

ORDINANCE NO. 603

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, AMENDING VARIOUS SECTIONS OF TITLE 9 OF THE LA QUINTA MUNICIPAL CODE AND AMENDING THE ZONING MAP RELATED TO CLEAN UP ITEMS

ZONING ORDINANCE AMENDMENT 2022-0002 ZONE CHANGE 2022-0003

WHEREAS, the City Council of the City of La Quinta, California did, on October 4, 2022, hold a duly noticed public hearing for review of a City-initiated request of Zoning Ordinance Amendment 2022-0002 and Zone Change 2022-0003 to amend various sections of Title 9 of the La Quinta Municipal Code and the La Quinta Zoning Map; and

WHEREAS, previous to said Public Hearing, the Planning Commission of the City of La Quinta did, on September 13, 2022, adopt Planning Commission Resolution No. 2022-0022 recommending the City Council adopt said code amendments, with a recommendation to revise "Tourist Commercial Homes" to "Village Hospitality Home"; and

WHEREAS, the Design and Development Department published a public hearing notice for this request in *The Desert Sun* newspaper on September 23, 2022, as prescribed by the Municipal Code; and

WHEREAS, Title 9 of the Municipal Code contains the chapters that address permitted uses, development standards, development review and permitting procedures; and

WHEREAS, the proposed zoning text amendments and zone change are necessary to clean up development process and standards; and

WHEREAS, the proposed zoning text amendments and zone change are necessary to implement the General Plan 2035 adopted by the City Council at their regular meeting on February 19, 2013; and

WHEREAS, at said public hearing, upon hearing and considering all public testimony and arguments, if any, of all interested persons wanting to be heard, the City Council did make the following mandatory findings to justify adoption of said Zoning Ordinance Amendment, enclosed as Exhibit A, and incorporated herewith by this reference:

1. Consistency with General Plan

The code amendment is consistent with the goals, objectives and policies of the General Plan. The proposed amendments are supported by Policy LU-1.2 for land use decisions to be consistent with General Plan policies and programs and uphold the rights and needs of property owners and the public; and Program LU-3.1.a, to review land use designations for changes in the community and marketplace.

2. Public Welfare

Approval of the code amendment will not create conditions materially detrimental to the public health, safety and general welfare. The amendment streamlines the development review process and clarifies language in the municipal code and does not incorporate any changes that affect the regulation and/or provision of public services, utility systems, or other foreseeable health, safety and welfare considerations.

Zone Change 2022-0003

WHEREAS, at said Public Hearing, upon hearing and considering all testimony and arguments, if any, of all interested persons desiring to be heard, the City Council did make the following mandatory findings to justify approval of said Zone Change [Exhibit B]:

1. Consistency with General Plan. The Zone Change is consistent with the goals, objectives and policies of the general plan, as it fixes inconsistencies that are existing.
2. Public Welfare. Approval of the Zone Change will not create conditions materially detrimental to the public health, safety and general welfare, insofar as it will not make significant changes of use throughout the City's Zoning Ordinance.
3. Land Use Compatibility. The new zoning is compatible with the zoning on the affected properties, as it changes the land uses to be consistent with their intended use.
4. Property Suitability. The new zoning is suitable and appropriate for the affected properties, as it fixes inconsistencies.
5. Change in Circumstances. Approval of the Zone Change is warranted because it fixes inconsistencies and cleans up areas that require it.

NOW, THEREFORE, the City Council of the City of La Quinta does ordain as follows:

SECTION 1. Title 9 shall be amended as written in "Exhibit A" attached hereto.

SECTION 2. The proposed zone text amendment has complied with the requirements of "The Rules to Implement the California Environmental Quality Act of 1970" (CEQA) as amended (Resolution 83-63). The zone text amendments are consistent with the previously approved findings of the General Plan 2035 EIR (Environmental Assessment 2012-622) as the proposed amendments implement the goals, policies, and programs of the General Plan.

SECTION 3. That the City Council does hereby approve Zoning Ordinance Amendment 2022-0002, as set forth in attached "Exhibit A," incorporated herewith by this reference, for the reasons set forth in this Ordinance.

SECTION 4. That the City Council does hereby approve Zone Change 2022-0003, changing land use designations to Low Density Residential (LDR) for Assessor Parcel Numbers 776-110-006, 776-110-008, and 779-370-005, as set forth in attached "Exhibit B," incorporated here with by this reference, for the reasons set forth in this Ordinance.

SECTION 5. **EFFECTIVE DATE:** This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 6. **POSTING:** The City Clerk shall, within 15 days after passage of this Ordinance, cause it to be posted in at least three public places designated by resolution of the City Council, shall certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting to be entered into the permanent record of Ordinances of the City of La Quinta.

SECTION 7. **CORRECTIVE AMENDMENTS:** The City Council does hereby grant the City Clerk the ability to make minor amendments and corrections of typographical or clerical errors to "Exhibit A" to ensure consistency of all approved text amendments prior to the publication in the La Quinta Municipal Code.

SECTION 8. SEVERABILITY: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

PASSED, APPROVED and ADOPTED, at a regular meeting of the La Quinta City Council held this October 18, 2022, by the following vote:

AYES: Councilmembers Peña, Radi, Sanchez, and Mayor Evans

NOES: None

ABSENT: None

ABSTAIN: Councilmember Fitzpatrick



LINDA EVANS, Mayor
City of La Quinta, California

ATTEST:



MONIKA RADEVA, City Clerk
City of La Quinta, California



APPROVED AS TO FORM:

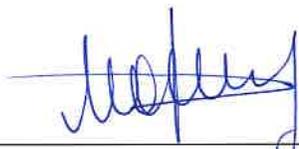


WILLIAM H. IHRKE, City Attorney
City of La Quinta, California

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LA QUINTA)

I, MONIKA RADEVA, City Clerk of the City of La Quinta, California, do hereby certify the foregoing to be a full, true, and correct copy of Ordinance No. 603 which was introduced at a regular meeting on the 4th day of October, 2022, and was adopted at a regular meeting held on the 18th day of October, 2022, not being less than 5 days after the date of introduction thereof.

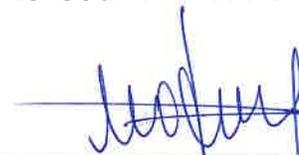
I further certify that the foregoing Ordinance was posted in three places within the City of La Quinta as specified in the Rules of Procedure adopted by City Council Resolution No. 2022-027.



MONIKA RADEVA, City Clerk
City of La Quinta, California

DECLARATION OF POSTING

I, MONIKA RADEVA, City Clerk of the City of La Quinta, California, do hereby certify that the foregoing ordinance was posted on October 19th, 2022, pursuant to Council Resolution.



MONIKA RADEVA, City Clerk
City of La Quinta, California

9.30.070 RH High Density Residential District.

- A. Purpose. To provide for the development and preservation of medium to high density neighborhoods (twelve (12) to sixteen (16) units per acre) with one (1)- to three (3)-story single-family attached dwellings and one (1)- to three (3)-story townhome and multifamily dwellings.
- B. Permitted Uses. Chapter 9.40 lists permitted land uses.
- C. Development Standards. Chapter 9.50 provides development standards.

Chapter 9.50 contains additional details and illustrations regarding development standards.

(Ord. 550 § 1, 2016; Ord. 512 § 1, 2013; Ord. 325 § 1, 1998; Ord. 284 § 1, 1996)

9.80.020 Table of permitted uses.

- A. Uses and Structures Permitted. Table 9-5, Permitted Uses in Nonresidential Districts, following, specifies those uses and structures which are permitted within each nonresidential district. The letters in the columns beneath the district designations mean the following:
1. "P": Permitted as a principal use within the district.
 2. "A": Permitted only if accessory to the principal use on the site.
 3. "C": Permitted as a principal or accessory use if a conditional use permit is approved.
 4. "M": Permitted if a minor use permit is approved.
 5. "T": Permitted as a temporary use only.
 6. "X": Prohibited in the district.
 7. "S": Permitted under a specific plan.
- B. Uses Not Listed in Table. Land uses which are not listed in Table 9-5 are not permitted unless the planning or the planning commission determines that such use is within one (1) of the permitted use categories listed (e.g., principal use, conditional use, etc.) in accordance with Section 9.20.040.

Table 9-5 Permitted Uses in Nonresidential Districts

| | Regional | Commercial Park | Community | Neighborhood | Tourist | Office | Major | Village |
|---|----------|-----------------|-----------|--------------|---------|--------|-------|---------|
| Land Use | CR | CP | CC | CN | CT | CO | MC | VC |
| <i>Retail Uses</i> | | | | | | | | |
| Retail stores under 10,000 sq. ft. floor area per business | P | P | P | P | P | P | X | P |
| Retail stores ¹ , 10,000—50,000 sq. ft. floor area | P | P | P | P | X | X | X | P |
| Retail stores ¹ , over 50,000 sq. ft. floor area | P | C | M | X | X | X | X | X |
| Food, liquor and convenience stores under 10,000 sq. ft. floor area, open less than 18 hours/day ² | P | A | P | P | A | A | X | P |
| Food, liquor and convenience stores under 10,000 sq. ft. floor area, open 18 or more hours/day ² | M | X | M | M | M | X | X | M |
| Plant nurseries and garden supply stores, with no propagation of plants on the premises, subject to Section 9.100.110 (Outdoor storage and display) | P | X | P | P | X | X | X | P |
| Showroom/catalog stores, without substantial on-site inventory | P | P | P | X | X | X | X | X |
| <i>General Services</i> | | | | | | | | |
| Barbershops, beauty, nail and tanning salons and similar uses | P | A | P | P | P | A | X | P |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Miscellaneous services such as travel services, photo and video services, shoe repair, appliance repair, and similar uses | P | A | P | P | P | A | X | P |
| Laundromats and dry cleaners, except central cleaning plants | P | X | P | P | P | X | X | M |
| Printing, blueprinting and copy services | P | P | P | P | P | P | X | P |
| Pet grooming—without overnight boarding | P | X | P | P | P | X | X | P |
| <i>Office and Health Services</i> | | | | | | | | |
| Banks | P | X | P | P | P | P | X | P |
| General and professional offices | P | P | P | P | P | P | P | P |
| Medical offices—physicians, dentists, optometrists, chiropractors and similar practitioners, 3 or fewer offices in one building | P | P | P | P | P | P | X | P |
| Medical centers/clinics—four or more offices in one building | P | X | P | C | X | P | X | P |
| Surgicenters/medical clinics | P | P | P | C | X | P | X | X |
| Hospitals | C | X | X | X | X | X | C | X |
| Convalescent hospitals | C | X | C | X | X | X | C | X |
| Veterinary clinics/animal hospitals and pet boarding (indoor only) | M | M | M | M | X | X | X | M |
| <i>Dining, Drinking and Entertainment Uses</i> | | | | | | | | |
| Restaurants, other than drive-through | P | A | P | P | P | X | A | P |
| Restaurants, drive-through | P | A | P | X | P | X | X | X |
| Restaurants, counter take-out with ancillary seating, such as yogurt, ice cream, pastry shops and similar | P | P | P | P | P | X | A | P |
| Bars and cocktail lounges | M | M | M | M | M | X | X | M |
| Dance clubs and nightclubs | C | C | C | X | C | X | X | C |
| Dancing or live entertainment as an accessory use | A | A | A | A | A | X | X | A |
| Theaters, live or motion picture | P | X | M | M | M | X | A | M |
| Tobacco shops without onsite smoking, as per the provisions of the Health and Sanitation Code | P | X | P | P | A | X | X | P |
| Cigar lounges, hookah bars, and similar uses with onsite smoking, as per the provisions of the Health and Sanitation Code | M | X | M | M | A | X | X | M |
| <i>Recreation Uses</i> | | | | | | | | |
| Bowling alleys | P | X | P | X | P | X | X | C |
| Pool or billiard centers as a principal use | C | C | C | X | C | X | X | C |
| Pool or billiard tables as accessory use (3 tables or less) | A | A | A | A | A | A | X | A |
| Game machines as an accessory use | A | A | A | A | A | A | X | A |
| Golf courses and country clubs (see GC district permitted uses, Chapter 9.120) | X | X | X | X | A | X | X | X |
| Driving range unlighted | P | A | C | X | P | A | P | X |
| Tennis clubs or complexes | C | A | C | X | X | A | C | X |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Health clubs, martial arts studios, and dance studios, 5,000 sq. ft. floor area or less | P | P | P | P | P | P | P | P |
| Health clubs, martial arts studios, and dance studios, over 5,000 sq. ft. floor area | M | M | M | M | M | M | M | M |
| Libraries | P | P | P | P | P | P | P | P |
| Museum | P | P | P | P | P | P | P | P |
| Arts and crafts studios, including classes | P | P | P | P | P | P | P | P |
| Parks, unlighted playfields and open space | P | P | P | P | P | P | P | P |
| Lighted playfields | X | X | X | X | X | X | C | C |
| Bicycle, equestrian and hiking trails | P | P | P | P | P | P | P | P |
| Indoor pistol or rifle ranges | X | C | X | X | X | X | X | X |
| Indoor or outdoor commercial recreation centers | M | M | M | M | M | M | X | M |
| Ice skating rinks | M | M | M | X | M | X | M | X |
| <i>Assembly Uses</i> | | | | | | | | |
| Lodges, union halls, social clubs and community centers | P | P | P | P | X | X | P | P |
| Churches, temples and other places of worship | M | M | M | M | X | M | X | M |
| Mortuaries and funeral homes | M | M | M | X | X | X | X | X |
| <i>Public and Semipublic Uses</i> | | | | | | | | |
| Fire stations | P | P | P | P | P | P | P | P |
| Government offices and police stations | P | P | P | P | P | P | P | P |
| Communication towers and equipment (freestanding, new towers) subject to Chapter 9.170 | C | C | C | C | C | C | C | C |
| Communication towers and equipment (co-location, mounted to existing facility) subject to Chapter 9.170 | M | M | M | M | M | M | M | M |
| Electrical substations | X | M | X | X | X | X | M | X |
| Water wells and pumping stations | P | P | P | P | P | P | P | P |
| Reservoirs and water tanks | X | X | X | X | X | X | P | X |
| Public flood control facilities and devices | P | P | P | P | P | P | P | P |
| Colleges and universities | C | M | X | X | X | M | C | C |
| Vocational schools, e.g., barber, beauty and similar | M | C | C | X | X | C | C | C |
| Private elementary, intermediate and high schools | C | C | C | C | C | C | C | C |
| Helicopter pads | X | X | X | X | C | X | C | X |
| Public or private kennels and animal shelters (with indoor or outdoor pet boarding) | X | C | X | X | X | X | C | X |
| <i>Residential, Lodging and Child Daycare Uses</i> | | | | | | | | |
| Existing single family home | X | X | X | X | X | X | X | P |
| Townhome and multifamily dwelling as a primary use ^{3,4} | C | C | C | C | C | C | X | C |
| Residential as an accessory use, e.g., caretaker residences per Section 9.100.160 | M | M | M | M | M | M | M | M |
| Child daycare facilities, centers and preschools as a principal use, subject to Section 9.100.240 (also see Accessory Uses) | M | M | M | M | X | M | M | M |
| Senior group housing | X | X | X | X | X | X | X | M |

| | | | | | | | | |
|--|---|----------------|---|---|---|---|---|---|
| Rooming and boarding houses | X | X | X | X | X | X | X | M |
| Single room occupancy (SRO) hotels, subject to Section 9.100.250 | C | X | X | X | X | X | X | X |
| Emergency shelters | P | P | P | P | P | P | P | X |
| Transitional shelters for homeless persons or victims of domestic abuse | C | X | X | X | X | X | C | X |
| Single-family residential | X | X | X | X | X | X | X | X |
| Mixed-use projects subject to Section 9.110.120 | P | P | P | P | P | P | X | P |
| RV rental parks and ownership/membership parks | X | X | X | X | M | X | X | X |
| Resort residential, subject to Section 9.60.310 | S | X | C | X | P | X | X | P |
| Hotels and motels | P | X | P | X | P | X | X | P |
| Village Hospitality Home | X | X | X | X | X | X | X | C |
| Timeshare facilities, fractional ownership, subject to Section 9.60.280 | P | X | P | X | P | X | X | P |
| <i>Automotive, Automobile Uses⁵</i> | | | | | | | | |
| Golf cart, neighborhood electric vehicle (NEV), and electric scooter sales | P | P | P | M | X | X | X | M |
| Automobile service stations, with or without minimart subject to Section 9.100.230 | C | C | C | C | X | X | X | C |
| Car washes | M | M | M | X | X | X | X | X |
| Auto body repair and painting; transmission repair | X | C | X | X | X | X | X | X |
| Auto repair specialty shops, providing minor auto maintenance: tire sales/service, muffler, brake, lube and tune-up services | C | C | C | X | X | X | X | X |
| Auto and motorcycle sales and rentals | M | M | X | X | X | X | X | X |
| Used vehicle sales, not associated with a new vehicle sales facility, as per Section 9.100.260 | C | C | X | X | X | X | X | X |
| Truck, recreation vehicle and boat sales | C | C | X | X | X | X | X | |
| Auto parts stores, with no repair or parts installation on the premises | P | P | P | P | X | X | X | P |
| Auto or truck storage yards, not including dismantling | X | C | X | X | X | X | X | X |
| Private parking lots/garages as a principal use subject to Chapter 9.150, Parking | C | C | C | X | C | C | X | C |
| <i>Warehousing and Heavy Commercial Uses⁵</i> | | | | | | | | |
| Wholesaling/distribution centers, general warehouses with no sales to consumers | C | P | X | X | X | X | X | X |
| Mini-storage | X | X ⁶ | X | X | X | X | X | X |
| Lumber yards, outdoor (see retail stores for indoor lumber sales) | X | M | X | X | X | X | X | X |
| Pest control services | M | P | X | X | X | X | X | X |
| Contractor offices, public utility and similar equipment/storage yards | X | M | X | X | X | X | P | X |
| Central cleaning or laundry plants | X | X | X | X | A | X | X | X |

