

ORDINANCE NO. 91-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING THE RIDGECREST MUNICIPAL CODE BY ESTABLISHING BED AND BREAKFAST INNS AS A CONDITIONALLY PERMITTED USE IN R-2, R-3, R-4 AND PROFESSIONAL OFFICE ZONES AND CLARIFYING THE POWER OF THE DIRECTOR OF COMMUNITY DEVELOPMENT TO ENFORCE CONDITIONAL USE PERMITS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST as follows:

Section 1. Purpose

This ordinance amends the Ridgcrest Municipal Code by providing for the establishment of bed and breakfast inns as a conditionally approved permitted use in R-2, R-3, R-4 and professional office zones. This ordinance also clarifies the Director of Community Development's power to enforce conditional use permits.

Section 2. Findings

The Council finds, determines and declares as follows:

(a) The Planning Commission and the Council have conducted a duly-noticed public hearing in connection with the zone change set forth herein;

(b) This zone change will not result in any significant adverse environmental impacts and a negative declaration is approved for the project;

(c) This zone change is consistent with the General Plan, the elements of the General Plan and all specific plans of the City; and

(d) This zone change will promote the welfare of the community.

Section 3. Amendment

Section 20-1.2 of the Ridgcrest Municipal Code is hereby amended and reenacted to read as follows:

"Section 20-1.2 Definitions

'Abut' or 'Abutting' shall mean contiguous or the same as adjoining.

'Access' or 'Access Way' shall mean 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 chapter.

'Accessory Building' shall mean 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. An accessory building may be located on an adjacent lot.

'Accessory Use' shall mean a use incidental and subordinate to the principal use established on the same lot.

'Airport' shall mean 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' shall mean 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' shall mean 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*' shall mean 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*' shall mean a place where animals are boarded or held.

'*Apartment*' shall mean 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*' shall mean City staff or Planning Commission or City Council.

'*Automobile Service Station*' shall mean 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*' shall mean 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*' shall mean 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*' shall mean 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*' shall mean that portion of the building between the floor and ceiling which was more than 50 percent below the natural or finished grade of the exterior ground surface.

'*Block*' shall mean the properties abutting one side of a street and lying between intersections or between an intersection and the end of a street.

'*Boarding, Bed and Breakfast*' or '*Lodging House*' shall mean 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*' shall mean the same as quarry.

'*Breezeway*' shall mean 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*' shall mean 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*' shall mean 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*' shall mean 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*' shall mean the vertical distance from the average finished grade of the lot to the highest point of the building or structure.

'*Building Line*' shall mean 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 roofline, which roofline shall in no case extend over the property line.

'*Building, Main*' shall mean 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 chapter, shall be constructed as constituting a main or principal building.

'*Building Site*' shall mean (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 chapter.

'*Business, Retail*' shall mean any establishment wherein the retail sale of any article, substances, or commodity takes place.

'*Business, Wholesale*' shall mean any establishment wherein the wholesaling of any article, substance or commodity takes place.

'*Camp, Public*' shall mean land or premises used or intended to be used, let or rented for camping purposes.

'*Camper*' shall mean 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*' shall mean 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*' shall mean any commercial automatic car wash, coin operated, or two or more hand washing stalls having no fuel sales.

'*Cellar*' See '*Basement*'.

'*Cemetery, Human*' shall mean 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*' shall mean 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*' shall mean 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') shall mean a discontinuance of an existing use and substitution thereof of a use of a different kind or class.

'Child Care Center' shall mean 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' shall mean any building set apart for the purpose of worship.

'Clinic' or 'Medical Center' shall mean a place for group medical services not including overnight housing of patients.

'Club' or 'Lodge' shall mean a non-profit membership institution established for social, cultural, civic or similar purposes.

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

'College' shall mean a school for vocational, technical or professional instruction.

'Commercial Office' shall mean a roof or building where a particular kind of commercial business or services for others is transacted, including real estate, insurance, telegraph, utility, travel bureau, etc.

'Commercial Recreation' shall mean 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' shall mean 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' shall mean 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 'Air Space Condominium.')

'Conforming Building' shall mean 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' shall mean 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 physician residing on the premises and usually does not provide for surgery or other similar activities which are customarily provided in sanitariums or hospitals.

'Court' shall mean an open space on a lot other than a yard or carport designed to be partially surrounded by dwellings.

'Coverage' shall mean 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' shall mean any premise for the providing of care for pre-elementary school age children during day time hours, including parent cooperative nursery school, play groups or 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' shall mean the setting aside of land for some public use by an owner or developer and its acceptance by the City or affected agency.

