

Title 19 - ZONING

Footnotes:

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State Law reference— *Planning and Zoning Law, Government Code § 65000 et seq.; zoning generally, Government Code § 65800 et seq.*

CHAPTER 19.00. - GENERAL PROVISIONS

Sec. 19.00.010. - Title.

This title shall be known as the "Zoning Ordinance of the City of Barstow."

(Ord. No. 934-2015, § 19.00.010, 7-20-2015)

Sec. 19.00.020. - Purpose.

The intent and purpose of this title is to encourage, classify, designate, regulate, restrict, and segregate the highest and best location and use of buildings, structures, and land for residence, commerce, trade, industry, water conservation, recreation, or other purposes in appropriate places; to regulate and limit the height, number of stories, and size of buildings, and other structures hereafter erected or altered; to regulate and determine the size of yards and other open spaces; and to regulate and limit the density of population, and for this purpose to delineate the city into land use districts of such number, shape, and area as may be deemed best suited to carry out these regulations and provide for their enforcement. Further, such regulations are deemed necessary in order to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate open spaces for light and air and to prevent and fight fires; to prevent undue concentration of population; to lessen congestion on streets; to facilitate adequate provisions for community utilities such as transportation, water, sewerage, schools, parks, flood control and other public requirements; and to promote the esthetic, public health, safety, and general welfare; all in accordance with a comprehensive plan for the orderly development of the city and its environs.

(Ord. No. 934-2015, § 19.00.020, 7-20-2015)

Sec. 19.00.030. - Interpretation.

- (a) In interpreting and applying the provisions of this title, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this title to interfere with or abrogate or annul any easement, covenant or other agreement between parties. Where this title imposes a greater restriction upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this title shall control.
- (b) If ambiguity exists with reference to requirements as set forth herein and as they may pertain to unforeseen circumstances, it shall be the duty of the commission and council to ascertain all pertinent facts concerning the ambiguity and by resolution set forth its findings and reasons thereof, and thereafter their interpretation shall govern.

(Ord. No. 934-2015, § 19.00.030, 7-20-2015)

Sec. 19.00.040. - Permit, license issuance.

All departments, officials or public employees vested with the duty or authority to issue permits or licenses where required by law, shall conform to the provisions of this title. Licenses or permits for uses, buildings or purposes which would be in conflict with the provisions of this title shall not be issued. Any such license or permit, if issued in conflict with the provisions hereof, shall be null and void. Premises shall not be occupied or used and buildings hereafter erected or altered shall not be occupied or used until a certificate of compliance shall have been issued by the authorized planning personnel. This certificate of compliance shall be required when a building permit, or new business license use of land or buildings by this title or other ordinances of the city.

(Ord. No. 934-2015, § 19.00.040, 7-20-2015)

Sec. 19.00.050. - Penalty for violation.

Any building or structure erected or maintained, or any use of property contrary to the provisions of this title is unlawful, and the city attorney, shall, upon order of the planning commission, city council, or the city manager immediately commence an action or actions, proceeding or proceedings for the abatement, removal and enjoyment thereof, in the manner provided by law; and shall take such other steps, and apply to such court or courts as may have jurisdiction to grant relief as will abate or remove the building, structure or use and restrain and enjoin any person from erecting or maintaining the building or structure or using any property contrary to the provisions of this title. It shall be the right and duty of every citizen to participate and assist the city officials in the enforcement of the provisions of this title.

- (1) All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishments of any person hereunder shall not relieve that person from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.
- (2) Any person, firm or corporation whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this title, or of any permit or exception granted hereunder shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable for each offense by a fine of not more than five hundred dollars or by imprisonment in the county jail for a term not to exceed six months or by both such fine and imprisonment.
- (3) Each such person, firm or corporation shall be deemed guilty of a separate offense upon each day during any part of which any violation of any of the provisions of this title is committed, continued, permitted or maintained by such person, firm or corporation and punishable as herein provided.
- (4) In the event that any person, firm or corporation shall fail, neglect or refuse to demolish, remove, abate or correct a structure or condition existing in violation of this title, upon his or its property after a civil court order or criminal conviction obtained to this section, the city council by order or resolution may require the economic development and planning manager or city manager to demolish, remove, abate or correct the offending structure or condition. A statement of the cost of such work shall be transmitted to the city council who shall cause the same to be paid and levied as a special assessment against the property.

(Ord. No. 934-2015, § 19.00.050, 7-20-2015)

Sec. 19.00.060. - New construction.

All construction, building, improvement, alterations, or enlargement undertaken after the effective date of the ordinance codified in this title within the city shall conform with the requirements, character, and conditions as to the use, height, and area laid down for each of these several land use districts as described in the following sections of this title. No person, firm or corporation shall erect, construct, establish, move into, alter, enlarge, or use, or to cause or permit to be erected, constructed, established, moved into, altered, enlarged, or used any building, structure, improvement, or use of premises located in any land use district described herein contrary to the provisions of this title.

(Ord. No. 934-2015, § 19.00.060, 7-20-2015)

Sec. 19.00.070. - Existing uses.

The existing use, or uses, of all buildings, improvements and premises not in conformity with the standards or requirements of the land use district in which they are located, in accordance with the provisions of this title, and which uses are legal, or for which variances, site approval, conditional use permits or exceptions were granted under previous ordinances may continue as hereinafter provided and subject to the provisions regulating permits and the nonconforming building or use provisions of this title.

(Ord. No. 934-2015, § 19.00.070, 7-20-2015)

Sec. 19.00.080. - Existing lots.

The area and dimension provisions of the sections dealing with the requirements shall apply to all lots; provided, however, that where a lot has a width, depth or area less than that required in the district classification of which it is a part and was conveyed by deed or contract prior to the effective date of the ordinance codified in this title, the lot may be occupied by the uses permitted in the district, subject to the area per dwelling unit and yard requirements and such other regulations as apply uniformly to all lots in the district.

(Ord. No. 934-2015, § 19.00.080, 7-20-2015)

CHAPTER 19.02. - DEFINITIONS

Sec. 19.02.005. - Generally.

- (a) For the purpose of this title, words, phrases, and terms shall be deemed to have the meaning ascribed to them in the following sections.
- (b) *General terminology.* When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; and those in the plural number include the singular.
 - (1) "Building" includes the word "structure."
 - (2) "Shall" is mandatory and "may" is permissive.
 - (3) "Council" means the city council of Barstow.
 - (4) "Commission" means the planning commission of Barstow.
 - (5) "City" means the City of Barstow.
- (c) *Specific definitions.*

Abut means contiguous to; for example, two adjoining lots with a common property line are considered to be abutting.

Accessory building means a detached subordinate building located on the same lot with a main building, the use of which is customarily incidental to that permitted in the main building, or to the land upon which the main building is located. A garage attached to the main building shall be considered a part of the main building.

Accessory dwelling unit or ADU means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. An ADU shall be located on the same parcel as an existing single-family or multi-family dwelling. An ADU shall be one or two bedrooms and shall be no larger than 1,200 square feet or 75 percent of the size of the existing residence whichever is smaller.

Accessory living quarters. See definition of "guesthouse" in this section.

Accessory use means a use incidental or subordinate to and devoted exclusively to the main use of the land or building thereon.

Adjacent means near, close; for example, an industrial zone across a street from a residential district shall be considered as "adjacent."

Advisory agency. The planning commission is designated as the advisory agency to the mayor and city council on all matters related to planning as provided by Government Code.

Agriculture means the tilling of soil, the raising of crops, horticulture, small livestock farming, dairy or animal husbandry, including all uses customarily incidental thereto but not including slaughterhouses, feed yards, hog farms, fertilizer works, bone yards or plants for the reduction of animal matter or any other industrial or agricultural use which is determined by the planning commission to be similarly objectionable because of noise, odor, smoke, dust or fumes.

Airport means any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas.

Alley means a public way, at the rear or side of a lot which affords a secondary means of vehicular access to abutting property, provided, the alley shall have a minimum width of 20 feet.

Animal hospital means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. The use of the premises as a kennel or a place where animals or pets are boarded for remuneration may be permitted only when incidental to the principal use.

Apartment motel means a building or portion thereof used or containing three dwelling units and six guestrooms or suite of rooms or a multiple combination thereof.

Apartment house means a building, or portion thereof, designed or used for three or more dwelling units.

Approved, when used in connection with any material, appliance or construction, means meeting the requirements and approval of the department of housing and community development of the state.

Automobile and trailer sales lot means an open area used for the display, sale or rental of new or used automobiles, automobile trailers, house trailers or mobile homes, but where no repair, repainting or remodeling is done, except within an entirely enclosed building.

Automobile dismantling means the dismantling of used motor vehicles or trailers or the storage of, or dumping of dismantled, partly dismantled, or obsolete or wrecked motor vehicles, or their parts.

Automobile, inoperative, means any vehicle which is unable to be moved under its own power or has parts removed or damaged which would render it unmovable under its own power.

Automobile trailer or *house trailer* means any vehicle or structure used for living or sleeping purposes and equipped with wheels or other means to facilitate movement from place to place, and under 35 feet in length.

Bachelor unit means a dwelling unit with or without cooking facilities and used for combined living and sleeping purposes.

Basement means a space wholly or partly underground, and having more than one-half of its height, measuring from its floor to its ceiling, below average grade; or if the finished floor level directly above a basement is more than six feet above grade at any point, such basement shall be considered a story.

Bed and breakfast lodging means a small lodging establishment that offers overnight accommodations and breakfast. The location shall have four or fewer rented rooms. A caretaker or owner shall live in the house. If a caretaker or owner does not live at the home a location does not qualify as a bed and breakfast.

Billboard sign means any advertising display which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where located or if the owner or occupant of the premises where sign is located is paid or receives any consideration from the erection, maintaining or displaying of the sign.

Block means all property fronting upon one side of a street between intersecting and intercepting streets, or between a street and rights-of-way, flood control channel, and of a dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street it intercepts.

Boardinghouse means a building within which lodging with meals is provided for compensation for five or more persons unrelated by blood or marriage to the owner or operator; not to include rest homes or homes for the aged.

Building means any structure having a roof and walls built and maintained for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building height means the vertical distance measured from the adjoining curb level to the highest point of the structure, exclusive of chimneys and ventilators; provided, however, that where buildings are set back from the street line, the height shall be measured from the average elevation of the finished grade at the front of the building.

Building, main, means a building within which is conducted the principal use permitted on the lot, as permitted by this title.

Business or commercial means the purchase, sale or other transaction involving the handling or disposition, other than that included in the term "industry" as defined in this section, of any article, substance or commodity for profit or a livelihood, including automobile or trailer camps, tourist courts, and motels, public garages, office buildings, offices of doctors and other professionals, outdoor advertising signs and structures, public stables, recreation and amusement enterprises conducted for profit, shops for the sale of personal services, places where commodities or services are sold or are offered for sale, either by direct handling of merchandise or by agreements to furnish them, but not including dumps and junkyards.

Camp means land or premises used or intended to be used, let or rented for camping purposes by camping parties, trailers or tents in conjunction with public or private recreation facilities.

Camp car means a vehicle with or without motive power, which is designed or used for human habitation.

Carport means a permanent roofed structure with not more than two enclosed sides, used or intended to be used for automobile shelter.

Cemetery, human, means land used or intended to be used for cemetery purposes, including columbariums, mausoleums and mortuaries when operated in conjunction with and within the boundary of the cemetery.

Cemetery, pet, means land used or intended to be used for cemetery purposes, including columbarium, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of the cemetery.

Clinic or medical center means a place for group medical services not involving overnight housing of patients.

Club means an association of persons incorporated for a common purpose, but not including groups which are organized primarily to render a service for profit.

Combination sign means a combination of either a roof, wall or projecting sign.

Commercial car wash means any automatic car wash, coin-operated, or two or more hand washing stalls having no fuel sales.

Commission is the planning commission of the city of Barstow.

Convalescent home. See definition of "hospital" in this section.

Dairy means any premises where milk is produced for sale or distribution and where three or more cows or goats are in lactation.

Day nursery means any group of buildings, building or portion thereof used for the daytime care of children who are unrelated by blood or marriage to the person conducting the day nursery.

District means land area as shown or described on the land use district maps which are an integral part of this title, and to which the regulations of this title apply. The term "district" shall have the same meaning as the term "zone" or "zoning district."

Dormitory means a guestroom designed, intended or occupied as sleeping quarters by more than two persons, unrelated to each other.

Driveway means an access to a required off-street parking facility. Such driveway shall not be encumbered by any projection under eight feet above the ground, and having an unobstructed ten-foot minimum width.

Dump means a place used for the disposal, abandonment, discarding, dumping, reduction, burial, incineration or by any other means, of any garbage, sewage, trash, refuse, waste material, offal or dead animals; provided, that this definition does not include disposal of substances customarily incidental and accessory to industrial or agricultural uses, unless such disposal endangers the public health and safety.

Duplex means the same as two-family dwelling. The term "duplex dwelling" means a building, or portion thereof, designed and used exclusively for residential occupancy, including one-family, two-family, multiple dwellings, bachelor or efficiency units but not to include hotels, boardinghouses or lodging houses.

Dwelling, multiple, means a building designed and used for occupancy by three or more families, all living independently of each other.

Dwelling, one-family, means a detached building designed exclusively for the occupancy of one family.

Dwelling, two-family, means a building designed and/or used exclusively for the occupancy of two families living independently of each other.

Dwelling unit means one or more rooms, with facilities for living, sleeping, cooking and eating designed for occupancy by one family and shall include bachelor or efficiency unit.

Easement, street, means a space on a lot or parcel of land, or so indicated on a subdivision map or in a deed reserved for and used for primary access, provided the street easement shall have a minimum width of 20 feet. No building may be built within the space designated.

Educational institution means a school, college or university other than trade schools which give general academic instruction equivalent to the standards prescribed by the state board of education.

Efficiency living unit means a dwelling unit consisting of a room used for combined living, cooking and sleeping purposes.

Enforcement agency means the department of housing and community development, or any city, county or city and county which has assumed responsibility for the enforcement pursuant to section 18300 of title 25, California Administrative Code.

Family means an individual, or two or more persons related by blood, marriage or adoption, or group of persons, excluding servants, who are not so related, living together as a single housekeeping unit in a dwelling.

Fence means a physical barrier and includes wire mesh, steel mesh, chain link, louvered wood, stake and other similar materials.

Fin sign means a sign which is supported wholly by a one-story building of an open air business, or which is supported partly by a pole or poles in the ground and partly by a building.

Flashing sign means any directly or indirectly illuminated sign, whether stationary, revolving or rotating which exhibits changing light or color effects, varies in light intensity, creates an illusion of flashing or a sequence changing light or color, or beacons, excepting time and temperature signs.

Freeway is as defined by state law.

Front foot means the dimension of the front lot line.

Front foot, building, means the dimension across the front of a building, or in the case of multiple stores in a building, the distance of each individual store front of building where the main public entrance is located.

Frontage means all property fronting on a block.

Fueling station means a business which provides for fuel (inclusive of gasoline, diesel, as well as alternative fuels and commercial electric charging stations) for motor vehicles. The use may be synonymous with "service station" (see definition of "service station" in this section) provided no servicing of vehicles is conducted, but may include the sale of lubricants, cleaning and waxing of vehicles (within an enclosed building), and may include a mini-mart. This definition excludes electric vehicle charging stations as an ancillary use associated with a primary business (i.e., offices, retail and service establishments, industrial businesses).

Garage, private, means a detached accessory building or a portion of a main building on the same lot for the housing of vehicles for the occupants of the building.

Garage, public, means any building or premises primarily used for vehicle repair work.

Garage, storage, means any premises, used primarily for the storage of vehicles.

Grade means the average of the finished ground level at the exterior walls of a building. In case the front wall of a building is parallel to and within five feet of a side-walk, the grade shall be measured from the average grade of the sidewalk.

Ground sign means a sign which is supported or erected upon or in the ground and is not more than six feet above grade.

Guest means any person who occupies a room for sleeping purposes.

Guest ranch means a building or buildings used as a hotel or motel.

Guesthouse (accessory living quarters) means living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

Guestroom means a room which is designed to be occupied by one or more guests for sleeping purposes.

Half story means a story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of such story.

Hedge means a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

Hog ranch means any premises used for the raising or keeping of more than five weaned hogs.

Home occupation means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof or does not adversely affect the uses permitted in the district of which it is a part, and wherein no products are sold on the premises other than those produced thereon, no signs are displayed except as permitted by this title, no persons are employed other than resident family members and no mechanical equipment is used other than that necessary or convenient for domestic purposes.

Hospital means any building or portion thereof used for the accommodation and medical care of sick, injured or infirmed persons and including sanitariums, rest homes, homes for the aged, alcoholic sanitariums, institutions for the cure of chronic drug addicts and mental patients.

Hotel means any means any building, or portion of a building containing six or more guestrooms, and which is occupied, or is intended or designed for occupancy, by six or more guests.

Industry means the manufacture, fabrication, processing, storage, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character or appearance thereof.

Junior accessory dwelling unit means a unit that is contained entirely within the walls of a proposed or existing single-family residence which provides living facilities for one or more persons. Junior accessory dwelling units are limited to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot. Junior accessory dwelling units shall not be larger 500 square feet.

Junkyard means any lot, or the use of any portion of any lot, for the dismantling or wrecking of machinery, or for the storage or keeping of parts and equipment resulting from such dismantling or wrecking, or for the storage or keeping of junk including scrap metal or other scrap materials. Includes any area of more than 200 square feet for the storage, keeping or abandonment of junk, including scrap metals, used lumber, paper or other scrap materials, dismantling or selling of cast-off or salvage material of any sort.

Kennel means any lot or premises on which five or more dogs or cats, or combination thereof, over four months of age are kept, boarded or trained.

Livestock means domesticated animals normally kept or reared on a farm or ranch for work, breeding, fattening, or other similar purposes and includes horses, bovines, sheep, swine, and goats.

Loading space means an off-street space or berth 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. It shall abut a street, alley, or have other appropriate means of ingress or egress.

Lodginghouse means the same as the term "boardinghouse" provided no meals are served or prepared on the premises for compensation or for sale.

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

- (1) *Corner lot* means a lot abutting two streets intersecting at an angle of not more than 135 degrees. If the angle of intersection is more than 135 degrees, the lot is an interior lot.
- (2) *Flag or panhandle lot* means a lot connected to the street with a narrow access portion less than 40 feet wide and more than 20 feet long and situated so that another lot is located between the main portion of the flag lot and the street.
- (3) *Interior lot* means a lot abutting only one street or abutting two streets which intersect at an angle greater than 135 degrees.
- (4) *Key lot* means a lot with a side that abuts the rear lot line of one or more adjoining lots.
- (5) *Reverse corner lot* means a corner lot, the rear of which abuts the side of another lot.
- (6) *Through lot* means a lot with frontage on two parallel or approximately parallel streets.

Lot area means the total of the lot area, measured in a horizontal plane, within the lot lines of a lot and expressed in square feet, acres or other area measurement.

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

Lot depth means the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot line or *property line* means any boundary of a lot. The classification of lot lines and their definitions are as follow:

- (1) *Front lot line* means the following:
 - a. On an interior lot, the line separating the lot from the street.
 - b. On a corner lot, the shorter line abutting a street (if the lot lines are equal or approximately equal, the director shall determine the front lot line).
 - c. On a through lot, the lot line abutting the street providing primary access to the lot.
- (2) *Interior lot line* means any lot line not abutting a street.
- (3) *Rear lot line* means a lot line which does not intersect the front lot line and which is most distant from the most parallel to the front lot line. In the case of an irregularly shaped lot or a lot bounded by only three lot lines, the rear lot line is a ten-foot long line parallel to and most distant from the front property line for the purposes of determining setbacks and other provisions of this Code.
- (4) *Side lot line* means any lot line which is not a front or rear lot line.

Lot width means the horizontal distance between the side lot lines measured at right angles to the lot depth at the building setback line as established for each district in this title.

Main street means that portion of State Highway 66 and Interstate Highway 40 which is within the city limits and is a continuation of Main Street.

Marquee means a permanent roofed structure attached to and supported by the building and projecting over public property street rights-of-way line or setback line.

Marquee sign means a sign attached to a marquee.

Massage therapy center means any establishment having a fixed place of business where any person engages in, conducts, carries on, or permits to be engaged in, conducted or carried on, massage treatments (as defined in [section 19.06.020](#)) for any form of consideration, provided, however, that "massage therapy center" shall not include uses conducted by persons exempt from the provisions of [section 19.06.020](#).

Mobile home accessory building or structure means any awning, portable, demountable or permanent cabana, ramada, storage cabinet, carport, fence, windbreak or porch established for the use of the occupant of the mobile home.

Mobile home park means an area or tract of land where one or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies.

Modular/factory-built housing means a residential building, dwelling unit, or an individual dwelling room or combination of rooms thereof, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage or destruction of the part, including units designed for use as part of an institution for resident or patient care, which is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on site.

Motel means a group of guestrooms used for commercial purposes, such as a building or group of buildings containing guestrooms with automobile parking space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of persons or automobile travelers, including buildings designated as auto cabins, motor courts, motels, or similar designations.

Nonconforming building means a building or portion thereof which does not comply with the property regulations of the district classification in which it is located.

Nonconforming use means a use of a building or land which does not comply with the regulations of the district classification in which it is located.

Outdoor living area means the minimum area as required by this title of usable space open or enclosed for active or passive recreation.

Parking area, private, means an open area, carport or garage other than a street used for automobile parking and restricted from general public use.

Parking area, public, means an area, other than a private parking area or street used for automobile parking and available for public or quasi-public use, either free or for remuneration.

Parking space, automobile, means an accessible space exclusive of driveways, ramps, columns, loading areas, office or work areas, for the parking of one automobile. Such space shall not be less than nine feet in width and 19 feet in length.

Person means an individual, firm, copartnership, joint adventure, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, the federal or state government, city, county, district, or any other group or combination acting as an entity.

Pole sign means a sign supported wholly by a pole, post, uprights or braces placed upon or in the ground, not attached to any part of a building and which is six feet or more above grade.

Recreational trailer park means any area or tract of land, within an area zoned or leased or held out for rent or lease to owners or users of recreational vehicles or tents and which is occupied for temporary purposes.

Recreational vehicle means a camp car, motor home, travel trailer or tent trailer with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms, and is identified as a recreational vehicle by the manufacturer.

Roof sign means a sign which is erected upon or above a roof of a building.

Roominghouse. See definition of "boardinghouse" in this section.

Rubbish means waste material consisting of lumber, tree or plant clippings, plaster, trash, concrete, paper, metal or similar material covering an area of ten square feet or more.

School. See definition of "educational institution" in this section.

Service station means a business which provides for fuel servicing of motor vehicles, and includes tube and tire repairs, battery charging, storage of merchandise and supplies related to the servicing of motor vehicles, sale of lubricants, cleaning and waxing of vehicles (within an enclosed building), mini-marts, accessory grease racks, but excluding major motor vehicle repairs, body and fender work, engine overhauling and other similar activities.

Setback line means a line which defines the depth of the required yard or when no yard is required the street right-of-way line shall be the setback line.

Short-term rental means a residential dwelling unit, or portion thereof, that is offered or provided to a paying guest(s) by a short-term rental operator for 30 or fewer consecutive nights. The term "short-term rental" shall not include hotels, extended stay hotels, apartment motels, motels, inns, or bed and breakfast lodging.

Sign area means the net geometric area of a sign computed as including the entire area within one or more parallelograms, triangles, or circles or semicircles comprising the display, including borders and background of a sign structure or when painted on the wall of a structure. One face of a double-faced sign shall be considered in determining sign area, provided both faces are not separated more than 24 inches.

Sign grade means the finished ground level where the sign is located.

Sign projection means that portion of a sign which extends or projects over a street right-of-way, public property or setback line.

Site plan means a plan prepared to scale, showing all of the uses proposed for a specific property. The plan shall show all buildings, structures, signs, off-street parking layout, loading space, points of ingress and egress, walls, fences, landscaping and any additional information that may be necessary to clearly define the intended use of the property.

Stable, private, means a building or premises used for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire or sale.

Stable, public, means a building or premises used for the keeping of horses for remuneration.

Story means a space in a building between the surface of any floor and the surface of the floor next above, or if there be no floor above, then the space between such floor and the ceiling or roof above.

Street means a thoroughfare which affords the principal means of access to abutting property and meets the street standards of the city.

Street centerline means the centerline of a street as established by the city engineer or if no such centerline has been established, and in any case in which the foregoing is not applicable, the planning commission shall designate the centerline.

Street right-of-way line means the existing street right-of-way, or if the street rights-of-way as designated on the master plan of streets and highways or adopted specific street plan is greater, it shall be the street right-of-way line. Any yard abutting such street right-of-way line shall be measured from this line.

Structure means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground.

Structural alterations means any change in the supporting members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, foundations, piles or similar components.

Total sign area means the area of all signs on a lot visible from a street.

Trailer coach is a vehicle other than a motor vehicle, designed or used for human habitation, or human occupancy for industrial, professional, or commercial purposes, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

Trailer park means any area or tract of land where space is rented or held for rent to owners or users of house trailers or mobile homes.

Transportation container means any container which was designed and used or intended to be used as a transportation device for goods and materials, e.g., railroad cars, sea cargo containers, semi-trailers, etc.

Travel trailer is a vehicle other than a motor vehicle, which is designed or used for human habitation and which may be moved upon a public highways without a special permit or chauffeurs license, or both, without violating any provisions of the vehicle code.

Truck and trailer sales lot means an open area where trucks or trailers are sold, leased or rented.

Use means the purpose for which land or buildings are erected, arranged, designed, or intended; or for which land or buildings are or may be occupied or maintained.

Wall sign means a sign anchored to and wholly supported by the wall of a building with the exposed face of the sign in a plane.

Wall sign, projecting, means a sign attached to and wholly separated by the wall of a building with the exposed face of the sign, perpendicular to the wall of the building.

Yard means an open space on a lot, which space is open from the ground to the sky, except for the projections or accessory buildings permitted by this title.

Yard, front, means a yard extending across the full width of the lot, the depth of which is the minimum distance between the street rights-of-way line and the setback line as required by this title.

Yard, rear, means a yard extending across the full width of the lot to the side yard setback lines, the depth of which is the minimum distance from the rear lot line and the setback line as required by this title.

Yard, side, means a yard extending from the front setback line to the rear lot line, the width of which is the minimum distance between the side lot line and setback line for interior lots and the street rights-of-way line and setback line for a side yard abutting a street parallel to the wall of the building.

(Ord. No. 934-2015, § 19.02.005, 7-20-2015; Ord. No. 976-2021, § 2, 8-16-2021; Ord. No. 981-2021, § 2, 11-15-2021)

CHAPTER 19.04. - DISTRICTS ESTABLISHED

Sec. 19.04.010. - Established.

In order to implement the provisions of this title, land use districts are established to be known as follows:

ES	Estate residential zoned district
LDR	Low density residential zoned district
SFR	Single-family residential zoned district
MDR	Medium density residential zoned district
DU	Diverse use zoned district
HS	Human services zoned district
C	Commercial zoned district
I	Industrial zoned district
O	Open space zoned district
MZ	Military zoned district

PF	Public facilities zoned district
SP	Specific plan zoned district

(Ord. No. 934-2015, § 19.04.010, 7-20-2015)

Sec. 19.04.020. - Boundaries.

The boundaries of those districts established shall be known on the zoning ordinance maps. Changes, additions, and amendments to the official zoning plan shall be determined and defined from time to time by ordinance adopting zoning ordinance maps covering such additions and amendments, each of which shall become, upon adoption, a part of the official zoning plan for the city.

(Ord. No. 934-2015, § 19.04.020, 7-20-2015)

CHAPTER 19.05. - SITE PLAN REVIEW

Sec. 19.05.010. - Purpose of provisions.

The purpose of the site plan review process is to assist the property owner in obtaining the best utilization of their property in accordance with sound land use planning and design criteria, and to enable the planning agency to ensure that the proposed development is in conformance with the intent and provisions of all applicable city regulations and policies.

(Ord. No. 954-2017, § 1(Exh. A), 7-17-2017)

Sec. 19.05.020. - Approval required.

- (a) No person shall undertake, conduct or use, or cause to be undertaken, conducted or used, any development projects which require site plan review, without having first complied with the provisions of this article.
- (b) The following uses have been determined to be exempt from site plan review requirements:
 - (1) Interior remodels that do not result in substantial changes in the character of the occupancy or use, or cause greater impact on traffic or waste disposal, as determined by the building official with concurrence from other affected city departments;
 - (2) Alterations to building facades not resulting in significant changes of use, drainage patterns, parking, traffic, easements, or greater impacts on infrastructure and public services, as determined by the building official and city planner with concurrence from other city departments;
 - (3) Repair and maintenance of structures or parking areas, unless constrained by existing waste disposal systems and existing drainage patterns and/or easements;
 - (4) Replacement and/or repair of a structure partially destroyed by fire, flood or other natural occurrence, when the repair of such structure is determined by the building official to be consistent with the design, use and intensity of the original structure, and consistent with the zoning and general plan designations;
 - (5) Single-family residential development (one residence per parcel), on previously subdivided parcels.
 - (6) Duplex, attached or detached (two residences per parcel), on previously subdivided parcels.

When an application is filed for a use that is no more intensive than the original use, but progresses into a more intense use than originally proposed (i.e., subsections 1 through 5 above), the applicant shall cease the improvements until advising the city of the change of use for determination of whether a Site Plan Review is required. Failure to do so may be subject to section 19.05.110 below.

- (c) Where permitted by the zone and unless otherwise specified, site plan review and approval for the following development application proposals will be through the administrative review with notice procedure, pursuant to section 19.05.060. Examples shall include, but not be limited to the following:
 - (1)

Residential development of two, three or four dwelling units;

- (2) Additions to existing multiple residential, commercial or industrial structures which will result in an increase in total floor area;
- (3) Revisions to previously approved site plans;
- (4) Projects involving a change or intensification of land use, such as the conversion of an existing building to a restaurant, or the conversion of a residential structure to an office or commercial use, unless such conversion is determined by the city planner to be inconsistent with the zoning and general plan, and may result in additional impacts on existing infrastructure and public services;
- (5) Projects which have been recommended for administrative approval by the development review committee, based upon the following criteria:
 - a. The project will not have significant or long-range impacts on surrounding properties, city services, or the environment,
 - b. The project will not establish a new or different pattern of land uses or intensities in the area,
 - c. The project has not generated controversy or opposition, and
 - d. The project is consistent with the city's general plan goals, policies and maps.
- (d) Where permitted by the zone and unless otherwise specified, site plan review for the following development application proposals will be through a planning commission public hearing, pursuant to section 19.05.060.
 1. Residential development of more than four dwelling units;
 2. Retail commercial uses;
 3. Office or administrative/professional uses;
 4. Industrial uses;
 5. Wholesale and service commercial uses;
 6. Public or quasi-public uses which are subject to review by the city;
 7. Projects which have been recommended by the planning director or the development review committee to the planning commission for a decision;
 8. Any project which requires preparation of a negative declaration, mitigated negative declaration, or an environmental impact report.

(Ord. No. 954-2017, § 1(Exh. A), 7-17-2017)

Sec. 19.05.030. - Application procedure.

- (a) *Preapplication conference.* A conference between appropriate city staff, any referral agencies deemed necessary by the city, and the applicant may be requested by any applicant or may be required by the planning director. The conference shall take place prior to submission of the application, pursuant to section 19.05.070.
- (b) *Application submission.*
 1. The project applicant must be the property owner or an authorized agent of the property owner.
 2. After a preapplication conference has been held, when required, the applicant shall prepare a comprehensive site plan and complete the required application forms supplied by the city. The applicant shall file said plans and application with the planning department, along with the required fee as adopted by the city council. Information requested on the application form and other processing requirements, including but not limited to number of copies requested, maps, graphics or informational reports and studies, shall be determined by the planning department.
 3. The applicant may be required to clarify, correct or supply additional information before the application is determined by the department to be complete. The department shall not accept a site plan for filing if the application does not conform to the standards as prescribed in this section. Upon making the determination that the application conforms to these standards, the department will notify the applicant in writing that the application has been accepted pursuant to section 19.05.080 of this chapter.
- (c) *Site plan.* The application shall be accompanied by the required number of site plan maps, drawn at a minimum scale of one inch equals 20 feet, or other scale approved by the planning department, on standard sheets of 24 inches by 36 inches. The site plans shall indicate the location of all known and proposed easements and improvements; structures and improvements proposed to be

demolished, relocated, or constructed; and all other pertinent information (including but not limited to parking, retaining walls, fences, signs, setbacks, driveways, street improvements, drainage improvements and utilities) which can be graphically depicted on the plan, as specified in the checklist provided by the planning department.

- (d) *Drawings and elevations.* Elevations showing the general appearance and features of proposed structures shall be submitted, as required on the application checklist.

When required by the planning department, drawings and elevations shall be submitted in addition to those accompanying the site plan, which shall include but not be limited to the following:

1. Roof overhangs and any other parts of the structures that protrude from the building surfaces;
2. Uses of each room, or floor plans if required.

(Ord. No. 954-2017, § 1(Exh. A), 7-17-2017)

Sec. 19.05.040. - Approval requirements.

- (a) Site plan approval shall apply only to the property for which the application was made, and shall apply to that property as long as the use for which approval was granted is in effect, regardless of changes in ownership.
- (b) Site plan approval shall be granted for a period not to exceed thirty-six (36) months from the effective date of the decision; extensions of time to complete compliance with conditions of approval may be granted where warranted, pursuant to section 19.05.090.
- (c) The following requirements may be placed upon the development project by the reviewing authority as conditions of approval:
 1. Dedications and/or easements for streets, alleys, drainage, public utilities, recreational trails, flood control, and such other rights-of-way as may be determined essential to the orderly development of the site and abutting properties;
 2. On and off-site improvements, including but not limited to the following:
 - a. Grading, drainage and drainage structures necessary to protect the public safety,
 - b. Curbs and gutters, street pavement, sidewalks, and traffic control devices; all road improvements are to be constructed pursuant to plans and specifications of the public works department of the city,
 - c. Adequate water system and fire protection equipment, pursuant to plans and specifications of the public works department and fire department of the city,
 - d. Sanitary sewer facilities and connections,
 - e. Services from public utilities where provided,
 - f. Street trees,
 - g. Landscaping, walls and/or fences, trash enclosures, and lighting fixtures,
 - h. Street lights and street name signs,
 - i. In addition to the above requirements, the reviewing authority shall require such additional improvements and facilities as determined necessary for the proper development of the site and area.

(Ord. No. 954-2017, § 1(Exh. A), 7-17-2017)

Sec. 19.05.050. - Determination by the approval authority.

The approval authority will determine the merits of the proposed site plan, and its compliance with the principles, standards, policies and goals of the general plan, development code and other applicable codes and ordinances adopted by the city and its subsidiary districts, in order to protect the public health, safety and general welfare. Approval shall be based upon the following minimum criteria, which shall also constitute the findings to be made by the approval authority in approving or denying a site plan:

- (a) The site for the proposed use is adequate in size and shape to accommodate all yards, open spaces, setbacks, walls and fences, parking areas, fire and building code considerations, and other features pertaining to the application;
- (b) The proposed use will not have a substantial adverse effect on abutting property or the permitted use thereof, and will not generate excessive noise, vibration, traffic, or other disturbances, nuisances or hazards;
- (c) The proposed use is consistent with the goals, policies, standards and maps of the development code, general plan, and other applicable codes and ordinances adopted by the city;

(d) The site for the proposed use has adequate access, meaning that the site design incorporates street and highway limitations.

(Ord. No. 954-2017, § 1(Exh. A), 7-17-2017)

Sec. 19.05.060. - Development review procedures.

(a) Land use applications will be reviewed and approved in accordance with four basic procedures:

1. Noticed public hearing by the planning commission (any discretionary permit), in which the reviewing authority hears public testimony for and against the land use proposal, reviews evidence and renders its decision;
2. Administrative review with notice, in which a posted and/or published notice is given to affected and interested parties, followed by a decision by the reviewing authority. The notice shall be designed to ensure that all interested parties are aware of the pending decision and are given a chance to comment before the reviewing authority renders its decision. The reviewing authority shall be the development review committee;
3. Administrative review without notice, used when land use decisions made by the reviewing authority are based upon standards that have been adopted by the city as law or policy, and the reviewing authority is allowed to render a decision without giving notice to surrounding property owners and other parties. The reviewing authority shall be the development review committee;
4. Tenant improvement review, used when a proposed land use is to be located within a facility that meets the city's development standards, or when the existing facility has been previously approved for the same or similar use. The reviewing authority is not required to give notice prior to rendering a decision. The reviewing authority shall be the building official, or his or her designee, with concurrence with other city departments.