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| <i>Industrial and Research Uses</i> | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Indoor manufacture and assembly of components or finished products | X | P | X | X | X | X | X | X |
| Research and development | P | P | X | X | X | X | X | X |
| Recording studios | M | P | X | X | X | X | X | M |
| Bottling plants | X | P | X | X | X | X | X | X |
| Recycling centers as a primary use, collection and sorting only, subject to Section 9.100.190 | X | C | X | X | X | X | C | X |
| Off-site hazardous waste facilities | X | C | X | X | X | X | X | X |
| <i>Accessory Uses and Structures</i> | | | | | | | | |
| Construction and guard offices, subject to Section 9.100.170 | P | P | P | P | P | P | P | P |
| Portable outdoor vendor uses subject to Section 9.100.100 | M | M | M | M | M | M | M | M |
| Swimming pools as an accessory use | A | A | A | A | A | A | A | A |
| Indoor golf or tennis facilities as an accessory use | A | A | A | A | A | A | A | A |
| Outdoor golf or tennis facilities as an accessory use | M | M | M | M | M | M | M | M |
| Antennas and satellite dishes, subject to Section 9.100.070 | A | A | A | A | A | A | A | A |
| Reverse vending machines and recycling dropoff bins, subject to Section 9.100.190 | A | A | A | A | X | X | A | M |
| Incidental on-site products or services for employees or businesses, such as child day care, cafeterias and business support uses | A | A | A | A | A | A | A | A |
| Other accessory uses and structures which are customarily associated with and subordinate to the principal use on the premises and are consistent with the purpose and intent of the zoning district, as determined by the director | A | A | A | A | A | A | A | A |
| <i>Temporary Uses</i> | | | | | | | | |
| Christmas tree sales, subject to Section 9.100.080 | T | T | T | T | X | X | T | T |
| Halloween pumpkin sales, subject to Section 9.100.080 | T | T | T | T | X | X | T | T |
| Stands selling fresh produce in season, subject to Section 9.100.090 | T | T | T | T | X | X | T | T |
| Sidewalk sales, subject to Section 9.100.120 | T | T | T | T | T | T | X | T |
| Temporary outdoor events, subject to Section 9.100.130 | T | T | T | T | T | T | T | T |
| Use of relocatable building, subject to Section 9.100.180 | T | T | T | T | T | T | T | T |
| Holiday period storage subject to Section 9.100.145 | M | M | M | M | M | M | M | M |
| <i>Other Uses</i> | | | | | | | | |
| Sexually oriented businesses, subject to Section 9.110.080 ⁷ | C | X | X | X | X | X | X | X |
| Medical marijuana dispensaries | X | X | X | X | X | X | X | X |

| | | | | | | | | |
|--|--|--|--|--|--|--|--|--|
| Other uses not listed in this table: per Section 9.20.040, director or planning commission to determine whether use is permitted | | | | | | | | |
|--|--|--|--|--|--|--|--|--|

Notes:

- ¹ Unless use is specifically listed elsewhere in this table.
- ² With no consumption of alcohol on the premises.
- ³ If part of a mixed-use project per Section 9.140.090.
- ⁴ If not part of a mixed use project: Subject to Section 9.30.070 (RH, High Density Residential District) for density.
- ⁵ Subject to Section 9.100.110, Outdoor storage and display.
- ⁶ Mini-storage warehousing operating on December 17, 2008 (the effective date of the ordinance codified in this section), are considered legal, conforming land uses. Existing facilities may be reconstructed if damaged, and may be modified or expanded within the boundaries of the lot on which they occur as of December 17, 2008 with approval of a site development permit. Any modification or expansion shall conform to the development standards for the commercial park zoning district contained in Chapter 9.90, Nonresidential Development Standards.
- ⁷ Property must also be located within the SOB (sexually oriented business) overlay district.

(Ord. 584 § 2, 2020; Ord. 562 § 1, 2017; Ord. 550 § 1, 2016; Ord. 538 § 4, 2016; Ord. 523 § 1, 2015; Ord. 492 § 1, 2011; Ord. 480 § 1, 2010; Ord. 472 § 1, 2009; Ord. 471 § 2, 2009; Ord. 466 § 1, 2009; Ord. 449 § 1, 2007; Ord. 429 § 1, 2006; Ord. 414 § 1, 2005; Ord. 397 § 1, 2004; Ord. 325 § 1, 1998; Ord. 307 § 1, 1997; Ord. 299 § 1, 1997; Ord. 284 § 1, 1996)

9.140.090 MU mixed use overlay regulations.

- A. Purpose. To facilitate the development of mixed use projects that include both multifamily residential and commercial components in a cohesively designed and constructed manner. The mixed use overlay district will contribute to vehicle trip and associated air pollutant reductions by locating residents in close proximity to services, employment, and transportation hubs, and by providing interconnected multi-purpose paths for alternative modes of transportation.
- B. Applicability. The MU overlay district and the provisions of this section apply to all areas designated VC, CR, CP, CC, CN, CT and CO districts. These regulations shall apply in addition to the regulations of the underlying base district. In case of conflict between the base district and the MU regulations, the MU regulations shall control.
- C. Definitions. See Chapter 9.280.
- D. Permitted Uses.
 - 1. Any use permitted or conditionally permitted in the underlying district.
 - 2. Mixed use projects consisting of both multifamily residential (apartments, condominiums, live/work, and similar housing types) and commercial/office components.
- E. Development Standards.
 - 1. Mixed use projects shall include both a commercial and/or office component and a multifamily residential component, which are fully integrated with regard to access, connectivity, and public safety. Residential uses with a density of twelve (12) to twenty-four (24) units, must comprise a minimum of thirty-five percent (35%) of the total square footage of the proposed project with the exception of conversion of existing commercial buildings or portions thereof to live/work units. Mixed use projects can be designed vertically (residential development over commercial development) or horizontally (residential development next to commercial development).
 - 2. Minimum lot sizes shall be one (1) acre, with the exception of the VC district where lot sizes can be less than one (1) acre. To maximize design options, development of mixed use projects on lot assemblages or lots greater than one (1) acre is encouraged.
 - 3. The use of vacant pads for mixed use projects in existing commercial development along Highway 111 is encouraged.
 - 4. Minimum densities for residential development shall be twelve (12) dwelling units per acre, with the exception of conversion of existing commercial buildings or portions thereof to live/work units.
 - 5. Maximum densities for residential development shall be twenty-four (24) dwelling units per acre. Higher densities may be achieved through density bonuses, where applicable.
 - 6. The residential component of mixed use projects shall be subject to the setback requirements of the underlying commercial district.
 - 7. Maximum Height. A mixed use project may be up to twenty-five percent (25%) more in height than in the base district, if approved in the site development permit.

Mixed Use Overlay District Maximum Building Height

| Underlying District | Maximum Height |
|---------------------|----------------|
| CR | 60 feet |
| CP | 45 feet |

| | |
|----|-------------------------|
| CC | 40 feet |
| CN | 35 feet |
| VC | 45 feet ^{*,**} |
| CT | 55 feet |
| CO | 55 feet |

*In the VC underlying district, when a minimum of one-half the required parking spaces are located beneath the principal mixed use structure, the number of stories shall be measured from the finished floor of the building's ground floor and shall not include the parking level.

** Building height from forty-six (46) to sixty (60) feet may be permitted with approval of a CUP. See Section 9.70.110.

8. Floor Area Ratio (FAR). Mixed use projects are exempt from the floor area ratio requirements of the underlying district.
9. The first (ground) floor of a multi-story mixed use project located within three hundred (300) feet of the Highway 111 right-of-way shall consist of commercial and/or office development. Residential uses on the first (ground) floor are prohibited.
10. New buildings (constructed after the date of approval of this code) in mixed use projects shall not be longer than three hundred (300) feet to facilitate convenient public access around the building.
11. Pedestrian, bicycle, and other nonmotorized travel connections, including sidewalks, trails, and/or crosswalks, are required between the commercial/office and residential components of the project, as well as leading to/from street fronts, bus stops, public gathering places, and adjacent properties. They shall be located off-street and separated from vehicle travel lanes and parking lot driving aisles.
12. Physical barriers, such as walls and fences, between the commercial/office and residential components of a mixed use project are discouraged; however, they may be used where necessary and appropriate, including for public safety or the screening of outdoor storage facilities.
13. Public Spaces.
 - a. Public gathering spaces that provide active and/or passive amenities for passersby are highly encouraged. Communal spaces may include, but are not limited to, pedestrian plazas, shaded benches, public art, and landscape or hardscape features.
 - b. Public spaces should be centrally located or located near active land uses to assure their frequent usage and safety.
14. Parking. Parking and loading requirements shall be in conformance with Chapter 9.150 of this code, subject to the following provisions:
 - a. Opportunities for shared and/or reduced parking between the commercial/office and residential components of the project are encouraged, subject to the requirements of Section 9.150.060 (Shared parking), as a means to better match parking demand with availability during various hours of the day.
 - b. Mixed use projects shall provide preferred parking for electric vehicles and vehicles using alternative fuels in accordance with Section 9.150.110.
15. Bicycle racks shall be provided to serve both commercial/office and residential components of the project, and shall comply with the requirements of Chapter 9.150.
16. Landscaping shall comply with Section 9.100.040 of this code and the requirements of the underlying district. Additional landscaping may be required to minimize impacts to adjacent properties.
17. Outdoor lighting shall comply with Sections 9.100.150 and 9.60.160 of this code.

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18. Signage shall be in conformance with Chapter 9.160 of this code and the requirements of the underlying district. Monument and other signage that enhances the cohesion of the development may be required.
 19. Entry Drive. An entry drive that provides principal vehicular access into the residential component of the project is required.
 20. Entry Statement. Projects with fifty (50) or more residential units shall include vehicular and pedestrian entry statements that convey a sense of arrival into the development. Examples include, but are not limited to, specimen trees, boulder groupings, textured or stamped concrete, and monument signage.
 21. Special attention shall be given to the use of aesthetic treatments, such as colored/textured paving or decorative gates, that contribute to the overall image and connectivity of the development.
 22. New mixed use development shall relate to adjacent single-family residential districts in the following ways:
 - a. By stepping down the scale, height, and density of buildings at the edges of the project adjacent to less intense development. Step the building down at the ends or sides nearest a single-family unit, to a height similar to that of the adjacent single-family unit (or of typical single-family residences in the vicinity if adjacent to an undeveloped single-family zoning district).
 - b. By incorporating architectural elements and materials that are similar to those used in the neighborhood.
 - c. By locating parking areas within the project interior or at the side or back when necessary to achieve the "residential front yard" appearance.
 - d. By avoiding, wherever feasible, the construction of walls on local streets in existing neighborhoods where the wall would be located opposite front yards.

F. Mixed Use Incentives.

1. Mixed use projects that provide a minimum of thirty percent (30%) of total project square footage for retail uses shall receive a density bonus of ten percent (10%) for the residential component of the project.
2. Mixed use projects that include pedestrian, bicycle and golf cart circulation and facilities (paths, shaded parking, etc.) separate from vehicular circulation and facilities can reduce their vehicle parking requirement by fifteen percent (15%).
3. Development proposals for mixed use projects shall receive expedited entitlement and building permit processing.
4. Mixed use projects shall receive a ten percent (10%) reduction in plan check and inspection fees.
5. Mixed use projects that include a minimum of two (2) public spaces or gathering features, as deemed of sufficient size and purpose by the city, shall receive a density bonus of up to fifteen percent (15%).

(Ord. 584 § 2, 2020; Ord. 562 § 1, 2017; Ord. 553 § 1, 2017; Ord. 550 § 1, 2016)

9.150.070 Spaces required by use.

- A. Land Uses Not Listed. If no provisions for the required number of off-street parking spaces are set forth in Tables 9-11 or 9-12 of this section or the provisions are not clear for a specific use, the decision-making authority for the applicable use or project shall determine the number of parking spaces required.
- B. Parking for Residential Land Uses. Table 9-11 contains the minimum number of parking spaces required for each type of residential land use. Whenever any commercial or industrial use is located on a building site that is also used for residential purposes, parking facilities shall be provided in conformance with Section 9.150.070 (Shared Parking).
- C. Parking for Nonresidential Land Uses.
 - 1. Adequate Parking Required. All nonresidential land uses shall provide off-street parking in compliance with this subsection and with Table 9-12 unless modified by the provisions contained in Section 9.150.050. Table 9-12 sets forth the minimum and maximum requirements for each use. It shall be the responsibility of the developer, owner or operator of any use to provide adequate off-street parking.
 - 2. Bicycle Parking. In addition to the automobile parking spaces required per Table 9-12, bicycle parking shall be provided for certain nonresidential uses in accordance with subsection (C)(3) of this section.

