



DATE: July 17, 2012
TO: Mayor, and Council Members
FROM: Mike Podegracz, City Manager
BY: Scott Priester, Development Services Director
Dave Reno, AICP, Principal Planner
Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Consideration of Development Code Amendment DCA12-10117 pertaining to permits and procedures; Applicant: City of Hesperia; Affected area: Citywide

RECOMMENDED ACTION

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2012-14, approving DCA12-10117, regarding permits and procedures.

BACKGROUND

On May 10, 2012, the Planning Commission held a public hearing and voted 4-0 to approve DCA12-10117, as amended. The amendment consisted of keeping the 300, 600, and 900-foot noticing requirement and identifying that recreational vehicles do not qualify for use of a Second Dwelling Unit.

This Development Code Amendment is part of staff's comprehensive update of the Development Code following adoption of the General Plan in September of 2010. Chapter 16.12 specifies the application process regulations including the appropriate reviewing authority, noticing procedures, time limitations, and approval requirements for all types of projects. Amendment to this section was suggested by the City Council's position taken regarding solar farms recently filed in residential areas.

In addition, staff is taking this opportunity to update this section based on current practices and procedures.

ISSUES/ANALYSIS

Most of this Chapter, with the exception of the California Environmental Quality Act (16.12.410) and Non-conforming uses (16.12.310) has not been revised since 1994. This Ordinance will amend this section consistent with state law as well as to streamline the entitlement procedures as follows:

- Elimination of Section 16.12.010 (A)(2)(b), as it pertains to notification procedures;
- Elimination of Section 16.12.015 as it pertains to Pre-application Conference;
- Elimination of Section 16.12.360 (G), (H), (I), (J), and (K) as it pertains to Temporary Dependant Housing;

- Elimination of Section 16.12.085 as it pertains to the requirement of a site plan review for residential development of two, three, or four dwelling units;
- Provides additional procedures for Alcohol Conditional Use Permits and Revised Conditional Use Permits without Planning Commission approval.

Amendment to noticing procedures

The noticing procedures have not been amended since 1994. The City is required to post public hearing notices on the project site no more than three hundred (300) feet apart and the requires that all projects requiring a public hearing be posted in a newspaper of general circulation. The state requires posting the property in addition to posting in two other public places if the project is not posted in at least one newspaper of general circulation. Because the City posts all public hearing projects in a newspaper of general circulation, the posting of the property is not required by state law.

Elimination of Pre-application Conference

The Pre-application Conference is an application that is submitted to and reviewed by the Design Review Committee (DRC). This process requires a fee but does not result in an approval. In the past this application was filed in order to generate feedback from all different departments, prior to a formal submittal. This process can be eliminated as the City currently offers applicants the opportunity to present projects as a “walk-on” prior to the submittal of a formal application. These “walk-ons” are evaluated by the DRC after all noticed projects have been considered and allows applicants to receive feedback from all departments, free of cost. Consequently, the pre-application conference application is no longer necessary.

Elimination of Temporary Dependant Housing

The Temporary Dependant Housing (TDH) regulations were adopted to allow an additional dwelling unit with a single family residence for persons over 62 years of age or anyone with a disability. There are currently no active TDH permits in the City, as the last one was issued in 1997 and expired on April 15, 2000. Because TDH’s are not legally required and have not been issued in over 10 years, staff believes that their elimination will not negatively affect the housing opportunities in the City. Furthermore, the City is required by law to offer Second Dwelling Units as an additional housing unit. These are very similar in nature to a TDH with the exception that it is treated as a permanent unit that may be rented rather than a temporary unit that is limited to a dependant senior or disabled person.

Elimination of Site Plan Review requirement for residential development of two, three, or four dwelling units

The current practice has been to not require a discretionary approval for four units or less, as long as the project meets all current development standards. This amendment will codify current practice.

Amendment to CUP Revisions Section

Since adoption of the Main Street and Freeway Corridor Specific Plan (MSFCSP), staff has established a policy for processing Alcoholic Beverage Control (ABC) Conditional Use Permit

(CUP) applications. This applies to new or expanded alcohol uses in properties within the MSFCSP such as expanding an existing beer and wine license to a full liquor service. This amendment will codify this policy consistent with the MSFCSP. The Major and Minor CUP are also being revised consistent with current practice. Major Revisions will be processed as Revised CUP's. This application is used for conditionally permitted uses proposed at an existing facility, where the impact is not significant enough to require the submittal of a new CUP. Projects which propose changes that are not significant enough to trigger a Revised CUP will be approved administratively. A Minor CUP would require a ministerial approval through a letter of substantial conformance.

A number of minor changes were made throughout Chapter 16.12. For example, the "decision making authority" has been changed from building official or planning director to the "reviewing authority". Section 16.12.090 has been amended to include subsection E, requiring submittal of a rendering of every project and digital copies of plans. In addition, Section 16.12.085 was re-formatted to fit within a table, providing a simpler and clearer arrangement of the information. The recommended changes to the Development Code are identified within the (Exhibit "A") of the Ordinance. Additions are shown on the resolution Exhibit "A" using red underlined text and deletions are represented by ~~strikethroughs~~.

Environmental: This Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 16.12.415(B)(10) of the City's CEQA Guidelines. The proposed Ordinance does not expand the allowable uses, change intensities, or grant entitlements not already permitted.

Conclusion: This Development Code Amendment codifies policy consistent with state law and the Main Street and Freeway Corridor Specific Plan.

FISCAL IMPACT

None.

ALTERNATIVES

1. The Council may choose to retain the property posting requirement or to require that the applicant prepare and post notices.
2. Provide alternative direction to staff.

ATTACHMENT

1. Ordinance No. 2012-14, recommending adoption of DCA12-10117, with Exhibit "A"

ORDINANCE NO. 2012-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADOPTING A DEVELOPMENT CODE AMENDMENT PERTAINING TO PERMITS AND PROCEDURES (DCA12-10117)

WHEREAS, On January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, The City of Hesperia has initiated a Development Code Amendment to revise and update regulations involving Permits and Procedures; and

WHEREAS, The City finds that it is necessary to amend the Permit and Procedure regulations to be consistent with the City's Main Street and Freeway Corridor Specific Plan and the recently adopted General Plan; and

WHEREAS, The proposed Development Code amendment is exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines. This section states that Development Code Amendments are exempt if they do not propose to increase the density or intensity of development allowed in the General Plan. The proposed Ordinance does not expand the allowable uses, change densities, or grant entitlements not already permitted by the Development Code and General Plan; and

WHEREAS, On May 10, 2012, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment and concluded said hearing on that date after which it recommended approval to the City Council; and

WHEREAS, On July 17, 2012 the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY HESPERIA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in this Ordinance are true and correct.

Section 2. Based upon substantial evidence presented to the City Council, including written and oral staff reports, the Council specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Development Code Amendment DCA12-10117, pertaining to permits and procedures as shown on Exhibit "A."

Section 4. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101.

ADOPTED AND APPROVED on this 7th day of August 2012.

Russell Blewett, Mayor

ATTEST:

Melinda Sayre-Castro
Assistant City Clerk

EXHIBIT "A"

~~Strikethrough~~ indicates text that has been eliminated and **red** text indicates text has been added.

16.12.005 - Development review procedures.

A. Land use applications will be reviewed and approved in accordance with four basic procedures:

1. Noticed public hearing by the City Council and/or Planning Commission, in which the reviewing authority hears public testimony for and against the land use proposal, reviews evidence and renders its decision;
2. Administrative review with notice, in which a posted and/or published notice is given to affected and interested parties, followed by a decision by the reviewing authority. The notice shall be designed to ensure that all interested parties are aware of the pending decision and are given a chance to comment before the reviewing authority renders its decision. The reviewing authority shall be the development review committee;
3. Administrative review without notice, used when land use decisions made by the reviewing authority are based upon standards that have been adopted by the city as law or policy, and the reviewing authority is allowed to render a decision without giving notice to surrounding property owners and other parties. The reviewing authority shall be the development review committee;
4. Tenant improvement review, used when a proposed land use is to be located within a facility that meets the city's development standards, or when the existing facility has been previously approved for the same or similar use. The reviewing authority is not required to give notice prior to rendering a decision. The reviewing authority shall be the building official, or his or her designee, with concurrence with other city agencies.

B. Review procedures for each application type are specified in Articles II through XII of this chapter.

(Ord. 192 Exh. A (§ 83.01.010), 1994)

(Ord. No. 2009-08, § 3(Exh. A), 10-20-09)

16.12.010 - Notification procedures.

A. Notice of Land Use Decisions.

1. General Provisions.

- a. Notice shall be given by first class mail or delivery to all surrounding property owners for land use decisions using the public hearing or administrative review with notice procedures.
- b. Notice shall be given by first class mail to any person who has filed a written request for such notice.
- c. When the discretionary power of the reviewing authority permits decisions with limited notice, notice shall be given by first class mail or delivery to all contiguous property owners.
- d. Notice shall be given in the case of a conversion of residential real property to a condominium project, community apartment project or stock cooperative, pursuant to Section 66427.1 of state law.
- e. Notice may be given in such other manner as is deemed necessary or desirable by the reviewing authority.
- f. The notice shall include all necessary information to give those receiving the notice a reasonable opportunity to evaluate the implications of the proposal and to participate in the decision-making process. The information shall include, but not be limited to, date, time, and place of the public hearing as well as a general description and location of the proposal.

- g. "Surrounding property," for the purposes of this section, shall be defined as those properties which fall within a radius drawn from the nearest limits of the property that is the subject of the land use application, as follows:
 - i. **Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing.**
 - ii. If the subject property is thirty-five (35) acres or less, all properties within a three hundred (300) feet radius shall be notified. For projects requiring a density transfer, density bonus, legislative act or an environmental impact report, all properties within a six hundred (600) foot radius shall be notified.
 - iii. If the subject property is greater than thirty-five (35) acres, all properties within a six hundred (600) foot radius shall be notified. For projects requiring a density transfer, density bonus, legislative act or an environmental impact report, all properties within a nine hundred (900) foot radius shall be notified.
 - iv. The reviewing authority may expand the surrounding property notice requirement if deemed necessary to include all properties potentially affected by the application.
 - v. "Contiguous property," for the purpose of this section, shall be defined as those properties which touch property lines of any parcel that is the subject of a land use decision, including those properties which touch said property lines of the subject parcel when projected across public or private rights-of-way or easements.
A one-eighth page display advertisement in a newspaper of general circulation may be substituted for individual property owner noticing, whenever the individual notice would require notification of one thousand (1,000) or more property owners.
 - vi. An ownership of surrounding and contiguous properties shall be determined from the latest equalized tax assessment role.
2. Public Hearing Notification. At least ten days before the meeting date of a project requiring a public hearing, the reviewing authority shall cause notice of the time and place of the public hearing on the project to be given in the following manner:
- a. Notice shall be published once in a newspaper of general circulation for land use approvals requiring a public hearing, if such a newspaper has been legally adjudicated for this purpose; or,
 - b. Notice shall be posted at least ten days prior to the public hearing in at least three public places pursuant to state law.
 - c. Supplemental Notice Requirements. Additional public notification beyond the boundaries specified in Section 16.12.010(A)(1)(g) may be required for a development application as determined by the reviewing authority in any one of the following circumstances:
 - i. The proposed development is a residential infill project with a higher intensity land use than that of the existing neighborhood; or,
 - ii. The proposed infill project requires a General Plan land use amendment; or,
 - iii. The proposed infill project requires an EIR; or,
 As deemed to be necessary and desirable by the reviewing authority, based on the nature of the proposed project. For large projects, the reviewing authority may determine that additional noticing is necessary.
 - iv. In determining the boundaries of an expanded notification area, the following criteria shall be used:

(A) The expanded area may be directly affected by the proposed project due to proposed or established circulation and drainage pattern, access, view, grading, or other similar considerations, or

(B) The expanded area is an integral part of the affected neighborhood or subdivision.

- v. If it is determined upon initial submittal that supplemental notification is necessary, the applicant shall be notified within thirty (30) days as part of the city's notice of complete application, of the expanded notification area to be included in the mailings.
- d. Other Notice Requirements. Notices required by this section shall be in addition to any other or different notice required by other provisions of this code or by State law, provided, however, that nothing therein shall require separate notices to be given if the same notice will satisfy the requirements of this section and any other applicable section of this code or State law.
- e. Any public hearing may be continued to a specific date from time to time by the reviewing authority, subject to limitations provided by law; and in such case no further notice need be given.