(Ord. No. 954-2017, § 1(Exh. A), 7-17-2017)

Sec. 19.05.070. - Preapplication conference.

- (a) The planning department may require that the applicant submit materials for and attend a preapplication conference to review the development proposal prior to acceptance of the application. The purpose of this conference is to acquaint the city with the intentions of the applicant, to acquaint the applicant with any applicable policies and procedures, to identify city ordinances and improvement standards applicable to the proposal, and to identify any significant development opportunities and/or constraints on the site.
- (b) The preapplication conference shall include an exchange of information concerning the whole of the area intended by the applicant to be developed, even if such development is intended to proceed by stages, whether or not applications for review of the entire project area are made at the time of the initial application.
- (c) Application for a preapplication conference shall be made at the planning department, and shall be accompanied by the appropriate fee as adopted by the city council. The applicant shall submit the required number of copies of a conceptual plan, showing proposed land use types, areas and locations. The conceptual plan shall include sufficient information about the proposal to permit evaluation of the development issues identified in this section.
- (d) The preapplication conference shall address, but not be limited to, the following subject matter:
 1. Subject parcel. Its size, location, dimensions and area; any existing improvements or developments on-site; existing general plan land use designations;
 2. Proposed development project. Uses proposed for the site; type and placement of buildings and other improvements;
 3. Characteristics of the project site and vicinity. Existing and proposed land use designations and development on adjacent parcels; any identified natural or man-made hazards on-site or in vicinity;
 4. Proposed circulation improvements, both on and off-site. Access points and vehicular access ways, parking, loading, and pedestrian circulation;
 5. Public improvements. Type, location and sizes of public facilities likely to be required to support the proposal, including utilities, sewer, water and drainage, along with a plan for providing and maintaining improvements;
 6. Location, amount, type and method of maintenance for proposed open space and landscaped areas;
 7. Community service impacts. Estimated impacts on public services, including schools, parks, fire and police protection, and solid waste disposal.

(Ord. No. 954-2017, § 1(Exh. A), 7-17-2017)

Sec. 19.05.080. - Time limitations for application acceptance.

The following time limits are established for reviewing land use applications as complete.

- (a) Pursuant to Government Code Section 65943, not later than 30 days after the city has received an application for a development project, it shall determine whether the submitted application materials are complete, and shall transmit such determination to the applicant. Upon receipt of any resubmittal, a new 30-day time period shall begin during which the city shall determine the completeness of the application. If the application together with submitted materials are determined not to be complete, the applicant may appeal the decision to require additional information to the planning commission, as provided for in chapter 19.44 of this title. If the final written determination on the appeal is not made within the time periods within section 19.44.050, the application as well as the submitted materials shall be deemed complete.
- (b) The reviewing authority and the applicant may mutually agree to a reasonable extension of these time limits.

(Ord. No. 954-2017, § 1(Exh. A), 7-17-2017)

Sec. 19.05.090. - Decisions by the reviewing authority.

- (a) A reviewing authority may refer a request for a land use decision to the reviewing authority designated as the appeal body for that type of land use application. In such cases, a statement containing the reasons for referring the land use decision shall be prepared by the referring authority.
- (b) All land use decisions which require a legislative act prior to their approval or denial shall be referred to the city council for final action.
- (c) Prior to rendering a land use decision; the reviewing authority shall address each of the findings that apply to the application type as described in chapter 19.30 of this title. Evidence or testimony shall be given to substantiate each of the required findings for the decision, and shall be specifically cited in the action taken by the reviewing authority.
- (d) A land use application which has been denied by the development review committee (DRC), planning commission and/or city council cannot be resubmitted to the city within one year from the decision date.
- (e) The DRC, planning commission and/or city council may take an action of denial without prejudice on a land use application. Such action allows the applicant to reapply for the same permit within one year of the decision date. The city council shall have the authority to waive reapplication fees when such action is taken; however, if reapplication is not accomplished within one year of the decision date, the application will be subject to full application fees.

(Ord. No. 954-2017, § 1(Exh. A), 7-17-2017)

Sec. 19.05.100. - Approval period for land use decisions.

- (a) Any land use decision made in accordance with the provisions of this title shall be subject to the following time limitations:
- (b) Unless substantial construction in reliance upon building permits has occurred or division of land authorized by the land use decision has taken place or been recorded within the time specified for each land use application type within this title, the land use decision shall become null and void.
- (c) Where circumstances warrant, the development review committee may grant extensions of time for a period of time not to exceed twelve (12) months each. The development review committee shall consider each extension of time on its own merits and may amend the conditions as necessary to bring the project into compliance with the development standards in effect at the time of review of the extension. The development review committee may refer such request for extension to the planning commission for action.
- (d) Public projects shall not be subject to a time limitation unless specific time limits are included within conditions placed upon the project's approval. When time limits are placed within the conditional approval of a public project, extensions of time may be granted whenever warranted; provided, no single action is taken to grant an extension greater than 12 months.
- (e) All entitlements subject to this section effective between January 1, 2007 and the effective date of approval of this amendment shall be granted one automatic twelve-month extension of time.

(Ord. No. 954-2017, § 1(Exh. A), 7-17-2017)

Sec. 19.05.110. - Revocation of site plan approval.

A site plan approval may be scheduled for revocation if it is found that the site plan approval as operated or maintained:

- (a) Jeopardizes or adversely affects the public health, peace, or safety of persons residing or working on the premises or surrounding area; or
- (b) Constitutes a public nuisance; or
- (c) Has resulted in repeated nuisance activities, including but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises (especially after 11:00 pm or before 8:00 am), traffic violations, curfew violations, lewd conduct, or police detentions and arrests; or
- (d) Adversely impacts nearby uses; or
- (e) Violates any provisions of this chapter, or any other city, state, or federal regulation, ordinance, or statute; or
- (f) Violates any condition imposed by a prior discretionary land use approval including approvals granted pursuant to this chapter or this title; or an approval initiated by applicants of a property owner or owner's representative related to the use of land including, but not limited to, parcel map, tentative tract map, development agreement, etc. pursuant to a moratorium or an interim control ordinance; or
- (g) Information contained on the application is false or incorrect at the time of the submittal.

The revocation of a site plan approval will effectively cause the project to cease until compliance is achieved.

(Ord. No. 954-2017, § 1(Exh. A), 7-17-2017)

Sec. 19.05.120. - Appeals.

Decisions of the Development Review Committee are appealable to the Planning Commission subject to chapter 19.44 (Appeals and Calls for Review) of this title.

(Ord. No. 954-2017, § 1(Exh. A), 7-17-2017)

CHAPTER 19.06. - DEVELOPMENT STANDARDS

Sec. 19.06.010. - Outdoor lighting.

- (a) Purpose.
 - (1) Good outdoor lighting at night benefits everyone. It increases safety, enhances the city's night time character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone. There is a need for a lighting ordinance that recognizes the benefits of outdoor lighting and provides clear guidelines for its installation so as to help maintain and complement the city's character. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of Barstow.
 - (2) This section is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the city. All businesses, residential, and community driveways, sidewalk and property luminaires should be installed with the idea of being a "good neighbor," with attempts to keep unnecessary direct light from shining onto abutting properties, structures or streets.
 - (3) It is also the purpose of this section to provide energy-efficient lighting that will allow for the safe maneuvering of vehicles and pedestrians within parking areas and walkways for multiple-family residential, office, commercial and industrial developments without adversely impacting adjacent properties. This section is not intended to restrict the type of lighting in single-family dwellings that may be provided for security purposes provided it does not cause a nuisance for the adjacent properties.
- (b) *Definitions.* For the purposes of this section, terms used shall be defined as follows:

Direct light means light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Fixture means the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Floodlight or *spotlight* means any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully shielded lights means outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Glare means light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Grandfathered luminaires means luminaires not conforming to this Code that were in place at the time this Code was voted into effect. When an ordinance grandfathers a luminaire, it means that such already existing outdoor lighting does not need to be changed unless a specified period of time is identified for adherence to the Code, or as identified in subsection (n) of this section.

Height of luminaire means the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Indirect light means direct light that has been reflected or has scattered off of other surfaces.

Lamp means the component of a luminaire that produces the actual light.

Light trespass means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen means a unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of this [title 19](#), the lumen-output values shall be the initial lumen output ratings of a lamp.

Luminaire means a complete lighting system, and includes a lamp or lamps and a fixture.

Outdoor lighting means the nighttime illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

Temporary outdoor lighting means the specific illumination of an outside area of object by any manmade device located outdoors that produces light by any means for a period of less than seven days, with at least 180 days passing before being used again.

(c) *General requirements.* It shall be the responsibility of city staff to review outside lighting plans for all development affected by this section in accordance with the attached guidelines. This shall be completed through the design review process.

(d) *Applicability.* This section shall apply to all new or additions to existing single-family residential, multiple-family residential, office, commercial and industrial structures in excess of \$5,000.00 in valuation. Existing developments noted above currently not utilizing energy efficient lamps shall be subject to the requirements listed under subsection (n) of this section.

(e) *Light trespass and control of glare.*

- (1) All outdoor lighting shall be designed to minimize the trespass of light onto adjacent properties, walkways, residential buildings, hospitals and other uses that may be sensitive to light. In addition, all lighting shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.
- (2) No lighting shall be aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways.

(f) *Parking areas.*

- (1) All lighting allowed by this section must be fully shielded and focused to minimize spillover onto adjacent properties.
- (2) All lighting shall be designed to minimize light pollution into the night sky as identified in subsection (d) of this section.
- (3) All lighting shall be arranged so there will be no more than two footcandles per square foot.
- (4) Height of light standards shall be determined by utilizing the information identified within the zoning designation, specific plan guidelines of the affected area.

(g)

Pedestrian walkways/business entrance/teller machines. Pedestrian walkways shall be illuminated to no less than 0.5 and no more than one footcandle for safety purposes. Business entrances shall be illuminated to no less than one-half and no more than two footcandle. Illumination of teller machines shall be no less than ten footcandles and the light must be able to extend outward by five feet to provide for pedestrian security.

- (h) *Recreational facilities.* Any light source permitted by this Code may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
 - (1) All fixtures used for event lighting shall be fully shielded as defined in subsection (d) of this section, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
 - (2) All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m. This exemption is a 24-hour event raising donations for a nonprofit organization, including but not limited to the American Cancer Society. In such event, lighting shall be reduced after 11:00 p.m. to minimize glare onto adjacent properties.
- (i) *Luminaries.* Luminaries shall include adequate shielding as determined by subsections (e) and (m) of this section, or as approved by the building official.
- (j) *Prohibitions.* The following light sources are not permitted to illuminate parking areas:
 - (1) Flashing.
 - (2) Floodlights.
 - (3) Fluorescent.
 - (4) Incandescent.
 - (5) Lights utilizing fossil fuels (kerosene, gas, etc.).
 - (6) Low pressure sodium.
 - (7) Metal halide.
 - (8) Quartz.
 - (9) Spotlights.
 - (10) Search lights.
 - (11) Temporary outdoor lighting except as follows:
 - a. Temporary outdoor lighting may be permitted in conjunction with a temporary use permit provided that the temporary lighting is approved by the building official and the lighting is consistent with subsection (e) of this section.
 - b. Temporary lighting for the emergency repair of any utility, structure, facility, infrastructure, etc., that is necessary for the safety of the public. Said lighting shall, whenever possible, be directed in such a manner as to minimize the direct beam into traffic or residences.
 - c. As required or necessary for any local, state or federally declared emergency.
 - d. Any exceptions shall be subject to review and approval by the Barstow planning commission.
- (k) *Lamp type.*
 - (1) All lamp types proposed shall be energy efficient or as approved by the Barstow planning commission. Lamps shall provide sufficient illumination that is no less than one-half footcandles, and no more than two footcandles, throughout the entire parking lot. The business entrance and pedestrian access shall be illuminated as identified under subsection (g) of this section, unless specified differently elsewhere in this Code.
 - (2) Lamps used for the purpose of illuminating the exterior of a building shall be subdued to minimize any reflectivity (from windows, other hard, shiny surfaces) and glare. Lighting shall not include any color filter or lens, or other coating to color the light other than that of the type of lamp used (i.e., high-pressure sodium is typically yellow-white, low-pressure sodium is yellow, LED is typically white, etc.) except as approved by the planning commission with the application of a development permit.
- (l)

Photosensors. All parking areas shall be illuminated during normal business hours. Businesses shall provide no less than one-half and no more than one footcandle of illumination within the parking areas for safety and security purposes after their normal business hours. The use of photosensors, timers, etc., is encouraged to automatically turn off all exterior lighting during the day.

- (m) *Photometrics required.* A photometric plan may be required at the discretion of the building official for any project meeting the criteria identified under subsection (d) of this section, except single-family residential. Said plans shall be submitted to and approved by city staff.
- (n) *Retrofitting/maintenance.* Lamps shall be replaced and cleaned as necessary. Any project identified under subsection (d) of this section currently not utilizing energy efficient lamps shall replace exhausted lamps with energy efficient lamps provided no change in ballasts is required. Should the ballast require replacing, retrofitting to energy efficient lighting shall be required. All new lamps shall provide uniform color and intensity. All outdoor lighting shall be maintained in an operational condition. Failure to maintain said lights will result in enforcement actions identified under subsection (q) of this section.
- (o) *Exempt lighting.* The following light sources shall be exempt when located within parking areas:
 - (1) Holiday decorations.
 - (2) Landscape lighting.
 - (3) Walkway lighting.
- (p) *Light protection.* All permitted light fixtures shall include a cover and gasket to prevent the entrance of dirt. In extremely dirty environments, filtered fixtures should be considered.
- (q) *Enforcement.*
 - (1) Compliance with this section shall be subject to review and approval by the city prior to issuance of any certificate of occupancy.
 - (2) Any violation or failure to comply with any of the provisions of this section shall constitute sufficient grounds for refusal of a permit and/or license.
 - (3) Failure to maintain the lighting consistent with this Code may result in administrative citations and enforcement actions pursuant to chapter 6.30 of the Barstow Municipal Code.

(Ord. No. 934-2015, § 19.06.010, 7-20-2015)

Sec. 19.06.020. - Massage therapy.

- (a) *Declaration of purpose and intent.*
 - (1) The purpose of this section is to establish comprehensive regulations for massage therapy centers and massage practitioners to protect public health, safety, and welfare by:
 - a. Requiring a clean and safe environment for massage treatments; and
 - b. Providing minimum standards for the conduct of massage practitioners.
 - (2) This section shall establish new permitting standards intended to comply with California law.
 - (3) This section is not intended to be exclusive and compliance will not excuse noncompliance with any state or local laws or regulations that are uniformly applied to other professional or personal services businesses, including but not limited to, all zoning applications, business license provisions, building code, and fire, electrical, plumbing, and health and safety code laws and regulations applicable to professional or personal services businesses.
 - (4) Upon its date of effect, this section establishes a local regulatory system that allows only state certified massage therapists and massage practitioners to operate within the city. Massage practitioners or therapists and massage therapy centers already in possession of certificates, permits and business licenses shall be entitled to operate according to the terms and conditions of said certificates, permits or licenses.
- (b) *Definitions.* Unless the context or subject matter clearly indicates that a different meaning is intended, the words set forth below shall have the following meaning when used in this section:

California Massage Therapy Council (CAMTC) means the California Massage Therapy Council created pursuant to Business and Professions Code § 4602(a).

Certified massage practitioner means a massage practitioner, as defined in this subsection, who is certified by the CAMTC under Business and Professions Code § 604.2.

Certified massage therapist means a massage therapist, as defined in this subsection, who is certified by the CAMTC under Business and Professions Code § 4604.

Certified massage therapy center means a massage therapy center, as defined in this subsection, in which only CAMTC certified massage practitioners or therapists are employed to perform massage treatment and services.

Manager means the planning and economic development manager or such other manager or director designated by the city manager.

Massage practitioner or *massage therapist* means any person, male or female, who administers massage or massage treatments for any form of consideration. For the purpose of this section, the following shall be considered synonymous: massage practitioner, massage technician, massage therapist, holistic health practitioner, massage instructor, masseuse, and muscle therapy practitioner.

Massage therapy center means any establishment having a fixed place of business where one or more persons engages in, conducts, carries on, or permits to be engaged in, conducted or carried on, massage treatment for any form of consideration, except those establishments who are exempted under subsection (m) of this section.

Massage or *massage treatment* means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the human body with the hands or any apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparations. The term "massage" or "massage treatment" includes, but is not limited to, the following: facial massage; fomentations massage; electric or magnetic treatment; shiatsu; alcohol rubs; Turkish baths; and related actions or services.

Off-premises massage service means a business which provides or coordinates massage or massage treatments in any location within the city, but not at any fixed location on an "outcall" basis. This definition may include businesses which are also operating at a fixed location if they also provide or offer "outcall" massage services.

Person means and includes person(s), firms, corporations, partnerships, associations or other forms of business organization or group.

Person who has engaged in disqualifying conduct means a person who has done any of the following within five years of the date of the subject's application for business license:

- (1) Has been convicted in a court of competent jurisdiction of any of the following:
 - a. Any misdemeanor or felony that relates directly to the operation of a massage therapy center or any crime involving moral turpitude.
 - b. A misdemeanor or felony offense whose commission occurred on the premises of a massage therapy center.
 - c. A violation of California Penal Code §§ 266h, 266i, 315, 316, 318, or 647(b).
 - d. A felony offense involving the sale of a controlled substance specified in California Health and Safety Code §§ 11054, 11055, 11056, 11057, or 11058.
 - e. Conspiracy or attempt to commit any of the aforesaid offenses.
 - f. An offense in a jurisdiction outside the State of California that is substantially the equivalent of any of the aforesaid offenses.
- (2) Has been found guilty of, or has pleaded guilty or nolo contendere to, any lesser-included offense of any of the aforesaid offenses.
- (3) Has been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to California Penal Code §§ 11225 through 11235 or any similar provisions of law in a jurisdiction outside the state.
- (4) Has had revoked any massage-related permit or license issued by any other public agency that regulates massage therapy centers or massage practitioners.
- (5) Is required to register as a sex offender pursuant to California Penal Code § 290.

Specified anatomical areas means and includes any of the following human anatomical areas: genitals, pubic regions, anuses, and female breasts below a point immediately above the top of the areola.

Specified sexual activities means and includes all of the following:

- (1) The fondling or other erotic touching of specified anatomical areas;
- (2) Sex acts including, without limitation, intercourse, oral copulation, or sodomy;
- (3) Masturbation; or
- (4)

Excretory functions as part of or in connection with any specified sexual activity listed in this definition.

- (c) *Administration.* The manager is authorized to administer this section and to adopt administrative policies and procedures required to implement the regulations set forth in this section.
- (d) *Use permit required.*
 - (1) Massage therapy centers established after the enactment of this section shall require a conditional use permit and be required to be certified by the California Massage Therapy Council (CAMTC). This shall include the opening of a certified massage therapy center as a new business or the conversion from another business to a certified massage therapy center. No person who has engaged in disqualifying conduct shall be eligible for a conditional use permit to operate a massage therapy center. All massage therapy centers will be required to employ only massage practitioners or therapists who have been certified by the California Massage Therapy Council (CAMTC), unless exempted under subsection (f) of this section.
 - (2) Lawfully established massage therapy centers existing at the time of enactment of this section may continue in operation at their present location, but shall comply with all other sections of this chapter. Lawfully established massage therapy centers may also be allowed to relocate one time from their current location to a new location without gaining approval of a conditional use permit, provided:
 - a. The new location is within a zone district that allows massage therapy centers;
 - b. There has been no change in ownership of the relocating massage therapy center; and
 - c. There has been full compliance with the approved conditional use permit which established the massage therapy center and there has been no expiration of the massage therapy center's business license.
- (e) *California Massage Therapy Council (CAMTC) Certification required.*
 - (1) Massage therapy center. Except as provided under subsection (f) of this section, it is unlawful for any person to own, operate or maintain a massage therapy center unless all massage technicians employed by the massage establishment hold a current, valid certification from the CAMTC as a massage practitioner or massage therapist.
 - (2) Massage practitioner or massage therapist. Except as provided under subsection (f) of this section, it is unlawful for any person to engage in, or carry on the business or activities of a massage practitioner or massage therapist without a certification from the CAMTC as a massage practitioner or massage therapist.
 - (3) Off-premises massage service. Except as provided under subsection (f) of this section, it is unlawful for any person to own, operate, or maintain an off-premises massage service in the city unless all massage practitioners or therapists who are employed by the off-premises massage service hold a current, valid certification from the CAMTC as a certified massage practitioner or certified massage therapist.
- (f) *California Massage Therapy Council (CAMTC) Certification exemption.*
 - (1) Massage practitioners or massage therapists in the possession of a current, valid massage practitioner permit issued by the city's planning department and a business license issued by the city prior to January 15, 2015, shall be entitled to operate according to the terms and conditions of said city massage practitioner permit.
 - (2) Should any term or condition of the massage practitioner permit or the conditional use permit which establishes the massage therapy center be violated, or if the related business license expires or is revoked, any exemption under this section shall be considered null and void and all subsections of this section will apply to re-issuance of a conditional use permit or business license.
- (g) *Business license and home occupation permit required.*
 - (1) A city business license shall be required pursuant to title 5 of this Code for each massage therapy center or off-premises massage service operating within the city. Massage practitioners or massage therapists who work as hourly, commissioned or salaried employees of one or more massage therapy centers or off-premises massage services need not obtain a separate business license. Massage practitioners or massage therapists who work as independent contractors or sole practitioners at a massage therapy center or off-premises massage service are required to have their own individual business license. A business license issued for massage therapy services shall only be valid when issued in combination with any applicable conditional use permit, massage practitioner permit, CAMTC certification and/or home occupation permit required under this section and that has not expired or been revoked or suspended.
 - (2)

A massage therapy center or off-premises massage service operated by a sole individual out of a residentially zoned district, who has no employees and does not contract with any other massage therapists, must apply for and obtain a home occupation permit pursuant to section 19.10.080 prior to operating the business. A home occupation permit issued for massage service shall be limited to one permit per person and limited to one permit per physical address located within the incorporated city limits.

(h) *Posting or presentation of permits, certificates and other information.*

(1) All massage therapy centers shall post the following documents and information in a conspicuous public location:

- a. A valid city business license;
- b. A copy of a valid CAMTC certificate or massage practitioner permit (if applicable) for each and every massage practitioner or therapist performing massage treatments on the premises including a photograph of the certificate holder or permittee two inches by two inches or larger in size affixed to each respective certificate or permit that is on display;
- c. The conditional use permit issued for the business;
- d. A schedule of services which indicates each massage treatment offered, the price of each massage treatment, and the minimum length of time such massage treatment shall be performed. All text on such schedule shall be at least one inch in height, and all letters shall be capitalized.

(2) Massage practitioners or massage therapists who conduct off-premises massage treatment shall carry a copy of their CAMTC or massage practitioner permit and a copy of their city business license to every location where massage is performed and shall present them to customers or city representatives when requested.

(i) *Facilities and operations.* It is unlawful for any massage establishment to operate unless the massage establishment premises and operation comply with the following minimum standards:

- (1) *Signs.* A readable sign must be posted at the main entrance identifying the establishment as a massage establishment, provided, however, that all such signs must otherwise comply with the sign requirements of this Code.
- (2) *Lighting.* Minimum lighting must be provided in accordance with the California Building Code, as adopted by this Code, and, in addition, at least one unobstructed artificial light of not less than 900 lumens must be provided in each enclosed room or booth where massage services are being performed on a patron.
- (3) *Ventilation.* Minimum ventilation must be provided in accordance with the California Building Code, as adopted by this Code.
- (4) *Disinfection of instruments.* Instruments used for massage must be disinfected before each use. Where instruments for massage are employed, adequate quantities of supplies for disinfection must be available during all hours of operation.
- (5) *Water.* Hot and cold running water must be provided at all times.
- (6) *Dressing and toilet facilities.* Separate dressing and separate toilet facilities must be provided for male and female patrons. This condition does not apply to massage establishments that offer foot massage services (reflexology) and provide no other form of massage services or other type of activity regulated by this section.
- (7) *Sanitary conditions.* All walls, ceilings, floors, steam, pools, showers, bathtubs, steam rooms, vapor rooms, appliances, apparatuses, and all other physical facilities for the massage establishment must be kept in good repair and be maintained in a clean and sanitary condition. Wet and dry heat rooms, steam and vapor rooms, steam and vapor cabinets, shower compartments, and bathrooms shall be thoroughly cleaned and disinfected each day the business is in operation. Bathtubs shall be thoroughly cleaned and disinfected after each use.
- (8) *Clean linen.* Clean and sanitary towels and linens must be provided in sufficient quantity for patrons receiving massage services. Towels, sheets, and linens shall not be used by more than one person without having first been laundered.
- (9) *Linen storage.* Closed cabinets must be utilized for the storage of clean towels and linen. After use, towels and linen must be removed and stored in a separate container until laundered.
- (10) *Sanitary coverings.* A clean sheet or other effective sanitary covering shall be placed over any surface upon which a patron lies during the administration of massage treatments. Such sheet or covering shall be deposited in the "soiled linen," cabinet at the conclusion of any treatment. Heavy white paper may be substituted for sheets provided that such paper is used once for each person and then discarded into a sanitary receptacle.
- (11) *Employee and client attire.* Employees and massage practitioners or therapists shall be dressed appropriately in clothing that is not transparent, see-through or which substantially exposes undergarments, breasts, buttocks or genitals or any manner that constitutes a violation of Penal Code § 314. Swim attire is not permitted unless providing a water-based massage modality

approved by Business and Professions Code § 10.5. Massage practitioners or therapists, employees, and patrons shall not expose specified anatomical areas while providing or receiving massage treatments.

- (12) *Compliance with laws.* The premises to be used must at all times comply with all applicable state and local laws and regulations.
- (13) *Use of massage rooms.* Any room in which a massage establishment provides massage services may not be used for residential sleeping purposes.
- (14) *Records and inspection.* A register of all individuals employed as massage technicians, and copies of their current CAMTC certifications or city massage practitioner permit, pursuant to subsection (f) of this section, and massage technician business licenses, must be maintained and available for inspection at all times during regular business hours.
- (15) *Minors accompanied by parent.* Minors (children under the age of 18) who receive massage treatment must be accompanied by a parent or legal guardian or provide written authorization by a parent or legal guardian.
- (16) *Presence of noncertified personnel.* Each person, other than the client (and his parent or legal guardian if a minor), present in any area of the massage establishment other than the waiting area or other areas open to any member of the public must be a certified massage practitioner or certified massage therapist, or the massage establishment owner.
- (17) *Hours of operation.* Business shall not be conducted between the hours of 11:00 p.m. and 8:00 a.m.
- (18) *Alcohol prohibited.* Alcoholic beverages shall not be sold, served, furnished, kept, or possessed in any location which offers massage therapy. This does not apply to the occupant/owner of a residence to whom off-premises massage therapy services are provided.
- (19) *Responsible person.* At least one responsible person acting as manager shall be on the premises at all times the establishment is open for business. Such manager shall be familiar with the requirements of this section and shall be capable of communicating the provisions of this chapter to employees and patrons.
- (j) *Compliance with all laws.* Before operating a massage therapy center in the city, massage therapy center owners must comply with all applicable federal, state and local laws, including, but without limitation to, the building, electrical and plumbing codes.
- (k) *Arrangements for services.* All massage therapy centers and sole practitioners shall comply with the following standards in the negotiation and performance of services:
 - (1) Arrangements for massage treatments to be administered shall be made within the room containing the posted schedule of services.
 - (2) No sums shall be charged other than those listed on the posted schedule of services.
 - (3) Employees and massage practitioners and therapists shall not advise, suggest, or otherwise indicate to a patron the availability of any service that is not listed on the posted schedule of services.
 - (4) Massage practitioners shall not perform any service for a patron that such patron did not request within the room containing the posted schedule of services in relation to massage treatment.
- (l) *Prohibited conduct.* It is unlawful for owners or employees of massage establishments or off-premises massage services, or massage technicians, to conduct or allow any of the following activities:
 - (1) It is unlawful for any massage practitioner or technician or any other employee working in a massage establishment or for an off-premises massage service, or customers, patrons, or guests of the establishment or service, to engage in any specified sexual activities upon the premises of the massage establishment or the off-premises massage location.
 - (2) It is unlawful for any massage technician or other employee of a massage establishment to expose specified anatomical areas in the presence of any client, patron, customer, or guest.
 - (3) In the course of administering the massage, it is unlawful for any massage practitioner or technician or other massage establishment employee to make intentional physical contact with the specified anatomical areas of any customer, patron or guest.
- (m) *Exceptions.* This section shall not apply to the following classes of individuals, and they shall be exempt therefrom, while engaged in the performance of the duties of their respective professions:
 - (1) Physicians, surgeons, chiropractors, or osteopaths who are duly permitted to practice their respective professions in the state of California under the provisions of the Business and Professions Code, while performing activities encompassed by such professional permits;
 - (2) Nurses or physical therapists who are duly permitted to practice their professions in the state of California under the provisions of Business and Professions Code, while performing activities encompassed by such professional permits;

- (3) Other health care personnel engaged in the healing arts that are regulated and permitted by the state of California pursuant to Business and Professions Code div. 2, including acupuncturists;
 - (4) Athletic trainers certified by the state of California performing training services at bona fide professional, amateur or school athletic events or practices;
 - (5) Massage practitioners conducting physical therapy treatment under the direct supervision of professionals listed in subsections (a), (b) and (c) of this section, pursuant to the Business and Professions Code or California Code of Regulations and who work as a W-2 employee under the licensed professional;
 - (6) Other persons otherwise exempt by state or federal law;
 - (7) Reflexologists who provide alternative medicine in which massage is limited strictly to the soles of the feet, ears and hands;
 - (8) Estheticians who provide massage limited of the face and shoulders as part of a facial service and who are duly licensed to provide such service;
 - (9) Nail salons whose nail technicians provide massage services limited to the hands and feet and which are associated with manicures and pedicures so long as the nail technicians are duly licensed to provide such service.
- (n) *Public nuisance abatement.* Any massage establishment operated, conducted or maintained contrary to the provisions of this section is unlawful and a public nuisance. The city attorney is authorized, in addition to, or in lieu of, any other legal or criminal proceedings, to commence an action or proceeding for abatement, removal or enjoinder of such massage establishment in the manner provided by law. The city attorney may seek a court order to grant such relief to abate or remove such massage establishments and restrain and enjoin any person from operating, conducting or maintaining such an establishment contrary to the provisions of this section.
- (o) *Grounds for suspension or revocation.* The manager may suspend or revoke a massage practitioner permit, business license issued to a massage therapy center, massage practitioner or massage therapist, or any other approval under this section, for one or more of the following grounds:
- (1) *Fraud or deceit.* That the licensee practiced fraud or deceit in obtaining an approval under this section;
 - (2) *Violation of section.* That the massage establishment owner, operator, massage technician, or its employee violated a provision or provisions of this section;
 - (3) *Criminal conviction.* That the licensee has been convicted in a court of competent jurisdiction of any offense described in this section;
 - (4) *Improperly maintained facilities.* That the facilities and operations of the massage establishment are not kept in compliance with this section, and that the holder has failed to promptly remedy any deficiency of which the holder has been notified. For purposes of this subsection, notice shall mean notice given personally or by leaving notice at the massage establishment premises, or by first class mail, postage prepaid, to the address designated by the massage practitioner or therapist or facility on his application for a business license.
 - (5) *Employment of uncertified massage practitioner or therapist.* That the massage therapy center has employed, allowed or permitted an uncertified person to perform massage in the massage establishment;
 - (6) *Error.* That the approval was issued in error;
 - (7) *Civil penalties.* Assessment of three or more civil penalties as provided by this section during any six-month period; or
 - (8) *Prohibited conduct.* A massage establishment owner, operator, massage technician, or its employee or agent has been found to have engaged in prohibited conduct, as defined in subsection (l) of this section, shall be in violation of this section.
- (p) *Notice of suspension or revocation.*
- (1) Upon the manager's determination that there are grounds to revoke a massage practitioner permit for a violation of this section, the manager shall cause a notice of revocation to be mailed by first class, postage prepaid mail, to the address designated by the massage practitioner technician or massage establishment on his application for the permit or license. Revocations of business licenses shall be subject to [section 5.04.060](#).
 - (2) Prior to any suspension or revocation of a massage practitioner permit, the manager shall, by his order, give the licensee 15 days' notice of intent to suspend or revoke such license or approvals. Within 15 days after any such order the licensee may appear and show cause before the manager why such license should not be revoked. Upon the failure of licensee to appear within said time, or, if after appearance and hearing before the manager, he finds good and sufficient cause for revocation under this section, the massage practitioner permit shall be suspended or revoked, as determined appropriate by the Manager.

- (3) Upon any suspension or revocation of a massage practitioner's permit, no refund of any permit fee shall be made and the fee shall be forfeited to the city.
 - (4) During the period any required permit or license which is required to operate as a massage practitioner or therapist has been suspended or revoked, the permittee may not conduct any business or operations related to the permit or license in any manner. No person whose license has been revoked shall thereafter conduct such business in the city for a period of 24 months, and no person whose license has been suspended shall conduct business in the city for the duration of the suspension.
- (q) *Civil liability and penalties.*
- (1) Any person violating any provision of this section is liable in a civil action brought by the city attorney for an amount up to \$500.00 per violation. Such person is also liable for reasonable attorneys' fees and costs incurred by the city in any civil proceeding filed to enforce this section.
 - (2) Enforcing this section through civil action may be filed as an alternative to criminal enforcement. Civil enforcement does not require the violation to be knowing or willful. A civil action cannot be filed if the person is being criminally prosecuted.
 - (3) Each violation of this section is a separate offense subject to the civil penalty.
 - (4) A violation of this section may also subject the violator to an administrative penalty pursuant to the procedures set forth in chapter 6.30. All civil fines must be deposited into the general fund.
- (r) *Appeal.*
- (1) An individual named on a revoked or suspended massage practitioner permit may appeal the suspension or revocation of a massage practitioner permit to the city council in accordance with the provisions of this section.
 - (2) A written appeal petition must be filed with the city clerk within five working days after the decision of the manager, accompanied by a fee as adopted by the city council on its fee schedule. If the five days expires on a date that city hall is not open for business, then the appeal period shall be extended to the next city business day. Failure to file a timely appeal petition shall constitute a waiver of the right to appeal.
 - (3) The appeal petition must indicate in what way the appellant contends the manager's decision was incorrect or must provide new information or extenuating circumstances which the appellant contends would justify reversal or modification of the manager's decision.
 - (4) The effectiveness of any decision of the manager to suspend or revoke a massage practitioner permit shall be stayed during:
 - a. The appeal period set forth in subsection (r)(2) of this section; and
 - b. The pendency of any appeal.
 - (5) The city clerk shall set the appeal for hearing and give notice of the date, time and place for the hearing. The hearing shall be held within 30 days of the filing of the appeal request. The city clerk shall provide the appellant with written notification of the appeal hearing date, time and place no later than ten days prior to the hearing.
 - (6) The city council shall render a decision on the appeal following the hearing by resolution. Notice of the decision and a copy of the adopted resolution shall be mailed by first class mail, postage prepaid, to the appellant within three business days after the city council's decision. Such notice shall contain the substance of the following statement: "You are hereby notified that the time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure § 1094.6."
 - (7) Judicial review. The appellant may seek judicial review of the city council's decision in accordance with California Code of Civil Procedure § 1094.5 et seq. or as otherwise permitted by law.

(Ord. No. 934-2015, § 19.06.020, 7-20-2015)

State Law reference— Massage therapy and massage therapists generally, Business and Professions Code § 4600 et seq.; authority of municipality to charge a massage establishment a business licensing fee, and to adopt and/or enforce local ordinance that provides for reasonable health and safety requirements for massage establishments, Business and Professions Code § 4612.

Sec. 19.06.030. - Fences, hedges, walls.

- (a) *Fences, hedges and walls generally.*
- (1) Fences, hedges, and walls not to exceed six feet in height shall be permitted except as may be required by this title, on or within all rear yards and side property lines on interior lots and on or to the rear of all front yard setback lines.