'Density' shall mean the number of units allowed to be built upon an acre of land or individual site.

'District' shall mean 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' shall mean a building used partially for sleeping and eating accommodation and where such facilities are related to educational or public institutions, including religious institutions, fraternities, or sororities.

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

'Dump' shall mean 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' shall mean 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' shall mean 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' shall mean 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*' shall mean an assembly of equipment which is part of a system for the transmission of electric power.

'*Establishment*' shall mean 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*' shall mean an individual or two or more persons related by blood or 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*' shall mean 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*' shall mean 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*' shall mean 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*' shall mean the property line on a site abutting on a street, other than one side line of a corner lot.

'Garage' shall mean 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' shall mean a structure, or portion thereof, for the minor or major commercial repair of automobiles and other vehicles as defined herein.

'Garage, Storage' shall mean any structure used primarily for the storage of vehicles. This use is usually commercial in nature.

'General Plan' shall mean 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)' shall mean 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' shall mean 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' shall mean any helicopter landing areas as in the heliport except the appurtenant facilities.

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

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

'Home Occupation' shall mean 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' shall mean an institution providing physical or mental health service, inpatient or overnight accommodations and medical and surgical care of the sick or injured.

'Hotel' shall mean 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' shall mean 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 200 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' shall mean 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' shall mean any room or part of which is designed and/or used for cooking and the preparation of food.

'Landscaped Area' shall mean 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' shall mean 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, wood fences, walls, benches, and live plant material.

'Laundromat' 'Self-Service Laundry' shall mean any establishment for laundering which uses automatic washers and dryers or extractors where there is not pickup and delivery service and no steam or hand laundry of any type. Generally the machines are coin operated.

'Loading Space' shall mean 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' shall mean (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 City's 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' shall mean 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' shall mean a lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.

'Lot Depth' shall mean 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' shall mean 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' shall mean 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 long width on the street is considerable less than the lot width requirements of the zoning district.

'*Lot, Width*' shall mean 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*' shall mean:

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*' shall mean 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 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*' shall mean any lot line not a front lot line or a rear lot line.

'*Manufacturing*' shall mean the making of goods and products by hand or machinery.

'*Marquee Sign*' shall mean a sign attached to a marquee.

'*Metal Building*' shall mean any building larger than 200 square feet in area if the exterior of the structure is comprised of 50 percent or more metallic building materials visible from the ground that have not been modified or augmented to emulate alternate building materials (stucco, wood siding, brick, etc.)

'*Mobile Home*' shall mean 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 feet in width and not less than 40 feet in length.

'*Mobile Home Access Drive*' shall mean a private thoroughfare which affords internal circulation for a mobile home park.

'*Mobile Home Park*' shall mean 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*' shall mean a plot of ground within a mobile home park, abutting one or more access drives, designed for the accommodation of one mobile home.

'*Motel*' shall mean 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*' shall mean 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*' shall mean 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 chapter, notwithstanding the designation applied to the facility by its proprietors, of 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*' shall mean 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*' shall mean 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*' shall mean the sale of items outside a building, where such items are visible from a public right-of-way or neighboring property.

'*Overlay Zone*' shall mean 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*' shall mean a wall at the edge of the portion of the roof, or 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*' shall mean 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*' shall mean 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*' shall mean a parking area maintained by a special district or City government.

'*Parking Garage*' shall mean 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*' shall mean 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 public access to a public street or alley.

'*Pre-existing Use*' shall mean a use that may or may not be a nonconforming use.

'*Processing*' shall mean 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*' shall mean an office maintained and used as a place of business, conducted by persons engaged in the recognized professions, including but not limited to accountants, architects, attorneys, chiropractors, optometrists, physicians and surgeons, writers, musicians and artists.

'*Public Utility Service Yard*' shall mean an area for the storage of public utility vehicles and materials and office facilities for installation, maintenance and construction personnel.

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

'*Quasi-Public*' shall mean 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*' shall mean 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*' shall mean publicly owned or operated recreation facilities that may or may not charge a fee.

'*Recreation, Vehicle*' shall mean a trailer or self-propelled vehicle other than a mobile home as defined herein, intended for travel on a public highway

and designed or arranged as a dwelling but not used for permanent habitation.

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

'Restaurant' shall mean 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' shall mean the temporary use of the property for the display of sale of products, including sidewalk sales, parking lot sales, fireworks stands, Christmas tree sale lots or other sales or exhibits excluding those of a nonprofit nature.

'Room' shall mean an unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways and service porches.

'Sanitarium' shall mean the same as 'hospital.'

