) percent.
Front yard setback	32 ft.	32 ft.	32 ft.	
Side yard setback, interior	15 ft.*	15 ft.*	15 ft.*	* Two story structures, or the

Standard	RL-1	RL-2.5	RL-5	Notes
				second story, shall be set back a minimum of twenty (20) feet from any property line.
Street side or rear yard setback	25 ft.	25 ft.	25 ft.	
Rear yard setback	20 ft.	20 ft.	20 ft.	

19.07.040 Encroachments into Yards or Setbacks. Provided that the projection does not obstruct the view in a required Clear Sight Triangle (See Section 19.06.030 *Definitions*), the following encroachments or projections are permitted in required yard areas:

- A. Attached architectural features such as awnings, canopies, eaves, chimneys, cornices, planter boxes, bay windows, and cantilevered portions of the structure (not exceeding fifty percent of the length of the wall to which they are attached) are permitted to encroach up to four (4) feet into front or rear yards and two (2) feet into side yards.
- B. Attached unenclosed patio roofs, decks, porches and similar structures (having open, unenclosed sides around at least fifty [50] percent of their perimeters) are permitted to encroach fifteen (15) feet into a rear yard, with a minimum five (5) foot setback to the rear property line.
- C. Fences, walls, screening, and dense hedges are permitted to encroach up to a maximum of four (4) feet in height in front and street side yards, and a maximum of eight (8) feet in height in side and rear yards.

19.07.050 Parking and Driveways. Parking and driveways shall be provided consistent with the regulations of Chapter 19.82, *Off Street Parking and Loading Regulations*, which include:

- A. Single family dwellings shall provide two (2) such building or improvement, the Building

parking spaces and a driveway from the street.

- B. Any other use within a residential district shall provide parking as required for the specific land use outlined in Chapter 19.82 *Off-street Parking and Load Regulations*.

19.07.060 Street Dedications and Improvements.

- A. Before building permits are issued for the construction of a new single family residence or new second dwelling unit with a kitchen, the dedication of additional right-of-way and construction of required street improvements in accordance with the General Plan Circulation Element shall be required. "Street improvements" include any or all of curb and gutter, sidewalks, concrete driveway approaches, drainage structures, paving, back-filling and preparation of the road surface to rough grade, and the placement of paving, and other necessary improvements, unless otherwise approved pursuant to Chapter 19.85 *Public Improvements - Delaying or Deferring*. Property owners shall be responsible for the construction of required improvements along the street frontage of their lot, up to a maximum of 150 feet.
- B. Before occupancy shall be granted for any

Official shall determine the following:

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1. That all of the required dedications have been provided.
 2. That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of surety acceptable to the City Council in an amount equal to the estimated cost of the street improvements has been posted with the City to assure the installation of said street improvements. In lieu of requiring the installation of curbs, gutters and sidewalks, a Street Improvement Impact Fee may be required and assessed in accordance with Section 19.85.040, at the discretion of the City Engineer.
- C.** In all districts, the following street improvements shall apply to Expressways, Arterials, and Collector Streets:
1. Concrete curbs and gutters shall be installed.
 2. Sidewalks, per City standards, shall be installed.
- D.** The following street improvement standards shall apply to Local Streets in the RL District:
1. Asphalt berms may be installed in lieu of curb and gutter.
 2. Sidewalks shall not be required.
- 19.07.070 Utilities.** All utilities serving new projects of more than four (4) dwelling units shall install underground utilities both onsite and in the public right-of-way. New projects of four (4) or less dwelling units shall install underground utilities onsite; utilities in the public right-of-way shall be installed in a manner consistent with the existing surrounding improvements.
- 19.07.080 Signage.** All signs shall comply with the regulations provided in Chapter 19.84, *Signs*.
- 19.07.090 Standards for Residential**
- Development.** All residential development shall comply with the following minimum standards:
- A. The home and accessory structures shall be subject to all provisions of the Development Code applicable to residential structures.
 - B. Manufactured and Mobile homes shall be constructed to meet the standards of the National Mobilehome Construction and Safety Standards Act pursuant to Section 18551 of the California Health and Safety Code.
 - C. Manufactured and Mobile homes must be less than ten (10) years old, unless an older coach is approved by the Planning Commission.
 - D. Manufactured and Mobile homes shall be attached to an engineered, permanent perimeter foundation approved by the Building Division.
 - E. The home shall have a minimum width of twenty (20) feet excluding garages, porches, patios, eaves, cabanas, and popouts.
 - F. The siding material shall consist of stucco, wood, brick, stone, or decorative concrete block. Synthetic siding material and textures may be used when determined by the Planning Division to be compatible with the neighborhood.
 - G. The exterior covering material shall extend to surrounding grade.
 - H. The roofing material shall be tile, rock, shingles, or materials customarily used on residential structures in the neighborhood.
 - I. The roof shall have a pitch not less than two (2) inches of vertical rise for each twelve (12) inches of horizontal run.
 - J. The roof shall have sloping lines with a minimum twenty-four (24) inch eaves overhang, measured from the vertical side of the home. The Planning Director may approve an alternate design, if the Planning Director

finds that the alternate design is architecturally compatible with homes in the vicinity or that the alternate design is compatible with the Desert Southwest Design Guidelines adopted by the City.

- K. The minimum parking requirement for a single-family residence shall be a two-car garage. The minimum parking requirement for a multi-family structure, where permitted, shall be one covered space and one open space per dwelling unit; covered parking shall be either a carport with solid roof covering or a garage.

Chapter 19.08**SINGLE FAMILY RESIDENTIAL DISTRICT (RS)****Sections:**

- 19.08.010 Purpose**
- 19.08.020 Permitted and Conditional Uses**
- 19.08.030 Development Standards**
- 19.08.040 Encroachments into Yards or Setbacks**
- 19.08.050 Parking and Driveways**
- 19.08.060 Street Dedications and Improvements**
- 19.08.070 Utilities**
- 19.08.080 Signage**
- 19.08.090 Standards for Residential Development**

19.08.010 Purpose. This district is intended to create, preserve and enhance neighborhoods in a quiet neighborhood setting where permanent, one household, residential uses are predominant. The detached dwellings and yards of RS areas allow for maximum privacy where desired, and opportunities for outdoor living and activities.

19.08.020 Permitted and Conditional Uses. The Single Family Residential District is further subdivided into five sub-classifications: RS-4 (four units per acre), RS-3 (three units per acre), RS-2 (two units per acre), RS-1 (one unit per acre) and RS-E (one unit per 2.5 acres). Permitted and conditional uses for each classification are provided in Table 19.08-A, and have been determined to be compatible with the values and character of the district, subject to appropriate development conditions. Any use identified in the table that is left blank (or identified by a □-□) shall be prohibited.

Any use not included in the table shall be considered prohibited, unless it is determined by the Community Development Director to be compatible with the values and character of the district. Such determination is dependent upon both the compatibility of the use with the purpose and function of the district, and the anticipated impacts, including, but not limited to, aesthetics, generation of traffic, types of traffic, parking requirements, hazards, and noise generation.

New construction or development of permitted uses may be subject to Site Plan Review approval pursuant to Chapter 19.28 *Site Plan Review*. The establishment of conditional uses, whether through new construction or establishment within an existing facility, are subject to review and approval pursuant to Chapter 19.30, *Conditional Use Permits* or Chapter 19.31, *Minor Use Permits*. All temporary uses are subject to review and approval pursuant to Chapter 19.32, *Temporary Use Permits*.

