

ORDINANCE NO. 84-08

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RECORDED  
MAY 06 1984  
City of Ridgecrest  
City Hall

Number

SUMMARY OF ORDINANCE 84-08  
Statement

# DECLARATION OF PUBLICATION

(2015.5 C.C.P.)

State of California, County of Kern, ss:

Declarant says:

That at all times herein mentioned declarant is and a citizen of the United States, over the age of twenty-one years, and not a party to nor interested in the within matter; that declarant is the principal clerk of the printer and publisher of THE DAILY INDEPENDENT, a newspaper of general circulation printed and published daily in the City of Ridgecrest, Indian Wells Judicial District, County of Kern, State of California, which newspaper has been adjudged a newspaper of general circulation by the said Superior Court by order made and renewed July 8, 1952, in Civil Proceeding No. 58584 of said Court; that the instrument of which the annexed is a printed copy has been published in each regular and like issue of said newspaper (and not any supplement thereof) on the following dates, to-wit:

April 30, 1984

declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON April 30, 1984, at Ridgecrest, California.

Declarant.

## PUBLIC NOTICE

### SUMMARY OF ORDINANCE 84-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA, providing for the establishment within said City of zoning regulations and classifications, adding Chapter XX to the Municipal Code and repealing Ordinance 80 and all amendments thereto, and Ordinance 81-2.

Article 1 Introduction

Article 2 Precise Zoning Plan

Article 3 General Provisions

Article 4 RSP - Recreational, Schools & Public Use District This district regulates areas of the City where necessary to provide the location and preservation of schools, recreation and other governmental facilities.

Article 5 UR - Urban Reserve District provides areas needed for future urban expansion.

Article 6 E-1 Estate Density controls the combination district containing the advantages or urban and rural uses.

Article 7 E-2 - Estate Density, as in E-1 above - allows animals on one-acre minimum size lots.

Article 8 R-1 - Single-Family Residential - provides regulations for single-family dwellings.

Article 9 R-2 - Low-Density Multi-Family Residential - provides regulations for higher density multi-

Article 9 R-2- Low-Density Multi-Family Residential - provides regulations for low-density multi-family dwellings.

Article 10 R-3 - Medium-Density Multi-Family Residential - provides regulations for higher density multi-family residential (Higher than R-2).

Article 11 R-4 - Medium-Density Multi-Family Residential - provides for residential density (higher than R-3).

Article 12 MH - Mobilehome Parks provides regulations for the placement of mobilehome parks within residential district by

Article 19 M-2 Heavy Industrial District - provides regulations for industries classed as heavy whose location should be chosen to avoid potential uses not compatible with residential and commercial uses.

Article 20 Off-street Parking provides parking standards for off-street parking for all land uses in the city.

Article 21 Conditional Use Permits - provides the procedure for those uses proposed in various zoning districts with which a use permit is required.

Article 22 Site Plan Review - provides the procedure for those projects requiring a site plan review.

Article 23 Planned Unit Development - provides for diversification of various land uses within the city upon approval of a plan and zone change.

Article 24 Variances - provides the citizens with a variance procedure when unnecessary hardships are imposed upon certain parcels of land because of the strict and literal interpretation of the zoning ordinance.

Article 25 Amendments to zoning district boundaries and code text changes. Provides the procedure for changing zone boundaries when consistent with the General Plan and a method by which code text changes are approved.

Article 26 Signs - Establishes the necessary criteria, standards and limits of all forms of signs in the city.

Article 27 Zero Lot Lines provides regulations for approving zero sideyard lot lines when a conditional use permit is approved in any residential district.

Article 28 Enforcement - provides for enforcement, penalties and violations procedure for the zoning ordinance.

EFFECTIVE DATE: This ordinance shall take effect and be in force on and after thirty days from publication as required by law.

APPROVED AND ADOPTED this 16th day of April, 1984 by the following vote:

AYES: Mayor Cheshire, Council members Bergens and Rieger

within any residential district by Conditional Use permit and Site Plan Review.

Article 13 RMH - Residential Mobilehome District - provides for singlefamily conventional mobilehomes on single-family lots.

Article 14 PO - Professional Office - provides for placement of professional offices in appropriate district.

Article 15 CN - Neighborhood Commercial District - provides for placement of limited commercial District - provides for placement of limited commercial retail goods and services in residential neighborhoods.

Article 16 CG - General Commercial District - accommodates a commercial district where sales of commodities, performance of services, repair facilities, wholesale and retail distribution of goods and services.

Article 17 CS - Service Commercial District - provides the heaviest commercial uses along major arterial where commercial/light industrial activities are expected to occur.

Article 18 M-1 - Light Industrial - provides for the placement of limited small scale industrial uses for assembly, fabrication, manufacturing and processing of goods.

members Bergens and Rieger

NOES: None

ABSENT: None

ABSTAIN: None

**RON CHESHIRE, Mayor**

ATTEST: Janice Anderson for  
JOYCE M. TAFT, City Clerk

NOTE: A TRUE AND COMPLETE COPY OF THE ABOVE ORDINANCE IS AVAILABLE FOR REVIEW IN THE RIDGECREST CITY CLERK'S OFFICE, 139 BALSAM STREET, RIDGECREST, CALIFORNIA, AT ANY TIME DURING REGULAR BUSINESS HOURS.

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- Article 3 General Provisions
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This district regulates areas of the City where necessary to provide the location and preservation of schools, recreation and other governmental facilities.
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- Article 9 R-2 - Low-Density Multi-Family Residential - provides regulations for low-density multi-family dwellings.
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- Article 22 - Site Plan Review - provides the procedure for those projects requiring a site plan review.
- Article 23 - Planned Unit Development - provides for diversification of various land uses within the city upon approval of a plan and zone change.
- Article 24 - Variances - provides the citizens with a variance procedure when unnecessary hardships are imposed upon certain parcels of land because of the strict and literal interpretation of the zoning ordinance.
- Article 25 - Amendments to zoning district boundaries and code text changes. Provides the procedure for changing zone boundaries when consistent with the General Plan and a method by which code text changes are approved.
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APPROVED AND ADOPTED this 16th day of April, 1984 by the following vote:

AYES: Mayor ~~Cheshire~~, Councilmembers Bergens and Rieger

NOES: None

ABSENT: None

ABSTAIN: None



RON CHESHIRE, Mayor

ATTEST:



JOYCE M. TAFT, City Clerk

NOTE: A TRUE AND COMPLETE COPY OF THE ABOVE ORDINANCE IS AVAILABLE FOR REVIEW IN THE RIDGECREST CITY CLERK'S OFFICE, 139 BALSAM STREET, RIDGECREST, CALIFORNIA, AT ANY TIME DURING REGULAR BUSINESS HOURS.

ORDINANCE NO. 84-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA, PROVIDING FOR THE ESTABLISHMENT WITHIN SAID CITY OF ZONING REGULATIONS AND CLASSIFICATIONS, ADDING CHAPTER XX TO THE MUNICIPAL CODE AND REPEALING ORDINANCE 80 AND ALL AMENDMENTS THERETO AND ORDINANCE 81-2.

THE CITY COUNCIL OF THE CITY OF RIDGECREST DOES ORDAIN AS FOLLOWS:

Section 1. REPEALS: Ordinance 80, the Zoning Ordinance of the City of Ridgecrest and all amendments thereto, and Ordinance 81-2 are hereby repealed on the effective date of this ordinance.

Section 2. SAVINGS CLAUSE: Any violation of Ordinance 80 including any amendment thereto shall continue to be a violation thereof, and the adoption of this ordinance shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Ordinance No. 80, as amended, if the violation is also a violation of the provisions of this ordinance. Any reference to Ordinance 80 in other portions of the Municipal Code shall be deemed to reference this Chapter of the Municipal Code.

Section 3. There is hereby added to the Municipal Code of the City of Ridgecrest the following zoning regulations as Chapter XX.

ARTICLE 1 INTRODUCTION

SECTION 101 TITLE, PURPOSE AND OBJECTIVES

This chapter shall be known as the "Zoning Ordinance of the City of Ridgecrest" and is adopted to preserve, protect, and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the chapter is adopted to achieve the following objectives:

1. To provide a specific plan so as to achieve progressively the general arrangement of land uses depicted in the General Plan.
2. To foster a wholesome, serviceable and attractive living environment, the beneficial development of areas which exhibit conflicting patterns of use, and the stability of existing land uses which conform with objectives and policies of the General Plan.
3. To prevent excessive population densities and overcrowding of land with structures.
4. To promote a safe, effective traffic circulation

- system, the provision of adequate off-street parking and truck loading facilities, and the appropriate location of community facilities.
5. To protect and promote appropriately located commercial and industrial activities, in order to preserve and strengthen the City's economic base, protect and enhance real property values and the City's natural assets.
  6. To ensure unimpeded development of such new urban expansion that is logical, desirable and in conformance with objectives and policies of the General Plan.

## SECTION 102 DEFINITIONS

Abut or Abutting Contiguous or the same as adjoining.

Access or Access Way The place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this ordinance.

Accessory Building A building or structure which is subordinate to and the use of which is incidental to and detached from the main building, structure or use, and located on the same lot. If not located on the same lot an accessory building may be located on an adjacent lot upon approval of a Conditional Use Permit.

Accessory Use A use incidental and subordinate to the principal use established on the same lot.

Airport Any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas.

Air Space Condominium A freehold estate in which the space bounded by and contained within the interior surfaces of the perimeter walls, floors, ceilings, windows and doors of each separate unit, each of such space being defined as a "unit". Each unit includes both the portions of the building to be otherwise described and the airspace so encompassed, but the following are not part of a unit: Bearing walls, columns, floors, roofs, foundations, reservoirs, tanks, pumps, and other central services, pipes, ducts, flues, conduits, wires and other utility installations wherever located, except the outlets thereof when located in the unit. The ownership also includes an undivided interest in common area. The common area includes all the area of an approved plan except the unit. (See Condominium.)

Alley A passage or way open to public travel which generally affords a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

Animal Hospital A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be an accessory use to such hospital use.

Animal Shelter or Animal Care Facility A place where animals are boarded or held.

Apartment A room or suite of two (2) or more rooms with a single kitchen in a multiple dwelling, occupied or suitable for occupancy as a residence for one (1) family.

Approval Authority City staff or Planning Commission or City Council.

Automobile Service Station An establishment providing gasoline, oil, and other additives, and performing minor repairs and other customary repairs for automobile and light vehicles, but excluding painting, body work, steam cleaning and major repairs.

Automobile Dismantling or Automobile Wrecking The dismantling or wrecking of vehicles, including parts or components thereof, and the storage of dismantled or wrecked inoperative vehicles (including motor vehicles wrecking yards).

Automobile, Inoperative Any vehicle which is unable to be moved under its own power, except a trailer, or has parts removed or damaged which would render it unmovable under its own power.

Automobile Motor Home, Trailer or Camp Trailer Any vehicle or structure used for living or sleeping purposes and equipped with wheels or other means to facilitate movement from place to place, and under forty (40) feet in length.

Basement That portion of the building between the floor and ceiling which was more than fifty percent below the natural or finished grade of the exterior ground surface.

Block The properties abutting one (1) side of a street and lying between intersections or between an intersection and the end of a street.

Boarding, Bed & Breakfast or Lodging House Other than a hotel, motel, or dormitory where for compensation for days, week or greater term, table and board is provided. Meals may be furnished to the lodgers and to no other persons.

Borrow Pit Borrow pit shall mean the same as quarry.

Breezeway A roofed passageway, designed and used only to connect two or more otherwise separate buildings and permanently open along at least one of its sides.

Building Any structure having a roof supported by columns or by walls and intended for a shelter, housing or enclosure for persons, animals or property of any kind.

Building, Accessory A detached building housing a permitted accessory use, located on the same parcel as the main building, provided that if the same is attached to a main building by a common wall or roof, it shall be deemed to be a part of such main building.

Building Facade That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves.

Building or Structure Height The vertical distance from the average finished grade of the lot to the highest point of the building or structure.

Building Line A line which establishes setback from front, rear, and side property lines over which no portion of a building or structure shall encroach except the roof line, which roof line shall in no case extend over the property line.

Building, Main A building within which is conducted the principal or main use on a parcel; where permissible use involves more than one structure designed or used for the primary purpose, as in the case of group houses, each such permissible building on the parcel, as defined in this ordinance, shall be construed as constituting a main or principal building.

Building Site (1) The ground area of one parcel, or, (2) the ground area of two or more parcels when used in combination with a building or group of buildings together with all open spaces as required by this ordinance.

Business, Retail Any establishment wherein the retail sale of any article, substance, or commodity takes place.

Business, Wholesale Any establishment wherein the wholesaling of any article, substance or commodity takes place.

Camp, Public Land or premises used or intended to be used, let or rented for camping purposes.

Camper A structure designed to be mounted upon or towed by a motor vehicle to provide facilities for temporary habitation or camping purposes. In no event shall a camper be used for human habitation outside of a recreational facility designed for such use.

Carport A permanent roofed structure not completely closed by walls or doors and used for shelter or storage of vehicles owned or operated by occupants of the main building.

Carwash Any commercial automatic car wash, coin operated, or two or more hand washing stalls having no fuel sales.

Cellar See Basement.

Cemetery, Human Land used or intended to be used for human cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of the cemetery.

Cemetery, Pet Land used or intended to be used for pet cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of the cemetery.

Certificate of Acceptance A written statement indicating that the construction of a project conforms to the site plan approved. It may be unified in the certificate of occupancy.

Change in Use (or Intensity of Use) A discontinuance of an existing use and substitution thereof of a use of a different kind or class.

Child Care Center A facility with an organized daytime program for the supervision and care of children, who are not related to the person operating such facility, licensed as such by the State of California.

Church Any building set apart for the purpose of worship.

Clinic or Medical Center A place for group medical services not involving overnight housing of patients.

Club or Lodge A non-profit membership institution established for social, cultural, civic or similar purposes.

Communication Equipment Building A building housing operating electrical and mechanical equipment utilized in conducting a public utility communication operation.

College A school for vocational, technical or professional instruction.

Commercial Office A room or building where a particular kind of commercial business or service for others is transacted, including real estate, insurance, telegraph, utility, travel bureau, etc.

Commercial Recreation Any place of amusement erected or maintained for amusement or entertainment purposes where the public or members are invited or allowed to attend or assemble, except city, county or state parks and recreation facilities. Although not intended to be specifically limited thereby, examples of commercial recreation are carnivals, side shows and circuses, wherein feats of horsemanship, trained animals, clowns, acrobats or trapeze performers or amusement devices, games or other forms of skill or amusement are exhibited, bowling alleys, golf courses or private tennis centers, billiards and pool halls, theaters, private stadiums and recreation areas. Commercial recreation does not include card rooms.

Community Clubhouse A building containing facilities for private or public neighborhood civic and social activities, when operated for and used by property owners in the vicinity; excluding any place where membership or use is on any other basis than residence in the neighborhood, or where the chief activity is one customarily carried on as a business.

Condominium An estate of real property consisting of an undivided interest in common in a portion of a parcel of real property together with the separate interest in space in a residential, industrial or commercial building or such real property, such as a residential apartment, apartment house, office or offices, store or stores. A condominium may include in addition a separate interest in other portions of such real property. (See airspace condominium.)

Conforming Building A building which wholly meets the requirements of the building code and zoning ordinance as they pertain to residential, commercial or industrial developments.

Convalescent Home and Rest Home Premises used for the housing of and caring for, the ambulatory, aged or infirm, and which premises require a license from the state or the county. The convalescent home usually does not have a phy-

sician residing on the premises and usually does not provide for surgery or other similar activities which are customarily provided in sanitariums or hospitals

Court An open space on a lot other than a yard or carport designed to be partially surrounded by dwellings.

Coverage That percentage of a lot or building site which is covered or occupied by any building or above-ground structure regardless of whether such building or structure is intended for human occupancy, the remainder being open space.

Day Care Nursery or Center Any premise for the providing of care for pre-elementary school age children during day time hours, including parent cooperative nursery school, play groups for pre-school children, afterschool care for school children, providing such establishment is institutional in character and is licensed by the state or county and conducted in accordance with state requirements.

Dedication The setting aside of land for some public use by an owner or developer and its acceptance by the city or affected agency.

Density The number of units allowed to be built upon an acre of land or individual site.

District Land area as shown or described on the land use district maps which are an integral part of this title, and to which the regulations of this title apply. "District" shall have the same meaning as "zone" or zoning district.

Dormitory A building used partially for sleeping and eating accommodation and where such facilities are related to educational or public institution including religious institutions, fraternities or sororities.

Drive-in or Drive-Through Restaurant A restaurant which provides service directly to the motorist either for consumption upon the site or elsewhere, including establishments whose customers may serve themselves.

Dump A place used for the disposal, abandonment, discarding, dumping, reduction, burial, incineration or by any other means, of any garbage, trash, refuse, waste material (other than hazardous materials as defined by the state).

Dwelling Unit One or more rooms, with facilities for living, sleeping, cooking and eating, designed for occupancy by one-family and shall include bachelor or efficiency units.

Dwelling, Multiple A building, or portion thereof, designed for occupancy by two or more families living independently of each other with each dwelling unit provided with kitchen facilities.

Educational Institutions Public and private institutions conducting regular academic instruction at primary, secondary or collegiate levels; and including graduate schools, universities, nonprofit research institutions. Such institutions must either: (1) offer general academic instruction equivalent to the standards prescribed by the State Board of Education; or (2) confer degrees as a college or university of undergraduate or graduate standings; or (3) conduct research or religious instruction; or (4) give religious instruction. This definition does not include schools, academies or institutes, incorporated or otherwise, which operate for a profit, nor does it include commercial or trade schools.

Electrical Transmission Substation An assembly of equipment which is part of a system for the transmission of electric power.

Establishment A business or professional firm, organization, or entity that is the sole occupant of all or a portion of the space on a site or in a building.

Family An individual or two or more persons related by blood, marriage or a group of not more than five persons, excluding servants, who are not related by blood or marriage, living within a single dwelling.

Fence A physical barrier which includes separately or in combination wire mesh, steel mesh, chain link, louvered wood, stake, concrete material, and other similar materials. It does not include plastic materials.

Festival, Fair, Carnival A temporary public or commercial gathering where entertainment, food, crafts, etc., are offered for viewing or sale. Gatherings on public property under the sponsorship or control of the city or state are excluded.

Floor Area or Gross Floor Area The entire floor area of a building, said floor area includes not only the ground floor area but also any additional stories or basement of said building. All horizontal dimensions shall be taken from the exterior faces of walls, including enclosed porches.

Frontage The property line of a site abutting on a street, other than one side line of a corner lot.

Garage A fully enclosed accessory building or a portion of the principal building for the storage of passenger vehicles, boats or trailers owned by the persons, residents of the premises.

Garage, Repair A structure, or portion thereof, for the minor or major commercial repair of automobiles and other vehicles as defined herein.

Garage, Storage Any structure used primarily for the storage of vehicles. This use is usually commercial in nature.

General Plan The projected growth plan for the City of Ridgecrest which includes a statement of development policies and includes a diagram and text setting forth objectives, principles and plan proposals, includes the various elements adopted by the City Council.

Guest House (Accessory Living Quarters) Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit.

Guest Room A room which is designed to be occupied by one or more guests for sleeping purposes and not rented or otherwise used as a separate dwelling unit.

Helipad Any helicopter landing area as in the heliport except the appurtenant facilities.

Heliport Any helicopter landing area used, designed, or intended to be used for the receiving or discharge of passengers, cargo; also included are any appurtenant facilities for passengers, cargo or for the service or repair, shelter or storage of helicopters.

Hedge A plant or series of plants, shrubs or other landscaping materials, so arranged as to form a physical barrier or enclosure.

Home Occupation Any use or occupation conducted or carried on by the occupant of a dwelling, which is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof.

Hospital An institution providing physical or mental health service, inpatient or overnight accommodations and medical and surgical care of the sick or injured.

Hotel A building, or portion of a building, with access provided through a common entrance, lobby or hallway to six or more guest rooms, usually designed to be rented or hired out as temporary or overnight accommodations for guests, but in some cases contain permanent residents.

Junk Yard Any parcel, or use of any portion of any parcel, for the dismantling or wrecking of machinery, or for the storage or keeping of parts and equipment resulting from such dismantling or wrecking, or for the storage or keeping of junk including scrap metal or other scrap materials including any area of more than two-hundred square feet for the storage or keeping of junk, including scrap metals, used lumber, paper or other scrap materials, dismantling or selling of castoff or salvage materials of any sort.

Kennel Any lot or premises on which four or more dogs and/or cats, four months of age or older, are kept, boarded or trained with or without special buildings or runways.

Kitchen Any room all or part of which is designed and/or used for cooking and the preparation of food.

Landscaped Area Land set aside exclusively for shrubs, flowers, trees, and/or other landscaping material so as to enhance the natural beauty of any given area where landscaping is required.

Landscaping The planting and or placement and maintenance of a combination of suitable ornamental material and/or vegetation within the landscaped area. The design may include a combination of natural features such as rocks, stones, and wood fences, walls, benches, and live plant material.

Laundromat, Self-service Laundry Any establishment for laundering which uses automatic washers and dryers or extractors where there is no pickup and delivery service and no steam or hand laundry of any type. Generally the machines are coin operated.

Loading Space An off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading. It shall have appropriate means of ingress and egress to a public street or alley.

Lot, Site or Parcel (1) Land occupied or to be occupied by a use, building or group of buildings, and accessory buildings together with such yards, open spaces, lot width, depth and area as are required by this title, and fronting upon a dedicated street; (2) A single parcel of land for

which a legal description is filed or recorded or the boundaries of which are shown on a subdivision map or parcel map filed in accordance with the Cities Subdivision Ordinance and State Subdivision Map Act; (3) Two or more abutting lots or parcels which when combined and used as though a single lot or parcel.

Lot or Site Area The total of the lot area, measured in a horizontal plane, within the lot lines of a lot including easements but exclusive of streets, highways, roads and alleys.

Lot, Corner A lot situated at the intersection of two (2) or more streets having an angle of intersection of not more than one hundred thirty five (135 ) degrees.

Lot Depth The minimum horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot, Double Frontage, or Through Any interior lot having frontage on two parallel or approximately parallel streets. For the purpose of determining front yard requirements, each frontage from which access is permitted shall be deemed a front lot line.

Lot, Flag A lot or parcel of land where the major portion of the lot area is removed from the street with access provided by a narrow portion of the lot which when measured along the lot width on the street is considerably less than the lot width requirements of the zoning district.

Lot, Width The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Lot Line, Front

(a) In the case of an interior lot, a line separating the lot from the street.

(b) In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.

Lot Line, Rear A lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or cone shaped lot, the rear lot line means a line not less than ten (10) feet in length within the lot which is most parallel to the front lot line, at the maximum distance from the front lot line.

Lot Line, Side Any lot line not a front lot line or a rear lot line.

Manufacturing The making of goods and products by hand or machinery.

Marquee Sign A sign attached to a marquee.

Mobile Home A vehicle, other than a motor vehicle, designed and equipped to contain one or more dwelling units to be used with or without a permanent foundation and which is in excess of eight (8) feet in width and not less than forty (40) feet in length.

Mobile Home Access Drive A private thoroughfare which affords internal circulation for a mobile home park.

Mobile Home Park Any lot or parcel of land designed for, used or intended to be used for the placement of mobile homes or modular homes for residential occupancy regardless of whether or not a charge is made for such accommodation, including recreation and accessory facilities serving the residents thereof.

Mobile Home Space A plot of ground within a mobile home park, abutting one or more access drives, designed for the accommodation of one mobile home.

Motel One or more buildings containing guest rooms or dwelling units, with one or more such rooms or units having separate entrance leading directly from the outside of the building or from an inner court or hallway. Such facilities are designed, used or intended to be used, rented or hired out for temporary or overnight accommodations for guests. "Motel" includes auto court, motor lodge, tourist court and motor hotel.

Nonconforming Use or Structure A use, building or structure that does not conform to all the regulations of the zone in which it is located but which was legally established, built or altered in compliance with the ordinances and codes in effect at the time said use, building or structure was established.

Nursing and Convalescent Home A facility providing bed care, or chronic or convalescent care, for persons who by reason of illness, physical infirmity, or age are unable to properly care for themselves. A facility shall be deemed to be a nursing or convalescent home for the purpose of this ordinance, notwithstanding the designation applied to the facility by its proprietors, or any federal, state or local regulatory agency, such as "hospital" or "rest home", so long as the facility provides care as herein described, and does not qualify as a hospital as defined in this section.

Off-Street Parking Area An open area other than alley or loading facility used for the temporary parking of motor vehicles and available for public use whether free, for compensation, or as an accommodation for tenants, clients or customers.

Outdoor Advertising Structure Any structure of any kind or character erected or maintained for outdoor advertising purposes upon which any advertising sign may be placed, located on a site other than the site on which the advertised use is located or on which the advertised product is produced. (Also billboard).

Outdoor Sales The sale of items outside a building, where such items are visible from a public right-of-way or neighboring property.

Overlay Zone A zone applied in combination with other zone districts in order to impose additional restrictions or to allow greater variety than is possible with the underlying zone.

Parapet A wall at the edge of the portion of the roof, of sufficient height behind which roof-top equipment, where provided, would be screened from public view of those at ground level and measured from a reasonable distance from the building walls.

