

## TITLE 17 - ZONING

## Footnotes:

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**Editor's note**— Ord. No. 1128, § 2(Exh. B), adopted Dec. 1, 2020, amended Title 17 in its entirety to read as herein set out. Former Title 17, §§ 17.01.010—17.01.040, 17.02.010—17.02.140, 17.03.010—17.03.160, 17.04.010—17.04.100, 17.05.010—17.05.080, 17.06.010—17.06.130, 17.07.010—17.07.140, 17.08.010—17.08.060, 17.09.010—17.09.060, 17.10.010—17.10.090, 17.11.010—17.11.130, 17.12.010—17.12.060, 17.13.010—17.13.040, 17.14.010—17.14.030, 17.16.010—17.16.090, 17.17.010—17.17.060, 17.18.110—17.18.240, pertained to similar subject matter, and derived from Ord. 920 §2, adopted Sept. 2007; Ord. 961 §1, adopted Nov. 2009; Ord. 967, adopted April 20, 2010; Ord. 971, adopted Oct. 5, 2010; Ord. 977, adopted Dec. 7, 2010; Ord. 979, adopted Dec. 7, 2010; Ord. 980, adopted Dec. 07, 2010; Ord. 982, adopted Dec. 7, 2010; Ord. 984, adopted Dec. 7, 2010; Ord. 989, adopted March 1, 2011; Ord. 990, adopted March 1, 2011; Ord. 1002, adopted August 2011; Ord. 1007, adopted Dec. 20, 2011; Ord. 1009, adopted Dec. 20, 2011; Ord. 1016, adopted May 15, 2012; Ord. 1048, adopted July 15, 2014; Ord. No. 1016, adopted May 15, 2012; Ord. No. 1017, adopted April 17, 2012; Ord. No. 1020, adopted June 5, 2012; Ord. No. 1025, §§ 1—3, adopted Sept. 18, 2012; Ord. No. 1028, adopted Dec. 18, 2012; Ord. No. 1069, § 4(Exh. A), adopted Jan. 16, 2016; Ord. No. 1071, §§ 4(Exh. A), 5(Exh. B), 6(Exh. C), adopted May 17, 2016; Ord. No. 1074, §§ 4—6, adopted July 5, 2016; Ord. No. 1075, § 4(Exh. A), adopted July 5, 2016; Ord. No. 1080, §§ 4, 5, adopted Dec. 20, 2016; Ord. No. 1100, §§ 4, 5, adopted May 15, 2018; Ord. No. 1106, §§ 4, 5, adopted May 7, 2019; Ord. No. 1112, §§ 5—7, adopted Nov. 5, 2019; Ord. No. 1115, §§ 4, 5(Exh. A), adopted Dec. 3, 2019; Ord. No. 1120, §§ 4, 5, adopted Jan. 7, 2020; Ord. No. 1122, § 2(Exh. B), adopted March 17, 2020.

## Chapter 17.01 - INTRODUCTION

## 17.01.010 - Title and authority.

This Title (Title 17) shall be known as the Zoning Ordinance of the City of Beaumont and may also be referred to hereinafter as the Zoning Ordinance. This Zoning Ordinance was adopted pursuant to Article XI, Section 7 of the Constitution of the State of California and was prepared in compliance with the requirements of Title 7 of the Government Code. This Zoning Ordinance is enacted pursuant to the authority vested in the City of Beaumont by the State of California Constitution, the State of California Planning, Zoning, and Development Laws (Government Code Sections 65000 et seq.), the State of California Subdivision Map Act (Government Code Section 66510 et seq.), and the State of California Health and Safety Code. The City of Beaumont Zoning Ordinance consists of the following:

- A. *Zoning Ordinance*. The Zoning Ordinance establishes zoning districts (also referred to as zones) that govern the use of land, indicates standards for structures and improvements that are permitted within the various zones, and establishes procedures for the granting of permits and entitlements.
- B. *Zoning Map*. The zoning map delineates the boundaries of the zoning districts that are applicable to specific properties within the City.

( [Ord. No. 1128](#) , § 2(Exh. B), 12-1-2020)

#### 17.01.020 - Purpose and scope.

The primary purpose of this Zoning Ordinance is to serve the public's health, safety, and general welfare through the promotion of compatible land uses. Additional objectives of this Zoning Ordinance include the establishment of development standards related to health and safety, the protection and enhancement of the environment, the maintenance of property values, and the enhancement of the City's appearance.

( [Ord. No. 1128](#) , § 2(Exh. B), 12-1-2020)

#### 17.01.030 - Applicability, interpretation, and severability.

All City departments, officials, and public employees vested with the authority to issue permits or licenses, must comply with the provisions of this Zoning Ordinance. No license or permit for uses or structures that would be in conflict with this Zoning Ordinance shall be issued or otherwise permitted. The following will apply in the interpretation of certain provisions of this Zoning Ordinance:

- A. *Uncertainty in Interpretation.* Where uncertainty exists regarding the interpretation of any provision of this Zoning Ordinance, or its application to a specific case or situation, the Community Development Director is authorized to interpret the intent of the provision in question. Thereafter, the Community Development Director's interpretation shall apply in all similar situations, unless modified by the Planning Commission or City Council, on appeal.
- B. *Abrogation of Other Regulations.* No provision of this Zoning Ordinance is intended to abrogate or interfere with any deed restriction, covenant, easement, or other legal agreement or any such agreements that are more restrictive than those provisions contained within this Zoning Ordinance.
- C. *Preemption.* In those instances where this Zoning Ordinance imposes greater restriction than that required by an existing regulation, this Zoning Ordinance will preempt the existing regulation. The following rules that govern the preemption of any existing code(s) and regulation(s), shall apply:
  1. The provisions of this Zoning Ordinance shall not be interpreted to repeal, amend, modify, alter, or change any other code or regulation that was not specifically repealed, amended, modified, altered, or changed.
  2. Nothing in this Zoning Ordinance shall be interpreted to authorize the use of a lot or parcel in any manner that is in violation of any other applicable statute, code, or regulation.
  3. Whenever the provisions of this Zoning Ordinance are different from the provisions of any other ordinance, regulation, adopted code, the more restrictive provisions shall apply.

4. The rights granted by any permit, license, or other approval under any ordinance repealed by this Zoning Ordinance will be permitted to continue. In the future, to the extent permitted by law, such rights shall be exercised in accordance with the provisions of this Title.

D. *Severability of this Zoning Ordinance.* This Zoning Ordinance is severable in the event that any part, sentence, paragraph, section, or clause is found to be unconstitutional or otherwise invalid. In such instances, the remainder of this Zoning Ordinance shall not be affected.

E. *Limitations of Land Use.* Except as provided in this title, no building shall be erected, reconstructed, or structurally altered nor shall any building or land be used for any purpose except as that specifically permitted in this Zoning Ordinance.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.01.040 - Authentication.

This Zoning Ordinance shall take effect within 30 days from its adoption by the City Council.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.01.050 - Reserved.

## Chapter 17.02 - ADMINISTRATION AND ENFORCEMENT

17.02.010 - Purpose and authority.

The purpose of Chapter 17.02 is to outline those activities and/or procedures that will implement this Zoning Ordinance. The purpose of this section of the Zoning Ordinance is to accomplish the following:

- A. To identify each reviewing and approval authority within the City of Beaumont along with their powers, duties, and related information;
- B. To identify the steps necessary to obtain the requisite City approvals related to land use and development;
- C. To establish and identify the procedures for filing applications for permits and other approvals; and,
- D. To establish and identify the appeal process.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.02.020 - Community Development Director duties and responsibilities.

The Community Development Director shall be responsible for the enforcement of the Zoning Code and shall have the authority to undertake the activities and duties indicated in this section.

- A. The Community Development Director shall administer the Zoning Ordinance;
- B. The Community Development Director shall consider and approve administrative plot plan applications which are in conformance with applicable zoning standards and which do not require a public hearing;
- C. The Community Development Director shall review and make recommendations to the Planning Commission and the City Council on planning applications, land use and planning issues, or other activities as may be directed by the City Council, the Planning Commission, or the City Manager;
- D. The Community Development Director shall assist applicants in the submittal of development applications; and,
- E. The Community Development Director shall review and make recommendations to the Planning Commission and City Council on all applications and any attendant approvals and environmental documents.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.02.030 - Planning Commission duties and responsibilities.

The duties of the Planning Commission are outlined in this section.

- A. The Planning Commission shall instruct the Community Development Director to exercise administrative duties where applicable;
- B. The Planning Commission shall conduct public hearings to consider and make recommendations to the City Council regarding general plan amendments, zone changes, zone variances, and specific plans;
- C. The Planning Commission shall conduct public hearing to recommend approval (to the City Council) of all the tentative parcel maps and tentative tract maps;
- D. The Planning Commission shall consider the appeals of determinations made by the Community Development Director regarding site plan reviews, signage plans, and temporary use permits; and,
- E. The Planning Commission shall conduct public hearings to approve plot plans, variances and conditional use permits.

Table 17.02-1 identifies the permits and approvals that may be necessary as required by this Zoning Code, as well as approving authority and appeal body.

**Table 17.02-1**  
**Permit Approval Matrix**

<i>Application</i>	<i>Staff</i>	<i>Planning Commission</i>	<i>City Council</i>
Conditional Use Permit	Review	Approval	Appeal
Final Map	Review	—	Approval
General Plan Amendment	Review	Recommendation	Approval
Lot Line Adjustment & Parcel Merger	Approval	Appeal	Appeal
Administrative Plot Plan Review	Approval	Appeal	Appeal
Plot Plan (without EIR)	Review	Approval	Appeal
Plot Plan (with EIR)	Review	Approval	Appeal
Sign Plans	Approval	Appeal	Appeal
Modification of Standards	Approval	Appeal	Appeal
Specific Plan	Review	Recommendation	Approval
Temporary Use Permit	Approval	Appeal	Appeal
Tentative Parcel Map	Review	Recommendation	Approval
Tentative Tract Map	Review	Recommendation	Approval
Variance	Review	Approval	Appeal
Zone Change	Review	Recommendation	Approval

Zoning Ordinance	Review	Recommendation	Approval
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( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.02.040 - Application process.

Applications for permits, permit modifications, amendments, and other matters pertaining to the Zoning Code, shall be filed with the Planning Department on the appropriate City application form. The following procedures apply to the granting of a development application:

- A. *Submittal Information.* All plans, and any other information required by the Planning Department shall be submitted with the application form. Applications shall be completed by the owner(s) of properties, their agents, or other persons who have written authority from the property owner(s) to complete and file the application on the owner's behalf. Any person or authorized representative desiring a permit or approval required by this Title, shall file an application with the Planning Director or the designee on forms provided by the Planning Director.
- B. *Pre-application Meeting.* Prior to the filing of an application for any discretionary permit requiring approval by the Planning Commission or City Council, the applicant may request a pre-application conference with the Community Development Director or the designee. The purpose of the pre-application conference is to advise the applicant of the development regulations applicable to the property for which the application is being filed and to review any preliminary site plan or other development plans the applicant may have prepared.
- C. *Application is Deemed Completed.* No application shall be processed until it is deemed complete by the Community Development Director or the designee. No application shall be deemed complete until all required information is provided in the required quantity and format.
- D. *Concurrent Applications.* Whenever more than one permit or approval is required for a proposed Project or use, all applications shall be filed and processed concurrently. All such related applications will be reviewed in accordance with the procedures set forth for the application requiring the highest level of review.
- E. *Application Fees.* Each applicant for a land use action authorized by this Zoning Ordinance shall pay those fees and costs as established by resolution of the City Council.
- F. *Re-submittal of Application.* Whenever an application or portion of an application has been denied or revoked and the denial or revocation becomes final, no new application for the same or similar request may be accepted within one year of the date of the denial, unless the Community Development Director finds that the conditions surrounding the application have

sufficiently changed to warrant a new application. Changed conditions shall mean a substantial change in land use on properties in the vicinity, improved infrastructure in the vicinity, altered traffic patterns, or any such similar change resulting in a changed physical environment.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

#### 17.02.050 - Public hearings.

For applications requiring a public hearing, upon accepting an application as complete, the Planning Director shall establish the time and place of the public hearing consistent with the requirements of this Section. The City Council shall have the authority to change the time or place of a hearing. The hearing body for any given matter shall be determined based upon the nature and type of permit as set forth in this Zoning Ordinance. However, in all cases, the hearing shall be held within 30 days of the date on which the application has been accepted as complete, unless a longer time period is required to accommodate the requisite environmental review under the provisions of the California Environmental Quality Act.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

#### 17.02.051 - Public hearings, noticing.

The procedures for the noticing of public hearings are indicated in this section.

- A. *Newspaper Publication.* The notice of the public hearing shall be published in a newspaper of general circulation not less than ten days prior to the date of the hearing, or as prescribed in the California Environmental Quality Act where relevant. The notice shall include the time, place, and identity of the hearing body or officer, the nature of the application, the application number, and the location of the property under consideration.
- B. *Notice to Surrounding Properties.* Notice shall be given to all owners of property located within the designated radius of the exterior boundaries of the subject property pursuant to the requirements of the State of California Planning and Zoning Development Law.
- C. *Additional Notice.* Additional notice of the hearing shall be provided in accordance with procedures established by the Planning Commission and as may be required under the California Environmental Quality Act.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

#### 17.02.052 - Public hearing, evidence of noticing.

When notice of a public hearing is given, the documentation indicated in this section shall be deemed sufficient to serve as proof that such notice was given.

- A. *Affidavit of Publication Required.* When notice is given by publication, an affidavit of

publication by the newspaper in which the publication was made is required.

- B. *Affidavit of Mail Delivery Required.* When notice is given by mail or other delivery, an affidavit or proof of mailing/delivery must be made, showing, at a minimum, the date or dates of mailing/delivery and the list of persons and groups to which the mailing/delivery was made.
- C. *Failure to Comply.* Failure to send notice to any property owner whose address is not on the most recent roll of the Riverside County Assessor shall not invalidate any of the proceedings.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.02.053 - Public hearing, procedures.

The conduct of the public hearing(s) must include the following elements identified in this section.

- A. *Discretionary Review.* At the public hearing, the authorized hearing body shall review the application and any pertinent materials submitted with the application, and any report prepared by the Community Development Director or his designee based on City staff's investigation of the application.
- B. *The Applicant's Rights at Public Hearing.* During any public hearing, the applicant for the application shall have the right to be represented to provide testimony and to present evidence.
- C. *The Public's Rights at Public Hearing.* All other persons shall have the right to comment on any relevant aspect of the application under consideration.
- D. *Discretionary Action.* Following the completion of testimony at a public hearing, action shall be taken to approve, conditionally approve, deny, continue, or take under advisement, the subject of the public hearing.
- E. *Continuation of Public Hearing.* If the action is taken to continue the item being considered or to take the matter under advisement, before adjournment or recess, the person presiding at the public hearing shall publicly announce the time and place to which the hearing will be continued. No further notice shall be required.
- F. *Final Decision.* The decision of the hearing body shall be considered final unless a decision is appealed. In all cases, the City Council shall represent the final authority.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.02.060 - Appeals and revocations.

An applicant is afforded the right to appeal a decision made by the Community Development Director and/or the Planning Commission. The appeals procedures are indicated in this section.

A.

*Appeal of Community Development Director's Decision.* Decisions of the Community Development Director, authorized by this Zoning Ordinance, may be appealed to the Planning Commission. All such appeals shall be filed in writing with the Secretary of the Planning Commission.

- B. *Appeal of Planning Commission Decision.* All actions and decisions of the Planning Commission, authorized by this Zoning Ordinance, may be appealed to the City Council. All such appeals shall be filed in writing with the City Clerk.
- C. *Persons Eligible to File an Appeal.* Any person may appeal a decision or action of the Community Development Director or Planning Commission, in accordance with the terms of this Zoning Ordinance.
- D. *Time Limit for Filing an Appeal.* All appeals must be filed within 15 calendar days of the date of the rendering of the decision. If the 15th day occurs on a holiday or weekend, the appeal period shall be extended to the next City workday. No appeal shall be accepted after the appeal period has expired.
- E. *Appeals Form.* All appeals must be submitted in writing on the appropriate form provided by the City. The appeal must specifically state the grounds for the appeal and instances in which the review body erred in reaching the particular determination subject to the appeal.
- F. *Payment of Fees.* A fee shall be paid concurrent with filing of the appeal in accordance with the fee schedule established by resolution of the City Council.
- G. *Scheduling of Public Hearing.* Within 15 days upon receipt of an appeal, the Planning Commission Secretary (in the case of an appeal of a Community Development Director decision) or the City Clerk (in the case of an appeal of a decision by the Planning Commission) shall set the matter for public hearing. The hearing shall be noticed as provided for in Section 17.42.
- H. *Findings.* All actions to affirm, reverse, or modify in whole or part any decision of the Community Development Director or Planning Commission shall be made with supporting findings for the affirmation, reversal, or modification.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.02.061 - Revocations and right of revocation.

Upon determination that there has been a violation of the terms or conditions of any permit or approval granted under this Zoning Ordinance; or if a determination is made that a permit or approval was obtained by deception or fraud, or represents a public nuisance; or the use subject to the approval no longer exists; or the permit or approval has not been activated in accordance with the terms of this Title 17, the Community Development Director shall have the authority to initiate revocation proceedings.

A.

*Public Hearing Required for Revocation.* The Community Development Director shall schedule a hearing before the Planning Commission for the purpose of considering revocation of the permit or approval. In the case where the Planning Commission's original action consisted of a recommendation to the City Council, the Planning Commission's action on the revocation shall also consist of a recommendation to the City Council, and the City Council shall have the authority to revoke the permit or approval.

- B. *Written Notice to Permittee.* At least 30 days prior to the revocation hearing, the permittee (the owner of the property, use, or business subject to the revocation) subject to the revocation hearing shall be given written notice of the City's intent to conduct the hearing. The notice to the permittee shall be served either in person or by registered mail, return receipt requested.
- C. *Public Notice.* At least ten days prior to the revocation hearing, public notice of the hearing shall be given in the same manner as was required for the original permit or approval.
- D. *Evidence in Support of Motion.* At the hearing, the Community Development Director shall present evidence supporting the motion for the revocation of the permit or approval. The permittee shall be given the opportunity to present reasons why the permit or approval shall not be revoked.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.02.070 - Plot plans.

A plot plan permit shall be required of any party proposing to establish a new land use, or to assume an existing use, consistent with the zoning of the proposed location of the use, prior to the use and occupancy of any property for such land use. The purpose of a plot plan permit is to implement the provisions of the Zoning Ordinance and to protect the character and integrity of residential, commercial and industrial areas in the City. Plot plan applications shall be processed by the Community Development Director and shall entail a review of the configuration, design, location and impact of the proposed use by comparing the use to established standards and design guidelines in order to determine whether the permit should be approved. The Community Development Director is empowered to grant and deny administrative plot plan applications for projects which entail use and occupancy of existing facilities and to impose reasonable conditions upon the granting of such permits. The Planning Commission is empowered to grant and deny plot plan applications for projects, and to impose reasonable conditions upon the granting of such permits.

- A. *Providing Proof of Vested Interest.* Any person who is able to demonstrate a legal vested interest in the proposed application may initiate an application for a plot plan permit. The authorized agent of any person with a legal vested interest may also initiate an application. The Community Development Director may request proof of ownership or authorization to apply prior to acceptance of any application.
- B.

*Type of Plot Plan Application.* The Community Development Director shall determine the type and scope of application required of any applicant for a proposed use.

1. An administrative plot plan application, not requiring a public hearing, shall be required for the following:
  - a. Occupancy or assumption of an existing use or business which conforms to this Zoning Ordinance.
  - b. Site plans for a single-family dwelling unit on an existing legal lot and other residential projects with two to four dwelling units on one legal lot.
  - c. Development plans that are exempt from the California Environmental Quality Act.
  - d. Model home complexes and temporary real estate sales offices used exclusively for the first sales of homes.
  - e. Temporary uses, unless a conditional use permit is required or the Community Development Director determines that Planning Commission approval is required due to the uniqueness, size, and/or location of the proposed temporary event.
2. A plot plan application, requiring a public hearing conducted by the Planning Commission, shall be required for the following:
  - a. Any use which is subject to the provisions of the California Environmental Quality Act.
  - b. Any use which exceeds the limitations applicable to the administrative plot plan application process, as set forth in this Zoning Ordinance (Section 17.02.070(B)1).

C. *Filing of Application.* The application shall be filed pursuant to the provisions of this Zoning Ordinance (Section 17.02.040).

D. *Review of Application by Community Development Director.* The Community Development Director or his designee shall investigate the application and proposal, including the analysis of precedent cases as appropriate. For administrative plot plan applications, the Community Development Director shall render a decision in writing without notice or hearing. For plot plan applications, the Community Development Director or his designee shall prepare a report outlining facts and a recommendation relating to the application. The report shall be provided to the applicant prior to any scheduled public hearing on the application.

E. *Planning Commission Public Hearing.* For plot plans acted upon in accordance with Section 17.02.070.B.2, a public hearing of the Planning Commission shall be noticed and conducted pursuant to the provisions of this Zoning Ordinance (Section 17.02.051). At the public hearing, the Planning Commission shall review the application and proposal and receive evidence concerning the proposed use and the proposed conditions under which it would be operated and maintained, particularly with respect to the findings prescribed in Subsection G of this section (Findings of Approval).

F. *Planning Commission Action.* The Planning Commission shall act to approve, conditionally approve, or deny the application. The decision of the Planning Commission shall become effective immediately upon its rendering, unless an appeal is filed pursuant to the provisions of this Zoning Ordinance (Section 17.02.060 Appeals and Revocations).

G. *Findings of Approval.* The Planning Commission may approve and/or modify a plot plan permit in whole or part, with or without conditions, provided that all of the following findings of fact are made:

1. The proposed use is permitted, or is substantially similar to a use permitted, within the subject zone and complies with the intent of all applicable provisions of this Zoning Ordinance;
2. The proposed use is consistent with the objectives, policies, general land uses and programs of the general plan and any applicable specific plans;
3. The subject site is physically suitable for the type and intensity of the proposed land use;
4. The location, size, design and operating characteristics of the proposed use is compatible with existing land uses within the general area in which the proposed use is located;
5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed land use would not be detrimental to the public convenience, health, safety or general welfare;
6. The approval of the plot plan permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act and there would be no significant adverse impacts upon environmental quality and natural resources that cannot be reasonably mitigated and monitored.

H. *Imposition of Conditions of Approval.* In granting a permit, the Community Development Director or Planning Commission may impose such conditions as deemed necessary to ensure that the public health, safety and general welfare are protected and that the proposed use is not a detriment to the community. All conditions shall be binding upon the applicant, heirs, successors, or assignees.

I. *Plot Plan Time Limits.* The grantee of a plot plan permit shall have one year from the effective date of the permit to establish a right to use the permit; otherwise, the plot plan permit shall lapse and become void. For the purposes of this section, such a right shall be established if either:

1. A building permit has been issued and construction commenced and diligently pursued towards completion of the project.
2. In the event that no building permit is required, a certificate of occupancy and/or business license has been issued for the use.

J.

*Plot Plan Lapse in Time.* A plot plan permit subject to lapse may be renewed up to one additional year, provided that the applicant files an application for renewal with the Planning Director prior to the expiration date, and subject to consideration in a public hearing.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

#### 17.02.080 - Zone changes.

In recognition of the fact that physical, economic, and other conditions in the City may change over time, provisions are hereby made to allow for amendments to the zoning map and Zoning Ordinance text in accordance with the procedures outlined in this Section. All such changes of zone or zoning ordinance text amendments shall be adopted in the manner in which other City ordinances are adopted.

- A. *Providing Proof of Vested Interest.* Any person who is able to demonstrate a legal vested interest in the proposed application may initiate applications for a change of zone or zoning ordinance text amendment. The authorized agent of any person with a legal vested interest may also initiate an application. The Community Development Director may request proof of ownership or authorization to apply prior to the acceptance of any application.
- B. *Zone Changes for Properties Under Multiple Ownership.* In the case of a change of zone application, if the property for which the change of zone is proposed is in more than one ownership, all owners or their authorized agents shall be required to sign the application.
- C. *City Council Initiated Zone Change.* The City Council may initiate an application to change the boundaries of any zone district or to amend the text of the zoning ordinance.
- D. *Planning Commission Public Hearing.* A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions of this Chapter 17.02 (Sections 17.02.051 to 17.02.053).
- E. *Recommendation of Zone Change by Planning Commission.* The Planning Commission shall recommend to the City Council approval, approval with modifications, or denial of the proposed application. The Commission's recommendation shall be transmitted to the City Clerk for scheduling the matter for consideration by the City Council.
- F. *Denial of Zone Change by Planning Commission.* Upon receipt of a Planning Commission recommendation for denial of a change of zone, the City Clerk shall place the Commission's recommendation on the City Council agenda as a receive-and-file item. The Commission's decision shall be considered final and no further action by the Council will be required unless an appeal is filed in accordance with the provisions of this Zoning Ordinance (Section 17.02.060, Appeals), or unless the Council chooses to set the matter for hearing.
- G. *City Council Public Hearing.* Upon receipt of a Planning Commission resolution recommendation for approval of a change of zone or zoning ordinance amendment, or denial of a zoning ordinance text amendment, the City Clerk shall set the matter for hearing before

the City. At the hearing, the City Council shall review the Commission's recommendation and receive evidence as to how or why the proposed change of zone or zoning ordinance text amendment is consistent with the objectives of this Zoning Ordinance, the City of Beaumont General Plan, and development policies of the City. The City Council shall act to approve or deny the application by resolution.

- H. *Referral of Matter Back to the Planning Commission.* If the Council proposes any substantial modification to the application not previously considered by the Planning Commission, the Council shall refer the matter back to the Commission for consideration. No public hearing shall be required. Failure of the Commission to act within 40 days of receiving the Council's request shall provide the Council with authority to act without the Commission's recommendation.
- I. *Approval of Zone Change by City Council.* The City Council shall be required to make the following findings of fact before approving a change of zone or zoning ordinance text amendment:
  1. That the proposed change of zone or zoning ordinance text amendment is consistent with the goals, policies, and objectives of the General Plan; and
  2. That the proposed change of zone or zoning ordinance text amendment will not adversely affect surrounding properties; and
  3. That the proposed change of zone or zoning ordinance text amendment promotes public health, safety, and general welfare and serves the goals and purposes of this Zoning Ordinance.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.02.090 - General plan amendments.

This Section is established pursuant to Section 65358 of the California Government Code, to allow for the amendment of the City of Beaumont General Plan.

- A. *Providing Proof of Vested Interest.* Applications to amend the General Plan text or maps may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The Community Development Director may request proof of ownership or authorization to apply, prior to the acceptance of any application.
- B. *General Plan Amendments for Properties Under Multiple Ownership.* In the case of a proposed amendment to the General Plan land use policy map, if the property for which the amendment is proposed is in more than one ownership, all owners or their authorized agents shall be required to sign the application.
- C. *City Council Initiated General Plan Amendment.* The Community Development Director and/or City Council may initiate an application to amend the General Plan.

D. *Planning Commission Hearing.* A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions of Section 17.02.051. At the public hearing, the Planning Commission shall review the application and proposal and receive evidence as to how or why the proposed General Plan amendment is consistent with the objectives of this Title 17, the balance of the General Plan, and development policies of the City.

E. *Planning Commission Action.* The Planning Commission shall act to recommend to the City Council approval, approval with modifications, or denial of the proposed application. A majority vote of the entire Planning Commission is required to recommend approval or approval with modifications. The Planning Commission's action shall include its recommendation and shall be transmitted to the City Clerk for scheduling the matter for public hearing before the City Council.

F. *City Council Public Hearing.* Upon receipt of a Planning Commission resolution, the City Clerk shall set the matter for hearing before the City Council as provided for in Section 17.42 [17.02.050] (Public Hearings). At the hearing, the City Council shall review the Commission's recommendation and may receive evidence as to how or why the proposed General Plan amendment is consistent with the objectives of this Zoning Ordinance, the balance of the General Plan, and development policies of the City.

G. *City Council Action.* The City Council shall act to approve or deny the application. A majority vote of the entire Council is required to amend the General Plan. The City Council's action to amend the General Plan shall be by formal resolution.

H. *Referral of General Amendment to the Planning Commission.* If the City Council proposes any substantial modification to the application not previously considered by the Planning Commission, the City Council shall refer the matter back to the Commission for consideration. No public hearing shall be required. Failure of the Planning Commission to act within 40 days of receiving the City Council's request shall provide the City Council with authority to act without the Planning Commission's recommendation.

I. *Required Findings.* Prior to approving a General Plan amendment, the City Council shall make the following findings:

1. That the proposed amendment is in the public interest, and that there will be a community benefit resulting from the amendment;
2. That the proposed amendment is consistent with the other goals, policies, and objectives of the General Plan;
3. That the proposed amendment will not conflict with provisions of the zoning ordinance or subdivision regulations; and
4. In the event that the proposed amendment is a change to the land use policy map, that the amendment will not adversely affect surrounding properties.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

## 17.02.100 - Conditional use permits.

The City recognizes that certain uses, due to the nature of use, intensity, or size, require special review to determine if the use proposed, or the location of that use, is compatible with surrounding uses, or through the imposition of development and use conditions, can be made compatible with surrounding uses. The conditional use permit is provided for this purpose. The Planning Commission is empowered to grant and deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permit.

- A. *Providing Proof of Vested Interest.* Any person who is able to demonstrate a legal vested interest in the proposed application may initiate an application for a conditional use permit. The authorized agent of any person with a legal vested interest may also initiate an application. Community Development Director may request proof of ownership or authorization to apply prior to the acceptance of any application.
- B. *Scope of Application.* Applications for conditional use permits may be submitted only for those uses specified as allowable conditional uses in the applicable zone district. A conditional use permit is not a substitute for a change of zone or zoning ordinance text amendment.
- C. *Filing of Application.* The application shall be filed pursuant to the provisions of this Zoning Ordinance (Section 17.02.040).
- D. *Review of Application by Community Development Director.* The Community Development Director or his designee, shall investigate the application and proposal, including the analysis of precedent cases as appropriate, and shall prepare a report outlining facts and a recommendation relating to the application. The report shall be provided to the Planning Commission and the applicant prior to any scheduled public hearing on the application.
- E. *Planning Commission Public Hearing.* A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions of this Zoning Ordinance (Section 17.02.051). At the public hearing, the Planning Commission shall review the application and proposal and receive evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in subsection G of this section (Required Findings).
- F. *Planning Commission Action.* The Planning Commission shall act to approve, conditionally approve, or deny the application. The decision of the Planning Commission shall become effective immediately upon its rendering, unless an appeal is filed pursuant to the provisions of this Zoning Ordinance (Section 17.02.060 Appeals and Revocations).
- G.

*Findings of Approval.* The Planning Commission may approve and/or modify a conditional use permit in whole or in part, with or without conditions, provided that all of the following findings of fact are made:

1. The proposed use is one conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this Zoning Ordinance;
2. The proposed use would not impair the integrity and character of the zone in which it is to be located;
3. The subject site is physically suitable for the type of land use being proposed;
4. The proposed use is compatible with the land uses presently on the subject property;
5. The proposed use would be compatible with existing and future land uses within the zone and the general area in which the proposed use is to be located;
6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;
7. There would be adequate provisions for public access to serve the subject proposal;
8. The proposed use is consistent with the objectives, policies, general land uses, and programs of the City of Beaumont General Plan;
9. The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare; and
10. The proposed design and elevations preserve and maximize the image, character, and visual quality of the neighborhood.
11. The Planning Commission shall find that the proposed use does not have a disproportionately high and adverse human health or environmental effect on minority and low-income populations.
12. This subsection G shall apply only to the uses identified in Chapter 17.03. This subsection shall not invalidate any conditional use permit for an operating facility but shall be complied with prior to issuance of a building permit for all projects for which no building permit has been issued upon the effective date of this provision.

H. *Imposition of Conditions of Approval.* The following provisions shall apply with respect to the imposition of conditions of approval:

1. In granting a conditional use permit, the Planning Commission may impose such conditions as it deems necessary to ensure that the public health, safety, and general welfare are protected and that the proposed operation is not a detriment to the community.
2. All conditions shall be binding upon the applicant, heirs, successors, or assignees and shall restrict the construction, location, maintenance, and use of all land within the development.

3. A deed restriction may be recorded with the County Recorder of Riverside County, as approved by the City Attorney, regarding the conditions of this section and other requirements of the conditional use permit.
- I. *Conditional Use Permit, Attachment, Suspension, and Revocation.* A conditional use permit that is valid and in effect and granted pursuant to the provisions of this Title 17 shall be valid only on the property for which it was granted and shall continue to be valid upon change of ownership of the property or any lawfully existing building or structure on the property. The Community Development Director shall have the authority to initiate proceedings to suspend or revoke a conditional use permit pursuant to provisions set forth in Section 17.02.61.
- J. *Conditional Use Permit Time Limits.* The grantee of a conditional use permit shall have one year from the effective date of the permit to establish a right to use the permit; otherwise, the conditional use permit shall lapse and become void. For the purposes of this section, such a right shall be established if either:
  1. A building permit has been issued and construction commenced and diligently pursued toward completion on the site for which the conditional use permit was approved; or
  2. In the event no building permit is required, a certificate of occupancy has been issued for the structure for which the conditional use permit was approved; or
  3. In the event no building permit or occupancy is required, the site for which the conditional use permit was approved is occupied and used for the permitted purpose; or
  4. Prior to the date on which the conditional use permit will elapse, the grantee files an application to renew the permit pursuant to subsection K below.
- K. *Conditional Use Permit Lapse in Time.* A conditional use permit subject to lapse may be renewed up to an additional one-year period, provided that the application for renewal is filed with the Planning Department prior to the expiration date. A public hearing before the Planning Commission shall be required.
- L. *Conditional Use Permit Renewal.* The Planning Commission may grant or deny an application for renewal of a conditional use permit. As part of its action, the Commission may also modify existing conditions of approval or add new conditions to reflect any change in circumstances related to the conditional use permit and surrounding properties.
- M. *Lapsing in Conditional Use Permit.* If any conditional use permit fails to be actively exercised for a continuous 180-day period, the permit shall lapse and become void.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.02.110 - Variances.

The variance procedure is provided pursuant to Section 65906 of the California Government Code to grant relief from zoning provisions when, because of special circumstances applicable to a property, including size, shape, topography, location, or surroundings, the strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

- A. *Limitations in Variances.* Variances shall not be granted to authorize a use or activity on a property that is not otherwise expressly authorized by the provisions of this Zoning Ordinance governing that property. A variance is not a substitute for a zone change, zone text amendment, or conditional use permit. Financial hardship in and of itself does not represent grounds on which to file a variance application to gain relief from zoning provisions.
- B. *Providing Proof of Vested Interest.* Any person who is able to demonstrate a legal vested interest in the proposed application may initiate an application for a variance. The authorized agent of any person with a legal vested interest may also initiate an application. The Community Development Director may request proof of ownership or authorization to apply prior to the acceptance of any application.
- C. *Notice of Public Hearing.* An application shall be filed pursuant to the provisions of Section 17.02.051.
- D. *Filing of Application.* In addition to the application filing requirements established in this Zoning Ordinance, the applicant shall file a statement of the precise nature of the variance requested and the practical difficulty or unnecessary physical hardship that would result from the strict or literal interpretation of this ordinance, together with any other data pertinent to the application and the making of requisite findings (Section 17.02.040).
- E. *Review of Application by Community Development Director.* The Community Development Director shall investigate the application and proposal, including the analysis of precedent cases as appropriate, and shall prepare a report outlining facts and a recommendation relating to the application. The report shall be provided to the Planning Commission and the applicant prior to any scheduled public hearing on the application.
- F. *Public Hearing.* A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions of this Zoning Ordinance (Section 17.02.051). At the public hearing, the Planning Commission shall review the application and proposal and receive evidence concerning the proposed variance and the conditions which make compliance with specific provisions of this ordinance difficult.
- G. *Planning Commission Action.* The Planning Commission shall act to approve, conditionally approve, or deny the application. The decision of the Planning Commission shall become effective immediately upon its rendering, unless an appeal is filed pursuant to the provisions

of Section 17.02.060 (Appeals and Revocations).

H. *Findings of Approval.* In granting a variance, the Planning Commission must make all of the following findings:

1. That the strict or literal interpretation and application of this Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Zoning Ordinance, or would deprive applicants of privileges granted to others in similar circumstances; and
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property that do not apply generally to other property in the same zone; and
3. That the granting of such variance will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the vicinity classified in the same zone; and
4. That the granting of such variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located; and
5. That the granting of such variance will not create any inconsistency with any objective contained in the General Plan.

I. *Imposition of Conditions of Approval.* A variance that is valid and in effect and granted pursuant to the provisions of this Zoning Ordinance shall be valid only on the property for which it was granted and only for the improvements for which it is granted and further, shall continue to be valid upon change of ownership of the property or any lawfully existing building or structure on the property.

J. *Conditions of Approval will be Binding.* The Community Development Director shall have the authority to initiate proceedings to suspend or revoke a variance pursuant to provisions set forth in Section 17.02.61.

K. *Time Limits.* The grantee of a Variance shall have one year from the effective date of the approval to establish a right to use the approval; otherwise, the variance shall lapse and become void. For the purposes of this section, such a right shall be established if either:

1. A building permit has been issued and construction commenced and diligently pursued toward completion on the site for which the variance was approved; or
2. In the event no building permit is required, a certificate of occupancy has been issued for the structure for which the variance was approved; or
3. In the event no building permit or occupancy is required, the site for which the variance was approved is occupied; or

4. Prior to the date on which the variance will elapse, the grantee files an application to renew the permit pursuant to subsection L below.
- L. A variance subject to lapse may be renewed up to an additional one-year period, provided that the application for renewal is filed with the Planning Department prior to the expiration date.
- M. The Planning Commission may approve or deny an application for renewal of a variance. As part of its action, the Commission may also modify existing conditions of approval or add new conditions to reflect any change in circumstances related to the variance and surrounding properties.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.02.120 - Modification of standards.

The modification of standards procedure is established to grant minor relief from development standards, under limited circumstances, when the granting of such relief will provide for better design and function of the structure, or addition to a structure, proposed.

- A. *Use of Modification of Standards.* An application for the purposes of this Section, a modification of standards application shall be filed whenever any one of the following deviations from the provisions of this Title 17 is proposed:
  1. A decrease of not more than 20 percent of the minimum required setback area.
  2. An increase of not more than ten percent of the maximum permitted building height.
  3. Any deviation in the permitted maximum height or location of a fence or wall.
  4. An increase of not more than ten percent of the maximum permitted lot coverage.
  5. A decrease of not more than 20 percent of the minimum usable open space requirement.
  6. Any deviation in the applicable development standards of not more than 20 percent to allow for improved productivity of solar energy systems.
  7. A decrease of not more than 20 percent of the minimum number of required parking spaces.
    - a. If a fractional number is obtained with this calculation, the number of parking spaces that may be reduced shall be rounded up to the next highest whole number, except that the parking requirement shall not be reduced to zero (e.g., if two to four parking spaces are required, a minor modification approval could reduce the requirement by one parking space).
  8. Modifications in excess of those cited in subparagraph 1 through 7 above shall require a variance.
- B.

*Modification of Standards, Initiation.* Any person who is able to demonstrate a legal vested interest in the proposed application may initiate an application for a modification of standards. The authorized agent of any person with a legal vested interest may also initiate an application. The Community Development Director may request proof of ownership or authorization to apply prior to the acceptance of any application. In addition to the application filing requirements, the applicant shall file a statement of the precise nature of the modification of standards requested and reasons for the request.

- C. *Community Development Director Investigation.* The Community Development Director or the designee shall investigate the application and proposal, including the analysis of precedent cases as appropriate, and shall prepare a report outlining facts and a recommendation relating to the application. The Community Development Director may request written statements from adjoining property owners who may be affected by the proposed application.
- D. *Community Development Director Action.* Based on the investigation undertaken pursuant to C above, the Director or designee shall act to approve, approve with conditions, or deny the modification of standards application. In granting a modification of standards, the Director or designee shall make findings of fact that establish the circumstances appropriate for the approval. Action on a modification of standards application shall be taken within ten days of the date the application is deemed complete.
- E. *Modification of Standards Findings.* An application shall not be granted unless all of the following findings can be made:
  - 1. A modification is needed to allow property to be used in a more beneficial manner; and
  - 2. A modification would not be detrimental to public health, safety, or general welfare or to surrounding property owners or the community; and
  - 3. The granting the modification would not grant special privileges to the applicant not enjoyed by surrounding property owners; and
  - 4. There are physical circumstances due to the shape or condition of the property which would result in hardship under existing regulations; and
  - 5. The purpose of modification is not based exclusively on the financial advantage of the owner; and
  - 6. The alleged difficulties were not created by the owner; and
  - 7. The modification would not diminish property values in the area;
  - 8. The modification would not increase traffic or endanger public safety; and,
  - 9. The modification would not have detrimental effects on adjoining properties.
- F.

*Modification of Standards, Attachment, Revocation, and Suspension.* A modification of standards that is valid and in effect and granted pursuant to the provisions of this Zoning Ordinance shall be valid only on the property for which it was granted and only for the improvements for which it is granted and further, shall continue to be valid upon change of ownership of the property or any lawfully existing building or structure on the property. The Community Development Director shall have the authority to initiate proceedings to suspend or revoke a modification of standards pursuant to provisions set forth in Section 17.02.61.

G. *Modification of Standards, Time Limits.* The grantee of a modification of standards shall have one year from the effective date of the approval to establish a right to use the approval; otherwise, the approval shall lapse and shall become void. For the purposes of this section, such a right shall be established if either:

1. A building permit has been issued and construction commenced and diligently pursued toward completion on the site for which the modification of standards was approved; or
2. In the event no building permit is required, a certificate of occupancy has been issued for the structure for which the modification of standards was approved; or
3. In the event no building permit or occupancy is required, the site for which the modification of standard was approved is occupied; or
4. Prior to the date on which the modification of standards will elapse, the grantee files an application to renew the permit pursuant to subsection 5 below.
5. A modification of standards approval subject to lapse may be renewed for an additional one-year period, provided that the application for renewal is filed with the Planning Department prior to the expiration date.

H. *Approval or Denial of Application.* The Community Development Director may approve or deny an application for renewal of a modification of standards. As part of the action, the Director may also modify existing conditions of approval or add new conditions to reflect any change in circumstances related to the modification of standards and surrounding properties.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

#### 17.02.125 - Certificates of appropriateness.

This purpose of this section is to provide various levels of historic protection and review and to preserve existing elements of historic resources in the City. The City's intent is to be lenient in its review of plans for structures which have little or no historic value, or of plans for new construction, unless such plans would impair the historic value of surrounding structures. The establishment of a certificate of appropriateness is intended to protect structures of historic significance including areas of architectural, cultural, historic, economic, political, and social importance from the adverse effects of any alteration, demolition, or removal.

*A. Applicability.*

1. A certificate of appropriateness is required for the exterior alteration, demolition, removal, or relocation of any historic resource or potential historic resource. A historic resource includes:
  - a. A resource identified in a City-approved historic or cultural resources study;
  - b. A structure over 50 years old; and/or
  - c. A structure potentially eligible for registration on a local, state, or national register.
2. The following activities do not require approval of a certificate of appropriateness:
  - a. Painting, routine maintenance, or minor repair, as determined by the Director to be consistent with existing colors and materials and not to have an adverse effect on the integrity of the historic resource. Such work includes:
    1. Alterations to the interior of the structure that do not have the possibility of adversely affecting the integrity of the historic resource;
    2. Repairing pavement or repaving flat concrete work that is not considered a character-defining feature of the historic resource;
    3. Landscaping, unless the landscaping is considered a character-defining feature of the historic resource;
    4. Construction, repair, demolition, or alterations to other structures on the property not determined to qualify as a historic resource;
    5. Re-glazing windows;
    6. Replacement of incompatible windows or doors with more historically appropriate windows or doors;
    7. In-kind replacement of windows and doors on side and rear façades not readily visible from the public right-of-way;
    8. Minor changes to front and street side fences;
    9. Construction, repair, demolition, or alterations to side and rear yard fences;
    10. Roofing work, if there is minimal change in roof structure and exterior appearance;
    11. Foundation work, if there is minimal change in exterior appearance; and/or
    12. Repair of exterior siding, if consistent in material, size, and orientation to existing or proven historic siding.

*B. Review Procedure.*

- 1.

*Community Development Director review.* Minor modifications that do not involve new construction, additions to existing structures, or demolition of existing structures shall be subject to review and approval or denial by the Director.

2. *Planning Commission review.* All other modifications that do not meet the criteria for Director review as specified above shall be subject to review and approval or denial by the Commission. The Commission shall conduct a public hearing on the request in compliance with Section 17.02.053 (Public hearing, procedures).
3. *Notice.* Noticing for a certificate of appropriateness shall be provided in compliance with Section 17.02.051 (Public hearings, noticing); however, the notice for a certificate of appropriateness subject to Director review shall state the following:
  - a. The Director will decide whether to approve or deny the certificate of appropriateness on a date specified in the notice; and
  - b. A public hearing will be held by the Director only if requested in writing by any interested person before the specified date for the decision.
4. *Community Development Director public hearing.* If a public hearing is requested in writing for a certificate of appropriateness application subject to Director review, the Director shall schedule the hearing which shall be noticed and conducted in compliance with Chapter 17.02.053 (Public hearing, procedures). If no public hearing is requested, the Director shall render a decision on the date specified in the public notice.

C. *Findings of Approval.* The review authority shall approve, with or without conditions, a certificate of appropriateness only after the following findings are made:

1. Either, (a) the proposed work will neither adversely affect the significant features or character of a historic resource, or (b) a statement of overriding considerations has been adopted by the review authority finding that the benefits of the proposed work outweigh the impact on historic resources; and
2. The proposed project is consistent with the General Plan and any applicable specific plan.

D. *Unsafe or Dangerous Conditions.* None of the provisions of this section shall be construed to prevent any alteration or demolition necessary to correct the unsafe or dangerous conditions of any structure, feature, or part thereof, when such condition has been declared unsafe or dangerous by the Building Official or the Fire Chief and where the proposed measures have been declared necessary by such official to correct such conditions. Work shall be performed in compliance with the current adopted version of the Uniform Code for the Abatement of Dangerous Buildings. However, only such work as is necessary to correct the unsafe or dangerous condition may be performed without compliance with this section.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

## 17.02.130 - Enforcement.

This section outlines the procedures to ensure that the provisions of this Title are enforced.

- A. *Special Prosecutor Responsibilities.* The Special Prosecutor, upon the request of the City Council, shall institute any necessary legal proceedings to enforce this Zoning Ordinance (Title 17). The Special Prosecutor shall be authorized, in addition to any other remedy provided in this Zoning Ordinance to institute an action for an injunction to restrain or any other appropriate action or proceedings for enforcement.
- B. *Clarification of Ambiguity.* If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Zoning Ordinance, or if ambiguity exists with respect to matters of height, yard requirements, area requirements, or zone boundaries as set forth herein, it shall be the duty of the Community Development Director to ascertain all pertinent facts, and to set forth in writing the findings and the interpretations. The Director can refer the matter to the Planning Commission as a scheduled matter not requiring public hearing, and the findings and interpretations of the Planning Commission shall be set forth in the recorded minutes. Thereafter, such interpretations shall govern.
- C. *Enforcement and Penalty for Violation.* The Planning Commission, the Community Development Director, the City Attorney, the City Clerk, and all officials charged with the issuance of licenses or permits shall enforce the provisions of this Zoning Ordinance. Any permit, certificate, or license issued in conflict with the provisions of this Zoning Ordinance shall be void.
- D. *Actions Deemed a Nuisance.* Any building or structure erected or maintained, or any use of property contrary to the provisions of this Zoning Ordinance shall be declared to be unlawful and a public nuisance, subject to abatement pursuant to the City of Beaumont Municipal Code.
- E. *Remedies.* All remedies concerning this Zoning Ordinance shall be cumulative and not exclusive. Conviction and punishment of any person hereunder shall not relieve such persons from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures, or improvements, and shall not prevent the enforced correction or removal thereof.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

## 17.02.140 - Reserved.

## Chapter 17.03 - ZONING MAP AND ZONE DISTRICTS

### 17.03.010 - Purpose and authority.

The purpose of this Chapter 17.03 is to accomplish the following:

- To implement the Community Development Element of the City of Beaumont General Plan and the Land Use Policy Map;
- To identify and describe the land use designations delineated on the City of Beaumont Official Zoning Map;
- To indicate the development standards for each of the Zone Districts; and
- To identify the range of uses permitted within each Zone District.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

### 17.03.020 - Establishment of zone districts.

For the purpose of providing a uniform basis for this Zoning Ordinance, the following zone classifications may be applied to those parcels located within the corporate boundaries of the City of Beaumont:

Recreation/Conservation Zone (R-C Zone)

Residential, Rural Zone (R-R Zone)

Residential, Single Family Zone (R-SF Zone)

Residential, Traditional Neighborhood Zone (R-TN Zone)

Residential, Multiple-Family Zone (R-MF)

Urban Village Zone (UV Zone)

Commercial, Neighborhood Zone (C-N Zone)

Community Commercial Zone (C-C Zone)

Manufacturing Zone (M Zone)

Public Facilities Zone (P-F Zone)

Overlay Zones (O Zone)

Specific Plan (SP Zone)

Additional zone classifications that apply to Downtown Beaumont are provided in Chapter 17.19.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

## 17.03.030 - Zoning map.

The location and boundaries of the various zones are delineated on the zoning map of the City of Beaumont. All property within the City, public and private, is assigned a specific Zone designation and its location and extent is noted on the official zoning map. The use of all property must be in accordance with the Zoning designations delineated on the zoning map and pursuant to the provisions of this Zoning Code.

- A. *Use of Zoning Map and Classifications.* The requirements that are applicable to each Zone classification is specifically set forth in subsequent articles of this ordinance.
- B. *Uncertainty in Cartography.* Where uncertainty exists as to the boundaries of any zone, the following rules shall apply:
  1. *Cartography.* Where boundaries are indicated as approximately following street lines, alley lines, or lot lines, such lines shall be construed to be such boundaries.
  2. *Easements and Rights-of-Way.* Dedicated streets, alleys, freeways, or railroad rights-of-way shall be deemed to be unclassified.
  3. *Vacated or Abandoned Property.* If any public street, alley or other right-of-way is vacated or abandoned, the land formerly in such street, alley or right-of-way shall be included within the Zoning of the adjoining property on each side.
  4. *Amendments to the Official Zoning Map.* Changes in boundaries of Zones shall be made by ordinance (as described in Section 17.02). All amendments to the zoning map shall be noted on the Map with the date of the amendment and references to the amending ordinance.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

## 17.03.040 - Recreation/Conservation Zone (R-C Zone).

The Recreation/Conservation Zone is intended to include and recognize the flowing uses: water course and watershed areas, public and private park lands, cemeteries, natural resource lands, wildlife preserves, and publicly owned dedicated scenic and open space areas. This Zone is also intended to provide for permanent open space in specific areas by limiting development in areas where natural hazards are present that might endanger the health, safety, and welfare of residents from possible flood, subsidence, erosion, or seismic activity.

- A. *Recreation/Conservation Zone, Permitted Uses.* The uses permitted under this Zone District are identified in Table 17.03-1 of this Section.
- B. *Recreation/Conservation Zone, Conditional Uses.* The uses conditionally permitted under this Zone District are identified in Table 17.03-1 of this Section. Such uses require the approval of a conditional use permit.

C. *Recreation/Conservation Zone, Development Standards.* The following standards shall apply to the Recreation/Conservation Zone (R-C Zone):

1. *Lot Area and Dimension.* No minimum or maximum lot area standards are applicable to this Zone.
2. *Setbacks and Yards.* All yards and other structural standards other than height shall be specified in connection with, and as a part of, the issuance of a plot plan or conditional use permit for structural development.
3. *Building Height.* In the RC Zone the maximum height of any building shall not exceed two stories or 35 feet, whichever is less.

D. *Recreation/Conservation Zone, Off Street Parking.* Automobile storage space shall be provided as indicated in Chapter 17.05.

E. *Recreation/Conservation Zone, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply.

F. *Recreation/Conservation Zone, Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.03.050 - Residential, Rural Zone (RR Zone).

The Residential, Rural Zone (R-R Zone) is intended to provide for and encourage the development of agriculturally oriented low density residential development to take advantage of the rural environment.

A. *Residential, Rural Zone, Permitted Uses.* The uses permitted under this Zone District are identified in Table 17.03-3 of this Section.

B. *Residential, Rural Zone, Conditional Uses.* The uses conditionally permitted under this Zone District are identified in Table 17.03-3 of this Section. Such uses require the approval of a conditional use permit.

C. *Residential, Rural Zone, Development Standards.* The following standards shall apply to the Residential, Rural Zone (R-R Zone):

1. *Lot Area.* The lot sizes shall not be less than 40 acres.
2. *Setbacks and Yards.*
  - a. Minimum yard requirements shall be 25 feet for the front yard, ten feet for the side yard, and 20 feet for the rear yard.
  - b. A minimum setback of 50 feet shall be provided along property lines adjoining the R-C Zone.
3. *Building Height.* In the R-R Zone the maximum height of any building shall not exceed two stories or 26 feet, whichever is less.

- D. *Residential, Rural Zone, Off Street Parking.* Automobile storage space shall be provided as indicated in Chapter 17.05.
- E. *Residential, Rural Zone, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply.
- F. *Residential, Rural Zone, Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.03.060 - Residential, Single-Family Zone (R-SF Zone).

The Residential, Single-Family Zone (R-SF Zone) is intended to protect established neighborhoods of one-family dwellings and to provide space in suitable locations for additional residential, single-family development. To increase access to shopping, services, and amenities, the R-SF Zone allows for limited, appropriately located neighborhood supporting uses in specific locations.

- A. *Residential, Single-Family Zone, Permitted Uses.* The uses permitted under this Zone District are identified in Table 17.03-3 of this Section.
- B. *Residential, Single-Family Zone, Conditional Uses.* The uses conditionally permitted under this Zone District are identified in Table 17.03-3 of this Section. Such uses require the approval of a conditional use permit.
- C. *Residential, Single-Family Zone, Development Standards.* The following standards shall apply to the Residential, Single-Family Zone (R-SF Zone):
  - 1. *Lot Area and Dimension.* The minimum lot area for lots within this zone is 7,000 square feet.
  - 2. *Setbacks and Yards.* The following setback requirements are applicable to the Residential, Single-Family Zone (R-SF Zone):
    - a. *Front Yard Setbacks.* The minimum front yard setback is 20 feet for single level structures and 20 feet for two level structures. In no event shall a residence be situated in such a manner as to result in a distance of less than 20 feet between the back of a sidewalk and the face of a garage door.
    - b. *Rear Yard Setbacks.* The minimum rear yard setback for single level structures is 20 feet except for those interior lots that border on an alley. A minimum rear yard setback of five feet is permitted for an accessory structure used for enclosed parking. The minimum rear yard setback for a two-level residential structures is 20 feet.
    - c. *Side Yard Setbacks.* Interior side yard setbacks shall not be less than five feet on each side except that on interior lots of 70 feet or greater in width, side yard setbacks shall be at least five feet in width on one side and ten feet in width on the other side. Two

story residences shall have a ten-foot side yard setback regardless of parcel width. Corner lots shall have a street side yard of at least ten feet from each side yard property line.

d. *Setbacks for Accessory Structures.* Accessory structures, including second and guest units (as may be permitted by this Ordinance), detached garages, outbuildings, sheds, gazebos, and patios, shall comply with the front and side setback regulations applicable to the R-SF Zone. Such structures may be located in the rear yard areas subject to the following limitations:

1. The height of any accessory structure shall not exceed the height of the principal residence on the site.
2. Single-story accessory structures shall be located a minimum of ten feet from the principal residential structure; two-story accessory structures shall be located a minimum of 20 feet from the principal residential structure.
3. A minimum rear setback of ten feet shall be maintained for any accessory structure.
4. An accessory structure, or the total of all accessory structures, shall in no event occupy more than 25 percent of the lot.

e. *Setbacks for Properties Adjoining the R-C Zone.* A minimum setback of 20 feet shall be provided along property lines adjoining the R-C Zone.

3. *Building Height.* In the Residential, Single-Family Zone (R-SF Zone), the maximum height of any building shall not exceed 35 feet or two stories, whichever is less.

**Table 17.03-1**

**Setback (Yard) Requirements for Residential, Single-Family Zone  
(RSF Zone)**

<b><i>Yard</i></b>	<b><i>Single Level</i></b>	<b><i>Two-Level</i></b>
Front Yard	20 ft.	20 ft.
Rear Yard	20 ft. for interior lots 5 ft. for accessory structures used exclusively for parking	20 ft.

Side Yard <sup>1</sup>	5 ft. for interior lots <70 ft. in width 10 ft. on one side and 5 ft. on the other side for interior lots >70 ft. in width 10 ft. for corner lots (street side yard)	10 ft.
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<sup>1</sup> For commercial uses in the SFR Zone, a 25-foot side yard setback applies when adjacent to a residential use

4. *Floor Area Ratio.* The maximum permitted floor area ratio is 0.35. This standard applies to commercial uses only.
- D. *Accessory Dwelling Units.* Accessory dwelling units are limited to one per single-family residence within a Single-Family Zone.
  1. *Detached Accessory Dwelling Units.* Detached accessory dwelling units shall not exceed 50 percent of the floor area of the main unit or 1,200 square feet, whichever is less. The height of the accessory unit shall not exceed the height of the main unit. In addition, the detached accessory dwelling unit must be connected to sewer and shall be provided with individual sewer connections. Detached accessory dwelling units shall be detached from the main unit by a minimum distance of ten feet and shall have a minimum distance of 15 feet from the rear property line. Detached accessory dwelling units may be located in an existing structure, without consideration to setbacks. The detached accessory dwelling unit shall be located in such a fashion so that it is concealed from public view and shall have matching colors and materials as the main unit. The main unit must meet current requirements for parking prior to or in conjunction with the detached accessory dwelling unit approval.
  2. *Attached Accessory Dwelling Units.* Attached accessory dwelling units shall not exceed 50 percent of the floor area of the main unit or 1,200 square feet, whichever is less. The height of the attached accessory dwelling unit shall not exceed the height of the main unit. Setbacks shall meet the requirements of the zone unless within an existing structure or unless the attached accessory dwelling unit is created from an existing living space in a single-family home. The attached accessory dwelling unit shall be located in such a fashion so that it is concealed from public view (specifically the entrance) and shall have matching colors and materials as the main unit. The main unit must meet current requirements for parking prior to or in conjunction with the attached accessory unit approval.
  - 3.

*Junior Accessory Dwelling Units.* Junior accessory dwelling units shall not exceed 500 square feet, shall consist of one bedroom and a limited kitchen, and have access to both interior access to the main unit and an exterior door. A junior accessory dwelling unit is not considered a separate dwelling unit. The height of the junior accessory dwelling unit shall not exceed the height of the main unit. Setbacks shall meet the requirements of the zone unless within an existing structure. The junior accessory dwelling unit kitchen may only have a wet bar or efficiency kitchen (a single basin sink with a maximum waste line diameter of 1.5 inches and cooking facility with appliances that can run on standard 120 volt outlets or natural or propane gas). The kitchen may include a small refrigerator (maximum of six cubic feet), microwave, and small cooktop (max two elements).

The owner must occupy either the main unit or the junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

The junior accessory dwelling unit shall be located in such a fashion so that it is concealed from public view so as not to look like a duplex. The entry to the junior accessory dwelling unit shall face the side- or back-yard area. A junior accessory dwelling unit shall have matching colors and materials as the main unit. The main unit must meet current requirements for parking prior to or in conjunction with the junior accessory dwelling unit approval.

- E. *Residential, Single-Family Zone, Off Street Parking.* Automobile storage space shall be provided as indicated in Chapter 17.05.
- F. *Residential, Single-Family Zone, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply.
- G. *Residential, Single-Family Zone, Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.
- H. *Pedestrian Access.* Development projects that include 20 or more residential units shall provide on-site pedestrian connections to public sidewalks and transit stops.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.03.065 - Residential, Traditional Neighborhood (R-TN Zone).

The Residential, Traditional Neighborhood Zone is intended to provide a range of housing choices, including single-family and multi-family development and supporting neighborhood service uses within a walkable and well-connected setting.

- A. *Residential, Traditional Neighborhood Zone, Permitted Uses.* The uses permitted under this Zone District are identified in Table 17.03-3 of this Section.
- B.

*Residential, Traditional Neighborhood Zone, Conditional Uses.* The uses conditionally permitted under this Zone District are identified in Table 17.03-3 of this Section. Such uses require the approval of a conditional use permit.

C. *Residential, Traditional Neighborhood Zone, Development Standards.* The following standards shall apply to the Residential, Traditional Neighborhood Zone (R-TN Zone):

1. *Lot Area and Dimension.* Lot sizes for the Residential, Traditional Neighborhood Zone (R-TN Zone) shall not be less than 5,000 square feet with a minimum lot width of 50 feet and a minimum lot depth of 100 feet. Smaller lots may be allowed consistent with 17.11.030.D (Small Lot Development).
2. *Setbacks and Yards.* The following setback requirements are applicable to the Residential, Traditional Neighborhood Zone (R-TN Zone):
  - a. *Front Yard Setbacks.*
    1. The minimum front yard setback is 15 feet.
    2. The maximum front yard setback is 25 feet. The maximum setback requirement may be waived if the Director finds:
      - (a) Common plazas, courtyards, or outdoor amenity areas are located between the street and the building(s);
      - (b) The building(s) incorporates an entrance design that creates a welcoming entry feature facing the street; or
      - (c) A larger area is required to preserve existing mature trees or natural features.
  - b. *Rear Yard Setbacks.* The minimum rear yard setback is 15 feet, except a minimum rear yard setback of five feet is allowed for a garage abutting an alley.
  - c. *Side Yard Setbacks.*
    1. The minimum interior side yard setback is five feet, except corner lots shall have a minimum street side yard setback of 10 feet.
    2. The maximum street side yard setback is 20 feet. The maximum setback requirement may be waived if the Director makes the findings listed in Section 17.03.065.C.2.a.2.

**Table 17.03-2**  
**Setback (Yard) Requirements for**  
**Residential, Traditional Neighborhood Zone**  
**(RTN Zone)**

<b>Yard</b>	<b>Setback Requirement</b>
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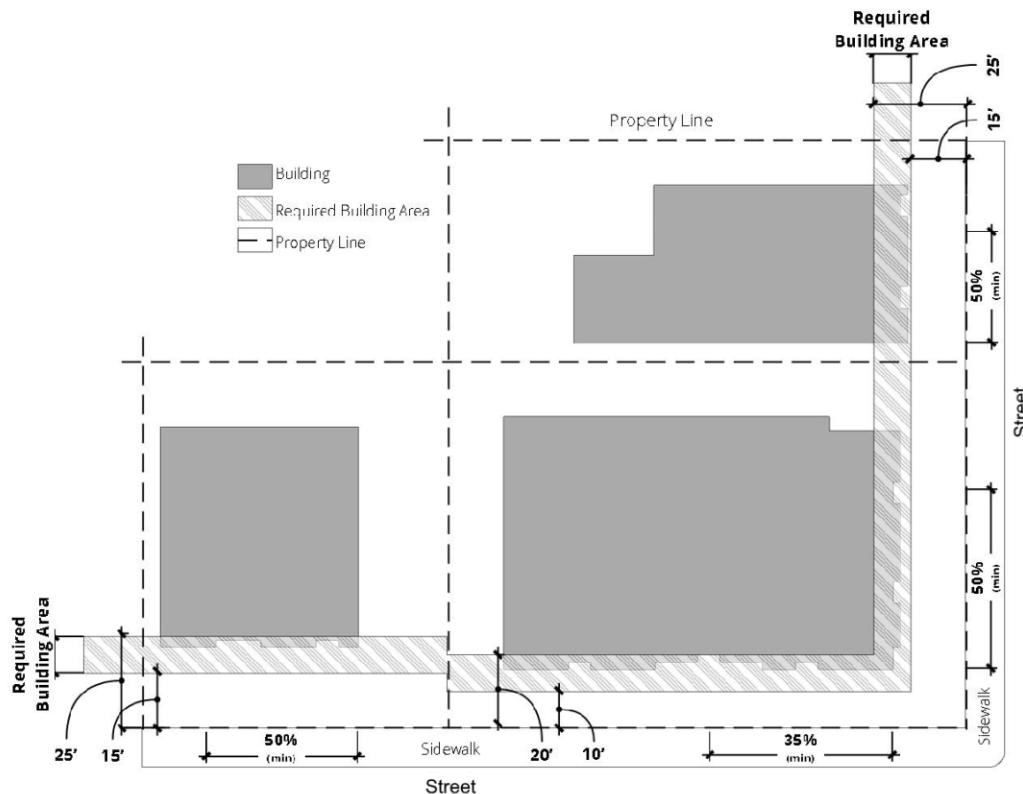
Front Yard	15 ft. (minimum) 25 ft. (maximum) unless waived by the Director
Rear Yard	15 ft. (minimum) 5 ft. (minimum) for a garage abutting an alley
Side Yard	5 ft. (minimum) for interior lots 10 ft. (minimum) for corner lots (street side yard) 20 ft. (maximum) for corner lots (street side yard) unless waived by the Director

d. *Setbacks for Properties Adjoining the R-C Zone.* A minimum setback of 20 feet shall be provided along property lines adjoining the R-C Zone.

3. *Building Placement Requirements.*

- a. Building façade(s) shall extend a minimum of 50 percent of the street frontage for the area between the minimum and maximum front yard setbacks. For example, if a lot is 100 feet wide, 50 linear feet of the lot parallel to the street must be occupied by a building(s) that adheres to the maximum setback requirement.
- b. In the area between the minimum and maximum street side yard setback, 35 percent of the linear distance parallel to the street shall be occupied by a building façade(s).

## Building Placement Requirements, R-TN Zone Exhibit



4. *Density.* The maximum density shall be twelve units per acre with an average of six units per acre, applied across the property.
  - a. A studio or one-bedroom unit of no more than 750 square feet, excluding a garage, shall count as 0.5 of a unit.
  - b. Density below four units per acre may be allowed subject to conditional use permit approval, if the Planning Commission finds that the lower density does not jeopardize the City's ability to satisfy its Regional Housing Need Allocation.
5. *Usable Yard Area (Open Space) Requirements.* The following minimum useable open space standards are applicable to development within the Residential, Traditional Neighborhood Zone (R-TN Zone):
  - a. For multi-family developments of fewer than 20 units, each unit shall have a minimum of 100 square feet of usable open space.
  - b. For multi-family developments of 20 or more units, each unit shall have a minimum of 200 square feet of usable open space, and common usable open space at an equivalent of 200 square feet per unit
  - c. The definition of useable open space and the method of computation is provided in Chapter 17.14 (see "Open Space, Useable").
6. *Building Height.* In the Residential, Traditional Neighborhood Zone (R-TN Zone), the maximum height of any building shall not exceed 35 feet.