Table 19.08-A

PERMITTED AND CONDITIONAL USES

Key: P = Permitted Use
 C = Conditional Use Permit
 M = Minor Use Permit

Use	RS-4	RS -3	RS-2	RS-1	RS-E	Notes
<i>A. Residential Uses and Care Facilities</i>						
Single family dwelling	P	P	P	P	P	Includes mobilehomes and manufactured homes which comply with the requirements of Section 19.08.090 of this Chapter. A maximum of one single-family dwelling unit is allowed per parcel, except as provided in Chapter 19.53, <i>Second Units</i> .
Small family day care	P	P	P	P	P	Day care for eight (8) or fewer children, in compliance with the requirements of Chapter 19.56, <i>Community Care Facilities</i> .
Large family day care	P	P	P	P	P	Day care for nine (9) to fourteen (14) children, in compliance with the requirements of Chapter 19.56, <i>Community Care Facilities</i> .
Day care centers	C	C	C	C	C	Day care facility other than small or large family day care.
Residential, community, or congregate care facilities serving six (6) or fewer persons.	P	P	P	P	P	Includes intermediate health care facilities, community care facilities, residential care facilities for elderly, alcoholism recovery facilities, and facilities for mentally disordered, handicapped persons, or dependent and neglected children, subject to the provisions of Chapter 19.56, <i>Community Care Facilities</i> .

Use	RS-4	RS -3	RS-2	RS-1	RS-E	Notes
Residential, community, or congregate care facilities serving seven (7) or more persons.	C	C	C	C	C	Includes intermediate health care facilities, community care facilities, residential care facilities for elderly, alcoholism recovery facilities, and facilities for mentally disordered, handicapped persons, or dependent and neglected children, subject to the provisions of Chapter 19.56, <i>Community Care Facilities</i> .
Mobile home parks not exceeding the density as prescribed by the district.	C	C	C	C	C	Subject to permits and requirements specified in Chapter 19.72, <i>Mobile Home/RV Parks and Campgrounds</i> .
Resorts, group quarters and group camps.	-	-	-	C	C	Allowed only on parcels five (5) acres or larger.
<u>B. Residential Accessory Uses</u>						
These uses are permitted only as accessory or incidental to a primary use on the same property.						
Non-habitable structures, unlighted private recreational courts, and private swimming pools and accessory equipment.	P	P	P	P	P	Subject to permits and requirements specified in Chapter 19.48, <i>Accessory Uses and Structures</i> .
Agriculture: Row, field, and tree crops which do not require large amounts of water.	P	P	P	P	P	Crops shall be limited to that required to support on-site use, as opposed to commercial production.
Antennas, noncommercial, up to 52 feet in height.	P/M *	P/M *	P/M *	P/M *	P/M *	Antenna shall be set back from all property lines at least 1 ¼ times the height of the antenna. Height does not include the additional height of whip antennas. * One antenna Permitted per parcel. Minor Use Permit required for additional antennae.
Caretaker housing	C	C	C	C	C	For institutional and other non-residential uses permitted in the district.
Home occupations	P	P	P	P	P	Subject to permits and

Use	RS-4	RS -3	RS-2	RS-1	RS-E	Notes
						requirements specified in Chapter 19.36 <i>Home Occupations</i> .
Second units	P	P	P	P	P	Pursuant to the requirements specified in Chapter 19.53, <i>Second Units</i> .
Windmills and solar energy collectors, non commercial, up to thirty-five (35) feet in height.	P/M*	P/M*	P/M*	P/M*	P/M*	Structures shall be set back from all property lines at least 1 1/4 times the height of the structure, measured to the highest element of the structure. * One windmill Permitted per parcel. Minor Use Permit required for additional windmills.
Up to a fifty percent (50%) increase, to 52 feet, may be approved subject to Minor Use Permit.	M	M	M	M	P	
<u>C. Institutional Uses</u> All institutional uses shall be accessible from an Expressway, Arterial or Collector Street, or have an adequate, improved private drive.						
Cemeteries	C	C	C	C	C	
Churches, synagogues, temples, and other religious facilities	C	C	C	C	C	
Conference centers and organizational camps	C	C	C	C	C	
Governmental facilities	C	C	C	C	C	Including public service facilities, such as libraries, museums, parks, recreation facilities, and civic uses.
Hospitals	C	C	C	C	C	
Schools	C	C	C	C	C	
<u>E. Cultural Activities</u>						
Art Galleries and studios	M	M	M	M	M	
<u>F. Transient Lodging Facilities</u>						
Bed and Breakfast Uses	C	C	C	C	C	Subject to the limitations, regulations and standards in Chapter 19.54, <i>Bed and Breakfast Inns</i> .
<u>G. Transportation and Communication Facilities, and Utilities</u>						
Communication facilities	C	C	C	C	C	Including, but not limited to,

Use	RS-4	RS -3	RS-2	RS-1	RS-E	Notes
						radio and television stations or towers, satellite receiving stations, microwave relay towers, and similar facilities. Subject to standards established in Chapter 19.58 <i>Telecommunications Facilities</i> .
Transportation facilities	-	-	-	C	C	Including, but not limited to carpool facilities and parking lots.
Utility and service uses and structures	C	C	C	C	C	Including, but not limited to reservoirs, pumping plants, electrical substations, central communications offices, sewer plants, sewer treatment facilities, and solid waste disposal sites.
<i>H. Temporary and Interim Uses (See Chapter 19.32, Temporary Use Permits)</i>						

19.08.030 Development Standards. The development standards for each RS district shall be as delineated in Table 19.080-B:

**Table 19.08-B
SINGLE FAMILY RESIDENTIAL DISTRICT
DEVELOPMENT STANDARDS**

Standard	RS	RS-3	RS-2	RS-1	RS-E	Notes
Minimum lot size	7,200 sq. ft.	12,000 sq. ft.	18,000 sq. ft.	1 acre	2.5 acres	
Interior lot, minimum dimensions : width depth	60 ft. 100 ft.	70 ft. 100 ft.	80 ft. 100 ft.	100 ft. 150 ft.	150 ft. 200 ft.	
Corner lot, minimum dimensions: width depth	70 ft. 100 ft.	80 ft. 100 ft.	90 ft. 100 ft.	150 ft. 150 ft.	150 ft. 200 ft.	
Maximum lot coverage(impervious surface)	40%	40%	30%	20%	20%	
Maximum building height	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	Structures such as chimneys, cupolas, flagpoles, steeples, <i>communications towers</i> and the like may exceed height limits up to fifty (50) percent.
Front yard setback	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	
Side yard setback, interior	10 ft.*	10 ft.*	10 ft.*	15 ft.*	15 ft.*	*Two story structures, or the second story, shall be set back a minimum of twenty (20) feet from any property line.
Street side yard setback	15 ft.*	15 ft.*	15 ft.*	25 ft.	25 ft.	* Two story structures, or the second story, shall be set back a minimum of twenty (20) feet from any property line.
Rear yard setback	15 ft.*	20 ft.	20 ft.	20 ft.	20 ft.	* Two story structures, or the second story, shall be set back a minimum of twenty (20) feet from any property line.