(Ord. 213 Exh. A (part), 1995;

Ord. 192 Exh. A (§ 83.01.020), 1994)

16.12.020 - Application procedures.

- A. Application forms for all land use decisions shall be filed with the Planning Division. Each application for a land use decision shall be accompanied by such information and materials deemed necessary by the reviewing authority to render the requested land use decision. A uniform fee, as established by the City Council, shall be paid to the city upon filing of each application. Any application made under the provisions of the development code may be initiated by the City Council or by any interested party unless otherwise indicated in this chapter.
- B. All land use decisions subject to the California Environmental Quality Act shall be reviewed by the Planning division in accordance with Article XIII of this chapter.
- C. When more than one land use decision is required for a single project, all applications shall be filed concurrently, unless separate filings are authorized by the reviewing authority.
- D. The Planning Division shall prepare written guidelines that set forth detailed procedures for the review of each application type and which outline the information and materials required for each application. Any application for a land use decision that does not meet the requirements set forth in the applicable guidelines may be rejected by the reviewing authority.

(Ord. 192 Exh. A (§ 83.01.040), 1994)

16.12.025 - Time limitations for application acceptance.

The following time limits are established for reviewing land use applications as complete.

- A. Pursuant to Government Code Section 65943, not later than thirty (30) days after the city has received an application for a development project, it shall determine whether the submitted application materials are complete, and shall transmit such determination to the applicant. Upon receipt of any resubmittal, a new thirty (30) day time period shall begin during which the city shall determine the completeness of the application. If the application together with submitted materials

are determined not to be complete, the applicant may appeal the decision to require additional information to the Planning Commission, as provided for in Section 16.12.055(A)(2) of this article. If the final written determination on the appeal is not made within sixty (60) days, the application as well as the submitted materials shall be deemed complete.

- B. The reviewing authority and the applicant may mutually agree to a reasonable extension of these time limits.

(Ord. 192 Exh. A (§ 83.01.050), 1994)

16.12.030 - Denial of incomplete applications.

- A. In the event that the application is lacking as shown below and it is not provided by the applicant within the time limits specified by Section 16.12.025 of this article, the city may continue or deny a permit or entitlement for a development project to allow time to obtain the needed information. Information whose absence would constitute a reason for such a denial includes:
 - 1. Information which is necessary to prepare a legally adequate environmental document;
 - 2. Information without which the City's decision to approve a project would not be supported by substantial evidence.
- B. The City may deny an application for the above reasons. The reviewing authority may choose to deny the project without prejudice, allowing the applicant the right to reapply for the same permit within a year.

(Ord. 192 Exh. A (§ 83.01.060), 1994)

16.12.035 - Time limits for rendering land use decisions.

The following time limits are established for rendering land use decisions:

- A. Except for legislative acts of the City Council, the reviewing authority shall render its decision on a land use application within the following time limits, or the application shall be deemed approved:
 - 1. If a negative declaration is prepared, or if the project is exempt pursuant to the Public Resources Code, the project shall be approved or disapproved within six months from the date on which an application requesting approval of the project has been received and accepted as complete by the reviewing authority, except as provided in Section 16.12.025 of this article.
 - 2. If an environmental impact report (EIR) is prepared, the project shall be approved or disapproved within one year from the date that the project has been accepted as complete by the reviewing authority, except as provided in Section 16.12.025.
 - 3. Should compelling circumstances justify additional time beyond one hundred five (105) days to complete a negative declaration or beyond one year to complete and certify an environmental impact report, then a reasonable extension of time may be granted by the reviewing authority if the project applicant requests or consents to such an extension, subject to the following provisions:
 - a. In the case of an environmental impact report, the planning agency shall approve or disapprove the project within forty-five (45) days after certification of the environmental impact report for a tentative map or parcel map; and ninety (90) days after the certification of the environmental impact report for all other types of development projects.

(Ord. 192 Exh. A (§ 83.01.080), 1994)

16.12.045 - Effective date of land use decisions.

Unless appealed, land use application decisions become effective as follows:

- A. Unless adopted on an urgency basis, land use ordinances shall become effective thirty (30) days after the second reading of the ordinance.
- B. Land use decisions made at a public hearing shall be effective on the eleventh day after the decision date, except when the tenth such day is not a city business day. In such instances, the land use decision shall become effective on the second consecutive city business day following such tenth day.
- C. Land use decisions not made at a public hearing by a reviewing authority become effective on the eleventh day after the written notice of the land use decision has been deposited in the U.S. mail, except when the tenth such day is not a city business day. In such instances, the land use decision shall become effective on the second consecutive city business day following such tenth day.
- D. Notwithstanding the provisions of this section, land use application decisions which are made contingent on the approval of another application or ordinance requiring legislative action, such as a General Plan Amendment, zone change, or ordinance, shall become effective on the date when the approval of the last such application on which they are subject becomes effective.

(Ord. 192 Exh. A (§ 83.01.090), 1994)

16.12.050 - Conditions of approval.

- A. In approving an application for a land use decision, the reviewing authority may establish reasonable conditions to its approval necessary to protect the public health, safety and general welfare.
- B. Minor modifications of the conditions of approval for a development project may be approved by the reviewing authority through the administrative review without notice procedure pursuant to Section 16.12.005. However, should the reviewing authority determine that the modification(s) may have significant impacts on the project site or surrounding properties, then the requested modification(s) may be referred back to the reviewing authority who required the condition(s). The review procedures for the requested modification(s) shall be those which were applicable to the project when originally reviewed.

(Ord. 192 Exh. A (§ 83.01.100), 1994)

16.12.055 - Appeal procedures.

- A. Prior to its effective date, any land use decision made by a reviewing authority other than the City Council may be appealed by the applicant or other affected party, as follows:
 - 1. "Affected party" includes any resident or business interest, the city, including its elected or appointed officials, and responsible or trustee agencies as defined in the California Environmental Quality Act.

2. The Planning Commission shall consider appeals regarding land use decisions made by the DRC, including the decision to require preparation of an environmental impact report (EIR).
3. The Planning Commission may refer consideration of an appeal to the City Council, except for those decisions involving only a minor exception, a determination as to the completeness of an application, or the requirement for preparation of an environmental impact report. In these instances, the Planning Commission decision shall be the final and conclusive decision.
4. The City Council shall consider appeals regarding land use decisions made by the Planning Commission, except as specified above.
 - B. Application for an appeal of a land use decision shall be made upon forms supplied by the reviewing authority to which the appeal is being made. Applications for appeals shall be accompanied by a written statement of the grounds upon which the appeal is based. A uniform fee, as established by the City Council, shall be paid to the city upon the filing of each appeal.
 - C. An appeal of a land use decision must be filed prior to the date on which such land use decision becomes effective, as specified in Section 16.12.045. A properly filed application for appeal stays proceedings in the matter appealed until a decision is rendered on the appeal.
 - D. Within thirty (30) days of the acceptance of an application for an appeal of a land use decision, the reviewing authority shall set the matter for hearing and shall give notice of the date, time and place of the hearing to the appellant, the applicant, and to any other party who has requested in writing to be so notified. In addition, notice shall also be given in the same manner as notice was given for the land use decision being appealed.
 - E. Upon hearing the appeal, the appeal body shall consider the record and such additional evidence as may be offered, and may affirm, reverse or modify, in whole or in part, the order, requirements, decision, determination, interpretation or ruling appealed from, or make and substitute such other or additional decision or determination as it may find warranted under the provisions of the development code, or other applicable adopted city code, ordinance, resolution or standards. The appeal body is subject to all of the criteria and findings requirements imposed upon the original decision maker. The appropriate authority shall forthwith transmit a copy of the decision to the applicant, and the appellant.

*(Ord. 2003-05 § 4 (part), 2003;
Ord. 192 Exh. A (§ 83.01.110), 1994)*

16.12.060 - Approval period for land use decisions.

- A. Any land use decision made in accordance with the provisions of this title shall be subject to the following time limitations:
- B. Unless substantial construction in reliance upon building permits has occurred or division of land authorized by the land use decision has taken place or been recorded within the time specified for each land use application type within this title, the land use decision shall become null and void.

- C. Where circumstances warrant, the development review committee may grant extensions of time for a period of time not to exceed twelve (12) months each. The development review committee shall consider each extension of time on its own merits and may amend the conditions as necessary to bring the project into compliance with the development standards in effect at the time of review of the extension. The development review committee may refer such request for extension to the Planning Commission for action.
- D. Public projects shall not be subject to a time limitation unless specific time limits are included within conditions placed upon the project's approval. When time limits are placed within the conditional approval of a public project, extensions of time may be granted whenever warranted; provided, no single action is taken to grant an extension greater than twelve (12) months.
- E. All entitlements subject to this section effective between January 1, 2007 and the effective date of approval of this amendment shall be granted one automatic twelve (12) month extension of time.

(Ord. 192 Exh. A (§ 83.01.120), 1994)

(Ord. No. 2009-08, § 3(Exh. A), 10-20-09)

16.12.065 - Issuance of building permits.

A. General Provisions.

- 1. Except as specified in the Uniform Administrative Code and the Uniform Building Code, it is unlawful to construct, erect, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, unless a building permit for each building or structure has first been obtained from the department of building and safety for such work.
- 2. Each application for a building permit shall be made on a printed form to be obtained at the Building Division, and shall be accompanied by accurate information and dimensions as to the size and location of the lot; the size and location of the buildings on the lot, the dimensions of all yards and open spaces; and such other information as may be necessary for the enforcement of these regulations. Where complete and accurate information is not readily available from existing records, the Building Division may require the applicant to furnish a survey of the lot prepared by a licensed surveyor. The original of such application shall be retained by the Building Division.
- 3. A building permit shall not be issued for the construction or use of any structure or part thereof, or for the use of any land which is not in accordance with the provisions of the development code, or other applicable governmental entities adopted codes, ordinances, resolutions or standards. The use shall also be in conformity with the approved entitlement, where required by this chapter. Any permit issued contrary to the provisions of this chapter, or other applicable governmental adopted codes, ordinances, resolutions or standards, or not in conformity with approved land use action shall be void and of no effect.
- 4. A building permit shall not be issued where the structure or structures to be erected will have the effect of depriving other persons of the use of their property, or will have the effect of invalidating the General Plan.

5. A building permit shall not be issued for a residential building or structure on a lot which does not have a minimum frontage of forty (40) feet unless otherwise approved in a planned development or equivalent development plan, with access on a dedicated street or way acceptable to the city engineer.
 - a. Acceptable access shall include a public thoroughfare or right-of-way which is dedicated, deeded or condemned for use as a principal means of access to abutting property, and which is constructed to acceptable standards for the purpose of carrying through traffic; any exceptions to these requirements must be approved by the city engineer.
 - b. Where substandard alleys are located at the rear or sides of property, such alleys shall be used primarily for service functions, including but not limited to trash collection, utility service and fire access; alleys shall not be intended or used for conveyance of through traffic, required parking, or for primary access.
 - c. Alleys which conform to city standards may be allowed for secondary access.
 - d. Any existing alleys must conform to standards contained herein in order to be approved for public use of access.
 - e. Paving for alleyways shall meet specifications of the public works department.
 - f. Minimum alley right-of-way width shall be twenty (20) feet, and dedication to the city shall be required.

- B. Flood Hazard. The reviewing authority is authorized and shall have the duty to refuse the issuance of a building permit or permits to any applicant whose lot is geographically located in such a manner as to constitute a flood hazard either to the proposed structure of the applicant or to any other property. Such a decision by the reviewing authority may be appealed to the Planning Commission, pursuant to Section 16.12.055.

(Ord. 192 Exh. A (§ 83.01.130), 1994)

16.12.070 - Certificate of occupancy.

- A. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until the reviewing authority has issued a certificate of occupancy thereof as provided for under the development code and other applicable codes and ordinances adopted or amended by the city and its subsidiary districts.

- B. New Buildings. The reviewing authority may refer any application for a certificate of occupancy to the Planning Commission for their review and approval.

(Ord. 192 Exh. A (§ 83.01.140), 1994)

16.12.075 - Revocation of land use approvals.