- (2) No fence, wall or hedge over 3½ feet shall be permitted in any required front yard or side yard adjacent to a street excepting that an open chain link fence to a height of not more than four feet may be permitted.
- (3) A six-foot-high fence, hedge, or wall may be located in the side yard adjacent to a street on corner lots provided that the fence, hedge, or wall is at least 40 feet from the front property line.
- (4) Nothing in this section shall be deemed to set aside or reduce the requirements established for security fencing for public utilities or fencing required by local, state or federal law.
- (5) Fence height shall be measured from the highest adjacent surfaces. Street corners are subject to section 19.06.040.

(b) *Walls required for public parking areas.*

- (1) When adjoining any lot in an SFR, MDR, OP or DU district, a parking area shall have a six-foot-high masonry or block wall erected and maintained along the property line, excepting that the wall shall not be greater than 42 inches high from the front setback line to the front property line.
- (2) When abutting any street adjacent to any SFR, MDR, OP or DU district, there shall be provided a 42-inch-high masonry or block wall erected and maintained along the property line facing the street, except that vehicle sales and service stations are not required to provide the wall.
- (3) Where this title requires a six-foot wall separating a parking area from any adjoining use or district, and where the topography on such lots differ, a minimum 42-inch wall may be allowed if the grade of the parking lot plus 42-inch wall is a minimum of six feet above the grade of the lower adjoining property. No wall need be provided if the grade of the parking area is a minimum of four feet below the adjacent higher property.

(Ord. No. 934-2015, § 19.06.030, 7-20-2015)

Sec. 19.06.040. - Clear-sight/sight-distance triangle.

- (a) *Purpose.* The purpose of this section is to ensure that there is an unobstructed view at intersections and driveways where vehicles are backing or pulling out onto a public street, or at intersections to minimize the potential of vehicular accidents due to an obstructed view. A clear sight triangle is described as: "the area within the triangle formed by connecting the points 30 feet (ten feet at driveways) from the intersection of the two right-of-way lines."
- (1) Trees within the clear sight triangle shall be trimmed (to the trunk) to a line at least six feet above the nearest street elevation. Shrubs or groundcover shall be maintained to a height of not more than three feet.
- (2) Any signs that are proposed within this clear sight triangle shall be limited to pole signs where the pole and any appurtenant feature (such as a pole cover) is no more than 12 inches and the sign cabinet is a minimum of eight feet above the adjacent surface or street elevation, whichever is higher. Decorative bases for pole signs larger than 12 inches shall be no more than three feet in height above the street level.
- (b) *Existing conditions.* When a developed site has an existing condition as a result of development prior to the ordinance from which this title 19 is derived, the potential obstruction shall be resolved upon the significant redevelopment, significant site modification or demolition, providing that the cost of correcting the obstruction is not more than 30 percent of the cost of the proposed modifications. Demolition of the existing structure shall result in the removal of this potential obstruction provided that no other retention is necessary, and if sloping or terracing cannot be feasibly accomplished.

(Ord. No. 934-2015, § 19.06.040, 7-20-2015)

Sec. 19.06.050. - Off-street parking.

- (a) *Purpose.* Requirements and standards for off-street parking and loading facilities are established by the ordinance codified in this section in order to achieve the following purposes:
 - (1) To alleviate or to prevent traffic congestion caused by a shortage of parking spaces in addition to the loading and unloading of trucks on public streets;
 - (2) To ensure that off-street parking and loading facilities are provided incidental to new land uses and alterations/enlargements of existing land uses in proportion to the need for such facilities created by the particular type of land use;
 - (3)

To ensure that off-street parking and loading facilities are designed in a manner that will result in maximum efficiency, protect the public safety, provide for the special needs of the physically handicapped, and where appropriate, insulate surrounding land uses from their impact.

- (b) *Generally.* Where required, the number of off-street parking spaces shall be provided at the time of initial occupancy of a site or construction of a structure, or at the time that the use of a site or a structure is altered, enlarged, converted, or increased in capacity by adding uses, floor area, dwelling units, guestrooms, beds, or seats. All off-street parking and loading facilities required by the provisions of this section, or as otherwise provided, shall comply with all of the standards prescribed in this section and shall be maintained thereafter in good condition for the duration of the use or uses served by the facilities.
- (1) *Reductions.* No existing use of a site or structure shall be deemed to be nonconforming solely because of the lack of off-street parking and/or loading spaces as required by this section. Any new use of an existing vacant building shall not be deemed nonconforming solely because of the lack of off-street parking and/or loading spaces as required by this section. Any change of use which results in a more intensive occupancy classification under title 19 shall be considered individually and any additional parking spaces that may be added shall be added prior to occupancy of the building.
- (2) *Alterations and enlargements.* The number of parking and loading spaces required for an enlargement or alteration of an existing use or structure or for a change in occupancy shall be in addition to the number of spaces existing prior to the alteration, enlargement, or change of occupancy unless the pre-existing number is greater than the number prescribed in this section, in which case the number of spaces in excess of the prescribed minimum shall be counted in determining the number of spaces.
- (3) *Fractional number.* If in the application of the requirements of this section a fractional number is obtained on parking, loading, compact, R.V./semi or visitor space shall be required for a fraction of more than one-half but shall not be required for a fraction of one-half or less.
- (4) *Outdoor storage.* Areas designated for off-street parking and/or loading, required access drives, and maneuvering areas shall not be used for outdoor storage of materials or displays. Off-street parking may be used for outdoor displays in association with an approved temporary use permit.
- (5) *Multiple/shared uses.* If more than one use is located on a site, the number of off-street parking and loading spaces to be provided shall be equal to the sum of the requirements prescribed for each use. If individual uses on the same site have a floor area less than that for which parking or loading spaces would be required, the total gross floor area for all uses on the site shall be used in determining the number of parking and loading spaces. However, where adjoining uses on the same site have different hours of operation or different peak-demands, shared parking shall be permitted subject to subsection (j) of this section. All parking in the classification shall be subject to approval of a conditional use permit and the following conditions for joint use:
- Building locations.* The building or use for which application is being made to utilize the existing off-street parking facilities provided by another building or use, shall be located within 100 feet of such parking facility;
 - No conflict.* The applicant shall show that there is no substantial conflict in the principal operating hours for the building or uses for which the joint use of off-street parking facilities is proposed.
 - Agreement by parties.* Parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by license, lease, easement or similar legal instrument approved by the city attorney as to form and content.

(c) *Parking spaces required.* Off-street parking facilities shall be provided for each use utilizing the following schedule:

	Use	Requirement
(1)	Residential uses	As prescribed below
a.	Desert ranchette, desert living, single-family residential (includes manufactured housing on individual lots)	Each dwelling unit permitted in this district shall have on the same lot two enclosed parking spaces. Should a garage be converted to an accessory dwelling unit, the requirement of enclosed parking spaces shall be waived, and any additional parking requirements shall be subject to subsection g below and consistent with <u>section 19.10.070(f)(9)</u> of this title.

b.	Multiple-family residential	Each studio unit permitted in this district shall have on the same lot one parking space. Each dwelling unit permitted with one or more bedrooms in this district shall have on the same lot two parking spaces. At least 50 percent of the required parking shall be enclosed. Carports in lieu of enclosed parking may be approved under a conditional use permit, or as an incentive for deed-restricted affordable housing, subject to placement and design approval by planning staff. An additional ten percent of the required parking shall be set aside for visitor parking. For accessory dwelling units, subsection g below shall apply.
c.	Senior citizen housing designed exclusively for occupancy by persons 55 years of age or older	0.75 spaces per unit. A minimum of fifty percent of the total number of spaces provided shall be in a garage or carport. An additional ten percent of the required parking shall be set aside for visitor parking. A deed restriction shall be recorded on the property specifying that the project may only be used for senior citizen housing, and any change in use will require additional parking for the new use or occupancy
d.	Boardinghouses, fraternities, sororities, roominghouses, dormitories, and similar establishments providing sleeping accommodations	One space for each guestroom, suite, or other accommodation, or for each two beds, whichever is greater, plus one space for each dwelling unit
e.	Caretakers quarters associated with a commercial or industrial land use	Two hard-surfaced (i.e., asphaltic concrete or concrete) spaces shall be provided
f.	Mobile home parks	Two covered parking spaces shall be provided for each trailer space. An additional ten percent of the parking spaces required shall be set aside for visitor parking. Tandem parking is acceptable
g.	Accessory dwelling units	In addition to parking required under <u>19.06.050(c)(1)</u> above, one paved parking space per unit. Should an accessory dwelling unit be located within one-half mile walking distance to a bus stop, no additional parking will be required, pursuant to <u>section 19.10.070(f)(9)</u> of this title.

h.	Bed and breakfast/vacation rental	A bed and breakfast shall have two paved parking spaces for the caretaker/owner, one parking space shall be covered, and a bed and breakfast must have one paved parking space for each sleeping room rented. A vacation rental shall have one paved parking space provided for each sleeping room rented. Parking shall be designed and located to not detract from the residential character of the site's buildings and grounds, or neighborhood.
(2)	Office professional	As prescribed below
a.	Architects, engineers, draftsmen, attorneys-at-law, and incidental uses to professional building and occupying no more than 1,000 square feet of floor space; provided, that no stock be visible from, the street, insurance agencies, public accountants, bookkeepers, realtors, brokers, phone answering services, private security, investigative firms, data retrieval firms, prescription pharmacy/drugstore, professional offices, banks, financial institutions, general offices	At least one parking space for each 250 square feet of gross floor area
b.	Medical offices (including physicians, osteopaths, chiropractors, biological and medical labs)	At least one parking space for each 200 square feet of gross floor area
c.	Government offices (including judicial)	At least one parking space for each 200 square feet of gross floor area
(3)	Commercial	As prescribed below
a.	Shopping center, single-use commercial sites	
1.	Retail and commercial services not identified below	Commercial development up to 50,000 square feet in total building area shall provide five automobile parking spaces per 1,000 square feet of gross floor area
		Commercial development over 50,000 square feet up to 100,000 square feet of total building area shall provide 4½ automobile parking spaces per 1,000 square feet of gross floor area
		Commercial development over 100,00 square feet of total building area shall provide four automobile parking spaces per 1,000 square feet of building area

		Refer to subsection (c)(7) of this section for truck and recreational vehicles
		Parking incentives may be provided for pursuant to subsection (d)(16) of this section
2.	Drive-in/through businesses	
(i)	Bank	At least one parking space for each 250 square feet of gross floor area. Refer to subsection (c)(7) of this section for truck and recreational vehicles
(ii)	Fast food restaurant, coffee shop	There shall be a minimum of ten spaces or ten spaces for each 1,000 square feet, or fraction thereof, of floor area in the structure, whichever is greater. Refer to subsection (c)(7) of this section for truck and recreational vehicle spaces
(iii)	Bread/donut/bagel shop	There shall be a minimum of 4½ parking spaces for each 1,000 square feet of gross floor area, or fraction thereof. Refer to subsection (c)(7) of this section for truck and recreational vehicles
3.	Dry cleaners	At least one parking space for each 500 square feet of gross floor area
4.	Restaurants (no drive-through), cafe, bar or tavern	One parking space for each three seats in the building, plus one space for each employee on the maximum shift. In the case of no seating, there shall be provided one space for each 150 square feet of gross floor area. Refer to subsection (c)(7) of this section for truck and recreational vehicle spaces
5.	Building materials, paint and hardware/lumber stores, copy, print and express ship store, superstores (including, but not limited to, electronic, toy/children's, pet supply, office supply and sporting goods)	At least three parking spaces for each 1,000 square feet of gross floor area. Refer to subsection (c)(7) of this section for truck and recreational vehicles
b.	Nursery sales, display yards, building material and lumber sale yards and similar yards and uses	At least three parking spaces for each 1,000 square feet of gross floor area, or fraction thereof, and one parking space for each 1,000 square feet devoted to sales, display and yard storage. In addition there shall be one space for each employee on the maximum shift. Refer to subsection (c)(7) of this section for truck and recreational vehicle spaces

c.	New and used autos, farm machinery, truck or semitrailer, house trailer, camper, boats, mobile or manufactured homes	One space for each 2,500 square feet of display area, plus one space for each 300 square feet of gross floor area for offices. Any associated vehicle repair shall be considered separately
d.	Hotels and motels, auto courts, motor lodges and tourist courts	One space for each guestroom, plus two spaces for the manager's unit. Refer to subsection (c)(7) of this section for truck and recreational vehicle spaces
e.	Shared parking	For shared parking, see subsection (j) of this section
(4)	Manufacturing	As prescribed below
a.	Automobile dismantling and junk, rag, metal processing and recycling operations	One space for each 300 square feet of gross floor area and one space for each 7,000 square feet of gross yard area up to 42,000 square feet plus one space for each 20,000 square feet of gross yard area in excess of 42,000 square feet, but not less than six spaces. Refer to subsection (c)(7) of this section for truck and recreational vehicle spaces
b.	Blueprint and photocopy services, heating and ventilating shops, plumbing shops, wholesale business establishments, and similar establishments	One space for each 400 square feet of gross floor area, excluding floor area used exclusively for truck loading. Refer to subsection (c)(7) of this section for truck and recreational vehicle spaces
c.	Miniwarehouses and enclosed commercial storage facilities	One space for each 10,000 square feet of storage area, plus two covered spaces for on-site caretaker's unit. Refer to subsection (c)(7) for truck and recreational vehicle spaces
d.	Warehouses or other storage buildings	One space for each 500 square feet of gross floor area up to 20,000 square feet; plus one space for each 1,000 square feet of gross floor area over 20,000 square feet. Refer to subsection (c)(7) of this section for truck and recreational vehicle spaces
e.	Automated warehouses, automated distribution facilities, cold storage warehouses	One space for each 1,000 square feet of gross floor area, or one space for each employee on the maximum shift, whichever is less, but not less than six spaces. Any change in occupancy which results in a more intensive occupancy classification under the building code will require additional parking. Refer to subsection (c)(7) of this section for truck and recreational vehicle spaces

f.	Manufacturing plants; assembly plants, and other industrial establishments	One space for each 500 square feet of gross floor area, excluding floor area used exclusively for truck loading, or one space for each employee on the maximum shift, whichever is greater but not less than six spaces. Refer to subsection (c)(7) of this section for truck and recreational vehicle spaces
g.	Light industrial uses not identified above	0.75 space for each 1,000 square feet of gross floor area, plus 0.64 space per employee on the maximum shift. In no case shall less than six parking spaces be provided. Refer to subsection (c)(7) of this section for truck and recreational vehicle spaces
h.	Industrial park	1.27 spaces per 1,000 square feet of gross floor area and 0.89 space for each employee on the maximum shift. In no case shall less than six parking spaces be provided. Refer to subsection (c)(7) of this section for truck and recreational vehicle spaces
(5)	Commercial recreation	As prescribed below
a.	Bowling alleys	Four spaces per alley, plus spaces for additional use per this section
b.	Billiard and pool halls	Two spaces per table, plus one parking space for each 200 square feet of gross floor area, or fraction thereof, for ancillary lounge, video arcade, food services, etc.
c.	Commercial stables and riding clubs, dude or guest ranch	Not less than two spaces for every five horses kept on premises or if no horses are kept there shall be one space for each guestroom. Plus spaces for additional uses which may be located on the same premises
d.	Golf driving ranges	One space per 40 lineal feet of golf driving area, plus spaces for additional uses per this section
e.	Golf courses	Eight spaces per hole, plus spaces for additional uses per this section
f.	Miniature golf	Two spaces per hole, plus spaces for additional uses per this section
g.	Skating rinks/ice or roller	One space for each 170 square feet of gross floor area, or one space per 100 square feet of gross floor area, plus spaces for additional uses per this section

h.	Swimming pool (Commercial/public)	One space per 500 square feet of enclosed area, plus spaces for additional uses per this section
i.	Parks, playgrounds, amusement parks	One space per 500 square feet of park area, plus spaces for additional uses per this section. Refer to subsection (c)(7) of this section for truck and recreational vehicle spaces
j.	Handball/racquetball facility	1½ spaces for each court, plus spaces required for additional uses per this section
k.	Tennis facility	Three spaces per court, plus spaces for additional uses per this section
l.	Theaters (live or movie)	One space for every three seats
(6)	Institutional and Public Uses	As prescribed below
a.	Hospitals, nursing homes, rest homes, orphanages, sanitariums, group care facilities, convalescent homes	One space for each two beds, plus one for each employee on the maximum shift
b.	Veterinary hospitals and clinics	At least three spaces for each 1,000 square feet of gross floor area, or fraction thereof
c.	Health studios and spas	One space for each 150 square feet of gross floor area
d.	Places of public assembly such as churches and other religious institutions (including, but not limited to, synagogues, mosques, etc.), community centers, auditoriums, arenas, gymnasiums, public dancehalls or ballrooms, amphitheaters, cultural facilities, lodgehalls, clubs, labor camps, fraternal organizations, union headquarters, rescue missions, temporary revivals, grange halls	One space for each three fixed seats or one space for each 100 square feet of gross floor area, whichever is greater. Plus one space for each employee on the maximum shift. Refer to subsection (c)(7) of this section for truck and recreational vehicle spaces
e.	Commercial/private nursery schools, preschools, day care centers, child care facilities	One space for each employee on the maximum shift with a designated on-site loading/unloading area for students. An additional ten percent of the parking spaces required shall be set aside for visitor parking
f.	Public and private schools, elementary, middle and junior high	One space for each employee on the maximum shift, and an additional ten percent of the parking spaces required shall be set aside for visitor parking and shall be marked accordingly. Plus a designated on-site loading-unloading area for students

g.	Public and private schools, high school level	One space for each employee on the maximum shift, one space for each four students based on maximum enrollment capacity, and an additional ten percent of the parking spaces required shall be set aside for visitor parking. Plus a designated on-site loading/unloading area for students
h.	Colleges, junior colleges and universities	One space for each employee on the maximum shift, one space for each two students based on maximum enrollment capacity, and an additional ten percent of the parking spaces required shall be set aside for visitor parking. Additional parking may be required for ancillary uses such as auditoriums, theaters, etc., that may be open to the public while classes are in session
i.	Arts and crafts schools, music and dancing schools, professional and trade schools and all other school providing instruction, other than public education	One space for each employee on the maximum shift, one space for each two students based on maximum enrollment capacity, and an additional ten percent of the parking spaces required shall be set aside for visitor parking
j.	Nonprofit social service organizations involving office activities only, eleemosynary, philanthropic institutions	One space for each staff member on the maximum shift, but not less than ten spaces, plus one space for each 250 square feet of gross floor area
k.	Public and private libraries, museums and art galleries, exhibit halls	At least three spaces for each 1,000 square feet of gross floor area, or fraction thereof
l.	Public building or public facility, fire, police, ambulance, electrical distribution substation	One space for each employee on the maximum shift, and an additional ten percent of the parking spaces required shall be set aside for visitor parking. An additional space shall be provided for each vehicle in the company's fleet. When fleet expands, so shall the parking
m.	Public utility structure or installation, transportation terminal, transit station, truck stop, bus facilities, public transportation facilities	One space for each employee on the maximum shift, and an additional ten percent of the parking spaces required shall be set aside for visitor parking. An additional space shall be provided for each vehicle in the company's fleet. When fleet expands, so shall the parking. Refer to subsection (c)(7) of this section for truck and recreational vehicle spaces

(7) Facilities which cater to truck and R.V. parking.

- a. Trucks only (i.e., repair facility, truck stop only). A minimum of eight, and a maximum of 15 spaces for each truck-oriented fuel pump provided for fueling facilities, and ten spaces for each service bay for repair facilities plus one automobile parking space for each employee on the maximum shift.
 - b. Combination auto/truck facility (i.e., service stations which cater to cars and trucks includes all uses developed as part of the overall truck stop). One space per 250 square feet gross floor area for autos.
Plus eight spaces for each truck-oriented fuel pump for trucks and recreational vehicles.
 - c. Restaurants within transportation oriented commercial areas. One space per three seats plus one per employee on maximum shift for autos.
Plus one space per 400 square feet gross floor area for trucks and recreational vehicles.
 - d. Hotels/motels with more than 20 units within transportation-oriented commercial areas. One space for each guestroom, two spaces for managers unit for autos.
Plus one space per ten units for trucks and recreational vehicles.
- or
- Motel facility as part of a truck stop. Two spaces for managers unit for autos.
Plus one space for each guestroom for trucks and recreational vehicles.
- e. Grocery stores/supermarkets in excess of 10,000 square feet. One space per 250 square feet of gross floor area for autos.
Plus one space per 6,000 square feet for trucks and recreational vehicles.
 - f. Any variation from the above truck and recreational vehicle parking requirements may be considered under a conditional use permit pursuant to chapter 19.30 of this title. A parking demand study may be necessary in order to determine the parking needs of the proposed project.

(8) Special provisions.

- a. For a use not specified in this section, the same number of off-street parking spaces shall be provided as are required for the most similar specified use, or as approved by the planning commission. Additional off-street parking spaces may be required by the planning commission for any use upon a finding that the additional spaces are needed relative to a critical shortage of curb spaces, to facilitate the free flow of traffic on a street, or to reduce a hazard to public safety.
- b. Exceptions or modifications to the above requirements may be allowed on an individual project basis, upon approval of a conditional use permit by the planning commission. Criteria for approval of such a conditional use permit would be special circumstances (such as number of employees) that would not necessitate the number of parking stalls normally required for the use category. Any subsequent change in occupancy which results in a more intensive occupancy classification under the building code would invalidate the conditional use permit and require additional parking spaces in accordance with the applicable use category.

(d) *Improvements and maintenance.* Every parcel of land hereafter used for parking, sales or display purposes for two or more automobiles or trailers shall be improved and maintained as follows:

- (1) All areas shall be surfaced or paved with a minimum of 2½ inches of asphalt concrete or three inches of concrete surfacing acceptable to the city engineer and shall thereafter be maintained in good condition. Areas that receive tractor-trailer (i.e., semi-trucks) or other heavy equipment activities (including, but not limited to deliveries) shall include heavy duty paving as acceptable by the city engineer based upon anticipated weights of the vehicles and soil type.
- (2) The maximum a vehicle may overhang into a planter area shall be two feet, provided this does not damage the landscaping or interfere with the irrigation system. In such cases, the planter width shall be a minimum of seven feet (retaining a five-foot clear landscape area). Vehicles may also overhang onto an on-site sidewalk provided the sidewalk is a minimum of seven feet in width.
- (3) Each automobile parking area shall be provided with marked entrances, exits and aisles and other safety devices to ensure safe movement of vehicles.
- (4) More than 50 spaces. Parking areas serving 50 cars or more shall not have parking located within 50 feet of the nearest curb cut, unless it is separated by a landscaped median.

- (5) Required landscape setback areas adjoining streets may be used only for landscaping, access drives, walkways, on-site retention basins, lighting standards and signs. Any areas behind the required landscape setback may be used for off-street parking.
- (6) No parking spaces or maneuvering areas for commercial or industrial uses shall occupy any part of the required landscape setback adjacent to a street right-of-way. Any areas behind the required landscape setback may be used for off-street parking. No parking spaces for residential uses shall occupy any part of a required front yard or any part of a required street side yard of a corner lot. No maneuvering areas for residential uses, excluding single-family residences, shall occupy any part of any setback requirements of a corner lot. The term "maneuvering area" does not include necessary access drives.
- (7) Ingress and egress for any automobile parking space or area shall be with the vehicle entering in a forward motion, maneuvering and exiting in a forward motion.
- (8) Any parking area providing automobile parking spaces for more than two vehicles shall have each parking space delineated by striping with paint to the standards as provided in the standard specifications for the city and shall thereafter be maintained so that the painted markings are clearly visible.
- (9) Parking areas shall have any lights arranged so that the lights shall be directed into the parking area and away from any adjacent property so as not to cause a public nuisance. All parking lot lighting shall comply with section 19.06.010.
- (10) All parking areas providing more than two parking spaces shall be subject to the requirements as listed in the landscape manual.
- (11) Vehicle storage areas (such as impound yards) may use a minimum of six inches of base material as approved by the city engineer or asphalt grindings provided that the grindings are a maximum of three-quarters-inch in size. Grindings shall be rolled or compacted in lieu of asphaltic concrete or concrete paving. Gravel, base material or grindings shall not be used for parking areas.
- (12) Parking space sizes shall be measured as a rectangle, and sized as follows:
 - a. Automobile parking spaces shall be a minimum of nine feet in width and 19 feet in depth.
 - b. Compact automobile/motorcycle parking spaces shall be a minimum of 8.5 feet in width and 15 feet in depth. All compact/motorcycle parking spaces shall be marked accordingly.
 - c. Dedicated motorcycle parking spaces shall be a minimum of five feet in width by ten feet in depth and shall be marked accordingly. One dedicated motorcycle parking space shall be considered the equivalent to one automobile space, but shall not exceed one motorcycle space for each 25 automobile spaces. Motorcycle parking provided above this ratio will not be considered as part of the required parking.
 - d. Recreational vehicle and bus parking spaces shall be a minimum of 12 feet in width and 50 feet in depth and shall be marked accordingly.
 - e. Semi-truck tractor-trailers parking spaces shall be a minimum of 12 feet in width and 70 feet in depth and shall be marked accordingly.
- (13) Drive aisle widths shall be as follows:
 - a. Ninety-degree automobile parking or two-way drive aisle shall be a minimum of 26 feet.
 - b. Thirty-degree automobile parking drive aisle width shall be a minimum of 15 feet (one-way drive aisles only).
 - c. Forty-five-degree automobile parking drive aisle width shall be a minimum of 11 feet (one-way drive aisles only).
 - d. Sixty-degree automobile parking drive aisle width shall be a minimum of 14 feet (one-way drive aisles only).
 - e. Drive aisle widths for recreational vehicles, bus and semi-truck parking shall be designed by a traffic engineer or based upon turning radius templates to reflect the turning radius necessary for entering and exiting the parking spaces, and turning movements on-site.
 - f. Drive aisles that are designed to be one-way shall be marked accordingly. Drive aisles that have required directional movements (i.e., right turn only, left turn only) shall also be marked.
- (14) Striping and identification. Parking spaces shall be clearly outlined with four-inch wide lines painted on the surface of the parking facility. Circulation aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines to ensure safe traffic movement. Striping and markings shall be painted with either alkyd (oil-based) or latex paint, or thermoplastic.
- (15) Lighting. Parking areas within nonresidential areas shall have lighting that provides adequate illumination for security and safety. Lighting standards shall be consistent with section 19.06.010. Lighting location shall take into account the location and expected mature characteristics of on-site landscape materials.
- (16)

Parking incentives. Incentives for reduced parking may be provided for the placement of bicycle storage and electric vehicle charging stations in multiple-family, commercial and industrial sites, as approved by the city planner. The maximum allowable reduction is one space per 1,000 square feet.

- (e) *On separate lot.* Required off-street parking spaces may be provided on a separate lot not more than 300 feet from the main building if approved by the planning commission. When parking is proposed on a separate lot that is on the opposite side of the street, the distance shall apply to the length of legal pedestrian travel (i.e., crosswalks). In no case shall the parking be located on the opposite side of the street if the street is a collector or arterial street. There shall be recorded in the office of the county recorder and the department of community services a covenant by the owner of the lot for the benefit of the city to the effect that the owner will continue to maintain the parking space so long as the building is maintained.
- (f) *Areas annexed to the city.* All public, semipublic, or private parking areas shall be required to comply with the parking regulations upon any increase in the size of the structure(s) by 25 percent or more, any increase in intensity of use, or any reconstruction of any structures that are over 1,000 square feet in area.
- (g) *Compact/motorcycle parking.* Up to 20 percent of the required parking may be utilized for compact parking spaces. All compact/motorcycle parking spaces shall be evenly distributed throughout the parking area and as approved by the city planner or economic development and planning manager. The city planner or economic development and planning manager may also approve, depending on the site configuration, the clustering of compact/motorcycle parking. Each parking space shall be designated "COMPACT/MOTORCYCLE." (See standard drawings for details: S-16A.)
- (h) *Recreational vehicle/semi parking.* All recreational vehicle parking spaces shall be designed with drive-through capabilities (to avoid backup difficulties) and shall be situated to allow easy ingress and egress. Truck and recreational vehicle spaces shall be designed separately and designated accordingly. Said spaces shall be divided evenly between the two where appropriate. (See standard drawings for details: S-16B and S-16C.)
- (i) *Visitor parking.* All visitor parking shall be evenly distributed throughout the parking area and as approved by the city planner or economic development and planning manager. Each space shall be designated "VISITOR PARKING." Each space shall meet the requirements of a standard size parking space. (See standard drawings for details: S-16-D.)
- (j) *Shared parking.*
 - (1) Shared parking shall be described as a collective of parcels, with or without common ownership, with structures (businesses, residences, etc.) either existing or proposed as part of an overall mixed-use development (including mixed commercial uses), that share parking across the common property lines in order to achieve the parking demand of the project, recognizing that various uses have different peak operating hours. Shared parking is appropriate where:
 - a. A specific problem exists;
 - b. Land values and parking facility costs are high;
 - c. Clustered development is desired;
 - d. Traffic congestion or vehicle pollution are significant problems; and
 - e. Adding pavement is undesirable.
 - (2) Shared parking shall be subject to a conditional use permit and shall be evaluated based upon reference parking materials provided by the Urban Land Institute (ULI), Institute of Transportation Engineers (ITE), or other equivalent reference such as a parking analysis as provided by a parking consultant/engineer.
 - a. A parking analysis may be required to justify any reduction in the quantity of parking. Should a parking analysis be required, the applicant shall be responsible for the full cost of said analysis.
 - b. Reductions in shared parking shall be based upon the demands during operating hours of the various businesses within the center, in not less than one-hour increments. When considering reductions in parking, said parking shall not be less than 100 percent of the highest demand-hour for the entire center.
 - c.

In the case of multiple property ownership, all property owners shall submit acknowledgement and agreement to the submittal of a conditional use permit for the shared parking. Said acknowledgement shall be notarized. In the case of corporations or similar ownerships, notarized articles of incorporation or other documents indicating the signer has the authority to sign on behalf of the corporation/similar ownership shall be submitted. Upon approval of the conditional use permit, a deed shall be recorded against all properties involved, for a reciprocal access and parking agreement subject to the criteria identified under subsection (j)(3) of this section.

- (3) Prior to issuance of any business license (for an existing site) or construction permits, the applicant shall submit a reciprocal access and parking agreement for review and recordation in perpetuity against all affected properties. Said agreement shall include the following, or similar language:

"It is specifically understood that the covenants contained in this easement shall not be revoked or amended in any respect whatsoever without the written consent of the City of Barstow, duly recorded, and any attempt to revoke or amend, or actual revocation or amendment, not approved in writing by the City of Barstow shall be void and without force or effect."

(Ord. No. 934-2015, § 19.06.050, 7-20-2015; Ord. No. 976-2021, § 3, 8-16-2021; Ord. No. 981-2021, § 3, 11-15-2021)

Sec. 19.06.060. - Signs.

- (a) *Purpose and intent.* This chapter shall be known as the Sign Ordinance of the City of Barstow. The purpose is to promote the public health, safety and general welfare of persons living, working, walking, driving, or otherwise conducting activities within the city by regulating the use of on-premise and off-premise signs, whether temporary or permanent in nature. This chapter is intended to provide adequate visual identification of activities through commercial and non-commercial speech display while regulating the design, quality of materials, location, number, size, and maintenance of all signs and sign structures.

Nothing in this chapter shall prohibit the display and/or posting of a sign that is required by some other provision of state or federal law, including but not limited to, public notices, health warnings, etc.

- (b) *Definitions.* Unless specified elsewhere in this chapter, the following words or phrases shall have the following meanings:

Animated or changeable copy sign means a sign with action or motion, color changes requiring electrical energy, electronic or manufactured sources of supply which the copy changes automatically or on which copy is changed manually (e.g., readerboards with changeable letters), but not including wind actuated elements such as flags, banners, or specialty items.

Architectural projection means any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.

Area of sign means the entire area within any type of perimeter or border, which encloses the outer limits of any writing, representation, emblem, figure or character. The area of a sign having no such perimeter or border shall be computed by enclosing the entire area utilized by any writing, representation, emblem, figure or character within a single continuous rectilinear perimeter of the smallest size and computing the area.

Billboard or outdoor advertising structure means a sign which has a flat surface sign space upon which advertising may be posted, painted, or affixed, and which is designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists.

Building facade means that portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

Building facade facing means a resurfacing of an existing facade with approved material (illuminated or non-illuminated).

Civic event sign means a sign, other than a commercial sign, posted to advertise a civic event sponsored by a public, religious, charitable, educational, or cultural agency.

Electrical service means the electrical wires or cables which provide direct service to any sign, from the serving utilities facilities.

Electronic reader board means a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

Free standing sign means a sign which is supported by one or more columns, uprights or braces in or upon the ground and is not dependent on any part of a building.

Freeway oriented sign means a sign that is intended to be visible from a right-of-way constructed and maintained by the California Department of Transportation that is designated for speeds of 60 miles per hour or more.

Incidental informational sign is a sign, emblem or decal conveying information to the general public of goods, facilities or services available on the premises including, but not limited to the following: restrooms, hours of operation, acceptable credit cards, property ownership or management, phone booths and recycling containers.

Gateway signs are city sponsored signs typically placed along the freeway to the city.

Illuminated sign means a sign in which a source of light is used in order to make readable the message. This definition includes internally and externally lighted, and reflectorized, glowing, or radiating signs.

Marquee is a permanent roofed structure attached to, and supported by the building and projecting over public property. "Marquee sign" means any sign attached to or constructed in a marquee.

Monument or ground sign means a low-profile, freestanding structure not more than six feet in height from finished grade nor more than ten feet in length containing a sign area of no more than 50 square feet per sign face and no more than 100 square feet per sign and with no open space below the sign panel.

Nonconforming sign means any sign that does not meet current standards, but met the standards at the time of its lawful construction.

Off-premise promotional sign means a sign that has been determined by the planning commission to be an architecturally distinct edifice designed for the rental or lease of space for advertising not related to the use of the property upon which the sign exists, but for the promotion of one or more activities, events or land uses within the City of Barstow. Promotion of local activities, events and land uses is a compelling governmental interest in that such uses generate revenue for the general fund to help provide police, fire and road infrastructure.

On-site sign means a sign which carries only advertisements strictly incidental to a lawful use of the premises on which it is located. Shopping centers subdivided for financial or ownership purposes shall be considered one site for the purposes of on-site signs. All other signs that do not qualify as an on-site sign shall be classified as an off-site sign.

Permanent directional sign means a sign intended to direct pedestrian and/or vehicle traffic to a land use or event on a permanent basis.

Point of sales sign means a temporary poster type on-site sign typically located: at the ends of fuel pump islands mounted on or between the pipe bollards protecting the pump islands; on fuel pumps; on light standards or; on the building.

Projecting double faced building sign means a double faced sign which projects more than 12 inches over public property, and which uses a building wall as its main source of support.

Revolving sign means a sign or sign structure which revolves 360 degrees.

Roof sign means a sign erected upon or extending above a roof or parapet wall of a building and which is wholly or partially supported by the building.

Shopping center sign means a sign for a group of three or more commercial uses designed to function as an integral unit on a single parcel or contiguous parcels and which utilize common off-street parking and access.

Sign means any material, structure or device and all parts thereof in view of the general public that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols and/or representations. Examples include, but are not limited to a billboard, ground mounted, free standing, wall, roof, illuminated, projecting, and monument devices, street clock, and/or flag and includes any announcement, declaration, demonstration, display illustration or insignia.

Sign structure means any structure which supports or is capable of supporting any sign as defined in this code. A sign structure may be a single or multiple pole, ground mounted, and may be a part of a building to which it is attached.

Special event sign means a temporary sign or banner that is intended to inform the public of a unique happening, action, purpose, or occasion, such as a grand opening or community event.

Temporary sign means a sign that is intended to advertise any use on a temporary basis.

Under marquee sign means a lighted or unlighted display attached to the underside of a marquee protruding over public or private sidewalks or right-of-way.

California Building Code means the current edition of the California Building Code, California Code of Regulations, Title 24, Part 2, Volume 2 of 2 as published by the California Building Standards Commission as has been officially adopted by the city.

Uniform Sign Code means the current edition of the Uniform Building Code as published by the International Conference of Building Officials.

Wall sign means a sign which is in any manner affixed to any exterior wall or a building or structure and which projects not more than 18 inches from the building or structure wall.

Window sign means a sign whether temporary or permanent, placed on or parallel to the window of a building, and visible from the outside of the building.

Zoning or land use means the land use district established by the city and contained within this Title 19.