7. *Floor Area Ratio.* The maximum permitted floor area ratio is 0.35. This standard applies to commercial uses only.

D. *Residential, Traditional Neighborhood Zone, Off street Parking.*

1. Parking shall not be located in the front setback unless the Director makes the following findings:
  - a. Buildings comply with the maximum front setback requirement;
  - b. Parking located within the front setback is in the driveway of a single-family home or a duplex; or
  - c. The parking area located within the front setback is landscaped along the street with a hedge, trellis, and/or landscaping consistent with Chapter 17.06; and
  - d. Requirements in Chapter 17.05 are complied with.

2. Automobile storage space shall be provided as indicated in Chapter 17.05.

E. *Residential, Traditional Neighborhood Zone, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply.

F. *Residential, Traditional Neighborhood Zone, Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.

G. *Accessory Dwelling Units.* Accessory dwelling units are allowed consistent with the standards applicable to the R-SF Zone and State law.

H. *Maximum Block Length.* Block length is limited to 600 feet measured from curb edge to curb edge.

I. *Street Trees.* A minimum of one tree shall be located along every 40 feet of street frontage. Street trees shall comply with applicable standards in Section 17.06.110 (Street trees).

J. *Supplemental Multiple Family Development Standards.* The following standards apply to multiple family developments, including attached single unit developments.

1. *Building Entrances.*

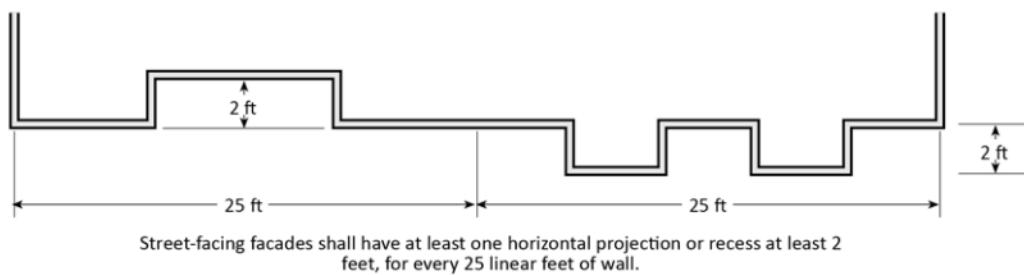
- a. All dwelling units located along streets shall have the primary entrance facing the street. Exceptions to this requirement may be approved where the site is located on a major arterial carrying high traffic volumes.
- b. Dwelling units located in the interior of a multiple family development shall be designed so that the primary entryway is visible from a pedestrian pathway that is connected to a street.
- c. Building entrances shall have a roofed projection (such as a porch) or recess with a minimum depth of at least five feet and a minimum horizontal area of 30 square feet. Exceptions to this requirement may be approved for alternative designs that create a

welcoming entry feature facing the street, such as a trellis or landscaped courtyard entry.

2. *Building Façades.*

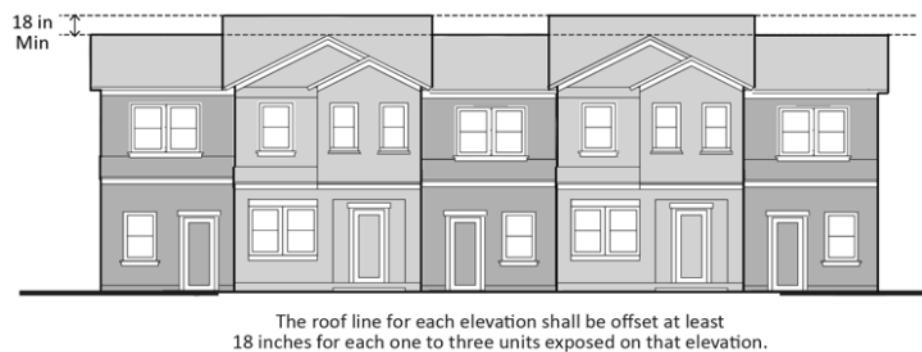
- a. At least 75 percent of the façade of each building adjacent to a street shall be occupied by habitable space with windows.
- b. Each building façade adjacent to a street shall have at least one pedestrian entry into the structure.
- c. All street-facing façades shall have at least one horizontal or vertical projection or recess at least two feet in depth, for every 25 horizontal feet of wall. Building entrances and front porches may count towards meeting this requirement.

**Façade Articulation, Multiple Family Development Requirements Exhibit**



3. *Building Roofs.* The roof line at each elevation shall demonstrate an offset of at least 24 inches for each one to three units exposed on that elevation, but in no case shall a roof line be more than 50 feet without a minimum 18-inch offset.

**Roof Line, Multiple Family Development Requirements Exhibit**



4. *Pedestrian Access.* On-site pedestrian circulation and access shall be provided consistent with the following standards.

- a. *Internal connections.* A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
- b. *To circulation network.* Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes or trails shall be provided. An on-site walkway shall connect the primary building entry or entries to a public

sidewalk on each street frontage.

- c. *To neighbors.* Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
- d. *To transit.* Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
- e. *Pedestrian walkway design.*
  1. Walkways shall be a minimum of six feet wide, shall be hard-surfaced, and paved with permeable materials. Walkway widths may be reduced to three feet wide for small lot development (Section 17.11.030.D).
  2. Where a required walkway crosses a driveway, parking area, or loading area, it must be clearly identified using a raised crosswalk, a different paving material, or a similar method.
  3. Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or another physical barrier.
5. *Private Storage Space.* Each unit shall have at least 200 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.03.070 - Residential, Multiple-Family Zone (R-MF Zone).

The Residential, Multiple-Family Zone is intended to protect established medium density and high-density residential development in the City, and to facilitate further development of this land use type. This includes higher density housing that includes condominiums, townhomes, duplexes, patio apartments, senior housing and supporting ancillary facilities.

- A. *Residential, Multiple-Family Zone, Permitted Uses.* The uses permitted under this Zone District are identified in Table 17.03-3 of this Section.
- B. *Residential, Multiple-Family Zone, Conditional Uses.* The uses conditionally permitted under this Zone District are identified in Table 17.03-3 of this Section. Such uses require the approval of a conditional use permit.
- C. *Residential, Multiple-Family Zone, Development Standards.* The following standards shall apply to the Residential, Multiple-Family Zone (R-MF Zone):
  - 1.

***Lot Area and Dimensions.*** Lot sizes for the Residential, Multiple-Family Zone (R-MF Zone) shall not be less than 6,000 square feet with an average lot width of 60 feet and a minimum average lot depth of 100 feet. Smaller lots may be allowed consistent with Section 17.11.030.D (Small Lot Development).

2. *Setbacks and Yards.* The following setback requirements are applicable to the Residential, Multiple-Family Zone (R-MF Zone):
  - a. *Front Yard Setbacks.*
    1. The minimum front yard setback is 20 feet.
    2. The maximum front yard setback is 25 feet. The maximum setback requirement may be waived if the Director finds:
      - (a) Common plazas, courtyards, or outdoor amenity areas are located between the street and the building(s);
      - (b) The building(s) incorporates an entrance design that creates a welcoming entry feature facing the street; or
      - (c) A larger area is required to preserve existing mature trees or natural features.
  - b. *Rear Yard Setbacks.* The minimum rear yard setback is 15 feet, except a minimum rear yard setback of five feet is allowed for a garage abutting an alley.
  - c. *Side Yard Setbacks.*
    1. The minimum interior side yard setback is five feet, except corner lots shall have a minimum street side yard setback of 10 feet.
    2. The maximum street side yard setback is 20 feet. The maximum setback requirement may be waived if the Director makes the findings listed in subparagraph 17.03.070.C.2.a.2.

**Table 17.03-2.5**

***Setback (Yard) Requirements for Residential, Multiple-Family Zone (RMF Zone)***

<b><i>Yard</i></b>	<b><i>Setback Requirement</i></b>
Front Yard	15 ft. (minimum) 20 ft. (maximum) unless waived by the Director
Rear Yard	15 ft. (minimum) 5 ft. (minimum) for a garage abutting an alley

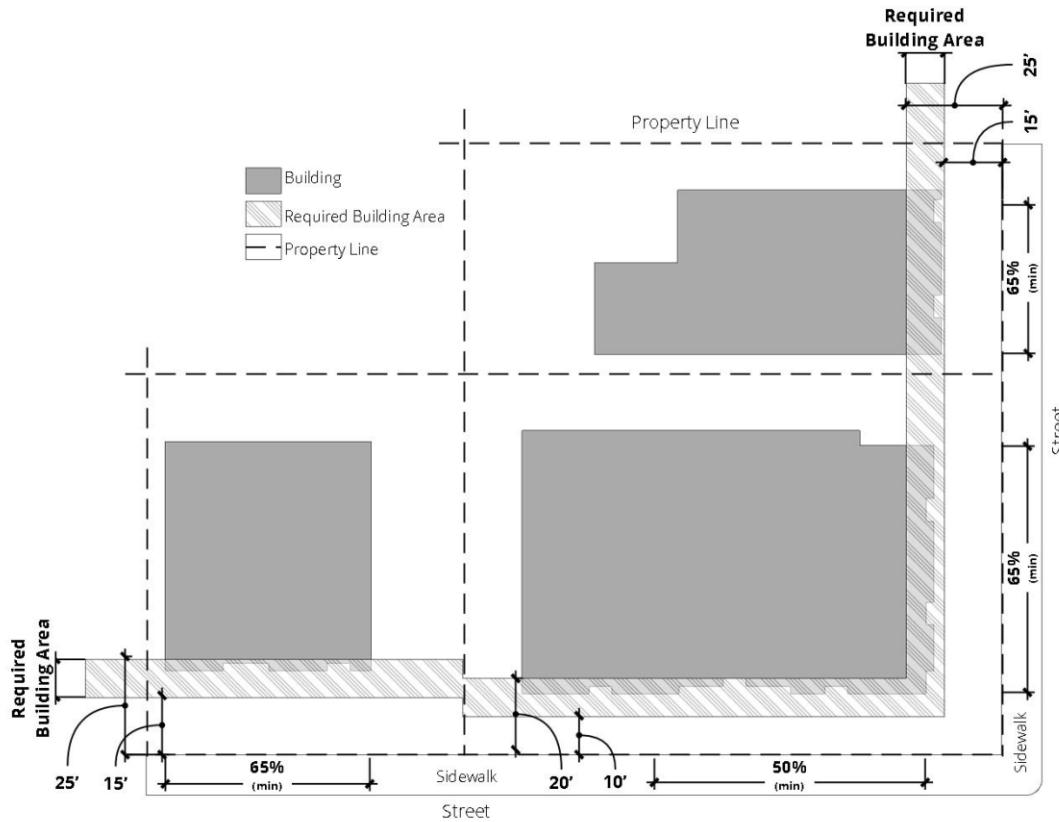
Side Yard	5 ft. (minimum) for interior lots 10 ft. (minimum) for corner lots (street side yard) 20 ft. (maximum) for corner lots (street side yard) unless waived by the Director
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d. *Setbacks for Properties Adjoining the R-C Zone.* A minimum setback of 20 feet shall be provided along property lines adjoining the R-C Zone.

3. *Building Placement Requirements.*

- a. Building façade(s) shall extend a minimum of 65 percent of the street frontage for the area between the minimum and maximum front yard setbacks. For example, if a lot is 100 feet wide, 65 linear feet of the lot parallel to the street must be occupied by a building(s) that adheres to the maximum setback requirement.
- b. In the area between the minimum and maximum street side yard setback, 50 percent of the linear distance parallel to the street shall be occupied by a building façade(s).

**Building Placement Requirements, R-MF Zone Exhibit**



4. *Density.* The minimum density shall be 12 units per acre, and the maximum density shall be 30 units per acre.

5. *Lot Area Requirements.* The area occupied by all structures shall not exceed 70 percent of the lot area.
6. *Useable Yard Area (Open Space) Requirements.* The following minimum useable open space standards are applicable to development within the Residential, Multiple-Family Zone (R-MF Zone):
  - a. For multi-family developments of fewer than 20 units, each unit shall have a minimum of 100 square feet of usable open space.
  - b. For multi-family developments of 20 or more units, each unit shall have a minimum of 200 square feet of usable open space.
  - c. The definition of useable open space and the method of computation is provided in Chapter 17.14 (see "Open Space, Useable").
7. *Building Height.* In the Residential, Multiple-Family Zone (R-MF Zone), the maximum height of any building shall not exceed 35 feet.
8. *Floor Area Ratio.* The maximum permitted floor area ratio is 0.35. This standard applies to commercial uses only.

D. *Residential, Multiple-Family Zone, Off street Parking.*

1. Parking shall not be located in the front setback unless the Director makes the following findings:
  - a. Buildings comply with the maximum front setback requirement;
  - b. The parking area located within the front setback is landscaped along the street with a hedge, trellis, and/or landscaping consistent with Chapter 17.06; and
  - c. Requirements in Chapter 17.05 are complied with.
2. Automobile storage space shall be provided as indicated in Chapter 17.05.

E. *Residential, Multiple-Family Zone, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply.

F. *Residential, Multiple-Family Zone, Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.

G. *Accessory Dwelling Units.* Accessory dwelling units are limited to one per lot with a single-family residence within the Multiple-Family Zone.

1. *Detached Accessory Dwelling Unit.* Detached accessory dwelling units shall not exceed 50 percent of the floor area of the main unit or 1,200 square feet, whichever is less. The height of the detached accessory dwelling unit shall not exceed the height of the main unit. In addition, the detached accessory dwelling unit must be connected to sewer and shall be provided with individual sewer connections. Detached accessory units shall be detached from the main unit by a minimum distance of ten feet and shall have a

minimum distance of 15 feet from the rear property line. Detached accessory dwelling units may be located in an existing structure, without consideration to setbacks. The detached accessory dwelling unit shall be located in such a fashion so that it is concealed from public view and shall have matching colors and materials as the main unit. The main unit must meet current requirements for parking prior to or in conjunction with the detached accessory dwelling unit approval.

2. *Attached Accessory Dwelling Units.* Attached accessory dwelling units shall not exceed 50 percent of the floor area of the main unit or 1,200 square feet, whichever is less. The height of the attached accessory dwelling unit shall not exceed the height of the main unit. Setbacks shall meet the requirements of the zone unless within an existing structure unless the unit is created from an existing living space in a single-family home. The attached accessory dwelling unit shall be located in such a fashion so that it is concealed from public view (specifically the entrance) and shall have matching colors and materials as the main unit. The main unit must meet current requirements for parking prior to or in conjunction with the attached accessory dwelling unit approval.
3. *Junior Accessory Dwelling Units.* Junior accessory dwelling units shall not exceed 500 square feet, consist of one bedroom and a limited kitchen, and have access to both interior access to the main unit and an exterior door. Junior accessory dwelling units are not considered a separate dwelling unit. The height of the junior accessory dwelling unit shall not exceed the height of the main unit. Setbacks shall meet the requirements of the zone unless within an existing structure. The junior accessory dwelling unit kitchen may only have a wet bar or efficiency kitchen (a single basin sink with a maximum waste line diameter of 1.5 inches and a cooking facility with appliances that can run on standard 120 volt outlets or natural or propane gas). The kitchen may include a small refrigerator (maximum of six cubic feet), microwave, and small cooktop (maximum of two elements). The junior accessory dwelling unit shall be located in such a fashion so that it is concealed from public view so as not to look like a duplex, for example. The entry to the junior accessory dwelling unit shall face the side- or back-yard area. Junior accessory units shall have matching colors and materials as the main unit. Main unit must meet current requirements for parking prior to or in conjunction with the junior accessory dwelling unit approval.

H. *Maximum Block Length.* Block length is limited to 600 feet measured from curb edge to curb edge.

I. *Street Trees.* A minimum of one tree shall be located along every 40 feet of street frontage. Street trees shall comply with applicable standards in Section 17.06.110 (Street trees).

J.

*Supplemental Multiple Family Development Standards.* Additional standards listed in Section 17.03.065.J apply to multiple family developments, including attached single unit developments, in the R-MF Zone. ( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

17.03.075 - Urban Village Zone (UV Zone).

The Urban Village Zone applies to a specific area situated between Interstate 10 and State Route 60 Freeway corridors. Within this area, a variety of specialized land uses that capitalize on the area's unique location are contemplated. These uses include a regional commercial center, higher density residential development, educational uses, and abundant open space and recreational amenities. The permitted uses and development standards are intended to be conducive to a compact, mixed use, and walkable environment.

- A. *Urban Village Zone, Permitted Uses.* The uses permitted under this Zone District are identified in Table 17.03-3 of this Section.
- B. *Urban Village Zone, Conditional Uses.* The uses conditionally permitted under this Zone District are identified in Table 17.03-3 of this Section. Such uses require the approval of a conditional use permit.
- C. *Urban Village Zone, Development Standards.* The following standards shall apply to the Urban Village Zone (UV Zone):
  1. *Lot Area and Dimensions.* Lot sizes for the Urban Village Zone (UV Zone) shall not be less than 10,000 square feet with a minimum average lot depth of 100 feet and a minimum average lot width of 80 feet.
  2. *Setbacks and Yards.* The following setback requirements are applicable to the Urban Village Zone (UV Zone):
    - a. *Front Yard Setbacks.* No front yard setback is required for commercial uses; five-foot setback for residential development.
    - b. *Rear Yard Setbacks.* 10-foot rear yard setback is required.
    - c. *Side Yard Setbacks.* No side yard setback is required.
    - d. *Freeway Setbacks for Residential Uses.* Residential uses shall have a minimum setback of 500 feet from State Route 60 and Interstate 10.
    - e. *Setbacks for Properties Adjoining the R-C Zone.* A minimum setback of 20 feet shall be provided along property lines adjoining the R-C Zone.
  3. *Density.* The minimum density shall be 12 units per acre, and the maximum density shall be 24 units per acre; however, no more than 21 acres within the UV Zone shall be developed at a density below 20 units per acre.
  - 4.

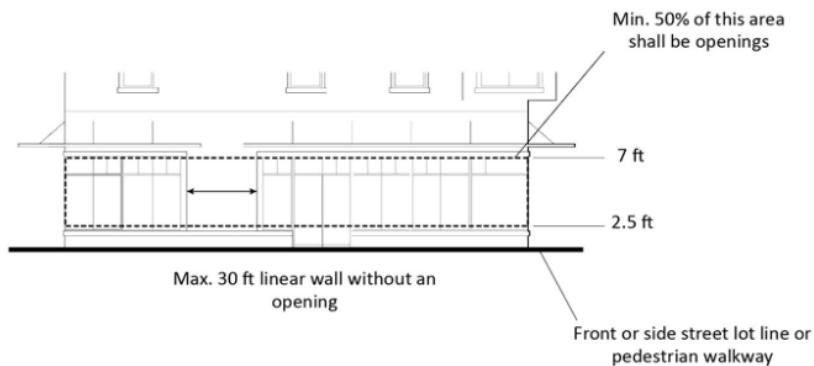
*Floor Area Requirements.* The maximum permitted floor area ratio is 1.0. The floor area ratio standard applies to non-residential uses only.

5. *Building Height.* In the Urban Village Zone (UV Zone), the maximum height of any building shall not exceed 50 feet.
- D. *Urban Village Zone, Off street Parking.* Automobile storage space shall be provided as indicated in Chapter 17.05.
- E. *Urban Village Zone, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply, except where they conflict with standards allowed in this Zone (e.g., no front yard setback).
- F. *Urban Village Zone, Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.
- G. *Accessory Dwelling Units.* Accessory dwelling units are allowed consistent with the standards applicable to the R-SF Zone and State law.
- H. *Maximum Block Length.* Block length is limited to 400 feet measured from curb edge to curb edge. A block length of up to 600 feet shall only be allowed when a mid-block pedestrian connection is provided, or the Director finds that:
  1. The location and configuration of the lot makes a mid-block pedestrian connection infeasible or impractical; and
  2. Safe and convenient pedestrian connections are provided throughout the site consistent with applicable pedestrian access requirements in this Code.
- I. *Culs-de-Sac and Dead-End Streets.* Culs-de-sac and dead-end streets are not allowed unless the Director makes the following findings:
  1. Unique physical circumstances exist that prevent a connected a connected street system; and
  2. A cul-de-sac or dead-end street is necessary to provide access to lots or buildings in a manner consistent with City standards.
- J. *Street Trees.* A minimum of one tree shall be located along every 40 feet of street frontage. Street trees shall comply with applicable standards in Section 17.06.110 (Street trees).
- K. *Supplemental Standards.*
  1. *Limitations on Location of Parking.* Above ground parking shall not be located within 40 feet of a street facing property line unless the Director makes the following findings:
    - a. The site is small and/or constrained such that underground parking or surface parking located more than 40 feet from the street is not feasible; and
    - b. The parking area located within 40 feet of the street is landscaped along the street with a hedge, trellis, and/or landscaping consistent with Chapter 17.06.
  - 2.

*Building Transparency/Required Openings.* Exterior walls facing and within 20 feet of a front or street side property line shall include windows, doors, or other openings for at least 50 percent of the building wall area located between two and one-half and seven feet above the level of the sidewalk. Such walls may run in a continuous plane for no more than 30 feet without an opening.

- a. *Design of openings.* Openings fulfilling this requirement shall have transparent glazing and provide views into display areas, sales areas, work areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
- b. *Exceptions.* The following are exempt from this requirement:
  - 1. Residential uses; and
  - 2. Multi-level garages.
- c. *Reductions.* This requirement may be reduced or waived if the Director makes the following findings:
  - 1. The proposed use has unique operational characteristics with which providing the required transparency and openings is incompatible; and
  - 2. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping to create visual interest at the pedestrian level.

### Building Transparency/Required Openings Exhibit



- 3. *Building Orientation.* Building frontages shall be generally parallel to streets and pedestrian walkways.
- 4. *Building Entrances.* The primary building entrance shall face a public sidewalk. Buildings located in the interior of a site shall have the primary entrance face a pedestrian walkway that is connected to a public sidewalk.
- 5. *Wall Plane Modulation.* All street-facing façades shall have at least one horizontal or vertical projection or recess at least two feet in width and depth, for every 50 horizontal feet of wall.
- 6. *Pedestrian Access.* On-site pedestrian circulation and access shall be provided consistent with the following standards.

- a. *Internal connections.* A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
- b. *To circulation network.* Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes or trails shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
- c. *To neighbors.* Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
- d. *To transit.* Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
- e. *Pedestrian walkway design.*
  1. Walkways shall be a minimum of six feet wide, shall be hard-surfaced, and paved with permeable materials. Walkway widths may be reduced to three feet wide for small lot development (Section 17.11.030.D).
  2. Where a required walkway crosses a driveway, parking area, or loading area, it must be clearly identified using a raised crosswalk, a different paving material, or a similar method.
  3. Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

7. *Public Open Space Requirement.* Developments with 50,000 square feet or more of non-residential floor area on sites of five acres or larger shall provide open space consistent with the following:

- a. Forty square feet of open space shall be provided for every 1,000 square feet of nonresidential floor area for the first 100,000 square feet of non-residential floor area, plus 20 square feet of open space for every 1,000 square feet of non-residential floor area over 100,000 square feet.
- b. Such open space shall be visible and accessible from a public street, or from on-site areas normally frequented by customers and shall be accessible during business hours. Areas within required setbacks may count towards the open space requirement.
- c. Such open space shall have a minimum dimension of 40 feet.
- d.

Amenities shall be included that enhance the comfort, aesthetics, or usability of the space, including trees, landscaping, shade structures, seating (e.g., fixed seating, planter ledges, etc.), lighting, drinking fountains, public art, or performance areas.

- e. The surface of the open space shall allow for convenient outdoor activity, recreation, and/or gathering. Such surface may be plant or hardscape material, or a combination thereof.

- L. *Supplemental Multiple Family Development Standards.* Additional standards listed in Section 17.03.065.J apply to multiple family developments, including multiple family residential components of mixed-use developments and attached single unit developments, in the UV Zone.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.03.080 - Commercial, Neighborhood Zone (C-N Zone).

The Commercial, Neighborhood Zone (C-N Zone) is intended to permit development that provides for a range of commercial service and retail land uses that are in proximity to residential neighborhoods consistent with the General Plan.

- A. *Commercial, Neighborhood Zone, Permitted Uses.* The uses permitted under this Zone District are identified in Table 17.03-3 of this Section.
- B. *Commercial, Neighborhood Zone, Conditional Uses.* The uses conditionally permitted under this Zone District are identified in Table 17.03-3 of this Section. Such uses require the approval of a conditional use permit.
- C. *Commercial, Neighborhood Zone, Development Standards.* The following standards shall apply to the Commercial, Neighborhood Zone (C-N Zone):
  1. *Lot Area and Dimension.* Lots sizes for the Commercial, Neighborhood Zone (C-N Zone) shall not be less than 10,000 square feet with a minimum average lot depth of 100 feet and a minimum average lot width of 100 feet.
  2. *Setbacks and Yards.* The following setback requirements are applicable to the Commercial, Neighborhood Zone (C-N Zone)
    - a. *Front Yard Setbacks.* The minimum front yard setback is 25 feet. A minimum of 50 feet should be provided if the parking is provided in the front of the business.
    - b. *Rear Yard Setbacks.* No setback is required when the parcel is abutting commercial or manufacturing zones. For those parcels that abut residential zones, the minimum rear yard setback is 20 feet plus an additional two feet for every foot where a building exceeds 35 feet in height.

C.

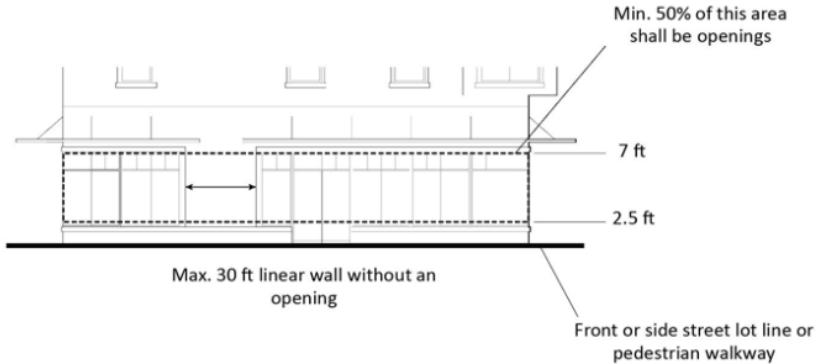
*Side Yard Setbacks.* No setback is required when the parcel is abutting commercial or manufacturing zones. For those parcels that abut residential zones, the minimum side yard setback is 20 feet plus an additional two feet for every foot where a building exceeds 35 feet in height.

- d. *Setbacks for Properties Adjoining the R-C Zone.* A minimum setback of 20 feet shall be provided along property lines adjoining the R-C Zone.
3. *Lot Area Requirements.* The area occupied by all structures shall not exceed 50 percent of the lot area and the maximum permitted floor area ratio is 1.0.
4. *Building Height.* In the Commercial, Neighborhood Zone (C-N Zone), the maximum height of any building shall not exceed 50 feet.
- D. *Commercial, Neighborhood Zone, Off street Parking.* Automobile storage space shall be provided as indicated in Chapter 17.05.
- E. *Commercial, Neighborhood Zone, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply.
- F. *Commercial, Neighborhood Zone, Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.
- G. *Supplemental Standards.*
  1. *Limitations on Location of Parking.* Above ground parking shall not be located within 40 feet of a street facing property line unless the Director makes the following findings:
    - a. The site is small and/or constrained such that underground parking or surface parking located more than 40 feet from the street is not feasible; or
    - b. The design incorporates habitable space built close to the public sidewalk; and
    - c. The parking area located within 40 feet of the street is landscaped along the street with a hedge, trellis, and/or landscaping consistent with Chapter 17.06.
  2. *Building Transparency/Required Openings.* Exterior walls facing and within 20 feet of a front or street side property line shall include windows, doors, or other openings for at least 50 percent of the building wall area located between two and one-half and seven feet above the level of the sidewalk. Such walls may run in a continuous plane for no more than 30 feet without an opening.
    - a. *Design of openings.* Openings fulfilling this requirement shall have transparent glazing and provide views into display areas, sales areas, work areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
    - b. *Exceptions for parking garages.* Multi-level garages are exempt from this requirement.
    - c. *Reductions.* This requirement may be reduced or waived if the Director makes the following findings:
      - 1.

The proposed use has unique operational characteristics with which providing the required transparency and openings is incompatible; and

2. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping to create visual interest at the pedestrian level.

### Building Transparency/Required Openings Exhibit



3. *Building Orientation*. Building frontages shall be generally parallel to streets and pedestrian walkways.
4. *Building Entrances*. The primary building entrance shall face a public sidewalk. Buildings located in the interior of a site shall have the primary entrance face a pedestrian walkway that is connected to a public sidewalk.
5. *Wall Plane Modulation*. All street-facing façades shall have at least one horizontal or vertical projection or recess at least two feet in depth, for every 50 horizontal feet of wall.
6. *Pedestrian Access*. On-site pedestrian circulation and access shall be provided consistent with the following standards.
  - a. *Internal connections*. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
  - b. *To circulation network*. Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes or trails shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
  - c. *To neighbors*. Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
  - d. *To transit*. Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
  - e. *Pedestrian walkway design*.

1. Walkways shall be a minimum of six feet wide, shall be hard-surfaced, and paved with permeable materials. Walkway widths may be reduced to three feet wide for small lot development (Section 17.11.030.D).
2. Where a required walkway crosses a driveway, parking area, or loading area, it must be clearly identified using a raised crosswalk, a different paving material, or a similar method.
3. Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

7. *Public Open Space Requirement.* Developments with 50,000 square feet or more of non-residential floor area on sites of five acres or larger shall provide open space consistent with the following:

- a. Forty square feet of open space shall be provided for every 1,000 square feet of nonresidential floor area for the first 100,000 square feet of non-residential floor area, plus 20 square feet of open space for every 1,000 square feet of non-residential floor area over 100,000 square feet.
- b. Such open space shall be visible and accessible from a public street, or from on-site areas normally frequented by customers and shall be accessible during business hours. Areas within required setbacks may count towards the open space requirement.
- c. Such open space shall have a minimum dimension of 40 feet.
- d. Amenities shall be included that enhance the comfort, aesthetics, or usability of the space, including trees, landscaping, shade structures, seating (e.g., fixed seating, planter ledges, etc.), lighting, drinking fountains, public art, or performance areas.
- e. The surface of the open space shall allow for convenient outdoor activity, recreation, and/or gathering. Such surface may be plant or hardscape material, or a combination thereof.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.03.090 - Community Commercial Zone (C-C Zone).

The Community Commercial Zone is intended to preserve, and where applicable promote, commercial shopping centers. This Zone specifically applies to those parcels that may contain more than one business or those properties with large format retailers (e.g., where the floor area of the business exceeds 50,000 square feet).

A. *Community Commercial Zone, Permitted Uses.* The uses permitted under this Zone District

are identified in Table 17.03-3 of this Section.

- B. *Community Commercial Zone, Conditional Uses.* The uses conditionally permitted under this Zone District are identified in Table 17.03-3 of this Section. Such uses require the approval of a conditional use permit.
- C. *Community Commercial Zone, Development Standards.* The following standards shall apply to the Community Commercial Zone (C-C Zone):
  - 1. *Lot Area and Dimension.* Lots sizes for the Community Commercial Zone (C-C Zone) shall not be less than 10,000 square feet with an average lot depth of 100 feet and a minimum average lot depth of 100 feet.
  - 2. *Setbacks and Yards.* The following setback requirements are applicable to the Community Commercial Zone (C-C Zone):
    - a. *Front Yard Setbacks.* The minimum front yard setback is 25 feet. There shall be a minimum of 50 feet for the front yard setback if parking is provided in the front of the building.
    - b. *Rear Yard Setbacks.* No minimum rear yard setback is required except for those parcels that abut residential zones. For those parcels that abut residential zones, the minimum rear yard setback is 20 feet plus an additional two feet for every foot where a building exceeds 35 feet in height.
    - c. *Side Yard Setbacks.* No setback is required when parcel is abutting commercial or manufacturing zones. For those parcels that abut residential zones, the minimum side yard setback is 20 feet plus an additional two feet for every foot where a building exceeds 35 feet in height.
    - d. *Setbacks for Properties Adjoining the R-C Zone.* A minimum setback of 20 feet shall be provided along property lines adjoining the R-C Zone.
  - 3. *Lot Area Requirements.* The area occupied by all structures shall not exceed 50 percent of the lot area and the maximum floor area ratio is 0.75.
  - 4. *Building Height.* In the Community Commercial Zone (C-C Zone), the maximum height of any building shall not exceed 50 feet.
- D. *Community Commercial Zone, Off Street Parking.* Automobile storage space shall be provided as indicated in Chapter 17.05.
- E. *Community Commercial Zone, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply.
- F. *Community Commercial Zone, Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.
- G.

*Supplemental Standards.* Additional standards listed in Section 17.03.080.G apply to developments in the C-C Zone.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.03.100 - Manufacturing Zone (M Zone).

The Manufacturing Zone is intended to maintain the existing industrial and manufacturing uses and to promote the development of new business parks, light industrial use, research parks, manufacturing uses, warehousing activities, and ancillary and supportive uses.

- A. *Manufacturing Zone, Permitted Uses.* The uses permitted under this Zone District are identified in Table 17.03-3 of this Section.
- B. *Manufacturing Zone, Conditional Uses.* The uses conditionally permitted under this Zone District are identified in Table 17.03-3 of this Section. Such uses require the approval of a conditional use permit.
- C. *Manufacturing Zone, Development Standards.* The following standards shall apply to the Manufacturing Zone (M Zone):
  1. *Lot Area and Dimension.* No minimum or maximum lot area standards are applicable to this Zone. Within those parcels containing structures, the minimum lot area must be 10,000 square feet.
  2. *Setbacks and Yards.* The following setback requirements are applicable to the Manufacturing Zone (M Zone):
    - a. *Front Yard Setbacks.* The minimum front yard setback is 25 feet. There shall be a minimum of 50 feet for the front yard setback if parking is provided in the front of the building.
    - b. *Rear Yard Setbacks.* No minimum rear yard setback is required except for those parcels that abut residential zones. For those parcels that abut residential zones, the minimum rear yard setback is 20 feet plus an additional two feet for every foot that exceeds 35 feet.
    - c. *Side Yard Setbacks.* No setback is required when parcel is abutting commercial or manufacturing zones. For those parcels that abut residential zones, the minimum side yard setback is 20 feet plus an additional two feet for every foot that exceeds 35 feet.
    - d. *Setbacks for Properties Adjoining the R-C Zone.* A minimum setback of 20 feet shall be provided along property lines adjoining the R-C Zone.
  3. *Floor Area Ratio.* The maximum floor area ratio is 0.75.
  4. *Building Height.* In the Manufacturing Zone, the maximum height of any primary building shall not exceed 50 feet.

- D. *Manufacturing Zone, Off Street Parking.* Automobile storage space shall be provided as indicated in Chapter 17.05.
- E. *Manufacturing Zone, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply.
- F. *Manufacturing Zone, Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.03.110 - Public Facilities Zone (PF Zone).

The Public Facilities Zone includes a range of public uses and activities that serve the public good and welfare. These include, but are not limited to, schools, civic buildings, fire stations, and is intended to include and recognize the following uses: water course and watershed areas, public and private park lands, cemeteries, natural resource lands, wildlife preserves, and publicly owned dedicated scenic and open space areas. This Zone is also intended to provide for permanent open space in specific areas by limiting development in areas where natural hazards are present that might endanger the health, safety, and welfare of residents from possible flood, subsidence, erosion, or seismic activity.

- A. *Public Facilities Zone, Permitted Uses.* The uses permitted under this Zone District are identified in Table 17.03-1 of this Section.
- B. *Public Facilities Zone, Conditional Uses.* The uses conditionally permitted under this Zone District are identified in Table 17.03-1 of this Section. Such uses require the approval of a conditional use permit.
- C. *Public Facilities Zone, Development Standards.* The following standards shall apply to the Public Facilities Zone (P-F Zone):
  - 1. *Lot Area and Dimension.* No minimum or maximum lot area standards are applicable to this Zone. Within those parcels containing structures, the minimum lot area must be 10,000 square feet.
  - 2. *Setbacks and Yards.*
    - a. All yards and other structural standards other than height shall be specified in connection with, and as a part of, the issuance of a plot plan or conditional use permit for development.
    - b. *Setbacks for Properties Adjoining the R-C Zone.* A minimum setback of 20 feet shall be provided along property lines adjoining the R-C Zone.
  - 3. *Floor Area Ratio.* The maximum floor area ratio is 1.0.
  - 4. *Building Height.* In the PF Zone the maximum height of any building shall not exceed two stories or 35 feet, whichever is less.
- D.

*Public Facilities Zone, Off Street Parking.* Automobile storage space shall be provided as indicated in Chapter 17.05.

E. *Public Facilities Zone, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply.

F. *Public Facilities Zone, Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

17.03.120 - Permitted uses for Base Zone Districts.

The permitted uses for the Base Zone Districts (identified in Section 17.03.040 through 17.03.110) are listed in Table 17.03-3.

	<i>RC</i>	<i>PF</i>	<i>RR</i>	<i>RSF</i>	<i>RTN</i>	<i>RMF</i>	<i>CN</i>	<i>CC</i>	<i>M</i>	<i>UV</i>
<b>Administrative Professional Services</b>										
Administrative/Professional Offices	N	N	N	P	N	N	P	P	P	P
Advertising Agencies	N	P	N	N	N	N	P	P	C	P
Architectural/Engineering/Design Services	N	P	N	N	N	N	P	P	P	P
Attorney/Legal Services	N	P	N	N	N	N	P	P	C	P
Business Management Services	N	P	N	N	N	N	P	P	C	P
Government Offices	P	P	P	P	P	P	P	P	P	P
Travel Agencies	N	P	N	N	N	N	P	P	C	P
<b>Agricultural Uses</b>										
Animal Keeping (Commercial Use)	N	N	P	C	C	N	C	C	C	C

Animal Keeping (Accessory Use)	N	A	A	A	A	A	C	C	C	C
Animal Rescue Facilities	N	N	P	C	C	N	N	N	C	N
Apiaries	N	N	P	C	C	N	N	N	N	N
Aviaries	N	N	P	N	N	N	N	N	C	N
Catteries	N	N	P	C	C	N	C	C	C	C
Commercial Growing Establishments	N	N	P	N	N	N	N	N	C	N
Community Gardens	N	N	P	P	P	P	P	P	N	P
Dairies	N	N	P	N	N	N	N	N	N	N
Kennels (all Classes)	N	N	P	C	C	N	C	C	C	C
Produce Stands	N	N	P	N	N	N	N	N	P	N
Stables	N	N	P	N	N	N	N	N	N	N
<b>Alcohol Service and Sales</b>										
Bars or Cocktail Lounges <sup>2</sup>	C	N	N	N	N	N	C	C	C	C
Liquor Stores <sup>2, 4</sup>	N	N	N	N	N	N	C	C	N	C
Restaurants with Alcoholic Beverage Sales	C	N	N	N	N	N	C	C	C	C
<b>Automotive Services</b>										
Automobile, Motorcycle, and Marine Craft Sales (New and Used)	N	N	N	N	N	N	C	P	C	C

Automobile Parking or Storage Facilities	N	N	N	N	N	N	C	P	P	C
Automobile Rental Agencies	N	N	N	N	N	N	P	P	P	C
Automobile Repair Facilities	N	N	N	N	N	N	C	P	P	N
Automobile Towing and/or Wrecking Facilities	N	N	N	N	N	N	N	N	C	N
Body and Paint Shops	N	N	N	N	N	N	C	C	C	N
Car Wash	N	N	N	N	N	N	C	C	C	C
Gas/Service Stations	N	N	N	N	N	N	C	C	C	C
Limousine Services	N	N	N	N	N	N	P	P	P	N
Recharging Stations	Allowed (P) in any area designed for the parking or loading of vehicles.									
Tire Repair	N	N	N	N	N	N	N	P	P	N
Tire Store	N	N	N	N	N	N	N	P	P	N
Towing Services with Indoor Vehicle Service	N	N	N	N	N	N	C	C	C	N
Towing Services with Outdoor Vehicle Storage	N	N	N	N	N	N	N	N	C	N
Truck/Trailer Rentals	N	N	N	N	N	N	C	C	P	N
<b>Communications Facilities</b>										
Ham Radio Antennae (Private Use)	N	N	P	P	P	P	P	P	P	P

Radio and Television Broadcasting Studios	N	N	N	N	N	N	N	P	P	P
Recording and Sound Studios	N	N	N	N	N	N	N	P	P	P
Satellite Dishes (Non-Private)	N	N	N	N	N	N	P	P	P	P
Satellite Dishes (Private Use)	N	N	P	P	P	P	N	N	C	P
Wireless Telecommunication Facility —Stealth	C	N	N	N	N	N	C	C	C	C
<b>Daycare Facilities</b>										
Commercial Day Care Facilities	N	N	N	C <sup>5</sup>	C <sup>5</sup>	N	P	P	C	C
<b>Educational Establishments</b>										
Elementary, Junior, and High Schools/Private & Charter	N	P	C	C	C	C	C	C	C	C
Elementary, Junior, and High Schools/Public	N	P	P	P	P	P	C	C	C	C
College or University	N	P	C	C	C	C	C	C	C	C
Tutoring & Testing	N	P	A	A	A	A	C	C	C	C
Vocational and Trade Schools	N	P	C	C	C	C	C	C	C	C
<b>Food and Beverage Sales</b>										
Bakeries	N	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sup>5,6</sup>	P	P	P	P
Catering Establishments	N	N	N	N	N	N	P	P	P	P
Convenience Markets	N	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sup>5,6</sup>	P	P	P	P

Grocery Stores/Supermarkets	N	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sub>6</sub> <sup>5,</sup>	P	P	N	P
Grocery Store, Alcohol Sales	N	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sub>6</sub> <sup>5,</sup>	P	P	N	P

### General Merchandise and Trade

Antique Sales	N	N	N	N	N	N	P	P	A	P
Appliance Sales	N	N	N	N	N	N	P	P	C	P
Art Galleries and Supplies	N	N	N	N	N	N	P	P	N	P
Beauty Supplies	N	N	N	N	N	N	P	P	N	P
Books and Magazines	N	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sub>6</sub> <sup>5,</sup>	P	P	N	P
Building Materials	N	N	N	N	N	N	N	P	P	N
Building Materials with outdoor sales/storage	N	N	N	N	N	N	N	C	P	N
Camera and Photographic Supplies	N	N	N	N	N	N	P	P	N	P
Candy Stores	N	N	N	N	N	N	P	P	N	P
Cigar/Cigarette Shops <sup>2</sup>	N	N	N	N	N	N	C	C	N	C
Clothing Stores	N	N	N	N	N	N	P	P	N	P
Department Stores	N	N	N	N	N	N	P	P	N	P
Discount Stores	N	N	N	N	N	N	P	P	N	P
Electronic Equipment Sales	N	N	N	N	N	N	P	P	C	P
Equipment Sales and Rentals	N	N	N	N	N	N	C	C	P	N

Florists	N	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sub>6</sub> <sup>5,</sup>	P	P	N	P
Freight Forwarding Services	N	N	N	N	N	N	P	P	P	P
Furniture and Home Furnishings	N	N	N	N	N	N	P	P	N	P
Garden Supply	N	N	N	N	N	N	P	P	N	P
Gifts, Crafts, and Novelties	N	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sub>6</sub> <sup>5,</sup>	P	P	N	P
Guns and Ammunition	N	N	N	N	N	N	N	C	C	P
Hardware Stores	N	N	N	N	N	N	P	P	N	P
Hobby, Toy and Game Stores	N	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sub>6</sub> <sup>5,</sup>	P	P	N	P
Indoor Swap Meets	N	N	N	N	N	N	N	C	C	N
Jewelry Sales and Repair	N	N	N	N	N	N	P	P	N	P
Leather Goods	N	N	N	N	N	N	P	P	N	P
Luggage Sales	N	N	N	N	N	N	P	P	N	P
Office Equipment, Furniture, and Supplies	N	N	N	N	N	N	P	P	P	P
Pet Sales and Supplies	N	N	N	N	N	N	P	P	P	P
Records, Tapes, and Videos	N	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sub>6</sub> <sup>5,</sup>	P	P	N	P
Retail, Other Specialty	N	N	N	N	N	N	P	P	N	P
Sporting Goods and Equipment	N	N	N	N	N	N	P	P	P	P
Surplus Stores	N	N	N	N	N	N	P	P	C	N

Thrift and Second-Hand Stores	N	N	N	N	N	N	C	C	N	N
Variety Stores	N	N	N	N	N	N	P	P	N	C
Wholesale Establishments	N	N	N	N	N	N	P	P	C	P

### Lodging

Bed and Breakfast Facilities	C	N	C	C	C	C	P	P	N	P
Emergency Shelters	N	N	N	N	N	N		P		N
Hotels and Motels	C	N	N	N	N	N	P	P	C	P
Residence Inns	C	N	N	N	N	N	P	P	N	P
Single-Room Occupant (SRO) Facilities	N	N	N	N	N	N	C	C	N	N
Trailer Parks and Campsites	C	N	N	N	N	C	N	N	N	N
Transitional Housing	N	N	N	N	C	C	C	C	N	N

### Manufacturing and Industrial

Apparel/Textile Products	N	N	N	N	N	N	N	N	P	N
Assembly Plants	N	N	N	N	N	N	N	N	P	N
Bottling Plants	N	N	N	N	N	N	N	N	P	N
Bulk Postal Service Facilities	N	N	N	N	N	N	N	N	P	N
Chemicals	N	N	N	N	N	N	N	N	P	N
Contract Construction Services	N	N	N	N	N	N	N	N	P	N

Contractor or Building Materials Storage	N	N	N	N	N	N	N	N	P	N
Data Services	N	N	N	N	N	N	N	N	P	N
Exterminating Services	N	N	N	N	N	N	C	C	P	N
Feed and Fuel Yards	N	N	N	N	N	N	N	N	P	N
Food and Kindred Products	N	N	N	N	N	N	N	N	P	N
Furniture	N	N	N	N	N	N	N	N	P	N
Lumber/Wood Products	N	N	N	N	N	N	N	N	P	N
Mini-Storage, Mini-Warehouse, Self-Storage or Public-Storage	N	N	N	N	N	N	N	N	P	N
Metal Salvage Yards	N	N	N	N	N	N	N	N	P	N
Paper Products	N	N	N	N	N	N	N	N	P	N
Petroleum-Related Materials	N	N	N	N	N	N	N	N	C	N
Primary Metal Industries (Electroplating)	N	N	N	N	N	N	N	N	C	N
Printing/Publishing	N	N	N	N	N	N	N	N	P	N
Professional/Scientific/Electronic Products	N	N	N	N	N	N	N	N	P	N
Research Services and Laboratories	N	N	N	N	N	N	N	N	P	N
Retail Sales of Products Manufactured or Stored On-Site	N	N	N	N	N	N	N	N	P	N

Sandblasting and Beadblasting	N	N	N	N	N	N	C, A	C, A	C	N
Taxidermy	N	N	N	N	N	N	N	N	C	N
<b>Medical/Health Care</b>										
Ambulance Services	N	N	N	N	N	N	P	P	P	N
Animal Hospitals/Veterinaries	N	N	N	N	N	N	P	P	P	P
Clinics	N	N	N	N	N	N	P	P	C	P
Convalescent Homes	N	N	C	C	C	C	P	P	N	C
Chemical Dependency Clinics	N	N	N	N	N	C	C	N	N	C
Hospitals	N	N	N	N	N	N	P	P	N	C
Medical/Dental Offices	N	N	N	N	N	N	P	P	N	P
Pharmacies	N	N	N	N	N	N	P	P	N	P
Pharmacies, with drive-through	N	N	N	N	N	N	C	C	N	P
<b>Personal Services</b>										
Banking, Credit Unions, Financial Services	N	N	N	N	N	N	P	P	N	P
Barbers and Beauty Parlors	N	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sup>5,6</sup>	P	P	N	P
Cemeteries	N	C	C	C	C	C	C	C	C	N
Check Cashing Services	N	N	N	N	N	N	P	P	N	N
Commercial Pet Grooming Services	N	N	N	N	N	N	P	P	C	P

Dry Cleaners	N	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sub>6</sub> <sup>5,</sup>	P	P	N	P
Funeral Parlors, Mortuaries	N	N	N	N	N	N	C	C	C	C
Laundries, Laundromats	N	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sub>6</sub> <sup>5,</sup>	P	P	C	P
Locksmith and Key Shops	N	N	N	N	N	N	P	P	P	P
Pawnbrokers	N	N	N	N	N	N	C	C	N	N
Massage Establishment	N	N	N	N	N	N	C	C	N	C
Photocopying and Photo Developing Services	N	N	N	N	N	N	P	P	P	P
Photography Studios	N	N	N	N	N	N	P	P	N	P
Shoe Repair Shops	N	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sub>6</sub> <sup>5,</sup>	P	P	C	P
Tailors	N	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sub>6</sub> <sup>5,</sup>	P	P	C	P
Tattoo/Body Piercing Services	N	N	N	N	N	N	C	C	N	C

### Public and Quasi-Public Uses

Community Recreation Centers	P	P	P	P	P	P	N	N	N	P
Cultural Facilities		P	P	P	P	P	N	N	N	P
Libraries	P	P	P	P	P	P	C	C	N	P
Museums	P	P	P	P	P	P	C	C	N	P
Parks	P	P	P	P	P	P	P	P	N	P
Public Safety Facilities	N	P	P	P	P	P	P	P	P	P

Senior Citizen Activity Centers	N	P	P	P	P	P	P	P	P	N	P
<b>Recreation and Entertainment</b>											
Adult-Oriented Businesses	N	N	N	N	N	N	N	N	N	C	N
Amusement Parks	N	N	C	N	N	N	C	C	C	C	C
Athletic Fields	N	P	P	P	P	P	N	N	N	P	
Batting Cages	N	N	N	N	N	N	C	C	C	P	
Billiard and Pool Halls	N	N	N	N	N	N	C	C	N	C	
Bowling Alleys	N	N	N	N	N	N	P	P	N	P	
Commercial Athletic Facility	N	N	N	N	N	N	C	C	C	C	
Dance Studios	N	N	N	N	N	N	P	P	N	P	
Golf Driving Ranges	C	N	N	N	N	N	N	C	C	C	
Health Clubs and Gyms	N	N	N	N	N	N	C	C	C	C	
Miniature Golf Courses	N	N	C	N	N	N	C	C	N	P	
Off-Road Mini-Bike and Motorcross Courses	C	N	C	N	N	N	N	C	C	N	
Public Auditorium/Auditoriums	N	P	N	N	N	N	P	P	N	P	
Shooting Range (Indoor)	N	N	N	N	N	N	N	N	C	N	
Skating Rinks	N	N	N	N	N	N	N	C	C	P	
Video Arcades	N	N	N	N	N	N	C	C	N	C	

<b>Recycling</b>										
Collection Facilities	N	N	N	N	N	N	C	C	C	N
Processing Facilities	N	N	N	N	N	N	C	C	C	N
<b>Religious Institutions</b>										
Churches	N	C	C	C	C	C	P	P	C	P
Monasteries, Convents, or Similar Religious Use	N	C	C	C	C	C	P	P	C	P
<b>Repair Services</b>										
Electrical and Household Appliances Repair	N	N	N	N	N	N	P	P	P	N
Furniture Refinishing	N	N	N	N	N	N	P	P	P	N
Furniture Reupholstering	N	N	N	N	N	N	C	C	P	N
Lawnmower Repair/Sales Shops	N	N	N	N	N	N	P	P	P	N
Machine Shops	N	N	N	N	N	N	C	C	P	N
Welding Shops	N	N	N	N	N	N	C, A	C, A	P	N
<b>Residential Uses</b>										
Accessory Guest Houses	N	N	P	P	P	P	N	N	N	P
Accessory Dwelling Units	N	N	P	P	P	P	N	N	N	P
Boarding or Rooming Houses	N	N	C	C	C	C	N	N	N	P

Caretaker's Unit	N	N	P	N	P	P	P*	N	C	P
Congregate Care Facilities	N	N	N	N	C	C	C	C	N	P
Day Care Centers, Small Family—1 to 8 Children	N	N	P	P	P	P	N	N	N	P
Day Care Centers, Large Family—7 to 14 Children	N	N	P	P	P	P	C	N	N	P
Duplexes	N	N	N	N	P	P	N	N	N	P
Group or Community Care Facilities—6 or fewer persons)	N	N	P	P	P	P	N	N	N	P
Group or Community Care Facilities—7 or more persons)	N	N	C	C	C	C	N	N	N	C
Home Occupation Businesses	N	N	P	P	P	P	N	N	N	P
Mobile Home Parks	N	N	N	N	C	C	N	N	N	N
Mobile Home or Manufactured Housing Units Single Lot	N	N	P	P	P	P	N	N	N	P
Multiple-Family, Apartment & Condominiums	N	N	N	N	P	P	P*	N	N	P
Planned Residential Developments	N	N	P	P	P	P	N	N	N	P
Senior Housing Developments	N	N	P	P	P	P	C	N	N	P
Single-Family Dwellings	N	N	P	P	P	P	N	N	N	P
<b>Restaurant</b>										

Delicatessens	N	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sub>6</sub> <sup>5,</sup>	P	P	P	P
Fast-Food Restaurants—Without Drive-Thru <sup>2,3</sup>	N	N	N	N	N	N	P	P	P	P
Fast-Food Restaurants—With Drive-Thru <sup>2,3</sup>	N	N	N	N	N	N	C	C	N	P
Sit-Down Restaurants	C	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sub>6</sub> <sup>5,</sup>	P	P	C	P
Sit Down Restaurant with live Entertainment	C	N	N	N	N	N	C	C	N	C
Restaurant, serving alcohol	C	N	N	N	N	N	C	C	N	C
<b>Service Organizations</b>										
Philanthropic and Charitable Institutions	N	N	N	N	N	N	P	P	C	P
Service Organizations	N	N	N	N	N	N	P	P	C	P
<b>Temporary Uses</b>										
Street/Craft Fairs and Farmers' Markets—Ongoing	N	N	N	N	N	N	C	C	N	C
Temporary Structures (Subdivision sales Office)	C	N	P	P	P	P	P	P	P	P
Christmas Tree/Pumpkin Lots, and Similar, Not Exceeding 30 Days	C	C	C	N	N	C	P	P	P	P
Outdoor Displays	N	N	N	C <sup>5</sup>	C <sup>6</sup>	C <sub>6</sub> <sup>5,</sup>	C	C	C	C
Parking Lot Sales	N	C	N	N	N	N	P	P	P	P

Amusement Enterprises	N	C	N	N	N	N	C	C	C	C
<b>Transportation Facilities</b>										
Bus Passenger Terminals	N	N	N	N	N	N	C	C	C	P
Charter Bus Companies	N	N	N	N	N	N	C	C	C	P
Motor Vehicle Transportation (Taxi/Shuttle)	N	N	N	N	N	N	C	C	C	N
Truck Stops and Terminals, Truck Yard	N	N	N	N	N	N	C	C	C	N
<b>Utilities</b>										
Energy Storage Facility	N	N	N	N	N	N	N	N	P	N
Public Utility/Service Structures	N	P	N	N	N	N	N	N	P	N
Sewage Disposal Facilities/Waste Transfer	N	P	N	N	N	N	N	N	P	N
Utility Company Offices	N	N	N	N	N	N	P	P	P	N
Water Storage, Distribution, and Collection Facilities	N	P	N	N	N	N	N	N	N	N
Wind Energy Conversion Systems	See <a href="#">Section 17.11.140</a>									

N = Not Permitted

P = Permitted

C = Conditionally Permitted

A = Permitted as an Accessory Use

A\* = Permitted as an Accessory Use in Assembly Buildings

\*Only allowed for properties on Sixth Street

- <sup>1</sup> See Section 17.02.070 to determine if a plot plan is required.
- <sup>2</sup> These uses shall not be located on any parcel which is located within 1,000 feet of any school providing instruction in 12th grade or below, day care center, or youth center.
- <sup>3</sup> New fast food restaurants should not be located within 1,000 feet of another fast food restaurant.
- <sup>4</sup> New liquor stores shall not be located within 1,000 feet of another liquor store.
- <sup>5</sup> Only allowed for properties on Brookside Avenue, Cougar Way, Oak Valley Parkway, 11th Street, 8th Street, Beaumont Avenue, Pennsylvania Avenue, and Highland Springs Avenue.
- <sup>6</sup> Only allowed for properties on streets designated as Arterial Roadways or Connector Streets.
- <sup>7</sup> Bars and cocktail lounges are only allowed as a conditionally permitted accessory use in the M Zone, and if the primary business is an alcohol production facility, such as a brewery, winery, or spirits manufacturer.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020; Ord. No. 1137, § 4(Exh. A), 8-3-2021; Ord. No. 1141, § 4(Exh. A), 10-5-2021; Ord. No. 1142, § 4(Exh. A), 10-19-2021)

#### 17.03.130 - Overlay Zone (O Zone).

The Overlay Zone refers to specific areas of the City where special development standards are applicable. This section sets forth additional standards for defined areas (i.e., overlay zones) that are applied in addition to standards provided in the base zones. The overlay zone standards are intended to ensure that proposed uses and development result in a desirable character consistent with the General Plan.

- A. *Conflicting Requirements.* If there is a conflict between any of the permitted uses or development standards in a base zone or elsewhere in this Zoning Code and an overlay zone, the overlay zone shall control.
- B. *Overlay Zones.* The following overlay zones are established:
  1. Transit Oriented District Overlay.
  2. Reserved.
- C. *Transit Oriented District Overlay.* The Transit Oriented District (TOD) Overlay applies to the area around a future Metrolink transit station. The permitted uses and development standards are intended to be conducive to a transit-friendly environment, including a mix of residential and commercial uses within a walkable and transit accessible setting.
  - 1.

*Transit Oriented District Overlay, Permitted Uses.* The uses permitted under this Overlay are identified in Table 17.03-4.

2. *Transit Oriented District Overlay, Conditional Uses.* The uses conditionally permitted under this Overlay are identified in Table 17.03-4. Such uses require the approval of a conditional use permit.
3. *Transit Oriented District Overlay, Development Standards.* The following standards shall apply to the Transit Oriented District (TOD) Overlay:
  - a. *Front Yard Setbacks.* No front yard setback is required.
  - b. *Density.* The minimum density shall be 18 units per acre, and the maximum density shall be 30 units per acre.
  - c. *Floor Area Ratio.* The maximum permitted floor area ratio is 1.0. This standard applies to non-residential uses only.
4. *Transit Oriented District Overlay, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply, except where they conflict with standards allowed in this Overlay (e.g., no front yard setback).
5. *Maximum Block Length.* Block length is limited to 400 feet measured from curb edge to curb edge. A block length of up to 600 feet shall only be allowed when a mid-block pedestrian connection is provided, or the Director finds that:
  - a. The location and configuration of the lot makes a mid-block pedestrian connection infeasible or impractical; and
  - b. Safe and convenient pedestrian connections are provided throughout the site consistent with applicable pedestrian access requirements in this Code.
6. *Culs-de-Sac and Dead-End Streets.* Culs-de-sac and dead-end streets are not allowed unless the Director makes the following findings:
  - a. Unique physical circumstances exist that prevent a connected a connected street system; and
  - b. A cul-de-sac or dead-end street is necessary to provide access to lots or buildings in a manner consistent with City standards.
7. *Street Trees.* A minimum of one tree shall be located along every 40 feet of street frontage. Street trees shall comply with applicable standards in Section 17.06.110 (Street trees).
- [8.] *Supplemental Multiple Family Development Standards.* Additional standards listed in Section 17.03.065.J apply to multiple family developments, including multiple family residential components of mixed-use developments and attached single unit developments, in the TOD Overlay.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.03.140 - Specific Plan Zone (SP Zone).

The Specific Plan zoning designation applies to those areas of the City that have an adopted Specific Plan as well as those areas where a Specific Plan will be required at which time a development concept is proposed. Those Specific Plans that were adopted prior to the adoption of this Zoning Ordinance or the currently adopted General Plan have been incorporated herein by reference. Any future Specific Plan or Specific Plan Amendment must be consistent with the adopted General Plan.

Specific plans and amendments thereto, shall be adopted in accordance with the provisions of this Title and of Section 65450 et seq. of the Government Code, as now written or hereafter amended. All uses established pursuant to an applicable specific plan shall be subject to all of the conditions and restrictions set forth in the specific plan, regardless of the requirement of the underlying zone, including, but not limited to, density and intensity of use, setbacks, heights, area and open space.

- A. *Request for Specific Plan.* The owner of real property, or a person authorized by the owner, shall have the right to request that the City consider a specific plan of land use or an amendment to an adopted specific plan for the real property. The right to request consideration of a specific plan does not imply that the plan will be approved. Whenever any State law, the City General Plan, or any ordinance requires the adoption of a specific plan as a condition to the approval of a project, an application for a specific plan shall be made pursuant to this Section.
- B. *Environmental Review.* A proposal to adopt or amend a specific plan shall not be considered at a public hearing until all procedures required by the City of Beaumont Rules Implementing the California Environmental Quality Act to hear a matter has been completed.
- C. *Applications for Specific Plans.* Applications shall be made to the Community Development Director, on the forms provided by the Planning Department, and shall be accompanied by a filing fee as set forth in the Fee Ordinance. The application shall supply all required information, which may include part or all of the following depending on the nature of the Plan and shall be in the form of a text and accompanying maps, plans, and exhibits.
- D. *Content of Specific Plans.* The scope and content of a Specific Plan prepared for the City shall comply with State of California Planning Zoning and Development laws governing their preparation.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.03.150 - Permitted uses for Overlay Zone Districts.

The permitted uses for Transit Oriented District Overlay Zones are listed in Table 17.03-4.

**Table 17.03-4****Permitted Land Uses For Overlay Zone Districts<sup>1</sup>**

		<b>Transit Oriented District Overlay</b>
<b>Administrative Professional Services</b>		
Administrative/Professional Offices		P
Advertising Agencies		P
Architectural/Engineering/Design Services		P
Attorney/Legal Services		P
Business Management Services		P
Government Offices		P
Travel Agencies		P
<b>Agricultural Uses</b>		
Animal Keeping (Commercial Use)		C
Animal Keeping (Accessory Use)		C
Catteries		C
Community Gardens		P
Kennels (all Classes)		C
<b>Alcohol Service and Sales</b>		
Bars or Cocktail Lounges <sup>2</sup>		C

Liquor Stores <sup>2, 3</sup>	C
Restaurants with Alcoholic Beverage Sales	C
<b>Automotive Services</b>	
Automobile, Motorcycle, and Marine Craft Sales (New and Used)	P
Automobile Parking Facilities	P
Automobile Rental Agencies	P
Automobile Repair Facilities	P
Body and Paint Shops	C
Car Wash	C
Gas/Service Stations	C
Limousine Services	P
Recharging Stations	Allowed (P) in any area designed for the parking or loading of vehicles.
Towing Services—With Indoor Vehicle Service	C
Truck/Trailer Rentals	C
<b>Communications Facilities</b>	
Wireless Telecommunication Facility—Stealth	C
Radio and Television Broadcasting Studios	P

Recording and Sound Studios	P
Satellite Dishes (Non-Private)	P
Satellite Dishes (Private Use)	N
Ham Radio Antennae (Private Use)	P
<b>Daycare Facilities</b>	
Commercial Day Care Facilities	P
<b>Educational Establishments</b>	
Elementary, Junior, and High Schools/Private & Charter	C
Elementary, Junior, and High Schools/Public	C
College or University	C
Tutoring & Testing Facility	C
Vocational and Trade Schools	C
<b>Food and Beverage Sales</b>	
Bakeries	P
Catering Establishments	P
Convenience Markets	P
Grocery Stores/Supermarkets	P
Grocery Store, Alcohol Sales	P
<b>General Merchandise and Trade</b>	

Antique Sales	P
Appliances	P
Art Galleries and Supplies	P
Beauty Supplies	P
Books and Magazines	P
Building Materials	P
Building Materials with outdoor sales/storage	N
Camera and Photographic Supplies	P
Candy Stores	P
Cigar/Cigarette Shops <sup>2</sup>	C
Clothing Stores	P
Department Stores	P
Discount Stores	P
Electronic Equipment	P
Equipment Sales and Rentals (indoor)	C
Florists	P
Freight Forwarding Services	P
Furniture and Home Furnishings	P
Garden Supply	P

Gifts, Crafts, and Novelties	P
Guns and Ammunition	P
Hardware Stores	P
Hobby, Toy and Game Stores	P
Indoor Swap Meets	C
Jewelry Sales and Repair	P
Leather Goods	P
Luggage Sales	P
Office Equipment, Furniture, and Supplies	P
Pet Sales and Supplies	P
Records, Tapes, and Videos	P
Retail, Other Specialty	P
Sporting Goods and Equipment	P
Surplus Stores	P
Thrift and Second-Hand Stores	C
Variety Stores	P
Wholesale Establishments	P
<b>Lodging</b>	
Bed and Breakfast Facilities	P

Emergency Shelters	C
Hotels and Motels	P
Residence Inns	P
Single-Room Occupant (SRO) Facilities	C
Transitional Housing	C
<b>Manufacturing and Industrial</b>	
Exterminating Services	C
Sandblasting and Beadblasting	C, A
<b>Medical/Health Care</b>	
Ambulance Services	P
Animal Hospitals/Veterinaries	P
Clinics	P
Convalescent Homes	P
Chemical Dependency Clinics	N
Hospitals	P
Medical/Dental Offices	P
Pharmacies	P
Pharmacies, with drive-through	C
<b>Personal Services</b>	

Banking, Credit Unions, Financial Services	P
Barbers and Beauty Parlors	P
Cemeteries	N
Check Cashing Services	P
Commercial Pet Grooming Services	P
Dry Cleaners	P
Funeral Parlors, Mortuaries	C
Laundries, Laundromats	P
Locksmith and Key Shops	P
Pawnbrokers	C
Massage Establishment	C
Photocopying and Photo Developing Services	P
Photography Studios	P
Shoe Repair Shops	P
Tailors	P
Tattoo/Body Piercing Services	C
<b>Public and Quasi-Public Uses</b>	
Community Recreation Centers	N
Cultural Facilities	N

Libraries	C
Museums	C
Parks	P
Public Safety Facilities	P
Senior Citizen Activity Centers	P
<b>Recreation and Entertainment</b>	
Amusement Parks	C
Athletic Fields	N
Batting Cages	C
Billiard and Pool Halls	C
Bowling Alleys	P
Commercial Athletic Facility	C
Dance, Martial Arts, and Fitness Classes (Not open Gym)	P
Golf Driving Ranges	C
Health Clubs and Fitness Gyms	C
Miniature Golf Courses	C
Public Auditorium/Auditoriums	P
Skating Rinks	C
Video Arcades	C

<b>Recycling</b>	
Collection Facilities	C
Processing Facilities	C
<b>Religious Institutions</b>	
Churches	P
Monasteries, Convents, or Similar Religious Quarters	P
<b>Repair Services</b>	
Electrical and Household Appliances Repair	P
Furniture Refinishing	P
Furniture Reupholstering	C
Lawnmower Repair/Sales Shops	P
Machine Shops	C
Welding Shops	C, A
<b>Residential Uses</b>	
Accessory Guest Houses	P
Accessory Dwelling Units	P
Boarding or Rooming Houses	N
Caretaker's Unit	P
Congregate Care Facilities	C

Day Care Centers, Small Family—1 to 8 Children	P
Day Care Centers, Large Family—7 to 14 Children	P
Duplexes	P
Group or Community Care Facilities—6 or fewer persons)	P
Group or Community Care Facilities—7 or more persons)	C
Home Occupation Businesses	P
Mobile Home Parks	N
Mobile Home or Manufactured Housing Units Single Lot	P
Multiple-Family, Apartments & Condominiums	P
Planned Residential Developments	P
Senior Housing Developments	P
Single-Family Dwellings	P
<b>Restaurant</b>	
Delicatessens	P
Fast-Food Restaurants—Without Drive-Thru <sup>2</sup>	P
Fast-Food Restaurants—With Drive-Thru <sup>2</sup>	C
Sit-Down Restaurants	P
Sit-Down Restaurant with Live Entertainment	C
Restaurants that serve alcohol	C

<b>Service Organizations</b>	
Philanthropic and Charitable Institutions	P
Service Organizations	P
<b>Temporary Uses</b>	
Street/Craft Fairs and Farmers' Markets	P
Temporary Structures Such as Subdivision Sales Offices	P
Seasonal Outdoor Sales (<30 days)	P
Outdoor Displays	P
Parking Lot Sales	P
Amusement Enterprises	C
<b>Transportation Facilities</b>	
Bus Passenger Terminals	C
Charter Bus Companies	C
Motor Vehicle Transportation (Taxi/Shuttle)	C
Transit Stations and Facilities	C
Truck Stops and Terminals	C
<b>Utilities</b>	
Public Storage Facilities	C
Utility Company Offices	P

## Wind Energy Conversion Systems

See [Section 17.11.140](#)

N = Not Permitted

P = Permitted

C = Conditionally Permitted

A = Permitted as an Accessory Use

A\* = Permitted as an Accessory Use in Assembly Buildings

<sup>1</sup> See [17.02.070](#) to determine if a plot plan is required.