- A. A land use decision may be modified or revoked by the Planning Commission for the following reasons:
 1. Violation of applicable provisions of the development code, or other applicable city codes, resolutions, ordinances or standards;

 2. Failure to comply with the conditions of approval placed upon the project;

3. Approval obtained by fraud.

B. Procedure.

1. After setting a date for public hearing, the reviewing authority shall notify the applicant and owners of the project in question. Such notice shall be sent by mail and shall state that the commission will be reviewing the project for possible modification or revocation. It shall also state the date, time and place of hearing. The public hearing shall be conducted and notice given in accordance with Section 16.12.005(A).
 2. The reviewing authority shall fully investigate the evidence and prepare a report for the commission's consideration. Upon conclusion of the public hearing, the commission shall render a decision to do one of the following measures:
 - a. Find that the use is being conducted in an appropriate manner and that no action to modify or revoke is necessary; or
 - b. Find that the use is not being conducted in an appropriate manner and that modifications to conditions are necessary; or,
 - c. Find that the use is not being conducted in an appropriate manner and that modifications are not available to mitigate the impacts and therefore revokes the permit which requires the operation to cease and desist in the time allotted by the commission.
 3. If the Planning Commission either modifies or revokes a use, then it shall state specific reasons for such action within the resolution.
- C. New Applications Following Denial or Revocation.** Following the denial or revocation of a land use application, an application for the same or substantially the same use of the same or substantially the same site shall not be filed within one year of the date of denial or revocation.
- D.** Any building permits issued for a project on which the approved land use decision has been revoked shall be null and void.

(Ord. 192 Exh. A (§ 83.01.150), 1994)

16.12.076 - Development impact fees/connection charges.

In accordance with Government Code Section 66018, the City Council shall establish development impact fees and connection charges by resolution at a regularly scheduled meeting where a public hearing is held for the consideration of said fees/charges.

(Ord. 2001-11 § 3, 2001)

SITE PLAN REVIEW

16.12.080 - Purpose of provisions.

The purpose of the land use application review process is to assist the property owner in obtaining the best utilization of the property in accordance with sound land use planning and design criteria, and to enable the planning agency to ensure that the proposed development is in conformance with the intent and provisions of the General Plan and all applicable city regulations and policies.

(Ord. 192 Exh. A (§ 83.02.010), 1994)

16.12.085 - Approval required.

- A. No person shall undertake, conduct or use, or cause to be undertaken, conducted or used, any development projects which require an approved land use application, without having first complied with the provisions of this article.

TABLE OF REQUIRED PROCEDURES ON FOLLOWING PAGE

The following table summarizes the type of uses and their approval requirements.

Ministerial Approval	Administrative Review with notice	Planning Commission hearing	City Council hearing
Interior remodels	Appeals of ministerial approvals	Appeals of DRC approvals	Appeals of PC approvals
Alterations to building exteriors not resulting in significant changes of use, drainage patterns, parking, traffic, easements, or greater impacts on infrastructure and public services, as determined by the reviewing authority with concurrence from the city agencies	Additions to existing multiple residential, commercial or industrial structures which will result in an increase in total floor area of 25 percent or greater or expansion of 1,500 square feet or greater	Retail Commercial , Industrial , Office or administrative/professional and/or wholesale and service commercial uses subject to a Conditional Use Permit. Alcohol Conditional Use Permits	Development Code Amendments

Repair and Maintenance of structures or parking areas, unless constrained by existing waste disposal systems and existing drainage patterns and/or easements	Revisions to previously approved site plans comprising of more than 25 percent expansion to the building area or developed area of the site	Public Facility Reviews	Specific Plan Amendments
Replacement and or repair of a structure partially destroyed by fire, flood or other natural occurrence, when the repair is consistent with the design, use and intensity of the original structure and with the zoning and general plan	Intensification of land use and/or establishment of new or different pattern of land uses as determined by the reviewing authority.	Recommendation on Development Code Amendments	General Plan Amendments
Expansions to multiple residential, commercial or industrial buildings or structures less than 25 percent in total floor area or less than 1,500 square feet whichever is greater	Projects that have been recommended for administrative review	Specific Plan Amendments	Development Agreements/Amendments
Revisions to previously approved land use comprising less than 25 percent expansion to the building or developed area of the site	Tentative Parcel Maps	Development Agreements	Density Bonus Agreements
Single family residential development 1-4 dwelling units or fewer		Density Bonus Agreements	Planned Developments
Lot line adjustments		Any project requiring an EIR	
Lot mergers		Tentative Tracts	
Certificate of Corrections			
Certificate of Compliance			

16.12.090 Application procedure.

A. Application Submission.

1. The project applicant must be the property owner or an authorized agent of the property owner.
2. The applicant shall prepare a comprehensive site plan and complete the required application forms supplied by the city. The applicant shall file said plans and application with the planning department, along with the required fee as adopted by the City Council. Information requested on the application form and other processing requirements, including but not limited to number of copies requested, maps, graphics or informational reports and studies, shall be determined by the Planning Division.
3. The applicant may be required to clarify, correct or supply additional information before the application is deemed complete. The department shall not accept a site plan for filing if the application does not conform to the standards as prescribed in this section. Upon making the determination that the application conforms to these standards, the department will notify the

applicant in writing that the application has been accepted pursuant to Section 16.12.025 of this division

- B.** Site Plan. The application shall be accompanied by the required number of site plan maps, drawn at a minimum scale of one inch equals twenty (20) feet, or other scale approved by the reviewing authority, on standard sheets of twenty-four (24) inches by thirty-six (36) inches. The site plans shall indicate the location of all known and proposed easements and improvements; structures and improvements proposed to be demolished, relocated, or constructed; and all other pertinent information which can be graphically depicted on the plan, as specified in the checklist provided by the Planning Division.
- C.** Drawings and Elevations. Elevations showing the general appearance and features of proposed structures shall be submitted as required on the application checklist

When required by the Planning Division, drawings and elevations shall be submitted in addition to those accompanying the site plan, which shall include but not be limited to the following:

- 1.** Roof overhangs and any other parts of the structures that protrude from the building surfaces;
- 2.** Uses of each room or floor plans if required.
- 3.** A color set of exterior building elevations and a materials board or a color rendering.

(Ord. 192 Exh. A (§ 83.02.030), 1994)

16.12.095 - Approval requirements.

- A.** Site plan approval shall apply only to the property for which the application was made, and shall apply to that property as long as the use for which approval was granted is in effect, regardless of changes in ownership.
- B.** Site plan approval shall be granted for a period not to exceed thirty-six (36) months from the effective date of the decision; extensions of time to complete compliance with conditions of approval may be granted where warranted, pursuant to Section 16.12.060.
- C.** The following requirements may be placed upon the development project by the reviewing authority as conditions of approval:
 - 1.** Dedications and/or easements for streets, alleys, drainage, public utilities, recreational trails, flood control, and such other rights-of-way as may be determined essential to the orderly development of the site and abutting properties;
 - 2.** On and off-site improvements, including but not limited to the following:
 - a.** Grading, drainage and drainage structures necessary to protect the public safety,
 - b.** Curbs and gutters, street pavement, sidewalks, and traffic control devices; all road improvements are to be constructed pursuant to plans and specifications of the public works department of the city,
 - c.** Adequate water system and fire protection equipment, pursuant to plans and specifications of the public works department and the Hesperia Fire Protection District (H.F.P.D.),
 - d.** Sanitary sewer facilities and connections,

- e. Services from public utilities where provided,
- f. Street trees,
- g. Landscaping, walls and/or fences, trash enclosures, and lighting fixtures,
- h. Street lights and street name signs,
- i. In addition to the above requirements, the reviewing authority shall require such additional improvements and facilities as determined necessary for the proper development of the site and area.

(Ord. 192 Exh. A (§ 83.02.040), 1994)

(Ord. No. 2009-08, § 3(Exh. A), 10-20-09)

16.12.100 - Determination by the approval authority.

The approval authority will determine the merits of the proposed site plan, and its compliance with the principles, standards, policies and goals of the general plan, development code and other applicable codes and ordinances adopted by the city and its subsidiary districts, in order to protect the public health, safety and general welfare. Approval shall be based upon the following minimum criteria, which shall also constitute the findings to be made by the approval authority in approving or denying a site plan:

- A. The site for the proposed use is adequate in size and shape to accommodate all yards, open spaces, setbacks, walls and fences, parking areas, fire and building code considerations, and other features pertaining to the application;
- B. The proposed use will not have a substantial adverse effect on abutting property or the permitted use thereof, and will not generate excessive noise, vibration, traffic, or other disturbances, nuisances or hazards;
- C. The proposed use is consistent with the goals, policies, standards and maps of the development code, General Plan, and other applicable codes and ordinances adopted by the City;
- D. The site for the proposed use has adequate access, meaning that the site design incorporates street and highway limitations.

(Ord. 192 Exh. A (§ 83.02.050), 1994)

CONDITIONAL USE PERMIT

16.12.105 Purpose of provisions.

The purpose of a conditional use permit is to allow certain uses which have the potential to pose a land use incompatibility but contribute to orderly growth and development of the City if properly integrated into the surroundings in which they are to be located. The conditional use permit process is intended to afford an opportunity for broad public review and evaluation of these requirements and characteristics, to provide adequate mitigation of any potentially adverse impacts, and to ensure that all site development regulations and performance standards are provided in accordance with the development code.

(Ord. 192 Exh. A (§ 83.03.010), 1994)

16.12.110 - General provisions.

- A. No person shall undertake, conduct or use, or cause to be undertaken, conducted or used, any development project which requires approval of a conditional use permit, without having first complied with the provisions of this article.
- B. Uses listed as "uses permitted subject to conditional use permit" may be permitted in said zones pursuant to the provisions of this title.
- C. In granting any conditional use permit, the reviewing authority shall affix those conditions which it deems necessary in order to safeguard the public health, safety and general welfare of the area.
- D. Any use existing on the effective date of this article which is listed as permitted subject to a conditional use permit shall be deemed a pre-existing conditional use. Such use may continue in accordance with Section 16.12.325; provided the use is operated and maintained in compliance with the conditions prescribed at the time of its establishment, if any. However, any expansion, alteration, or reconstruction of a building occupied by a pre-existing conditional use shall comply with Section 16.12.330 regulating nonconforming uses, until such time that a conditional use permit is granted as provided in this title.
- E. The Planning Commission shall review requests for conditional use permits at a public hearing, pursuant to Section 16.12.010. The DRC may approve a revised conditional use permit through the administrative hearing with notice procedure.

(Ord. 192 Exh. A (§ 83.03.020), 1994)

16.12.115 - Application procedure.

A. Application Submittal

- 1. The project applicant must be the property owner or an authorized agent of the property owner.
- 2. The applicant shall prepare a comprehensive site plan, floor plan and other information deemed necessary as well as complete the required application forms supplied by the city. The applicant shall file the plans and application with the Planning Division, along with the required fee as adopted by the City Council. Information requested on the application form and other processing requirements, including but not limited to the number of copies requested, maps, graphics or informational reports and studies, shall be filed in accordance with Section 16.12.090.
- 3. The applicant may be required to clarify, correct or supply additional information before the application is determined by the department to be complete. The department shall not accept a conditional use permit for filing if the application does not conform to the standards as prescribed in this section. Upon making the determination that the application conforms to these standards, the department will notify the applicant in writing that the application has been accepted pursuant to Section 16.12.025

- B. Site Plan. The application shall be accompanied by the required number of site plan maps, drawn at a minimum scale of one inch equals twenty (20) feet, or other scale approved by the planning department, on standard sheets of twenty-four (24) inches by thirty-six (36) inches. The site plans shall indicate the location of all known and proposed easements and improvements; structures and

improvements proposed to be demolished, relocated, or constructed; and all other pertinent information which can be graphically depicted on the plan, as specified in the checklist provided by the planning department.

- C. Drawings and Elevations. Elevations showing the general appearance and features of proposed structures shall be submitted, as required on the application checklist. When required by the planning agency, drawings and elevations shall be submitted in addition to those accompanying the site plan, which shall include but not be limited to the following:
 - 1. Roof overhangs and any other parts of the structures that protrude from the building surfaces;
 - 2. Uses of each room or floor plans if required.

(Ord. 192 Exh. A (§ 83.03.030), 1994)

16.12.120 - Approval requirements.