(c) *General provisions.*

- (1) *Permit required.* Except as otherwise provided in this chapter, it is unlawful for any person to construct, erect, repair, alter the structure of, or otherwise relocate any sign without first obtaining a sign permit, and building/electrical permit(s) if required. Repainting a legally existing sign, or changing the advertising copy thereon shall not require a sign permit unless a structural change is made and/or the sign area is increased.

Unless otherwise specified in this chapter, a permit is a sign or construction permit for the modification, repair or construction of a sign. Said permit may also include an electrical permit for signs that are illuminated. Application for permits shall be submitted to the building department accompanied by no less than three sets of plans. Said application and plans shall be reviewed by staff for compliance with this Code and any applicable sign program.

Where specified in this code, certain signs (including but not limited to, off-premise promotional signs, as required by an adopted sign program, adoption of a sign program, or other signs subject to the requirements of chapter 19.30 of the municipal code) shall require the approval of a conditional use permit prior to the issuance of a sign or construction permit.

(2) *Maintenance.*

- a. Every sign and sign structure allowed by this chapter shall be continuously maintained. This shall include, but is not limited to, painting, cleaning, replacement of lighting (for illuminated signs) or missing letters, keeping structural elements and bracing in a safe condition, and internal structural elements screened from view.
- b. In addition to subsection (1), every sign and/or sign structure advertising a use no longer being conducted on the property for a continuous period of 90 days or more shall also be subject to the following:
 - i. The sign copy and/or panel of a wall and/or freestanding sign shall be removed and replaced with an opaque panel.
 - ii. Freestanding sign structures shall be allowed to remain unused for a period not to exceed one year, after which such sign structure shall be removed.

- (3) *Signs on municipal properties and public right-of-way.* It is unlawful to erect or maintain any sign on city-owned property without first obtaining an encroachment permit from the city engineer. For banners within the public right-of-way, see chapter 12.16. Any permanent sign shall be through a development agreement, or other agreement, approved by the city council.

- (4) *Signs on nonconforming sites.* Notwithstanding section 19.06.060(g) for nonconforming signs, new signs proposed on property classified as nonconforming shall be subject to the provisions of chapter 19.38.

- (5) *Design standards.* Signs allowed under this chapter shall be designed to conform to the following criteria:

- a. *Freestanding signs.* Freestanding signs shall be constructed of a single pole (located in the center of the sign cabinet) or multiple poles (poles located equidistant from the outer edges of the sign cabinet). Said sign pole or poles shall include pole covers unless the pole is designed from square or rectangular tubing. Sign shall include architectural integration to tie the sign to the main structure which it serves.
- b. *Freeway oriented signs.* Freeway oriented signs shall be of a single pole (located in the center of the sign cabinet) or multiple poles (poles located equidistant from the outer edges of the sign cabinet). Said sign pole or poles shall include pole covers unless the pole is designed from square or rectangular tubing. Sign shall include architectural integration to tie the sign to the main structure which it serves.

c.

Monument signs. Monument signs shall include a base of at least 12 inches in height and continuous along the bottom of the sign cabinet with no open space between the finished grade and base or base and bottom of sign cabinet. The materials of the base shall be masonry, concrete, rock, or of a material consistent with the main building which it serves.

- d. *Wall signs.* Wall signs shall be cabinet type, individual can letters, UV rated high-quality plastic letters, or sheet (1/2 inch or 3/4 inch, exterior grade medium density overlay (MDO) or high density overlay (HDO) plywood or 0.080 inch aluminum) mounted. Any plywood or aluminum sheet mounted signs shall include some form of trim pieces around the perimeter of the sign such as a 2 × 4 frame notched (centrally located) to accept the plywood, or square or rectangular tubing welded, screwed or bolted to the aluminum panel (no screws or bolts shall protrude from the face of the trim pieces). Trim shall be provided for all visible faces of the sign. See construction standards in Exhibit A1. Any plywood sign shall have the edges sealed to increase the longevity of the sign. Any cabinet or can sign that is illuminated shall be UL approved. Signs painted directly on buildings shall feature an integrated design theme, consistent with any approved specific plans or area plans. Any identifying information on a wall sign shall be subordinate to the theme of the sign. Any existing signs painted on the building shall be maintained in good quality (i.e., no fading, peeling, etc.). Signs that become faded, peeling, etc. shall be repainted or painted over to match the color of the building. When the tenant of a property with a wall sign vacates the premises, any wall signs pertaining to that tenant shall be painted over to match the color of the building in accordance with [section 19.06.060\(c\)b](#).
- (6) *Sign programs.* The purpose of a sign program is to provide comprehensive review, address specific signing needs and the establishment of sign details and locations for multiple businesses in a single project, which: 1) may develop separately; 2) the strict application of this sign ordinance will not result in an integrated project; 3) signing required for a specific project may not be adequately addressed within this sign ordinance, and/or 4) may warrant a deviation from the standard provisions in this sign chapter.
- a. *Eligibility.* A project shall be a minimum of three acres or more in area, must include commercial or industrial uses, and shall be designed to utilize common parking and driveways. If more than one parcel is involved, reciprocal access and parking easement provisions shall be recorded against the properties. However, a sign program application for a single business, or multiple businesses, on a parcel less than three acres may be allowed if directed by the planning commission as a result of a condition of approval from some other discretionary review.
 - b. *Process.* Sign programs shall be processed in a manner consistent with the review and approval of a conditional use permit pursuant to [chapter 19.30](#). The application shall be accompanied by the following information and drawings:
 - i. Number of signs.
 - ii. Size of signs.
 - iii. Location of signs.
 - iv. Height, if free standing.
 - v. Method of illumination.
 - vi. Architectural composition and materials.
 - vii. Reader board signs (must adhere to Caltrans regulations).
 - viii. Electronic signs (including LED displays) provided no movement (including scrolling or flashing) is depicted or simulated (must adhere to Caltrans regulations).

The area of a reader board signs or electronic sign shall be considered part of the overall area allowed for the type of sign to which it is attached (i.e., reader board attached to wall sign must total no more in area than the maximum allowable for a wall sign).
 - c. The location and maximum area of all signs submitted under a sign program shall be subject to the determination of the planning commission. Height of signs is subject to [section 19.06.060\(d\)](#) and [section 19.06.060\(f\)\(5\)](#).
 - d. Specific signing needs may include, but are not limited to, the installation of multiple freeway signs for any applicable project, including, if determined necessary by the planning commission and/or the city council, additional signage and signage types that would otherwise not be allowed under this chapter, the applicable base zoning district, specific plan, or other development plan. Signs associated within a sign program shall not be utilized for off-site advertising, but shall be limited to those land uses or activities within the center. Electronic signs may also be used for emergency announcements, including Amber Alerts. Should

sign spaces be available, a business may advertise on up to two freeway signs upon approval, or conditional approval, of the planning commission as part of the sign program adoption or amendment. The provisions of this section 19.06.060(c)(6) related to sign programs shall govern over any conflicting provisions in this chapter.

e. Requests to modify an approved sign program shall be through a conditional use permit modification.

(d) *Signs in specific zone districts.*

(1) Signs shall be allowed within each zoning district subject to the following provisions: The following signs are allowed within a single-family district:

- a. Personal identification nameplate and address for each residence, not exceeding two square feet in area;
- b. One sign shall be allowed at each major entrance into a housing tract or mobile home park, either in the form of a masonry screen wall sign or retaining wall sign, or in the form of a monument sign. Said sign shall be as follows:
 - i. Wall-mounted signs shall not alter the integrity of the screen or retaining wall to which applied, and shall not exceed five feet in height and 20 square feet in area. Said sign shall be a minimum of six inches below the top of a screen or retaining wall. (See location standards in Exhibit A3.)
 - ii. Monument signs shall not exceed five feet in overall height from adjacent surface and sign area shall not exceed four feet in height and 20 square feet in area. (See construction standards in Exhibit A2.)
 - iii. There shall be a minimum of 300 feet separation along any given street for any single tract or mobile home park, including any applicable phases. A maximum of two signs shall be allowed along any given street frontage.
 - iv. For purposes of emergency services and neighborhood identification, signs shall include only the name of the housing tract or mobile home park. Mobile home park signs may include the address of the park.
 - v. Subdued illumination of signs shall be allowed.
 - vi. Signs shall not be located within any public right-of-way or cause a sight-visibility problem. (See location criteria in Exhibits A2 and A4.)

c. Any signs associated with a use approved pursuant to chapter 19.30 (Conditional uses).

(2) *Multiple-family residential district.* The following signs are allowed within a multiple-family residential district:

- a. One wall or monument sign shall be allowed for each street frontage.
 - i. Area of sign shall not exceed one square foot per lineal foot of street frontage with a maximum of 25 square feet. No sign shall exceed ten feet in width.
 - ii. Wall signs shall be located below the roof edge, or shall be a minimum of six inches below the top of a screen or retaining wall for wall signs, or shall not be more than four feet in height for a monument sign. (See location standards in Exhibit A3 and construction standards in Exhibit A2 of this chapter.)
 - iii. Internal or external illumination is allowed provided that illumination is subdued and that there is no glare onto adjacent properties or within any public right-of-way.
 - iv. Signs shall not be located within any public right-of-way or cause a sight-visibility problem. (See location criteria in Exhibits A2 and Exhibit A4.)
- b. Signs that include the name of the apartment and/or occupant name and address for the purpose of neighborhood identification. When there are fewer than four units per complex, signs shall be limited to those allowed in section 19.06.060(d)(1)
- c. Signs associated with a use approved pursuant to section 19.30 (Conditional uses). Such signs shall be limited to the following:
 - i. One freestanding sign (regardless of street frontages) not to exceed 15 feet in height and an area not to exceed 25 square feet in area, or one monument sign not to exceed four feet in overall height and not exceeding 30 square feet in area. (See construction standards in Exhibit A2 and Exhibit A4.)
 - ii. Wall sign located below the edge of the roof and not exceeding one square foot per linear foot of street frontage, with a maximum of 25 square feet in area and shall not exceed ten feet in width. Wall signs shall be limited to one per street frontage with a maximum of two provided both signs are not on the same building elevation. (See location standards in Exhibit A3.)
 - iii.

Internal or external illumination is allowed provided that illumination is subdued and that there is no glare onto adjacent properties or within any public right-of-way.

- iv. Signs shall not be located within any public right-of-way or cause a sight-visibility problem. (See location criteria in Exhibit A2 and Exhibit A4.)
- d. Other signs as approved by the planning commission under a conditional use permit.
- (3) *Diverse use (DU) and human services (HS) districts.* The DU and HS districts are intended for a mixture of uses ranging from a variety of residential uses through commercial. Residential uses shall be subject to section 19.06.060(d)(1) for single family residential (ER, LDR and SFR districts) and section 19.06.060(d)(2) for multiple family residential (MDR district). Signs that are professional office and commercially oriented shall be subject to section 19.06.060(d)(4).
- (4) *Commercial district.* The following signs are allowed on each parcel within the commercial district, and may be internally or externally illuminated:
 - a. One freeway oriented sign as contained within section 19.06.060 (c)(5)b.
 - b. One freestanding pylon sign up to 25 feet in height and with an area not to exceed three square feet per linear foot of business frontage up to a maximum of 100 square feet, except a commercial shopping center (containing three or more businesses) shall be allowed a maximum of 150 square feet; or one monument sign up to five feet in overall height and 40 square feet in area, except commercial shopping center shall be allowed a multi-tenant monument sign up to six feet in overall height and up to 50 square feet in area. Centers with secondary street frontage shall be allowed an additional freestanding sign for that frontage up to a maximum of 100 square feet, provided such sign does not exceed the primary frontage freestanding sign area. Any additional freestanding signs, or a multi-tenant sign, shall be subject to a sign program as approved by the planning commission. (See construction standards in Exhibit A2 and Exhibit A4.)
 - c. Wall signs shall be allowed as identified below:
 - i. One wall sign for each street frontage with up to three square feet of area per lineal foot of business frontage. Said signs shall not exceed in length 75 percent of the business frontage. For the purpose of this chapter a freeway or highway frontage shall be considered a street frontage.
 - ii. Additional wall signs may be allowed subject to review by the planning department for visibility from other commercial or industrial properties and/or nearby roadways (including freeways and highways) and access easements. Wall signs shall not exceed the size of the primary street frontage signs. No business shall be allowed more than four wall signs. No business shall have more than one wall sign per building elevation except as allowed under a sign program.
 - iii. Wall signs shall be located below the edge of the roof or on a parapet, but the sign cannot extend above the parapet. (See location standards in Exhibit A3.)
 - d. Electronic reader board signs may be used as part of any wall or freestanding sign. However, the area of said reader board shall be considered part of the overall area allowed for the type of sign to which attached (i.e., reader board attached to wall sign must total no more in area than the maximum allowable for a wall sign). Electronic reader board signs shall meet Caltrans regulations and shall not scroll, flash, or depict any motion.
Signs shall not be located within any public right-of-way or cause a sight-visibility problem. (See location criteria in Exhibit A2 and Exhibit A4.)
 - e. Temporary signs as contained within section 19.06.060(e).
 - f. Off-premise promotional signs. Off-premise promotional signs shall be allowed subject to the following standards:
 - i. A conditional use permit shall be required.
 - ii. Signs shall be architecturally distinct and shall be approved by the planning commission with a specific finding that the proposed sign is architecturally distinct.
Factors to be considered by the planning commission in determining whether the sign is architecturally distinct may include:
 - Fully-integrated design with an overarching theme (eg. Route 66 Business Corridor, Heart of the Mojave, etc.)
 - Design features that differentiate the structure from conventional highway-oriented advertising signs (placement of a conventional sign atop a distinctive base would not meet the criterion).

- Cladding of pole covers that is cohesive with the overall design of the sign.
 - Advertising panels shall be integrated with base and other sign components.
- iii. The overall height of the sign shall be no more than 75 feet above the nearest freeway travel lane or adjacent grade. The planning commission may establish a lower maximum sign height on a case-by-case basis.
 - iv. The area of the sign shall be approved by the planning commission based upon the number of individual sign panels and distance from the interstate. Individual businesses shall be limited to one sign panel per sign face. Individual advertising panels shall be limited in size to 350 square feet.
 - v. The sign shall be located within 3,500 feet of a freeway interchange.
 - vi. Signs shall be separated by a distance of no less than 2,500 feet of any other off-premise promotional sign on the same side of the freeway.
 - vii. Light-emitting diode (LED) or similar electronic signs shall incorporate Amber Alert warnings. An automatic dimmer shall also be included to dim the sign during the evening hours to avoid glare. The Electronic/LED sign shall not depict any movement and shall be consistent with Caltrans Standards.
 - viii. The sign panels shall be limited to the business name and logo, but may include information such as "next exit" or similar directional information.
 - ix. All sign cabinets shall be enclosed on the sides, top and bottom. Single-faced signs shall have an enclosed back.
- (5) *Industrial district.* The following signs are allowed on each parcel within the industrial district, and may be internally or externally illuminated:
- a. One freeway oriented sign as contained within section 19.06.060(c)(5)b.
 - b. One freestanding sign up to 25 feet in height and with an area not to exceed two square feet per linear foot of business frontage up to a maximum of 100 square feet in area, or one monument sign up to six feet in overall height and 50 square feet in area. (See construction standards in Exhibit A2 and Exhibit A4.)
 - c. Wall signs shall be allowed as identified below:
 - i. One wall sign for each street frontage with up to two square feet of area per lineal foot of business frontage. Said signs shall not exceed in length 30 percent of the business frontage.
 - ii. Additional wall signs may be allowed subject to review by the planning department for visibility from other commercial or industrial properties and/or nearby roadways (including freeways and highways) and access easements. Wall signs shall not exceed the size of the street frontage signs. No business shall be allowed more than four wall signs. No business shall have more than one wall sign per building elevation except as allowed under a sign program.
 - iii. Wall signs shall be located below the edge of the roof or on a parapet, but the sign cannot extend above the parapet.
 - iv. Electronic reader board signs may be used as part of any wall or freestanding sign. However, the area of said reader board shall be considered part of the overall area allowed for the type of sign to which attached (i.e., reader board attached to wall sign must total no more in area than the maximum allowable for a wall sign). Electronic reader board signs shall meet Caltrans regulations for scrolling, flashing, etc.
 - v. Signs shall not be located within any public right-of-way or cause a sight-visibility problem. (See location criteria in Exhibit A2 and Exhibit A4.)
 - d. Temporary signs as contained within section 19.06.060(e).
- (6) *O Open space and PF public facilities districts.* The following signs are allowed on each parcel within the open space and public facilities districts:
- a. One freestanding sign up to 20 feet in height and 50 square feet in area, or one monument sign up to five feet in overall height and 40 square feet in area shall be allowed per site. (See construction standards in Exhibit A2 and Exhibit A4.)
 - b. One wall sign per business per street frontage (a maximum of two per business) subject to the following:
 - i. One wall sign for each street frontage with up to two square foot of area per lineal foot of business frontage. Said sign shall not exceed in length 75 percent of the business frontage.
 - ii.

Additional wall signs may be allowed subject to review by the planning department for visibility from non-residential properties and/or nearby roadways (including freeways and highways), access easements and on-site pedestrian areas. Wall signs shall not exceed the size of the street frontage signs. Wall signs directed towards on-site pedestrian areas shall not exceed one square foot of area per lineal foot of business frontage. No business shall be allowed more than four wall signs and shall not have more than one wall sign per building elevation, except as allowed under a sign program.

- iii. Wall signs shall be located below the edge of the roof or on a parapet, but the sign cannot extend above the parapet. (See location standards in Exhibit A3.) Wall signs shall not exceed ten feet in width.
- iv. Signs may be internally or externally illuminated.
- v. Signs shall not be located within any public right-of-way or cause a sight visibility problem. (See location criteria in Exhibit A2 and Exhibit A4.)

(7) *SP specific plan district.* Signs allowed within an adopted specific plan district shall be those contained within the adopted specific plan pertaining to the site.

- a. When the specific plan refers back to the sign ordinance, the sign standards of the closest comparable zoning district shall be used to determine allowed signs.
- b. Should no specific plan be required signs shall be limited to those allowed in the single-family residential zoning district.

(8) *PUD planned unit development.* Signs allowed within the base zoning district to which a planned unit development is applied as an overlay district, or any standards/restrictions established as part of an adopted planned unit development shall be allowed.

(9) *MZ military zone.* The military zone is under federal authority and is not subject to this chapter.

(e) *Temporary signs.*

(1) *General requirements for temporary signs.*

- a. Temporary signs shall be allowed for use in the city subject to the following regulations. Every request for temporary signs listed under subsections (1), (4), (5), (6) and (7) of this section shall be made on a temporary sign permit application available from the city and shall require a \$25.00 permit fee.
- b. Temporary sign permits shall be valid for the length of the promotion or up to 90 days, whichever is less, no more than four times per year, unless otherwise specifically stated. All temporary signage must be kept in good repair. Temporary signage that has been damaged by weather, is ripped, torn, faded or no longer able to be read must either be repaired, replaced or removed.
- c. Any temporary sign shall be removed by the owner of the property on which the sign is located within ten days after completion of the event or use it advertises.

(2) *Types of temporary signs.*

- a. Banners, flags, streamers/pennants, inflatable advertising devices, hand held signs.
 - i. Banner, flags, streamers/pennants (for uses other than automobile sales facilities), and inflatable advertising devices, including nonmetallic balloons, shall be allowed as a means of advertising and promoting businesses subject to the following regulations:
 - ii. Only in conjunction with special promotions (i.e., grand openings, sales, new ownership/management or other event approved by the planning department).
 - iii. Issuance of a temporary sign permit shall allow for the use of either one banner, two flags, one inflatable device, one handheld sign, pennants or streamers, or a combination of the aforementioned, upon approval of the planning department.
 - iv. Placement of all temporary signs, including banners, streamers, pennants, inflatable devices and handheld signs shall be subject to the approval of the planning department.
 - v. Method of attachment of banners, flags, inflatable devices and/or pennants/streamers must be approved by the city's building department.
 - vi. Banners shall not exceed the total square footage of permanent on-site signage allowed under this chapter for the subject business.
 - vii. Streamers, pennants and balloons may be detached from the building, but may not be on or attached to public property, and not attached to utility poles or light standards within the public right-of-way.

- viii. Only one inflatable device, including a balloon larger than 12 inches in diameter, or an inflatable statuary is allowed.
- ix. Banners proposed within the public right-of-way shall be subject to chapter 12.16 (Banners).
- b. Hand-held signs.
 - i. Hand-held signs shall not be constructed of paper and/or cardboard.
 - ii. Handheld signs shall not constitute a hazard to vehicular and pedestrian traffic.
 - iii. Hand held sign applicants shall not be required to pay the \$25.00 temporary sign permit fee.
- c. Temporary signs posted prior to an election shall be allowed subject to the following regulations:
 - i. Temporary signs shall be allowed on private property three months prior to an election and for ten days following the election. When located on developed property, such signs may not exceed 16 square feet; and when located on vacant property, such signs may not exceed 32 square feet. No such sign may exceed ten feet in overall height.
 - ii. Signs posted pursuant to this section that are located at the intersection of two streets shall not cause a sight-distance obstruction for vehicles on the street pursuant to section 19.06.040 of this chapter. Such signs are prohibited within any public right-of-way, and/or public-owned property, including but not limited to curb, sidewalk, parkway, median, and utility poles.
 - iii. Signs installed in noncompliance with any of these regulations shall be removed immediately, after the property owner has been given prior notice of the removal. If the city incurs any expense in removing noncompliant signs, the person responsible for such posting may be billed, and if such bill is not paid, will be subject to payment of a civil penalty. The applicant or property owner shall cause the removal of all temporary signs located on his or her property within ten days following the election.
- d. On property for sale, lease, or rent, temporary signs shall be allowed with the following regulations:
 - i. Such signs shall not exceed one per street frontage.
 - ii. Such signs shall not be illuminated.
 - iii. Such signs shall not exceed eight square feet in area in single-family residential districts, and 32 square feet in area in all other districts. For properties in any zone district that abut and are visible from a freeway, such signs shall not exceed 64 square feet in area.
 - iv. Such signs shall not exceed ten feet in overall height, except when more than 32 square feet in area. In this case, such signs shall not exceed 16 feet in height.
 - v. Such signs shall be removed within 30 days following the sale, lease and/or rental of the property.
 - vi. Nothing in the above regulations shall prevent the use of existing on-site sign structures (i.e., wall sign cabinets and/or free standing signs) in place of the signs allowed in this subsection.
- e. Window signs.
 - 1. *Types of window signs.* Window signs shall be categorized by the type of sign and allowed in the commercial and industrial districts:
 - i. Paper, plastic, painted or other sign material posted in a window that is more than 80 percent opaque, shall be limited to no more than 30 percent of the total window area. This window area may be configured as one or more window panes that make up the storefront of the business to which it applies, or up to 25 percent of each window pane. All signs shall be professionally printed and shall not be hand-written. Painted signs shall be installed by a licensed sign painter and shall require a sign permit.
 - ii. Perforated vinyl graphics that are professionally printed and installed by a licensed contractor. Said sign may encompass the entire window or storefront area, and shall be installed as follows:
 - 1. A sign permit for any perforated vinyl signs shall be required prior to installation.
 - 2. Perforated signs shall be comprised of a maximum of 50 percent opacity and a minimum of 50 percent, 1.5 millimeter open perforation.
 - 3. Perforated signs shall have a single, unifying theme and are not intended to be comprised of several different themes or contrasting images or colors.
 - 4.

Due to the climate, any such signs to remain more than one year shall be laminated to prevent dust and water from obscuring the visibility due to collection of dust and water in the perforations.

2. *Window sign standards.*

- i. A combination of perforated and other window signs is prohibited except as allowed by state and/or federal law.
- ii. All window signs shall be well maintained. Any fading, peeling, tearing, discoloring of any window sign shall be removed or replaced.
- iii. On a multi-story building, window signage shall be limited to the first floor, or ground level floor.
- iv. Window signs shall be reviewed for form and content prior to installation.
- v. When the tenant of a property with window signs vacates the premises, all signs pertaining to that tenant shall be removed from all windows, including but not limited to perforated vinyl, vinyl, paper, plastic, and/or painted signs.
- f. Signs on a construction site. Signs on a construction site shall be allowed in all zone districts provided such signs do not exceed one per street frontage, nor 48 square feet in area nor ten feet in height. All such signs shall be removed prior to issuance of a certificate of occupancy from the building official.
- g. Signs on a subdivision or model home site. Signs on the site of a subdivision under development or at a model home shall be allowed subject to the following regulations:
 - i. Such signs shall be allowed on private property only in the subdivision;
 - ii. Such signs shall not exceed ten feet in overall height;
 - iii. Such signs shall not exceed 32 square feet in area.
 - iv. Such signs may be installed at each street entrance into the subdivision along the perimeter of the subdivision, provided signs are no closer to each other than 300 feet.
 - v. Additional signs on model home sites, including off-site subdivision signs, may be allowed if approved as part of a conditional use permit pursuant to chapter 19.30 (Conditional uses).
- h. Other temporary signs. Temporary signs which are deemed non-commercial shall be limited to placement on private property with consent of the property owner.
 - i. Non-commercial temporary signs placed on residentially zoned properties shall not exceed four square feet.
 - ii. Non-commercial temporary signs placed on non-residentially zoned properties shall not exceed 25 square feet.
 - iii. Non-commercial temporary signs are not allowed within the public right-of-way.
 - iv. Non-commercial temporary signs can be displayed for a period of no longer than 45 days, up to four times per year.

(f) *Additional signs and sign standards.*

(1) *Fueling station signs.* The following signs are allowed for fueling stations:

- a. One freeway oriented sign if the service station qualifies under section 19.06.060(f)(5).
- b. One freestanding pylon sign up to 25 feet in height and 45 square feet in area, or one monument sign up to six feet in overall height and 50 square feet in area. (See construction standards in Exhibit A2 and Exhibit A4.)
- c. Wall signs shall be allowed as identified below:
 - i. One wall sign for each street frontage with up to one square foot per lineal foot of property frontage up to 35 square feet in area. For the purpose of this chapter a freeway or highway frontage shall be considered a street frontage.
 - ii. Additional wall signs may be allowed subject to review by the planning department for visibility from other commercial or industrial properties and/or nearby roadways (including freeways and highways) and access easements. Wall signs shall not exceed the size of the street frontage signs. No business shall be allowed more than four wall signs. No business shall have more than one wall sign per building elevation except as allowed under a sign program.
 - iii. Wall signs shall be located below the edge of the roof or on a parapet, but the sign cannot extend above the parapet. (See location standards in Exhibit A3.)
- d. Fueling pumps shall be limited to a cumulative maximum sign area of six square feet per side and shall be consistent with Sections 13470-13490 of the California Business and Professions Code. This shall include any visual information that is placed within the pump base, upon the spandrel, or on a placard (point of sale) or television monitor placed on top of the fuel pump

cabinet. Signage located on the spandrel shall be limited to that area directly above the fuel pump. Any variation from this subsection shall require the approval of a conditional use permit pursuant to chapter 19.30 of this Code. Any fuel pump signs in place prior to the adoption of this chapter may remain until such time that the pumps are replaced or re-faced.

- e. Changeable copy sign:
 - i. One monument sign (meeting the standards of the applicable zone district) for each street frontage, or one "L" shaped sign located near the property corner if on a corner lot, consistent with Sections 13530-13540 of the California Business and Professions Code; or
 - ii. One changeable copy sign as part of the 25 foot high identification sign. Said changeable copy sign shall be located no more than ten feet above the adjacent surface to the top of the sign cabinet and architecturally integrated with the identification sign. Said changeable copy sign shall be visible from all public streets as required by the Department of Weights and Measures, consistent with Sections 13530-13540 of the California Business and Professions Code.
 - iii. Two pump island canopy signs shall be allowed. Additional canopy signs may be allowed subject to review by the planning department for visibility from other commercial or industrial properties and/or nearby roadways (including freeways and highways) and access easements. No fueling station shall be allowed more than four signs for each canopy except as allowed under a sign program.
- f. Point of sale signs shall not be allowed.
- g. Signs may be internally or externally illuminated.
- h. Signs shall not be located within, or extend into, any public right-of-way or cause a sight-visibility problem. (See location criteria in Exhibits A2 and A4).
- (2) *Automobile sales facility streamers/pennants.* Streamers/pennants within vehicle display areas of new and/or used automobile vehicle dealers are allowed provided such signs are kept in good repair and do not extend within public right-of-way. Any weathered, torn or faded streamers and/or pennants shall be repaired, replaced or removed immediately.
- (3) *Permanent directional signs.* Permanent ancillary signs shall be allowed in all zone districts, except single-family residential, provided the following standards are met:
 - a. Directional signs shall be limited to:
 - i. Those land uses or events located on the same parcel or center as the sign. May be used to direct vehicles to recreational vehicle and/or commercial truck parking spaces.
 - ii. May be used to direct vehicles/pedestrians to shipping/receiving areas for commercial and industrial uses.
 - iii. May be used to direct vehicles/pedestrians to manager's unit/office.
 - iv. May be used to direct vehicles to drive-through aisle.
 - b. Said signs are intended to direct pedestrian and/or vehicle traffic to a land use or event.
 - c. Sign cabinets shall be a standard square or rectangular shape, not representing an "identifiable" business shape (i.e., shape of the corporate logo).
 - d. Signs shall be mounted on supports that match other signs on-site (i.e., pole covers, masonry, etc.).
 - e. Area of signs shall be limited to four square feet per face. Uses that cater to trucks shall be limited to six square feet per face.
 - f. Height of signs shall not exceed 42 inches in height. Uses that cater to trucks shall be limited to eight feet in height for directional signs.
 - g. Colors shall be integrated with the base colors of the building to which the signs pertain (i.e., building base color shall be used for pole and cabinet, corporate colors may be used for sign faces).
- (4) *City-sponsored signs.* City-sponsored signs are allowed on city-owned property (including right-of-way) subject to approval of the city council.
- (5) *Freeway oriented sign.* Freeway oriented signs are allowable for commercial or industrial uses that are oriented towards, or rely on access from the freeway (Interstate 15, 40, and Highway 58) subject to the following standards:
 - a. One freeway oriented sign shall be allowed for each parcel or commercial/industrial center.
 - b. The maximum height is 50 feet above the nearest travel lane, or (in the case where property is above the freeway) from the finished grade of the property. This does not include the freeway on- or off-ramps.

- c. There shall be a minimum separation of 100 feet from any other freeway oriented sign.
 - d. There shall be a maximum sign area of 300 square feet for each single use sign. An additional 125 square feet shall be allowed for each multiple use sign. An additional 50 square feet shall be allowed for each 50 lineal feet over 300 feet from the freeway travel lane for each single use sign, and if the sign is multiple use an additional 25 square feet for each additional use advertised on the sign. In any event, no freeway oriented sign shall have an area larger than 500 square feet.
 - e. Signs may be internally or externally illuminated.
 - f. Multiple businesses shall, whenever feasibly possible, co-locate on the same sign subject to the following provisions:
 - i. A reciprocal maintenance agreement and access easement shall be recorded against the property and with all parties and parcels involved.
 - ii. The total sign area for multiple-business signs may be increased up to 25 percent above the overall sign for a single-tenant sign for each additional tenant.
 - g. For signs located within the Interstate 15/40 and Highway 58 commercial and industrial areas, the following shall apply:
 - i. Freeway oriented signs within 1,000 feet of the nearest freeway travel lane shall be allowed with an overall height of 70 feet from the adjacent grade, or for locations below the freeway, 70 feet above the nearest freeway travel lane. For signs greater than 1,000 feet from the nearest freeway travel lane, but not more than 2,500 feet from the nearest freeway travel lane, the sign height may be increased ten feet for each additional 500 feet distance up to a maximum of 100 feet in overall height. Sign height shall be based upon the average adjacent grade.
 - ii. The co-location of multiple business signs on a single sign structure shall be allowed subject to the provisions of 19.06.060(f) (5)f above.
 - iii. Signs more than 50 feet in overall height shall utilized two poles.
 - iv. The area for a single-tenant sign shall be limited to 300 square feet if within 1,000 feet of the nearest freeway travel lane. For signs between 1,000 and 2,500 feet from the nearest freeway travel lane, the area of the sign shall be considered so the size of the cabinet is proportional to the height of the sign, but must be approved by the community development director or appointed designee up to a maximum of 500 square feet. A flag test may be required to warrant signs above 300 square feet in area.
- (6) *Billboards.* Billboards shall not be allowed in any zoning district.
- (7) *Flags and flagpoles.* Flags of a permanent nature and flagpoles shall be allowed subject to the following regulations:
- a. Flagpoles.
 - i. For residential districts, flagpoles shall be limited in height to the building height allowed in the respective district. Nothing in this chapter shall be construed to prevent the display of flags of the military branches, and those honoring military veterans and prisoners of war.
 - ii. For nonresidential districts, flagpoles shall be limited to 50 feet in height, measured from the grade which the flagpole located.
 - b. Flags. Flags shall be counted as part of the total sign area allowable for a site. Nothing in this regulation shall prohibit the display of flags of the United States, state, county and/or city, provided no portion of the flag shall interfere with any use within the public right-of-way. Federal, state, county and city flags shall not be counted as part of the total sign area.
- (8) *Gateway signs.*
- a. Pylon signs. Pylon gateway signs shall be located within 500 feet of Interstates 15, 40 and Highway 58. Gateway signs shall be a maximum of 80 feet above the nearest freeway travel lane.
 - b. Monument signs. Monument gateway signs shall be located at or near the terminus of a freeway off-ramp, or entry point into the city. Monument gateway signs shall also be used for the entry into the city from State Route 247.
- (9) *Exempt signs.* The following non-illuminated signs and advertising displays shall be allowed in all districts with no permit required, subject to the limitations provided in this chapter, or as otherwise provided by state law:
- a. Signs within a structure and not visible from outside.
 - b. Non-advertising warning signs or trespassing signs on private property posted no closer than 100 feet apart not exceeding three square feet in area.

- c. Signs, flags, emblems, notices erected, or issued, by a constituted governmental body, public agency, court, person, or officer in performance of a public duty, including traffic or highway signs, railroad crossing signs, or similar regulatory or warning devices, and legal notices.
- d. Utility company signs not exceeding six square feet identifying conduits, cables, danger, or providing other such similar notice.
- e. Non-advertising displays, signs, and decorations commemorating municipal, state or nationally designated holidays; providing, however, that said displays are not detrimental to public health, safety, and general welfare and are not otherwise prohibited by this chapter.
- f. Property identification in compliance with section 12.20.060.
- g. One single-faced identification nameplate or sign on an apartment house, boarding or rooming house, or similar use, not exceeding six square feet in area; provided that said sign is attached to or mounted parallel to the face of the building and not exceeding one foot from the wall.
- h. One nameplate or occupational sign denoting the name, occupation, address and telephone number of an occupant in a commercial building or public institutional building, provided that said sign does not exceed two square feet in area and is attached and mounted parallel to the face of the building, not exceeding four inches from the wall.
- i. Civic event signs are allowed on private property in all districts subject to the following:
 - i. Event and other non-commercial signs shall not be displayed more than 50 days prior to an event.
 - ii. Each business or use may display one such sign in its window containing a maximum of four square feet in area.
 - iii. In residential districts, signs shall have maximum area of six square feet, with a maximum height of four feet for free-standing signs, except as specified below.
 - iv. In nonresidential districts, and on vacant property in residential districts that are located on major divided, major or secondary roads, as indicated in the general plan, signs may have a maximum area of 24 square feet with a maximum height of eight feet for free-standing signs.
 - v. Signs may only be placed or erected upon property with the written permission of the property owner or tenant.
 - vi. Signs shall not be located in the clear sight triangle.
 - vii. Signs shall be removed within ten days after the scheduled event to which it pertains.
 - viii. Each special event sign shall include, in legible 12-point type, the name, address and phone number of the responsible party on the back of the sign.
- j. Signs on a coin operated vending machine, telephone booth, news rack, or other such incidental signs provided all of the following conditions exist:
 - i. Signs identify only the product contained therein, display operating instructions, or show notices required by law.
 - ii. No such signs shall exceed an area of three square feet.
- k. Incidental informational signs provided all of the following conditions exist:
 - i. Signs shall be attached to the building or are within a window;
 - ii. Sign area of any sign shall be reasonable for the type of sign proposed.
 - iii. Signs shall be for the safety of the general population, customers, and/or clients of a land use or event.
- l. Temporary signs posted prior to an election, subject to the regulations in section 19.06.060(e)(2)c of this chapter.
- m. Protected, non-commercial messages are expressly allowed wherever commercial messages are allowed.
- n. Shingle (projecting/under canopy) signs are allowed subject to the following:
 - i. Signs shall be suspended from a canopy or shall project no more than three feet from the building face.
 - ii. The sign shall be a minimum of eight feet clear of the walkway or ground directly below the sign.
 - iii. The maximum allowed size of a sign is 3.5 square feet.
 - iv. The maximum number of allowed signs is one per building entrance.
- o. Signs located on the site of a public school for grades K through 12 that is not regulated by the City of Barstow.
- p. Special event window signs not exceeding 25 percent of any window area.
- q. All signage located within any public park or public facility, including bus stop shelters.

