

**CITY OF TWENTYNINE PALMS
CITY COUNCIL
ORDINANCE NO. 319**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, ADOPTING A DEVELOPMENT CODE AMENDMENT, AMENDING CHAPTERS 19.68, 19.69, 19.70, 19.73 AND 19.74 OF ARTICLE 4, SITE DEVELOPMENT REGULATIONS OF THE CITY OF TWENTYNINE PALMS DEVELOPMENT CODE.

WHEREAS, the City of Twentynine Palms General Plan was adopted by the City Council on April 24, 2012; and

WHEREAS, the City of Twentynine Palms Development Code was adopted by the City Council on July 26, 2016; and

WHEREAS, on April 16, 2024, and May 21, 2024, the Planning Commission of the City of Twentynine Palms conducted a duly noticed and advertised Public Hearing on the Development Code Amendment for Chapters 19.68, 19.69, 19.70, 19.73 and 19.74 of Article 4, Site Development Regulations; and

WHEREAS, on Wednesday, July 10, 2024, the Development Code Amendment was duly noticed in the Desert Trail, a newspaper of general circulation within the City of Twentynine Palms; and

WHEREAS, on July 23, 2024, the City Council of the City of Twentynine Palms conducted duly noticed and advertised Public Hearings on the Development Code Amendment as reflected in "Exhibit A" in accordance with the California Government Code Section 65350 et. seq. and California Government Code Section 65853 et. seq., required by law for this amendment; and

WHEREAS, a Public Hearing was held by the City Council on July 23, 2024, at which time the Council introduced Ordinance No. 319, amending Chapters 19.68, 19.69, 19.70, 19.73 and 19.74 of Article 4, Site Development Regulations; and

WHEREAS, on July 23, 2024, at the above noted Public Hearing for the Development Code Amendment, the City Council of the City of Twentynine Palms considered the potential environmental impacts that may occur with the adoption of the proposed Development Code Amendment and recommended that in accordance with the California Environmental Quality Act (CEQA) Guidelines, the proposed zoning text amendment has been reviewed for its potential to impact the environment. Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act, the activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, the City Council found that on the basis of the whole record before it, including any public comments received, there is no substantial evidence that the Development Code Amendment would have a significant effect on the environment and that the proposed CEQA determination reflected the City Council's independent judgment and analysis; and

WHEREAS, the City Council, in its review of the proposed Development Code Amendment, makes the following findings:

- A. A. That the Zone Change or Development Code Amendment is consistent with the intent of the goals and policies of the General Plan.
The Development Code Amendment is consistent with the following policies of the General Plan:
Goal LU-1 – Encourage orderly growth and development as envisioned by community residents.
Goal LU-4 – Adequately address the potential impacts of new development on the existing community and the City's infrastructure system.
Goal LU-10 - Promote a high quality of life for Twentynine Palms residents by developing and sustaining a strong and diverse local economy.
- B. The Zone Change or Development Code Amendment prescribes reasonable controls and standards to ensure compatibility with other established uses.
The Development Code Amendment is to make minor changes to Article 4 of the Development Code, removing unnecessary verbiage and cleaning up inconsistencies in language.
- C. The Zone Change or Development Code Amendment provides reasonable property development rights while protecting environmentally sensitive land uses and species.
The Amendment is to make minor modifications to Chapter 4, Site Development Regulations.
- D. The Zone Change or Development Code Amendment ensures protection of the general health, safety and welfare of the community.
The modifications to Article 4 of the Development Code will protect the general health, safety and welfare of the community.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, TAKES THE FOLLOWING ACTIONS:

Section 1. Based upon the review of the proposed amendment of the Development Code, Chapters 19.68, 19.69, 19.70, 19.73 and 19.74 of Article 4, Site Development Regulations, the City Council finds that the proposed amendment does not have the potential to have an adverse impact on the environment and, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Section 2. The City Council finds that the proposed amendment is consistent with the City's adopted General Plan Goals and Policies as the proposal will support the implementation of the General Plan and State law.

Section 3. The City Council approves and adopts the "Findings" required for approval of the Development Code update as set forth above.

Section 4. The City Council of the City of Twentynine Palms amends the Development Code as reflected in Exhibit "A."

Section 5. Notice of Adoption. The City Clerk of the City of Twentynine Palms shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted by Section 36933 of the Government Code of the State of California.

Section 6. Introduction Date. Ordinance No. 319 was introduced by Council action on the 23rd day of July 2024.

Section 7. Effective Date. Ordinance No. 319 becomes effective thirty (30) days after the second reading by City Council.

Section 8. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and, to this end, the provisions of this Ordinance are declared to be severable.

PASSED, APPROVED, AND ADOPTED this 13th day of August 2024.



Cindy Villegas
Cindy Villegas CMC, City Clerk

Steven Bilderain
Steven Bilderain, Mayor

APPROVED AS TO FORM:

A. Patrick Munoz
A. Patrick Munoz, City Attorney

I hereby certify that the foregoing is a true copy of Ordinance No. 319, introduced on the 23rd day of July 2024 and duly adopted by the City Council of the City of Twentynine Palms in a meeting held on the 13th day of August 2024, in Twentynine Palms, California by the following vote, to wit.

