ORDINANCE NO. 2360

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE RELATING TO VARIOUS AMENDMENTS TO TITLE 16 OF THE VICTORVILLE MUNICIPAL CODE, INCLUDING BUT NOT LIMITED ADMINISTRATION, DEFINITIONS, DEVELOPMENT STANDARDS, PERMITTED & CONDITIONAL LAND USES, OFF-STREET PARKING, NUISANCES, AND ASSORTED CORRECTIONS/UPDATES WITH AN ENVIRONMENTAL EXEMPTION

WHEREAS, Pursuant to Article XI, Section 7 of the California Constitution, the City of Victorville (City") is authorized to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, Pursuant to Title 7, Division 1, Chapter 4, Article 2, Section 65850 of the Government Code of the State of California, the City may adopt by ordinance regulations affecting the use of buildings, structures and land, the location, height, bulk, number of stories and size of buildings, the size of lots, yards, courts and other open spaces, the percentage of a lot that may be occupied by a building or structure, the intensity of land use, and requirements for off-street parking and loading and building setback lines; and

WHEREAS, Pursuant to Title 7, Division 1, Chapter 4, Article 2, Section 65850 of the Government Code of the State of California, the City has adopted Title 16, Chapter 2, Article 1, Section 16-2.01.010 of the Victorville Municipal Code, providing the authority to amend Title 16 of the Victorville Municipal Code; and

WHEREAS, pursuant to Section 16-2.01.020 of the Victorville Municipal Code, the City of Victorville Development Department has initiated an amendment to the Victorville Municipal Code as a means to update and clarify its provisions, as well as provide for a cohesive Municipal Code whose individual Titles and sections are integrated and coordinated with one another; and

WHEREAS, Pursuant to Title 7, Division 1, Chapter 4, Article 2 of the Government Code, State of California and Section 16-2.01.040 of a Victorville Municipal Code, the Victorville Planning Commission held a public hearing that was opened on September 14,

2016, and closed October 19, 2016, to hear arguments for and against the Ordinance relating to various amendments to Title 16 of the Victorville Municipal Code (the "Development Code") and; after hearing all testimony offered; the Victorville Planning Commission adopted Resolution No. P-16-034, which recommended to the City Council the adoption of Municipal Code amendments specified in Planning Case No. DEV16-00004; and

WHEREAS, the City Council finds that there is a need for clarifying and modifying the Development Code, including the land use table, in order to keep the Victorville Municipal Code current and reduce confusion or discrepancies; and

WHEREAS, the City Council finds that adding and updating definitions in the Development Code will aid in land use decisions and assist the public and developers with land use needs; and

WHEREAS, the City Council finds that the proposed amendments relating to the administration and composition of the development code will provide the Zoning Administrator and Planning Commission appeal authority over land use related animal care and control issues due to the animal care and control division being placed within the development department, as well as to ensure appropriate approval authorities are provided opportunities to review projects in their entirety; and

WHEREAS, the City Council finds that the proposed amendments relating to zoning and land use requirements will: enable the Planning Commission and City Staff the ability to clearly interpret and enforce the standards of the Development Code, modify land use allowances in order to enhance the quality of life for residents and provide a hierarchy of land uses which are in accordance with the intent of the City's zoning districts, add development standards that will require new construction and additions to match existing development patterns and enforce the provisions of the Development Code as they were intended to be regulated, update parking lot and access standards in accordance with fire department standards and provide for enhanced circulation and maintenance within parking facilities, and

maintain the intent of residential districts and protect the standards of the single-family design guidelines by prohibiting commercial vehicle parking in residential districts; and

WHEREAS, the City Council finds that the proposed amendments relating to code enforcement will provide a means for code enforcement officers to effectively enforce the provisions of the Municipal Code, as well as any standards or requirements imposed by the City Council, Planning Commission, or other City regulations; and

WHEREAS, the City Council finds that multiple typographical errors and incorrect notations will be resolved with this amendment, which is pertinent in order to provide a Development Code that is clear, enforceable, and readable by the public and City Staff; and

WHEREAS, the City Council finds on their own independent judgment that this project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) based upon CEQA Guidelines Section 15061(b)(3), as it can be seen with certainty that there is no possibility that the proposed amendments will have a significant effect on the environment inasmuch as the amendments do not increase land use allowances or modify existing standards in a manner that will negatively affect the environment, as they are intended to update and clarify the existing Municipal Code, as well as adjust its provisions in accordance with current policies and enforcement practice, which cumulatively aim to promote health, safety and welfare of the community and its residents; and

WHEREAS, Pursuant to Title 7, Division I, Chapter 4, Article 2 of the Government Code of the State of California and Section 16-2.01.060 of the Victorville Municipal Code, a duly noticed Public Hearing was held by the City Council on the 15th day of November, 2016 to hear arguments for and against the code amendments, and after hearing all verbal and written testimony offered, including the Planning Commission's recommendation and minutes, and after thoroughly reviewing and considering the code amendments, the City Council approved the recommendation of the Planning Commission; and

WHEREAS, the City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

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

Section 1. Recitals

The recitals set forth above are true and correct, and are hereby incorporated by this reference as if set forth in their entirety.

Section 2. Certification

The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published according to law.

Section 3. Additions, Deletions, and Revisions of Various Sections of Title 16 to the Victorville Municipal Code

That Title 16 of the Victorville Municipal Code be amended as follows (with included legend defining existing, new, and deleted text by means of underscores, strikethroughs, and italicization for reference only):

Legend
Existing Text
~~Deleted Text~~
Revised Text
New Text
{Editing Notes}

Chapter 1: Development Department
Article 2: Composition

Sec. 16-1.02.040: Zoning Administrator ***Addition***

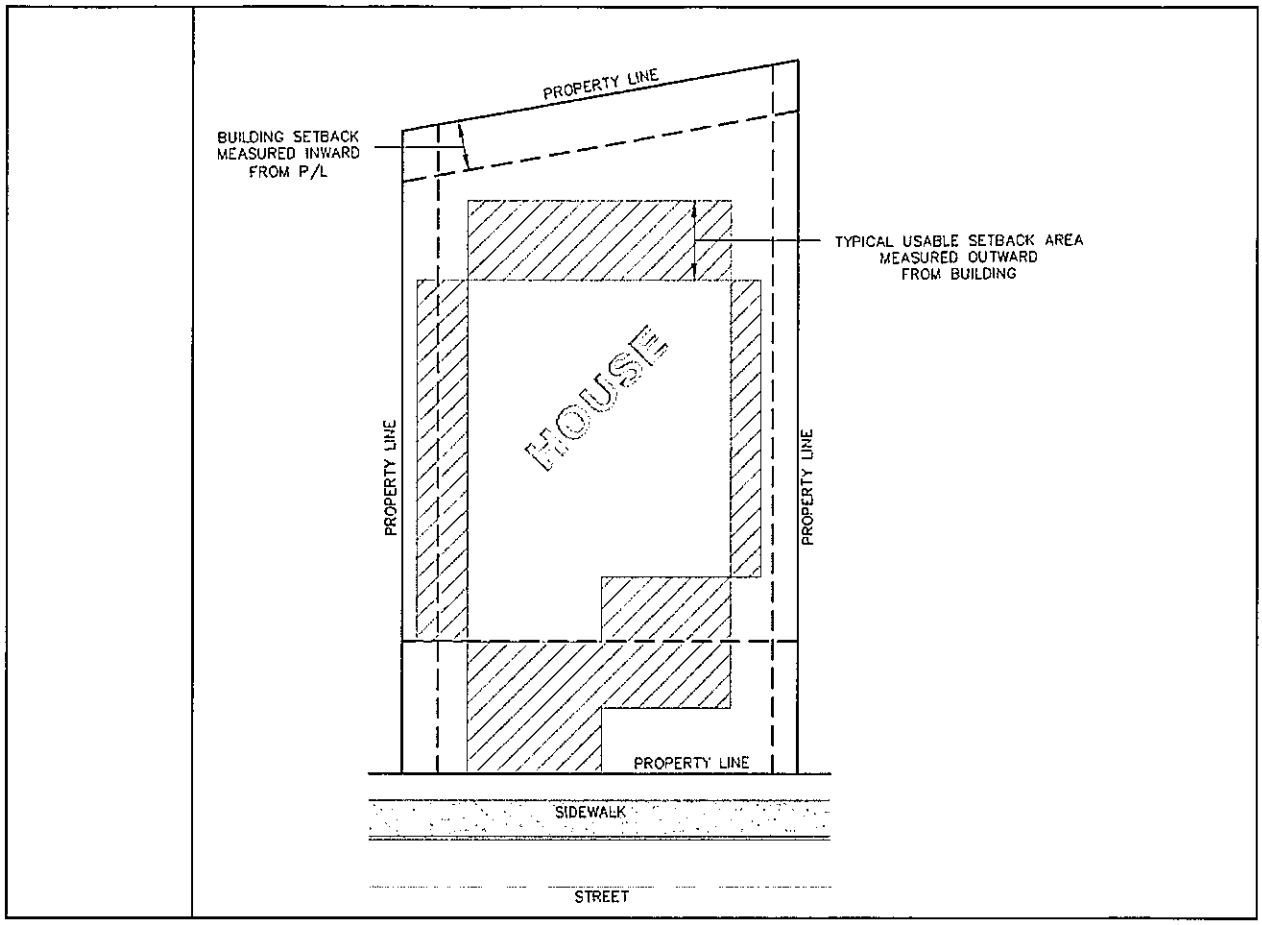
a) Established. Pursuant to State Government Code, there is hereby created and established in the City of Victorville, the position of Zoning Administrator, which shall be appointed by the City Manager or his designee.
b) Powers and Duties. The Zoning Administrator shall have the power and duty to review and make decisions on those application types identified in Table 5-1 (Permit Approval Matrix) of Chapter 2 Article 5 *of this Title*. The Zoning Administrator shall have final authority over land use related *Animal Control and* Code Enforcement issues*, subject to the appeal rights specified in Chapter 2, Article 2 of this Title*.
c) Meetings. The Zoning Administrator shall adopt rules and procedures governing meeting business, conduct and actions within the Zoning Administrator's jurisdiction and setting timeframes for such meetings.