Parking Area, Private An open area, other than a street, alley or access drive, used for parking of vehicles and restricted from general public use. Such areas shall have frontage on or access to a dedicated street or alley.

Parking Area, Public An open area, other than a private parking area, street, alley or access drive, used for the parking of vehicles and available for public use either free or for remuneration. Such areas shall have frontage or access to a dedicated public street or alley.

Parking District A parking area maintained by a special district or city government.

Parking Garage A structure or building designed and maintained exclusively for the temporary parking or storage of motor vehicles and available for public use whether free, for compensation, or as an accommodation for tenants, clients or customers.

Parking Space An accessible space within a building, parking area or parking garage for the temporary parking or storage of one motor vehicle exclusive of streets, alleys, driveways, aisles and the area of egress or ingress and having access to a public street or alley.

Pre-existing use A use that may or may not be a nonconforming use.

Processing When used in reference to a commercial or industrial use, one or more acts or operations which have the effect of changing the form of a product or material, so as to render the same more saleable or usable.

Professional Office An office maintained and used as a place of business, conducted by persons engaged in the recognized professions, including but not limited to accountant, architect, attorney, chiropractor, optometrists, physicians and surgeons, writers, musicians and artists.

Public Utility Service Yard An area for the storage of public utility vehicles and materials and office facilities for installation, maintenance and construction personnel.

Quarry and Borrow Pit Any place on a parcel of land where topsoil, subsoil, sand, gravel, rock, clay or similar material is removed by excavation.

Quasi-Public A building or use, other than a public building or use, which serves a recognized community function and is not operated for profit.

Recreation, Commercial Recreation facilities operated as a business and open to the general public for a fee. Public recreation facilities that charge a fee are not included.

Recreation, Public Publicly owned or operated recreation facilities that may or may not charge a fee.

Recreation, Vehicle A trailer or self-propelled vehicle other than a mobilehome as defined herein, intended for travel on a public highway and designed or arranged as a dwelling but not used for permanent habitation.

Residence A building used, designed, or intended to be used as a home or dwelling place for one or more families.

Restaurant A public eating place which is regularly and in a regular manner used and kept open for the serving of meals to guests for compensation.

Roadside Stand and Roadside Business The temporary use of the property for the display or sale of products, including sidewalk sales, parking lot sales, fireworks stands, Christmas tree sale lots or other sales or exhibits excluding those of a non-profit nature.

Room An unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways and service porches.

Sanitarium The same as "Hospital".

Screening A continuous fence, supplemented with landscaping or a continuous wall, evergreen hedge, or combination thereof, that effectively screens the property which it encloses, and is at least six feet high and is broken only for access drives and walks.

Service Station A place maintained for the sale of gasoline, lubricant and/or vehicle equipment, and providing maintenance service, but excluding vehicle sales and repair, engine overhauling, body and fender shops, paint shops, garages, storage of vehicles, sale of goods not related to the use of the automobile, or other similar activities.

Setback Line A line over which no portion of a building or structure including covered porches shall encroach, except the roof lines, which in no case shall extend over the property line or into a public utility easement.

Sign Any name, identification, description, symbol, display, illustration, or device, including any structure, component parts and paint, in view of the general public and which directs attention to a product, place, activity, person, institution or business.

Site Plan A site plan is defined as a detailed plan of development or improvement which must be reviewed and approved by the city prior to the issuance of a building permit. It shall show the manner in which the applicant proposes to make use of the property.

Stable, Private An accessory building for the keeping of horses, mules, or burros, not kept for remuneration, hire or sale.

Story That portion of a building included between the upper surface of any floor and the upper surface of the floor next above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

Street A public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley, which affords the principal means of access to abutting property. "Street" includes all major and secondary highways, traffic collector streets and local streets. A street may also be privately owned.

Street Line The boundary line between the street right-of-way and the abutting property.

Structural Alteration Any change in the supporting members of a building or structure such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters or changes in the exterior dimensions of the building.

Structure Anything constructed or erected on the ground, or which requires location on the ground, or is attached to something having a location on or in the ground, but not including fences or walls used as fences seven feet or less in height. Structure does not include uncovered swimming pools or concrete slabs.

Structure, Temporary A structure which is readily movable and used, or intended to be used, for a limited period.

Trailer Park or Camp Any area or premises where space for house trailers is rented, held for rent or on which free occupancy or camping is permitted to house trailer owners or users but not including automobile or trailer sales lots, on which unoccupied house trailers are parked for inspection and sale.

Use The purpose for which land or a building or structure is designed, arranged or intended, or for which either land or a building is, or may be occupied, maintained, let or leased.

Use, Permitted A standard use that is established for a zoning district and listed as a permitted land use. It is also the accepted purpose or use for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered, or enlarged, or for which either a site or structure is or may be occupied and maintained.

Use, Conditional A deviation from the general standard established for a district, but essentially desirable in character to be compatible in some instances when located with permitted uses.

Wall Any structure or device forming a physical barrier, which is constructed so that it is opaque. This shall include concrete block walls, wood, or other materials that are solid and are so assembled as to form a barrier.

Yard An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this ordinance, including a front yard, side yard, rear yard, or space between structures.

Yard, Front A yard extending across the full width of a site, the depth of which is the minimum horizontal distance

between the front lot line or planned street line in a line parallel or tangent thereto on the site.

Yard, Rear A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto on the site.

Yard, Side A space extending from the front yard, or from the front line where no front yard is required by this ordinance, to the rear yard, or rear lot line where no rear yard is required by this ordinance between a side lot line and the side yard setback line.

Zero Lot Line The provisions of this code in which dwelling units may be placed on the side yard property lines in R-1, R-2, R-3 and R-4 Residential Districts, with a common wall between adjacent units or a single wall placed on the property line, provided there is a permanent easement on the adjacent parcel for maintenance of the zero lot line wall.

## SECTION 103 SEVERABILITY

This chapter and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the chapter shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a planned unit development or any conditional use permit, variance, zoning compliance permit, certificate of occupancy, site plan approval or designation of a nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this chapter and the requirements of some provision hereof, and to protect the public health, safety and welfare, and that the officer or body would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

## SECTION 104 RELATIONSHIP TO OTHER LAWS

Whenever Regulations or Restrictions imposed by this chapter are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulation, the regulation, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this chapter, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

## SECTION 105 ADMINISTRATIVE STANDARDS

Any administrative decision made under the provisions of this chapter shall be such that the result will not be contrary to the spirit and purpose of this chapter or injurious to the surrounding neighborhood, or the community as a whole.

## SECTION 106 APPLICATION OF THIS CHAPTER

No structure shall be constructed, erected, placed or maintained and no land uses commenced or continued within the city except as specifically or by necessary implication is authorized by this chapter. Conditional uses are allowed only on permit granted by the city. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

## SECTION 107 CONFORMITY REQUIRED

Except as otherwise provided herein, land, building and premises in any district shall hereafter be used only in accordance with regulations herein established for that district. Every department and employee of the city authorized to issue permits or licenses affecting the use or occupancy of land or of a structure shall comply with the provisions of this chapter. Where any action or referral on an appeal is required by this chapter, no such permit or license shall be issued unless and until such an action has been taken and the time within which an appeal could have been taken has expired.

If any proposed structure, use or occupancy for which a permit or license is sought conforms with this chapter in all aspects, the application therefore may be approved as to zoning; otherwise it shall be denied.

Any permit or license hereafter issued contrary to the provision of this chapter shall be void and of no effect.

## SECTION 108 INTERPRETATION

The provisions of this chapter shall be held to be minimum requirements. Except as specifically herein provided, it is not intended to repeal, abrogate, annul or in any way impair or interfere with any existing law or ordinance of the city, or any easement, covenant or other agreement between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height or bulk of buildings, or requires larger building site area, yards or open spaces than are imposed or required by any such other law, ordinance, easement, covenant or agreement, then the provisions of this chapter shall control.

## SECTION 109 PROVISION FOR CONTINUITY

The provisions of the chapter, to the extent that they are substantially the same as those in prior effect relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments. No substantial property right accrued, or action or proceeding commenced prior to the effective date of this chapter is affected by the provisions hereof, but all procedures hereafter taken shall conform to the provisions of this chapter.

## SECTION 110 DUTY OF THE PLANNING COMMISSION

It is the duty of the City Planning Commission to assure the proper administration of this chapter, and the Commission shall have the power to establish such policies, rules and regulations not in conflict with any regulations of the city as are reasonably necessary for that purpose.

## SECTION 111 DUTY OF THE PLANNING DIRECTOR

The Planning Director shall have the primary duty to enforce the provisions of this chapter.

## SECTION 112 ENFORCEMENT

The Planning Director or his representative shall have the right to enter on any site or to enter any structure for the purpose of investigation and inspection, provided that the right of entry shall be exercised only at reasonable hours. In no case shall any structure be entered in the absence of the owner or tenant or without the consent of the owner or tenant or the written order of a court of competent jurisdiction. The Planning Director may serve notice requiring the removal of any structure or use in violation of this chapter on the owner or his authorized agent, on a tenant, or on an architect, builder, contractor or other person who commits or participates in any violation. The City Attorney is authorized to institute appropriate actions for the enforcement of this chapter. The Planning Director may call upon the Chief Building Official, the Chief of Police or their authorized agents in the enforcement of this chapter.

## SECTION 113 VIOLATIONS AND PENALTIES

Any person, firm, corporation or organization violating any provisions of this chapter shall be guilty of an infraction and, upon conviction thereof, shall be punishable by a fine of not more than fifty dollars (\$50.00) on a first conviction, a fine of not more than one hundred dollars (\$100.00) on a second conviction within one (1) year, and a fine of not more than two hundred fifty (\$250.00) on a third conviction within one (1) year. A person, firm, corporation or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this chapter is committed, continued or permitted by the person, firm, corporation or organization and shall be punishable as herein provided.

Any structure erected, moved, altered, enlarged or maintained and any use of a site or portion of a site contrary to the provisions of this chapter shall be and is hereby declared to be unlawful and a public nuisance, and the City Attorney may institute necessary legal proceedings for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure or use and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering, or enlarging the structure or using the site contrary to the provisions of this chapter.

## SECTION 114 CONSTRUCTION

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this chapter.

Words used in the present tense include the future tense.

Words used in the singular include the plural, and words used in the plural include the singular.

The words "shall" and "must" are mandatory; the word "may" is permissive.

The masculine shall include the feminine and neuter.

In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of this chapter and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context. The word "oath" shall include affirmation.

## SECTION 115 GENERAL TERMINOLOGY

The word "city" shall mean the City of Ridgecrest, California. The words "City Council" and "Council" shall mean the City Council of the City of Ridgecrest. The words "Planning Commission" and "Commission" shall mean the "Planning Commission" of the City of Ridgecrest, California, duly appointed by the City Council. The words "City Clerk", "City Engineer", "City Administrator", "Chief Building Official" and "Planning Director" shall mean the City Clerk, City Engineer, City Administrator, Chief Building Official and Director of Planning and Community Development, respectively, of the City of Ridgecrest.

The word "Secretary" shall mean the Secretary to the Planning Commission duly appointed by the City Council. The word "zone map" shall mean the officially adopted zone map in accordance with Article 2 of this chapter.

## ARTICLE 2   PRECISE ZONE PLAN

### SECTION 201   ADOPTION OF THE PLAN

There is hereby adopted a precise zoning plan and zone map for the City of Ridgecrest.

### SECTION 202   PURPOSE OF THE PLAN

The purpose of this article is to provide for regulations for the systematic execution of the elements of the City of Ridgecrest General Plan and for the physical development of the city.

### SECTION 203   ESTABLISHMENT OF ZONE DISTRICT

The City of Ridgecrest is hereby divided into zoning districts, as named and described in the following sections. The boundaries of said zoning districts shall be as shown upon the zoning maps of the City of Ridgecrest, an attested copy of which is attached hereto.

### SECTION 204   BOUNDARIES ADOPTED - RULES FOR CONSTRUCTION WHEN BOUNDARIES UNCERTAIN

The boundaries of such zones as are shown upon the zoning maps or amendments thereto are adopted and the specific regulations as hereinafter set forth for each zone and the general regulations applicable herein are established and declared to be in effect upon all lands included with the boundaries of each and every zone as shown upon said zoning map. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following established lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
4. Boundaries indicated as parallel to or extensions of features indicated in Subsection 1 through 3 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
5. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in circumstances not covered

by Subsections 1 through 4 above, the Planning Commission shall interpret and determine the district boundaries. Where a street or alley is officially vacated or abandoned, the zone boundary shall be changed so as to include said vacated or abandoned street or alley in the same zone as the adjoining property to which it reverts.

#### SECTION 205 USES PERMITTED IN ZONES

No land shall be used, and no building or structure shall be erected, constructed, enlarged, altered, moved or used in any zone, as shown upon the official zone map, except in accordance with the regulations established by this chapter.

#### SECTION 206 ESTABLISHMENT OF ZONES

1. The provisions of this chapter shall apply to and govern the use or maintenance or keeping of any land or other property in the City.
2. The City may be divided by the City Council into parts, and each part may be subdivided into units, for purposes of imposing or establishing zones and subzones on land or property. Such parts or units may be zoned and rezoned whenever the City Council finds that public convenience, the general welfare or good zoning practice justifies such action, providing such change is consistent with the City's adopted General Plan. The geographical boundaries of each part or unit shall be shown on a map, hereinafter referred to as a zoning map (or maps). A zoning map shall set forth the zone and subzone classification applicable to the land and property contained within the zoning boundary as shown on the map.

SECTION 207 DESIGNATION OF ZONES -  
 ELIMINATION AND RECLASSIFICATION OF ZONES

As noted below, zone classifications existing prior to the effective date of this ordinance are eliminated and replaced with new classifications on the effective date of this ordinance, and any land or property subject to the existing zone classification is reclassified to the following new zone classification:

<u>FORMER</u>	<u>ADOPTED</u>
RSC	RSP (Recreation, Schools and Public Use District)
UR	UR (Urban Reserve)
R-1-6	R-1 (Single-Family Residential)
R-1-10	E-2 ( " " " )
R-1-40	E-1 ( " " " )
RA-2	UR (Urban Reserve)
RA-5	UR (Urban Reserve)
RM3	R-2 (Multi-Family Residential)
RM2	R-3 ( " " " )
RM1	R-4 ( " " " )
RT	RMH (Residential mobile homes)
PO	PO (Professional Office)
CN	CN (Neighborhood Commercial)
CG	CG (General Commercial)
CS	CS (Service Commercial)
CH	CS ( " " )
ML	M-1 (Light Industrial)
MH	M-2 (Heavy Industrial)
NONE	PUD (Planned Unit Development)

SECTION 208 PREZONING OF UNINCORPORATED TERRITORY

Unincorporated territory may be prezoned by the City for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the City. Such prezoning shall be accomplished when the annexation request is presented to LAFCO (Local Agency Formation Commission) and will be effective upon completion of proceedings.

SECTION 209 AMENDMENTS TO THE ZONE PLAN

Amendments to the zone plan shall be adopted in the manner provided for changing district boundaries as prescribed in Article 25 of this chapter and in accordance with the government code. The ordinance shall be attached to the map or maps affected and filed in the City Clerk's office. The Planning staff will, from time to time, incorporate the ordinance onto the base zoning maps of the city.

## ARTICLE 3 GENERAL PROVISIONS

### SECTION 301 ZONING APPLICATION OF PROVISIONS

1. No building, or structure, or lot hereafter shall be used or occupied, and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the zone in which it is located and then only after securing all permits and licenses required by law and ordinance.
2. No building or structure hereafter shall be erected or altered to exceed the height, to accommodate or house a greater number of families or persons, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, or side yards than is specified herein for the zone in which such building or structure is located, except as provided.

### SECTION 302 BUILDINGS UNDER CONSTRUCTION

Any building or structure for which a building permit or other entitlement has been issued or granted prior to the effective date of this chapter may be completed and used in accordance with the plans, specifications and permits on which said building permit was granted, if construction is commenced within one-hundred twenty (120) days after the issuance of said permits and diligently pursued towards completion.

### SECTION 303 USES AND BUILDINGS

The existing use or uses of all buildings improved on premises not in conformity with the standards or requirements of the zone in which they are located, and which uses are lawfully existing may continue as a nonconforming use as hereinafter defined and subject to this Article regulating such nonconforming uses.

### SECTION 304 USES PROHIBITED

Uses that are not specifically listed by this chapter in the Purpose or Uses Permitted or Uses Conditionally Permitted sections of each article are specifically prohibited, except by the amendment of this chapter.

### SECTION 305 PREVIOUS VIOLATIONS

1. Any use or uses of any sort that are in violation of any zoning regulations upon the effective date of this chapter and in violation of the provisions of this chapter shall not be deemed to have acquired the status of a nonconforming use by reason of the adoption

of this chapter. The same shall be deemed to be a continued violation thereof.

2. Any variance or permit of any kind and any nonconforming use now existing pursuant to any zone classification repealed by this chapter shall continue under the applicable new zone classification as a nonconforming use, but shall not be extended, expanded or enlarged in any way whatsoever.

#### SECTION 306 CONFLICTING REGULATIONS

Where any provisions of this title impose more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this title shall govern; provided, however, that where a subdivision has been approved by the Planning Commission and/or the City Council under the provision of the subdivision ordinance, then the approved standards for streets and highways, alleys, easements, blocks, lots, yards, pedestrian ways and access shall be considered as the requirement of the zoning ordinance.

#### SECTION 307 ADDITION OF PERMITTED OR CONDITIONAL USES

Upon application or on its own initiative, the Planning Commission may add or delete a use to the list of permitted or conditional uses if the Commission makes all of the following findings:

- A. That the addition to or deletion from the list of permitted or conditional uses will further the purposes of the district in which the use is proposed to be added or deleted.
- B. That the use has or has not the same basic characteristics as the uses permitted in the district and is not less restrictive.
- C. That the use can or cannot be reasonably expected to conform with the required conditions prescribed for the district.
- D. That the addition of a use will not be detrimental to the public health, safety or welfare.
- E. That the addition of a use will not create more vehicular traffic than the volume normally created by any of the uses allowed in the district.
- F. That the addition of a use will not adversely affect the character of any district in which it is proposed to be allowed.
- G. That the addition of a use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount normally created by any of the other uses allowed in the district.
- H. That the addition of a use will not create any greater hazard of fire or explosion than the hazards

normally created by any of the uses allowed in the districts. When a use has been added to a list of permitted or conditional uses in accordance with the procedure prescribed in this section, the use shall be deemed to be listed as a permitted or conditional use in the appropriate section and shall be added to the text of that section of this chapter when it is next published, with a notation of the date when the use was added to the list.

#### SECTION 308 ACCESS OTHER THAN ALLEY

Except where otherwise provided for in this chapter, every structure or building shall face or have frontage upon a dedicated and improved street or permanent means of access to a street by way of a public easement or passageway other than an alley. Such easement shall not be less than 12 feet in width. Any use not meeting the requirements of this section on the date of adoption of this chapter shall be considered nonconforming.

#### SECTION 309 HEIGHT LIMITS

No structure or part thereof shall be erected, reconstructed or structurally altered in excess of height limits hereafter designated for the zone in which such structure is located except as follows:

- A. Farm buildings or structures provided that these are not less than fifty (50) feet from every lot line, church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, distribution and transmission towers, line and poles, chimneys, smoke stacks, flag poles, radio towers, masts and aerials, provided that they are safely erected and maintained.
- B. Upon application for a conditional use permit, height limits may be increased for buildings to a height not exceeding seventy-five (75) feet when set back an additional foot on all sides for each foot above that permitted.
- C. An accessory building shall not exceed sixteen (16) feet in height, provided however, that the vertical height from the grade to the plate line of a gable hip or gambrel roof shall not exceed thirteen (13) feet.

#### SECTION 310 COVERAGE, MEASUREMENT

The percent of the site area covered by structures shall be measured by dividing the number of square feet of horizontal

area covered by structures, open or enclosed, by the total horizontal area within the property lines of the site.

#### SECTION 311 YARD REQUIREMENTS, MEASUREMENT

Unless otherwise provided, required yards shall be measured as the minimum horizontal distance from the property line of the site or street line to a line parallel thereto on the site; provided that where a precise street plan has been adopted by the City Council, required front yards shall be measured from the outside dimensions of the plan line. No provision of this chapter shall be construed to permit a structure or use to extend beyond such line; and provided further that where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, required front yards shall be measured from a line representing the boundary of the additional width required for street purposes abutting the site.

#### SECTION 312 YARD REQUIREMENTS, EXCEPTIONS

Residential yard requirements hereinbefore or after specified shall be subject to the following exceptions and modifications:

- A. Unless otherwise provided, the width of one (1) side yard may be reduced when authorized by the approval authority as applicable to a width not less than three (3) feet, provided the sum of the widths of the two (2) side yards is not less than the required minimum, and further provided the distance between the proposed dwelling and another dwelling, existing or proposed, on an adjacent lot is not less than that required by the Uniform Building Code. Such reduction may be authorized only when the approving authority finds it to be warranted by the location of existing buildings or conducive to the desirable development of two (2) or more lots.
- B. Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of the sills, belt courses, cornices, buttresses, chimneys, ornamental features, rain gutters, and eaves, provided, however that none of the above projections shall project into a minimum side yard more than thirty-six (36) inches notwithstanding the yard exceptions as stated above and may extend into the required front or rear yard not more than six (6) feet unless otherwise provided. No building or projection thereof may extend into a public easement or right-of-way.
- C. Fences, walls, hedges, walks, driveways and retaining walls may occupy any required yard or other open spaces,

subject to the limitations prescribed in the district regulations, and except that the provisions of this ordinance shall not apply to a fence or wall necessary for public safety or as required by any law or regulation of the State of California or any agency thereof.

- D. Open, unenclosed, uncovered metal fire escapes and depressed ramps or stairways may project into any required yard or space between buildings not more than four (4) feet unless otherwise provided in this chapter.

#### SECTION 313 THROUGH LOTS

A front yard, the distance of which is specified in the district, shall be provided on each frontage of a through lot, except where a waiver-of-access to one of the frontages applies.

#### SECTION 314 MAINTENANCE OF LANDSCAPED AREAS

A landscaped area provided in compliance with the regulations prescribed in this chapter or as a condition of a use permit, site plan review or planned unit development shall be landscaped with materials suitable for screening or ornamenting the site, whichever is appropriate. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed or otherwise maintained to assure compliance with the regulations requiring landscaped areas as stated under Site Plan Review.

#### SECTION 315 LESS RESTRICTIVE USES

The express enumeration and authorization in this ordinance of a particular use, building or structure in a zone shall be deemed a prohibition of such buildings, structure or use in all zones of more restrictive classification.

#### SECTION 316 USE OF NON-CONFORMING SITES

Except as otherwise provided in this section, a site having an area, frontage, width or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was of record prior to the adoption of this chapter, and which had a legal area, frontage, width and depth at the time that the subdivision map, deed or contract of sale was recorded, may be used for any permitted use listed for the district in which the site is located, but shall be subject to all other regulations for such district notwithstanding previous violations of the Subdivision Map Act.

## SECTION 317 NON-CONFORMING USES AND STRUCTURES

### A. PURPOSE

A non-conforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this chapter but which does not conform with the use regulations for the district in which it is located. This section is intended to limit the number and extent of non-conforming uses by prohibiting their enlargement or their re-establishment after abandonment of six (6) months or more and by prohibiting the alteration of the structures they occupy and their restoration after destruction to the extent of 75% or more.

A non-conforming structure is a structure which was lawfully erected prior to the adoption of this chapter but which, under this chapter, does not conform with the standards of coverage, yard spaces, height of structures or distance between structures prescribed in the regulations for the district in which the structure is located.

While permitting the use and maintenance of non-conforming structures, this section is intended to limit the number and extent of non-conforming structures by prohibiting their being moved, altered or enlarged so as to increase the discrepancy between existing conditions and the standards prescribed in this chapter and by prohibiting their restoration after destruction to the extent of more than 75%.

### B. CONTINUATION AND MAINTENANCE

A use lawfully created and occupying a structure or a site on the effective date of this chapter or of amendments thereto which does not conform with the use regulations for the district in which the use is located shall be deemed to be a non-conforming use and may be continued, as provided in this section.

A structure lawfully created and occupying a site on the effective date of this chapter or of amendments thereto which does not conform with the standards of coverage, front yard, side yards, rear yard, or distances between structures prescribed in the regulations for the district in which the structure is located shall be deemed to be a non-conforming structure and may be used and maintained as provided in this section.

### C. ALTERATIONS AND ADDITIONS TO NON-CONFORMING USES

No structure, the use of which is non-conforming, shall be moved, altered or enlarged unless the moving, alteration or

enlargement will result in the elimination of the nonconforming use.

No structure partially occupied by a non-conforming use shall be moved, altered, or enlarged so as to permit the enlargement of the space occupied by the non-conforming use, and thereby increase the discrepancy.