AYES:	COUNCILMEMBER:	KLINK, MINTZ, SCOTT, WRIGHT, BILDERAIN
NOES:	COUNCILMEMBER:	NONE
ABSENT:	COUNCILMEMBER:	NONE
ABSTAIN:	COUNCILMEMBER:	NONE

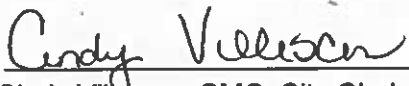

Cindy Villescas CMC, City Clerk

Exhibit A

Chapter 19.68 General Development Standards and Exceptions

Sections

19.68.010	Purpose	19.68-1
19.68.020	Height Measurements and Exceptions	19.68-1
19.68.030	Setback Requirements and Exceptions	19.68-2

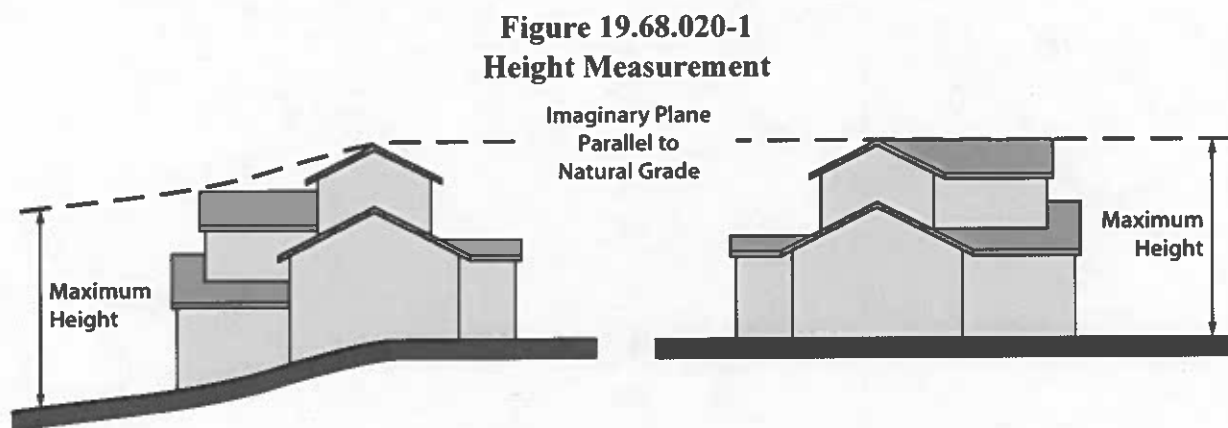
19.68.010 Purpose

This Chapter establishes general development standards for height measurements and exceptions, as well as setback measurements and exceptions (e.g., projections, encroachments). Subsequent Chapters in this Article establish site development standards applicable to all uses or specific use types. Basic development standards applicable to each zone (e.g., density, lot area, building setback requirements, and height limitations) are provided in Article 2 (Land Use/Zoning Districts).

19.68.020 Height Measurements and Exceptions

The following rules apply to the calculation and determination of height of structures in the City. The intent of these regulations is to provide for compatibility in the measurement of building height under a variety of circumstances (e.g., sloped site).

- A. **Height Measurement.** The height of a structure shall be measured as the vertical distance from the finish grade to the highest point of the roof of the structure. Height is measured as the vertical distance from the finish grade of the site to an imaginary plane located the allowed number of feet above and parallel to the finish grade. See Figure 19.68.020-1 (Height Measurement).



- B. **Height Limits.** Height limits are established throughout this Title. Primarily, height limits are listed in the Chapters of Article 2 (Land Use/Zoning Districts). Additional height limits are established for accessory structures, fences and walls, outdoor lighting, and signs and are contained in subsequent Chapters of this Article.

C. Height Exceptions. Height limits typically exclude architectural features and appurtenances such as, but not limited to, chimneys, antennas, elevators, windmills and similar mechanical equipment.

1. Architectural Features. Chimneys, cupolas, flagpoles, monuments, radio and other towers, gas storage holders, water tanks, and similar structures and mechanical appurtenances may be permitted in excess of building height limits by no more than 50 percent of the applicable height limitation; provided, however, that the same may be safely erected and maintained at such height in view of the specific conditions and circumstances affecting the structure and adjacent properties.
2. Structures in Residential Districts.
 - a. Antenna, Noncommercial. One noncommercial antenna may be permitted up to 52.5 feet in height for each parcel. Antennae shall be set back from all property lines at least 1.25 times the height of the antenna. Height does not include the additional height of whip antennae. Additional antennae shall require a Conditional Use Permit.
 - b. Windmills, Noncommercial. One noncommercial windmill or solar energy collector may be permitted up to 35 feet in height for each parcel. Structures shall be set back from all property lines at least 1.25 times the height of the structure, measured to the top of the highest element of the structure. Additional windmills or solar collectors shall require a Conditional Use Permit. Up to a 50 percent increase in height, to 52.5 feet, may be approved subject to a Conditional Use Permit.

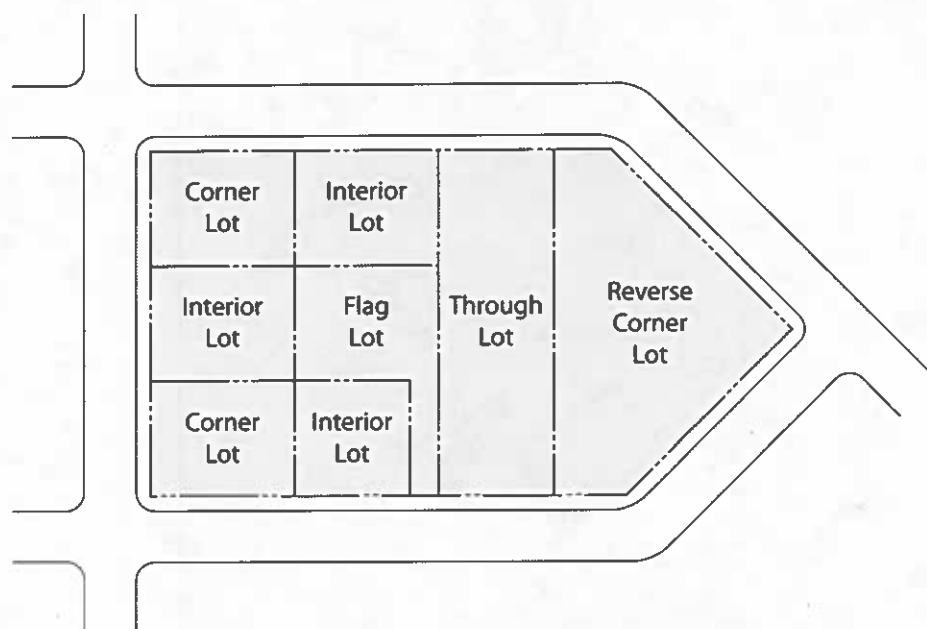
19.68.030 Setback Requirements and Exceptions

A. General Yard and Setback Requirements.

1. Required Yard Area. Except as otherwise specified in this Title, required yard areas shall be kept free of buildings and structures.
 - a. Exceptions:
 - i. Water Elements. Water elements such as fountains, ponds, and other water treatments, up to a maximum height of six feet, may be placed in setback areas, provided they do not create a traffic safety hazard. The installation of water elements may be subject to approval of building permits.
 - ii. Art Installations. Installation of art, such as sculptures, statues, and other installations of an adequately durable and weatherproof design, up to a maximum height of six feet, may be placed in street setback areas, provided they do not create a traffic safety hazard. The installation of art may be subject to approval of building permits.
2. Exclusivity of Required Yard Area. No yard or other open space provided around any building for the purpose of complying with this Title shall be considered as providing a yard or open space for any other building or structure.