(g) *Nonconforming signs.*(1) *Generally.* Every nonconforming sign and sign structure shall be subject to the following regulations:

- a. No increase in area nor enlargement is allowed.
- b. The sign may not be relocated nor altered, unless said moving or alteration reduces the degree of nonconformity. Nothing in this regulation shall prevent customary repair and/or maintenance, so long as such repair and/or maintenance shall not extend its useful life.

If a nonconforming sign or sign structure is abandoned or unused for a continuous period of 90 days or more, the nonconforming status shall terminate, and it shall become illegal. If a nonconforming sign or sign structure advertises a use no longer being conducted on the property for a continuous period of 90 days or more, it shall be subject to the provisions of section 19.06.060(c)

(2).

(2) *Abatement.*

- a. Every nonconforming sign or sign structure shall be removed or made conforming without compensation if all of the following conditions are met:
 - i. The nonconforming sign or sign structure is located in an area that, as of the effective date of this sign ordinance, is either designated for residential or agricultural use on the general plan or zoning map;
 - ii. The nonconforming sign or sign structure is more than 660 feet from the edge of the right-of-way of an interstate or highway maintained by the state or federal government, or if placed or maintained more than 660 feet from said edge of the right-of-way of a state or federally maintained interstate or primary highway, the purpose of its message is to be read from the main traveled way;
 - iii. The nonconforming sign is not required to be removed because the sign is a well maintained and structurally sound vintage sign where the preservation of the sign is desirable for the community; and
 - iv. The nonconforming sign or sign structure is allowed to remain in existence for a period of time set forth in the abatement schedule in subsection (3), and after giving notice of the requirement of removal or alteration.
- b. Every nonconforming sign or sign structure, to which all of the provisions of subsection (a) are not met, may be removed, altered or made conforming only upon payment of compensation as defined in, and commencing with, Section 1230.010 of Part Three of the Code of Civil Procedure (Eminent Domain Law). Commencement of abatement shall be in conformance with Business and Professions Code Section 5491.1.
- c. Value of signs and sign structures shall be determined by the building official in the absence of an original contract price less proof of depreciation. Value shall be fair market as defined by the Business and Professions Code Sections 5412.1 and 5412.2.

(3) *Abatement schedule.*

Abatement Schedule

Fair Market Value on Date of Notice of Removal (\$)	Years Allowed For No Compensation Paid
Under \$2,000.00	2
2,000.00 to 3,999.00	3
4,000.00 to 5,999.00	4
6,000.00 to 7,999.00	5
8,000.00 to 9,999.00	6
\$10,000.00 and above	7

Values under this schedule are as of 1/1/1983, and must be adjusted in accordance with the annual changes in building costs as indicated in the U.S. Dept. of Commerce Composite Cost Index for Construction Costs.

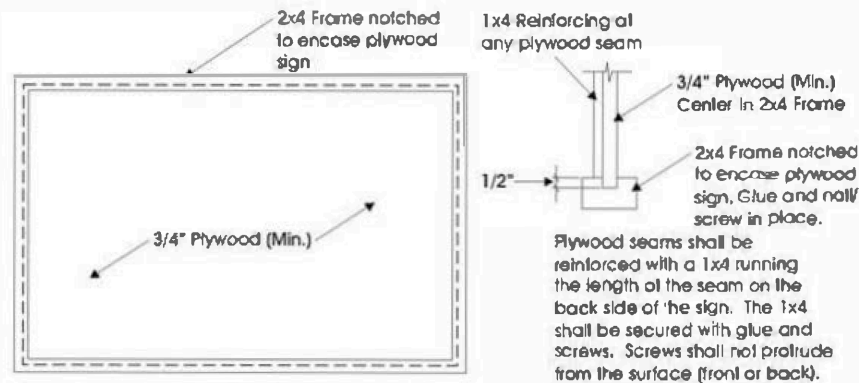
(h) *Prohibited signs.* The following signs are prohibited by the city:

- (1) Off-site signs unless allowed in section 19.06.060(d)(f).
- (2) Portable signs, such as "A-Frame" or "sandwich board" type sign structures;
- (3) Signs that create a safety hazard by obstructing clear view of pedestrians and/or vehicular traffic;
- (4) Roof signs are prohibited except when other signing alternatives are considered impractical or unreasonable by the director. Roof signs may then be allowed if architecturally designed into the roof system. Whenever possible, new buildings shall be designed with integral roof signs to preclude the necessity for roof signs;
- (5) Pennants and flags except as allowed for special events, promotional events and automobile dealers;
- (6) Inflatable signs and tethered balloons except as allowed for special events;
- (7) Animated or revolving signs where the physical structures or extensions of the sign structure are in motion. This does not include reader boards, barber poles or similar signs where motion may be depicted but where the sign structure itself is not in motion;
- (8) Signs or sign structures which, by color, text, location and/or shape conflict with a traffic control sign or device;
- (9) Signs that depict specific sexual activities or specified anatomical parts as defined under chapter 19.24;
- (10) Vehicle signs, unless the vehicle is used for transporting goods or for services for business purposes; provided, that the sign is affixed so as to not project from the usual profile of the vehicle and not stored/parked in a manner for advertising purposes on private or public property, or within any public right-of-way;
- (11) Signs in the public right-of-way, except as approved by the city;
- (12) Signs that make sounds, emit odors, produce smoke or beacons.
- (13) Signs that contain fighting words or obscene language, or create a clear and present danger to the general public.
- (14) Billboard signs.

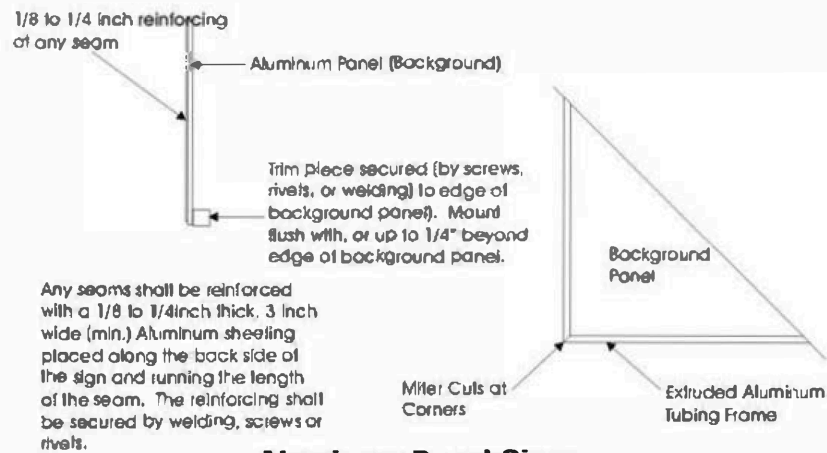
(i) *Preservation of vintage signs.* Vintage signs located along the Historic Route 66 corridor shall, whenever possible or feasible, be preserved. When the preservation of a vintage sign is not possible on-site, the property owner or developer shall seek to donate or sell the sign to the Route 66 Museum or other business or collector.

(Ord. No. 944-2015, § 1, 1-19-2016; Ord. No. 948-2016, § 1(sub. 19.06.061—19.06.069), 3-21-2016)

Exhibit A1
Construction Standards
Plywood or Aluminum Panel
Signs



Plywood Signs

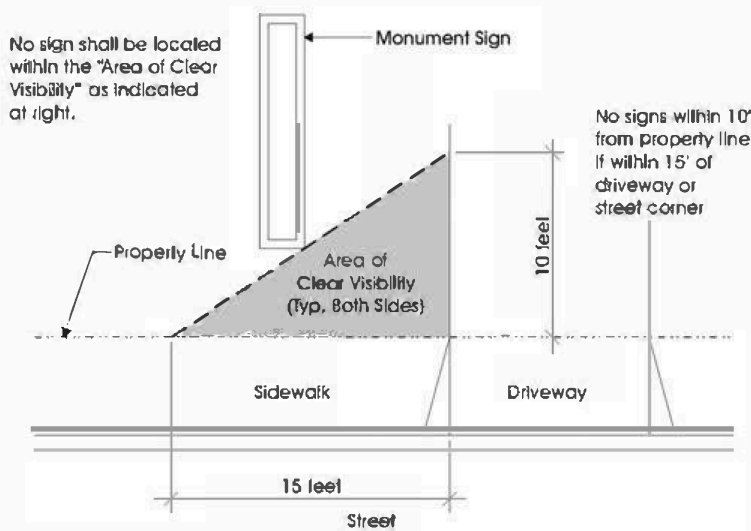


Aluminum Panel Signs

Exhibit A2
Construction Standards
Freestanding Monument Sign

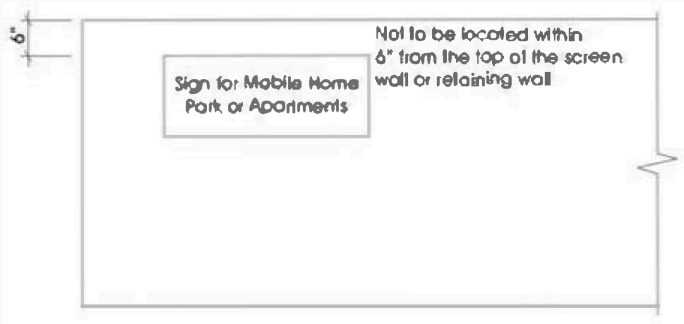


See Section 19.78.160 for appropriate applications of signs.

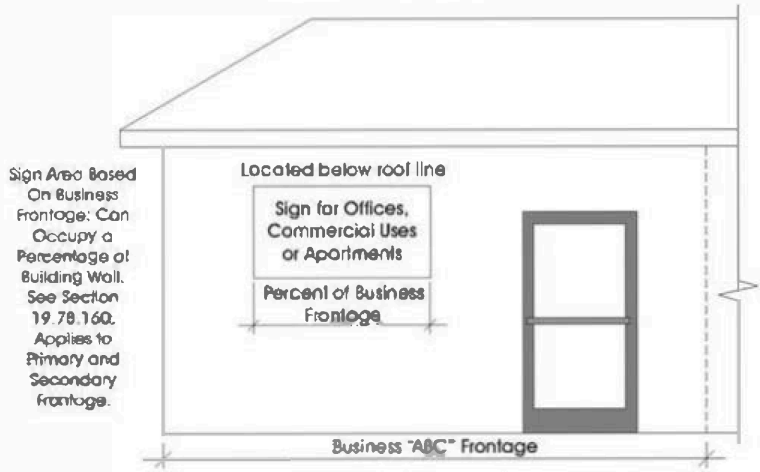


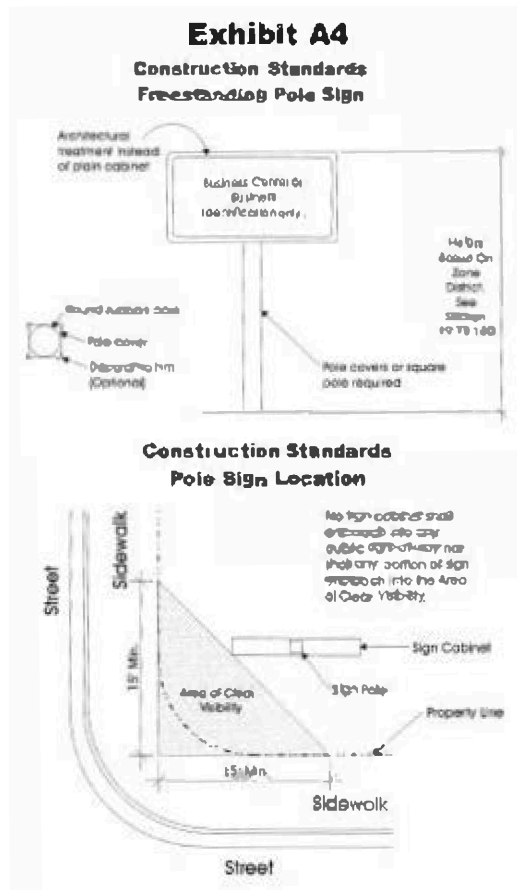
Location Criteria

Exhibit A3
Location Standards
Wall Sign
(Screenwall/Retaining Wall)



Location Standards
Wall Sign
(Building Wall)





Sec. 19.06.070. - Service station standards.

(a) *Purpose and intent.*

- (1) It is recognized that service stations warrant special consideration because they constitute a use attracting vehicular patronage exclusively, and therefore tend to create additional traffic. Noise and traffic hazards arising from the conduct of such businesses require the regulation of service station locations to promote reasonably the health, safety, and general welfare of the citizens of the city.
- (2) These standards are also intended to encourage better land planning techniques by use of aesthetically pleasing architecture, landscaping, site layout and design. As a result, it is intended that the service station operator will keep the service station in a neat, clean and orderly fashion.
- (3) For the purpose of this section, a service station (includes the repair of vehicles) and fueling station (does not include the repair of vehicles) shall be considered the same type of land use.

(b) *Service station.* Service stations shall require a conditional use permit.

(c) *Location.* Service stations may locate only within the commercial, industrial human services and diverse use zoning districts. When granting a conditional use permit, the planning commission shall consider the following criteria:

- (1) Proximity to other service stations or businesses distributing or handling flammable liquid or materials.
- (2) Proximity to residences, schools, hospitals, churches, theaters, parks and other places of public assembly.
- (3) Any adverse effect that the proposed use will have on traffic on the abutting streets and highways including, but not limited to, congestion, turning movements, and dangers to pedestrians.

(d) *Building site and frontage.* The minimum building site shall be 20,000 square feet with a minimum frontage of 150 feet. The architect and/or engineer shall consider the following when designing the building site:

- (1) On-site circulation, to allow the effective, safe flow of pedestrian and vehicular traffic.
- (2) Off-site circulation, with an emphasis on the safety of pedestrians and vehicular traffic.
- (3) Vehicles at the fueling pumps shall not impede the free flow of traffic for vehicles entering and exiting the site, whether to fuel or utilize any other services provided on the station site or adjacent uses.

- (4) Driveway locations shall require the approval of the city engineer and shall not be located within 50 feet of a street intersection.
- (e) *Permitted uses.* The following uses are permitted subject to approval by the planning commission and shall meet the requirements of chapter 19.30:
- (1) Service stations engaged in the retail business of selling motor fuels and supplying goods and services, as defined in chapter 19.02.
 - (2) Fueling stations engaged in the retail business of selling motor fuels, as defined in chapter 19.02.
- (f) *Additional uses permitted.*
- (1) The following additional uses are permitted when approved by a conditional use permit:
 - a. *Washing, cleaning and waxing of vehicles.* Such activity shall be conducted within the main structure of the service station except when approved outside drainage is supplied. Any vehicle washing facility must include a water recycling system pursuant to chapter 13.40.
 - b. *Storage of rental and utility trailers.* Such trailers shall not exceed 17 feet in total length or, eight feet in total height. Storage area shall be in addition to that area required for off-street parking, driveway or landscaping. One trailer, four feet by eight feet, will be allowed in front of the building for displays; all other trailers will be stored behind the front building setback line within an enclosed area and screened to a minimum of 80 percent opaque. The placement of said display trailer shall not impact any required parking nor block any pedestrian or vehicular access.
 - c. *Automobile and truck rentals.* Such vehicles shall be stored behind the front line of the building, except one rental automobile will be allowed in front of the building for display. Storage area shall be in addition to that required for off-street parking, driveways, and landscaping and shall be striped per city standards. The placement of said display automobile or truck shall not impact any required parking nor block any pedestrian or vehicular access.
 - d. *Storage of other vehicles.* Five such vehicles may be stored behind the front building setback line of the main building. If more than five such vehicles are stored on-site, they shall be within an enclosed area and screened to a minimum of 80 percent opaque. The overnight storage of vehicles shall be screened from public view either by storing the vehicles in the service bays or within a fenced and screened enclosure.
 - e. *Mini-marts.* Mini-marts shall be permitted to be constructed in association with service stations subject to the review of a conditional use permit. Existing service stations requesting a modification to include a mini-mart shall be permitted as a retail use administratively provided no building expansion is required and that required parking can be met on-site. If a building expansion is necessary, the expansion shall be subject to a conditional use permit.
 - (2) All uses shall be specifically identified in the additional application. Any additional uses added after the initial approval shall require submittal of a new conditional use permit application or a revision to the approved conditional use permit application.
 - (3) Per the general plan, maximum building coverage shall be limited to 50 percent of the lot area.
- (g) *Outside activities.* Activities conducted outside the main building shall be limited to the dispensing of electricity (for electric vehicle charging station), fuel, oil, and water.
- (h) *Design.* Emphasis shall be on quality of design and proper balance between building materials of structures and landscaping elements. All service stations (including main buildings, canopies, accessory structures, etc.) shall include a tile mansard roof or equivalent parapet. Roof tile shall consist of a range of earthtone colors (i.e., browns, tans, reds). All pump island canopy supports shall be enclosed with decorative masonry block integrated with the design materials of the main building. All buildings shall include wood siding, decorative masonry or equivalent material. Corporate colors are permitted in limited quantities and must be approved by the planning commission. Mini-marts are considered an ancillary use of the service station. Because of this, all mini-marts shall be incorporated into the design of the service station.
- (i) *Restrooms.* The number of restrooms shall be determined by the California Plumbing Code based upon the occupant load of the building. The restrooms shall comply with the Americans with Disabilities Act.
 - (j) *Landscaping and screening.* All landscaping and screening shall be provided for each service station site consistent with sections 19.06.080 and 19.06.030.
 - (k) *Trash enclosures.* All trash enclosures shall be subject to the Refuse and Recycling Enclosure Ordinance. Refuse and recycling enclosures shall be located in an area that is easily accessible for the refuse and recycling collection trucks.
 - (l) *Lights.* All exterior lighting shall comply with section 19.06.010. Light standards shall be a maximum of 30 feet in height and shall be anodized. All lights shall be designed to confine the rays to the premises. Any deviation shall require planning commission approval.

- (m) *Parking.* Parking shall be provided in the amounts prescribed under section 19.06.050. Parking requirements for ancillary operations (i.e., mini-marts) shall be determined by the planning commission. Disabled parking spaces shall be provided in the amounts and sizes as described in the Uniform Building Code and the Americans with Disabilities Act (ADA). Any deviation of non-ADA required parking spaces shall require planning commission approval.
- (n) *Vending machines.* Not more than two vending machines will be allowed outside of the main building.
- (o) *Tire storage.* Outside display/storage of tires is prohibited. All display/storage of tires shall be located within the main building.
- (p) *Signs.* All signs shall be provided in the amounts and sizes as prescribed within the Service Station Sign Ordinance No. 688 and section 19.06.060. Sign location, square footage, etc., shall be computed based upon the main use of the property. Signs for ancillary uses shall not be permitted to exceed the maximum amounts prescribed for the main use of the property and shall be considered as one for calculation purposes. Any planning commission interpretations regarding signs shall automatically be included under this section. Any deviation shall require planning commission review and approval.
- (q) *Pump islands.* Pump islands shall be set back a minimum of 20 feet from the ultimate right-of-way line.
- (r) *Canopies.* Automobile service station canopies, whether attached or detached, shall not project closer than seven feet to the front or side property lines. Canopies shall maintain a minimum clearance of 12 feet above the centerline grade of the adjacent street.
- (s) *Nonconforming service station sites.* Existing service station sites made nonconforming as a result of this section shall be made to conform when the service station is remodeled, or improvements are made to existing structures with a net increase in building area. An increase in building area shall be subject to subsection (t)(1)(b) of this section.
- (t) *Modernization of nonconforming use.*
 - (1) All proposals to modernize existing service stations shall be subject to review and approval as provided below:
 - a. The corporate reimage or rebranding of a service station shall be reviewed and approved administratively.
 - b. A conditional use permit shall be required for the expansion in building area, reconstruction or addition of building, canopy, or other accessory structure, or the addition of a use (such as a car wash) or fuel pumps to the service station.
 - c. The addition or replacement of the fuel tanks, or conversion to another fuel (i.e., gasoline to diesel) shall be reviewed and approved administratively and shall require all approvals from other departments and agencies, including but not limited to the fire department and San Bernardino County Fire Department, hazardous materials division.
 - d. The replacement of fueling pumps (including the addition of another fuel product to an existing pump) shall be reviewed and approved administratively. However, the addition of fuel pumps shall require the approval of a conditional use permit.
 - (2) Proposals to modernize nonconforming service station sites shall be subject to the appropriate requirements identified under chapter 19.38.
- (u) *Compliance required.* Any service station erected or constructed contrary to the provisions of this chapter, or an idle service station, (one which has been unoccupied for six months or longer) shall be declared unlawful and a public nuisance and shall be subject to review by the planning commission for compliance with one or more of the following recommendations:
 - (1) After six months, all windows and doors shall be covered with sheet metal or other approved material and painted to match the building to which applied.
 - (2) One year from the date of formal notification by the code enforcement officer, all gas pumps shall be removed from the site.
 - (3) One year from the date of formal notification by the code enforcement officer, all signs, sign poles, etc., shall be removed from the site.
 - (4) All underground tanks shall be removed from each site consistent with all time frames and procedures prescribed by all local, state and federal regulations.
 - (5) Any vapor recovery system shall be screened from view with a fence a minimum of 80 percent opaque.
 - (6) Each vacant service station site shall be reviewed annually to determine whether the structure should be demolished and removed from the site.
 - (7) All landscaping shall be maintained pursuant to section 19.06.080.
 - (8) When a service station site is changed to another use, the pump island canopy shall be removed within one year from the date of issuance of the new business license; or the pump island shall be incorporated into a structural element approved by the planning commission.

(9) Should it be necessary to fence a site, the fencing shall include slats approved by staff.

(10) All vacant service station sites shall remain lighted during nighttime hours to prevent vandalism.

(11) Other remediation measures deemed necessary to remove nuisance factors, as determined by the planning commission.

(12) Any exceptions to the remediation measures shall be approved by the planning commission pursuant to chapter 19.30.

- (v) *Exempted stations.* Electric vehicle charging stations installed as an ancillary use in conjunction with a primary use, including those installed as part of an environmental mitigation shall be exempt from the service station requirements. Design of ancillary structures (i.e., canopies and supports) for charging stations shall be integrated with the architectural design of the primary use (i.e., colors, finishes and materials). Exposed conduits and mounting hardware shall be concealed or painted to match the surface to which applied.

(Ord. No. 934-2015, § 19.06.070, 7-20-2015)

Sec. 19.06.080. - Landscape water conservation.

(a) *Title.* This section shall be known and may be cited as the City of Barstow "Landscape Water Conservation Ordinance."

(b) *Purpose and intent.* In accordance with Water Conservation in the Landscaping Act (Government Code § 65591 et seq.), the purpose and intent of this section is to:

- (1) Promote the values and benefits of landscapes while recognizing the need to utilize water and other resources as efficiently as possible;
- (2) Establish a structure for designing, permitting, installing and maintaining water-efficient landscapes in new projects;
- (3) Establish provisions for water management practices and water waste prevention for established landscapes;
- (4) Implement procedures required to maximize the beneficial use of the available water resources to the extent capable and that the waste or unreasonable use or unreasonable method of use, of water, be prevented and the conservation of such water is to be extended with a view to the reasonable and beneficial use thereof in the interests of the people of the city;

The community development director or his designee is authorized to implement the provisions of this section.

(c) *Definitions.* The words used in this section have the meanings set forth below:

Application rate means the depth of water applied to a given area, usually measured in inches per hour.

Applied water means the portion of water supplied by the irrigation system to the landscape.

Automatic controller means a mechanical or solid state timer, capable of operating valve stations to set the days and length of time of a water application.

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.

Bubbler emitter. See definition of "Low volume irrigation systems."

Check valve means a valve located under a sprinkler head to hold water in the system so it minimizes drainage from higher elevations to downstream sprinkler heads.

City of Barstow means the City of Barstow, a municipal corporation.

Commercial refers to the purchase, sale or other transaction involving the handling or disposition of any article, substance, service or commodity (except as included hereafter under "industrial") for profit or livelihood.

Corner lot. Both front and side-street yards shall be subject to the provisions of this section.

Distribution uniformity means a measure of how evenly sprinklers apply water. The distribution uniformity low quarter (DULQ) measurement method utilized in the irrigation audit procedure is utilized for the purposes of this section. This section assumes an attainable performance level of 75 percent DULQ for spray heads, 80 percent DULQ for rotor heads and 85 percent DULQ for recreational turf grass rotor heads.

Drip emitter. See definition of "Low volume irrigation system."

Duplex means a building designed and used for occupancy by two families, both living independently of each other.

Electric automatic controllers refers to time clocks that have the capabilities of multiprogramming and multiple start times in order to control amount of water applied to landscaping.

Emission uniformity means a measure of how evenly drip and micro spray emitters apply water. The low quarter measurement method (EULQ) utilized in the landscape irrigation evaluation procedure is used for the purpose of this section. This section assumes 90 percent DULQ for drippers, micro sprays, and pressure compensated bubblers.

Established landscape means the point at which new plants in the landscape have developed roots into the soil adjacent to the root ball.

Establishment period means the first year after installing the plant in the landscape.

ET adjustment factor means a factor of 0.35 that when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.

Evapotranspiration or *ET* means the quantity of water evaporated from adjacent soil surfaces and transpired by plants expressed in inches for a specific time.

Hardscapes means any inorganic decorative landscape materials, including but not limited to, stones, boulders, cobbles, pavers, decorative concrete and/or mulch, incorporated into an overall landscape design.

Hydrozone means a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or nonirrigated. For example: A naturalized area planted with native vegetation that will not need supplemental irrigation (once established) is a nonirrigated hydrozone.

Industrial refers to the manufacture, fabrication, processing, storage, reduction or destruction of material, or any other treatment to change the form character or appearance thereof.

Infiltration rate means the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).

Institutional refers to a facility having public character such as a school, church or hospital.

Irrigation efficiency means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum irrigation efficiency for purposes of these regulations is 75 percent.

Landscape area means the entire parcel less the building footprint, driveways, and nonirrigated portions of parking lots including hardscapes, such as decks, patios and other nonporous areas. Water features (including pools and ponds) are included in the calculation of the landscaped area. Areas dedicated to edible plants, such as orchards or vegetable gardens, are not included.

Landscape documentation package means and includes:

- (1) Information on annual irrigation program (with schedule) including timer based and ET controllers;
- (2) Manufacturer information on component parts;
- (3) System design information;
- (4) Final planting and irrigation plan; and
- (5) Water use application projection (water budget).

Landscape irrigation audit means a process to perform site inspections, evaluate irrigation systems and develop efficient irrigation systems. At a minimum, the audit shall be in accordance with the California Landscape Water Management Program as described in the Landscape Irrigation Auditor Handbook, the entire document which is hereby incorporated by reference. (See Landscape Irrigation Auditor Handbook, Department of Water Resources, Water Conservation Office, most recent version.)

Landscape plans means planting plans, notes, details and specifications as well as irrigation plans, notes, details and specifications.

Landscaping and/or landscaping improvements refers to plantings of turf grass, shrubs, trees or similar living plants, with minimal use of other ground surface treatment such as decorative rock, bark or stone. These inert materials are allowed to be used in conjunction with live material in planting beds, but do not count toward the calculations of required landscaping and/or landscaping improvements.

Low volume irrigation systems means appropriately designed irrigation systems that utilize low volume devices appropriate to the climatic and site factors. Such heads include micro sprinkler heads, drip emitters and bubbler emitters.

Low water use plant material means trees, shrubs and ground covers that survive with a limited amount of supplemental water, as identified by the Alliance for Water Awareness and Conservation (AWAC) or similar lists approved by the community development director or his designee.

Main line means the pressurized pipeline that delivers water from the water source to a valve or outlet.

Maximum applied water allowance means, for design purposes, the upper limit of annual applied water for the established landscape area as specified in division 2, title 23, California Code of Regulations, chapter 7 and section 702. It is based upon the area's reference evapotranspiration, ET adjustment factor and the size of the landscaped area. The estimated applied water use shall not exceed the maximum applied water allowance.

Micro sprinkler. See definition of "Low volume irrigation systems."

Model home means a facility used exclusively for the promotion and sale of homes similar to the model.

Mulch means any organic material such as leaves, bark, straw or inorganic material such as pebbles, stones, gravel and decorative sand or decomposed granite left loose and applied to the soil surface to reduce evaporation.

Multifamily dwelling means a building or buildings designed and used for occupancy by three or more families, all living independently of each other.

Native plants means plants that are:

- (1) Indigenous to the desert region of California, Nevada and Arizona;
- (2) Native to the southwestern United States and northern Mexico; and
- (3) Low to minimal water users.

Overdraft means that wherein the current total annual consumptive use of water in the Mojave basin area exceeds the long-term average annual natural water supply to the basin area or sub-area.

Overspray means the water which is delivered beyond the landscaped area, wetting pavements, walks, structures or other nonlandscaped areas.

Person means an individual, corporation, partnership, incorporated association or any other similar entity.

Plant factor means a factor when multiplied by reference evapotranspiration, estimates the amount of water used by plants. For purposes of this section, the plant factor of very low water using plants ranges from 0.01 to 0.10, for low water using plants the range is 0.10 to 0.30, for moderate water using plants the range is 0.30 to 0.60 and for high water using plants the range is 0.60 to 0.90. Reference: Water use classifications of landscape species III (WUCOLS III).

Qualified professional means a person who has been certified by their professional organization or a person who has demonstrated knowledge and is locally recognized as qualified among landscape architects due to long time experience.

Recreation areas means public and institutional areas designed for active play or recreation such as sports fields, school yards, picnic grounds or other areas with intense foot traffic.

Reference evapotranspiration or *ET_o* means a standard measurement of the environmental parameters which affect the water use of plants, using cool season grass as a reference. *ET_o* is expressed in inches per day, month or year and is an estimate of the evapotranspiration of a large field of cool season grass that is well watered. Reference evapotranspiration is used as a basis of determining the maximum applied water allowances so that the regional differences in climate can be accommodated.

Rehabilitated landscape means any re-landscaping project that requires discretionary approval. Any re-landscaping project whose choice of new plant material and/or new irrigation system components is such that the calculation of the site's estimated water use will be significantly changed. The new estimated water use calculation must not exceed the maximum applied water allowance calculated for the site using a 0.6 ET adjustment factor.

Residential development means the development of any type of dwelling unit or units suitable or designed for human habitation, including, but not limited to, single-family homes, condominiums or manufactured homes, but not including hotels, motels, licensed convalescent homes, commercially operated retirement homes, time share units or the like. The term "Residential development" shall not include remodeling or reconstruction.

Right-of-way means land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to the general public for street, highway, alley, public utility or pedestrian walkway purposes.

Run-off means water which is not absorbed by the soil or landscape to which it is applied and flows from the area. For example: Run off may result from water that is applied at too great a rate (application rate exceeds infiltration rate), or when there is a severe slope.

Shall or must means an action which is mandatory.

Single-family dwelling means a detached building designed exclusively for the occupancy of one family.

Sprinkler head means a device which sprays water through a nozzle.

Station means an area served by one valve or by a set of valves that operate simultaneously.

Tract homes means five or more single-family residential units.

Turf means a surface layer of earth containing mowed grass with its roots.

Valve means a device used to control the flow of water in the irrigation system.

Water feature means any water applied to the landscape for nonirrigation, decorative purposes. Fountains, streams, ponds and lakes are considered water features. Water features use more water than efficiently irrigated turf grass and are assigned a plant factor of 1.1 for a stationary body of water and 1.2 for a moving body of water.

Water intensive landscape means an area of land that is watered with a permanent water application system and planted primarily with plants not referred to in the low water use plant list approved by the community development director or his designee. Included is the total surface area of all water features (i.e., swimming pools of any size, fountains, ponds, watercourses, waterfalls and other artificial water structures) filled or refilled with water from any source.

Water waste means any unreasonable or nonbeneficial use of water or any unreasonable method or use of water, including but expressly not limited to, the specific uses, conditions, actions or omissions prohibited or restricted by this section, as hereinafter set forth.

Zone means an area served by one valve, sometimes referred to as a station.

(d) *Applicability.*

- (1) This section shall apply to landscaping for all new residential, commercial, industrial, institutional projects that require permitting.
- (2) This section shall not apply to registered historical sites and ecological restoration projects that do not require permanent irrigation systems.

(e) *Required approval for projects.* No building permit shall be approved unless the community development director or his designee, finds that the landscape and irrigation plan satisfies the criteria set forth in this section.

(f) *General requirements for new landscaping projects.*

- (1) The following are requirements applicable to all new landscaping projects:
 - a. Landscapes shall be designed in accordance with the city of Barstow Landscape Manual:
 1. The drip irrigation details as outlined in the city of Barstow Drawing No. 118, as adopted by the city;
 2. The water-efficient plant list as found in the city Landscape Manual, substitutions shall be approved by the planning director or duly appointed representative; and
 3. The water conservation plan as outlined in chapter 13.40 of this Code.
 - b. The maximum slope of a turf area shall not exceed four to one or 25 percent.
 - c. Turf areas shall not be located within six feet of a street, curb, paved surface or sidewalk unless watered with subterranean drip irrigation.
 - d. No area of turf (unless watered with subterranean drip irrigation) shall have a width less than five feet unless adjacent to a planter bed or other landscape area which will catch overspray.
 - e. No water intensive landscape or turf (unless watered with subterranean drip irrigation) shall be permitted in any right-of-way. Low water use plant material shall be allowed.
 - f. Plant grouping and masses shall be incorporated, grouping plant materials together that have similar water requirements (this is called a hydrozone).
 - g. Any ponds, fountains or any similar water features shall use recirculated water. Reclaimed water may be used if available and/or feasible, and verification of limited public access is provided to the city.

- h. The city shall make information prepared by the Alliance for Water Awareness (AWAC) available to new homeowners about designing, installing and maintaining water-efficient landscapes.
- i. Recreational areas shall not be considered in calculating the percentage of the total lot area and shall not be considered in determining compliance with this section, but shall be subject to subsection (i)(4) (Water-efficiency in landscape irrigation and design).
- j. Artificial turf/plant quantities are not limited.

(2) The following are additional requirements applicable to commercial, industrial, institutional, and multifamily development:

- a. Tracts of 20 or more lots shall have at least one model home demonstrating a water-efficient landscape and have literature and/or brochures available explaining xeriscape landscaping and irrigation.
- b. Provisions for the use of reclaimed water supplied through dual distribution systems, if feasible and cost effective, subject to the appropriate health standards, and if required in project review and approval by the planning commission and/or city council.
- c. No slope adjacent to a parking lot shall exceed a four to one slope, to minimize potential run-off problems.
- d. Decorative rock shall be utilized in lieu of ground cover in interior planter areas and shall not be utilized adjacent to streets and public sidewalks.
- e. All landscape and irrigation shall be continuously maintained. Any faulty equipment or dying plant material shall be replaced with the same type of equipment or the same species of plant material originally approved. Any substitution shall require the approval of the planning director or duly appointed representative.

(g) *Provisions for new landscapes.* This section provides two approaches to conservation in new landscapes: the "Turf Limitation Approach" set forth in subsection (h) of this section and the "Water Budget Approach" set forth in subsection (i) of this section. All new landscapes shall conform to either subsection (h) or subsection (i) of this section, not both.

(h) *Turf limitations approach.*

(1) Residential.

- a. Single/duplex dwelling. Landscaping shall be installed in the front yard of the residence. Landscaping shall meet the following requirements:
 - 1. Limit total area of water intensive landscaping/turf to not more than 30 percent of the landscaped area (up to a maximum of 900 square feet).
 - 2. Use only low water use plants on all additional landscaped areas, or equivalent materials as approved by the community development director or his designee. Install low volume irrigation systems on these landscaped areas.
- b. Multifamily dwelling. Water intensive landscaping shall be limited to ten percent of the first 9,000 square feet. Additional acreage of development over 9,000 square feet shall be limited to a maximum of five percent water intensive landscape/turf.

(2) Nonresidential.