19.08.040 Encroachments Into Yards or Setbacks. Provided that the projection does not

obstruct the view in a required Clear Sight Triangle (See Section 19.06.030 *Definitions*), the following encroachments or projections are permitted in required yard areas:

- A. Attached architectural features such as awnings, canopies, eaves, chimneys, cornices, planter boxes, bay windows, and cantilevered portions of the structure (not exceeding fifty percent of the length of the wall to which they are attached) are permitted to encroach up to four (4) feet into front or rear yards and two (2) feet into side yards.
- B. Attached, unenclosed patio roofs, decks, porches and similar structures (having open, unenclosed sides around at least fifty [50] percent of their perimeters) are permitted to encroach up to fifteen (15) feet into a rear yard, with a minimum five (5) foot setback to the rear property line.
- C. Fences, walls, screening, and dense hedges are permitted to encroach up to a maximum of four (4) feet in height in front yards and street side yards and a maximum of eight (8) feet in height in side and rear yards.

19.08.050 Parking and Driveways. Parking and driveways shall be provided consistent with the regulations of Chapter 19.82, *Off Street Parking and Loading Regulations*, which include:

- A. **All new construction of** Single family dwellings shall provide two (2) parking spaces behind the front setback area and a driveway from the street. **Building permits shall be required for garage conversions.**
- B. Any other use within a residential district shall provide parking as required for the specific land use outlined in Chapter 19.82.

19.08.060 Street Dedications and Improvements.

- A. Before building permits are issued for the construction of a new single family residence or new second dwelling unit with a kitchen, the dedication of additional right-of-way and construction of required street improvements

in accordance with the General Plan Circulation Element shall be required. "Street improvements" include any or all of curb and gutter, sidewalks, concrete driveway approaches, drainage structures, paving, back-filling and preparation of the road surface to rough grade, and the placement of paving, and other necessary improvements, unless otherwise approved pursuant to Chapter 19.85 *Public Improvements - Delaying or Deferring*. Property owners constructing a new single family residence or new second dwelling unit with a kitchen shall be responsible for the construction of required improvements along the street frontage of their lot, up to a maximum of 150 feet.

- B. Before occupancy shall be granted for any such building or improvement, the Building Official shall determine the following:
 - 1. That all of the required dedications have been provided.
 - 2. That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of surety acceptable to the City Council in an amount equal to the estimated cost of the street improvements has been posted with the City to assure the installation of said street improvements. In lieu of requiring the installation of curbs, gutters and sidewalks, a Street Improvement Impact Fee may be required and assessed in accordance with Section 19.85.040, at the discretion of the City Engineer.
- C. In all districts, the following street improvements shall apply to Expressways, Arterials, and Collector Streets:
 - 1. Concrete curbs and gutters shall be installed.
 - 2. Sidewalks, per City standards, shall be installed.
- D. In the RS-4 Districts, the following street improvement standards shall apply to Local

Streets:

1. Curbs and gutters shall be installed.
2. Sidewalks, per City standards, shall be installed.

E. In RS-2 and RS-3 Districts, the following street improvement standards shall apply to Local Streets:

1. Curbs and gutters shall be installed.
2. Sidewalks shall not be required.

F. In RS-1 and RS-E Districts, the following street improvements standards shall apply to Local Streets:

1. Asphalt berms may be installed in lieu of curb and gutter.
2. Sidewalks shall not be required.

19.08.070 Utilities. All utilities serving new projects of more than four (4) dwelling units shall install underground utilities both onsite and in the public right-of-way. New projects of four (4) or less dwelling units shall install underground utilities onsite; utilities in the public right-of-way shall be installed in a manner consistent with the existing surrounding improvements.

19.08.080 Signage. All signs shall comply with the regulations provided in Chapter 19.84 *Signs*.

19.08.090 Standards for Residential Development. All residential development shall comply with the following minimum standards:

- A. The home and accessory structures shall be subject to all provisions of the Development Code applicable to residential structures.
- B. Manufactured and Mobile homes shall be constructed to meet the standards of the National Mobilehome Construction and Safety Standards Act pursuant to Section 18551 of the California Health and Safety Code.

C. Manufactured and Mobile homes must be less than ten (10) years old, unless an older coach is approved by the Planning Commission.

D. Manufactured and Mobile homes shall be attached to an engineered, permanent perimeter foundation approved by the Building Division.

E. The home shall have a minimum width of twenty (20) feet excluding garages, porches, patios, eaves, cabanas, and popouts.

F. The siding material shall consist of stucco, wood, brick, stone, or decorative concrete block. Synthetic siding material and textures may be used when determined by the Planning Division to be compatible with the neighborhood.

G. The exterior covering material shall extend to surrounding grade.

H. The roofing material shall be tile, rock, shingles, or materials customarily used on residential structures in the neighborhood.

I. The roof shall have a pitch not less than two (2) inches of vertical rise for each twelve (12) inches of horizontal run.

J. The roof shall have sloping lines with a minimum twenty-four (24) inch eaves overhang, measured from the vertical side of the home. The Planning Director may approve an alternate design, if the Planning Director finds that the alternate design is architecturally compatible with homes in the vicinity or that the alternate design is compatible with the Desert Southwest Design Guidelines adopted by the City.

K. The minimum parking requirement for a single-family residence shall be a two-car garage. The minimum parking requirement for a multi-family structure, where permitted, shall be one covered space and one open space per dwelling unit; covered parking shall be either a carport with solid roof covering or a garage.

Chapter 19.12**SERVICE COMMERCIAL (CS) AND
COMMUNITY INDUSTRIAL (IC) DISTRICTS****Sections:**

- 19.12.010 Purpose**
- 19.12.020 Permitted and Conditional Uses**
- 19.12.030 Development Standards**
- 19.12.040 Design Standards**
- 19.12.050 Outdoor Storage and Use Standards**
- 19.12.060 Performance Standards**
- 19.12.070 Encroachments into Yards or Setbacks**
- 19.12.080 Parking and Driveways**
- 19.12.090 Street Dedications and Improvements**
- 19.12.100 Utilities**
- 19.12.110 Signage**

19.12.010 Purpose. This chapter includes the districts that accommodate manufacturing uses and which also allow for heavier commercial uses.

Service Commercial (CS). The intent of the Service Commercial District is to allow for heavier commercial uses and light manufacturing uses. The areas within this district shall be completely separated or shielded from all other land use functions. High quality design standards are encouraged to mitigate aesthetic impacts.

Community Industrial (IC). The intent of the Community Industrial district is to accommodate existing industrial uses and allow for new industrial uses. Commercial uses may also be permitted as a means of enhancing and augmenting industrial development.

19.12.020 Permitted and Conditional Uses. Permitted and conditional uses for each classification are provided in Table 19.12-A, and have been determined to be compatible with the

values and character of the district, subject to appropriate development conditions. Any use identified in the table that is left blank (or identified by a “-“) shall be prohibited.

Any use not included in the table shall be considered prohibited, unless it is determined by the Community Development Director to be compatible with the values and character of the district. Such determination is dependent upon both the compatibility of the use with the purpose and function of the district, and the anticipated impacts, including, but not limited to, aesthetics, generation of traffic, types of traffic, parking requirements, hazards, and noise generation.