- B. Through Lots. On through lots, either line separating such lot from a public thoroughfare may be designated by the owner as the front lot line. In such cases, the minimum rear yard shall be the average of the yards on lots next adjoining. If such lots next adjoining are undeveloped, the minimum rear yard shall conform to the front yard setback for the zone in which the property is located. See Figure 19.68.030-1 (Lot Type Diagram) for an illustration of a through lot.

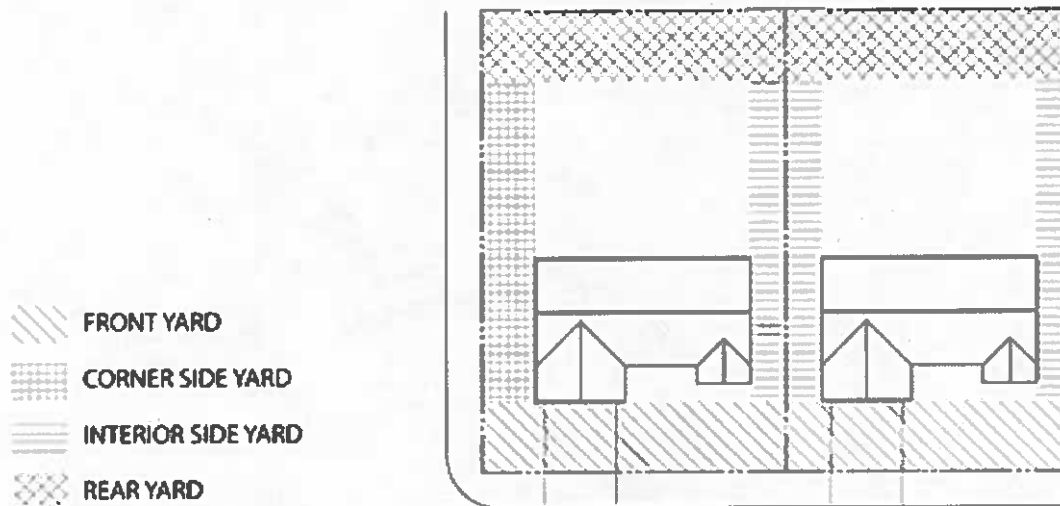
**Figure 19.68.030-1
Lot Type Diagram**



- C. Front Yards. Generally, the front yard setback is determined by the front lot line, which is the lot line paralleling the street. In the case of a lot abutting two or more streets (corner lot), the front yard shall be the shortest length of the lot abutting a street. See Figure 19.68.030-2 (Yard Setback Measurement Diagram) for an illustration of all yards.
- D. Street Side Yards. Except as otherwise permitted, a street side yard shall be used only for landscaping, pedestrian walkways, driveways or off-street parking.
- E. Rear and Interior Side Yards. Except as otherwise permitted, these yards shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities, or similar accessory activities.
- F. Vertical Clearance. Except as otherwise provided in this Title, every part of a required yard shall be open from its lowest point to the sky unobstructed. Building overhangs, bay windows, and other such elements may intrude as permitted, pursuant to Subsection 19.68.030.H (Allowed Encroachments or Projections into Required Yards).

- G. **Setback Measurement.** The setback of all buildings and structures shall be measured at a right angle from the property line. Except as permitted in Subsection 19.68.030.H (Allowed Encroachments or Projections into Required Yards), or as otherwise specified in this Title for specific types of structures (e.g., accessory structures, signs), structures shall not extend beyond required setback lines.

Figure 19.68.030-2
Yard Setback Measurement Diagram



- H. **Allowed Encroachments or Projections into Required Yards.** In addition to the structures listed in Section 19.70 (Accessory Uses and Structures) and Section 19.74 (Fences, Walls, and Screens), the following structures and architectural features attached to the main building may project into the required yards as set forth below.
- I. **Residential and Public District Projections and Encroachments.**
1. No projection may be permitted to obstruct the view of a required clear site triangle.
 2. Attached architectural features such as awnings, canopies, eaves, chimneys, cornices, planter boxes, bay windows and cantilevered portions of the structure (not exceeding 50 percent of the length of the wall to which they are attached) and similar architectural features or mechanical equipment normally incidental to the use are permitted to encroach up to 4 feet into front or rear yards and up to 2 feet into side or street side yards.
 3. For properties in the R-HD district, attached unenclosed patio roofs, decks, porches and similar structures (having open, unenclosed sides around at least 50 percent of their perimeters) are permitted to encroach 5 feet into a rear yard, with a minimum 5-foot setback to the rear yard property line. In no case shall such encroachments exceed 50 percent of the length of a building.
 4. For properties in all residential districts except R-HD, attached unenclosed patio roofs, decks, porches and similar structures (having open, unenclosed sides around at least 50 percent of their

perimeters) are permitted to encroach up to 50 percent of the required rear yard, with a minimum 5-foot setback to the rear yard property line. In no case shall such encroachments exceed 50 percent of the length of a building.

5. Pools, spas, and related equipment no greater than 6 feet in height may be located in a required rear or interior side yard setback, with a minimum 5-foot setback to the property lines.
6. Open storage of boats, recreational vehicles and trailers are not allowed in front and street side yard areas of multi-family residential and public districts. (RM, R-HD, P).
7. Storage of construction vehicles and equipment is not permitted in residential and public districts.