#### D. CHANGE OF A LEGAL NON-CONFORMING USE

The legal non-conforming use of a structure or site may be changed to another non-conforming use provided that the change of use is approved by the Planning Commission in accordance with the following procedure:

1. Application for a change of use shall be made to the Planning Commission and shall include the following data:
  - (a) Name and address of the applicant.
  - (b) Statement that the applicant is the owner of the property or is the authorized agent of the owner.
  - (c) Address and legal description of the property.
  - (d) Statement of the precise nature of the existing or pre-existing legal nonconforming use and the proposed new nonconforming use and any other data pertaining to the findings prerequisite to the granting of an application.

The application with the appropriate fee as set by Council shall be filed with the Secretary of the Planning Commission. The Secretary shall give notice to the applicant of the time and place when the application will be considered, and may give notice of the time to any other interested party.

2. The Planning Commission shall hold a public hearing on an application for a change in non-conforming use. Notice of the hearing shall be given in the manner prescribed by Section 2104 of this chapter.
3. The Planning Commission may grant an application for a change of use if, on the basis of the application and the evidence submitted, the Commission makes the following findings:
  - (a) That the proposed use is classified in a more restricted category than the existing or pre-existing use.
  - (b) That the proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

4. The Planning Commission may grant an application for a change of use for a limited time period or subject to such conditions as the Commission may prescribe. The Commission may deny an application for a change of use.
5. An action of the Planning Commission granting an application for a change of non-conforming use shall become null and void one hundred eighty (180) days following the date of action unless the use is established or unless a greater amount of time is authorized.

#### E. ABANDONMENT OF NON-CONFORMING USE

Whenever a non-conforming use had been abandoned or discontinued for a continuous period of six (6) months, or changed to a conforming use, the non-conforming use shall not be re-established, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located.

#### F. RESTORATION OF DAMAGED STRUCTURE

Whenever a non-conforming use or a non-conforming structure shall be destroyed by fire or other calamity, or by an act of God or by the public enemy to the extent of less than 75%, the structure may be restored and the non-conforming use may be resumed, provided the restoration does not increase the non-conformity which existed prior to the damage that prevails. Further, that restoration is started within six months and is diligently pursued to completion. The extent of damage to any structure shall be determined by the Building Official. Whenever a non-conforming use or a non-conforming structure shall be destroyed by fire or other calamity, or by an act of God or by the public enemy to the extent of over 75%, the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the non-conforming use shall not be resumed.

#### G. APPEAL TO CITY COUNCIL

All appeals to the City Council concerning decisions of the Planning Commission shall be made pursuant to Section 2110.

#### SECTION 318 PUBLIC UTILITY DISTRIBUTION AND TRANSMISSION LINES

Public utility distribution and transmission lines, both overhead and underground, shall be permitted in all districts without the necessity of first obtaining a use permit, provided that a permit is obtained from the Department of Public Works prior to any new construction or installation of such facilities.

## SECTION 319 ACCESSORY STRUCTURES

Accessory buildings may be erected detached from the principal building. Such accessory structure shall not be used as a dwelling unit nor have any separate utilities attached thereto except by the main building.

## SECTION 320 DEDICATION OF STREETS; CURB, GUTTER AND SIDEWALK REQUIREMENTS FOR ADDITIONS TO OR REMODELING OF EXISTING STRUCTURES OR NEW CONSTRUCTION.

Upon the issuance of any building permit or when the site of any remodeling, addition to or construction of a new building front on or is adjacent to a planned street or dedicated public street or highway, street sections, curbs, gutters and sidewalks shall be constructed to City standards. In addition, where offers of dedication for the planned public right-of-way have not taken place, such offers shall be made prior to issuance of the building permit. However, where official grades and alignments have not been established or would not conform to existing features, the Director of Public Works may waive the construction of any portion of such improvements and may require the property owner to enter into a binding agreement calling for the future construction of waived improvements in accordance with approved City policy.

## SECTION 321 SCREENING OF ROOF EQUIPMENT

In all Commercial, Office and Industrial Districts all heating and cooling equipment shall be screened from view by a parapet or other structural feature and designed to match the total structure.

## SECTION 322 HOME OCCUPATIONS

The applicant for a home occupation permit shall attest to and acknowledge that they will not violate the following criteria. All applications shall be accompanied by the appropriate fee as set by the City Council. Applications shall be processed and approved or denied by the Planning Department.

- (1) The Home Occupation shall not involve the use of signs or accessory structures, other than those permitted in the R Districts.
- (2) The residence address will not be used for advertising purposes of any kind. Nor shall any other residence address be used for advertising purposes in connection with the home occupation.
- (3) The Home Occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than one vehicle not to exceed one ton gross capacity, owned by

the operator of such home occupation. Home occupation materials including stock, wares, goods, samples or equipment, carried in or on the vehicle shall be concealed in such vehicle or within the main structure so as not to be visible from the street, sidewalk or alley when such vehicle is parked at such residence.

(4) Retail sales at the residence and services performed at the residence for persons who have come to the residence for such services shall be limited to no more traffic than that normally occasioned by a residential use. Customers, clients, or prospective customers or clients may be invited to the residence for the purpose of purchasing or obtaining or considering the purchasing or obtaining of merchandise, wares, goods, equipment or service, subject to the above limitation.

(5) No noise, pedestrian or vehicular traffic or activity which constitutes a nuisance or disturbance of the peace of any person shall be produced or made at the residence in connection with the home occupation.

(6) In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use (either by color, materials or construction, lighting, signs, sounds or noises, vibrations, etc.).

(7) Any stock, wares, goods, materials, samples, merchandise or equipment stored on the premises shall be entirely within the building and not visible from the street, sidewalk or alley and shall not interfere with the residential use or endanger any person.

(8) No employees, salesmen or other help, including independent contractors, partners or joint ventures hired, engaged, or retained by the permittee, other than members of the immediate or resident family, shall perform any work at the premises or go to or upon the premises in conjunction with the home occupation.

(9) Home occupation permits shall not be issued for the following businesses or for the following locations:

1. Hairdresser, barber and other tonsorial pursuits;
2. Any vocation or business involving the preparation or sale of food or food products;
3. Any vocation or business involving machinery which cannot be stored or operated in the room allowed for use of the home occupation or concealed in the vehicle of not over one (1) ton capacity.
4. Automotive, vehicular, or motorcycle repair or engine repair, body and fender repair and auto painting.

(10) Home occupations are intended to be small businesses or vocations with limited hours of operation. Whenever practical for the operation of any proposed use, a condition of approval shall prohibit operation of all or certain aspects of the use between 9:00 p.m. and 8:00 a.m.

(11) Upon approval of a first application for any specific applicant at a specific area, the expiration date shall be the next following December 31, except when approval falls after September 1, the expiration date shall be December 31 of the next following year. Subsequent approvals upon reapplication for the same application at the same address shall be for a term of two (2) years, to expire on December 31.

The granting of such home occupation permit is conditioned on the faithful compliance with all the regulations set forth herein and does not relieve the permittee from complying with applicable state and city laws for health and safety. The City Council is empowered to revoke the home occupation permit, upon reasonable notice to the permittee and upon a hearing, when the Planning Director reports any persistent violations of any of such regulation.

#### SECTION 323 FENCES, WALLS AND HEDGES

Fences, walls and hedges may be permitted as follows:

- A. Fences and walls behind the front yard setback along the side and rear yard property lines not exceeding 7' in height as measured from the average grade on either side of the fence. On streetside fences, the height shall not be higher than 7' above the top of curb.
- B. On interior lots, the horizontal fence line may be linearly tapered from behind the front yard setback line to the front yard property line provided that the fence is no higher than 3'6" above grade at the property line.
- C. The cross-visibility area as defined elsewhere in this chapter shall not be violated by any structure, fence, wall, hedge or other material.
- D. No fence, wall or hedge shall be installed or constructed above the height of 3'6" within any front or side yard setback adjacent to a street intersection except as provided below:
  1. The fence, wall or hedge along the side yard is located more than 25' feet from the projection of the front property line at the street intersection; or
  2. Such installation within the side yard is determined by the Director of Public Works not to constitute a traffic hazard due to reduced visibility.

ARTICLE 4 RSP - RECREATION, SCHOOLS AND PUBLIC USE DISTRICT

SECTION 401 RSP - PURPOSE AND INTENT

This district is intended primarily for application to those areas of the City where it is necessary and desirable to provide permanent open space, governmental and special district facilities, which are necessary to safeguard the health, safety and welfare of the people, and to provide spaces for the location and preservation of public school, cultural, police, fire and other governmental facilities and recreation sites.

SECTION 402 RSP - PERMITTED USES

- A. Recreation areas, civic centers, parks, parkways, playgrounds, golf courses, primary and secondary schools, colleges, cemeteries and fairgrounds and areas of scenic, historic and cultural values and any necessary buildings incidental thereto.
- B. Flood control channels and drainage ditches, water and gas reservoir distribution and pumping stations, irrigation ditches, settling and water recharge basins.
- C. Any City, County, State and Special District Facilities not inconsistent with Section 401 above.
- D. Open space for public health and safety, including areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risk, areas required for the protection of water quality and water reservoirs, and the protection of residents from high noise areas.
- E. Incidental and accessory structures and uses.

SECTION 403 RSP - CONDITIONAL USES

Conditional uses may be added or deleted from time to time by the Planning Commission per Section 307 of this code and subject to the application for a Conditional Use Permit per Article 21 of this code.

SECTION 404 RSP - SITE AREA

The minimum site area shall be 6,000 square feet unless the land was lawfully subdivided into a smaller area prior to the enactment of this chapter. In such case the existing lawfully divided lot shall suffice for minimum area.

SECTION 405 RSP YARD REQUIREMENTS, DISTANCE BETWEEN  
STRUCTURES, COVERAGE, FENCES, WALLS  
AND HEDGES.

Yard requirements shall be determined by the Planning  
Commission during the site plan review process.

SECTION 406 RSP - SITE PLAN REVIEW

No permitted or conditional use shall be permitted on any  
site in this district until a site plan review has been  
completed in accordance with the provisions of Article 22.

## ARTICLE 5 UR URBAN RESERVE DISTRICT

### SECTION 501 PURPOSES AND INTENT

- A. This district is intended primarily for application to areas within urban limits of the General Plan and which are designated by the General Plan to be held in reserve for future urban expansion or which are in the vicinity of areas so designated, (i.e., Rural Density or Estate Density). Such areas are generally characterized by predominantly open uses of land and/or which, because of the lack of any clear trends for conversion to urban use, cannot be specifically zoned for urban use prior to the City's approval of definite proposals for urban development.
- B. The application of this district will avoid problems associated with specific zoning of lands too far in advance of probable development, preserve the availability of lands required for future urban expansion, allow limited conversion of such lands to very low-density urban use, and assist in the prevention of premature development of land where the full range of municipal-type services is not available.
- C. The rezoning of land within the UR District to other appropriate district classifications would be undertaken only at such time as evidence of substantial development is available through urban uses and that the required infrastructure to serve those uses is available.

### SECTION 502 UR - PERMITTED USES

- A. A one-family dwelling in areas designated by the General Plan as Rural Residential or Estate Density.
- B. The following uses are permitted:
  - (1) Breeding, hatching, raising and fattening of poultry, fowl, birds, rabbits for domestic use, provided that such fowl or animal shall be limited in number to one per 2,000 square feet of site area.
  - (2) Keeping of bovine animals and horses, provided, however, that there shall not be allowed on the premises more than one of any adult animal of the foregoing for each 40,000 square feet of site area. The keeping of such fowl and animals shall conform to all other provisions of law governing same, and no fowl or animals, nor

any pen, coop, stable, barn or corral shall be kept or maintained within fifty feet of any dwelling or other building used for human habitation, or with one hundred feet of the front lot line of the lot upon which it is located, or within twenty-five feet of the street side of a corner lot, or within one hundred feet of any public park, school, hospital or similar institution.

(3) There shall be no raising, killing or dressing of any such animals or poultry for commercial purposes.

#### SECTION 503 CONDITIONAL USES

The following uses may be permitted subject to the application for a Conditional Use Permit per Article 21 of this code.

- A. Boarding stable, and riding stables of a commercial nature.
- B. Guest houses.

#### SECTION 504 SITE AREA

The minimum site area shall be no less than two and one-half (2 1/2) gross acres.

#### SECTION 505 BUILDING HEIGHT AND COVERAGE

Building height and coverage shall be as set forth in the R-1 District.

#### SECTION 506 LOT FRONTAGE, WIDTH AND DEPTH

Each lot shall have not less than 300 feet of width/depth on a public or private street unless located on a knuckle or cul-de-sac. In this case, the front yard width scribed by the radius shall be no less than 200 feet.

#### SECTION 507 YARD REQUIREMENTS

The front, rear, and side yard requirements for the main dwelling shall be no less than those specified in the R-1 District.

#### SECTION 508 SITE PLAN REVIEW

No conditional use shall be permitted on any site in this district unless the site plan review has been completed in accordance with the provisions of Article 22.

## ARTICLE 6 E-1 ESTATE DENSITY

### SECTION 601 PURPOSE AND INTENT

To provide living areas which combine certain advantages of both urban and rural location by limiting development to very low density concentration of one-family dwelling and permitting a limited number of animals to be kept for pleasure or hobbies, free from activities of a commercial nature.

This district is intended primarily for application of land in natural and scenic areas to (1) permit the opportunity of developing rural size parcels which because of their size cannot be economically accommodated within urban areas, and (2) to permit limited agricultural pursuits which may not be harmonious and compatible with urban areas, and (3) to assure the provisions and/or construction of at least those minimum physical improvements that are necessary to protect safety and general welfare of people living on rural size parcels.

### SECTION 602 PERMITTED USES

- A. A one-family dwelling.
- B. Accessory buildings and structures located on the same parcel of land.
- C. Home occupations.
- D. The keeping of domestic animals as regulated by Section 502B.

### SECTION 603 CONDITIONAL USES

The following uses may be permitted subject to the application for a conditional use permit per Article 21 of this code.

- A. Public and quasi-public uses of an educational religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private non-profit schools and colleges, churches, parsonages and other religious institutions.
- B. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addict or liquor addict cases.
- C. Public uses of an administrative, recreational, public service or cultural type, including city, county, state or federal administrative centers and courts, libraries,

museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

- D. Guest houses.
- E. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.
- F. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision and temporary subdivision sales offices and signs and model home display areas.
- G. Mobilehomes on a permanent foundation.

#### SECTION 604 SITE AREA

The minimum site area shall be no less than 40,000 square feet.

#### SECTION 605 BUILDING HEIGHT AND COVERAGE

Building height and coverage shall be as set forth in the R-1 District.

#### SECTION 606 LOT FRONTAGE

Each lot shall have not less than 110 feet of frontage on a public or private street unless located on a knuckle or cul-de-sac. In this case, the front yard width as scribed by the radius arc shall be no less than 70'.

#### SECTION 607 LOT WIDTH

The minimum lot width of each lot shall be no less than 110 feet except as provided in Section 606.

#### SECTION 608 LOT DEPTH

The minimum depth of each lot shall be no less than 150 feet.

#### SECTION 609 SITE DENSITY

Not more than one dwelling unit shall be permitted on each site.

#### SECTION 610 YARD REQUIREMENTS

The front, rear and side yards shall be no less than those set forth in the R-1 District.

ARTICLE 7 E-2 ESTATE

SECTION 701 PURPOSE & INTENT

To provide living areas within the city where development is limited to low density concentrations of one-family residential units and where regulations are designed to accomplish the following:

- A. To promote and encourage a suitable environment for family life.
- B. To provide space for community facilities needed to complement various styles of urban life.
- C. To provide areas for institutions which require a residential environment.
- D. To minimize traffic congestion and to avoid the overloading of utilities and public facilities designed to service only one-family residential uses in accordance with the density standards of the General Plan.
- E. To combine certain of the advantages of the urban and rural locations by permitting limited numbers of animals and fowl to be kept for pleasure or hobbies that do not involve commercial nature.

SECTION 702 PERMITTED USES

- A. A one-family dwelling
- B. Accessory buildings and structures located on the same or adjacent parcel of land.
- C. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.
- D. Home occupations.

SECTION 703 CONDITIONAL USES

The following uses may be permitted subject to the application for a conditional use permit per Article 21 of the code:

- A. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private non-profit schools and colleges, churches, parsonages and other religious institutions.
- B. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, not including hospitals, sanitariums, rest homes or nursing homes, for mental or drug addict or liquor addict cases.
- C. Public uses of an administrative, recreational, public service or cultural type including city, county libraries, museums, art galleries, police and fire sta-

tions and other public buildings, public playgrounds, parks and community centers.

- D. Guest houses.
- E. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.
- F. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas.
- G. Mobilehomes on a permanent foundation.

#### SECTION 704 SITE AREA

The minimum site area shall be 10,000 square feet.

#### SECTION 705 BUILDING HEIGHT AND COVERAGE

Building height and coverage shall be as set forth in R-1 District.

#### SECTION 706 LOT FRONTAGE

Each lot shall have no less than 70 feet of frontage on a public street, unless located on a knuckle or cul-de-sac. In this case, the front yard width as scribed by a radius arc shall be no less than 50 feet.

#### SECTION 707 LOT WIDTH

The minimum width of each lot shall be no less than 70 feet except as provided in Section 706.

#### SECTION 708 LOT DEPTH

The minimum depth of each lot shall be no less than 110 feet.

#### SECTION 709 SITE DENSITY

Not more than one dwelling unit shall be permitted on each site.

#### SECTION 710 YARD REQUIREMENTS

The front, rear and side yards shall be no less than those set forth in the R-1 District.

ARTICLE 8 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION 801 ONE-FAMILY DWELLING DISTRICT

The following regulations shall apply in the R-1 Single-Family Residential District unless otherwise provided in this code.

SECTION 802 PERMITTED USES

- A. A one-family dwelling.
- B. Accessory buildings or structures located on the same or adjacent parcel of land.
- C. Private greenhouses and horticultural collections, flower and vegetable gardens, fruit trees not intended for commercial purposes.
- D. Home occupations.

SECTION 803 CONDITIONAL USES

The following uses may be permitted subject to the application for a conditional use permit per Article 21 of this code.

- A. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private non-profit schools and colleges, churches, parsonages and other religious institutions.
- B. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, but not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addict or liquor addict cases.
- C. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.
- D. Guest houses.
- E. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.
- F. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and model home display areas.
- G. Lodges, social halls, fraternal organizations operated by a nonprofit organization.
- H. Mobilehome parks

I. Mobilehomes on permanent foundations.

SECTION 804 BUILDING HEIGHT

Building height shall not exceed 35 feet.

SECTION 805 SITE AREA

The minimum site area shall be 6,000 square feet.

SECTION 806 LOT FRONTAGES

Each site shall have no less than 60 feet of frontage on a public street, except for those sites fronting on a cul-de-sac or knuckle which may have a frontage of not less than 40 feet.

SECTION 807 LOT WIDTH

The minimum width of each interior lot shall be no less than 60 feet except as noted in Section 806. A corner lot shall be no less than 65 feet in width.

SECTION 808 LOT DEPTH

The minimum depth of each lot shall be no less than 100 feet.

SECTION 809 SITE DENSITY

Not more than one dwelling unit shall be allowed on each site.

SECTION 810 COVERAGE

The maximum site area covered by structure, not including swimming pools, shall not exceed 60 percent.

SECTION 811 YARD REQUIREMENTS

- A. Front yard - The minimum front yard setback shall be 20 feet unless located on a cul-de-sac or knuckle. In this case the minimum setback line shall be determined by scribing a straight line between two points located 20' behind the front property line on the side property lines. In no case shall any portion of the setback line be less than 15 feet.
- B. Rear yard - The minimum rear yard shall be 10 feet. Accessory structures may be located in any portion of a required rear yard provided they do not encroach into a utility easement. Further, the drip line of an accessory structure shall not fall outside of the lot on which the accessory structure is installed.
- C. Side yard - There shall be a side yard on each side of a main building of not less than five (5) feet on one side and not less

than ten (10) feet on the other side subject to the following conditions and exceptions:

1. On a reversed corner lot, the street side yard shall not be less than one-half the required front yard of the adjoining key lot.
2. Where a lot contains a pedestrian easement, all structures shall have a minimum side yard of 5 feet from the edge of the easement.
3. Garages and carports taking direct access from the street shall provide a minimum of 20 feet of parking space between the structure and the front or street side property line. When adjacent to an alley, they shall be no less than 15 feet from centerline of said alley.
4. Temporary structures such as patios and sunshades which are open on at least three (3) sides (except for roof supports) may be located in the side yard setback and may extend up to within two (2) feet of the side property line, except for structures built of nonflammable materials which may extend to the property line.

Further, the dripline for any such temporary structure shall not fall outside of the lot on which the temporary structure is installed.

#### SECTION 812 SECOND UNITS PROHIBITED IN R-1 DISTRICTS

There is hereby prohibited the construction of and maintenance of any second unit as defined by Government Code Sections 65852.1 and 65852.2.

The City Council hereby finds specifically that the authorization will have adverse impact on the public health, safety and welfare for the following reasons:

- A. There would be no way to control the subsequent use of such second units as rental units within single-family residential areas, thus overcrowding and downgrading the area.
- B. The increased site density would have an adverse impact upon all public services, and would increase the burden on all streets, water, sewer, and any other public utility.
- C. The needs addressed by the State Legislature are adequately met by the provision for guest houses in each such district.

ARTICLE 9 - R-2 LOW-DENSITY MULTI-FAMILY  
RESIDENTIAL DISTRICT

SECTION 901 LOW-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

The following regulations shall apply in the R-2 Low-Density Multi-Family Residential District unless otherwise provided in this Code.

SECTION 902 - PERMITTED USES

- A. Multi-family residential dwellings.
- B. Accessory buildings and structures located on the same or adjacent parcel of land.
- C. Home occupations.
- D. Single-family dwellings.
- E. Private greenhouses and horticultural collections, flower and vegetable gardens, fruit trees not intended for commercial purposes.

SECTION 903 - CONDITIONAL USES

The following uses may be permitted subject to the granting of a conditional use permit prescribed in Article 21.

- A. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; day care centers, nursery schools; private non-profit schools and colleges; churches, parsonages and other religious institutions.
- B. Public and private charitable institutions, hospitals, sanitariums, but not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addict or liquor addict cases.
- C. Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities; public playgrounds, parks and community centers.
- D. Electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.
- E. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas.
- F. Boarding or rooming houses.
- G. Lodges, social halls, fraternal organizations and clubs operated by nonprofit organizations.
- H. Mobilehome parks.

SECTION 904 SITE AREA

The minimum site area shall be 6,000 square feet.

SECTION 905 BUILDING HEIGHT

Building height shall not exceed 35 feet.

SECTION 906 LOT FRONTAGE

Each site shall not have less than 60 feet of frontage on a public street, except that sites which front on a cul-de-sac or knuckle may have a frontage of not less than 40 feet.

SECTION 907 LOT WIDTH

The minimum width of each interior lot shall be no less than 60 feet except as noted in Section 906. A corner lot shall be no less than 65 feet in width.

SECTION 908 LOT DEPTH

The minimum depth of each lot shall be no less than 100 feet.

SECTION 909 SITE DENSITY

The minimum site area per dwelling unit shall be 3,000 square feet.

SECTION 910 COVERAGE

The maximum site area covered by structures shall not exceed 60 percent.

SECTION 911 YARD REQUIREMENTS

- A. Front yard - The minimum front yard setback shall be 20 feet as measured from the front property line, with no parking permitted in the setback except on a driveway, said driveway to accommodate no more than two (2) automobiles in the setback area. On a cul-de-sac or knuckle lot, the minimum front yard setback line shall be determined by scribing a straight line between two points located 20 feet behind the front property line on the side property lines. In no case shall any portion of the setback line be less than 15 feet.
- B. Rear Yard - The minimum rear yard shall be 10 feet. Accessory structures may be located in any portion of a required rear yard provided they do not encroach into any utility easement. Further, the drip line of an accessory structure shall not fall outside of the lot on which the accessory structure is installed.

- C. Side Yard - The minimum side yard set back on each side of a main building shall not be less than five (5) feet except that on the street side of corner lots there shall be a side yard of not less than 10 feet.
- D. Garages and carports taking direct access from the street shall provide a minimum of 20 feet of parking space between the structure and the front or street side property line. When adjacent to an alley, they shall be no less than 15 feet from centerline of said alley.

#### SECTION 912 - SITE PLAN REVIEW

All uses in the R-2 District except a single-family dwelling shall comply with the provisions of Article 22.

ARTICLE 10 R-3 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

SECTION 1001 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

The following regulations shall apply to the R-3 Multi-Family Residential District unless otherwise provided under this Code.

SECTION 1002 - PERMITTED USES

- A. Multi-family residential dwellings.
- B. Accessory buildings and structures located on the same or adjacent parcel of land.
- C. Home occupations.
- D. Single-family dwellings.
- E. Private greenhouses and horticultural collections, flower and vegetable gardens, fruit trees not intended for commercial purposes.

SECTION 1003 - CONDITIONAL USES

The following uses may be permitted subject to the granting of a conditional use permit pursuant to Article 21.

- A. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools; private non-profit schools and colleges, churches, parsonages and other religious institutions.
- B. Public and private charitable institutions, hospitals, sanitariums, but not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addict or liquor addict cases.
- C. Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities; public playgrounds, parks and community centers.
- D. Electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.
- E. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas.

F. Boarding or rooming houses.

G. Lodges, social clubs, and fraternal organizations operated by nonprofit organizations.

H. Mobilehome parks

#### SECTION 1004 - SITE AREA

The minimum site area shall be 6,000 square feet.

