

ORDINANCE NO. 04-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING THE RIDGECREST MUNICIPAL CODE CHAPTER XX ZONING

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

1. Purpose.

This ordinance amends the Zoning Ordinance pursuant to the General Plan Amendment (GPA 04-01) and zoning ordinance amendments of Ordinance 04-03.

2. Findings.

The council finds, determines and declares that the following Sections of the Zoning Ordinance are deleted, amended, and added as follows:

3. Deleted Sections and Text

Section 20-5.3 m	Guest houses
Section 20-5C.3 e	Guest houses
Section 20-5D.3 e,f,g	renumbered
Section 20-6.3 d,e,f	renumbered
Section 20-7.3 d,e,f	renumbered
Section 20-7A.3 d,e,f	renumbered
Section 20-8.3 d,e,f,g,h,i,j	renumbered
Section 20-10.2	
Section 20-10.3 d,e,f,g,h,i,j	renumbered
Section 20-11.2	
Section 20-13.3	
Section 20-16.3 k,l,m,n	renumbered

4. Amended and added Sections

Section 20-1.2 Definitions

"Live/Work Use" shall mean a dwelling unit with a separate living space attached to a work space within the same structure. The work space and the living space must be occupied by the same tenant.

"Manager/Caretaker Unit" shall mean a dwelling unit for a person who is employed (compensation may be in the form of free housing), including an owner or manager to watch over and perform routine maintenance of a ranch, home, or business. A Manager/Caretaker residence shall mean one (1) accessory structure or attached unit, used to accommodate a person or persons who takes charge of or cares for the principal use of the lot upon which the dwelling is constructed. Said dwelling may contain one (1) kitchen or cooking facilities, living and sleeping quarters, and shall be limited in floor area to a maximum of twenty (20%) percent of the total floor area of the existing primary use not to exceed a total of 1,200 square feet of living area. A garage for residential purposes not exceeding three hundred sixty (360) square feet may be attached to the structure.

"Primary or Principal Use" shall mean the primary or predominant use of any lot, building or structure.

Section 20-3.26 Family Day Care Homes

- b. A small family day care home may be established in any residential zone if the home complies with the regulations set forth in the California Health and Safety Code Section 1597.45 and one (1) off-street parking space is provided for each six (6) children, plus one (1) space for each staff member. As used herein, "small family day care home" is a home which regularly provides family day care protection and supervision to eight (8) or fewer children, including children who reside in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians (other than the provider) are absent. A small family day care home shall be considered a residential use of property for purposes of this Ordinance.
- c. A large family day care home may be established in any residential zone if the home complies with the regulations set forth in the California Day Care Facilities Act, California Health and Safety Code Section 1597.46 and the Director of Planning and Community Development issue a permit. As used herein, "large family day care home" is a home which regularly provides family day care, protection and supervision to nine (9) to fourteen(14) children, including children who reside in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians (other than the provider) are absent. The permit issued by the Director shall include at least the following conditions:

Section 20-5B.2 Permitted Uses

- f. Second Units subject to the requirements of subsection 20-8-12.

Section 20-5C Permitted Uses

- d. Second Units subject to the requirements of subsection 20-8-12.

Section 20-5C.3 Permitted Uses with a Conditional Use Permit

- 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. (Ord. No. 94-05, § 9)

Section 20-5D.2 Permitted Uses

- d. Second Units subject to the requirements of subsection 20-8-12

Section 20-5D.3 Permitted Uses with a Conditional Use Permit

- 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

Section 20-6.2 Permitted Uses

- e. Second Units subject to the requirements of subsection 20-8-12

Section 20-6.3 Conditional Uses

- 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 signs and model home display areas. (Ord. No. 94-05, § 9)

Section 20-7.2 Permitted Uses

- e. Second Units subject to the requirements of subsection 20-8-12

Section 20-7.3 Conditional Uses

- 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 signs and model home display areas. (Ord. No. 94-05, § 9)

Section 20-7A.2 Permitted Uses

- e. Second Units subject to the requirements of subsection 20-8-12

Section 20-7A.3 Conditional Uses

- 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 signs and model home display areas. (Ord. No. 94-05, § 9)

Section 20-8.2 Permitted Uses

- e. Second Units subject to the requirements of subsection 20-8-12

Section 20-8.3 Conditional Uses

- 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 signs and model home display areas.
- f. Lodges, social halls, fraternal organizations operated by a nonprofit organization.
- g. Mobile home parks.
- h. Reserved.
- i. Parking lots. (Ord. No. 84-08, A 8, § 803; Ord. No. 86-06, § 12, Ord. No. 92-10, § 6)

Section 20-8.12 Second Units

Applications for secondary dwelling units shall be considered a ministerial process, without discretionary review or hearing, notwithstanding Section 65901 and 65906 or any City Ordinance regulating the issuance of

variances or conditional use permits, if the dwelling unit is intended for the sole occupancy of one adult or two adult persons who are 62 years of age or over (Government Code Section 65852.1). Secondary dwelling units shall comply with all of the following:

- a. The unit is not intended for sale and may be rented,
- b. The lot is zoned for single family or multi family use,
- c. The lot contains an existing single family unit,
- d. The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or on the same lot as the existing dwelling,
- e. The increased floor area of an attached second unit shall not exceed 30-percent of the existing living area,
- f. The total area of floors pace for a detached second unit shall not exceed 1,200 square feet,
- g. Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements that are generally applicable to residential construction in the zone in which the property is located shall apply,
- h. Local building code requirements shall apply to second dwelling units,
- i. Parking shall be provided for second units at one space per unit or per bedroom, whichever is greater,

Section 20-9.2 Permitted Uses

- f. Second Units subject to the requirements of subsection 20-8-12

Section 20-10.2 Permitted Uses. The following uses may be permitted subject to the application for a site plan review pursuant to Section 20-22 of this Code.

- a. Multi-family residential dwellings.
- b. A one-family dwelling.
- c. Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure are both located on adjacent lots which meet minimum area requirements.
- d. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.
- e. Home occupations. (Ord. No. 84-08, A 10, § 1002; Ord. No. 86-06, § 17)
- f. Second Units subject to the requirements of subsection 20-8-12.

20-10.3 Conditional Uses The following uses may be permitted subject to the application for a conditional use permit pursuant to Section 20-21 of this Code

- 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.

(Ord. No. 84-08, A 10, § 1004; Ord. No. 86-06, § 18; Ord. No. 91-12, § 5)

Section 20-11.2 Permitted Uses

The following uses may be permitted subject to the application for a site plan review pursuant to Section 20-22 of this Code.

- e. Second Units subject to the requirements of subsection 20-8-12

Section 20-13.2 Permitted Uses

- b. Any use permitted in the R-1 District with the exception of Second Units. (Ord. 84-08, A 13, § 1302)

Section 20-13.3 Conditional Uses

The following uses may be permitted subject to the application for a conditional use permit as regulated by Section 20-21 of this Code: any use listed as a conditional use in the R-1 District.

Section 20-16.1 Purpose

The General Commercial District is intended primarily to serve as the central trading district of the City along major arterials. This zone 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. Parking, auto sales, nurseries, service stations, mobile home sales and large vehicular equipment such as used in farming, trucking and open storage which is completely screened from view by a block wall are excluded from the provisions of being conducted entirely indoors. (Ord. No. 84-08, A 16, § 1601; Ord. No. 86-06, § 26)

Additionally, one live/work or manager/caretaker dwelling unit per legal, conforming lot and attached to a permitted use as specified in Section 20-16.2 may be permitted for upon ministerial site plan review in compliance with the provision of this chapter.

Section 20-16.2 Permitted Use

- Live/Work Use
- Manager/Caretaker Use

Section 20-16.3 Conditional Uses

- k. Mini-storage warehouse complexes.
- l. Metal buildings.
- m. A pest control business provided the business does not

Section 20-16.9 Development Guidelines for Live/Work or Manager/Caretaker Units.

Development of permitted residential uses (manager/caretaker live/work dwelling units shall enhance the diversity Section and Safety of mixed-use and built form through compatibly designed infill. Conversions and additions to establish live/work uses utilizing appropriate commercial amenities, building materials, and landscaping in a high quality environment is the overall goal, and shall be developed as follows:

- a. Dwelling units located above commercial uses on the main floor shall have access at grade which is separate from the commercial component.
 - b. A maximum of one manager/caretaker dwelling unit shall be located per legal parcel.
 - c. Two off-street parking spaces shall be required per live/work or manager/caretaker unit.
 - d. A maximum of fifty (20) percent of the gross floor area with a maximum of 1,250 square feet of all commercial development on the parcel shall be devoted to a residential dwelling unit.
- Residential uses in the General Commercial Zone shall
- e. consist of only a manager/caretaker or live/work type dwelling unit as defined in Section (20-1.2) of this ordinance.
 - f. A permanent commercial use as permitted in Section 20-16.2 shall be established on a parcel prior to a permitted manager/caretaker dwelling unit being established. No residential use shall be established prior to establishment of a commercial use.
 - g. A manager/caretaker or live/work residence shall not be permitted in conjunction with conditionally permitted uses as specified in Section 20-16.3. Further, for health, safety and general welfare purposes, manager/caretaker or live/work residence shall not be permitted with 300' where hazardous materials dispensed and shall not be located on parcels accommodate bars, cocktail lounges, night clubs or adult oriented businesses.

Section 20-20.3 Residential Parking Requirements

Residential off-street parking requirements shall be as follows:

Single-family detached dwellings

Two open or enclosed spaces

Multi-family dwelling units:

One-bedroom

One and one-half parking spaces per unit

Two-bedroom

Two parking spaces per unit

Three or more bedrooms

Two and one-half parking spaces per unit.