New construction or development of permitted uses is subject to Site Plan Review approval pursuant to Chapter 19.28. The establishment of conditional uses, whether through new construction or establishment within an existing facility, is subject to review and approval pursuant to Chapter 19.30, *Conditional Use Permits*, or Chapter 19.31, *Minor Use Permits*. All temporary uses are subject to review and approval pursuant to Chapter 19.32, *Temporary Use Permits*.

**Table 19.12-A
PERMITTED AND CONDITIONAL USES**

Key: P = Permitted Use
C = Conditional Use Permit
M = Minor Use Permit

Use	CS	IC	Notes
<u>A. Industrial</u>			
<i>Construction</i>			
Contract construction service office, may include equipment and/or material storage yard	P	P	
Sandblasting and beadblasting	-	C	
<i>Hazardous Waste</i>			
Hazardous waste facilities	-	C	Includes all land and structures used for the treatment, transfer, storage, resource recovery, or recycling of hazardous waste materials at thresholds exceeding standards as determined by the Fire Department.
<i>Light Industrial</i>			
Recyclable material salvage yards	-	C	See Chapter 19.80, Recycling and Solid Waste Disposal
<u>Recycling collection facilities</u> Small - to 500 sq. ft. in area Large - 500+ sq. ft. in area	M C	P M	Outdoor storage for all recycling collection facilities must be screened.
Recycling processing facilities	-	C	
Research and development services / laboratories	C	C	
<i>Manufacturing</i>			
Batching plant	-	C	
Manufacturing processes involving raw materials.	-	C	
Manufacturing processes involving no raw materials.	C	C	
<u>Food processing:</u> Animal slaughtering Bakery Industrial food catering Meat, dog and cat food processing canning, packaging All other food processing	- P P C C	C P P C C	

Use	CS	IC	Notes
<i>Mining and Related Activities</i>			
Mining or quarrying	-	C	The excavation or extraction of naturally occurring minerals. Typical uses include mining, rock and gravel extraction, and borrow pits.
Milling and other processing needed to render mined materials marketable	-	C	
<i>Motor Vehicle Storage</i>			
<u>Motor vehicle storage:</u>			
Indoor	P	P	All vehicle storage area(s) must be screened from offsite
Outdoor - operable vehicles	C	P	
Outdoor - inoperable vehicles	C	C	
Parking: commercial lot / garage	P	P	
Towing service (with tow truck parking - no auto storage)	P	P	
Truck and trailer rental	P	P	
<i>Service and Repair</i>			
Automotive services - minor (i.e., tune-up, emission tests, batteries, brakes, tires, radiators, electrical, etc.) (no use of impact wrenches or other equipment that could create noise impacts.)	P	P	
<i>Automotive repair - major (i.e., engine and transmission repair/rebuild, etc.)</i>	<i>C</i> <i>P</i>	<i>C</i> <i>P</i>	<i>A wall made of block, masonry, or other similar material, minimum six (6) feet in height, must be installed to separate use from adjacent properties. Outdoor storage must be screened.</i>
Boat service and repair	C	C	
<i>Body, paint, and upholstery shops</i>	<i>C</i> <i>P</i>	<i>C</i> <i>P</i>	
<u>Business services:</u>			
Exterminating service	M	M	
Blueprinting services	C		
Car wash - full service	P	P	
Car wash - self service	P	P	
Exterminator	P	P	

Use	CS	IC	Notes
Gas station	C	C	
<u>General household product service and repair:</u> Computer, home electronics, and small home appliances Furniture refinishing, re-upholstery Jewelry, watches, clocks Home appliances - large Lawnmower and garden equipment Locksmith / key shop Shoe repair	P P P P P P P	P P P P P - -	For automotive upholstery, see "Automotive Services"
Heavy equipment service and repair (including commercial truck, van, etc.)	C	C	Block wall must be installed to separate use from residential district(s)
Industrial laundry	C	C	
Machine shop, machinery repair	C	P	
<u>Personal services:</u> Barber, beauty, nail salon Cemeteries and mausoleums Crematory Dry cleaner Funeral parlor, mortuary Laundry - commercial Laundry - self-serve Pet grooming - commercial Public / self storage Tailor Tattoo / body piercing Taxidermy	P C C P P P P P C P M P	- - C - - P - - C - - -	
<i>Open Storage and Yards</i>			
Automobile/truck dismantling	-	C	
Building materials - finished	C	P	
Building materials - raw (excluding concrete batching)	-	P	
Contractor=s equipment storage yard	P	P	
Petroleum and similar flammable materials (for local distribution)	C	C	
Salvage yard	-	C	
Sewer plant (wastewater treatment facility)	-	C	
<i>Warehousing, Storage and Transportation Facilities</i>			
Bulk postal service	P	P	
Freight forwarding service (truck to truck)	-	C	

Use	CS	IC	Notes
Moving and storage	P	P	
Warehouse / distribution facility	P	P	Must be accessible from City maintained expressway, arterial or collector street
<i>B. Commercial / Office</i>			
<i>Alcohol</i>			
Alcoholic beverage sales	C	-	
<i>Automotive Related Sales and Service</i>			
Automobile rental agency	C	-	
<i>Automotive parts and accessories stores</i>	<i>P</i>	<i>P</i>	
Gas station	C	C	
<i>Motor vehicle sales, new and used</i>	<i>C</i>	<i>P</i>	May include sales display area and repair
Tire stores	C	-	
Towing service	C	C	Tow truck parking and auto storage areas may be allowed pursuant to requirements of Outdoor Storage and Use Standards in Section 19.12.050, below.
Trailer and mobile home sales and rental	C	-	With sales display area and repair
Truck and trailer rental	C	-	
<i>Eating / Drinking Places and Food Services</i>			
Banquet facilities	P	-	
Bar / cocktail lounge	C	-	
Catering establishment	P	-	
Fast food/quick serve			
With drive - through	C	-	
Without drive - through	P	-	
Restaurants (sit down / full service)		-	
<i>Entertainment and Recreation</i>			
Adult oriented business			See Chapter 19.50, <i>Adult Oriented Businesses</i>
Amusement park	C	C	
Athletic fields	C	C	
Auditoriums and other public assembly facilities	C	-	

Use	CS	IC	Notes
Batting cages - indoor - outdoor	C C	C C	
Billiard parlor / pool hall	C	-	
Bowling alley	C	-	
Go-cart track	C	C	
Golf course	C	C	
Golf driving range	C	C	
Health club / gymnasium	P	P	
Live entertainment	C	-	Except as temporary uses, see Chapter 19.32 <i>Temporary Use Permits</i>
Miniature golf course	C	C	
Motion picture theater	C	-	
Motocross / off-road mini-bike course	-	C	
Recording and sound studios	P	P	
Shooting range	-	C	
Skate park	C	C	
Skating rink (ice / roller)	C	C	
Stadium / sports arena	C	C	
Tennis / swim club	C	-	
Theaters	C	-	
Video / electronic / computer game arcade	C	-	
<i>Office Uses</i>			
Administrative, professional, and other offices	-	-	
Office uses associated with manufacturing or other industrial uses	P	P	
<i>Financial services:</i>			
Banks, credit unions, etc.	-	-	
Check cashing / payday advance	-	-	
Mortgage / lending	-	-	
Other financial services	-	-	
<i>Retail / Wholesale Sales</i>			