Chapter 1: Development Department
Article 3: Definitions

Sec. 16-1.03.010: - Definitions ***Additions/Changes***

Appliance Repair, Small	*a business that repairs or services machines that are powered by electricity, natural gas, or similar means, that is typically used in home, office, and/or personal applications to perform a particular job, and which do not require heavy equipment to move and/or service*
Bar/Nightclub	*means any business, excluding a bona fide eating place, maintained and operated for the sale and service of alcoholic beverages, with or without live entertainment, and in which food may be sold or served incidentally to the sale or service of alcoholic beverages. This definition shall also include those establishments known variously as cocktail lounges, dance clubs, discos, honky-tonks, etc., which may or may not charge a fee to enter the premises (i.e. cover charge, entry fee, etc.), and provide the sale and service of alcoholic beverages.*
Billiard Parlor	*An establishment that provides more than 2 billiard or pool tables or has 50 percent or more of the public floor area devoted to the use of billiard or pool tables by the public for compensation, whether or not the use of billiard or pool*

	tables constitute the primary use or an accessory or incidental use. The terms "Billiard Parlor", "Pool Hall", and "Billiard/pool rooms" may be used interchangeably.
Convalescent	*a facility, place, or land use, excluding hospitals, that is operated for the long term care and treatment of seniors inflicted with human illness or requiring physical or mental care, rehabilitation, etc., including uses such as assisted living, hospice care, nursing home, rest home, skilled nursing, etc.*
Fence, visibility	*a fence, excluding chain link fencing, that allows visibility though its barrier, and does not restrict or block visibility out of or into the premise.*
Recreational Vehicle	a motorhome, camping and/or travel trailer including a fifth wheel, camper, boat, personal watercraft, off-highway vehicle, *utility trailer,* with or without motive power, and their trailering vehicles, if applicable, designed for outdoor recreational activity *and/or operation on public or private property.*
Setback, Front Yard	the area which defines the depth of the required front yard. The prescribed front yard setback shall be measured perpendicularly from the front property line. ~~Required yard setbacks, measured outward from a single family dwelling, shall be useable area.~~ *Refer to Yard definition for useable area measurements.*
Setback, Rear Yard	the area that defines the depth of the required rear yard. The prescribed rear yard setback shall be measured perpendicularly from the rear property line. ~~Required yard setbacks, measured outward from a single family dwelling, shall be useable area.~~ *Refer to Yard definition for useable area measurements.*
Setback, Side Yard	the area that defines the width of a required side yard. The prescribed side yard setback shall be measured perpendicularly from the interior or street side property line. ~~Required yard setbacks, measured outward from a single family dwelling, shall be useable area.~~ *Refer to Yard definition for useable area measurements.*
Yard	~~a space on the same lot with a building or structure which is open and unobstructed, including parked vehicles, except as otherwise provided in this title, from the ground upward. Neither landscaping nor ordinary outdoor furnishings shall be deemed to obstruct a yard, nor shall any underground structure or part of an underground structure which extends less than eighteen inches above the ground level. Required yard setbacks, measured outward from a single family dwelling, shall be useable area.~~ *means an open area that lies between the wall plane of a primary structure and the nearest property line within which no structures may be located, unless otherwise specified in this Title. Yards shall have a minimum usable area abutting the primary structure equal to the required setback dimension of the respective yard as measured perpendicularly from the primary building.* *{Editing Note: Insert graphic depiction of useable yards and setbacks}*



Chapter 2: Administration
Article 3: Enforcement of Code

Sec. 16-2.03.040: Violations ***Change***

Any person violating any provision of *this Title* ~~the Code~~ shall be punishable as set forth in ~~Chapter 2 of~~ Title 1 *Section 1.04.010* of the Municipal Code. Any *such* violation ~~of the provisions of the Code~~ shall be deemed to be a continuing violation until such violation has been abated.

Chapter 2: Administration
Article 5: General Administration

Sec. 16-2.05.010: Permits and approval authority ***Addition/Change***

Table 5-1 sets forth all permits and approvals which may be necessary as required by the Development Code, as well as approving authority and appeal body. *When a project includes approvals by multiple approving authorities, the highest level of approving authority shall be responsible for the final review and approval of the project based upon recommendations made*

by the preceding approval authority, unless approval authority of specific areas of the project are otherwise delegated through conditions of approval.

Chapter 3: Zoning and Land Use Requirements
Article 7: Land Use and Special Requirements

Sec. 16-3.07.010: Permitted and conditional land uses – All zoning districts *Change*

Land and facilities shall only be developed, divided and/or used for those activities listed in Table 7-1 (Permitted, Conditional, Accessory and Temporary Land Uses - All Districts). Table 7-1 establishes uses that are permitted, conditionally permitted or not permitted within each Zoning District established by Article 6 (Zoning Districts and Boundaries) of this Chapter. Article 2 of this Chapter describes the procedures required to obtain a Conditional Use Permit.
The designation "P" means that the use is permitted in the particular Zoning District as long as all other zoning district and special criteria requirements are met. The designation "C" means that a Conditional Use Permit must first be granted by the Zoning Administrator or Planning Commission before the use is allowed in a particular district. Those uses designated with a dash (-) are not permitted within that zoning district. Those *primary* uses not listed are prohibited unless a determination is made by the Zoning Administrator based on the similarity of the subject use to one of the uses listed within a subject district. *Those accessory uses not listed are prohibited unless a determination is made by the Zoning Administrator that the accessory use is ancillary to the primary use, and as such are permitted or conditionally permitted based upon the nature of use and the primary use it serves.* Any use which violates local, state or federal laws is also prohibited.
No land use shall be permitted that is not consistent with the objectives, policies, general land uses and programs specified in the General Plan. A land use is consistent with the General Plan if, considering all of its aspects, it is found to further the objectives and policies of the General Plan. Appeals of land use determinations shall be as provided in Article 2 (Appeals) of Chapter 2 of this Title.