NOTE: In addition, one guest parking space shall be provided on site in a convenient and accessible location for each five residential units. Projects on sites with four or fewer units are exempt from this requirement.

Condominiums or town-houses:

One-bedroom

One and one-half parking spaces/dwelling unit

Two-bedroom

Two parking spaces/dwelling unit

Three-bedrooms or more

Two and one-half spaces/dwelling unit.

NOTE: In addition, one-third parking space shall be provided for each dwelling unit for guest parking and one space for each five units shall be provided for recreational vehicles.

Mobile home park

Two parking spaces/dwelling unit plus one space for each five units for guests.

Housing for elderly

One parking space/dwelling unit plus one parking space for each five units for guests.

(Ord. No. 84-08, A 20, § 2003; Ord. No. 86-06, § 35)

Inclusionary Housing for Elderly Residential parking requirements for developments providing at least 50% of the units exclusively for elderly persons may be reduced up to 50% upon site plan review and approval by the City.

Section 20-26 Definitions

"Projecting Sign" shall mean a sign which is attached to and projects 12" or more from the structure or building face, and is not parallel to the structure to which it is attached.

"Temporary Sign" shall mean any sign or advertising display intended to be displayed, unless otherwise specified by the Community Development Director, for a period of less than 30 days.

Table 1 (Preceding Section 20-26.4)

TABLE I

Regulations Regarding Permitted Aggregate Sign Area, Maximum Height, and Minimum Setback

Zone	Monument ***	Pole signs **	Wall, Roof & Win. Signs	Maximum Height		Aggregate Sign Area Total for All Permanent Signs
				Minimum setback All except wall, projecting and monument signs***		
Single-Family Residential Uses such as Conditional Use Permits =	N/A	N/A	N/A	N/A	N/A	N/A (.33) x length of street frontage
Multi-Family	5'	N/A	20'	None		*(.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 five feet of additional setback from the front and corner side yard but not exceeding 25 feet.

*** Not over three feet six inches in cross-visibility area.

**** The Planning Commission may by use permit allow maximum height to vary depending on building height.
The Planning Commission may by use permit allow an increase in maximum aggregate area for lots with less than 100 feet of allowable sign frontage.

Section 20-26.5 Special Regulations

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 subsection 20-26.8-h– g ., exceptions to this Section may be permitted. (Ord. 84-08, A 26, § 2605)

Section 20-31 Density Bonuses

20-31.1 Purpose. Density Bonuses (incentives and concessions) shall be granted by the City consistent with the provisions of Government Code Section 65915, as amended, when an applicant for housing development agrees or proposes to construct at least any one of the following:

- Twenty percent of the total units of a housing development for lower income households, as identified in Section 50079.5 of the Health and Safety Code,
- Ten percent of the total number of dwelling units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code,
- Fifty percent of the total dwelling units of a housing development for qualifying residents, as defined in Section 51.3 of the Civil Code,
- Twenty percent of the total dwelling units in a condominium project as defined in subsection (f) of Section 1351 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.

20-31.2 Application. Density Bonuses shall be granted in a ministerial manner consistent with State Density Bonus Law (Government Code Section 65915) upon site plan review and summarized as follows:

- A 25% density bonus shall be granted for housing that includes at least 50% of all units for seniors and elderly persons plus one additional incentive, or financially equivalent incentive(s). (California Government Code Section 65915).
- All handicap units shall be exempt from maximum residential density requirements.
- Incentives shall be provided for the development of Planned Unit Developments (PUD) that include amenities and the preservation of common open space, accommodate seniors and lower income (low and very low) projects with a 25% density bonus pursuant to Government Code Section 65915.
- A 25% density bonus shall be granted for market rate residential developments that set-aside 20% of the total number of units, with restrictions, for low and very low income persons.
- The City shall provide a 10% density bonus to accommodate large family dwelling units.
- The City shall grant a density bonus equal to the number of lots or units lost as a result of providing additional, useable recreational space for very low, low and special needs housing in Planned Unit Developments.
- Density Bonuses shall be granted in a ministerial manner, and be approved as a part of site plan review.

20-31.3 Exceptions. The City shall grant the additional concession or incentive, unless the City makes a written finding and determination, based on substantial evidence, that the additional concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code.

5. Effective Date.

This ordinance shall take effect 30 days from the date of adoption.

6. City Clerk.

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause this ordinance to be published in the manner required by law.

APPROVED AND ADOPTED this 2nd day of June 2004 by the following vote:

AYES: Mayor Carter, Council Members Holloway, Martin, Morgan, and Clark

NOES: None

ABSENT: None

ABSTAIN: None



Ronald H. Carter, Mayor

ATTEST:



Harvey M. Rose
City Clerk