'Screening' shall mean 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' shall mean a place maintained for the sale of gasoline, lubricant and/or vehicular equipment, and providing maintenance service, but excluding vehicle sales and repair, engineer overhauling, body and fender shops, paint shops, garages, storage of vehicles, sales of goods not related to the use of the automobile, or other similar activities.

'Setback Line' shall mean 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' shall mean 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*' shall mean 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*' shall mean an accessory building for the keeping of horses, mules, or burros, not kept for remuneration, hire or sale.

'*Story*' shall mean 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 feet above grade, such basement or cellar shall be considered a story.

'*Street*' shall mean a public thoroughfare or right-of-way dedicated, deeded or condemned for use a 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*' shall mean the boundary line between the street right-of-way and the abutting property.

'*Structural Alteration*' shall mean any changes 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*' shall mean 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*' shall mean a structure which is readily movable and used, or intended to be used, for a limited period.

'*Trailer Park or Camp*' shall mean 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.

'Transition Zone' shall mean any area of mixed usage which is within a sphere of influence of commercial establishments.

'Use' shall mean 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' shall mean 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' shall mean 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' shall mean 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' shall mean an open space on the same site as a structure, unoccupied and unobstructed by structure from the ground upward except as otherwise provided in this chapter, including a front yard, side yard, rear yard, or space between structures.

'Yard, Front' shall mean 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' shall mean 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' shall mean a space extending from the front yard, or from the front line where no front yard is required by this chapter, to the rear yard, or rear lot line where no rear yard is required by this chapter between a side lot line and the side yard setback line.

'Zero Lot Line' shall mean 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 4. Amendment

Section 20-9.3 of the Ridgecrest Municipal Code is hereby amended and reenacted to read as follows:

"Section 20-9.3 Conditional Uses. The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 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 nonprofit 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. Electrical 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 model home display areas.

f. Lodges, social halls, fraternal organizations operated by a nonprofit organization.

g. Mobile home parks.

h. Parking lots.

i. Bed and Breakfast Inns."

Section 5. Amendment

Section 20-10.3 of the Ridgecrest Municipal Code is hereby amended and reenacted to read as follows:

"Section 20-10.3 Conditional Uses. The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 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 nonprofit 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. Mobile home parks.

i. Parking lots.

j. Bed and Breakfast Inns."

Section 6.. Amendment

Section 20-11.3 of the Ridgecrest Municipal Code is hereby amended and reenacted to read as follows:

"Section 20-11.3 Conditional Uses. The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 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 nonprofit 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. Electrical 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 model home display areas.

f. Lodges, social halls, fraternal organizations operated by a nonprofit organization.

g. Mobile home parks.

h. Parking lots.

i. Bed and Breakfast Inns."

Section 7. Amendment

Section 20-14.3 of the Ridgecrest Municipal Code is hereby amended and reenacted to read as follows:

"Section 20-14.3 Conditional Uses. The following uses may be permitted in accordance with the provisions of Section 20-21.

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 and 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.

h. Restaurants.

- i. Metal buildings.
- j. Bed and Breakfast Inns."

Section 8. Amendment

Section 20-20.4 is hereby amended and reenacted to read as follows:

"Section 20-20.4 Parking

a. Hotels and motels shall have 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.

b. Each bed and breakfast inn shall have two (2) parking spaces for the owner or resident manager plus one (1) on-site parking space for each guest room in excess of two (2)."

Section 9. Amendment

Section 20-3.27 is hereby added to the Ridgecrest Municipal Code to read as follows:

"Section 20-3.27 Bed and Breakfast Inns

a. A bed and breakfast inn serving tourists and visitors may be established with a Conditional Use Permit in the R-2, R-3, R-4 and PO zones, upon the conditions stated in this section.

b. The building and the structure must be the primary residence of the owner or the manager of the bed and breakfast use.

c. Said use shall be located in a building of residential design having a minimum of 2,000 square feet of residential floor area.

d. No meals shall be served for commercial purposes to persons other than to registered guests and residents of the bed and breakfast inn. Meal prices are to be included in the price of the room.

e. The bed and breakfast inn shall be located on a collector or arterial street designed by the City of Ridgecrest General Plan or within a transition zone.

f. Common areas to be provided for exclusive use of the guests must be at least 300 square feet (parlors, dining rooms and the like).

g. Where multi-use eating and drinking utensils are used, washing and sanitizing shall comply with either Section 28559 or 28560 of the California Restaurant Act. A three compartment metal sink with integral metal drainboards or a commercial dishwasher machine with chlorination and sterilizing capabilities with a two compartment metal sink with integral metal drainboards shall be required.

h. The following standards shall apply to the establishment of bed and breakfast inns in the R-2 and R-3, R-4 and PO zones:

1. On-site parking for the underlying residential use shall be provided in accordance with the provisions of Section 20-20. In addition one (1) on-site parking space shall be provided for each guest room in excess of two (2). On-site parking shall be designed or located so as not to detract from the residential character of the buildings and structures of the bed and breakfast inn.