Table 9-11 Parking for Residential Land Uses

| Land Use | Minimum Off-Street Parking Requirement | Additional Requirements |
|---|---|--|
| Single-family detached, single-family attached and duplexes | 2 spaces per unit in a garage plus 0.5 guest spaces per unit if no on-street parking is available | For all single-family residential zones except RC, parking in excess of the minimum required may be tandem |
| | In a garage, tandem parking may be used to meet the above-stated minimum required parking in the RC district only | |
| Employee quarters | 1 space per unit. This space shall not be tandem. | |
| Apartments, townhomes and condominiums: | | All parking spaces shall be distributed throughout the site to ensure reasonable access to all units. |
| (1) Studio | 1 covered space per unit, plus 0.5 guest spaces per unit | |
| (2) One- and two-bedroom | 2 covered spaces per unit plus 0.5 guest spaces per unit | |
| (3) Three or more bedroom | 3 covered spaces per unit plus 0.5 covered spaces per each bedroom over three, plus 0.5 guest spaces per unit | |

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| Mobilehome parks | 2 covered spaces/unit, which may be in tandem, plus 0.5 guest spaces per unit | |
| Senior housing (excluding single family units) | 1 covered space per unit, plus 0.5 guest spaces per unit | |
| Senior group housing/senior citizen hotels and congregate care facilities | 0.5 covered spaces per unit plus 0.5 guest spaces per unit | |
| <i>Lodging and Child Daycare Uses</i> | | |
| Bed and breakfast inns | 1 space per guest room plus parking for residents as required by this code. | |
| Boardinghouse, roominghouse, and single room occupancy hotels | 1 space per sleeping room | |
| Child daycare centers, including preschools and nursery schools | 1 space per staff member plus 1 space per 5 children. Parking credit may be given if queuing area for more than 4 cars is provided, but resulting parking shall be not less than 1 per staff member plus 1 per 10 children | Stacking analysis may be required to define a drop-off facility that accommodates at least 4 cars in a continuous flow, preferably one-way, to safely load and unload children |
| Recreational vehicle parks | 1 automobile parking space on each recreational vehicle lot plus 1 space per 20 recreational lots for visitors | |

Table 9-12 Parking for Nonresidential Land Uses

| Land Use | Minimum Off-Street Parking Requirement | Maximum Off-Street Parking Requirement | Additional Requirements |
|---------------------------|--|--|-------------------------|
| <i>Commercial Uses</i> | | | |
| Bars and cocktail lounges | 1 space per 50 sq. ft. GFA including indoor/outdoor seating areas (see also Restaurants) | 1 space per 25 sq. ft. GFA including indoor/outdoor seating areas (see also Restaurants) | |
| Lumberyards and nurseries | 1 space per 1,000 sq. ft. GFA indoor area, plus 1 space per | 1 space per 500 sq. ft. GFA indoor area, plus 1 space per | |

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|--|---|---|--|
| | 1,000 sq. ft. of outdoor display or sale area | 1,000 sq. ft. of outdoor display or sale area | |
| Model home complexes | 10 spaces | N/A | |
| Personal service establishments | 3 spaces per 1,000 s.f. | 4 spaces per 1,000 s.f. | |
| Restaurants: | | | |
| (1) Conventional sit-down, including any bar area | 1 space per 125 sq. ft. GFA including indoor and outdoor seating areas | 1 space per 75 sq. ft. GFA including indoor and outdoor seating areas | |
| (2) Drive-through and fast food | 1 space per 100 sq. ft. GFA, including indoor and outdoor seating areas, but not less than 10 spaces. | N/A | |
| (1) General retail uses under 100,000 sq. ft. GFA | 1 space per 300 sq. ft. GFA | 1 space per 250 sq. ft. GFA | For shopping centers, freestanding restaurants and non-freestanding restaurant space in excess of 20% of the total shopping center GFA shall be computed separately using the applicable restaurant parking ratio(s) |
| (2) General retail uses 100,000 sq. ft. GFA and greater | 1 space per 350 sq. ft. GFA | 1 space per 300 sq. ft. GFA | |
| Furniture and appliance stores | 1 space per 1000 sq. ft. GFA | 1 space per 750 sq. ft. GFA | |
| Warehouses, storage buildings or structures used exclusively for storage | 1 space per 2,000 sq. ft. of gross area for storage purposes | 1 space per 1,000 sq. ft. of gross area for storage purposes | |
| Mini-storage facilities | 1 space per 5,000 sq. ft. plus 2 spaces for any caretaker's unit | N/A | |
| <i>Office and Health Care Uses</i> | | | |

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|---|---|--|---|
| Convalescent hospitals, nursing homes, children's homes and sanitariums | 1 space per 4 beds based on the resident capacity of the facility as listed on the required license or permit | | Minimum 30% of required spaces shall be covered by a trellis or carport structure See also senior group housing (senior citizen hotels) under residential uses |
| General offices, other than medical, dental, banks, savings and loans, credit unions and similar financial institutions | 1 space per 300 sq. ft. GFA | 1 space per 250 sq. ft. GFA | Minimum 30% of required spaces shall be covered by a trellis or carport structure Rates are for office uses only. If ancillary uses are included, such as restaurants or retail establishments, parking for such uses must be provided per their applicable rates |
| Hospitals | 1.75 spaces per bed | | |
| Medical or dental offices/clinics | 1 space per 200 sq. ft. GFA | 1 space per 175 sq. ft. GFA | Minimum 30% of required spaces shall be covered by a trellis or carport structure |
| Veterinary hospitals and clinics | 1 space per 400 sq. ft. GFA exclusive of overnight boarding areas | 1 space per 300 sq. ft. GFA exclusive of overnight boarding areas | |
| <i>Automotive Uses</i> | | | |
| Automobile repair facilities | 1 space per 250 sq. ft. of sales area | 1 space per 200 sq. ft. of sales area, plus 2 spaces per service bay | |
| Automobile Fueling: | | N/A | |
| (1) Without retail sale of beverage and food items | 1 space per 500 sq. ft. GFA | | |

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|---|--|--------------------------------------|---|
| (2) With retail sale of beverage and food items | 1 space per 400 sq. ft. GFA | | |
| Automobile, truck, boat, and similar vehicle sales or rental establishments | 1 space per 500 sq. ft. GFA (not including service bays), plus 1 space per service bay | N/A | Parking is for customers and employees, and is not to be used for display. |
| Car washes: | | N/A | Applicant may be required to submit a parking study which includes a stacking analysis for the proposed facility |
| (1) Full-service | 10 spaces (vacuuming or drying areas shall not be counted as parking spaces) | | |
| (2) Express-service | 2 spaces per facility (wash bays shall not be counted as parking spaces) | | |
| <i>Industrial Uses</i> | | | |
| General manufacturing, research and development and industrial uses | 1 space per 500 sq. ft. GFA | N/A | |
| Warehousing and distribution space | 1 space per 1,000 sq. ft. GFA | N/A | |
| <i>Assembly Uses</i> | | | |
| Auditoriums, theaters, cinemas | 1 space per 3 seats | 1 space per 2.5 seats | 18 lineal inches of bench shall be considered 1 fixed seat. |
| Churches, temples and similar places of assembly | 1 space per 5 seats of assembly area | 1 space per 3 seats of assembly area | 18 lineal inches of bench shall be considered 1 fixed seat. Parking will be required at the same rate for other auditoriums, assembly halls or classrooms to be used concurrently |

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| | | | with the main auditorium |
| Nightclubs, dancehalls, lodge halls and union halls | 1 space per 50 sq. ft. GFA, plus required parking for other uses on the site | 1 space per 35 sq. ft. GFA, plus required parking for other uses on the site | |
| Mortuaries and funeral homes | 1 space for every 5 seats of assembly room floor area | 1 space for every 3 seats of assembly room floor area, plus 1 space for each vehicle stored onsite, plus 5 spaces for employees | |
| Community centers | 1 space per 300 sq. ft. GFA | 1 space per 200 sq. ft. GFA | |
| <i>Lodging and Child Daycare Uses</i> | | | |
| Daycare centers, including preschools and nursery schools | 1 space per 300 sq. ft. GFA, plus 1.5 spaces per employee | 1 space per 250 sq. ft. GFA, plus 1.5 spaces per employee | Stacking analysis shall be required to define a drop-off facility that accommodates safely loading and unloading children |
| Hotels & motels and Village Hospitality Homes | 1.3 spaces per guest bedroom plus required parking for other uses on the site | 1.1 spaces per guest bedroom plus required parking for other uses on the site | |
| Timeshare facilities, fractional ownership and similar facilities | 1.5 spaces per dwelling or guest unit plus required parking for other uses on the site | 1.3 spaces per dwelling or guest unit plus required parking for other uses on the site | |
| <i>Recreational Uses</i> | | | |
| Arcade, game and video | 1 space per 200 sq. ft. GFA | | |
| Billiard or pool establishments | 1 space per 150 sq. ft. GFA | 1 space per 100 sq. ft. GFA | |
| Bowling alleys | 4 spaces per alley plus required parking for other uses on the site | 5 spaces per alley plus required parking for other uses on the site | |

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| Golf uses: | | N/A | |
| (1) Driving ranges | 1 space per tee, plus the spaces required for additional uses on the site | | |
| (2) Pitch and putt, par three and miniature golf courses | 3 spaces per hole, plus the spaces required for additional uses on the site | | |
| (3) Regulation courses | 5 spaces per hole, plus the spaces required for additional uses on the site | 8 spaces per hole, plus the spaces required for additional uses on the site | |
| Tennis courts, handball/racquetball, and other court-based facilities | 3 spaces per court | 4 spaces per court | |
| Health clubs, membership gyms and commercial swimming pools | 1 space per 200 sq. ft. GFA (for purposes of this use, swimming pool area shall be counted as floor area) | 1 space per 150 sq. ft. GFA (for purposes of this use, swimming pool area shall be counted as floor area) | |
| Libraries/museums | 1 space per 300 sq. ft. GFA | 1 space per 200 sq. ft. GFA | |
| Shooting ranges | 1 space per shooting station plus 5 spaces for employees | | |
| Skating rinks, ice or roller | 1 space per 250 sq. ft. GFA | 1 space per 200 sq. ft. GFA | |
| Stables, commercial | 1 space per each 5 horses kept on the premises | 1 space per each 4 horses kept on the premises | |
| <i>Public and Semipublic Uses</i> | | | |
| Public utility facilities not having business offices on the premises, such as | 1 space per employee plus 1 space per vehicle used in connection with the facility | N/A | |

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|--|-------------------------|-----|--|
| electric, gas, water, telephone facilities | | | |
| Schools: | | N/A | |
| (1) Elementary and junior high or middle schools | 2 spaces per classroom | | |
| (2) Senior high schools | 10 spaces per classroom | | |
| (3) Colleges, universities and institutions of higher learning | 20 spaces per classroom | | |
| (4) Trade schools, business colleges and commercial schools | 20 spaces per classroom | | |

3. Required Bicycle Parking. Bicycle parking shall be provided for certain nonresidential uses in order to encourage the use of bicycles and to mitigate motor vehicle pollution and congestion. The minimum bicycle parking requirements for nonresidential uses are as follows:
- a. Land uses required to provide bicycle parking equal to minimum three percent (3%) of the total parking spaces required per Table 9-12 include: video arcades, bowling alleys, cinemas/movie theaters, commercial recreation, tennis clubs, health clubs, libraries, schools, and skating rinks.
 - b. Land uses required to provide a minimum of five (5) bicycle parking spaces include: churches, clubs/halls, hospitals and restaurants (all categories).
 - c. Land uses required to provide a minimum of one (1) bicycle parking for every twenty-five thousand (25,000) square feet of gross floor area include governmental, general, medical and financial office uses.
 - d. In addition to the requirements of subsections (C)(2)(a) through (c) of this section, retail centers shall provide five (5) bicycle parking spaces for each tenant having over twenty thousand (20,000) square feet of gross floor area. The spaces shall be provided at or near the major tenant's main entry.
 - e. Bike racks shall be placed in shaded locations, out of the way of pedestrian flows and shopping cart storage and shall be provided with a mechanism which permits locking a bicycle onto the rack.

(Ord. 550 § 1, 2016; Ord. 528 § 3, 2016; Ord. 505 § 1, 2012; Ord. 361 § 1, 2001; Ord. 325 § 1, 1998; Ord. 284 § 1, 1996)

Chapter 9.170 WIRELESS TELECOMMUNICATION FACILITIES

9.170.010 Purpose.

The purpose of this chapter is to provide a uniform and comprehensive set of standards for the development of wireless telecommunication facilities. The regulations contained herein are intended to protect and promote public health, safety, and welfare and the aesthetic quality of the city while providing reasonable opportunities for telecommunication services to provide such services in a safe, effective and efficient manner. These regulations are intended to address the following community concerns:

- A. To minimize adverse visual effects of towers and accessory buildings associated with wireless telecommunication facilities through careful design, siting and vegetative screening;
- B. To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures;
- C. To lessen traffic impacts on surrounding residential districts;
- D. To maximize use of any new and existing telecommunication tower and to reduce the number of towers needed;
- E. To ensure radio frequency radiation is in compliance with federal requirements; and
- F. To allow new telecommunication towers in residential areas only if a comparable site is not available outside residential areas.

(Ord. 579 § 1, 2019; Ord. 550 § 1, 2016; Ord. 492 § 1, 2011; Ord. 284 § 1, 1996)

9.170.020 Definitions.

"Antenna" means any system of wires, poles, rods, panels, reflecting discs or similar devices used for the transmission or reception of radio frequency electromagnetic waves when such system is external or attached to the exterior of a structure.

"Building-mounted" means any antenna, or other antenna associated support equipment resting on the ground, directly attached or affixed to the side of a building, tank, tower or other structure other than a telecommunication tower.

"Co-location" means the placement of two (2) or more wireless telecommunication facilities service providers sharing one (1) support structure or building for the location of their facilities.

"Existing facilities" means an existing structure located in the public right-of-way or a building with an approved site development permit and/or an existing telecommunication facility with a previously approved conditional use permit.

"FAA" means the Federal Aviation Administration.

"FCC" means the Federal Communication Commission.

"FCC OET Bulletin 65" refers to the Federal Communication Commission Office of Engineering and Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields."

"Freestanding towers" include all telecommunication towers used in association with the mounting and/or placement of antenna and associated equipment.

"General population" means all persons who are not direct family members, relatives, or employees of the owner or operator of a source of NIER of the owner or other users of the site of an NIER source.

"Ground-mounted" means an antenna or other antenna associated support equipment with its support structure placed directly on the ground.

"Hand-held source" means a transmitter normally operated while being held in the hands of the user.

"Height of antenna above grade or ground" means the vertical distance between the highest point of the antenna and the finished grade directly below this point.

"Highest calculated NIER level" means the NIER predicted to be highest with all sources of NIER operating.

"Lattice tower" means a three (3) or more legged open structure designed and erected to support wireless telecommunication antennas and connecting appurtenances.

"Monopole" means a single pole structure designed and erected to support wireless telecommunication antennas and connecting appurtenances.

"Roof-mounted" means an antenna directly attached to the roof of an existing building, water tank, tower or structure other than a telecommunication tower.

"Satellite dish" means any device incorporating a reflective surface that is solid, open mesh or bar configuration, that is shallow dish, cone, horn, bowl or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern.

"Shared capacity" means that capacity for shared use whereby a tower can accommodate multiple users simultaneously. Tower height, antenna weight, design and the effects of wind are prime determinants of capacity.

"Small cell facilities" means any wireless telecommunication facility that meets the following exact conditions:

1. The structure on which antenna facilities are mounted is:
 - a. Fifty (50) feet or less in height, or
 - b. No more than ten percent (10%) taller than other adjacent structures, or
 - c. Not extended to a height of more than fifty (50) feet or by more than ten percent (10%) above its height as a result of the addition of the facility; and
2. Each antenna associated with the deployment (excluding the associated equipment with that specific antenna) is no more than three (3) cubic feet in volume; and
3. All antenna equipment associated with the small cell facility's antennas (but, excluding the antennas themselves) are cumulatively no more than twenty-eight (28) cubic feet in volume; and
4. The facility does not require antenna structure registration under Title 47, Part 17 of the Code of Federal Regulations; and
5. The facility is not located on Tribal lands, as defined under Title 36, Section 800.16(x) (or successor provision) of the Code of Federal Regulations; and
6. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in FCC Rule 1.1307(b).

"Sole-source emitter" means one (1) or more transmitters only one (1) of which normally transmits at a given instant.

"Stealth" means improvements or treatments added to a wireless telecommunication facility which mask or blend the proposed facility into the existing structure or visible backdrop in such a manner as to minimize its visual impacts, or any design of a wireless telecommunication facility to achieve same. Stealth designs may utilize, but do not require, concealment of all components of a facility. Examples of stealthing include, but are not limited to, the design and construction of a tower so that it is disguised as a flagpole, tree, palm or sculpture, or the incorporation of colors and design features of nearby structures.

"Structure" means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

"Telecommunication tower" means a monopole or lattice tower.

"Wireless telecommunication facility or facilities" means any structure, antenna, pole, equipment and related improvements, the primary purpose of which is to support the transmission and/or reception of electromagnetic signals, including, but not limited to, telecommunication towers.

"Vehicle source" means a transmitter regularly used in vehicles that normally move about.

(Ord. 579 § 1, 2019; Ord. 550 § 1, 2016; Ord. 492 § 1, 2011; Ord. 284 § 1, 1996)

9.170.030 Permitted locations.

Location Preferences. Location preferences are provided in furtherance of the purpose of this chapter, as set forth under Section 9.170.010. To the maximum extent feasible, new telecommunication facilities shall be located according to the following preferences, with the most preferred sites listed first:

- A. Major community facilities (MC), parks and recreation (PR), and industrial (I) zoning districts;
- B. All commercial zoning districts;
- C. Very-low density (VRL), residential low density (RL), medium density residential (RM), and medium high density residential (RMH) zoning districts;
- D. High density residential (RH) zoning district; and
- E. Open space (OS) and floodplain (FP) zoning districts.

(Ord. 579 § 1, 2019; Ord. 550 § 1, 2016; Ord. 492 § 1, 2011)

9.170.040 Applicability.

This chapter shall apply to all wireless telecommunication facilities for the transmission and/or reception of wireless radio, television, and other telecommunication signals including, but not limited to, commercial wireless communication systems such as cellular and paging systems, except those facilities defined in this chapter as exempt facilities.