<sup>2</sup> These uses shall not be located on any parcel which is located within 1,000 feet of any school providing instruction in 12th grade or below, day care center, or youth center.

<sup>3</sup> New liquor stores shall not be located within 1,000 feet of another liquor store.

<sup>4</sup> New fast food restaurants should not be located within 1,000 feet of another fast food restaurant.

( [Ord. No. 1128](#), § 2(Exh. B), 12-1-2020)

## Chapter 17.04 - PERFORMANCE STANDARDS

### 17.04.010 - Intent and purpose.

The performance standards identified in this section regulate the use of a building or land area. These performance standards were established to minimize potential risk to the public from hazards and to prevent the creation of nuisances and other conditions that are potentially harmful or discomforting. An additional purpose of these standards is to protect the environment, improve the appearance of the community, and to deter those conditions that may lead to blight.

( [Ord. No. 1128](#), § 2(Exh. B), 12-1-2020)

### 17.04.020 - Applicability.

Site planning and general development standards shall apply to all new construction, renovation, and alteration of existing uses or structures in all zone districts and land uses.

A.

*General Provision.* No building or land shall be used or constructed if it creates a dangerous, noxious, fire, explosive, or other hazard; noise or vibration; smoke, dust, odor, or air pollution; glare; or liquid or solid wastes in amounts that adversely affect surrounding areas.

- B. *Applicability.* The standards contained in this Chapter 17.03 shall be applied in addition to the development standards contained in this Title 17 for any given zone.
- C. *Interpretation.* Whenever the performance and development standards are different, the more stringent standard shall govern.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.04.030 - Property maintenance.

The following standards are established to regulate the maintenance of all properties, land uses, and structures in the City of Beaumont:

- A. *Abandoned Vehicles.* Abandoned and inoperable automobiles and recreational vehicles shall not be kept on the driveways or in the yard areas of private property for more than seven days.
- B. *Refuse and Debris.* Debris, rubbish, and trash, including but not limited to discarded old furniture, appliances, boxes, toys, etc.; discarded building materials; and equipment and materials shall not be visible from public rights-of-way at any time and shall not be kept in the yard areas for more than seven days.
- C. *Dilapidated Structures.* Structurally unsafe buildings, including but not limited to those with known fire hazards; faulty weather protection broken roofs; windows and doors; partially constructed structures when construction has ceased; unoccupied buildings that are left open; hazardous fences or walls; abandoned signs; and damaged buildings shall be demolished, removed, or fenced to prevent public access.
- D. *Trash Receptacles.* Trash receptacles shall not be stored in any front yard with any residential zone.
- E. *Landscaping.* The landscaping of all properties must be maintained and watered.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.04.040 - Hazardous materials.

The United States Environmental Protection Agency (EPA) and the California Department of Health Services (DHS) identify hazardous materials and prescribe handling, use, and disposal practices. In order to protect the health and welfare of those persons living, working, or visiting the City of Beaumont, the use, storage, manufacture, or disposal of hazardous materials shall be regulated and monitored according to standards established by these agencies and as outlined in this Section.

- A. *Land Use and Structures Using Hazardous Materials.* A risk management and prevention program in accordance with the California Health and Safety Code, together with an inventory statement that is in accordance with federal, state, and local laws shall be prepared for all structures and land uses using materials identified as hazardous by the State of California Environmental Protection Agency (Cal EPA) and the United States Environmental Protection Agency (EPA).
- B. *Use of Flammable Materials.* The use and storage of flammable or explosive materials shall comply with all applicable ordinances. No open burning is permitted unless a written permit for such activity has been issued by the appropriate agency that is responsible for issuing permits and approvals.
- C. *Water Contamination.* No liquid or solid waste or similar material that contaminates the water supply, or interferes with the bacterial processes in sewage treatment or otherwise causes the emission of dangerous or offensive elements shall be discharged into the public sewer or private disposal system, except in accordance with the applicable requirements of the EPA.
- D. *Radiation Exposure.* No activity shall be permitted if it emits dangerous levels of radioactivity at any time. The term dangerous levels correspond to the applicable Federal and/or State standards for exposure.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.04.041 - Tires, tire stores and tire repair facilities.

The following standards are established to regulate the land uses and structures engaging in the sales, storage, or installation of tires in the City of Beaumont. In order to protect the health and welfare of those persons living, working, or visiting the City of Beaumont, the sales, storage or installation of tires shall be regulated and monitored according to standards established herein and by the standards implemented by the appropriate City departments.

- A. *Display.* Outdoor display of merchandise, goods or materials for marketing or advertising purposes must be reviewed and approved through the plot plan process as identified in the Beaumont Municipal Code Section 17.02.070, plot plans. This could be an administrative plot plan for an existing business or structure or a plot plan for approval by the Planning Commission for new construction. In addition to any site-specific conditions, outdoor display of merchandise, goods or materials shall only occur during a business's hours of operation and shall be limited to a maximum of four items including tires and other related display items.
- B. *Tire Storage.* Storage of tires must be reviewed and approved through the plot plan process as identified in the Beaumont Municipal Code Section 17.02.070, plot plans. This could be an administrative plot plan for an existing business or structure or a plot plan for approval by the

Planning Commission for new construction. In addition to any site-specific conditions the following is required:

1. All outdoor storage must be covered on a minimum of three sides, one of which must be the top and screened from public view.
2. Any proposed use must comply with the California Regional Water Quality Control Board and the requirements specified in the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit.
3. Water supply and hydrant requirements as specified in the adopted Fire Code must be met.
4. Both indoor and outdoor storage of tires and related materials and equipment, must meet all Building and Safety and Fire Department standards and requirements.

C. *Incidental Use.* Outdoor storage of tires, related equipment or materials must be incidental to a primary use and shall not exceed 20 percent of the total lot area.

D. *Structures.* Structures utilized for storage of materials must meet all building and safety and fire standards, shall be complimentary to the primary structure and meet the aesthetic intent of the area in which the business is located.

E. *Definitions.* Tires, tire store and tire repair referenced herein are as defined in Chapter 17.14.030 "Definitions" of the Beaumont Municipal Code.

(Ord. No. 1141, § 7(Exh. C), 10-5-2021)

17.04.050 - Air quality.

The California Air Resources Board and the South Coast Air Quality Management District (SCAQMD) are the agencies responsible for the implementation of the Clean Air Act at the local level. In order to protect the health and welfare of those persons living, working, or visiting the City of Beaumont, the following performance standards with respect to air quality are outlined in this Section.

A. *Smoke and Particulates.* No smoke of any type shall be emitted from a source in excess of SCAQMD standards. No elements of dust, fly ash, vapors, fumes, gases or other forms of air pollution shall be permitted in excess of the standards set by the SCAQMD or that can cause damage to human health, animals, vegetation, or that can cause excessive soiling at any location.

B. *Permits.* Before a building or occupancy permit is issued by the City, the applicant shall be required to show proof that he has secured the necessary permits from the SCAQMD or that the project is exempt from SCAQMD regulations as of the date of filing of the City application.

C. *Enforcement and Standards.* In enforcing these regulations, the City shall use the same point of measurement as utilized by the SCAQMD.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.04.060 - Odors.

In order to protect the wellbeing of the community and to eliminate the blighting influences of odors, the following performance standards with respect to the generation of odors are outlined in this Section.

- A. *Odor Generating Activities.* Any process that creates or emits any odors, gases, or other odorous matter shall comply with the standards set by the South Coast Air Quality Management District (SCAQMD).
- B. *Quantified Standard.* No odors, gases, and odorous matter shall be emitted in quantities to be detectable when diluted in a ratio of one volume diluted air to four volumes clean air at the point of greatest concentration.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.04.070 - Light and glare.

Outdoor lighting, light trespass, and illumination requirements indicated in the City of Beaumont Outdoor Lighting Ordinance (Chapter 8.50) shall apply to all development in the City. The Outdoor Lighting Ordinance is incorporated into this Zoning Ordinance by reference.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.04.080 - Trash and Recycling.

State law requires the City to divert recyclable solid waste from landfills or pay substantial fines and penalties for failing to do so. Many solid waste and trash container enclosures constructed before the enactment of this Ordinance are not adequate to provide for the separation of household refuse and recyclable materials, including glass, plastics and paper.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.04.081 - Applicability.

Sections 17.04.082 through 17.04.084, inclusive, shall apply to the construction of, and additions or tenant improvements to, any residential, commercial or industrial structure, except single-family, detached residences.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.04.082 - Enclosure plans and specifications.

The applicant for any applicable development activity shall, as a condition of approval, submit for review and approval site plans and profiles of enclosures sufficient in number to serve the development. Such plans shall include the following information:

- A. *Trash and Recycling Containers:* Trash and recycling containers shall be shown on the site plan at grade;
- B. *Enclosure Accessibility:* Enclosures shall be accessible to solid waste and recycle collection vehicles. The site plan shall include a design for truck turn around movements, ingress and egress, and "keep clear" areas;
- C. *Location:* Enclosures shall not be placed in front or side setback areas, although the Director may approve enclosures in the front or side setback when screened from public view.
- D. *Adequate Capacity:* Adequate capacity for trash and recycling shall be provided, based upon the volume and tonnage expected to be generated by the proposed development, as estimated by the City;
- E. *Sizing:* Enclosures shall be sized to provide for both trash and recycling receptacles placed in a manner that will allow free access to either by collection trucks;
- F. *Design:* The design shall conform to the City's standard specifications, although alternative designs may be approved at the discretion of the Planning Director;
- G. *Signs:* Signs shall be permanently placed on enclosure walls and on trash and recycling containers to distinguish them. General instructions about how the recycle shall be posted, which shall include a prohibition against the disposal of oil, grease and hazardous waste. The signs shall include the name and phone number of the person responsible for the maintenance of the enclosure.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.04.083 - Inclusion of recycling receptacles in building design.

Office, commercial and retail, industrial and multi-family residential development projects of five or more units shall include appropriately sized receptacles for recyclable materials adjacent to trash containers in all common areas. Signs shall be posted to instruct users as to the proper separation of trash and recyclable materials.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.04.084 - Waiver of parking requirements for existing development.

In order to encourage recycling, the Community Development Director shall have the authority to reduce the number of required motor vehicle parking spaces provided for existing land uses in order to accommodate enclosures or recycling receptacles, provided that the enclosures meet the design specifications in Section 17.04.082. If there is insufficient space to construct a combined trash and recycling enclosure, the Community Development Director shall have the authority to permit recycling receptacles to be located adjacent to existing trash receptacles.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.04.090 - Street improvement standards.

In order to promote the development of a comprehensive circulation and roadway network in the City, the following performance standards with respect to the street improvements are outlined in this Section.

- A. *Street Dedications and Improvements.* All streets shall be dedicated and improved to the width established in the Mobility Element of the City of Beaumont General Plan.
  1. Street improvements shall include curb and gutter, sidewalks, storm drains, landscaped parkway.
  2. Street dedication shall include a corner cut-off area at intersections.
  3. Whenever uncertainty exists regarding the need for street dedication and improvement, the Director of Public Works or his designee shall determine the need for dedication or improvement based upon studies and analysis and information contained in any applicable plans.
- B. *Street Dedications Standards.* To mitigate potential problems associated with project generated traffic and circulation, dedication of street right-of-way and construction of street and related improvements may be required as a condition of approval of permits issued in compliance with this title. The following standards shall govern any street dedication or improvement:
  1. No new construction or renovation shall be granted utility connections and a certificate of occupancy until one-half of the street along the entire length of the lot frontage is dedicated and improved according to City standards. For development of a portion of a lot, dedication and improvement shall apply only to abutting streets of that portion of the lot. A bond may be placed in lieu of improvements until the Director of Public Works deems it practical to construct the improvements.
  2. The maximum area of land required for dedication shall not exceed 25 percent of the total lot area.
  3. Additional street improvements shall not be required when the abutting street is already

improved according to City standards.

4. A deed granting an easement for a public street shall be submitted to the City Engineer before approval of any permit is issued.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.04.100 - Utilities.

The following performance standards with respect to the provision of utilities and infrastructure are outlined in this Section to ensure the service demands of existing and future development are met.

- A. *Provision of Utility Connections.* The developer or owner of a property shall be responsible for utility service connections, in cooperation with the utility company.
- B. *Under-grounding of Utility Lines.* In order to protect the public safety and improve the appearance and functioning of the community, all electrical distribution lines of 16 kilovolts or less, telephone, cable television, and similar wires that provide customer services shall be installed underground, except for:
  1. Utility poles within six feet of the rear lot line used for terminating underground facilities.
  2. Temporary utilities while construction is ongoing.
  3. Risers and poles as provided by developer or owner.
  4. Meter boxes, terminal boxes, and similar equipment.
  5. Transformers, except that all transformers shall be located in vaults.
  6. Infill development in R-SF Zones where existing overhead lines serve the area, subject to the approval of the Director of Community Development.
- C. *Electrical Disturbance.* No activity shall be permitted if it causes electrical disturbance that affects the operation of equipment located beyond the property line. Radio, television, and microwave transmitters shall be suitably wired, shielded, and controlled so that they do not emit electrical waves or impulses that may affect other electronic devices or equipment.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### Chapter 17.05 - OFF-STREET PARKING AND LOADING STANDARDS

##### 17.05.010 - Purpose and authority.

The purpose of this section is to ensure that all land use and development in the City of Beaumont have sufficient parking in order to prevent or alleviate congestion. Parking and loading areas shall be provided in accordance with this section when a building or structure is constructed, or a new use is established. Additional off-street parking shall be provided in accordance with this section if an existing building is

altered, or dwelling units, apartments or guest rooms are added, or a use is intensified by the addition of floor space or seating capacity, or there is a change of use, at the time of such alteration, addition, intensification or change of use. The number of parking spaces and loading berths shall be in proportion to the need for such facilities created by the particular type of use. Off-street parking and loading areas shall be laid out in a manner that will protect the public safety and ensure their usefulness. Provide adequate off-street parking facilities, loading areas, and vehicle movement area associated with a use.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.05.020 - Applicability.

The minimum standards of this Chapter 17.05 shall apply to all new construction, expansion, renovation, conversion, and alteration of existing uses or structures in all zone districts. Off-street parking spaces shall be provided at the time of commencement of the use of the land or construction of the building, or at the time of renovation, conversion, alteration, or expansion by adding floor area, dwelling units, rooms, beds, or seats to a structure or to changes in occupancy or the enlargement of a commercial or industrial building.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.05.030 - General provisions.

This Section outlines the general requirements for parking in the City of Beaumont. The following parking regulations will be applicable to all development in the City.

- A. *Maintenance of Parking Areas.* All covered or uncovered off-street parking and loading facilities required by Chapter 17.05 shall be permanently reserved for parking and loading purposes. All parking facilities, including but not limited to curbs, directional markings, handicapped symbols, landscaping, pavement, signs, striping and wheel stops, etc., shall be permanently maintained by the property owner/tenant in good repair, free of litter and debris, potholes, obstructions and stored material.
- B. *Restrictions Regarding Use of Parking Areas.* Required parking spaces and areas shall not be used for the sale or display of goods and services, nor for the sale, display, repair or dismantling of motor vehicles, nor for the storage of inoperable or unlicensed vehicles, unless otherwise permitted by subsection C below.
- C. *Truck Parking Prohibited in Residential Zones.* The parking of commercial vehicles weighing 6,000 pounds or more shall be prohibited in all residential zones. This restriction shall apply to both on-street and off-street parking.
- D. *Temporary Parking.* Parking areas in any zone may be used for temporary, special events with authorization from the owner or operator of the parking area and the Community Development Director. The Community Development Director may impose conditions to

mitigate any adverse effect on surrounding properties. Provisions outlined in 17.03 (Temporary Use Permits and Special Events) shall govern the procedures and conditions for the application and approval of a temporary use/special event permit.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.05.040 - Parking requirements for land uses.

Each land use shall provide the minimum number of off-street parking spaces required by this section, except where a greater number of spaces are required through conditional use permit conditions of approval.

A. *Off-street Parking Requirements.* Off-street parking and loading spaces with adequate ingress and egress must be provided for any new structure and for any new use established; for any addition to or enlargement of an existing structure or use; or for any change in the occupancy of any structure or the manner in which any use is conducted that would result in additional parking or loading spaces to be required. For any addition or any enlargement of an existing structure or use, or for any change of occupancy or manner of operation that would increase the number of parking or loading spaces required, the additional parking or loading shall be required only for such addition, enlargement, or change and not for the entire structure or use. Table 17.05-1 specifies the number of off-street parking spaces required for permitted land uses.

**Table 17.05-1**  
**Off Street Parking Requirements**

<b>Land Use</b>	<b>Parking Required</b>	<b>Compact/Truck Parking</b>
<b>Residential</b>		
Single-Family Residential Units	2 enclosed spaces/unit (accessory units that are rentals must provide 1 space, of which one shall be enclosed)	Not Applicable
Attached Single Family and Duplex Units	2 enclosed spaces/unit	Not Applicable

Multi-Family (efficiency/1-bedroom units)	1.25 spaces per unit (spaces may be uncovered)	Not Applicable
Multiple-Family (2 or more bedrooms/unit)	2 spaces per unit (at least 1 space must be covered)	Not Applicable
Motels/Boarding Houses	1 space for each sleeping unit. 1 space per guest room or unit; plus, other spaces as required for auxiliary uses such as banquet facilities, bars, and restaurants	Not Applicable
<b>Commercial</b>		
Assembly Use	1 space per 4 permanent seats. Where temporary seats are used, 1 space per 20 sf of assembly area.	Compact: Maximum 10% where 20+ spaces are provided.
Banks/Financial Institutions	1 space per 200 sf gross floor area	Compact: Maximum 10% where 20+ spaces are provided.
Bars and Nightclubs	1 space per 75 sf gross floor area; plus 1 space per 2 employees on the largest shift	Compact: Maximum 10% where 20+ spaces are provided.
Churches and Other Religious Institutions	1 space per 3 fixed seats. Where no fixed seats are provided, 1 per 20 square feet of assembly area.	Compact: Maximum 10% where 20+ spaces are provided.

Cinema	1 space per 3 seats.	Compact: Maximum 10% where 20+ spaces are provided. Compact: Not permitted.
Day Care • Day care center	1 space for every 7 children	Compact: Not permitted.
Gasoline Service Stations	1 space per 200 sf gross floor area; plus 1 space per service, bay; plus, any additional spaces, required for accessory uses such as retail or food service	Compact: Not permitted. Truck: 1 space per vehicle operated from site.
Retail Uses	1 space per 200 sf gross floor	Compact: Maximum 10% where 20+ spaces are provided. Truck: As required for service and delivery vehicles.
Professional Offices, other than medical	1 space per 200 sf gross floor area	Compact: Maximum 10% where 20+ spaces are provided. Truck: 1 space per vehicle operated from site.
Medical and Dental Offices	1 space per 250 sf gross floor area	Compact: Maximum 10% where 20+ spaces are provided.
Restaurants, Fast Food <sup>1</sup>	1 space for every 100 sf of gross floor area, but not less than 10 spaces	Compact: Maximum 10% where 20+ spaces are provided.

Restaurants, Sit-Down	1 space for every 100 sf of gross floor area, but not less than 10 spaces	Compact: Maximum 25% where 20+ spaces are provided.
Trade or business school	1 space per 50 sf of gross classroom area	
<b>Manufacturing</b>		
General Manufacturing	1 space per 500 sf gross floor area.	Compact: Maximum 10% where 20+ spaces are provided. Truck: 1 space per vehicle operated from site.
Office, accessory to manufacturing use	1 space per 250 sf gross floor area of office space.	Compact: Maximum 10% where 20+ spaces are provided.
Trucking and Truck Terminals	1 space per 1,000 sf gross floor area within any building.	Truck: Per loading requirements.
Warehousing	1 space per 1,000 sf gross floor area.	Compact: Maximum 10% where 20+ spaces are provided. Truck: 1 space per vehicle operated from site.

<sup>1</sup> Minimum standard vehicle stacking capacity in a drive-through lane is eight vehicles.

*Fractional Spaces.* All fractional spaces shall be rounded up to the next highest whole number.

*Combined Uses.* When two or more uses are combined on a given site, the required parking shall be calculated as the combined total required for each individual use. Where two or more uses exist within a single building, parking shall be calculated based on the percentage of floor area devoted to each use.

*Compact and Handicap Parking.* The calculation of the number of compact and handicap parking spaces to be provided shall be based on the total number of spaces required.

Handicapped (accessible) parking shall comply with standards set forth in Chapter 11 of the Uniform Building Code.

- B. *Unspecified Land Use.* If a land use is not specifically listed in Table 17.05-1, the Community Development Director shall decide which standard most closely reflects the demand for parking that will be generated by the proposed project. For uses not specifically mentioned, the requirements for off-street parking spaces shall be the same as for similar mentioned uses and the Planning Director shall determine in writing the parking requirements for the proposed project. In the event the determination of the Community Development Director shall be deemed unsatisfactory or unreasonable, the applicant may present the matter to the Planning Commission in writing for posting on the agenda of a regularly scheduled Commission meeting, for determination.
- C. *Reduction of Spaces.* No reduction of required parking spaces shall be allowed, except through approval of a variance in accordance with the provisions of this Title 17.05.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.05.050 - Access requirements.

Driveways providing ingress and egress to off-street parking spaces shall be designed, constructed and maintained as follows.

- A. *General Requirements.* All lots shall have adequate vehicular access from a dedicated and improved street or service road to permit unimpeded movement of goods and people. Visibility on streets and intersections shall not be blocked by signs, trees, hedges, fences, walls, or structures. Directional signs and graphics may be used to promote public safety and convenience.
- B. *Driveways.* The following requirements are applicable to driveways:
  1. Driveways shall not be located where they would impede traffic on streets or through intersections.
  2. Driveways and aisles shall be maintained unobstructed at all times.
  3. The minimum driveway width shall be 12 feet per lane for a one-way driveway and 25 feet for a two-way driveway.

C. *Aprons.* Each garage shall have an adequate paved area in front of the garage (apron) for maneuvering. The minimum paved apron width shall be 24 feet.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

17.05.060 - Parking facility standards and dimensions.

Off-street parking areas shall be provided on the subject site, outside of any public right-of-way, in compliance with this section.

A. *Parking Stall Design.* Parking facilities shall be designed to conform to the following minimum guidelines and standards:

1. Parking spaces shall be located on the same lot as the use to which they serve, unless remote parking is permitted by the Community Development Director pursuant to the provisions of Section 17.05.80 (Remote Parking).
2. Access to parking stalls shall not be taken directly from a public or private street or alley.
3. The entrance to a private garage or carport shall be located a minimum of 24 feet from the street which the garage or driveway faces.
4. A 15-foot vertical clearance shall be maintained over all parking areas, driveways, and access points.
5. Driveways serving a parking area with 20 or more spaces shall be designed with either one-way circulation or a double driveway system.
6. No parking area shall be designed so that vehicles back into a street, except for single-family dwelling units.
7. No parking space shall be located within 20 feet of the access driveway, except within the R-SF zone.
8. All carpooling parking spaces and bicycle racks shall be located near the main entrance of the facility they are intended to serve.

B. *Parking Space Dimensions.* Table 17.05-2 identifies the minimum required dimensions for parking stalls and aisles for standard, compact, and truck parking spaces. No more than a six-inch vehicle overhang into a landscaped area is permitted only when curb stops are not provided.

**Table 17.05-2**  
**Parking Space Dimensions**

Type of Parking	Angle	Stall Depth (Y)	Drive Aisle Width	Stall Width (X)	Section Width
Standard Parking Spaces	0°	9 feet	10 feet	24 feet	28 feet
	45°	19 feet <sup>(a)</sup>	14 feet	12 feet 9 inches	52 feet <sup>(b)</sup>
	90°	19 feet	26 feet	9 feet	64 feet
Compact Parking Spaces	0°	9 feet	10 feet	20 feet	25 feet
	45°	16 feet	14 feet	8 feet	43 feet
	90°	16 feet	26 feet	8 feet	64 feet
Truck Parking Spaces	0°	12 feet	24 feet	50 feet	52 feet
	45°	44 feet	32 feet	17 feet	120 feet
	50°	50 feet	46 feet	14 feet	145 feet
	90°	50 feet	60 feet	12 feet	160 feet

Notes:

<sup>(a)</sup> 15'-10" for overlapped or herringbone layout.

<sup>(b)</sup> 45'-9" for overlapped or herringbone layout.

C. *Emergency Access.* Dedicated fire lanes to serve as access for fire vehicles and emergency apparatus from a public street shall be provided as set forth below and shall be posted as a fire lane:

1. If any structure is 50 feet from a right-of-way and more than 30 feet high; or
2. If any structure is 150 feet from a right-of-way and 30 feet high or less; or
3. If the structure or use is commonly associated with a fire or explosion hazard; or

4. If the structure or use attracts a large congregation of people, as determined by the Fire Department.
5. Fire lanes must be at least 25 feet wide. An alley can serve as a fire lane if it meets the requirements. Likewise, an appropriately designed buffer strip unobstructed by landscaping or structures, can serve as a fire lane.
6. Projects with other characteristics, such as distance from the nearest fire hydrant, site design, etc., which inhibit fire control may require provision of a fire lane at the discretion of the Planning Director.
7. Alternative means of fire control may be provided, subject to the approval of the Fire Department.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.05.070 - Parking required improvements.

Off-street parking areas shall be improved in compliance with this section.

- A. *Covering Materials.* All parking spaces, maneuvering areas, turnarounds, and driveways shall be paved with asphaltic concrete or Portland cement in accordance with standards set by the City Engineer/Director of Public Works.
- B. *Parking Stall Designations.* All parking spaces except those in garages or carports shall be marked with paint or other distinguishable material. Compact and handicap parking spaces shall be identified to preclude use by other vehicles.
- C. *Directional Signage.* Directional signs shall mark one-way entrances and aisles and shall be visible to drivers of vehicles using the facility.
- D. *Wheel Stops.* Bumper guards and wheel stops shall be provided as needed to protect buildings, structures, landscaping, and other vehicles.
- E. *Parking Area Lighting.* The lighting of parking areas shall be designed in accordance with the standards for light and glare in Section 17.05.080 of this Title.
- F. *Buffers.* Parking areas provided for commercial and industrial uses shall be separated from any adjoining residential zone, church, school, or park by a six-foot-high masonry wall.
- G. *Headlight Glare.* Where parking for any non-residential use is provided on any area of a lot whereby parking spaces or vehicle maneuvering areas will result in vehicle lights shining onto a public street, a wall or dense planting of shrubs or similar landscape material shall be provided as a buffer between the parking/maneuvering area and the street. The height of the wall or landscaping shall not be lower than three feet.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

## 17.05.080 - Shared and remote parking.

Certain types of developments or combinations of land use within a specific development may be eligible for a parking reduction if it can be demonstrated that such development may benefit from shared parking. This section indicates the procedures applicable to development applications requesting either shared-parking or remote parking.

- A. *Special Study Required for Shared Parking.* Two or more uses may share parking facilities, subject to the approval of the Community Development Director and the provisions of this section. A parking demand analysis for the uses proposed to share parking facilities shall be prepared. The parking demand analysis shall be prepared by a registered traffic engineer. When such analysis demonstrates, to the satisfaction of the Director, that the uses have different peak parking requirements, then the parking space requirement may be reduced by the Director. In no event, however, shall the parking requirement be reduced below the highest peak parking requirement of the use demanding the most parking.
- B. *Conditions and Requirements for Shared Parking.* The following conditions must apply for shared parking to be permitted.
  1. The uses sharing the parking facilities shall be located on the same lot or contiguous lots.
  2. A legal agreement shall be signed by all parties sharing parking facilities. Such agreement shall be approved by the City Attorney and Community Development Director, shall be recorded with the County Recorder's Office, and shall continue to be valid upon change of ownership of any property subject to the agreement or any lawfully existing building or structure on said properties.
  3. Shared parking arrangements must be authorized by any discretionary permit issued for the use for which the parking is provided. Where no discretionary permit is required, such shared parking arrangements shall meet all other requirements of this Subsection B.
- C. *Remote Parking.* The following conditions must apply for remote parking.
  1. Remote parking may be permitted for multi-family structures and commercial and industrial uses, provided such parking facilities are located no more than 300 feet from the use they are intended to serve.
  2. A covenant for use of the lot for parking shall be required between the owner of the lot supporting the proposed use and the owner of the lot to be used for remote parking. The covenant for remote parking shall be prepared by the City and recorded with the County Recorder of the County. The covenant may not be revoked, modified, or canceled without the consent of the City.
  3. Such agreements for remote parking shall be authorized by any required discretionary permit issued for the proposed multi-family structure or commercial or industrial use.

4. Where no other application is involved, a conditional use permit shall be required to authorize remote parking.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

## Chapter 17.06 - LANDSCAPING STANDARDS

### 17.06.010 - Purpose.

The purpose of this chapter is to establish minimum landscape standards to enhance the appearance of developments, provide shade, reduce heat and glare, control soil erosion, conserve water, ensure the ongoing maintenance of landscape areas, and ensure that landscape installations do not create hazards for motorists or pedestrians. All landscaping shall be planted and maintained according to Chapter 17.06.030 (Water-Efficient Landscape), and the landscape installation and maintenance guidelines in such a manner to maximize the growth, health, and longevity of the plantings.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

### 17.06.020 - Applicability.

The regulations of this chapter apply to new and existing development, as follows. Deviations from the development standards of this article may be allowed on a case-by-case basis by the designated approving authority through site plan and architectural review.

- A. *New Projects.* New commercial, industrial, mixed-use, multifamily residential and single-family residential projects shall be reviewed by the designated approving authority to ensure landscaping is provided in compliance with the requirements of this Chapter.
- B. *Existing Development with New Construction.* Where an existing nonresidential, mixed-use, multifamily residential and/or single-family residential project requests an amendment that increases the building square footage by ten percent or more, the designated approving authority shall evaluate the existing landscape to ensure compliance with applicable requirements of this chapter.
- C. *Existing Development.* Where an existing nonresidential, mixed-use, multifamily residential and/or single-family project wants to make changes to existing landscape areas.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

### 17.06.030 - Water efficient landscape requirements.

#### A. *Intent:*

1. Establish provisions for water management practices and water waste prevention;

2. Establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new and rehabilitated projects;
3. To reduce the water demands from landscapes without a decline in landscape quality or quantity;
4. To retain flexibility and encourage creativity through appropriate design;
5. To assure the attainment of water efficient landscape goals by requiring that landscapes serviced by potable water not exceed a maximum water demand of 50 percent or 0.50 of its reference evapotranspiration (ET<sub>0</sub>);
6. To assure the attainment of water efficient landscape goals by requiring that landscapes serviced entirely by recycled water not exceed a maximum water demand of 70 percent or 0.70 of its reference evapotranspiration (ET<sub>0</sub>);
7. To eliminate water waste from overspray and/or runoff;
8. To achieve water conservation by raising the public awareness of the need to conserve water through education and motivation to embrace an effective water demand management program;
9. To implement the requirements of the California Water Conservation in Landscaping Act 2006 and the California Code of Regulations Title 23, Division 2, Chapter 2.7;
10. To promote water conservation within new residential subdivision landscapes by prohibiting the use of natural turfgrass lawns within the front yards of new homes and promoting low water use plants and inert materials for a sustainable and marketable landscape design; and
11. To prohibit the new installation of natural turfgrass within medians and parkways within and along City maintained roads.

B. *Definitions.* The terms used in this chapter shall have the meaning set forth below:

*"Backfilling"* means to refill an excavation, usually with excavated material.

*"Backflow prevention device"* means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

*"Check valve"* or *"anti-drain valve"* means a valve located under a sprinkler head or other location in the irrigation system to hold water in the system to prevent drainage from the sprinkler heads or other irrigation device when the system is off.

*"Distribution uniformity"* or *"DU"* means the measure of the uniformity of irrigation water distributed over an area, typically expressed in a percentage and converted to decimal form for water use calculations.

*"Emitter tubing"* or *"sub-surface emitter dripline"* means the application of irrigation water with a matched precipitation rate at low pressure through a system of tubing or lateral lines containing factory installed low volume drip emitters equally spaced to apply small volumes of water when installed per manufactures recommendations at or near the root zone of plants. The DU of this type of irrigation generally does not exceed 80 percent when plant spacing is random as each emitter is not dedicated to an individual plant but installed in a grid fashion. The DU of this type of irrigation generally does not exceed 85 percent when plant spacing is densely grouped in a triangular or rectangular spacing as each emitter is not dedicated to an individual plant but installed in a grid fashion.

*"Established landscape"* means the point at which plants in the landscape have developed a significant root growth into the site. Typically, most plants are established after one or two years of growth.

*"Estimated annual water use"* or *"EAUW"* means estimated total water use per year as calculated by the formula contained in Section 17.06.030 D.b.13.

*"Functional turf"* means the turf areas to be publicly and privately accessible and dedicated as active play and recreation areas such as parks, sports fields, and golf courses; where turf provides a playing field or where turf is needed for high foot traffic activities.

*"Hydrozone"* means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

*"Invasive species"* are non-indigenous species (e.g. non-native plants or animals) that adversely affect the habitats they invade economically, environmentally, or ecologically. Lists of invasive species are included within the Western Riverside County Multiple Species Habitat Conservation Plan and the Coachella Valley Multiple Species Habitat Conservation Plan. Said lists are hereby incorporated by reference.

*"Landscape architect"* means a person who holds a license or is registered to practice landscape architecture in the State of California.

*"Landscaped area"* or *"LA"* means all of the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance (MAWA) calculation. The landscape area does not include footprints of buildings, structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or impervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open space and existing native vegetation).

*"Local water purveyor"* means any entity, including a public agency or private water company that provides retail water service to customers in the unincorporated area of Riverside County.

*"Maximum applied water allowance"* or *"MAWA"* means the upper limit of annual applied water allowed for the established landscaped area as calculated by the formula contained in Section 17.06.030 D.b.13.a.

*"Mulch"* means a layer of material applied to the surface of an area of soil on the ground to prevent excessive evaporation or erosion, to enrich the soil, inhibit/discourage weed growth, increase the rate of saturation, and reduce fluctuation in soil temperature. Mulch may be organic (such as bark mulch, wood chips) or inert (decomposed granite, gravel).

*"Overhead sprinkler irrigation systems"* means systems that deliver water through the air (e.g., impulse sprinklers, spray heads and rotors, etc.).

*"Point source drip"* or *"point to point drip"* means the application type of irrigation water with a matched precipitation rate at low pressure through a system of tubing or lateral lines with a dedicated field-installed low volume emitter or emitters at each specific plant. The DU of this type of irrigation generally does not exceed 90 percent.

*"Potable water"* means water that must meet Federal and State safe drinking water standards and is safe for human consumption and contact.

*"Reference evapotranspiration"* or *"ETo"* means a standard measurement of environmental parameters which affect the water use of plants. ETo is given in inches per day, month, or year. Reference evapotranspiration is used as the basis of determining the maximum applied water allowances so that regional differences in climate can be accommodated. Reference evapotranspiration numbers shall be taken from the most current Evapotranspiration Zones Map developed by the California Department of Water Resources. For geographic areas not covered by the evapotranspiration zones map, data from nearby areas shall be used.

*"Rehabilitated landscapes"* means any re-landscaping of a project that requires a discretionary permit.

*"Special landscape area"* means an area of the landscape dedicated to edible plants, and areas dedicated to active play such as parks, sports fields, golf courses, where turf provides a playing field or where turf is needed for high traffic activities. Cemeteries shall also be considered as special landscape areas. These areas shall be allowed 1.0 ETo.

*"Temporarily irrigated"* means irrigation for the purposes of establishing plants, or irrigation which will not continue after plant establishment. Temporary irrigation is for a period of six months or less.

*"Turf"* or *"turfgrass"* or *"lawn"* means species of warm or cool season grasses that form a dense thick mat of roots. Mowing creates a dense even surface and increases the need for water regardless of season. Turf or turfgrass or lawn does not include artificial turf.

*"Water-intensive landscaping"* means a landscape with a WUCOLS IV plant factor of 0.61 or greater and categorized as high or between high and moderate.

"WUCOLS" means the publication entitled "Water Use Classification of Landscape Species IV" by the California Department of Water Resources (DWR) Water Use Efficiency Program, California Center for Urban Horticulture (CCUH), University of California Davis, and University of California Cooperative Extension (2014 or most current WUCOLS version).

*C. Applicability.*

1. The water-efficient landscape requirements contained in this chapter shall be applicable to all rehabilitated landscapes associated with residential uses (including single family and multi-family units/projects) with a total landscape area equal to or greater than 2,500 square feet which require a discretionary permit and/or approval; all new landscapes associated with residential uses (including single family and multi-family projects) which require a discretionary permit and/or approval; and all new and rehabilitated landscapes associated with commercial or industrial uses which require a discretionary permit and/or approval.
2. In the event covenants, conditions and restrictions are required for any permit subject to this chapter, a condition shall be incorporated into any project approval prohibiting the use of water-intensive landscaping and requiring the use of low water use landscaping pursuant to the provisions of this chapter in connection with common area/open space landscaping. Additionally, such a condition shall require the covenants, conditions and restrictions to incorporate provisions concerning landscape irrigation system management and maintenance. This chapter shall not be construed as requiring landscaping of common areas or open space that is intended to remain natural. Covenants, conditions and restrictions shall not prohibit use of low water use plants or the replacement of turf with less water intensive plant species.
3. Recognizing the special landscape needs of cemeteries, new and rehabilitated landscapes within a cemetery are subject only to the provisions set forth in Sections 17.06.030E.1 and 17.06.030E.2 of this chapter.
4. The following uses and/or projects are exempt from the provisions of this chapter:
  - a. Registered local, state or federal historical sites;
  - b. Ecological restoration projects that do not require a permanent irrigation system and have an establishment period of less than five years;
  - c. Mined land reclamation projects that do not require a permanent irrigation system; and
  - d. Botanical gardens and arboretums open to the public.
5. If the local water purveyor has stricter requirements than called for in this ordinance, the project applicant is responsible for contacting the water purveyor to determine what the requirements are and for designing the plans to those requirements. The county will work with the project applicant to implement the water purveyor requirements.

D. *Landscape Documentation Requirements.* An applicant proposing any new or rehabilitated landscape for a project subject to the requirements of section C of this chapter shall prepare and submit a construction document package (CDs) to the Community Development Director including the following:

1. All project information;
2. A planting plan;
3. An irrigation design plan;
4. A soil management plan; and
5. A grading design plan.

The "Riverside County Guide to California Friendly Landscaping" (Landscaping Guide) as may be periodically amended by the Planning Director is hereby incorporated by reference to assist in designing, constructing, and maintaining a water efficient landscape and efficient irrigation system.

It is recommended that an applicant proposing any new or rehabilitated landscape that is designated for recycled water use consult with the appropriate local water purveyor early in the development review process to ensure that future recycled water facilities meet the projected demand and that the aforementioned plans when submitted comply with the applicable standards, approvals, and implementation requirements of this chapter, the local water purveyor, and any applicable maintenance entity.

Water systems for common open space areas shall use non-potable water if approved facilities are made available by the local water purveyor. Provisions for a non-potable water system shall be provided within the irrigation design plan. Water systems designed to utilize non-potable water shall be designed to meet all applicable standards of the appropriate regional water quality control board and the Riverside County Health Department.

a. *Project information located on cover sheet:*

1. Date;
2. Name of applicant and contact information;
3. Name of project owner and contact information;
4. Project address including parcel and lot numbers;
5. Total landscape area in square feet;
6. Project type (e.g. new or rehabilitated; residential, commercial, or industrial);
7. Water supply (e.g. potable, well, recycled; use of recycled water is encouraged);
8. Applicant's signature and date with statement, "I agree to comply with the requirements of Chapter 17.06 and submit a complete Landscape Documentation Package."

9. Landscape Architect's information, stamp, and signature; and
10. Status of plans, e.g. "plan check set", "bid set", "construction set".

b. *Planting plan requirements:*

1. New natural turfgrass lawns are effectively prohibited within the front yard for any new residential subdivisions. New natural turfgrass within medians and parkways within and along City maintained roads are effectively prohibited.
2. Plant types shall be grouped together in regard to their water, soil, sun, and shade requirements and in relationship to the buildings. Plants with different water needs shall be irrigated separately. Plants with the following classifications shall be grouped accordingly: high and moderate, moderate and low, low and very low. Deviation from these groupings shall not be permitted.
3. Trees for shade shall be provided for residential, commercial, and industrial buildings, parking lots and open space areas. These trees can be deciduous or evergreen and are to be incorporated to provide natural cooling opportunities for the purpose of energy and water conservation.
4. Plants shall be placed in a manner considerate of solar orientation to maximize summer shade and winter solar gain.
5. Plant selection for projects in high fire hazard areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required pursuant to Public Resources Code section 4291 and Riverside County Ordinance No. 695. Fire-prone plant materials and highly flammable mulches shall be avoided.
6. Invasive species of plants shall be avoided especially near parks, buffers, greenbelts, water bodies, conservation areas/reserves and other open space areas because of their potential to cause harm to environmentally sensitive areas.
7. All exposed surfaces of non-turf areas within the developed landscape area shall be mulched with a minimum three-inch layer of material, except in areas with groundcover planted from flats where mulch depth shall be one and one-half inches.
8. Mulching products used on slopes shall aid in slope stability.
9. Turf areas shall be used in response to functional needs as defined and in compliance with the water budget.
10. Decorative water features shall use re-circulating water systems.
11. Where available, recycled water shall be used as the source for irrigation and decorative water features.
12. Planting plans shall identify and site the following:
  - a.

New and existing trees, shrubs, ground covers, and turf areas within the proposed landscaped area;

- b. A planting legend indicating all plant species by botanical name and common name, spacing, and quantities of each type of plant by container size;
- c. Designation of hydrozones;
- d. Area, in square feet, devoted to landscaping and a breakdown of the total area by landscape hydrozones;
- e. Property lines, streets, and street names;
- f. Building locations, driveways, sidewalks, retaining walls, and other hardscape features;
- g. Appropriate scale and north arrow;
- h. Any special landscape areas;
  - i. Type of mulch and application depth;
  - j. Type and surface area of water features;
  - k. Type and installation details of any applicable stormwater best management practices;
  - l. Planting specifications and details, including the recommendations from the soils analysis, if applicable.

13. Planting plans shall be prepared and have accurate and complete water budget calculations using one MAWA for the entire project and one EAWU formula for each hydrozone:

- a. Maximum applied water allowance (MAWA): Planting Plans shall be prepared using the following Water Budget: Formula for projects serviced by potable water sources and required not to exceed 50 percent or 0.50 ETo:  
$$\text{MAWA (in gallons)} = (\text{ETo})(0.62)[0.5 \times \text{LA} + 0.5 \times \text{SLA}]$$
Formula for projects serviced entirely by recycled water sources and required not to exceed 70% or 0.70 ETo:  
$$\text{MAWA (in gallons)} = (\text{ETo})(0.62)[0.7 \times \text{LA} + 0.3 \times \text{SLA}]$$

Where:

ETo is reference evapotranspiration, local to the project;

SLA is the amount of special landscape area in square feet;

LA is total landscape area (including the SLA) in square feet; and

For the purposes of determining the MAWA, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average irrigation efficiency of 0.71.

b. Estimated annual water use (EAUW): EAUW for a given hydrozone is calculated as follows:

$$\text{EAUW (in gallons)} = (\text{ETo})(0.62)[((\text{PF} \times \text{HA})/\text{IE}) + \text{SLA}]$$

Where:

ETo is reference evapotranspiration;

PF is Plant Factor;

HA is hydrozone area in square feet;

IE is irrigation efficiency (minimum 0.71);

SLA is the amount of special landscape area in square feet;

c. Landscaping plans shall provide EAUW (in the same units as the MAWA) for the sum of all valve circuits in the irrigation hydrozone. The sum of all EAUW hydrozone calculations shall not exceed the MAWA for the project;

d. The plant factor used shall be from WUCOLS. The plant factor for low water use plants range from 0 to 0.39, for moderate water use plants range from 0.4 to 0.6, and for high water use plants range from 0.61 to 1.0.

e. The plant factor calculation is based on the proportions of the respective plant water uses and their plant factor, or the factor of the higher water using plant used.

f. The surface area of a water feature shall be included in the high-water use hydrozone area of the water budget calculation and temporarily irrigated areas in the low water use hydrozone.

g. Landscape concept plans not for construction shall be required to provide a complete and accurate MAWA calculation only.

14. Planting plans and irrigation design plans (Section 17.06.030 D.c.) shall be drawn at the same size and scale.

15. The planting plan and irrigation design plans (Section 17.06.030 D.c.) including landscape concept plans shall be prepared by a landscape architect licensed or registered by the State of California.

c. *Irrigation design plan requirements:*

1.

New natural turfgrass lawns are effectively prohibited within the front yard for any new residential subdivisions. New natural turfgrass within medians and parkways within and along City maintained roads is effectively prohibited.

2. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average irrigation efficiency of 0.71.
3. All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage, and other similar conditions where water flows off-site on to adjacent property, non-irrigated areas, walks, roadways, or structures. Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible. The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.
4. Landscaped areas shall be provided with a smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to real time weather conditions unless the use of the property would otherwise prohibit use of a timer. The planting areas shall be grouped in relation to moisture control zones based on similarity of water requirements (e.g., turf separate from shrub and groundcover, full sun exposure areas separate from shade areas, top of slope separate from toe of slope). Additional water conservation technology may be required, where necessary, at the discretion of the Community Development Director.
5. Water systems for common open space areas shall use non-potable water, if approved facilities are made available by the water purveyor. Provisions for the conversion to a non-potable water system shall be provided within the landscape plan. Water systems designed to utilize non-potable water shall be designed to meet all applicable standards of the California Regional Water Quality Control Board and the Riverside County Health Department.
6. Separate valves shall be provided for separate water use planting areas, so that plants with similar water needs are irrigated by the same irrigation valve. Trees should be placed on separate irrigation valves from other plants (hydrozoned) with either bubblers or drip emitters. All installations shall rely on highly efficient state of the art irrigation systems to eliminate runoff and maximize irrigation efficiency as required by the Landscaping Guide.
7. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at the installation.
8. The capacity of the irrigation system shall not exceed:

- a. The capacity required for peak water demand based on water budget calculations within the required water window;
- b. Meter capacity; or
- c. Backflow preventer type and device capacity;
- d. A velocity of five feet per second for polyvinyl chloride (PVC) materials and seven feet per second for copper and brass materials.

9. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer.
10. Within inert mulched planting areas, the use of point source drip irrigation is required to maximize water infiltration into the root zone. In 3" organic mulched planting areas where slopes are less steep than 4:1, the use of Emitter Tubing irrigation or point source drip irrigation is required to maximize water infiltration into the root zone. Low water use plants that require overhead spray may be exempted from this requirement but shall be grouped, spaced and hydrozoned independently on overhead spray. In 3" organic mulched planting areas where slopes are steeper than 4:1, the use of low volume irrigation or point source drip irrigation is required to maximize water infiltration into the root zone. Drip irrigation shall be installed under the mulch. If grading conditions require increased stability not obtainable through low volume drip methods then overhead irrigation will be permitted with proper justification at the discretion of the Planning Director.
11. Slopes greater than or equal to 4:1 shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the landscape documentation required to be submitted pursuant to this chapter, and if there is a clear demonstration that no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.
12. Long-narrow, or irregularly shaped landscaped areas including functional turf areas less than ten feet in width in any direction shall be irrigated with subsurface irrigation or low-volume irrigation technology.
13. Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface including DG walking trails or paths. There are no restrictions on the irrigation system type if the landscape area is adjacent to permeable surfacing or if no overspray and runoff occurs.
14. For the purpose of design, overhead irrigation shall be limited to the hours of 9:00 p.m. to 6:00 a.m. (nine-hour water window), no more than six days a week.
15. All irrigation systems shall be equipped with the following:

- a. A smart irrigation controller as defined in Section 17.06.030 D.c.4 of this chapter;
- b. A rain sensing device to prevent irrigation during rainy weather;
- c. Anti-drain check valves installed at strategic points to minimize or prevent low-head drainage;
- d. A manual shut-off valve shall be required as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency or routine repair;
- e. A mainline pressure regulator when the static water pressure is 15 percent above the recommended operating pressure of the irrigation system;
- f. Pressure regulation within each valve circuit to establish optimal operating pressure per manufacturers' recommendations;
- g. Backflow prevention devices within a lockable cage or enclosure or other anchoring device to prevent theft; and
- h. Risers shall not be used in high traffic areas.

16. Dedicated landscape meters shall be required for all projects greater than 2,500 square feet except single-family residences.

17. Irrigation design plans shall identity and site the following:

- a. Hydrozones:
  1. Each hydrozone shall be designated by number, letter or other designation;
  2. A hydrozone information table shall be prepared for each hydrozone;
  3. Each hydrozone shall be identified by a low, medium, or high priority designation in the event of a drought or water budgeting event as determined by the local water purveyor.
- b. The areas irrigated by each valve;
- c. Irrigation point of connection (POC) to the water system;
- d. Static water pressure at POC;
- e. Location and size of water meter(s), service laterals, and backflow preventers;
- f. Location, size, and type of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads and nozzles, pressure regulator, drip and low volume irrigation equipment;
- g. Total flow rate (gallons per minute), and design operating pressure (psi) for each overhead spray and bubbler circuit, and total flow rate (gallons per hour) and psi for each drip and low volume irrigation circuit;
- h. Precipitation rate (inches per hour) for each irrigation circuit;

- i. Irrigation legend with the manufacturer name, model number, and general description for all specified equipment, separate symbols for all irrigation equipment with different spray patterns, spray radius, and precipitation rate;
- j. Irrigation system details and specifications for assembly and installation; and
- k. Recommended irrigation schedule for each month, including number of irrigation days per week, number of start times (cycles) per day, minutes of run time per cycle, and estimated amount of applied irrigation water, expressed in gallons per month and gallons per year, for the established landscape.

18. For each valve, two irrigation schedules shall be prepared, one for the initial establishment period of six months and one for the established landscape, which incorporate the specific water needs of the plants and functional turf throughout the calendar year.

19. The planting plans (Section 17.06.030 D.b.) and irrigation design plans shall be drawn at the same size and scale.

20. The planting plan (Section 17.06.030 D.b.) and Irrigation design plans including landscape concept plans shall be prepared by a landscape architect licensed or registered by the State of California.

d. *Soil management plan requirements:*

1. After mass grading, the project applicant shall:
  - a. Perform a preliminary site inspection;
  - b. Determine the appropriate level of soil sampling and sampling method needed to obtain representative soil sample(s), typically one test per every 25,000 square feet of landscaped area;
  - c. Conduct a soil probe test to determine if the soil in the landscape area has sufficient depth to support the intended plants; and
  - d. Obtain appropriate soil sample(s).
2. The project applicant shall submit soil sample(s) to a laboratory for analysis and recommendation. The soil analysis may include:
  - a. Soil texture;
  - b. Infiltration rate determined by laboratory test or soil texture infiltration rate tables;
  - c. pH;
  - d. Total soluble salts;
  - e. Sodium; and
  - f. Soil analysis recommendations.

3. The project applicant shall prepare documentation describing the following:
  - a. Soil type;
  - b. Identification of limiting soil characteristics;
  - c. Identification of planned soil management actions to remediate limiting soil characteristics; and
  - d. Submit the soil analysis report and documentation verifying implementation of soil analysis report recommendations to the county pursuant to the requirements of Section 17.06.030 F.3.

- e. *Grading design plan requirements:*

1. The landscape documentation submitted shall include rough/precise grade elevations prepared for the project by a licensed civil engineer.

- E. *Landscape Irrigation and Maintenance.* This section shall apply to all projects subject to the provisions of this chapter as set forth in Section 17.06.030 C.

1. Two irrigation schedules shall be prepared, one for the initial establishment period of six months and one for the established landscape, which incorporate the specific water needs of the plants and turf throughout the calendar year. The irrigation schedule shall take into account the particular characteristics of the soil; shall be continuously available on site to those responsible for the landscape maintenance; and shall contain specifics as to optimum run time and frequency of watering, and irrigation hours per day. The schedule currently in effect shall be posted at the controller.
    2. A regular maintenance schedule and certificate of completion shall be submitted to the Planning Director, property owner, and water purveyor. A regular maintenance schedule shall include, but not be limited to, routine inspection, adjustments, and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas and removing any obstruction to irrigation devices. Repair of all irrigation equipment shall be done with the original equipment manufacturers installed components or equivalent/improved quality components.
    3. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this chapter.
    4. Information shall be provided to owners of new, single family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes.

- F. *Compliance/Plan Submittal Process.* Prior to issuance of a building permit for the project, the project applicant shall:

- 1.

Submit all landscape documents for review and approval by the Community Development Director. The planting plan, irrigation design plan, and soils management plan shall be reviewed by a licensed or registered landscape architect to ensure that all components of the plans adhere to the requirements of this chapter. The licensed or registered landscape architect shall sign the plans verifying that the plans comply with this chapter. Any plans submitted without the signature of a licensed or registered landscape architect shall not be accepted for review.

2. Prior to issuance of a certificate of occupancy or final inspection for the project, a regular maintenance schedule and a certificate of completion shall be submitted to the Community Development Director certifying that the landscaping has been completed in accordance with the approved planting, irrigation design, soil management, and grading design plans for the project. The certificate of completion shall be signed by a licensed or registered landscape architect and shall indicate:
  - a. Date;
  - b. Project information: Project name; project applicant name, telephone and mailing address; project address and location; and property owner name and mailing address;
  - c. Prior to backfilling, evidence that the party responsible for irrigation installation conducted a preliminary field inspection of the irrigation system (evidence of field inspection shall be attached);
  - d. The landscaping has been installed in conformance with the approved planting and irrigation design plans;
  - e. Irrigation audit report performed by a certified irrigation auditor after project installation (audit report shall be attached);
  - f. The smart irrigation controller has been programmed appropriately according to the parameters of each valve circuit;
  - g. The irrigation system has been adjusted to maximize irrigation efficiency and eliminate overspray and runoff;
  - h. A copy of the approved landscape documentation (Section 17.06.030 D), the irrigation schedule (Section 17.06.030 E.1) and the maintenance schedule (Section 17.06.030 E.2) has been given to the property owner and local water purveyor; and
  - i. Verification that the maintenance schedule has been provided to the Community Development Director.
3. At a minimum, all landscape irrigation audits shall comply with the "Irrigation Association Certified Landscape Irrigation Auditor (CLIA) Training Manual" (3rd Edition, 2013 or most current) and shall be conducted by a certified landscape irrigation auditor. Any landscape irrigation auditor performing audits shall maintain a current certification as a CLIA from the Irrigation Association (IA).

4. The Community Development Director or his/her designee shall have the right to enter upon the project site at any time before, during, and after installation of the landscaping, to conduct inspections for the purpose of enforcing this chapter.
5. The Community Development Director shall have the discretion to interpret and determine suitable compliance based upon the intent of the chapter.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.06.040 - Landscape requirement for nonresidential uses.

A. *Commercial Use Landscaping Requirements.* Commercial Landscaping Requirements identifies the minimum required depth of landscaped areas adjacent to residential districts and public rights-of-way and the minimum required coverage of landscaping for commercial districts and specific commercial uses.

1. Landscape Depths Required:
  - a. Property Lines Adjacent to Residential Districts: Five feet.
  - b. Required Setback Adjacent to Public Rights-of-Way: Ten feet.
2. This area shall be landscaped with plant materials.
3. Landscaping in these areas shall consist of an effective combination of street trees, trees, ground cover and shrubbery and may include such items as sidewalks, access driveways, flagpoles, fountains, and other similar appurtenances.
4. Landscaping shall be developed as usable landscaped open space and outdoor living and recreation area with an adequate irrigation system.
5. Area shall be landscaped with plant materials designed to provide beautification and screening.
6. The planting of shade trees on the south and west-facing sides of new buildings is encouraged.

B. *Commercial Use Landscape Provisions.*

1. All non-paved areas shall be landscaped and maintained to control dust.
2. Wherever off-street parking areas are situated across the street from property in a residential zone, a masonry wall or berm three feet in height shall be erected within the required landscape area, outside of the public right-of-way to adequately screen the residential properties.
3. An automatic irrigation system shall be provided for all landscaped areas.
4. Landscaping within required setback adjacent to the public right-of-way shall be provided and maintained in perpetuity subject to the following conditions:
  - a. A distinct demarcation between asphalt paving and landscaped area shall be provided.

5. No other usage or storage is permitted within required landscaped area.

C. *Industrial Use Landscape Provisions.*

1. The required front yard and required side yard on the street side of a corner lot, except for the area occupied by necessary driveways and walkways, shall be landscaped with trees and other plant materials.
2. Landscaping within required setback adjacent to the public right-of-way shall be provided and maintained, subject to the following conditions:
  - a. A distinct demarcation between asphalt paving and landscaped area shall be provided.
  - b. At least one-third of the total landscaped area shall be provided by trees, shrubs, and other plant material.
3. An automatic irrigation system for the landscaped area shall be provided.
4. No other usage or storage is permitted within the required landscaped area.

D. *Landscaping Used for Screening.* This section indicates the requirements with respect to the landscaping of buffers.

1. *Landscaped Buffers for Industrial Uses.* A landscaped buffer shall be provided along the boundary of all industrially zoned property where it abuts a residential or commercial zone.
2. *Walls.* Where a berm is provided, a three to six-foot-high masonry wall is allowed at the setback line with a berm to add to its height.

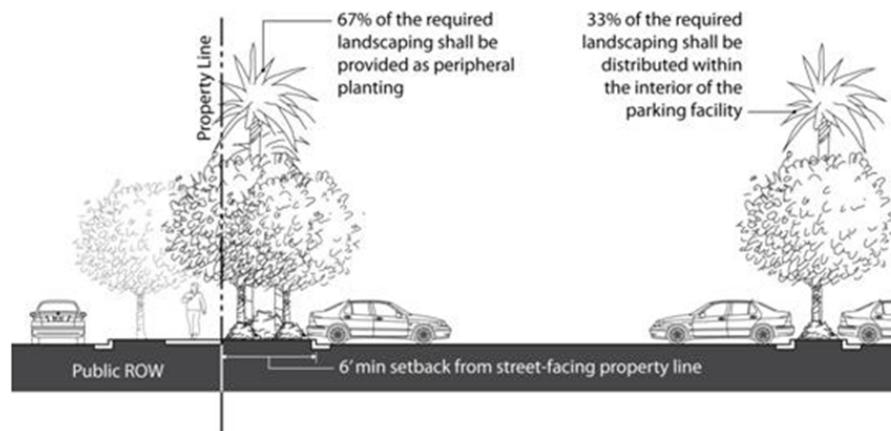
E. *Parking Lot Landscaping Standards.*

1. *Landscaping Requirements.*
  - a. A minimum of 15 percent of the total off-street open parking area shall be landscaped with a mixture of trees, shrubs, vines, ground cover, hedges, flowers, bark, chips, decorating cinders, gravel, and similar material. A minimum of one-third of the required landscaping shall be distributed within the interior of the parking facility and the remaining two-thirds of the required landscaping shall be provided as peripheral planting on the exterior edges of the parking area.
  - b. All planter beds and tree planters shall be bordered by a concrete curb not less than 6 inches in height adjacent to the parking surface.
  - c. All applicants creating new or rehabilitating parking lots shall provide a landscape plan for review and approval by the City of Beaumont for said parking lots. The landscape plan shall incorporate water-conserving plant material and irrigation technology.
  - d. All landscape areas shall be well maintained in perpetuity.
2. *Screening Requirements.*
  - a.

All off-street parking areas shall be screened to minimize the visual impact on adjacent streets and properties. No parking space shall be located within six feet of a street property line or back of sidewalk. Any open areas in the interiors shall be landscaped with appropriate plant materials.

- b. Open parking facility or a loading area shall be screened from a residential use adjoining or directly across a street or alley. Screening shall be six feet in height, except that screening to protect properties across a street may not be less than four feet in height.

### Parking Lot Landscaping Requirements Exhibit



#### F. Tree Requirements.

1. The intent of this code is to improve and maximize the landscaping within the off-street open parking areas to provide 30 percent or more of shade coverage in ten years. In order to achieve this coverage, the applicant shall plant single-trunk, low-branching trees in windy areas, and design, where possible, north/south-oriented parking areas to provide maximum shade. Landscaping shall be provided and maintained to the extent that at least one medium- or large-scale tree is planted for every six parking stalls. A diversity of tree species is required.
2. The minimum size tree planted shall be no less than a 24-inch box tree.
3. Low water use and native plant materials shall be encouraged and used to the greatest extent possible.
4. Problematic trees having shallow or invasive roots or having brittle or weak branching structure shall be prohibited.
5. Where trees already exist, the parking lot shall be designed to make the best use of this existing growth and shade wherever it is reasonably possible.

#### G. Landscape Maintenance Requirements.

1. Maintenance shall include, but not be limited to: proper pruning, watering, and fertilization of plants; periodic replacement of decomposed granite; irrigation system repairs and adjustments; removal, adjustment, and/or replacement of tree stakes; and weed removal. All

missing, dead, dying, or significantly injured tree(s) must be replaced. Unless otherwise approved, a replacement tree(s) shall be the same size and type as removed. The minimum size replacement tree(s) allowed shall be no less than a 24-inch boxed tree.

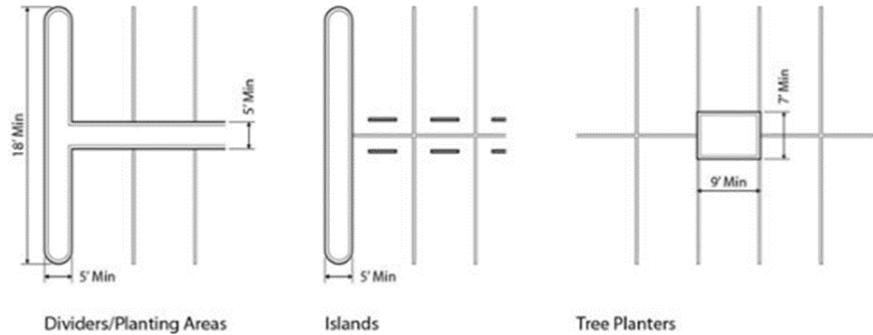
2. All significantly injured, decayed or dead trees, and trees found to be significantly damaged by improper pruning shall be removed and replaced by the landowner.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.06.050 - Parking lot landscape requirements.

- A. Parking lot dividers, islands, planters, and planting areas shall be a minimum of five feet wide and ten feet long except that all new or retrofitted tree planters shall be a minimum of nine feet by seven feet, measured to the inside perimeter of the planter, and shall have no less than 48 square feet of permeable soil planting area.

#### Parking Lot Requirements Exhibit



- B. Parking lot tree irrigation requirements. Automatic irrigation systems within parking lots shall be installed. Trees shall be irrigated with drip emitters, bubbler heads, or subterranean low-volume drip system. Trees shall be irrigated separately from shrubs and ground covers.
- C. Parking lot tree maintenance and installation requirements. All plants and irrigation systems shall be installed according to approved plans. The owner shall guarantee the quality of work, health, and condition of plants and installation of materials including but not limited to plant types, size, spacing, and irrigation systems. Prior to final acceptance of the project, the City shall inspect and verify that the installation is in compliance with the approved plans and specifications. All corrections, adjustments, and/or replacement of landscape elements shall be done prior to final approval by the City.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.06.060 - Landscape requirements for multiple-family uses.

- A. Multiple-family residential properties with four units or less shall meet the same requirements as single family uses (Section 17.06.080).

B. Multiple-family residential properties with more than four units shall meet the intent of landscape coverage for commercial properties (Section 17.06.040). Projects shall meet the parking lot landscaping standards (Section 17.06.050) and the usable yard area requirements for the Multiple-Family Zone (Section 17.03.070).

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.06.070 - Landscape requirements for mixed uses.

A. Mixed use properties shall prepare detailed planting plan for the approval of the City. The plan shall take into account the landscape requirement for the different types of uses of the property.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.06.080 - Landscape requirements for single family residential uses.

A. For single family residential properties, no more than 50 percent of the front yard and street side yard area shall be non-pervious surface (e.g., used as a driveway). Deviations from these standards may be allowed through site plan and architectural review for small-lot single-family developments at the time of master home plan review or for small lot development (Section 17.11.030.D) where these standards preclude the maximum lot coverage from being achieved.