- A. Conditional use permit approval shall apply only to the property for which the application was made, and shall apply to that property as long as the use has not been abandoned for over one year, regardless of changes in ownership.
- B. A conditional use permit shall be granted for a period to be specified by the Planning Commission, not to exceed thirty-six (36) months from the effective date of the decision; extensions of time to complete compliance with conditions of approval may be granted where warranted, pursuant to Section 16.12.060
- C. The following requirements may be placed upon the development project by the reviewing authority as conditions of approval:
 - 1. Dedications and/or easements for streets, alleys, drainage, public utilities, recreational trails, flood control, and such other rights-of-way as may be determined essential to the orderly development of the site and abutting properties;
 - 2. On and off-site improvements, including but not limited to the following:
 - a. Grading, drainage and drainage structures necessary to protect the public safety,
 - b. Curbs and gutters, street pavement, sidewalks, and traffic control devices; all road improvements are to be constructed pursuant to plans and specifications of the public works department of the city,
 - c. Adequate water service and fire protection equipment is provided, pursuant to plans and specifications of the public works department and the county fire department.
 - d. Sanitary sewer facilities and connections,
 - e. Services from public militias where provided,
 - f. Street trees,
 - g. Landscaping, walls and/or fences, trash enclosures, and lighting fixtures,
 - h. Street lights and street name signs,
 - i. Surfacing of parking areas subject to city specifications,
 - j. In addition to the above requirements, the reviewing authority shall require such additional improvements and facilities as determined necessary for the proper development of the site and area;
 - 3. Regulation of uses and operations on the site, including but not limited to the following:

- a. Regulation of uses,
- b. Regulation of time for certain activities,
- c. Duration of uses,
- d. Regulation of noise, vibration, odors and lights,
- e. Maintenance of special yards, spaces and buffer areas,
- f. Regulation of points of vehicular ingress and egress,
- g. Regulation of signs,
- h. Required landscaping and site maintenance,
- i. Such other conditions as will make possible the development and use of the site and surrounding area in an orderly and efficient manner, and in conformity with the intent and purpose of this chapter.

(Ord. 192 Exh. A (§ 83.03.040), 1994)

(Ord. No. 2009-08, § 3(Exh. A), 10-20-09)

16.12.125 - Determination by the approval authority.

The approval authority will determine the merits of the proposed conditional use permit, and its compliance with the principles, standards, policies and goals of the general plan, development code and other applicable codes and ordinances adopted by the city, in order to protect the public health, safety and general welfare. Approval shall be based upon the following minimum criteria, which shall also constitute the findings to be made by the approval authority in approving or denying a conditional use permit:

- A. The site for the proposed use is adequate in size and shape to accommodate all yards, open spaces, setbacks, walls and fences, parking areas, fire and building code considerations, and other features pertaining to the application;
- B. The proposed use will not have a substantial adverse effect on abutting property or the permitted use thereof, and will not generate excessive noise, vibration, traffic or other disturbances, nuisances or hazards;
- C. The proposed use is consistent with the goals, policies, standards and maps of the development code, General Plan and other applicable codes and ordinances adopted by the City;
- D. The site for the proposed use has adequate access, meaning that the site design incorporates street and highway limitations.

(Ord. 192 Exh. A (§ 83.03.050), 1994)

16.12.130 - Revisions and modifications.

Revisions or modifications of conditional use permits can be requested by the applicant.

A. Revisions/Modifications by Applicant.

- 1. An application shall be approved for the establishment or expansion of alcohol uses, as specified in the Main Street and Freeway Corridor Specific Plan. Such request shall be processed as a new conditional use permit, pursuant to the provisions contained in this section, and is subject to the applicable fees.

2. Revised CUP. A major revision or modification to an approved conditional use permit such as, but not limited to, change in conditions, expansions, intensification, location or hours of operation, may be requested by the applicant. Such request shall be processed through application of a new conditional use permit, pursuant to Section 16.12.005 (A)(2). The applicant shall supply necessary information as determined by the city, to indicate reasons for the requested change.
 3. Minor Revisions. A revisions or modification to an approved conditional use permit such as, but not limited to, minor changes in the site design, parking or building placement, which will not increase or change the use or intensity of the site, may be acted on by the reviewing authority through the administrative review without notice procedure, by applying for a letter of substantial conformance or site plan review without application, pursuant to Section 16.12.005(A)(3). The applicant shall supply necessary information as determined by the Planning Division to indicate reasons for the revisions and/or modifications.
- B. Review by Planning Commission.** The Planning Commission may periodically review any conditional use permit to ensure that it is being operated in a manner consistent with conditions of approval and in a manner which is not detrimental to the public health, safety or welfare, or materially injurious to properties in the vicinity. If, after review, the commission deems that there is sufficient evidence to warrant a full examination, then a public hearing date shall be set.
- C. Modification or Revocation by the Planning Commission.**
1. After setting a date for public hearing, the review authority shall notify the applicant and owners of the subject property in question. Such notice shall be sent by mail and shall state that the commission will be reviewing the conditional use permit for possible modification or revocation. It shall also state the date, time and place of the hearing. The public hearing shall be conducted and notice given in accordance with Section 16.12.005(A)(1).
 2. The Planning Division shall fully investigate the evidence and prepare a report for the commission's consideration. Upon conclusion of the public hearing, the commission shall render a decision to do one of the following measures:
 - a. Find that the conditional use permit is being conducted in an appropriate manner and that no action to modify or revoke is necessary; or
 - b. Find that the conditional use permit is not being conducted in an appropriate manner and that modifications to conditions are necessary; or
 - c. Find that the conditional use permit is not being conducted in an appropriate manner and that modifications are not available to mitigate the impacts. Upon revocation, the use shall cease and desist in the time allotted by the commission.
 3. If the Planning Commission either modifies or revokes a conditional use permit, then it shall state the reasons for such action within the resolution.
- D. New Applications Following Denial or Revocation.** Following the denial or revocation of a conditional use permit application, an application for a conditional use permit for the same or substantially the same use cannot be filed within one year from the date of denial or revocation.

(Ord. 192 Exh. A (§ 83.03.060), 1994)

PLANNED DEVELOPMENTS

16.12.135-Purpose of provisions.

The planned development review procedure shall be used for large scale development projects generally below one-thousand (1,000) dwelling units where, because of a mixture of uses or because of site constraints, flexibility in design and cohesive planning of the entire site is deemed necessary. Projects exceeding one-thousand (1,000) dwelling units, or commercial, industrial or mixed-use projects of size or impacts should be filed as a Specific Plan. The planned development process provides an alternative site planning process that encourages creative and imaginative design of large-scale, multi-phased residential, commercial or industrial developments, or a mixture of such uses, within the framework of a single development plan. The procedure permits greater regulatory and design flexibility than conventional zoning, in order to achieve a more economical and efficient use of land and a high quality of design.

(Ord. 192 Exh. A (§ 83.04.010), 1994)

16.12.140 - Approval required.

Planned development approval shall be required for the following development applications:

- A. Projects within areas designated for "planned mixed use" or "special development" on the city's adopted zoning or general plan maps;
- B. Projects which, because of the scale, intensity of use, site constraints, or anticipated impacts on infrastructure, are determined by the agency to require comprehensive planning through the planned development process.

(Ord. 192 Exh. A (§ 83.04.020), 1994)

16.12.145 - General provisions.

- A. A planned development may be used for residential, commercial, industrial and/or mixed use developments.
- B. An application for a planned development shall include submittal of a preliminary and a final site plan. These applications shall encompass all land within the planned development area. An application for a tentative subdivision map, site plan review, or conditional use permit may subsequently be submitted for a portion of land within the planned development or a phase thereof in accordance with this title. However each phase shall function as a complete and separate development from the remaining phases, and that such application complies with all the standards contained in the approved planned development.
- C. All applications for a planned development shall be reviewed by the development review committee. When the preliminary plan is submitted separately from the final plan, both documents shall be reviewed by the development review committee.
- D. The Planning Commission shall make a recommendation and the City Council shall act upon all proposed planned developments.
- E. Application for a planned development shall also constitute a request for a General Plan Amendment. Upon approval of the final plan, the General Plan land use map will be changed to

show "planned development," followed by the number of the approved planned development. The regulations within the planned development approval will be used to provide greater design flexibility and will give the development its unique character.

- F. The city land use map shall show the location of all approved planned developments. If a planned development is withdrawn or expired, the land use map shall reflect that change.
- G. Any recommendation for denial of a planned development by the Planning Commission shall terminate the application, unless such action is appealed in accordance with the provisions of Section 16.12.055.
- H. A planned development shall be effective for a up to five years. Extensions of time, not to exceed twelve (12) months at a time, may be granted upon application to the Planning Division. If no tracts have recorded or building permits have been issued within the project during that period, the planned development becomes void. Any tracts that record during the period in which the planned development is valid shall remain subject to the conditions imposed on the planned development even if the remaining portions of the planned development are later withdrawn or expired.

(Ord. 192 Exh. A (§ 83.04.030), 1994)

16.12.150 - Application for planned development.

The planned development application may be submitted so as to combine the preliminary and final plans into a single process, or the application may be submitted in separate stages depending on the degree of project design or land use commitment desired by the applicant or the City. The stages of planned development review are as follows:

A. Preliminary Plan.

1. The preliminary plan functions as a development suitability analysis and land use plan, which identifies opportunities and constraints within the planned development site. The intent of the preliminary plan is to establish limits, parameters, and planning objectives to guide development based on identified constraints and opportunities, including but not limited to physical characteristics, public services and facilities, capacity of the circulation system, and existing or planned uses of adjacent properties.
2. The preliminary plan shall provide information on the following planning issues:
 - a. The location, boundaries and acreage of the general land use types proposed within the planned development area, including open space;
 - b. Existing and proposed land uses within five hundred (500) feet of the project area boundaries, and anticipated impacts on adjacent land uses;
 - c. The proposed on-site circulation system, including roads, sidewalks and pathways for vehicular and pedestrian access and general locations of access points to major and secondary roadways;
 - d. Anticipated impacts on the existing circulation network, public facilities, and community services;
 - e. Where residential uses are proposed, the maximum number of dwelling units and the gross residential density shall be indicated;

- f.** Where applicable, a development program shall indicate the phasing and/or sequence in which the various development areas are to be developed. Each phase shall include sufficient development to enable that phase to exist as an independent entity integrated with previous phases, but not dependent upon later stages of construction with respect to drainage, road improvements, utilities, and environmental considerations.
- B.** Final Plan.
 - 1.** The final plan functions as a comprehensive, detailed plan of development for the planned development area. The final plan shall incorporate those provisions contained within the preliminary plan.
 - 2.** The final plan shall address the following issues:
 - a.** Show the proposed land uses and building types, including the arrangement of such uses and building types. The development plan shall also illustrate the relationship of the buildings to the site, site grading, circulation, paving, parking, screening, lighting, setbacks, recreation and open space areas, and adjacent properties;
 - b.** The level of public services and facilities required by the proposed development and the program for providing, operating, and maintaining such services and facilities;
 - c.** Access and circulation requirements, and proposed improvements;
 - d.** Known man-made and natural hazards and methods for mitigating such hazards;
 - e.** Significant features and areas to be retained for common open space and provisions for the preservation, conservation, utilization and maintenance of such areas.
 - 3.** The final plan shall include a written text describing the proposed project and its development standards, which shall be mapped clearly showing the pertinent features of the proposed development, as well as conditions on and around the site affecting the overall design of the project.
 - 4.** The written text portion of the final development plan shall include but not be limited to the following sections, as applicable to the project:
 - a.** Project description, including:
 - i.** Legal description,
 - ii.** Name of project, owner, developer and/or builder,
 - iii.** Proposed uses,
 - iv.** Existing site conditions,
 - v.** Total net and gross site area,
 - vi.** Total building area,
 - vii.** Floor to lot area ratio (for commercial or industrial uses),
 - viii.** Total net and gross density (for residential uses),
 - ix.** Total lot coverage by impervious surfaces,
 - x.** Development schedule,
 - xi.** Proposed phasing,
 - b.** Tabulation of each proposed phase, including:
 - i.** Land use area,
 - ii.** Estimated population and density,
 - iii.** Number of dwelling units and dwelling units/gross acre (for residential areas),
 - iv.** Building coverage, parking and road coverage, and open space, in acres and as a percentage of total site area,

- v. Proposed site alteration (grading in cubic yards),
 - vi. Linear feet of proposed street, and percent grade,
Number of estimated commercial, office or industrial employees, and estimated number of customers,
 - vii. Proposed floor to lot area ratio (for commercial or industrial areas),
 - viii. Parking spaces required and provided;
 - c. Development standards, including standards for lot size, building density, population density, height, bulk, setbacks, and other applicable standards which shall be established by the planned development;
 - d. Public services and facilities, including estimated impacts of the development on schools, parks, medical facilities, libraries, fire and police protection, emergency services, solid waste disposal, and other community facilities as applicable to the project; the services and facilities to be provided as a part of the proposed project; and estimated costs for such services and utilities in relation to the proposed financing plan, including those costs which may be determined to be reimbursable;
 - e. Circulation, describing the standards, approximate costs, mileage, and type of financing for construction and maintenance of roads, rail, trails, public transit facilities and other public transportation systems. This section shall also discuss impacts of the proposed project on the existing circulation network in terms of average daily trips and peak hour trips generated;
 - f. Conservation and open space, describing proposed open space and recreation facilities, and preservation of natural features such as desert plants, cultural resources, protected species, or other natural resources;
 - g. Public safety, including seismic, flood or other safety hazards affecting the site, and safety features for protection of the project from hazards;
 - h. Noise, describing existing or proposed noise generators on or near the site, such as highways, freeways, rail lines, airports, etc., along with standards for the protection of present and future site occupants from noise disturbances associated with such features;
 - i. Site design, describing any major design features proposed on the site, including but not limited to use of landscaping, screening, architectural excellence, public amenity areas, art in public places, or other similar features which will provide an overall aesthetic benefit to the city;
 - j. Appendix, including the names, addresses and phone numbers of property owner(s), developer, and professional consultants. The appendix shall also contain all supporting technical reports prepared for the project.
5. The mapped portion of the final plan shall include the following:
- a. A small-scale vicinity map showing the relationship of the site to natural and man-made features and facilities near the site;
 - b. A base map showing the site and surrounding area within five hundred (500) feet, including the location of natural contours and drainage features at two foot intervals (contour interval may be five feet for hilly terrain); and any existing structures, improvements, excavations, easements and roadways;
 - c. An information map identifying the areas with respect to seismic, flood, noise, scenic or cultural resources as described in the text, along with a preliminary grading plan showing proposed cut and fill areas and grading elevations;
 - d. A land use and circulation design, including lot layouts and building pads with dimensions, proposed uses, and setbacks. Proposed circulation improvements shall include the location, width and names of proposed streets or highways, public transit routes, bikeways, pedestrian ways, riding and hiking trails, and parking facilities, including the number of spaces provided.