Table 7-1 Permitted, Conditional, Accessory and Temporary Land Uses – All Zoning Districts *Change*

{Editing Note: See attached Table 7-1 "Land Use Table"}

Sec. 16-3.07.020: Special requirements for certain permitted and conditional uses *Addition/Change/Deletion*

(a) **Alcohol sales**

(3) Distance requirements

(i) No off-site alcoholic beverage establishment shall be located within 600 feet of residentially zoned property, public or private schools, religious facilities, or parks or playgrounds, except:

a. A general retail store, or grocery store, or retail pharmacy with greater than 8,000 square feet of gross floor area and a maximum of 10 percent of the gross floor area devoted to the sale and display of alcoholic beverages, unless a larger percentage of display is otherwise approved by the Planning Commission; or

b. A convenience market with a maximum of 10 percent of the retail display area devoted to the sale and display of alcoholic beverages, limited to off-site beer and wine, non-fortified products only. Retail display area includes all floor area within the establishment that is accessible and within view of customers, including aisles, and floor area occupied by shelves, counters, and refrigerator coolers.

(ii) No Bar or Nightclub that sells alcoholic beverages for on-site consumption shall be located within 600 feet of residentially zoned property, public or private schools, religious facilities, or parks or playgrounds. *A micro-brewery, licensed and classified by the California Department of Alcoholic Beverage Control as a Small Beer Manufacturer (License Type 23), or a Billiard Parlor as defined in this Title, shall not be considered a Bar or Nightclub.*

(iii) For purposes of this section, distances shall be measured between the closest property lines of the affected locations.

(4) Operational standards – applicable to -off-site alcoholic beverage sales activities

(i) Off-site alcoholic beverage sales activities shall be designed, constructed, and operated to conform to all of the following operational standards and alcohol sales limitations:

a. An establishment selling alcoholic beverages shall not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.

b. An establishment selling alcohol for off-site consumption shall be prohibited from selling single-serve alcoholic beverages *as follows*:

1. Individual containers of ~~, including, but not limited to,~~ beer, malt liquor and alcoholic energy drinks of any size; *individual containers of* wine of less than 750ml in size; *individual containers of* distilled spirits of less than 375ml in size; or any other individual *container of* alcoholic beverage for single-serve consumption. This restriction shall not be required of an establishment consisting of a general retail store, a grocery store, or a retail pharmacy with greater than 8,000 square feet of gross area. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of two or more gallons, which are clearly designed to dispense multiple servings. ~~This restriction does not apply to existing establishments selling alcoholic beverages for off-site consumption with an active beer, wine or liquor license established prior to July 18, 2013 (the effective date of Ordinance 2299), unless the license has lapsed for more than 90 or more consecutive days, or was originally prohibited from selling single serve alcoholic beverages through a Conditional Use Permit, a Finding of Public Convenience or Necessity and/or a through a Department of Alcoholic Beverage Control license.~~

2. Wine in bottles or containers smaller than 750ml; individual containers of distilled spirits of less than 375ml in size; wine coolers, beer, malt liquor and alcoholic energy drinks in containers of any size; and/*or any other individual alcoholic beverage for single-serve consumption shall only be sold in the manufacturer's pre-packaged multi-unit quantities.*

The above restrictions do not apply to existing establishments selling alcoholic beverages for off-site consumption with an active beer, wine or liquor license established prior to July 18, 2013 (the effective date of

Ordinance 2299), unless the license has lapsed for 90 or more consecutive days, or was originally prohibited from selling single-serve alcoholic beverages through a Conditional Use Permit, a Finding of Public Convenience or Necessity and/or through a Department of Alcoholic Beverage Control license.

c. An establishment selling alcoholic beverages shall not result in nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, sales to minors or police detentions and arrests.

d. An establishment shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code §§ 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.

e. The premises upkeep and operating characteristics shall be compatible with, and shall not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

f. An establishment shall comply with the following public nuisance prevention measures:
   1. Lighting: Exterior areas of the premises and adjacent parking lots shall be provided with sufficient lighting in a manner that provides adequate illumination for alcohol establishment patrons while not spilling onto surrounding residential and commercial properties. A photometric study may be required to demonstrate compliance.
   2. Litter: Adequate litter receptacles shall be provided on site and in the building. The premises shall be kept free of the accumulation of litter and shall be removed no less frequently than once each day the business is open.
   3. Loitering: The establishment's operators or employees shall be required to discourage loiterers and to ask persons loitering longer than fifteen minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so.
   4. Signage: There shall be no exterior advertising of alcoholic products, or tobacco and paraphernalia or similarly controlled products.
   5. Signs: The following signs shall be required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English and Spanish:
      i. "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age."
      ii. "No Loitering or Public Drinking."
      iii. "It is illegal to possess an open container of alcohol in the vicinity of this establishment."
   6. Presentation of Documents: A copy of the conditions of approval and the California Department of Alcoholic Beverage Control license

shall be required to be kept on the premises and presented to any enforcement officer or authorized state or county official upon request.

7. Mitigating Alcohol Related Problems: The establishment shall be required to operate in a manner appropriate with mitigating alcohol related problems that negatively impact those individuals living or working in the neighborhood including but not limited to congregation of individuals, violence, drunkenness, public urination, solicitation, drug-dealing, drug use, and loud noise on or near the premises. Such mitigation measure shall include the operators and employees of the establishment maintaining adequate surveillance of the premises and nearby areas and contacting local law enforcement officials during the early stages of a disturbance.
8. Drug Paraphernalia: An off-site alcohol establishment shall be prohibited from selling drug/tobacco paraphernalia products as defined in Health and Safety Code sections 11014.5 and 11364.5. "Drug paraphernalia" means all equipment products and materials of any kind that are used intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act commencing with California Health and Safety Code section 11000.
9. Prohibited Vegetation: Exterior vegetation shall not be planted or maintained that could be used as a hiding place for persons on the premises. Exterior vegetation may be planted and maintained in a manner that minimizes its use as a hiding place.
10. Window Obstructions: To ensure a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance, no more than 15% of windows and entry doors shall be blocked by signs, vending machines, shelves, racks, storage, etc.
11. Training: Each off-site operator and their employees selling alcohol shall complete the Responsible Beverage Service (RBS) Training component. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board or other certifying/licensing body designated by the state of California. Proof of completion shall be kept on the premises and provided to City officials within 48 hours of a written request.
12. Posting of Documents: A copy of these operational standards, any applicable ABC or city operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

(ii) Failure to comply with any of these requirements shall constitute grounds for revocation of a conditional use permit and/or business license. These above requirements, shall not be considered the sole grounds for revocation of a conditional use permit and/or business license.

~~(f) Internet café operating requirements~~
~~(j)Recycling facilities located within shopping center parking lots~~
~~(m)Smoking lounge operating requirements~~

{Editing Note: Delete the noted subsections "(f)", "(j)", & "(m)" in their entirety and label remaining subsections accordingly (a)-(l)}

Sec. 16-3.07.040: Accessory uses for commercial and industrial ***Addition/Change***