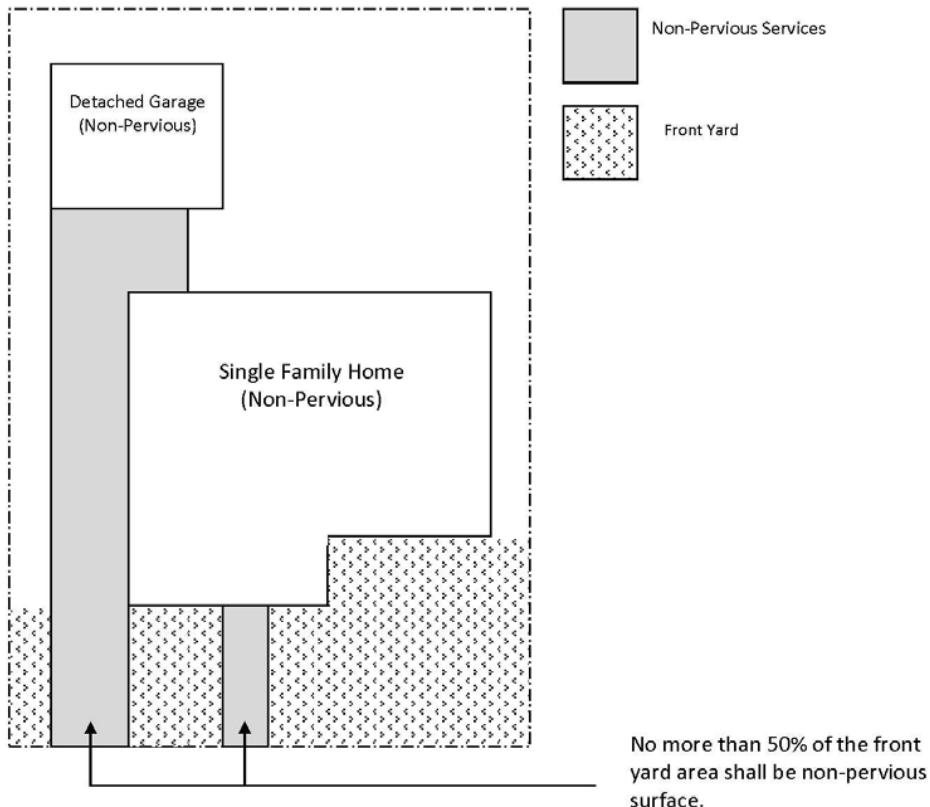
B. Remaining unpaved portion of the setback areas shall be landscaped, irrigated, and maintained. At least one-third of the landscaped area shall be provided by trees, shrubs, and other plant material. All other areas shall have wood chips, decorative rock, decomposed granite or other as approved by the Planning Dept. All landscaping shall be maintained per the Beaumont Municipal Code and/or as often as necessary to prevent a nuisance. No junk, debris, or other similar materials shall be stored in the landscaped areas.

C. Landscaping shall be designed to prevent irrigation water from flowing over paved surfaces. Techniques include:

1. Offsetting any turf areas from driveways and sidewalks a minimum of 24 inches to prevent overspray from sprinklers.
2. Using a subterranean irrigation system (versus spray irrigation) or drip irrigation system.
3. Other water conservation techniques.

D. A minimum of two 24-inch box shade trees are required within the front yard setback of all single-family residences. Additionally, the planting of shade trees on the south and west-facing sides of new single-family residences is encouraged.

## Front Yard Coverage Exhibit



(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

### 17.06.090 - Slopes.

- A. Cut and fill slopes equal to or greater than three feet in vertical height shall be planted with ground cover and shall be provided with an in-ground irrigation system to protect the slope from erosion and instability.
- B. Cut and fill slopes exceeding ten feet in vertical height shall be planted with approved trees and shrubs in addition to ground cover to protect the slope from erosion and instability.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

### 17.06.100 - Maintenance.

- A. Property owners shall maintain the planting strip abutting each property regardless of whether the property is developed or not.
- B. Any tree, shrub, or part thereof on private property that overhangs any street or alley so that it endangers life, safety, or public property shall be removed, trimmed, or cut off within ten days of written notice from the City.
- C.

Occupants of a property abutting a public street or alley shall keep private trees from overhanging into the public right-of-way. Trees shall be trimmed to maintain a minimum clearance of ten feet above the sidewalk, 14 feet above a curb, 17½ feet at center in residential areas, and 17½ feet above the curb at bus stops.

- D. Front and side yards shall not be used for off-street parking of vehicles or loading spaces.
- E. The property owner shall permanently and continuously maintain all landscaping in a neat, clean, and healthy condition, including removal of litter, proper pruning, mowing of lawns, weeds, fertilizing, and watering; and replacement of diseased and/or dead plants.
- F. Front, side, and rear yards shall not be used for off-street parking of vehicles or loading spaces unless on an approved surface.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.06.110 - Street trees.

This section applies to street trees located within the public right-of-way.

- A. *Permitted Plantings.* Only trees approved by the Community Development Director shall be planted along a public street, alley, parking strip, public right-of-way, or parkway.
- B. *Responsibility for Maintenance.* Owners of a property fronting a public street or alley shall be responsible for the adequate watering of all street trees abutting that property and shall bear the cost of replacement of any street tree that dies.
- C. *Alteration or Removal.* No person shall plant, trim, or remove any tree or shrub on any, public street or right-of-way without approval of a permit by the Planning Department. Public utility companies and agencies shall be permitted to trim Trees to ensure the safe operation of their businesses.
- D. *Prohibitions.* The following acts in planting strips or parkway areas are prohibited:
  - 1. Construction of a tree well with diameter less than four feet or otherwise filling the ground area around a tree so as to shut off light, air, or water from the roots.
  - 2. Piling of any, building material, equipment, or other substance around any tree so as to cause injury.
  - 3. Pouring of any deleterious matter on or around any tree or on the ground or on any lawn in such a manner as to damage the tree.
  - 4. Cutting, breaking, defacing or damaging a tree in any manner whatsoever.
  - 5. Placing or allowing to remain in any parkway area any vegetation (other than an approved tree) or structure exceeding 18 inches in height.
  - 6. Posting or affixing to any City tree any bill, poster, picture, placard, announcement, notice, advertisement, or sign.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.06.120 - Artificial turf/grass.

This section sets forth the requirements with respect to the use of artificial turf/grass in landscape areas and may be used to meet the requirements for plant material.

- A. Artificial turf/grass shall be allowed in all landscape areas subject to the following standards:
  1. Artificial turf/grass shall be aesthetically similar to natural turf.
  2. Artificial turf/grass shall be maintained to the standards and aesthetics consistent to the time at which it was approved and installed.
  3. Artificial turf/grass shall have an artificial turf fiber blend that reduces heat absorption, has appropriate ultraviolet protection, and has a flammability rating that meets Fire Department Standards.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.06.130 - Landscape water use efficiency enforcement.

- A. The City of Beaumont will rely on water purveyors to enforce landscape water use efficiency requirements. The City of Beaumont shall coordinate with local water purveyors and identify programs that enhance and encourage landscape water use efficiency such as:
  1. Tiered water rate structure, or
  2. Allocation-based conservation water pricing structure, or
  3. A rate structure at least as effective as the above options, or
  4. Irrigation audits and/or irrigation surveys, or
  5. Penalties for water waste.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### Chapter 17.07 - SIGNS

#### 17.07.010 - Purpose, needs, and goal interest served.

It is the purpose of this Chapter to make the City attractive to residents, visitors and commercial, industrial and professional businesses while maintaining economic stability and vitality through an attractive signing program.

- A.

*Recognition of Needs; Goals.* The City recognizes the need for signs as a means to identify businesses and other necessary and beneficial activities within the community. The City finds that signing is an important design element of the physical environment. Provisions consistent with the goals and objectives of the community are necessary to ensure that the special character and image the community is striving for can be attained while serving business and other needs in the community. The City is striving to provide an economically stable and visually attractive community through high quality site planning, building designs, landscaping and signing. As a planned architectural feature, a sign can be pleasing and can harmonize with the physical character of its environment. Proper controls can achieve this goal and will make the City a more attractive place to live, work and shop.

- B. *Interests Served.* The City enacts this chapter to serve many important governmental, City and community interests, which include but are not limited to: community aesthetics and the promotion of the visual appeal of the City, promotion of economic activity, the promotion of safety for motorists and pedestrians.
- C. *Authority.* The City enacts this Chapter pursuant to the authority granted by the State Legislature and codified as Government Code section 65850.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.07.020 - Objectives.

The objectives of this section chapter are:

1. To allow for signage which is effective to direct persons to various activities and enterprises, in order to provide for public convenience;
2. To provide a reasonable system of controls for signs, to ensure the development of a high quality visual and functional environment;
3. To encourage signs which are well designed and pleasing in appearance;
4. To encourage a desirable urban character which has a minimum of overhead clutter;
5. To enhance the economic value of the community and each area thereof by reasonably limiting the size, number, location, design and illumination of signs;
6. To encourage signs which are compatible with on-site and adjacent land uses;
7. To help facilitate the establishment of identifiable special areas and enclaves in the community and to enhance important historic elements in such areas;
8. To preclude potential traffic and safety hazards through good signing;
9. To protect the general public health, safety and welfare of the community;
10. To regulate signs in a manner consistent with the General Plan; and,
- 11.

To regulate signs in a manner consistent with the free speech rights guaranteed by the First Amendment to the United States Constitution and the liberty of speech and related provisions of the California Constitution.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

#### 17.07.030 - Basic policies.

The policies stated in this section apply to all signs within the regulatory scope of this Chapter, and to all provisions of this Chapter, notwithstanding any more specific provisions to the contrary.

- A. *Enforcement Authority.* The Community Development Director is authorized and directed to enforce the provisions of this Chapter. The Director may designate one or more representatives of the department to implement the provisions of this Chapter.
- B. *Permits When Required.* No sign may be constructed, mounted, or displayed in the City unless the same is duly permitted pursuant to this Chapter, or is exempt from permitting, either pursuant to this Chapter or by other applicable law. In addition to the requirements of this Chapter, all signs constructed, mounted or displayed within the City must also satisfy all applicable safety codes (building, electrical, plumbing, grading, etc.) and all applicable requirements of other bodies of law.
- C. *Message Neutrality.* It is the City's policy to regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.
- D. *Message Substitution Policy.* Subject to the landowner's consent, any noncommercial message may be substituted, in whole or in part, for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or any favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel; it does not allow the substitution of an offsite commercial message in place of an onsite commercial message, and it does not affect the requirement that a sign structure or mounting device be properly permitted.
- E. *Regulatory Interpretations.* All regulatory interpretations of this Chapter are to be exercised in light of the City's message neutrality policy and message substitution policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Chapter, or whenever a sign does not qualify as a "structure"

as defined in the California Building Code, then the Director shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this Chapter.

- F. *Rules for Non-Communicative Aspects of Signs.* All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.
- G. *Billboard Policy.* The City Council finds that the City already has a sufficient number of billboards to satisfy the community's needs for offsite commercial messages, and that any new or additional billboards, which by their very nature cause serious esthetic harm, would negatively impact the appearance of the City. For these reasons, the City completely prohibits the construction, erection or use of any billboards, other than those which legally exist in the City, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. This prohibition shall also apply to alterations, enlargements or conversions to digital displays (including changeable image displays that use light emitting diodes or functionally equivalent technologies) of legally existing billboards. The City adopts this policy pursuant to California Government Code section 65850, and California Business and Professions Code sections 5354(a) and 5408.3 (both effective January 1, 2003). No permit shall be issued for any billboard which violates this policy, and the City will take immediate abatement action against any billboard constructed, maintained, altered, enlarged or converted in violation of this policy. The City Council affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Chapter. The City Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this Chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This provision does not prohibit agreements to relocate presently existing, legal billboards, as encouraged by California Business and Professions Code section 5412.
- H. *Mixed or Multiple Use Zones.* In any zone where both residential and non-residential uses are allowed, whether such zones are now existing or created in the future, the signage rights and responsibilities applicable to any particular use shall be determined as follows: residential uses shall be treated as if they were located in the residential use where that type of use would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.
- I. *Owner's Consent.* No sign may be displayed without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property.
- J.

*Legal Nature of Signage Rights and Duties.* As to all signs attached to property, real or personal, the signage rights, duties and obligations arising from this Chapter attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Chapter), or the ownership of sign structures.

- K. *Preservation of Existing Rights and Duties.* This Chapter does not abrogate any easements, covenants, or other existing agreements that are more restrictive than the provisions of this Chapter.
- L. *Sign Programs.* Sign programs for specific developments, as well as special sign districts or special sign overlay zones, or in specific plans of land uses, when approved as required by applicable law, may modify the rules stated herein as to sign size, height, illumination, spacing, orientation or other non-communicative aspects of signs, but may not override or modify any of these basic policies. All the provisions of this section shall automatically apply to and be deemed a part of any sign program approved after the date on which this provision is initially adopted.
- M. *Severance.* If any section, sentence, clause, phrase, word, portion or provision of this Chapter is held invalid or, unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid portion. In adopting this Chapter, the City Council affirmatively declares that it would have approved and adopted the Chapter even without any portion, which may be held invalid or unenforceable.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.07.040 - Categorization of signs.

For purposes of this Chapter, signs within the City shall be classified in one or more of the following categories:

- A. *Animated Sign.* A sign designed to attract attention through movement or the semblance of movement of the whole or any part including, but not limited to, signs which swing, twirl, move back and forth or up and down; or signs which change color or shades of color or any other method or device which suggests movement.
- B. *Announcement or Bulletin Board Sign.* Signs, permanent in character, designed and constructed to accept changeable copy, handbills, posters and other temporary materials of a similar nature.
- C. *Awning Sign.* A sign painted or printed on the exterior surface of an awning. An alternative to a wall sign, permitted as same.

- D. *Banner*. A fabric or fabric-like material on which an advertising message is painted or otherwise affixed.
- E. *Billboard*. A permanent structure sign used for the display of offsite commercial messages.
- F. *Construction Sign*. A sign mounted on the site of a construction or remodeling project, for which a building permit is required and has been issued, displayed during the time period beginning with the issuance of the building permit and ending with the earliest of any of the following: expiration of the building permit, issuance of a certificate of occupancy, certificate of completion, final inspection, or the functional equivalent of any of them.
- G. *Directional Sign*. A sign that provides directional information for drivers, pedestrians, and travelers.
- H. *Electronic Message Sign*. A sign with the capability of presenting variable message displays by projecting an electronically controlled light pattern against a contrasting background and which can be programmed to change the message display periodically.
- I. *Flag*. A device, generally made of fabric or flexible materials, (usually cloth, paper or plastic), which displays visual colors, images, or symbols, typically those of governments, religions, causes, or organizations., or specific business activities.
- J. *Flashing Signs*. Lighted signs which disappear and reappear at periodic intervals, or are intermittently on and off, and which are placed so as to attract vehicular traffic with emphasis on the recurrence of lights. This definition includes beacons, searchlights, and klieg lights only when they are used for commercial purposes.
- K. *Monument Sign*. A sign with an overall height of six feet or less, standing directly on the ground or on a base where the supporting poles or structures, if any, are covered from public view.
- L. *Nameplate*. Signs identifying the occupant of the premises, the business and/or address.
- M. *Off-site sign*. A sign which advertises or informs in any manner businesses, services, goods, persons or events at some location other than that upon which the sign is located. The onsite/offsite distinction applies only to commercial messages.
- N. *Painted sign*. A sign painted or mounted on the exterior surface of a building or structure.
- O. *Pennant*. A display device, usually triangular in shape and made of flexible materials, such as cloth, paper or plastic, used primarily to attract attention of passersby.
- P. *Pole or Pylon Sign*. A sign with an overall height exceeding six feet and supported by one or more poles or pylons attached directly into or upon the ground.
- Q. *Portable Sign*. A sign designed and constructed so as to be easily moved. Such signs are usually not to a building or anchored to the ground. Common types include "A" frame signs, sandwich board signs, and sidewalk signs.

- R. *Poster Sign.* Any sign attached to the ground in a manner approved by the building official, which may be visible from adjacent streets or highways.
- S. *Projecting Sign.* A sign which is suspended from or supported by a building or wall and which projects outward from such building or wall a distance of 12 inches or more. Contrast: wall sign.
- T. *Real Estate Sign.* A sign which displays information regarding an economic exchange of which land or improvements thereon is the subject. Such signs are usually temporary in physical structure and display messages such as "for sale," "for rent," etc. A sign which announces vacancies at hotels, motels, and other places of short-term accommodation are not within this definition.
- U. *Revolving Sign.* A sign or a portion thereof, which rotates or revolves.
- V. *Roof Sign.* A sign supported by or attached to or projecting through the roof of a building or structure or projecting above the eave line or parapet wall of the building or structure.
- W. *Temporary Sign.* A sign which, by virtue of its lightweight or flimsy construction, is not suitable for long term display. Common temporary signs include banners, pennant valances, streamers, advertising balloon, inflated or air activated advertising devices, search lights, beacons, moving stuffed animals, or advertising displays constructed of cloth, canvas, light fabric, plastic, paper, cardboard, wallboard, wood or other light or similar materials used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing, vehicle or other object.
- X. *Under Canopy Sign.* A sign attached to the underside of a projecting canopy perpendicular to the building frontage, commonly used for identifying the land use at that location.
- Y. *Vehicle Signs.* Signs on or affixed to trucks, vans, automobiles, trailers, or other vehicles which advertise or provide direction to a use or activity not related to its lawful making of deliveries or sales of merchandise or rendering of service from such vehicles.
- Z. *Wall Sign.* A sign which is in any manner affixed to any exterior wall of a building or structure, the exposed face of which is in a plane approximately parallel to the plane of the wall
- AA. *Window Sign.* A sign painted, attached, glued or otherwise affixed to a window, which is easily visible from the exterior of the building.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.07.050 - Definitions.

For purposes of this Chapter, the following words and phrases have the meanings stated in this section.

- A. *Administrator.* Same as Director.
- B.

*Advertising Structure.* A structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any poster bill, printing, painting or other advertisement of any kind whatsoever may be placed for advertising purposes.

- C. *Area of Sign.* The area of a sign shall include the entire area within a series of rectangles (maximum four per visual plane) whose outermost borders are defined by the outermost extent of any writing, representation, emblem, figure, character or separate sign surface. When letters comprising a sign message are placed on a background or field which is different in color or materials from the architectural features of the building on which the sign is mounted, the sign area shall be calculated as the entire area comprising the overall sign feature. In the case of a two-sided sign, the area shall be computed as including only the maximum single display surface which is visible from any ground position at one time. The supports or uprights on which any sign is supported should not be included in determining the sign area unless such supports or uprights are designed in such a manner as to form an integral background of the sign. In the case of any cylindrical or spherical sign, the total area shall be computed on the total area of the surface of the sign.
- D. *Awning.* Either a fabric covered appendage, or a temporary collapsible shelter of noncombustible materials supported entirely from the exterior wall of a building and used to create shade. Such a device is considered a sign only when it is also used to display an image or message.
- E. *Canopy.* A fixed overhead shelter used as a roof, which may or may not be attached to a building. Such a device is also a sign only when it is also used to display an image or message.
- F. *Changeable Copy.* Sign display copy, which may be changed without altering the physical structure or mounting device of the sign itself.
- G. *Commercial Complex.* Any group of three or more commercial uses on a parcel or combination of contiguous parcels which are generally served either by common access or common parking, or a large single commercial use occupying at least two and one-half acres with a minimum of 200 feet of street frontage.
- H. *Commercial message.* A message displayed on a sign that primarily concerns business, commercial or economic interests, or which proposes an economic transaction. Commercial messages may be onsite or offsite; however, the onsite/offsite distinction applies only to commercial messages.
- I. *Development.* A building wherein two or more separate independently owned or operated establishments are located.
- J. *Director.* The City's Community Development Director.
- K. *Establishment.* Any non-residential use of land involving permanent structures or buildings.
- L.

*Face of Building.* The wall of a building, excluding any appurtenances, such as projecting fins, columns, pilasters, canopies, marquees, showcases of decorations, but including any required parapet wall.

- M. *Frontage.* The length of a lot along a street or other principal public thoroughfare, but not including such length along an alley, railroad or freeway.
- N. *Frontage of the Parcel.* On a lot with more than one frontage on a public street, the front footage of the parcel shall be determined by the measurement of the larger or largest frontage on a public street.
- O. *Height of a sign.* The distance from the average ground level immediately surrounding the base of the sign to the top of its highest element, including any structural or architectural element. Landscape mounding shall not be used to artificially alter the height of a sign.
- P. *Hospital or Medical Center Complex.* Any group of medical or hospital buildings under single ownership on a parcel or combination of parcels that contain a minimum of 20 acres or more.
- Q. *Industrial Complex.* Any group of three or more industrial uses on a parcel or combination of parcels which are generally served either by common access or common parking, or single industrial use occupying at least 100,000 square feet of floor area.
- R. *Landscaped Planter.* An area specifically designated for plant materials that may be at, below or above grade.
- S. *Line of Sight.* The point of visibility from the street to an object, e.g., sign. The longer the line of sight, the further the sign is visible from the street.
- T. *Luminous sign.* A sign that emits light.
- U. *Mansard Roof.* A sloped, decorative roof element attached to the face of a building wall.
- V. *Noncommercial message.* A message or image displayed on a sign which concerns matters not included within the definition of commercial message. Noncommercial messages typically consist of expressions on the topics of politics, religion, philosophy, morals, and public controversies. The onsite/offsite distinction applies only to commercial messages.
- W. *Off-site or off-premises sign.* A sign whose message does not pertain or relate to the premises upon which the sign structure is mounted or constructed. The onsite/offsite distinction applies only to commercial messages.
- X. *On-site or on-premise.* As pertaining to signs, a message which concerns or relates to the same premises as that upon which the sign is mounted or displayed. The onsite/offsite distinction applies only to commercial messages.
- Y. *Office Complex.* Any group of three or more office uses on a parcel or combination of parcels that are generally served either by common access or common parking.
- Z.

*Primary Street Frontage.* The street frontage from which the majority of the pedestrian or vehicular traffic is drawn or toward which the building or buildings are oriented for primary visual impact. Each commercial complex or shopping center shall be allowed to designate only one primary street frontage. Where no single street frontage can be identified as the primary street frontage, or in cases of dispute as to which street frontage is the primary street frontage, the Planning Director shall designate the primary street frontage in conjunction with the review of proposed signs.

- AA. *Secondary Street Frontage.* A street frontage other than a primary street frontage.
- BB. *Shopping Center.* Same as commercial complex.
- CC. *Sign.* Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area. However, the following are not within the definition of "sign" for regulatory purposes of this Chapter:
  - a. Interior signs: Signs or other visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof, provided the building or enclosed structure is otherwise legal;
  - b. Architectural features: Decorative or architectural features of buildings (not including lettering, trademarks or moving parts);
  - c. Symbols embedded in architecture: Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal;
  - d. Personal appearance: Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, costumes (but not including commercial mascots);
  - e. Manufacturers' marks: Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale;
  - f. Fireworks, etc.: the legal use of fireworks, candles and artificial lighting not otherwise regulated by this Chapter;
  - g. Mass transit signage: Advertisements or banners mounted on trains or duly licensed mass transit vehicles that legally pass through the City;
  - h. Certain insignia on vehicles and vessels: On street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, noncommercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel;
  - i.

## Gravestones or grave markers.

- j. Newsracks and newsstands.
- DD. *Sign Structure.* The supports, uprights, bracings, guy rods, cables and other structural framework of a sign or outdoor display.
- EE. *Window Area.* The total area of a window upon which signs, images or messages may be mounted. A group of windowpanes or panels can be considered one window if they are adjoining on the building face and are less than six inches apart.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

## 17.07.060 - Administration, permits, and appeals.

- A. *Sign Permit Required.* A sign permit shall be required prior to the placing, erecting, moving or reconstructing of any sign in the City, unless the subject sign is expressly exempted from the permit requirement by this Chapter or other applicable law. Signs requiring a permit shall comply with the provisions of this Chapter and all other applicable laws and ordinances.
- B. *Permit—Method of Application.* An application for a sign permit shall be made on forms as prescribed by the Director. Such an application shall be filed with the Planning Department. The application shall be accompanied by any fees or bonds as specified by City Council resolution.
- C. *Permit Application—Contents.* A sign permit application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor or erector. Three copies of the plans, fully dimensioned, shall be filed with the application, including:
  1. Plot plan, fully dimensioned, showing location of all buildings and improvements and the location of each proposed sign together with the location, size and height of all existing signs on the premises/site. The street frontage shall be clearly indicated on the plan.
  2. Elevation plan, fully dimensioned, showing height and size of each proposed sign, colors, method of illumination and materials of construction, and if a wall sign, the exact location on the face of the building.
  3. Structural details and circulations prepared and signed by an engineer or architect registered in the State. Such details shall be required when the area of the sign exceeds five square feet and the height of the sign exceeds six feet.
  4. A statement by the owner of the proposed sign as to whether the sign is to display commercial or noncommercial messages, or both, and whether the display face will be permanent, changeable, or a permanent structure with changeable elements. If the proposed sign is to be used to display commercial messages, then the applicant shall also state whether the message is to be onsite or offsite.
- D.

*Purpose and Method of Review.* The purpose of a permit is to ensure compliance with the provisions of this Chapter. After receipt of a complete sign application, the Director shall render a decision to approve, approve with modifications or conditions, or deny the sign request within 15 working days. Unless the applicant waives time, failure of the Director to issue a written decision within 15 working days shall constitute denial of the application. Such a review shall ensure that any sign proposal is in conformance with this Chapter and is consistent with its intent and purpose. In the event that the application is approved with modifications or conditions, those requirements shall not be based upon the proposed message content, sign copy, or design of the visual display of the sign.

- E. *Appeals.* All sign permit applications shall be initially reviewed by the Director. When the Director issues a decision on a sign permit application, or when the time for doing so has expired without a written decision, then the applicant or any concerned person may appeal first to the Planning Commission and then to the City Council. Appeal is effected by filing a written notice thereof with the City Clerk, and paying the applicable appeal fee as set by Resolution of the City Council. In each case, written notice of appeal must be filed with the City Clerk within ten days of when the decision was delivered or sent to applicant and all known concerned persons, or the last day on which a decision should have been timely rendered. In each case, the appellate body must conduct a hearing and consider evidence and render a written decision within 30 days. In the cases of appeal to the Planning Commission and the City Council, the hearing must follow normal procedures for agendizing and giving public notice. Unless time is waived by the applicant, any permit or approval on which the City does not render a definite decision within the required time shall be deemed denied, and the time for appeal or filing judicial review shall commence on the last date on which the City could have issued a decision.
- F. *Judicial Review.* Following final decision by the City Council, any concerned person may seek judicial review of the final decision on a sign permit application pursuant to California Code of Civil Procedure section 1094.8.
- G. *Multiple Sign Applications.* When an application proposes two or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign. When an application is denied in whole or in part, the Director's written notice of determination shall specify the grounds for such denial.
- H. *Revocation or Cancellation.* The Director shall revoke any approval upon refusal of the holder thereof to comply with the provisions of this Chapter and/or the terms or conditions of any permit, after written notice of noncompliance and at least 15 days opportunity to cure.
- I. *Permits Issued in Error.* Any approval or permit issued in error may be summarily revoked at any time before substantial work in reliance upon the permit has been accomplished, by the City upon written notice to the holder of the reason for the revocation.
- J.

*Interpretation of Provisions.* Whenever the application of this Chapter is uncertain, the Director may refer the matter to the Planning Commission for determination. All interpretations are to be made in light of the Basic Policies section of this Chapter.

- K. *Variances.* Applications for a variance from the terms of this Chapter shall be reviewed by the Planning Commission according to the variance procedures set forth in the Zoning Ordinance; however, variances shall be considered without reference to the proposed content, copy, or message of the proposed sign (other than the onsite/offsite distinction for commercial messages).
- L. *Uniform Sign Program.* All applications for approval of signs in a shopping center, commercial, industrial or office complex, a group of three or more businesses on a parcel or project site or for commercial recreation uses shall be submitted in the form of Uniform Sign Program accompanied by sketches and drawings to scale and dimensions showing details of construction, including connections and electrical plans, if any, and shall delineate the typical size, shape, design, material, coloring, lettering, lighting and position of the signage in relationship to the building form or place where it will be displayed. Scaled sketches of existing signs on the premises shall accompany the application.
- M. *Motorists' Line of Sight.* All sign locations shall be safe for traffic sight purposes. A sight distance study may be required with each monument or pylon sign being proposed in the Uniform Sign Program when located next to any right-of-way, sidewalk, driveway, or as designated by the Community Development Director.
- N. *Program Approval.* All sign programs shall be filed and reviewed as provided in this Chapter. Such Uniform Sign Programs shall be developed in full compliance with the requirements of this Chapter. No sign shall be installed which does not conform to the approved Uniform Sign Program.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.07.070 - General provisions.

- A. *Exempt Signs.* Subject to the qualifications and conditions stated in this section, the following signs are exempt from the application, permit and fee requirements of this Chapter. However, the exemption from the sign permit requirement does not exempt the proposed sign from safety code permitting, such as building, electrical, plumbing, grading permits, etc.
  - 1. Permanent window signs not exceeding four square feet and limited to business identification, hours of operation, address and emergency information only;
  - 2. Real estate signs not exceeding four square feet in area of five feet in height, maximum one sign per parcel or lot, provided it is unlit and is removed within 15 days after the close of escrow or the rental or lease has been accomplished;

3. Contractor or construction signs: One sign shall be permitted on a construction or remodeling site. The sign may not exceed 32 square feet unless a larger sign is required by another body of law, in which case the smallest sign conforming to the law shall be used. The construction sign may not exceed eight feet in overall height and shall be set back from the property line by at least ten feet. Construction signs must be removed at the earliest of issuance of certificate of occupancy, certificate of completion, or final inspection check off, or their functional equivalent.
4. Future tenant identification sign: Future tenant identification signs may be placed on vacant or developing property to advertise the future use of the property and where this information may be obtained. Such sign shall be limited to one per street frontage and to a maximum of 32 square feet in area and eight feet in overall height for parcels containing ten acres or less. For parcels greater than ten acres, one sign is permitted for every 600 feet of street frontage and is limited to 64 square feet in area per side and 15 feet in overall height. Such signs may also be placed along the freeway at 1,000-foot intervals, not to exceed 150 square feet in area per side and 20 feet in overall height. Further, such signs shall be placed no less than ten feet from any property line. Any such sign shall be removed upon completion of such project;
5. Real estate signs on industrial, commercial or agricultural property: One sign per street frontage not to exceed 32 square feet; no such sign shall exceed eight feet in overall height and shall be set back from the property line at least ten feet. Where a property has in excess of 600 linear feet of frontage, one additional sign is permitted for each 600 linear feet of street frontage.
6. Real estate signs on residential properties: one sign not exceeding eight square feet in area per display face, not more than two display faces, maximum height five feet, setback from the property line at least five feet.
7. Memorial tablets, plaques, or directional signs for community historical resources, installed by a recognized historical society or civic organization;
8. Directional signs not exceeding three square feet in area;
9. Residential building identification signs used to identify individual residences and not exceeding two square feet;
10. Official and legal notices issued by the court, public body, person or officer in performance of his public duty or in giving any legal notice;
11. Directional, warning, identification, or informational signs or structures required or authorized by law or by federal, State, County or City authority;
12. Flags. Flags on commercial, industrial, or agricultural properties:
  - a. Maximum number of flags for property less than one acre: three; maximum height of flag poles: 30 feet; maximum area of each flag: 60 square feet (measured one side only).

- b. Maximum number of flags for property one acre or larger: six; maximum height of flag poles: 30 feet; maximum area of each flag: 60 square feet (measured one side only)
- c. Flags on residential properties less than  $\frac{3}{4}$  acre: maximum number of flags: three; maximum number of flag poles: one; maximum height of flag poles: 20 feet; maximum area of each flag: 40 square feet (measured one side only). No flags displaying commercial messages, images or symbols may be displayed in residential zones.
- d. Flags on residential properties  $\frac{3}{4}$  acre or larger: maximum number of flags: three; maximum number of flag poles: one; maximum height of flag poles: 30 feet; maximum area of each flag: 40 square feet (measured one side only). No flags displaying commercial messages, images or symbols may be displayed in residential zones.

- 13. Signs of public utility companies, indicating danger or which serve as an aid to public safety or which show location of underground facilities or public telephones;
- 14. Safety signs on construction sites;
- 15. Political etc. Signs displaying political or other noncommercial messages may be displayed on private property in any zone at any time under the message substitution policy of this Chapter.
  - a. In residential zones and on legal residential uses, in addition to the flag allowance, temporary or permanent signs displaying political or other noncommercial messages may be displayed at any time subject to:
    - 1. Maximum number of signs: not limited
    - 2. Maximum size of any one side (measured one side only): ten square feet.
    - 3. Maximum area of all signs combined: 20 square feet.
    - 4. Maximum height: six feet.
    - 5. Placement shall be at least five feet from any sidewalk, property line or driveway and shall not obstruct any line of sight for traffic.
  - b. In Commercial or industrial zones and on legal commercial or industrial uses on land one-half acre or less, temporary or permanent signs displaying political or other noncommercial messages may be displayed at any time subject to:
    - 1. Maximum number of signs: not limited
    - 2. Maximum size of any one side (measured one side only): ten square feet.
    - 3. Maximum area of all signs combined: 20 square feet.
    - 4. Maximum height: six feet.
    - 5. Placement shall be at least five feet from any sidewalk, property line or driveway and shall not obstruct any line of sight for traffic.
  - c.

In Commercial or industrial zones and on legal commercial or industrial uses on land over one-half acre, temporary or permanent signs displaying political or other noncommercial messages may be displayed at any time subject to:

1. Maximum number of signs: not limited
2. Maximum size of any one side (measured one side only): 16 square feet.
3. Maximum area of all signs combined: 64 square feet.
4. Maximum height: eight feet.
5. Placement shall be at least five feet from any sidewalk, property line or driveway and shall not obstruct any line of sight for traffic.
- d. These limits on size, number and total area (but not height or placement) may be doubled during the time period which commences 45 days before and ends ten days after any general or special election.

16. Temporary window signs for any establishment in a commercial zone, and for commercial uses in industrial or industrial/business park zones when approved as part of a Uniform Sign Program, are allowed without permit subject to:

- a. Maximum window sign: 30 percent of the window area (on multi-story buildings, only the windows on the first floor may be counted), but in no event shall window signs exceed 150 square feet per street frontage.
- b. The placement of the sign shall be located on the first floor only on multi-story buildings and shall not exceed 20 feet in height above finished grade on one-story buildings.
- c. No temporary window sign shall be displayed continuously for more than 30 days.

17. Paper signs, which advertise "weekly specials", and similar signs which are rotated on a regular basis, shall have a fastening device for a more permanent look.

18. Residential garage or yard sale signs are allowed without permit subject to the following requirements:

- a. A permit for the garage and yard sale shall be obtained prior to the erection of any signs for such event.
- b. A maximum of three signs are permitted.
- c. Signs shall be limited to a maximum size of three-square feet each.
- d. Signs shall only be placed on private property, and not in the public right-of-way or on utility poles.
- e. Signs shall only be erected on the day of the event as permitted and shall be removed at sunset each day.

B.

*Prohibited Signs.* The signs described in this subsection are prohibited, unless some other more specific provision in this Chapter or other applicable law makes them allowable, either by permit or exemption from the permit requirement.

1. Roof signs;
2. Flashing signs, except time and temperature signs;
3. Animated signs;
4. Revolving signs;
5. Portable signs;
6. Off-site commercial signs on permanent structures;
7. Signs blocking doors or fire escapes;
8. Light bulb strings and exposed tubing, except for temporary uses such as Christmas tree lots;
9. Banners, flags, pennants and balloons, except for special events as provided for in this Chapter;
10. Inflatable signs or signs designed to be air activated, floated or flown, including balloons used for commercial advertising purposes, kites or other serial signs that are made of any electrically conductive material;
11. Signs, posters, advertisements, etc., attached to utility poles, shall be prohibited;
12. Exposed raceways.

C. *Roof Signs.* Roof signs may be used only in the event no other signing alternatives are available. Roof signs may be permitted if architecturally designed and built into the roof structure. Such design shall be compatible in design and materials with the building.

D. *Signs Related to Inoperative Establishments.* Signs promoting activities or establishments which are no longer in operation shall be removed from the premises or the sign copy shall be removed or obliterated within 60 days after the premises has been vacated. Any such sign not removed within the specified time shall constitute a nuisance and shall be subject to removal under the provisions of this Chapter.

E. *Enforcement, Penalties and Abatement.*

1. Any violation of this Chapter shall be deemed to be a continuing violation until the violation has been corrected.
2. Violation of any of the provisions of this section shall constitute a nuisance and a Zoning ordinance violation.
3. Notwithstanding any other provision of this Chapter, the City Attorney, upon the direction of the City Council, may commence an action in a court of competent jurisdiction to obtain an injunction prohibiting the construction, erection, maintenance or display, or requiring the

removal, of any sign that is in violation of any of the provisions of this section. In any such action, the City shall be entitled to recover its costs and its reasonable attorney's fees.

4. The owner or other person entitled to possession of a sign which is removed, stored and/or destroyed pursuant to any provision of this section shall be liable to the City for the cost of the removal, storage and/or destruction and the City may recover the same through an action commenced in a court of competent jurisdiction together with the City's court costs and reasonable attorney's fees.
5. Any illegal sign within the public right-of-way is found and declared to be a public nuisance, and such sign may be abated by the City as follows:
  - a. If the address of the owner or other person entitled to possession of the sign is known, notice of the City's intention to remove and destroy the sign, stating the date after which sign will be removed and destroyed, shall be mailed to the owner or other person entitled to possession by certified mail, return receipt requested at least ten days before the date. If the address of the owner or other person entitled to possession is not known, the notice shall be affixed in a conspicuous place on said sign at least ten days before the date. The notice shall also set forth the provisions of this section.
  - b. The owner or other person entitled to possession of the sign may, before the removal date stated in the notice, file a written request for hearing with the Planning Department. The request shall identify the sign and its location, state the name and address of the owner or other person entitled to possession and set forth in detail the contentions why the sign should not be removed and destroyed.
  - c. If a request for hearing is filed, the Planning Commission shall hear the matter at a regularly scheduled meeting held not more than 30 days thereafter. After the hearing, the Planning Commission shall determine whether or not the sign is an illegal sign within the public right-of-way. The written decision of the Planning Commission shall be rendered within ten days after the hearing and a copy of the decision shall be mailed to the owner or other person entitled to possession within seven days thereafter. Unless a notice of appeal is filed as provided for in this Chapter, the decision of the Planning Commission shall become final ten days after mailing.
  - d. The owner or other person entitled to possession may file a notice of appeal with the City Clerk within ten days after the date of mailing of the Planning Commission's decision. If a timely notice of appeal is filed, the matter shall be heard by the City Council at a regular meeting scheduled not more than 30 days thereafter. After hearing, the City Council shall determine whether or not the sign is an illegal sign within the public right-of-way. The written decision of the City Council shall be rendered within ten days after the hearing.

and a copy of the decision shall be mailed to the owner or other person entitled to possession within seven days thereafter. The decision of the City Council becomes final ten days after mailing.

- e. Unless the owner or other person entitled to possession of the sign, on or before the removal date stated in the notice described in this section, files a written request for hearing with the Planning Department, the City may, at any time after said date, remove and destroy the sign. If a written request for hearing is filed then upon any final decision of the Planning Commission or the City Council determining that the sign is an illegal sign within the public right-of-way, the City may remove and destroy the sign.
- f. Notwithstanding any provision of this Chapter to the contrary, any illegal sign within the public right-of-way which constitutes a hazard to pedestrian or vehicular traffic may be removed immediately and stored by the City, at the expense of the owner, or other person entitled to possession, pending completion of the notification and hearing procedures set forth in this section.

F. *Construction and Maintenance of Signs.*

1. Every sign and all parts, portions, and materials shall be manufactured, assembled and erected in compliance with all applicable State, federal, and City regulations, the Uniform Building Code and the National Electrical Code.
2. Every sign and all parts, portions and materials shall be maintained and kept in proper repair. The display surface of all signs shall be kept clean, neatly painted and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy or other unmentioned or damaged portion of a sign shall be repaired or replaced within 30 days following notification by the City. Noncompliance with such a request will constitute a zoning violation and will be enforced as such.

G. *Flags (real estate sales and leasing).* Commercial flags and banners are permitted in conjunction with an approved residential subdivision sales office or a commercial sales or leasing office, or an industrial sales or leasing office. Such flags shall conform to the following provisions:

1. A maximum of six may be used.
2. The flags or banners shall be no higher than 15 feet.
3. The flags or banners shall be displayed in the immediate vicinity of the sales/leasing office. In no case shall the flags be allowed within the public right-of-way.
4. In the case of a residential subdivision office, the flags may be maintained as long as a valid operating permit for the sales office remains in effect.
5. In the case of a commercial office or industrial sales or leasing office, the flags may be maintained until 75 percent of the spaces have been leased.
6. The maximum size of any one flag shall not exceed 15 square feet. All flags shall be

maintained in good condition; torn or worn flags shall be replaced.

H. *Roof Signs.* Roof signs may be used only in the event no other signing alternatives are available.

Roof signs may be permitted if architecturally designed and built into the roof structure. Such design shall be compatible in design and materials with the building.

I. *Inoperative establishments.* Signs pertaining to activities or businesses which are no longer in operation shall be removed from the premises or the sign copy shall be removed or obliterated within 60 days after the premises has been vacated. Any such sign not removed within the specified time shall constitute a nuisance and shall be subject to removal under the provisions of this chapter.

J. *Enforcement, penalties and abatement.*

1. Any violation of the provisions of this section shall be deemed to be a continuing violation until the violation has been corrected.
2. A violation of any of the provisions of this section shall constitute a nuisance and a zoning ordinance violation.
3. Notwithstanding any other provision of this section, the City Attorney, upon the order of the City Council, may commence an action in a court of competent jurisdiction to obtain an injunction prohibiting the construction, erection, maintenance or display, or requiring the removal, of any sign that is in violation of any of the provisions of this section. In any such action, the City shall be entitled to recover its costs and its reasonable attorney's fees.
4. The owner or other person entitled to possession of a sign which is removed, stored and/or destroyed pursuant to any provision of this section shall be liable to the City for the cost of the removal, storage and/or destruction and the City may recover the same through an action commenced in a court of competent jurisdiction together with the City's court costs and reasonable attorney's fees.
5. Any illegal sign within the public right-of-way is found and declared to be a public nuisance, and such sign may be abated by the City as follows:
  - a. If the address of the owner or other person entitled to possession of the sign is known, notice of the City's intention to remove and destroy the sign, stating the date after which sign will be removed and destroyed, shall be mailed to the owner or other person entitled to possession by certified mail, return receipt requested at least ten days before the date. If the address of the owner or other person entitled to possession is not known, the notice shall be affixed in a conspicuous place on said sign at least ten days before the date. The notice shall also set forth the provisions of this section.
  - b. The owner or other person entitled to possession of the sign may, before the removal date stated in the notice, file a written request for hearing with the Planning Department. The request shall identify the sign and its location, state the name and address of the

owner or other person entitled to possession and set forth in detail the contentions why the sign should not be removed and destroyed.

- c. If a request for hearing is filed, the Planning Commission shall hear the matter at a regularly scheduled meeting held not more than 30 days thereafter. After the hearing, the Planning Commission shall determine whether or not the sign is an illegal sign within the public right-of-way. The written decision of the Planning Commission shall be rendered within ten days after the hearing and a copy of the decision shall be mailed to the owner or other person entitled to possession within seven days thereafter. Unless a notice of appeal is filed as provided for in this chapter, the decision of the Planning Commission shall become final ten days after mailing.
- d. The owner or other person entitled to possession may file a notice of appeal with the City Clerk within ten days after the date of mailing of the Planning Commission's decision. If a timely notice of appeal is filed, the matter shall be heard by the City Council at a regular meeting scheduled not more than 30 days thereafter. After hearing, the City Council shall determine whether or not the sign is an illegal sign within the public right-of-way. The written decision of the City Council shall be rendered within ten days after the hearing and a copy of the decision shall be mailed to the owner or other person entitled to possession within seven days thereafter. The decision of the City Council becomes final ten days after mailing.
- e. Unless the owner or other person entitled to possession of the sign, on or before the removal date stated in the notice described in this section, files a written request for hearing with the Planning Department, the City may, at any time after said date, remove and destroy the sign. If a written request for hearing is filed then upon any final decision of the Planning Commission or the City Council determining that the sign is an illegal sign within the public right-of-way, the City may remove and destroy the sign.
- f. Notwithstanding any provision of this chapter to the contrary, any illegal sign within the public right-of-way which constitutes a hazard to pedestrian or vehicular traffic may be removed immediately and stored by the City, at the expense of the owner, or other person entitled to possession, pending completion of the notification and hearing procedures set forth in this section.

**K. Construction and Maintenance of Signs.**

1. *Code compliance.* Every sign and all parts, portions, and materials shall be manufactured, assembled and erected in compliance with all applicable state, federal, and City regulations, the uniform building code and the national electrical code.
- 2.

*Maintenance.* Every sign and all parts, portions and materials shall be maintained and kept in proper repair. The display surface of all signs shall be kept clean, neatly painted and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy or other unmentioned or damaged portion of a sign shall be repaired or replaced within 30 days following notification by the City. Noncompliance with such a request will constitute a zoning violation and will be enforced as such.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.07.080 - Signs permitted in all zones.

- A. *Permitted Signs.* Generally, Sign permits shall be issued for signs included under this section, provided the signs are in compliance with the qualifications stated in this section, and all other applicable laws and ordinances.
- B. *Directional Signs.*
  1. Private party directional signs shall be designed, constructed and mounted so as to be viewed from on-site or from an area adjacent to the site by pedestrians or motorists while parking their automobile.
  2. Private party directional signs may not contain commercial advertising material.
  3. Private party directional signs are not be allowed within the public right-of-way.
  4. Private party directional signs shall not exceed four square feet in area, per side. In the case of a ground sign, the overall height shall not exceed four feet.
- C. *Special Event Signs.* Special event signs shall be permitted when they comply with the provisions of this subsection. Such signs are permitted for a limited period of time in any zoning district in connection with a special temporary event, such as (by way of example and not limitation), grand openings, parades, marches, demonstrations, carnivals, festivals, charitable events, special holiday season displays, etc., when such events comply with all applicable laws. Applicants for a special event signs shall submit a letter to the director that describes the proposed event by location, area and time duration. The application shall be processed in the same manner, and subject to the same appellate procedures, as an application for a sign permit. Special event sign permits shall be limited to the following provisions:
  1. No more than one special event sign shall be permitted per special event and may be in the form of a banner or pennant.
  2. The special event sign shall be a maximum of 50 square feet in area (measured one side) and shall be no higher than ten feet in the case of a ground sign.
  3. Special event signs shall be limited to cumulative total of 45 days per calendar year.
- D. *Permitted Signs—On-site Subdivision Signs.* Onsite subdivisions may display signs which conform to the following:
  - 1.

One temporary on-site subdivision sign not to exceed 64 square feet total for two sides or 32 square feet for one side and a total overall height of 15 feet may be permitted on each primary street frontage of the property being subdivided, not to exceed two such signs for all phases of any subdivision (interior streets of the subdivision are not recognized as a main street frontage).

2. Such signs shall be removed within ten days from the date of the final sale of the land and/or residences.
3. Signs shall be maintained in good repair at all times.
4. A cash deposit of \$500.00 per sign shall be deposited with the sign application to ensure compliance with this section and removal of such sign. The deposit shall be refunded to the applicant upon sign removal by the applicant. If the City is forced to remove any signs, then the cost of removal shall be deducted from the deposit.

E. *Permitted Signs—Temporary Subdivision Directional Signs.* The following signs may be permitted in any zoning district subject to the provisions listed:

1. A maximum of six signs may be used to lead customers to the site.
2. Signs shall be no larger than 600 square inches and shall be grouped on a two-sided sign structure as shown in exhibit A. The City may, from time to time, develop or amend the design details for this sign structure.
3. A sign structure shall be located not less than 600 feet from an existing or previously approved sign site. Further, each sign may only contain the name of the subdivision, and a directional arrow as shown on exhibit B.
4. The placement of each sign structure shall be reviewed and approved by the Planning Director, who shall base the decision on non-communicative aspects of the sign.
5. Signs placed on private property shall require the written consent of the property owner, to be filed with the Community Development Director prior to issuance of a permit. Signs in the public right-of-way shall be reviewed and approved by the Public Works Director prior to issuance of the sign permit and shall require approval of an encroachment permit.
6. A sign location plan shall be prepared showing the site of each directional sign and shall be submitted to the Planning Department prior to the issuance of a sign permit.
7. Any such sign approved for a particular subdivision within the City shall not be changed to advertise another subdivision.
8. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenance added to the sign as originally approved. Further, no other directional signing may be used, such as posters or trailer signs.
9. All nonconforming subdivision signs associated with the subdivision in question must be removed prior to the issuance of a new sign permit.

10. A \$500.00 cash deposit shall be placed with the City to ensure compliance with this subsection. Any sign placed contrary to the provisions of this section may be removed by the City and the cost of removal shall be deducted from the deposit. Additional costs incurred by the City resulting from the removal of illegal signs shall be charged to the developer.
11. The sign(s) may remain on display only until the subdivision is sold out.

F. *Signs on the Public Right-of-Way.* Signs on the public right-of-way, except where required by a governmental agency, shall require an encroachment permit and are limited to political or other noncommercial messages. The encroachment permit shall be on a form as provided by the City with information as deemed fit by the City Manager or designee to review compliance with section. A maximum of six encroachments per calendar year are permitted per applicant, organization, or candidate. The maximum time limit for signs to be on display is 30 days.

1. Signs that are 24" x 18" or 432 square inches and under have the following requirements:
  - a. Maximum number of signs: 50.
  - b. Maximum size: 24" x 18" or 432 square inches.
  - c. Placement requirements: Signs shall be placed a minimum of one foot from edge of sidewalk and shall not obstruct pedestrian traffic and a minimum of five feet from edge of curb or street pavement if no curb exists; No signs shall be placed in lawn areas, parks, medians, civic center, CRC, or other government buildings; signs shall not be attached to fences, traffic control posts, utility poles, or bus shelters; Signs shall be limited to one sign per block of street in each direction of travel in developed areas and limited to one sign per one-quarter mile spacing in each direction of travel for undeveloped areas.
2. Signs that are over 24" x 18" or 432 square inches have the following requirements:
  - a. Maximum number of signs: 8.
  - b. Maximum size: 48" x 48".
  - c. Placement requirements: Signs shall be placed a minimum of one foot from edge of sidewalk and shall not obstruct pedestrian traffic and a minimum of five feet from edge of curb or street pavement if no curb exists; No signs shall be placed in lawn areas, parks, medians, civic center, CRC, or other government buildings; signs shall not be attached to fences, traffic control posts, utility poles, or bus shelters; Signs shall be limited to one sign per block of street in each direction of travel.
  - d. Applicant shall submit insurance naming the City as additionally insured in an amount as required by the City Manager.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.07.090 - Signs in recreation, open space, residential and agricultural zones.

- A. *R-C (Recreation-Conservation) Zone.* Signs in the R-C Zone shall be limited to "for sale" signs in accordance with Section 17.07.070 of this Chapter and the following signs for commercial recreation uses, subject to approval of a Uniform Sign Program as described in Section 17.07.060.
  - 1. One monument sign for each street frontage, limited to five feet in height and 32 square feet in size.
  - 2. Building mounted signage not exceeding ten percent for any building wall.
- B. *Residential Zones.* The following signs shall be permitted in residential zoning districts:
  - 1. *Single-Family Residential Zone (R-SF).* Real estate for sale signs, and identification signs in accordance with Section 17.07.070.A(2) of this Chapter, and noncommercial signs per Section 17.07.070.A(15).
  - 2. *Multi-Family Residential Zone (R-MF).*
    - a. Real estate for sale signs in accordance with Section 17.07.070.A(2) of this Chapter.
    - b. A maximum of two signs indicating the name of the multiple-family dwelling, apartment or dwelling group shall be permitted. Such signs may include monument signs not exceeding six feet in height and/or wall-mounted signs. The total area of each sign shall not exceed four square feet for less than 12 units, or 12 square feet for 12 or more units. Signs attached to the wall of the building shall not extend above the roof or eave line. Such sign may project 12 inches maximum from the building face. Identification signs may be illuminated, either internally or externally; provided, that all lights are directed away from public rights-of-way and adjacent properties.
    - c. An illuminated directory sign shall be provided at each entrance of all multi-family complexes with more than 12 dwelling units. Directory signs shall provide a diagrammatic representation of the complex in accordance with the requirements of the Fire Department
    - d. Noncommercial signs per Section 17.07.070.A(15) of this Chapter.
- C. *Rural Residential (R-R) Zone.*
  - 1. Real estate for sales signs and identification signs in accordance with Section 17.07.070.A(2) of this Chapter.
  - 2. Signs for produce sales, subject to approval of a Uniform Sign Program in accordance with Section 17.07.060.L of this Chapter.
  - 3. Noncommercial signs per Section 17.07.070.A(2) of this Chapter.
- D. *Traditional Neighborhood Residential (R-TN) Zone.* The R-SF Zone sign standards shall apply to single-family dwellings, and the R-MF Zone sign standards shall apply to multiple-family dwellings.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

## 17.07.095 - Signs in urban village zone.

A. *Urban Village Zone.* The R-MF Zone sign standards shall apply to multiple-family dwellings, and commercial zone sign standards (Section [17.07.110](#)) shall apply to commercial uses.

([Ord. No. 1128](#), § 2(Exh. B), 12-1-2020)

## 17.07.100 - Signs in manufacturing zones.

A. *M (Manufacturing) Zone.*

1. *Permitted Signs.* The following signs are specifically permitted for industrial complexes, subject to the approval of a Uniformed Sign Program in accordance with [Section 17.07.060](#) B. of this Chapter:

- a. *Wall Signs.* One wall sign is permitted for each wall face of the establishment, up to a maximum of four wall signs. If said signs display commercial images or messages, they shall qualify as "onsite" commercial messages. In no case shall the total sign area of any unit or building exceed one square foot of sign area for each linear foot of the unit's or buildings primary frontage. In no event shall the area of any one wall sign exceed 100 square feet. Wall signs shall not occupy more than 70 percent of the storefront or unit width. A wall sign may not project any of its height above the roof, eave line or parapet of the wall upon which it is mounted.
- b. *Monument Signs.* One monument sign not to exceed 30 square feet in sign area may be permitted to identify separate businesses or uses in the industrial complex. The monument sign structure shall not exceed six feet in height. Additional monument signs may be permitted on parcels having more than one frontage if the signs are located at least 300 feet apart. Monument signs shall be placed in a landscaped area or planter of not less than 250 square feet and shall be located a minimum of five feet from any right-of-way, sidewalk or driveway.
- c. *Pylon Sign.* One pylon sign not to exceed 100 square feet in sign area will be permitted to identify separate business or uses in the industrial complex. The pylon sign structure shall not exceed 20 feet in height. Pylon signs shall be placed in a landscaped area or planter of not less than 250 square feet. Pylon signs shall be a minimum of five feet from any right-of-way, sidewalk or driveway.
- d. *Directional Signs.* A maximum of two on-site directional signs per drive approach each not to exceed a total of ten square feet in area and four feet in height.

2. *Signs Permitted for Uses Not in an Industrial Complex.*

- a.

*Wall Signs:* One wall sign is permitted for each wall face of the establishment, provided: There are not more than four wall signs for any one establishment; if the display is used for a commercial message, then it must be onsite commercial; in no case shall the total sign area of any unit or building exceed one square foot of sign area for each linear foot of the unit's or building's primary frontage and shall not exceed 100 square feet per sign. A wall sign shall not occupy more than 70 percent of the storefront or unit width. A wall sign may not project any of its height above the roof, eave line or parapet of the wall upon which it is mounted.

- b. *Monument Signs:* One monument sign not to exceed 30 square feet in sign area which may be permitted to identify a business. The monument sign structure shall not exceed six feet in height. Monument signs shall be placed in a landscaped area or planter of not less than 250 square feet and shall be a minimum of five feet from any right-of-way, sidewalk or driveway.
- c. *Pylon Signs:* One pylon sign not to exceed 75 square feet in sign area will be permitted. The pylon sign structure shall not exceed 20 feet in height. Pylon signs for individual establishments which are not located within an industrial complex shall be subject to the approval of a sign permit by the Planning Commission, and shall require the applicant to demonstrate that the specific land use necessitates a pylon sign for visibility; in considering such an application, the Planning Commission shall consider only the non-communicative aspects of the sign. Pylon signs shall be placed in a landscaped area or planter of not less than 250 square feet and shall be a minimum of five feet from any right-of-way, sidewalk or driveway.
- d. *Directional Signs:* A maximum of two on-site directional signs per drive approach each not to exceed a total of ten square feet in area and four feet in height.

B. *Special Signage Requires for Business Parks.*

1. *Permitted Signs:* The following signs are permitted for industrial complexes, subject to the approval of a Uniform Sign Program in accordance with this Chapter:
  - a. *Wall Signs:* One wall sign is permitted for each wall face of the establishment provided there are not more than four wall signs for any one establishment. All commercial messages on such signs must qualify as onsite. In no case shall the total sign area of any unit or building exceed one square foot of sign area for each linear foot of the unit's or building's primary frontage and shall not exceed 100 square feet per sign. Wall signs shall not occupy more than 70 percent of the storefront or unit width. Sign copy for all wall signs shall be individual channel letters of a maximum of 24 inches in height. If the sign contains a logo, said logo shall be a maximum of 36 inches in height. A wall sign may not project any of its height above the roof, eave line or parapet of the wall upon which it is mounted.

- b. *Monument Signs:* One monument sign not to exceed 30 square feet in sign area is permitted to identify separate establishments or uses in the industrial complex, or to display noncommercial messages. The monument sign structure shall not exceed six feet in height. Additional monument signs may be permitted on parcels having more than one frontage and if the signs are located at least 300 feet apart. Monument signs shall be placed in a landscaped area or planter of not less than 250 square feet and shall be a minimum of five feet from any right-of-way, sidewalk or driveway.
- c. *Pylon Signs:* One pylon sign not to exceed 100 square feet in sign area which may be permitted to identify a separate business or uses in the industrial complex. The pylon sign structure shall not exceed 20 feet in height. Pylon Signs shall be placed in a landscaped area or planter of not less than 250 square feet and shall be a minimum of five feet from any right-of-way, sidewalk or driveway.
- d. *Under Canopy Signs:* For each use occupancy, one under canopy sign not exceeding four square foot shall be permitted.
- e. *Directional Signs:* A maximum of two on-site directional signs per drive approach each not to exceed a total of ten square feet in area and four feet in height.

## 2. *Signs Specifically Permitted for Uses Not in an Industrial Complex:*

- a. *Wall Signs:* One wall sign is permitted for each wall face of the establishment provided there are not more than four wall signs for any one business. Any commercial messages on such signs must qualify as onsite. In no case shall the total sign area of any unit or building exceed one square foot of sign area for each linear foot of the unit's or building's primary frontage and shall not exceed 100 square feet per sign. Wall signs shall not occupy more than 70 percent of the storefront or unit width. Sign copy for all wall signs shall be individual channel letters of a maximum of 24 inches in height. If the sign contains a logo, said logo shall be a maximum of 36 inches in height. A wall sign may not project any of its height above the roof, eave line or parapet of the wall upon which it is mounted.
- b. *Monument Signs:* One monument sign not to exceed 30 square feet in sign area. The monument sign structure shall not exceed six feet in height. Monument signs shall be placed in a landscaped area or planter of not less than 250 square feet and shall be a minimum of five feet from any right-of-way, sidewalk or driveway. If such sign displays a commercial message, it must qualify as onsite.
- c. *Pylon Signs:* One pylon sign not to exceed 75 square feet in sign area. The pylon sign structure shall not exceed 20 feet in height. Pylon signs for individual establishments which are not located within an industrial complex shall be subject to the approval of a sign permit by the Planning Commission, and shall require the applicant to demonstrate

that the specific land use necessitates a pylon sign for visibility; in considering such an application, the Planning Commission shall consider only the non-communicative aspects of the proposed sign. Pylon signs shall be placed in a landscaped area or planter of not less than 250 square feet and shall be a minimum of five feet from any right-of-way, sidewalk or driveway.

- d. *Directional Signs:* A maximum of two on-site directional signs per drive approach each not to exceed a total of ten square feet in area and four feet in height.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.07.110 - Signs in commercial zones.

The standards and provisions contained in this section shall be applicable to the Commercial Neighborhood (C-N) and Community Commercial (C-C) zones, but not including properties with these zoning designations, which are located in the "Special Commercial Areas" as set forth in Section 17.07.120 of this Chapter.

- A. Permitted signs in the C-N and C-C Zones within a commercial complex shall include:
  1. *Wall Signs:* One wall sign is permitted for each wall face of the establishment provided there are not more than four wall signs for any one establishment. If used to display a commercial message, the sign must qualify as onsite. In no case shall the total sign area of any unit or building exceed one square foot of sign area for each linear foot of the unit's or building's primary frontage and shall not exceed 100 square feet per sign. Wall signs shall not occupy more than 70 percent of the storefront or unit width. If the sign contains a logo, said logo shall be a maximum of 36 inches in height a wall sign may not project any of its height above the roof eave line or parapet of the wall upon which is mounted.
  2. *Monument Signs:* One monument sign not to exceed 30 square feet in sign area which may be permitted to identify separate establishments or uses in the commercial complex. The monument sign structure shall not exceed six feet in height. Additional monument signs may be permitted on parcels having more than one frontage and the signs are located at least 300 feet apart. Monument signs shall be placed in a landscaped area or planter of not less than 250 square feet. Monument signs shall be located a minimum of five feet from any right-of-way, sidewalk or driveway.
  3. *Pylon Signs:* One pylon sign not to exceed 100 square feet in sign area will be permitted to identify a separate business or uses in the commercial complex. The pylon sign structure shall not exceed 20 feet in height. For each secondary street frontage with at least 300 feet of length, one additional pylon sign may be permitted not to exceed 100 square feet in sign area and shall not exceed 20 feet in height. When such a sign is used to display a commercial message, it must qualify as onsite.

a.

Where pylon signs are placed on both major and secondary street frontages, each such sign shall be placed as near to the middle of the street frontage as practical or at a major driveway entrance to the commercial complex from the street frontage.

- b. Pylon signs shall be placed in a landscaped area or planter of not less than 250 square feet. Pylon signs shall be a minimum of five feet from any right-of-way, sidewalk or driveway.
- c. A maximum of three signs may be used to identify any one establishment pursuant to the criteria outlined in this section.
4. *Service and Delivery Signs:* One unlighted sign per occupancy not to exceed two square feet may be placed on the rear of the building for service and delivery purposes.
5. *Directional Signs:* A maximum of two on-site directional signs per drive approach, each not to exceed a total of ten square feet in area and four feet in height.
6. *Window Signs:* Window signs conforming to the provisions of Section 17.07.070.A(1), (16).
7. *Under Canopy Signs:* For each use or occupancy, one maximum four foot under canopy sign per frontage.

B. Permitted signs in the C-N and C-C Zones for uses not part of a commercial complex shall include:

1. *Wall Signs:* One wall sign is permitted for each wall face of the establishment provided there are not more than four wall signs for any one establishment. If such sign is used for a commercial message, it must qualify as onsite. In no case shall the total sign area of any unit or building exceed one square foot of sign area for each linear foot of the unit's or building's primary frontage and shall not exceed 100 square feet per sign. Wall signs shall not occupy more than 70 percent of the storefront or unit width. A wall sign may not project any of its height above the roof eave line or parapet of the wall upon which is mounted.
2. *Service and Delivery Signs:* One unlighted sign per occupancy not to exceed two square feet may be placed on the rear of the building for service and delivery purposes.
3. *Directional Signs:* A maximum of two on-site directional signs per drive approach each not to exceed a total of ten square feet in area and four feet in height.
4. *Window Signs:* Window signs conforming to the provisions of Section 17.07.070.A(1), (16)
5. *Under Canopy Signs:* For each use or occupancy, one maximum four foot under canopy sign per frontage.
6. *Exceptions:* Certain exceptions to the sign standards applicable to commercial uses not located within a commercial complex may be approved by the Planning Commission including the election of freestanding sign(s) when the following findings can be made by

the Planning Commission, without consideration of proposed message content (other than the onsite/offsite distinction in the case of commercial messages):

- a. The site is subject to limited visibility and additional signing is necessary for a reasonable level of advertising exposure;
- b. The type of establishment or the configuration of the site necessitates additional signage.
- c. Exceptions shall be processed through the sign permit and minor variance process provided for in the Zoning Ordinance.

C. Freeway-Facing Signs. Permitted in the C-N and C-C Zones subject to the following requirements:

1. The maximum allowable sign face area of any freeway-facing sign for a shopping center or commercial complex which totals more than 250,000 square feet of gross floor area shall be 300 square feet and shall not exceed 60 feet in height. When such display area is used for commercial speech, the copy must qualify as onsite as to the shopping center or commercial complex.
2. The maximum allowable sign face area of any freeway-facing sign for a shopping center or commercial complex which totals less than 250,000 square feet of gross floor area shall be 150 square feet and shall not exceed 60 feet in height.
3. Freeway-facing signs, including freeway-facing electronic message signs, may only be permitted subject to the approval of a sign permit by the Planning Commission. Freeway-facing signs will be permitted when they satisfy all of these criteria:
  - a. The proposed sign is located upon the property upon which the use identified is located;
  - b. The proposed sign is located in the vicinity of a freeway interchange and within 300 feet of the freeway right-of-way and 600 feet of the intersecting street right-of-way;
  - c. The following findings must be made, without consideration of message content of the proposed sign:
    - i. The elevation of the freeway in relation to the elevation of the abutting properties justifies the height requested and is the minimum necessary.
    - ii. The number and spacing of freeway signs will not cause unnecessary confusion, clutter or other unsightliness in the general location.
    - iii. The use identified, as well as its type, size and intensity, justifies the size, design and location of the sign requested.
    - iv. The needs of the traveling public for identification and directional information justifies the sign requested.

D. Automobile Service Station Signs. Automobile service station signs shall be permitted subject to the following requirements:

1. *Identification/Price Monument Sign*: For each service station, one monument, combination price and identification sign, maximum 30 square feet in size and maximum six feet in overall height shall be permitted and must include all price advertising as required by State law. Elevated signs may be used subject to approval of the Planning Commission (without consideration of message content) where vision impairments exist, however elevated signs shall be designed with appropriate vision spaces. Such signs shall not exceed 15 feet in overall height.
2. *Identification Pylon Sign*: For service stations located contiguous to a freeway, where a freeway exit serves the street from which the service station takes direct access, in addition to the identification/price monument sign allowed by paragraph (1) above, one pylon sign, maximum 100 square feet in size and 40 feet in overall height, situated so as to be directed toward and permanently viewable from the freeway, shall be permitted.
3. *Special Service Signs*: Each service station may display two special service signs per pump island. Special service signs shall be limited to such items as self-serve, full serve, air, water, cashier, and shall be non-illuminated. Such signs must be permanently affixed to the pump island they identify. Each sign may not exceed four square feet in overall size.
4. *Wall Signs*: Wall signs for automobile service stations shall be permitted subject to the provisions set forth in Section 17.07.110.A(1) and (16).
5. *Directional Signs*: Maximum of two on-site directional signs per drive approach, each not to exceed a total of ten square feet in area and four feet in height.
6. *Window Signs*: Window signs conforming to the provisions of Section 17.61.025.A(1) and (16).