This map shall also show mature trees to be retained, relocated or removed; any proposed phasing of the development; and major site design features; and any other information included on the checklists as provided by the Planning Division;

- e. Aerial photograph of the site (if available);
 - f. Maps designated in Section 16.12.150(B)(5)(b—d) shall be of a uniform scale sufficient to clearly identify proposed development features included on the site and within five hundred (500) feet of the property line.
6. Where a subdivision of land is proposed concurrently with a planned development, a tentative tract map or minor subdivision plot plan shall accompany and be reviewed concurrently with the final plan.

(Ord. 192 Exh. A (§ 83.04.040), 1994)

16.12.155 - Required findings for approval.

Prior to approving an application for a planned development, the reviewing authority shall find that all of the following are true:

- A. The proposed plan is consistent with the maps, goals and policies of the city's General Plan and any other applicable land use policies and ordinances;
- B. The site for the proposed development is adequate in size and shape to accommodate proposed uses and proposed development standards for all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping, and other features;
- C. The improvements required in the conditions of approval, and the manner of development, adequately address all natural and man-made hazards associated with the proposed development and the project site, including but not limited to flood, seismic, and fire hazards;
- D. The site for the proposed development has adequate access, meaning that the site design and development plan conditions consider the limitations of existing streets and highways;
- E. Adequate public services exist, or will be provided in accordance with the conditions of approval for the final plan to serve the proposed development; and the approval of the proposed development will not result in a reduction of such public services to properties in the vicinity so as to be a detriment to public health, safety and welfare;
- F. The proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with the existing and planned land use of adjacent properties;
- G. The proposed development carries out the intent of the planned development provisions, by providing a more efficient use of the land and an excellence of design greater than that which could be achieved through the application of conventional development standards.

(Ord. 192 Exh. A (§ 83.04.050), 1994)

16.12.160 - Revisions to planned developments.

No revisions may be made in an approved planned development before, during or after construction, except upon application to and approval by the reviewing authority, under the procedures provided below:

- A. Minor revisions, such as in the location and placement of buildings and structures, may be authorized by the reviewing authority under the administrative review without notice procedure, pursuant to Section 16.12.005(A)(3). Such revisions shall be permitted only if required by engineering or other circumstances not foreseen at the time the development plan was approved. These revisions shall be made prior to recording the final subdivision map, or the issuance of any building permits, whichever occurs first.
- B. Major revisions, such as changes in use or density, any significant rearrangement of lots, blocks and building tracts, any substantial changes in the provisions of common open spaces, and all other modifications shall be approved by the reviewing authority authorized to approve the plan being revised. The reviewing authority shall hold a public hearing to consider such major revisions. No amendments may be made in the approved development plan unless they are shown to be required by changes in conditions that have occurred since the development plan was approved, or by changes in the General Plan or other applicable city policy.

(Ord. 192 Exh. A (§ 83.04.060), 1994)

16.12.165 - Withdrawal, voidance or expiration of plans.

- A. In the event a planned development is withdrawn, or the applicant fails to obtain approval of the application within the conditional land use decision time limitation specified herein, prior to adoption of the General Plan Amendment associated with the plan, said plan, including the General Plan Amendment, shall be void.
- B. In the event the General Plan Amendment is adopted, but the applicant fails to complete the planned development process within the conditional land use decision time limitation specified herein; the planned development shall become void. The City Council shall initiate a General Plan Amendment to revert the property to the land use designation which existed prior to the adoption of the planned development, or to a more appropriate designation.
- C. Expiration of an approved or conditionally approved planned development shall terminate all proceedings. Where a tentative subdivision map application has been concurrently filed with a planned development application, no final subdivision map or parcel map for all or any portion of the real property included within the tentative subdivision map shall be filed for record, without first processing a new planned development application.

(Ord. 192 Exh. A (§ 83.04.070), 1994)

16.12.170 - Conformance of plans.

- A. Where a planned development is developed in phases, each successive phase shall incorporate the findings, conditions and requirements of the approved planned development.

- B.** Approval of any development plan which modifies the findings, conditions and requirements of the previously approved planned development, shall constitute an amendment of the planned development approval.

(Ord. 192 Exh. A (§ 83.04.080), 1994)

SPECIFIC PLAN AMENDMENTS

16.12.175 -Purpose of provisions.

Whenever the public necessity, convenience, general welfare, good planning practices, or the policies set forth in the General Plan justify such action, land use boundaries may be amended through the procedures established in this title.

(Ord. 192 Exh. A (§ 83.05.010), 1994)

16.12.180 - General provisions.

- A.** A change in the boundaries of any land use designation may be initiated by the owner or the authorized agent of the owner of property by filing an application for a Specific Plan Amendment as prescribed in this section. If the property for which the Specific Plan Amendment is proposed is in more than one ownership, all the owners or their authorized agents must join in filing the application. If deemed appropriate to expand the boundaries of any proposed Specific Plan Amendment, notice shall be given to all property owners within the proposed expansion boundaries. Prior to any action on the proposed Specific Plan Amendment, written authorization from all property owners shall be on file in the Planning Division.
- B.** A change in the boundaries of any land use designation may be initiated by the consensus of the city Planning Commission or City Council.
- C.** An application for a Specific Plan Amendment may be filed concurrently with any other application(s) on the same property.
- D.** Following the denial of an application for a Specific Plan Amendment, an application for the same or substantially the same Specific Plan Amendment shall not be accepted within one year of the date of denial.
- E.** A change in land use shall be indicated by listing on the General Plan map the number of the ordinance amending the map.

(Ord. 192 Exh. A (§ 83.05.020), 1994)

16.12.185 - Application procedure.

- A.** An application for a change of land use shall be made on a form provided for that purpose by the Planning Division.

- B. The Planning Division may require additional information if necessary to enable the Commission and Council to determine whether the amendment is consistent with the objectives of this code and the city's adopted General Plan.
- C. An application initiated by a property owner shall be accompanied by the fee established by the City Council.

(Ord. 192 Exh. A (§ 83.05.030), 1994)

16.12.190 - Action by Planning Commission.

- A. The Planning Commission shall hold a public hearing on each application for a Specific Plan Amendment. The hearing shall be set and notice given as prescribed in Section 16.12.010. The hearing may be continued from time to time.
- B. The Planning Commission shall determine whether the amendment is consistent with the objectives of this code and with the General Plan, and shall recommend to the City Council that the Specific Plan Amendment be granted, granted in modified form or denied.
City Council
- C. Notwithstanding the provisions of Section 16.12.055(C), an application for a Specific Plan Amendment which has received a recommendation for denial shall be referred without appeal to the City Council when accompanied by an amendment to the development code or development regulations of said specific plan.
- D. When the Commission determines, following a public hearing on a proposed Specific Plan Amendment, that a change to a land use classification other than the proposed classification specified in the hearing notice is desirable, the Commission may recommend an alternate classification. The Commission must determine that the recommended alternative is more appropriate for the subject property and is consistent with the General Plan and the intent of the development code. If it is more intense than the recommended alternative, a new public hearing is required.

(Ord. 192 Exh. A (§ 83.05.040), 1994)

16.12.195 - Action by the City Council.

- A. After the recommendation of the Planning Commission for approval on a proposed Specific Plan Amendment, or if an appeal of a denial has been filed, the City Council shall hold at least one public hearing. The hearing shall be set and notice given as prescribed in Section 16.12.010. The hearing may be continued from time to time.
- B. Following the closing of a public hearing, the council shall make specific findings as to whether the change is consistent with the objectives of this code and the General Plan. If the council finds that the change is consistent, it shall introduce an ordinance amending the land use map.
- C. The City Council may approve, modify or disapprove a recommendation of the Planning Commission on a land use change not previously considered by the Planning Commission; provided, it has requested and considered a report of the commission on the modification. Failure of the

commission to report within forty (40) calendar days after receipt of the council request shall be deemed concurrence.

(Ord. 192 Exh. A (§ 83.05.050), 1994)

16.12.200 - Required findings for approval.

Prior to taking an action to approve or recommend approval of a change in land use, the reviewing authority shall find as follows:

- A. The proposed change in zone is consistent with the General Plan;
- B. The site of the proposed change in land use designation is suitable for any of the land uses permitted within the proposed designation;
- C. The proposed Specific Plan Amendment is reasonable and beneficial at this time;
- D. The proposed Specific Plan Amendment in district classification will not have a substantial adverse effect on surrounding properties or the community in general.

(Ord. 192 Exh. A (§ 83.05.060), 1994)

16.12.205 – Rezoning/Pre-Designation.

- A. For the purpose of establishing land use designation boundaries to become effective only upon annexation, property outside the corporate boundaries of the city, within the adopted sphere of influence, may be classified within one or more designations in the same manner and subject to the same procedural requirements as prescribed for property within the city.
- B. Upon passage of an ordinance establishing the applicable land use designation for property outside the city, the General Plan shall be revised to show the potential or designation to become effective upon annexation.

(Ord. 192 Exh. A (§ 83.05.070), 1994)

VARIANCES AND MINOR EXCEPTIONS

16.12.210 – Purpose of provisions.

The purpose of a variance or minor exception shall be to insure that no property, because of special circumstances applicable to it, due to size, shape, topography, location, or surroundings, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and land use designation.

(Ord. No. 2011-08, § 3(Exh. A), 8-2-11)

16.12.215 - General provisions.

- A. In no case shall a variance or minor exception be granted to permit a use other than a use permitted in the land use designation.
- B. Any variance or minor exception granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.

(Ord. No. 2011-08, § 3(Exh. A), 8-2-11)

16.12.220 - Reviewing authority.

- A. The reviewing authority may grant minor exceptions and variances from any property development standard in the city's adopted development code, subject to the procedures set forth in this article, when it is found that the strict and literal interpretation of such provisions would deny a use of property consistent with the intent and purpose of the code and the General Plan.
- B. Review and approval for the following minor exception requests will be through the administrative review with notice procedure, pursuant to Section 16.12.005(A)(2).
 1. Fence Height. In any zone, the maximum height of any fence, wall, hedge or equivalent screening may be increased by a maximum of two feet, for not more than twenty (20) percent of the total length of said wall or other screening, where the topography of sloping sites or a difference in grade between abutting sites warrants such increase in height to maintain a level of privacy, or to maintain effectiveness of screening, provided that the increased height does not encroach into the clear sight triangle area. The requirement for an exception may be waived where the requesting party is located on the low side of said wall or other screening, and the proposal does not present visual impacts to area larger than the properties directly involved in the request.
 2. Setbacks. In any residential zone, the minimum setback may be decreased by not more than twenty (20) percent where the proposed setback area or yard is in character with the surrounding neighborhood and is not required as an essential open space or recreational amenity to the use of the site, and where such decrease will not unreasonably affect abutting sites.
 3. Lot Coverage. In any residential zone, the maximum lot coverage may be increased by not more than ten percent of the lot area, where such increases are necessary for significantly improved site planning or architectural design, creation or maintenance of views, or otherwise facilitate highly desirable features or amenities, and where such increase will not unreasonably affect abutting sites.
 4. Off-Site Parking. A maximum of twenty-five (25) percent of the required parking for a use may be located on a contiguous site, not more than three hundred (300) feet from the building entrance on the site for the use for which such parking will serve the use equally as effectively, safely and conveniently as providing such parking on the same site as the use for which it is required. For the purpose of this section, contiguous shall mean sharing a common lot line and shall not include parcels separated by a public right-of-way. The reviewing authority shall require an agreement to ensure utility, availability, and maintenance of joint use of off-site parking facilities.
 5. On-Site Parking. The reviewing authority may authorize a maximum fifteen (15) percent reduction in the required number of parking spaces provided it will not result in a traffic hazard; however, no more than four spaces shall be eliminated.