J. Nonresidential Projections and Encroachments.

1. No projection may be permitted to obstruct the view of a required clear site triangle.
2. Attached architectural features such as awnings, canopies, eaves, chimneys, cornices, planter boxes, bay windows, and cantilevered portions of the structure (not exceeding 50 percent of the length of the wall on any one story) are permitted to encroach up to 4 feet into front or rear yards and up to 2 feet into side or street side yards.
3. Stairways, landings, corridors and fire escapes are permitted to encroach up to 5 feet in front and street side yards, up to 4 feet in interior side yards, and up to 5 feet in rear yards.
4. Storage of boats, recreational vehicles, trailers, and construction vehicles and equipment are not permitted in commercial districts (CO, CN, CG, CT).

Chapter 19.69 Residential Development Standards and Design Criteria

Sections

19.69.010	Purpose	19.69-1
19.69.020	Applicability	19.69-1
19.69.030	Review Required	19.69-1
19.69.040	Development Standards – Manufactured or Mobile Homes	19.69-1
19.69.050	Development Standards – Multi-Family Residential	19.69-2

19.69.010 Purpose

This Chapter establishes standards for conventionally built, mobile and manufactured homes to ensure consistency with state law requirements and for multi-family residential development to ensure consistency with surrounding land uses and the policies of the General Plan.

19.69.020 Applicability

The standards contained in this Chapter shall apply to the following, unless specifically stated otherwise:

- A. **New Uses and Structures.** For all buildings erected and all uses of land established after the effective date of this Title, the development standards in this Chapter shall be complied with.
- B. **Modification to Existing Structures and Uses.** Whenever an existing building is modified or a use is expanded such that it creates an increase of 1,000 square feet or more or 4 or more in the number of existing dwelling units for multiple-family residential projects, the development standards in this Chapter shall be complied with.

19.69.030 Review Required

Consistency with the regulations contained in this Chapter shall be reviewed concurrent with any required Building Permit or Land Use Permit for applicable projects.

19.69.040 Development Standards – Manufactured or Mobile Homes

The following standards shall apply to all manufactured or mobile homes on lots permitting single-family residences.

- A. **Manufactured and mobile homes** shall be constructed to meet the standards of the National Mobile Home Construction and Safety Standards Act pursuant to Section 18551 of the California Health and Safety Code.
- B. **Manufactured and mobile homes** must be less than 10 years old.

- C. Manufactured and mobile homes shall be attached to an engineered, permanent perimeter foundation approved by the Building and Safety Division.
- D. The home shall have a minimum width and depth of 20 feet excluding garages, porches, patios, eaves, cabanas and popouts.
- E. The siding material shall consist of stucco, wood, brick, stone or decorative concrete block. Synthetic siding material and textures may be used when determined by the Planning Division to be compatible with the neighborhood.
- F. The exterior covering material shall extend to surrounding grade.
- G. The roofing material shall be tile, rock, shingles or materials customarily used on residential structures in the neighborhood.

19.69.050 Development Standards – Multi-Family Residential

- A. On-site recreational areas for both adults and children for any proposed multi-family project exceeding 10 dwelling units shall be provided.
- B. Bus benches and shelters shall be designed into large-scale projects when bus service is available or planned.
- C. Trash storage facilities shall be provided in accordance with Chapter 19.92 (Trash Storage Facilities).
- D. New construction and development shall be generally consistent in scale, mass and character with other structures in the immediately surrounding neighborhood.
- E. New multi-family development shall be designed to preserve natural and scenic resources, where feasible.
- F. New multi-family development shall provide separation between buildings, as determined by adopted Building Code and Fire Dept. requirements.
- G. New multi-family development shall provide pedestrian connections to adjacent residential and commercial developments. Such access shall be physically separated from vehicular traffic, except where the access utilizes public sidewalks within a public-right-of-way.
- H. New multi-family development shall provide pedestrian and bicycle access to open space, parks and adjacent neighborhoods. Such access shall not be mixed with vehicular and through traffic, except where the access utilizes public sidewalks or bikeways within a public-right-of-way.
- I. Homeowner associations or other legally enforceable mechanisms shall be established to maintain all common areas within multi-family developments.

Chapter 19.70 Accessory Uses and Structures

Sections

19.70.010	Purpose	19.70-1
19.70.020	Applicability	19.70-1
19.70.030	Permit Requirements	19.70-1
19.70.040	Exempt Accessory Structures	19.70-1
19.70.050	Allowed Uses and Development Standards – General	19.70-2
19.70.060	Allowed Uses and Development Standards – Residential	19.70-2
19.70.070	Allowed Uses and Development Standards – Commercial, Industrial, and Public	19.70-4
19.70.080	Accessory Outdoor Display	19.70-5
19.70.090	Accessory Residential Dwellings	19.70-6

19.70.010 Purpose

This Chapter establishes the regulations and criteria that allow compatible accessory uses to be located within the various land use districts in conjunction with a primary use or incidental to the primary use on the same property. Unless otherwise provided, all accessory uses are subject to the same regulations as the primary use.

19.70.020 Applicability

The regulations and standards contained in this Chapter shall apply only to those structures and uses expressly identified in this Section and shall be in addition to any other development standards and regulations contained elsewhere in this Development Code. For the purposes of this Title, accessory dwelling units are not considered accessory structures; accessory dwelling units are governed by the requirements of Chapter 19.134 (Accessory Dwelling Units) and are exempt from the requirements of this Chapter.

19.70.030 Permit Requirements

- A. All accessory structures, including those accessory structures identified in Section 19.70.040 (Exempt Accessory Structures), are subject to review through the same permit process required for the primary use. Where no permit is required, the accessory structure shall be reviewed through the Zoning Clearance process to ensure consistency with all applicable development standards.
- B. Accessory outdoor display is exempt from the requirement to obtain a permit where such display meets all standards of Section 19.70.080 (Accessory Outdoor Display).

19.70.040 Exempt Accessory Structures

The following accessory structures are exempt from the development standards of this Chapter.

- A. Play equipment that is no greater than 8 feet in height.