E. Theater Marquee Signs. Theater marquee signs shall be permitted subject to the following requirements:

1. The size of a theater marquee sign shall be determined by the number of screens. Each screen shall be permitted a maximum of ten square feet for each sign face area. A theater marquee sign may not total more than 100 square feet of sign face area.
2. A maximum of one theater marquee sign, not to exceed 25 feet in height, is permitted per street frontage exclusive of freeway; provided, however, that the theater is part of an integrated shopping center.
3. A maximum of one theater marquee sign, not to exceed 25 feet in height, shall be permitted for theaters not considered to be part of an integrated shopping center.
4. A maximum of one wall-mounted theater marquee sign shall be permitted at the main entrance to the theater.

F. Electronic Message Signs. Electronic message signs shall be permitted subject to the following requirements:

1. One electronic message sign may be permitted in a commercial complex with a minimum of 25,000 square feet of floor area. No electronic message sign shall be located closer than 2,500 feet to another electronic message sign. A conditional use permit shall be required whereby the Planning Commission will determine the size and height of the sign.
2. Each display shall appear for a period of at least eight seconds. Displays shall not be animated, appear in incremental stages or move across the changeable copy sign face. The sign shall remain blank (no message or display) for at least one second between separate images.
3. The sign may display only noncommercial messages or onsite commercial messages, related to those establishments that are part of the complex or the merchandise or activities available on the parcels which are part of the commercial complex. The sign shall not be used as a billboard.
4. The sign shall be reviewed for traffic safety purposes by the City's Public Works Director and shall comply with any and all safety standards as prescribed by the State of California. Such reviews shall not consider message content.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.07.120 - Signs in special commercial areas.

Certain commercial areas within Beaumont are of a unique character due to historic, land use, parcelization and circulation considerations. These areas, which contain C-N (Commercial Neighborhood) and C-C (Community Commercial) Zoning Districts, shall be subject to differing criteria as compared to other commercial areas in the City, as set forth within this section.

A. *Antique Village District Area.* This area consists of properties fronting on the north side of Sixth Street between Magnolia Avenue and Veile Avenue, on the south side of Sixth Street Between Euclid Avenue and Veile Avenue, and on the east and west sides of Beaumont Avenue between Sixth Street and Seventh Street.

1. Within this special district, signs are permitted for commercial complexes as follows:
  - a. Wall Signs: One wall sign is permitted for each wall face of the establishment provided there are not more than four wall signs for any one establishment. If used for commercial messages, the message must qualify as onsite. In no case shall the total sign area of any unit or building exceed three-quarters square foot of sign area for each linear foot of the unit's or building's primary frontage and shall not exceed 75 square feet per sign. Wall signs shall not occupy more than 60 percent of the storefront or unit width. Painted wall signs are permitted when determined to be

compatible with the architectural character of the building and area. If the sign contains a logo, said logo shall be a maximum of 36 inches in height. A wall sign may not project any of its height above the roof, eave line or parapet of the wall upon which it is mounted.

- b. Monument Signs: One monument sign not to exceed 30 square feet in sign area which may be permitted to identify separate establishments or uses in the commercial complex, or for noncommercial messages. The monument sign structure shall not exceed six feet in height. One additional monument sign may be permitted on parcels having more than one frontage and the signs are located at least 200 feet apart.
- c. Pylon Signs: Pylon signs not to exceed 75 square feet in sign area which may be permitted to identify separate establishments or uses in the commercial complex, subject to approval of a sign permit by the Planning Commission. In consideration of pylon signs in this area the Planning Commission shall consider the need for compatibility and appropriateness of such signage at the proposed location but shall not consider the message content of the proposed sign, other than the onsite/offsite distinction for commercial messages.
- d. Monument and pylon signs shall be placed in a landscaped area or planter of not less than 250 square feet. Monument and pylon signs shall be a minimum of five feet from any right-of-way, sidewalk or driveway.
- e. Service and delivery signs, limited to one unlighted sign per occupancy not to exceed two square feet, may be placed on the rear of the building for service and delivery purposes.
- f. Directional signs: A maximum of two on-site directional signs per drive approach each not to exceed a total of ten square feet in area and four feet in height.
- g. Window signs: Window signs conforming to the provisions of Section 17.07.070.A(1) and (16).
- h. Under canopy signs: For each use or occupancy, one maximum four square foot identification under canopy sign per frontage.
- i. Internally or back-lit fluorescent signs shall not be permitted in the Antique Village District Area.

2. Permitted signs for uses not part of a commercial complex shall include:
  - a. Wall signs: One wall sign is permitted for each wall face of the establishment provided there are not more than four wall signs for any one establishment. Any such sign used for commercial messages must qualify as onsite. In no case shall the total sign area of any unit or building exceed three-quarters square foot of sign area for each linear foot of the unit's or building's primary frontage and shall not exceed 75 square feet per sign. Wall signs shall not occupy more than 60 percent of the storefront or unit width.

Painted wall signs are permitted when determined by the Director, without consideration of message content, to be compatible with the architectural character of the building and area. A wall sign may not project any of its height above the roof, eave line or parapet of the wall upon which it is mounted.

- b. Service and delivery signs: One unlighted sign per occupancy not to exceed two square feet may be placed on the rear of the building for service and delivery purposes.
- c. Directional signs: A maximum of two on-site directional signs per drive approach each not to exceed a total of ten square feet in area and four feet in height.
- d. Window signs conforming to the provisions of Section 17.07.070.A(1) and (16).
- e. Under canopy signs: For each use or occupancy, one maximum four-foot identification under canopy sign per frontage.

3. Automobile service stations signs shall be permitted subject to the following requirements:
  - a. Identification/price monument sign: For each service station, one monument, combination price and identification sign, maximum 30 square feet in size and maximum six feet in overall height shall be permitted and must include all price advertising as required by State law.
  - b. Special service signs: Each service station may display two special service signs per pump island. Special service signs shall be limited to such items as self-serve, full serve, air, water, cashier, and shall be non- illuminated. Such signs must be permanently affixed to the pump island they identify. Each sign may not exceed four square feet in overall size.
  - c. Wall signs for automobile service stations shall be permitted subject to the provisions set forth in Section 17.07.110.A.(1) and (16).
  - d. Directional Signs: A maximum of two on-site directional signs per drive approach each not to exceed a total of ten square feet in area and four feet in height.
  - e. Window Signs: Window signs conforming to the provisions of Section 17.07.070.A.(1) and (16).

B. *Beaumont Avenue Corridor.* Properties fronting on both sides of Beaumont Avenue between Seventh Street and Fourteenth Street are allowed signs as follows:

1. Permitted signs for commercial complexes shall include:
  - a. Wall Signs: One wall sign is permitted for each wall face of the establishment provided there are not more than four wall signs for any one business. If used to display a commercial message, the sign must qualify as onsite. In no case shall the total sign area of any unit or building exceed three-quarters square foot of sign area for each

linear foot of the unit's or building's primary frontage and shall not exceed 75 square feet per sign. Wall signs shall not occupy more than 60 percent of the storefront or unit width. A wall sign may not project any of its height above the roof, eave line or parapet of the wall upon which it is mounted

- b. Monument Signs: One monument sign not to exceed 30 square feet in sign area which may be permitted to identify separate businesses or uses in the commercial complex. The monument sign structure shall not exceed six feet in height. Additional monument signs may be permitted on parcels having more than one frontage and the signs are located at least 200 feet apart. Monument signs shall be located in a landscaped planter of not less than 250 square feet and shall be a minimum of five feet from any right-of-way, sidewalk or driveway.
- c. Service and Delivery Signs: One unlighted sign per occupancy not to exceed two square feet may be placed on the rear of the building for service and delivery purposes.
- d. Directional Signs: A maximum of two on-site directional signs per drive approach each not to exceed a total of ten square feet in area and four feet in height.
- e. Window Signs conforming to the provisions of Section 17.07.070.A.
- f. Under Canopy Signs: For each use or occupancy, one maximum four square foot under canopy sign per frontage.

2. Permitted signs for uses not part of a commercial complex shall include:
  - a. Wall Signs: One wall sign is permitted for each wall face of the establishment provided there are not more than four wall signs for any one business. If used to display a commercial message, the sign must qualify as onsite. In no case shall the total sign area of any unit or building exceed three-quarters of one square foot of sign area for each linear foot of the unit's or building's primary frontage and shall not exceed 75 square feet per sign. Wall signs shall not occupy more than 60 percent of the storefront or unit width. A wall sign may not project any of its height above the roof, eave line or parapet of the wall upon which it is mounted.
  - b. Monument Sign: One monument sign not to exceed 30 square feet in sign area that may be permitted to identify an establishment. The monument sign structure shall not exceed six feet in height. Additional monument signs shall be located in a landscaped area or planter of not less than 250 feet and shall be located a minimum of five feet from any right-of-way, sidewalk or driveway.
  - c. Service and Delivery Signs: One unlighted sign per occupancy not to exceed two square feet may be placed on the rear of the building for service and delivery purposes.
  - d.

Directional Signs: A maximum of two on-site directional signs per drive approach each not to exceed a total of ten square feet in area and four feet in height.

- e. Window Signs conforming to the provisions of Section 17.07.070.A.(1) and (16).
- f. Under Canopy Signs: For each use or occupancy, one maximum four square foot identification under canopy sign per frontage.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.07.130 - Sign regulations for specific plan area zone.

- A. *Permitted Signs in the Specific Plan Area (SPA) Zone—Exempt Signs.* The SPA Zone permits a variety of residential and supporting commercial and other supporting land uses. Signs, which may be erected without permits as provided for in Section 17.07.070 of this Chapter are permitted in the SPA Zone consistent with the respective land use.
- B. *Signs Subject to Permits.* Provisions and standards for signs shall be established within a specific plan for land uses contained therein. The specific plan shall establish a project-wide sign program and shall make provisions for the development and review of Uniform Sign Programs consistent with Section 17.07.060.L of this Chapter for each non-residential land use component of the specific plan.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.07.140 - Sign design standards.

The design standards set forth in this section apply to all signs in the City of Beaumont.

- A. *Relationship to Other Signs.* Where there is more than one monument sign located upon a lot, all such signs shall have designs which are well related to each other by the similar treatment or incorporated of not less than four of the following six design elements:
  1. Type of construction materials as used in the several sign components (such as cabinet, sign copy, supports);
  2. Letter style of sign copy;
  3. Illumination;
  4. Type or method used for supports, uprights or structure on which sign is supported;
  5. Sign cabinet or other configuration of sign area;
  6. Shape of entire sign and its several components.
- B. *Landscaping.* Each monument sign shall be located in a planted landscaped area which is of a shape, design and size (equal to at least the sign area) that will provide a compatible setting and ground definition to the sign. The planted landscaped area shall be maintained on a reasonable and regular basis.

- C. *Illumination and Motion.* Monument signs shall be non-moving stationary structures (in all components) and illumination, if any, shall be maintained by artificial light which is stationary and constant in intensity and color at all times (non-flashing).
- D. *Sign Color.* Sign colors should be compatible with the building architecture. Within shopping centers, sign color should complement the color scheme for the center. This provision does not apply to noncommercial messages displayed on signs.
- E. *Special Commercial Areas.* Signs proposed within the special commercial areas identified in this Chapter shall be subject to detailed design review by the Community Development Director and/or Planning Commission for the purpose of ensuring consistency and compatibility with the respective area. Such review shall be performed in conjunction with the processing of permit applications as set forth in this Chapter. However, such analysis shall not consider the message content of the proposed sign.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

## Chapter 17.08 - NONCONFORMING USES

### 17.08.010 - Purpose and authority.

This chapter establishes uniform provisions for the regulation of nonconforming structures, land uses and lots. Within the zoning districts established by title, there exist structures, land uses and lots that were lawful prior to the adoption, or amendment of this development code, but which would be prohibited, or regulated or restricted differently under the terms of this development code or future amendments. It is the intent of this development code to discourage the long-term continuance of these nonconformities, but to permit them to exist under limited conditions.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

### 17.08.020 - Applicability.

This Chapter applies to all zone districts and to any parcels or structures in the City Beaumont that are nonconforming.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

### 17.08.030 - Restrictions regarding nonconforming structures and uses.

Nonconformities may be continued subject to the following provisions, except as otherwise provided by this Section 17.08.

A.

*Nonconforming Uses of Land.* A nonconforming use of land or within a structure may be continued, transferred or sold, provided that the use shall not be:

1. Enlarged or increased;
2. Be extended to occupy a greater area than it lawfully occupied before becoming a nonconforming use, except when the review authority finds that the modification provides a public safety benefit (e.g., safer traffic flow) and the modification is otherwise consistent with this Chapter; and
3. No additional uses shall be established on the site unless the nonconforming use is first discontinued, and any replacement use shall comply with all applicable provisions of this development code.

B. *Nonconforming Structures.* A nonconforming structure may continue to be used as follows:

1. *Additions to Structures that are 25 percent or Less of the Total Floor Area Excluding Garages.* An enlargement, extension, reconstruction or structural alteration of a structure that is nonconforming and does not exceed 25 percent of the existing total floor area, excluding garages, may be allowed if the additions or improvements conform to all other applicable provisions of the development code, and the exterior limits of the new construction do not exceed the applicable height limit or encroach any further into the setbacks than the comparable portions of the existing building. If the nonconforming structure is in a residential zone, the applicant shall provide a certified notification letter to any applicable homeowner association and all adjacent property owners 14 days in advance of approval of a zoning clearance. This provision can only be used once every five years. Any additional changes to structure which exceeds a total of 25 percent within five years from the issuance of a building permit may be allowed with conditional use permit approval.
2. *Additions to Structures that are Greater Than 25 Percent of Total Floor Area Excluding Garages.* The enlargement, extension, reconstruction or structural alteration of a structure that is nonconforming and which exceeds 25 percent of the existing total floor area, excluding garages, may be allowed with conditional use permit approval if the additions or improvements conform to all other applicable provisions of the development code and the exterior limits of the new construction do not exceed the applicable height limit or encroach any further into the setbacks than the comparable portions of the existing building. The applicant must provide a certified notification letter to any applicable homeowner association prior to scheduling a public hearing.
3. *Maintenance and Repair.* A nonconforming structure may undergo normal maintenance and repairs, provided no structural alterations are made (exception: see subsection 4, following), and the work does not exceed 15 percent of the appraised value of the

structure as shown in the Riverside County assessor's records in any one year period, unless the commission allows more extensive work through conditional use permit approval after finding that the additional work will not prolong the duration of the nonconforming use; and

4. *Seismic Retrofitting.* Reconstruction required to reinforce un-reinforced masonry structures shall be permitted without cost limitations, provided the retrofitting is limited exclusively to compliance with earthquake safety standards.

C. *Nonconforming Use of a Conforming Structure.* The nonconforming use of a building that otherwise conforms with all applicable provisions of this chapter may be continued, transferred and sold, as follows:

1. *Expansion of Use.* The nonconforming use of a portion of a structure may be extended throughout the building with conditional use permit approval.
2. *Substitution of Use.* The nonconforming use of a structure may be changed to a use of the same or more restricted nature, with conditional use permit approval.

D. *Destroyed Structure.* The reconstruction of a structure damaged by fire or calamity, which at the time was devoted to a nonconforming use may be authorized by the conditional use permit approval, provided that reconstruction shall occur within 12 months after the date of the damage, and the reconstructed building shall have no greater floor area than the one destroyed.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.08.040 - Loss of nonconforming status.

If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of one year, it shall be presumed that the use has been abandoned. Without further action by the City, further use of the site or structure shall comply with all the regulations of the applicable zoning district and all other applicable provisions of this Zoning Code.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.08.050 - Nonconforming lots.

A nonconforming lot of record that does not comply with the access, area or width requirements of this development code for the Zone District in which it is located, shall be considered to be a legal building site if it meets one of the criteria specified by this section. It shall be the responsibility of the applicant to produce sufficient evidence to establish the applicability of one or more of the following.

- A. *Approved Subdivision.* The lot was created through a subdivision approved by the County of Riverside or the City of Beaumont.
- B.

Individual Lot Legally Created by Deed. The lot is under one ownership and of record and was legally created by a recorded deed prior to the effective date of the zoning amendment that made the parcel nonconforming.

- C. Variance or Lot Line Adjustment. The lot was approved through the variance procedure or resulted from a lot line adjustment.
- D. Partial Government Acquisition. The lot was created in conformity with the provisions of this development code, but was made nonconforming when a portion of the lot was acquired by a governmental entity so that the lot size is decreased not more than 20 percent and the yard facing any road was decreased not more than 50 percent.
- E. Where structures have been erected on a nonconforming lot, the area where structures are located shall not be later divided so as to reduce the building site area and/or frontage below the requirements of the applicable zoning district or other applicable provisions of this Zoning Ordinance, or in any way that makes the use of the parcel more nonconforming.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

17.08.060 - Reserved.

## Chapter 17.09 - ANIMAL KEEPING

### 17.09.010 - Purpose and authority.

This Chapter establishes provisions for the regulation of animal keeping within the City of Beaumont. It is the intent of this Chapter to accomplish the following:

- A. To ensure that animal keeping within the City of Beaumont does not result in an adverse impact related to a health and safety violation;
- B. To eliminate conditions that contribute to environmental degradation and pollution; and,
- C. To ensure that the keeping of animals does not create a nuisance.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

### 17.09.020 - Applicability.

This Chapter is applicable to all Zone Districts in the City of Beaumont.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

### 17.09.030 - Domestic animal keeping.

Domestic and non-dangerous wild animals may be kept or maintained as pets or for the non-commercial use of members of the family residing on the premises subject to the following restrictions and in conformance with Title 6, and all other local, state and federal laws.

A. *Large Animals.* Lots or parcels of land within the Rural Residential (R-R) zone district having a minimum area of 20,000 square feet per dwelling unit may keep or maintain the large animals listed in Table 17.09-1 in the numbers specified, not to exceed one animal per 20,000 square feet. Other large animals that, in the opinion of the Community Development Director are neither obnoxious nor detrimental to the public welfare than the animals enumerated in this subsection are permitted with the same numerical limitations. Such animals shall be kept or maintained in full compliance with applicable Riverside County Health Department regulations.

**Table 17.09-1**

**Requirements for Large Animals**

<b>Type of Animal</b>	<b>Number of Animals Permitted</b>
Horses, donkeys, mules, pigs, and other equine cattle and cows	One over nine months of age for each 20,000 square feet of lot area
Sheep and goats	One over six months of age for each 20,000 square feet of lot area

B. *Small Animals.* Small animals permitted in all residential zones shall include birds, chickens, peafowl, duck and other fowl, monkeys, rabbits and similar species which do not constitute a public nuisance. Other similar small animals that in the opinion of the Community Development Director are neither more obnoxious nor detrimental to the public welfare than the animals enumerated in this subsection are permitted. Such animals shall be kept or maintained at a place where the keeping of domestic animals is permitted and shall be maintained in full compliance with Riverside County Health Department regulations. The number of small animals is limited to no more than ten per household. No more than four birds, chickens, or other fowl shall be permitted per Section 6.02.160.

C. *Dogs and Cats.* Domesticated dogs and cats are limited to a maximum for four dogs and four cats over the age of four months for each developed residential lot consistent with Title 6.

D. *Other.* Other animals as provided for by Title 6.( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.09.040 - Performance standards for pens, stables, and other animal keeping uses.

Accessory structures and other improvements related to the keeping of animals must conform to the following performance standards and in conformance with Title 6.

- A. *Fencing.* All persons owning or having care, custody, or control of any animal, fowl, domestic or otherwise, shall maintain adequate fencing to hold the animal, fowl, domestic, or otherwise, from wandering or flying upon the property of another.
- B. *Use of Animal Keeping Improvements.* The use of animal keeping improvements and accessory structures will not be permitted to create a nuisance for neighboring properties. Such nuisances may include, but not be limited to, noise, light and glare, odors, or fugitive dust.
- C. *Housekeeping.* Animal keeping facilities and accessory uses must be maintained at all times and kept free of debris, trash, and animal waste, and must comply with other provisions outlined in Sections 17.09.70.
- D. *Restrictions.* The use of animal keeping improvements and accessory structures shall not be permitted to unduly interfere with the free and unencumbered enjoyment and use of adjoining or nearby residential lots or otherwise be detrimental to the public health, safety or welfare.
- E. *Portable Facilities.* The construction, placement, and use of portable facilities, including but not limited to fences, structures used for the storage of animal feed, and animal shelters, must be in conformance with all of the provisions outlined in this Section 17.09.060.
- F. *Shelter (Dogs).* Any person owning or keeping a dog confined outside must provide the dog with access to clean water, food and an appropriate dog shelter. The shelter must be sanitary, of sound construction, and provide adequate protection from the elements (wind, rain & sun). It must have at least 3 sides, a weather-proof roof, a solid sanitary floor and be adequately ventilated. The shelter must be large enough for the dog to stand, lie down and turn around. Suitable drainage must be provided so that water is not standing in or around the shelter.
- G. *Tethering.* No person shall tether, fasten, chain, tie or restrain a dog, or cause a dog to be tethered, fastened, chained, tied or restrained, to a doghouse, tree, fence or any other stationary object.
- H. Notwithstanding subdivision (G), a person may do the following:
  - i. Tether, fasten, chain or tie a dog no longer than is necessary for the person to complete a temporary task that requires a dog to be restrained for a reasonable period of three

hours in a 24-hour period.

- ii. Attach a dog to a running line, pulley or trolley system.
  - a. Only one dog may be tethered to each running line, pulley or trolley system.
  - b. The tether must be attached to a properly fitting collar or harness worn by the dog with enough room between the collar and the dog's throat through which two adult fingers may fit. Choke collars, pinch collars and chain collars are prohibited for the purpose of tethering a dog to a running line, pulley or trolley system.
  - c. There must be a swivel on each end of the tether to minimize tangling of the tether. The tether and the running line, pulley or trolley system must be at least ten feet in length and must allow continuous access to clean water, food and shelter.
  - d. The running line, pulley or trolley system and tether must be of appropriate configuration to confine the dog to the owner's or keeper's property to prevent the tether from extending over an object that could result in injury or strangulation and to prevent the tether from becoming tangled with other objects or animals.
- iii. No dog shall be kept on a residential property by running line, pulley or trolley system or fenced yard where the dog's owner or keeper does not reside.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.09.050 - Development standards for pens, stables, and other animal keeping uses.

Accessory structures and other improvements related to the keeping of animals must conform to the following development standards.

- A. *Horse Stables.* Horse stables are permitted only on lots containing a residential unit that has a minimum area of 20,000 square feet. The stable shall be located at least 50 feet from any street and not less than 50 feet from any lot line.
- B. *Riding Ring and Dressage Ring.* Other equestrian improvements are restricted to those lots that have a total land area of more than one acre. Such uses shall be located at least 150 feet from any street and not less than 50 feet from any lot line unless a standards modification is approved.
- C. *Pens and Enclosures for Other Animals.* Pens and enclosures for other large animals identified under Section 17.09.030.A are permitted only on lots containing a residential unit that has a minimum area of 20,000 square feet. The pen or enclosure shall be located at least 50 feet from any street and not less than 50 feet from any lot line unless a standards modification is approved.
- D.

*Pig Pens.* Pig(s) shall be confined in a pen or other enclosure. If the pig(s) are kept year-round and all or a portion of the pen or enclosure is uncovered, the uncovered portion of the enclosure shall have an impervious floor. Pens and enclosures for pigs are permitted only on lots containing a residential unit that has a minimum area of 20,000 square feet. The pig pen shall be located at least 50 feet from any street and not less than 50 feet from any lot line unless a standards modification is approved.

**Table 17.09-2**

***Development Standards for Stables, Pens, and Enclosures  
for Large Animals***

<b><i>Type</i></b>	<b><i>Setback from Street</i></b>	<b><i>Setback from Adjacent Property</i></b>	<b><i>Minimum Lot Size</i></b>
Equestrian Stables	50 feet	50 feet	20,000 square feet
Equestrian Rings	50 feet	150 feet	One acre
Sheep and Goat Pens	50 feet	50 feet	20,000 square feet
Pig Pens	50 feet	50 feet	20,000 square feet
Cattle	50 feet	50 feet	15,000 square feet

- E. *Enclosures for Small Animals.* Any pen, coop, or enclosure for the keeping of domestic animals identified under Section 17.09.030.B shall be located at least 100 feet from any street and not less than 50 feet from any lot line.
- F. *Modifications.* Requests for modifications from the setback requirements of this Section shall be submitted to the Community Development Director for consideration.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.09.060 - Environmental management.

This section outlines the requirements governing the maintenance and upkeep of animal keeping facilities that includes, but may not be limited to, stables, pens, corrals, equestrian rings, and other structures used for the housing of animals.

- A. *Water Runoff*. All animal-keeping facilities must be designed in a manner so that water runoff is contained and disposed of in such a manner so that the runoff does not contribute to the pollution of local groundwater or the flooding of adjacent properties.
- B. *Open Water Containers or Standing Water*. Open watering containers must be designed so that they do not become attractants for mosquito larvae. Standing water is not permitted.
- C. *Waste and Debris Containers*. Animal keeping facilities and accessory uses must be maintained at all times and kept free of debris, trash, and animal waste. Storage containers for such debris, trash, and animal waste must be kept closed at all times.
- D. *Odors*. Animal keeping facilities and accessory uses must be designed and maintained to prevent odors from affecting adjacent properties.
- E. *Feed Storage*. Buildings, containers, or any other improvement used for the storage of feed must be constructed of materials to ensure that such feed is not an attractant to insects, rodents, and other vectors and to control odors.
- F. *Pest Control*. All animal-keeping facilities must be kept free of vectors through periodic pest control inspections.
- G. *Chemicals*. The storage, handling, and disposal of any potentially hazardous chemicals or commercial products used in the routine maintenance of animal control facilities or in the care of the animals, must adhere to all pertinent Federal, State, or Riverside County Health Department regulations.
- H. *Fugitive Dust and Particulates*. All animal keeping facilities and accessory uses must be designed and maintained to prevent fugitive dust and particulates from affecting off-site locations.
- I. *Noise*. All keeping of animals permitted herein shall be conducted in a manner which does not result in nuisance noise detrimental to residential living. Animals shall be kept and maintained in manner which contains animal sounds and noise consistent with applicable laws and regulations.
- J. *Manure*. Refuse excrement and manure from animals, poultry, fowl or any livestock shall not be permitted to accumulate on any premises in the City for a period in excess of 14 days and shall be removed from such premises at not less than 14-day intervals unless spread upon and buried in the earth. Pending its removal from the premises, refuse excrement or manure shall be piled in a well-drained area on a base at least four inches above the surrounding levels, to the end that storm or surface waters will flow away from, rather than into the pile.
- K. *Dead Animals*. Dead animals, fowl or poultry, and offal, pending removal from the premises must be in fly tight containers.
- L.

*Flies.* Upon inspection, should the animals services officer discover flies in unreasonably excessive numbers, he shall require further controls through the use of insecticides, chemicals or other means.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

## Chapter 17.10 - AFFORDABLE HOUSING INCENTIVES/DENSITY BONUS PROVISIONS

### 17.10.010 - Purpose.

The purpose of this Chapter is to provide incentives for the production of housing for very low income, lower income, moderate income, and senior households in accordance with Government Code Sections 65915—65918. In enacting this Chapter, it is the intent of the City to facilitate the development of affordable housing and to implement the goals, objectives and policies of the Housing Element of the City's General Plan.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

### 17.10.020 - Definitions.

Whenever the following terms are used in this chapter, they shall have the meanings established by this section:

- A. *Additional Incentive.* A regulatory concession as described in Government Code Section 65915 that may include, but not be limited to, the reduction of site development standards or zoning code requirements, approval of mixed-use zoning in conjunction with the housing development or any other regulatory incentive, which would result in identifiable cost avoidance or reductions, that are offered in addition to a density bonus.
- B. *Affordable Rent.* Monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low, lower- or moderate-income households, not exceeding the following calculations:
  1. *Very-Low Income.* Unless otherwise provided by law, households at 50 percent of the area median income, adjusted for household size, multiplied by 30 percent and divided by 12;
  2. *Lower Income.* Unless otherwise provided by law, households at 80 percent of the area median income, adjusted for household size, multiplied by 30 percent and divided by 12.
  3. *Moderate Income.* Unless otherwise provided by law, households at 120 percent of the area median income, adjusted for household size, multiplied by 30 percent and divided by 12.
- C.

*Affordable Sales Price.* A sales price at which lower or very low-income households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the housing development.

- D. *Density Bonus.* A density increase of up to those percentages above the otherwise maximum residential density, specified in this Chapter.
- E. *Density Bonus Housing Agreement.* A legally binding agreement between a developer of a housing development and the City, which ensures that the requirements of this Chapter and State density bonus law are satisfied. The agreement shall establish, among other things, the number of target units, their size, location, terms and conditions of affordability and production schedule.
- F. *Density Bonus Units.* Those residential units granted pursuant to the provisions of this Chapter, that exceed the maximum residential density for the development site.
- G. *Housing Cost.* The sum of actual or projected monthly payments for all of the following associated with for-sale target units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees and a reasonable allowance for utilities.
- H. *Housing Development.* Construction projects consisting of five or more residential units or lots, including single-family and multifamily, that are proposed to be constructed pursuant to this chapter.
- I. *Lower Income Household.* Household whose income does not exceed the lower income limits applicable to Riverside County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50079.5.
- J. *Maximum Residential Density.* The maximum number of residential units permitted by the City's General Plan Land Use Element and Development Code, applicable to the subject property at the time an application for the construction of a housing development is deemed complete by the City, excluding the additional units permitted by this Chapter.
- K. *Moderate Income Household.* Household whose income does not exceed the moderate-income limits applicable to Riverside County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50093.
- L. *Non-Restricted Units.* All units within a housing development excluding the target units.
- M. *Senior Citizen Housing.* A housing development consistent with the California Fair Employment and Housing Act, that has been 'designed to meet the physical and social needs of senior citizens,' and which otherwise qualifies as 'housing for older persons', as that phrase

is used in the Federal Fair Housing Amendments Act of 1988 and its implementing regulations, and as that phrase is used in Civil Code Section 51.3.

- N. *Target Unit.* A dwelling unit within a housing development, which will be reserved for sale or rent to, and affordable to, very low-, lower- or moderate- income households.
- O. *Very Low-Income Household.* Household whose income does not exceed the very low-income limits applicable to Riverside County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50105.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.10.030 - Implementation.

- A. The City shall grant a density bonus and additional incentives to an applicant who agrees to provide the following target units:
  1. Lower Income Units. Designate at least ten percent of the total units of a housing development, or such other percentage provided by law, as target units affordable to lower income households; or
  2. Very Low-Income Units. Designate at least five percent of the total units of a housing development, or such other percentage provided by law, as target units affordable to very low-income households.
  3. Moderate Income Condominium or Planned Development Units. Designate at least ten percent of the total units of a condominium project, as defined in Civil Code Section 1351(f), or planned development as defined in Civil Code Section 1351(k), or such other percentage provided by law, as target units affordable to moderate income households.
  4. Any senior housing development.
  5. Donation of land pursuant to Government Code Section 65915(h).
- B. In determining the number of density bonus units to be granted pursuant to this Section, the maximum allowable residential density for the site shall be computed as follows:
  1. *Lower Income Household.* The maximum allowable residential density for the site shall be increased by 20 percent provided, however, that for each one percent increase above ten percent in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent.
  2. *Very Low-Income Household.* The maximum allowable residential density for the site shall be increased by 20 percent provided, however, that for each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by 2.5 percent up to a maximum of 35 percent.
  - 3.

*Moderate Income Condominium or Planned Development.* The maximum allowable residential density for the site shall be increased by five percent provided, however, that for each one percent increase above ten percent of the percentage of units affordable to moderate income households, the density bonus shall be increased by one percent up to a maximum of 35 percent.

4. *Senior Housing Development.* The maximum allowable residential density for the site shall be increased by 20 percent.
5. *Certain Donations of Land.* When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City that satisfies the requirements of Government Code Section 65915(h), and complies with all procedural requirements of that subsection, including recordation of a deed restriction, then the maximum allowable residential density for the site shall be increased by 15 percent provided, however, that for each one percent increase above the minimum percentage of land required to be donated pursuant to Government Code Section 65915(h), the density bonus shall be increased by one percent up to a maximum of 35 percent. This increase shall be in addition to any increase required by Section 17.10.030A of this Chapter, up to a maximum combined density increase of 35 percent if an applicant seeks both the increase required by this subsection and by Section 17.10.030A.

All density calculations resulting in fractional units shall be rounded up to the next whole number. The density bonus shall not be included when determining the percentage of target units. When calculating the required number of target units, any resulting fraction of units shall be deleted.

#### C. Number of Incentives.

1. One density bonus and one incentive shall be provided to a developer who agrees to construct at least ten percent of the total units for lower income households, five percent of the total units for very low-income households, or ten percent of units in a condominium or planned development for moderate income households. A density bonus and two incentives shall be provided to a developer who agrees to construct at least 20 percent of the total units for lower income households, ten percent of the total units for very low-income households, or 20 percent of units in a condominium or planned development for moderate income households. A density bonus and three incentives shall be provided to a developer who agrees to construct at least 30 percent of the total units for lower income households, 15 percent of the total units for very low-income households, or 30 percent of units in a condominium or planned development for moderate income households. In cases where a density increase of more than the amount specified in Section 17.10.030.B is requested, the density increase, if granted, shall be considered an additional incentive.
- 2.

In cases where the developer agrees to construct a housing development that qualifies for a density bonus pursuant to Section 17.10.030A of this Chapter, that includes a childcare facility as defined in Government Code Section 65915(i)(4), the developer shall be entitled to an additional density bonus that is an amount of square feet of residential space equal to or greater than the amount of square feet in the childcare facility; or an additional incentive described in Section 17.10.040 of this Chapter, that contributes significantly to the economic feasibility of the construction of the childcare facility. Any such childcare facility shall comply with the following:

- a. The childcare facility shall remain in operation for a period of time that is as long or longer than the period of time during which the density bonus units are required to remain affordable;
- b. Of the children who attend the childcare facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income, pursuant to this Chapter.
- c. Notwithstanding the foregoing, the City shall not be required to provide a density bonus or incentive for a childcare facility when it is found, based upon substantial evidence, that the City has adequate childcare facilities.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.10.040 - Types of bonuses and incentives allowed.

A. *Density Bonus.* The density bonus allowed by this Chapter shall consist of those density increases specified in Section 17.10.030, above the maximum residential density applicable to the site as of the date of the project land use permit application. A single development project shall not be granted more than one density bonus in compliance with this Chapter.

1. The City shall provide a density bonus and an additional incentive for qualified developments, upon the written request of a developer unless the City makes the written findings set forth in Government Code Section 65915(d)(1).
2. The development incentive granted shall contribute significantly to the economic feasibility of providing the target units. Any applicant seeking a waiver or modification of development or zoning standards shall show that such waiver or modification is necessary to make the housing development economically feasible. This requirement may be satisfied by reference to applicable sections of the housing element of the City's General Plan.

B. *Other Incentives.* If requested by the applicant, a qualifying project shall be entitled to at least one of the following incentives, unless the City makes the findings required by Government Code Section 65915(d)(1):

1. *Types of Incentives.* The allocation of an additional incentive shall be determined on a case-by-case basis. The additional incentive may include, but is not limited to any of the following:
  - a. A reduction in site development standards or a modification of the requirements of this Development Code, which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code. These may include, but are not limited to, one or more of the following:
    - i. Reduced minimum lot sizes and/or dimensions.
    - ii. Reduced minimum lot setbacks.
    - iii. Reduced minimum outdoor and/or private outdoor open space.
    - iv. Increased maximum lot coverage.
    - v. Increased maximum building height.
    - vi. Reduced on-site parking standards.
    - vii. Reduced minimum building separation requirements.
    - viii. Other site or construction conditions applicable to a residential development.
  - b. Mixed use zoning to allow the housing development to include nonresidential uses and/or allow the housing development within a nonresidential zone. Approval of mixed-use activities in conjunction with the housing development if other land uses will reduce the cost of the housing development, and the other land uses are compatible with the housing development and the existing or planned development in the area, and is consistent with the General Plan.
  - c. Another regulatory incentive or concession proposed by the applicant and agreed to by the City, that results in identifiable, financially sufficient, and actual cost reductions. Permissible incentives include direct financial aid (e.g., redevelopment set-aside, Community Development Block Grant (CDBG) funding) in the form of a loan or a grant to subsidize or provide low interest financing for on or off-site improvements, land, or construction costs.
  - d. A density bonus of more than 35 percent.
  - e. Waived, reduced or deferred plan check, construction permit and/or development impact fees (e.g., capital facilities, park, traffic, etc.).
2. *Requirements.*
  - a. *Economic feasibility.* Any development incentive granted shall contribute to the economic feasibility of providing the target units.
  - b. *Waivers or modifications.* An applicant seeking a waiver or modification of development or zoning standards shall show that the waiver or modification is necessary to make the housing development economically feasible assuming a reasonable rate of return (e.g., at

a minimum, an application shall include itemized accounting of projected costs and revenues of the development).

- c. *Revenue.* Project revenues shall include moneys from the sale or rental of all units, including the density bonus units.
- d. *Costs.* Projected costs:
  - i. Shall not include the 'lost opportunity' cost of the target units (e.g., the amount that would have been generated had the target units been rented or sold at market rate).
  - ii. May include items that are required solely because of the inclusion of the density bonus units and would not have been required without the units.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.10.050 - Requirements for density bonus projects.

- A. The entry into and execution of the density bonus housing agreement shall be a condition of any application for a discretionary planning permit (e.g., tract maps, parcel maps, site plans, planned development, or conditional use permits) for a housing development proposed pursuant to this Chapter. The agreement shall be recorded at the applicant's cost as a restriction running with the land on the parcel or parcels on which the target units will be constructed. The owner's obligation to maintain units as affordable housing shall be evidenced in the density bonus housing agreement. The agreement shall indicate the household type, number, location, size, and construction scheduling of all affordable units and any other information required by the City to determine the applicant's compliance with this chapter.
- B. Target units shall remain restricted and affordable to the designated group for a period of 30 years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program), or otherwise as provided by law.
- C. In determining the maximum affordable rent or affordable sales price of target units the following household and unit size assumptions shall be used, unless the housing development is subject to different assumptions imposed by other governmental regulations:

SRO (residential Hotel) unit	75% of 1 person
Studio	1 person
1 bedroom	2 persons
2 bedrooms	3 persons

3 bedrooms	4 persons
4 bedrooms	6 persons

- D. Those units targeted for lower income households shall be affordable at a rent that does not exceed current Housing and Urban Development (HUD) income limits for lower income households for the county, adjusted for household size.
- E. Those units targeted for very low-income households shall be affordable at a rent that does not exceed current HUD income limits for very low-income households for the county, adjusted for household size.
- F. An applicant shall agree that the initial occupants of the moderate-income units in the condominium project or in the planned development are persons and families of moderate income, as defined in Health and Safety Code Section 50093. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in Health and Safety Code Section 33334.2(e), that promote homeownership. For purposes of this subsection, the City's proportionate share of appreciation shall be equal to the percentage by which the initial sale price to the moderate-income household was less than the fair market value of the home at the time of initial sale.
- G. The owner shall submit annually, and within 30 days of occupancy of a target rental unit, a certificate of compliance, which shall include the name, address, and income of each tenant occupying the target unit.
- H. The owner shall maintain and keep on file annual sworn and notarized income statements and current tax returns for all tenants occupying the target rental units.
- I. The owner shall provide to the City any additional information required by the City to insure the long-term affordability of the target units by eligible households.
- J. The City shall have the right to inspect the owner's project-related records at any reasonable time and shall be entitled to audit the owner's records once a year.
- K. The City may establish fees associated with the setting up and monitoring of target units.
- L. All for-sale target units shall be occupied by their purchasers; no renting or subleasing shall be permitted.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.10.060 - Development standards.

- A. Target units shall be constructed concurrently with non-restricted units unless both the City and the applicant agree within the density bonus housing agreement to an alternative schedule for development.
- B. Target units shall be built on-site wherever possible and when practical, be dispersed within the housing development. Where feasible, the number of bedrooms of the target units shall be equivalent to the bedroom mix of the non-target units of the housing development, except that the developer may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total housing development. All housing developments shall comply with all applicable development standards, except those standards, which may be modified as provided by this chapter. Deviations from these provisions may only be permitted as part of an approved density bonus housing agreement.
- C. Circumstances may arise in which the public interest would be served by allowing some or all of the target units associated with one housing development to be produced and operated at an alternative development site. Where the applicant and the City form an agreement, the resulting linked developments shall be considered a single housing development for purposes of this chapter. Under these circumstances, the applicant shall be subject to the same requirements of this chapter for the target units to be provided on the alternative site.
- D. Special parking requirements. Upon request of the developer of a housing development qualifying for a density bonus pursuant to this Chapter, the City shall permit vehicular parking ratios, inclusive of handicapped and guest parking, in accordance with the following standards:
  1. *0—1 bedroom*: One on-site parking space.
  2. *2—3 bedrooms*: Two on-site parking spaces.
  3. *4 or more bedrooms*: Two and one-half parking spaces.

If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a housing development may provide 'on-site parking' through tandem parking or uncovered parking, but not through on-street parking.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.10.070 - Processing of density bonus requests.

An application for a density bonus housing agreement pursuant to this Chapter shall be processed as part of the application for a housing development. An application for a housing development shall not be determined 'complete' for purposes of Government Code Section 65920, et seq., unless and until the City

Council has given preliminary approval of the form and content of a density bonus housing agreement, which complies with the provisions of this chapter. The process for obtaining preliminary approval of the density bonus housing agreement, shall be as follows:

- A. *Filing.* An applicant proposing a housing development pursuant to this chapter shall submit an application for a density bonus housing agreement as part of the submittal of any formal request for approval of a housing development. The application, whether a pre-application or a formal application, shall include:
  1. A brief description of the proposed housing development, including the total number of units, target units, and density bonus units proposed;
  2. The zoning and general plan designations and assessor's parcel number(s) of the project site;
  3. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveways, and parking layout; and
  4. If an additional incentive is requested, a description of why the additional incentive is necessary to provide the target units.

- B. *Review of Density Bonus Request.*

1. Within 90 days of receipt of the application for a density bonus housing agreement and a housing development, the City shall provide to an applicant a letter, which identifies project issues of concern, and the procedures for compliance with this Chapter.
    2. If additional incentives are requested, the Community Development Director shall inform the applicant that the requested additional incentives shall or shall not be recommended for consideration with the proposed housing development, or that alternative or modified additional incentives shall be recommended for consideration in lieu of the requested additional incentives. If the Community Development Director recommends alternative or modified incentives, the recommendation shall establish how the alternative or modified incentives can be expected to have an equivalent affordability effect as the requested incentives.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.10.080 - Density bonus housing agreement.

- A. The terms of the draft density bonus housing agreement (the "agreement") shall be reviewed and revised as appropriate by the Community Development Director and the City Attorney who shall formulate a recommendation to the Planning Commission for review and the City Council for final approval.
- B.

Following execution of the agreement by the applicant and the City, the completed agreement, or memorandum thereof, shall be recorded. The conditions contained in the agreement shall be filed and recorded on the parcel or parcels designated for the construction of target units as a condition of final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The agreement shall be binding upon all future owners and successors in interest for this property, which is the subject of the housing development application.

C. At a minimum, the agreement shall include the following:

1. The total number of units proposed within the housing development, including the number of target units;
2. A description of the household income group to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost;
3. The location, unit sizes (square feet), and number of bedrooms of target units;
4. Tenure of use restrictions for target units of at least 30 years;
5. A schedule for completion and occupancy of target units;
6. A description of any additional incentive being provided by the City;
7. A description of remedies for breach of the agreement by either party (the City may identify tenants or qualified purchasers as third-party beneficiaries under the agreement); and
8. Other provisions to ensure implementation and compliance with this chapter.

D. In the case of for-sale housing developments, the agreement shall provide for the following conditions governing the initial sale and use of target units during the applicable use restriction period:

1. Target units shall, upon initial sale, be sold to and occupied by eligible very low, lower income, or, in the case of a condominium or planned development, moderate income households at an affordable sales price and housing cost, or to qualified senior citizen residents (i.e., maintained as senior citizen housing).
2. The initial purchaser of each target unit shall execute an instrument or agreement, approved by the City Attorney, restricting the sale of the target unit in accordance with this chapter during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the target unit and shall contain provisions as the City may require to ensure continued compliance with this Chapter and the State density bonus law.

E. In the case of rental housing developments, the agreement shall provide for the following conditions governing the use of target units during the use restriction period:

1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies and the proper management and maintenance of target units for qualified tenants;

2. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this chapter; and
3. Provisions requiring owners to submit an annual report to the City, which includes the name, address and income of each person occupying target units, and which identifies the bedroom size and monthly rent or cost of each target unit.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.10.090 - Changes in State density bonus laws.

It is the intent of the City Council that the provisions of this Chapter shall be interpreted so as to fulfill the requirements of Government Code Section 65915 et seq., notwithstanding changes in State laws revising percentages, numerical thresholds and/or other standards applicable to the granting of density bonuses or related incentives that may occur after the effective date of this chapter. Accordingly, it is the further intent of the City Council that any such changed percentages, numerical thresholds or other standards shall be deemed to supersede and govern any conflicting percentages, numerical thresholds or other standards contained in this chapter, to the maximum extent permitted by law.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

### Chapter 17.11 - GENERAL DEVELOPMENT STANDARDS

#### 17.11.010 - Purpose and authority.

This Chapter establishes general development standards for all land uses and development in the City.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.11.020 - Applicability.

The regulations contained in this Chapter are applicable to all site development in the City of Beaumont.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.11.030 - Lots and divisions of land.

Whenever a division of land is proposed, the total number of lots or density permitted shall be determined pursuant to the City of Beaumont General Plan, any applicable adopted specific plan and the Government Code. In any event, no parcel shall be created that is below the minimum size allowed by the zoning classification that has been applied to the parcel of land unless a variance has been granted that allows smaller parcel sizes, a conditional use permit has been granted for a planned residential

development that allows smaller lot sizes as a part of an overall development, or a conditional use permit has been granted pursuant to Section 17.11.030.D. Other requirements that are applicable are indicated in this Section.

- A. *Recorded Lots.* Any lot shown upon an official subdivision map or record of survey map duly approved and recorded or any lot for which a bonafide deed has been recorded prior to the effective date of Ordinance No. 324 may be used as a building site, provided the required yard setbacks are maintained.
- B. *Sale of a Portion of a Lot.* Where a lot is divided into separate ownerships and the area of either portion is such that the number and location of the buildings on the lot are not located within a particular zone, then, in determining the permissible number and location of any buildings on either portion of the lot, both parts shall be considered as one parcel only.
- C. *Gated Communities.* The City will review requests for gated communities during the tentative map process and may approve gated communities if the following findings are made:
  1. Gated communities shall include pedestrian and bicycle access, connections, and improvements with access points located no more than 600 feet apart; and
  2. There is a demonstrated need for public safety or security that will be satisfied by the gate; or
  3. There is a demonstrated benefit for private maintenance of infrastructure and facilities located within the gated community.
- D. *Small Lot Development.* Residential development located on lots less than the minimum lot size established in the R-TN or R-MF zones may be approved with a conditional use permit subject to the following standards:
  1. Maximum and minimum density shall be consistent with the zone, and as may be modified through a density bonus (Chapter [17.10](#)).
  2. The minimum lot size shall be 2,000 square feet.
  3. The minimum lot width shall be 25 feet.
  4. The minimum lot depth shall be 50 feet.
  5. The maximum area of the lot occupied by structures shall be 75 percent.
  6. *Setbacks.*
    - a. *Side Yard Setbacks.* The side yard setback shall be a minimum of three feet. For attached units, a minimum side yard setback of five feet shall be provided at the end of the row of attached units.
    - b. *Rear Yard Setbacks.* Rear yard setbacks shall be a minimum of 10 feet. A minimum rear yard setback of five feet is required for those parcels that have a garage abutting an alley.

c. *Other Setbacks.* Other setbacks shall be consistent with the zone, and as may be modified through a density bonus (Chapter [17.10](#)).

( [Ord. No. 1128](#) , § 2(Exh. B), 12-1-2020)

#### 17.11.040 - Site preparation.

This Section indicates the requirements are applicable to the preparation of a site for development.

- A. *Property Lines.* Boundary stakes shall be placed on the property by a licensed land surveyor prior to beginning construction for the purpose of delineating property lines.
- B. *Site Grading Requirements.* Site grading shall conform to the following:
  1. All grading shall conform to the Uniform Building Code, Chapter 70, as may be amended by City Ordinance.
  2. The minimum building pad and drainage swale slope shall equal one percent if cut or fill is less than ten feet. The minimum building pad and drainage swale slope shall equal two percent if the cut or fill is greater than ten feet. Drainage swales shall be a minimum of 0.3 feet deep and be constructed a minimum of two feet from the top of cut or fill slopes.
  3. The maximum cut and fill slopes are two to one (2:1).
  4. A five-foot wide by one-foot high berm must be provided, or its equivalent along the top of all fill slopes over five feet high.
  5. All grading shall be done under the supervision of a competent soils engineer who shall certify that all fill has been properly placed and who shall submit a final compaction report for all fills over one feet deep.
  6. A Registered Civil Engineer shall submit to the Building and Safety Department, written certification of completion of rough grading in accordance with the approved grading plan prior to issuance of the building permit. This certification shall apply to line; grade, elevation and the location of cut fill slopes.
  7. A final compaction report will be required for all fills greater than one foot.
  8. All grading shall be done in conformance with recommendations of a preliminary soils investigation.
  9. Two sets of the final compaction report shall be submitted to the Building and Safety Department which shall include foundation design recommendations and certification that grading has been done in conformance with the recommendation of the preliminary soils report.
  10. The contractor shall notify the Building and Safety Department, at least 24 hours in advance requesting finish lot grade and drainage inspection. This inspection must be approved prior to building permit final inspection for each lot.

11. During rough grading operations and prior to the construction of permanent drainage structures, temporary drainage control shall be provided to prevent the ponding of water of water and the flooding of adjacent properties.
12. No fill shall be placed on existing ground until the ground has been cleared of weeds debris, topsoil, and other deleterious material.
13. If steep sloping terrain occurs upon which fill is to be placed, it must be cleared, keyed, and benched into firm natural soil for full support. Preparation shall be approved by a registered Soils Engineer prior to the placement of fill material.
14. Cut slopes or fill slopes equal to or greater than three in vertical height shall be planted with grass or ground cover to protect the slope from erosion and instability in accordance with policies of the City Engineer prior to the approval of final inspection.
15. Dust shall be controlled by watering or other approved methods.
16. All existing drainage courses on the project site must continue to function, especially during storm conditions. Protective measures and temporary drainage provisions must be used to protect adjoining properties during grading operations.
17. Stability calculations with a factor of at least one and five-tenth shall be submitted by a soils engineer to the Building and Safety Department for cut and cut and fill slopes over 30 feet in vertical height.
18. A Registered Civil Engineer or licensed land surveyor shall submit certification of building pad elevation. Where specific elevations are required; the elevation (with respect to mean sea level) shall be given. If an elevation with respect to adjacent ground surface is required, the actual distance above the adjacent ground shall be given.
19. The design engineer shall provide a minimum of one blue top finished pad, prior to rough grade approval.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.11.050 - Off-site improvements.

This section indicates the specific requirements with respect to off-site improvements. Notwithstanding any provision to the contrary in this ordinance, this Section shall not be subject to Section 17.02.100 of this ordinance related to the following of variances.

- A. *Requirements for Certain Improvements.* Prior to the issuance of a Building Permit for erecting a new structure, an enlargement or addition in excess of 300 square feet or of more than 25 percent of the original area of an existing residential structure, or movement of structure on any lot abutting a public street, the applicant for such building permit for the

owner of such property shall comply with the off-site improvement requirements, where applicable, which include lot surveying, and installation of curbs and gutters and other improvements as outlined in the ordinance.

- B. *Provisions Made for Completing Improvements.* No building or structure shall be erected, constructed, enlarged or altered on a lot which abuts a street unless provision is made or has previously been made, for the dedication of the necessary right-of-way for street and highway purposes, and for the improvement of that portion of the street and/or right-of-way upon which the lot fronts and adjoins. The improvement shall include the installation of curb, gutter and pavement and such sidewalk as is required on that side of the centerline of the street and/or right-of-way adjoining said lot. A Certificate of Occupancy shall not be issued for any building or structure subject to the provisions of this ordinance without all improvements and dedications required hereunder being made and completed or the appropriate security filed with the Director of Public Works/City Engineer as required.
- C. *Plans and Standards for Improvements.* The owner, developer or applicant for the building permit shall submit plans prepared by a Registered Engineer for said dedication and improvement to the City Engineer for his review and approval. The following requirements also apply:
  1. All street improvements required by this Subsection shall be designed in accordance with the standards for such streets as set forth in the official standards as approved by the City Council.
  2. All plans to be based on City Benchmark Systems.
- D. *Street Dedication and Improvements Required.* This Subsection indicates specific requirements with respect to street dedications and any required improvements.
  1. No building shall be erected, enlarged by more than 25 percent or moved to any lot or parcel of lots, which abuts or adjoining a street unless the one-half portion of such street adjoining or abutting the developed area has been dedicated and improved in accordance with the current standards and specifications on file in the Office of the City Engineer.
  2. Curb and gutter in front of the lot upon which the building or structure is to be erected shall be provided as required by the City Engineer in compliance with the Standard Specifications of the City.
  3. If sidewalks exist on 25 percent or more of the total frontage of the lots in the block on that side of the street adjoining the lot upon which the building or structure is to be erected or constructed, then a sidewalk shall be provided in front of said lot provided that the City Council may waive the provisions for sidewalks in front of single family residences, in manufacturing zones, and in open space zones if appealed by property owner.

4. The City Council may extend the time for of improvements for a period the date of occupancy permit security and development the-construction of one year from with a signed agreement.
- E. *Costs of Engineering and Improvements.* The owner, developer or applicant for the building permit shall pay all costs of dedication and improvement, including any cost for the removal or relocation of utilities, including fire hydrants, traffic signals, street lighting, drainage culverts, and of preparation of plans and blueprints.
- F. *Completion of Improvements.* Any person required to make street improvements pursuant to the provisions of this Subsection shall make and construct all of said improvements in accordance with said standards and specifications and other requirements of the Director of Public Works/City Engineer, or upon City Council approval, shall file with the City Engineer, a letter of credit, cash, certificate of deposit, or an agreement and note for the obligation secured by a deed of trust on the property, in such amount as the City Engineer shall estimate and determine to be necessary to cover the total costs of all required improvements. The City Engineer may determine the period of time during which the installation of said improvements could be reasonably delayed, provided that, in any event, the installation or construction of said improvements shall not be delayed for a period of more than two years from the date of final inspection of the building without the approval of the City Council. The City Engineer shall cause a written itemized estimate of the costs of all improvements and the amount of the required security to be given to the owner or applicant required to make the improvements within 30 days after issuance of the building permit.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.11.060 - Building permits.

Building permits shall be issued only in accordance with the following conditions:

- A. *Access Required.* No building permit shall be issued for a building or structure on a lot that does not have access on a dedicated and improved street or on a private road acceptable to the Planning Director and the City Engineer.
- B. *Compliance with Zoning Required.* No building permit shall be issued for a building, structure, or improvement that would be in violation of or contrary to the provisions of this ordinance, other applicable ordinance or law, or lawful condition or regulation of the City of Beaumont. In the event the Director of the Building and Safety Department declines to issue a building permit pursuant to the provisions of this subsection, the applicant may appeal such decision to the Planning Commission that shall review, study and suggest possible alternative proposals that would be in compliance with such ordinances, law, condition or regulation.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

#### 17.11.070 - Dwellings.

This Section indicates the requirements applicable to dwellings.

- A. *Transferal of Residential Requirements.* Where a building for dwelling purposes is erected on a lot in a zone other than the zone in which such building for dwelling purposes is first ordinarily or primarily permitted by this ordinance, such lot shall be subject to the same requirements for yards, minimum lot area and percentage of lot coverage as are specified in this ordinance for a lot in the zone in which such building for dwelling purposes is first ordinarily or primarily permitted. This general provision shall prevail over any specific setback stated in nonresidential zones.
- B. *Location of Dwellings.* Except in multiple dwelling developments or where otherwise provided in this ordinance, every dwelling shall face or front upon a street or permanent means of access to a street, and in no event shall any dwelling face or front upon an alley.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

#### 17.11.080 - Walls and fences.

This Section indicates the requirements applicable to fences and walls.

- A. *Fencing Materials.* Solid fences in multiple family residential, commercial and manufacturing zones shall be masonry or other permanent materials as approved by the Community Development Director. Open work fences facing any public street in commercial zones must be either masonry or metal grill work such as wrought iron. Open work fences in any other situation may, in addition to the above, be open metal mesh, or any other appropriate material as determined by the Community Development Director. Fencing materials for residential development in the single-family residential zones shall be subject to approval by the Community Development Director. Fencing materials shall be compatible with, and complement, conditions which prevail in the subject area, with consistency relative to architectural characteristics, other fencing in the vicinity and materials. Wherever practical and appropriate, decorative masonry and other materials shall be employed as determined appropriate by the Planning Director. Barbed wire fences may only be permitted in agricultural and manufacturing zones when specifically approved by the Community Development Director.
- B. *Prohibited Materials for Fences and Walls.* In no case shall barbed or other similar type wire be used as any part of a fence except where approved by the Community Development Director for use in agricultural or manufacturing zones. Barbed or similar type wire when

permitted by the Community Development Director shall not be placed so as to be visible from any facing public street.

C. *Nonconforming Fences.* Every fence erected prior to, the adoption of the ordinance which does not conform with the provisions of the Code of the City of Beaumont, shall be removed, altered or replaced in order to so conform to the Code requirement. Such nonconforming fences shall be abated according to the following schedule provided in Table 17.11-2. The value of fence shall be determined by the building official after consultation with the fence owner and/or a fence installer. Value shall be the book value of the fence, as it existed on the effective date of this ordinance.

D. *Fence and Wall Location and Height.* Fences and walls may be erected on property lines in any zone, with a maximum height of six feet above the ground level immediately abutting the fence at its highest point, with the following exceptions:

1. No fence greater in height than three and one-half feet (42 inches) may be placed in the required front yard, either along the front or side property line;
2. On corner lots, the maximum height shall not exceed three and one-half feet (42 inches) within an area defined on both intersecting street by a 45-degree angle taken through the corner of the building or structure at the point that the structure is closest to the intersection;
3. Within residential zones, fencing in the front yard areas shall be limited to three and one-half feet (42 inches), either along the front or side property line, in the required front yard, or the closest projection of the front of the residences, whichever is greater;
4. In manufacturing zones, fences which do not exceed eight feet in height measured from the ground level immediately abutting the fence at its highest point may be erected at or near property lines; provided that the maximum height of such fences in any yard abutting a public street shall be limited to six feet in height within a five foot setback area from any public street.

**Table 17.11-1**  
**Abatement Schedule for Nonconforming Walls and Fences**

<b>Value of Wall or Fences</b>	<b>Period for Removal</b>
\$100.00 or less	90 days
\$100.01 to \$200.00	6 months

\$200.01 to \$400.00	1 year
\$400.01 to \$650.00	2 years
\$650.01 to \$1,000.00	3 years
\$1,000.01 to \$1,500.00	4 years
\$1,500.01 to \$2,500.00	5 years
\$2,500.01 to \$5,000.00	7 years
\$5,000.01 to \$7,500.00	8 years
\$7,500.01 to \$10,000.00	9 years
\$10,000.01 or more	10 years

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.11.090 - Acquisition and use of public property.

When the Planning Commission pursuant to the provisions of Title 17 of the Government Code, known as the Conservation and Planning Law, approves the acquisition of any square, park or other public ground or open space, by any public entity, it may in its approval designate for what purpose such property may be used and when so approved such property may be used for any use designed pursuant to this section in addition to those uses permitted in the zone in which such property is located.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.11.100 - Swimming pool, spa and similar.

This Section indicates the requirements applicable to swimming pools, spas and similar.

- A. *Adoption of the California Building Code.* The California Building Code, current Edition, as Published by the International Conference of Building Officials, is hereby adopted and made a part of this chapter by reference.
- B. *Requirements.*
  - 1.

Private swimming pools and their mechanical equipment for the use of the occupants of the premises and their nonpaying guests shall be located not closer than five feet to any property line or dwelling.

2. All other swimming pools shall be located not nearer than ten feet from any property line or building.
3. Walls. A masonry wall or other sound reducing material as approved by the Planning Director shall be erected on three sides of the mechanical equipment facing neighboring properties to a height of not less than 18 inches taller than the equipment.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.11.110 - Home occupations.

The purpose of this Section is to provide for the conduct of home occupations/home-based businesses in residential zones or buildings in such a manner as to be compatible with, and not disruptive to, residential neighborhoods. The use shall be clearly incidental and secondary to the principal use of a residential dwelling as a dwelling.

A. *Uses Permitted.* The following uses or similar uses shall be considered as home-based businesses provided that such uses comply with the criteria stated in this Section:

1. Professional office occupation whose principal product is information, management or design, including but not limited to accounting, architecture, artist/talent management and promotion, brokerage, business/financial management, computer programming and software development, credit/financial counseling, drafting and illustration, engineering, fashion design, interior decoration and design, legal services, marketing and advertising, property management, and writing and editing. The primary means of contact must be by phone, mail, or other electronic form of communication. Professional office activity does not include research requiring the use of hazardous materials and equipment.  
Professional office activity does not include a medical office.
2. A secondary office for a business in which the principal office, staff and equipment are located elsewhere.
3. The home office of a salesman, wherein all sales are conducted by telephone or by correspondence and wherein there are no displays or related commodities on premises.
4. Any legal use customarily conducted entirely within a residential dwelling.
5. The home office of a service business where not more than one 2,000-pound (one ton) or smaller vehicle used in conjunction with the home-based business is kept on the subject property.
6. Sales of produce (fruit or vegetables) grown on the subject property.
- 7.

Cottage food operations, as defined in California Health and Safety Code Section 113758, shall be a permitted home-based business provided it complies with all applicable provisions of this Section and under the California Health and Safety Code, as it may be amended.

B. *Conditions.* Home-based businesses may be permitted pursuant to the provisions of this Section, subject to the following conditions.

1. Employment shall be limited to residents of the dwelling only.
2. Material or equipment used in connection with such home-based businesses shall be limited to that normally found in a dwelling and recognized as being part of the normal uses and practices in the zone in which the use is a part.
3. There shall be no direct sales of products or merchandise from the dwelling, except for produce (fruit or vegetables) grown on the subject property or otherwise as authorized by this Section.
4. Produce and sales may be permitted subject to sales being limited to three days per week. No structure or stand of a permanent nature shall be erected on the subject property.
5. Customers or clientele shall not be permitted to visit/enter the dwelling in connection with the home-based business. However, incidental uses such as music lessons, tutoring, and the sale of produce may be permitted if the intensity of such use is approved by the Community Development Director.
6. No more than one room of the dwelling shall be used for the home-based business. Use of the garage for the home-based business may be permitted if such use does not obstruct required parking.
7. No alteration of any kind will be allowed to the principal building which changes its residential character. This includes, but is not limited to, the enlargement of public utility services or the installation of special equipment attached to walls, floor or ceilings.
8. The home-based business use shall not generate pedestrian or vehicular traffic beyond that normal/customary to the zone in which it is located.
9. The home-based business shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
10. Materials or supplies shall not be stored indoors or outdoors for purposes other than those permitted in the zone.
11. The home-based business shall not involve the display of signs or advertising devices on the premises except one unlighted sign, not more than two square feet in area, may be posted on temporary produce displays
- 12.

A valid business license from the City shall be obtained each year and shall be posted on any temporary produce displays.

13. The activities of the home-based business shall not be conducted in a manner that negatively impacts the residential area. Such determination of the City may include, but not be limited to, consideration of color of the building, construction, lighting, signs, sounds, noises and vibrations.
14. All operations of such home-based business shall be conducted so as to prevent the emanation of any dust, gas, smoke, noise, fumes, odors, vibrations, or electrical disturbances which are or may be detrimental to the welfare of the occupants of surrounding properties.
15. No accessory building or space outside of the principal building shall be used for the home-based business other than the growing of produce. No outdoor storage, including the storage or parking of vehicles associated with the home-based business, shall be permitted.
16. The following requirements shall also apply to cottage food occupations:
  - i. The permit applicant shall be the individual who conducts the cottage food operation from his or her private residential dwelling and is the owner of the cottage food operation. The permit shall not be transferable to another operator nor transferable to another site.
  - ii. The cottage food operation shall be registered or permitted as a "Class A" or "Class B" operation by the Riverside County Department of Environmental Health in accordance with Section 114365 of the California Health and Safety Code. Cottage food operations shall comply with all California Health and Safety Code requirements.
  - iii. Any applicant for a permit under this Section shall provide to the City, as part of the home-based business application: (1) a copy of the operation's registration or permit to operate as a "Class A" or "Class B" operation, as required under Health and Safety Code Section 114365, and (2) a copy of the self-certification checklist submitted to and approved by the County.
  - iv. The permit shall be granted if the application is complete and the cottage food operation complies with the requirements set forth in this Section, and all other code sections regarding spacing and concentration, traffic control, parking, and noise control.
  - v. A permit issued under this Section may be revoked for any violation of this Section or of Section 114365 et seq. of the California Health and Safety Code.
  - vi.

The City may, for inspection purposes, access the permitted area of a private home where a cottage food operation is located if the City has, on the basis of a consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced by the cottage food operation, or that the cottage food operation has violated this Section and/or California Health and Safety Code Section 114365 et seq.

- vii. Gross annual sales shall not exceed the amount specified in California Health and Safety Code Section 113758.
- 17. A home occupation shall be subject to any additional condition or requirement, which may be imposed by the Commission or Council.
- C. *Applications.* Applications to have a home-based business shall be made to the Community Development Director, accompanied by the filing fee set forth in the fee schedule, and shall include such information and documentation as may be required to complete a Home Occupation Permit. The applicant shall be the operator of the home-based business and shall be a resident of the dwelling in which the home-based business is located. Information shall be provided to ensure that the proposed home-based business complies with the requirements of this Section. Additional information necessary to make the findings required for approval may be required by the City. The permit may include specific conditions and restrictions necessary to make the use compatible with a residential setting.
- D. *Exemptions.* Activities exempt from the home-based business requirements include temporary sales stands with nominal sales such as children's lemonade stands and hostess parties, not more than three in any 12-month period. No structure or stand of a permanent nature shall be erected onsite for these exempt sales.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

#### 17.11.120 - Manufactured homes on foundations.

- A. *Conditions.* A manufactured home may be installed on a foundation on any lot in the City of Beaumont, that is zoned to permit the construction of a conventional single-family dwelling, if it meets the following conditions:
  1. The manufactured home shall be certified under the national Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) and shall bear a California insignia or Federal label as required by section 18550 (b) of the Health and Safety Code.
  2. The foundation system shall meet the requirements of section 18551 of the Health and Safety Code.
  3. The manufactured home shall contain a minimum of 1,100 square feet of living area with a minimum width of 20 feet. On all lots less than 60 feet in width the manufactured home shall contain a minimum of 950 square feet of living area with a minimum width of 20 feet.