#### SECTION 1005 - BUILDING HEIGHT

Building height shall not exceed 35 feet.

#### SECTION 1006 - LOT FRONTAGE

Each site shall have no less than 60 feet of frontage on a public street, except that those sites which front on a cul-de-sac or knuckle may have a frontage of not less than 40 feet.

#### SECTION 1007 - LOT WIDTH

The minimum width of each interior lot shall be no less than 60 feet except as noted in Section 1006. A corner lot shall be no less than 65 feet in width.

#### SECTION 1008 - LOT DEPTH

The minimum depth of each lot shall be no less than 100 feet.

#### SECTION 1009 - SITE DENSITY

The minimum site area per dwelling unit shall be 2,000 square feet.

#### SECTION 1010 - COVERAGE

The maximum site area covered by structures shall not exceed 65 percent.

#### SECTION 1011 - YARD REQUIREMENTS

A. Front yard - The minimum front yard setback shall be 15 feet with no parking permitted in the setback except in a driveway, said driveway to accommodate no more than two (2) cars in the setback area. On a cul-de-sac or knuckle lot the minimum front yard setback line shall be determined by scribing a straight line between two points located 15 feet behind the front property line on the side property lines. In no case shall any portion of the setback line be less than 12 feet.

B. Rear yard - The minimum rear yard shall be 10 feet. Accessory structures may be located in any portion of a required rear yard

provided that they do not encroach into any utility easement. Further, the drip line of an accessory structure shall not fall outside of the lot on which the accessory structure is installed.

- C. Side yard - The minimum side yard setback on each side of a main building shall not be less than five (5) feet except that on the street side of a corner lot there shall be a side yard of not less than 10 feet.
- D. Garages and carports taking direct access from the street shall provide a minimum of 20 feet of parking space between the structure and the front or street side property line. When adjacent to an alley there shall be no less than 15 feet from centerline of said alley.

#### SECTION 1012 - SITE PLAN REVIEW

All uses in the R-3 District except single-family dwellings shall comply with the provisions of Article 22.

ARTICLE 11 R-4 MEDIUM-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

SECTION 1101 MEDIUM-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

The following regulations shall apply to the R-4 Medium-Density Multi-Family Residential District unless otherwise provided in this Code.

SECTION 1102 PERMITTED USES

- A. Multi-family residential dwellings.
- B. Accessory buildings and structures located on the same or adjacent parcel of land.
- C. Home occupations.
- D. Single-family dwellings.
- E. Private greenhouses and horticultural collections, flower and vegetable gardens, fruit trees not intended for commercial purposes.

SECTION 1103 CONDITIONAL USES

The following uses may be permitted subject to the granting of a conditional use permit pursuant to Article 21.

- A. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private non-profit schools and colleges; churches, parsonages and other religious institutions.
- B. Public and private charitable institutions, hospitals, sanitariums, but not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addict or liquor addict cases.
- C. Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities; public playgrounds, parks and community centers.
- D. Electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.
- E. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas.

F. Boarding or rooming houses.

G. Lodges, social clubs, and fraternal organizations operated by nonprofit organizations.

H. Mobilehome parks.

SECTION 1104 SITE AREA - The minimum site area shall be 6,000 square feet.

SECTION 1105 BUILDING HEIGHT

Building height shall not exceed 35 feet.

SECTION 1106 LOT FRONTAGE

Each site shall not have less than 60 feet of frontage on a public street, except that those sites which front on a cul-de-sac or knuckle may have a frontage of not less than 40 feet.

SECTION 1107 LOT WIDTH

The minimum lot width of each interior lot shall be no less than 60 feet except as noted in Section 1106. A corner lot shall be no less than 65 feet in width.

SECTION 1108 LOT DEPTH

The minimum depth of each lot shall be no less than 100 feet.

SECTION 1109 SITE DENSITY

The minimum site area per dwelling unit shall be 1,000 square feet.

SECTION 1110 COVERAGE

The maximum site area covered by structures shall not exceed 70 percent.

SECTION 1111 YARD REQUIREMENTS

A. Front yard - The minimum front yard setback shall be ten (10) feet with no parking permitted within the setback except in a driveway, said driveway to accommodate no more than two (2) cars in the setback area. On a cul-de-sac or a knuckle lot, the minimum front yard setback line shall be determined by scribing a straight line between two (2) points located 10 feet behind the front property line on the side property lines. In no

case shall any portion of the setback line be less than eight (8) feet.

- B. Rear yard - The minimum rear yard setback shall be ten (10) feet. Accessory structures may be located in any portion of the required rear yard provided they do not encroach into a utility easement. Further, the drip line of an accessory structure shall not fall outside of the lot on which the accessory structure is installed.
- C. Side yard - The minimum side yard setback on each side of a main building shall not be less than five (5) feet except that on the street side of a corner lot there shall be a side yard of not less than ten (10) feet.
- D. Garages and carports taking direct access from the street shall provide a minimum of 20 feet of parking space between the structure and the front or street side property line. When adjacent to an alley, they shall be no less than 15 feet from centerline of said alley.

#### SECTION 1112 SITE PLAN REVIEW

All uses in the R-4 District except single-family dwellings shall comply with the provisions of Article 22.

## ARTICLE 12 MH - MOBILEHOME PARKS

### SECTION 1201 PURPOSE AND INTENT

The purpose of this article is to provide for the inclusion of manufactured housing (mobilehomes) in mobilehome parks, as defined in Administrative Code Title 25 of the State of California and the Health & Safety Code; to be located within any residential district of the city upon the application and approval of a conditional use permit and a site plan review pursuant to Articles 21 and 22, respectively.

This article does not include those provisions of State of California law relating to the placement of mobilehomes in any residential district on permanent foundations; the standards for which are regulated outside the provisions of this article.

### SECTION 1202 SITE AREA

The minimum site area shall be not less than two gross acres. There shall also be no less than 2,500 square feet of area for each mobilehome space within the park.

### SECTION 1203 RECREATION AREA

In addition to the above site areas, a mobilehome park shall provide one or more recreation areas totaling not less than 5,000 square feet with the aggregate recreational area being no less than 200 square feet for each mobilehome space within the park, whichever is greater. Community recreational facilities located within a structure may be considered as part of the recreational public area requirements.

### SECTION 1204 PARK ACCESS

Mobilehome parks shall be designed so that each unit does not face a public street and shall not have direct access to such street. Vehicular access within the park and ingress/egress to the park shall be controlled by the provisions provided in the conditional use permit and site plan review process.

### SECTION 1205 ACCESSORY STRUCTURES

No accessory structure for use by the occupants other than a carport, garden structure, storage building, sun or wind shelter shall be erected within a mobilehome space. No accessory structure shall be permitted to be placed or remain on any lot in a mobilehome park unless a mobilehome is first placed upon said lot.

## SECTION 1206 PARKING & INTERNAL CIRCULATION

Not less than two on-site parking spaces shall be provided for each mobilehome space and all internal streets shall be improved and paved so as to provide adequate turning radius and drainage; the design and specifications for such improvements to be subject to the approval of the City Engineer. No less than one guest parking space for every five (5) mobilehomes shall be provided and appropriately dispersed throughout the mobilehome park.

## ARTICLE 13 RMH - RESIDENTIAL MOBILEHOME DISTRICT

### SECTION 1301 PURPOSE

The provisions of this article are intended to provide for single-family conventional mobilehomes to be placed on a lot and not necessarily required to be placed on permanent foundations.

### SECTION 1302 PERMITTED USES

- A. Mobilehomes notwithstanding the provisions of Section 1306.
- B. Any use permitted in the R-1 District.

### SECTION 1303 CONDITIONAL USES

The following uses may be permitted subject to the application for a conditional use permit as regulated by Article 21 of this Code: any use listed as a conditional use in the R-1 District except guest houses.

### SECTION 1304 SITE AREA, FRONTAGE, WIDTH, DEPTH, AND YARDS

The lot, site area, frontage, width, depth and yard requirements shall be no less than that provided in the R-1 District.

### SECTION 1305 DENSITY AND COVERAGE

Density and coverage shall be no less than that provided in the R-1 District.

### SECTION 1306 ADDITIONAL PROVISIONS

The following additional provisions shall apply:

Mobilehomes used as single-family dwellings shall be permitted only if the following criteria are met:

1. The provisions of Article 3, Section 320 shall apply.
2. Unless on a permanent foundation, the underneath area between ground level and the floor of the mobilehome shall be screened from view by an opaque skirt around the entire perimeter of the base of the mobilehome.
3. Appliances of any type other than home heating or cooling equipment shall not be installed outside the mobilehome or accessory structures.

## ARTICLE 14 PROFESSIONAL OFFICE

### SECTION 1401 PURPOSE

The Professional Office Zone is intended to provide opportunities for the location of professional offices in close relationship to one another inside or outside of the commercial districts, to provide adequate space to meet the needs of such offices by providing adequate off-street parking and loading space and to protect office uses from noise and other disturbances not conducive to an office atmosphere, and to encourage the full development of properties which lie in the transition area between residential and non-residential districts and which cannot be included practically within residential districts.

### SECTION 1402 PERMITTED USES

- A. Offices which deal primarily in professional services in which goods, wares, merchandise are not commercially created, sold or exchanged for the private market, including medical offices, hospitals, engineering, architectural planning and landscape consulting, law, accounting, bookkeeping, banking and brokerage offices, travel agencies, medical and dental laboratories and clinics, not including hospitals, sanitariums, rest homes or nursing homes for mental patients or drug or liquor addiction cases.
- B. Local, state and federal government facilities that supply various services to the public at large; radio and television stations.
- C. Prescription pharmacies in connection with medical office buildings, clinics or hospitals.
- D. Public and private charitable institutions, but not including hospitals, sanitariums, rest homes or nursing homes for mental patients or drug or liquor addiction cases.
- E. Research and development engineering firms whose scientific and/or engineering investigation leads to the manufacturing of new material or equipment including the making of prototypes but not including the manufacture of such material or equipment.
- F. Accessory structures located on the same site as a permitted use.

SECTION 1403    CONDITIONAL USES

The following uses may be permitted in accordance with the provisions of Article 21.

- A. Churches, manses and other religious institutions.
- B. Public uses of a cultural type including libraries, museums, art galleries and other similar structures and facilities.
- C. Any use permitted in the R-1, R-2, R-3 or R-4 District, and if granted shall meet the setback requirements of that district.
- D. Mortuaries
- E. Electrical transmission and distribution substations, gas regulator stations, communication equipment and transmitting stations, public service pumping stations and/or elevated pressure tanks.
- F. Health clubs.
- G. Heliports and helipads.

SECTION 1404    BUILDING HEIGHT

Building height shall not exceed 35 feet.

SECTION 1405    SITE AREA AND FRONTAGE

The minimum site area for the Professional Office District shall be 10,000 square feet with no less than 80 feet of frontage on a dedicated and improved public street, except that the sites which front on a cul-de-sac or knuckle may have a frontage of not less than 70 feet.

SECTION 1406    LOT DEPTH AND WIDTH

The minimum depth of each site shall be no less than 100 feet. The minimum width of each lot shall be no less than 80 feet except as noted in Section 1405.

SECTION 1407    LOT COVERAGE

The maximum area covered by structures shall be no more than 65 percent of the site area.

SECTION 1408    YARD REQUIREMENTS

- A. The minimum front yard shall be 15 feet.

- B. The minimum side and rear yards shall be as follows:
1. Where a lot abuts the side or rear yard of a lot in any R District, the side or rear yard shall be no less than ten (10) feet for each story of the main structure.
  2. Where a reverse corner lot rears upon a lot in any R District, the side yard on the street side shall not be less than 50 percent of the front yard required on the key lot.
  3. In all other cases, a side or rear yard is not required provided there is an easement on the adjacent lot to allow maintenance along the zero lot line.

#### SECTION 1409 SITE PLAN REVIEW

All uses in the Professional Office District except single-family dwellings shall comply with the provisions of Article 22.

## ARTICLE 15 CN - NEIGHBORHOOD COMMERCIAL

### SECTION 1501 PURPOSE

The Neighborhood Commercial District is intended primarily to provide the retail goods and services required to meet the needs of local residents of one or more neighborhoods with such business activities conducted entirely within an enclosed building except the accessory use of "outside gasoline service" in conjunction with a permitted use.

### SECTION 1502 PERMITTED USES

- A. Any local retail business or service establishments such as grocery, fruit and vegetable stores, bakery, drugstore, barber and beauty shops, florists, laundromats, drive-thru dairies, clothes cleaning and dyeing, variety store, hardware stores, which supply services and commodities for residents of a neighborhood.
- B. Restaurants, cafes and soda fountains, not including entertainment or dancing or sale of alcoholic beverages for consumption on the premises.
- C. Business, professional (not research and development) and medical offices. Accessory structures and uses customarily appurtenant to the permitted use such as incidental storage facilities.

### SECTION 1503 CONDITIONAL USES

The following uses may be permitted in accordance with the provisions of Article 21.

- A. Sale of alcoholic beverages for consumption on premises in establishments where the primary function is sale of food, such as a restaurant, pizza parlor, etc.
- B. Drive-thru restaurants
- C. Public and quasi-public uses appropriate in a Neighborhood Commercial District.
- D. Social halls, lodges, fraternal organizations, and clubs.
- E. Gasoline pumps when in conjunction with mini-marts.

### SECTION 1504 SITE AREA AND FRONTAGE

The minimum site area for the Neighborhood Commercial District shall be no less than 6,000 square feet with no less than 60 feet of frontage on a public street.

SECTION 1505 BUILDING HEIGHT

Building height shall not exceed 35 feet.

SECTION 1506 LOT DEPTH

The minimum lot depth shall be no less than 100 feet.

SECTION 1507 YARD REQUIREMENTS

- A. The front yard setback shall be shall be no less than ten (10) feet.
- B. The minimum side or rear yard setback shall be as follows:
  - 1. Where a CN lot abuts a side or rear yard of any R District, the side or rear yard shall be no less than ten (10) feet.
  - 2. Where a reverse corner lot rears upon a lot in any R District, the side yard on the street side shall not be less than 50 percent of the front yard required on the key lot.
  - 3. In all other cases, a side or rear yard is not required provided there is a common wall or easement on the adjacent lot to allow maintenance along the zero lot line.

SECTION 1508 SITE PLAN REVIEW

All uses in the Neighborhood Commercial District shall comply with Article 22.

ARTICLE 16 CG GENERAL COMMERCIAL

SECTION 1601 PURPOSE

The General Commercial District is intended primarily to serve as the central trading district of the city along major arterial streets.

It provides the accommodations for the sales of commodities, performance of services, repair facilities, wholesale and retail distribution of goods and services that are conducted entirely indoors. Auto sales, nurseries, service stations, mobilehome sales, and large vehicular equipment such as used in farming and trucking are excluded from the provisions of being conducted entirely indoors.

SECTION 1602 PERMITTED USES

- A. Any use permitted in the Neighborhood Commercial (CN) Zone and Professional Office (PO) Zone plus the following:

- Addressograph services
- Apparel stores
- Appliance stores
- Art and antique stores
- Art and craft schools and colleges
- Art galleries
- Art supply stores
- Auction rooms
- New and used automobile, motorcycle and boat sales rooms and service incidental thereto
- Automobile parts supply stores
- Automobile service stations
- Bakeries
- Banks
- Bars, cocktail lounges and night clubs
- Bicycle shops
- Blueprint and photocopy shops
- Book stores and rental libraries
- Bowling alleys
- Bus depots and transit stations
- Business, professional and trade schools and colleges
- Camera shops, photographic supplies and photography studios
- Card rooms
- Car washes
- Catering shops
- Clothing and costume rental establishments
- Communications equipment buildings
- Confectionary and ice cream stores
- Department stores
- Dry goods stores
- Minor electrical & electronic equipment sales and service
- Escrow offices
- Farm equipment sales & services

Financial institutions  
Florists  
Frozen food lockers  
Furniture stores  
Garden shops and nurseries  
Gift, novelty or souvenir shops  
Glass shops  
Grocery stores  
Gunsmith shops  
Gymnasiums and health clubs  
Hardware stores  
Health food stores  
Hobby stores  
Home furnishings  
Home improvement centers  
Hotels, motels and apartment hotels  
Ice cream and confectionary stores  
Interior decorating shops  
Jewelry stores  
Leather goods and luggage stores  
Lending agencies  
Linen supply services  
Locksmith  
Medical, dental and orthopedic clinics or laboratories  
Millinery shops  
Mobilehome sales  
Mortuaries  
Music and dance studios  
Office & business machine sales & services  
Paint and wallpaper stores  
Parcel delivery services  
Pawn shops  
Pet and bird stores  
Printing shops  
Public and private charitable institutions  
Radio and television broadcasting studios  
Restaurants, including drive-in restaurants, cafes, and outdoor  
cafes  
Scientific instrument stores  
Secretarial services  
Shoe stores - sales and repair  
Sign shops  
Small animal hospitals and veterinary offices with no outside animal  
runs  
Sporting goods stores, including incidental boat sales  
Sports arenas within buildings  
Stamp and coin stores  
Stationery stores  
Storage garages  
Tailor and dressmaking shops  
Telegraph offices  
Theaters and auditoriums

Tire, battery & alignment services (not including large trucks)  
Tobacco shops  
Travel bureaus  
Upholstery shops  
Variety stores

SECTION 1603 CONDITIONAL USES The following uses may be permitted

The following uses may be permitted pursuant to Article 21.

- A. Electrical transmission or distribution substations, gas regulator stations, public service pumping stations and elevated pressure tanks.
- B. Churches and other religious institutions.
- C. Amusement centers and arcades
- D. Lodges, social halls, fraternal organizations and clubs
- E. Adult entertainment business as regulated by Chapter 6 of the Municipal Code.
- F. Cabinet shops
- G. Plumbing and sheet metal shops
- H. Heliports and helipads

SECTION 1604 SITE AREA AND FRONTAGE

The minimum site area for the General Commercial District shall be no less than 10,000 square feet, with no less than 80 feet of frontage on an existing or planned secondary arterial and no less than 100 feet of frontage on an existing or planned primary arterial.

SECTION 1605 BUILDING HEIGHT

Building height shall not exceed 60 feet.

SECTION 1606 LOT DEPTH

The minimum lot depth shall be no less than 100 feet.

SECTION 1607 YARD REQUIREMENTS

- A. No minimum front yard shall be required, unless required by Site Plan Review.
- B. The minimum side or rear yards shall be as follows:
  - 1. Where a General Commercial lot abuts a side or rear yard of any R District, the side or rear yard shall be no less than 10 feet.
  - 2. Where a reverse corner lot rears upon a lot in any R District, the side yard on the street side shall not be less than 50 percent of the front yard required on the key lot.
  - 3. In all other cases, a side or rear yard is not required.

SECTION 1608 SITE PLAN REVIEW

All uses in the General Commercial (CG) District shall comply with Article 22.

## ARTICLE 17 CS SERVICE COMMERCIAL DISTRICT

### SECTION 1701 PURPOSE

To provide for heavy commercial land uses along major arterial streets where a mixture of commercial/light industrial type activities has or is expected to occur. This designation accommodates those heavy commercial land uses generally not appropriate to the General Commercial area. It is intended to attract both indoor commercial uses and some selected outdoor uses which are compatible with existing or future adjoining activities. It is further meant to serve in some cases as a buffer zone between more restrictive commercial, industrial and residential areas, and to screen residential areas from noises generated by the city's transportation corridors. It is intended that this district be used in appropriate locations along select major arterial streets such as West Inyokern Road and East Ridgecrest Blvd. in such a manner as to enhance the entrances to the city. All uses wherein the storage of appropriate materials is required shall provide that the storage of said materials be screened from view by a fence of no less than 6 feet in height.

### SECTION 1702 PERMITTED USES

- A. All uses permitted in the General Commercial (CG) District.
- B. Ambulance service
- Auto body and fender repair and painting
- Auto repairing, overhauling & rebuilding
- Bottling plants
- Building material yards
- Cabinet shops
- Carpenter shops
- Cold storage plants
- Columbariums and crematoriums
- Contractor storage yards
- Dairy product plants
- Drapery laundry and supply services
- Drive-in theaters
- Major electrical repair shops
- Equipment rental yards
- Exterminator shops
- Freight forwarding terminals
- Furniture warehouses and moving van services
- Heating, ventilation, and air conditioning shops
- Kennels and small animal boarding facilities located not closer than 500 feet from a more restrictive district unless conducted entirely indoors.
- Lumber yards not including sawing or planing mills
- Machinery sales, rental and service
- Plumbing and sheet metal shops
- Research & development facilities
- Service stations primarily related to truck service & repair (truck terminals)

Small animal hospitals, clinics and veterinary offices  
Storage yards for commercial vehicles  
Taxidermists  
Tire sales in conjunction with retreading and recapping  
Mobilehome sales and services - need not be screened by a solid fence  
Warehouses except for the storage of large amounts of fuel, flammable liquids, toxic material or explosives  
Welding shops

#### SECTION 1703 CONDITIONAL USES

The following uses may be permitted pursuant to Article 21.

Auto recycling yards  
Churches and other religious institutions  
Lodges, social halls, fraternal organizations and clubs  
Amusement centers and arcades  
Electrical transmission and distribution substations, public service pumping stations and elevated pressure tanks  
Junk yards

#### SECTION 1704 SITE AREA AND FRONTAGE

The minimum site area shall be no less than 20,000 square feet with no less than 80 feet of frontage on an existing or planned secondary arterial and no less than 100 feet of frontage on an existing or planned primary arterial.

#### SECTION 1705 BUILDING HEIGHT

Building height shall not exceed 60 feet in height.

#### SECTION 1706 LOT DEPTH

The minimum lot depth shall be no less than 200 feet.

#### SECTION 1707 YARD REQUIREMENTS

- A. No minimum front yard shall be required, unless required by Site Plan Review.
- B. The minimum side and rear yards shall be as follows:
  1. Where a Service Commercial lot abuts a side or rear yard of any R District, the side or rear yard shall be no less than 10 feet.
  2. Where a reverse corner lot rears upon a lot in any R District, the side yard on the street side shall be no less than 50 percent of the front yard required on the key lot.
  3. In all other cases, no side or rear yard is required.

#### SECTION 1708 SITE PLAN REVIEW

All uses in the Service Commercial (CS) District shall  
comply with Article 22.

## ARTICLE 18 M-1 LIGHT INDUSTRIAL DISTRICT

### SECTION 1801 PURPOSE

To encourage and achieve appropriately located limited and small scale industrial uses for the assembly, fabrication, manufacturing and processing of goods, retailing and administrative activities, wholesaling, storage, warehousing, limited food processing, research and development, company offices, repair of service oriented facilities and truck and rail facilities.

The areas designated for industrial uses on the General Plan provide opportunities for certain types of industrial uses to concentrate in mutually beneficial relationships to each other. It also provides adequate land area to meet the needs of modern industrial development that does not intrude into other non-compatible urban uses.

### SECTION 1802 PERMITTED USES

1. All uses permitted in the Service Commercial (CS) District.
2. Any kind of manufacture, compounding, storing, warehousing, assembling, processing, sales and service or treatment of products other than that which produces or may tend to produce, use, cause, or otherwise emit fumes, odor, dust, smoke, involve toxic materials, gas, noise or vibration that are or may be detrimental to properties and uses in the neighborhood or to the health and welfare of the occupants thereof or the city in general. When, in the opinion of the Planning Director, a proposed use does not fit the above general description, the matter will be referred to the Planning Commission for interpretation.
3. Animal hospitals, kennels and veterinary services located no closer than 500 feet from a more restrictive district unless conducted entirely indoors.
4. Office and retail stores and watchman living quarters incidental to and on the same site as the main use.

### SECTION 1803 CONDITIONAL USES

The following uses may be permitted pursuant to Article 21.

1. Any uses not listed as permitted uses above, provided that, on the basis of the use permit application and the evidence submitted, the City Planning Commission makes the following findings in addition to the findings prescribed under Conditional Use permits.
  - a. That consideration of all the determinable characteristics of the use which is the subject of the application indicates that the use has the same essential characteristics as the uses listed as permitted with respect to methods of operation, type

of process, materials, equipment, structures, storage and appearances.

- b. If the use involves nuisance or hazardous characteristics, that the application include sufficient evidence to indicate that special devices, construction or site design are planned to eliminate the nuisance or hazardous characteristics normally attendant to operation of the use.
- c. In order to make the necessary findings, the Commission may require submission of technical reports by consultants or other evidence in addition to the data described in the Conditional Use permit. This data, if so required, will be the basis for granting or denying the application for a Conditional Use permit. The Commission is required to make appropriate findings in granting or denying the Conditional Use permit.

#### SECTION 1804 BUILDING HEIGHT

Building height shall not exceed 60 feet.

#### SECTION 1805 SITE AREA

The minimum site area shall not be less than 10,000 square feet.

#### SECTION 1806 LOT FRONTAGE

Each site shall have no less than 100 feet of frontage on a public street except those lots that front on a cul-de-sac or knuckle may have a frontage of not less than 70 feet.

#### SECTION 1807 LOT WIDTH

The minimum width shall be no less than 100 feet.

#### SECTION 1808 LOT DEPTH

The minimum lot depth shall be 100 feet.