(Ord. 579 § 1, 2019; Ord. 550 § 1, 2016; Ord. 492 § 1, 2011)

9.170.050 Exemption.

The following uses are exempt from this chapter but may be regulated by other sections of the municipal code:

- A. Portable hand-held devices and vehicular transmission;

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- B. Industrial, scientific and medical equipment operating at frequencies designated for that purpose by the FCC;
 - C. Government-owned communication facilities used primarily to protect health, safety and welfare;
 - D. Facilities operated by providers of emergency medical services, including hospital, ambulance and medical air transportation services, for use in the provision of those services;
 - E. A source of nonionizing electromagnetic radiation with an effective radiated power of seven (7) watts or less;
 - F. A sole-source emitter with an average output of one (1) kilowatt or less if used for amateur purposes, such as CB radios;
 - G. Goods in storage or shipment or on display for sale, provided the goods are not operated except for occasional testing or demonstrations;
 - H. Amateur or "ham" radio equipment;
 - I. Satellite receiving dishes regulated by Sections 9.60.080 and 9.100.070; and
 - J. Any facility specifically exempted under federal or state law.

(Ord. 579 § 1, 2019; Ord. 550 § 1, 2016; Ord. 492 § 1, 2011; Ord. 284 § 1, 1996)

9.170.060 Approval standards.

- A. Except as specifically otherwise noted, general approval standards for all telecommunication facilities include:
 - 1. Compliance with all federal and state statutes, including, but not limited to, FCC licensing, NIER levels, and FAA requirements;
 - 2. Addition of the planned equipment to an existing or approved tower shall not result in NIER levels in excess of those permitted by the FCC;
 - 3. Antennas, equipment, and all ancillary components shall be stealth to the maximum extent feasible.
- B. Telecommunication Tower Provisions.
 - 1. All towers shall incorporate stealth/camouflaged design(s) to the maximum extent feasible, to avoid adverse visual impacts to the surrounding properties and the community as a whole.
 - 2. The base of the tower shall comply with the setback standards in the underlying zoning district, except where additional setbacks under subsection (B)(7) apply.
 - 3. Towers shall not be located within primary image corridors as designated in the general plan, except those towers proposed to be located within the major community facilities (MC) zoning district.
 - 5. All new towers shall be designed at the minimum height functionally required. No new telecommunication tower shall exceed one hundred (100) feet in height.
 - 6. The proposed tower shall be designed structurally to accommodate the maximum number of foreseeable users, including all potential co-location scenarios.
 - 7. All accessory structures associated with a tower shall comply with the setback standards in the underlying zoning district.
 - 8. Any guy-wire anchors shall be set back twenty-five (25) feet from any property lines.
 - 9. Towers shall not be artificially lighted unless required by the FAA or state aeronautics division.

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10. Existing on-site vegetation shall be preserved to the maximum extent feasible.
- C. Roof-Mounted and Building-Mounted Telecommunication Facilities.
1. All building-mounted facilities shall comply with Section 9.100.050 of this code.
 2. Equipment shall not be visible to surrounding properties.
 3. All equipment shall blend or architecturally match the existing design of the building. Elements used to screen roof-mounted or building-mounted equipment shall not appear as "add-on" elements to the existing building.
- D. Small Cell Facilities.
1. All small cell facilities shall be required to meet the following standards:
 - a. Painted or treated to match the pole and/or structure on which it is to be located.
 - b. All wiring shall be enclosed within the antenna, pole and/or structure so that it is not visible from the right-of-way or neighboring parcels.
 - c. All antennas shall not exceed twelve (12) inches in diameter and thirty-six (36) inches in height.
 - d. All ground-mounted equipment shall be fully screened in equipment cabinets integrated within the base of the pole or in a permanent cabinet located within the landscaped parkway.
 - e. All small cell facilities shall incorporate stealth/camouflaged design(s) to the maximum extent feasible, and as allowed by pertinent law, to avoid adverse visual impacts to the surrounding properties and the community as a whole.
 2. Small cell facilities shall only be mounted on the top of, or within the top five (5) feet of a structure.
 3. The associated equipment (as that term is used in the definition of small cell facilities) shall be located within the base of the pole on which the small cell is located, only if such equipment does not impede the path of travel or reduce a sidewalk to a width narrower than that required by the Americans with Disabilities Act (ADA) and/or building code in effect at the time. If appurtenant equipment is to be located in a ground-mounted cabinet, it shall be placed on a permanent foundation in the landscaped parkway of the public right-of-way, and shall be screened by landscaping to the satisfaction of the director.
 4. Small cell facilities shall not be located within twenty-five (25) feet of a residential structure.
 5. Prior to applying for a permit for the development and deployment of a small cell facility, the applicant must demonstrate compliance with either of the following standards (or some combination thereof where necessary):
 - a. Where the facility is to be located on city-owned property, the applicant must have a fully executed lease with the city or other reasonable indication that the city has consented to the proposed facility.
 - b. Any other application shall be accompanied by proof that the applicant has sufficient rights to install and maintain the proposed facility.
 6. Small cell facilities are not subject to subsection A of this section.
- E. Other Facilities. Other facilities are described as those telecommunication facilities that do not fit the descriptions above. These facilities may include, but are not limited to, rock features and other wireless telecommunication facility designs. All telecommunication facilities shall be stealth to the maximum extent feasible.

(Ord. 579 § 1, 2019; Ord. 550 § 1, 2016; Ord. 492 § 1, 2011)

9.170.070 Application.

All new telecommunication facilities shall require a conditional use permit. Additions, such as additional antennas or equipment or size increases, to approved existing telecommunication facilities shall require a minor use permit for director approval. Modifications to approved existing telecommunication facilities shall be reviewed through a building permit. All modifications and/or additions shall be reviewed on a case-by-case basis. Upon review of an application for modification and/or additions to an existing facility, the director may schedule the proposal for a hearing with the planning commission. In all cases, unless otherwise waived by the director, an application for approval of a wireless telecommunication facility shall include, at a minimum:

- A. A site plan or plans drawn to scale and identifying the site boundaries; tower(s); guy wires; existing and proposed facilities; vehicular parking and access; existing vegetation to be added, retained, removed or replaced; and uses, structures and land use and zoning designations on the site and abutting parcels.
- B. A plan drawn to scale showing proposed landscaping, including species type, size, spacing and other features.
- C. Photo simulations showing the proposed wireless telecommunication facility and surrounding features. Photo simulations shall include at least three (3) different angles of the proposed facility at different distances from the location, including before and after visualizations.
- D. RF maps showing all existing wireless telecommunication facilities within a ten (10)-mile radius of the proposed facility. The RF maps shall show existing coverage without the proposed site, predicted coverage with the proposed site and existing sites, and the predicted coverage of only the proposed site. RF maps shall show the predicted coverage for indoor, in vehicle, and outside service.
- E. The applicant shall provide a project information and justification letter. The letter shall provide the project location, contact information, a project description and project objectives, alternative site analysis and justification for why the proposed site was chosen over existing sites. The letter shall include justification for the selected site and a benefits summary on how the proposed site will improve wireless telecommunication access in the community.
- F. A structural report from a California registered structural engineer. The report shall provide the following information:
 - 1. Describe the tower and the technical, economic and other reasons for the tower design;
 - 2. Demonstrate that the tower complies with the applicable structural standards;
 - 3. Describe the capacity of the tower, including the number and type of antennas that it can accommodate and the basis for the calculation of capacity;
 - 4. Show that the tower complies with the capacity requested under Section 9.170.060; and
 - 5. Demonstrate that the proposed sources of NIER are in compliance with FCC guidelines.
- G. The applicant shall request the FAA, FCC, and state aeronautics division to provide a written statement that the proposed tower complies with applicable regulations administered by that agency or that the tower is exempt from those regulations. If each applicable agency does not provide a requested statement after the applicant makes a timely, good-faith effort to obtain it, the application will be accepted for processing. The applicant shall send any subsequently received agency statements to the director.
- H. Evidence that the tower complies with Section 9.170.060(A) and a letter of intent to lease excess space on the tower and excess land on the tower site except to the extent reduced capacity is required under Section 9.170.060.

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- I. The applicant shall provide a draft copy of the lease agreement between the tower operator and the property owner to the planning division. Financial information may be blocked out.
 - J. A letter of intent, committing the tower owner and his or her successor in interest to:
 - 1. Respond in a timely, comprehensive manner to any request, required under Section 9.170.060, for information from a potential shared-use applicant, the tower owner may charge a party requesting information under this section to pay a reasonable fee not in excess of the actual cost of preparing a response.
 - 2. Negotiate in good-faith or shared use by third parties; an owner generally will negotiate in the order in which requests for information are received, except an owner generally will negotiate with a party who has received an FCC license or permit before doing so with other parties.
 - 3. Allow shared use if an applicant agrees in writing to pay charges and to comply with conditions described in this section.

(Ord. 588 § 2(Exh. A), 2-2-2021; Ord. 579 § 1, 2019; Ord. 577 § 1, 2019; Ord. 550 § 1, 2016; Ord. 492 § 1, 2011)

9.170.080 Operations and maintenance.

- A. All new telecommunication towers shall be designed within the applicable American National Standards Institutes (ANSI) standards.
- B. No wireless telecommunication facility or combination of facilities shall produce, at any time, power densities that exceed current FCC adopted standards for human exposure to RF (Radio Frequency Radiation Exposure Standards) fields. Failure to comply with FCC Standards will result in the immediate cessation of operation of the wireless telecommunication facility.
- C. Each telecommunication facility will be subject to a ten (10)-year review by the planning commission. The review will determine whether or not the originally approved telecommunication facility and accessory equipment are still in compliance with the conditions of approval, and that all radio frequencies are in compliance with FCC OET Bulletin 65. This report shall be prepared by a qualified licensed engineer.
- D. All wireless telecommunication facilities shall be installed and maintained in compliance with the requirements of the Uniform Building Code, National Electrical Code, the city's noise ordinance, and other applicable codes, as well as other restrictions specified in the permit and this section. The facility operator and the property owner shall be responsible for maintaining the facility in good condition, which shall include, but not be limited to, regular cleaning, painting, and general upkeep and maintenance of the site.
- E. All wireless telecommunication facilities and related support equipment shall be designed to prevent unauthorized persons from accessing and/or climbing upon any wireless telecommunication facility or appurtenance thereto. Fences, walls, and other landscape materials shall be installed to prevent unauthorized persons from accessing and/or climbing a wireless telecommunication facility.
- F. All wireless telecommunication facility operators are required to notify the city of La Quinta's planning division within sixty (60) days of any change of ownership of the facility.

(Ord. 579 § 1, 2019; Ord. 550 § 1, 2016; Ord. 492 § 1, 2011)

9.170.090 Required findings of approval.

The following findings shall be made by the planning commission and/or director prior to approval of any wireless telecommunication facility:

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- A. Consistency with General Plan. The wireless telecommunication facility is consistent with the goals, objectives and policies of the general plan;
 - B. Public Welfare. Approval of the wireless telecommunication facility will not create conditions materially detrimental to the public health, safety and general welfare;
 - C. The proposed wireless telecommunication facility minimizes adverse visual impacts through careful design and site placement;
 - D. The proposed wireless telecommunication facility is designed at the minimal height to achieve the service provides objectives for coverage within this portion of the community;
 - E. The proposed wireless telecommunication facility is necessary, as shown in the applicant's justification letter, to improve community access to wireless service.

(Ord. 579 § 1, 2019; Ord. 550 § 1, 2016; Ord. 492 § 1, 2011)

9.200.110 Appeals.

For purposes of this section, the "board of appeals" shall be the planning commission for decisions appealed to the planning commission and shall be the city council for decisions appealed to the city council.

- A. **Persons Who May Appeal.** Any interested person may appeal a decision of the director or the planning commission regarding the action taken on a development review permit application for a development project upon submittal of the required documents and information and the payment of the required fee.
- B. **Call-Up Review.** The board of appeals (either the planning commission or city council), on its own motion adopted by a majority vote of its total membership, may elect to call up and review any decision of the director or the planning commission regarding the action taken on a development review permit application. The planning commission's or city council's call-up review shall be processed in accordance with this section
- C. **Appeal Procedures.**
 - 1. **Time Limits for Filing Appeals.**
 - a. All appeals, except call-up reviews pursuant to subsection B, shall be filed with the director within fifteen (15) calendar days of the date on which the decision being appealed was rendered. If the fifteenth day is a nonworking day for the city, the appeal period shall be extended to include the next city working day. No appeal shall be accepted after the appeal period has expired.
 - b. A request for call-up review pursuant to subsection B shall be initiated by a member of a board of appeals (either the planning commission or city council) delivering written request for call-up review to the city manager or designee within fifteen (15) calendar days of the date on which the decision of the director or the planning commission (as applicable) was rendered. Upon timely receipt of the request for call-up review, the city manager or designee shall schedule as an agenda item at the next regular meeting of the board of appeals, on which the member calling up review is seated, the question whether an appeal shall be considered for the decision subject to call-up review. If the next regular meeting of the board of appeals is cancelled, the city manager or designee shall reschedule the question whether an appeal shall be considered at the next regular meeting that is not cancelled. No appeal may be heard on a decision subject to call-up review unless a majority of the membership of the board of appeals votes to approve the consideration of the appeal. The board of appeals shall consider the appeal that was subject to call-up review not later than forty-five (45) days after the board of appeals votes to approve consideration of the appeal. An appeal may be heard and decided at the same meeting at which the majority of the membership voted to approve the call-up review, provided no applicable law would be violated if the hearing of an appeal occurs at the same meeting. A member of the city council may initiate the call-up review process for a director's decision on a development review permit, without the need for review of that decision by the planning commission, in which case an appeal of the decision subject to call-up review may be considered directly by the city council if a majority of the membership of the city council vote to approve the consideration of the appeal pursuant to this section.
 - 2. **Required Documents.** Each appeal, except for call-up reviews, shall be in writing and shall include all grounds for the appeal and sufficient information so as to make it clear to the planning commission or city council the substance of each of the grounds for appeal. The director may require that the written appeal be accompanied by such other documents and information that

the director determines to be necessary to adequately explain and provide proper notification for the appeal. No appeal shall be accepted if it fails to contain the grounds for the appeal and the description of the grounds.

3. Forwarding of Records. When an appeal has been received, the director shall forward to the planning commission or city council all documents and information on file pertinent to the appeal together with the minutes or official action of the decision-making authority and a report on the basis of the decision.
4. Public Hearing Requirements. If the original approving action did not require a public hearing, the appeal review shall not require a public hearing. If the original approving action required a public hearing, the appeal review shall also require a public hearing. Notice and scheduling requirements for an appeal hearing shall be the same as those for an original hearing as described in Section 9.200.100.
5. Issues to Be Considered. The planning commission or city council may refuse to consider any issues which were not raised by the appellant or another person either by verbal testimony or written correspondence made at or before the time the decision-making authority took action. When reviewing a decision-making authority's decision via its own call-up review, the planning commission or city council may raise and consider any issue it deems appropriate to the project application.
6. Action on Appeal. Not later than forty-five (45) days after an appeal has been received and accepted by the director, the planning commission or city council shall consider the appeal and take one (1) of the following actions:
 - a. Take action to sustain, reverse or modify the original decision. If an original decision to approve a project is modified, the planning commission or city council may modify permitted land uses, place additional or different conditions of approval on the project, direct that revisions be made to project plans, or require other project modifications.
 - b. Continue the appeal for further consideration.
 - c. Refer the application back to the original decision-making authority with directions.
7. Majority Vote. Action by the planning commission or city council to reverse or modify an appealed decision shall require a majority vote of appeal board members present. If there is a tie vote, the original decision shall stand.

(Ord. 550 § 1, 2016; Ord. 538 § 6, 2016; Ord. 284 § 1, 1996)

9.280.030 Definition of terms.

"*Abandoned*" means a structure or use, the development or operation of which has been ceased or suspended.

"*Abutting*" or "*adjacent*" means two (2) or more parcels sharing a common boundary at one (1) or more points.

"*Access/egress*" means provision for entering a site from a roadway and exiting a site onto a roadway via motorized vehicle.

"*Accessory building or structure*" means a building or structure, the use of which is subordinate and incidental to the main building or use on the same building site. As it pertains to Section 9.140.060, Equestrian overlay district, "*accessory building*" means any building subordinate to a permitted or conditionally permitted equestrian use, including, but not limited to, hay and tack barns, stables and other structures and uses customarily appurtenant to the primary permitted use. Also pertaining to Section 9.140.060, Equestrian overlay district, "*accessory structure*" means any structure subordinate to a permitted or conditionally permitted equestrian use, including, but not limited to, arenas, grandstand seating, corrals, exercise rings, and other structures associated with the permitted use. Fences are not considered structures for the purposes of this section.