Porches, garages, patios and similar features, whether attached or detached, shall not be included when calculating the floor living area.

4. The manufactured home shall have a roof overhang of not less than 16 inches with a minimum 12-inch gable overhang, unless it is determined that it is not compatible to the neighborhood in which the manufactured home is being located.
5. The manufactured home shall have non-reflecting roofing material and siding material that is compatible with the neighborhood in which the manufactured home is to be located.
6. A garage compatible to the neighborhood in which the manufactured home is being installed shall be constructed.
7. The manufactured home shall be used only as a single-family residential use and shall comply with all the setback and height requirements of the zone in which it is located.

B. *Applications.* Applications to install a manufactured home on a permanent foundation shall be made to the Community Development Director, on the form provided by the Planning Department, accompanied by the filing fee set forth in the fee schedule and shall include such information and documentation as may be required by the Community Development Director, including the following:

1. Name and address of the applicant and all owners of the subject property, including evidence that all owners agree to the application.
2. Location or address, legal description and zoning of the property on which the manufactured home is to be located.
3. A site plan of the entire property showing location of the manufactured home and all accessory buildings, including all dimensions and setbacks.
4. Certification that the manufactured home complies with the National Mobilehome Construction and Safety Standards of 1974.
5. Photographs that show the manufactured home in sufficient detail with regard to siding material, roof overhang and roof materials.
6. Photographs that depict the type of structures, siding and roofing materials and roof overhang of structures in the neighborhood in which the manufactured home is to be located.

C. *Processing of Applications.* Within 14 days following the acceptance of an application as being complete, the Planning Director shall determine whether the request meets all the requirements of this ordinance and shall determine the roof overhang, roofing and siding materials and any automobile enclosure necessary to achieve compatibility with the neighborhood. Upon approval of the application, the Community Development Director shall forward the original thereof to the Building Official, file one copy, and return one copy to the applicant, who shall then obtain all necessary installation and construction permits from the

Building Department. If the Community Development Director is unable to approve the application, it shall be returned to the applicant along with a statement of the reasons therefore, giving notice that the applicant may meet with the Community Development Director to discuss the matter.

D. *Appeal.* Appeals shall be provided for plot plans in Section 17.02.060 of the Ordinance.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.11.130 - Mobilehome parks.

A. *Intent.* It is the intent of this section to provide regulations for the establishment, maintenance and operation of mobilehome parks in the City of Beaumont.

B. *Classification of Mobilehome Parks.*

1. *Pre-Existing Mobilehome Parks.* A pre-existing mobilehome park shall not be deemed nonconforming by reason of failure to meet the minimum requirements prescribed by this section, provided that the regulations of this section shall apply to the enlargement or expansion of a mobilehome park, and provided that the pre-existing mobilehome park on a site less than ten acres shall not be further reduced in area.
2. *Planned Residential Mobilehome Parks.* A Planned Residential Mobilehome park is a site intended for residential use exclusively in mobilehomes together with recreation and necessary facilities (including trailer and boat storage areas). Planned Residential Mobilehome Parks shall be constructed in accordance with the hereinafter listed requirements. In addition, thereto, planned residential mobilehome parks shall be subject to, and shall comply with, such additional conditions and requirements as are determined to be necessary in approving the development to make it compatible with the area in which it is proposed to be located.
3. *Integrated Mobilehome Parks.* An integrated mobilehome park is a site intended for residential use exclusively in mobilehomes not including recreation and accessory facilities. Development standards shall include site development as required in Section 17.03.060 (residential Single-Family Zone) and in Section 17.11.120 (Manufactured Homes on Foundations). In addition, thereto, integrated mobilehome parks shall be subject to, and comply with, such additional conditions and requirements as are determined to be necessary in approving the development to make it compatible with the area in which it is proposed to be located.

C. *Development Approval.* All mobilehome parks shall be developed subject to a conditional use permit as found in Section 17.02.

D. *Development Standards for Planned Residential Mobilehome Parks.*

1. *Site Standards.* The following regulations shall apply to the site of a mobilehome park. Additional regulations may be specified as conditions of a use permit.
  - a. *Minimum Gross Area:* Ten acres

- b. *Maximum Density*: Seven units per gross acre.
- c. *Minimum Access Frontage*: 250 feet continuous frontage on a dedicated public street.
- d. *Minimum Park Perimeter Yards*: Five feet adjacent to a public street.
- e. *Maximum Height*: Mobilehomes and accessory structures 35 feet.

2. *Interior Site Development*. The following requirements shall apply to development of mobilehome spaces and to facilities within a mobilehome park. Additional requirements may be specified as conditions of a use permit.

- a. Mobilehome Space. Each space shall contain a minimum of 4,000 square feet for exclusive use by the occupants of the space. Each space shall have dimensions capable of accommodating a rectangle with minimum dimensions of 46 feet by 75 feet, and 75 percent of the spaces shall have a minimum depth of 90 feet.
- b. Mobilehomes shall meet the following minimum lot setbacks: 20 feet front yard. Five feet side yard and ten feet rear yard. The 20-foot front setback may be reduced on interior streets to ten feet if an attached garage is located in front of the mobilehome with at least 65 percent of the front yard landscape with live plant material.
- c. Access Drive. All mobilehome access drives within a mobilehome park shall be privately owned and shall be at least 30 feet wide exclusive of adjoining parking areas and sidewalks. The Mobilehome Park will be developed in a manner that permits adequate circulation to and within the proposed development for emergency and protective services, including police and fire equipment. Main access drives shall have standard class A curbs and gutters. Other interior access drives shall have rolled curbs and gutters.
- d. Sidewalks. Concrete sidewalks at least five feet in width shall be provided to serve all central or common facilities within the mobilehome park. Access drives shall be provided with sidewalks on at least one side.
- e. Accessory Building and Uses. Accessory buildings and uses serving the entire mobilehome park, including recreation facilities, laundry areas, mobilehome park offices, maintenance and storage buildings or storage areas shall be located at least 50 feet from the boundary of the mobilehome park site.
- f. Landscaping. Not less than 20 percent of each mobilehome space shall be landscaped with live plants, including at least one tree on each space.
- g. Community Recreation. A minimum of 500 square feet of community recreation area, (exclusive of any mobilehome space) shall be provided within the mobilehome park for each site. The community recreation areas shall contain a clubhouse and a recreational area for outdoor games and activities such as shuffleboard, horseshoes, putting green, or swimming pool. The community recreation and service areas together with the identification of activities planned for the areas, shall be shown on the plans and

specifications in such detail as shall be required by the Planning Director. The location and size of all facilities indicated in this paragraph shall be subject to the approval of the Planning Commission. The clubhouse shall have a floor area of not less than 25 square feet for each residential lot, and shall contain adequate kitchen, restroom and storage facilities. In no event shall the community area for any mobilehome park be less than two acres.

- h. Improvements. The following improvements shall be installed on all lots used for residential purposes:
  1. A concrete slab or other metal or wood deck containing at least 200 square feet.
  2. The area between the ground level and the floor of a mobilehome shall be screened from view by an opaque skirt entirely around the mobilehome.
- i. No common area for storage of camp and boat trailers shall be permitted unless it is designated on the map.
- j. Not more than one mobilehome for residential purposes shall be permitted on a lot.
- k. Whenever the soil is excavated below a mobilehome, a retaining wall shall be installed extending six inches above grade. Plans for the retaining wall shall be approved by the Department of Building and Safety.
- l. Electrical and Television Service. All electrical, telephone, C.A.T.V. and similar service wires or cables which provide direct service to the property being developed shall, within the exterior boundary line of such property, be installed underground. Risers on poles and buildings are permitted and shall be provided by the developer or owner onto the pole which provides service to said property. Utility service poles may be placed on the rear of the property to be developed, only for the purpose of terminating underground facilities. The developer or owner is responsible for complying with the requirements of this section and he shall make the installation of such facilities.
- m. Exemption. The improvement and setback requirements contained in this subsection may be modified or eliminated when the Commission finds that due to topographical conditions or property ownership patterns these requirements are impractical and will not serve to protect the present or future welfare of the public.

3. *Screening and Landscaping.* Masonry walls six feet high shall be erected along all boundary lines, except that along all street boundaries the wall shall be erected five feet from the right-of-way line. The area between the wall and the street shall be planted in ground cover. Trees or shrubs shall be planted within the ten-foot strip adjacent to the inside of all boundary walls. All trees and shrubs planted shall be of a variety that will grow to a height of not less than 15 feet and shall be planted at intervals so that at maturity the trees or shrubs will provide a screening of the mobilehome park. All plantings shall be maintained in a growing condition.

4. *Improvement Requirements.* On-site improvements shall be constructed and maintained in conformance with mobilehome park improvement standards, approved by the Planning Commission and the City Council. Such standards may include, but shall not be limited to the design, construction and maintenance of the following:
  - a. Access drives, sidewalks and parking spaces;
  - b. Walls and fences;
  - c. Lighting, signs;
  - d. Curb and gutter, drainage, and sanitary sewer facilities;
  - e. Electrical and water services;
  - f. Fire protection facilities.
5. *Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.11.140 - Wind energy conversion systems.

- A. *Intent.* It is the intent of this section to provide regulations for the establishment, maintenance and operation of wind energy conversion systems (WECS) in the City.
- B. *Permit Requirements.* Table 17.11-2 identifies the permit requirements for WECS. Additionally, a building permit shall be obtained prior to the installation of a WECS.

**Table 17.11-2**

**Wind Energy Conversion Systems (WECS)**

<b>Location</b>	<b>Type Allowed</b>	<b>Height Allowed</b>	<b>Quantity Allowed</b>	<b>Permit Required</b>

Residential Zones	Private, non-commercial <sup>1</sup>	Shall not exceed the maximum allowed height within the applicable zone	1 per lot	Conditional Use Permit
Commercial Zones and All Other Zones Not Listed	Private, non-commercial <sup>1</sup>	Shall not exceed the maximum allowed height within the applicable zone	1 or more per lot	Conditional Use Permit
Industrial Zone and Public Facility Zone	Private, non-commercial <sup>1</sup>		1 or more per lot	Minor Plot Plan
	Windfarm <sup>3</sup>		2 or more per lot	Conditional Use Permit

<sup>1</sup> A private, non-commercial WECS is installed on a developed property for the purpose of providing energy for on-site consumption. A private, non-commercial WECS is only allowed as an accessory use. ;b1; <sup>2</sup> ;en;;hg; The Commission may allow the height of a WECS to exceed the maximum allowed height if strict compliance to the height limit would result in no or poor productivity, as established by evidence provided by the applicant. The Commission may require larger setbacks if additional height is allowed. ;b1; <sup>3</sup> ;en;;hg; A windfarm is multiple WECS installed at a single property or area for the purpose of generating larger quantities of electrical or mechanical power for transmission to a public or private utility.

C. *Application.* An application for a WECS shall be made consistent with Section 17.02.040 (Application process). All required information identified on the form shall be provided by the applicant, in addition to the following information:

1. Direction of prevailing winds across the project site;
2. Manufacturer and model designation, rated kilowatt capacity, overall machine height, total blade diameter, rated maximum rotor rotations per minute, and other manufacturer's data sufficient to determine compliance with this section;
3. Location and type of security fencing and/or screening; and
4. Proof of liability insurance consistent with Subsection 17.11.140.D.10.

D. *General Requirements.*

1. *Development standards.* A WECS shall comply with the development standards for the zone in which it is located unless otherwise specified in this section.

2. *Height measurement.* The height of a WECS shall be measured to the top of the WECS, including any blade when at its highest point.
3. *Setback measurement.* Setbacks shall be measured to the outer edge of a WECS, including any blade when at its maximum horizontal extension.
4. *Setbacks.* A WECS shall maintain the same minimum setbacks required for a primary structure within the applicable zone.
5. *Colors and materials.* A WECS shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts.
6. *Advertising and graphics.* No advertising, display, or graphic is permitted on any WECS. A manufacturer's identification label and/or any government required identification or safety labels or signs may be affixed to a facility or site in a discrete manner as feasible.
7. *Undergrounding required.* All wiring or any associated and ancillary equipment, batteries, devices, structures, or support(s) for any WECS, shall be placed underground to the maximum extent feasible.
8. *Noise.* WECS shall comply with Chapter 9.02 (Noise Control).
9. *Security and safety.* WECS shall be secured from access to the general public by fencing or other deterring device or means as the City may approve or require so the WECS is not an attractive nuisance. WECS shall either have tower climbing apparatus located not closer than 12 feet to the ground or be un-climbable by design for the first 12 feet.
10. *Proof of liability insurance.* The owner of any WECS shall provide, as part of the permit application submittal, proof of liability insurance that specifically addresses the installation, use, and maintenance of the WECS to the satisfaction of the City.
11. *Effects of development on productivity.* The City shall not be liable if subsequent development in the City impairs the productivity of any WECS.
12. *Inoperative facility removal required.* Any WECS that is not operated for a continuous period of six months shall be considered abandoned. A WECS and all equipment associated with an approved WECS shall be removed within six months of the discontinuance of the use and the site shall be restored to its original pre-construction condition, subject to the approval of the Director.

E. *Private, non-commercial WECS.* A private, non-commercial WECS shall be subject to the following standards.

1. *Location.* A WECS, including associated and ancillary equipment, batteries, devices, structures, or supports, shall be located in the rear portion of the property (i.e., between the primary structure and rear property line). This provision may be modified by the Commission if strict

compliance would result in no or poor productivity, as established by evidence provided by the applicant.

2. *Screening.* The WECS shall be separated from adjoining properties by at least a six-foot high solid fence or wall, or by trees and landscaping of equal minimum height approved by the Commission. Approval of screening may include reasonable conditions deemed by the Commission necessary to minimize the visual impacts of a WECS.
3. *Net-metering.* A private, non-commercial WECS may be net-metered with written authorization provided by the utility company. Net-metering is a service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electrical utility to the electric consumer during the applicable billing period. Net-metering does not allow the sale of power back to the electric company or into the wholesale electricity market.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

#### 17.11.150 - Storage facilities.

- A. *Intent.* This section establishes requirements for the storage of goods, materials (except temporary storage of construction materials associated with an active building permit), machines, vehicles, trailers, and other equipment. The purpose of these regulations is to provide adequate and convenient guidelines for self-storage, outdoor storage and display of materials, merchandise, and equipment in the appropriate zones. The intent of these regulations is to minimize visual impacts to adjacent properties and public rights-of-way and to protect public health, safety and welfare due to the over development of these storage intensive facilities and encourage economic development within the City of Beaumont by controlling the number, size, and location of these types of facilities.
- B. *Classification of Storage Uses.* The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows:
  1. *Outdoor storage use* means establishments that engage primarily in the outdoor storage of goods, materials (except temporary storage of construction materials associated with an active building permit), machines, vehicles, trailers, and other equipment.
  2. *Truck yard or truck terminal* means a type of outdoor storage use whereby an outdoor lot, lot area, or parcel of land used, is designed and maintained primarily for the purpose of storing, parking, dispatching, or keeping trucks, tractors, construction equipment and associated equipment together with or without facilities necessary to service, dispatch, store or maintain aforementioned vehicles, their cargos and crews. Also applies to a business engaged in the

storage and distribution of goods having more than five heavy trucks (having a rating of more than 10,000 pounds and/or an unladen weight of more than 6,000 pounds) on the premises at any one time but excluding trucking accessory to another industrial use on the site.

3. *Automobile parking or storage facility* means a type of outdoor storage use whereby an outdoor lot, lot area, or parcel of land used, is designed and maintained primarily for the purpose of storing, parking, dispatching, or keeping automobiles or recreational vehicles (including RV's, boats, watercraft, off-road vehicles) or other vehicles, together with or without facilities necessary to service, dispatch, store or maintain aforementioned vehicles, their cargos and crews. Also applies to a business establishment providing towing and/or storage of operative or inoperative vehicles. This classification includes the storage of tow-aways, impound yards, and storage lots for buses and recreational vehicles, but does not include vehicle dismantling.
4. *Contractor or building materials storage yard* means establishments which engage primarily in the outdoor storage of goods, materials (except temporary storage of construction materials associated with an active building permit), machines, vehicles, trailers, and other equipment associated with a construction or contractor's business licensed within the City of Beaumont.
5. *Mini-storage, mini-warehouse, self-storage or public-storage* means an operation serving the public where customers rent or lease, or self-store and have direct access to, individual storage areas, compartments, or facilities rooms within a larger structure or structures provided for storage use. This use may also include limited caretaker facilities.
6. *Storage uses* means any of the forgoing uses in subsections 1-5.

C. *Applicability.* The requirements of this chapter shall apply to the establishment or modification of storage uses in zoning districts in which the storage use is permitted, pursuant to Beaumont Municipal Code Chapter 17.03. This chapter shall not apply to legally existing storage uses or pending applications as of the effective date of the ordinance codified in this chapter. The continuation of legally established existing storage uses shall be subject to the regulations and guidelines of Chapter 17.08, Non-conforming uses of the Beaumont Municipal Code.

D. *Storage Uses.* The following shall apply to all outdoor, truck yard or truck terminal, automobile parking or storage and contractor or building materials storage yard uses:

1. Storage uses shall not be located adjacent to or across a street or intersection from residentially zoned land, public or private schools, public parks and open space intended for public park and recreational use.
2. Storage uses should be limited to occupying parcels not suitable for valuable commercial or industrial, job producing uses.
  - a. *Site Design Standards.*

- (1) All buildings and structures shall incorporate enhanced architectural treatments on all sides visible from public view. Enhanced architectural treatments include combinations of accent building materials, windows/spandrel glass, reveals, metal eyebrow accents, cornices, etc.
- (2) Parking shall be provided for the primary use associated with a storage use in accordance with Chapter 17.05 (Off-Street Parking and Loading Standards) of the Beaumont Municipal Code or an applicable specific plan.
- (3) All passenger vehicle parking lots, drive-aisles, and truck parking areas or truck courts, and outdoor storage areas shall be paved with asphalt or concrete; no areas shall remain unfinished and all areas of a developed site shall be finished with a permanent surface or permanent landscaping materials and irrigation.
- (4) Sufficient space, including additional overflow areas, shall be provided to accommodate all maneuvering, queuing, stacking, loading, unloading, and parking of vehicles on-site and to avoid queuing, stacking, loading, unloading, and parking of vehicles off-site on adjacent streets.
- (5) Signage for directional guidance to vehicles entering and exiting the facility shall be provided on-site.

b. *Screening Standards.*

- (1) All stored goods and materials, not including trucks and trailers within truck parking areas and courts, shall be completely screened from public view, by a combination of buildings and/or solid screen walls of either decorative concrete masonry block or decorative concrete tilt-up walls. Decorative masonry block means neutral colored slump stone block, split-face block, or precision block with a stucco, plaster, or cultured stone finish. Decorative concrete tilt-up wall means concrete with a combination of paint and raised patterns, reveals, and/or trim lines.
- (2) Screen walls shall not be located within any required front yard or street side yard building or landscape setback area.
- (3) All stored goods and materials, not including trucks and trailers within truck parking areas, shall not exceed eight feet in height. Screen walls shall be of adequate height to screen on-site uses but not exceed eight feet in height. Mature landscaping shall be required to effectively screen along street frontages any area where the eight-foot screen wall is unable to provide complete screening and subject to the requirements of Chapter 17.11.080 Walls and Fences.
- (4) Solid walls surrounding storage uses which are either at grade or are above the grade of an adjacent street shall incorporate a berm/slope along the entire length of the wall that ensures that no more than eight feet of the wall is visible from public view.

(5) A combination of fencing and landscaping may be provided in lieu of solid screening walls along the side and rear property lines in areas where the site is not visible to the public. A combination of trees and shrubs shall be provided to ensure adequate screening and subject to the requirements of Chapter 17.06 Landscaping Standards.

(6) Access gates and doors may be constructed of open wrought iron and provide adequate vehicle stacking.

(7) Anti-graffiti coating or equivalent measure to prevent graffiti shall be provided for all solid screen walls.

c. *Security Standards.*

(1) All storage uses shall be secured and incorporate security cameras which maintain recordings to the satisfaction of the Police Chief or their designee.

(2) All outdoor storage uses shall be illuminated entirely every night, from dusk until dawn, in compliance with the Chapter 8.50 Outdoor Lighting of the Beaumont Municipal Code.

d. *Operational Standards for Outdoor, Truck Yard or Truck Terminal, Automobile Parking or Storage and Contractor or Building Materials Storage Yard Uses.*

(1) An operations and truck route plan shall be submitted for review and approval as part of the conditional use permit or plot plan application as required under Chapters 17.02 and 17.03. The plan shall describe the operational characteristics of the proposed use, including but not limited to, hours of operation, number of employees, types of items to be stored at the site, property maintenance and the proposed truck routing to and from the facility to designated truck routes which to the greatest extent feasible avoids passing residential, educational, park and open space intended for public park and recreational use areas. The plan shall also include physical and operational measures for preventing truck queuing, stopping, and parking on public streets.

(2) Storage uses are subject to all applicable fire, health, safety, and building regulations.

(3) Storage is not permitted in required front or street side yard setback areas.

(4) Caretaking units shall be permitted, provided parking is accommodated on-site.

e. *Performance Measures and Standard Conditions of Approval.*

(1) The following measures shall be included as performance measures and standard conditions of approval for all storage uses:

(a) The queuing of trucks on streets or elsewhere outside of facility shall be prohibited. All queuing, stacking, loading, unloading, and parking shall occur exclusively on-site.

- (b) The operator of the storage use shall be responsible for implementing and monitoring an operations and truck route plan during all operations, including, but not limited to posting the plan and educating truck drivers on the approved routes.
- (c) Facilities shall not store any products, goods, materials, or containers outside of any building on-site, except for trucks and trailers associated with the facility, unless such storage is permitted through the entitlement process in accordance with this chapter.
- (d) Drivers shall not sleep or reside within any vehicle on-site overnight or for any other extended duration of time.
- (e) Operators shall address any parking, traffic, noise, or safety issues within 48 hours of being notified by the city that an issue exists.
- (f) Prior to the issuance of a certificate of occupancy or business license, any new tenant or operator of a storage facility shall: a) submit an operational plan and trip generation analysis prepared by a licensed traffic engineer for review and approval demonstrating the proposed operations and projected traffic associated with the new tenant or operator is the same or less than the projected traffic assumed in the approved entitlements for the facility; and b) sign a statement acknowledging acceptance of all operational conditions of approval associated with the approved entitlements for the facility. If the proposed operations and trip generation represent a significant change in operational characteristics or more than ten percent increase in trip generation beyond what was entitled, a modification to the entitlements shall be required prior to the start of operations.

f. *Exempt Uses.*

- (1) The following uses shall be exempt from the provisions and requirements of this chapter:
  - (a) Vehicle, boat, and recreational vehicle dealerships
  - (b) Temporary seasonal displays (e.g. Christmas tree lots, pumpkin patch lots, etc.)
  - (c) Ancillary or outdoor display by indoor retailers approved as an accessory use.
  - (d) Existing, conforming uses are exempt from these provisions.

E. *Mini-storage, Mini-warehouse, Self-storage or Public-storage.* The following shall apply to mini-storage, mini-warehouse, self-storage or public-storage uses:

1. Mini-storage, mini-warehouse, self-storage or public-storage uses shall be limited to occupying parcels of irregular shape not suitable for valuable commercial or industrial, job producing uses.

a. *Site Design Standards.*

- (1) All buildings and structures shall incorporate enhanced architectural treatments on all sides visible from public view. Enhanced architectural treatments include combinations of accent building materials, windows/spandrel glass, reveals, metal eyebrow accents, cornices, etc.
- (2) Parking shall be provided for the primary use associated with a storage use in accordance with Chapter 17.05 (Off-Street Parking and Loading Standards) of the Beaumont Municipal Code or an applicable specific plan.
- (3) All passenger vehicle parking lots, drive-aisles, and truck parking areas or truck courts, and outdoor storage areas shall be paved with asphalt or concrete; no areas shall remain unfinished and all areas of a developed site shall be finished with a permanent surface or permanent landscaping materials and irrigation.
- (4) Sufficient space, including additional overflow areas, shall be provided to accommodate all maneuvering, queuing, stacking, loading, unloading, and parking of vehicles on-site and to avoid queuing, stacking, loading, unloading, and parking of vehicles off-site on adjacent streets.
- (5) Signage for directional guidance to vehicles entering and exiting the facility shall be provided on-site.

b. *Screening Standards for Mini-storage, Mini-warehouse, Self-storage or Public-storage.*

- (1) All stored items, not including trucks, trailers or recreational vehicles within truck parking areas and courts, shall be completely screened from public view, by a combination of buildings and/or solid screen walls of either decorative concrete masonry block or decorative concrete tilt-up walls. Decorative masonry block means neutral colored slump stone block, split-face block, or precision block with a stucco, plaster, or cultured stone finish. Decorative concrete tilt-up wall means concrete with a combination of paint and raised patterns, reveals, and/or trim lines.
- (2) Screen walls shall not be located within any required front yard or street side yard building or landscape setback area.
- (3) All stored items, not including trucks, trailers or recreational vehicles within truck parking areas, shall not exceed the height of the permanent structures or screen walls depending on location of stored items. Screen walls shall be of adequate height to screen on-site uses but not exceed eight feet in height. Mature landscaping shall be required to effectively screen along street frontages any area where the eight-foot screen wall is unable to provide complete screening.
- (4)

Solid walls surrounding storage uses that either at grade or are above the grade of an adjacent street shall incorporate a berm/slope along the entire length of the wall that ensures that no more than eight feet of the wall is visible from public view.

- (5) A combination of fencing and mature landscaping may be provided in lieu of solid screening walls along the side and rear property lines in areas where the site is not visible to the public. A combination of trees and shrubs shall be provided to ensure adequate screening.
- (6) Access gates and doors may be constructed of open wrought iron.
- (7) Anti-graffiti coating or equivalent measure to prevent graffiti shall be provided for all solid screen walls.

c. *Security Standards.*

- (1) All storage buildings and storage areas shall be secured and incorporate security cameras which maintain recordings to the satisfaction of the Police Chief or their designee.
- (2) All outdoor storage uses shall be illuminated entirely every night, from dusk until dawn, in compliance with the Chapter 8.50 Outdoor Lighting of the Beaumont Municipal Code.

d. *Operational Standards for Mini-storage, Mini-warehouse, Self-storage or Public-storage Uses.*

- (1) A property maintenance plan shall be included as part of the conditional use permit or plot plan application. The program shall provide for the regular maintenance of building structures, landscaping, and paved surfaces in good physical condition and appearance. The methods and maximum intervals for maintenance of each component shall be specified in the program
- (2) Storage uses are subject to all applicable fire, health, safety, and building regulations.
- (3) Storage is permitted in required side and rear yards. Storage is not permitted in required front or street side yards.
- (4) Caretaking units shall be permitted, provided parking is accommodated on-site.

e. *Performance Measures and Standard Conditions of Approval.*

- (1) The following measures shall be included as performance measures and standard conditions of approval for all mini-storage, mini-warehouse, self-storage or public-storage uses:
  - (a) Facilities shall not store any products, goods, materials, or containers outside of any building on-site, except for trucks, trailers or recreational vehicles associated with the facility.

- (b) Facilities shall not be used for temporary or permanent residential purposes. No person may sleep or reside within any structure or vehicle on-site overnight or for any other extended duration of time.
- (c) Operators shall address any parking, traffic, noise, or safety issues within 48 hours of being notified by the city that an issue exists.
- (d) Prior to the issuance of a certificate of occupancy or business license, any new tenant or operator of a storage facility shall: a) sign a statement acknowledging acceptance of all operational conditions of approval associated with the approved entitlements for the facility.

( Ord. No. 1136, § 4(Exh. A), 7-20-2021)

#### 17.11.160 - Energy storage facilities.

- A. *Intent.* Energy storage facility regulations are adopted with the intent of advancing and protecting the public health, safety, and welfare of the City of Beaumont by establishing regulations for the installation and use of energy storage systems. The regulation herein are intended to protect the health, welfare, safety, and quality of life for the general public, to ensure compatible land uses in the areas affected by energy storage facilities and to mitigate the impacts of energy storage facilities on the environment.
- B. *Classification of Energy Storage Facilities.* The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows:
  1. *Battery:* A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this chapter, batteries utilized in consumer products are excluded from these requirements.
  2. *Battery energy storage management system:* An electronic system that protects storage batteries from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected. The system generates an alarm and trouble signal for abnormal conditions
  3. *Battery energy storage system:* A system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.
  4. *Cell:* The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.
  - 5.

*Commissioning:* A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

6. *Decommissioning plan:* A plan to retire the physical facilities of the project, including decontamination, dismantlement, rehabilitation, landscaping and monitoring. The plan contains detailed information on the proposed decommissioning and covers the schedule, type and sequence of decommissioning activities; waste management, storage and disposal of the waste from decommissioning; the timeframe for decommissioning and site rehabilitation.
7. *Energy storage system:* A system which stores energy and releases it in the same form as was input.
8. *Renewable energy:* Energy sources that constantly renew themselves or are regarded as practically inexhaustible. Renewable energy includes energy derived from solar, wind, geothermal, hydroelectric, wood, biomass, tidal power, sea currents, and ocean thermal gradients.

C. *Applicability.* The requirements of this ordinance shall apply to all energy storage systems permitted, installed, or modified after the effective date of this ordinance, excluding general maintenance and repair. Energy storage systems constructed or installed prior to the effective date of this ordinance shall not be required to meet the requirements of this chapter. Modifications to, retrofits or replacements of an existing energy storage system that increases the total energy storage system designed discharge duration or power rating shall be subject to this chapter. The continuation of legally established existing energy storage systems shall be subject to the regulations and guidelines of Chapter 17.08, Non-conforming Uses of the Beaumont Municipal Code.

D. *Development Standards.* The following shall apply to all energy storage facilities:

1. Energy storage facilities must meet all applicable standards of the adopted Building and Safety Codes and of the adopted Fire Codes.
2. Energy storage facilities shall comply with the site design requirements set forth below in addition to all other applicable chapters of the Beaumont Municipal Code:
  - a. The site shall be fully enclosed by a minimum eight-foot, non-scalable solid wall. Walls shall consist of either decorative concrete masonry block or decorative concrete tilt-up walls. Decorative masonry block means neutral colored slump stone block, split-face block, or precision block with a stucco, plaster, or cultured stone finish. Decorative concrete tilt-up wall means concrete with a combination of paint and raised patterns, reveals, and/or trim lines.
  - b.

Solid walls surrounding facilities which are below grade of an adjacent street or property shall incorporate a berm/slope along the entire length of the wall to ensure facilities are not visible from public view.

- c. Anti-graffiti coating or equivalent measure to prevent graffiti shall be provided for all solid screen walls.
- d. Except as set forth in subparagraph (e), no equipment or appurtenances not in an enclosed structure shall exceed the screen wall height described in subparagraph (a), above. Enclosures for batteries and other systems shall not exceed 15 feet in height. Buildings shall be subject to height standards of the Manufacturing Zone.
- e. Accessory structures such as utility poles or utility connection equipment, substation switchyard and similar equipment, necessary for the operation of the facility may exceed the height standards of the Manufacturing Zone subject to Planning Commission approval.
- f. On-site parking shall be provided as specified below:
  - 1. For sites occupied daily by employees or contractors, one parking space per employee or contractor shall be provided.
  - 2. For unoccupied sites, one on-site parking space shall be provided.
  - 3. All structures, appurtenances, parking and drive aisles shall be paved with asphalt or concrete.
  - 4. All outdoor facilities shall be in compliance with the Chapter 8.50 Outdoor Lighting of the Beaumont Municipal Code.
  - 5. All site landscaping shall comply with Chapter 17.06 Landscaping of the Beaumont Municipal Code.
  - 6. All facilities shall have an approved signage plan including safety signage to be posted at the site.

**E. *Decommissioning.***

- 1. *Decommissioning Plan.* Prior to approval of a building permit, the applicant shall submit a decommissioning plan containing a narrative description of the activities to be accomplished for removing the energy storage system from service, and from the facility in which it is located. The decommissioning plan shall also include:
  - a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
  - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

- c. The anticipated life of the battery energy storage system;
- d. The estimated decommissioning costs and how said estimate was determined;
- e. The method of ensuring that funds will be available for decommissioning and restoration;
- f. The method that the decommissioning cost will be kept current;
- g. The manner in which the battery energy storage system will be decommissioned, and the Site restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
- h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

2. *Decommissioning Fund.* The applicant, or successors, shall continuously maintain a fund or bond payable to the City of Beaumont, in a form approved by the City for the removal of the battery energy storage system, in an amount to be determined by the City, for the period of the life of the facility. This fund may consist of a letter of credit from a licensed-financial institution. All costs of the financial security shall be borne by the applicant.
3. *Ownership Changes.* If the owner of the battery energy storage facility changes or the owner of the property changes, the project approvals shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the project, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage facility shall notify the Planning Department of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Planning department in writing. The project and all approvals for the battery energy storage facilities would be void if a new owner or operator fails to provide written notification to the Planning Department in the required timeframe. Reinstatement of a void project or approvals will be subject to the same review and approval processes for new applications under this chapter.

F. *Performance Measures and Standard Conditions of Approval.*

1. The following measures shall be included as performance measures and standard conditions of approval for all energy storage facilities:
  - a. Facilities shall not store any products, goods, materials, or containers outside of any building on-site.
  - b. Facilities shall comply with Chapter 9.02 Noise Control of the Beaumont Municipal Code.
  - c.

Operators shall address any nuisance, safety issues or violations of conditions of approval within 48 hours of being notified by the city that an issue exists.

- d. Prior to the issuance of a certificate of occupancy or business license, any operator of an energy storage facility shall sign a statement acknowledging acceptance of all operational conditions of approval associated with the approved entitlements for the facility and the decommissioning plan shall be recorded against title to the property as a covenant running with the land.

( Ord. No. 1142, § 6(Exh. C), 10-19-2021)

## Chapter 17.12 - ADULT ENTERTAINMENT

### 17.12.010 - Purposes.

The purposes of this Chapter are:

- A. To establish reasonable and uniform regulations to prevent the concentration of adult entertainment businesses, as defined herein, within the City of Beaumont.
- B. To establish reasonable and uniform regulations governing signs advertising adult entertainment businesses.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

### 17.12.020 - Definitions.

For the purpose of this chapter, certain terms and words are defined as follows:

- A. *Adult Arcade*. An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slide or other photographic reproductions which are characterized by an emphasis upon the depiction of "specific sexual activities" or "specific anatomical areas".
- B. *Adult Bookstore*. An establishment which has a substantial portion of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:
  1. Books, magazines, periodicals or other printed matter, or photograph, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
  2. Instruments, devices or paraphernalia which are designed for use in connection with "specific sexual activities".

- C. *Adult Cabaret.* A nightclub, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or film, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".
- D. *Adult Motel.* A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas". Only one registration per unit per 24 hours.
- E. *Adult Motion Picture Theater.* An establishment where for any form of consideration which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".
- F. *Adult Theater.* A theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities".
- G. *Establishment.* As used in subsection C hereof, the "establishment" of an adult entertainment business shall mean and include any of the following:
  - 1. The opening or commencement of any such business as a new business;
  - 2. The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein;
  - 3. The addition of any of the adult entertainment businesses defined herein to any other existing adult entertainment business; or
  - 4. The relocation of any such business.
- H. *Public Park.* A park, playground, swimming pool, reservoir, golf course or athletic field within the City of Beaumont which is under the control, operation or management of the City of Beaumont, the County of Riverside, the Beaumont-Cherry Valley Park and Recreation District, or the State of California.
- I. *Religious Institution.* A building which is used primarily for religious worship and related religious activities.
- J. *School.* An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition

includes a nursery school, kindergarten, elementary, junior high school, middle school, senior high school or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

K. *Sexual Encounter Establishment.* An establishment, other than hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons can congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas". This definition does not include an establishment where medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of California engages in sexual therapy.

L. *Specified anatomical areas.* As used herein, "specified anatomical areas" shall mean and include any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areole; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

M. *Specified sexual activities.* As used herein, "specified sexual activities" shall mean and include any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

N. *Substantial Expansion.* As used in subsection G hereof, the "substantial expansion" of adult entertainment business shall mean the increase in floor area occupied by the business by more than 25 percent as such floor area exists on the effective date of the section.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.12.030 - Prohibition.

No person shall cause or permit the establishment, substantial expansion of an adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor or sexual encounter establishment within 1,000 feet of another such business, or within 1,000 feet of any religious institution, school or public park within the City of Beaumont, or within 600 feet of any property zoned for

residential use or used for residential property, or within 300 feet of any property zoned for commercial purposes. Under no circumstances shall a "Massage Establishment" as defined in Section 5.44.020 be considered an "Adult Entertainment Business."

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

#### 17.12.040 - Measurement of distance.

The distance between any two adult entertainment businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any adult entertainment business any religious institution, school or public park or any property zoned for residential use or used for residential purposes shall be measured in a straight line without regard to intervening structures, from the closest exterior wall of the adult entertainment business to the closest property line of the religious institution, school or public park or the property zoned for residential use or used for residential purposes.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

#### 17.12.050 - Severability.

If any provision or clause of this Chapter or the application thereof to any person or circumstance is held unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other Chapter provisions, clauses or applications thereof which can be implemented without the invalid provision, clause or application thereof, and to this end the provisions and clauses of this Chapter are declared to be severable.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

#### 17.12.060 - Signs.

In addition to the sign regulation contained elsewhere in Title 17, the following restrictions shall apply to all premises used for an adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, or sexual encounter establishment:

- A. Except as provided in this Chapter, only one sign shall be permitted on the premises. The sign shall be flush with the building and shall not extend above the height of the doorway of the main entrance of the business.
- B. Additional signs or signs not in conformity with the above restrictions shall be permitted only upon the approval of the Planning Commission or the City Council.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

### Chapter 17.13 - UNLICENSED GROUP HOMES

### 17.13.010 - Purpose.

This Chapter is intended to preserve the residential character of a single-family residential neighborhood and further the purposes of state and federal housing anti-discrimination laws by, among other things:

- A. Ensuring that unlicensed group homes that seek special preference under the City's zoning code are actually entitled to such special preference and not simply skirting the City's boarding house and lodging house regulations;
- B. Limiting the commercial use of single-family homes;
- C. Promoting ownership and owner-occupation of single-family residences;
- D. Providing a suitable environment for family life by reducing noise, preserving safety and providing adequate on and off-street parking;
- E. Ensuring that unlicensed group homes are actually furthering the purposes of housing anti-discrimination laws; and
- F. Preventing the over concentration of unlicensed group homes that can impair the integrity of a single-family residential neighborhood and/or to prevent the creation of group home campuses or clusters than are inconsistent with State law and policy to limit the institutionalization of the disabled.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

### 17.13.020 - Special use permit required.

An unlicensed group home may locate in a R-SF, R-TN or R-MF zone with a special use permit provided:

- A. An application for a special use permit or an unlicensed group home is submitted to the Community Development Director by the owner/operator of the unlicensed group home. The application shall provide the following:
  1. The name, address and phone number of the owner/operator;
  2. The name and phone number of the house manager;
  3. A copy of the unlicensed group homes rules and regulations which must include a policy prohibiting alcohol or non-prescribed drugs (other than over-the-counter medicine) on the premises and use thereof by any disabled occupant whether on or off the premises;
  4. Written intake procedures;
  5. The relapse policy;
  6. An affirmation that only residents (other than the house manager) who are disabled as defined by state and federal law shall reside in the group home;

7. Blank copies of all forms that all residents and potential residents are required to complete; and
8. A fee for the processing of the application as may be set from time-to-time by the City Council; and

- B. The unlicensed group home has six or fewer occupants, not counting the house manager; and
- C. The unlicensed group home has a house manager who either resides at the unlicensed group home or any multiple of persons acting as a house manager who are present at the unlicensed group home on a daily basis and who are responsible for the day-to-day operation of the unlicensed group home; and
- D. The unlicensed group home is not located within 300 feet, as measured from the closest property lines, of any other state-licensed group home or group home issued a special use permit under this Chapter; and
- E. Any owner/operator of an unlicensed group home and any person designated as a house manager or other staff shall provide his or her full name, current residence and phone number, date of birth, social security number, prior employment history, education, driver's license number, history of criminal convictions, if any, and any other information the Beaumont Police Department reasonably requires to perform a criminal background check through the State Department of Justice and/or United States Department of Justice. No person shall begin employment with the unlicensed group home until this information has been provided; and
- F. The unlicensed group home's rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the unlicensed group home or by any disabled resident either on or off-site. This rule and regulation shall be posted on site in a common area inside the Home. Any violation of this rule must be cause for immediate eviction under the unlicensed group home's rules for residency; and
- G. The unlicensed group home shall have a written visitation policy that shall preclude any visitors who are under the influence of any drug or alcohol; and
- H. All garage and driveway spaces associated with the home shall, at all times, be available for the parking of vehicles. Residents and the house manager may store or park only a single vehicle per resident at the home or on any street within 300 feet of the home. The vehicle must be operable and currently used as his or her primary form of transportation; and
- I. It is not located in accessory living quarters.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.13.030 - Grounds for denial or revocation.

The special use permit shall be denied by the Community Development Director or his/her designee and if already issued, any transfer shall be denied by the Community Development Director or may be revoked upon a hearing by the Community Development Director or his/her designee under any of the following circumstances:

- A. Any owner/operator or staff person has provided any false or misleading information on the application or omitted any pertinent information.
- B. Any owner/operator or staff person has an employment history in which he or she was terminated because of physical assault, sexual harassment, embezzlement or theft; falsifying a drug test; and selling or furnishing illegal drugs or alcohol.
- C. Any owner/operator or staff person has been convicted of or plead nolo contendre to any of the following offenses:
  1. Sex offense for which the person is required to register as a sex offender under California Penal Code Section 290;
  2. Arson offenses - violations of Penal Code Sections 451—455 (last seven years); or
  3. Violent felonies, as defined in Penal Code Section 667.5, which involve doing bodily harm to another person (last ten years);
  4. The sale or furnishing of any controlled substances (last seven years).
- D. Any owner/operator or staff person is on parole or formal probation supervision on the date of the submittal of the application or at any time thereafter.
- E. Any owner/operator or staff person is a recovering drug or alcohol abuser and upon the date of application or employment has had less than one full year of sobriety.
- F. The owner/operator fails to immediately evict any resident that uses alcohol or abuses any non-prescription drugs.
- G. The owner/operator accepts residents, other than a house manager, who are not disabled as defined under state and federal law.
- H. The address of the group home is located within 300 feet of any other licensed or unlicensed group home. If a licensed group home lawfully moves within 300 feet of an existing unlicensed group home this shall not cause the revocation of unlicensed group home's permit.
  - I. For any other significant, repeated or refusal to remedy violations of this Chapter or any other applicable laws and/or regulations.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.13.040 - Prohibition on reapplication after revocation.

In the event the special use permit is revoked pursuant to Section 17.13.030, no new application for the same or similar permit shall be accepted within one year of the date of revocation.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

## Chapter 17.14 - DEFINITIONS

### 17.14.010 - Introduction.

This list of terms is designed to clarify the Zoning Ordinance's intent as it relates to land uses and development requirements. The word "shall" indicate a mandatory requirement, except when used in connection with an action or decision of the City Council or any City commission, board, or official. In these latter instances, the word "shall" shall be directory only. For general terminology used throughout this ordinance, the definitions used in the Uniform Building Code or accepted dictionaries of the English language, shall apply.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

### 17.14.020 - General grammatical interpretation.

Words, terms, and phrases used in this Title 17 shall have the meanings usually ascribed to them, or as defined or used in state planning and zoning laws, or as defined in Section 17.08.030 of this Zoning Ordinance. For the purposes of this Zoning Ordinance, unless the context clearly indicates otherwise, certain terms used in herein are defined as follows:

- A. Words in the present tense include the future;
- B. Words in the singular number include the plural;
- C. Words in the plural number include the singular;
- D. The terms "shall" and "will" and "must" are mandatory;
- E. The term "his" is gender neutral and means his or her;

The word "shall" is mandatory; the word "may" is permissive. The present tense includes the future, the future includes the present. The singular number includes the plural, the plural includes the singular.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

### 17.14.030 - Definitions (A through Z).

#### A

*Above-ground/On-ground Pool.* See "Swimming pool".

*Abut or Abutting.* The same as meaning adjoining.

*Access.* The place, or way, by which pedestrians and vehicles are provided adequate and usable ingress and egress to a property or use as required by this Zoning Code.

*Accessory Use.* A use incidental to, related, and clearly subordinate to the principal use established on the same lot or parcel of land where such accessory use is located.

*Adjacent.* Two or more lots or parcels of land separated by an alley, street, highway or recorded easement, or two or more objects located near or in close proximity to each other.

*Adjoining.* Two or more lots or parcels of land sharing a common boundary line, or two or more objects in physical contact with each other.

*Affordable Unit.* Refers to a housing development project in which 80 percent of the units shall be designated for very low-income households and 20 percent reserved for low-income households as those terms are defined in the Health and Safety Code.

*Alley.* A public or private right-of-way, other than a street or highway, permanently reserved as a secondary means of vehicular access to adjoining properties.

*Amendment.* A change in the wording, context, content, or substance of this Zoning Code or in the zoning map. Such changes must be adopted by ordinance by the City Council in the manner prescribed by law.

*Amusement Arcade.* Any place open to the public where five or more amusement games are maintained for use by the public. When only a portion of the premises is used for the operation of amusement games, only that portion shall be considered as an amusement arcade.

*Amusement Game.* Any entertainment device for which a fee is paid to play, including, but not limited to, pinball, video or other electronic games.

*Animal Hospital.* Shall mean a place where animals or pets are given medical or surgical treatment and cared for during the time of such treatment. Use as a kennel shall be limited to short time boarding and shall be only incidental to such hospital use.

*Animals—Retail Sales.* The retail sales of small animals (such as dogs, cats, birds, and fish), provided such activities take place within an entirely enclosed building.

*Antique Shop.* An establishment primarily engaged in the sale of antiques.

*Apartment House.* A building, or a portion of a building, designed or used for occupancy by three or more households living independently of each other and containing three or more individual dwelling units within a single structure.

*Apartment Unit.* A room or suite of two or more rooms with a single kitchen in a multiple-family dwelling, suitable for occupancy as a dwelling unit for one household.

*Arcade.* See "Amusement arcade".

*Artists' Studio.* A building containing work space and retail sales space for artists and artisans producing individual one-of-a-kind works of art, including individuals practicing a fine art, or skilled in an applied art or craft, provided that the use does not impact any other use or property with noise, odor, dust, vibration, or other nuisance. This classification includes, but is not limited to, painter's studios, ceramic studios, and custom jewelry studios.

*Assessor.* The Assessor of the County of Riverside.

*Automobile Parking or Storage Facility* means a type of outdoor storage use whereby an outdoor lot, lot area, or parcel of land used, is designed and maintained primarily for the purpose of storing, parking, dispatching, or keeping automobiles or recreational vehicles (including RV's, boats, watercraft, off-road vehicles) or other vehicles, together with or without facilities necessary to service, dispatch, store or maintain aforementioned vehicles, their cargos and crews. Also applies to a business establishment providing towing and/or storage of operative or inoperative vehicles. This classification includes the storage of tow-aways, impound yards, and storage lots for buses and recreational vehicles, but does not include vehicle dismantling.

*Automobile Wrecking or Automobile Dismantling.* A business establishment engaged in the dismantling and/or wrecking of automobiles, used motor vehicles or trailers, and/or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or parts.

*Automobile Service Station.* An establishment providing gasoline oil and other additives, and/or performing minor repairs and other customary services for automobiles and light vehicles, but excluding painting, body work steam cleaning, and major repairs.

*Advertising Structure.* A structure of any kind or character, erected or maintained for outdoor advertising purposes, upon which any poster bill,

*Awning.* Either a fabric covered appendage, or a temporary collapsible shelter of noncombustible materials supported entirely from the exterior wall of a building.

## B

*Balcony.* A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade, or parapet on at least one side.

*Balcony, Unenclosed.* A balcony open to the sky and not fully enclosed on more than two sides.

*Balloon.* A floating air-filled or gas-filled object tethered to a fixed location (also see "Sign, balloon").

*Banks and Savings.* A state- or federally chartered financial institution that provides retail banking

*Barrier.* A fence, a wall, a building wall or a combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

*Bars and Cocktail Lounges.* Establishments where alcoholic beverages are sold for consumption on the premises. This classification excludes restaurants and commercial recreation uses that may serve alcoholic beverages incidental to the primary use.

*Basement.* That portion of a building located between the ground level or first floor of a structure.

*Battery.* A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this chapter, batteries utilized in consumer products are excluded from these requirements.

*Battery Energy Storage Management System.* An electronic system that protects storage batteries from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected. The system generates an alarm and trouble signal for abnormal conditions.

*Battery Energy Storage System.* A system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

*Bed and Breakfast Facilities.* A residential structure that is occupied by a resident as his/her primary residence with one or more bedrooms rented for period of 30 consecutive days or fewer, and where meals may be provided.

*Billiard Parlor.* An establishment that provides five or more billiard and/or pool tables.

*Boarding.* A residence or dwelling, other than a hotel, wherein three or more rooms are rented under three or more separate written or oral rental agreements, leases or subleases or combination thereof, whether or not the owner, agent or rental manager resides within the residence.

*Building.* Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or property of any kind.

*Building: Accessory.* A detached subordinate building, the use of which is incidental to that of the primary building or to the principal use of the land, and which is located on the same lot or parcel of land with the main building or principal use of the land.

*Building, Height.* The vertical distance as measured continuously along a line at existing grade bisecting the width of the lot to the highest point of a building or structure, except as provided elsewhere in this Zoning Ordinance.

*Building, Main.* A building in which is conducted a principal use of the lot or parcel of land upon which it is situated. In a residential or agricultural zone, any residential unit shall be deemed to be a main building upon the lot or parcel of land on which it is situated.

*Building Material Sales.* An establishment engaged in retailing or wholesaling of building supplies or equipment. This classification includes lumber yards and tool and equipment sales, but excludes businesses engaged in the retail sales of paint and hardware, building contractor's yards, and activities classified under "Equipment Leasing and Rentals."

*Building Site.* The ground area of one or the ground area of two or more lots when used in combination of a building or group of buildings together with all open spaces as required by this Ordinance.

*Building Wall.* The vertical surface, or any element thereof, including any structural member or group of structural members attached the vertical surface, that defines the exterior boundaries of a building.

*Business and Trade School.* An establishment which provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the applicable zone. Incidental instructional services in conjunction with another primary use shall not be considered a business and trade school.

## C

*Cabana.* A structure containing not more than 700 square feet, not containing a kitchen.

*Camp, Day.* A facility with an organized daytime program involving the supervision and care of children.

*Canopy.* Has the same meaning as "awning" as defined in this section, except that a canopy contains separate supporting posts and is not supported entirely from the exterior wall of a building. A fixed overhead shelter used as may or may not be attached to a building.

*Carport.* A permanently roofed structure with no more than two enclosed sides, used or intended to be used for automobile shelter and storage.

*Cell.* The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

*Cellar.* See "Basement".

*Centerline.* The centerline of any street, as established by the City Engineer by official surveys, and on file in the Office of the City Engineer.

*Check Cashing.* A business that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification does not include a state- or federally- chartered bank, savings association, credit union, or industrial loan company.

Further, this classification does not include establishments selling consumer goods where the cashing of checks or money orders is incidental to the main purpose of the business.

*Church.* A facility used for religious worship and incidental religious education and/or activities, including a parsonage which shall be a maximum of 1,200 square feet or 50 percent of the assembly hall whichever is less. Setbacks and parking shall meet the residential single-family requirements. This definition does not include private schools as defined in this section of the Zoning Ordinance.

*Child Care Center.* A facility that provides non-medical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. "Childcare center" includes day care centers and family day care homes.

*City.* Refers to the City of Beaumont.

*Club, Private.* Any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise. This definition does not include "Adult" business establishments.

*Clubs and Lodges.* A private or nonprofit organization providing meeting, recreational, or social facilities primarily for use by members and/or guests.

*Commercial Printing.* A business providing printing, blueprinting, photocopying, engraving, binding, or related services.

*Commercial Vehicle.* A vehicle which, when operated on a street, is required to be registered as a commercial vehicle under the State Vehicle Code, and which is used or maintained for the transportation of persons for hire, compensation, or profit, or which is designed, used, or maintained primarily for the transportation of property.

*Commission.* Refers to the Planning Commission of the City of Beaumont.

*Commissioning.* A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

*Communications Facilities.* An establishment engaged in broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms. This classification includes, but is not limited to, radio, television, or recording studios, telephone switching centers, and telegraph offices.

*Communications Facilities, Wireless.* An unstaffed facility used for the transmission or reception of wireless telecommunication services, commonly consisting of an antenna array, connection cables, a support structure, and ancillary support facilities.

*Community Center.* A building, buildings, or portions thereof used for recreational, social, educational, and cultural activities where buildings and associated improvements are owned and/or operated by a public, nonprofit, or public serving group or agency.

*Community Garden.* Use of land for and limited to cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, by several individuals or households.

*Condominium.* An undivided interest in common in a portion of real property coupled with a separate interest in space called a "unit," the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The description of the unit may refer to: a) boundaries described in the recorded final map, parcel map, or condominium plan, b) physical boundaries, either in existence, or to be constructed, such as wall, floors, and ceilings of a structure or any portion thereof, c) an entire structure containing one or more units, or d) any combination thereof. An individual condominium within a condominium project may include, in addition, a separate interest in other portions of the real property. This term shall also include stock-cooperative developments.

*Condominium Project.* A common interest development consisting of condominiums.

*Contractor or Building Materials Storage Yard* means establishments which engage primarily in the outdoor storage of goods, materials (except temporary storage of construction materials associated with an active building permit), machines, vehicles, trailers, and other equipment associated with a construction or contractor's business licensed within the City of Beaumont.

*Convalescent Facilities.* A business establishment engaged in providing care on 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.

*Convalescent Home.* A home or establishment offering or providing lodging, meals, nursing, dietary, or other personal services to five or more convalescents, invalids, or aged persons, but shall not include surgery or the care of persons with contagious or communicable diseases.

*Conversion (Condominium).* A change in the type of ownership of a parcel or parcels of land, together with the existing structures, from rental housing, as defined in this section, to a condominium, community apartment, planned development, stock cooperative, or common interest development.

*County.* Refers to the County of Riverside.

*Court.* An open, unoccupied space bounded on two or more sides by the walls of a building. "Inner court" is a court entirely enclosed within the exterior walls of a building. All other courts are referred to as outer courts.

*Coverage.* The percentage of total site area covered by structures, open or enclosed, excluding the following uncovered structures: steps, courts, patios, terraces, and swimming pools.

## D

*Dairy.* Any premises where three or more cows, three or more goats or one or more cows and two or more goats, or two or more cows and one or more goats are kept, milked, or maintained.

*Daycare Center, Adult.* A state-licensed facility designed to provide necessary care and supervision to persons 18 years of age or older on less than a 24-hour basis. Adult day care centers include the various types of adult day services as defined under state law that include "adult day care facilities," "adult social day care facilities," and "adult day health care facilities."

*Day Care Center, Children.* A state-licensed facility, other than a family day care home, providing non-medical care and supervision to children under 18 years of age on less than a 24-hour basis. Child day care centers shall include "day care centers" as defined under state law, which include infant centers, preschools, and extended day care facilities.

*Deck.* A platform other than a balcony, either freestanding or attached to a building, without a roof, that is supported by pillars, posts, or walls.

*Decommissioning Plan.* A plan to retire the physical facilities of the project, including decontamination, dismantlement, rehabilitation, landscaping and monitoring. The plan contains detailed information on the proposed decommissioning and covers the schedule, type and sequence of decommissioning activities; waste management, storage and disposal of the waste from decommissioning; the timeframe for decommissioning and site rehabilitation.

*Director and Director of Planning and Planning Director.* Refers to the Community Development Director or his or her designee.

*Drive-in Restaurant.* Any building or structure in which food and drink are prepared for service to customers outside of such building or structure, even though the same is served to customers inside said building or structure or to customers occupying vehicles outside such structure and shall include self-service restaurants for take-out food.

*Drive-thru.* See "Establishment with drive-up service".

*Driveway.* An appropriately paved and privately-owned surface or road that provides access to off-street parking or loading facilities.

*Dump.* An area devoted to the disposal of combustible or non-combustible refuse.

*Duplex.* A structure consisting of two dwelling units.

*Dwelling or Dwelling Unit.* An attached or detached building containing one or more rooms wherein the occupants of each dwelling unit are living and functioning together as a single housekeeping unit, meaning that they have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, expenses and responsibilities, membership in the single housekeeping unit is fairly stable as opposed to transient and members have some control over who becomes a member of the single housekeeping unit.

*Dwelling, Multiple Family Residential.* One or more buildings located on a lot containing a total of two or more dwellings within a structure.

*Dwelling, Single-Family.* An attached or detached building not to contain more than one kitchen wherein the occupants of the dwelling unit are living and functioning together as a single housekeeping unit, meaning that they have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, expenses and responsibilities, membership in the single housekeeping unit is fairly stable as opposed to transient and members have some control over who becomes a member of the single housekeeping unit.

*Dwelling, Tri-plex.* A building designed for occupancy by three families living independently of each other and containing three dwelling units under one common roof.

*Dwelling, Two-Family or Duplex.* An attached or detached building containing two Dwelling Units wherein the occupants of each Dwelling Unit are living and functioning together as a single housekeeping unit, meaning that they have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, expenses and responsibilities, membership in the single housekeeping unit is fairly stable as opposed to transient and members have some control over who becomes a member of the single housekeeping unit.

## E

*Energy Storage System.* A system which stores energy and releases it in the same form as was input.

*Establishment with Drive-up Service.* A business or institution providing services accessible to persons who remain in their automobiles.

## F

*Façade, Building.* The exterior wall of a building that is located above ground.

*Family.* One or more persons living together as a single housekeeping unit in a dwelling unit. A family includes the residents of residential care facilities and group homes for people with disabilities. A family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries or nunneries.

*Family Day Care Home, Large.* A dwelling that regularly provides care, protection, and supervision for 12 or fewer children under the age of ten, in the provider's own home, for periods of less than 24 hours per day.

*Family Day Care Home, Small.* A dwelling that regularly provides care, protection, and supervision for one to six children inclusive, including children under the age of ten.

*Firearm Sales or Firearms Business.* An establishment having at least 25 percent of its gross floor area devoted to the sale of firearms, ammunition and ammunition components, and hunting or shooting equipment.

*Floor Area, Gross.* The total horizontal area of all the floors of a building included within the surrounding walls, exclusive of vent shafts and courts.

*Floor Area, Net.* The total useable floor area within all floors of a building included within the surrounding walls.

*Floor Area Ratio.* The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

*Food and Beverage Sales.* A business establishment where the primary use involves the retail sales of food and beverages for off-site preparation and consumption. Typical uses include grocery markets and delicatessens. This category does not include liquor stores.

*Food Manufacturing.* A business establishment engaged in manufacturing, processing, and/or packaging of food products for wholesaling and distribution. This use may include incidental direct sale to consumers of the products manufactured on-site, souvenirs, and ancillary tasting facilities for the public.

*Frontage.* The frontline of a site, separating the site from the street.

## G

*Garage, Parking Garage.* A structure with a common vehicular entrance and exit which is used by vehicles in parking spaces and which otherwise conforms to the requirements of this Zoning Code.

*Garage, Private.* A detached accessory building, or a portion of a main building on the same lot, enclosed on three sides and with a door capable of enclosing the fourth side, for the parking or temporary storage of vehicles owned by the occupants of the premises.

*General Plan.* The General Plan of the City of Beaumont, consisting of the General Plan and Map, adopted by the City Council.

*Grade, Existing.* The surface of the ground or pavement at a specific location as it existed prior to disturbance in preparation for a construction project.

*Grade, Finished.* The finished surface elevation of the ground or pavement at a specific location after the completion of a construction project.

*Grade, Ground Level.* The average level of the finished ground surface surrounding a building, measured at the center of all walls of the building.

*Gradient.* The rate of vertical change of a ground surface expressed in a percentage and determined by dividing the vertical distance by the horizontal distance.

*Group Home (Unlicensed) or Unlicensed Group Home.* A single-family dwelling unit with six or fewer occupants who are all (other than the house manager) considered disabled under state or federal law, but not licensed by the state.

*Guest House.* Refers to living quarters, having no kitchen facilities, located within an accessory building located on the same premises with a main building and occupied solely by members of the family, temporary guests, or persons permanently employed on the premises.

*Guest Room.* A room designed for or occupied as sleeping quarters by one or two persons, providing lodging for compensation.

## H

*Hazardous Waste.* Any waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: a) exhibit toxicity, corrosivity, flammability, and/or reactivity; b) cause, or significantly contribute to, an increase in serious irreversible, or incapacitating reversible, illness; or, c) present a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

*Hazardous Waste Facility.* All contiguous land, structures, other appurtenances, and improvements within a property, used for handling, treating, storing, or disposing of hazardous wastes.

*Health and Physical Fitness Facility.* A private athletic clubs and gymnasiums including, but not limited to, weight training facilities, aerobic exercise floors, racquetball courts, swimming pools, and similar athletic facilities.

*Height.* See "Building height".

*Home Occupation.* An occupational activity carried on by the occupant(s) of a residential dwelling as a secondary use in connection with which there is no display, no walk-in customers, no stock-in-trade, nor commodity sold upon the premises, no person employed, and no mechanical equipment used, except such as is necessary for housekeeping purposes.

*Hospital.* A facility providing medical, surgical, psychiatric, and/or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees.

*Hotel or Motel.* One or more buildings containing guest rooms or dwelling units, with one or more such rooms or units having a separate entrance leading directly from the outside of the building or from an interior court. Such facilities are designed to be used, or intended to be used, rented, or hired out for temporary or overnight accommodations for guests, and are offered primarily to patrons by signs or other advertising media. This classification may contain public meeting rooms and eating, drinking, and banquet services associated with the facility.

*Hot Tub.* See "Swimming pool".

*Household.* A single individual or group of individuals, unrelated or related by blood or marriage, residing in a dwelling unit.

*Household Pet.* A domesticated animal commonly maintained within a residence.

## I

*Industrial Complex.* Any group of three or more industrial uses on a parcel or combination of parcels which are generally served either by common access or common parking, or single industrial use occupying at least 100,000 square feet of floor area.

*In-ground Pool.* See "Swimming pool".

## J

*Junk Yard.* The use of a lot, or the use of any portion of a lot, for the dismantling of machinery or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking, or for the storage or keeping of junk, including scrap metals or other scrap materials.

## K

*Kennel.* Any lot or premises on which four or more dogs or cats at least four months of age are boarded or trained.

*Kitchen.* A room in a building or dwelling unit that is used in the cooking or preparation of food.

## L

*Laboratory.* An establishment providing analytical or testing services, including, but not limited to, chemical labs, dental-medical labs, optical labs, and labs conducting mechanical, electrical, physical, or environmental tests, as well as research and development.

*Landscaping.* The planting and maintenance of live trees, shrubs, ground cover, and lawn areas, including the installation of irrigation systems required by the provisions of this Zoning Code. "Landscaping" may include inorganic decorative materials of natural or man-made origin if used to accent or complement, but

in no case imitate, the natural vegetation. Inorganic decorative materials used in landscaping may include rock, stone, wood, waterfall, fountains, pools, sculptures, benches, and architectural screens, walls, and fences.

*Liquor Store.* A business establishment having at least 50 percent of its gross floor area used for the sale of alcoholic beverages intended for off-site consumption.

*Loading Space.* An off-street space on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which has access from a street, alley, or other permanent means of ingress and egress.

*Lodging House.* A residence or dwelling, other than a hotel, wherein lodging and meals are provided to four or more persons for compensation, whether direct or indirect. In determining the number of persons lodging in a lodging house, all residents shall be counted, including an owner, agent or manager.

*Lot.* Real property with a separate and distinct number or other designation shown on a plat recorded in the Office of the County Recorder as a part of an approved subdivision, shall also mean (1) a parcel of real property when shown as a delineated parcel of land with a number of other designations on a plat recorded in the Office of the County Recorder of Riverside County; or (2) a parcel of land the dimensions or boundaries of which are defined by a record of survey recorded pursuant to the provisions of the Subdivision Map Act of the State of California in the Office of the County Recorder of Riverside County; (3) a parcel of real property not delineated as in (1) or (2) above, and containing not less than the prescribed minimum square footage required in the zone in which it is located and which abuts at least one public street, and alley or a private easement determined by the Commission to be adequate for purposes of access from a street; (4) a parcel of land registered under Land Title Law (Torrens Title) and held under separate ownership from adjacent property on the effective date of this Ordinance.

*Lot, Area.* The total area, measured in a horizontal plane, included within the lot lines of a lot or parcel of land.

*Lot, Corner.* A lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an interior lot.

*Lot, Cul-de-sac.* A lot fronting on, or with more than one-half of its lot frontage, on the turnaround end of a cul-de-sac street.

*Lot, Depth.* The horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

*Lot, Interior.* A lot other than a corner or reverse corner lot.

*Lot, Key.* Any lot where the side property line abuts the rear property line of one or more lots, and where such lots are not separated by an alley or any public way.

*Lot Line.* Any line bounding a lot as defined in this section.

*Lot Line, Exterior.* A lot line abutting a street.

*Lot Line, Front.* On an interior lot, the front lot line of the property line abutting the street, except in those cases where the latest tract deed restrictions specify another line as the front lot line. On a corner or reversed corner lot, the front lot line is the shorter property line abutting a street. On a through lot, or a lot with three or more sides abutting a street, or a corner or reversed corner lot with lot lines of equal length, the Zoning Administrator shall determine which property line shall be the front lot line for purposes of compliance with the setback provisions of this Zoning Code.

*Lot Line, Interior.* A lot line not abutting a street.

*Lot Line, Rear.* A lot line not abutting a street that is opposite and most distant from the front lot line. For triangular lots where there is no rear lot line, the rear lot line shall be defined as the point at which the side lot lines intersect.

*Lot Line, Side.* Any lot line that is not classified as a front lot of line or rear lot line.

*Lot Line, Zero.* A lot line that does not have any side-yard setback.

*Lot, Reverse Corner.* A corner lot, the side line of which is substantially a continuation of the front lot lines of the lot to its rear.

*Lot, Through.* A lot having frontage on two parallel or approximately parallel streets. A through lot may have no rear lot line.

*Lot; Width.* The horizontal distance between the side lot lines measured at right angles to the lot depth line at a distance located midway between the front and rear lot lines.

## M

*Main Building.* A building that is designed, and used for, or intended to be used, to accommodate the principal use on the lot. In residential zones, any dwelling shall be considered the main building on the lot.

*Maintenance and Repair Services.* An establishment providing household appliance repair, furniture repair, office machine repair, bicycle repair, or building maintenance services. This classification excludes maintenance and repair of motor vehicles, boats, or ships.

*Mansard or Mansard Roof.* A roof having two slopes on all sides with the lower slope steeper than the upper one.