- a. The following types of facilities shall limit the water intensive landscape and turf within the landscaped area to the following percentages of the total lot area, and all remaining landscaped area shall consist of plants identified in Appendix A, as used as reference codified in this section. Turf areas shall not be located within six feet of a street, curb, paved surface or sidewalk if adjacent to a paved surface. Turf areas may be located within six feet of the aforementioned features if subterranean drip irrigation is used. The maximum slope of a turf area shall not exceed 25 percent or four to one.
 - 1. Churches: 25 percent.
 - 2. Resorts, including hotels and motels: ten percent of the total area.
 - 3. Commercial, institutional and industrial uses: shall be limited to ten percent of the first acre and not more than five percent water intensive landscape/turf of any additional acreage.
- b. Recreational areas shall not be considered in calculating the percentage of the total lot area and shall not be considered in determining compliance with this section, but shall be subject to subsection (i)(4) of this section (Water-efficiency in landscape irrigation and design).

(3) Processing procedures and submittal requirements.

- a. For any development proposal, the applicant shall submit landscape plans, meeting the requirements listed below to the city.

- b. Plans submitted for single-family residential development are not required to be prepared by a landscape architect. However, all landscape plans submitted by the applicant shall meet the following requirements:
1. Plans must be at a reasonable scale to indicate all proposed improvements;
 2. All landscape plans must contain the following minimum information:
 - (i) Name of applicant/owner;
 - (ii) The dates the plans are submitted and revised;
 - (iii) All existing and proposed buildings and other structures, paved areas, landscaped areas (including nonirrigated areas), power poles, fire hydrants, water meters, light standards, streets, street names, signs, fences, walls, water features (including pools and ponds), stormwater retention/detention areas and other permanent features to be added and/or retained on the site;
 - (iv) All property lines;
 - (v) Project information, including total square footage of the landscaped area, total square footage of the proposed turf grass area;
 - (vi) Existing protected trees including any vegetation identified in vegetation preservation plans, if required, to be preserved in place, indicated by botanical name and variety, common name, size and location;
 - (vii) Show all paved areas such as driveways, walkways and streets;
 - (viii) Show all pools, ponds, lakes, fountains, water features, fences and retaining walls;
 - (ix) Show an address or APN number to identify the property.

If approved, the city will make an inspection of the completed project for compliance with the program before issuing a certificate of occupancy.

- (4) Final planting plans shall contain the following minimum information:
 - a. The landscape plan shall indicate the name and location of all plants used.
 - b. All proposed lawn areas and ground cover areas shall be identified.
- (5) Final irrigation plans shall contain the following minimum information:
 - a. The location and type of all sprinkler heads, including drip emitter configurations.
 - b. The location and type of irrigation controllers. Programmable controllers are required.
 - c. The size and type of all irrigation and emission lines.
- (6) Systems must be designed and operated to maximize irrigation efficiency.
 - a. Sprinkler irrigation shall be scheduled to operate during the months of April through September, between the hours of 6:00 p.m. and 9:00 a.m. and during the remaining months of October through March, between the hours of 9:00 a.m. and 3:00 p.m. to reduce water loss from wind and evaporation, and to avoid ice during winter months. Drip irrigation and subterranean devices shall not be subject to this water window.
 - b. Valves shall be scheduled for multiple repeat cycles, if necessary, to reduce runoff, especially on slopes and with soils with slow infiltration rates.
 - c. All zone run times shall be adjusted seasonally to accommodate landscape water needs or preferably the ET rate, exposure slope and soil types.
 - d. Turf and non-turf shall be irrigated on separate valves.
 - e. Drip emitters and sprinklers shall be placed on separate valves.
 - f. No single zone shall mix head types, such as rotors and pop-up spray heads on the same zone.
 - g. Plants with similar water requirements shall be grouped together.

(i) *Water budget approach.*

- (1) Processing procedures and submittal requirements.
 - a. Projects will be required to submit a landscape documentation package including a water budget statement approved by the community development director or his designee.
 - b.

As a condition of approval for any development proposal, the applicant shall submit landscape plans meeting the requirements listed below to the city.

- c. All landscape plans submitted by the applicant shall meet the following requirements, or equivalents as approved by the community development director or his designee:
 1. Plans must be at a reasonable scale to indicate all proposed improvements (minimum one inch equals 30 feet).
 2. The drawings shall show zone number, valve size and gallons per minute (gpm), as well as point of connection, meter size, operating pressure, flushing devices, emitters and spray heads.
 3. All must contain the following minimum information:
 - (i) North arrow and scale (including bar scale).
 - (ii) Name of applicant/owner.
 - (iii) The name, address and telephone number of the person or firm responsible for the preparation of the landscape plan.
 - (iv) The dates the plans are submitted and revised.
 - (v) All existing and proposed buildings and other structures, paved areas, landscaped areas (including nonirrigated areas), power poles, fire hydrants, water meters, light standards, streets, street names, signs, fences, walls, water features (including pools and ponds), stormwater retention/detention areas and other permanent features to be added and/or retained on the site.
 - (vi) Show a title block on each sheet with the name of the project, City of Barstow, name and address of the professional design company with its signed professional stamp if applicable.
 - (vii) Reserve a three-inch by six-inch space for a signature block on the lower right corner of the cover page and on all of the landscape, irrigation design/detail/specification sheets.
 - (viii) Existing or proposed elevations or contour lines at sufficient locations to clearly show the drainage pattern (or a copy of the grading plan).
 - (ix) All property lines and easements.
 - (x) Project information, including total square footage of the landscaped area, total square footage of the proposed recreational areas and total square footage of turf grass.
 - (xi) Existing protected trees including any vegetation identified in vegetation preservation plans, if required, to be preserved in place, indicated by botanical name and variety, common name, size and location.
 - (xii) Show all paved areas such as driveways, walkways and streets.
 - (xiii) Show all pools, ponds, lakes, fountains, water features, fences and retaining walls.
 - (xiv) Show location of all overhead and underground utilities.
 - (xv) Show total landscaped area in square feet. Separate area square footages by hydrozone. Show the total percentage area of each hydrozone. Include total area of all water features as separate hydrozones of still or moving water.
 - (xvi) Designate recreational areas and recreational turf areas.
 - (xvii) Show total maximum annual applied water budget allowance for the proposed project, the formula of which is approved by the community development director or his designee.

If approved, the city will make an inspection of the completed project for compliance with the program before issuing a certificate of occupancy.

- (2) Final planting plans shall contain the following minimum information or equivalents as approved by the community development director or his designee:
 - a. A table listing the plant material including the plant symbols, common and botanical names, sizes, spacing (if applicable), quantities and other remarks as appropriate to describe the plant selection.
 - b. The location of all plant material shall be shown on the plan at approximately two-thirds the mature size of the plant material.
 - c. All proposed lawn areas and ground cover areas shall be identified, including the types and amounts of living plant materials to be used and the size and depth of nonliving materials. The manner in which any lawn areas are to be established shall be included.

(3)

Final irrigation plans shall contain the following minimum information or equivalents as approved by the community development director or his designee:

- a. The location and type of all sprinkler heads, including drip emitter configurations.
 - b. The location and size of main line and lateral line piping.
 - c. The location and size of water meters.
 - d. The location of backflow prevention devices.
 - e. The location, size and circuit number of all valves.
 - f. The location and type of irrigation controllers.
 - g. A table including the manufacturer and a description of all parts used in the irrigation plan.
 - h. Details of the backflow prevention devices, valves, sprinkler heads, controllers, etc.
- (4) Water-efficiency in landscape and irrigation design. New irrigation systems and improvements shall be designed to achieve water-efficiency.
- a. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs.
 1. Turf and non-turf shall be irrigated on separate valves.
 2. Drip emitters and sprinklers shall be placed on separate valves.
 3. Bubblers shall be placed on a separate valve.
 4. Plants with similar water requirements shall be grouped together.
 - b. Soil types, infiltration rate and slopes shall be considered in order to avoid runoff and overspray, where water flows onto adjacent property, nonirrigated areas, walks roadways or structures. Proper irrigation equipment, schedules and repeat cycles shall be used to minimize runoff. Spray zones shall run parallel to the slope to minimize runoff.
 - c. A minimum of three inches of mulch shall be applied to all exposed soil surface areas in new plantings.
 - d. Separate landscape water meters shall be installed for all projects except for single-family homes or any project with a landscaped area of more than 5,000 square feet.
 - e. A pressure-reducing valve shall be used when the static water pressure exceeds the pressure needed by the system by 15 pounds per square inch (psi). Pressure reducing valves can be installed within the project on the mainline or at the valve, if elevation changes require it.
 - f. Turf irrigation principles.
 1. No single zone shall mix head types, such as rotors and pop-up spray heads on the same zone.
 2. Uniform distribution shall meet 80 percent.
 3. No sprinkler irrigation systems shall be installed in strips less than five feet wide.
 4. Small areas (25 feet wide or less) shall be irrigated with fixed nozzle pop-up spray heads with matched precipitation nozzles. Nozzles shall be sized to provide head to head coverage. Heads shall pop-up a minimum of four inches in turf areas. Heads can be specified with pressure reducing features where needed.
 5. Large areas (wider than 25 feet) shall be irrigated with gear driven rotor heads with a minimum precipitation rate of 1.45 inches per hour for a full circle head. Heads shall pop-up a minimum of four inches in turf areas.
 6. Check valves shall be included in heads or valves where low head drainage will occur due to elevation changes. See irrigation head catalogue for elevation change tolerances.
 7. Use of emerging water saving technology such as evapotranspiration controls and subterranean irrigation systems is highly encouraged.
- (5) Irrigation control systems shall be employed that offer flexibility in programming as follows:
- a. All irrigation systems shall include an electric automatic controller with multiple programs and multiple repeat and rest cycle capabilities and a flexible calendar program.
 - b. Each zone/valve shall have its own station on the controller. The exception is drip valves, which can be doubled on the controller.
 - c. Recreational areas are required to use ET controllers for irrigation.

- (6) Systems shall be operated to maximize irrigation water-efficiency as follows:
- a. Sprinkler irrigation shall be scheduled to operate during the months of April through September, between the hours of 6:00 p.m. and 9:00 a.m. and during the remaining months of October through March, between the hours of 9:00 a.m. and 3:00 p.m. to reduce water loss from wind and evaporation, and to avoid ice during winter months. Drip irrigation and subterranean devices shall not be subject to this water window.
 - b. Valves shall be scheduled for multiple repeat cycles if necessary to reduce runoff, especially on slopes and with soils with slow infiltration rates.
 - c. All zone run times shall be adjusted seasonally to accommodate landscape water needs or preferably the ET rate, exposure slope and soil types.
- (7) Irrigation schedules satisfying the following conditions shall be submitted as part of the landscape project tracking form approved by the community development director or his designee:
- a. An annual irrigation program with monthly irrigation schedules shall be required for:
 1. The plant establishment period;
 2. The established landscape; and
 3. Any temporarily irrigated areas.
 - b. For timer-based controllers include run time (in minutes per cycle), suggested number of cycles per day and frequency of irrigation for each station; and provide the amount of applied water (in hundred cubic feet, gallons or in whatever billing units the local water supplier uses) recommended on a monthly and annual basis.
 - c. For ET based controllers include essential details of the specific controller involved.
 - d. Water features shall be considered as high water zones. The total amount of water for irrigation, plus water needed for any water features, shall be combined in the total water budget.
- (8) Certificate of project completion/landscape project tracking form. Verified completion of all elements on the landscape project tracking, as adopted by city council resolution, shall constitute a certification of project completion.
- (j) *Provisions for existing landscapes.*
- (1) *Water management.* All existing landscaped areas that are one acre or more in size, including, but not limited to, golf courses, cemeteries, green belts, common areas, multifamily housing, schools, businesses, parks and publicly owned landscapes shall be strongly encouraged to have a landscape irrigation audit at least once every five years. The audit shall be performed in accordance with the California Landscape Water Management Program as described in the Landscape Irrigation Auditor Handbook, by a certified landscape irrigation auditor. (See Landscape Irrigation Auditor Handbook, The Irrigation Association, most current version).
 - (2) *Water waste prevention.* The provisions of this section shall apply to all water users. The city shall encourage the reduction of water waste resulting from inefficient landscape irrigation by prohibiting runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways or structures. The city may, at the discretion of the planning department, require the property owner to conduct a landscape irrigation audit and make corrections to the landscape based on the findings of the water audit. The audit shall be performed in accordance with subsection A of this section.
- (k) *Low water use and California native plants.* All landscape shall strive to maximize the use of native species. Where native material is not appropriate for the intended use or appearance, plant species that are regionally adapted and non-invasive may be used. A recommended plants list approved by the community development director or his designee is available at the city planning department.
- (l) *Prohibited water uses and water waste.* It shall be unlawful for any water user to allow water waste at any location or premises within the jurisdiction of the city. Included but not limited to:
- (1) Cause or permit any water furnished to any property within the city to run or to escape from any hose, pipe, valve, faucet, and sprinkler or irrigation device onto any sidewalk, street or gutter or to otherwise escape from the property.
 - (2) Wash driveways, sidewalks, parking lots or other hard surfaces by direct hosing except when necessary to prevent or eliminate risk of fire or contamination, which could result in a risk to public health and safety.
 - (3) Wash any vehicle, trailers, motor homes, buses, boats and mobile homes except from a bucket and except that from a hose equipped with an automatic shut-off nozzle may be used for a quick rinse.

- (4) Excess use, loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system.
- (m) *Public education.* The city shall make available information about water-efficient landscaping to water users throughout the community. The city will also use public education to teach and assist water users in water conservation and the need for voluntary compliance. In addition to education, the city may use enforcement measures to curb water waste.
- (n) *Screening requirements.*
 - (1) Motor vehicle parking spaces within an RM-2 development shall not be visible from view from public streets. Architectural walls, buildings, wing walls, or earthforms, a minimum of six feet in height, shall be constructed to screen these parking spaces.
 - a. Architectural walls are defined as decorative concrete, stone, brick, tile, or stucco, including combinations thereof (or equivalent masonry material) a minimum of four inches thick. The design of such walls shall be compatible with the architectural design of the project.
 - b. Where there is a difference in elevation between property zoned medium density and abutting property, section 19.06.030 shall be applicable.
 - (2) All nonresidential parking areas which abut a public street shall have an architectural wall 36 inches in height or equivalent screen composed of plant materials along the entire length of said parking area abutting a public street. Said wall shall be a part of or in conjunction with the landscaping planter strip.
 - (3) All outdoor living areas in residential developments (patios, rear yards) shall have an architectural wall a minimum of six feet in height along any portion of the outdoor living area that abuts any freeway, arterial, or collector street, as shown on the circulation element of the Barstow General Plan. The wall shall be located behind the required right-of-way in the case of single-family development, or along the setback line in the case of multiple-family development. Additional setback may be required by the planning commission if it is determined that additional landscaping is needed to support and enhance the landscape design. The design of any outdoor living areas above the ground level shall be reviewed and approved by the planning commission.
 - (4) Trash enclosures. Bins for storage of trash and refuse shall be provided for all developments other than single-family residential. Said bins shall be screened by a steel-reinforced, decorative masonry wall a minimum of six feet in height. Trash enclosures shall be located outside of required setback areas.
- (o) *Penalties.*
 - (1) For the first violation of any provision of this section, the city shall issue a written notice of first violation and provide the violator with educational materials on water conservation, including a copy of the relevant provisions of this section. The city shall give the water user a reasonable period of time to correct the violation. Failure to correct the violation within a reasonable period of time shall constitute a second violation.
 - (2) For a second violation of any provision of this section, the city shall issue a written notice of second violation to the water user imposing a fine in an amount not to exceed \$50.00 and requiring immediate correction of the violation.
 - (3) For a third violation of any provision of this section, the city shall issue a written notice of the violation to the water user imposing a fine in an amount not to exceed \$200.00 and requiring immediate correction of the violation.
 - (4) For a fourth or subsequent violation of this section, the city shall impose a fine in an amount not to exceed \$500.00. The fourth and each subsequent violation of this section shall be deemed a public nuisance, which may be abated pursuant to the procedures provided in chapter 6.28 ("Public nuisances") of this Code.
 - (5) Any fine imposed under this section shall be collected in accordance with the procedures of chapter 6.30 ("Administrative Fines and Penalties") of this Code. Failure to pay any portion of a water user's account, including any fines imposed pursuant to this section, shall subject said account to termination of water service in accordance with the provisions of this section.
 - (6) In addition to the remedies set forth above, the city may seize equipment, line, fountains and other devices, which are operated in violation of this section, until the fine is paid. The city may dispose of these items if the fine is not paid in six months from the date the equipment was confiscated.
 - (7) Right to hearing. Any water user against whom a penalty is levied under this section shall have a right to a hearing before the city manager or the city manager's designee.
- (p) *Effective date.*
 - (1)

This section shall become enforceable as to tract homes, as that term is defined herein, 30 days after adoption of this section by the city council.

- (2) This section shall become enforceable as to single-family dwellings, as that term is defined herein, 12 months after adoption of this section by the city council.

(Ord. No. 934-2015, § 19.06.080, 7-20-2015)

Sec. 19.06.090. - Alternative energy.

(a) *Purpose.*

- (1) The purpose of this section is to address the increasing demand for alternative energy and reduce the governmental barriers to roof-mounted photovoltaic systems. Although most applications for alternative energy have been for residential installation of roof-mounted photovoltaic panels, other forms have been considered and proposed. In addition, this industry is frequently changing and may require regular amendment to this section to address new technological advances. The criteria established under this section are not intended to provide government barriers for other forms of alternative energy, but to minimize the risk (i.e., structural tower failure) and impacts (i.e., noise, glare) upon adjacent properties.
- (2) In addition, this section addresses electrical charging stations for plug-in electric vehicles, and ensuring that adequate facilities are provided should residents wish to purchase such vehicles and businesses to provide charging stations for customers or for their own fleet use.

- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

AC Level 1 charging system means a system, typically 110-120 volts, that charges at a rate of two to five miles of range per hour of charging.

AC Level 2 charging system means a system, typically 220-240 volts, that charges at a rate of ten to 20 miles of range per hour of charging.

Concentrated solar energy systems means energy systems that utilize lenses and/or mirrors to concentrate the sunlight. The two most common types are listed below:

- (1) Concentrated photovoltaic (CPV), which utilizes multiple small photovoltaic modules within a large panel with multiple lenses and/or mirrors.
- (2) Concentrated solar system, utilizing ground-mounted mirrors that direct the sunlight to a fixed point in a tower that converts the thermal energy to electrical energy.

DC fast charging/DC Level 2 charging system means a system, typically 480 volts, that charges at a rate of 60 to 80 miles of range in 20 minutes of charging.

Decommissioning means the removal of a use from service, which includes safe storage, dismantling, disposal, recycling, removal of concrete pads, and/or site restoration.

Inductive charging system means a charging system that utilizes equipment that uses an electromagnetic field to transfer electricity to a plug-in electric vehicle (PEV) without a cord. Such systems typically operate at power levels comparable to an AC Level 2 system.

Solar energy systems means, for the purpose of this section, any solar collector device, or structural design feature of a building whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling; for domestic, recreational, therapeutic or service water heating; for the generation of electricity; for the production of process heat; and for the production of mechanical work. The term "solar energy system" shall include, but is not limited to, passive thermal systems, semipassive thermal systems, active thermal systems and photovoltaic systems.

Solar farm means a facility that is operated by a power producer and whose primary function is the provision of electricity to the electrical distribution system or transmission grid and produces electricity from a solar energy system. The area of the solar panels is in excess of the accessory use limitations allowed in subsection (c) of this section.

Wind generator includes, for purposes of this section, wind machines and similar accessory structures harnessing wind energy. For the purpose of this [title 19](#), wind turbines, windmills, small wind energy system shall be considered a wind generator.

(c) *Alternative energy technology standards.*

- (1)

Wind generators as defined by subsection (b) of this section shall be permitted in accordance with subsection (d) of this section and subject to the provisions as provided herein.

- a. The structure and all appurtenant equipment for all tower-mounted wind generators shall be located behind the primary building, not within the front or street side yard, and a minimum of 1.1 times the overall structure height from all property lines, but in no case shall it be less than 100 feet from any property line. Guy wires may encroach into the minimum setbacks, but shall not encroach over property lines.
- b. The structure may need to be farther from the property lines based upon the required specifications regarding noise identified in subsection (c)(1)c of this section.
- c. Specifications on the noise and vibration produced by the wind generator shall be submitted for wind generators within all zone districts, identifying the distance from the structure to the property line to meet the city's noise standards as identified in the General Plan. The wind generator shall be located so that it does not exceed the evening noise standard at any property line. A noise contour map shall be submitted as part of this submittal. Noise generation shall not exceed 60 dBA at any property line. The setback shall be increased should the manufacturers' specifications evidence that the wind generator would exceed the evening noise standard at any property line.
- d. The height of tower-mounted wind generators shall be measured to the top of the blades or rotors or any other portion of the wind generator, which extends farthest above ground level. The blades and rotors of the wind generator shall be a minimum of 15 feet above ground level at the lowest point to ensure the safety of persons and property beneath.
- e. Height. Roof-mounted wind generators shall not exceed 50 feet above the adjacent ground or the height regulation of the zone district, whichever is greater. Approval of a conditional use permit is needed to exceed the height restriction by up to ten percent and approval of a variance shall be required to exceed the allowed height beyond ten percent. The height shall be measured from the ground to the top of the blade/rotor or any other portion of the wind generator.
 1. Roof-mounted wind generators pose a risk to emergency responders. Therefore, any roof-mounted wind generators shall be reviewed and approved by emergency responders to minimize potential safety risks.
 2. Roof-mounted wind generators may generate vibrations that could cause structural damage to the roof and/or building. Vibration damping and structural engineering may be required.
 3. Tower or pole-mounted wind generators shall not exceed 80 feet in height, provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor.
- f. All wind generators shall be bright white or light off-white pursuant to FAA guidelines. Use of conspicuous colors is prohibited. Wind generators shall not contain signs or be illuminated, unless required by state or federal law. Minor informative signs (i.e., "High Voltage," etc.) used for the safety of emergency responders shall be permitted and must contain no advertisement.
- g. Nothing in this zoning code amendment shall be construed to affect the structural requirements for any wind generator, as enforced by the building and safety division. All wind generators shall require issuance of a building permit prior to installation.
- h. All mechanical equipment associated with the wind generator located outdoors shall be secured by a minimum five-foot high block wall to prevent unauthorized access. Ladders or step bolts on the side of towers shall be a minimum of nine feet above ground level or shall be equipped with an approved method to prevent unauthorized access.
- i. Wind generators shall be equipped with manual and automatic controls to limit the operational speed of the blades/rotor to the design limits of the wind generator. An automatic braking, governing or feathering system shall also be provided to prevent uncontrolled rotation.
- j. No wind generator shall cause any electromagnetic interference.
- k. Wind generators shall be kept in good working order and shall be maintained in an aesthetic state. All wind generators which are in a nonoperational state for 180 consecutive days or more shall be considered abandoned and shall be dismantled and removed from the property at the owner's expense.
- l. The system's turbine shall be approved by the California Energy Commission as qualifying under the emerging renewables fund of the commission's renewables investment plan or certified by a national program recognized and approved by the energy commission.
- m.

Standard drawings and engineering analysis of the systems tower, showing compliance with the California Building Standards Code (CBC), and certification by a professional mechanical, structural, or civil engineer licensed by the state shall be submitted with the building permit application.

- n. Line drawings of the electrical components of the system shall be submitted with the building permit application. Said drawings shall include sufficient detail to allow for the determination that the manner of installation conforms to the National Electric Code (NEC).
 - o. The applicant shall demonstrate that the system will be used primarily to reduce on-site consumption of electricity. Evidence shall be submitted to the city that the electric utility service provider has been informed of the intent to install an interconnected customer-owned electricity generator.
 - p. A wind generator shall not be allowed where otherwise prohibited by any of the following:
 - 1. Within any Alquist-Priolo earthquake fault zone.
 - 2. An area considered as a scenic highway corridor designated pursuant to article 2.5 (commencing with section 260) of chapter 2 of division 1 of the Streets and Highways Code or as identified in the General Plan or an applicable area plan or community plan.
 - q. Aviation review. Prior to submittal of a conditional use permit, the applicant shall submit preliminary plans to the city. The city shall distribute copies of the proposed site plan, elevation plan, and location map to the aviation-related agencies and shall request comments within a minimum 30-day period. Aviation-related agencies to be consulted include but are not limited to, the Federal Aviation Administration (FAA), Edwards Air Force Base and the Naval Air Weapons Station (NAWS) China Lake. Uses that potentially impact public safety, continued viability of the military training and/or testing operations, or physically obstruct any portion of the military installations and operations areas (MIOAs), shall not be approved unless mitigated to the satisfaction of the affected agency. Any and all costs for the review by other agencies shall be paid by the applicant.
 - r. A flashing red (type L-864/20 to 40 flashes per minute) or flashing medium intensity white (type L-865/40 flashes per minute) obstruction light shall be installed on the wind generator.
- (2) Solar energy systems as defined by subsection (b) of this section shall be permitted in accordance with subsection (d) of this section and subject to the provisions as provided herein.
- a. Solar systems are subject to compliance with the minimum setback and accessory structure lot coverage limitations. The area of a solar system is defined as the rectangular area of the solar panels for the purpose of determining accessory structure lot coverage.
 - b. Solar systems shall be kept in good working order and shall be maintained in an aesthetic state. All solar systems which are in a nonoperational state for 180 consecutive days or more shall be considered abandoned and shall be dismantled and removed from the property at the owner's expense.
 - c. Solar systems shall not contain signs or be illuminated, unless required by state or federal law. Minor informative signs (i.e., "High Voltage," etc.) used for the safety of emergency responders shall be permitted and must contain no advertisement.

(d) *Alternative energy permitting requirements.* In addition to required building permits, the following identifies permits that may also be required:

	Zone District			
Alternative Energy Technology	Single-family residential, rural residential	Multiple-family residential districts	Commercial Districts ¹ including the PF, DU, HS, and O districts	Industrial and institutional districts ² including agricultural ³

Tower/pole-mounted wind generator pursuant to subsection (c)(1) of this section	Allowed as an accessory structure on parcels a minimum of five acres in size and if approved by a conditional use permit	Not permitted	Allowed as an accessory structure on a developed lot if approved by a conditional use permit application. A separation of 250 feet shall be required from any residential structure.	Allowed as an accessory structure on developed lots if approved by a conditional use permit application. A separation of 250 feet shall be required from any residential structure.
Roof-mounted wind generator	Not permitted	Not permitted	Allowed as an accessory structure on a developed lot if approved by a conditional use permit application.	
Roof-mounted solar energy systems	Limited to photovoltaic panels and solar water heating. Allowed as an accessory structure on a developed lot. Roof-mounted solar systems should, when practical and feasible, be designed to be parallel to the roof plane or integral to the roof material.		Allowed as an accessory structure on a developed lot	
Ground-mounted solar energy systems	Limited to photovoltaic panels. Shall be screened from public view and limited to the rear yard area. Allowed for parcels no less than one-half acre in size. City planner approval for parcels 9,000 square feet or greater provided no less than 1,000 square feet is available for recreational use adjacent to the rear of the residence.	Limited to photovoltaic panels. Allowed as an accessory structure within the rear yard on a developed lot if approved by a conditional use permit application. Approval shall be subject to the determination that the configuration and location of buildings, orientation of the roof planes, tree locations, or other factors which negatively affect system efficiency, prevent installation on the roof.	Allowed as an accessory structure on a developed lot if approved by a conditional use permit application. Limited to rear yard only.	

Solar farms including photovoltaic, concentrated photovoltaic (CPV), concentrated solar or parabolic mirror systems	Not permitted	Not permitted	Permitted if approved by a conditional use permit. Limited to rear yard only.	Permitted if approved by a conditional use permit.
Plug-in or inductive electric vehicle charging	Electrical permits required for Level 2 charging stations or any electrical installations required. Administrative approval required for incentives.	Electrical permits required for Level 2 charging stations or any electrical installations required. Administrative approval required for incentives.	Electrical permits required. Administrative approval required for parking reduction.	Electrical permits required. Administrative approval required for parking reduction.
1. This includes similar commercial districts within specific plan and planned development districts.				
2. This includes similar industrial and institutional districts within specific plan and planned development districts.				
3. Agricultural uses are permitted in the industrial districts.				

For alternative energy systems not identified by this Code, a determination of use shall be required pursuant to subsection 19.30.030(p) (Conditional uses).

(e) *Special applications.* Special applications include the following:

- (1) Passive solar water heating for use of heating pool water. Passive solar water heating used to heat pools that are imbedded in the concrete decking shall be permitted through the application of a building permit. Similar systems used to heat household water shall be permitted through the application of a building permit if the system is similarly integrated into concrete decking or roof-mounted panels parallel to the pitch of the roof.
- (2) Concentrated photovoltaic systems. Concentrated photovoltaic systems (CPV) are systems that track the sun for optimal performance. However, they are also prone to complications as they consist of moving parts (two-axis sunlight tracking system). In addition, the installation of such systems can be hazardous due to the concentration of sunlight on a small area, thereby generating great heat. Therefore, great care must be taken when installing these systems. CPV systems are typically limited to commercial energy production systems known as solar farms or high energy demand uses, but are permitted subject to a conditional use permit, as noted in subsection (d) of this section.
- (3) Concentrated solar systems. "Concentrated solar systems" are systems that include a series of mirrors that track the sun, typically focusing the sunlight directly onto a collector situated within a tower. This type of system generates great heat and is typically limited to commercial energy production. Like the CPV system, the tracking mechanism (two-axis) is prone to complications.
- (4) Parabolic mirrors. "Parabolic mirror" systems are generally high maintenance due to the highly reflective surface impacted by dust and dirt. Many include a one-axis tracking system and are prone to complications. Parabolic mirror systems shall be limited to commercial energy production systems known as solar farms and permitted subject to a conditional use permit, as noted in subsection (d) of this section.

(f) *Installation standards.*

(1) *Roof-mounted.*

- a. Photovoltaic systems are recommended for roof-mounted applications for single-family, multifamily, commercial and industrial installations. The photovoltaic panels should be mounted parallel to the roof pitch whenever practical and feasible.
- b. Solar water heating systems that are roof-mounted are permitted in any zoning district provided that the system is mounted parallel to the roof pitch to which it is applied.
- c. Setbacks for roof-mounted solar shall be pursuant to the latest adopted California Residential Code section R331—Solar Photovoltaic Panels/Modules for residential, and nonresidential shall be installed pursuant to the latest solar photovoltaic installation guidelines as adopted by the California fire marshal.

(2) *Ground-mounted.*

- a. Ground-mounted systems (excluding solar water heating and concentrated photovoltaic systems) are classified as follows:
 - 1. Commercial energy production: limited to systems that are for the sole purpose of selling energy to the utility companies. Said systems shall be located on a minimum of ten acres of land. Said system shall be screened from public view (off-site and public areas on-site). A conditional use permit is required. Erosion control measures shall be installed along the drip line of the panels to catch and disperse rainwater to minimize soil erosion. Such measures include a trench, no less than 12 inches deep and 12 inches wide, following the drip line filled with gravel.
 - 2. Solar energy production for the sole use of the structures located on the same site as the solar panels (applicable to all zoning districts): pursuant to subsection (d) of this section. Erosion control measures shall be installed along the drip line of the panels to catch and disperse rainwater to minimize soil erosion. Such measures include a trench, no less than 12 inches deep and 12 inches wide, following the drip line filled with gravel.
- b. Solar water heating integrated into concrete decking shall be permitted through the application of a building permit only. No other ground-mounted solar water heating shall be permitted, except through the approval of a conditional use permit and limited to industrial districts.
- c. Concentrated photovoltaic/concentrated solar systems include mirrors and/or lenses that focus sunlight onto a small photovoltaic panel or other heat absorbing system. Typically, one system panel will include several small modules. This multimodule panel tracks the sun for optimal efficiency and may be 30 feet high or larger. Said systems shall be limited in installation and great care must be taken during the installation process to ensure the safety of the installers and surrounding properties due to the concentrated reflective properties. These systems shall be limited to remote locations and shall require a conditional use permit. These systems are typically associated with commercial electrical producers or large electrical users, not conducive to small business or residences at this time.

(g) *Plug-in electric vehicle incentives.* No part of this section shall be construed as a city requirement that land uses be equipped with electric vehicle charging capacity. Plug-in electric vehicles (PEV) shall be encouraged for in all new development as follows:

- (1) New single-family residential development that includes an electrical raceway pursuant to section 106.6 of the latest edition of the California Green Building Standards Code adopted by the city for no less than one AC Level 2 (or equivalent) electrical charging station (i.e., dedicated circuit, raceway, etc.) that is consistent with the latest California Green Building Standards Code adopted by the city shall be accorded an incentive such as density bonuses, reduction in parking standards (i.e., carports in lieu of garages), reduction in setbacks, etc., as approved by the planning department.
- (2) New multiple-family residential development that provides one AC Level 2 (or equivalent) electrical charging station (i.e., dedicated circuit, raceway, etc.), that are consistent with the latest California Green Building Standards Code adopted by the city, for each ten residential units shall be accorded incentives such as density bonuses, reduction in parking standards, reduction in setbacks, etc., as approved by the planning department.
- (3) New commercial and industrial developments may be eligible for a parking reduction subject to the following criteria, as approved by the planning department:
 - a. Electric vehicle charging stations shall not supersede placement of required ADA parking spaces.
 - b. Parking may be reduced by up to two parking spaces for each electric vehicle charging station, not to exceed a ten percent reduction in overall parking.
 - c. Commercial centers utilizing electric vehicle charging stations shall utilize either AC Level 2 or DC Fast Charging (AKA, DC Level 2) technology, or latest charging technology available to charge no less than ten miles of range per hour of charging.

d. Industrial centers may utilize standard charging technology for employee parking, but shall utilize fast-charge technology (AC Level 2 or equivalent) for customer parking, when such stations are provided.

(4) Inductive (wireless) charging may be used in lieu of the plug-in systems for the charging of vehicles. The incentives available in subsections (g)(1) through (g)(3) of this section apply as applicable.

(5) Electric charging stations installed as an ancillary use to a primary use, including those installed as an environmental mitigation, shall be exempt from the conditional use permit process subject to the design criteria included in section 19.06.070(v).

(h) *Decommissioning*. In the event that the solar or wind energy generating system is not in operational condition for a consecutive period of six months, or ceased operation, operations for that use shall be deemed to have been discontinued. The code compliance department or planning department shall send written notice to the permittee advising of the discontinued use and require that the use be removed from the site within the time period specified below:

(1) Within six months after the written notice of discontinued use is sent to the permittee.

(2) Within the six-month period specified by subsection (h)(1) of this section, the permittee may provide the department with a written request and justification for an extension of up to six months to resume operations of the system. The director may approve one six-month extension.

(Ord. No. 934-2015, § 19.06.090, 7-20-2015)

Sec. 19.06.100. - Cellular communications facilities.

(a) *Purpose*. The purpose of this section is to establish general guidelines for the siting of cellular communications towers and antennas. The goals of this section are to minimize potential adverse impacts of towers and antennas by providing guidance concerning their location, configuration and visual aesthetics.

(b) *Locational criteria*. Preferred locations for cellular communications towers shall include the following:

- a. Public parks.
- b. Private parks open to the public.
- c. Public schools or private schools located on sites of at least five acres.
- d. Churches located on sites of at least three acres.
- e. Commercially designated properties of at least five acres in size.
- f. Any industrially designated property.
- g. Public facilities locations such as corporation yards, police or fire stations.

Cellular communications facilities placed upon or within such preferred locations shall be located in a manner so that the main structure on site is located between the facility and the main public right-of-way serving the site. Tower facilities proposed at locations other than those listed above shall require approval by the planning commission.

(c) *Aesthetics*. Cellular towers, antennas and related facilities shall meet the following requirements:

- (1) They shall be designed and placed in such a manner so as to be screened to minimize their appearance from surrounding properties and public rights-of-way. This shall include the color of the tower, antenna or related facility, the materials and textures of such tower, antenna or related facilities, and the materials or devices used to screen, conceal or blend the tower, antenna or related facility into or with the surrounding properties and development.
- (2) At a tower site, the design of the related facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must make the antenna and related equipment as visually unobtrusive as possible.
- (4) Towers and antennas shall be designed and constructed to be stealth/camouflaged. The term stealth or camouflage shall mean the following:
 - a. The nature of design or construction do not draw undue attention to the structure;
 - b. Design and construction cannot clearly be distinguished from the general character of the area in which they are located; and
 - c. Design and construction do not cause a conflict with the appearance, character and aesthetics of the site upon which the facility is located, the surrounding properties or the general neighborhood in which they are located.