Use	CS	IC	Notes
Adult book store			See Chapter 19.50, <i>Adult Oriented Businesses</i>
Antique shop	C	-	
Art galleries and art supply store	C	-	
Auctions	C	C	
Auctions, livestock	-	C	
Bakeries			
Retail	P	-	
Wholesale	C	C	
Bicycle shop (including repair)	P	P	
Building materials, retail sale of (if contained within a completely enclosed building)	P	P	
Building materials and hardware stores (May include indoor nursery / plant sales):			May include outdoor nursery/plant sales up to 25% of building area. For nursery as a primary use, see Agricultural.
Within completely enclosed building	P	P	
With outdoor storage	P	P	
Boat sales	P	-	
Camera and photographic supply store	P	-	
Computer store	C	-	
Convenience store	C	C	
Convenience store with alcoholic beverage sales	C	-	
Feed store	P	P	
Florist shop	P	-	
Food locker (for individual home locker rental only; no slaughtering permitted)	P	P	
Furniture and home furnishing store	P	-	
<u>General merchandise stores:</u>			
Department store	P	-	
Discount / variety store (new products at a discounted price)	P	-	
Warehouse club stores	P	-	
Guns and ammunition stores	C	-	
Hobby, toy and game store	-	-	
Household appliance store	P	-	
Industrial retail sales	C	C	
Ancillary to a permitted use	P	P	
Music and video sales and rental stores	P	-	

Use	CS	IC	Notes
Office supply, stationery and gift stores	P	-	
Pawnbrokers / pawnshops	P	-	
Pet and pet supply stores	P	-	
Radio, television, and small electrical appliance shop (including repair when incidental to retail sales)	P	-	
Secondhand and thrift stores	P	-	
Sporting goods store	P	-	
Swap meet	P	P	
Indoor swap meet	P	P	
Outdoor swap meet	C	P	
Wholesale stores and distributors	C	P	
<u>C. Agricultural Uses and Related Uses</u>			
Row, field, and tree crops, which do not require large amounts of water for commercial purposes	C	C	
Plant nurseries - cultivation of plants, indoors or outdoors, for commercial purposes	C	C	May include retail sales
Produce stands for products primarily grown on the same property	M	M	
Retail nurseries	C	C	
<u>D. Institutional Uses</u>			
Ambulance service	P	-	
Animal hospital			
- Small animals	C	C	
- Large animals	C	C	
Churches, synagogues, temples, and other religious facilities	C	C	
Community care facility	C	-	
Community center	C	-	
Congregate care facility	C	-	
Convalescent hospital	C	-	
Governmental facilities	P	P	
Hospitals	C	C	

Use	CS	IC	Notes
Schools such as music conservatories, dancing schools, and other schools that offer training in nonindustrial professions	P	-	
<u>Schools:</u> Preschools K-12, Private* Universities / colleges Vocational and trade schools	C C C C	- - C C	*Public schools are regulated by the State
<u>E. Residential Uses and Transient Lodging Facilities</u>			
Caretaker housing	M	M	Accessory to uses permitted in the district.
Day care centers	C	-	
Hotels / motels	C	-	
Multiple family dwellings, as a component of a mixed-use development	C	-	
Recreational vehicle parks and campgrounds, not exceeding a density of twelve (12) units per acre	C	C	
<u>F. Transportation and Communication Facilities, and Utilities</u>			
Communication facilities (See also Chapter 19.58, Communications Facilities)	C	P	Including radio and television stations or towers, satellite receiving stations, microwave relay towers, and similar facilities.
Transportation facilities	C	P	Including, but not limited to airports, bus stations, and carpool facilities.
Utility and service uses and structures	C	P	Including, but not limited to reservoirs, pumping plants, electrical substations, central communications offices, sewer plants, sewer treatment facilities, and solid waste disposal sites.
<u>G. Temporary and Interim Uses</u> (See Chapter 19.32, Temporary Use Permits)			
<u>H. Accessory Uses</u>			
Drive-through facilities	M*	M*	*Unless CUP is otherwise required for the use. See Chapter 19.82, <i>Off-street Parking and Loading Regulations</i> , for standards.

19.12.030 Development standards. The development standards for each office commercial district shall be as delineated in Table 19.012-B:

**Table 19.12-B
SERVICE COMMERCIAL / COMMUNITY INDUSTRIAL DISTRICT
DEVELOPMENT STANDARDS**

Standard	CS	IC	Notes
Minimum lot size	30,000 s.f.	1 acre	
Minimum lot dimensions - (width/depth)	150 x 200 ft.	200 x 200 ft.	
Minimum lot dimensions - ratio (width to depth)	--	--	
Maximum lot coverage (impervious surface)	80%	70%	
Maximum building height	45 feet	45 feet	<i>Structures such as chimneys, cupolas, flagpoles, steeples, communications towers and the like may exceed height limits up to fifty (50) percent.</i>
Front yard setback	15 feet	25 feet	
Side yard setback, interior	10 feet	10 feet	
Street side yard setback	15 feet	15 feet	
Rear yard setback	10 feet	10 feet	

19.12.040 Design Standards.

- A. A Desert Southwest theme is required in the CS land use district for properties visible from Adobe Road, north of Twentynine Palms Highway and encouraged in other CS areas. In areas where the design theme is encouraged. A modern industrial building design may be acceptable where the Desert Southwest theme is not feasible and the proposed design will not detract from or conflict with the established theme of the neighborhood.
- B. Landscaping shall reflect a desert theme, including use of drought resistant plants.
- C. Residential development, where allowed, shall comply with Development Code Section 19.08.090, Standards for Residential Development.

19.12.050 Outdoor Storage and Use Standards.

- A. Outdoor storage. Outdoor storage on properties in the CS or IC district, shall be screened so that it is not visible from the following streets:
 1. Twentynine Palms Highway throughout the City,
 2. Adobe Road north of Twentynine Palms Highway,
 3. National Park Drive,
 4. Amboy Road east of Adobe Road to the City limit,
 5. Utah Trail between Amboy Road and the National Park entrance.

Screening shall be provided by the use of solid walls, wood fencing, or chain link fencing with either shade cloth, slats, or drought tolerant vegetation. If drought tolerant vegetation is utilized to accomplish screening, the vegetation used shall:

1. Provide adequate screening within one year of planting, and
2. Be maintained to provide continual screening of any outdoor storage, and
3. Be watered with an automatic watering system equipped with a timer.

If shade cloth or slats are utilized to accomplish screening, such materials shall be of uniform design and color and shall be maintained in good repair at all times.

- B. Vehicle storage, appliance or vehicle repair or service, auto dismantlers, welding or machine shops, and similar uses. A solid block wall or chain-link fence with slats shall be constructed around the perimeter of the use and substantially block the view of the yard. A minimum of three (3) feet of landscaping shall be provided along the street frontage to provide aesthetic relief along the wall or fence. The area(s) of the yard visible from offsite shall be paved with concrete or asphalt paving. Suitable Best Management Practices (BMP) shall be constructed and/or practiced to ensure that any vehicle fluids shall not leave the site.
- C. Outdoor manufacturing, uses or activities shall provide for both the physical screening and operational controls of outdoor manufacturing, use and activities to ensure adequate and appropriate buffering to surrounding land uses and the public right-of-way.

19.12.060 Performance Standards.

- A. Lighting shall be designed and installed in conformance with Chapter 19.70, *Lighting*

Standards.