"*Accessory use*" means a land use subordinate and incidental to the principal use on the same building site.

"*Actual construction*" means the actual placing of construction materials in their permanent position fastened in a permanent manner except that where a basement is being excavated, such excavation shall be deemed to be actual construction, or where demolishing or removal of an existing building or structure has begun, such demolition or removal shall be deemed to be actual construction, providing in all cases that actual construction work be diligently carried on until the completion of the entire building or structure involved.

"*Administrative office*" means a place of business for the rendering of service or general administration, but not including retail sales.

Adult Business, Adult Entertainment Business or Adult Oriented Business. See Sexually oriented businesses, Chapter 5.80 of the municipal code.

Advertising Device or Display. See sign definitions, Section 9.160.130.

"*Affordable housing cost*" bears the same meaning as defined in Section 50052.5 of the California Health and Safety Code.

"*Affordable housing unit*" means a dwelling unit within a housing development which will be rented or sold to and reserved for very low income households, lower income households, moderate income households (where qualified) and/or senior citizens at an affordable housing cost for the respective group(s) in accordance with Section 65915 of the California Government Code and Section 9.60.260 of this code.

"*Affordable rent*" means that level of rent defined in Section 50053 of the California Health and Safety Code.

"*Agricultural activity, operation, or facility, or appurtenances thereof*" includes all uses allowed under the agricultural overlay district, including, but be limited to, the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity, including timber viticulture, apiculture, or horticulture, the raising of livestock, fur bearing animals, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

"*Alley*" means a secondary means of access to abutting property located at the rear or side of the property.

"*Alteration*" means any physical change in the internal or external composition of a building or other structure.

Animal Hospital or Animal Clinic. See "Veterinary clinic."

"Antenna" means a device for transmitting or receiving radio, television, satellite, microwave or any other transmitted signal.

"Apartment" means a dwelling unit within an apartment building designed and used for occupancy by one (1) family on a rental basis.

"Apartment building" or *"apartment project"* means a building or group of buildings in a single ownership with three (3) or more dwelling units per building and with most or all units occupied on a rental basis.

Area, Project Net. See "Project net area."

"Arena" means an enclosure physically similar to a corral, designed and constructed so as to be used for conducting equine-related entertainment and events open to the public, including, but not limited to, rodeos, polo matches, riding shows and exhibitions, etc.

"Attached structures" means two (2) or more structures which are physically connected with a wall, roof, deck, floor, bearing or support structures, trellises, architectural features or any other structure, fixture or device that exceeds thirty (30) inches in height above the finished grade.

Attached Dwelling or Attached Residential. See "Dwelling, attached."

"Automobile repair specialty shop" means a retail and service place of business engaged primarily in light repair and sale of goods and services for motor vehicles, including brake, muffler and tire shops and their accessory uses. Heavier automobile repair such as major body and paint work, transmission repair, or engine repair are not included in this definition.

"Automobile service station" means a retail place of business engaged primarily in the sale of motor fuels and supplying those incidental goods and services which are required in the day-to-day operation of motor vehicles.

"Automobile wrecking" or *"automobile dismantling"* means the storage or taking apart of damaged or wrecked vehicles or the sale of such vehicles or their parts.

"Awning" means a roof-like cover that is attached to and projects from the wall of a building for the purpose of decoration and/or providing shielding from the elements.

"Bar and cocktail lounge" means an establishment whose primary activity is the service of alcohol, beer or wine.

"Basement" means a habitable building level which is partly or completely underground. A basement shall be counted as a building story if more than five (5) feet of the height of any portion is above adjoining finish grade.

"Bed and breakfast" means a residential dwelling occupied by a resident, person, or family, containing individual living quarters occupied for a transient basis for compensation and in which a breakfast may be provided to guests. The breakfast provided shall not constitute a restaurant operation and may not be provided to persons other than guests of the inn.

"Bedroom" means any habitable room that may be used for sleeping purposes other than a kitchen, bathroom, hallway, dining room or living room.

"Berm" means a mound or embankment of earth.

Billboard. See sign definitions, Section 9.160.130.

"Boardinghouse" means any building or portion thereof with access provided through a common entrance to guest rooms having no cooking facilities. Guest rooms are rented on a monthly basis or longer and meals are provided.

"Buildable area" means the portion of a building site remaining after deducting all required setbacks and meeting any requirements regarding maximum lot coverage or minimum open area.

"Building" means an enclosed structure having a roof supported by columns or walls.

"Building height" means the height of a building relative to the surrounding ground area. Measurement of maximum building height is defined in Sections 9.50.050 and 9.90.010.

Building, Main. "Main building" means the building containing the main or principal use of the premises.

Building, Relocatable. "Relocatable building" means a building which is not placed on a permanent foundation and is designed to be movable from one (1) location to another without the need for a special permit such as that required to move a conventional house. Relocatable buildings include, but are not limited to, mobilehomes, construction trailers, and modular buildings.

"Building site" means a parcel or contiguous parcels of land established in compliance with the development standards for the applicable zoning district and the city's subdivision code.

"Building site area" means the horizontal area within a building site expressed in square feet, acres or other area measurement.

Building Site Coverage. See "Lot coverage."

Building Site, Panhandle or Flag. See "Lot" definitions.

Building Site, Through. "Through building site" means a building site having frontage on two (2) parallel or approximately parallel streets. See "Through lot."

Business Park. See "Industrial park."

"CEQA" means the California Environmental Quality Act.

"Caretaker" means a person who lives on the premises for the purposes of managing, operating, maintaining or guarding the principal use or uses permitted on the premises.

"Caretaker residence" means a residential unit not exceeding one thousand (1,000) square feet, which is not the principal use on the property, to be occupied by a caretaker or watchman who is responsible for the security of the principal use of the property.

"Carport" means a roofed structure or a portion of a building which is open on two (2) or more sides for the parking of automobiles belonging to the occupants of the property.

"Cattery" means any building, structure, enclosure or premises within which five (5) or more cats are kept or maintained primarily for financial profit for the purpose of boarding, breeding, training, marketing, hire or any other similar purpose.

"Cellar" means a nonhabitable building level which: (1) has more than one-half of its height below the adjoining finish grade at all points; and (2) has a floor area no more than one-half (½) that of the floor immediately above. A cellar is not counted as a building story.

"Certificate of occupancy" or *"certificate of use and occupancy"* means a permit issued by the city prior to occupancy of a structure or the establishment of a land use to assure that the structure or parcel is ready for occupancy or use and that all ordinance requirements and project conditions of approval are fulfilled.

"Child day care center" or *"preschool"* means a child day care facility operated by a person, corporation or association used primarily for the provision of daytime care, training or education of children at any location other than their normal place of residence. The maximum number of children accommodated is determined by state licensing provisions and city use permit conditions.

"Child day care facility" means, consistent with Section 1596.750 of the State Health and Safety Code, a facility which provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24)-hour basis. Child day care facility includes both child day care centers and child day care homes.

"Child day care home" or "family day care home" means, consistent with Section 1596.78 of the State Health and Safety Code:

1. *"Family day care home" means a home that regularly provides care, protection, and supervision for fourteen (14) or fewer children, in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.*
2. *"Large family day care home" means a home that provides family day care for seven (7) to fourteen (14) children, inclusive, including children under the age of ten (10) years who reside at the home.*
3. *"Small family day care home" means a home that provides family day care for eight (8) or fewer children, including children under the age of ten (10) years who reside at the home.*

"City" means the city of La Quinta.

"City council" means the city council of the city of La Quinta.

"Cleaning plant" or "laundry plant" means a central processing facility for dry cleaning or laundering of clothing and fabrics collected from and returned to patrons and dry cleaning and laundry agencies.

Clinic, Medical. "Medical clinic" means an organization of medical doctors providing physical or mental health service and medical or surgical care of the sick or injured, but not including inpatient or overnight care.

"Club" means an association of persons for some common purpose, but not including organizations which provide goods or services and which are customarily carried on as businesses.

"Code" means this zoning code unless another code, ordinance or law is specified.

"Commercial" means operated or conducted on a frequent basis for the purpose of financial gain.

"Commercial filming" means the production of still or moving pictures on public property.

Commercial Center. See "Shopping center."

"Commercial recreation" means any use or activity where the primary intent is to provide amusement, pleasure or sport but which is operated for financial gain. It includes establishments where food and beverages are sold as a secondary or ancillary use, but does not include restaurants, nightclubs and cocktail lounges.

"Commercial stable" means any facility specifically designed or used for the stabling of equine animals not owned by the residents of the subject property, for purposes such as on-site breeding, boarding, training, riding or other recreational use as a commercial service to the owners of said animals.

"Commercial vehicle" means a vehicle customarily used as part of a business for the transportation of goods or people.

"Commission" means the planning commission of the city unless another commission is indicated.

"Common interest development" bears the same meaning as defined in Section 1351 of the California Civil Code.

"Community apartment project" means a project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon.

"Community auction and sales yard" means a facility which periodically holds auctions of farm equipment, fixtures and other related materials in an enclosed building.

Community Care Facility. See "Residential care facility."

"Community center" means a non-commercial use established for the benefit and service of the population of the community in which it is located, including senior centers.

Conditional Use Permit. See "Use permit."

"Condominium" means, consistent with Section 1351 of the State Civil Code, an undivided interest in common in a portion of real property coupled with a separate interest in space in a residential, industrial or commercial building on such real property, such as an office or store or multifamily dwelling. A condominium may include, in addition, a separate interest in other portions of such real property.

"Condominium hotel" means a "hotel" or "group hotel" all or part of which constitutes a condominium project in which one (1) or more of the units are individually owned, but are intended to be available for "transient" use (as those terms are defined in Section 3.24.020 of the La Quinta Municipal Code), when not being used by the unit owner. See also "First class condominium hotel."

"Congregate care facility" means a facility providing care on a monthly basis or longer and which is the primary residence of the people it serves. It provides services to the residents such as the following: dining, housekeeping, security, medical, transportation and recreation. Any commercial services provided are for the exclusive use of the occupants of the facility. Such a facility may be located in more than one (1) building and on contiguous parcels within the building site.

"Congregate living facility" means a single family residential facility which is licensed by the state to provide living and treatment facilities on a monthly or longer basis for six (6) or fewer developmentally disabled persons or six (6) or fewer persons undergoing treatment for alcohol or drug abuse and which is permitted in single-family residences by operation of state law. (See also "Residential care facility.")

"Convalescent home" or *"convalescent hospital"* means a facility licensed by the State Department of Health Services which provides bed and ambulatory care for more than six (6) patients with postoperative convalescent, chronic illness or dietary problems and persons unable to care for themselves, including persons undergoing psychiatric care and treatment both as inpatients and outpatients, but not including persons with contagious diseases or afflictions. A convalescent home may also be known as a nursing home, convalescent hospital, rest home or home for the aged.

"Conversion project" means an apartment house or multiple or group dwelling which is existing, under construction or for which building permits have been issued, and which is proposed for conversion to a residential condominium, community apartment, residential stock cooperative or planned development.

Corner Lot. See definitions under "Lot."

"Corral" means an enclosure designed for use as an open holding area for horses for the purpose of confinement within that area for an indeterminate period of time.

"Cottage food operation" means an enterprise wherein an individual prepares and packages non-potentially hazardous foods in a primary residential dwelling unit, which serves as his or her private residence, said foods being for the direct and/or indirect sale to consumers, and that does not have more than one (1) full-time equivalent employee, and generates not more than: (1) thirty-five thousand (\$35,000.00) dollars in gross annual sales in 2013; (2) forty-five thousand (\$45,000.00) dollars in gross annual sales in 2014; (3) fifty thousand dollars (\$50,000.00) in gross annual sales in 2015 and beyond as identified in California Health and Safety Code Section 113758.

"County" means the county of Riverside unless another county is indicated.

Day Care Center. See "Child day care center."

"Decision-making authority" or *"decision-making body"* means a person or group of persons charged with making decisions on proposals, applications, or other items brought before the city.

"Density" means the number of dwelling units per gross acre, unless another area measurement is specified.

"Density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the applicant to the city.

"Detached building or structure" means a building or other structure that does not have a wall or roof in common with any other building or structure.

"Development" means, on land or in or under water: the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes.

"Development standard" means site or construction conditions that apply to a housing development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation.

"Director" or "planning director" means the city manager or designee.

District. See "Zoning district."

District, Nonresidential. See "Nonresidential district."

District, Residential. See "Residential district."

District, Special Purpose. See "Special purpose district."

"Downtown village directional sign panel" means an interchangeable sign panel which does not require a sign permit, mounted on a monument base structure. The sign panels list businesses in the Village commercial zoning district.

"Drive-in" or "drive-through" means designed or operated so as to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle.

"Driveway" means a vehicular passageway providing access from a public or private street to a structure or parking area or, in the case of residences, to a garage, carport, or legal parking space. A driveway is not a street.

"Driveway approach" means a designated area between the curb or traveled way of a street and the street right-of-way line that provides vehicular access to abutting properties. When vehicular access to a building site is provided by way of a common driveway, the driveway approach is the line of intersection where the individual driveway abuts the common driveway.

"Duplex" means a permanent building containing two (2) dwelling units on a single lot.

"Dwelling" means a building or portion thereof designed and used for residential occupancy, but not including hotels or motels.

Dwelling, Attached. "Attached dwelling" means a main dwelling unit attached to one (1) or more other main dwelling units by means of a roof or interior wall.

Dwelling, Main or Primary Residence. "Main dwelling or primary residence" means the dwelling unit permitted as the principal use of a parcel or building site, either by itself or with other dwelling units (as in multifamily buildings).

Dwelling, Multifamily. "Multifamily dwelling" means a building containing more than one separate residential dwelling unit, which is used or occupied, or is intended to be used or occupied, in whole or in part, as the home or residence of one or more persons on a single parcel or building site.

Dwelling, Patio Home. "Patio home dwelling" means a single-family detached dwelling shifted to one (1) side of the lot, i.e., placed on the lot so that one (1) side setback is zero (0) or nearly zero (0) and the other side setback is larger than if both side setbacks were approximately equal.

Dwelling, Single-Family. "Single-family dwelling" means one (1) main dwelling unit on a single parcel or building site.

Dwelling, Single-Family Attached. "Single-family attached dwelling" means a main dwelling unit attached to one (1) other main dwelling unit by means of a roof and/or interior wall, with each dwelling unit occupying its own lot.

Dwelling, Single-Family Detached. "Single-family detached dwelling" means a main dwelling unit not attached to any other main dwelling unit.

Dwelling, Townhome. "Townhome dwelling" means a main dwelling unit attached typically to two (2) or more other main dwelling units by means of a roof and/or interior wall, with each dwelling unit occupying its own lot.

"Dwelling unit" means one (1) or more rooms, including a bathroom and kitchen, designed and used for occupancy by one (1) family for living and sleeping purposes.

Dwelling Unit, Second. See "Second unit."

"Easement" means a recorded right or interest in the land of another which entitles the holder thereof to some use, privilege or benefit in, on, over or under such land.

"Educational institution" means a private or public elementary or secondary school, college or university qualified to give general academic instruction equivalent to the standards prescribed by the state board of education.

"Elevation" means the vertical distance above sea level.

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Employee's quarters" means quarters, which may include full bathroom and/or kitchen or cooking facilities,, for the housing of domestic employees and located upon the same building site occupied by their employer.

"Enclosed" means roofed and contained on all sides by walls which are pierced only by windows, vents or customary entrances and exits.

"Environmental review" means all actions and procedures required of the city and of applicants by the California Environmental Quality Act ("CEQA," State Public Resources Code Section 21000 et seq.), the CEQA Guidelines (Public Resources Code Section 15000 et seq.) and local environmental procedures.

"Exception" means a city-approved deviation from a development standard based on the following types of findings by the decision-making authority:

1. General finding such as that notwithstanding the exception, the resulting project will still be consistent with the goals and/or policies underlying the development standard; and
2. One (1) or more specific findings justifying the particular exception requested.

"Family" means one (1) or more persons occupying one (1) dwelling unit. The word "family" includes the occupants of congregate living and residential care facilities, as defined herein, serving six (6) or fewer persons which are permitted or licensed by the state. The word "family" does not include occupants of a fraternity, sorority, boardinghouse, lodginghouse, club or motel.