*Manufactured Housing.* A mobile home, or manufactured housing unit, as defined by and installed in accordance with California Health and Safety Code Section 18008 and 18551, respectively, and factory-built housing as defined by California Health and Safety Code Section 19971.

*Medical Clinic.* Any facility providing physical or mental health service, and medical or surgical care of the sick or injured but shall not include inpatient or overnight accommodations. Activities included within this definition are health centers, health clinics, and doctors' offices.

*Mini-storage, Mini-warehouse, Self-storage or Public-storage* means an operation serving the public where customers rent or lease, or self-store and have direct access to, individual storage areas, compartments, or facilities rooms within a larger structure or structures provided for storage use. This use may also include limited caretaker facilities.

*Mobile Home.* A movable or transportable vehicle, other than a motor vehicle, intended for occupancy for one family, and having no foundation other than jacks, piers, wheels or skirtings. All mobile homes located on lots must be a minimum of 450 square feet, with a minimum of ten feet in width. All mobile homes must have a complete sanitary facility, including a lavatory, flush type toilet, tub or shower, and kitchen sink, all connected to sewage outlets in conformity with state, county and health requirements.

*Mortuary.* An establishment providing services such as preparing the deceased for burial, and arranging and managing funerals and related services, and may include limited caretaker facilities. This classification excludes cemeteries, crematoriums, and columbariums.

*Motel.* One or more buildings containing more than five completely furnished individual guest rooms with one or more such rooms or units having a separate entrance leading directly from the outside of the building or an inner court. Such facilities are designed, used, or intended to be used, rented or hired out as temporary or overnight accommodations for guests, and are offered primarily to automobile tourists or transients. Motels include auto courts, motor lodges, and tourist courts.

## N

*Nonconforming.* A building and/or improvement, or portion thereof, which does not conform improvement to current Zoning Code regulations. Nonconforming use, any use of land or property that was lawfully established and in effect at the lawful or legal time this Zoning Code or any amendment became effective, but no longer complies with all of the applicable regulations and standards of the zone in which the use is located. Nonconforming any structure or improvement that was lawfully established and in existence structure, lawful at the time this Zoning Code or any amendment became effective, but no longer complies with all of the applicable regulations and standards of the zone in which the structure or improvement is located.

## O

*Offices.* Administrative, clerical, or public contact offices of a government agency, government including postal facilities, together with incidental storage and maintenance of vehicles.

*Offices, Medical.* Offices or health facilities providing health services, including without limitation, preventative and rehabilitation treatment, diagnostic services, and testing and analysis, but excluding inpatient services and overnight accommodations. This classification includes without limitation offices providing medical, dental, surgical, rehabilitation, podiatric, optometric, chiropractic, and psychiatric services, and medical or dental laboratories incidental to such offices.

*Offices, Professional.* Offices for firms or organizations providing professional, executive, management or administrative services, such as architectural, engineering, real estate, insurance, investment, or legal offices. This classification excludes savings and loan associations, banks, and medical offices.

*Off-Street Parking Facility.* A lot, or portion thereof, improved and used for the parking of vehicles, including, but not limited to, enclosed garages and parking structures, open parking areas, aisles, driveways, and appurtenant landscaped planters and their improvements.

*Open Space, Useable (Useable Open Space).* Open space upon the lot or parcel to which it is appurtenant, which can be used by inhabitants of the property for outdoor living, activity and/or recreation and may include landscaping. Each linear dimension of such space shall be a minimum of six feet. Balconies may be credited as "usable open space" provided they each have linear dimensions of a minimum of five feet. Enclosed recreation or multi-purpose activity rooms may be credited as "usable open space." All such areas shall be readily accessible to the inhabitants of the property. "Usable open space" does not include driveways, open or covered parking areas, utility space such as trash or garbage areas, or space occupied by the required front yard setback.

The computation of usable open space provided shall be as follows:

1. The following areas shall be computed at 1.25 times the area actually devoted to such use:
  - a. Private patios, when directly accessible to the dwelling unit to which it is appurtenant; such patios shall be completely enclosed on all sides by a fence which is a minimum of five feet in height;
  - b. Balconies and lanais, when directly accessible to the unit to which they are appurtenant; such balconies and lanais must have a minimum dimension of five feet;
  - c. Swimming pool areas, including the hard surface deck, which normally surrounds such pools. Deck area more than 25 feet from the edge of the pool will not be counted as open space under this; and
  - d. Recreation activity rooms, provided these rooms are permanently maintained for the use of tenants for various recreation activities. Such activity rooms shall not include lobbies, but may include common steam rooms, sauna baths, or the like.
2. All other areas meeting usable open space requirements shall be credited with the actual area (square feet) provided.
- 3.

No area will be considered as usable open space if it has any dimension less than six feet except balconies.

*Outdoor Advertising.* The use of signs or other measures soliciting public support or directing public attention to the sale, lease, hire, or use of any objects, products, services, or functions which are not produced, sold, or otherwise available on the premises where such signs are erected or maintained.

*Outdoor Living Space.* Either an open passive landscaped area specifically designed, improved, and maintained to enhance the architectural design, privacy, and general environmental quality of a residential development or an easily accessible public or private activity area specifically designed, improved, and maintained for outdoor living and/or recreation by occupants of the residential development.

*Outdoor Storage Use* means establishments that engage primarily in the outdoor storage of goods, materials (except temporary storage of construction materials associated with an active building permit), machines, vehicles, trailers, and other equipment.

## P

*Parcel.* A contiguous quantity of land owned by, or recorded as the property of, the same claimant or person.

*Parking Space.* A space within an off-street parking facility that has the minimum attributes of size, location, and design specified in Article 21 (Parking requirements) of this Zoning Code.

*Parks and Recreation Facilities.* Uses that include, but are not limited to, land and interests in land; swimming pools; tennis, volleyball and basketball courts; baseball grounds; play areas; turf; sprinkler systems; community center buildings; recreation buildings; and other works, properties, structures, and facilities necessary or convenient for public park, playground, or recreation purposes.

*Pawn Shop.* A business establishment engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property.

*Performance Art.* A public building used for theatrical performances, concerts, recitals, and facilities similar entertainment. This classification excludes commercial cinemas or theaters.

*Personal Convenience Service.* A business establishment providing recurrently needed services of a personal nature. This classification includes, but is not limited to, barber and beauty shops, seamstresses, tailors, shoe repair shops, photocopying, retail dry cleaning establishments (excluding wholesale dry cleaning plants), self-service laundromats, and similar services. This classification excludes massage parlors, tattoo parlors, and/or skin piercing establishments.

*Personal Improvement Service.* A business establishment providing instructional services or facilities, including, but not limited to, photography, fine arts, crafts, dance or music studios, driving schools, modeling agencies, reducing salons, and health or physical fitness clubs. Incidental instructional services associated with a retail use shall be classified as "retail sales" rather than "personal improvement services."

*Planned Unit Development.* The planning, construction, or implementation and operation of any use or structure, or a combination of uses and structures, on a single parcel of land based on a comprehensive and complete design or plan treating the entire complex of land, structures, and uses as a single project.

*Plant Nursery.* A site used to raise trees, shrubs, flowers, and other plants for sale or for transplanting, and where all merchandise (other than plants) is kept within an enclosed building or fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

*Porch.* A permanent projection attached to the entrance of a building, which is has a roof but is not fully enclosed.

*Pre-existing.* In existence prior to the effective date of this Ordinance.

*Public Building.* A building owned and operated by a public agency for public use.

*Public Safety Facility.* A public facility providing public safety and emergency services, including police and fire protection, and associated support and training facilities.

*Public Utility Facility.* A building or structure used by any public utility including, but not limited to, any gas treatment plant, reservoir, tank, or other storage facility, water treatment plant, well, reservoir, tank or other storage facility, electric generating plant, distribution or transmission substation, telephone switching or other communications plant, earth station or other receiving or transmission facility, any storage yard for public utility equipment or vehicles, and any parking lot for parking vehicles or automobiles to serve a public utility. The term "public utility" shall include every gas, electrical, telephone and water corporation serving the public or any portion thereof for which a certificate of public convenience and necessity has been issued by the State Public Utility Commission.

Q

R

*Recharging Stations.* An area where equipment is provided to recharge an electric vehicle.

*Recreational Facility.* A publicly owned and operated recreational structure or building, such as a tennis court, swimming pool, multi-purpose community building, or similar use.

*Recyclable Material.* A reusable material, including, but not limited to, metals, glass, plastic, and paper, and which is intended for reuse, re-manufacture, or reconstitution for the purpose of using the altered form. "Recyclable material" shall not include refuse or hazardous materials. "Recyclable material" may include used motor oil collected and transported in accordance with Section 25250.11 and Section 25143.2(b)(4) of the State Health and Safety Code.

*Recycling Facility.* A center for the collection and/or processing of recyclable materials. "Certified recycling facility" or "certified processor" refers to a recycling facility certified by the State Department of Conservation as meeting the requirements of the State Beverage Container Recycling and Lifter Reduction

Act of 1986. A recycling facility does not include storage containers or processing activities located on the premises of a residential, commercial, or manufacturing use, and used solely for the recycling of material generated by such residential property, business, or manufacturer.

*Recycling, Collection Facility.* A center for the acceptance of recyclable materials from the public by donation, redemption, or purchase.

*Recycling, Processing Facility.* A building or enclosed space used for the collection and processing of recyclable materials. "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and re-manufacturing.

*Renewable Energy.* Energy sources that constantly renew themselves or are regarded as practically inexhaustible. Renewable energy includes energy derived from solar, wind, geothermal, hydroelectric, wood, biomass, tidal power, sea currents, and ocean thermal gradients.

*Rental Units.* A housing unit leased for the occupancy of a residential household.

*Residence.* One or more rooms designed, used, or intended to be used as permanent living quarters for a household, and not as temporary or overnight accommodations.

*Residential Care Facility, Licensed.* A residential care facility licensed or supervised by any federal, state, or local agency, which provides housing and nonmedical care for children, elderly persons, or physically and mentally handicapped persons in a family-like environment. These facilities include the following:

1. An intermediate care facility, developmentally disabled habilitative and intermediate care facility/developmentally disabled-nursing or a congregate living facility as identified in State of California Health and Safety Code section 1267.8;
2. A community care facility as identified in State of California Health and Safety Code section 1566.3;
3. A residential care facility for the elderly as identified in State of California Health and Safety Code section 1569.85;
4. An alcoholism or drug abuse recovery or treatment facility as identified in State of California Health and Safety Code section 11834.02;
5. A home for the care of mentally disordered or otherwise handicapped persons as identified in State of California Welfare and Institutions Code section 5116;
6. A home for the care of dependent and neglected children as identified in the State of California Welfare and Institutions Code section 300, but not including wards of the court as identified in the State of California Welfare and Institutions Code section 601ff.

*Rest Home.* See "Convalescent home".

*Restaurant, Sit Down.* A business establishment that is maintained, operated, and/or advertised or held out to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches, or stools. This use may include incidental delivery service utilizing no more than two delivery vehicles.

*Restaurant, Fast-Food.* A business establishment that is maintained, operated, and/or advertised or held out to the public as a place where food and beverage are served to customers from a serving counter in disposable containers or wrappers and where food and meals are generally prepared in advance for immediate sale, and which may include inside seating, drive-through service, delivery service, and take-out/carry-out service.

*Restaurant, Delivery.* A place where orders for food and beverages may be placed in person or by telephone, facsimile, copier, or other off-site means of communication, from a limited menu, and which orders are delivered to a location directed by the customer.

*Restaurant, Take-out.* A business establishment that is maintained, operated, and/or advertised or held out to the public as a place where food and beverages are served in disposable containers or wrappers from a serving counter for consumption exclusively off the premises.

*Retail Sales.* A business establishment engaged in the retail sale of merchandise not specifically listed under another use classification as defined in this section. This classification includes, but is not limited to: department stores, clothing stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, books, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation). This classification excludes thrift shops and pawnshops.

*Room.* An unsubdivided portion of the interior of a dwelling, excluding bathrooms, kitchens, closets, hallways, and service porches.

S

*School, Elementary, Junior High, and High.* An institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California.

*School, Private.* An educational institution having a curriculum comparable to that required in the public schools of the State of California.

*Secondary (or second) Unit.* A detached dwelling unit that provides complete, independent living residential unit facilities for one or more persons. A secondary residential unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot on which the primary unit is

situated.

*Senior Housing.* A housing development project in which 100 percent of the project rental units are intended to be occupied by persons who are 62 years of age or older, or married couples, of which one spouse is over 62 years of age.

*Service Station.* See "Vehicle, service station".

*Setback.* A required open space on an improved lot that is unoccupied by buildings and unobstructed by structures from the ground upward, except for projections and accessory buildings permitted by the provisions of this Zoning Code. Setbacks shall be measured as the shortest distance between a property line and the nearest vertical support or wall of the building, enclosed or covered porch, or other structure.

*Setback, Between.* A required open space between separate buildings or between separate buildings or dwelling units on the same lot or building site. Such setback shall be setback between measured as the minimum distance between the nearest vertical support dwelling units or wall of each building or enclosed or covered porch.

*Setback, Exterior Side.* A side setback abutting a street.

*Setback, Front.* A setback extending across the full width of the front of the lot, the minimum and/or average dimensions of which are determined by the property development standard of the applicable zone in which such lot is located.

*Setback, Rear.* A setback extending across the full width of the rear of a lot, the minimum and/or average dimensions of which are determined by the property development standards of the applicable zone in which such lot is located.

*Setback, Side.* A setback extending from the required front setback to the required rear setback, or to the front and/or rear property lines where no front and/or rear setback is required by the provisions of this Zoning Code, the minimum and average dimensions of which are determined by the property development standards of the applicable zone in which such lot is located.

*Sign.* Any card, cloth, plastic, paper, metal or other material or painted character visible from outside of a structure for advertising purposes, mounted to the ground or any, tree, building, wall, bush, rock, fence or structure, whether privately or publicly owned. "Sign" means any graphic announcement, declaration, demonstration, display, illustration, insignia or object used to advertise or promote the interest of any person or business when the same is placed out-of-doors in view of the general public. This definition shall not include the display of. the American flag, flag of the State, county, public entity or City flag.

*Sign, A-Frame.* A freestanding sign usually hinged at the top or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A." Such signs are usually designed to be portable and are not considered to be permanent signs or displays.

*Sign, Animated Signs.* Signs designed to attract attention through movement or the semblance of movement of the whole or any part including, but not limited to, signs which swing, twirl, move back and forth or up and down; or signs which change color or shades of color; or any other method or device which suggests movement. Animated signs do not include flags and banners, time and temperature signs.

*Sign, Announcement or Bulletin Board Signs.* Signs permanent in character designed to accept changeable copy, handbills, posters and matters of a similar nature.

*Sign, Area of Sign.* The area of a sign shall include the entire area within a series of rectangles whose outermost boarders are defined by the outermost extent of any writing, representation, emblem, figure, character or separate sign surface. When letters comprising a sign message are placed on a background or field which is different in color or materials from the architectural features of the building on which the sign is mounted, the sign area shall be calculated as the entire area comprising the overall sign feature. In the case of a two-sided sign, the area shall be computed as including only the maximum single display surface that is visible from any ground position at one time. The supports or uprights on which any sign is supported should not be included in determining the sign area unless such supports or uprights are designed in such a manner as to form an integral background of the sign. In the case of any cylindrical or spherical sign, the total area shall be computed on the total area of the surface of the sign.

*Sign, Awning Sign.* A sign painted or printed on the exterior surface of an awning. An alternative to a wall sign, permitted as same.

*Sign, Balloon.* One or more balloons used as a permanent or temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or manufactured, or to any entertainment.

*Sign, Banner.* A fabric or fabric-like material on which an advertising message is painted or otherwise affixed.

*Sign, Billboard.* A sign that directs attention to a business, profession, product, commodity or service offered on the site on which the sign is located.

*Signs, Changeable Copy.* Copy for temporary use which is changed at periodic intervals and which may be utilized on pylon, monument, wall, bulletin board or announcement signs.

*Sign, Commercial Complex.* Any group of three or more commercial uses on a parcel or combination of parcels which are generally served either by common access or common parking, or large single commercial use occupying at least two and one-half acres with a minimum of 200 feet of street frontage.

*Sign, Construction Signs.* Signs stating the names of those individuals or businesses, such as architects, engineers, contractors, or owners directly connected with a construction project and/or the name of the project, the address of the business, and emergency telephone numbers.

*Sign, Directional Signs.* Signs which contain any of the following words: "Entrance", "enter", "out", "one-way" or other words, or words which contain nonflashing arrows or other characters indicating traffic direction.

*Sign, Electronic Message Sign.* A sign having the capability of presenting variable message displays, including time and temperature, by projecting an electronically controlled light pattern against a contrasting background and which can be programmed to change the message display periodically.

*Sign, Flag.* A device, generally made of flexible materials, usually cloth, paper or plastic, usually used as a symbol of a government, school, religion, etc. It may or may not contain any copy.

*Sign, Flashing Signs.* Lighted signs which in whole or in part disappear and reappear at periodic intervals, or are intermittently on and off, and which are placed so as to attract vehicular traffic with emphasis on the recurrence of lights as in those types generally referred to as "nervous" signs, arrows, stars, etc., and/or beacon signs.

*Sign, Freestanding.* A sign that is completely supported by structures or other supports that are placed on or anchored in the ground and are independent from any building or other structure.

*Sign, Height of Signs.* The distance from the average ground level immediately surrounding the base of the sign to the top of its highest element, including any structural or architectural element. Landscape mounding shall not be used to artificially increase the height of a sign.

*Sign, Monument Signs.* A sign with an overall height of six feet or less, standing directly on the ground or on a base of where supporting poles or structures, if any, are enclosed by decorative covers.

*Sign, Nameplate.* Signs naming the occupant of the premises, the business and/or address.

*Sign, Off-site Signs.* Any sign which advertises or informs in any manner businesses, services, goods, persons or events at some location other than that upon which the sign is located.

*Sign, Painted Signs.* Signs painted on the exterior surface of a building or structure. Painted signs do not

*Sign, Pennant.* A device generally made of flexible materials, usually cloth, paper or plastic. A pennant may or may not contain any copy and is primarily intended to draw attention.

*Sign, Pylon Sign.* A sign with an overall height exceeding six feet and having one or more decorative supports permanently attached directly into or upon the ground.

*Sign, Political Signs.* Political signs are signs setting forth a political message with respect to an upcoming federal, State or local governmental election.

*Sign, Portable Signs.* Signs not designed to be attached to a building or anchored to the ground, including "A" boards, sandwich signs and signs attached to a fence/wall.

*Sign, Poster Signs.* Any sign attached to the ground in a manner approved by the building official, which may be visible from adjacent streets or highways.

*Sign, Projecting Signs.* Signs including wall signs which are suspended from or supported by a building or wall and which project from said building or wall.

*Sign, Real Estate Signs.* All signs and sign structures relating to the sale, lease or other disposition of the real property on which the sign is located, and which are temporary in nature.

*Sign, Revolving Signs.* Signs, all or a portion of, which rotate in a constant, circular manner.

*Sign, Roof Signs.* Any sign supported by or attached to or projecting through the roof of a building or structure or projecting above the eave line or parapet wall of the building or structure.

*Sign, Special Event Sign.* A temporary sign, which advertises special events and activities such as grand openings, charitable events, Christmas trees, fireworks, or as specified by the Planning Director.

*Sign Structure.* The supports, uprights, bracings, guy rods, cables and other structural framework of a sign or outdoor display.

*Sign, Temporary Signs.* Signs erected for a temporary purpose not exceeding 45 days, including banners, pennant valances, streamers, balloon signs, inflated devices, search lights, beacons, costumed or live persons, moving stuffed animals, or advertising light or similar materials used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing, vehicle or other object.

*Sign, Time and Temperature Sign.* An electronically controlled sign with illuminated flippers or light bulbs for the sole purpose of displaying the time, and temperature (F. and/or C.) at intermittent intervals. Under Canopy Signs. A sign with a single or double face copy attached to the underside of a projecting canopy perpendicular to the building frontage.

*Sign, Unofficial (Non-Regulatory) Signs.* Signs located on public property (e.g., street or median island, parkway, sidewalk, traffic control sign posts, utility poles, park land, trees, etc.).

*Sign, Vehicle Signs.* Signs on or affixed to trucks, vans, automobiles, trailers, or other vehicles which advertise or provide direction to a use or activity not related to its lawful making of deliveries or sales of merchandise or rendering of service from such vehicles.

*Sign, Wall Signs.* Signs which are in any manner affixed to any exterior wall of a building or structure, the exposed face of which is in a plane parallel to the plane of the wall and which projects not more than 12 inches from the building or structure wall.

*Sign, Window Signs.* Signs painted, attached, glued or otherwise affixed to a window or otherwise easily visible from the exterior of the building.

*Sign, Wall Murals.* The decoration on the exterior surface of a structure with scenic, architectural or artistic paints which in themselves do not identify or advertise any product, service or business. A wall mural is a sign if it is related by language, logo or pictorial depiction to the advertisement of any product or service or the identification of any business.

*Snack Shop.* A business establishment that is maintained, operated, and/or advertised or held out to the public as serving snack foods, such as donuts, ice cream, yogurt, candy, cookies, bakery items, beverages, and similar items to be consumed either on the premises or off the premises.

*Solid Fill.* Any noncombustible materials insoluble in water, such as soil, rock, sand, or gravel, that can be used for grading land or filling depressions.

*Spa, Non-Portable.* See "Swimming pool".

*Spa, Portable.* A non-permanent structure intended for recreational bathing, in which all controls, water-heating, and water-circulating equipment are an integral part of the product and which is cord-connected (not permanently electrically wired).

*Story.* "Story" as defined in the currently adopted and effective Uniform Building Code of the City.

*Story-Half.* A story with at least two of its opposite sides situated immediately under a sloping roof, with the floor area of said story not in excess of two-thirds of the floor area of the floor immediately below it.

*Street.* A public thoroughfare or right-of-way acquired for use as such, or an approved private thoroughfare or right-of-way, other than an alley, which affords the principal means of access to abutting property. "Street" shall include all major and secondary highways, traffic collector streets, and local streets.

*Street, Center line.* See "Center line".

*Street Line.* The boundary line between the street right-of-way and abutting property.

*Street/Craft Fairs/Farmer's Market—Ongoing/reoccurring.* Temporary event that regularly reoccurs (e.g. weekly Farmer's Market).

*Structural Alteration.* Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists, ceiling joints, or roof rafters.

*Structure.* Any physical improvement constructed or erected, including an edifice or building of any kind, or any piece of work artificially constructed or composed of parts jointed together in some definite manner, and which structure requires location on or in the ground or is attached to another improvement or in the ground, including fences, walls, swimming and wading pools, and patios.

*Swap Meet.* Any indoor or outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and, where a fee may be charged to prospective buyers for

admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term "swap meet" is interchangeable with, and applicable to, flea markets, auctions, open air markets, farmer's markets, or other similarly named or labeled activities; but the term does not include the usual supermarket or department store retail operations.

*Swimming Pool.* Any structure intended for swimming, diving, or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

*Swimming Pool, Indoor.* A swimming pool which is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

*Swimming Pool, Outdoor.* Any swimming pool which is not an indoor pool.

*Structure Advertising.* A structure existing, erected, or maintained to serve exclusively as a stand, frame, or background for the support or display of signs.

## T

*Thrift Shop.* A business establishment primarily engaged in the sale of used clothing, household goods, furniture, or appliances. This classification does not include antique shops.

*Tire.* A rubber covering, typically inflated or surrounding an inflated inner tube, placed around a wheel to form a flexible contact with the road. May include new or used tires.

*Tire Repair.* The process of mending a hole, tear, fissure or blemish in a tire by including but not limited to grinding, gouging, applying adhesive or filling a hole or crevice with rubber.

*Tire Store.* An establishment where the sale, installation or storage of new or used or retread tires and tubes is conducted with or without other products or services. Tire store does not include a retreading establishment, collection, reduction or transfer of tires.

*Townhouse.* A single-family dwelling which visually appears to share one or more common walls with an adjacent single-family dwelling, but which, in fact, is structurally and functionally independent of any other single-family dwelling.

*Trailer Coach.* Any vehicle, with or without motor power, designed or used for human habitation and constructed to travel on the public thoroughfares in accordance with the provisions of the California State Vehicle Code.

*Trailer Park.* A site designed and equipped for the harboring, parking, or storing of one or mobile home park more trailers or mobile homes being used as living and/or sleeping quarters.

*Trailer Site.* That portion of a trailer park designated for use or occupancy of one trailer coach and including all appurtenant facilities.

*Transfer Station.* An area, including any necessary building or structures, for the temporary waste storage and the salvage of rubbish, garbage, or industrial waste. This definition also includes material recovery facilities.

*Transit Stations and Facilities.* Facilities for passenger transportation operations, such as rail (e.g., Metrolink) but does not include airports or heliports.

*Triplex.* A structure containing three individual residential dwelling units.

*Truck Yard or Truck Terminal* means a type of outdoor storage use whereby an outdoor lot, lot area, or parcel of land used, is designed and maintained primarily for the purpose of storing, parking, dispatching, or keeping trucks, tractors, construction equipment and associated equipment together with or without facilities necessary to service, dispatch, store or maintain aforementioned vehicles, their cargos and crews. Also applies to a business engaged in the storage and distribution of goods having more than five heavy trucks (having a rating of more than 10,000 pounds and/or an unladen weight of more than 6,000 pounds) on the premises at any one time but excluding trucking accessory to another industrial use on the site.

## U

*Uniform Sign Program.* All applications for approval of signs in a shopping center, commercial, industrial or office complex, a group of three or more businesses on a parcel or project site or for commercial recreation uses shall be submitted in the form of a construction, including connections and electrical plans, if any, and shall delineate the typical size, shape, design, material, coloring, lettering, lighting and position of the signage in relationship to the building form or place where it will be displayed. Scaled sketches of existing signs on the premises shall accompany the application.

*Use.* The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied, utilized, or maintained.

## V

*Variance.* A modification of a literal provision of this Zoning Code, granted by an administrative or quasi-judicial act in accordance with the provisions of this Zoning Code.

*Vehicle.* A business engaged in the washing, waxing, cleaning, and/or detailing of automobile washing automobiles or similar light vehicles.

*Vehicle Body.* A business establishment involved in the repairing, restoring, and/or painting and fender shop of the bodies of motor vehicles.

*Vehicle Rentals.* A business engaged in the sale, lease and/or rental of automobiles and light trucks (having a rating of less than 10,001 pounds, an unladen weight of less than 6,001 pounds, and equipped with an open box-type bed less than nine feet in length), including storage and incidental maintenance and repair.

*Vehicle Repair Garage.* Any site and improvements used for the repair and maintenance of automobiles, motorcycles, light trucks (having a rating of less than 10,001 pounds, an unladen weight of less than 6,001 pounds, and equipped with an open box-type bed less than nine feet in length), or other similar passenger vehicles licensed by the State Department of Motor Vehicles. This classification shall not include the repair or maintenance of motor homes or commercial vehicles as defined in Section 3-7.901 of this Zoning Code. "Motor vehicle repair garage" shall be construed broadly to include the place where the following types of commonly-known garage or shop activities occur: tune-up and muffler work, parts and tire sales and installation, wheel and brake work, engine and transmission overhaul, and installation of car alarms and car stereos. "Motor vehicle repair garage" shall not include automobile wrecking, dismantling, or salvage, motor vehicle body and fender shops, or tire retreading or recapping.

*Vehicle, Service.* A business establishment primarily engaged in the retail sale of vehicle fuel station and lubricants. This classification includes facilities having service bays for vehicle service and repair. Such service and repair may include the sale of tires, batteries, and other parts and products related to the operation of a motor vehicle; minor tune-up; lubrication and parts replacement; non-mechanical car-washing, polishing, and waxing; and other light work related to preventive maintenance and upkeep, but may not include maintenance and repair of large trucks or other large vehicles, or body and fender work on any vehicles.

*Vehicle Towing/Storage.* A business establishment providing towing and/or storage of operative or inoperative vehicles. This classification includes the storage of parking tow-aways, impound yards, and storage lots for buses and recreational vehicles, but does not include vehicle dismantling.

*Visual Obstruction.* Any physical obstruction which limits the visibility of persons in motor vehicles or pedestrians approaching intersecting or intercepting streets, alleys, driveways, or other public rights-of-way.

## W

*Wall or Fence.* A structure forming a physical barrier, including, but not limited to, concrete, concrete block, wood, or other materials which are solid and are so assembled as to form a barrier.

*Warehouse Retail.* An off-price or wholesale retail/warehouse establishment exceeding 70,000 square feet of gross floor area and offering a full range of general merchandise to the public.

*Warehouse Retail, Specialty.* An off-price or wholesale retail/warehouse establishment exceeding 30,000 square feet of gross floor area and offering a limited range of merchandise, serving both wholesale and retail customers.

*Washroom.* Any building, which contains individual laundry facilities and/or bathroom facilities but does not include kitchen facilities.

*Wholesaling, Distribution and Storage.* A business engaged in storage and distribution and having five or fewer heavy trucks (having a rating of more than 10,000 pounds and/or an unladen weight of more than 6,000 pounds) on the premises at any one time. Wholesaling establishments may include no more than ten percent or 1,000 square feet of floor area, whichever is less, for the incidental direct sale to consumers of only those goods distributed wholesale. This classification excludes "Mini-warehouses or self-storage facilities" and "Vehicle towing/storage."

*Wholesale Dry-Cleaning Plant.* A dry-cleaning establishment having at least 51 percent of its gross sales to licensed dry cleaners.

*Wind Energy Conversion System.* A machine and or equipment that creates electricity from wind energy.

X

Y

*Yard.* An open space on a lot or parcel of land, other than a court, unoccupied and unobstructed by a building from the ground upward.

*Yard, Front.* A yard extending across the full width of the lot or parcel of land. The depth of a required front yard shall be a specified horizontal distance between the front lot line, where the front lot line is coterminous with the street line, and the front elevation of the structure located on the parcel.

*Yard, Rear.* A yard extending across the full width of the lot or parcel of land. The depth of a required rear yard shall be a specified horizontal distance between the rear lot line and a line parallel thereto on the lot or parcel of land.

*Yard, Side.* A yard extending from the required front yard, or the front lot line where no front yard is required, to the required rear yard or the rear lot line where no rear yard is required. The width of a required side yard shall be a specified horizontal distance between each side lot line and a line parallel thereto on the lot or parcel of land. Where a side yard is bounded by a street, the width of such required side yard shall be a specified horizontal distance between the side lot line on the street side, where said side lot line is coterminous with the street line of a fully-widened street or the ultimate street line of a partially-widened street, and a line parallel thereto on the lot or parcel of land.

Z

*Zoning Map.* The Official Zoning Map delineating the boundaries of zones within the City of Beaumont.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020; Ord. No. 1137, § 5(Exh. B), 8-3-2021; Ord. No. 1141, § 6(Exh. B), 10-5-2021; Ord. No. 1142, § 5(Exh. B), 10-19-2021)

### 17.16.010 - Purpose.

The provisions of this Chapter are intended to provide opportunities for the development of permanent, affordable housing for small households and for people with special needs in proximity to transit and services, and to establish standards for these small units.

( [Ord. No. 1128](#), § 2(Exh. B), 12-1-2020)

### 17.16.020 - Location.

A single room occupancy facility may be proposed and approved in the Commercial Neighborhood (C-N) or Community Commercial (C-C) Zoning Districts

( [Ord. No. 1128](#), § 2(Exh. B), 12-1-2020)

### 17.16.030 - Project review and approval.

A proposed SRO shall require the approval of a conditional use permit in compliance with [Section 17.02](#).

( [Ord. No. 1128](#), § 2(Exh. B), 12-1-2020)

### 17.16.040 - Development standards.

#### A. *Single Room Occupancy Facilities:*

1. *Density.* A single room occupancy facility is not required to meet density standards of the General Plan.
2. *Common Area.* Four hundred square feet per living unit shall be provided, with at least 200 square feet in area of interior common space, excluding janitorial storage, laundry facilities and common hallways.
3. *Laundry Facilities.* Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every 20 units of fractional number thereof, with at least one washer and dryer per floor.
4. *Cleaning Supply Room.* A Cleaning Supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.

#### B. *Single Room Occupancy Units:*

1. *Unit Size.* An SRO unit shall have a minimum size of 150 square feet and a maximum of 400 square feet.
2. *Occupancy.* An SRO unit shall accommodate a maximum of two persons.

3. *Bathroom.* An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residence with at least one full bathroom per floor.
4. *Kitchen.* An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and stove, range top or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.
5. *Closet.* Each SRO unit shall have a separate closet.
6. *Code Compliance.* SRO units shall comply with all requirements of the California Building Code.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.16.050 - Accessibility.

All SRO units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.16.060 - Management.

- A. *Facility Management.* An SRO facility with ten or more units shall provide on-site management. An SRO facility with less than ten units shall provide management office on-site.
- B. *Management Plan.* A management plan shall be submitted with the development application for an SRO facility and shall be approved by the City. The management plan must address management and operation of the facility, rental procedures, safety and security of residents and building maintenance.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.16.070 - Parking.

Off street parking shall be provided consistent with Chapter 17.05.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.16.080 - Tenancy.

Tenancy of SRO units shall be limited to 30 or more.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.16.090 - Existing structure.

An existing structure may be converted to an SRO facility, consistent with the provisions of this Section.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

### Chapter 17.17 - PAROLEE/PROBATIONER HOME

#### 17.17.010 - Applicability and conditional use permit requirements.

A conditional use permit, pursuant to Chapter 17.02.100 of this Zoning Code, is required for the establishment of any parolee/probationer home.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.17.020 - Development regulations.

Parolee/probationer home shall comply with the development, locational and all other applicable regulations of the Zoning District in which the use is proposed to locate. In addition, the parolee/probationer home shall comply with all of the following locational and operational standards:

- A. *Locational Requirements.* When a conditional use permit for a parolee/probationer home is requested, the parolee/probationer home shall be located:
  1. A minimum of 660 feet away from any existing or proposed school, university, college, student housing, childcare facility, public park, religious institution, hospital, youth facility, or other similar uses, as reasonably determined by the Planning Director. The distance between the parolee/probationer home and school, university, college, student housing, child care facility, public park, religious institution, hospital, youth facility or other similar use shall be measured from the closest exterior wall of the parolee/probationer home and the nearest property line included within the school, university, college, student housing, child care facility, public park, religious institution, hospital, youth facility or other similar use, along a straight line extended between the two points, without regard to intervening structures; and
  2. A minimum of 1,320 feet away from an existing parolee/probationer home or other similar use. The distance between parolee/probationer homes shall be measured from the closest exterior wall of one parolee/probationer home and the nearest property line included within the other parolee/probationer home, along a straight line extended between the two points, without regard to intervening structures. For the purposes of the

locational requirements set forth in this subsection, "other similar use" or an "existing parolee/probationer home" shall also include any residential structure or unit, including any hotel or motel, whether owned and/or operated by an individual or for-profit or nonprofit entity, which houses at least two parolees/probationers, in exchange for monetary or nonmonetary consideration given and/or paid by the parolee/probationer and/or any individual or public or private entity on behalf of the parolee/probationer, including alcohol and/or drug-free residential recovery home, community care facility, residential care facility and other such facilities.

B. *Operational Requirements.* Parolee/probationer homes shall comply with the following operational requirements:

1. Each parolee/probationer home shall be limited to a maximum number of six parolees or probationers, and each bedroom in the house/home may not exceed two parolees or probationers.
2. Multiple-family dwellings or apartments with less than 25 units shall be limited to one parolee/probationer home.
3. Multiple-family dwellings or apartments with 25 or more units shall be limited to two parolee/probationer homes.
4. Notwithstanding the definition of parolee/probationer home in Section 17.17.070 or any other provision of the City of Beaumont Zoning Code or the City of Beaumont Municipal Code, hotels and/or motels with 14 rooms or less cannot provide transient lodging services or accommodations to more than three parolees during any 28 consecutive day period regardless of any length of their respective stays; and hotels and/or motels with 15 rooms or more cannot provide transient lodging services or accommodation to more than five parolees during any 28 consecutive day period regardless of the length of their respective stays.
5. As determined by the Chief of Police or his/her designee, the property owner or a designated on-site manager must live full-time on the site of the parolee/probationer home, and the name and phone number of this individual shall be provided to the Chief of Police or his/her designee.
6. The Police Department shall be provided with a weekly update of the names of all parolees/probationers living at the parolee/probationer home. The updates required by this section may be in any of the following forms: in writing via electronic mail or facsimile.
7. Any owner/operator of an parolee/probationer home and any person designated as a house manager or other staff shall provide his or her full name, current residence and phone number, date of birth, social security number, prior employment history, education, driver's license number, history of criminal convictions, if any, and any other information the Beaumont Police Department reasonably requires to perform a criminal

background check through the State Department of Justice and/or United States Department of Justice. No person shall begin employment with the Parolee/Probationer Home until this information has been provided.

( [Ord. No. 1128](#), § 2(Exh. B), 12-1-2020)

#### 17.17.025 - Conditional use permit findings.

An application for a conditional use permit for parolee/probationer home may be approved and/or modified, in whole or in part, only if the findings in [Section 17.02.100](#) of this Zoning Code are first made. Additionally, in evaluating each request for approval of a conditional use permit for a parolee/probationer home, particular attention shall be directed to the physical relationship and proximity of the proposed use to similar uses on the same or surrounding sites, the compatibility of the proposed use with neighboring uses (i.e., schools, parks, and other similar uses) and to ensuring that the proposed use will not result in harm to the health, safety or general welfare of the surrounding neighborhood or substantial adverse impacts on adjoining properties or land uses.

( [Ord. No. 1128](#), § 2(Exh. B), 12-1-2020)

#### 17.17.030 - Special noticing requirements.

In addition to the notice and hearing requirements required for conditional use permits, all property owners within 1,000 feet of the proposed parolee/probationer home, as measured from the subject property lines, shall be notified of the proposed conditional use permit.

( [Ord. No. 1128](#), § 2(Exh. B), 12-1-2020)

#### 17.17.040 - Public nuisance.

The establishment, maintenance or operation of a parolee/probationer home in violation of the regulations of this section or in violation of the conditions of approval of an approved conditional use permit is declared to be a public nuisance and may be abated by the City pursuant to applicable provision of the City of Beaumont Municipal Code, City of Beaumont Zoning Ordinance or any available legal remedies, including but not limited to civil injunctions.

( [Ord. No. 1128](#), § 2(Exh. B), 12-1-2020)

#### 17.17.050 - Nonconforming use.

Any parolee/probationer home lawfully existing prior to the effective date of the ordinance codified in this section is a legal nonconforming use, subject to applicable nonconforming use regulations of [Chapter 17.08](#) of the City of Beaumont Zoning Ordinance.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

17.17.060 - Amortization.

- A. Any parolee/probationer home regulated under provisions of this section which is a nonconforming use on the effective date of the ordinance codified in this chapter shall be subject to an amortization period expiring one year from the effective date of the ordinance codified in this section.
- B. Amortization—Notice. The Community Development Department shall provide written notice to the property owner or operator at least 120 days prior to the expiration of this amortization period. This notice is not mandatory, and lack of notice shall not be deemed to prevent the City from initiating an action seeking declaratory or injunctive relief against the owner and/or operator of such business. However, if notice of expiration of amortization period is not given, any application by the owner or owner of the parolee/probationer home for an extension of the amortization period shall not be denied on the grounds that it is untimely.
- C. Amortization—Application for Extension.
  - a. The property owner may file an application with the Community Development Department for an extension of the amortization period. The applicant must state:
    - i. Whether a previous extension has been requested and granted, as well as the date of the previous request; and
    - ii. The efforts that will be made to conform by the conclusion of the extended period.
  - b. The property owner's application shall be made in writing and shall be accompanied by the required fee as established by the City Council.
  - c. Any application for an extension of the amortization period shall be made prior to the expiration of the amortization period unless the Planning Community Development Director determines that good cause exists for the late filing of the application.
- D. Amortization—Decision to Grant or Deny Extension.
  - a. The Planning Commission shall hold a public hearing at which time it shall consider the evidence and testimony regarding the request for an extension of the amortization period. The Planning Commission shall grant or deny an application for extension of the amortization period.
  - b. In rendering its decision, the Planning Commission shall determine whether the parolee/probationer home has been provided with a reasonable amortization period commensurate with the investment involved. If the Planning Commission determines that the amortization period is not reasonable, it shall prescribe an amortization period that is commensurate with the investment involved. The burden shall be on the applicant to establish that the extension should be granted.

- c. The Planning Commission shall consider the following factors in making its determination:
  - i. The parolee/probationer homeowner's financial investment in the renting out rooms, units, homes to parolee/probationers;
  - ii. The present actual and depreciated value of business improvements;
  - iii. The applicable Internal Revenue Service depreciation schedules;
  - iv. The remaining useful life of the rental improvements;
  - v. The remaining lease terms, if any;
  - vi. The cost of relocating the parolee/probationer home to a site conforming to the provisions of this chapter, if applicable;
  - vii. The ability of the parolee/probationer home and/or owner to change the use to a conforming use; and
  - viii. The secondary effects of the parolee/probationer home adult business on the health, safety and welfare of surrounding community, residential dwellings, businesses and/or uses if the parolee/probationer home is permitted to extend the amortization period.
- d. The Planning Commission's decision shall be in writing and shall be hand delivered or sent by certified mail to the applicant.
- E. Amortization—Appeal. Any interested person may appeal the decision of the Planning Commission to the City Council in writing within 15 days after the written decision of the Planning Commission in accordance with the provisions of Sections 17.02.060 of this Zoning Ordinance.
- F. Amortization—Public Nuisance. The City Council declares to be a public nuisance any parcel where a parolee/probationer home is operating and where the amortization period as a legal nonconforming use has expired and (a) no application for an extension is on file or has been granted, or (b) no application for parolee/probationer home conditional use permit is on file or has been granted.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.17.070 - Definitions.

- A. Parolee/Probationer. An individual as follows:
  - 1. Convicted of a federal crime, sentenced to a United States federal prison, and received conditional and revocable release in the community under the supervision of a federal probation/parole officer; or
  - 2. Who is serving a period of supervised community custody as defined by State Penal Code 3000, following a term of imprisonment in a State prison or County jail, and is under the jurisdiction of the California Department of Corrections, Division of Adult Parole Operations; or

3. An adult or juvenile individual sentenced to a term in the California Youth Authority and received conditional and revocable release in the community under the supervision of a Youth Authority parole officer; or
4. An adult or juvenile offender released from county jail or state prison after October 1, 2011, on Post Release Community Supervision.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

## Chapter 17.18 - WIRELESS TELECOMMUNICATION FACILITIES

### 17.18.010 - Purpose and intent.

- A. Purpose. The purpose of this chapter is to regulate the location and design of wireless telecommunication facilities.
- B. Intent. The intent of this chapter is to facilitate the orderly development and deployment of wireless telecommunication facilities in a manner that promotes the public health, safety, and welfare of the City's residents and is consistent with the goals and policies of the City of Beaumont's General Plan. It is furthermore intended that, the protection of property values and the enhancement of the City's aesthetic appearance be achieved by maintaining the architectural and structural integrity of wireless telecommunication facilities and the protection of views from obtrusive and unsightly accessory structures. It is further the intent of this chapter to create reasonable regulations in conformance with the provisions of the Telecommunications Act of 1996 and other applicable federal law while ensuring access to telecommunication services and promoting fair competition among telecommunication service providers. Additionally, the intent includes establishing regulations that do not preclude antennas from receiving a signal of acceptable quality or unreasonably delay, prevent, or increase the cost of installation, maintenance, or use of such antennas.
- C. The City has found and determined that the regulations established in this chapter are necessary to attain the purpose and intent as stated. These regulations shall supersede any applicable provisions of the Beaumont Municipal Code pertaining to such wireless telecommunication facilities, including antennas, support structures, and accessory structures.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

### 17.18.020 - Definitions.

For the purposes of this article, and where not otherwise inconsistent with the context of a particular section, the following words, terms, phrases, abbreviations, and derivations shall have the meanings given herein. The word "shall" is always mandatory and not merely directory. If a definition is not listed in this

section, Section 17.14.030 of the Beaumont Municipal Code shall be referenced.

*Antenna* means a device or system of wires, poles, rods, dishes, disc or similar devices used for the transmission and/or receipt of electromagnetic waves.

*Antenna structure* means an antenna, any structure designed specifically to support an antenna, and/or any appurtenances mounted on such structure or antenna.

*Cell* means the coverage area through which wireless receiving and transmitting equipment from a particular cell site successfully propagates.

*CEQA* means the California Environmental Quality Act, Section 21000 et seq. of the Public Resources Code of the State of California.

*City* refers the City of Beaumont, California.

*Colocated* or *colocation* means the location of multiple antennas which are either owned or operated by more than one service provider at a single location and mounted to a common supporting structure, wall, or building.

*Commercial mobile service* means any mobile service that (1) is offered in return for monetary compensation, (2) is available to the public or a substantial portion of the public, and (3) provides subscribers with the ability to access or receive communication from the public switched telephone network. Commercial mobile service includes, but is not limited to, paging service, wireless data transmission, cellular telephone service, specialized mobile radio service (SMR), and personal communications services (PCS).

*Fixed wireless service* means any service providing radio communication to or from antenna structures at fixed and specified locations which are not designed to be moved during operation and which offers the ability to access or receive communication from the public switched telephone network.

*Ground mounted* means a wireless telecommunication facility that is mounted to a monopole or other freestanding structure that is specifically constructed for the purpose of supporting an antenna.

*Lattice tower* means a tower-like structure used to support antennas and comprised of up to two or more steel support legs.

*Microwave communication* means the transmission or reception of radio communication at frequencies of a microwave signal (generally, in the 2GHz to 300GHz frequency spectrum).

*Mobile service* means any temporary service providing radio communication to or from at least one antenna that is designed to be moved during operation or used during halts at unspecified locations; or as otherwise defined in 47 USCS Section 153 and interpreted by the Code of Federal Regulations and the Federal Register.

*Monopole* means a structure composed of a single spire, pole, or tower used to support antennas or related equipment.

*Mounted* means any manner of attachment, support, or connection, whether on the ground or on a structure.

*Multipoint distribution service* means a microwave communications service that delivers video programming directly to subscribers, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or as otherwise defined by Section 207 of the Telecommunications Act of 1996, Section 1.4000 of Title 47 of the Code of Federal Regulations and any interpretive decisions thereof issued by the Federal Communications Commission.

*Radio communication* means the transmission and/or reception of impulses, writing, signs, signal, pictures, and sounds of all kinds through space by means of electromagnetic waves.

*Roof mounted* means a facility that is mounted on any structure that is not specifically constructed for the purpose of supporting antennas, does not meet the definition of a ground, wall, or utility mounted facility, and is typically mounted on the roof of a building.

*Satellite antenna* means a device used to transmit and/or receive radio or electromagnetic waves between terrestrially and orbitally-based uses. This definition is meant to include, but not limited to, what are commonly referred to as satellite earth stations, TVROs (Satellite Television Receiving Antenna), and satellite microwave antennas.

*Stealth facility* means any wireless telecommunication facility which is designed to blend into the surrounding land, typically one that is architecturally integrated into a building or other concealing structure, also known as a disguised or stealth facility.

*Structure* is as defined in Section 17.14.030.

*Surplus space* or *surplus capacity* means that portion of usable space on a utility pole or other telecommunication facility which has the necessary clearance from other users, as required by the orders and regulations of the California Public Utilities Commission to allow its use by a telecommunication carrier.

*Telecommunication* means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

*Utility mounted* means a facility that is mounted to an existing above-ground structure that is specifically designed and originally installed to support electrical power lines, cable television lines, street lighting, traffic signal equipment, park lighting or a structure on public or private property deemed by the City to be similar in nature.

*Wall mounted* means a facility that is mounted on any vertical surface or nearly vertical surface of a building or other existing structure that is not specifically constructed for the purpose of supporting an antenna: the exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign such that the highest point of the antenna is at an elevation equal to or lower than the highest point of the surface on which it is mounted.

*Wireless telecommunication carrier, wireless carrier, or carrier* means 1) any owner, by way of fee ownership, lease, or management agreement of any wireless telecommunication system or wireless telecommunication facilities, or 2) the direct or indirect provider of wireless telecommunication services whether the wireless telecommunication service is offered by the owner of the wireless telecommunication system, an affiliate, or related entity, by way of ownership, lease, control, or operation of a wireless telecommunication system. A person shall be deemed a wireless telecommunication carrier, even if it does not directly provide wireless telecommunication services, if it rents or leases a wireless telecommunication system and/or wireless telecommunication facilities to another person which provides wireless telecommunication services.

*Wireless telecommunication accessory equipment, wireless accessory equipment, accessory equipment, or equipment* means any equipment installed, mounted, operated, or maintained in close proximity to an antenna structure or to receive, transmit, or store signals or information received by or sent from an antenna. For the purposes of this chapter, facilities are categorized by the manner in which antennas are mounted and not by the placement of accessory equipment. It is presumed that all facilities shall include accessory equipment, which shall not affect how the facility is mounted.

*Wireless telecommunication facility, wireless facility, or facility* means an antenna structure and any accessory structure or accessory equipment that is used in connection with the provision of wireless telecommunication service.

*Wireless telecommunication service, wireless service, or service* means any type of service providing radio communications that satisfies the definition of commercial mobile service, fixed wireless service, wireless video service, wireless cellular service, or wireless voice service.

*Wireless video service* means any service providing radio communication which delivers video programming.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.18.030 - Applicability.

Subject to the exemptions established in section 17.18.140 and 17.18.210, wireless telecommunication facilities shall comply with the provisions of this chapter as follows:

A.

All wireless telecommunication facilities which are erected, located, or modified within the City on or following the effective date of this section shall comply with the provisions of this chapter.

- B. All wireless telecommunication facilities for which a conditional use permit application was determined by the City to be complete prior to the effective date of this section but did not receive approval of the conditional use permit prior to the effective date of this ordinance shall comply with the provisions of this chapter.
- C. All wireless telecommunication facilities for which a conditional use permit, building permits and any extension thereof have expired shall comply with the provisions of this chapter.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.18.040 - Exempt facilities.

- A. The following uses shall be exempt from the provisions of this chapter until such time as federal regulations are repealed or amended to eliminate the necessity of the exemption:
  1. Any antenna structure that is one meter (39.37 inches) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, as defined by Section 207 of the Telecommunications Act of 1996, Title 47 of the Code of Federal Regulations, and any interpretive decisions thereof issued by the Federal Communications Commission.
  2. Any antenna structure that is two meters (78.74 inches) or less in diameter located in a commercial or industrial zone and is designed to transmit or receive radio communication by satellite antenna.
  3. Any antenna structure that is one meter (39.37 inches) or less in diameter or diagonal measurement and is designed to receive multipoint distribution service, provided that no part of the antenna structure extends more than 12 feet above the principal building on the same lot.
- B. The following uses shall be exempt from the provisions of this chapter, so long as the antenna structure complies with all other zoning requirements:
  1. Any antenna structure that is designed and used solely to receive UHF, VHF, AM, and FM broadcast signals from licensed radio and television stations.
  2. Any antenna structure that is designed and used solely in connection with authorized operations of an amateur radio station licensed by the FCC (i.e., a "HAM" radio transmission).

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.18.050 - Nonconforming facilities.

- A. All wireless telecommunication facilities for which a request for final approval or equivalent certificate was completed by the City prior to the effective date of this article shall be subject to Chapter 17.08 of the Beaumont Municipal Code regarding non-conformities and any additions and/or modifications to the facility or its use shall comply with the provisions of this chapter.
- B. All wireless telecommunication facilities for which a conditional use permit was approved by the City prior to the effective date of this chapter and a request for final approval or equivalent certificate has been completed by the City within 90 days of the effective date of this article shall be subject to Chapter 17.08 of the Beaumont Municipal Code regarding non-conformities and any additions and/or modifications to the facility or its use shall be subject to the provisions of this chapter.
- C. All wireless telecommunication facilities constructed or erected prior to the effective date of this chapter that are in violation of applicable laws, ordinances, or other regulations shall be considered an illegal nonconforming facility and shall be subject to abatement as a nonconforming use pursuant to Chapter 17.18 of the Beaumont Municipal Code.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.18.060 - Distances

- A. For the purposes of this chapter, all distances shall be measured in a straight line without regard to intervening structures, from the nearest point of the proposed wireless telecommunication facility to the relevant property line at a point five feet above the ground.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.18.070 - Processing procedures.

- A. All stealth and non-stealth facilities shall be permitted in the applicable zone subject to the following table:

<b><i>Zone</i></b>	<b><i>Stealth Facility</i></b>	<b><i>Non-Stealth Facility</i></b>
RC, CG, CC, M, CM, 6th St., BAO & UV0	CUP	Not permitted
PF, RR, RSF & RMF	Not permitted	Not permitted

B.

All conditional use permits required for stealth facilities shall be subject to the City's design review committee. No application for a wireless telecommunication facility shall be considered by the Planning Commission prior to receiving the Development Review Committee's recommendation.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.18.080 - Application requirements.

- A. Each applicant applying for a conditional use permit to construct, locate, mount, operate, and maintain a telecommunication facility shall submit a completed conditional use permit application per the requirements of section 17.02.100 of the Beaumont Municipal Code.
- B. In addition to the requirements of section 17.02.100 for submittal of a conditional use permit application, each submittal to construct, locate, mount, operate, and maintain a wireless telecommunication facility shall provide, as part of the application submittal, supplemental information as required in this section and determined by the Community Development Director to be necessary to provide sufficient information to meet the intent of this chapter.
- C. Each application shall contain an accurately dimensioned site plan that shows
  1. The location of the entire facility, including antenna structure, accessory structures and support equipment;
  2. The location of all guy-wires;
  3. The location of all above and below ground wiring and connection cables;
  4. The location of existing and proposed easements on the property affecting any part of the facility;
  5. The location, size and type of existing and proposed landscaping; and
  6. The distance between the antenna structure and any existing or proposed accessory structures and supporting equipment.
- D. Each application shall provide accurately dimensioned elevations that show
  1. Each side of the entire facility, including antenna structure, accessory structures and support equipment, with dimensions identified;
  2. The height of any existing and proposed structure(s) and support equipment; and
  3. The height of any panels, microwave dishes, or antennas.
- E. Each application shall contain a letter of justification accompanied by written documentation that explains the applicant's efforts to locate the facility in accordance with the screening and site selection criteria contained in sections 17.18.190 and 17.18.200.
- F. Each application shall contain a narrative, photographs, and a map that discloses the exact location and illustrates the type and construction of any and all existing facilities that are owned, operated or used by the applicant within the City, or within one mile of its borders, as well as any

proposed or planned sites within said boundary that may reasonably be known to the applicant at the time the application is made.

- G. Each application shall contain a narrative and appropriate map that disclose the purpose of the facility and the service to be provided, the geographic area(s) within the City that will be serviced by the proposed facility, and the geographic area(s) bordering the City, if any, that will be serviced by the proposed facility.
- H. Each application shall contain a radio-frequency (RF) report prepared by a qualified RF engineer to demonstrate that the proposed facility, as well as any colocated facilities, complies with current Federal RF emission standards. This RF report shall also include signal strength exhibits, including calculations and measurements under maximum loading conditions.
- I. Each application shall contain computerized visual assessments or other exhibits equivalent in form and manner acceptable to the Planning Director showing the before and after visual appearances of the proposed facility.
- J. Each application shall contain a description of the required maintenance visits to the site and security proposed to protect the site from vandalism and trespass.
- K. Each application shall contain a preliminary environmental review in accordance with the City submittal requirements, with special emphasis placed on the nature and extent of visual and public health and safety impacts to the extent permitted by federal law.
- L. Each application shall contain evidence of any required licenses and approvals to provide wireless telecommunication service.
- M. Applicants are separately required to obtain all applicable federal, state and local permits, including building and construction permits that may be required prior to erecting or installing the facility, including, but not limited to, a certificate of public convenience and necessity for a facility in the public right-of-way.
- N. Each application shall provide any other necessary information as may be required by the Planning Director.
- O. The Community Development Director shall determine applicable entitlement processing fees and deposits for the application, as established by City Council resolution, including any applicable contract staff fees and/or deposits for the purpose of review of the application.
- P. Any application that is improperly submitted or fails to contain all of the information as required by the Beaumont Municipal Code, including this chapter, shall be deemed incomplete.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.18.090 - General development standards and guidelines for wireless facilities.

- A. Development standards for stealth facilities. All wireless telecommunication facilities shall comply with each of the following requirements:

1. A facility shall not bear any signs or advertising devices other than certification, public safety, warning, or other required seals or required signage.
2. Any and all accessory equipment associated with the operation of the facility, including but not limited to transmission cables, shall be located within a building, an enclosure, or underground vault in a manner that complies with the development standards of the zone in which such accessory equipment is located. In addition, if equipment is located above ground, it shall be visually compatible with the surrounding buildings and natural features and either shrouded by sufficient landscaping or natural features to screen the equipment from view or designed to match the architecture of adjacent buildings. If accessory equipment will be visible from a residential area or an arterial street, the applicant shall provide a solid masonry block wall that will screen the equipment or other material that is determined acceptable through the approval process.
3. The facility's exterior finish shall be comprised of non-reflective material(s) and painted, screened, or camouflaged to blend with the materials and colors of surrounding buildings or structures.
4. All screening used in connection with a wall mounted and/or roof mounted facility shall be compatible with the architecture, color, texture, and materials of the building or structure to which it is attached.
5. All antennas shall be designed to prevent unauthorized climbing.
6. Facilities shall not be illuminated unless specifically required by the Federal Aviation Administration or other governmental agencies.
7. The applicant and the property owner if different from the applicant shall consent to future colocation of other facilities on or with the applicant's facility, unless technological or structural requirements preclude that colocation.
8. For the purpose of determining setback requirements, a wireless telecommunication facility shall be considered a principal structure and shall comply with the setback requirements of the zone in which it is located.
9. Wireless telecommunications facilities shall meet all of the height regulations of the underlying zone.
10. Wireless telecommunication facilities shall be located at least 50 feet from any public right-of-way

B. Development guidelines for wireless facilities. In review of all wireless telecommunication facilities, the City shall, in addition to the above requirements, consider the following guidelines in conjunction with the processing of a conditional use permit:

1. The proposed facility should blend into the surrounding environment or be architecturally integrated into a concealing structure.

2. The proposed facility should be screened or camouflaged by existing or proposed new topography, vegetation, buildings, or other structures. Any such improvements shall be appropriate for and compatible with the site and surrounding area.
3. The total size of proposed facility should be compatible with the surrounding and supporting structures.
4. If feasible, the location of the proposed facility should conform to the following in order of preference:
  - a. Colocated with an existing facility or located at a pre-approved location.
  - b. Attached to an existing structure such as an existing building, communication tower, church steeple or utility.
  - c. Located in an industrial zone.
  - d. Located in a commercial zone.
5. The proximity of the proposed facility to residential structures and to boundaries of residential zones.
6. The availability of suitable alternative locations for the facility.
7. The nature of existing uses on adjacent and nearby properties.
8. Proposed ingress and egress to the facility.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.18.100 - Additional development standards for stealth facilities.

- A. Additional development standards for stealth facilities. In addition to the requirements of Section 17.18.190, the following requirements shall apply to wireless facilities:
  1. *All wireless facilities.*
    - a. No portion or extension of a wireless facility shall protrude beyond property lines or extend into any portion of property where such facility is not itself permitted; provided, however, that the City may approve the location of guy wires in a required setback if such approval is consistent with the guidelines and requirements set forth in this chapter.
    - b. Construction of new lattice towers and the extension or expansion of an existing lattice tower shall not be permitted.
    - c. If a proposed wireless facility cannot be colocated, it must be sited at least 1,500 feet from any existing wireless facility unless the approving authority finds that a shorter distance is required for technological reasons, or that it would result in less visual obtrusiveness in the surrounding area. If the approving authority finds that colocation is not a feasible

option and that a new facility may be located less than 1,500 feet from an existing wireless facility, the new facility should be located at least 500 feet from the existing facility.

d. A wireless facility shall not be located within 300 feet of any property line of a residential zoning classification or a property line containing a residential use.

2. *Ground mounted facilities.*

- a. A ground mounted facility shall not be located in a required parking area, vehicle maneuvering area, vehicle/pedestrian circulation area or area of landscaping such that it interferes with, or in any way impairs, the utility or intended function of such area.
- b. A ground mounted facility should be located in close proximity to existing above ground utilities, such as electrical tower or utility poles (not scheduled for removal or undergrounding in the next 18 months), light poles, trees of comparable height, water tanks and other areas where the facility will not detract from the image or appearance of the City.
- c. No part of a ground mounted facility should be located in any required setback.
- d. A ground mounted facility shall not be permitted unless the approving authority finds that based upon evidence submitted by the applicant, no existing building or support structure can reasonably accommodate the proposed the facility. Evidence supporting this finding may consist of any of the following:
  - 1) No existing buildings or support structures are located within the geographic area proposed to be served by the applicant's facility.
  - 2) Existing buildings or support structures are not of sufficient height or structural strength to satisfy the applicant's operational or engineering requirements.
  - 3) The costs, fees, or contractual provisions required by a property owner, or by an incumbent wireless telecommunication service provider, in order to colocate a new antenna array on an existing building or structure, or to adapt an existing building or structure for the location of the new antenna array, are unreasonable.
- e. There are other limiting factors that render existing buildings and structures unsuitable for use by the applicant.
- f. A ground mounted facility shall be secured from access by the general public with a fence or other form of screening approved by the approving authority.
- g. A ground mounted facility shall be covered with a clear anti-graffiti material of a type approved by the Community Development Director. The Community Development Director may grant an exception to this requirement if the applicant demonstrates to the satisfaction of the Community Development Director that the design of the facility is adequate to prevent graffiti.

- h. No ground mounted facility shall exceed the maximum building height for the applicable zone in which it is located unless both of the following findings are made by the approving authority:
  - 1) The applicant has satisfactorily demonstrated that exceeding the height limitation is necessary for operation of the facility; and
  - 2) The facility is colocated, or contains adequate space suitable for future colocation, and the height in excess of zoning requirements is necessary to the proposed shared use.

3. *Roof mounted facilities.*

- a. A roof mounted facility may only exceed the height of the building on which it is mounted by a maximum of 15 feet, but only if one of the following findings is made by the approving authority:
    - 1) The applicant has satisfactorily demonstrated that the proposed height is the minimum necessary for proper operation of the facility.
    - 2) The facility is colocated, or contains adequate space suitable for future colocation, and the height in excess of the existing building is necessary for the proposed shared use.
  - b. A roof mounted facility that extends above the existing height of the building on which it is mounted shall be screened by a material and in a manner that is compatible with the existing design and architecture of the building.
  - c. A roof mounted facility, requiring the placement of any guy wires, supporting structures, or accessory equipment shall be located and designed so as to minimize the visual impact as viewed from surrounding properties and public streets, including any pertinent public views from higher elevations.

4. *Utility mounted facilities not within the public right-of-way.*

- a. A utility mounted facility shall not exceed the maximum building height for the applicable zone in which it is located unless the approving authority determines the applicant has satisfactorily demonstrated that exceeding the height limitation is necessary for proper operation of the facility.

A utility mounted facility shall not exceed the height of the existing utility pole or structure by more than four feet unless the approving authority determines the applicant has satisfactorily demonstrated that exceeding the four-foot limitation is necessary for proper operation of the facility.

- b. A utility mounted facility shall not protrude or extend horizontally more than 18 inches from the existing utility pole or structure unless the approving authority determines the applicant has satisfactorily demonstrated that exceeding the 18-inch limitation is

necessary for proper operation of the facility or required by the owner of the existing utility pole or structure.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

#### 17.18.110 - Public property facilities.

A. *Private telecommunication facilities located on City-owned or operated property, other than public rights-of-way.* Privately owned or operated telecommunication facilities may be located on property owned or operated by the City, subject to the City Council's approval of a negotiated lease agreement between the telecommunication service provider and the City or its representative. Telecommunications facilities to be located on City-owned or operated property shall not be required to obtain a conditional use permit under the provisions of Sections 17.18.100 et seq. The lease agreement shall set forth requirements for a wireless facility which are substantially consistent with the development standards and conditions of sections 17.18.100 et seq. and Chapter 5.36. The lease agreement shall also contain operating covenants substantially consistent with the objectives of Sections 70.18.100 et seq. and Chapter 5.36 in order to protect the public health, safety and welfare.

1. Notwithstanding subsection (1) above, the lease agreement approving the location of privately owned or operated telecommunications facilities on City-owned or operated property shall be subject to all applicable environmental regulations including but not limited to the California Environmental Quality Act and the Western Riverside County Multiple Species Habitat Conservation Plan.

B. *Public telecommunication facilities.*

1. The location, installation, and operation of any telecommunication facilities or other communication facilities owned or operated by the City on property owned or operated by the City, or within its right-of-way shall not be subject to the provisions of this article.
2. The location, installation, and operation of any telecommunication facilities or other communication facilities owned or operated by any other governmental entity other than the City on property owned or operated by the City, or within its right-of-way, shall be subject to the provisions of subsection (a) above, unless the City Council, by four-fifths vote of its membership and a finding of public necessity, exempts the facility from such requirements.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

#### 17.18.120 - Review, modification, and revocation of permits.

A. Any permit granted or approved pursuant to this chapter shall be granted or approved by the City with the reservation of the right and jurisdiction to review and modify the permit (including the conditions of approval) based on changed circumstances. Changed circumstances include,

but not limited to, the following in relation to the approved facility as described and diagramed in the approved application materials: increased height or size of the facility; additional impairment of the views from surrounding properties; change in the type of antenna or supporting structure; changed color or materials; substantial change in location on the site; and an effective increase in signal output above or near the maximum permissible exposure limits imposed by the revised radio frequency emissions guidelines by the Federal Communications Commission.

- B. The reservation of right to review any permit approved hereunder by the City is in addition to, and not in lieu of, the right of the City to review, suspend, revoke, or modify any permit approved hereunder for any violations of the conditions imposed on such permit.
- C. Upon review, any changed circumstance as determined by the Community Development Director shall require the application and approval of a modification to the original administrative plot plan or conditional use permit, provided that any modification to accommodate colocated facilities may be approved administratively.
- D. Any review, suspension, revocation, or modification of a permit shall be in accordance with the procedures set forth in Section 17.02.070 for an administrative plot plan and Section 17.02.100 for a conditional use permit.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.18.130 - Removal of facilities.

- A. The operator of a lawfully erected facility, and the owner of the premises upon which it is located, shall promptly notify the Community Development Director in writing in the event that use of the facility is discontinued for any reason. In the event that discontinued use is permanent, then the owner(s) and/or operator(s) shall promptly remove the facility, repair any damage to the premises caused by such removal, and restore the premise as appropriate such as to be in conformance with applicable zoning codes. All such removal, repair and restoration shall be completed within 90 days after the use is discontinued and shall be performed in accordance with all applicable health and safety requirements. For the purposes of this paragraph, a discontinued use shall be permanent unless the facility is likely to be operative and used within the immediately following three-month period.
- B. A facility that is inoperative or unused for a period of six continuation months shall be deemed abandoned. Written notice of the City's determination of abandonment shall be provided to the operator of the facility and the owner(s) of the premises upon [which] the facility is located. Such notice may be delivered in person or mailed to the address(es) stated on the facility permit application, shall be deemed given at the time delivered or placed in the mail. A written notice of the City's determination of abandonment shall be mailed or delivered to the operator of the facility at the address stated in the relevant permit application.