An accessory use is permitted in any commercial and/or industrial district as noted on the Land Use Table and as subject to the following limitations:
(a)Administrative office;
(b)Day nursery or day care facility;
(c)Outdoor seating in conjunction with restaurants, if ~~permitted by the Director of Development~~ *approved in conjunction with a Minor Site Plan*;
(d)Outdoor play areas associated with fast-food restaurants*, if approved in conjunction with a Minor Site Plan*;
(e)Outdoor cooking in conjunction with a restaurant or other food related use*, if approved in conjunction with a Minor Site Plan*;
(f)Outdoor display of retail products in accordance with the following requirements:
(1)The area of sidewalk used for the display and/or sale of merchandise does not exceed one square foot for every one hundred square feet of indoor space of the establishment maintaining the display,
(2)The display area is configured such that pedestrian traffic is not impeded, and
(3)Such outdoor displays shall be maintained in a neat and orderly fashion wherein the merchandise shall be contained at all times.
(g)Recycling facilities- small manned collection:
(1)The facility shall not take up required parking spaces.
(2)Shall be located outside of the primary (high traffic) parking field.
(3)Shall only be located in shopping center sites that have a grocery/supermarket over 25,000 square feet in size.
(4)The facility shall not encroach into existing or proposed drive aisles.
(5)A designated area for customers to congregate in front of the facility shall be delineated. This area shall also not encroach into any required parking stalls or drive aisle.
(6)The area surrounding the facility shall be maintained and free of trash and debris at all times. Also, the structure shall be well maintained and remain free of graffiti.
(7)The concrete and/or asphalt surface around the facility shall be pressure washed on a frequent basis to remove beverage residue.
(8)The facility shall not be located within 200 feet of a residential district.
(9)The structure shall not exceed 500 square feet in size.
(10)An accessible path of travel shall be provided to the facility and shall also include access to an accessible parking stall.
(11)Painted signs are prohibited.
(12)The facility shall be manned during business hours. No unmanned facilities are permitted.
(13)The structure shall be compatible with the surrounding buildings and shall be improved, so that the structure does not appear as a storage container.
The following additional standards shall apply to recycling facilities that are located in-front of the primary wall plane of the Anchor Store(s) and/or are visible from public rights-of-way:
(14)The facility shall be architecturally designed as a permanent structure and match adjacent buildings in style, roof, color and material.

(15)Permanent landscaping shall be provided on the sides of the facility.
(16)The loading area (rear access doors) shall not be visible from the public right-of-way.
(17)The structure shall be setback a minimum of 100 feet from a public street.

(~~g~~*h*)Restaurant, café or cafeteria;
(~~h~~*i*)Accessory uses shall not exceed a total of ten percent of the total floor area of the principal use occupying the building.
(~~i~~*j*)The open storage of materials, products, and equipment is allowed, except when adjacent to a residential zone district. The open storage of materials, products and equipment shall be screened from public view by a wall, building, or other means, not less than six feet in height, adequate to conceal the storage.

~~**Note:** The Zoning Administrator shall have approval discretion for accessory uses not specifically listed in this section.~~

Chapter 3: Zoning and Land Use Requirements
Article 8: Residential Districts

Table 8-2: Residential Development Standards ***Change***

Residential Zoning Districts	AE	A	S-R	R-1 (7,200)	R-2	R-3	R-4	MDR	R-MPD
Site Requirements									
Maximum Lot Coverage	~~40%~~	~~40%~~	~~40%~~	~~40%~~	~~40%~~	~~40%~~	~~50%~~	~~40%~~	~~60%~~
	40%								

{Editing Note: Delete entire row with individual percentages, and replace with all inclusive "40%" row inclusive of all Residential Zoning Districts}

Residential Zoning Districts	AE	A	S-R	R-1 (7,200)	R-2	R-3	R-4	MDR	R-MPD
Accessory Structure Requirements[4]									
Maximum Height (in FT)	20	20	~~15~~ *10*[5][6]	~~15~~ *10*[5][6]	15	15	15	15	15
~~Rear & Side Yard~~ Setbacks[6]									
Structures that do not require a building permit	None, provided the roof system does not extend beyond the property line *and the structure does not exceed seven (7) feet in height*.								
Structures that require a building permit (in FT) *or exceed a height of seven (7) feet.*	5								

(5)An accessory structure with a height in excess of ~~fifteen (15)~~ *ten (10)* feet shall comply with the setback requirements for a primary building and shall not exceed the height of the primary structure or thirty (30) feet, whichever is less.
(6)*Excluding multi-family developments,* all accessory structures shall be located at or behind the front yard plane of the principal structure, *shall not exceed seven (7) feet in height when located within five (5) of the side or rear property lines* ~~shall not be located within a street side setback~~ and shall meet all current Building Code requirements.

(9) Decorative garden walls, fences, railings, pilasters and retaining walls that are not intended to enclose the front yard area are allowed not to exceed 3 feet in height with the allowance of pilasters to extend no more than 4 feet in height. However, properties within ½ acre minimum lot size districts or larger are allowed enclosure fencing not to exceed 4 feet in height, *and properties that utilize visibility fencing are allowed enclosure fencing not to exceed the height requirements herein,* unless otherwise regulated by this chapter.

{Editing Note: Existing text and notes of Table 8-2 not included in this revised text shall remain as codified}

Chapter 3: Zoning and Land Use Requirements
Article 21: Off-street Parking

Table 21-1. Off-street parking and loading requirements ***Change***

Land Use Type		Parking Requirement	Additional Parking or Parking Credit
Commercial	Commercial		
	Restaurant, café, cafeteria, bar, cocktail lounge, nightclub and similar uses	1 space per 100 sq. ft.	Credit - 1 space per 20 lineal feet of drive-thru stacking area, *with a maximum credit of 2 spaces per drive-thru*

{Editing Note: Existing text and notes of Table 21-1not included in this revised text shall remain as codified}

Sec. 16-3.21.050: Standards for off-street parking facilities ***Change***

(a) Size of parking facilities shall be as follows:

(3) The size of parking spaces and aisle width for all nonresidential uses shall conform to the minimum dimension and access requirements as outlined in Figures 21-1, 21-2 and 21-3. All two-way drive aisles shall be a minimum of ~~twenty-five~~ *twenty-six* feet in width and one-way drive aisles shall be a minimum of twelve feet in width unless otherwise noted in the ~~above~~ *noted* figures. Parking spaces abutting walls ~~and/or planters~~ along the length of the space shall provide an additional one-foot of width. Compact car parking spaces shall not be included when calculating required off-street parking. Compact car parking spaces are permitted only in excess of required off-street parking. Compact car parking shall be located at the peripheral of the site and shall meet the compact car standards shown in Figure 21-2. In those instances where a compact car stall is immediately adjacent to a standard car stall, the compact car stall shall be nine feet in width. All compact car spaces shall be designed, located and clearly labeled on the required parking spaces plan. Each compact car stall shall have a stencil reading "COMPACT CAR ONLY," with a required height of eight inches, placed at its entrance.

(b) Location of parking facilities shall be as follows:
(3) Recreational vehicles can be stored on any lot provided:
(i)the required off-street parking areas are not utilized and access thereto is not obstructed;
(ii)said recreational vehicles must be under the same ownership as either the owner of the residential lot or the tenant; and
(iii)no parking occurs within the area located between the front and/or side property line and the primary plane of the building abutting any street; unless in a designated driveway that does not exceed the width of the garage.
~~These regulations shall not restrict the storage of a recreational vehicle on a residential lot in compliance with previous regulations.~~ Recreational vehicles under ownership by an individual or individuals other than the residents of the subject property may be stored on any lot in compliance with subsection (3)(i) *and (3)(iii)* so long as a permit is obtained from the Victorville Development Department and a fee is paid in accordance with the adopted fee schedule to cover administrative costs. Said recreational vehicle shall not be stored more than twenty-one consecutive days per quarter annually. No quarterly twenty-one-day periods, or portions thereof, shall run consecutively;

(d) Development and maintenance of parking areas: All private streets, public or private parking areas, excluding single-family dwellings and duplexes, including commercial parking lots, vehicle sales area and service stations shall be developed and maintained in good condition in accordance with the provisions of this Article. The maintenance thereof may include, but shall not be limited to, the repaving, oiling, ~~and~~ striping, *and sweeping* of a parking area and the repair, restoration and/or replacement of any parking area design features outlined in this Article when deemed necessary by the Zoning Administrator to insure the health, safety and welfare of the general public.