6. Height. In any district, the reviewing authority may authorize a ten percent increase in the maximum height limitation for structures, not including signs. Such increases may be approved where necessary to significantly improve the site plan or architectural design, and where scenic views or solar access on surrounding properties are not affected.
7. Signs. In any district, the reviewing authority may authorize a twenty-five (25) percent increase in the maximum sign area, or in the height of a freestanding or monument sign, where it can be determined that such increases are needed for sign visibility, will improve the architectural design of a site, and will not result in unsafe conditions, within the site or abutting properties.
8. Accessory Buildings and Structures. In residential and agricultural designations the maximum allowable aggregate accessory building and accessory structure area may be increased in accordance with the allowable area increases outlined within Sections 16.20.395 and 16.20.405. The granting of a minor exception shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and designation in which the property is situated. In reviewing a minor exception for any area increase, the reviewing authority shall also consider special circumstances relative to the proposal such as implementation of architectural elements, increased setbacks between the structure(s) and adjacent properties, use of landscape buffers and screening devices, and other similar devices.
9. Alternative Energy Systems. The maximum height and minimum yard regulations for windmills may be adjusted pursuant to Section 16.16.063. The granting of a minor exception shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and designation in which the property is situated. In reviewing a minor exception, the reviewing authority shall balance the need for the proposed placement and additional height to increase the efficiency of the windmill with its impact potential upon the surrounding area.
10. Other Exceptions. Exceptions may be considered, where in the opinion of the reviewing authority, such exceptions may not have a cumulative effect greater than those exceptions previously listed.
- C. In calculating percentages specified in Section 16.12.220(B), rounding up of fractions shall not be permitted, and only whole numbers shall be considered.
- D. Any request not listed in Section 16.12.220(B) shall be deemed a variance and shall be reviewed by the Planning Commission at a public hearing, pursuant to Section 16.12.005(A)(1). The hearing shall be set and notice given as prescribed in Section 16.12.010
- E. The Planning Commission is authorized to grant variances as prescribed in accordance with the procedure in this title 16, with respect to development standards which include but are not limited to the following:
 1. Fences, walls and screening, where the requested height exceeds more than twenty (20) percent of the total length of the wall or other screening, or where the requested variance presents visual impacts to an area greater than the properties directly involved;
 2. Site area, width and depth;
 3. Front, rear and side yards;
 4. Lot coverage;
 5. Height of structures;
 6. Landscaping;

- 7. Usable open space;
- 8. Performance standards;
- 9. Parking and loading facilities;
- 10. Sign height, number and location.

(Ord. No. 2011-08, § 3(Exh. A), 8-2-11)

16.12.225 - Application procedures.

- A. An application for a minor exception or variance shall be filed with the Planning Division, along with the required fee. The application shall be signed by the property owner or his authorized agent.
- B. An application for a minor exception or variance shall be accompanied by a site plan showing the subject property as well as the surrounding area. The site plan shall show all existing and proposed buildings and uses, and any other data required by the Planning Division to adequately review the application.

(Ord. No. 2011-08, § 3(Exh. A), 8-2-11)

16.12.230 - Approval requirements.

The following requirements may be placed upon the development project by the reviewing authority as conditions of approval. All such conditions shall be binding upon the applicants and their successors.

- A. Requirements for special yards, open spaces, buffers, fences, walls and screening;
- B. Requirements for installation and maintenance of landscaping and erosion control measures;
- C. Requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation;
- D. Requirements for maintenance of landscaping and other improvements;
- E. Establishment of development schedules or time limits for performance or completion;
- F. Requirements for periodic review by the reviewing authority;
- G. Any other such conditions as the reviewing authority may deem necessary to ensure compatibility with surrounding uses, to preserve the public health, safety and welfare, and to enable the reviewing authority to make the findings required by Section 16.12.235.

(Ord. No. 2011-08, § 3(Exh. A), 8-2-11)

16.12.235 - Determination by the approval authority.

The reviewing authority will consider the merits of the proposed minor exception or variance, and its compliance with the principles, standards, policies and goals of the General Plan and the development code. Approval of any minor exception or variance shall be based upon the following minimum criteria, which shall also constitute the findings to be made by the approval authority in approving or denying an application:

- A. The 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 development code;
- B. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same land use designation;
- C. The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same designation;
- D. The granting of the minor exception or variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same designation;
- E. The granting of the minor exception or variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

(Ord. No. 2011-08, § 3(Exh. A), 8-2-11)

16.12.240 - Findings for parking variances.

The Planning Commission may grant a variance in order that some or all of the required parking spaces be located off-site, or that in-lieu fees or facilities be provided instead of the required parking spaces, if both of the following conditions are met:

- A. The variance will be an incentive to, and a benefit for, nonresidential development;
- B. The variance will facilitate access to nonresidential development by patrons of public transit facilities.

(Ord. No. 2011-08, § 3(Exh. A), 8-2-11)

16.12.245 - New application following denial.

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

(Ord. No. 2011-08, § 3(Exh. A), 8-2-11)

16.12.250 - Appeal procedures.

- A. Prior to its effective date, any decision made on a minor exception request by the reviewing authority may be appealed to the Planning Commission, pursuant to the provisions of Section 16.12.055.
- B. Prior to its effective date, any decision made on a variance by the Planning Commission may be appealed to the City Council, pursuant to the provisions of Section 16.12.055

(Ord. No. 2011-08, § 3(Exh. A), 8-2-11)

16.12.255 - Voiding of variances or minor exceptions.

A. Any variance or minor exception granted under the provisions of this chapter shall become null and void unless:

- 1.** The construction authorized by the variance or minor exception shall have been commenced within thirty-six (36) months after the granting of the variance or minor exception, and pursued diligently to completion.

The occupancy of land or buildings authorized by such variance or minor exception has taken place within thirty-six (36) months after the granting of such variance or minor exception.

B. Applications for renewal may be filed for additional twelve (12) month periods. Said renewal application must be filed prior to expiration of the application.

C. The reviewing authority may void any variance or minor exception for non-compliance with the conditions set forth in approving the variance or minor exception. The procedure shall be in accordance with Section 16.12.075

(Ord. No. 2011-08, § 3(Exh. A), 8-2-11)

DEVELOPMENT CODE AMENDMENTS

16.12.260 -Purpose of provisions.

These provisions are intended to provide the City Council with a procedure to amend the development code whenever required by public necessity, public convenience, general welfare, and good planning and zoning practice. Amendments to the regulatory provisions of any specific plan shall be governed by these provisions.

(Ord. 192 Exh. A (§ 83.07.010), 1994)

16.12.265 - General provisions.

A. A development code amendment may be initiated by any private person or agency. If the amendment is directly related to a parcel of land, the owner or the authorized agent of the owner of property must file the application. Further, if property that is the subject of an application is in more than one ownership, all of the owners or their authorized agents must join in filing the application.

B. A development code amendment may be initiated by the consensus of the Planning Commission or City Council.

C. An application for a development code amendment may be filed concurrently with any other application(s) having a direct relationship to the proposed amendment.

D. Following the denial of an application for a development code amendment, an application for the same or substantially the same amendment shall not be accepted within one year of the date of denial, except as initiated by the Planning Commission or City Council.

- E. A development code amendment adopted by the City Council shall be incorporated into the development code.

(Ord. 192 Exh. A (§ 83.07.020), 1994)

16.12.270 - Application procedure.

- A. An application shall be made on a form provided for that purpose by the Planning Division.
- B. The reviewing authority may require additional information if necessary to enable the commission and council to determine whether the amendment is consistent with the objectives of the city's adopted General Plan.
- C. An application initiated by a private person or agency shall be accompanied by a fee established by the City Council.

(Ord. 192 Exh. A (§ 83.07.030), 1994)

16.12.275 - Action by Planning Commission.

- A. The Planning Commission shall hold a public hearing on each application for a development code amendment. The hearing shall be set and notice given as prescribed in Section 16.12.010. The hearing may be continued from time to time.
- B. The Planning Commission shall determine whether the development code amendment is consistent with the objectives of the adopted General Plan, and shall recommend to the City Council that the development code amendment be approved, approved as amended, or denied.

(Ord. 192 Exh. A (§ 83.07.040), 1994)

16.12.280 - Action by the City Council.

- A. Within forty (40) calendar days after the recommendation of the Planning Commission on a proposed development code amendment, the City Council shall hold at least one public hearing. The hearing shall be set and notice given as prescribed in Section 16.12.010. The hearing may be continued from time to time.
- B. Following the closing of a public hearing, the City Council shall make specific findings as to whether the development code amendment is consistent with the objectives of the adopted general plan. If the council finds that the development code amendment is consistent, it shall introduce an ordinance amending the development code.
- C. The City Council may approve, modify or disapprove a recommendation of the Planning Commission on a development code amendment not previously considered by the Planning Commission; provided, it has requested and considered a report of the commission on the modification. Failure of the commission to report within forty (40) calendar days after receipt of the council request shall be deemed concurrence.

(Ord. 192 Exh. A (§ 83.07.050), 1994)

16.12.285 - Required findings for approval.

Prior to taking an action to approve or recommend approval of a development code amendment, the reviewing authority shall find as follows:

- A. The proposed development code amendment is consistent with the objectives of the adopted General Plan;
- B. The proposed development code amendment is necessary to implement the adopted General Plan and/or that the public convenience, the general welfare or good zoning practice justifies such action.

(Ord. 192 Exh. A (§ 83.07.060), 1994)

USE DETERMINATION BY THE PLANNING COMMISSION

16.12.290 Purpose of provisions.

In order to ensure that the development code regulations will permit all similar uses in each designation, the Planning Commission, upon its own initiative or upon written request, shall determine whether a use not specifically listed as a permitted, conditional, or accessory use in any district shall be deemed a permitted use or conditional use in one or more designations on the basis of similarity to uses specifically listed or by the statement of intent for each land use designation.

(Ord. 192 Exh. A (§ 83.08.010), 1994)

16.12.295 - General provisions.

- A. Where the term "similar uses permitted by commission determination" is mentioned within any land use designation, it shall be deemed to mean other uses which, in the judgment of the Planning Commission as evidenced by a written decision, are similar to and not more objectionable to the general welfare than those uses specifically listed in the same designation.
- B. In no instance shall the Planning Commission determine, nor shall these regulations be so interpreted, that a use shall be permitted in a land use designation when such use is specifically first listed as permissible in a more restricted designation.
- C. The procedures of this article shall not be substituted for the amendment procedure as a means of adding new uses to the list of permitted or conditional uses. Appeals of use determinations made by staff shall be governed by these procedures.
- D. The Planning Commission may, on its own motion or at the request of any party affected thereby, reconsider and change a written decision regarding uses previously determined by the Planning Commission.
- E. The Planning Commission's determination regarding conformance of a use to a land use designation may be appealed to the City Council, upon filing of the required appeal form and a fee set by the City Council, pursuant to Section 16.12.055

(Ord. 192 Exh. A (§ 83.08.020), 1994)

16.12.300 - Application procedure.

Application for a finding of substantial conformity within a land use designation shall be made in writing to the Planning Division, and shall include a detailed description of the proposed use and such other information as may be required to facilitate the determination, along with the required fee as set by the City Council.

(Ord. 192 Exh. A (§ 83.08.030), 1994)

16.12.305 - Investigation and report.

The Planning Division shall compare the proposed use characteristics with the General Plan goals and objectives, as well as the purposes of each of the land use designations, and may determine if the proposed use should be a permitted or conditional use in any of the designations, and shall make a report of his or her findings to the Planning Commission.

(Ord. 192 Exh. A (§ 83.08.040), 1994)

16.12.310 - Determination by the Planning Commission.