- (5) Methods of achieving stealth/camouflage may include:
 - a. Ensure that physical design and construction are concealed within an architecturally designed feature/structure newly constructed on site, which matches or compliments the existing main structures on-site and in the surrounding area.
 - b. Locating the facility/tower and associated antenna/supporting equipment on or within an existing structure or building already on a site with no obviously distinguishable changes to that structure.
 - c. Mono-palms, mono-poles and mono pines are discouraged, but may be considered by the planning commission in the review of a conditional use permit application when the applicant can demonstrate the lack of a reasonable, available alternative consistent with the stealth/camouflaging above within the physical environment where the facility is proposed to be located.
- (6) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority.
- (d) *Conditional use permit.* Pursuant to chapter 19.30, a conditional use permit shall be required for all new or significant changes (pursuant to FCC Rule 6409(a)) are proposed for cellular towers and antennas. In addition to the requirements set forth in chapter 19.30, the following requirements must be met:
 - (1) All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.
 - (2) In granting a conditional use permit, the planning commission may impose conditions with specific consideration given to potential aesthetic impacts.
 - (3) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning within 150 feet of the edges of the property on which the tower is proposed to be located shall accompany the permit application.
 - (4) Propagation maps shall be submitted reflecting coverage before the proposed facilities and after installation.
 - (5) Samples of the materials and design proposed for use to camouflage the proposed facility or blend it in with the surrounding area.
 - (6) Factors to be considered by the planning commission in reviewing the CUP application may include:
 - a. Height of the proposed tower;
 - b. Proximity of the tower to residential structures and residential district boundaries;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Impact of the tower(s) upon the present and reasonably foreseen future aesthetics of the site, adjoining properties and general vicinity of the site;
 - e. Design of the tower, including the equipment cabinet or structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - f. Proposed ingress and egress;
 - g. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures; and
 - h. Stealth and/or camouflaging techniques proposed.
- (e) *Colocation or modification of wireless facilities.* The colocation of cellular communications facility is the locating of more than one cellular communications service (i.e., competing companies) on one tower, and is encouraged by the city to reduce the number of towers necessary within the city. This reduces the visual clutter and helps to preserve the views of and from the city. For the purpose of this chapter, the terms colocation, collocation and co-location shall be considered synonymous.
 - (1) The colocation or modification of wireless communications facilities shall be exempt from a conditional use permit provided that the expansion or modifications fall within the guidelines provided for within the Federal Communication Commission (FCC) Wireless Facility Rules, 6409(a). The basic guidelines indicate that the rule does not apply to leasing, and to be eligible, a facility must have been "approved" at least once.
 - (2) Application. An application shall be submitted to the City for the colocation or modification of a wireless facility. The applicant shall identify whether the project is applied pursuant to FCC Rule 6409(a) or 332(c)(7). Applicants seeking to collocate or modify an existing cellular communications site shall submit documentation whether Section 6409(a) requirements are met. The timelines of either FCC Rule 332(c)(7) or 6409(a) (as applicable) shall be followed for the approval/denial process. Wireless facilities pursuant to FCC Rule 106 (colocation on buildings or other nontower structures) may be exempt from a conditional use permit.

- (3) Design elements. Any colocation or modification of a wireless facility shall incorporate the same concealment requirements as the original approved facility. In addition, any conditions of approval of the original application shall apply to the colocation and/or modifications.
- (4) Structural integrity. The application for the colocation or modification of wireless facilities shall include structural calculations and shall be approved by the city engineer to ensure that the tower is capable of supporting the additional capacity or modifications to the facilities. This shall include but not limited to, deflection, wind load, etc.
- (f) *Installation standards.* The installation of a new cellular communications facility, or modification to an existing facility, shall require the following standards as part of the installation:
 - (1) All operations of this use shall be in accordance with all federal, state and local laws and regulations, including all required permits and inspections.
 - (2) All towers shall be designed to structurally accommodate at least two antenna arrays and supporting equipment. This shall include but not be limited to, deflection, wind load, etc.
 - (3) At least one parking space shall be provided for any service vehicle.
 - (4) Parking shall be located within the access drive aisle easement for the telecommunications center. Said parking may be unimproved until such time that the site develops with a commercial, retail or industrial use.
 - (5) If the facility is unmanned, no trash enclosure or restroom shall be required. All trash generated by the maintenance of the facility shall be hauled away and disposed of legally by the maintenance crew.
 - (6) Any work lights along the perimeter of the enclosure shall be directed to confine light rays onto the property without encroaching onto adjacent properties or causing glare of pedestrian or vehicular traffic onto nearby streets. Light shields may be necessary to minimize glare.
 - (7) A sign posting an emergency contact number shall be placed on the access gate to the enclosure. Said sign shall be no larger than two feet high by three feet wide.
 - (8) The tower shall be camouflaged or architecturally enhanced to blend in with the surrounding development pursuant to section 19.06.100(c) above. A decorative block wall or other architectural treatment shall be used (as approved by planning department staff) for the enclosure when visible from a public street or adjacent residential property.
 - (9) Offsite improvements (including street, curb, gutter, driveways and sidewalk) may be necessary as part of the construction of the cellular communications tower.
 - (10) An improved access road shall be provided from the street to the telecommunications facility if one does not currently exist. The access road shall be a minimum of six inches of crushed aggregate base (CAB) a minimum of 26 feet wide for the pathway to the site. The CAB material shall be compacted to 95 percent relative compaction.
 - (11) The maintenance of any emergency backup generator shall be conducted between the daytime hours of 7:00 a.m. to 7:00 p.m. to avoid creating a nuisance. In addition, sound and vibration attenuation measures shall be incorporated to minimize the impact on the nearby properties during times of emergency operation.
 - (12) The driveway shall be verified whether it meets Americans with Disabilities Act (ADA) standards. Should the driveway not meet ADA standards, modifications or replacement will be required to bring the driveway into compliance. Should any work be required, an encroachment permit shall be necessary for any work to be completed within the street or public right-of-way.
 - (13) Should a driveway not exist, an ADA complaint driveway shall be provided for the access to the tower. Should an ADA compliant driveway be constructed, street improvement plans and an encroachment permit will be required as part of the driveway construction. Until such time that the entire site is developed and a hard-surface access is provided to the tower and block/fenced enclosure, an aggregate base as noted above in subsection (9) (or other material as approved by the city engineer) shall be provided from the driveway to the block enclosure.
 - (14) Approval is contingent upon applicant executing a lease agreement with the property owner for the project site. Construction may not commence until said agreement is fully executed.

(Ord. No. 934-2015, § 19.06.100, 7-20-2015; Ord. No. 946-2016, § 1(Exh. A), 2-16-2016)

Sec. 19.06.110. - Special provisions.

- (a) *Distance between buildings in any residentially zoned districts.* The distance between buildings located on the same parcel, including accessory structures, shall not be less than five feet.
- (b) *Zoning annexed areas.* Any area annexed to the city after the effective date of the ordinance codified herein shall be rezoned by the planning commission. The commission shall recommend to the council appropriate districting of the land within 90 days after an application requesting a change has been filed with the commission.
- (c) *Architectural requirements.*
 - (1) This section shall be applicable to all new single-family residential construction in any residential, DU and HS zoning districts. This criteria shall not apply to manufactured housing within mobile home parks.
 - (2) A review shall be performed by city staff on each residential unit for the following requirements:
 - a. A minimum 12-inch roof overhang is provided.
 - b. Roofing material shall be nonreflective, such as asphalt shingles, shake or wood shingles, rock or clay tile. Sheet metal roofing is not permitted.
 - c. Siding material shall be nonreflective; examples are stucco, approved masonite materials, and factory painted low gloss aluminum. Corrugated metal walls and vertical metal rib siding shall not be permitted.
 - d. The minimum roof pitch shall consist of no less than three inches rise for each 12 inches of horizontal run, unless the dwelling unit has a flat roof concealed behind a parapet.
 - e. Trim shall be provided around window and door frames and at gable ends, unless the dwelling unit has a stucco exterior.
 - f. All dwelling units shall be set on a permanent foundation compatible with the existing or anticipated foundation type within the neighborhood. All manufactured housing shall be installed in accordance with manufacturer's specifications, subject to requirements of the state department of housing and community development (pursuant to Health and Safety Code § 18551). Details are on file with the building department. Wheels, axles and tongue shall be removed. Metal frame members shall be screened by concrete or masonry around the perimeter of the dwelling unit, a minimum of six inches and a maximum of 12 inches above adjacent finished grade.
 - g. All garages and/or carports shall be consistent and compatible with garages or carports constructed in the neighborhood.
 - h. The minimum dwelling unit width shall be 28 feet, measured from exterior wall to exterior wall.
 - i. All manufactured homes shall be constructed pursuant to the National Manufactured Housing Corporation and Safety Standards Act of 1974 (42 USC 50401 et seq.) and shall not be more than ten years old at the time of application for installation.
 - (3) Dwelling units which do not comply with the above criteria may apply for review and approval by the planning commission (development permit application).

(Ord. No. 934-2015, § 19.06.110, 7-20-2015; Ord. No. 945-2015, § 1, 1-19-2016; Ord. No. 949-2016, § 1, 11-7-2016)

Sec. 19.06.120. - Day care facilities.

This section establishes standards for the city review of day-care facilities, in conformance with state law, including the limitations on the city's authority to regulate these facilities. These standards apply in addition to all other applicable provisions of this development code and any requirements imposed by the California Department of Social Services through its facility licensing procedures. No day care facility shall be allowed or operated within the city unless it acquires a license by the California Department of Social Services.

- (a) *Application requirements.* Land use permit applications for day care facilities shall include a copy of its license issued by the California Department of Social Services, in addition to all other information and materials required by the department.
- (b) *Small family day care homes.* Small family day care homes are allowed within any single-family residence pursuant to Table 2-2 in chapter 17.11.
- (c) *Large family day care homes as defined by state law.* This use is allowed within any single-family residence and, subject to the following requirements:
 - (1) *Permit requirement—public notice.* A large family day care home shall require the approval of a non-discretionary administrative plan review by the director.
 - (2) *Criteria for approval.* Administrative plan review approval shall be granted if the director determines that the proposed large family day care home will comply with the standards in subsection (e) of this section.

- (d) *Child day care centers.* Child day care centers are allowed in commercial zoning districts pursuant to Table 2-2 and subject to the standards in following subsection (e).
- (e) *Standards for day care facilities.* Approvals of large family day care homes and child day care centers are subject to the following:
 - (1) *Spacing/concentration.* A large day care home or child day care center is prohibited when it causes a residential property to be bordered on more than one side by a day care facility.
 - (2) *Traffic control.* A drop-off and pickup area shall be established to ensure that people are not placed at risk and street traffic is not unduly interrupted. The driveway of a large family day care home may serve as its drop-off area.
 - (3) *Distancing.* Daycare facilities are prohibited from all locations within at least 600 feet of any business where 80 percent of sales are alcoholic beverages specifically bars including, but not limited to, or type 42 "On-Sale Beer and Wine—Public Premises" and ABC permit type 48 "On-Sale General—Public Premises," or type 20 "Off Sale Beer and Wine" and 21 "Off Sale General" where more than 50 percent of sales are alcoholic beverages, or within 600 feet of any establishment operating with a cannabis business permit.
- (f) *Employer child day care facilities.* Child day care offered by an employer to his/her employees shall be allowed as an accessory use within places of employment.

(Ord. No. 979-2021, § 2, 11-1-2021)

CHAPTER 19.08. - DESIGN GUIDELINES

Sec. 19.08.010. - Title.

This chapter shall be known and may be cited as the "City of Barstow Design Guidelines Ordinance."

(Ord. No. 934-2015, § 19.08.010, 7-20-2015)

Sec. 19.08.020. - Purpose and intent.

The purpose of these design guidelines is to complement the development guidelines for the various types of development found in this zoning code with respect to the design features of a given project. In addition, the purpose of these guidelines is to assist the developer in understanding the city's goals and objectives for high quality residential, commercial and industrial development, as described in the general plan.

(Ord. No. 934-2015, § 19.08.020, 7-20-2015)

Sec. 19.08.030. - Applicability.

This chapter shall apply to all new residential, commercial and industrial projects that require permitting. Some guidelines may not apply to a particular development because of insufficient size or scale. Where questions of applicability arise, the city planning office shall determine whether a specific provision does or does not apply. Additionally, some projects, such as minor alterations of land use, signage or building facades, may, at the discretion of the city planning office, be reviewed and approved administratively for their consistency with the design guidelines. Projects that entail expansion of built uses in excess of 50 percent of the existing built area or significant alteration of building and/or site features shall require design review and approval by the planning commission.

(Ord. No. 934-2015, § 19.08.030, 7-20-2015)

Sec. 19.08.040. - Review process.

- (a) *Administrative review.* The following types of projects shall be reviewed administratively by the city planner or designee without the need for review by the planning commission:
 - (1) Residential remodels that entail expansion of less than 50 percent in the square footage of the home.
 - (2) Multifamily residential projects or remodels of four or fewer units.
 - (3) Minor subdivisions (four or fewer lots).

(4) Permitted commercial or industrial uses.

(b) *Planning commission review.* The following types of projects shall require review and approval by the planning commission:

- (1) All proposed land uses that require a conditional use permit.
- (2) Subdivisions of more than four lots.
- (3) Multifamily residential projects of more than four units.
- (4) Appeals of decisions made through the administrative review process.

(Ord. No. 934-2015, § 19.08.040, 7-20-2015)

Sec. 19.08.050. - Single-family residential design guidelines.

(a) *Site planning.* The following guidelines apply to the siting of single-family residences:

- (1) Protect natural slopes, contours, ridgelines and other elevations.
- (2) Preserve significant landscape features and patterns.
- (3) Take into account existing sites and structures and be sensitive to the preservation of established vistas and view corridors.
- (4) Lots one acre in area and larger shall utilize contour grading to blend into existing landforms, rather than severe cutting, filling, padding or terracing.
- (5) Avoid steep cuts and minimize soil import or export,
- (6) Avoid the creation of structures out of scale with their surroundings by not building up pads on artificial platforms to create or enhance views (unless warranted by flood risk factors).
- (7) For infill and previously subdivided lots, minimize grading and site preparation to reduce erosion, soil exposure and minimize impacts on natural drainage courses. Except for activities required to extend access and infrastructure, and to provide for drainage, disturbance of a site shall be limited to 30 feet surrounding the building pad.
- (8) Round and contour graded slopes to blend with the existing terrain. Native vegetation shall be retained and incorporated into the project wherever possible. Grading for building pads shall be sensitively designed to reduce disturbance and visual impacts. Split pad grading shall be utilized in place of excessive soil export/import to create a building pad.
- (9) Minimize the removal of native vegetation.
- (10) Separate and screen structures from each other to maximize privacy.
- (11) Site single-family dwellings on a lot to respond to and to respect property views, site features, existing topography, and any adjacent existing development.
- (12) Through lots or reverse frontage lots should be avoided. Tracts of single-family dwellings should not back onto local road rights-of-way and should front onto these local roads (except primary arterials).
- (13) New single-family development in existing neighborhoods shall be compatible with the adjacent residences. Roadway improvements on infill lots in existing neighborhoods shall match roadway improvements of the two adjacent lots.
- (14) Where ample room exists, circular driveway entries are preferred. Such driveways allow motorists to enter and exit the property in a forward motion. Garages may be detached and connected to the residence by a breezeway.
- (15) Angled garages are encouraged to improve the streetscape by breaking up the monotony of all garage doors being parallel to the street.
- (16) Xeriscaping should predominantly be used in all front yards, street side yards and in all parkway areas. Landscaping materials within parkway and common areas should be drought resistant, featuring native type plants and groundcover, and water efficient trees.
- (17) Zero lot line residences and attached dwelling units are allowable in planned residential and mixed commercial/residential developments. Such uses shall provide courtyards and/or patios and shall be designed to provide larger, more functional open spaces between structures.

(b) *Architectural design.* The following guidelines apply to the design of single-family residences:

- (1) Architectural style. While there is no particular architectural style required for single-family residential structures, the focus shall be on the development of a high quality residential environment. In selecting an architectural style, compatibility with the desert environment should be considered. Desert-appropriate architectural styles used to blend the dwelling unit into the natural desert

- environment are encouraged. In-fill development and exterior remodels shall utilize compatible materials as those of the surrounding residences, and as indicated in subsection (b)(4) below.
- (2) Environmental design. Desert appropriate environmental design shall respond to the environmental conditions of the high desert by addressing sun, wind, heat and cold. Building and landscaping responses to the environmental conditions of the city's desert climate which provide shelter and relief from sun and wind, such as broad overhangs, entry treatments and arbors, are strongly encouraged. Building designs shall minimize the need for mechanical heating and cooling as required by the latest adopted Building Energy Guidelines or California Energy Code.
 - (3) Architectural diversity. In order to achieve diversity and to promote a lively and varied visual setting in the city's residential neighborhoods, new housing developments shall provide a range of floor plans and elevations as enumerated below:

	Minimum Floor Plans	Minimum Elevations
Fewer than 40 units	Three plans	Six elevations
40 to 100 units	Four plans	Eight elevations
More than 100 units	Five plans	Ten elevations

- (4) Building materials. Stone, brick, masonry, stucco, adobe and smooth plasters are required when such architectural treatments are used upon the main structure on site. Metal or aluminum siding, reflective materials and finishes, and unfinished concrete block should be avoided unless they are necessary as a part of an established or common architectural style upon review and approval of the planning commission on a case-by-case basis through a development permit.
- (5) Building articulation.
 - a. Recessed windows and doors are encouraged to add articulation to the wall surface. Particular attention should be given to the shading of windows with southern and southwestern exposure.
 - b. A variety of heights, setbacks, roof shapes, trim, and sizes shall be used to create visual complexity within a cohesive design.
 - c. Broad roof overhangs are recommended to produce interest and to respond to climatic conditions, especially when used in combination with courtyards, porch enclosures, balconies and recesses.
- (6) Front privacy walls/recessed entryways (this section supersedes [section 19.06.030](#) where applicable). Front privacy walls finished to match the residence are encouraged. Such privacy walls can be utilized to define private space and act as a border between the natural desert landscape and intense use areas. Said privacy walls should not exceed six feet in height and shall be set back from the front and street side yard (for corner lots) a minimum of ten feet. Recessed entryways and other shade and wind mitigating devices (arbors, patio covers, courtyards, porches) which shelter the user from the natural elements are also encouraged.
- (7) Additional architectural guidelines for attached and zero lot line units. In addition to the architectural design guidelines for single-family dwellings, the following design guidelines shall apply to attached single-family dwellings and zero lot line homes:
 - a. Single-family attached dwellings should be architecturally articulated to project an image of customized homes. Preferred configurations include architectural treatment either as a large custom single-family unit or as individually articulated dwellings such as traditional row houses, providing relief of large building expanses with the use of architectural features and building color changes.
 - b. Adjacent driveways shall be separated by a planting strip.
 - c. Dwellings with driveways less than 20 feet in length shall be provided with automatic garage door openers to prevent cars parked in the driveways from obstructing pedestrian movement on sidewalks.
- (8)

Roofing materials. Composition and rock (only when the roof pitch does not support composition) roofs are permitted. Metal roofing materials simulating traditional "S" shaped or flat tile roofing material simulating shake roofing material (if consistent with surrounding homes), shall be permitted. All other exposed metal material used for roofing may be reviewed and approved by the planning commission on a case-by-case basis as follows:

- a. The planning commission shall determine that the proposed roofing material is consistent and compatible with and complimentary to the architectural and aesthetic character of the home upon which the roofing shall be placed, and consistent and compatible with and complimentary to the architectural and aesthetic character of the surrounding residential homes. Upon such determination, the commission may approve said roofing material.
 - b. If, however, the commission determines that the proposed roofing material is not consistent and compatible with and complimentary to the architectural and aesthetic character of the home upon which the roofing shall be placed, and consistent and compatible with and complimentary to the architectural and aesthetic character of the surrounding residential homes, the commission shall not approve said roofing material.
- (9) Accessory structures. The design of accessory structures (greater than 120 square feet) including second units, garages, guesthouses, cabanas and storage buildings shall be architecturally compatible with the primary structure through the use of compatible building materials, walls/roofs/trellises, fence/wall connections and/or landscaping. Size is limited to one-half that of the primary residence; building heights and setbacks shall be the same as the requirements for primary residences.
 - (10) Mechanical equipment. Any equipment, whether on the roof, side of the structure or ground, should be screened from public view from adjacent property or from a public right-of-way. In new developments, the method of screening shall be integrated into the architectural design of the building and/or landscaping. In existing developments the method of screening shall be architecturally compatible with the structure on which it occurs in terms of materials, color, shape and size.
 - (11) Vents, gutters and downspouts. Roof flashing, rain gutters, downspouts, vents and other roof protrusions shall be finished to match the roof or facade materials and/or colors which provide the background.
 - (12) Walls and fences. Fencing requirements shall remain flexible, but installations shall take advantage of the natural features of the site, such as topography and vegetation whenever possible.
 - a. Closed privacy fencing should be limited to the immediate area around the home or outbuildings.
 - b. Vinyl or wooden fencing shall be designed to withstand high winds and harsh sunlight.
 - c. Large courtyards created by extending building walls with architectural walls similar to building walls providing private outdoor open space are strongly encouraged.
 - d. Property line walls and fences adjacent to streets shall be constructed of decorative materials such as vinyl or wood rail fencing, split face block or slump stone. Such fencing shall incorporate appropriate decorative enhancements such as caps or pilasters.
 - e. Chain link fencing in the front yard or abutting a street side yard of a corner lot should be avoided.
- (c) Grading, drainage and stormwater runoff.
- (1) Individual parcels shall be graded in such a way as to direct runoff away from buildings and into drainage facilities.
 - (2) Grading and the use of meandering berms within the streetscape shall be coordinated with development pad location and landscaping.
 - (3) Peak stormwater pass-through runoff shall be reduced by at least 10 percent from existing conditions prior to development. The design storm event shall be a 100-year storm.
 - (4) The planned stormwater runoff occurring after development shall be in such a manner that no increase in potential adverse impacts to downstream properties will occur.
 - (5) The maximum slope within any retention/detention basins shall be 4:1.
 - (6) All residential lots shall be graded to prevent cross-lot drainage.
 - (7) Whenever a slope condition is proposed, the top of the slope should be placed to be within the lower lot. If this cannot be achieved, a retaining wall may be necessary.

(Ord. No. 934-2015, § 19.08.050, 7-20-2015)

Sec. 19.08.060. - Multifamily residential design guidelines

- (a) *Site planning.* The following guidelines apply to the siting of multifamily residences:
- (1) Multifamily residential developments shall be sited to respond to and respect property views, site features, existing topography, dwelling unit privacy and any adjacent existing development.
 - (2) Site grading shall recognize existing natural landforms and drainage patterns (where appropriate) by providing an appropriate transition of architectural elements to grade.
 - (3) Orient buildings to create a residential streetscape while providing access and partial views from dwelling units to natural features, landscaped open space, recreational amenities or landscaped parking areas.
 - (4) Neighborhood compatibility. New multifamily residential development shall relate to adjacent single-family residential districts in the following ways:
 - a. By stepping down the scale, height, and density of buildings at the edges of the development when surrounding neighborhoods are of lower density or smaller scale. Step the building down at the ends or sides nearest the single-family unit to a height approximately equal to that of the adjacent single-family residence (or of typical single-family residences in the vicinity if adjacent to an undeveloped single-family zoning district).
 - b. By incorporating architectural elements and materials that are similar to those used in the neighborhood.
 - c. By including a front yard that is similar to a single-family residence.
 - d. By locating parking areas within the project interior or at the side or back when necessary to achieve the "residential front yard" appearance.
 - (5) Maximize privacy for all residents by locating general pedestrian circulation away from living room and bedroom windows.
 - (6) The principal vehicular access into a multifamily development shall be through an entry drive free from parking for the first 30 feet. Colored, textured paving (i.e., interlocking pavers) treatment at entry drives is encouraged for projects up to 20 units and required for projects in excess of 20 units.
 - (7) Projects in excess of ten units shall include an entry statement consisting of at least two of the following elements:
 - a. Hardscape structure (trellis, decorative, low garden wall with berm, guardhouse, decorative gate);
 - b. Specimen landscaping (large, distinctive vegetation) or mature trees, either flowering or native trees, or 24-inch box trees;
 - c. Large boulder groupings;
 - d. Water saving and easy maintenance fountains;
 - e. Textured or stamped concrete or pavers;
 - f. Monument signage with accompanying landscaping; or
 - g. Other comparable installations.
 - (8) Building groups shall be clustered to provide views into the development from the outside; to provide views from the individual units to mountains, vistas, and adjacent neighborhoods; and to achieve a pleasing streetscape and visual variety at the perimeters of the development through variation in building siting, massing, orientation and landscaping.
 - (9) In multibuilding developments, pedestrian paths shall be provided to connect buildings in the development with one another, on-site amenities and adjacent streets pursuant to subsection (a)(12) of this section.
 - (10) On-site parking.
 - a. In general, parking areas should be visible from and convenient to the residential units that utilize them.
 - b. The location of parking and drives shall minimize conflict between pedestrian and vehicular traffic.
 - c. At least one landscape or shade tree shall be provided for every ten parking spaces.
 - d. Provide landscaped planters in parking areas to break up expanses of pavement.
 - (11) Garages/carports.
 - a. Garages with parking aprons less than 20 feet in length shall have an automatic garage door opener.
 - b. Incorporating carports into exterior project walls adjacent to streets shall be discouraged. Any garages integrated into the exterior project walls adjacent to streets shall be constructed to resemble residential structures including false windows, trim, offsets, and other treatment to minimize the appearance of a garage.
 - c.

Provide a visual buffer between the fronts of carports and residential units by use of planting screens and/or architectural features.

- d. Provide landscaping on exposed sides of carport or garage structures.

(12) Pedestrian/bicycle paths.

- a. In multifamily developments with three or more buildings, pedestrian paths to facilitate circulation between buildings shall be provided.
- b. Paths shall be clearly defined with lighting, landscaping or contrasting paving materials.
- c. Onsite pedestrian and/or bicycle paths shall connect the development to the citywide bicycle and pedestrian circulation network where a project is adjacent to the network.

(13) Landscaping (this section supersedes section 19.06.080 where applicable).

- a. All areas not covered by structures, drives, parking or hardscape shall be landscaped.
- b. A minimum of ten percent of the site shall be landscaped.
- c. Landscaping shall include vertical elements such as trees and tall shrubs in addition to groundcover.
- d. Although lawns and other high water use forms of landscaping are permitted in limited quantities, xeriscaping (i.e., drought-resistant landscaping) should be the primary form of landscaping employed.

(14) Lighting. All on-site lighting shall be designed to meet the following guidelines:

- a. Lighting shall be stationary and directed away from adjacent properties and public rights-of-way.
- b. Lighting fixtures shall be of a type and shall be located such that no light or reflected glare is directed off-site.
- c. All garages, walkways, and driveways shall be lighted during the hours of darkness.
- d. Low-rise (maximum 15-foot height), pedestrian scale lighting shall be employed within common open space areas.

(15) Utilize lighting and defensible space design principles to maximize resident and visitor security.

(16) All other lighting shall be consistent with section 19.06.010 (Outdoor lighting).

(b) *Architectural design.* The following guidelines apply to the design of multifamily residences:

- (1) Compatibility with surrounding neighborhood character, including building style, form, size, color, materials and rooflines, shall be considered.
- (2) Desert-appropriate architectural styles shall be used to blend the development into the natural desert environment to the greatest extent possible. Desert-appropriate styles will respond to desert conditions such as sun, wind, heat and cold.
- (3) Building and landscaping features that provide shelter and relief from the sun, wind and other elements of the community's desert climate are strongly encouraged. Such features may include broad overhangs, sheltered entry treatments, arbors and screen walls. Courtyard concepts offering shelter from wind and providing outdoor open space are especially encouraged.
- (4) Building designs should minimize the need for mechanical heating and cooling as required by the latest adopted Building Energy Guidelines or California Energy Code.
- (5) Architectural unity and variation. Within multifamily developments containing several buildings, a common architectural theme among the buildings must be evident so that a unified image is presented. Within the unified image, each building should contain some identifying features setting it apart from other buildings in the development so that occupants can readily identify their building. Such identifying features may include:
 - a. Variations in trim color;
 - b. Distinctive entries;
 - c. Variations in building footprints, for example, by altering the number of units provided in each structure; and
 - d. Variations in building embellishments or architectural details.
- (6) Blank end walls are not allowed. Instead, end walls shall be given some form of articulation or architectural treatment or be substantially screened by densely planted trees or fast growing creeping vines.
- (7) Long barracks-like multifamily structures shall be avoided through the use of separations, changes in roof plane, horizontal offsets, and the inclusion of elements such as balconies, varied floor elevations, awnings, porches and patios.

(8)

Any equipment or utility service areas, whether on the roof, side of the structure or ground, shall be screened from public view from adjacent property or from a public right-of-way. The method of screening shall be architecturally integrated and compatible with the structure on which it occurs in terms of materials, color, shape and size.

(9) Solar panels.

- a. Where utilized in new multifamily developments, solar panels should be integrated into the design of the roof and the frames of solar panels should be colored to match the roof materials. Any appurtenant mechanical equipment shall be enclosed and completely screened from view.
- b. When adding solar collectors to an existing building, coordinate solar collectors with the building architecture to the maximum extent possible. Coordinate any new structures not located on the roof with the building architecture by using colors and materials similar to those used in the existing building.

(c) *Grading, drainage and stormwater runoff.*

- (1) Individual parcels shall be graded in such a way as to direct runoff away from buildings and into drainage facilities. No cross-lot drainage shall be permitted.
- (2) Grading and the use of meandering berms within the streetscape shall be coordinated with development pad location and landscaping to screen parking areas.
- (3) Peak stormwater pass-through runoff shall be reduced by at least ten percent from existing conditions prior to development. The design storm event shall be a 100-year storm.
- (4) The planned stormwater runoff occurring after development shall be in such a manner that no increase in potential adverse impacts to downstream properties will occur.
- (5) The maximum slope within any retention/detention basins shall be 4:1.
- (6) Whenever a slope condition is proposed, the top of the slope should be placed to be within the lower lot. If this cannot be achieved, a retaining wall may be necessary.

(Ord. No. 934-2015, § 19.08.060, 7-20-2015)

Sec. 19.08.070. - Commercial development design guidelines.

- (a) *Unifying theme.* Commercial development projects in excess of five acres shall be encouraged to incorporate a unifying design theme in order to provide differentiation between different commercial areas within the city, thereby avoiding the homogenization that characterizes most modern urban development. Themes should be consistent with the historical and cultural identity of the community, serving to strengthen and build upon Barstow's distinctive character. Possible design themes for commercial development projects may include Route 66, the Old Spanish Trail, railroading, the desert environment or other attributes of the community and surrounding area that lend themselves to being featured as part of the design of a commercial area within the city.

(b) *Site planning.*

- (1) Significant topographical, visual, natural or geologic features of the site, where in evidence, should be preserved and enhanced.
- (2) Building footprints shall be varied throughout a site plan.
- (3) Buildings shall, wherever practical, be placed close to the street to create a more attractive streetscape, ensure privacy of adjacent uses, and minimize the visual impact of large areas of pavement or parking from public streets.
- (4) Buildings shall be clustered to optimize on-site open space and create opportunities for plazas and pedestrian circulation.
- (5) Arrangement of structures, landscaping and hardscape shall create view corridors into projects while establishing a sense of arrival and place.
- (6) Buildings shall be sited or arranged so as not to encroach on any utility, public, or private easements.
- (7) Curb cuts shall be kept to a minimum and driveways between parcels shall be shared whenever possible.
- (8) Coordinated site design (including shared parking, driveways and circulation, sign facilities, landscaped areas and garbage collection areas) shall be encouraged on adjacent parcels with similar uses. Such coordination will typically involve (mutual access) rights-of-way over all participating properties or reciprocal easements and mutual access agreements.
- (9) Adjacent parking lots shall be connected whenever possible to minimize conflicts along streets. Reciprocal access and parking for adjacent uses shall be provided.

- (10) All trash, loading and service areas shall be screened from public rights-of-way and adjacent residential uses or districts. Loading areas shall be located to the rear of the site and service bays shall be oriented away from public rights-of-way and adjacent residential uses or districts.
 - (11) Physical barriers (e.g., fences, walls, curbs) between adjacent parcels with similar uses shall be avoided unless necessary for security purposes.
 - (12) Street addresses shall be conspicuously displayed along the street frontage, visible from the street and illuminated during evening hours as required under section 12.20.060 of this Code.
- (c) *Grading, drainage and stormwater runoff.*
- (1) Site grading and disturbance shall be minimized.
 - (2) The site plan shall be designed to integrate the development into existing topography and natural vegetation as much as possible.
 - (3) Individual parcels shall be graded in such a way as to direct runoff away from buildings and into drainage facilities. No cross-lot drainage shall be permitted.
 - (4) Whenever a slope condition is proposed, the top of the slope shall be placed to be within the lower lot. If this cannot be achieved, a retaining wall may be necessary.
 - (5) Grading and the use of meandering berms within the streetscape shall be coordinated with development pad location and landscaping to screen parking or loading areas.
 - (6) Peak stormwater pass-through runoff shall be reduced by at least ten percent from existing conditions prior to development. The design storm event shall be a 100-year storm.
 - (7) Where feasible, retention/detention basins shall be designed as dual use facilities.
 - (8) The maximum slope within any retention/detention basins shall be 4:1.
 - (9) Retention/detention basins should be extensively if not completely landscaped; conceptual landscaping plans shall be included with the discretionary permit application. Detailed landscape and irrigation plans shall be submitted to the planning department for review and approval.
- (d) *Circulation.*
- (1) Separate vehicular and pedestrian circulation systems shall be provided. Pedestrian linkages between uses in commercial developments shall be emphasized, including distinct pedestrian access from parking areas in large commercial developments, such as shopping centers.
 - (2) Site access from major roads should be minimized. Where no alternatives exist, turning lanes shall be provided.
 - (3) Corner lots with frontage on both major and secondary or local streets shall concentrate access on the secondary or local street wherever possible.
 - (4) The location of curb cuts shall be reviewed and approved by the city engineer.
 - (5) Access and parking reciprocity between parcels shall be accomplished whenever feasible to reduce the number of curb cuts and potential conflict points along streets.
 - (6) Bricks, pavers or decorative stamped concrete should be employed to accent and highlight street entries, corners, pedestrian walkways in parking areas and plaza or focal areas.
 - (7) Parking areas shall be designed so that pedestrians walk parallel to moving cars. The need for pedestrians to cross parking aisles shall be minimized.
 - (8) Pedestrian walkways shall be provided on both sides of major, secondary and local commercial streets and shall connect developments to one another as well as to adjacent land uses.
 - (9) On-site pedestrian walkways shall be provided for customers to walk safely from parking and street sidewalk areas to the central use area.
 - (10) Pedestrian walkways shall be delineated through the use of textured paving and/or concrete pavers, landscaping, trellises and other hardscape features.
 - (11) Pedestrian walkways shall connect developments through open space areas whenever possible.
 - (12) Separations between bicycle and pedestrian circulation shall be provided whenever possible.
 - (13)

Reductions in required parking spaces (not to exceed 20 percent of total required parking) will be considered in exchange for design features such as bicycle racks, demarcated pedestrian pathways, electric vehicle charging facilities and public art.