{Editing Note: Existing sub-sections of Section 16-3.21.050 not included in this revised text shall remain as codified}

Sec. 16-3.21.070: Prohibited on-site parking
Change

(a)There shall be no parking and/or storage of large vehicles and/or heavy equipment in residential zone districts or on property used for residential purposes. Large vehicles refer to tractor-trailers, 18-wheelers, or the cab portion and shall exclude all recreational vehicles. ~~An exception is made for those properties zoned R-1 which are one-half acre or larger in size where a combination tractor-trailer can be parked so long as:~~
~~(1)The property was annexed into the City after 2010;~~
~~(2)Evidence is submitted to prove that the property owner was engaged as a tractor-trailer truck driver from the residence prior to the property being annexed;~~
~~(3)The vehicle occupies no part of the front yard;~~
~~(4)The vehicle has no mechanical equipment activated while parked.~~
(b)~~Nothing in this Section shall allow for any commercial vehicle that carries hazardous materials and/or hazardous waste, as defined by the Department of Transportation Code of Federal Regulations, Title 49, or any commercial vehicle that contains hazardous residue, to be parked and/or stored at any occupied residence.~~
~~(c)~~Parking of any vehicle on a single-family residential lot shall be prohibited in the area located between the front and/or side property line and the primary plane of the building abutting any street; unless in a designated driveway that does not exceed the width of the garage.

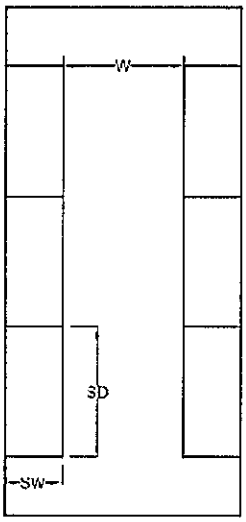
Figure 21-1 Required Standards for Large Car Aisles and Angled Parking ***Change***

ATTACHMENT "A-1"

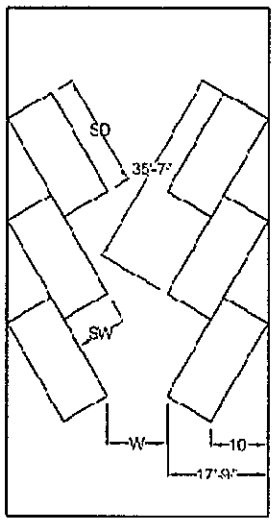
REQUIRED STANDARDS FOR LARGE CAR
AISLES AND SPACES FOR VARIOUS ANGLES OF PARKING

ANGLE OF PARKING (IN DEGREES)	STALL WIDTH (SW) (IN FEET)	STALL DEPTH (SD) (IN FEET)	AISLE WIDTH *1-WAY (W) (IN FEET)	AISLE WIDTH 2-WAY (W) (IN FEET)
0	10	23	12	26
30	9	20	12	26
45	9	20	14	26
60	9	20	18	26
90	9	20	25	26

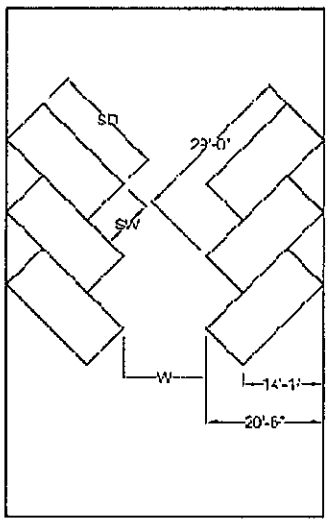
* ANY 1-WAY DRIVE AISLE USED FOR EMERGENCY ACCESS SHALL BE A MINIMUM OF 20' IN WIDTH



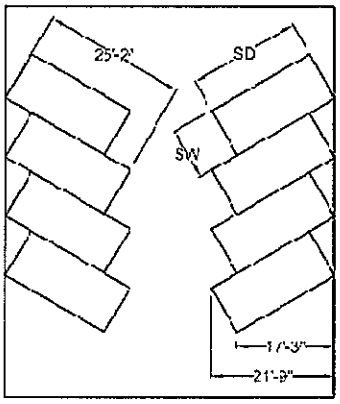
0 DEGREE / PARALLEL



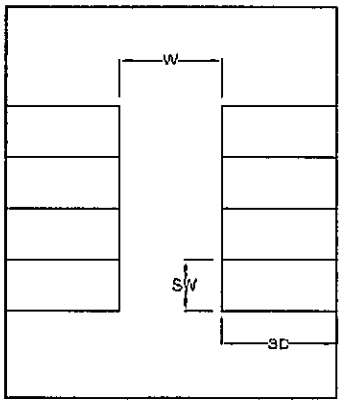
30 DEGREE ANGLE



45 DEGREE ANGLE



60 DEGREE ANGLE



90 DEGREE ANGLE

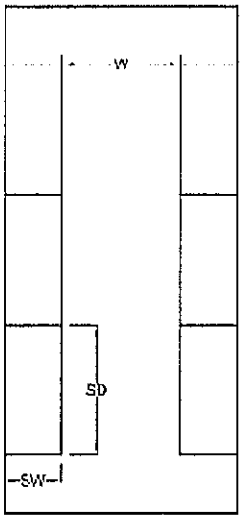
Figure 21-2 Required Standards for Compact Car Aisles and Angled Parking *Change*

ATTACHMENT "A-11"

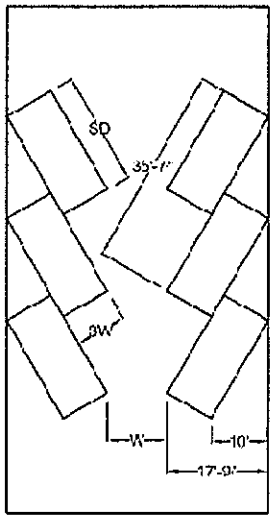
REQUIRED STANDARDS FOR COMPACT CAR
AISLES AND SPACES FOR VARIOUS ANGLES OF PARKING

ANGLE OF PARKING (IN DEGREES)	STALL WIDTH (SW) (IN FEET)	STALL DEPTH (SD) (IN FEET)	AISLE WIDTH *1-WAY (W) (IN FEET)	AISLE WIDTH 2-WAY (W) (IN FEET)
0	9	21	12	26
30	8	17	12	26
45	8	17	14	26
60	8	17	18	26
90	8	17	25	26

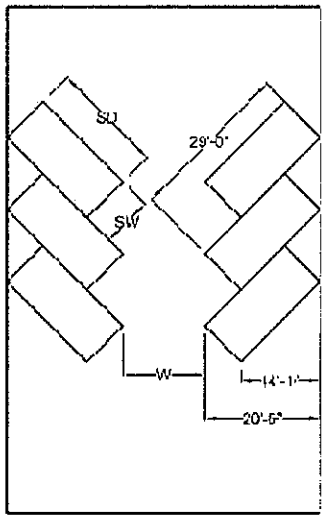
* ANY 1-WAY DRIVE AISLE USED FOR EMERGENCY ACCESS SHALL BE A MINIMUM OF 20' IN WIDTH



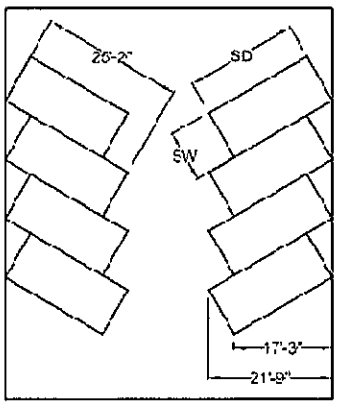
0 DEGREE / PARALLEL



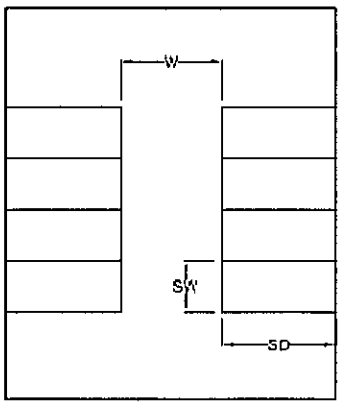
30 DEGREE ANGLE



45 DEGREE ANGLE



60 DEGREE ANGLE



90 DEGREE ANGLE

Chapter 3: Zoning and Land Use Requirements
Article 24: General Development Requirements and Exceptions

Sec. 16-3.24.030: Landscape standards ***Addition***

(d)Landscaping requirements for nonresidential lots and parking areas are as follows:

(1)All non-residential lots which abut a dedicated street shall have a planter strip along the entire property abutting the dedicated street, excluding all driveway approaches. The planter strip shall have a minimum interior width of five feet. Properties along Highways 18 (Palmdale Road) and 395 shall have a planter strip with a minimum interior width of ten feet to accommodate any applicable development standards for landscape palettes for thoroughfares.