Family Day Care Home. See "Child day care home."

"Farm" means a parcel of land devoted to agricultural uses where the principal use is the propagation, care and maintenance of viable plant and animal products for commercial purposes.

"Farmworker housing" means any building or group of buildings where six (6) or more farm employees are housed.

"First class condominium hotel" means a condominium hotel where both of the following apply:

1. The condominium hotel has a brand operator or an independent operator that is experienced in the upscale segment or luxury segment of the hospitality industry as defined by J.D. Power and Associates; and
2. The condominium hotel satisfies the published requirements that will be sufficient for a ranking of no fewer than three (3) stars in the most recent annual awards list published from time to time by AAA Travel Guides or by the Mobil Travel Guide.

Flag. See sign definitions, Section 9.160.130.

Flag Lot or Panhandle Lot. See definitions under "Lot."

"Flood" means a general and temporary condition of partial or complete inundation of land areas from the overflow of inland and tidal waters, the rapid accumulation of runoff of surface waters from any source, or mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

"Flood insurance rate map (FIRM)" or "flood boundary and floodway map" mean the official maps provided by the Federal Emergency Management Agency (FEMA) which delineate the areas of special flood hazard, the risk premium zones and the floodways applicable to the city.

"Floodplain" means the land area adjacent to a watercourse and other land areas susceptible to being inundated by water.

"Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" means the channel of a river or other watercourse and that part of the floodplain reasonably required to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor Area, Gross. See "Gross floor area."

Floor Area, Livable. See "Livable floor area."

"Floor area ratio" means the numerical value obtained by dividing the gross floor area of all buildings, except parking structures, located on a building site by the building site area.

"Fraternity house" or "sorority house" means a building or portion of a building occupied by a chapter of a regularly organized college fraternity or sorority officially recognized by an educational institution.

Freestanding Sign. See sign definitions, Section 9.160.130.

Front Lot Line. See definitions under "Lot line."

"Garage" means a building or portion of a building used primarily for the parking of motor vehicles.

Gas Station or Service Station. See "Automobile service station."

"General plan" means the general plan of the city of La Quinta.

"Government code" means the California Government Code.

Grade, Average. "Average grade" means the elevation determined by averaging the highest and lowest elevations of a parcel, building site or other defined area of land.

Grade, Average Finish. "Average finish grade" means the elevation determined by averaging the highest and lowest elevations of a parcel, building site or other defined area of land after final grading.

Grade, Finish. "Finish grade" means the ground elevation at any point after final grading.

"Grading" means the filling, excavation or other movement of earth for any purpose.

"Granny flat" or "granny housing" means a secondary dwelling unit which is: (1) intended for the sole occupancy of one (1) or two (2) adult persons sixty-two (62) years of age or over; and (2) located on a building site containing an existing single family detached dwelling. The floor area of an attached granny flat does not exceed thirty percent (30%) of the existing floor area of the primary single family residence and the floor area of a detached granny flat does not exceed one thousand two hundred (1,200) square feet. (See also "Second unit.")

"Grazing" means the act of pasturing livestock on growing grass or other growing herbage or on dead grass or other dead herbage existing in the place where grown as the principal sustenance of the livestock so grazed.

"Gross acreage" means the land area, expressed in acres, within a parcel or group of contiguous parcels minus any right-of-way for arterial highways not including collector streets. Each acre so determined is a gross acre.

Gross Density. See "Density."

"Gross floor area" means the total square footage of all floors of a building, including the exterior unfinished wall structure but excluding courtyards and other outdoor areas.

Gross Lot or Parcel Area. See "Lot area, gross."

"Ground floor area" means all enclosed area within the ground floor of a structure, including exterior walls and mechanical spaces. Carports, garages, accessory buildings and parking structures are included in ground floor area but swimming pools and unenclosed post-supported roofs over patios and walkways are not included.

Ground Sign. See "Freestanding sign" in sign definitions, Section 9.160.130.

"Guest house" means a detached or attached unit which has sleeping and sanitary facilities, which may include full bathroom and/or kitchen or cooking facilities, and which is used primarily for sleeping purposes by members of the family occupying the main building, their nonpaying guests, and domestic employees.

"Guest ranch" means any property of five (5) acres or more operated as a ranch which offers guest rooms for rent and which has outdoor recreational facilities such as horseback riding, swimming or hiking.

Habitable Area. See "Livable floor area."

"Habitable room" means any room usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A room designed and used only for storage purposes is not a habitable room.

"Hazardous waste" means a waste or combination of wastes which, because of its quantity, concentration, toxicity, corrosiveness, mutagenicity or flammability, or its physical, chemical or infectious characteristics, may: (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Home for the Aged. See "Convalescent home."

"Home occupation" means an occupation or activity conducted as an accessory use within a dwelling unit incidental to the residential use of the property. See Section 9.60.110.

"Hospital" means a facility licensed by the State Department of Health Services providing clinical, temporary or emergency service of a medical, obstetrical, surgical or mental health nature to human patients.

"Hotel" means any building or portion thereof with access provided through a common entrance, lobby or hallway to guest rooms which are rented on a daily or weekly basis.

Identification Sign. See sign definitions, Section 9.160.130.

"Industrial park," "business park" or "office park" means a nonresidential development wherein the permitted uses are planned, developed, managed and maintained as a unit, with landscaping, amenities, and common off-street parking provided to serve all uses on the property.

"Intensity" means the level of development or activity associated with a land use, as measured by one (1) or more of the following:

1. The amount of parking required for the use per Chapter 9.150.
2. The operational characteristics of the use such as hours of operation, the inclusion of dancing or live entertainment as part of the use, or similar characteristics.
3. The floor area occupied by the use.
4. The percentage of the building site occupied by the use or by the structure containing the use.

Interior Lot Line. See definitions under "Lot line."

"Kennel" means any building, structure, enclosure or premises within which five (5) or more dogs are kept or maintained primarily for financial profit for the purpose of boarding, breeding, training, marketing, hire or any other similar purpose.

"Kitchen" means any room all or part of which is designed and/or used for the cooking or other preparation of food.

Land Use. See "Use."

Land Use Intensity. See "Intensity."

Landfill, Sanitary. "Sanitary landfill" means an area designed and used for the disposal of solid waste on land by spreading it in layers, compacting it and covering it daily with soil or other approved cover material.

Laundry Plant. See "Cleaning plant or laundry plant."

"Livable floor area" means the interior area of a dwelling unit which may be occupied for living purposes by humans, including basements and attics (if permitted). Livable floor area does not include a garage or any accessory structure.

"Live entertainment" means any act, play, revue, pantomime, scene, dance or song, or any combination of the foregoing performed in person by one (1) or more persons whether or not they are compensated for their performance.

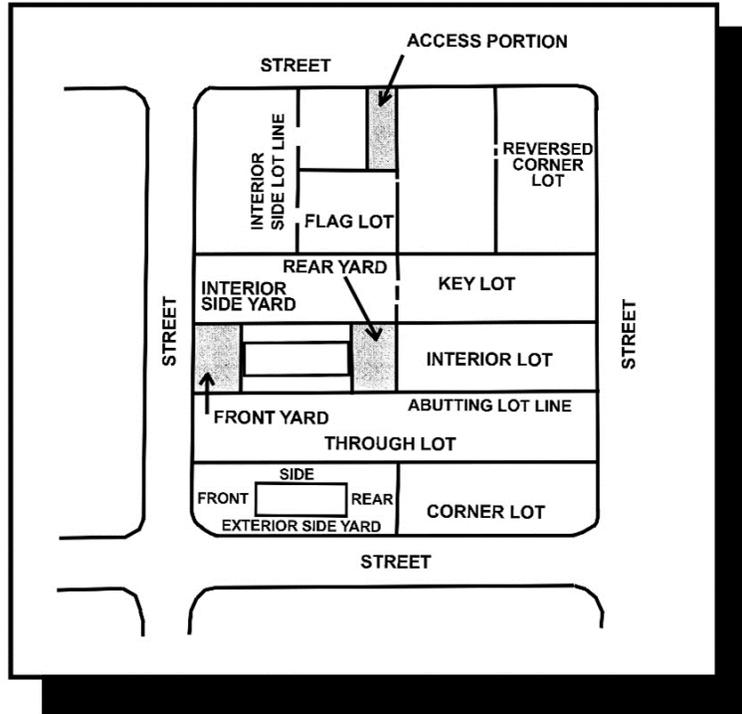
Living Area. See "Livable floor area."

"Live/Work Unit" is a single unit consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

Lodginghouse. See "Boardinghouse."

"Lot" means an area of land under one (1) ownership which is identified as a lot or parcel on a recorded final map, parcel map, record of survey recorded pursuant to an approved division of land, certificate of compliance, or lot line adjustment. The terms "lot" and "parcel" are interchangeable for purposes of this code. Types of lots and their definitions are as follows:

1. *"Corner lot"* means a lot abutting two (2) streets intersecting at an angle of not more than one hundred thirty-five (135) degrees. If the angle of intersection is more than one hundred thirty-five (135) degrees, the lot is an "interior lot."
2. *"Flag or panhandle lot"* means a lot connected to the street with a narrow access portion less than forty (40) feet wide and more than twenty (20) feet long and situated so that another lot is located between the main portion of the flag lot and the street.



Lot Types and Lot Lines

3. "Interior lot" means a lot abutting only one (1) street or abutting two (2) streets which intersect at an angle greater than one hundred thirty-five (135) degrees.
4. "Key lot" means a lot with a side lot line that abuts the rear lot line of one (1) or more adjoining lots.
5. "Reverse corner lot" means a corner lot, the rear of which abuts the side of another lot.
6. "Through lot" means a lot with frontage on two (2) parallel or approximately parallel streets.

"Lot area" means the horizontal land area within a lot expressed in square feet, acres, or other area measurement.

"Lot coverage" or "building site coverage" means the cumulative ground floor area of the structures on a lot expressed as a percentage of the net lot area. For purposes of this definition, "ground floor area" means all enclosed area within the ground floor of a structure, including exterior walls and mechanical spaces. Carports, garages, accessory buildings and parking structures are included in ground floor area but swimming pools and unenclosed post-supported roofs over patios and walkways are not included.

"Lot frontage" means the length of the front lot line. For corner lots the lot frontage shall be measured from the interior lot corner to the outside of the corner cut-back.

"Lot line or property line" means any boundary of a lot. The classifications of lot lines and their definitions are as follows:

1. "Front lot line" means the following:
 - a. On an interior lot, the line separating the lot from the street;
 - b. On a corner lot, the shorter line abutting a street. (If the lot lines are equal or approximately equal, the director shall determine the front lot line);

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- c. On a through lot, the lot line abutting the street providing primary access to the lot.
 2. *"Interior lot line"* means any lot line not abutting a street.
 3. *"Rear lot line"* means a lot line which does not intersect the front lot line and which is most distant from and most parallel to the front lot line. In the case of an irregularly-shaped lot or a lot bounded by only three (3) lot lines, the rear lot line is a ten (10)-foot long line parallel to and most distant from the front lot line for the purposes of determining setbacks and other provisions of this code.
 4. *"Side lot line"* means any lot line which is not a front or rear lot line.

"Lower income households" bears the same meaning as defined in Section 50079.5 of the California Health and Safety Code.

"Lowest floor" means, with regard to flood protection, the lowest floor of the lowest enclosed area, including a basement or cellar. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable design requirements of the FP floodplain district, Section 9.140.030.

"Manufactured home" means a residential building transportable in one (1) or more sections which has been certified under the National Manufactured Housing Construction and Safety Standards Act of 1974.

"Master commercial development" means a commercial center for which an overall site development permit was approved and implemented, which may have remaining unconstructed pads or buildings.

"Master plan of arterial highways" means a component of the circulation element of the city's general plan designating adopted and proposed routes for all commuter, secondary, primary and major highways within the city.

"Master plan of drainage" means an engineering report outlining the drainage facilities needed for the proper development of the city.

"Maximum allowable residential density" means the density allowed under applicable zoning ordinances, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the subject project.

"Median" means a paved or planted area separating a street or highway into opposite-direction travel lanes.

Medical Clinic. See "Clinic, medical."

"Medical marijuana dispensary" means a facility or location which provides, makes available or distributes medical marijuana to a primary caregiver, a qualified patient, or a person with an identification card, in accordance with California Health and Safety Code Section 11362.5 et seq.

"Menagerie" means a lot on which more than one (1) wild, non-domestic reptile (not including turtles or tortoises), bird (not including poultry) or mammal is kept. A tamed or trained wild animal shall not be considered a domestic animal.

"Ministorage facility" means a building containing various size storage compartments not exceeding five hundred (500) square feet each, wherein each compartment is offered for rent or lease to the general public for the private storage of materials excluding materials sold at the facility or delivered directly to customers.

"Minor adjustments" are deviations in standards which have little or no potential for adverse impacts on the surrounding community and which are reviewed administratively.

Minor Use Permit. See "Use permit."

Mobilehome. See "Manufactured home."

"Mobilehome park" or "mobilehome development" means any area or tract of land used to accommodate mobilehomes for human habitation, including pads for mobilehomes, clubhouses, recreation facilities, and other ancillary structures and facilities. The term includes mobilehome parks and mobilehome subdivisions. See Section 9.60.180.

"Moderate income" or "persons and families of moderate income" means those middle-income families as defined in Section 50093 of the California Health and Safety Code.

Modular Home. See "Manufactured home."

Monument Sign. See sign definitions, Section 9.160.130.

"Motel" means a building or group of buildings containing guest rooms rented on a weekly basis or less and with most or all guest rooms gaining access from an exterior walkway.

Multifamily Dwelling or Residence. See "Dwelling, multifamily."

"Net project area" means all of the land area included within a development project excepting those areas with before-development slopes of thirty percent (30%) or steeper and those areas designated for public and private road rights-of-way, schools, public parks, and other uses or easements which preclude the use of the land therein as part of the development project.

"Net site area" or "net lot area" means the total land area within the boundaries of a parcel or building site after ultimate street rights-of-way and easements that prohibit the surface use of the site are deducted.

"Noncommercial coach" means a vehicle, with or without motive power, designed and equipped for human occupancy for classrooms and other nonresidential and noncommercial uses.

"Nonconforming lot" means a lot or parcel which was lawful and in conformance with the applicable zoning ordinances when established but which, due to subsequent ordinance changes, does not conform to the current development standards applicable to the zoning district in which it is located. See Chapter 9.270.

"Nonconforming structure" means a structure which was lawful and in conformance with the applicable zoning ordinances when constructed but which, due to subsequent ordinance changes, does not conform to the current development standards applicable to the zoning district in which it is located. See Chapter 9.270.

"Nonconforming use" means a land use which was lawful and in conformance with the applicable zoning ordinances when established but which, due to subsequent ordinance changes, is not currently permitted in the zoning district in which it is located or is permitted only upon the approval of a use permit and no use permit has been approved. See Chapter 9.270.

"Nonconformity" means a land use, lot or structure which was lawful when established or constructed but, due to subsequent ordinance changes, is not in conformance with this zoning code. The term nonconformity does not include illegal uses, lots, or structures, i.e., which were not lawful when established or constructed. See Chapter 9.270.

Nursery, Day Care. See "Child day care facility."

Nursing Home. See "Convalescent home."

Office Park. See "Industrial park."

Official Zoning Map. See "Zoning map."

"Off-site hazardous waste facility" means any structures, other appurtenances or improvements on land and all contiguous land serving more than one (1) producer of hazardous waste, used for the treatment, transfer, storage, resource recovery, disposal or recycling of hazardous waste, including, but not limited to,:

1. Incineration facilities (i.e., rotary kiln, fluid bed, etc.);

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2. Residual repository (i.e., receiving only residuals from hazardous waste treatment facilities);
 3. Stabilization/solidification facilities;
 4. Chemical oxidation facilities;
 5. Neutralization/precipitation facilities; or
 6. Transfer/storage facilities.

"Open space" means any parcel or area of land or water, public or private, which is reserved for the purpose of preserving natural resources, for the protection of valuable environmental features, or for providing outdoor recreation or education. Open space does not include roads, driveways or parking areas not related to recreational uses, any buildings, building setback areas or the required space between buildings, or surface utility facilities.