Adopted July 26, 2016

Revised August 13, 2024

Effective September 12, 2024

- B. Decks or uncovered patios.
- C. Tennis courts.
- D. Pool accessories no greater than 8 feet in height, excluding mechanical equipment.
- E. Water wells.
- F. Similar at-grade or below-grade structures.

19.70.050 Allowed Uses and Development Standards – General

- A. In addition to the accessory uses specifically provided for by this Section or elsewhere in the Development Code, each land use shall be deemed to include such other accessory uses which are necessarily and customarily associated with and are clearly incidental and subordinate to the land use. Whenever such accessory uses are questioned, it shall be the responsibility of the Community Development Director to determine if a proposed accessory use meets the criteria set forth in this Chapter.
- B. The combination of accessory structures and primary use structures shall not exceed the maximum lot coverage or floor area ratio (FAR) specified by the land use district.
- C. Permitted accessory structures shall be located on the same parcel as the primary use within the building envelope, except where expressly allowed.
- D. Seagoing cargo containers or similar storage facilities may be used for the purpose of temporary storage or containment of construction cleanup materials, subject to the following:
 - 1. Seagoing cargo containers or similar storage facilities may be located anywhere on the property, except in the clear sight triangles, during the duration of an active Building Permit.
 - 2. Such temporary storage devices must be removed within 30 days of Building Permit final or expiration.
 - 3. No permit is necessary for this type of use; however, the contractor is to inform the City of the intended use of these cargo containers and have the fact noted on other issued permit(s).

19.70.060 Allowed Uses and Development Standards – Residential

- A. Accessory Uses. The following uses shall be permitted as accessory uses to each single dwelling unit which is allowed:
 - 1. Guest Housing. Residential occupancy of a living unit, with no kitchen plumbing, located on the same parcel as the primary dwelling unit, but separated from it by at least 10 feet. This housing is for use by the occupants or temporary guests of the occupants of the premises and is not to be rented

or otherwise used as a separate dwelling, except as provided in Section 19.70.090 (Accessory Residential Dwellings). A maximum of one guest house shall be allowed per parcel.

2. Accessory animal boarding, breeding, housing, lodging, sheltering or raising as specified by Chapter 19.102 (Animal Keeping).

B. Accessory Structures. The following regulations shall apply to all accessory structures as specified:

1. **Architectural Compatibility.** All accessory structures that enclose or shelter 120 square feet or more of floor area shall be required to be architecturally compatible with the main building(s) on site. Architectural compatibility shall be determined by similar architectural style and color.
2. In the Single-Family Residential (RS) Districts, the cumulative total area of all accessory structures upon a recorded lot may not exceed 50 percent of the area of the main structure or 1,000 square feet, whichever is larger. Within the Rural Living (RL) Districts, the cumulative total area of all accessory buildings upon a recorded lot may not exceed 100 percent of the area of the main structure or 2,500 square feet, whichever is larger. An accessory dwelling unit as permitted under Chapter 19.134 (Accessory Dwelling Units) shall not be included within the cumulative total of allowed square footage for accessory structure(s).
3. In the RS Districts, an accessory structure may not be higher than the height of the established primary use structure or sixteen feet (16') whichever is greater.
4. In the RL Districts, accessory structures may be constructed up to the maximum height allowed within the land use district in which it is located, regardless of the height of the primary use structure..
5. In the Multi-Family Residential (RM) District, the cumulative total area of all accessory structures upon a recorded lot may not exceed 50 percent of the cumulative total habitable area of all primary structures on-site containing a residential unit and shall be subject to the height, setback and lot coverage limitations of the RM Land Use District.

C. Seagoing cargo containers and similar storage facilities may be permitted as permanent storage facilities on a lot containing a residence subject to the following conditions. A maximum of two cargo containers are permitted on any residentially zoned property.

1. Approval of a Cargo Container Review Permit where it is demonstrated that the requested container(s) is to be located within the rear one-half of the lot and shall be screened from view of any public rights-of-ways or adjacent residential properties by residential structures, landforms or physical features of the lot, landscaping or opaque fencing of up to 8 feet in height, with any visible remaining exterior portion of the container(s) painted in a manner compatible with the principal residence on-site.

2. Screening shall be waived if the container(s) is/are completely encased within an on-site, stick-built skin and eaves, which are architecturally consistent with the primary residence on-site and are in compliance with the required setbacks for the zoning district.
3. Containers shall be maintained in reasonable aesthetic condition at all times, as determined by the Community Development Director; shall not exceed 50 percent of the floor area of the primary residence on-site, inclusive of all accessory structures; shall not be stacked one atop another; and shall not be used for habitation of persons or animals.

19.70.070 Allowed Uses and Development Standards – Commercial, Industrial, and Public

A. Accessory Uses. The following uses shall be permitted as accessory uses to primary commercial, industrial, or public uses which are allowed by a land use district:

1. Accessory residential dwellings as specified in Section 19.70.090 (Accessory Residential Dwellings).
2. Accessory outdoor sales or display areas subject to the standards set forth in Section 19.70.080 (Accessory Outdoor Display).

B. Accessory Structures. The following regulations shall apply to all accessory structures as specified:

1. Permanent use of seagoing cargo containers and similar storage facilities may be used as accessory structures on lots designated for commercial or industrial uses and containing an existing use subject to the following conditions:
 - a. Approval of a Site Plan Review where it is demonstrated that the requested container(s) shall not be located within any required setback area, shall not be located closer than 50 feet to any public rights-of-way when located between the right-of-way and any structure on-site, and shall be screened from view of any property used for residential purposes and/or the public rights-of-way by on-site structures, landforms or physical features of the lot, landscaping or opaque fencing of up to 8 feet in height, wherein any visible remaining exterior portion of the container(s) shall be painted in a color compatible with the primary use structure on-site.
 - b. Screening shall be waived if the container(s) is/are completely encased within an on-site, stick-built skin and eaves, which are architecturally consistent with the primary structure on-site and are in compliance with the setbacks for the zoning district.
 - c. Containers shall be maintained in a reasonable aesthetic conditional at all times, as determined by the Community Development Director; shall not exceed 500 square feet of container per acre of land; shall be not stacked one atop another; and shall not be used for habitation of persons or animals.