- B. Energy conservation, including use of both direct and passive solar energy, is encouraged.
- C. Noise generated on-site shall be controlled so as to be compatible with surrounding land uses. For uses that may generate noise during the hours of 7 p.m. to 7 a.m., a detailed noise assessment and plan addressing and mitigating these impacts shall be submitted for review and approval pursuant to Chapter 19.74, *Noise Control*.
- D. Vibrations generated on-site shall not be detectable off-site. For uses that may generate vibrations detectable off-site, a detailed vibration assessment and plan addressing and mitigating these impacts shall be submitted for review and approval.
- E. Electrical disturbances or interference. For uses that may produce electrical disturbances or interference to surrounding land uses, a detailed electrical interference assessment and plan addressing and mitigating these impacts shall be submitted for review and approval.
- F. Odors, dust and airborne pollution shall be controlled so as not to impact surrounding land uses or the public right-of-way. For uses that may generate odors, dust, or airborne pollution, a detailed assessment and plan addressing and mitigating these impacts shall be submitted for review and approval.

19.12.070 Encroachments into Yards or Setbacks. Provided that the projection does not obstruct the view in a required Clear Sight Triangle (See Section 19.06.030 *Definitions*), the following encroachments or projections are permitted in required yard areas:

- A. No projection may be permitted to encroach into a required Clear Sight Triangle.
- B. Attached architectural features such as awnings, canopies, eaves, chimneys, cornices, planter boxes, bay windows, and cantilevered portions of the structure (not exceeding fifty

percent (50%) of the length of the wall on any one story) are permitted to encroach up to four (4) feet into front, rear, and side yards.

- C. Attached, unenclosed patio roofs, decks, porches and similar structures (having open, unenclosed sides around at least fifty [50] percent of their perimeters) are permitted to encroach up to four (4) feet into a front or street side yard, with a minimum five (5) foot setback to the property line; and up to fifteen (15) feet into a rear yard, with a minimum five (5) foot setback to the rear property line.
- D. Stairways, landings, corridors and fire escapes are permitted to encroach up to five (5) feet in front and street side yards, up to four (4) feet in interior side yards, and up to ten (10) feet in rear yards.
- E. Fences, walls, screening, safety guard rails, and dense hedges are permitted to encroach up to a maximum of six (6) feet in height in front and street side yards, and a maximum of ten (10) feet in height in side and rear yards.

19.12.080 Parking and Driveways. All improved or disturbed lot areas not covered by buildings or landscaping shall be paved in concrete or asphalt paving, or otherwise appropriately treated to contain wind and soil erosion and accommodate traffic and circulation. Areas of heavy vehicle traffic, loading areas and other site areas for heavy vehicles or equipment shall have paving design and thickness of sufficient strength to support such vehicles and traffic.

Parking and driveways shall be provided consistent with the regulations of Chapter 19.82, *Off Street Parking and Loading Regulations*.

19.12.090 Street Dedications and Improvements.

- A. Before building permits are issued for the construction of a structure or improvement which would result in an increase or change

in vehicular traffic, the dedication of additional right-of-way and construction of required street improvements shall be required in accordance with the General Plan Circulation Element.

”Street improvements” include any or all of curb and gutter, sidewalks, concrete driveway approaches, drainage structures, paving, back-filling and preparation of the road surface to rough grade, and the placement of paving, and other necessary improvements as determined by the City Engineer, unless an exception is granted pursuant to Chapter 19.85, *Public Improvements - Delaying or Deferring*.

- B. Before occupancy shall be granted for any such building or improvement, the Building Official shall determine the following:
 1. That all of the required dedications have been provided.
 2. That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of acceptable surety in an amount equal to the estimated cost of the street improvements has been posted with the City Engineer to assure the installation of said street improvements.
- C. In CS Districts, the following street improvement standards shall apply to all rights-of-way:
 1. Concrete curbs and gutters shall be installed.
 2. Sidewalks shall be installed.
- D. In IC Districts, the following street improvement standards shall apply to Local Streets:
 1. Concrete curbs and gutters shall be installed.
 2. Sidewalks shall not be required.

19.12.100 Utilities. All utilities serving new projects of more than four (4) acres shall install underground utilities both onsite and in the public right-of-way. New projects of four (4) or less acres shall install underground utilities onsite; utilities in the public right-of-way may be installed in a manner consistent with the existing surrounding improvements.

19.12.110 Signage. All signs shall comply with the regulations provided in Chapter 19.84 *Signs*.

CHAPTER 19.25 “PD”, PLANNED DEVELOPMENT DISTRICT

(Adopted 2008)

19.25.010 Purpose. The purpose of this Chapter is to establish guidelines and procedures for the establishment of Planed Development Districts. It is the intent of this district to foster the highest quality of development and insure compliance with the general plan and development code, while allowing certain desirable departures from the strict provisions of the zoning classifications. In certain instances, the objectives of the general plan and development code are best achieved by the development of parcels of land in a coordinated and comprehensive fashion so as to take advantage of the superior environment which can result from large scale community planning and development. The purposes of the PD district are to:

- Provide for design flexibility in single-family, multi-family, commercial, professional, industrial and mixed-use developments.
 - Foster sustainable development.
 - Stimulate a more desirable living and working environment than would be permitted by the strict application of zoning regulations on a conventional individual-use or lot-by-lot method.
 - Encourage innovative and creative approaches to land use and development.
 - Provide the means to reduce development costs through the promotion of improved and integrated design and land planning techniques.
 - Conserve natural features and open space, while facilitating aesthetic and compatible land use patterns.
 - Implement general and specific plans which require a planned development approach.
 - Cluster development to reduce infrastructure costs and environmental impacts.
- A planned development as used in this section means an integrated development project in which the land and structures are planned and developed as a whole in a single development operation or a series of operations in accordance with a detailed, comprehensive plan encompassing such elements as the location of structures, the circulation pattern, parking facilities, open space, recreation facilities and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of the persons occupying or utilizing the property.
 - There is no minimum district size.

19.025.020 Uses Permitted.

- Planned residential development districts may include a multiplicity of housing types; provided, the density does not exceed the general plan requirements. Housing density may be increased in conformance with state and local regulations if the district assists the city in meeting its housing goals as set forth in the housing element of the general plan. The form and type of development on the PD site boundary shall be compatible with the existing or potential development of the surrounding neighborhoods.
- A specific commercial use for property adjacent to an existing commercial zone may be approved as a PD when such property is to be used for additional off-street parking or an extension of buildings proposed in the existing commercial

- zone or in combination with residential uses. Where this is permitted, the plan for the total property shall be submitted and the applicant shall clearly detail, by engineering and architectural specifications and drawings, the manner in which the subject area is to be developed and the means that will be employed to protect the abutting property and the health, safety, welfare and privacy enjoyed thereon.
- In industrial zones, a property which combines industrial and service commercial uses may be approved as a PD subject to the performance standards of the underlying zone to protect the health, safety and welfare of the area. Such PD's shall be permitted on a Expressway, Arterial or Collector roadways as indicated on the general plan street plan or when these uses are integrated into an overall development plan. In both instances the proposed use shall not adversely affect the uses of properties in adjoining areas.
 - Additional uses may be permitted in the PD including resorts, hotels, churches, nursery and day schools for pre-school children, when these uses are integrated into an overall development plan and when in both instances the proposed use would not adversely affect the uses of property in adjoining areas.