- A.** The Planning Commission shall base its decision upon meeting the following findings:
- 1.** The use in question is of a similar intensity to other permitted or conditionally permitted uses in the same land use designation;
 - 2.** The use in question meets the purpose and intent of the designation in which it is proposed;
 - 3.** The use in question meets and conforms to the applicable goals and objectives of the General Plan.
- B.** The determination of the Planning Commission by resolution shall be effective pursuant to Section 16.12.045(B), unless appealed to the City Council.

(Ord. 192 Exh. A (§ 83.08.050), 1994)

SECOND DWELLING UNITS

16.12.355 - General provisions.

The uses described in this article shall be permitted in the specified land use designation, subject to the issuance of a special use permit in accordance with the provisions of this article.

(Ord. 192 Exh. A (§ 83.10.010), 1994)

16.12.360 - Second dwelling units.

- A.** Purpose. The purpose of these provisions is to establish procedures for permitting a second dwelling unit (SDU); to implement state law requiring consideration for such uses.
- B.** Second Dwelling Unit Defined. "Second dwelling unit (SDU)" means an additional detached or attached dwelling unit which provides complete independent living facilities for one or more

persons. The unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit is situated.

C. Application Procedure—Second Dwelling Units. Application for an SDU unit shall be made by applying for a second dwelling unit application, pursuant to this article. The review procedure shall be administrative review without notice, pursuant to Section 16.12.005(A)(3). Permits for second dwelling units will be issued for a period not to exceed thirty-six (36) months. Applications for renewal may be filed for additional twelve (12) month periods. Said renewal application must be filed prior to expiration of the second dwelling unit permit.

D. Requirements for Approval.

1. A second dwelling unit may only be permitted on lots within an agricultural or single-family residential designation on which there is already built one owner-occupied single-family detached dwelling unit (primary unit). The primary unit may be considered the second dwelling unit only if the lot can accommodate the existing and proposed structure in accordance with the provisions specified herein.

2. One dwelling unit on the property shall be owner-occupied.

3. Only one second dwelling unit shall be permitted on any one lot. Where planned unit or cluster development techniques are used, the total number of dwelling units permitted on a parcel may be developed on or divided between one or more sites, when total permitted net density is not exceeded, and when it can be shown that adequate access, utilities, and public safety can be provided.

4. The second dwelling unit shall provide complete and independent living facilities.

5. The second dwelling unit shall not be sold separately and may be rented.

6. The second dwelling unit shall have adequate water supply pursuant to specifications of the Uniform Plumbing Code.

7. Lots not connected to sewer facilities shall be a minimum of one gross acre in size.

8. The second dwelling unit may be either an attached or detached unit. A detached second unit shall not exceed seventy-five (75) percent of the area of the principal dwelling unit up to a maximum gross floor area of three thousand (3,000) square feet per structure on any parcel. Second dwelling units attached to the principal unit may be up to fifty (50) percent of the area of the principal unit, up to a maximum of one thousand (1,000) square feet. The area of a second dwelling unit is in addition to and shall not be considered as part of the allowable accessory building area authorized under Article X of Chapter 16.20. No second dwelling unit shall be less than four hundred (400) square feet in area. Further, a single-wide mobile home or recreational vehicle, does not qualify for use as a SDU.

F. Property Development Standards—Second Dwelling Units.

1. The lot upon which the second dwelling unit is to be established shall conform to all standards of the land use district in which it is located.

2. The yard standards for accessory buildings shall apply to a detached unit.
3. The yard standards for the primary unit shall apply to an attached unit.
4. The second dwelling unit shall be constructed in accordance with minimum standards for single-family residential uses on individual lots as specified in Section 16.20.160, unless otherwise specified herein.
5. Provision for emergency vehicle access to the second dwelling unit shall be addressed in the following manner:
 - a. Access roads shall be within one hundred fifty (150) feet of any portion of an exterior wall of the first story of the second dwelling unit and shall be measured in an approved route around the exterior of the structure.
 - b. Turning radius for emergency vehicles shall be a minimum of thirty-four (34) feet inside radius.
 - c. Emergency vehicle access roads in excess of one hundred fifty (150) feet in length shall be provided with a turnaround.
 - d. Maximum grade for the access road shall be twelve (12) percent for asphalt surfaces and fifteen (15) percent for concrete surfaces.
 - e. Emergency vehicle access roads shall have an unobstructed width of at least twelve (12) feet and an unobstructed vertical clearance of at least thirteen (13) feet six inches.
 - f. Addresses shall be posted with numbers measuring a minimum of four inches in height and shall be visible from the public right-of-way. In addition, during the hours of darkness the numbers shall be internally illuminated.

In cases where the second dwelling unit is located more than one hundred (100) feet from the public right-of-way, additional non-illuminated contrasting numbers measuring a minimum of six inches in height shall be displayed at the property entrance.

6. The entrance to an attached second dwelling unit shall be separate from entrance to the primary unit and shall be installed in a manner as to eliminate an obvious indication of two units in the same structure.
7. The maximum lot coverage provisions of the land use district shall apply.
8. Parking for the second dwelling unit shall be provided by a fully-enclosed one-car garage with a minimum interior size of nine feet in width and nineteen (19) feet in depth, plus one additional parking space in an approved location on the lot.
9. The second dwelling unit shall be compatible with the design of the primary unit and the surrounding neighborhood in terms of landscaping, scale, height, length, width, bulk, lot coverage, and exterior treatment, and shall not cause excessive noise, traffic, or other disturbances to the existing neighborhood or result in significantly adverse impacts on public services and resources.
10. The construction of a second dwelling unit shall not be considered when calculating minimum distance requirements for animal uses on the subject lot or on adjacent lots. The second dwelling unit shall require a minimum twenty (20) foot setback for the rear and side yards.

EXOTIC ANIMALS

16.12.365 - Exotic animals.

The keeping of exotic animals shall be permitted in a single-family residential or agricultural designation subject to the requirements of this section.

- A. Exotic Animal Defined.** "Exotic animal" means any warm or cold-blooded animal not normally maintained in a dwelling unit with people or considered domesticated within California.
- B. Application Procedure.**
 - 1.** An application to keep an exotic animal shall be filed with the Planning Division in a manner prescribed by the director of development services or his designee, along with a fee as established by resolution of the City Council.
 - 2.** The review procedure shall be administrative review with notice, pursuant to Section 16.12.005(A)(2). Permits for an exotic animal will be issued for a period not to exceed thirty-six (36) months. Applications for renewal may be filed for additional twelve (12) month periods. Said renewal application must be filed prior to expiration of the exotic animal permit.
- C. Requirements for Approval.**
 - 1.** Prior to giving notice in accordance with the provisions of Section 16.12.010, the reviewing authority shall request that the applicant submit a statement from a city-approved veterinarian regarding the particular animal's mature behavior and personality characteristics. Notice given to adjacent property owners shall include a description of the type of animal, and its behavior characteristics.
 - 2.** Any action to approve a request for an exotic animal as an accessory use to a primary single-family residential use shall not be effective until written evidence is received by the director of development services or his designee that:
 - a.** The applicant has applied for and obtained a permit from the county public health department; and
 - b.** The applicant has applied for and obtained a permit from the State Department of Fish and Game.
- D. Conditions of Approval.** Any action to approve a request for an exotic animal as an accessory use to a primary single-family residential use shall include the following conditions, in addition to any conditions deemed appropriate by the reviewing authority:
 - 1.** The keeping of the animal must comply with all development code requirements, including setback from property lines and other dwellings;
 - 2.** The keeping of the animal must comply with all applicable federal and state requirements;
 - 3.** No more than two exotic animals over the age of six months may be kept as an accessory use to a single-family residence, unless a conditional use permit for a menagerie or zoo has been approved;
 - 4.** Each exotic animal must have sufficient area to be maintained and exercised in a normal healthy manner, as determined by a city-approved veterinarian;
 - 5.** Any noise, odor or activity associated with the exotic animal(s) shall be contained within the site.

(Ord. 192 Exh. A (§ 83.10.040), 1994)
(Ord. No. 2009-08, § 3(Exh. A), 10-20-09)

TEMPORARY SPECIAL EVENTS AND TEMPORARY USES

16.12.370 - Purpose of provisions.

The purpose of this article is to control and regulate special events and other land use activities of a temporary or recurring nature that may adversely affect the public health, safety, and welfare. The intent is to ensure that these events and uses will be compatible with surrounding land uses, to protect the rights of adjacent residences and landowners, and to minimize any adverse effects on surrounding properties and the environment.

(Ord. 2002-11 Exh. A (part), 2002)

16.12.375 - General provisions.

- A.** A temporary use or structure which does not have a valid and current use permit as specified herein is declared to be a public nuisance, subject to the enforcement provisions of the development code and other applicable laws.
- B.** A change in ownership or operator of a use or structure subject to a permit as specified in this article, or a change of structure or modification of the structure or use allowed on a parcel subject to such a permit, shall not affect the time periods established by this article to allow such temporary uses, events or structures.
- C.** Noncompliance with the conditions set forth in approving the permit shall be grounds for the reviewing authority to cancel and void any use permit for a temporary use. Except in the case of a demonstrated emergency, the reviewing authority shall give prior notice of such an action to the permittee. The permittee may appeal such a decision by filing an appeal as allowed and specified in Section 16.12.055. The revocation shall be considered in accordance with Section 16.12.075.
- D.** Unless otherwise specified in this article, the development services director, or his or her designee, is authorized to approve, conditionally approve with reasonable conditions, or to deny a permit for a temporary use or special event. The approval may establish conditions and limitations, including but not limited to: days and hours of operation, provision of parking areas, signing and lighting, traffic circulation and access, temporary or permanent site improvements, and other measures necessary to minimize detrimental effects on surrounding properties.
- E.** The development services director, or his or her designee, may require a cash deposit or cash bond to defray the costs of cleanup of a site by the city in the event the applicant fails to leave the property in a presentable and satisfactory condition, or to guarantee removal and/or reconversion of any temporary use to a permanent use allowed in the subject land use designation.

(Ord. 2002-11 Exh. A (part), 2002)

16.12.380 - Special event permits.

- A.** All special events shall be subject to the following requirements, as applicable:

1. The approval period for any special event shall be for the time period specified on the approval but in no circumstances shall it exceed more than twenty-one (21) continuous days, or more than four consecutive weekends of operation in any ninety (90) day period. Temporary Body Art Facilities are reviewed pursuant to Section 5.22.060. To exceed these time limitations shall require the review and approval of a conditional use permit, pursuant to Section 16.12.105.
2. All such activities shall have a minimum setback of one hundred (100) feet from any residential area. The reviewing authority, may waive this requirement, if it is determined that no adverse impacts would result.
3. Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the development services director, or his or her designee.
4. Sanitation facilities shall be provided for the duration of the event; the number and location to be determined by the reviewing authority.
5. Security personnel shall be provided as required by the city police department.
6. Special, designated parking accommodations for amusement enterprise workers and support vehicles shall be provided.
7. Noise attenuation for generators and carnival rides shall be provided as approved by the reviewing authority.
8. Adequate emergency access shall be provided as approved by the fire department.
9. A certificate of insurance shall be submitted to the Planning Division, naming the city as co-insured, for not less than one million dollars (\$1,000,000.00) of general liability coverage, prior to issuance of any permits. This requirement may be waived for small events entirely on private property with no impacts to public facilities.
10. Adequate staging area shall be provided as approved by the development services director, or his or her designee.
11. Any platforms, stages, tents, or screening devices erected for the event shall be constructed to the satisfaction of the building official and/or fire marshal. The structure shall be removed from the site immediately following the event.
12. If involvement by government personnel (public works, fire, and police) is required, a deposit to cover estimated costs shall be submitted prior to issuance of the permit. Upon completion of the event, the city will, within twenty (20) working days, either refund any unused portion of the initial deposit, or require payment of any additional expenses incurred.
13. In cases where food and/or alcohol products will be sold to the general public in conjunction with the event, proof that permits were obtained from the county department of environmental health services and other applicable agencies shall be submitted prior to issuance of any permits.