- d. No seagoing cargo container(s) shall be utilized for any purpose other than that directly associated with the primary activity on-site, nor shall the container(s) be allowed to be rented, leased or hired for compensation of any means.

19.70.080 Accessory Outdoor Display

The intent of this Section is to provide for the appropriate location and design of outdoor sales and display areas and to mitigate any adverse impacts that such uses may have on adjacent properties and rights-of-way.

- A. Accessory Outdoor Sales and Display Permitted. Outdoor sales and display shall be permitted as an accessory use only in commercial and industrial land use districts, subject to the following requirements:
 1. Outdoor sales and display shall only be permitted in an area not greater than 500 square feet or 10 percent of the gross floor area of the ground floor of the building, whichever is less, and shall be located at least 50 feet from any residentially zoned property.
 2. Outdoor sales and display shall not be permitted within any required setback area, except as allowed under Subsection 19.70.080.A.4.
 3. Stacked items shall not exceed 6 feet in height. No material or display items shall be located within 3 feet of any building entry.
 4. Vending machines and accessory outdoor sales and display may be permitted outside of the building and within a required setback when located against and parallel to the building facade, extending up to 4 feet in depth from the building. These items shall count toward the total outdoor sales and display area permitted by this Section. Public telephones and mailboxes are excluded from these regulations.
 5. Outdoor sales and display of items shall be located on a permanent durable surface.
 6. No outdoor sales and display shall be allowed in areas set aside, required or designated for pedestrian walkways, drive aisles, driveways, maneuvering areas, emergency access ways, off-street parking or unloading/loading.
 7. Outdoor sales and display items may be located on sidewalks in the public right-of-way only if permitted in accordance with Chapter 19.55 (Sidewalk Vending). Outdoor sales and display items shall be permitted on privately owned walks or other areas intended for pedestrian movement provided an unobstructed, continuous path with a minimum 4-foot width is maintained. Materials located at the edge of a pedestrian way adjacent to a driving aisle shall not extend more than 10 feet without providing a break of not less than 4 feet in width to allow for unobstructed access onto the pedestrian way.

8. Items for outdoor sale and display shall be completely screened from view from any abutting residentially zoned property.
9. No outdoor sales, storage or display areas shall be located in the clear sight triangle as defined by this Code, or located in any manner that would restrict or limit adequate sight distances for interior or exterior vehicular movements.
10. Any outdoor display or sale item located in a manner constituting a sign must conform to the appropriate sign ordinance or regulations.
11. Outdoor sales and display shall only be accessory to a principal nonresidential use where such use conducts its activities within a completely enclosed building or group of buildings on the same property, shall be conducted by employees of the principal use, and shall be owned by the owner of the principal use and not a consignment operation or arrangement.

19.70.090 Accessory Residential Dwellings

The following dwelling is allowed as an accessory use to a primary agricultural, commercial, industrial or institutional use where such use demonstrates the need for on-site residency of one or more people to maintain, operate and/or secure the primary nonresidential land use on the property.

- A. Caretaker's Residence. Residential occupancy of a dwelling unit by the owners, operators or caretaker employed to maintain, operate or guard part or all of the property on which the caretaker dwelling is located as an accessory use. The caretaker dwelling unit may be located either above the first floor or behind a primary use structure. Caretaker housing shall be processed in accordance with the permit requirements identified in the applicable land use district chapters contained in Article 2 of this Development Code.

Chapter 19.73 Commercial and Industrial Development Standards and Design Criteria

Sections

19.73.010	Purpose	19.73-1
19.73.020	Applicability	19.73-1
19.73.030	Review Required	19.73-1
19.73.040	Minimum Development Standards – Commercial and Industrial Uses	19.73-1

19.73.010 Purpose

This Chapter establishes mandatory development standards for commercial and industrial development to ensure consistency with surrounding land uses, and to implement the policies of the General Plan. This Chapter also enables the development of design criteria to allow flexibility in design solutions, and to reflect the policies of the General Plan.

19.73.020 Applicability

The standards contained in this Chapter shall apply to the following:

- A. New Uses and Structures. For all buildings erected and all uses of land established after the effective date of this Title, the development standards in this Chapter shall be complied with.
- B. Modification to Existing Structures and Uses. Whenever an existing building is modified or a use is expanded such that it creates an increase of 25 percent or more in the existing square footage of a use, the development standards in this Chapter shall be complied with.

19.73.030 Review Required

Consistency with the regulations contained in this Chapter shall be reviewed concurrent with any required Building Permit or Land Use Permit for applicable projects.

19.73.040 Minimum Development Standards – Commercial and Industrial Uses

- A. All mechanical equipment shall be screened from public rights-of-way and parking lots as an integral part of the building design through the use of parapets, screen walls, equipment wells or similar design features, a minimum of 6 inches above the tallest piece of mechanical equipment.
- B. Those portions of the front setback area not improved with drive aisles, walls, and signage or similar features shall be landscaped. Said landscaping shall reflect a desert theme, including use of drought-resistant plants. All landscaping installation, design and landscaping plans are also subject to the requirements of the state of California.

- C. Vibrations generated on-site shall not be detectable off-site. For uses that may generate vibrations detectable off-site, a detailed vibration assessment and plan addressing and mitigating these impacts shall be submitted for review and approval.
- D. Electrical disturbances or interference. For uses that may produce electrical disturbances or interference to surrounding land uses, a detailed electrical interference assessment and plan addressing and mitigating these impacts shall be submitted for review and approval.
- E. Odors, dust and airborne pollution shall be controlled so as to not impact surrounding land uses or the public rights-of-way. For uses that may generate odors, dust or airborne pollution, a detailed assessment and plan addressing and mitigating these impacts shall be submitted for review and approval.