#### SECTION 1809 COVERAGE

The maximum site area covered by structures shall not exceed 75 percent.

#### SECTION 1810 YARD REQUIREMENTS

- A. No minimum front, rear or side yard setback shall be required except where it affects the safety of the on-and-off site traffic circulation, subject to site plan review and except as provided below.
- B. The minimum side and rear yard abutting any Residential or Professional Office district shall be 10 feet.

SECTION 1811 SITE PLAN REVIEW

All uses in the Light Industrial (M-1) district shall comply with Article 22.

## ARTICLE 19 M-2 HEAVY INDUSTRIAL ZONE

### SECTION 1901 PURPOSE

To provide an area in the city for normal operations of almost all industries that are "heavier" than those permitted in the M-1 District and basically not compatible with residential and commercial uses. It excludes (unless effective mitigation measures are in place) offensive or unhealthful uses that involve creation or emission of dust, gas, smoke, fumes or other air pollutants, noises, vibration, liquid or solid wastes, uses that create undue traffic congestion, radioactivity, glare, fire, explosive hazard or other conditions that can conceivably affect overall health and safety of the residents of the city.

### SECTION 1902 PERMITTED USES

- A. All uses permitted in the M-1 District
- B. Ordinance and accessories manufacturing
  - Textile mill production
  - Lumber and wood production such as sawmills
  - Paper and allied production such as paper mills
  - Chemicals and allied production
  - Petroleum refining and related industries; asphalt paving mixtures and blocks, felts and coatings
  - Rubber and miscellaneous plastic production
  - Processing leather and production of leather goods
  - Stone, clay, and glass production
  - Fabricated metal production; as in heavy metal stamping mills
  - Transportation equipment manufacturing
  - Motor vehicle wrecking and scrap metal yards provided the facility is enclosed by a solid wall not less than six (6) feet high

### SECTION 1903 CONDITIONAL USES

The following uses may be permitted pursuant to Section 21.

- A. All uses listed as conditional uses in the Service Commercial (CS) District and Light Industrial (M-1) District).
- B. The following uses and other uses which involve nuisances, dangers of fire or explosion or other hazards to health and safety require special consideration by the Planning Commission relating to public health, safety and welfare. The Commission may require submission of reports by technical consultants or other evidence in addition to the data prescribed in Article 21. This data, if required, will be the basis for granting or denying the application for a conditional use permit.

- Cement, lime, gypsum and plaster of paris manufacture
- Charcoal, lampblack and fuel briquettes manufacture
- Chemical products manufacture including acetylyne, aniline dyes, ammonia, carbide, caustic soda cellulose, chlorine, cleaning and

polishing preparation, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates of an explosive nature, potash, pyroxlin, rayon yarn, and carbolic, hydrochloric, picric and sulphuric acids

Coal, coke and tar products manufacture

Dumps and slag piles

Fertilizer manufacture

Film manufacture

Fish products processing and packaging

Gas manufacture or storage

Gelatin, glue size and tallow manufacture from animal or fish refuse

Incineration or reduction of garbage, offal and dead animals

Insecticides, fungicides, disinfectants and similar agricultural, industrial, and household chemical compounds manufacture

Manure, peat and topsoil processing and storage

Metal and metal ores reduction, refining, smelting and alloying

Paint manufacture including enamel, lacquer, shellac, turpentine and varnish

Rolling mills and drop forges

Soap manufacture including fat rendering

Steam plants

Stock yards, stock feeding yards and slaughter houses

Stone quarries, gravel pits, and stone mills

Wood and bone ditillation

Wood pulp and fiber reduction and processing

#### SECTION 1904 BUILDING HEIGHT

Building height shall not exceed 60 feet.

#### SECTION 1905 SITE AREA

The minimum site area shall be one gross (1) acre.

#### SECTION 1906 LOT FRONTAGE

Each site shall have no less than 100 feet of frontage on a public street except those that front on a cul-de-sac or knuckle may have a frontage of not less than 70 feet.

#### SECTION 1907 LOT WIDTH

The minimum lot width shall be no less than 100 feet.

#### SECTION 1908 LOT DEPTH

The minimum lot depth shall be 300 feet.

#### SECTION 1909 COVERAGE

The maximum site area covered by structures shall not exceed 75 percent.

SECTION 1910 YARD REQUIREMENTS

- A. No minimum front, rear or side yard setback shall be required except where it affects the safety of the on-and-off-site traffic circulation, subject to site plan review and except as provided below.
- B. The minimum side and rear yard abutting any Residential or Professional Office district shall be 10 feet.

SECTION 1911 SITE PLAN REVIEW

All uses in the M-2 Heavy Industrial District shall comply with Article 22.

## ARTICLE 20 OFF-STREET PARKING

### SECTION 2001 PURPOSE

The following standards for off-street parking shall apply to new construction and when an existing building is altered or enlarged by the addition of floor space, dwelling units or guest rooms or where the use is otherwise intensified by a change in use, land area or seating capacity. These parking standards are required to accomplish the following:

1. To reduce traffic conflicts and congestion normally attributed to on-street parking and improve the overall maintenance and function of the street system;
2. To provide adequate and conveniently located parking spaces based upon realistic requirements for the zone or land use to be served;
3. To improve the economic stability of the community;
4. To improve the appearance of the city.

### SECTION 2002 GENERAL PROVISIONS

- A. Parking spaces shall have the minimum dimensions of 9' x 20', with a 1' double stripe between spaces where striping is required. A recreational vehicle parking space shall have a minimum of 10' in width and 24' in length.
- B. Not more than 20 percent of the required parking spaces may be designed for compact automobiles. Every space so used shall be clearly marked as a compact space. The minimum dimensions for compact spaces shall be 7 1/2' x 15', with a 1' double stripe between spaces where aisle width striping is required. the net aisle width shall not be reduced.
- C. Tandem parking spaces are permitted but shall be limited to use by residents or employees of the facility and shall be so assigned. Tandem parking as may be permitted will be regulated by the Site Plan Review process.
- D. Net Area - Coffee rooms, restrooms, hallways and mechanical rooms for heating and cooling shall not be used in calculating the required parking spaces unless otherwise stated as gross area. Where these areas are not known as in the case of a shell building, 15 percent of the gross square footage shall be deducted for the nonproductive use, the remainder of which shall be used to calculate the required parking.
- E. When, after computing the number of parking spaces required, there appears a fractional requirement of one-half space or more, one additional parking space shall be required. If less than one-half, no additional space is required.
- F. All parking for residential uses shall be on the same or adjacent lot, parcel or site. Parking for all other uses may be located no

more than 500 feet from the subject use. Where the required off-street parking is provided for in this manner, a covenant, easement or other legal document acceptable to the approval authority shall be recorded for the benefit of the user prior to the use taking place.

- G. Neither the side yard abutting a street or the front yard shall be used to meet the requirements for off-street parking purposes except in residential districts. Any use to the contrary requires a Conditional Use Permit, per Article 21.
- H. All parking areas shall be paved with Portland cement, concrete, asphalt or other appropriate approved material as established by the Public Works Director. 4" curbing or wheel stops shall be provided around parking lots in all commercial, office and industrial districts. Planters shall not drain into parking lots so as to accumulate mud and water or other unsightly residue.
- I. The off-street parking provisions of this article may be waived by the Planning Director for unattended public utility facilities.
- J. Handicapped parking spaces shall be provided in all parking lots in accordance with applicable State regulations.
- K. In no event shall any parking provided pursuant to this chapter be situated in such a way that vehicles entering the parking area required by this chapter shall be required to back onto any street or thoroughfare in order to leave said property. This provision shall not be applicable to any private residence in an area zoned for private residences. On streets which have not been designated as major or secondary streets, the approval authority is granted the power to permit backing onto such streets for multiple dwellings where such backing will not create a serious or dangerous traffic hazard.
- L. At the time any change in use takes place in the commercial, office or industrial districts, the parking space requirements of the new use shall be complied with prior to change of use if there is sufficient land available on the same lot or contiguous lots under the same ownership. If such change occurs in an existing building and creates a need for an increase in parking spaces by 10 percent or more than exists on the site at the date of adoption of this ordinance, such increase in parking facilities shall be provided on the basis of the increased requirements for the new use except that if the change in use creates the need for two or less parking spaces, no additional parking spaces shall be provided, except as follows:

In the event a change in use takes place on an improved parcel of land on which no previous parking was provided and there is no area on which to supply such parking, no additional parking need be provided subject to Planning Director's approval.

- M. On the same premises with every building, structure or part thereof erected or occupied for manufacturing, storage, warehouse, goods display, department store, wholesale or retail market, hotel, restaurant, hospital, laundry, dry cleaning plant, bus terminal, or other uses similarly involving the receipt or distribution of vehicles carrying materials, merchandise or passengers, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with the public use of the streets or alleys. Required loading space may be included within the required parking space adjacent to a building.
- N. Employee parking shall be provided in addition to that specified in Parking Space Requirements. One space for each employee on a shift shall be provided unless otherwise specified.
- O. In all residential zones in the city a recreational vehicle, boat or a boat trailer may be parked only in the following manner:
1. Outside of a structure in the side yard or rear yard area of a residential district provided that:
    - a. The recreational vehicle, boat or boat trailer, except for self-propelled recreational vehicles customarily used for ordinary transportation purposes when occupying a parking space shall not obstruct the access to required parking in the garage area.
    - b. In the event space is not accessible in the side or rear yard, a recreational vehicle, boat or boat trailer may be parked in the front setback area; a corner yard would be determined to have reasonable access to the rear yard unless a grade difference of three feet or more exists; in addition, a fence shall not be determined to prevent reasonable access.
  2. No part of the recreational vehicle, boat or boat trailer may extend over the public sidewalk or public thoroughfare (right-of-way).
  3. Parking is permitted only for storage purposes and any camper, recreational vehicle, boat or boat trailer shall not be:
    - a. Used as a dwelling unit.
    - b. Permanently connected to sewer lines, water lines or electricity; the recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
    - c. Used for storage of goods, materials, or equipment other than those items considered to be part of the recreational vehicle, boat or boat trailer or essential for its immediate use.

4. Notwithstanding the provisions of this section, a recreational vehicle, boat or boat trailer may be parked anywhere on the premises for loading or unloading purposes only as long as it does not overhang the public right-of-way.
  5. A recreational vehicle, boat or boat trailer shall be owned or rented by the resident or guest of the resident on whose property the recreational vehicle or boat trailer is parked or stored.
  6. A recreational vehicle, boat or boat trailer which is stored for a period of seventy-two hours or more shall not obstruct the vision of an adjoining property owner in obtaining access to a public right-of-way. Upon a determination by the Planning Director that the obstruction creates a potential safety hazard, the recreational vehicle, boat or boat trailer may be required to be relocated or removed from the site. The action of the Director may be appealed to the Planning Commission.
  7. No person shall stop, stand or park an oversized vehicle on any lot or parcel in a residential district unless it is necessary to carry out work or service which requires the presence of such a vehicle on the lot or parcel. For the purpose of this section, an oversized vehicle is defined as a vehicle used for commercial purposes containing three or more axles.
- P. When parking standards for a use not specified in this chapter become necessary, it shall be the responsibility of the Director of Planning to so determine in writing and to have same incorporated within this article.

### SECTION 2003 RESIDENTIAL PARKING REQUIREMENTS

Residential off-street parking requirements shall be as follows:

Single-family detached dwellings	Two (2) open or enclosed spaces
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Multi-family dwelling units:

1-bedroom	1 1/2 parking space per unit
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2-bedrooms	2 parking spaces per unit
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3 or more bedrooms	2 1/2 parking spaces per unit.
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NOTE: In addition, one guest parking space shall be provided on site in a convenient and accessible location for each 5 residential units.

Condominiums or townhouses:

1 bedroom	1 1/2 parking spaces/dwelling unit
2 bedrooms	2 parking spaces/dwelling unit
3 bedrooms or more	2 1/2 spaces/dwelling unit NOTE: In addition, 1/3 parking space shall be provided for each dwelling unit for guest parking and one space for each 5 units shall be provided for recreational vehicles.
Mobilehome park	2 parking spaces/dwelling unit plus 1 space for each 5 units for guests
Housing for elderly (public or federally assisted)	1 parking space/dwelling unit plus 1 parking space for each 5 units for guests

SECTION 2004 HOTELS & MOTELS

One parking space for each guest room and/or sleeping room and one parking space for each two full-time employees. Additional parking shall also be provided for ancillary uses in accordance with the provisions of this chapter.

SECTION 2005 EDUCATIONAL USES

Public and parochial elementary and junior high schools	One (1) space for each teacher, administrator and custodian, plus sufficient space for safe and convenient bus loading and unloading of students.
High schools	One (1) space for each teacher, administrator and custodian, plus one (1) space for each fifteen (15) students enrolled, plus sufficient space for safe and convenient bus loading and unloading of students.
Churches	One (1) space for every four (4) seats or 72" of pew space.
Colleges	One (1) space for each teacher, administrator and custodian, plus one (1) space for each five (5) students enrolled.
Nursery schools and day care centers	One (1) space for each employee, plus sufficient space for safe and convenient loading and unloading of students.

Business, professional and trade schools, art, craft, music and dancing schools One (1) space for each teacher and administrator, plus one (1) space for each student in a class.

#### SECTION 2006 TRANSPORTATION TERMINALS AND FACILITIES

Airports, heliports, bus depots, railroad stations and yards, truck terminals Spaces as required by the approval authority during the site plan review process.

#### SECTION 2007 MEDICAL USES (INPATIENT)

Medical uses One (1) space for each two beds plus one space for each employee.

Convalescent homes One (1) space for each five (5) beds plus one space for each staff member or visiting doctor.

#### SECTION 2008 COMMERCIAL, INDUSTRIAL AND SPECIAL OFFICE USES

For any use permitted in Neighborhood Commercial, General Commercial or Service Commercial District except as hereinafter specifically set forth One (1) parking space for each 300 square feet of gross floor area.

For any use permitted in the M1 or M2 Districts, except as hereinafter set forth One (1) parking space for each 500 square feet of gross floor area or one (1) parking space for each two (2) employees employed on the shift having the largest number of employees, whichever is the greatest, and one (1) parking space for each vehicle utilized in the use.

Automotive, boat and trailer sales or rental, retail nurseries, lumber yards, and other permitted uses customarily conducted in the open. One (1) parking space for each 1,000 sq. ft. of gross land area devoted to open display or sales, provided that where such area exceeds 10,000 sq. ft., only one (1) parking space need be provided for each 5,000 square feet of such gross land area in excess of 10,000 sq. ft. This is in addition to the parking required for the enclosed building and underlying use.

Bowling alleys Four (4) parking spaces for each alley. Additional parking shall be provided for

ancillary uses in accordance with this chapter.

Cocktail lounges, restaurants, bars, coffee shops

One (1) parking space for each 100 sq. ft. of gross floor area up to 4,000 sq. ft., and one (1) parking space for each additional 50 sq. ft. of gross floor area over 4,000 sq. ft., or one (1) parking space for each four (4) fixed seats, whichever is greater.

Assembly Buildings including stadiums, sports arenas, theaters, dance halls, clubs and fraternal lodges and other places of assembly

One (1) space for each three (3) fixed seats; if there are no fixed seats, one (1) for each 40 sq. ft. of gross floor area used for assembly purposes.

Mini warehouses used for long-time open or enclosed storage of recreational vehicles, boats & household materials

As required by the approval authority during site plan review.

#### SECTION 2009 MEDICAL AND DENTAL OFFICES

Three (3) spaces for each doctor and practitioner plus one (1) space per employee.

#### SECTION 2010 PUBLIC BUILDINGS (OTHER THAN EDUCATION)

One (1) space for each 400 sq. ft. and as may be further required by the approval authority.

#### SECTION 2011 ACCESS

- A. The minimum clear width of a residential driveway shall be not less than ten feet.
- B. A residential access one hundred feet or longer shall be a minimum of twenty feet wide or two ten-foot wide one-way drives shall be provided.
- C. A residential driveway serving four or more units shall be a minimum of twenty feet wide.
- D. Access shall be unobstructed by any portion of a building.
- E. A commercial or industrial driveway shall be a minimum of twenty feet wide.
- F. Any off-street parking area designed to accommodate four or more vehicles shall be provided with an appropriate turnaround so that all vehicles may enter the street by forward motion.
- G. Where an accessory garage or carport is accessible

to vehicles from an alley, the accessory structure shall be located not less than five feet from the property line.

#### SECTION 2012 REQUIREMENTS IN CASE OF MIXED OCCUPANCY

In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements of the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for common facilities, or joint use.

#### SECTION 2013 COMMON PARKING FACILITIES

Common parking facilities may be provided in lieu of the individual requirements contained in this chapter, but such facilities shall be approved by the approval authority as to the size, shape, and relationship to business sites to be served, provided the total of such off-street parking spaces, when used together, shall not be less than the sum of the various uses computed separately. Such common parking area shall be adjacent to the building which it is intended to serve, and secured by a conjunctional parking agreement (if required) approved by the city.

Joint use of parking facilities as compared to common use shall be based upon hours of operation of mutual uses in which peak parking load requirements do not occur at the same time of day (i.e., daytime use vs. nighttime use). The applicant shall show in writing that there is no substantial conflict in the principal operating hours of the contributing uses for which the joint use of off-street parking facilities is proposed.

#### SECTION 2014 STORAGE AND OR PARKING OF COMMERCIAL VEHICLES IN R DISTRICTS

No commercial vehicle exceeding a manufacturer's gross weight of 10,000 pounds shall be parked or stored on a lot or parcel in any residential district.

#### SECTION 2015 PARKING LOT LIGHTING

Lighting shall be indirect, hooded and arranged to reflect light away from adjoining properties and streets. Light standards shall be a maximum of sixteen (16) feet in height.

#### SECTION 2016 PARKING LOT DIMENSIONS

All parking for public or private uses shall be provided in accordance with City Standards as established by the City Council.

## ARTICLE 21 - CONDITIONAL USE PERMITS

### SECTION 2101 PURPOSES

In certain districts, as specified in this ordinance, conditional uses may be authorized by the granting of a use permit. Because of their special characteristics, conditional uses require extraordinary consideration to minimize possible adverse impact upon surrounding properties. In order to give the district flexible use regulations that are necessary to achieve the objectives of this ordinance, the Planning Commission is empowered to grant and to deny applications for use permits and to impose reasonable conditions upon the granting of use permits.

### SECTION 2102 POWERS OF CITY PLANNING COMMISSION

The Planning Commission may grant or deny Use Permits for conditional uses in such districts as are prescribed in the regulations for each district in this ordinance with the procedures prescribed in this article.

### SECTION 2103 APPLICATION AND FEE

Application for a Use Permit shall be made to the Secretary of the Planning Commission on a form prescribed by the Commission which shall include the following data:

- A. Name, address and signature of the property owner.
- B. Statement that the applicant is the owner of the property or is the authorized agent of the owner.
- C. Address and legal description of the property.
- D. A concise statement setting forth the precise circumstances or conditions applicable to the land, structure use which makes the granting of a Use Permit necessary for the preservation and enjoyment of a substantial property right, together with all data pertinent to the findings prerequisite to the granting of a use permit.
- E. The complete application, together with the information required in Section 2204D that may be required by the Planning Commission to make the necessary findings, shall be accompanied by a fee set by resolution of the City Council sufficient to cover the cost of handling the application as prescribed in this article. If the application is incomplete, the application shall be returned to the applicant.
- F. In the event that an application for a conditional use permit requires the concurrent approval of other development plans, the plans shall be processed in accordance with other requirements as set forth in this code.

#### SECTION 2104 PUBLIC HEARING - NOTICE

The Planning Commission shall hold a public hearing on each application for a conditional use permit. Notice of the public hearing shall be given by the Secretary of the Planning Commission not less than ten (10) days nor more than twenty (20) days prior to the date of the hearing by mailing, postage prepaid, a notice of the time and place of the hearing to all persons whose names appear on the latest adopted tax roll of Kern County as owning property within three hundred (300) feet of the boundaries of the parcel occupied or to be occupied by the use which is the subject of the hearing.

#### SECTION 2105 PUBLIC HEARING - PROCEDURE

At the public hearing, the Planning Commission shall review the application and the statement and drawings submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 2107.

#### SECTION 2106 INVESTIGATION, REPORT and NOTICE

The Secretary of the Planning Commission shall make an investigation of the application as to its compliance with Section 2103 and shall prepare a report thereon which shall be submitted to the Planning Commission. Such report shall include a recommendation as to the action to be taken by the Commission and a statement supporting such recommendation. The Secretary of the Planning Commission shall give written notice to the applicant of the time when the application will be considered by the Planning Commission.

#### SECTION 2107 ACTION BY THE PLANNING COMMISSION

The Planning Commission may approve an application for a conditional use permit as applied for or in modified form if, on the basis of the application and the evidence submitted the Commission makes all of the following findings:

- A. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to or inharmonious with properties or improvements in the vicinity.
- B. That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.
- C. That the proposed location of the conditional use is in accordance with the objectives of the zoning chapter and the purposes of the district in which the site is located.

## SECTION 2108    CONDITIONAL USE PERMIT REVOCABLE

A use permit may either be revocable or be approved for a limited time period, or may be approved subject to such conditions as the Commission may prescribe.

The Commission also may deny an application for a use permit.

## SECTION 2109    EFFECTIVE DATE

A use permit shall become effective five (5) working days following the date on which the use permit is granted. The approved Use Permit with any conditions shown thereon or attached thereto, shall be dated and signed by the Secretary to the Planning Commission. One (1) copy of the said use permit and conditions shall be mailed to the applicant.

## SECTION 2110    APPEAL OF PLANNING COMMISSION DECISION

- A. Any applicant, the city, any concerned property owner or resident may appeal, in writing, a decision of the Planning Commission if the applicant, property owner or resident is of the opinion that the Commission's decision does not conform to City policies and standards. The appeal shall be accompanied by an appropriate fee as set by the City Council.
- B. Such appeal of a Planning Commission decision must be filed within five (5) working days following the Commission decision. The Secretary of the Commission shall then transmit to the City Clerk the use permit application and all other data filed therewith, the minutes of the public hearing, the staff report, the findings of the Commission and its decision on the application.
- C. At any regular City Council meeting held within 45 days after an appeal of a Planning Commission decision is received, the City Council shall review the decision. The City Council may affirm, reverse or modify a decision of the Planning Commission, provided that if a decision denying a use permit is reversed or a decision granting a use permit is modified, the Council shall, on the basis of the record transmitted, make the findings prerequisite to the granting of a use permit prescribed in Section 2107. The City Council shall refer the application back to the Planning Commission if new evidence is offered. In no event shall the City Council review a new application, or hear evidence that was not presented to the Planning Commission. This shall not preclude the further explanation of evidence previously heard by the Planning Commission.
- D. If the appellant's contentions are sustained by the next discretionary body, then the fee shall be returned to the appellant.

## SECTION 2111    BUILDING PERMIT

Before a building permit may be issued for any building or structure proposed as part of the approved conditional use permit application, the

Building Official shall determine that the proposed building location, facilities and improvements are in conformity with the site plan and conditions approved by the Planning Commission and/or City Council. For this purpose the applicant shall stake the property lines deemed necessary by the Building Official. Before a building may be occupied, the Building Official shall certify to the planning agency that the site has been developed in conformity with the site plan and conditions approved by the Planning Commission or the City Council.

#### SECTION 2112 LAPSE OF USE PERMIT

A use permit shall lapse and become void one (1) year following the date on which the use permit became effective unless by conditions of the use permit a lesser or greater time is prescribed in accordance with Section 2113, or unless prior to the expiration of one (1) year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application. A use permit may be renewed for an additional period of up to one (1) year provided that, prior to the expiration of the time period granted, an application for renewal of the use permit is filed with the Planning Commission. The Commission may grant or deny an application for renewal of a use permit.

#### SECTION 2113 TIME LIMIT FOR DEVELOPMENT

The Planning Commission may establish a lesser or greater time limit than that provided by Section 2112 within which the subject property and use or any stage or phase thereof shall be commenced and completed. The time limits set by the Planning Commission shall be reasonable, based on the size, nature and complexity of the proposed development.

#### SECTION 2114 PRE-EXISTING CONDITIONAL USES AND USE PERMITS

A conditional use permanently and legally established prior to enactment of this chapter shall be permitted to continue and may be either a conforming use or a nonconforming use.

A conditional use permit granted under the provisions of the Kern County Zoning Ordinance and supplementary provisions thereto prior to the enactment of this chapter shall, upon the annexation of the property affected to the City, become null and void at the end of one (1) year following the date of its original approval or extension thereof granted by the County prior to the annexation and shall thereafter be classified as a non-conforming use or be the subject of a new CUP application.

A use permit shall be required for the reconstruction of a structure housing a conditional use established prior to enactment of this chapter if the structure is destroyed by fire or other calamity or by an act of God or by the public enemy to the extent of seventy-five percent (75%) or more. The extent of such partial destruction shall be determined by the Building Official.

An accessory structure added to a conditional use may be administratively approved by the Planning Director.