(2)All nonresidential parking areas requiring four or more parking stalls shall provide the following interior and peripheral landscaping:

(i)All landscaping areas shall be surrounded by a concrete curb or other approved curbing having a minimum height and width of not less than six inches, including planters that abut the public right-of-way sidewalk. Landscaped areas without curbing may be substituted upon review and approval of the Zoning Administrator.

(ii)A minimum five-foot interior width landscape planter strip where any parking spaces and/or drive aisles abut an interior lot line or building.

(iii)One twenty-four-inch box tree with approved ground cover for every eight parking spaces evenly dispersed throughout the parking area within landscape fingers or tree wells:

(A)Landscape fingers and tree wells shall have a minimum interior width of five feet as measured perpendicularly from side curb;

(B)Tree wells are only permitted when parking spaces are in double stacked rows; and

(C)Double stacked landscape fingers shall have a minimum of two twenty-four-inch box trees.

(iv)A minimum five-foot interior width planter island shall be located at the end of every parking aisle/row.

(v)All landscaping areas shall be surrounded by a concrete curb or other approved curbing having a minimum height and width of not less than six inches. Landscaped areas without curbing may be substituted upon review and approval of the Director of Planning.

(vi)All parking spaces abutting landscape areas shall include access and maintenance measures as follows:

(A)Landscape areas used as front parking space overhang area shall include two feet additional interior width and be paved in accordance with Figure 21-3 entitled "Concrete Curb/Wheel Stop" or landscaped with durable ground cover that will not damage vehicles; and

(B)Landscape areas abutting the side of parking spaces, excluding individual tree wells, shall include one foot additional interior width and be paved to allow for vehicle doors to open freely and not impede passenger access to or from vehicles.

(vi)All landscaped areas shall be provided with a suitable permanent water system.

(vii)Required planters shall not exceed a three foot horizontal to one foot vertical slope ratio.

(viii)Rock ground cover shall not exceed twenty-five percent of the total for any landscaped area and such structural features as fountains, pools or art works, but such objects alone shall not meet the requirements of this Section.

(ix)The maximum spacing of all plants within the parking area is as follows:

(A)Ground cover—eighteen inches on center.
(B)One gallon plants—three feet on center.
(C)Five gallon plants—five feet on center.

{Editing Note: Existing sub-sections 'vi' – 'ix' of Section 16-3.24.030(d)(2) shall be renumbered 'vii' – 'x' accordingly; and existing sub-sections of Section 16-3.24.030 not included in this revised text shall remain as codified}

Sec. 16-3.24.070: Projections into yards ***Addition***

The following features of a building may project into a required yard to the extent specified:

(a) Cornices, eaves, fireplaces, or other architectural features which do not increase the livable volume enclosed by the building may project up to two feet. The projection of eaves beyond two feet shall be subject to review and approval of the Zoning Administrator.
(b) An uncovered stair, landing or porch which does not extend above the level of the ground floor, except for a protective railing, may project not more than six feet into a front or rear yard and not more than two feet into a required side yard.
(c) Permitted Projections Into Yards. An unenclosed patio attached to a building may project into the required rear yard setback a maximum of ten feet, excluding eaves; provided, a minimum of ten feet is maintained between the rear property line(s) and the patio.
(d) Additions to existing single-family residences with non-conforming side yard setbacks may be permitted in the subject side yard providing they do not project in excess of the existing non-conforming setback. This provision shall not be applicable where the projections into the side yard would impede an easement, cross property lines, or are deemed contrary to maintaining the public health, safety and welfare.

Sec. 16-3.24.080: Measurement of height for walls and fences ***Addition/Change***

(a) Yard areas abutting the public right-of-way.
The height of a fence, wall or hedge shall be measured from the lowest finished level of the ground abutting it. No wall or fence type shall exceed a height of eight feet, as measured from the lowest finished level of ground abutting the wall, unless a step design is utilized per Figure 24-2 or as otherwise approved by the Planning Commission.

(b) Yard areas not abutting a public right-of-way.
The height of a fence, wall or hedge shall be measured from the highest finished level of the ground abutting it. No wall or fence type shall exceed a height of eight feet, as measured from the lowest finished level of ground abutting the wall, unless a step design is utilized per Figure 24-2 or as otherwise approved by the Planning Commission.

Sec. 16-3.24.100: Manufactured home installation criteria ***Addition/Change***

(a) The purpose of this Section is to establish regulations for the placement of manufactured housing in residential zone districts that allow single-family dwellings and to insure a compatible integration with surrounding conventional-built single-family homes. For purposes of this Section, a "manufactured house" is defined as a housing unit built with a vehicular chassis, designed and equipped for human habitation, and for being drawn by a

motor vehicle, conforming to the National Mobilehome Construction and Safety Standards Act of 1974.

(b) The installation of a manufactured home on an individual residential lot not located within a mobile home subdivision shall be subject to the following:

(1) Certification shall be provided showing that the mobile home complies with the National Mobilehome Construction and Safety Standards Act of 1974 and bears a California insignia of approval from the Department of Housing and Community Development. Any mobile home built in the United States on June 15, 1976, or after does meet the 1974 National Mobilehome Construction and Safety Standards Act requirements. Any mobile home built before June 15, 1976, may or may not meet the 1974 standards. For mobile homes built prior to June 15, 1976, the following certification process will be required:
(i) Structural—certified by a licensed civil engineer;
(ii) Plumbing, heating, and electrical—certified by a written request to the California Department of Housing or bear a California insignia of approval from the Department of Housing and Community Development.

(2) No more than ten years shall have elapsed between the date of manufacture of the manufactured home and the date of application for the issuance of a building permit to install the manufactured home.

(2) All manufactured homes shall be placed on a permanent foundation, engineered to meet local soil conditions and the requirements of Chapter ~~29~~ *5* of ~~the Uniform Building Code as currently adopted by~~ *this Title* ~~the City of Victorville~~. A permanent foundation system can be either:
(i) A continuous decorative exterior perimeter wall;
(ii) An interior foundation system with a nonstructural decorative wall completely enclosing and encircling the base and/or undercarriage of the mobile home; and
(iii) Any other type of foundation system as approved by the City ~~of Victorville~~.
(iv) The exterior face of the perimeter wall must, in any case, be flush with the exterior face of the mobile home coach wall.

(3) Exterior walls should be finished with materials and trim customarily associated with conventional single-family dwellings. This would include horizontal wood siding, stucco or stucco-like finishes, masonry and board and batten siding. Corrugated metal walls, vertical rib siding or other such materials are not generally acceptable under this guideline. The exterior wall material should extend to the ground where units are mounted at grade level or into the top of the foundation where an above grade foundation is used. Foundation plantings should be specified to screen exposed above grade foundations from adjoining streets.

(4) The roof pitch should be consistent with that of surrounding structures. Roof covering should be ~~wood,~~ asphalt or tile shingles or other material characteristic of conventional dwellings and compatible with the area in question. The roof should overhang the exterior wall by at least sixteen inches unless a lesser overhang can be shown to be characteristic of the area in question. Fascia boards should be used on all sides of the structure to screen exposed rafters, vents, etc., to enhance the residential quality of the unit.

(5) All manufactured housing shall have a minimum living area ~~of eight hundred square feet~~ *equal to the required minimum single-family dwelling size as outlined in Table 8-1 of the Municipal Code entitled 'Minimum Dwelling Unit Areas'*.