14. Portable searchlights may be permitted, provided that the beam, when lit, shall not be at an angle of less than sixty (60) degrees from the horizontal, and that no advertising is located on the searchlight or its supporting structure.
15. Inflatable signs, balloons or bounce houses may be permitted provided that they are securely tethered. Insurance as specified in subsection (9) shall be required for any event using such inflatable devices.
- B. Special Event Permits. A special event permit shall be required for the following uses, including but not limited to:
 1. Parking lot and sidewalk sales for businesses located within a commercially designated property. Any special event for the sale of automobiles, boats, recreational vehicles, pools, spas, trucks, heavy equipment, mobile homes, sheds, modular buildings or similar items shall be limited to businesses with their primary establishment within the Victor Valley, including the town of Apple Valley and the cities of Adelanto, Hesperia and Victorville. The city may, at its option, issue a permit to an applicant with a primary business establishment out of this area, should no special event to sell the proposed items have occurred within the previous three months. The applicant is required to establish the point of sale for the event to be within the city for sales tax purposes.
 2. Swap meets, outdoor art and craft shows and exhibits.
 3. Fairs, concerts, or festivals, held outdoors or in temporary enclosures.
 4. Circuses, carnivals, rodeos, pony riding, or similar traveling amusement enterprises.
 5. Parades and other events conducted within the public right-of-way.
 6. Auctions or distress sales.

16.12.382 - Temporary uses.

- A. A temporary occupancy permit and/or building permit shall be required for the following uses:
 1. Seasonal retail sale of agricultural products. Such uses shall be located on unoccupied portions of corner lots abutting at least one road designated on the city's master plan of arterial highways.
 2. Food and drink carts, located on the property and adjacent to established commercial or industrial uses shall have obtained permits from the county department of environmental health services.
 3. Christmas tree lots or pumpkin patches subject to the following guidelines and conditions:
 - a. Christmas tree lots may operate during the week before Thanksgiving through December 25th. This time does not include reasonable setup or teardown activities. Pumpkin patches may operate during the last week of September through October 31st.
 - b. All lighting shall be directed away from and shielded from adjacent residential areas.
 - c. Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided as approved by the development services director, or his or her designee.
 - d. All requirements of the city, fire and police departments shall be met for the duration of the use.

- 4.** Trailer coaches, motor homes, or mobile homes may be placed on active construction sites, for use as temporary living quarters for security personnel, or as a temporary residence for the subject property owner with approval of a temporary occupancy permit. The following restrictions shall apply:

 - a.** The development services director may approve a temporary vehicle for the duration of the construction project, or for a specified period, but not for more than one year. If exceptional circumstances exist, a one-year extension may be granted; provided, that the building permit for the first permanent dwelling or structure on the same site has also been extended.
 - b.** Installation of these vehicles may occur only after a valid building permit has been issued by the Building Division.
 - c.** Vehicles permitted pursuant to this section shall not exceed a maximum gross square footage of six hundred fifty (650) square feet in size (tongue not included), and shall have a minimum of two hundred fifty (250) square feet for one or two persons, or a minimum of six hundred (600) square feet for occupancy by three or more persons. The unit must have a valid California vehicle license. Pickup campers shall not be permitted.
 - d.** The temporary vehicle installation must meet all requirements of the county department of environmental health services and the city building and safety division.
 - e.** Any permit issued pursuant to this section in conjunction with a construction project shall become invalid upon cancellation or completion of the building permit for which this use has been approved, or the expiration of the time for which the approval has been granted.
 - f.** The permitted vehicle shall be removed from the site within thirty (30) days of the final approval of the building permit. A motor home, fifth-wheel trailer, or other recreational vehicle permitted under this section shall be disconnected from all utilities at the time of final approval.
 - g.** Any vehicle permitted under this section shall be connected to approved sewage, electrical and water facilities at all times when the vehicle is authorized by a temporary occupancy permit
 - h.** A building permit for the installation of a mobile home to be used as a temporary residence permitted under this section shall not be issued, if more than ten years have elapsed between the date of manufacture and the date of the application for the issuance of the permit to install the mobile home.
- 5.** Temporary Office Modules. Temporary structures, such as trailers or prefabricated structures for use as interim offices, classrooms or for security personnel shall be allowed in any designation that allows the permanent use proposed. Recreational vehicles shall not be used for this purpose. The location of such structures shall be fully screened from the public right-of-way or adjacent residential properties. The building official may limit the time allowed for the use of such temporary structures, where it is feasible for such offices, classrooms or security facilities to be integrated into permanent structures.
- 6.** Model Homes. Model homes may be used as offices solely for the sale of homes within a recorded tract, subject to the following conditions:

 - a.** The sales office may be located in a garage, trailer, or dwelling.
 - b.** Approval shall be for a three-year period, at which time the sales office shall be terminated, and if applicable, the structure remodeled to a single-family dwelling. Extensions may be granted by the building official in one-year increments, but no extension shall be granted if over ninety (90) percent of the development is sold.
 - c.** A cash deposit, letter of credit, or other security approved by the city shall be submitted to the City, in an amount to be set by the City, to ensure the restoration or removal of the structure.

- d. The sales office is to be used only for transactions involving the sale, rent, or lease of lots and/or structures within the tract in which the sales office is located, contiguous tracts, or a planned community. However, the Planning Commission may consider off-site model homes sales offices where permitted by the land use designation, subject to the granting of a temporary occupancy permit as specified in Section 16.12.105.
 - e. Failure to terminate the sales office and remodel the structure, or failure to apply for an extension on or before the expiration date, will result in forfeiture of the cash deposit, a halt in further construction or inspection activity on the project site, and enforcement action to ensure the remodeling of the structure.
 - f. Street improvements and temporary off-street parking at a rate of two spaces per model shall be completed as approved by the Planning Division, , prior to commencement of sales activities or the display of model homes. Access to the parking area shall be prohibited from the rear of double frontage lots. Future street right-of-way along the front or street side yard, with a fully paved surface, may be used for no more than five of the required parking spaces, prior to the time that said right-of-way is accepted by the city for public use.
 - g. All fences proposed in conjunction with the model homes and sales office shall be located outside the public right-of-way.
 - h. Flags, pennants, or other on-site and off-site advertising shall be regulated pursuant to Chapter 16.36 of the Development Code.
 - i. Use of signs shall require submission of a sign permit application for review and approval prior to installation.
7. Off-Site Model Homes. A model home sales office, when not located within one of the three circumstances identified in item Section 16.12.382 (A)(6)(d), shall be considered an off-site model home sales office. The following criteria shall apply:
- a. A sales office may only be located within the dwelling itself, or within the garage. Trailers, modular units, or any similar temporary structure shall not be permitted.
 - b. The structure shall be constructed pursuant to the minimum requirements of the land use designation in which it is located.
 - c. Paved parking areas shall provide for at least five spaces and shall be located in proximity to the model home sales office. This off-street parking area shall be completed prior to the commencement of activities or display of model homes and shall include applicable handicapped parking spaces, signs and pavement markings.
 - d. All fences proposed in conjunction with the model home sales office shall be located outside of the public right-of-way.
 - e. Adequate on-site lighting shall be provided to ensure a safe and secure environment, while at the same time being designed and placed in such a manner as to prevent stray light or glare from becoming a nuisance factor for adjacent properties. The lighting design employed shall be a low-level type of system and is not intended to provide the same level of lighting as a comparable commercial or office use. A detailed lighting plan shall be submitted for review and approval to the Building Division.
 - f. Temporary occupancy permit shall be for a five-year period. Time extensions may be granted up to a maximum of another two years. Any requests for extension of this temporary use permit beyond the maximum of seven years would require the approval of a conditional use permit, pursuant to Article III of this chapter.
 - g. Adequate access from a public right-of-way shall be provided to the structure. A twenty-six (26) foot wide driveway shall be provided as approved by the city engineer.

- h. The structure shall meet all requirements of the city Building Division, including but not limited to the installation of handicapped accessible restroom facilities, and adequate utility facilities.
- i. With the exception of the paved parking and signs, an off-site model home shall be developed and landscaped as a single-family residence. Full landscaping, utilizing drought-resistant type materials, shall include a permanent, underground irrigation system, specimen size trees, and the use of shrubbery, ground cover, non-plant landscape materials, to produce an efficient yet pleasing outdoor environment.
- j. When the temporary occupancy permit allowing a model home t has expired, the home shall be converted and/or remodeled to conform to all requirements for single-family homes, including a two-car garage. A detached garage may be constructed to meet this requirement.
- k. A city business license shall be required.

(Ord. 2002-11 Exh. A (part), 2002)

16.12.385 - Application procedure.

Applications for temporary use permits and special event permits shall be filed with the Planning Division in a manner prescribed by the city, along with a fee as adopted by resolution of the City Council.

(Ord. 2002-11 Exh. A (part), 2002)

16.12.390 - New application following denial.

Following the denial of a permit application for a temporary use, no application for the same or substantially the same use on the same or substantially the same site shall be filed within one year of the date of denial.

(Ord. 2002-11 Exh. A (part), 2002)

SUBDIVISIONS AND PARCEL MAPS

16.12.395 - Purpose of provisions.

These provisions are intended to establish guidelines for processing subdivision applications including, tentative tracts, tentative parcel maps, lot line adjustments and lot mergers.

(Ord. 192 Exh. A (§ 83.12.010), 1994)

16.12.400 - General provisions.

- A. Subdivision applications shall be reviewed and approved in accordance with the provisions of Section 16.12.005
- B. No person shall subdivide, convey, lease or offer to subdivide, convey or lease a portion of real property within the city, unless exempted by Section 66412 of the Subdivision Map Act, without having first complied with the provisions of this article.

(Ord. 192 Exh. A (§ 83.12.020), 1994)

16.12.405 - Approval processing procedure.

- A.** All subdivision applications shall require review and approval by the Planning Commission at a public hearing in accordance with Section 16.12.005(A)(1) except as listed in subsection (B) and (C) of this section.
- B.** The following applications shall require review and approval subject to administrative review with notice in accordance with Section 16.12.005 (A)(2):
 - 1.** Parcel maps creating four and a remainder or fewer parcels;
 - 2.** Parcel maps subdividing commercially or industrially designated land where the parcel map is required as a condition of approval of a previously approved project;
 - 3.** Parcel maps creating lots no smaller than twenty (20) acres where legal access is provided to each lot;
 - 4.** Parcel maps creating lots no smaller than forty (40) acres or where each lot is at least a quarter of a quarter section;
 - 5.** An environmental subdivision as defined in Section 66418.2 of the Subdivision Map Act;
 - 6.** Projects which have been recommended for administrative approval by the development review committee, based upon the following criteria:
 - a.** The project will not have significant or long-range impacts on surrounding properties, city services, or the environment,
 - b.** The project will not establish a new or different pattern of land uses or intensities in the area,
 - c.** The project has not generated controversy or opposition, and
 - d.** The project is consistent with the city's General Plan goals, policies and maps;
 - e.** Subdivisions or parcel maps consistent with an approved specific plan or planned development.
- C.** The following applications shall require review and approval subject to administrative review without notice in accordance with Section 16.12.005(A)(3):
 - 1.** Lot line adjustments;
 - 2.** Lot mergers;
 - 3.** Certificate of Compliance;
 - 4.** Certificate of Corrections.
- D.** In approving a tentative map or a parcel map for which a tentative map was not required, the planning agency shall find and justify that all the following are true:
 - 1.** The site is physically suitable for the proposed type of development;
 - 2.** The site is physically suitable for the proposed density of development;
 - 3.** The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

4. The design of the subdivision and any related types of proposed improvements are not likely to cause serious public health problems or cause threat to life and property in a wild land interface;
5. The proposed subdivision together with the provisions for its design and improvements are consistent with the General Plan, community plan, and any applicable specific plan;
6. The proposed subdivision, its design, density and type of development and improvements conform to the regulations of the development code, and the regulations of any public agency having jurisdiction by law;
7. Land Project Determination.
 - a. The proposed subdivision is not deemed to be a land project; or
 - b. An adopted specific plan covering the area proposed to be included within the project has been adopted by the City Council; and the proposed land project subdivision together with the provisions for its design and improvement are consistent with the adopted specific plan.
8. The design of the subdivision provides to the extent feasible, passive or natural heating and cooling opportunities to each of the proposed lots. Such opportunities may include, but are not limited to: placement of structures to take optimum advantage of passive cooling and heating opportunities, providing additional opportunities through land use controls for the use of solar energy systems, adjusting lot depth and width to provide for the future use of solar energy systems, and adjusting building setback lines to promote the optimum spacing of structures to create adequate solar access.

The planning agency shall also find and justify, where applicable, that the following are true:

9. In the event that the proposed subdivision is a conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project, the following shall be true: The proposed subdivision has complied with the requirements of California Government Code Sections 66427.1(a) and 66452.10.

(Ord. 250 (part), 1997;

Ord. 192 Exh. A (§ 83.12.030), 1994)

THIS PAGE LEFT BLANK INTENTIONALLY