#### SECTION 2115 REVOCATION

Upon violation of any applicable provisions of this chapter, or failure to comply with the conditions of approval, a use permit shall be suspended. Notice of such suspension shall then be sent immediately by the Secretary of the Planning Commission to the holder of the use permit with a copy thereof to the City Council. Within thirty (30) days of the suspension, the City Council shall consider the suspension. If not satisfied that the regulations, general provisions, conditions or conditions of approval are being substantively complied with, the City Council shall revoke the use permit and take such appropriate action as may be necessary to insure compliance with the regulations, general provisions and conditions of approval. The Secretary of the Planning Commission shall notify the applicant in writing of the City Council's decision. Upon notification of suspension, the holder of the use permit shall cease all activities on the property which are subject to the use permit.

#### SECTION 2116 NOTATION ON ZONING MAP

A use permit shall be indicated on the appropriate zoning map by a number located on the site of the conditional use (e.g., CUP 81-5).

#### SECTION 2117 NEW APPLICATION

Following the denial of a use permit application or the revocation of a use permit, no application for a use permit for the same or substantially the same conditional use on the same site shall be filed within one (1) year from the date of denial or revocation of the use permit.

#### SECTION 2118 USE PERMIT TO RUN WITH THE LAND

A use permit granted pursuant to the provisions of this article may run with the land and may continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application, or those which, by their terms, are not made permanent.

#### SECTION 2119 DENSITY LIMIT OR INTENSITY OF USE

No use for which a conditional use permit has been applied for shall exceed the residential density criteria as specified in the General Plan. For example, the Low-Density Residential criteria of the General Plan allows no more than six (6) units per gross acre. The only exception to this section is when an applicant applies for and is granted a conditional use for a mobilehome park as regulated by Article 12.

## ARTICLE 22 SITE PLAN REVIEW

### SECTION 2201 PURPOSE

The purpose of the site plan review process shall be both to assist the property owner in obtaining the best utilization of his property in accordance with good land use planning and design criteria, and to enable the planning agency to ensure that the proposed development is in conformity with the intent and provisions of the municipal code and the General Plan.

### SECTION 2202 DEFINITIONS

1. Approval Authority - The approval authority may be the City staff, Planning Commission and/or City Council.
2. Certificate of Acceptance - A written statement indicating that the construction of a project conforms to the site plan approved. It may be unified with the Certificate of Occupancy.
3. Site Plan - A detailed plan of development or improvement which must be reviewed and approved by the City prior to the issuance of a building permit. The site plan is intended to show the manner in which the applicant proposes to make use of his property.
4. Project - A project, as defined in this article is any development of a permitted or conditional use within the Commercial, Industrial, Professional Office, or Multiple Residential Districts, but shall exclude Single-Family residences.
5. Landscaped Area - Land set aside exclusively for shrubs, flowers, trees and/or other landscaping material so as to enhance the natural beauty of any given area where landscaping is required.
6. Landscaping - The planting or placement of a combination of suitable ornamental material and/or vegetation within the landscaped area. The design may include a combination of natural features such as rocks, stone, ornamental wood fences, walls, benches, or live plant material.

### SECTION 2203 APPROVAL REQUIRED

No person shall undertake, conduct or use, or cause to be undertaken, conducted or used, any projects covered by the site plan review process without having first complied with the provisions of this Article and obtained site plan approval.

### SECTION 2204 PROCEDURE

#### A. Pre-application Conference

A conference between appropriate City staff and any referral agencies deemed necessary and the applicant shall take place prior to

submission of the application. The purpose of this conference is to acquaint the City with the intentions of the applicant, to acquaint the applicant with the substantive and procedural requirements of this section and to identify City ordinances and improvement standards which create opportunities and/or pose significant constraints for the proposed development. The pre-application conference shall include, but not be limited to, the following subject matter:

1. Subject parcel: Its size, location and access; land use and development in the vicinity;
2. Proposed development: The type and placement of buildings and other improvements on the subject parcel and the proposed use and whether it is located in a flood or seismic hazard zone;
3. Public improvements: Type and amount of public facilities likely to be required by the development and method of providing and maintaining the same;
4. Location, type and method of maintenance of open space, landscaping and supporting facilities;
5. Proposed grading and site drainage;
6. Proposed internal circulation system, access and ingress points, and parking.

B. Staged Development

The preapplication conference shall include an exchange of information concerning the whole of the area intended by the applicant to be developed, even if such development is intended to proceed by stages, whether or not successive applications for additional site plan reviews are to be made.

C. Site Plan Submission

After the preapplication conference has been accomplished and the site plan map has been prepared and completed by the applicant, the applicant shall file said plans with the Planning Department. The application form, required number of copies and other technical details as may be required in support of the plan shall be an administrative responsibility of the Planning Department. The application shall be accompanied by the fee as required by Council. The applicant may be required to clarify, correct or supply additional information. The Planning Department shall not accept a site plan for filing if the application does not conform to the standards prescribed in Article 2204D.

D. Site Plan Map

The application shall be accompanied by the appropriate number of site plan maps, drawn at a reasonable scale on standard sheets 24 x 36 inches (maximum), which shall indicate the location of all known and proposed easements and improvements; type of improvements proposed to be demolished or relocated or constructed; and all evidence of a mapable nature including but not limited to:

1.
  - a. Parcel dimensions.
  - b. All existing and proposed buildings and structures including their locations, dimensions, number of stories, and proposed use.
  - c. Yards and open spaces between buildings.
  - d. Enclosures, dividers, barriers, walls and fences (location, height, and type shown).
  - e. Off-street parking layout showing number of spaces, overall dimensions, internal circulation patterns and markings, and handicapped parking.
  - f. Access - pedestrian, vehicular, service, points of ingress and egress, improvements, and internal circulation.
  - g. Signs, if proposed, showing location, type, size and height, types of materials and lighting.
  - h. Loading areas - location, dimensions and internal circulation.
  - i. Open storage areas - location, size and use.
  - j. Landscaping - giving a basic description of existing and proposed types of landscaping and watering system, as applicable.
  - k. Lighting - location and type of any proposed exterior lighting devices.
  - l. Street dedications and off-site improvements, existing and proposed.
  - m. Such other data as may be required by the Planning Agency to make the required findings.

2. Drawings and elevations but in no case shall plans submitted give less than the following information:
  - a. Elevations showing general appearance and features of proposed buildings.
  - b. Roof overhangs and any other parts of the structures that protrude from the building surfaces.
  - c. Floor area so as to determine necessary parking requirements.
  - d. Uses of each room (floor plans if available).

3. Minimum Landscaping Standards

- a. The purpose of this section is to establish the necessary criteria and standards for landscaping in the Multi-Family Residential, Commercial, Professional Office and Industrial Zones. The provisions of this section are intended to provide a transition between land uses and to provide a transition between land uses and to promote an attractive visual environment thereby increasing the visual image of the City.
- b. All projects in the R-2, R-3, R-4, PO, C and M Zones shall provide the following minimum coverage of landscaping.

R-2, R-3 and R-4	10% of net lot or site area
PO	7½% of net lot or site area

C	5% of net lot or site area
M	2½% of net lot or site area

In addition to the above percentages, only 1/2 the above percentage shall be applicable to that area over and above 10,000 square feet.

- c. No sign, foliage or structural features shall extend into the cross-visibility area between 3'6" and 7' above the surface of the public sidewalk, near entrance and exit points of a parking lot or a street intersection, or within the parking area.
- d. Landscaping structural features shall be maintained in a sound structural and attractive condition.
- e. All planting shall be maintained in a healthy and attractive condition.
- f. There are some areas of the city in which there are inherent practical and physical difficulties in providing landscaping in the percentages specified in 3.b above. In this case, the Planning Director may reduce the required percentages subject to Planning Commission review.

#### SECTION 2205 STREET DEDICATION AND IMPROVEMENTS

Because of changes that may occur in the local neighborhood due to increases in vehicular traffic generated by facilities requiring a site plan review, the following types of dedications and improvements may be required if deemed necessary by the approving authority as a condition or conditions of approval for any site plan:

- 1. Developments bordering or traversed by existing or planned streets or alleys.

If the development borders or is traversed by an existing street or alley the applicant shall be required to:

- a. Dedicate all necessary rights-of-way to widen bordering local, collector, and arterial streets and alleys to the extent of one-half (1/2) the ultimate width established by the City as the standard for such street.
- b. Dedicate all necessary rights-of-way to widen a traversing local, collector or major arterial street and alley to its ultimate width established by the City as the standard for such street.
- c. Set back all facilities the required distance from ultimate property lines along a major street and alley as shown on any master, official or precise plan of streets and highways.

- d. Install curbs, gutters, sidewalks, street signs, street lights along one side of a bordering or along along both sides of a traversing, collector or major arterial street or alley.
  - e. Install utilities and drainage facilities to the full extent of the service requirements generated by the development.
  - f. Grade and improve bordering local, major, or collector streets from curb to the centerline of the ultimate right-of-way unless previously improved and accepted by the City.
  - g. Grade and improve traversing local, collector and arterial streets from curb to curb, unless previously improved and accepted by the City.
  - h. Grade and improve a planned and designated frontage road or alley to full width unless previously improved and accepted by the City.
2. All improvements shall be to City standards existing at the time the site plan is approved and shall be installed at the same time as the proposed development. Where it is determined by the Director of Public Works, Planning Commission, or City Council that it is impractical to construct any or all improvements at the time of the proposed development, an agreement to construct such improvements in the future may be accepted in lieu thereof. In this event, the property owner shall enter into an agreement with the City for the provision of improvements before a building permit may be issued, at which time a security shall be posted with the City in an amount equal to the estimated cost of the improvements as determined by the City Engineer.

#### SECTION 2206 SITE PLAN ACCEPTANCE

The Planning Department shall, within seven (7) working days after filing of the site plan, determine in writing whether the application is complete or incomplete, and notify the applicant of this determination. If the application is determined to be incomplete, the Planning Department shall specify those parts of the application and attendant plans which are incomplete and shall indicate the manner in which they can be made complete. If the application is complete, the Planning Department shall notify the applicant that said application is complete and that a draft staff report, if applicable, has been completed. The Planning Department may convene a meeting, if necessary, with the applicant to discuss the staff report and the attached conditions of approval. After the completion of that meeting and the mutual agreement as to conditions of approval that may be applied to the site plan, the Planning Department shall approve or disapprove the site plan and give appropriate legal notices if required, and/or shall place the matter on the next available Planning Commission agenda, and/or process the application as otherwise provided in this Article. The applicant may, at any time, appeal any conditions imposed by the approval authority to the next higher body having jurisdiction.

#### SECTION 2207 DETERMINATION BY THE APPROVAL AUTHORITY

The determination of the approval authority as to the merits of the proposed site plan, as to whether the site plan meets the principles, standards, policies and goals of the General Plan and the Municipal Code, as deemed necessary to protect the public health, safety and general welfare shall be based upon the following minimum criteria and also constitute the findings to be made by the approval authority in approving or denying a site plan. Conditions of approval shall be imposed upon the project in order to accomplish the objectives of the Municipal Code and General Plan.

- A. That the uses permitted, or conditionally permitted, by the zone district are applicable.
- B. That the uses and densities proposed are consistent with the intent, objectives and goals of all applicable elements of the General Plan.
- C. That the proposed development is properly and functionally related to essential on-site facilities, such as parking, loading and unloading areas, traffic circulation and points of vehicular and pedestrian ingress and egress.
- D. That a reasonable degree of physical, functional and visual compatibility between the proposed project and neighboring uses and neighborhood characteristics is assured.
- E. That through the planning design, and placement of buildings, the provision of open space and other site facilities of the proposed development, sufficient assurance is provided that will foster and maintain the health, safety and general welfare of the community as a whole.
- F. The development will constitute an adequate environment for the intended use by sustaining the desirability and stability of the neighborhood and will be in harmony with the character of the surrounding neighborhood and community.

The approval authority shall, based upon the above criteria and findings, approve, deny, delete or amend the conditions of approval associated with said site plan.

The adoption, approval or denial of the site plan shall be effective five (5) days after the order of adoption, approval or denial of the site plan unless notice of appeal is filed pursuant to Section 2208 within such period of five (5) days.

#### SECTION 2208 APPEAL

- A. Any applicant, the city, any concerned property owner or resident may appeal, in writing, a decision of the approving authority if such person(s) is of the opinion that the decision regarding the application and the conditions of approval applied thereto does not conform to City policies, Municipal Code and standards. Such appeal shall be accom-

panied by a fee as set by Council. In this event, the application shall be sent to the next discretionary body having approval authority (Planning Commission or City Council, as applicable, which may either sustain the actions of the staff and/or Planning Commission, amend, or disapprove the site plan.

- B. In the event no appeal is filed within the time period specified in Section 2207, the approving authority's decision will be final.
- C. If the appellant's contentions are sustained by the next discretionary body, then the fee shall be returned to the appellant.

#### SECTION 2209 TIME LIMITS FOR CONSTRUCTION OF APPROVED SITE PLAN

Approval shall lapse and shall become void one (1) year following the date on which the approval became effective, unless prior to the expiration date a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site which was the subject of the application.

The applicant, after paying an appropriate fee as set by Council, may apply for an extension of time for a maximum of one additional year.

#### SECTION 2210 SITE PLAN REVOCATION

Upon violation of any applicable provisions of this chapter, or failure to comply with the conditions of approval, the approved site plan may be suspended and the building official may suspend applicable building permits, upon written direction of either the Director of Public Works or the Director of Community Development. Notice of the suspension shall be sent immediately by the building official to the person or persons responsible for noncompliance and to the City Council. The basis for such suspension shall include but not be limited to:

1. The approval was obtained by fraud.
2. The site plan is being built or has been executed contrary to the approved plans, conditions or terms of approval, or in violation of any statute, ordinance, law or regulation.

Within 30 days, and if the applicant or project sponsor does not correct the discrepancies that were the basis of the suspension in a manner that is acceptable to the Building Official, the Building Official shall notify the City Council. Upon notification, the Council shall hold a public hearing within 30 days in the manner prescribed by Section 2508.

If the Council is not satisfied that the regulations, general provisions, conditions of approval are being complied with, the Council may revoke the permits and/or take such action as may be necessary to insure compliance with such regulations, general provisions and conditions of approval. The City Clerk shall notify the applicant in writing of Council's decision.

#### SECTION 2211 ADMINISTRATIVE APPROVAL OF SELECTED SITE PLANS

## A. Administrative Projects

This section shall apply to projects that may be administratively approved and are categorically exempt under the City's Environmental Review Procedures. They may include but are not limited to the following:

1. Additions to existing structures
  - a. 50% increase in floor area or 2,500 square feet, whichever is less.
  - b. An increase of 10,000 square feet or less floor area for structures and facilities where all public facilities are available to allow for maximum development permissible by the General Plan.
  - c. Conversion of single-family dwelling to office use.
2. Replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and have substantially the same purpose and capacity as the structure replaced.
3. New construction or conversion of small structures
  - a. 6 apartments or less
  - b. Stores, motels, offices, restaurants, light manufacturing buildings, and similar small structures if designed for an occupancy load of 30 or less, if not constructed in conjunction with the building of four (4) or more structures.

The Planning Department may refer any project included in this section to the the Planning Commission for consideration when in the opinion of the Planning Director there may be doubt as to the applicability of the above administrative approval process and that the findings required in Section 2207 cannot be made.

## B. Coordination

The Department of Community Development shall coordinate the Administrative Site Plan Review, incorporating the determination of the Director of Public Works or his authorized representative on engineering and technical aspects such as drainage, traffic, design details of all improvements, and required public improvements.

## SECTION 2212 SITE PLAN APPROVED BY PLANNING COMMISSION

All site plans not mentioned in Section 2211, including but not limited to the following, and all applicable conditional uses, shall be processed and considered by the Planning Commission. The standards, criteria, general plans, procedures, etc., as specified in this Article shall be applicable.

1. Seven (7) or more dwelling units.
2. Mobilehome parks.

3. Professional offices.
4. Neighborhood Commercial.
5. General Commercial and Service Commercial
6. Industrial.
7. New municipal facilities, public schools, and public buildings and recreational plans of a municipal or private nature.
8. Planned unit developments.

## SECTION 2213 PERMIT PROCESS AND CERTIFICATE OF ACCEPTANCE

### A. Permit Process

Upon approval of the site plan application; the applicant shall submit complete construction plans (working drawings) to the Department of Public Works for checking, approval and permit review.

1. Plans shall be prepared and submitted in accordance with established City policy and shall include the following:
  - a. The approved site plan map.
  - b. Location, dimensions, and engineering design of all public improvements that are required by the Municipal Code and the site plan approval.
  - c. Location of all utility connections and service installations required or proposed.
  - d. A site drainage and grading plan, indicating sufficient grading and construction dimensions and elevations to allow staking, construction and checking.
  - e. Location, dimensions and types of onsite surface improvements to be constructed.
  - f. All existing public improvements and utility facilities that are adjacent to the work on the site with any necessary removals, adjustments or relocations noted.
  - g. All building plans, structural details, calculations and supporting data required by the Uniform Building Code, related codes and the Municipal Code.
2. Nothing herein shall be construed to discourage incorporation of any of the above design considerations into the site plan map; however, the site plan review shall not be construed as approval of such details unless specifically referenced as a condition, and the Director of Public Works may approve technical modifications to such details.
3. The Director of Public Works or his designated representatives shall, through the permit process, be responsible for assuring compliance of the project with the approved site plan application, the Municipal Code, applicable State codes and approved City policy. In matters related to non-technical aspects of the site plan approval he may refer to the Department of Community Development for interpretation.

B. Certificate of Acceptance

After construction and before occupancy of the project, the Public Works Director or his authorized representative shall inspect the development to determine that all conditions that have been approved by the approval authority and are associated with the approved site plan have been complied with. If so, he shall issue a certificate of acceptability. The development shall not be occupied and the use shall not take place until the certificate of acceptability is issued.

The certificate of acceptability may be combined with the use and occupancy permit.

SECTION 2214 SITE PLAN APPROVAL TO RUN WITH THE LAND

Except as otherwise specified in this article, any site plan approved pursuant to the provisions of this article shall run with the land and shall continue to be valid upon a change of ownership, notwithstanding the requirements of Section 2209.

## ARTICLE 23 PLANNED UNIT DEVELOPMENT

### SECTION 2301 PURPOSE AND INTENT

The Planned Unit Development Subdivision is intended to allow diversification in the relationship of various land uses, buildings, structures, lot sizes, setbacks, open space and subsequent design. The Planned Unit Development provides an integrated development by offering the opportunity for cohesive design when flexible regulations are applied. It offers the opportunity to provide a more functional, aesthetically pleasing and harmonious living and working environment within the city which otherwise might not be possible by strict application and adherence to the other articles of this code. In certain instances, the objectives of this code may be achieved by the development of planned unit developments which do not conform in all respects with the land use pattern designated on the General Plan. A planned unit development may include a combination of different dwelling types and/or variety of land uses which are made to complement each other and any existing and proposed land uses in the vicinity.

### SECTION 2302 ESTABLISHMENT OF PUD ZONING DISTRICT

Unless initiated by the city, an application for a zone change to a planned unit development zoning overlay district for a specific parcel or area shall include a preliminary development plan as specified herein.

The city may initiate a zone change to a planned unit development zoning district for a specific parcel or area without providing development plans when the purpose of such zone change is determined to serve the best interests of the city.

### SECTION 2303 APPLICATION FORM

The following information shall be supplied by the applicant for a Planned Unit Development. It is recommended that the applicant first request the Planning Department to convene a pre-application conference with appropriate city departments before submitting the application. All applications shall be accompanied by an appropriate fee as set by Council.

1. A preliminary development plan, drawn to a reasonable scale on 24" x 36" standard sheets, which shall indicate:
  - a. The proposed use or uses of all land within the subject area and the conceptual architectural design of all typical buildings and structures proposed in the development.
  - b. A circulation plan for all vehicular or pedestrian ways.
  - c. Landscaping, parking, recreation areas, and other proposed common or open space areas.

d. General indication of drainage and utility provisions to serve the development.

e. Location and type of all proposed and existing structures, and indicating the location of all known and proposed easements.

2. Provide a statement of reasons for including, in part or whole, any commercial, office, or other non-residential uses in the development.
3. Provide a statement concerning any proposal to locate public or quasi public, recreational and educational areas within the development, including anticipated financing, development and maintenance.
4. Approximate location and number of dwelling units.
5. Provide a statement indicating how and why the proposed development conforms to the General Plan.
6. Provide a statement requesting the zone change signed by the owner (in fee) of the subject land and the owner of any option to purchase the property or any portion thereof, if any.
7. Any additional information as may be required by the Planning Commission at the time of the public hearing in order that the Planning Commission may make the necessary findings.
8. Preliminary title report or other proof of ownership.

#### SECTION 2304 REZONING PROCEDURE

A rezoning application shall be processed concurrently with the preliminary development plan as follows:

1. As required by Title 7 of the Government Code of the State of California and Article 25 of this code.
2. If the application, preliminary development plan and zoning are approved by the City Council, the Zoning Map of the area shall be changed by identifying the area with the map symbol P.U.D. as an overlay on the existing underlying zonings.
3. The Preliminary Development Plan, as approved, shall be filed with the Planning Department and shall, by reference, be incorporated into and thereby become a part of the Zoning Ordinance.
4. After the effective date of the ordinance change to the P.U.D. overlay, no grading or land clearing shall take place, nor shall any building or structure be erected, moved or altered on the subject property except when in compliance with the Final Development Plan as approved by the Planning Commission.

## SECTION 2305 TENTATIVE MAP AND PRECISE DEVELOPMENT PLAN

- A. A Tentative Map and Precise Development Plan shall be submitted for Planning Commission approval, and approved by the Planning Commission prior to issuance of any construction permits or recording of the final map.
- B. The Tentative Map shall conform to all applicable provisions of the Subdivision Map Act and the Municipal Code.
- C. The Precise Development Plan shall include the following minimum information:
  1. A site plan showing location and general dimensions of all proposed streets, parking areas, pedestrian ways, recreational and common use facilities, general landscaping features, and the locations, number of stories and number of dwelling units of proposed buildings.
  2. Conceptual elevations or perspective drawings showing general architectural appearance of proposed buildings.
  3. Preliminary plans of all proposed utilities including but not limited to water, sewer, communications, power and natural gas.
  4. Preliminary drainage plan providing engineering information to determine adequacy.
  5. A general statement indicating planned phases and timing of implementation.
  6. A general statement of proposed provisions for maintenance and operation of common facilities.
- D. Nothing herein shall preclude an applicant from submitting the Tentative Map and Precise Development Plan concurrently with the rezoning and preliminary plan applications.

## SECTION 2306 FINAL DEVELOPMENT PLAN PROCEDURE

The Final Development Plan shall be submitted to the Planning Commission through the Planning Director. The Planning Director shall circulate the tentative map and precise plan to all affected agencies, departments, and utilities for review and comments.

The Planning Director shall coordinate and prepare a report to the Planning Commission incorporating the comments and recommendations received from affected agencies, departments and utilities. The Planning Director's report shall be set for Commission review at a regular or special meeting thereof, held no later than forty-five (45) days following submission. The Planning Commission shall thereupon review the Final Development Plan for substantial consistency with the approved preliminary plan, in accordance

with this Article. If the subdivider or any aggrieved person is dissatisfied with any action of the Planning Commission with respect to the Final Development Plan, he may, within ten (10) days after such action, appeal in writing to the City Council, as provided in Section 2110. The City Council shall hear the appeal, upon notice to the subdivider and the Planning Commission, within thirty (30) days. Upon conclusion of the hearing the City Council shall declare its findings based upon the testimony and documents produced before it. It may sustain, modify or overrule any findings or decision of the Planning Commission and may make such findings and decisions as are not inconsistent with the law.

#### SECTION 2307 LATITUDE OF REGULATIONS

The Planning Commission may require in the preliminary and final development plan: standards, regulations, limitations, conditions and restrictions either more or less restrictive than those specified elsewhere in the Municipal Code and which are designed to protect and maintain property values and community amenities and which foster and maintain health, safety and general welfare of the community, including and relating to but not limited to the following:

- A. Height limitations on buildings and structures;
- B. Percent coverage of land by buildings and structures;
- C. Parking ratios and areas so expressed in relation to use of various portions of the property and/or building floor area;
- D. The location, width and improvement of vehicular and pedestrian access to various portions of the property including portions within abutting streets;
- E. Planting and maintenance of trees, shrubs, plants and lawns in accordance with a landscaping plan;
- F. Construction of fences, walls and floodlighting of an approved design;
- G. Limitations upon the size, design, number, lighting and location of signs and advertising structures;
- H. Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;
- I. Location and size of off-street loading areas and docks;
- J. Uses of buildings and structures by general classification, and specific designation when there are unusual requirements for parking; or when use involves noise, dust, odor, fumes, smoke, vibrations, glare or radiation incompatible with present or potential development of surrounding property;
- K. Architectural design of buildings and structures;
- L. Schedule of time or phasing for construction and establishment of the proposed buildings, structures or land uses or any stage of development thereof;
- M. Requiring of performance bonds to insure development as approved, if deemed necessary by the Planning Commission;
- N. Submit conditions, covenants and restrictions (CC&Rs) and other private deed restrictions, as approved by the Department of Real Estate, that are necessary to assure the continued viability and maintenance of the proposed development.

