

**ORDINANCE NO. 2017-11**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADOPTING A DEVELOPMENT CODE AMENDMENT AND SPECIFIC PLAN AMENDMENT REDUCING INTERIOR SETBACKS AND AMENDMING THE MINIMUM DISTANCE BETWEEN BUILDINGS FOR MULTIPLE-FAMILY DEVELOPMENTS AND CLARIFYING THAT A MULTIPLE-FAMILY DWELLING WITH TWO UNITS (DUPLEX) IS NOT SUBJECT TO THE SITE PLAN REVIEW PROCESS (DCA17-00004 & SPLA17-00001)**

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

**WHEREAS**, On September 2, 2008, the City Council of the City of Hesperia adopted Ordinance No. 2008-12, thereby adopting the Main Street and Freeway Corridor Specific Plan; and

**WHEREAS**, the City proposes to amend Article II of Chapter 16.12 and Article V of Chapter 16.16 of the City of Hesperia Development Code regulations and Chapter 7 of the Main Street and Freeway Corridor Specific Plan, which pertain to procedures and development regulations for multiple-family developments; and

**WHEREAS**, the City finds that it is necessary to amend two development regulations applicable to multiple-family zones to resolve challenges in applying such standards and applying more feasible standards that consider the building design and orientation of design features. A multiple-family dwelling with two units (duplex) will be exempt from the site plan review process consistent with current policies; and

**WHEREAS**, the proposed Development Code Amendment and Specific Plan Amendment are exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Amendments are also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan; and

**WHEREAS**, on May 11, 2017, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Amendments and concluded said hearing on that date; and

**WHEREAS**, on June 20, 2017, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Amendments and concluded said hearing on that date; and

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

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

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

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

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Development Code Amendment DCA17-00004 and Specific Plan Amendment SPLA17-00001, amending two development regulations and one procedural standard pertaining to multiple-family zones as shown on Exhibit "A."

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

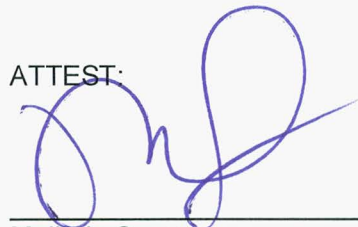
Section 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101.

**ADOPTED AND APPROVED** on this 20th day of June 2017.



Paul Russ, Mayor

ATTEST:



Melinda Sayre  
City Clerk

## ATTACHMENT 2

# EXHIBIT "A"

The following are modifications to Article II of Chapter 16.12 and Article V of Chapter 16.16 of the City of Hesperia Development Code regulations and Chapter 7 of the Main Street and Freeway Corridor Specific Plan (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

### MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

Chapter 7, Subsection (E)(4.9)(1) shall be amended to read:

The minimum interior side yard setback shall be 40 8 feet, as measured from the property lines.  
The minimum interior side yard setback shall be 5 feet for single-family residences constructed on substandard lots which are substandard due to lot size and/or dimensions.

Chapter 7, Subsection (F)(4.9)(1) shall be amended to read:

The minimum interior side yard setback shall be 40 8 feet, as measured from the property lines.

Chapter 7, Subsections (E)(4.6) and (F)(4.6) Distance Between Buildings shall be amended to read:

If the development contains multiple buildings, the minimum distance between buildings shall be 15 feet. as follows:

<u>Distance between Single-story buildings</u>		<u>Distance between Multiple-story building and any other building</u>	
<u>No openings</u> <sup>1</sup>	<u>With openings</u>	<u>No direct line of sight</u>	<u>Direct line of sight</u>
<u>6'</u>	<u>8'</u> <sup>2</sup>	<u>10'</u> <sup>2</sup>	<u>15'</u>

#### Notes:

1. The sides of buildings that face each other shall not include openings. Openings in this case shall mean windows and doors.
2. Windows, doors, as well as patios/balconies or similar features shall be oriented so as not to have a direct line-of-sight into adjacent units.

### DEVELOPMENT CODE

Table in Section 16.16.120 entitled Development standards, under the R3 column, rows (I) and (J) side yard setbacks shall be amended to read:

40' 8'



## ATTACHMENT 2

Section 16.16.130(B)(3) titled “Distance between buildings” shall be amended to read:

If the development contains multiple buildings, the minimum distance between buildings shall be ten feet as follows:

<u>Distance between Single-story buildings</u>		<u>Distance between Multiple-story building and any other building</u>	
<u>No openings</u> <sup>1</sup>	<u>With openings</u>	<u>No direct line of sight</u>	<u>Direct line of sight</u>
<u>6'</u>	<u>8'</u> <sup>2</sup>	<u>10'</u> <sup>2</sup>	<u>15'</u>

Notes:

1. The sides of buildings that face each other shall not include openings. Openings in this case shall mean windows and doors.
2. Windows, doors, as well as patios/balconies or similar features shall be oriented so as not to have a direct line-of-sight into adjacent units.

No minimum distance shall be required for accessory structures, such as carports.

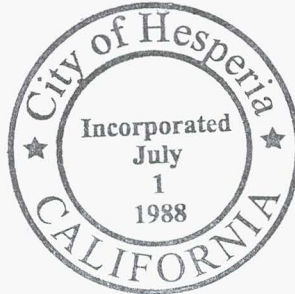
Table in Section 16.12.085 shall be amended to read:

Ministerial Approval	Administrative Review with Notice	Planning Commission Hearing	City Council Hearing
Single-family residential development 1-4 dwelling units		Density Bonus Agreements	Planned Developments
<u>Multiple-family dwelling with two units (duplex)</u>	<u>Three or more dwelling units on a single parcel with at least one Multiple-family dwelling</u>	<u>Density Bonus Agreements</u>	<u>Planned Developments</u>

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO )  
CITY OF HESPERIA )

I, Melinda Sayre, City Clerk of the City of Hesperia, California, do hereby certify that Ordinance No. 2017-11 was introduced at a Regular Meeting of the City of Hesperia City Council held on the 20<sup>th</sup> day of June, 2017 by the following vote to wit:

AYES: Swanson, Bird, Blewett, and Holland  
NOES: None  
ABSTAIN: None  
ABSENT: Russ



Melinda Sayre  
City Clerk

Seal

I, Melinda Sayre, City Clerk of the City of Hesperia, California, do hereby certify that Ordinance No. 2017-11 was duly and regularly adopted at a Regular Meeting of the City of Hesperia City Council held on the 18<sup>th</sup> day of July, 2017 by the following vote to wit:

AYES: Swanson, Russ, Blewett, and Holland  
NOES: None  
ABSTAIN: None  
ABSENT: Bird



Melinda Sayre  
City Clerk

Seal

I, Melinda Sayre, City Clerk of the City of Hesperia, California, do hereby certify that the foregoing Ordinance No. 2017-11 is a full, true and correct copy of that now in file in this office.

**IN WITNESS WHEREOF**, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF THE City of Hesperia, California, this \_\_\_\_\_ day of \_\_\_\_\_.



Seal

Melinda Sayre  
City Clerk