Chapter 19.74 Fences, Walls, and Screens

Sections

19.74.010	Purpose	19.74-1
19.74.020	Applicability	19.74-1
19.74.030	Permit Requirements and Exemptions	19.74-1
19.74.040	Location and Height Measurements	19.74-2
19.74.050	Materials and Maintenance.....	19.74-2
19.74.060	Requirements by Land Use Type	19.74-3

19.74.010 Purpose

The purpose of this Chapter is to regulate the height and location of fences, walls and screening to provide light, air and privacy without obstructing views, establish buffers between different land uses, and safeguard against visual obstructions at the intersections of streets and/or driveways.

19.74.020 Applicability

The standards contained in this Chapter shall apply to the following:

- A. New Uses and Buildings. Fences, walls and screens shall be provided as required by this Chapter for all buildings erected and all uses of land established after the effective date of this Title.
- B. Modification to Existing Structures and Uses. Fences, walls and screens shall be provided as required by this Chapter whenever an existing building is modified or a use is expanded such that it creates an increase of more than 25 percent in the number of existing dwelling units for residential projects or more than 25 percent in the existing square footage of commercial or industrial projects. In all cases where the change in use will involve outside storage as defined by this Code, such fences, walls or screening as set forth in Chapter 19.130 (Outdoor Storage) shall be required.

19.74.030 Permit Requirements and Exemptions

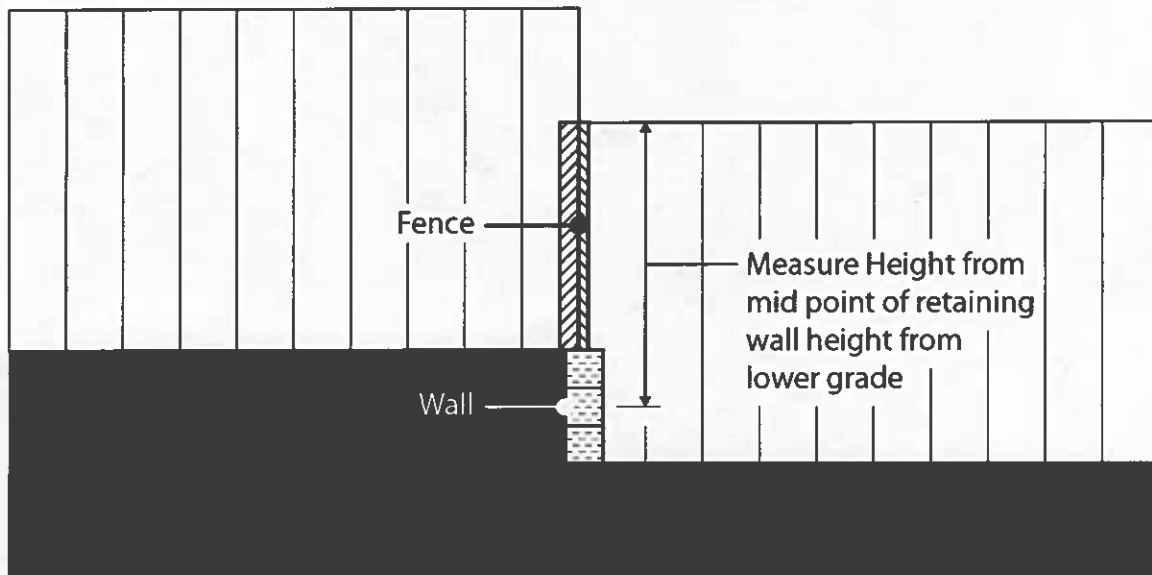
- A. Permit Required. Unless otherwise exempt, Zoning Clearance is required for new fences and walls.
- B. Exemptions. Fences and walls listed below are exempt from land use and development permits but may still require building permits.
 1. Retaining Walls. Retaining walls less than 36 inches in height are exempt from the requirements of this Chapter.
 2. Residential Fences and Walls. Fences and walls located on residential property constructed in compliance with the requirements of this Chapter.

3. Required Fences and Walls. The requirements of this Chapter shall not apply to a fence or wall required by any law or regulation of the City (including temporary construction site fencing), county, state, or federal government, or any agency thereof.

19.74.040 Location and Height Measurements

- A. Height Measurement. Fence and wall height shall be measured from the highest finish grade at the base of the fence or wall to the uppermost part of the fence or wall; except when there is a difference in the ground level between two adjoining parcels, the fence or wall shall be measured at the mid-point of the retaining wall height as measured on the side with the lowest finish grade. See Figure 19.74.040-1 (Measurement of Fence and Wall Height on Parcels with Different Elevations).

Figure 19.74.040-1
Measurement of Fence and Wall Height on Parcels with Different Elevations



19.74.050 Materials and Maintenance

- A. Fence, Wall and Screen Materials. Fences, walls and screens shall be constructed of attractive, long-lasting materials and architecturally integrated with the building design and with existing fences/walls on the site. The following limitations apply:
 1. Fences and gates approved for screening purposes in residential zones shall be chain link, solid wood, solid vinyl, tubular steel or wrought iron. Where tubular steel or wrought iron is used, it shall be backed by solid or perforated metal sheeting painted to match the fence or gate. When chain link is used for screening, it must be backed with wood or plastic slats, solid plastic sheet, or knitted fabric privacy/wind screening. Decorative block walls may also be used for screening purposes.

2. Fences and gates approved for screening purposes in commercial, office, mixed-use, industrial, or public and open space zones shall be a solid wall or material, chain link, metal, tubular steel or wrought iron. Open fencing shall be backed by solid or perforated metal sheeting painted to match the fence or gate. When chain link is used for screening, it must be backed with wood or plastic slats, except that chain link fence is not permitted for screening purposes along any property line abutting the right-of-way along Adobe Road or SR-62 in the CO, CN, CT, CG, and CS land use districts.
 3. If not required for screening purposes, chain link fencing is permitted in all land use districts, except along any property line abutting the right-of-way along Adobe Road or SR-62 in the CO, CN, CT, CG, and CS land use districts.
 4. Alternative materials for screening purposes may be approved by the Community Development Director or the Planning Commission as part of a discretionary permit approval.
 5. Barbed wire shall not be permitted or maintained in or about the construction of a fence, wall or screen located within any setback area.
 6. No sharp wire or points shall project at the top of the fence or wall 6 feet or less in height.
- B. Maintenance. Fences, walls and screens shall be continuously maintained in an orderly and good condition.