2. Signs for bed and breakfast inns shall be limited to four (4) square feet of sign area attached directly to the residential building or structure, provided, in the P.O. zone, sign standards for the zone shall apply. The content of any such sign shall be limited to identifying not more than the name and address of the facility. No sign shall be internally or externally illuminated.

3. The actual number of guest rooms permitted in any location will be determined by the Planning Commission based on a relationship of the site to parking, access, character, size and scale of surrounding uses. The building or structure may not contain more than eight (8) guest rooms, which may not be occupied by more than sixteen (16) guests.

4. In those areas where the existing building or structure is developed with or used for residential

apartments, the unit may be converted upon application and approval by the Planning Commission.

5. No cooking facilities shall be permitted in any guest room.

6. No guest shall be permitted to rent accommodations or remain in occupancy for a period in excess of twenty-eight (28) days during any consecutive thirty (30) day period.

7. Fire, safety and health requirements will be imposed by the City Building Department, the Kern County Fire Department and the Kern County Health Department (Information Only: \$150.00 inspection fee is required by Kern County Health Department, 1991). Minimum requirements for a bed and breakfast occupancy shall be the installation of approved smoke detectors in each lodging room, installation of three (3) approved fire extinguishers in the structure and the inclusion of an evacuation plan posted in each room. Written approval must be received from these departments prior to the business becoming operational.

8. The Kern County Fire Department and the Kern County Health Department shall conduct an annual inspection of each bed and breakfast inn.

9. No additions to existing buildings which would increase the number of bed and breakfast rooms shall be allowed.

i. In approving a Conditional Use Permit for a bed and breakfast inn located in the R-2, R-3, R-4 and PO zones, the Planning Commission must make the following findings:

1. The establishment of a bed and breakfast inn is consistent with the purpose of the General Plan, including policies regarding the displacement of rental units in the housing stock; and

2. The establishment of a bed and breakfast inn will not be detrimental to a building, structure or feature of significant aesthetic, cultural, architectural or engineering interest or value of a historical nature; and

3. The establishment of a bed and breakfast inn is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses.

These findings shall be in addition to those required for the approval of Conditional Use Permits contained in Section 20-21.7.

j. Any Conditional Use Permit issued by the City for any bed and breakfast inn shall be subject to an express condition that said permit shall expire and said use shall terminate (unless a new Conditional Use Permit is approved therefore) upon any transfer of ownership of said real property.

k. The permit shall terminate if any bed and breakfast inn is discontinued for a period of twelve (12) months, regardless of any intent to resume operation."

Section 10. Amendment

Section 20-1.11 of the Ridgecrest Municipal Code is hereby amended and reenacted to read as follows:

"Section 20-1.11. Duty of Director of Community Development

a. The Director of Community Development shall have the primary duty to enforce the provisions of this chapter.

b. If the Director determines that the provision of this chapter or any condition of a permit issued under this chapter is being violated, the Director shall notify the property owner and permittee in writing, describing in reasonable detail the violation alleged to have committed. The permittee shall have fourteen (14) days from date of mailing to correct the violation.

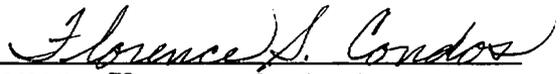
c. If the property owner or permittee does not correct the violation the Director shall give notice of revocation of the permit in writing, describing in reasonable detail the violation alleged to have been committed or to exist and shall serve the notice on the property owner or permittee in person or by certified first class mail to the prior and at the address listed in the permit application.

d. The property owner or permittee may appeal the determination of the Director by filing a written notice of appeal with the Secretary of the Planning Commission no later than thirty (30) days after the date of the notice of the revocation. At the hearing, the burden of proof shall be with the Director to prove the violation by a preponderance of the evidence. The Commission shall confirm, reverse or modify the Director's decision. The decision shall be final unless appealed. On appeal, the decision of the Commission shall be final."

Section 11. Other

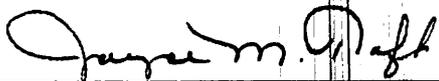
Except as provided herein, the Ridgecrest Municipal Code is hereby reaffirmed and readopted.

PASSED, APPROVED AND ADOPTED



Mayor, Florence S. Condos

ATTEST:



City Clerk, Joyce M. Taft

(SEAL)