19.25.030 Property Development Standards.

- The planning commission and the city council may establish a full range of development standards appropriate to the orderly development of the site which shall include the following:
 - Building heights shall conform to the requirements of the underlying zoning district. Structures which exceed permitted heights shall be subject to the requirements of Chapter 19.34 (Variances). Building heights within one hundred feet of the property line should be compatible with adjacent off-site development.
 - Parking and loading requirements shall be subject to the requirements of Chapter 19.82. The planning commission and the city council may modify such requirements based upon the submittal of a specific parking plan.
 - Front yard setbacks compatible with the existing or potential development adjacent and/or opposite from existing development shall be required to provide for an orderly and uniform transition along the streetscape to preserve, protect and enhance the properties adjacent to the proposed PD. Nonperipheral areas of the PD shall not be subject to this requirement but shall be determined by approval of the preliminary development plan by the planning commission.
 - Minimum lot frontage not less than that of existing lots adjacent and/or opposite from existing developments shall be required to provide for an orderly and uniform transition along the streetscape to preserve, protect and enhance the properties adjacent to a proposed PD. Nonperipheral areas of the PD shall not be subject to this requirement but shall be determined by approval of the preliminary development plan by the planning commission.
 - Open space for planned districts shall be equal to or greater than the minimum open space requirement for the zone in which the planned

district is located, unless otherwise approved by the planning commission and city council. Recreational areas, drainage facilities and other man-made structures may be considered to meet a part of the open space requirements.

- Protection of natural landscape features such as watercourses, hillsides, sensitive land area, existing vegetation, wildlife, unique topographical features, and views shall be encouraged. Open spaces shall be integrated into the overall design of the project.
- Open space for commercial, industrial and mixed uses shall be determined by the development plan approved by the planning commission and city council.

19.25.040 Concurrent processing

- The district shall be processed concurrently with all related entitlements.

19.25.050 Procedures

- Preliminary Development Plan.
 - The applicant shall submit a preliminary development plan package to the department of community development for a preliminary approval by the planning commission and city council. The minimum following documents shall be required for review: site plan including recreation facilities and amenities, landscape plan, architectural plans with building elevations, material sample board, sign plan, preliminary grading plan, and related environmental documents. A map and/or site plan of the subject property shall conform to the requirements of the preliminary application checklist provided by the department of community development. Planned development districts shall be consecutively numbered and recorded on the General Plan Land Use Map.
- Final Development Plan- Approval by Planning Commission.
 - The applicant shall submit a final development plan for approval by the planning commission. The final plan shall be substantially in conformance with the approved preliminary plan and shall incorporate all modifications and conditions to the preliminary development plan made by the commission and city council, and shall be submitted with the final development plan checklist provided by the department of community development. Should the final plan propose modifications which are not in substantial conformance with the approved preliminary plan, such Plan shall be processed as a new application. The final development plan may be processed concurrently with the preliminary development plan.
 - Required Findings
 - Approval of the district will not have the effect of preventing the orderly subdivision of land in the vicinity.
 - The proposed project cannot be accomplished through standard zoning districts and subdivision processes.
 - The proposed project accomplishes a unique and superior design.
 - The proposed project benefits the community.
- Final Development Plan- Appeal of Planning Commission Action.

- Approval of the final development plan by the planning commission shall be final unless appealed to the city council. The appeal procedure shall be pursuant to Chapter 19.46 of the Development Code.
- Modification of Final Development Plan
 - The final development plan may be modified by submitting a request for such modification according to the same procedure as is required in the initial review and approval process, including public hearing by the planning commission and city council in accordance with Chapter 19.25.00. Minor architectural or site changes not affecting the intent of the PD may be approved by the planning commission. No council action is necessary for minor changes except appealed decisions.
- Termination of Proceedings.
 - If, within two (2) years after the date of approval by the city council of the preliminary development plan, the final development plan, as indicated in Chapter 19.25 has not been approved by the planning commission, the procedures and actions which have taken place up to that time shall be null and void and the planned development district shall expire. Extensions of time may be allowed for good cause.
- Termination of Planned Development District
 - If the owners of the property have not commenced substantial construction within six (6) months of the date of the final development plan as approved by the planning commission or within the time set by the planning commission, the planned development district shall become null and void. For good cause the planning commission may extend the period required for commencing construction.
 - For any phased planned development district, cessation of development of a period of two (2) years or more shall require planning commission review and approval prior to further development of the district unless part of an approved development agreement.

Chapter 19-40

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS

Sections:

19.40.010	Purpose
19.40.020	Permits Required
19.40.030	Application Process
19.40.040	Approval Authority
19.40.050	Development Review
19.40.060	Permit Expiration
19.40.070	Extensions of Time
19.40.080	Conditions of Approval
19.40.090	Permit Amendments
19.40.100	Revocation of Permits

19.40.010 Purpose. The purpose of this Chapter is to establish requirements and criteria for acceptance and review of development applications, permits and other approvals.

19.40.020 Permits Required. Except as otherwise provided in this Development Code, structures shall only be erected, reconstructed, structurally altered, enlarged, relocated, or maintained after applying for and securing all permits and licenses required by all laws and Ordinances of the City of Twentynine Palms, or any other applicable regulatory agency. Structures shall only be designed and used in a manner permitted in the applicable zone.

19.40.030 Application Process. All applications described in Chapters 19.20 through 19.38, *Permits and Applications*, and identified in Table 19.40.040 - A, *Review Authority for Required Permits*, of this Code, or other entitlements shall comply with all applicable procedures of this Chapter.

A. **Application Materials.** All applications for a permit or entitlement as identified in Chapters 19.20 through 19.38 must be made in writing on forms provided by the Planning Department. Standard minimum submittal requirements shall be established by the Director. However,

additional information specific to the permit or entitlement, necessary for the complete analysis of an application, may be required. All required material, information and fees shall be provided by the applicant before the application is deemed to be complete for processing.

B. **Determination of Completeness.** The formal processing of an application shall begin on the date the application is deemed complete.

The statutory time period of thirty (30) days, established by State law for determining completeness, shall begin the day the application is submitted and date stamped by the Planning Department.

C. **Incomplete Applications.** If an application is determined to be incomplete, a letter will be sent to the applicant within thirty (30) calendar days after receipt of the application specifying the information and/or materials necessary to make the application complete.

D. **Environmental Review.** All applications for development which are subject to the California Environmental Quality Act (CEQA) and City adopted CEQA guidelines, must include a completed

Environmental Questionnaire form as part of the application. The Planning Director may request additional information or studies to make an environmental determination.

- E. Findings. Prior to rendering a land use decision, the Approval Authority shall address each of the findings applicable to the proposed project. Evidence or testimony to substantiate each of the findings shall be cited, summarized or otherwise referenced in the findings for the action taken by the Approval Authority. A written record of the evidence or testimony substantiating each of the required findings shall be retained in the planning file.
- F. Notice of Action. The Planning Director shall provide the applicant with written notice of the final decision on every application.

19.40.040 Approval Authority. The permits required for specific uses in specific districts are specified in the Code. The Approval Authority for different permit types is identified in Chapters 19.20 through 19.38, *Permits and Applications*, and Table 19.40.040-A, *Review Authority for Required Permits*.