Open Space, Usable. "Usable open space" means open space which is predominately level (i.e., slopes less than five percent (5%)) but which may contain some steeper land (i.e., with slopes up to twenty percent (20%)) which has utility for picnicking or passive recreation activities and which complements surrounding usable open space. Usable open space is a minimum of fifteen (15) feet in width and three hundred (300) square feet in area and may include structures and impervious surfaces such as tot lots, swimming pools, basketball courts, tennis courts, picnic facilities, walkways or bicycle trails.

Outdoor Advertising Sign. See "Billboard" in sign definitions, Section 9.160.130.

"Outdoor light fixtures" means outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot, or flood lights for:

1. Buildings and structures;
2. Recreational areas;
3. Parking lot lighting;
4. Landscape lighting;
5. Billboards and other signs (advertising or other);
6. Street lighting;
7. General area and yard lighting.

"Outdoor vendors" include hotdog stands, ice cream carts, and other retail uses which utilize a movable or relocatable stand or cart for walk-up sales. The stand or cart must be of a size and design suitable for placement on a private sidewalk, plaza, or pedestrianway.

Panhandle Lot or Flag Lot. See definitions under "Lot."

"Parcel" means an area of land under one (1) ownership which is identified as a lot or parcel on a recorded final map, parcel map, record of survey recorded pursuant to an approved division of land, certificate of compliance or lot line adjustment. The terms "lot" and "parcel" are interchangeable for purposes of this code.

"Parking accessway" means a vehicular passageway that provides access and circulation from a street access point into and through a parking lot to parking aisles and between parking areas.

"Parking structure" means a structure which is open or enclosed and is used for the parking of motor vehicles.

"Parkway" means the area of a public street that lies between the curb and the adjacent property line or physical boundary, such as a fence or wall, which is used for landscaping and/or passive open space.

"Pasture" means an enclosed holding area consisting of grass or similar vegetation, specifically used for purposes of grazing or feeding of animals.

Patio Home. See "Dwelling, patio home."

"Permitted use" means a land use allowed within a zoning district under this zoning code and subject to the applicable provisions of this code.

"Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, receiver, syndicate, public agency, the state of California or its political subdivisions or instrumentalities, or any other group or combination acting as a unit.

"Person with a disability" is a person with a physical or mental impairment that limits or substantially limits one (1) or more major life activities, anyone who is regarded as having such an impairment, or anyone who has a record of such an impairment.

"Personal services" are establishments providing nonmedical services as a primary use, including, but not limited to, barber and beauty shops, spas and tanning salons, clothing rental, dry cleaning stores, home electronics and small appliance repair, laundromats (self-service laundries), shoe repair shops, and tailors.

"Planned unit development" means a residential development characterized by comprehensive planning for the entire project, the clustering of buildings to preserve open space and natural features, and provision for the maintenance and use of open space and other facilities held in common by the property owners within the project.

Pole Sign. See sign definitions, Section 9.160.130.

Portable Sign. See sign definitions, Section 9.160.130.

"Precise plan" or "precise plan of development" means the plan or plans for a project, development or other entitlement approved by the decision-making authority. A precise plan may include site, grading, architecture, landscaping plans and may also include a plan text describing the project design, development phasing, and other characteristics.

"Precise plan of highway alignment" means a plan, supplementary to the master plan of arterial highways, which establishes the highway centerline and the ultimate right-of-way lines and may establish building setback lines.

Primary Residence. See "Main dwelling."

"Primary unit" means a single-family or multifamily residential unit constructed and intended as the principal unit and building on a lot. The primary unit shall be the largest unit on the lot.

"Principal use" means the primary or predominant use of any parcel, building site or structure.

"Project area" means all of the land area included within a development project excepting those areas designated for public and private road rights-of-way, schools, public parks, and other uses or easements which preclude the use of the land therein as part of the development project.

Projecting Sign. See sign definitions, Section 9.160.130.

"Property line" means a lot line or parcel boundary.

"Public agency" means the United States, the state, the county or any city within the county, or any political subdivision or agency thereof.

Rear Lot Line. See definitions under "Lot line."

"Reasonable accommodation" means the process of providing flexibility in the application of land use, zoning, and building regulations, practices, and procedures to eliminate barriers to housing opportunities for persons with disabilities.

"Recreational vehicle" or "RV" means all trailers or any vehicle placed on a trailer such as a boat, watercraft, or other vehicle, plus any vehicle designed and used for temporary habitation, including motorhomes, travel trailers, "5th wheels" and camper shells.

"Recycling" means the process by which waste products are reduced to raw materials and transformed into new products.

Relocatable Building. See "Building, relocatable."

"Residential care facility" or "community care facility" means a residential facility which is licensed by the state to provide living and treatment facilities on a monthly or longer basis for six (6) or fewer of the following: wards of the juvenile court, elderly persons, mentally disordered persons, handicapped persons or dependent and neglected children. Such a facility is permitted in all types of residences by operation of state law.

Residential, Multifamily. See "Dwelling, multifamily."

Residential, Single-Family. See "Dwelling, single-family."

"Restaurant" means any use providing for the preparation, retail sale and consumption on site of food and beverages. Restaurants include, but are not limited to, cafés, coffee shops, pubs, sandwich shops, ice cream parlors, fast food take-out and drive-through stores, whose primary activity is food service and places of business with similar uses. If any seating is provided in conjunction with a store where there is the preparation and retail sale of food and beverages, that use shall be classified as a restaurant. The term "restaurant" may include the licensed sale of alcoholic beverages for consumption on the premises.

Restaurant, Drive-Through. "Drive-through restaurant" means a restaurant with one (1) or more automobile lanes which allow for the ordering and dispensing of food and beverages to patrons who remain in their vehicles.

Rest Home. See "Convalescent home."

"Retail" means the selling of goods or merchandise directly to the ultimate consumer.

"Reverse vending machine" means a machine which accepts recyclable materials, such as aluminum cans, newspapers, or other materials, from the public and dispenses money in return.

"Riding academy" means a facility designed and used primarily for recreational riding, training and instruction purposes, and allowing both on-site boarding or trailering of horses to the facility.

"Riding and hiking trail" means a trail or way designed for and used by equestrians, pedestrians and cyclists using nonmotorized bicycles.

"Right-of-way" means the entire width of property used for streets, highways, flood or drainage works, overhead or underground utilities, or any related improvements.

Roof Sign. See sign definitions, Section 9.160.130.

Roominghouse. See "Boardinghouse."

"Satellite dish antenna" means an apparatus capable of receiving communications from a man-made satellite.

"Scenic highway" means any highway designated a scenic and/or historic highway by an agency of the city, state or federal government.

Second Unit. In accordance with Government Code Section 65852.2(i)(4), "second unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and shall be located on the same parcel as the single-family dwelling is situated. A second unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code;
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Section" means a portion of this zoning code beginning immediately after a six (6)- or seven (7)-digit number beginning with 9., e.g., 9.10.010 or 9.280.030, and extending to the next such six (6)- or seven (7)-digit number. (See also "Subsection.")

"Semi-permanent sign" means a non-illuminated sign which requires a sign permit, such as advertising the future construction or opening of a facility, model home complex, commercial, or residential subdivision identification which is intended to be erected or posted for a minimum of sixty-one (61) days and a maximum of one (1) year. A permit for semi-permanent signs advertising future facility construction shall not be approved until a development review application has been submitted.

"Senior citizen" means a person fifty-five (55) years of age or older.

"Senior citizen residence" means a residential care facility which is licensed by the state to provide living and treatment facilities on a monthly or longer basis for six (6) or fewer senior citizens.

"Senior group housing" means a residential development which is developed or substantially renovated for and occupied by seven (7) or more senior citizens.

"Service" means an act or any result of useful labor which does not in itself produce a tangible commodity.

Service Station. See "Gas station."

"Setback" means the distance that a building or other structure or a parking lot or other facility must be located from a lot line, property line or other specified boundary.

Sexually Oriented Business. See Chapter 5.80 of the municipal code.

"Shopping center" or "commercial center" means a commercial area or group of commercial establishments, planned, developed, managed and maintained as a unit, with common landscaping, amenities, and off-street parking provided to serve all uses on the property.

Side Lot Line. See definitions under "Lot line."

"Sidewalk sale" or "parking lot sale" means the temporary outdoor display and sale of merchandise which is normally displayed indoors at the location of an individual retail business not located within a shopping center. (See also "Special commercial event.")

"Sign" means any medium for visual communication, including, but not limited to, words, symbols and illustrations together with all parts, materials, frame and background, which medium is used or intended to be used to attract attention to, identify, or advertise an establishment, product, service, activity or location, or to provide information. Also, see sign definitions, Section 9.160.130.

Single-Family Dwelling or Residence. See "Dwelling, single-family."

"Single room occupancy (SRO) facility" or "SRO hotel" means a residential facility which is rented on a weekly or longer basis and which provides living and sleeping facilities for one (1) or two (2) persons per unit. Each unit contains a toilet and sink. Shower, kitchen, and laundry facilities may be shared.

Site. See "Building site."

Site Area, Net. See "Net project or site area."

Site Coverage. See "Building site coverage."

Site Development Permit or Development Permit. See Section 9.210.010.

"Slope" or "slope gradient" means the vertical distance between two (2) points on a slope divided by the horizontal distance between the same two (2) points, with the result expressed as a percentage; e.g., "the slope has a twenty percent (20%) gradient" (usually used to describe natural as opposed to manufactured, slopes).

"Slope ratio" means the steepness of a slope expressed as a ratio of horizontal distance to the vertical rise over that horizontal distance; e.g., 2:1 (usually used to describe manufactured as opposed to natural, slopes).

"Special commercial event" means the temporary outdoor display and sale of merchandise by two (2) or more tenants within a commercial center, or arts and crafts shows, fairs, or entertainment events within a commercial center.

"Specific plan" means a plan consisting of text, maps and other documents and exhibits regulating development within a defined area of the city, consistent with the general plan and State Government Code Section 65450 et seq.

"Stable" means a building or structure containing multiple stalls for the purposes of sheltering, feeding, boarding, accommodating or otherwise caring for several horses at one (1) time.

"Stall" means a division of a stable accommodating one (1) horse into an adequately sized enclosure for the purpose of confining individual horses within a sheltered environment as may be necessary for security, safety or other reasons pertinent to the health, welfare and daily care of each animal.

"Stock cooperative" means a corporation which is formed primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the shares of stock or membership certificate in the corporation held by the person having such right of occupancy.

"Storage" means a place where goods, materials, and/or personal property is placed for more than twenty-four (24) hours.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor immediately above it or if there is no floor above, then the space between the floor and the ceiling above it.

"Street" means a public or private vehicular right-of-way other than an alley or driveway, including both local streets and arterial highways.

"Structure" means anything that is erected or constructed having a fixed location on the ground or attachment to something on the ground and which extends more than thirty (30) inches above the finish grade. A mobilehome or relocatable building, except when used as a temporary use with its weight resting at least partially upon its tires, is a structure for the purposes of this definition.

"Subsection" means a portion of a section of this zoning code designated by a section number followed immediately by an upper case letter; for example, subsection 9.10.010(A). (See also "Section.")

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260 of the Health and Safety Code 50675.14(b) and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. ("Target population" includes adults with low income having one (1) or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.)

"Swimming pool" means an artificial body of water having a depth in excess of eighteen (18) inches, designed, constructed and used for swimming, dipping or immersion purposes by humans.

"Tandem parking" means any off-street parking space(s), or arrangement of such spaces, configured in such a manner such that one (1) or more spaces is not directly accessible to a street or other approved access without traversing any portion of another space.

"Temporary sign" means any non-illuminated sign which may require a sign permit and which is intended to be posted for a maximum of forty-five (45) days. Temporary signs include without limitation: political campaign signs, garage sale signs and seasonal sales signs.

"Temporary use" means a land use established for a specified period of time, which use is discontinued at the end of such specified time.

"Timeshare facility" means a facility in which a person receives the right in perpetuity, for life or for a specific period of time, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or portion of real property for a period of time which has been or will be allocated from twelve (12) or more occupancy periods into which the facility has been divided. A timeshare use may be coupled with an estate in the real property or it may entail a license, contract, membership, or other right of occupancy not coupled with an estate in the real property.

Townhome. See "Dwelling, townhome."

"Transient basis" means for a continuous period of two (2) weeks or less.

"Transitional housing" is buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months.

"Transitional shelter" means a shelter for homeless persons or victims of domestic abuse which provides accommodations for persons on a transient basis, i.e., for a continuous period of two (2) weeks or less.

Two (2)-Unit Attached Dwelling. See "Dwelling, two (2)-unit attached."

"Ultimate right-of-way" means the right-of-way shown as ultimate on an adopted precise plan of highway alignment or the street right-of-way shown within the boundary of a recorded tract map, a recorded parcel map or a recorded planned community development plan. The latest adopted or recorded document in such cases shall take precedence. If none of these exist, the ultimate right-of-way is the right-of-way required by the highway classification as shown in the general plan.

"Use" or "land use" means the purpose for which a structure or land is occupied, arranged, designed or intended, or for which either a structure or land is or may be occupied or maintained.

"Use permit" means a discretionary entitlement under the provisions of this zoning code which authorizes a specific use or development on a specific property subject to compliance with all terms and conditions imposed on the entitlement. Uses requiring a conditional use permit have moderate to significant potential for adverse impacts on surrounding properties, or residents while uses requiring a minor use permit have low to moderate potential for adverse impacts on surrounding properties, residents, or businesses. See Section 9.210.020.

Variance. See Section 9.210.030.

"Vehicular accessway" means a private, nonexclusive vehicular easement affording access to abutting properties.

"Very low income households" bears the same meaning as defined in Section 50105 of the Health and Safety Code.

"Veterinary clinic" means a place where animals no larger than the largest breed of dogs are given medical and surgical treatment, primarily on an outpatient basis, and where the boarding of animals under treatment is incidental to the principal clinic use.

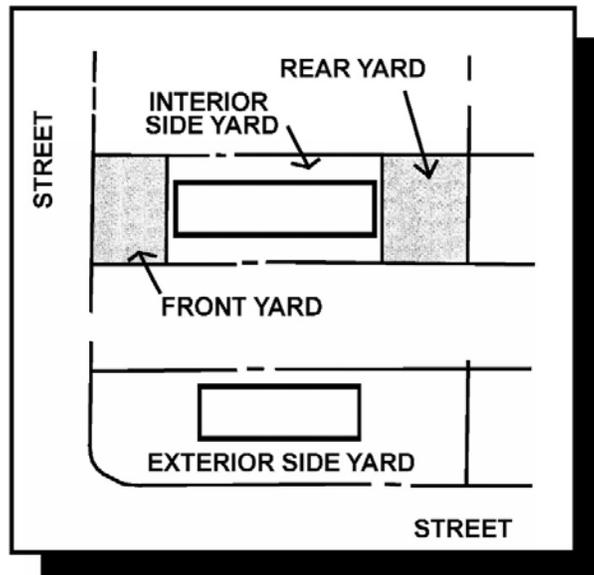
"Village Hospitality Home" means a unit located on a parcel size between 4,500 square feet and 10,000 square feet that is not occupied by an owner or manager and that is rented in its entirety to transient guests for a period of thirty (30) consecutive calendar days or less, subject to Chapter 3.24 Transient Occupancy Tax.

Wall Sign. See "Building-mounted sign" in sign definitions, Section 9.160.130.

"Wing wall" means an architectural feature in excess of six (6) feet in height which is a continuation of a building wall projecting beyond the exterior walls of a building.

"Yard" means an open space on a parcel of land or building site unobstructed and unoccupied from the ground upward except for wall projections permitted by this code. Yards are classified as follows:

1. "Front yard" means a yard extending across the full width of the lot between the front lot line or the ultimate street right-of-way line and a setback line within the lot. The depth of the front yard is equal to the setback established in the development standards for the applicable zoning district and is measured along a line drawn at a ninety (90)-degree angle to whichever of the following results in the greatest setback: the front lot line or its tangent or the ultimate street right-of-way or its tangent.
2. "Rear yard" means a yard extending across the full width of the lot between the rear lot line and a setback line within the lot. The depth of the rear yard is equal to the setback established in the development standards for the applicable zoning district and is measured along a line drawn at a ninety (90)-degree angle to whichever of the following results in the greatest setback: the rear lot line or its tangent or the ultimate street right-of-way or its tangent.
3. "Side yard" means a yard extending from the front setback line to the rear setback line. The depth of the side yard is equal to the setback established in the development standards for the applicable zoning district and is measured along a line drawn at a ninety (90)-degree angle to whichever of the following results in the greatest setback: the side lot line or its tangent or the ultimate street right-of-way or its tangent.