19.74.060 Requirements by Land Use Type

A. Applicable to All Land Use Types.

1. Fencing and Walls for Pools, Spas and Similar Features. Swimming pools, spas and other similar water features shall be enclosed in compliance with Building Code requirements.
2. Temporary Fences. Nothing in this Chapter shall be deemed to prohibit the erection of a temporary fence around construction projects in compliance with the Building Code and other applicable requirements of the Development Code.

B. Residential and Public Districts.

1. **Maximum Height.** The height of fences, walls or screening (including landscape) in residential and public districts is limited according to Table 19.74.060-1 (Maximum Height of Fences, Walls and Screens in Residential and Public Land Use Districts).

Table 19.74.060-1
Maximum Height of Fences, Walls and Screens in Residential and
Public Land Use Districts

Location of Fence/Wall/Screening	Maximum Height
Required front yard area	6 ft
Required rear and interior side yard area	8 ft ⁽¹⁾
Required street side yard area	8 ft ⁽²⁾
At intersections of streets, alleys, and driveways within the clear site triangle ⁽³⁾	2.5 ft
All other areas of lot	8 ft

1. For through lots where the rear yard is adjacent to the front yard of adjoining property, the height of fences, walls or screening shall not exceed 4 feet within a setback area equal to the front yard setback of the adjoining property.

2. The maximum height of a fence, wall or screen shall be 4 feet within the street side yard of a reverse corner lot.

3. See definition of clear site triangle in Chapter 19.06 (Definitions).

2. **Required Walls.** A solid masonry wall shall be provided between uses as follows:
 - a. An 8-foot solid masonry wall shall be required between any parking areas developed on a parcel zoned for multiple-family residential uses (RM or R-HD zones) and an abutting parcel zoned for single-family residential (RL or RS zone), except that the masonry wall shall not exceed 4 feet in height within the required front yard setback.
 - b. An 8-foot solid masonry wall shall be required between any parking areas developed on a parcel zoned high density residential (R-HD) and an abutting parcel zoned multi-family residential (RM), except that the masonry wall shall not exceed 4 feet in height within the required front yard setback.

C. Commercial Districts.

1. **Maximum Height.** The height of fences, walls or screening in commercial land use districts is limited according to Table 19.74.060-2 (Maximum Height of Fences, Walls and Screens in Commercial Land Use Districts).

Table 19.74.060-2
Maximum Height of Fences, Walls and Screens in Commercial Land Use Districts

Location of Fence/Wall/Screening	Maximum Height
Required front yard area	6 ft
Required rear and interior side yard area	8 ft ⁽¹⁾
Required street side yard area	8 ft
At intersections of streets, alleys, and driveways within the clear site triangle ⁽²⁾	2.5 ft
All other areas of lot	8 ft

1. For through lots where the rear yard is adjacent to the front yard of adjoining property, the height of fences, walls or screening shall not exceed 4 feet within a setback area equal to the front yard setback of the adjoining property.

2. See definition of clear site triangle in Chapter 19.06 (Definitions).

2. Required Walls. A solid masonry wall shall be provided as follows:

- a. An 8-foot solid masonry wall shall be required between any parcel zoned for commercial land use uses and an abutting parcel zoned for residential or public uses, except that the masonry wall shall not exceed 4 feet in height within the required front yard setback.

3. Screening.

- a. **Screening of Mechanical Equipment.** Mechanical equipment, including rooftop equipment, shall be screened by a permanent parapet wall and shall not be visible from grade level or adjacent street elevations. Such screening shall extend a minimum of six inches above the highest portion of the equipment and shall be readily accessible for maintenance.
- b. **Screening of Commercial Loading Docks and Trash Storage Areas.** Loading docks and trash storage areas shall be screened from public view, adjoining public streets and rights-of-way, and residentially zoned areas. The method of screening shall be architecturally compatible with other on-site development in terms of colors and materials.

D. Industrial Districts.

- 1. **Maximum Height.** The height of fences, walls or screening in industrial land use districts is limited according to Table 19.74.060-3 (Maximum Height of Fences, Walls and Screens in Industrial Land Use Districts).

Table 19.74.060-3
Maximum Height of Fences, Walls and Screens in Industrial Land Use Districts

Location of Fence/Wall/Screening	Maximum Height
Required front yard area	8 ft
Required rear and interior side yard area	10 ft ⁽¹⁾
Required street side yard area	8 ft
At intersections of streets, alleys, and driveways within the clear site triangle ⁽²⁾	2.5 ft
All other areas of lot	10 ft

1. For through lots where the rear yard is adjacent to the front yard of adjoining property, the height of fences, walls or screening shall not exceed 4 feet within a setback area equal to the front yard setback of the adjoining property.

2. See definition of clear site triangle in Chapter 19.06 (Definitions).

2. Required Walls. A solid masonry wall shall be provided as follows:

- a. A 10-foot solid masonry wall shall be required between any parcel zoned for industrial land uses and an abutting parcel zoned for residential uses, except that the masonry wall shall not exceed 6 feet in height within the required front yard setback.
- b. At the discretion of the approving authority, a solid masonry wall up to 10 feet in height may be required between any parcel zoned for industrial land use uses and an abutting parcel zoned for commercial uses, where such wall is necessary to address land use or activity incompatibilities. The masonry wall shall not exceed 6 feet in height within the required front yard setback.

3. Screening.

- a. **Screening of Mechanical Equipment.** Mechanical equipment, including rooftop equipment, shall be screened by a permanent parapet wall and shall not be visible from grade level or adjacent street elevations. Such screening shall extend six inches above the highest portion of the equipment and shall be readily accessible for maintenance.
- b. **Screening of Commercial Loading Docks and Trash Storage Areas.** Loading docks and trash storage areas shall be screened from public view, adjoining public streets and rights-of-way, and residentially zoned areas. The method of screening shall be architecturally compatible with other on-site development in terms of colors and materials.