The operator of the facility and the owner(s) of the property on which it is located, shall within 30

days after notice of abandonment is given either (1) remove the facility and restore the premises, or (2) provide the Planning Department with written objection to the City's determination of abandonment and request for hearing before the Planning Commission. If a written objection is timely received and a hearing is properly requested, the hearing shall be set and notice given as prescribed in section 17.02.050. The operator and/or owner shall be given the opportunity to provide evidence that the facility was in use during the relevant six-month period and that it is presently operational. The operator and/or owner shall be given the opportunity to cross-examine any witness providing evidence to the contrary. The Planning Commission shall review all evidence, determine whether or not the facility was properly deemed abandoned, and provide the operator notice of its determination.

- C. The City may remove the abandoned facility, repair any and all damage to the premises caused by such removal, and otherwise restore the premises as is appropriate to be in compliance with applicable Code at any time: 1) after 30 days following the notice of abandonment, or 2) following a notice of decision by the Planning Director, if applicable, subject to the owner/operators right of appeal under this Code. The City may, but shall not be required to, store the removed facility (or any part thereof). The owner of the premises upon which the abandoned facility was located, and all prior operators of the facility shall be jointly liable for the entire cost of such removal, repair, restoration and storage, and shall remit payment to the City promptly after demand therefore is made. The City may, in lieu of storing the removed facility, convert it to the City's use, sell it, or dispose of it in any manner deemed by the City to be appropriate.
- D. The operator of the facility, and the owners of the premises upon which it is located shall be in violation of this chapter for failure to timely comply with any requirements hereunder. Each such person shall be subject to penalties for each such violation, pursuant to this Code.
- E. Until the cost of removal, repair, restoration and storage is paid in full, a lien shall be placed on the personal property and any real property on which the abandoned facility was located, for the full amount of the cost of removal, repair, restoration and storage. The Planning Director shall cause the lien to be recorded in the Riverside County Recorder's Office.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.18.140 - Severability.

If any provisions or clause of this Chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other Chapter provisions, clauses or applications thereof which can be implemented without the invalid provision, clause or application thereof, and to this end the provisions and clauses of this Chapter are declared to be severable.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

## Chapter 17.19 - DOWNTOWN ZONE DISTRICTS

## 17.19.010 - Purpose and authority.

The purpose of this Chapter 17.19 is to accomplish the following:

- To implement the Downtown Area Plan of the City of Beaumont General Plan and the Land Use Policy Map;
- To identify and describe the land use designations delineated on the City of Beaumont Official Zoning Map;
- To indicate the development standards for each of the Zone Districts; and
- To identify the range of uses permitted within each Zone District.

( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

## 17.19.020 - Establishment of zone districts.

For the purpose of providing a uniform basis for this Zoning Ordinance, the following zone classifications may be applied to those parcels located within the City of Beaumont Downtown boundaries:

Downtown Mixed Use Zone (DMU Zone)

Beaumont Mixed Use Zone (BMU Zone)

Sixth Street Mixed Use Zone (SSMU Zone)

Sixth Street Mixed Use - Residential Zone (SSMU-R Zone)

Local Commercial Zone (LC Zone)

Downtown Residential Multifamily Zone (DMF Zone)

Other zone classifications that apply to Downtown, which are governed by Chapter 17.03, are as follows:

Residential, Single Family Zone (R-SF Zone)

Residential, Traditional Neighborhood Zone (R-TN Zone)

Public Facilities Zone (P-F Zone)

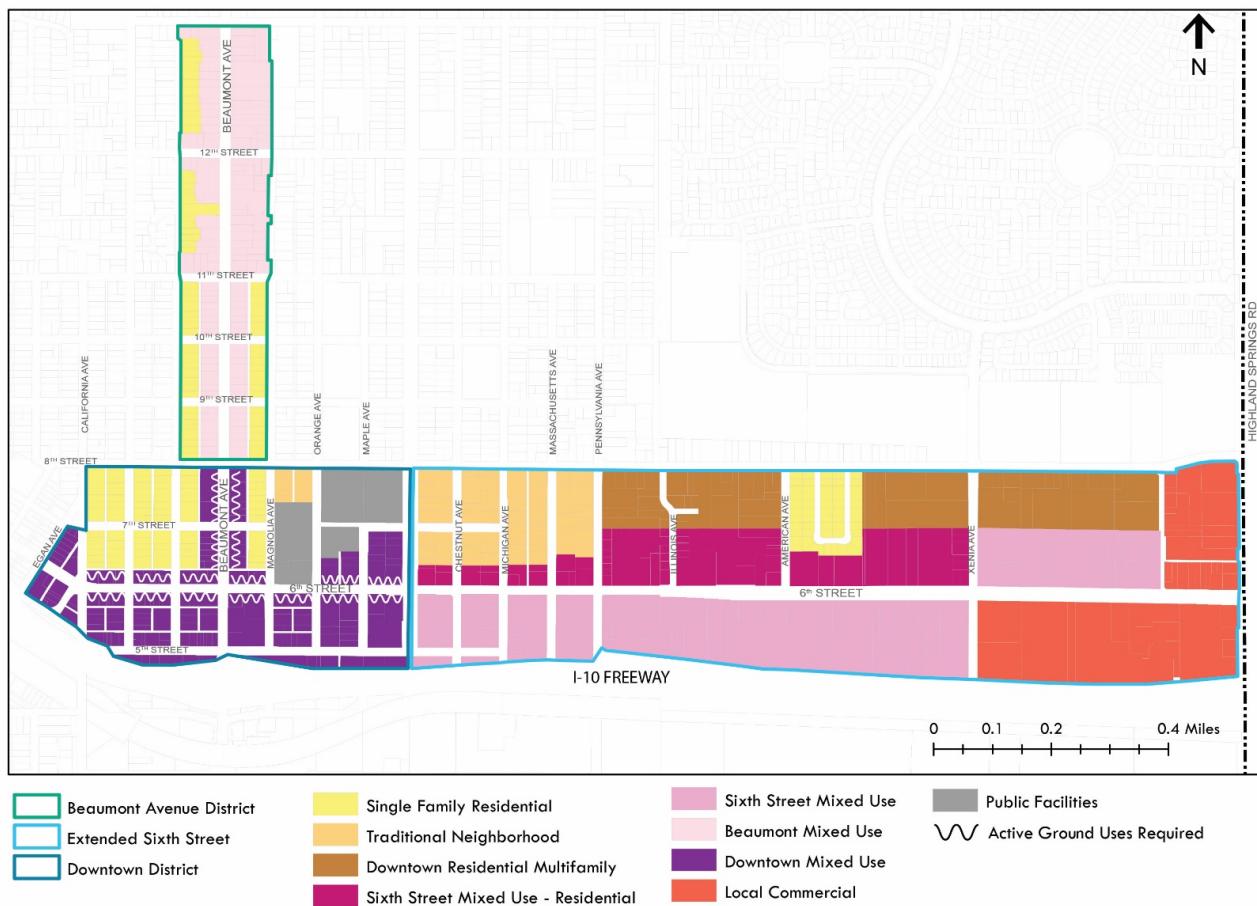
( Ord. No. 1128, § 2(Exh. B), 12-1-2020)

## 17.19.030 - Zoning map.

The location and boundaries of the various zones within Downtown are delineated on the zoning map of the City of Beaumont. Figure 17.19-1 illustrates the zone districts for Downtown. All property within the Downtown, public and private, is assigned a specific Zone designation and its location and extent is noted on the official zoning map. The use of all property must be in accordance with the Zoning designations delineated on the zoning map and pursuant to the provisions of this Zoning Code.

- A. *Use of Zoning Map and Classifications.* The requirements that are applicable to each Zone classification is specifically set forth in subsequent articles of this ordinance.
- B. *Uncertainty in Cartography.* Where uncertainty exists as to the boundaries of any zone, the following rules shall apply:
  1. *Cartography.* Where boundaries are indicated as approximately following street lines, alley lines, or lot lines, such lines shall be construed to be such boundaries.
  2. *Easements and Rights-of-Way.* Dedicated streets, alleys, freeways, or railroad rights-of-way shall be deemed to be unclassified.
  3. *Vacated or Abandoned Property.* If any public street, alley or other right-of-way is vacated or abandoned, the land formerly in such street, alley or right-of-way shall be included within the Zoning of the adjoining property on each side.
  4. *Amendments to the Official Zoning Map.* Changes in boundaries of Zones shall be made by ordinance (as described in Section 17.02). All amendments to the zoning map shall be noted on the Map with the date of the amendment and references to the amending ordinance.

Figure 17.19-1. Downtown Zones



(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

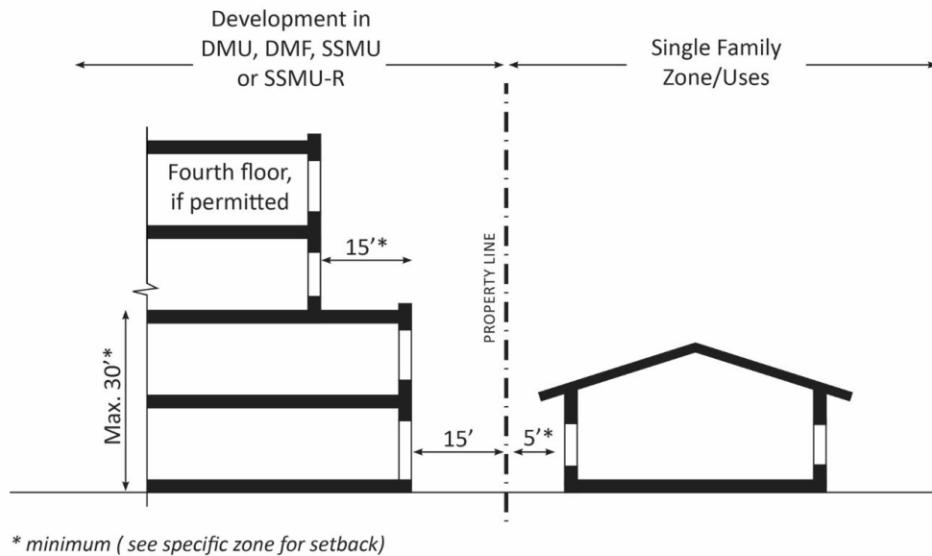
#### 17.19.040 - Downtown Mixed Use Zone (DMU Zone).

The Downtown Mixed Use (DMU) Zone is intended to provide for a rich and diverse mixture of office, retail, commercial, civic, entertainment, and cultural activities in a lively, thriving, high-quality pedestrian environment which incorporates mixed use development. Active and retail uses are required along the Sixth Street (between California and Palm Avenues) and Beaumont Avenue (between 5th and 8th Street) street frontages to create a walkable, pedestrian-oriented and vibrant environment. This Zone is also intended to allow for residential uses on the upper floors (residential uses are not permitted on the first floor along Sixth Street and Beaumont Avenue to ensure that the Downtown character is maintained).

- Downtown Mixed Use Zone, Permitted Uses.* The uses permitted under this Zone District are identified in Table 17.19-1 of this Section.
- Downtown Mixed Use Zone, Conditional Uses.* The uses conditionally permitted under this Zone District are identified in Table 17.19-1 of this Section. Such uses require the approval of a conditional use permit.
- Downtown Mixed Use Zone, Development Standards.* The following standards shall apply to the Downtown Mixed Use Zone (DMU Zone):

1. *Lot Area and Dimensions.* No minimum requirement.
2. *Setbacks and Yards.* The following setback requirements are applicable to the Downtown Mixed Use Zone (DMU Zone):
  - a. *Front Yard Setbacks.* No front yard setback is required for commercial uses; five-foot maximum setback for residential development.
  - b. *Rear Yard Setbacks.* No rear yard setback is required, except when adjacent to single family residential use. The rear yard setback is 20 feet when adjacent to single family residential use.
  - c. *Side Yard Setbacks.* No side yard setback is required, except when adjacent to single family residential use. The side yard setback is 15 feet when adjacent to single family residential use.
  - d. *Freeway Setbacks for Residential Uses.* Residential uses shall have a minimum setback of 500 feet from Interstate 10.
3. *Density.* The maximum density shall be 15 units per acre.
4. *Floor Area Requirements.* The maximum permitted floor area ratio is 0.35. The floor area ratio standard applies to non-residential uses only.
5. *Building Height.* In the Downtown Mixed Use Zone (DMU Zone), the maximum height of any building shall not exceed 3 stories or 45 feet.
6. *Step back from Adjacent Residential.* New development when sited next to single-family uses shall step back upper floors (third and higher) an additional 15 feet to maintain solar access and privacy for adjacent single family residential uses. See Figure 17.19-2.

**Figure 17.19-2. Step Back from Adjacent Residential Uses**



D.

*Downtown Mixed Use Zone, Off street Parking.* Automobile storage space shall be provided as indicated in Chapter 17.05.

- E. *Downtown Mixed Use, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply, except where they conflict with standards allowed in this Zone (e.g., no front yard setback).
- F. *Downtown Mixed Use Zone, Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.
- G. *Accessory Dwelling Units.* Accessory dwelling units are allowed consistent with the standards applicable to the DMU Zone and State law.
- H. *Street Trees.* A minimum of one tree shall be located along every 40 feet of street frontage. Street trees shall comply with applicable standards in Section 17.06.110 (Street trees).
- I. *Adjacency to Interstate 10.* The following standards apply to development that are within 500 feet of Interstate 10 as measured from its right-of-way:
  - 1. Locate occupied open space areas (play areas, courtyards, patios, balconies, etc.) as far from the freeway as possible when the size of the site permits.
  - 2. Prioritize the location of non-habitable uses, such as parking structures and building areas not calculated in floor area, nearest the freeway.
  - 3. Screen the project site with substantial vegetation and/or a wall barrier.
  - 4. Provide special noise mitigation for residential uses in this zoning district that are within 500 feet of Interstate 10.
- J. *Supplemental Standards.* These Supplemental Standards apply to development within DMU Zone:
  - 1. *Limitations on Location of Parking.* Above ground parking shall not be located within 40 feet of a street facing property line unless the Director makes the following findings:
    - a. The site is small and/or constrained such that underground parking or surface parking located more than 40 feet from the street is not feasible; and
    - b. The parking area located within 40 feet of the street is landscaped along the street with a hedge, trellis, and/or landscaping consistent with Chapter 17.06.
  - 2. *Building Transparency/Required Openings.* Exterior walls facing and within 20 feet of a front or street side property line shall include windows, doors, or other openings for at least 50 percent of the building wall area located between two and one-half and seven feet above the level of the sidewalk. Such walls may run in a continuous plane for no more than 30 feet without an opening.
    - a.

*Design of openings.* Openings fulfilling this requirement shall have transparent glazing and provide views into display areas, sales areas, work areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.

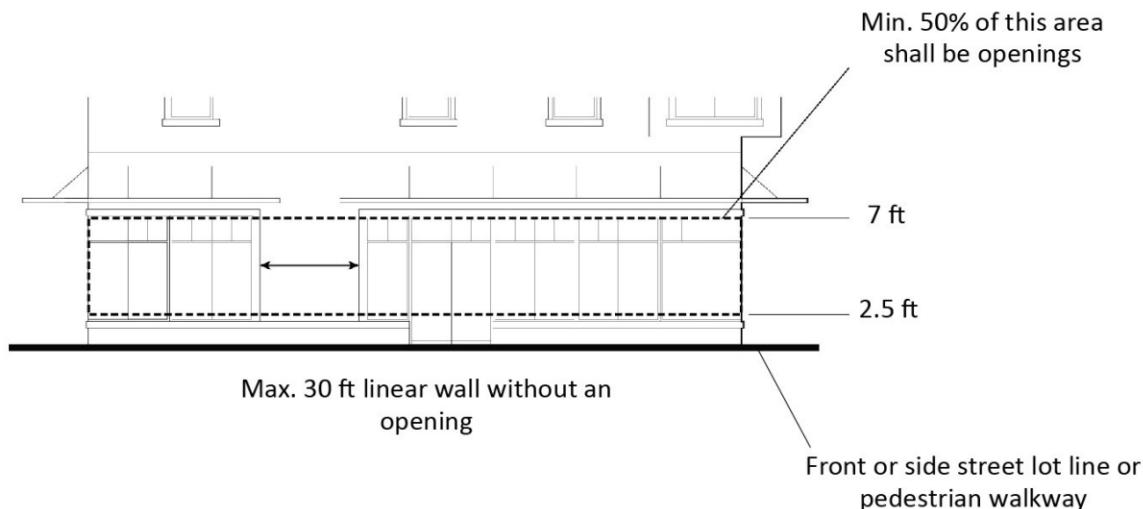
b. *Exceptions.* The following are exempt from this requirement:

1. Residential uses; and
2. Multi-level garages.

c. *Reductions.* This requirement may be reduced or waived if the Director makes the following findings:

1. The proposed use has unique operational characteristics with which providing the required transparency and openings is incompatible; and
2. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping to create visual interest at the pedestrian level.

**Figure 17.19-3. Building Transparency/Required Openings Exhibit**



3. *Building Orientation.* Building frontages shall be generally parallel to streets and pedestrian walkways.
4. *Building Entrances.* The primary building entrance shall face a public sidewalk. Buildings located in the interior of a site shall have the primary entrance face a pedestrian walkway that is connected to a public sidewalk.
5. *Wall Plane Modulation.* All street-facing façades shall have at least one horizontal or vertical projection or recess at least two feet in width and depth, for every 50 horizontal feet of wall.
6. *Pedestrian Access.* On-site pedestrian circulation and access shall be provided consistent with the following standards.
  - a.

*Internal connections.* A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

- b. *To circulation network.* Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes or trails shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
- c. *To neighbors.* Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
- d. *To transit.* Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
- e. *Pedestrian walkway design.*
  1. Walkways shall be a minimum of six feet wide, shall be hard-surfaced, and paved with permeable materials. Walkway widths may be reduced to three feet wide for small lot development (Section 17.11.030.D).
  2. Where a required walkway crosses a driveway, parking area, or loading area, it must be clearly identified using a raised crosswalk, a different paving material, or a similar method.
  3. Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or another physical barrier.

7. *Public Open Space Requirement.* Developments with 50,000 square feet or more of non-residential floor area on sites of five acres or larger shall provide open space consistent with the following:

- a. Forty square feet of open space shall be provided for every 1,000 square feet of nonresidential floor area for the first 100,000 square feet of non-residential floor area, plus 20 square feet of open space for every 1,000 square feet of non-residential floor area over 100,000 square feet.
- b. Such open space shall be visible and accessible from a public street, or from on-site areas normally frequented by customers and shall be accessible during business hours. Areas within required setbacks may count towards the open space requirement.
- c. Such open space shall have a minimum dimension of 40 feet.
- d. Amenities shall be included that enhance the comfort, aesthetics, or usability of the space, including trees, landscaping, shade structures, seating (e.g., fixed seating,

planter ledges, etc.), lighting, drinking fountains, public art, or performance areas.

- e. The surface of the open space shall allow for convenient outdoor activity, recreation, and/or gathering. Such surface may be plant or hardscape material, or a combination thereof.
8. Additional standards listed in Section 17.03.065.J apply to multiple family developments, multiple family residential components of mixed-use developments, and attached single unit developments, in the DMU Zone.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.19.050 - Beaumont Mixed Use Zone (BMU Zone).

The Beaumont Mixed Use Zone is intended to facilitate Beaumont Avenue corridor's transition to a mixed-use district with a mix of professional office, limited commercial uses and residential uses that are compatible with the abutting single-family residences to the east and west. Development is intended to be less intense than the DMU zoning district in keeping with the scale of surrounding development.

- A. *Beaumont Mixed Use Zone, Permitted Uses.* The uses permitted under this Zone District are identified in Table 17.19-1 of this Section.
- B. *Beaumont Mixed Use Zone, Conditional Uses.* The uses conditionally permitted under this Zone District are identified in Table 17.19-1 of this Section. Such uses require the approval of a conditional use permit.
- C. *Beaumont Mixed Use Zone, Development Standards.* The following standards shall apply to the Beaumont Mixed Use Zone (BMU Zone):
  1. *Lot Area and Dimensions.* No minimum lot size required.
  2. *Setbacks and Yards.* The following setback requirements are applicable to the Beaumont Mixed Use Zone (BMU Zone):
    - a. *Front Yard Setbacks.* The minimum front yard setback is 5 feet and the maximum front yard setback is 20 feet. In no event shall a residence be situated in such a manner as to result in a distance of less than 20 feet between the back of a sidewalk and the face of a garage door.
    - b. *Rear Yard Setbacks.* The minimum rear yard setback is 10 feet, except when adjacent to a single family residential use. The rear yard setback is 20 feet when adjacent to single family residential use.
    - c. *Side Yard Setbacks.* The minimum side yard setback is 5 feet, except when adjacent to single family residential use. The side yard setback is 15 feet when adjacent to single family residential use.
  3. *Density.* The maximum density shall be 10 units per acre.

4. *Floor Area Requirements.* The maximum permitted floor area ratio is 0.35. The floor area ratio standard applies to non-residential uses only.
5. *Building Height.* In the Beaumont Mixed Use Zone (BMU Zone), the maximum height of any building shall not exceed 2 stories or 35 feet.

D. *Beaumont Mixed Use Zone, Off street Parking.* Automobile storage space shall be provided as indicated in Chapter 17.05.

E. *Beaumont Mixed Use, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply, except where they conflict with standards allowed in this Zone.

F. *Beaumont Mixed Use Zone, Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.

G. *Accessory Dwelling Units.* Accessory dwelling units are allowed consistent with the standards applicable to the BMU Zone and State law.

H. *Street Trees.* A minimum of one tree shall be located along every 40 feet of street frontage. Street trees shall comply with applicable standards in Section 17.06.110 (Street trees).

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.19.060 - Sixth Street Mixed Use Zone (SSMU Zone).

The Sixth Street Mixed Use Zone is intended to provide for commercial and multifamily residential uses along Sixth Street, east of Palm Avenue either as stand alone or in a mixed use setting. The permitted uses and development standards are intended to be conducive to a compact, mixed use, and walkable environment and supportive of the Downtown retail environment west of Palm Avenue.

- A. *Sixth Street Mixed Use Zone, Permitted Uses.* The uses permitted under this Zone District are identified in Table 17.19-1 of this Section.
- B. *Sixth Street Mixed Use Zone, Conditional Uses.* The uses conditionally permitted under this Zone District are identified in Table 17.19-1 of this Section. Such uses require the approval of a conditional use permit.
- C. *Sixth Street Mixed Use Zone, Development Standards.* The following standards shall apply to the Sixth Street Mixed Use Zone (SSMU Zone):
  1. *Lot Area and Dimensions.* Lot sizes for the Sixth Street Mixed Use Zone (SSMU Zone) shall not be less than 10,000 square feet with a minimum average lot depth of 100 feet and a minimum average lot width of 80 feet.
  2. *Setbacks and Yards.* The following setback requirements are applicable to the Sixth Street Mixed Use Zone (SSMU Zone):
    - a. *Front Yard Setbacks.* The minimum front yard setback is 5 feet and the maximum front yard setback is 10 feet.

- b. *Rear Yard Setbacks.* The minimum rear yard setback is 10 feet, except when adjacent to a single family residential use. The rear yard setback is 20 feet when adjacent to single family residential use.
- c. *Side Yard Setbacks.* The minimum side yard setback is 5 feet, except when adjacent to single family residential use. The side yard setback is 15 feet when adjacent to single family residential use.
- d. *Freeway Setbacks for Residential Uses.* Residential uses shall have a minimum setback of 500 feet from Interstate 10.

- 3. *Density.* The maximum density shall be 22 units per acre.
- 4. *Floor Area Requirements.* The maximum permitted floor area ratio is 0.5. The floor area ratio standard applies to non-residential uses only.
- 5. *Building Height.* In the Sixth Street Mixed Use Zone (SSMU Zone), the maximum height of any building shall not exceed 4 stories or 60 feet, except as noted below.
- 6. *Step back from Adjacent Residential.* New development when sited next to single-family uses shall step back upper floors (third and higher) an additional 15 feet to maintain solar access and privacy for adjacent single family residential uses. See Figure 17.19-2.

- D. *Sixth Street Mixed Use Zone, Off street Parking.* Automobile storage space shall be provided as indicated in Chapter 17.05.
- E. *Sixth Street Mixed Use, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply, except where they conflict with standards allowed in this Zone (e.g., no front yard setback).
- F. *Sixth Street Mixed Use Zone, Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.
- G. *Accessory Dwelling Units.* Accessory dwelling units are allowed consistent with the standards applicable to the SSMU Zone and State law.
- H. *Street Trees.* A minimum of one tree shall be located along every 40 feet of street frontage. Street trees shall comply with applicable standards in Section 17.06.110 (Street trees).
- I. *Adjacency to Interstate 10.* The following standards apply to development that are within 500 feet of Interstate 10 as measured from its right-of-way:
  1. Locate occupied open space areas (play areas, courtyards, patios, balconies, etc.) as far from the freeway as possible when the size of the site permits.
  2. Prioritize the location of non-habitable uses, such as parking structures and building areas not calculated in floor area, nearest the freeway.
  3. Screen the project site with substantial vegetation and/or a wall barrier.
  - 4.

Provide special noise mitigation for residential uses in this zoning district that are within 500 feet of Interstate 10.

J. *Supplemental Standards.* Additional standards listed in Section 17.19.040.J apply in the SSMU Zone.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.19.070 - Sixth Street Mixed Use—Residential Zone (SSMU-R Zone).

The Sixth Street Mixed Use—Residential Zone (SSMU-R Zone) is intended to provide for multifamily residential and commercial uses along the north side of Sixth Street, east of Palm Avenue. Multifamily residential uses are required, either as stand alone or in a mixed use setting. The permitted uses and development standards are intended to be conducive to a compact, mixed use, and walkable environment and supportive of the Downtown retail environment west of Palm Avenue.

- A. *Sixth Street Mixed Use—Residential Zone, Permitted Uses.* The uses permitted under this Zone District are identified in Table 17.19-1 of this Section.
- B. *Sixth Street Use—Residential Zone, Conditional Uses.* The uses conditionally permitted under this Zone District are identified in Table 17.19-1 of this Section. Such uses require the approval of a conditional use permit.
- C. *Sixth Street Mixed Use—Residential Zone, Development Standards.* The following standards shall apply to the Sixth Street Mixed Use—Residential Zone (SSMU-R Zone):
  1. *Lot Area and Dimensions.* Lot sizes for the Sixth Street Mixed Use—Residential Zone (SSMU-R Zone) shall not be less than 10,000 square feet with a minimum average lot depth of 100 feet and a minimum average lot width of 80 feet.
  2. *Setbacks and Yards.* The following setback requirements are applicable to the Sixth Street Mixed Use—Residential Zone (SSMU-R Zone):
    - a. *Front Yard Setbacks.* The minimum front yard setback is 5 feet and the maximum front yard setback is 10 feet.
    - b. *Rear Yard Setbacks.* The minimum rear yard setback is 10 feet, except when adjacent to a single family residential use. The rear yard setback is 20 feet when adjacent to single family residential use.
    - c. *Side Yard Setbacks.* The minimum side yard setback is 5 feet, except when adjacent to single family residential use. The side yard setback is 15 feet when adjacent to single family residential use.
  3. *Density.* The maximum density shall be 22 units per acre.
  4. *Floor Area Requirements.* The maximum permitted floor area ratio is 0.5. The floor area ratio standard applies to non-residential uses only.

5. *Building Height.* In the Sixth Street Mixed Use—Residential Zone (SSMU-R Zone), the maximum height of any building shall not exceed 4 stories or 60 feet.
6. *Step back from Adjacent Residential.* New development when sited next to single-family uses shall step back upper floors (third and higher) an additional 15 feet to maintain solar access and privacy for adjacent single family residential uses. See Figure 17.19-2.

D. *Sixth Street Mixed Use—Residential Zone, Off street Parking.* Automobile storage space shall be provided as indicated in Chapter 17.05.

E. *Sixth Street Mixed Use—Residential Zone, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply, except where they conflict with standards allowed in this Zone (e.g., no front yard setback).

F. *Sixth Street Mixed Use—Residential Zone, Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.

G. *Accessory Dwelling Units.* Accessory dwelling units are allowed consistent with the standards applicable to the SSMU-R Zone and State law.

H. *Street Trees.* A minimum of one tree shall be located along every 40 feet of street frontage. Street trees shall comply with applicable standards in Section 17.06.110 (Street trees).

I. *Supplemental Standards.* Additional standards listed in Section 17.19.040.J apply in the SSMU Zone.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

#### 17.19.080 - Downtown Residential Multifamily Zone (DMF Zone).

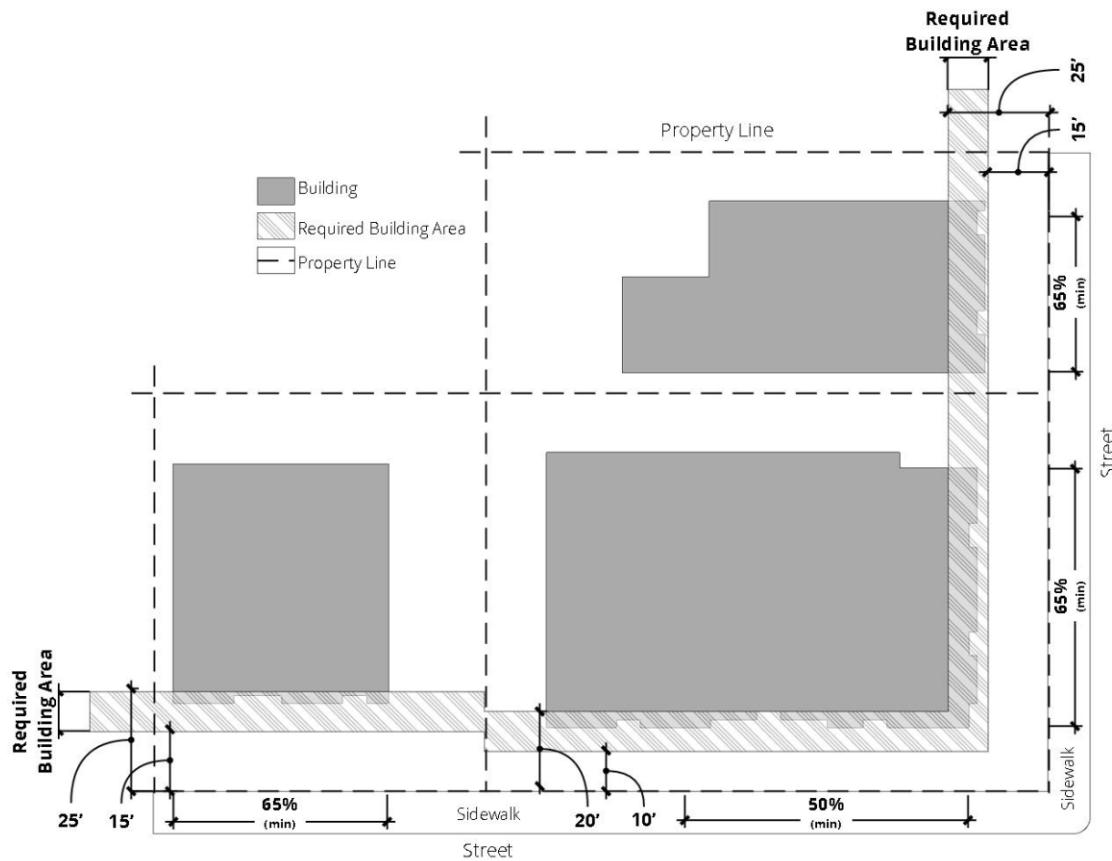
The Downtown Residential Multifamily Zone (DMF Zone) is intended to encourage walkable, transit ready residential development in the proximity to Downtown, and to facilitate further development of this land use type. This includes higher density housing that includes condominiums, townhomes, duplexes, patio apartments, senior housing and supporting ancillary facilities.

- A. *Downtown Residential Multifamily Zone, Permitted Uses.* The uses permitted under this Zone District are identified in Table 17.19-1 of this Section.
- B. *Downtown Residential Multifamily Zone, Conditional Uses.* The uses conditionally permitted under this Zone District are identified in Table 17.19-1 of this Section. Such uses require the approval of a conditional use permit.
- C. *Downtown Residential Multifamily Zone, Development Standards.* The following standards shall apply to the Downtown Residential Multifamily Zone (DMF Zone):
  1. *Lot Area and Dimensions.* Lot sizes for the Downtown Residential Multifamily Zone (DMF Zone) shall not be less than 6,000 square feet with an average lot width of 60 feet and a minimum average lot depth of 100 feet. Smaller lots may be allowed consistent with

## 17.11.030.D (Small Lot Development).

2. *Setbacks and Yards.* The following setback requirements are applicable to the Downtown Residential Multifamily Zone (DMF Zone):
  - a. *Front Yard Setbacks.*
    1. The minimum front yard setback is 10 feet.
    2. The maximum front yard setback is 20 feet. The maximum setback requirement may be waived if the Director finds:
      - a. Common plazas, courtyards, or outdoor amenity areas are located between the street and the building(s);
      - b. The building(s) incorporates an entrance design that creates a welcoming entry feature facing the street; or
      - c. A larger area is required to preserve existing mature trees or natural features.
  - b. *Rear Yard Setbacks.* The minimum rear yard setback is 15 feet, except a minimum rear yard setback of 20 feet is required when adjacent to a single family residential use.
  - c. *Side Yard Setbacks.*
    1. The minimum interior side yard setback is five feet, except corner lots shall have a minimum street side yard setback of 10 feet. The minimum interior side yard setback is increased to 15 feet if adjacent to a single family residential use and to 20 feet for a three-story building.
    2. The maximum street side yard setback is 20 feet. The maximum setback requirement may be waived if the Director makes the findings listed in subparagraph 17.19.080.C.2.a.2.
3. *Building Placement Requirements.*
  - a. Building façade(s) shall extend a minimum of 65 percent of the street frontage for the area between the minimum and maximum front yard setbacks. For example, if a lot is 100 feet wide, 65 linear feet of the lot parallel to the street must be occupied by a building(s) that adheres to the maximum setback requirement.
  - b. In the area between the minimum and maximum street side yard setback, 50 percent of the linear distance parallel to the street shall be occupied by a building façade(s).

Figure 17.19-4. Building Placement Requirements, DMF Zone



4. *Density.* The density shall not exceed 22 units per acre.
5. *Useable Yard Area (Open Space) Requirements.* The following minimum useable open space standards are applicable to development within the Downtown Residential Multifamily Zone (DMF Zone):
  - a. For multifamily developments of fewer than 20 units, each unit shall have a minimum of 100 square feet of usable open space.
  - b. For multifamily developments of 20 or more units, each unit shall have a minimum of 200 square feet of usable open space.
  - c. The definition of useable open space and the method of computation is provided in Chapter 17.14 (see "Open Space, Useable").
6. *Building Height.* In the Downtown Residential Multifamily Zone (DMF Zone), the maximum height of any building shall not exceed 35 feet.
7. *Step back from Adjacent Residential.* New development when sited next to single-family uses shall step back upper floors (third and higher) an additional 15 feet to maintain solar access and privacy for adjacent single family residential uses. See Figure 17.19-2.

D. *Downtown Residential Multifamily Zone, Off street Parking.*

1. Parking shall not be located in the front setback unless the Director makes the following findings:

- a. Buildings comply with the maximum front setback requirement;
- b. The parking area located within the front setback is landscaped along the street with a hedge, trellis, and/or landscaping consistent with Chapter 17.06; and
- c. Requirements in Chapter 17.05 are complied with.

2. Automobile storage space shall be provided as indicated in Chapter 17.05.

E. *Downtown Residential Multifamily Zone, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply.

F. *Downtown Residential Multifamily Zone, Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.

G. *Accessory Dwelling Units.* Accessory dwelling units are allowed consistent with the standards applicable to the DMF Zone and State law.

H. *Street Trees.* A minimum of one tree shall be located along every 40 feet of street frontage. Street trees shall comply with applicable standards in Section 17.06.110 (Street trees).

I. *Supplemental Multiple Family Development Standards.* Additional standards listed in Section 17.03.065.J apply to multiple family developments, multiple family residential components of mixed-use developments, and attached single unit developments, in the DMF Zone.

( Ord. No. 1128 , § 2(Exh. B), 12-1-2020)

#### 17.19.090 - Local Commercial Zone (LC Zone).

The Local Commercial Zone (LC Zone) is intended to permit development that provides for a range of commercial service and retail land uses that are in proximity to residential neighborhoods consistent with the General Plan.

- A. *Local Commercial Zone, Permitted Uses.* The uses permitted under this Zone District are identified in Table 17.19-1 of this Section.
- B. *Local Commercial Zone, Conditional Uses.* The uses conditionally permitted under this Zone District are identified in Table 17.19-1 of this Section. Such uses require the approval of a conditional use permit.
- C. *Local Commercial Zone, Development Standards.* The following standards shall apply to the Local Commercial Zone (LC Zone):
  1. *Lot Area and Dimension.* Lots sizes for the Local Commercial Zone (LC Zone) shall not be less than 10,000 square feet with a minimum average lot depth of 100 feet and a minimum average lot width of 100 feet.
  2. *Setbacks and Yards.* The following setback requirements are applicable to the Local Commercial Zone (LC Zone):
    - a. *Front Yard Setbacks.* The minimum front yard setback is 5 feet.

- b. *Rear Yard Setbacks.* No rear yard setback is required, except when adjacent to single family residential use. The rear yard setback is 20 feet when adjacent to single family residential use.
- c. *Side Yard Setbacks.* No side yard setback is required, except when adjacent to single family residential use. The side yard setback is 15 feet when adjacent to single family residential use.

3. *Lot Area Requirements.* The area occupied by all structures shall not exceed 50 percent of the lot area and the maximum permitted floor area ratio is 0.7.

4. *Building Height.* In the Local Commercial Zone (LC Zone), the maximum height of any building shall not exceed 60 feet.

D. *Local Commercial Zone, Off street Parking.* Automobile storage space shall be provided as indicated in Chapter 17.05.

E. *Local Commercial Zone, Landscaping.* The provisions of Chapter 17.06 of this ordinance shall apply.

F. *Local Commercial Zone, Signs.* The provisions of Chapter 17.07 of this ordinance shall apply.

G. *Supplemental Standards.*

- 1. *Limitations on Location of Parking.* Above ground parking shall not be located within 40 feet of a street facing property line unless the Director makes the following findings:
  - a. The site is small and/or constrained such that underground parking or surface parking located more than 40 feet from the street is not feasible; or
  - b. The design incorporates habitable space built close to the public sidewalk; and
  - c. The parking area located within 40 feet of the street is landscaped along the street with a hedge, trellis, and/or landscaping consistent with Chapter 17.06.
- 2. *Building Transparency/Required Openings.* Exterior walls facing and within 20 feet of a front or street side property line shall include windows, doors, or other openings for at least 50 percent of the building wall area located between two and one-half and seven feet above the level of the sidewalk. Such walls may run in a continuous plane for no more than 30 feet without an opening. (Figure 17.19-3).
  - a. *Design of openings.* Openings fulfilling this requirement shall have transparent glazing and provide views into display areas, sales areas, work areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
  - b. *Exceptions for parking garages.* Multi-level garages are exempt from this requirement.
  - c. *Reductions.* This requirement may be reduced or waived if the Director makes the following findings:
    - 1.

The proposed use has unique operational characteristics with which providing the required transparency and openings is incompatible; and

2. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping to create visual interest at the pedestrian level.
3. *Building Orientation.* Building frontages shall be generally parallel to streets and pedestrian walkways.
4. *Building Entrances.* The primary building entrance shall face a public sidewalk. Buildings located in the interior of a site shall have the primary entrance face a pedestrian walkway that is connected to a public sidewalk.
5. *Wall Plane Modulation.* All street-facing façades shall have at least one horizontal or vertical projection or recess at least two feet in depth, for every 50 horizontal feet of wall.
6. *Pedestrian Access.* On-site pedestrian circulation and access shall be provided consistent with the following standards.
  - a. *Internal connections.* A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
  - b. *To circulation network.* Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes or trails shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
  - c. *To neighbors.* Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
  - d. *To transit.* Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
  - e. *Pedestrian walkway design.*
    1. Walkways shall be a minimum of six feet wide, shall be hard-surfaced, and paved with permeable materials.
    2. Where a required walkway crosses a driveway, parking area, or loading area, it must be clearly identified using a raised crosswalk, a different paving material, or a similar method.
    3. Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or another physical barrier.

7.

*Public Open Space Requirement.* Developments with 50,000 square feet or more of non-residential floor area on sites of two acres or larger shall provide open space consistent with the following:

- a. Forty square feet of open space shall be provided for every 1,000 square feet of nonresidential floor area for the first 100,000 square feet of non-residential floor area, plus 20 square feet of open space for every 1,000 square feet of non-residential floor area over 100,000 square feet.
- b. Such open space shall be visible and accessible from a public street, or from on-site areas normally frequented by customers and shall be accessible during business hours. Areas within required setbacks may count towards the open space requirement.
- c. Such open space shall have a minimum dimension of 40 feet.
- d. Amenities shall be included that enhance the comfort, aesthetics, or usability of the space, including trees, landscaping, shade structures, seating (e.g., fixed seating, planter ledges, etc.), lighting, drinking fountains, public art, or performance areas.
- e. The surface of the open space shall allow for convenient outdoor activity, recreation, and/or gathering. Such surface may be plant or hardscape material, or a combination thereof.

(Ord. No. 1128, § 2(Exh. B), 12-1-2020)

17.19.120 - Permitted uses for Downtown Base Zone Districts.

The permitted uses for the Base Zone Districts (identified in Section 17.19.040 through 17.19.090) are listed in Table 17.19-1.

**Table 17.19-1**  
**Permitted Land Uses for Base Zone Districts in Downtown**

	<i>DMU</i>	<i>BMU</i>	<i>SSMU</i>	<i>SSMU-R</i>	<i>LC</i>	<i>DMF</i>
<b>Administrative Professional Services</b>						
Administrative/Professional Offices	P <sup>1</sup>	P	P	P	P	N
Advertising Agencies	P <sup>1</sup>	P	P	P	P	N

Architectural/Engineering/Design Services	P <sup>1</sup>	P	P	P	P	N
Attorney/Legal Services	P <sup>1</sup>	P	P	P	P	N
Business Management Services	P <sup>1, 2</sup>	P	P	P	P	N
Government Offices and Facilities	P <sup>1, 2</sup>	P <sup>3</sup>	P	P	P	N
Travel Agencies	P	P	P	P	P	N
<b>Alcohol Service and Sales</b>						
Bars or Cocktail Lounges <sup>4</sup>	C	N	C	C	C	N
Liquor Stores <sup>4, 5</sup>	C	C	C	C	C	N
Restaurants with Alcoholic Beverage Sales	C	C	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	N
<b>Automotive Services</b>						
Automobile, Motorcycle, Truck, and Marine Craft Sales (New and Used)	N	N	P	C <sup>6</sup>	P	N
Automobile Parking Facilities	C	N	C	N	P	N
Automobile Rental Agencies	N	N	C <sup>6</sup>	N	P	N
Automobile Repair Facilities	N	N	C <sup>6</sup>	N	C	N
Body and Paint Shops	N	N	N	N	C	N
Car Wash	N	N	C	N	C	N
Gas/Service Stations	N	N	C <sup>6</sup>	C <sup>6</sup>	C	N

Limousine Services	N	N	C	N	P	N
Recharging Stations	Allowed (P) in any area designed for the parking or loading of vehicles.					
Tire Repair	N	N	N	N	P	N
Tire Store	N	N	N	N	P	N
Towing Services—With Indoor Vehicle Service	N	N	N	N	C	N
Towing Services—With Outdoor Vehicle Storage	N	N	N	N	C	N
Truck/Trailer Rentals	N	N	N	N	C	N
<b>Communications Facilities</b>						
Wireless Telecommunication Facility—Stealth	N	N	C	N	C	N
Radio and Television Broadcasting Studios	N	N	P <sup>1,7</sup>	P <sup>1,7</sup>	P	N
Recording and Sound Studios	C <sup>1,7</sup>	C <sup>1,3</sup>	P <sup>1,7</sup>	P <sup>1,7</sup>	P	N
Satellite Dishes (Non-Private)	P	P	P	P	P	N
Satellite Dishes (Private Use)	P	P	P	P	P	P
Ham Radio Antennae (Private Use)	P	P	P	P	P	P
<b>Day Care Facilities</b>						

Commercial Day Care Facilities (not in-home)	N	P	P	P	C	N
Day Care Centers, In Home—Small Family with 1 to 6 Children (as an accessory use in a residential unit)	P <sup>1</sup>	P	P	P	P	P
Day Care Centers, In Home—Large Family with 7 to 12 Children (as an accessory use in a residential unit)	C <sup>1</sup>	C	C	C	C	C
<b>Educational Establishments</b>						
Elementary, Junior, and High Schools/Private & Charter	C <sup>2</sup>	C	C	C	C	C
Elementary, Junior, and High Schools/Public	C <sup>2</sup>	C	P	C	C	C
Colleges or University	P <sup>2</sup>	N	P <sup>1, 6</sup>	N	P	N
Tutoring & Testing	P <sup>1, 7</sup>	P <sup>3</sup>	P <sup>7</sup>	P <sup>7</sup>	P	N
Vocational and Trade Schools	C <sup>1, 7</sup>	C <sup>1, 3</sup>	N	N	P	N
<b>Food and Beverage Sales</b>						
Bakeries	P <sup>7</sup>	P <sup>3</sup>	P <sup>7</sup>	N	P	N
Catering Businesses	P	P <sup>3</sup>	P	P	P	N
Convenience Markets	P	P <sup>3</sup>	P	P	P	N
Grocery Stores/Supermarkets	P	P <sup>3</sup>	P	P	P	N
Grocery Stores, Alcohol Sales	P	N	P	C	P	N

General Merchandise and Trade						
Antique Sales	P <sup>7</sup>	P <sup>3</sup>	P <sup>7</sup>	P	P	N
Appliances Sales	P <sup>7</sup>	P <sup>3</sup>	P <sup>7</sup>	N	P	N
Art Galleries, Studios and Supplies	P	P <sup>3</sup>	P	P	P	N
Beauty Supplies	P	P <sup>3</sup>	P	P	P	N
Book and Magazine Sales	P	P <sup>3</sup>	P	P	P	N
Building Materials with outdoor sales/storage	N	N	N	N	C	N
Camera and Photographic Supplies	P	P <sup>3</sup>	P	P	P	N
Candy Stores	P	P <sup>3</sup>	P	P	P	N
Cigar/Cigarette Shops <sup>4</sup>	P	P <sup>3</sup>	P	P	P	N
Clothing Stores	P	P <sup>3</sup>	P	P	P	N
Department Stores	P <sup>8, 9</sup>	N	P	P	P	N
Discount Stores	N	N	N	N	P	N
Electronic Equipment Sales	P	P <sup>3</sup>	P	P	P	N
Equipment Sales and Rentals (indoor storage only)	N	N	P	N	P	N
Equipment Sales and Rentals (outdoor storage)	N	N	C	N	C	N
Florists	P	P <sup>3</sup>	P	P	P	N

Freight Forwarding Services	N	N	N	N	P	N
Furniture and Home Furnishings	P	N	C	C	P	N
Garden Supply	P <sup>7</sup>	P <sup>3</sup>	P <sup>7</sup>	P <sup>7</sup>	P	N
Gifts, Crafts, and Novelties	P	P	P	P	P	N
Guns and Ammunition	C	N	C	N	P	N
Hardware Stores	P <sup>7</sup>	P <sup>3</sup>	P <sup>7</sup>	P <sup>7</sup>	P	N
Hobby, Toy and Game Stores	P	P <sup>3</sup>	P	P	P	N
Indoor Swap Meets	N	N	C <sup>5</sup>	C <sup>5</sup>	C	N
Jewelry Sales and Repair	P	P	P	P	P	N
Leather Goods	P	P	P	P	P	N
Luggage Sales	P	P	P	P	P	N
Office Equipment, Furniture and Supplies Sales	P <sup>7</sup>	P <sup>3</sup>	P <sup>7</sup>	P <sup>7</sup>	P	N
Pet Sales and Supplies	P <sup>7</sup>	N	P <sup>7</sup>	P <sup>7</sup>	P	N
Records, Tapes, and Videos	P <sup>7</sup>	P <sup>3</sup>	P	P	P	N
Retail, Other Specialty	P <sup>7</sup>	P <sup>3</sup>	P	P	P	N
Sporting Goods and Equipment	P <sup>7</sup>	P <sup>3</sup>	P <sup>7</sup>	P <sup>7</sup>	P	N
Surplus Stores	P <sup>7</sup>	P <sup>3</sup>	P	P	P	N
Thrift and Second-Hand Stores with donation drop off	C	C	C	C	C	N

Thrift and Second-Hand Stores without donation drop off	P <sup>7</sup>	P <sup>3</sup>	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	N
Variety Stores	P <sup>7</sup>	P <sup>3</sup>	P <sup>7</sup>	P <sup>7</sup>	P	N
Wholesale Establishments	N	N	C	C	P	N

### Lodging

Bed and Breakfast Facilities	P <sup>1</sup>	C	C	C	P	C
Emergency Shelters	N	N	C	C	P	N
Hotels and Motels	P <sup>1</sup>	N	P	P	P	N
Residence Inns	P <sup>1</sup>	N	P	P	P	N
Single-Room Occupant (SRO) Facilities	P <sup>1</sup>	C	P	P	N	N
Trailer Parks and Campsites	N	N	N	N	N	N
Transitional Housing	P <sup>1</sup>	C	P	P	N	N

### Medical/Health Care

Ambulance Services	N	N	N	N	P	N
Animal Hospitals/Veterinaries	P <sup>2, 7, 9</sup>	N	P	P	P	N
Clinics	P	P	P	P	P	N
Convalescent Homes	N	N	C	C	P	N
Chemical Dependency Clinics	N	N	N	N	C	N
Hospitals	N	N	N	N	P	N

Medical/Dental Offices	P <sup>1</sup>	P	P	P	P	N
Pharmacies	P <sup>7</sup>	P <sup>3</sup>	P	P <sup>7</sup>	P	N
Pharmacies with Drive-Through	N	N	C	C	P	N
<b>Personal Services</b>						
Banking, Credit Unions, Financial Services	P	P <sup>3</sup>	P	P	P	N
Barbers and Beauty Parlors	P	P	P	P	P	N
Check Cashing Services	P	N	P	P	P	N
Commercial Pet Grooming Services	P	N	P	N	P	N
Dry Cleaners	P	P	P	P	P	N
Funeral Parlors, Mortuaries	C <sup>2</sup>	N	N	C	P	N
Laundries, Laundromats	N	N	C	C <sup>6</sup>	P	N
Locksmith and Key Shops	P	P	P	P	P	N
Massage Establishments	P <sup>1</sup>	P	P	P	P	N
Pawnbrokers	C	N	C	C	C	N
Photocopying and Photo Developing Services	P <sup>7</sup>	P <sup>3</sup>	P <sup>7</sup>	P <sup>7</sup>	P	N
Photography Studios	P	P	P	P	P	N
Shoe Repair Shops	P	P	P	P	P	N
Tailors	P	P	P	P	P	N

Tattoo/Body Piercing Services	N	N	C	C	C	N
<b>Public and Quasi-Public Uses</b>						
Community Recreation Centers	P	C	P	P	P	P
Cultural Facilities	P	C	P	P	P	N
Libraries	P	P	P	P	P	N
Museums	P	C	C	C	P	N
Parks	P	P	P	P	P	P
Public Safety Facilities	P	P	P	P	P	P
Senior Citizen Activity Centers	P	P	P	P	P	P
<b>Recreation and Entertainment</b>						
Adult-Oriented Businesses	N	N	N	N	N	N
Amusement Parks	N	N	N	N	N	N
Athletic Fields	N	N	N	N	N	N
Batting Cages, Indoor	C <sup>2, 8</sup>	N	C	C <sup>6, 8</sup>	C	N
Batting Cages, Outdoor	N	N	N	N	C	N
Billiard and Pool Halls	C	N	C	N	C	N
Bowling Alleys	C <sup>2</sup>	N	C	C	P	N
Commercial Sports Facilities	N	N	C	C	C	N
Dance Studios	C	N	C	N	C	N

Golf Driving Ranges	N	N	N	N	N	N
Health Clubs and Gyms	C <sup>7</sup>	C <sup>3</sup>	C <sup>6, 7</sup>	C <sup>6, 7</sup>	C	N
Miniature Golf Courses	N	N	N	N	C	N
Off-Road Mini-Bike and Motocross Courses	N	N	N	N	N	N
Public Auditorium/Auditoriums	C	N	C	C	C	N
Shooting Ranges (indoor)	N	N	C	N	N	N
Skating Rinks	N	N	C	C	P	N
Video Arcades	C	C	N	N	C	N
<b>Recycling</b>						
Collection Facilities	N	N	N	N	C	N
Processing Facilities	N	N	N	N	C	N
<b>Religious Institutions</b>						
Churches	C	C	P	P	C	C
Monasteries, Convents, or Similar Religious Quarters	C	C	P	P	C	C
<b>Repair Services</b>						
Electrical and Household Appliances Repair	N	N	C	C	P	N
Furniture Refinishing	N	N	N	N	P	N

Furniture Reupholstering	N	N	N	N	P	N
Lawnmower Repair/Sales Shops	N	N	C	N	P	N
Machine Shops	N	N	N	N	C	N
Welding Shops	N	N	N	N	C	N
<b>Residential Uses</b>						
Accessory Guest Houses	P	P	P	P	N	P
Accessory Dwelling Units	P	P	P	P	N	P
Boarding or Rooming Houses	C	N	C	C	N	C
Caretaker's Unit	P	P	P	P	P	P
Congregate Care Facilities	N	N	C	C	P	C
Day Care Centers, Small Family—1 to 8 Children	P <sup>1</sup>	P	P	P	N	P
Day Care Centers, Large Family—7 to 14 Children	P <sup>1</sup>	P	P	P	N	P
Duplexes	P	P	P	P	N	P
Group or Community Care Facilities —6 or fewer persons	P <sup>1</sup>	P	P	P	P	P
Group or Community Care Facilities —7 or more persons	C <sup>1</sup>	C	C	C	C	C
Home Occupation Businesses	P	P	P	P	N	P
Mobile Home Parks	N	N	N	N	C	N

Mobile Home or Manufactured Housing Units Single Lot	N	P	N	N	N	P
Multiple-Family, Apartments & Condominiums	P <sup>1,10</sup>	N	P <sup>10</sup>	P <sup>10</sup>	N	P <sup>10</sup>
Planned Residential Developments	P	P	P	P	N	P
Senior Housing Developments	P	P	P	P	N	P
Single-Family Dwellings	N	P <sup>10</sup>	N	N	N	P <sup>10</sup>
<b>Restaurants</b>						
Delicatessens	P	P	P	P	P	N
Fast-Food Restaurants—Without a Drive-Through <sup>4, 11</sup>	P	P	P	P	P	N
Fast-Food Restaurants—With a Drive-Through <sup>4, 11</sup>	N	N	C	C	P	N
Sit-Down Restaurants	P	C	P <sup>5</sup>	P <sup>5</sup>	P	N
Sit-Down Restaurant with live entertainment	C	C	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	N
Restaurant, serving alcohol	See Alcohol Sales, Restaurants with Alcoholic Beverage Sales					
Philanthropic and Charitable Institutions	P	C	P	P	P	N
Service Organizations	P	C	P	P	P	N
<b>Temporary Uses</b>						

Street/Craft Fairs and Farmers' Markets—Ongoing	C <sup>12</sup>	C <sup>12</sup>	C <sup>12</sup>	C <sup>12</sup>	C <sup>12</sup>	N
Temporary Structures (Subdivision sales Office)	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	N
Christmas Tree/Pumpkin Lots, and Similar, Not Exceeding 30 Days	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	N
Outdoor Displays	C	C	C	C	C	N
Parking Lot Sales	P	P	P	P	P	N
Amusement Enterprises	C <sup>12</sup>	C <sup>12</sup>	C <sup>12</sup>	C <sup>12</sup>	C <sup>12</sup>	N
<b>Transportation Facilities</b>						
Bus Passenger Terminals	N	N	C	N	C	N
Charter Bus Companies	N	N	C	N	C	N
Motor Vehicle Transportation (Taxi/Shuttle)	N	N	C	C	C	N
Truck Stops and Terminals	N	N	N	N	C	N
<b>Utilities</b>						
Public Utility/Service Structures	N	N	N	N	N	N
Sewage Disposal Facilities/Waste Transfer	N	N	N	N	N	N
Utility Company Offices	P <sup>1,7</sup>	P <sup>1,3</sup>	P <sup>1,7</sup>	P <sup>1,7</sup>	P	N

Water Storage, Distribution, and Collection Facilities	N	N	N	N	N	N
Public Storage Facilities	N	N	N	N	N	N
Wind Energy Conversion Systems	See <a href="#">17.11.140</a>					

N = Not Permitted

P = Permitted

C = Conditionally Permitted

A = Permitted as an Accessory Use

Footnotes:

- <sup>1</sup> Use is allowed only on upper floor locations on parcels fronting 6th Street and Beaumont Avenue. Limited lobby or entry areas are allowed on the ground floor.
- <sup>2</sup> Use is not allowed on parcels fronting 6th Street and Beaumont Avenue.
- <sup>3</sup> Use is limited to 2,500 square feet.
- <sup>4</sup> These uses shall not be located on any parcel which is located within 1,000 feet of any school providing instruction in 12th grade or below, day care center, or youth center.
- <sup>5</sup> New liquor stores shall not be located within 1,000 feet of another liquor store.
- <sup>6</sup> Must comply with step back standards (Figure 17.19-2) and setbacks per zone if adjacent to single family residential use. Performance standards per [Chapter 17.04](#) apply.
- <sup>7</sup> Use is limited to 5,000 square feet.
- <sup>8</sup> Use is limited to 10,000 square feet.
- <sup>9</sup> CUP required if proposed use is larger than 10,000 square feet.
- <sup>10</sup> A Live/work unit is only permitted in the primary structure.
- <sup>11</sup> New fast food restaurants should not be located within 1,000 feet of another fast food restaurant.
- <sup>12</sup> Temporary Use Permit required.

( [Ord. No. 1128](#), § 2(Exh. B), 12-1-2020; [Ord. No. 1141](#), § 5(Exh. A), 10-5-2021)

## Chapter 17.20 - NO NET LOSS PROGRAM

## 17.20.010 - Purpose and authority.

The City desires to ensure its compliance with SB330 and establish a no Net Loss Program for certain residential projects. This chapter provides, concurrent with the approval of any change in zone from a residential use to a less intensive or non-residential use, a density bonus will become available to project applicants subsequently seeking to develop property for residential use within the City. In doing so, the proposed section will ensure that there is no net loss of residential capacity within the City as required by SB330.

On October 9, 2019, the California Legislature adopted Senate Bill 330 (SB330) which, among other things, adopted Government Code Section 66300, declared a housing crisis in the State of California and imposed certain requirements designed to streamline the construction of new housing, and prevent the loss of existing housing and land available for future residential use, unless replaced in other areas of the affected jurisdiction to ensure no net loss in residential capacity. SB330 became effective on January 1, 2020.

(Ord. No. 1139, § 6(Exh. A), 9-7-2021)

## 17.20.020 - Definitions.

Except as otherwise expressly set forth herein, the following words and terms as used in this Chapter shall have the following meanings:

*Community Development Director.* The Community Development Director of the City.

*Density Bonus.* A density increase of up to those percentages above the otherwise maximum residential density as specified in this chapter.

*Density Bonus Housing Agreement.* A legally binding agreement between a developer of a housing development and the City containing such terms and conditions as determined by the City Attorney, which ensures that the requirements of this chapter are satisfied.

*Density Bonus Units.* Those residential units granted pursuant to the provisions of this Chapter, that exceed the maximum residential density for the development site and that are available in the Unit Bank.

*Housing Development.* Construction projects consisting of five or more residential units or Lots, including single-family and multifamily, that are proposed to be constructed pursuant to this chapter.

*Maximum Residential Density.* The maximum number of residential units permitted by the City's General Plan Land Use Element and Zoning Code, applicable to the subject property at the time an application for the construction of a housing development is deemed complete by the City, excluding the additional units permitted by this chapter.

*Lot.*

- (1) A lot when shown as a delineated lot of land with a number or other designation on a parcel map or tract map and not to be used for the common benefit of other lots recorded in the Office of the County Recorder of Riverside County and legally created under the Subdivision Map Act;
- (2) A lot of land held under separate ownership from adjacent property that constitutes a legal lot under applicable law.

*Unit Bank.* The number of units available to the No Net Loss Program as a result of a change of zone from a residential use to a less intensive residential use or a non-residential use. The Community Development Director, or his or her designee, shall have the sole authority to administer and maintain the unit bank balances, credits and availability as he or she determines, which determination shall be final.

( Ord. No. 1139, § 6(Exh. A), 9-7-2021)

17.20.030 - Requirements.

The City shall grant a density bonus through the No Net Loss Program to projects which meet the following criteria:

- A. The project is on a parcel of at least one acre, or the applicant is processing an application concurrently with a parcel merger of two or more lots or more which will create a lot of not less than one acre.
- B. The project takes place in one of the following zones:
  1. Traditional Neighborhood (TN)
  2. Residential Multiple-Family (MFR)
  3. Downtown Residential Multi-Family (DMF)
  4. Sixth Street Mixed Use Residential (SSMU-R)
  5. Transit Oriented Development Overlay (TOD)
- C. In determining the number of density bonus units to be granted pursuant to this section, the maximum allowable residential density for the site shall be computed as follows:
  1. In the Traditional Neighborhood (TN) zone the total number of dwelling units allowed under this program shall be calculated by multiplying the maximum density allowed under the applicable zoning designation and multiplying the result by 1.1 for a ten

percent density bonus.

2. In the Residential Multiple-Family (MFR), Downtown Residential Multi-Family (DMF), Sixth Street Mixed Use Residential (SSMU-R) or Transit Oriented Development Overlay (TOD) zones, the total number of dwelling units allowed under this program shall be calculated by multiplying the maximum density allowed under the applicable zoning designation and multiplying the result by 1.2, for a 20 percent density bonus.
3. Density bonuses in the No Net Loss Program can be combined with other density bonus programs as established in Chapter 17.10 of the Beaumont Municipal Code or with a program in the City's Housing Element.
4. In no case shall the number of density bonus units awarded under the No Net Loss Program exceed the number of units in the unit bank.
5. In no case shall the total number of units awarded under any density bonus program exceed 100 percent of those available under Chapters 17.10 and 17.20.

D. A density bonus agreement shall be required for any project seeking a density bonus as part of the No Net Loss Program.

(Ord. No. 1139, § 6(Exh. A), 9-7-2021)

17.20.040 - Types of bonuses and incentives allowed.

- A. *Density Bonus*. The density bonus allowed by this chapter shall consist of those density increases specified in Section 17.20.030 above the maximum residential density applicable to the site as of the date of the project land use permit application.
- B. *Mixed Use Zoning* allows the housing development to include nonresidential uses. Approval of mixed-use activities in conjunction with the No Net Loss program is permissible if authorized elsewhere under the Beaumont Municipal Code and subject to those requirements. A density bonus will be granted only for the residential portion of a mixed use development.

(Ord. No. 1139, § 6(Exh. A), 9-7-2021)

17.20.050 - Development standards.

All development standards for the base zone and/or overlay district shall be met. Granting of a density bonus does not constitute approval of or grounds for modification or waiver of any development standard or other requirement of the Beaumont Municipal Code.

(Ord. No. 1139, § 6(Exh. A), 9-7-2021)

17.20.060 - Processing of No Net Loss Program density bonus requests.

A master planning application shall be submitted for any No Net Loss program project. A density bonus request pursuant to this chapter shall be noted on the application and processed as part of the application for development. The process for obtaining preliminary approval of the density bonus housing agreement, shall be as follows:

- A. *Filing.* An applicant proposing a housing development pursuant to this chapter shall submit an application for a density bonus housing agreement as part of the submittal of any formal request for approval of a housing development. The application, whether a pre-application or a formal application, shall include:
  1. A brief description of the proposed housing development, including the total number of units, and density bonus units proposed;
  2. The zoning and general plan designations and assessor's parcel number(s) of the project site;
  3. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveways, and parking layout; and
  4. If an additional incentive or program available under the Beaumont Municipal Code or the Housing Element is requested, a description of why the additional incentive or program is applicable to the density bonus units.
  5. Any additional information and submittal requirements as noted on the Master Planning Application.

- B. *Review of No Net Loss Program Request.*

1. Within 90 days of receipt of the application for a No Net Loss Program the City shall provide to an applicant a letter, which identifies project issues of concern, and the procedures for compliance with this chapter.
2. If additional incentives are requested under Chapter 17.10 of the Housing Element, the Community Development Director shall inform the applicant that the requested additional incentives are or are not available thereunder for the proposed development and provide justification for said recommendation.

( Ord. No. 1139 , § 6(Exh. A), 9-7-2021)

#### 17.20.070 - No Net Loss Program density bonus agreement.

- A. The terms of the draft density bonus agreement (the "agreement") shall be reviewed and revised as appropriate by the Community Development Director and the City Attorney who shall formulate a recommendation to the Planning Commission for review and the City Council for final approval.

B.

At a minimum, the agreement shall include the following:

1. The total number of units proposed within the housing development;
2. A schedule for completion and occupancy of the units;
3. A description of any additional incentive being provided by the City under Chapter 17.10 or the housing element;
4. A description of remedies for breach of the agreement by either party; and
5. Any other provisions to ensure implementation and compliance with this chapter and other density bonus provisions established in Chapter 17.10 or in the City's housing element, as applicable, including but not limited to:
  - i. A description of the household income group to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost;
  - ii. The location, unit sizes (square feet), and number of bedrooms of target units, as that term is defined in Chapter 17.10.020 c. Tenure of use restrictions for target units;

( Ord. No. 1139 , § 6(Exh. A), 9-7-2021)

17.20.080 - Implementation.

- A. The provisions of this chapter shall be administered by the Community Development Department. Project approval processes are established in Beaumont Municipal Code Chapter 17.02 entitled Administration and Enforcement.
- B. Projects requesting density bonus through the No Net Loss Program are subject to processing through both Beaumont Municipal Code Chapter 17.02 entitled Administration and Enforcement and the requirements in this chapter.

( Ord. No. 1139 , § 6(Exh. A), 9-7-2021)

17.20.090 - Fee.

The City Council has set by resolution application fees for the submissions required by this Chapter. The fees set by the resolution of the City Council with regards to this section shall not exceed the amount reasonably necessary for the City to perform the services provided under this Chapter.

( Ord. No. 1139 , § 6(Exh. A), 9-7-2021)