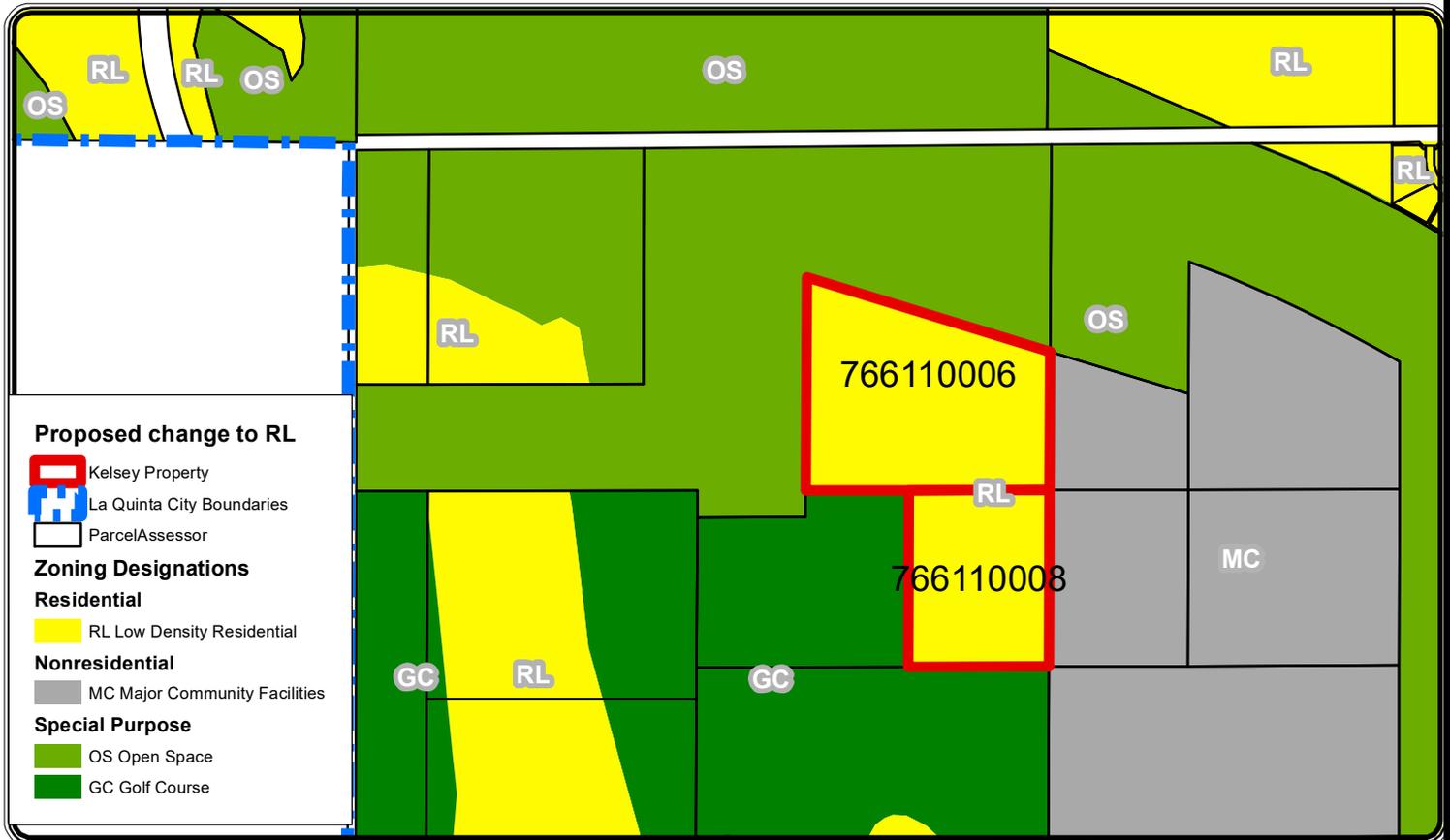
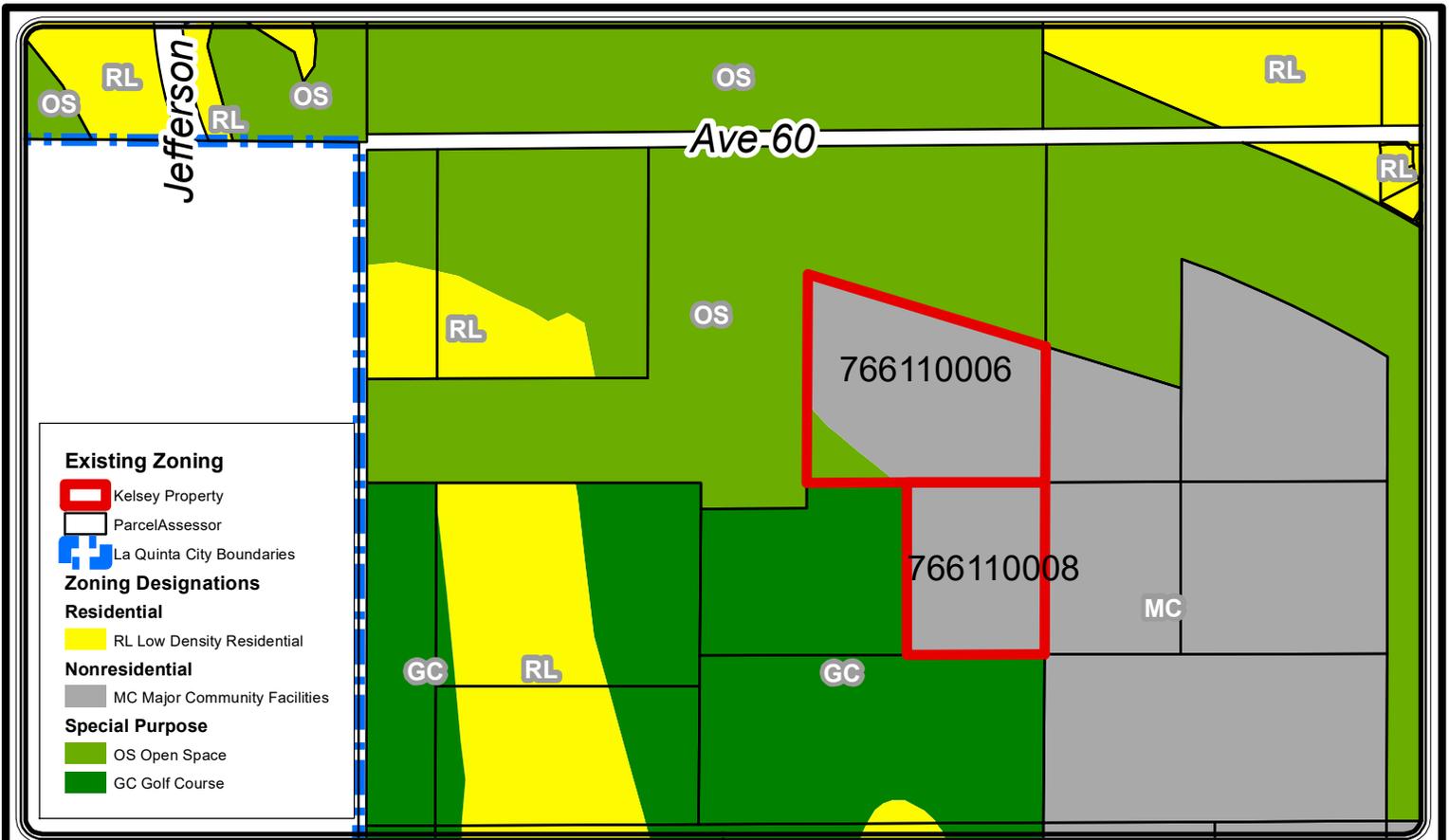
TYPES OF YARDS

"Zoning code" or "code" means the zoning code of the city, i.e., Title 9 of the city of La Quinta Municipal Code, including the official zoning map and other maps and graphics incorporated in the zoning code text or included therein by reference.

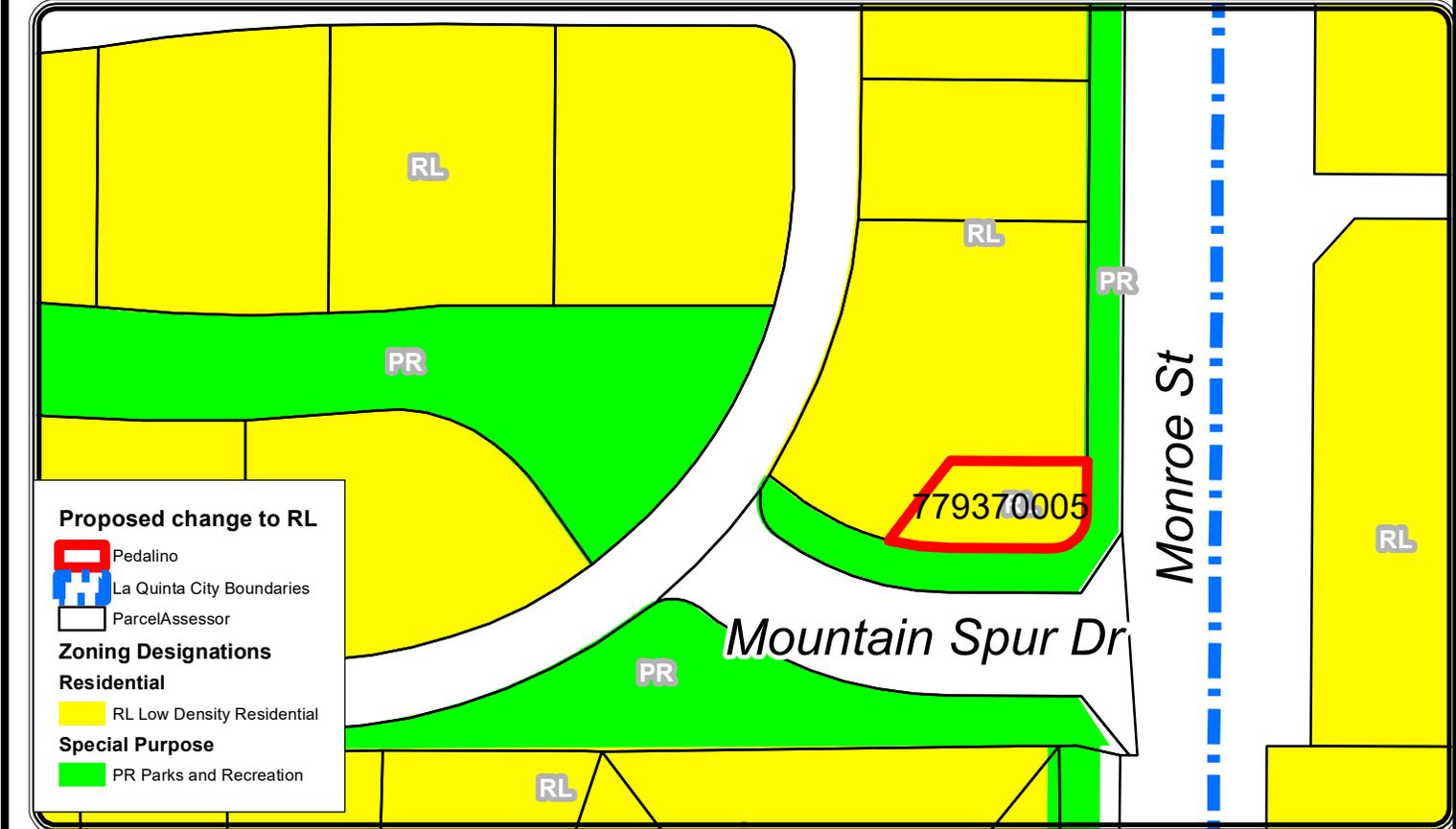
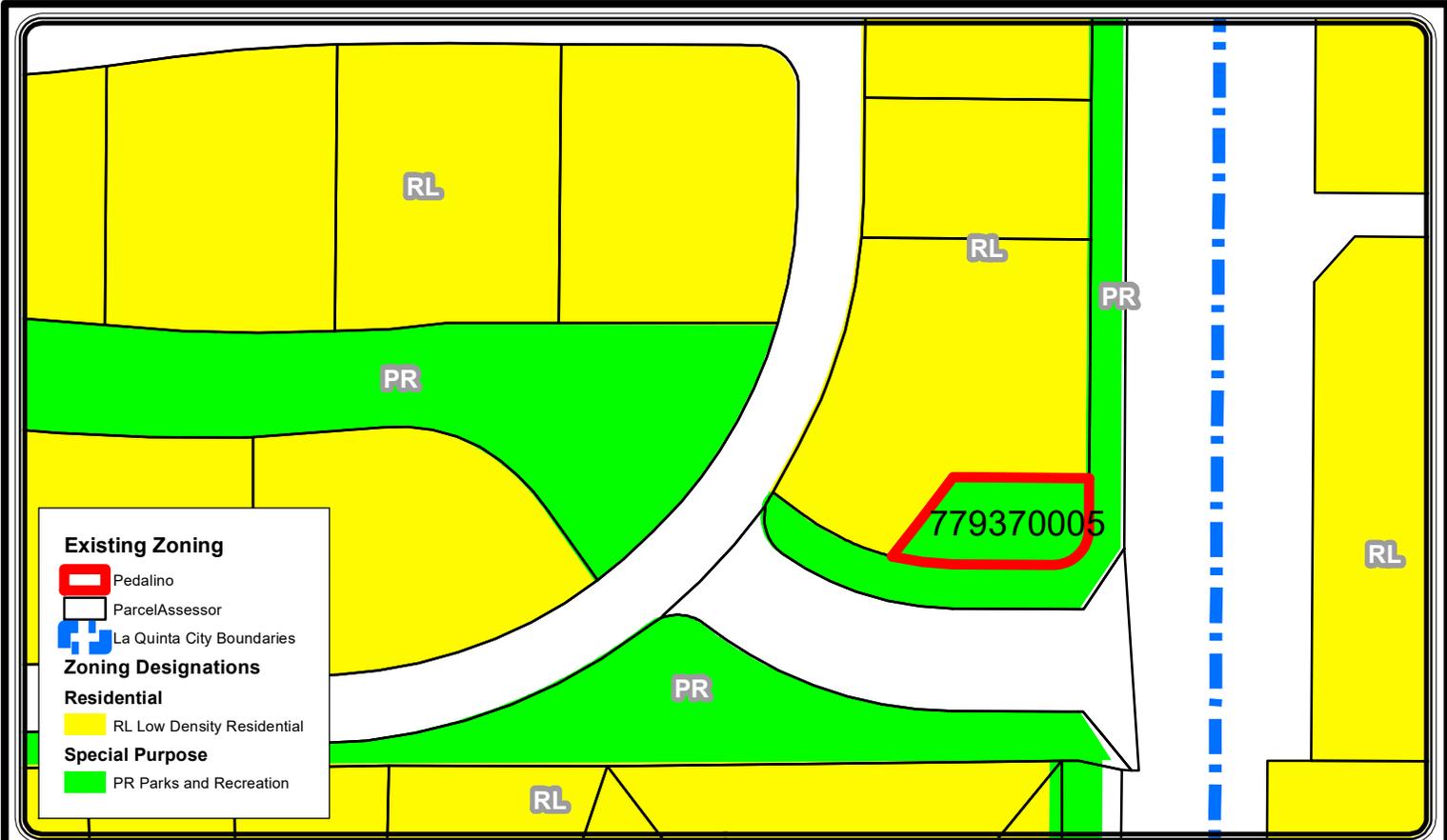
"Zoning district" or "district" means an area of the city designated on the official zoning map and subject to a uniform set of permitted land uses and development standards.

"Zoning map" or "official zoning map" means a map incorporated into this code by reference which covers the entire land area of the city and is divided into zoning districts for the purpose of specifying for each such land area the uses permitted, development standards required, and other applicable provisions of this code.

(Ord. 577 § 1, 2019; Ord. 562 § 1, 2017; Ord. 550 § 1, 2016; Ord. 538 § 1, 2016; Ord. 512 § 1, 2013; Ord. 505 § 1, 2012; Ord. 489 § 1, 2011; Ord. 325 § 1, 1998; Ord. 284 § 1, 1996)



Zone Change Maps for Kelsey Property



Zone Change Maps for Pedalino Property