(6) A two-car garage ~~or carport~~ *in accordance with Section 16-3.21.050 of this Title entitled 'Standards for off-street parking facilities'* shall be provided and shall be consistent and compatible with garages ~~or carports~~ constructed in the neighborhood in

which the manufactured home is to be located. Further, all detached garages ~~or carport structures~~ shall be located no closer than ten feet from the manufactured home. *Manufactured homes located within an R-MPD Zone District shall be permitted to fulfill off-street parking requirements with a carport or awning in lieu if a garage pursuant to Table 21-1 of this Title entitled 'Off-street parking and loading requirements'.*

(7) A plot plan drawn to scale providing the following information shall be submitted to and approved by the planning department:
   (i) Name, address and telephone number of applicant and/or land owner;
   (ii) Legal description of property;
   (iii) North arrow (top of map being north);
   (iv) Overall dimensions of property and location of adjoining lot lines;
   (v) Name of all streets;
   (vi) All off-site improvements (curb, gutters and sidewalk);
   (vii) Setback dimensions;
   (viii) Location and dimensions of existing structures, proposed structures and easements;
   (ix) Location of all walls and fences—give height and type of materials;
   (x) Show all proposed walkways and driveways and their dimensions.

(8) Photographs that show the mobile home in sufficient detail with regard to siding material, roof overhang and roofing material.

(9) All manufactured homes shall be used only as a single-family residence and shall comply with all applicable development standards of the zone district in which it is located.

{Editing Note: Existing sub-sections '(2)' – '(9)' of Section 16-3.24.100(b) shall be renumbered '(3)' – '(10)' accordingly}

Chapter 4: Subdivision Regulations
Article 2: Tentative Map

Sec. 16-4.02.060: ~~C~~odification of tentative map ***Change***

Sec. 16-4.02.060: *M*odification of tentative map

Chapter 4: Subdivision Regulations
Article 8: Improvements

Sec. 16-4.08.060: Improvement agreement ***Change***

If, at the time of acceptance for recordation of a final or parcel map by the City, any of the improvements as set forth in Section ~~16-4.09.010~~ *16-4.08.010* of this Article, required as a condition of approval of the final or parcel map, pursuant to the provisions of the Subdivision Map Act, and this Title have not been completed and accepted in accordance with the provisions of this Title, the City Council as a condition precedent to the approval of the final map or parcel map shall require the subdivider to enter into one of the type of agreements set forth in the Subdivision Map Act. The Development Director, or designee, is the designated official

specified to approve this agreement. The agreement may provide for the improvements to be installed in units, for extension of time under specified conditions, and for the termination of the agreement upon a reversion of the subdivision or a part thereof to acreage.

Chapter 6: Code Enforcement
Article 13: Nuisances

16-6.13.020 Property Nuisances ***Deletions/Additions/Changes***

It is hereby declared to be unlawful and a public nuisance for any owner or other person in control of said property or premises to keep or maintain property, premises, or rights-of-way in such a manner that any of the following conditions are found to exist:

(a) Inoperable motor vehicles or parts thereof.
  (1) No person shall store or keep any dismantled or inoperative vehicles or parts thereof, within the City for a period longer than three days.

(b) Property maintenance.
  (1) The open or outside storage and/or accumulation of packing boxes or containers, broken/discarded furniture, household goods, fixtures or equipment, appliances, clothing or other such personal property items~~;~~*, cans, bottles, lumber, wood, scrap metals, junk, trash, debris, refuse or other salvageable materials. Exceptions are trash or refuse items awaiting collection by the Sanitation Department in compliance with this Code and stacked firewood for use by the occupant of a residence on the premises;*
  ~~(2) The open or outside storage and/or accumulation of cans, bottles, lumber, wood, scrap metals, junk, trash, debris, refuse or other salvageable materials. Exceptions are trash or refuse items awaiting collection by the sanitation department in compliance with this Code and the stacked firewood for use by the occupant of a residence on the premises;~~
  ~~(3) The storage or accumulation of any combustible or noncombustible materials declared a fire hazard by the City inspector;~~
  ~~(4) Storage of oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides, or waste (solid, liquid, or gaseous) which constitutes a fire or environmental hazard, or is detrimental to human life, health, or safety;~~
  ~~(5)~~ Lumber (excluding lumber for a construction project on the property with a valid permit), salvageable materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of seventy-two (72) hours and visible from a public street, walkway, alley, or other public or private property;
  ~~(6) Receptacles for discarded materials and recyclables which are left in the front yard following the day of the regularly scheduled refuse pick-up for the property;~~
  ~~(7) Swimming pool, pond, spa, other body of water, or excavation which is stagnant, unsanitary abandoned, unattended, empty, which is not securely fenced, or which is determined to be detrimental to life, health, or safety;~~
  ~~(8)~~ Emission of odors that are unreasonably offensive to the physical senses of a reasonable person of normal sensitivity or which may cause or attract insects;
  ~~(9) Any premises that detrimentally impacts the surrounding neighborhood or property values because of dilapidation, deterioration, decay or lack of maintenance to the structure or front yard landscaping or is unsafe for the purpose for which it is being~~

~~used, or is not secured, or is improperly secured or as defined in Article 3 of this Chapter as a substandard structure;~~

(~~10~~)Any use of private or public property that is contrary to approved land uses in the Development Code or acts which are contrary to the Victorville Municipal Code.

(~~11~~)Nothing in this Section should be construed as to prohibit residents from the practice of composting garden trimmings and other vegetative materials, provided that such activity is practiced in such a way as to prevent the generation of objectionable odors, vector or vermin problems, or fire hazards. For purposes of this ordinance, the term "composting" means the managed biological process by which organic material decomposes into a useful soil amendment. All composting activity shall take place in such a way as to prevent materials from scattering off a resident's property. Composting activity shall only take place in the rear yard of a property, and such composting activity shall not be visible from public right-of-way or adjoining properties.

(c) Refrigerator, cabinet accessibility. Except as used in the home, the leaving, storing or keeping of any refrigerator, icebox, deep freeze locker or other cabinet container having a capacity of one and one-half cubic feet or more which has not had the door locks or latches removed to prevent latching or locking of the door in any place accessible to children is a nuisance.

(d) Businesses that operate or conduct any activity in violation of local, state, or Federal law.

(e) Trash and/or recyclable receptacles that are left in the front yard for more than 24 hours after the regularly scheduled pick-up for the property.~~;~~

(f) Any premises that detrimentally impacts the surrounding neighborhood or property values because of dilapidation, deterioration, decay or lack of maintenance to the structure or front yard landscaping or is unsafe for the purpose for which it is being used, or is not secured, or is improperly secured or as defined in Article 3 of this Chapter as a substandard structure.~~; and~~

(g) Any vacant and abandoned structure *or improved lot not maintained and* accessible to unauthorized persons including and not limited to juveniles and vagrants for unlawful or hazardous use, or to allow the same to become infested with vermin or rodents, or to become a menace to the health and safety of the public.~~;~~

(h) Any building or structure, or any part thereof, which is abandoned, boarded up, partially destroyed, or partially constructed or incomplete buildings or structures ~~after building permits have expired~~ *maintained without a valid building permit.*

(i) *Buildings, structures or improved lots that are under construction or rehabilitation and are not completed during the term of a valid building permit or building permit extension issued by the director of development, the building official, or their designees.*

(j) The use of private or public property that is contrary to approved land uses in the zoning Chapter of this Code or acts which are contrary to the Victorville Municipal Code.

(k) Dirty, filthy, or inadequately maintained toilet open to the public without any of the following:

(1) Toilet paper;
(2) Hand washing facilities;
(3) Soap;
(4) Individual towels and trash receptacle for their disposal.

{Editing Note: Remaining sub-sections of Section 16-6.13.020(b) shall be renumbered '(1) - (5)' accordingly; existing sub-sections '(i) – (j)' of Section 16-6.13.020 shall be renumbered '(j) – (k)' accordingly}

16-6.13.025 Nuisances related to land use ***Addition***

It is hereby declared to be unlawful and a public nuisance for any person to maintain any premises or property within the City which fails to comply with any condition imposed on any entitlement, permit, contract, or environmental document issued by or approved by the City in connection with such premises or property or improvement located thereon.