#### SECTION 2308 REQUIRED FINDINGS

In approving and adopting the rezoning application with the preliminary development plan, the Planning Commission and the City Council shall find, and subsequently in approving the final development plan, the Planning Commission shall find the following:

- A. The applicant intends to start construction within two years from the effective date of the zoning change;
- B. The proposed planned unit development substantially conforms to the General Plan;
- C. In the case of residential, commercial, and/or office development, that such development will constitute an urban environment of sustained desirability and stability, and that it will be in harmony with the character of the surrounding neighborhood and community;
- D. The development of a harmonious, integrated plan justifies exceptions from the normal application of this code;
- E. The conditions placed upon this development are necessary to achieve the purpose and intent of this article.

#### SECTION 2309 TERMINATION OF THE P.U.D. ZONE

- A. If within eighteen months of the effective date of the establishment of the P.U.D. zone and the preliminary development plan a final development plan is not submitted to the Planning Commission, the P.U.D. zone shall become null and void and the land use zone classification shall revert back to the designation in effect immediately before the P.U.D. zone.
- B. In the event that the applicant submits his final development plan within the eighteen months specified in subsection (A) and such plan is approved by the Planning Commission, the applicant shall commence construction no later than one year from the effective date of the zoning change. If, within such period, the construction specified, not including grading, in said final development plan has not been commenced, then the P.U.D. zone shall become null and void and the land use classification shall revert back to the designation in effect immediately before the P.U.D. zone.
- C. Extensions of time to commence construction, not to exceed more than two for one year each, may be granted by the Planning Commission with the approval of the City Council upon presentation of proof of substantial hardship that inhibits the commencement of the development.

#### SECTION 2310 MINIMUM STANDARDS

1. There shall be no minimum site area for a Planned Unit Development (PUD) provided that any PUD under two (2) gross acres in size shall be subdivided only as an air-space condominium.
2. A Planned Unit Development (PUD) shall include only those uses allowed as either permitted or conditional uses in the zoning district in which the PUD is located, subject to the following exceptions:

- A. A PUD on a site greater than five (5) gross acres located in the R-1 R-2, R-3, R-4, PO, or CN districts may include such additional uses as are permitted or conditional in the R-4 and CG districts.
  - B. A PUD on a site greater than five (5) gross acres located in the CG, CS, or M districts may include such uses as are permitted or conditional in the R-1, R-2, R-3 and R-4 districts.
3. Any residential condominium development proposed as part of a PUD shall meet the site requirements of the Subdivision Chapter of the Municipal Code.
  4. The minimum common open space, not including streets or parking, in a planned unit development shall be as follows:
    - 10% of the net site area used for industrial or commercial development. This area shall be used for landscaping and walkways.
    - 20% of the net site area used for multi-family residential or single-family condominium development. This area shall be used for landscaping, walkways, and common recreational areas.
  5. All appropriate areas, as approved by the approval authority, fronting on or visible from an adjacent public street shall be landscaped in an attractive manner and maintained by the development.
  6. All roof-mounted heating and cooling equipment proposed for any commercial or industrial structure located within a PUD shall be screened from public view by a parapet or other structural feature designed to match other portions of the building.

#### SECTION 2311 RESIDENTIAL DENSITY

- A. Open area and density per dwelling unit shall be as shown on the final development plan for the particular P.U.D. District as approved by the Planning Commission and the City Council. The permitted number of dwelling units may be distributed within the planned residential development in accordance with the conditions and terms established pursuant to this chapter without applying the regulations of the underlying zone or zones.
- B. Any increase in the number of dwelling units beyond that which would be permitted under such underlying district regulations shall be limited to that which the Planning Commission and the City Council finds to be compensated for by quality and distinction of the various elements of the development plan, including:
  - (1) Common open space or privately owned and developed open space, private driveways, park strips and parking areas;

(2) Design of vehicular circulation;

(3) The general excellence of the design as a whole including, among other criteria, the treatment of pedestrian ways, areas for recreational uses and the general welfare of the neighborhood.

#### SECTION 2312 FINAL DEVELOPMENT PLAN MODIFICATION

The final development plan may be modified by submitting an application with an appropriate fee as set by Council for such modification according to the same procedure as is required in the initial review and approval of the final development plan. The flexibility of code requirements, ordinarily required in other districts, permitted in any initial approval of a P.U.D. zone shall not be considered as precedent setting, or as a lone compelling reason for approving any modification.

Any application for a modification may be approved only after it has been found that it does not deviate from the intent and purpose of this zone, and those other provisions of this Article so that the necessary findings may be made. Minor modifications to the Engineering or Planning conditions of a Planned Unit Development shall not necessarily be processed as stated above. The City Engineer and Community Development Director are authorized to accept and authorize modifications to an approved Planned Unit Development providing the modification is in substantial compliance with the approved plan.

#### SECTION 2313 MAINTENANCE OF COMMON AREAS AND NONDEDICATED IMPROVEMENTS AND FACILITIES

All common areas, including open spaces, community recreation facilities, common walkways, parking areas, private streets, sidewalks, curbs and gutters and all improvements as required by the Subdivision Regulations of the City of Ridgecrest which are not dedicated and accepted, may be constructed only upon full and adequate provision for their preservation and future maintenance in a manner acceptable to the City.

In addition, all areas outside the property lines between sidewalks and the property lines shall be maintained via maintenance districts or provisions of the CC&R's to guarantee the perpetual maintenance of right-of-way landscaping.

Such provision may be satisfied by a declaration of covenants, conditions and restrictions duly signed and acknowledged by the owner; Articles of Incorporation to be filed with the Secretary of State forming a corporation or association, which shall include provision for empowering such entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of such entity to be fully set forth in the declaration; bylaws of the entity which shall set forth rules of membership, required fees and assessments to be used for maintenance purposes, membership rights and duties; and

forms of deeds incorporating the declaration by reference to its recording data. All documents must be referred to the City Attorney for review and have the approval of the Planning Commission as to their sufficiency to accomplish their purpose. The owners of the properties shall, as a condition of such ownership, be required to participate in the legal entity so formed and be responsible to said legal entity for the cost of performing the necessary maintenance.

SECTION 2314 FINAL MAP AND PERMIT PROCESS

- A. Upon Planning Commission approval of the Tentative Map and Precise Development Plan, the applicant shall prepare and submit the following to the Director of Public Works for plan and map review and approval:
  - 1. The Final subdivision map if applicable.
  - 2. Engineering plans and specifications (working drawings) of all proposed public and private streets, utilities, parking and other common facilities.
  - 3. Plans and specifications for all structures and facilities requiring building permits.
- B. The Director of Public Works or his designated representatives shall be responsible for assuring compliance of the project with the approved Tentative Map and Precise Development Plan, the Municipal Code, applicable State codes, and approved City policy as related to engineering and construction.

## ARTICLE 24 VARIANCES

### SECTION 2401 PURPOSE

The Planning Commission is hereby empowered to grant variances in order to lessen practical difficulties and unnecessary physical hardships inconsistent with the objectives of the zoning ordinance which would result from a strict or literal interpretation and enforcement of the regulations prescribed by this ordinance. A practical difficulty or unnecessary physical hardship may result from the existing size, shape or dimensions of a site or the location of existing structures thereon from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from population densities, street locations or traffic conditions in the immediate vicinity. The power to grant variances shall not extend to use regulations.

### SECTION 2402 AUTHORITY OF CITY PLANNING COMMISSION

The Planning Commission may grant variances to the regulations prescribed by this ordinance with respect to fences and walls, site area, width, frontage, depth, coverage, front yard, rear yard, side yards, height of structures, distances between structures, off-street parking facilities and off-street loading facilities, in accordance with the procedure prescribed in this article.

### SECTION 2403 APPLICATION AND FEE

Application for a variance shall be made to the Planning Commission, accompanied by a fee as set by the City Council, on a form prescribed by the Planning Commission, which shall include the following data:

- A. Name and address of the applicant;
- B. Signature of the owner and a statement that the applicant is the owner of the property or is the authorized agent of the owner;
- C. Address and legal description of the property;
- D. A concise statement of the precise nature of the variance requested, showing the practical difficulty or unnecessary physical hardship that is inconsistent with the objectives of the zoning ordinance, together with any other data pertinent to the findings prerequisite to the granting of a variance prescribed in Section 2407.

The application shall be accompanied by a site plan which shall comply with the provisions of Section 2204D.

The application shall be filed with the Secretary of the Planning Commission and shall be considered by the Planning Commission within sixty (60) days following the filing date. The Secretary of the Planning Commission shall give notice to the applicant of the time when the application will be considered, and he may give notice of the time to any other interested party.

## SECTION 2404 HEARING AND NOTICE

The Planning Commission shall hold a public hearing in accordance with the provisions of Sections 2104 and 2105.

## SECTION 2405 PUBLIC HEARING - PROCEDURE

At a public hearing, the Planning Commission shall review the application and the statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 2407.

## SECTION 2406 INVESTIGATION AND REPORT

The Secretary to the Planning Commission shall make an investigation and shall prepare a report thereon in accordance with the provisions of Section 2106.

## SECTION 2407 ACTION OF THE PLANNING COMMISSION

- A. The Planning Commission may grant a variance to a regulation prescribed by this ordinance as applied for or in a modified form, if, on the basis of the application, investigation and evidence submitted, the Commission makes all the following findings:
1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.
  2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.
  3. That strict or literal interpretation and enforcement of the specified regulations would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
  4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
  5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The Planning Commission may grant a variance to a regulation prescribed by this ordinance with respect to off-street parking facilities or off-street loading facilities as the variance was applied for or in modified form, if, on the basis of the application, investigation and the evidence submitted,

the Commission makes the findings prescribed in paragraph A of this section and the following additional findings:

1. That the granting of the variances will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
2. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of the zoning ordinance.

A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Planning Commission may prescribe. The Planning Commission may deny a variance application.

A variance shall become effective upon the expiration of ten (10) days following the date on which the variance was granted unless an appeal has been taken to the City Council in accordance with Section 2110.

#### SECTION 2408 LAPSE OF VARIANCE

A variance shall lapse and shall become void one (1) year following the date on which the variance becomes effective unless by conditions of the variance a greater time is allowed,, or unless prior to the expiration of one (1) year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site or the permit or entitlement is executed which was the subject of the variance application.

#### SECTION 2409 NEW APPLICATION

Following the denial of a variance application, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one (1) year of the date of denial of the variance application or revocation of the variance.

ARTICLE 25 AMENDMENTS TO ZONE DISTRICT BOUNDARIES AND ZONING ORDINANCE  
TEXT CHANGES

SECTION 2501 PURPOSE

As the General Plan of Ridgecrest is put into effect over the years, there will be a need for changes in district boundaries and other regulations of this ordinance so as to accomplish the purpose and intent of the Zoning Code. As the General Plan is reviewed and revised periodically, other changes in the regulations of this ordinance may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this article.

SECTION 2502 INITIATION

A change in the boundaries of any district may be initiated, if consistent with the General Plan, by the City of Ridgecrest, an owner of the property or a majority of the property owners within the area for which a change of district boundaries is proposed, or the authorized agent of the owner.

A change in boundaries of any district, or a change in district regulations, general provisions, exceptions, or other provisions of this chapter may also be initiated by action of the Planning Commission or City Council.

SECTION 2503 APPLICATION AND FEE

A property owner or his authorized agent desiring to change the zoning district boundaries in which his property is located shall file an application on a form prescribed by the Secretary, which shall include the following data:

- A. Name and address of the applicant.
- B. Signature of the owner and a statement that the applicant is the owner of the property for which the change in district boundaries is proposed, or the authorized agent of the owner.
- C. Address and legal description of the property.

The application shall be accompanied by a drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site, showing the location of streets and property lines which are the subject of the zone change request.

The application shall be accompanied by a fee set by a resolution of the City Council.

SECTION 2504 PUBLIC HEARING - NOTICE

The Planning Commission shall hold a public hearing on each application for a change of district boundaries or district regulations, general provisions, exceptions or other provisions of this chapter within sixty (60) days of the date when the application was filed and was complete. Notice of public hearing shall be given by the Secretary of the Planning Commission not less

than ten (10) days nor more than twenty (20) days prior to the date of the public hearing by publication of a notice of the time and place of the hearing in a newspaper of general circulation published and circulated within the City, and by mailing, postage prepaid, a notice of the time and place of the hearing to all persons whose names appear on the latest adopted tax roll of Kern County as owning property within three hundred (300) feet of the boundaries of the parcel which is the subject of the hearing.

#### SECTION 2505 INVESTIGATION AND REPORT

The Secretary to the Planning Commission shall make an investigation of an application and shall prepare a report thereon which shall be submitted to the Planning Commission, including a recommendation as to the action to be taken by the Commission and a statement supporting such recommendation.

#### SECTION 2506 HEARING

At the public hearing the Planning Commission shall review the application or the proposal and may receive pertinent evidence as to why and how the proposed change is necessary to achieve the objectives of the zoning chapter, and how or why the proposed change is consistent with the stated purposes and goals of the General Plan, and for the zone classification proposed.

The Commission may review proposals for the use of the property for which a change in district boundaries is proposed or plans or drawings showing proposed structures or other improvements, in light of the fact that under the provisions of this chapter a change in district boundaries can be made conditionally.

#### SECTION 2507 ACTION OF THE PLANNING COMMISSION

Within thirty (30) days following the completion of the public hearing, the Planning Commission shall make a specific finding in writing as to whether the change in district boundaries is required to achieve the objectives of the zoning chapter and whether the change would be consistent with the purposes and intended application of the zone classification proposed. The Commission shall either approve and recommend the enactment of the proposed amendment, and where appropriate, require contractual commitment and surety bonding to satisfy specified conditions, disapprove it, or recommend an alternative zoning district more restrictive than that proposed. The recommendation for each alternative zoning district shall constitute a disapproval of the district amendment originally proposed.

If the zone change or text amendment is approved by the Planning Commission, the Commission shall transmit a report to the City Council recommending that the application be granted, including a written statement of the reasons for the recommendation together with one (1) copy of the application, resolution of the Commission, all other data filed therewith, the minutes of the public hearing, and the report of the Secretary to the Planning Commission. If the Commission denies and recommends against the rezone application, the City Council shall not be required to take further action unless appealed by the applicant or aggrieved party. Any aggrieved party may appeal the decision of the Planning Commission in accordance with Section 2110.

SECTION 2508 ACTION OF THE CITY COUNCIL

Upon receipt of an appeal, resolution or report of the Planning Commission, the City Council may ratify the action of the Planning Commission unless an interested party shall request a public hearing by filing a written request with the City Clerk within five (5) days after the Planning Commission files its recommendations with the City Council. In this case, the City Clerk shall set the public hearing.

Notice of time and place of said hearing shall be given in the time and manner prescribed under Section 2504 of this article. If no appeal is filed, the City Council is not required to conduct a noticed public hearing.

The City Council shall make a specific finding in writing as to whether the amendment is required in order to achieve the objectives of the zoning ordinance and whether the amendment would be consistent with the purposes and application intended for the zoning district classification proposed and consistent with the General Plan.

The City Council may approve, modify, or disapprove the recommendation of the Planning Commission, provided, however, that any modification not considered by the Planning Commission shall first be referred to the Planning Commission for consideration. In no event shall the Council review or hear evidence that was not heard by the Commission. This does not preclude the further explanation of evidence previously heard by the Commission. The Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days of the referral shall be deemed to be approval of the proposed modification.

If the Council finds that the proposed change is required in its original or modified form, it shall enact an ordinance amending the regulations of this chapter. If the Council finds that a change is not required, it shall deny the application.

SECTION 2509 CONDITIONAL ZONING EXCEPTION

1. a. Whenever an application is filed with the Planning Commission for a change in district boundaries, the Planning Commission or City Council, in lieu of granting or denying said application, may grant to the applicant a conditional zoning exception which will permit said applicant (or his assignee) to develop or use said property in accordance with said application and the provisions of this section.

In filing an application, the applicant may request that the application be considered as a request for a conditional zoning exception.

- b. If a change in zoning district boundaries is made conditional upon certain events taking place or conditions being fulfilled by the applicant, such events and conditions thus imposed upon the rezoning application must be made to fulfill public needs reasonably expected to result from the allowable uses and/or development of the property or to avoid circumstances adverse to the public health, safety, con-

venience or welfare. Such conditions shall relate to the special problems of the property if rezoned, such as vehicular or pedestrian access and traffic, grading or topography, drainage, water, sewer and other infrastructure utilities or the proposed physical developments affecting nearby properties.

2. Before a conditional zoning exception may be approved by the Planning Commission or granted by the City Council, the Commission or Council may require the applicant to submit additional information relative to his proposal in the manner required in the filing of an application for a Conditional Use Permit and Site Plan Review.
3. The Planning Commission may approve and the City Council may grant a conditional zoning exception subject to any of the conditions prescribed in Article 21 or 22.
4. Upon being granted a conditional zoning exception by the City, the applicant shall develop his property in accordance with applicable approved plans and conditions imposed under the provisions of this section and within a time fixed by the City Council in granting said exception, or within one (1) year from the date of the granting of the exception where another time is not fixed by the Council, or with any extension of said period that may be granted when requested by the applicant.
5. Upon the development and use of property in accordance with the provisions of paragraph 4 of this section, the district or part thereof for which the conditional zoning exception was granted shall thereupon be considered rezoned and established in accordance with the original application, or as set forth in the order made by City Council at the time said zoning exception was granted.
6. In the event the applicant (or his assignee) fails to develop and use his property in accordance with the provisions of paragraph 4 of this section, the application will be deemed to be in violation of the provisions of the zoning regulations.

#### SECTION 2510 CHANGE OF ZONE PLAN

A change in a district boundary shall be indicated on the zone plan map with a notation of the date and number of the ordinance amending the plan.

#### SECTION 2511 NEW APPLICATION

Following the denial of an application for a change in a district boundary, no application for the same or substantially the same change shall be filed within one (1) year of the date of denial of the application.

ARTICLE 26 SIGNS

SECTION 2601 PURPOSE

The purpose of this Article is to establish the necessary criteria, standards, and limits on all forms of signing, to maximize the value of this medium for identification purposes and to enhance the physical appearance of the City. The City of Ridgecrest recognizes the need for signs, but the right to use signs must be kept consistent with the businessman's right of identification, the public's right to identify the business and the community's interest in maintaining a good appearance. It is intended by the provisions of this chapter to accomplish the following:

- A. To reduce the distraction and confusion caused motorists and pedestrians by inappropriate signing and the hazards which may be attributed to it.
- B. To promote attractive industrial and commercial areas while allowing effective communication.
- C. To provide assurance that such communications will be easily identified.
- D. To increase and encourage the preservation of visual open space which constitutes a primary public resource of economic, social and aesthetic value.
- E. To establish a workable application and review process to ensure conformance and resolve questions of interpretation and application.

SECTION 2602 DEFINITIONS

- Accessory Sign: A sign that is secondary in purpose and that provides specific information concerning the business which is not indicated on the primary identification sign(s).
- Accessory signs indicate such services as store hours, accepted credit cards, quality ratings or affiliations, vacancies, etc.
- Aggregate Area: The total area of all permanent signs on the premises.
- Architectural Features: A prominent or characteristic part of a building. Examples of architectural features are windows, columns, awnings, marquee and fascia.
- Attention-getting Devices: Any flags, streamer, spinner, light, balloon or similar device or ornamentation used for purposes of attracting attention for promotion.
- Awning: A temporary shelter supported entirely from the exterior wall of a building and

composed of non-rigid materials except for the supporting framework.

- Billboard:** An off-premise sign which directs attention to a product, place, activity, person, institution, business or subject which is not related to the premises on which the sign is located.
- Building Frontage:** The single longest building length facing either the street or the business parking lot and used for public approach.
- Canopy (or Marquee):** A permanent roof-like shelter, either freestanding or supported by a building.
- Changeable Copy Sign:** An announcement sign, bulletin board, or sign which makes provisions for frequent changing of individual letters and other copy.
- Conforming Sign:** A sign shall be said to conform when it meets all the standards and regulations established by this Chapter and the Uniform Building Code, as adopted by the City of Ridgecrest.
- Copy:** Any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof which relates to advertising, identification or notification.
- Directional Sign:** An on-site incidental sign designed to guide or direct pedestrian or vehicular traffic.
- Ground Sign:** A freestanding sign which is supported by itself by one or more uprights, poles, or braces in or upon the ground or by a structure other than a building. Also known as pole sign or monument sign.
- Illuminated Sign:** A sign which is illuminated by an artificial light source provided for that function.
- Maintenance:** The upkeep of signs and their support structures in a condition of good repair. This includes the replacement or repainting of sign faces which have been damaged or have otherwise lost their ability to convey the message intended. Maintenance does not include the changing of location, orientation, size or height of a sign.
- Marquee:** See canopy.

Monument Sign: A freestanding identification ground sign, usually within an appropriately landscaped area and not over eight (8) feet high and flush with the ground.

Nameplate: A sign which displays only the name, address, and occupation of the occupant of the premises, is not illuminated and does not exceed four (4) square feet in area.

Non-Conforming Sign: Any sign which was lawfully erected or maintained prior to time of adoption of this chapter or which does not conform to this chapter.

Off-Premises Sign: A sign that advertises goods, products, services, or facilities not found at the sign site. A sign that directs persons to a different location from where the sign is installed.

Portable Sign: A sign not permanently affixed to the ground or a structure whether it is on or off the premises it is intended to identify.

Premises: A defined contiguous area of real property occupied by a business, institution, use or group of uses.

Projecting Sign: A sign which projects away from a wall by more than twelve (12) inches and is supported by the wall of a building.

Roof Sign: A sign erected upon a roof or parapet wall of the building.

Sign: Any structured name, identification, description, symbol, display, illustration, or device, including component parts and paint in view of the general public and which directs attention to a product, place, activity, person, institution or business.

Sign Area: The entire area of a sign within a single continuous perimeter composed of straight lines or curves which enclose the extreme limits of the message including all background painting or structural material. The area of multi-faced signs shall be the total sum of all display surfaces.

Sign Height: The vertical distance measured from the grade of the nearest street curb, or street grade other than on elevated roadway, to the uppermost point of the sign or structure.

Statuary Sign: Any sign which is the modeled, outlined, or sculptured likeness of a living creature or inanimate object. Embossing which projects more than four inches (4") beyond a sign face shall be considered modeling.

Street Front: The portion of a parcel facing a public street other than the side of a corner lot.

Temporary Sign: Any sign or advertising display intended to be displayed, unless otherwise specified, for a period of less than thirty (30) days.

Temporary Directional: A sign which directs persons to an event, business location, or offering, which is not permanent in nature, such as a new housing development, and placed on-site or off-site.

Time and Temperature Sign: A sign which provides information about time and temperature in the public interest without transmitting any advertising message.

Wall Sign: Any sign painted on or attached parallel to the wall facing of a building and projecting not more than twelve inches (12"). This shall include permanent window signs.

Window Sign: Any sign affixed to or within three feet (3') of the inside of a window in view of the general public.

## SECTION 2603 GENERAL REGULATIONS.

### A. Basic Design:

1. A sign shall not aesthetically obstruct or interrupt a major unique architectural feature of the building to which it is attached.
2. Signs shall not be attached to trees or utility poles.
3. Signs may be attached to a fence or freestanding wall only when a ground sign is not present in the development. Exempted signs, as

specified in Part B of this section, may be attached in any case when no larger than six (6) square feet.

4. Product or trade names are permitted as a part of a permanent sign only when that product identified is integral to the use on the premises.
5. Lighting, if provided, shall be contained within or pointed at the sign. Gas discharge tube lighting may be used for advertising messages but not for outlining architectural features.
6. Signs shall be of such structural design that all framework of the sign shall be contained within the body of the sign in such a manner as to not be visible. Visible guy wires are prohibited.
7. Time and temperature signs may be permitted subject to issuance of a use permit. Such signs shall not bear any advertising message and shall not be considered part of the aggregate sign area of the premise. If an advertising message is contained in the text, it shall be considered as part of the aggregate sign area of the premises.
8. No permit for any sign shall be issued and no sign shall be constructed or maintained which has less horizontal or vertical clearance from communications lines and energized electrical power lines than that prescribed by the laws of the State of California or rules and regulations duly promulgated by agencies thereof.
9. No sign or its supports shall be erected in such a manner or location that will physically impede or cause hazardous obstruction or distraction to the visibility of vehicles or person traveling on regularly established public or private ways.

No signs, materials or structural features except poles or pilasters shall extend into the cross-visibility area between three feet six inches (3'6") and seven feet (7') above the grade of the nearest street curb. The cross-visibility area for the intersection of driveways and public rights-of-way or two public rights-of-way is defined as a triangle having two (2) sides ten feet (10') long and running along the driveway and public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two ends.

10. Regulations regarding permitted aggregate sign area, maximum height and minimum setback are outlined in Table 1 for each zone.
  - (a) Sign area, in square feet, is determined where applicable by multiplying the length of one building frontage or street front as noted by the factor in parentheses, not to exceed the maximum aggregate sign area per premises.

(b) Businesses with frontage and primary auto access on parallel streets are permitted to consider each frontage separately when determining maximum sign area. The area for each frontage is not transferable to the opposite frontage.

(c) Additional regulations affecting sign area, height, and setback are specified in Section 2604.