- A. Action by Planning Director. Action of the Planning Director shall be made by a letter citing the findings and the substantiation of the findings as required by this Code. Action of the Planning Director, as the Approval Authority, is final after ten (10) calendar days, unless appealed to the Planning Commission within said period in accordance with Chapter 19.46 of this Code, *Appeals*.
- B. Action by Planning Commission. Prior to a Planning Commission Public Hearing on a Permit and/or application, the Planning Department shall prepare a written report and submit it to the Planning Commission. The report shall be made available to the applicant at least three (3) calendar days prior to the

Hearing. The Planning Commission shall review and consider the Planning Department's report, comments from the applicant, and comments from the public. Action of the Planning Commission, as the Approval Authority, is final after ten (10) calendar days, unless appealed to the City Council within said period in accordance with Chapter 19.46 of this Code, *Appeals*.

- C. Action by City Council. Prior to a City Council Public Hearing on a Permit and/or appeal, the Planning Department shall prepare a report of the action of the Planning Commission. The report shall be made available to the applicant at least three (3) calendar days prior to the Hearing. The City Council shall review and consider the Planning Commission's recommendation, comments from the applicant, and comments from the public, prior to taking action. All actions of the City Council are final.
- D. Approval Authority Involving Multiple Actions. Where a single project requires approval of multiple permits, all such permits shall be filed and reviewed concurrently. Processing and environmental review should be done concurrently and the final decision on the project shall be made by the highest Approval Authority of all the required permits. For example, the Approval Authority for a project requiring a Site Plan Review and a Zone Change shall be the City Council.
- E. Referral to Next Succeeding Approval Authority. The Approval Authority may refer a request for a land use decision to the Appeal Authority for that type of permit and/or application.

19.40.050 Development Review. The Planning Director may refer an application for review and comment to any other government agency and/or City Department he/she determines appropriate.

19.40.060 Permit Expiration. All projects and land use applications approved pursuant to this Code, except those governed by the Subdivision Map Act, shall be valid for a specified period of time as identified in Chapters 19.20 through 19.38 of this Code, *Permits and Applications*. All legislative approvals of the City Council such as General Plan Amendments, Zone Changes and Development Code Amendments, Specific Plans, Specific Plan Amendments, and Development Agreements are not subject to expiration, unless otherwise specified in their approvals.

19.40.070 Extensions of Time. Extension of time requests, beyond the original expiration date, may be granted by the original Approval Authority.

- A. Extension of time requests for projects shall be considered if submitted in writing to the Planning Department at least thirty (30) days prior to the expiration date of the permit or approval.
- B. Extensions may be granted only if it is found that there have been no significant changes in the General Plan, Development Code or character of the area within which the project is located that would cause the approved project to become nonconforming and that the granting of an extension will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

19.40.080 Conditions of Approval. In approving a permit and/or application, the Approval Authority may apply such conditions as it finds necessary to control and regulate the use to ensure compatibility with adjacent uses and the preservation of the public health, safety, and general welfare or to mitigate adverse impacts in the community.

Violation of any Condition of Approval may constitute a violation and may be grounds for suspension or revocation of the permit.

19.40.090 Minor Permit Amendments. Changes which correct errors or omissions of the Approval Authority are considered Minor Permit Amendments. Such Amendments shall not significantly affect the design, intensity, or intent of the approved project or reduce any requirement intended to mitigate an environmental effect. The Planning Director is authorized to approve Minor Permit Amendments to projects approved pursuant to this Code, except as otherwise prohibited by law.

19.40.100 Major Permit Amendments. Any change to an approval which does not qualify as a Minor Amendment shall be deemed a Major Amendment.

- A. The Approval Authority is authorized to approve Major Amendments to projects approved pursuant to this Code, except as otherwise prohibited by law.
- B. Review and notification requirements for a Major Permit Amendment shall be the same as the requirements for the original approval.
- C. The fee for a Major Permit Amendment shall be paid in accordance with Chapter 19.42 of this Code.

19.40.110 Revocation of Permits. To the extent consistent with law, to protect the public health, safety, and welfare, and to enforce the provisions of this Code, it may become necessary to revoke a previously authorized approval or approved permit. The purpose of this Section is to protect the public health, safety, and welfare, as well as the rights to due process of Permit holders within the City.

- A. Permits Which May Be Revoked. Any Permit or approval issued pursuant to this Code may be revoked or amended by the Approval Authority upon a finding that:
 1. Any term or condition of that Permit has not been, or is not being complied with, or

2. The Permit has been issued or exercised in a manner which creates a public nuisance, or
3. The Permit was issued due to a fraud or misrepresentation by the applicant, or
4. That exercise of the Permit is otherwise detrimental to the public health, safety, or welfare.

Such revocation may be initiated by a Resolution of Intention adopted by either the Planning Commission or City Council. The Resolution shall allow reasonable opportunity for the Permittee to correct the noncompliance to the satisfaction of the City. Such reasonable opportunity for correction may be provided by scheduling a hearing on the revocation, for a date which will allow reasonable time for correction.

- B. Hearing Procedure. If a Resolution of Intention is adopted to initiate the revocation of any previous approval, a copy of the Resolution of Intention shall be sent to the Permittee. The Approval Authority may, upon making the appropriate findings, either revoke the Permit or amend the Permit in lieu of revocation.
- D. Appeal Procedures. Any decision of the Approval Authority regarding an action to revoke or to amend a Permit shall be final unless appealed as set forth in Chapter 19.46 of this Code, *Appeals*.

Table 19.40.040 - A

REVIEW AUTHORITY FOR REQUIRED PERMITS

Permit Type	Development Code Section	Notice and Advertisement	Public Hearing	Approval Authority	*Appeal Authority
Conditional Use Permit Minor Amendment (per Section 19.30.130) Major Amendment	19.30	Yes	PC	PC	CC
	19.30	NA	NA	PD	PC
	19.30	Yes	PC	PC	CC
Development Agreement	19.26	Yes	PC/ CC	CC	NA
Development Code Amendment	19.22	Yes	PC/CC	CC	NA
General Plan Amendment - Approval	19.20	Yes	PC/CC	CC	NA
General Plan Amendment -Denial	19.20	Yes	PC	PC	CC
Home Occupation Permit	19.36	NA	NA	PD	PC
Minor Use Permit	19.31	Yes	PC	PC	CC
Peddling/Hawking/Soliciting Permit	19.33	NA	NA	PD	PC
Site Plan Review (SPR) Administrative SPR	19.28	Yes	PC	PC	CC
	19.28	NA	NA	PD	PC
Specific Plan	19.24	Yes	PC/CC	CC	NA
Surface Mining and Land Reclamation Permit	19.38	Yes	PC/ CC	CC	NA
Temporary Use Permit (TUP) Administrative TUP	19.32	Yes	Yes	PC	CC
	19.32	NA	NA	PD	PC
Variance < 50% of standard	19.34	Yes	PC	PC	CC
Variance > 50% of standard	19.34	Yes	PC/CC	CC	NA
Zone Change	19.22	Yes	PC/CC	CC	NA

CC = City Council

PC = Planning Commission

PD = Planning Director

NA = Not Applicable

* Actions of the Planning Director may be appealed to the Planning Commission; actions of the Planning Commission (including actions in connection with an Appeal) can be appealed to the City Council. All Appeals shall be filed pursuant to Chapter 19.46 of this Code.