{Editing Note: Add Section 16-6.13.025 entitled 'Nuisances related to land use' to the Title 16, Chapter 6, Article 13 table of contents}

16-6.13.030 Nuisances affecting health, safety, or welfare *Deletions/Additions/Changes*

The following are unlawful and deemed public nuisances affecting public health, safety or welfare:

(a) All diseased animals running at large;

(b) ~~All ponds or pools of stagnant water;~~ *Swimming pool, pond, spa, other body of water, or excavation which is stagnant, unsanitary abandoned, unattended, empty, which is not securely fenced, or which is determined to be detrimental to life, health, or safety;*

(c) Carcasses of animals not buried or destroyed within twenty-four hours after death;

(d) Accumulations of manure or rubbish;

(e) Privy vaults or garbage cans that are not secured so as to prevent them from being tipped or moved by an outside force such as wind;

(f) The pollution of any public or private well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances;

(g) Failure to properly connect inhabited improvements on any premises or property to a sewage disposal system or sanitary sewer and/or permit sewage seepage.

(h) All noxious weeds and other rank growths upon public or private property;

(i) All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;

(j) All limbs of trees which are less than eight feet above the surface of any street or sidewalk;

(k) All explosives, flammable liquids, and other dangerous substances stored in any manner or in any amount in violation of any law or regulation;

(l) Storage of oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides, or waste (solid, liquid, or gaseous) which constitutes a fire or environmental hazard, or is detrimental to human life, health, or safety;

(m) The storage or accumulation of any combustible or noncombustible materials declared a fire hazard by the City inspector;

~~(l)~~*(n)* All buildings and alterations to buildings made or erected in violation of any applicable law or regulation concerning manner or materials of construction;

~~(m)~~*(o)* Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are provided by law;

~~(n)~~*(p)* All dangerous unguarded machinery in any public place or so situated or operated on private property as to attract the public;

~~(o)~~*(q)* All other conditions or things which are liable to cause injury to the person or property of anyone;

~~(p)~~*(r)* Overgrown, dead, diseased, or decayed vegetation, including but not limited to grass, trees, shrubs, and plants~~, and weeds, which~~ that are injurious to the public health, safety and welfare; or are a detriment to neighboring properties and/or property values;

~~(q) Unoccupied buildings, structures or improved lots that have been left unlocked, unattended, unmaintained or otherwise open or unsecured from intrusion by persons, animals or the elements.~~

~~(r) Buildings, structures or improved lots that are under construction or rehabilitation and are not completed during the term of a valid building permit or building permit extension issued by the director of development, the building official, or their designees.~~

(s) All other acts, omissions of acts, occupations and uses of property which are deemed by the county health department to be a nuisance to the health of the inhabitants of this City or any considerable number thereof.

(1) No smoking regulations: The San Bernardino County Health Department shall have the primary enforcement authority regarding any violation of the "No Smoking" regulations set forth in California Labor Code Section 6404.5. Nothing in this Section, however, nothing shall preclude or prohibit the Police Department or Code Enforcement Division from exercising any enforcement authority regarding said Labor Code provisions.

{Editing Note: Existing sub-sections '(l) – (p)' of Section 16-6.13.030 shall be renumbered '(n) – (r)' accordingly}

Table 7-1 Permitted, Conditional, Accessory and Temporary Land Uses – All Zoning Districts ***Change***

TYPE	USE	ZONE																
		AE	A	SR	R1	R2	R3	R4	MDR	RMPD	C1	C2/C4	CA	CM	IPD	M1	M2	PC
	1) ANIMALS[1](~~License and/or Pet Permit required~~)																	
AGRICULTURAL	6 caged birds, 2 tropical birds, 3 dogs over 4 months old[2], 3 cats, 2 potbellied pigs, 2 non-venomous reptiles, 2 turtles, 2 rodents	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P
	~~2 horses, one sheep, 3 poultry, 3 geese, 2 llamas or alpacas, one goat. Only on lots larger than one-half acre gross.~~	~~P~~	~~P~~	~~P~~	~~P~~	-	-	-	~~P~~	-	-	-	-	-	-	-	-	~~P~~

NOTE*S*:
California State Law prohibits the possession of all primates.
[1] *At no time shall more than twelve (12) animals be kept or maintained on any property occupied by a residence.*
[2] *Dog licenses are required pursuant to Victorville Municipal Code.*

{Editing Note: Existing text and Sections of Table 7-1 not included in this revised text shall remain as codified}

TYPE	USE	ZONE																
		AE	A	SR	R1	R2	R3	R4	MDR	RMPD	C1	C2/C4	CA	CM	IPD	M1	M2	PC
	9) NON-PROFIT SERVICE																	
INSTITU-TIONAL	~~Clothing and food bank~~ Social Services (See ~~Old Town Specific~~ Civic Center Community Sustainability Plan)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
INDUSTRIAL	28) RECYCLING																	
	~~Automated reverse vending machines (<50 s.f.)~~	-	-	-	-	-	-	-	-	-	~~P~~	~~P~~	-	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
	~~Small manned collection facilities (<500 s.f.)~~	-	-	-	-	-	-	-	-	-	~~P~~	~~P~~	-	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
	Large manned collection facilities (>500 s.f.)	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-
	Light processing facilities (<45,000 s.f.)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-
	Heavy processing facilities (>45,000 s.f)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-
	29) REPAIR																	
	Small appliance	-	-	-	-	-	-	-	-	-	P	*P*	P	P	P	P	P	-
	Large equipment	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	P	-

{Editing Note: Existing text and Sections of Table 7-1 not included in this revised text shall remain as codified}

TYPE	USE	ZONE																
		AE	A	SR	R1	R2	R3	R4	MDR	RMPD	C1	C2/C4	CA	CM	IPD	M1	M2	PC
ACCESSORY	31) ACCESSORY USES (Subject to Sections 16-3.07.030 & 16-3.07.040 of the V.M.C.																	
	Accessory uses up to 10% of floor area	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
	Administrative office	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
	Day care - family	P	P	P	P	-	-	-	P	P	-	-	-	-	-	-	-	-
	Day nursery and day care facility	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
	Gun Sales/Ammunition	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
	Home occupation business (Permit required)	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-
	Home schooling	-	-	-	P	-	-	-	P	-	-	-	-	-	-	-	-	-
	Outdoor display - retail	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
	Portable food and beverage cart	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	C
	Recycling - Automated reverse vending machines (<50 s.f.)	-	-	-	-	-	-	-	-	-	*P*	*P*	-	*P*	*P*	*P*	*P*	*P*
	Recycling - Small manned collection facilities (<500 s.f.)	-	-	-	-	-	-	-	-	-	*P*	*P*	-	-	-	-	-	-
	Restaurant, café or cafeteria	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
	Restaurant w/outdoor cooking	-	-	-	-	-	-	-	-	-	C	P	C	C	C	-	-	-
	Restaurant w/outdoor play area	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
	Restaurant w/outdoor seating	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
	Room rental	-	-	P	P	-	-	-	-	P	-	-	-	-	-	-	-	-
	Vehicle Repair	-	-	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-

{Editing Note: Existing text and Sections of Table 7-1 not included in this revised text shall remain as codified}

ORDINANCE NO. 2360

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT ON JANUARY 19, 2017.

PASSED, APPROVED AND ADOPTED THIS 20th DAY OF DECEMBER 2016.

Gloria Garcia
MAYOR OF THE CITY OF VICTORVILLE

ATTEST:

Carolee Bates
CITY CLERK

12-21-16
DATE

APPROVED AS TO FORM:

CITY ATTORNEY

I, CAROLEE BATES, City Clerk of the City of Victorville and ex-officio Clerk to the City Council of said City, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2360 which was duly adopted at a meeting held on the 20th day of December 2016 by the following roll call vote, to wit:

AYES: Councilmembers Garcia, Cox, Gomez, Kennedy and Negrete

NOES: None

ABSENT: None

ABSTAIN: None

Carolee Bates
CITY CLERK OF THE CITY OF VICTORVILLE