11. Conditional uses shall meet the sign requirements of the zone in which the use is permitted.

B. Exempted signs:

The following types of signs are permitted in all districts unless otherwise noted, and shall neither require a building permit nor be considered part of the allowable aggregate area. Such signs shall be erected and maintained in accordance with the provisions of this Chapter unless otherwise provided.

1. Nameplate.
2. One (1) "Open" and "Closed" sign not to exceed two (2) square feet in area per frontage.
3. Private information signs not exceeding one (1) square foot, such as "Beware of Dog" or "No Soliciting", that contain no advertising message.
4. Traffic and other municipal signs, signals, and notices which relate to the public welfare and safety which are erected by the City, County or State. Such signs shall be exempt from this Chapter's restrictions.
5. Signs directing on-premise traffic and parking when less than six (6) square feet each, subject to Planning Department approval. Such signs are exempt from setback restrictions, when not exceeding three and one-half feet (3 ½') in height, as measured from top of nearest curb, but are not permitted within the public right-of-way.
6. Memorial signs or tablets erected by governmental or historical agencies or names and dates carved in or affixed to buildings upon construction, or any sign of obvious historical value.
7. The flag of any country, state, school, or non-profit organization.
8. Signs showing the location of public telephones and signs placed by public utilities to show the locations of underground facilities.
9. Signs of a public, non-commercial nature used to indicate danger or to serve as an aid to public safety relating to road work or other construction activities.

Zone	Sign Criteria	Maximum Height			Minimum Setback for Pole Signs	Aggregate Sign Area Total for All Permanent Signs
		Ground Sign Monument ***	Pole	Wall, Roof & Win. Sign		
Single-Family Residential		N/A	N/A	N/A	N/A	N/A
Multi-Family Residential		5'	N/A	20'	5'	*(.33) x length of street frontage
Neighborhood Commercial		5'	20' **	30'	5'	(1.5) x length of building frontage
Professional Office		5'	20' **	30' ****	5'	(1.5) x length of building frontage
General Commercial, Recreation Schools & Public Use		5'	20' **	60'	5'	(2.0) x length of building frontage
Service Commercial		6'	20' **	60'	5'	(2.0) x length of building frontage
Light Industrial		8'	20' **	40'	5'	(2.0) x length of building frontage
Heavy Industrial		8'	20' **	40'	5'	(2.0) x length of building frontage

- \* The Planning Commission may by use permit allow an increase in maximum aggregate area for conditional uses in this district and for lots wider than 60 feet.
- \*\* Plus one additional foot for every 5 feet of additional setback from the front and corner side yard but not exceeding 25 feet.
- \*\*\* Not over 3'6" in gross-visibility area. No setback required for monument signs.
- \*\*\*\* The Planning Commission may be use permit allow maximum height to vary depending on building height.

10. Accessory signs not exceeding six (6) square feet in total aggregate area.
11. Temporary holiday graphics.
12. Directional, warning or information signs authorized by Federal, State or Municipal authority.
13. Signs in or on public buses or other public conveyances as permitted by City Council.
14. Onsite temporary real estate signs advertising the sale or rent of property.

C. Prohibited Signs:

1. Signs, except window signs four (4) square feet or less, which move or simulate motion are prohibited. This shall include: flashing, blinking, animated, rotating signs, or signs whose illumination or surface change with time but shall not include time and temperature signs, or wall-mounted barber poles which project less than one foot (1').
2. Signs which emit audible sounds, odor or visible matter.
3. Attention-getting devices, except as provided for in Section 2604F.
4. Portable signs, unless they are displayed for a special event by a religious, charitable, or civic organization, and are limited to a time period not to exceed ten (10) days. Not more than four (4) such events shall be permitted in a calendar year. Portable price signs are permitted on a permanent basis for gasoline service stations as regulated in Section 2604.B.1.(b).
5. Signs which constitute a traffic hazard are prohibited. A sign shall be considered a traffic hazard:
  - (a) When its location is such as to interfere with traffic sight distances, traffic flow or the visual access to name or address of a nearby business or residence or a street or traffic sign.
  - (b) When its color, configuration, text, or location are such that they could be mistaken for or otherwise imitate a traffic sign or signal.
  - (c) If it is in the public right-of-way unless the sign conforms to Section 2604.C.3.
6. Signs which bear or contain statements, words, or pictures of an obscene, untruthful, or misleading character.

7. Signs which are attached or otherwise portable or set on a motorized or non-motorized vehicle for the basic purpose of directing people to a business or activity located on that or any other premises. This section is not intended to prohibit typical reasonable business identification lettered on a motor vehicle.
8. Roof signs that project above a roof line.

#### SECTION 2604 SPECIFIC REGULATIONS

##### A. Wall and Permanent Window Signs.

1. Wall and permanent window signs shall not be placed above the window sill of the second floor of the building unless the business is conducted above the first floor, in which case the sign shall not be placed above the window sill of the third floor nor above the maximum height allowed for the zone.
2. Murals and wall graphics shall be approved by the Planning Commission. Any written message shall be counted as part of the allowable aggregate sign area. In granting or denying approval, the Planning Commission shall consider the extent to which the proposal fulfills the following standards:
  - (a) The mural or graphic shall demonstrate artistic quality or theme as opposed to direct or indirect illustrative advertising.
  - (b) The colors and materials used shall be reasonably harmonious with those in the area and shall not be used for the exclusive purpose of calling attention to the mural or graphic.
  - (c) The subject matter shall not be calculated to deride any person, group of persons, or activity.

##### B. Ground Signs:

1. Each parcel or group of contiguous parcels developed as a unit is permitted one (1) sign placed on one (1) ground sign structure. Additional ground signs are permitted only under the following conditions:
  - (a) Where a single business or development unit has frontage and primary public access on parallel streets, one (1) ground sign is permitted for each separate street frontage.
  - (b) Gasoline service stations are permitted one (1) separate non-illuminated price sign not to exceed forty (40) square feet in area or six (6) feet in height. The price sign shall be permitted even when

pricing information is incorporated into the primary ground sign and can take the form of a permanent ground sign or portable sign.

(c) Fast-food restaurants with drive-up windows are permitted one (1) separate menu board adjacent to the drive-up lane not to exceed 25 square feet in area.

2. Accessory signs shall not be attached to ground sign structures.
3. Each premise in any commercial or industrial zone shall not place more than one-half (1/2) their permitted aggregate sign area on a ground sign.
4. Ground signs that display nameplates shall be considered single signs regardless of the number of nameplates attached.

C. Projecting Signs:

1. An activity is allowed one (1) projecting sign only when neither ground sign or a roof sign is present in the development.
2. Projecting signs are subject to the limitations specified in the Uniform Sign Code.
3. Projecting signs may project into the public right-of-way, not to include alleys, if they conform to all other provisions of this Code and as may be further provided by the Uniform Sign Code.
4. Signs may not project within two (2) feet of the curb lines.
5. Projecting signs may not exceed the maximum height limits permitted for the zone. Further, they may not extend vertically above the second floor window sill or, when there is no second floor, they may not extend above the parapet, eave, or roof line.

D. Canopy Signs:

1. Awnings, canopies, and marquees that project into the public right-of-way may have only individual cutout letters and/or symbols attached, painted, stenciled or otherwise placed on their faces.
2. Awnings, canopies and marquees may have a nameplate suspended beneath without being considered a projecting sign. The bottom of nameplates must be at least eight (8) feet above the sidewalk and cannot extend beyond the canopy or within two (2) feet of the curb line.
3. Signs attached above awnings, canopies, and marquees that are connected to buildings shall not extend beyond the maximum projections

specified in the Uniform Sign Code. No projecting sign shall be permitted when signing is placed directly on canopies.

4. Signs shall not be attached above freestanding canopies.

E. Roof Signs:

1. One (1) roof sign is permitted for each business below the lowest roof peak for each building in the CN, CG, CS, M-1, and M-2 zones.
2. Signs are not permitted above the roof peak or parapet wall nor above the maximum height allowed for the zone.
3. The bottom of roof signs shall be mounted flush with the surface of the roof and shall not interrupt roof lines or other major architectural features.

F. Temporary Signs:

1. Unless specified, do not require a permit but must conform to all restrictions of this Chapter.
2. Temporary signs are not counted as part of the allowed aggregate area for permanent signs. However, the total area of temporary signs shall not exceed the total permitted for permanent signs.
3. No single temporary sign shall exceed 100 square feet in area.
4. Temporary signs shall not be attached to ground, projecting, or roof signs.
5. Attention-getting devices are permitted for special events subject to Planning Department approval, when limited to a period of no more than ten (10) days. No more than 3 special events shall be permitted in one calendar year.
6. One (1) non-illuminated sign denoting the intended use of the building, architect, engineer, contractor, builder, realtor, and financial backer may be permitted upon premises during construction, provided that such sign does not exceed sixty four (64) square feet in area and is no more than ten (10) feet in height. Such signs shall be removed prior to the final inspection of the project.
7. One (1) temporary real estate sign for a subdivision may be permitted on each arterial or collector street within that subdivision. When there are no arterial or collector streets within the subdivision, one such sign may be permitted on a local street within the subdivision. It shall not exceed thirty-two (32) square feet on a side nor more than sixty four (64) square feet aggregate, nor be more than ten (10) feet in height. Such signs shall be non-illuminated. Such signs shall be removed after completion of sales

activities on the property or subdivision by the builder or within 18 months, whichever occurs first.

8. One (1) sign for each parallel street frontage of a lot pertaining to the lease or sale of a building or property provided it shall not exceed the following size and height limitations and is not illuminated.

TABLE II

Temporary Directional Signs

ZONE	AGGREGATE MAXIMUM AREA	GROUND SIGN MAXIMUM HEIGHT
Single Family Residential	32 sq. ft.	8 ft.
Multi Family Residential	32 sq. ft.	8 ft.
Office & Commercial	64 sq. ft.	10 ft.
Industrial	100 sq. ft.	10 ft.

9. A non-commercial sign expressing the opinion of the owner or occupant of the appurtenant property regarding political, religious, social, or economic topics of public interest shall be permitted so long as the message remains non-commercial in nature. Such signs shall not be placed on fences, trees, utility poles, street furniture, or in the public right-of-way. Only one (1) such sign, not exceeding an aggregate of thirty-two (32) square feet may be displayed per premise until it is no longer pertinent. Signs advocating a position regarding a specific candidate or proposition shall be removed no later than five (5) days after the election.

G. Off-Premise Signs:

1. Billboards are allowed by Use Permit in the Service Commercial (CS) District and as provided in b. below if the Planning Commission finds the following conditions to be present:
  - (a) That the location of a billboard applied for is consistent with the purposes of the sign regulations of this chapter as set forth in Statement of Purpose.
  - (b) The sign may be placed only along and facing the following major highways in the General and Service Commercial Districts:

State Route 178 and South China Lake Boulevard.

- (c) Billboards shall not exceed 600 square feet in area or 20 feet in height.
  - (d) No other billboard shall be closer than three hundred (300) feet of another billboard along the same side of a street.
  - (e) The sign shall have no direct lighting.
  - (f) The sign shall be freestanding with the lowest point no less than seven feet (7') off the ground.
  - (g) The sign shall meet all other provisions of this chapter.
2. Temporary directional signs are permitted for periods not exceeding sixty (60) days. No more than four (4) temporary directional signs shall be permitted in a one (1) year period. Where signs are to be displayed for longer periods of time, a Use Permit is required. In every case such signs must meet the following conditions:
- (a) The location of the directional sign applied for is consistent with the purposes of the sign regulations of this chapter as set forth in Section 2601.
  - (b) The sign shall display only the name and directions to the event, location, or offering.
  - (c) The sign shall be non-illuminated.
  - (d) The sign shall not exceed the size and height limitations in Table II.
  - (e) The sign is to be placed only at points where a turning movement is to be made.
  - (f) The sign shall not impair the visibility of another sign.
  - (g) The sign shall be removed after completion of activities on the property or subdivision or as specified in the conditions of the Use Permit.
  - (h) A cash deposit to cover the removal of the sign is required before the sign is erected, which is refundable upon proof that the sign has been removed. Fees required shall be as established by Council resolution.
3. Guide Signs:
- (a) Guide signs are intended to direct individuals to locations which are difficult to locate and are placed as a public service, not for promotional purposes.

- (b) The Planning Commission shall approve the erection and maintenance of all guide signs when special circumstances warrant such construction.

#### SECTION 2605 SPECIAL REGULATIONS

- A. Businesses without direct public access to the street parking, such as when one building is developed into several shops or offices, shall be permitted to display one (1) nameplate per building entrance only.
- B. Development identification: Where several businesses are developed as a unit, such as a shopping center, that development is permitted one (1) sign which identifies the development. The area of this sign shall not exceed the maximum allowable area for the largest business sign permitted in the development but in no case shall it exceed 100 square feet. Where the development identification is placed on a ground sign, Section 2604 is applicable.
- C. Comprehensive Sign Plans: At the option of the owner and/or developer, a comprehensive sign plan may be provided for a specific use of groups of businesses or for the whole of a shopping center development. Such a plan may regulate the location, size, height, color, lighting, orientation, and types of signs in the included area. Provided that such a comprehensive plan is presented and approved as outlined in Section 2608.H, exceptions to this Article may be permitted.

#### SECTION 2606 PERMIT PROCEDURE

- A. All signs, except most temporary signs, require Planning Department approval prior to being erected, placed, altered, or moved, to insure compliance with the provisions of this chapter.
- B. Where a use permit is required, it must be obtained from the Planning Commission prior to issuance of a building permit.
- C. When an encroachment permit is required from the State Department of Transportation, it must be obtained prior to issuance of a building permit.
- D. Two (2) sets of sign plans shall be submitted to the Planning and Building Departments for approval. The sign plan shall contain:
1. Address of sign location.
  2. Name and phone number of owner.
  3. Name, address and phone number of contractor or erector.
  4. Site plan showing location of signs.
  5. Elevation showing location on building or other structure including height of sign and any projection from building.
  6. Elevation of sign showing dimensions and materials.
  7. Construction details of typical sections for all applicable signs.
  8. Sign valuation and, for electric signs, the number of transformers.

## SECTION 2607 NONCONFORMING SIGNS

### A. Termination Date

1. All legal nonconforming signs, billboards, and other sign structures which were erected and in existence prior to the effective date of this Ordinance, which were, at the time of such erection or establishment, in compliance with all then applicable statutes and ordinances but which do not meet the requirements of this Chapter, shall be permitted to remain in existence notwithstanding their nonconforming character. Thereafter, all such signs, billboards, or other sign structures shall be in violation of this Chapter, and subject to removal as in the case of any other illegal structure or use, subject to the exceptions herein set forth. This provision does not apply to existing signs which were erected pursuant to a written agreement providing for the removal of said signs after a fixed period of time.
2. Signs in conformance with the existing Code and for which building permits have been issued shall be permitted to remain in existence as specified and as provided in Part B of this section, notwithstanding their nonconforming character.
3. All legally constructed existing signs on property annexed to the City after the effective date of this Chapter shall be permitted to continue as nonconforming signs for the period stated in Part B of this section, effective starting as of the date of the annexation. Any changes to the signs or their structures in terms of location, orientation, size, or height will require that all signs and their structures on the property, business, and/or development be brought into conformance with this chapter.
4. Zone Changes: Signs that are made nonconforming with the provisions of this Chapter, due to a change in zoning affecting the premise on which the sign is located, shall be permitted to remain in existence, notwithstanding their nonconforming character, for the period stated in Part B of this section, starting with the effective date of the zone change.

### B. Procedure

1. In order to avoid an unreasonable burden to owners of preexisting nonconforming signs, billboards, and other sign structures, and further to avoid taking of private property without just compensation, the City Council of the City of Ridgecrest hereby declares that the useful life of said nonconforming signs is represented by the following amortization schedule.

<u>Fair Market Value on Date of Notice of Removal Requirement</u>	<u>Minimum Years Allowed</u>
Up to \$1,999	2
\$2,000 " 3,999	3
4,000 " 5,999	4
6,000 " 7,999	5
8,000 " 9,999	6
10,000 and over	7

2. Within one (1) year of the effective date of this Chapter, the Planning Department of the City of Ridgecrest shall cause written notice to be given by registered mail, signed receipt requested, to the owners of each premises and signs on which there is maintained a nonconforming sign, billboard, or other sign structure.

Such notice shall state that the removal of said signs shall take place on or before the time stated in Part 1 above. The value of the sign shall be determined by the building official. The valuation placed upon said sign shall be based upon the changes in building costs on the date of notice of removal as compared to original costs and shall be the building costs indicated in the U. S. Dept. of Commerce Composite Cost Index, effective each January.

3. Such notice shall also inform the owner of his hearing rights as hereinafter provided:

(a) Within thirty (30) days of the giving of notice as hereinabove provided, notice to be deemed to have been given upon receipt of signature card. Any owner who believes that the sign, billboard, or other sign structure the subject of the notice is, because of some unusual circumstances, entitled to a longer period of time for purposes of depreciation or amortization, may appeal said notice, and apply for an extension of time for the nonconforming use. Such appeal and application or extension of nonconforming use shall be in writing and signed by the owner or his authorized agent, shall describe the premises and the nonconforming sign, billboard, or other sign structure, and state why an extension is needed, and shall be filed with the City Clerk. Any owner failing to make such appeal and application within the thirty (30) day period waives any right which he otherwise might have for an extension of time for the nonconforming use.

(b) The appeal and application shall be heard by the Council at a public hearing, the hearing date to be set by minute order and notice given the appellant- applicant at least ten (10) days prior to said hearing. In hearing the appeal, the Council may consider all evidence relevant to the value, depreciation, and obsolescence of the sign, billboard, or other structure in question,

including such depreciation schedule as may have been allowed or approved by the Internal Revenue Service.

c) At the conclusion of the hearing, the Council may deny the appeal and application or grant such extension of time for the continuation of nonconforming use as the Council finds justified by the evidence.

4. Prior to the termination date, any changes to a sign or its structure in terms of location, orientation, size, or height will require that all signs and their structures on the property, business and/or development be brought into conformance with this Article.

#### SECTION 2608 ADMINISTRATION AND ENFORCEMENT

A. Administration: This Chapter shall be administrated by the Planning Director, who is authorized and directed to enforce all provisions of this Article. The Planning Director is authorized to promulgate procedures consistent with the purpose of this Chapter and is further empowered to delegate the duties and powers granted to and imposed upon him under this Chapter.

B. Inspection: Construction of all signs and their attachment is governed by the regulations of the Uniform Building Code, the Uniform Sign Code, and this Chapter as adopted by the City of Ridgecrest, and shall be inspected and approved by the Building Department.

C. Maintenance: All signs and supporting structures shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted and clean. The immediate surrounding premises shall be maintained free of weeds and rubbish. The Planning Director is authorized to order the painting, cleaning, or repair of signs which become dilapidated and the cleaning of the immediate premises. Such maintenance shall be completed within thirty (30) days of receiving written notice.

D. Sign Removal:

1. Unlawful Signs: The Planning Director or Public Works Director may order the removal of any sign erected, altered or maintained in violation of this Article, the Uniform Building Code, or the Uniform Sign Code. He shall give thirty (30) days written notice to the owner of the building, structure, or lot on which the sign is located to remove the sign or to bring it into compliance.

2. Dangerous or Defective Signs: The Planning Director or Public Works Director may order a sign removed immediately and without notification if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.

3. Abandoned Signs: Any non-conforming sign which no longer advertises the original business conducted on the premises, product

sold, activity, or campaign being conducted shall be deemed to have been abandoned. The Planning Director or Public Works Director shall give thirty (30) days written notice to the owner of the building, structure, or lot on which the sign is located to remove the sign or bring it into conformance with this Article.

- E. Any Conditional Use permit granted for a sign or signs shall become void if the sign is altered or relocated in any way which makes the sign in violation of the requirements of this Article or the conditions imposed upon the Use Permit when it was authorized.
- F. Penalties: Failure to comply with the provisions of this Article shall subject the owner to the penalties provided for in infractions as otherwise provided in this Code.
- G. Appeals: Any person aggrieved by any decision or order of the Planning Director or Public Works Director may appeal to the Planning Commission unless such denial is based on violations of the Uniform Building Code, the Uniform Sign Code or the National Electrical Code. Denial for these reasons must be appealed to the Board of Building Appeals. Appeals shall be in writing and must be filed in the Planning Department within ten (10) days of the date of the decision or order which is being appealed.
- H. Comprehensive Sign Plans: Such plans, as described in Section 2605C, shall be administered by the Planning Director. The plans shall contain the signature of the owner and/or developer and that written and graphic information required to fully describe what shall and shall not be permitted in the development. Those plans that do not violate this Chapter's regulations shall be approved by the Planning Director. Those plans that would violate this Chapter's regulations in any manner may be approved by the Planning Commission if the plans conform with the intent of the Chapter and result in an improved relationship between the various parts of the development.

## ARTICLE 27 ZERO LOT LINE

### SECTION 2701 PURPOSE AND INTENT

The purpose and intent of the zero lot line provisions of this code are to utilize new or existing subdivided lots in a manner not otherwise provided in the code by providing zero lot line setback on one or both side yards in R-1, R-2, R-3 and R-4 districts. It is also intended that the use provide more efficient use of land, reduce housing unit prices, provide better relation and utilization of outdoor space to its optimum benefit and use internal and external areas more efficiently by placing dwelling units on a side yard property line.

Where regulations provided in this chapter conflict with others of the code, the regulations specified herein shall apply.

### SECTION 2702 DISTRICT USE

Zero lot line uses may be located in the single-family or multi-family residential districts as conditional uses. It shall be required that any such use be processed in accordance with Articles 21 and 22 (Conditional Use Permit, Site Plan Review).

### SECTION 2703 MINIMUM SITE AREA, LOT DIMENSIONS AND DENSITY

The minimum site area, lot dimensions and density shall be the same as those listed in the underlying zoning district, except the area and lot dimension of lots legally subdivided prior to the adoption of this Chapter shall suffice as the minimum.

The Planning Commission may, in approving a Conditional Use Permit for a zero lot line development, impose such conditions as are reasonable and waive one or all of the required side yard setback requirements in the underlying district provided that the Commission can make all of the required findings not related to side yard setbacks as specified in Section 2107 and 2207.

This provision would allow row housing provided that the end units have at least 10 feet of unobstructed side yard on the two ends of a row. All provisions for off-site parking requirements, front and rear yard setbacks, height and coverage shall be governed by the underlying district.

### SECTION 2704 PROVISIONS FOR MAINTENANCE EASEMENTS

A perpetual 5-foot minimum maintenance easement shall be provided on the lot adjacent to the zero lot line property line except that where two separate homes share a common zero lot line, no easement shall be required provided the construction of all common walls meets the requirements of the Uniform Building Code and that there are adequate provisions recorded relating to the maintenance of the common area on and around the common wall and property line. This provision can be provided by the recording of appropriate conditions, covenants and restrictions (CC&Rs) as approved by the City.

## ARTICLE 28 ENFORCEMENT

### SECTION 2801 PERMITS, CERTIFICATES AND LICENSES

All officials, departments and employees of the City of Ridgecrest vested with the authority or duty to issue permits, certificates or licenses shall comply with the provisions of this Chapter and shall issue no permit, certificate or license which conflicts with the provisions of this Chapter. Any permits, certificate or license issued in conflict with the provisions of this Chapter shall be void.

### SECTION 2802 ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Planning Director or his authorized representative, and any other officers of the City charged by law with the enforcement of the provisions of this Chapter to enforce this chapter and all of its provisions.
- B. All departments, officials and public employees of the city who are vested with the duty and authority to issue licenses and permits when required by law shall conform to the provisions of this Chapter.

### SECTION 2803 VIOLATIONS - PENALTIES

Any person, firm, corporation or organization violating any provision of this Chapter shall be guilty of an infraction as provided by this Code and, upon conviction thereof, shall be punishable by a fine of not more than fifty dollars (\$50.00) on a first conviction, a fine of not more than one hundred dollars (\$100.00) on a second conviction within one (1) year, and a fine of not more than two hundred fifty dollars (\$250.00) on a third conviction within one (1) year. A person, firm, corporation or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this Chapter is committed, continued or permitted by the person, firm, corporation or organization and shall be punishable as herein provided.

Any structure erected, moved, altered, enlarged or maintained and any use of a site contrary to the provisions of this Chapter, or as otherwise unlawfully created prior to the effective date of this Chapter, shall be and is hereby declared to be unlawful and a public nuisance, and the City Attorney shall immediately institute necessary legal proceedings for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure or use and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering, or enlarging the structure or using the site contrary to the provisions of this Chapter.

SECTION 4. EFFECTIVE DATE: This ordinance shall take effect and be in force on and after thirty days from publication as required by law.

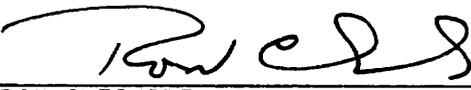
APPROVED AND ADOPTED this 16th day of April, 1984 by the following vote:

AYES: Mayor Cheshire, Councilmembers Bergens and Rieger

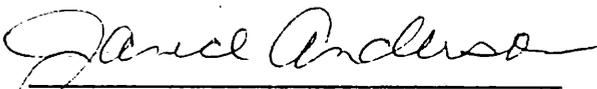
NOES: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
RON CHESHIRE, Mayor

ATTEST:

  
\_\_\_\_\_  
JOYCE M. TAFT, City Clerk