(e) *Landscaping (this section supersedes section 19.06.080 where applicable).*

- (1) Landscaping shall consist of native or drought-tolerant plants capable of surviving the desert environment and climate with a minimum of maintenance and supplemental watering. Other plants may be considered on their merits in addressing this criterion.
- (2) Landscaping, meandering earth berms, decorative walls and other buffers shall be used to define project boundaries and to reduce impacts on adjacent properties.
- (3) Individual developments shall integrate on-site landscaping with the streetscape landscaping in the project vicinity.
- (4) Landscaping shall be used to break up uninterrupted building mass, expanses of paved surfaces, frame views, and connect development on adjacent pads.
- (5) A minimum of one tree planting shall be provided for every 30 linear feet of street and access drive frontage with trees informally clustered and grouped. At least one-third of all required trees shall be a minimum 24-inch box size.
- (6) Landscaping trees shall be distributed throughout parking areas in islands and fingers between parking spaces to shade parking areas and reduce the accumulation and radiation of heat from large paved areas. A minimum of one landscaped island or finger containing a tree or trees per ten parking spaces shall be provided.
- (7) Driveways perpendicular to streets shall have triangular shaped extended landscape areas, with one side running along the driveway and one side running along the street right-of-way, each measuring 30 feet. This will create areas for enhanced landscaping and monument signs; within these areas a clear sight triangle of ten feet shall be maintained.
- (8) Accent trees and vegetation shall be used as identity plantings at major entries and intersections and shall be used to highlight key features such as entry monument signs or hardscape elements.
- (9) Project entry statements consisting of hardscape elements shall be provided with all commercial developments. The entry statement may include but shall not be limited to:
 - a. Enhanced landscaping treatment.
 - b. Enhanced monument signage.
 - c. Boulder groupings.
 - d. Decorative entryway.
 - e. Exposed aggregate or stamped concrete.
 - f. Berm/low decorative wall.
- (10) Commercial projects larger than five acres in size are advised to include a hardscape element that creates a focus for the development and creates a usable public open space amenity such as a plaza or arbor facility. Appropriate hardscape elements shall include but not be limited to plaza areas, arbor or patio facilities, courtyards, atriums and outdoor gathering and eating areas. Hardscape shall relate individual buildings to an overall theme of the project area.
- (11) Enhanced paving treatments shall be used for major entries into the site and intersections to highlight key areas of the streetscape. Such treatments shall be located at building entryways, plaza areas and courtyards, pedestrian approaches to buildings, and on-site crosswalks, driveways, and passenger drop off areas.
- (12) Ancillary structures and service areas such as trash enclosures or loading areas shall be screened from public streets and adjacent properties through a combination of landscaping and walls.
- (13) All outdoor mechanical and electrical equipment, whether rooftop, side of structure, or on the ground, shall be hidden from view by architectural elements designed to be an integral part of the building. Plans submitted shall include the locations and elevations of all outdoor equipment.
- (14) Unless required for a specific screening or security purpose, walls ought to be avoided within commercial areas. Walls shall be kept as low as possible while still performing their screening or security function.
- (15) Long expanses of wall surface or fence surface shall be offset and architecturally designed to avoid monotony using features such as landscaped pockets.
- (16) Retaining walls of more than 120 square feet shall be constructed of finished decorative material which is compatible with the primary material used on the main building.

(17) All lighting used in parking lots for security purposes or safety-related uses shall be designed in such a manner that the light is directed away from streets and adjoining properties pursuant to section 19.06.010 (Outdoor lighting).

(18) Lighting guidelines and fixtures should be of a design compatible with the architecture of on-site buildings.

(Ord. No. 934-2015, § 19.08.070, 7-20-2015)

Sec. 19.08.080. - Industrial development design guidelines.

(a) *Site planning.*

- (1) Buildings shall be sited to complement existing buildings and landscape, the shape of the parcel, and natural conditions such as topography and significant vegetation.
- (2) Building footprints should be varied throughout the site, but not to the detriment of the feasibility of the proposed use. Repetitious or continuous expanses of rectangular buildings should be avoided in favor of varied and articulated footprints.
- (3) Buildings shall be sited so that main pedestrian entrances are generally oriented toward the driveway (parking circulation area). Visitor parking shall be located outside of any fenced area.
- (4) Buildings shall be sited or arranged so as not to encroach on any utility, public, or private easements.
- (5) All trash, loading and service areas shall be screened from public rights-of-way and adjacent residential uses or districts.
- (6) Street addresses shall be conspicuously displayed along the street frontage, and visible from the street and shall be consistent with section 12.20.060 of this Code.

(b) *Grading, drainage and stormwater runoff.*

- (1) Individual parcels shall be graded in such a way as to direct runoff away from buildings and into drainage facilities. No cross-lot drainage shall be permitted.
- (2) Whenever a slope condition is proposed, the top of the slope shall be placed to be within the lower lot. If this cannot be achieved, a retaining wall may be necessary.
- (3) Grading and the use of meandering berms within the streetscape shall be coordinated with development pad location and landscaping to screen parking or loading areas.
- (4) Peak stormwater pass-through runoff shall be reduced by at least ten percent from existing conditions prior to development. The design storm event shall be a 100-year storm.
- (5) The planned stormwater runoff occurring after development shall be in such a manner that no increase in potential adverse impacts to downstream properties will occur.
- (6) The maximum slope within any retention/detention basins shall be 4:1.

(c) *Circulation.*

- (1) Adequate visibility for vehicular and pedestrian traffic shall be provided by clear sight triangles at all intersections of public rights-of-way and private driveways.
- (2) Opposing driveways and intersections along major streets shall be spaced a minimum of 150 feet apart.
- (3) Corner lots with frontage on both major and secondary or local industrial streets shall concentrate access on the secondary or local industrial street. Access from local industrial streets is preferred.
- (4) Reciprocal ingress and egress, circulation and parking arrangements shall be required where possible and feasible to facilitate ease of vehicular movement between adjoining properties and to limit unnecessary driveways.

(d) *Landscaping (this section supersedes section 19.06.080 where applicable).*

- (1) Landscaping, meandering earth berms, decorative walls and other buffers shall be used to define project boundaries and to reduce impacts on adjacent properties.
- (2) Landscaping shall be provided along the project frontage, at the periphery of the parking areas and between parking areas and the structure.
- (3) Landscaping shall be used to break up uninterrupted building mass, frame views, and connect development on adjacent pads.
- (4) Landscaping shall be provided in sufficient size and quantity to adequately screen and soften the effect of new building planes within the first year (typically a mix of 24-inch box and 15-gallon trees and five-gallon shrubs).
- (5)

A minimum of one tree planting shall be provided for every 30 linear feet of street and access drive frontage with trees informally clustered and grouped.

- (6) The visual impact of parking areas shall be reduced by landscaping, hedges, meandering berms, planted islands and fingers.
- (7) Trees shall be distributed throughout parking areas in islands and fingers between parking spaces to shade parking areas and reduce the accumulation and radiation of heat from large paved areas. A minimum of one landscaped island or finger containing a shade tree or trees per ten parking spaces shall be provided. At least one-third of all required trees shall consist of a minimum 24-inch box size.
- (8) Accessory structures and service areas such as trash enclosures or loading areas shall be screened from public streets and adjacent properties through a combination of landscaping and walls.
- (9) All outdoor mechanical and electrical equipment, whether rooftop, side of structure, or on the ground, shall be screened from view from the public street by architectural elements designed to be an integral part of the building. Plans submitted shall include the locations and elevations of all outdoor equipment. Plumbing, vents and ducts shall be grouped together whenever possible to minimize roof penetration.
- (10) Walls shall be designed to blend with the architecture of the site. Both sides of all walls shall be finished.

(Ord. No. 934-2015, § 19.08.080, 7-20-2015)

Sec. 19.08.090. - Incentives for creative/sustainable residential, commercial and industrial design.

Design incentives are included for new development using site design that is creative and incorporates sustainability principles, as described below and/or that involves the incorporation of innovative and creative architectural design as well as sustainable building materials and practices and energy-conservation measures for both exterior and interior spaces. Incentives are also considered for existing development that is rehabilitated, remodeled and/or retrofitted to improve and enhance aesthetics and/or energy efficiency. Incentives may also be provided for dedication of parklands or conservation easements. Available incentives may include:

- (1) Modification of site development guidelines, zoning requirements or architectural design guidelines including but are not limited to:
 - a. Reductions in setback and minimum square footage requirements;
 - b. Reductions in the number of required vehicular parking spaces (not to exceed 20 percent of total required spaces);
 - c. Density bonuses and other incentives for projects qualifying for LEED certification;
 - d. Density bonuses and other incentives for projects that provide day care, carpooling, electric vehicle charging stations or other features that promote jobs/housing balance and/or environmental sustainability;
- (2) Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable reductions in energy, water use or greenhouse gas emissions.

(Ord. No. 934-2015, § 19.08.090, 7-20-2015)

CHAPTER 19.10. - RESIDENTIAL DISTRICTS

Sec. 19.10.010. - Residential lot standards.

The residential district lot development standards are intended as a guide to establish the lot size, configuration, setbacks, building heights and, as applicable, lot coverage. These are provided in the following tables:

	Setbacks					
Zoning	Front/Street Side	Side	Rear	Garage/Carport	Maximum Bldg. Height	Maximum Lot Coverage

ER	25', 15' Street Side	10'	25'	25'	Three stories	NA
LDR	25', 15' Street Side	10'	25'	25'	Three stories	NA
SFR	10'	5'	5'	24' ¹	Two Stories	45%
MD ²	15'	5'	5'	24' ¹	Four stories	NA

Notes:

1. When garage or carport opening faces, or is directed towards, the street.

2. Development must meet all setback and parking requirements.

	Minimum Lot Standards			
Zoning	Lot Width	Lot Depth	Area of Lot	Garage/Carport ¹
ER	300'	300'	2½ acres	2 car garage
LDR	150'	150'	1 acre to 2½ acres	2 car garage
SFR	60'	90'	6,000 SF	2 car garage
MD	60'	100'	6,000 SF	See section 19.06.050 .

Notes:

1. Quantity of parking required is established by [section 19.06.050](#).

(Ord. No. 934-2015, § 19.10.010, 7-20-2015; [Ord. No. 953-2017](#), § 1(Exh. A), 5-15-2017; Ord. No. [981-2021](#), § 4, 11-15-2021)

Sec. 19.10.020. - ER - Estate residential.

The ER - Estate residential district is intended as a district for very low density residential uses and related activities. This district allows for the orderly growth and development while protecting the natural amenities unique to the desert.

Permitted uses in the ER district are as follows:

- (a) One dwelling unit of a permanent nature on each parcel of land.
- (b) Commercial poultry and rabbit raising as well as chinchilla, nutria and hamster ranches, subject to the following site improvements:
 - (1) Where the ranch abuts a residence, subdivision, or any other residential development on one or more of the side or rear property lines, screening shall be provided on those lines by one of the following methods:

- a. Six-foot solid fence.
 - b. Solid row or rows of trees to be maintained in good condition and as approved by the planning commission.
 - c. Other screening as approved by the planning commission;
- (2) Wastewater shall be disposed of in a manner that will meet the requirements of the county health department;
- (3) All enclosures for fowl or animals shall be located at least fifty feet from all exterior boundaries of the property including abutting streets.
- (c) Farms or ranches for grazing, breeding, raising or training of the following animals, including supplementary feeding; provided that no concentrated feeding is done in conjunction therewith:
 - (1) Small livestock with the number of goats, sheep and similar animals over six months of age limited to six per acre of total ground area of the farm with no more than one male goat per acre;
 - (2) Cattle or horses including calves, heifers and colts over six months of age with a maximum number of four animals per acre of total ground area of the farm permitted; or
 - (3) Hogs (not garbage fed) with a maximum number of two per acre of total ground area of the farm, the total number of such animals on any farm or ranch not to exceed five weaned animals;
 - (4) In computing animal density as specified above, combinations of species, both large and small, will be permitted as long as the maximum number of animals does not exceed six per acre, as set forth above in subsection (c)(1) of this section or four per acre as set forth above in subsection (c)(3) of this section or two per acre as set forth in subsection (c)(3) of this section.
- (d) Accessory uses and structures including the following:
 - (1) Accessory dwelling unit conforming to section 19.10.060;
 - (2) Bed and breakfast pursuant to 19.05.060(a)(3);
 - (3) Guesthouse;
 - (4) Greenhouse or lath house;
 - (5) Stable, barn, pen, corral, coop;
 - (6) Child or day care subject to standards and requirements established under state law;
 - (7) A home occupation subject to section 19.10.080;
 - (8) Other uses similar to the above which the commission determines to be similar.
- (e) The following uses shall be permitted when approved by the commission as provided section 19.30.030:
 - (1) Dog kennels, dog training schools, animal shelters and dog breeding establishments with outside runs;
 - (2) Labor camp;
 - (3) Commercial riding stable or academy;
 - (4) Dude or guest ranch;
 - (5) Grange halls, community halls, and similar uses;
 - (6) Vacation rentals;
 - (7) Other uses which the commission determines to be similar to the above uses.
- (f) The keeping of domesticated animals for non-commercial purposes with the maximum number of animals being four weaned dogs and cats, or any combination of weaned dogs and weaned cats; provided that the total number of weaned dogs and weaned cats does not exceed four; small birds; small reptiles; and amphibians enclosed within a cage normally built for such animals.

(Ord. No. 934-2015, § 19.10.020, 7-20-2015; Ord. No. 953-2017, § 1(Exh. A), 5-15-2017; Ord. No. 981-2021, § 4, 11-15-2021)

Sec. 19.10.030. - LDR - Low density residential.

The LDR — Low density residential district is intended as a district for low density residential uses and related activities. This district allows for the orderly growth and development while protecting the natural amenities unique to the desert.

Permitted uses in the LDR district are as follows:

- (a) One dwelling unit of a permanent nature on each parcel of land.

- (b) Commercial poultry and rabbit raising as well as chinchilla, nutria and hamster ranches, subject to the following site improvements:
 - (1) Where the ranch abuts a residence, subdivision, or any other residential development on one or more of the side or rear property lines, screening shall be provided on those lines by one of the following methods:
 - a. Six-foot solid fence.
 - b. Solid row or rows of trees to be maintained in good condition and as approved by the planning commission.
 - c. Other screening as approved by the planning commission;
 - (2) Wastewater shall be disposed of in a manner that will meet the requirements of the county health department;
 - (3) All enclosures for fowl or animals shall be located at least fifty feet from all exterior boundaries of the property including abutting streets.
- (c) Ranchettes for grazing, breeding, raising or training of horses, including supplementary feeding; provided, that no concentration feeding is done in conjunction therewith;
 - (1) Ranchettes shall have equestrians only including colts over the age of six months with a maximum number of two horses per acre of total ground area of the ranchette permitted.
- (d) Accessory uses and structures including the following:
 - (1) Accessory dwelling unit conforming to section 19.10.060;
 - (2) Bed and breakfast pursuant to 19.05.060(a)(3);
 - (3) Guesthouse;
 - (4) Greenhouse or lath house;
 - (5) Stable, barn, pen, corral, coop;
 - (6) Child or day care subject to the standards and requirements established under state law;
 - (7) A home occupation subject to section 19.10.080;
 - (8) Other uses similar to the above which the commission determines to be similar.
- (e) The following uses shall be permitted when approved by the commission as provided in section 19.30.030:
 - (1) Commercial riding stable or academy;
 - (2) Dude or guest ranch;
 - (3) Grange halls, community halls, and similar uses;
 - (4) Vacation rentals;
 - (5) Other uses which the commission determines to be similar to the above uses.
- (f) The keeping of domesticated animals for non-commercial purposes with the maximum number of animals being four weaned dogs and cats, or any combination of weaned dogs and weaned cats; provided that the total number of weaned dogs and weaned cats does not exceed four; small birds; small reptiles; and amphibians enclosed within a cage normally built for such animals.

(Ord. No. 934-2015, § 19.10.030, 7-20-2015; Ord. No. 953-2017, § 1(Exh. A), 5-15-2017; Ord. No. 981-2021, § 4, 11-15-2021)

Sec. 19.10.040. - SFR - Single-family residential.

The SFR—Single-family residential district is intended as a district of medium density single-family homes. Except as specifically provided elsewhere in this title, any building or premises used or occupied, and every building erected, constructed or established within the SFR district shall be only in accordance with the regulations set forth in this chapter.

In the SFR district, the following uses are permitted:

- (a) One detached single-family dwelling unit of a permanent nature placed in a permanent location and the accessory structures and uses normally auxiliary to it.
- (b) Accessory uses and structures including the following:
 - (1) Accessory dwelling unit conforming to section 19.10.060;
 - (2) Bed and breakfast pursuant to 19.05.060(a)(3);
 - (3) Child or day care subject to standards and requirements established under state law;

- (4) The keeping of domesticated animals for non-commercial purposes with the maximum number of animals being four weaned dogs and cats, or any combination of weaned dogs and weaned cats; provided that the total number of weaned dogs and weaned cats does not exceed four; small birds (except poultry and game birds), enclosed within a cage inside the dwelling unit; small reptiles; and amphibians enclosed within a cage normally built for such animals.
- (c) A home occupation subject to section 19.10.080.
- (d) The following uses shall be permitted when approved by the commission as provided in chapter 19.30:
 - (1) Country clubs and golf courses, excepting miniature courses and similar commercial enterprises;
 - (2) The office of a physician, dentist, or other person authorized by law to practice medicine or healing used only for consulting and emergency treatment as an adjunct to a principal office located in the appropriate land use district;
 - (3) Parks and playgrounds;
 - (4) Publicly owned buildings and structures;
 - (5) Vacation rentals;
 - (6) Other uses which the commission determines to be similar to the above uses.

(Ord. No. 934-2015, § 19.10.040, 7-20-2015; Ord. No. 953-2017, § 1(Exh. A), 5-15-2017; Ord. No. 981-2021, § 4, 11-15-2021)

Sec. 19.10.050. - MDR - Medium density residential.

The MDR — Medium density residential district is intended as a higher-density residential district of multiple-family units. Except as specifically provided for elsewhere in this title, any building or premises in the MDR district used or occupied, and every building erected, constructed, or established within the MDR district shall be only in accordance with the regulations set forth in this section.

(A) In the MDR district, the following uses are permitted:

- (1) Any use permitted in the SFR district as listed in section 19.10.040 subject to any development standards of that district;
 - (2) Multiple-family dwellings of a permanent character placed in permanent locations and of not less than four hundred square feet of floor area per dwelling unit exclusive of open porches and garages and bachelor or efficiency units of not less than three hundred forty square feet of floor area per unit exclusive of open porches or garages;
 - (3) Boarding and lodging houses;
 - (4) Home occupations, subject to section 19.10.080;
 - (5) Hotels or apartment hotels in which incidental business may be conducted for the convenience of the residents of the buildings provided there is no entrance to the place of business except from the inside of the building.
 - (6) The following uses shall be permitted when approved by the commission as provided in chapter 19.30:
 - a. Clubs and lodges, private and non-profit;
 - b. Country clubs and golf courses, excepting miniature courses and similar commercial enterprises;
 - c. Large residential care facility, group home pursuant to criteria of chapter 9.66;
 - d. Mobile home parks;
 - e. The office of a physician, dentist, or other person authorized by law to practice medicine or healing;
 - f. Parks and playgrounds;
 - g. Publicly owned buildings and structures including public maintenance yards;
 - h. Sober living facilities;
 - i. Other uses which the commission determines to be similar to the above uses.
- (b) Outdoor living area.
- (1) There shall be an outdoor living area for each dwelling unit permitted in the MDR district according to the standards as set forth in either subsection (1) or (2). The applicant may have the option of selecting either standard as follows:
 - a. An area of not less than 15 percent of the gross floor area of each dwelling unit shall be provided as an outdoor living area, excluding required yard areas. At least one-third of the outdoor living area must be landscaped and continuously maintained.
 - b.

An area of not less than five percent of the gross floor area of each dwelling unit shall be outdoor living area; provided, that the required yard areas are landscaped, continuously maintained, and that at least one of the required yards is contiguous to the remaining required outdoor living area. At least one-third of the outdoor living area must be landscaped and continuously maintained.

- (2) The minimum dimensions of the required outdoor living area shall be five feet in width. This dimension refers to the width of a rectangular space or to the shortest diameter of an irregularly shaped space.
- (3) The outdoor living area may include the deck area of a swimming pool, patios, or porches. The outdoor living area shall not include driveways, roofs or parking areas.

(Ord. No. 934-2015, § 19.10.050, 7-20-2015; Ord. No. 953-2017, § 1(Exh. A), 5-15-2017)

Sec. 19.10.060. - Reasonable accommodations.

(a) *Purpose.* In accordance with federal and state fair housing laws, it is the purpose of this chapter to provide reasonable accommodations in the city's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.

(b) *Review authority.*

The hearing officer, the community and economic development director or designee, is hereby designated to approve, conditionally approve, or deny all applications for a reasonable accommodation, except as prescribed under 19.10.060(C)(3) below.

(c) *Application for reasonable accommodation.*

- (1) Applicant. A request for reasonable accommodation may be made by any person with a disability, their representative, or a developer or provider of housing for individuals with a disability. A reasonable accommodation may be approved only for the benefit of one or more individuals with a disability.
- (2) Application. An application for a reasonable accommodation from a zoning regulation, policy, or practice shall be made on a form provided by the planning department. No fee shall be required for a request for reasonable accommodation, but if the project requires another discretionary permit, then the prescribed fee shall be paid for all other discretionary permits.
- (3) Other discretionary permits. If the project for which the request for reasonable accommodation is made requires another discretionary permit or approval, then the applicant may file the request for reasonable accommodation together with the application for the other discretionary permit or approval. The processing procedures of the discretionary permit shall govern the joint processing of both the reasonable accommodation and the discretionary permit.
- (4) Required submittals. An application for reasonable accommodation shall include the following:
 - a. Documentation that the applicant is: (i) an individual with a disability; (ii) applying on behalf of one or more individuals with a disability; or (iii) a developer or provider of housing for one or more individuals with a disability.
 - b. The specific exception or modification to the Zoning Code provision, policy, or practices requested by the applicant.
 - c. Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence.
 - d. Any other information that the city planner reasonably concludes is necessary to determine whether the findings required by section 19.10.060(d)(4) can be made, so long as any request for information regarding the disability of the individuals benefited complies with Fair Housing Law protections and the privacy rights of the individuals affected.

(d) *Decision.* Requests for reasonable accommodation shall be reviewed by the hearing officer, using the criteria set forth in section 19.10.060(d)(4), (d)(5) and (d)(6). The hearing officer shall consider the request for reasonable accommodations as part of a public hearing that was noticed in a manner consistent with Government Code Section 65901 and section 19.40.010 of this Code.

- (1) The hearing officer shall issue a written decision on a request for reasonable accommodation within 30 days of the date of the application and may either approve, approve with conditions, or deny a request for reasonable accommodations in accordance with the required findings set forth in section 19.10.060(d)(4).
- (2) If necessary to reach a determination on the request for reasonable accommodation, the hearing officer may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the 30-day period to issue a decision is stayed until the applicant responds to the request.

(3)

Findings. The written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval:

- a. The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.
- b. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.
- c. The requested accommodation will not impose an undue financial or administrative burden on the city as "undue financial or administrative burden" is defined in fair housing Laws and interpretive case law.
- d. The requested accommodation will not result in a fundamental alteration in the nature of the city's zoning program, as "fundamental alteration" is defined in fair housing laws and interpretive case law.
- e. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

In making these findings, the decision-maker may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.

- (4) The city may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.
 - a. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.
 - b. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.
 - c. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants.
 - d. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.
 - (5) The city may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the city's zoning program.
 - a. Whether the requested accommodation would fundamentally alter the character of the neighborhood.
 - b. Whether the accommodation would result in a substantial increase in traffic or insufficient parking.
 - c. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan.
 - d. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.
 - (6) Rules while decision is pending. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
 - (7) Effective date. No reasonable accommodation shall become effective until the decision to grant such accommodation shall have become final by reason of the expiration of time to make an appeal pursuant to the procedures established in [chapter 19.44](#). In the event an appeal is filed, the reasonable accommodation shall not become effective unless and until a decision is made by the planning commission on such appeal.
- (e) *Expiration, time extension, violation, discontinuance, and revocation.*
- (1) Expiration. Any reasonable accommodation approved in accordance with the terms of this chapter shall expire within 24 months from the effective date of approval or at an alternative time specified as a condition of approval unless:
 - a. A building permit has been issued and construction has commenced;
 - b. A certificate of occupancy has been issued;
 - c. The use is established; or
 - d. A time extension has been granted.

(2)

Time extension. The hearing officer may approve a time extension for a reasonable accommodation for good cause for a period or periods not to exceed three years from the effective date of approval. An application for a time extension shall be made in writing to the city planner no less than 30 days or more than 90 days prior to the expiration date.

- (3) Notice. Notice of the hearing officer's decision on a time extension shall be sent to the applicant. All written decisions shall give notice of the right to appeal and to request reasonable accommodation in the appeals process as set forth in subsection (d) below.
- (4) Appeal of determination. A time extension for a reasonable accommodation shall be final unless appealed to the city planning Commission within 14 calendar days of the date of mailing of the determination. An appeal shall be made in writing and shall be noticed and heard pursuant to the procedures established in chapter 19.44 of this Code, as modified by section 19.10.060(d)(1), (d)(2), and (d)(3).
- (5) Violation of terms. Any reasonable accommodation approved in accordance with the terms of this Code may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.
- (6) Discontinuance. A reasonable accommodation shall lapse if the exercise of rights granted by it is discontinued for one hundred eighty (180) consecutive days. If the disabled person initially occupying a residence for whom a reasonable accommodation was made vacates, the reasonable accommodation shall remain in effect only if the city planner determines that (1) the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the Code, and (2) the accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling. The city planner may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten days of the date of a request by the city shall constitute grounds for discontinuance by the city of a previously approved reasonable accommodation.
- (f) *Amendments*. A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval shall be treated as a new application. The city planner may waive the requirement for a new application if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval.

(Ord. No. 934-2015, § 19.10.060, 7-20-2015; Ord. No. 953-2017, § 1(Exh. A), 5-15-2017)

Sec. 19.10.070. - Accessory dwelling units and junior accessory dwelling units.

- (a) *Purposes*. On October 9, 2019, the governor signed into law five bills limiting the cities and counties regulatory abilities on accessory dwelling units and junior accessory dwelling units. These five bills became law on January 1, 2020.

The purposes of this chapter are to authorize accessory dwelling units (AKA, second units) and junior accessory dwelling units (AKA second units or third units); to establish a procedure for reviewing and approving their development to ensure and maintain healthy and safe residential living environments; to establish location and development standards for accessory and junior accessory dwelling units; and to comply with Government Code Section 65852.2, which requires local agencies to consider applications for second unit permits ministerially without discretionary review or a public hearing.

- (b) *Definition*.

- (1) *Accessory dwelling unit/junior accessory dwelling unit*. For purposes of this chapter, "accessory dwelling unit," "junior accessory dwelling unit" and "second unit" are the same except identified otherwise in this code and have the meaning set forth in California Government Code Section 65852.2.
- (2) *Manufactured home*. "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 120 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development (HUD) and complies with the standards established under the Mobile Home Construction and Safety Standards Act, also known as The HUD Code.
- (3) *Mobile home*. A mobile home may be defined as a movable or portable dwelling built on a chassis, connected to utilities, designed without a permanent foundation, and intended for year-round living built prior to June 15, 1976.

- (4) *Modular home.* Modular homes are homes that are built in sections in a factory and then transported to a building site on truck beds, then joined together by local contractors. Modular homes are built to conform to all state, local or regional building codes at their destinations. Local building inspectors are responsible for verifying that a modular home's structure meets requirements and that all finish work is done properly. Modular homes are sometimes less expensive per square foot than site built houses, but may endure and increase in value if properly constructed.
- (c) *Permitting procedure.* An application for an accessory dwelling unit that meets the location and development standards contained in this chapter and all applicable building standards in Title 15 shall be approved ministerially without discretionary review or public hearing. A complete application shall be reviewed and approved no more than 60 days from its acceptance and requires a building permit. Any application for any accessory dwelling unit permit that does not meet the location and/or development standards contained in this chapter shall be approved by the planning commission as provided in chapter 19.30.

An accessory dwelling unit which conforms to the requirements of this section shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy or program to limit residential growth.

(d) *Location.*

- (1) An accessory dwelling unit or junior accessory dwelling unit may be located on any lot in a single-family residential, or the multiple-family residential district and any specific plan district that authorizes residential development.
- (2) No subdivision rights are authorized that would result in the second unit being located on a separate lot. Primary and accessory dwellings are not separable. The accessory dwelling unit shall not be sold separately from the primary dwelling.
- (3) The lot must contain an existing legally established single-family dwelling.

(e) *Applications.*

- (1) An application for an accessory dwelling unit permit must be submitted to the community development department as a building permit application.
- (2) An application for an accessory dwelling unit must be made in writing and contain the following information:
 - a. Name(s) and address(es) of applicant(s) and property owner(s).
 - b. Address and assessor's parcel number for the lot.
 - c. Size, indicating dimensions and square footage of the primary residence and the proposed accessory dwelling unit.
 - d. A legible scale drawing, showing:
 - i. A north arrow to indicate parcel orientation.
 - ii. Lot dimensions and labels for all property lines.
 - iii. Siting and location of the primary residence and the proposed accessory dwelling unit.
 - iv. Floor plan configuration of the primary residence and the proposed accessory dwelling unit.
 - v. All other existing improvements, including driveways and parking areas.
 - vi. Exterior design of the primary residence and the proposed accessory dwelling unit. "Exterior design" includes architectural style and exterior features, such as trim, windows, and roof.
 - e. A description of the building and roof materials of the primary residence and accessory dwelling unit, and a sample board of the colors of the primary residence and accessory dwelling unit.
 - f. Current color photographs of the primary residence and surrounding properties taken from each of the property lines of the project site.
 - g. Location and description of water and sanitary sewer for both the primary residence and the proposed accessory dwelling unit.
 - h. Property owner's consent to physical inspection of the premises.
 - i. A written legal description of the property.
 - j. All electrical, plumbing, fans, added insulation and other materials that accompany normal building plans.
 - k. Grading and drainage plans when necessary for new construction.
- (f) *Development standards.* An accessory dwelling permit will be issued only if it complies with the following development standards:
 - (1) *Yards and building height.*

- a. In single-family and multifamily residential districts, accessory dwelling unit must comply with requirements relating to yards (front, side, and rear setbacks) and building height that are generally applicable to residential construction in the zone in which the property is located. With the exception that an accessory dwelling unit may use four feet for side and rear yard setbacks.
- b. In PUD planned unit districts where an approved final development plan specifies requirements relating to yards (front, side, and rear setbacks) and building height, second units must comply with the requirements specified in the plan. In PUD planned unit districts where an approved final development plan does not specify requirements relating to yards and building height, second units must comply with requirements relating to yards and building height that are generally applicable to residential construction in the SFR zone.
- c. A setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit under the new state laws.

(2) *Accessory dwelling unit configuration.*

- a. A junior accessory dwelling unit attached to an existing primary residence. An accessory dwelling unit may be attached to an existing primary residence only if the second unit is one of the following:
 - i. An internal conversion of a garage or legally constructed area within the existing primary residence.
 - ii. An addition to the existing primary residence.
- b. *Detached accessory dwelling unit.* An accessory dwelling unit may be detached from an existing primary residence only if the accessory dwelling unit is located on the same lot as the existing primary residence. The accessory dwelling unit shall not be located between the primary residence and the street and shall abide by existing front setbacks.
- c. An accessory dwelling unit may be constructed above an existing garage without discretionary permit provided that it can be demonstrated that the garage can structurally support the addition.
- d. *Number of accessory dwelling unit.* There shall be a maximum of one accessory dwelling unit on any residentially oriented lot, unless the lot is owner occupied and then it may have one attached junior ADU and one detached ADU.

(3) *Accessory dwelling unit size.*

- a. An accessory dwelling unit must not exceed 75 percent of the existing living area (including basement and usable attic) of the primary residence, or 1,200 square feet (whichever is less). A junior accessory dwelling unit shall not exceed 500 square feet.
- b. An accessory dwelling unit shall not be less than 150 square feet in area, or the area of an efficiency unit as defined in Section 17958.1 of the Health and Safety Code.

(5) *Building height.* The overall building height shall not exceed 16 feet, with an exception to existing legal structures converted to additional dwelling units.

(6) *Living provisions.* An accessory dwelling unit must provide complete independent living facilities for one or two persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. The accessory dwelling unit shall contain separate kitchen and bathroom facilities. An ADU may contain a living room, and dining room, and two bedrooms.

(7) *Entry.* The accessory dwelling unit must have a separate entrance located on either building side or rear and not visible from the street front area.

(8) *Off-street parking.* Parking is limited to lawfully paved areas and prohibited in front yard landscaped areas of the parcel. A lot containing an accessory dwelling unit must provide at least one additional off-street parking space pursuant to section 19.06.050(1) (g) to serve the accessory dwelling unit above what is required for the primary unit. The additional space may be in tandem if the additional space is outside the existing rear yard setback and must be paved with a hard-surface. Parking spaces shall be prohibited in other setbacks if determined to be a life safety condition. The use of gravel or asphalt grindings is not an acceptable surface. Any structure such as a garage or carport shall not be located in any yard setback. No additional parking is required for a junior accessory dwelling unit. Off-street parking may be waived for the following:

- a. The accessory dwelling unit is located within one-half mile walking distance of public transit.
- b. The accessory dwelling unit is located within an architecturally and historically significant district.
- c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
- d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- e. When there is a car share vehicle located within one block of the accessory dwelling unit.

(9)

Architectural compatibility. The accessory dwelling must incorporate the same exterior design, building and roof materials, and colors as the primary dwelling unit. "Exterior design" includes architectural style and exterior features, such as trim, windows, and roof.

- (10) *Permanent foundation.* A permanent foundation is required for all accessory dwelling units.
- (11) *Modular homes.* Modular homes may be used for an accessory dwelling unit or primary unit. Manufactured homes shall be subject to city review and approval. Mobile homes, recreational vehicles, campers or travel trailers shall not be permitted for a accessory dwelling unit.
- (12) *Utility services.* The sewer and water services have historically been installed to meet the capacity of single-family residential (i.e., one dwelling unit per parcel) or multiple-family residential (at up to 20 dwelling units per acre or as specified in the general plan). Any increase in density may result in exceeding the design standards. The following standards shall be followed to ensure that the capacity of the sewer and water service are not exceeded:
 - a. *Sewage and water services.* If a private sewage disposal system, water system or both are proposed to be used, it must meet all applicable county regulations and be approved by the city engineer before an accessory dwelling unit may be established. Verification that the standard has been met is required prior to final inspection. Should it be determined that capacity of either sewer or water cannot be provided due to capacity limitations, the accessory dwelling unit shall not be permitted.
 - i. Written verification of capacity for both sewer and water shall be required from the serving agencies.
 - ii. A sewer line shall be considered at capacity and therefore determined that no additional units can be supported under the following conditions pursuant to the City of Barstow Sewer Master Plan adopted May 2000:
 - (a) Less than 12 inch sewer line: 50 percent.
 - (b) 12 inch to 36 inch sewer line: 75 percent.
 - (c) Greater than 36 inch sewer line: 100 percent.

For the purpose of this section the latest adopted sewer master plan shall be used.

- iii. The sewer flow generation for each residence shall be based upon Table III-1 of the City of Barstow Sewer Master Plan adopted May 2000, or as indicated in the latest adopted revised or amended sewer master plan.
 - iv. Any new construction shall meet all low-impact development standards for surface flow of water to meet water quality requirements. Should the land area not permit for on-site drainage retention, a sub-surface retention system shall be constructed.
 - b. The configuration of the site (existing residence, accessory dwelling unit and associated parking) shall allow the free, unobstructed access by both the police and fire departments.
 - i. The applicant shall gain written approval from both the police and fire departments and shall submit the approvals as part of the application.
 - c. For the purpose of this chapter and consistent with Section 65852.2(f) of the California Government Code, new accessory dwelling units less than 750 square feet in area shall not be charged for development impact fees and the city shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family dwelling. However, a detached accessory dwelling unit may require a separate connection or separate meter subject to the criteria of Section 65852.2(f)(2)(B) of the California Government Code.
- (13) *Street access.* No second unit shall be permitted in any area that is served by substandard developed streets (i.e., street width) except as permitted under chapter 19.30 of the Barstow Municipal Code.
- (g) *Occupancy.* The owner of a parcel in any multiple-family zoning district or a single-family zoning district with an accessory dwelling unit shall occupy either the primary dwelling unit or the second unit, except this requirement is not operative between January 1, 2020, and January 1, 2025. Should either unit be rented, the rental of the property shall be no less than 31 days per tenant. Short-term rentals, shall be prohibited. Owner occupancy is required for junior accessory dwelling units pursuant to California Government code 65852.22(a)2.
- (h) *Deed restrictions.* Before obtaining an second unit or accessory dwelling unit permit, the applicant shall do the following:
- (1) Enter into an agreement of restrictions with the city that refers to the deed under which the property was acquired by the applicant and provides the following:
 - a. The accessory dwelling unit shall not be sold separately.

- b. The accessory dwelling unit is restricted to the maximum size allowed under Code section 19.10.070(F)(4).
- c. The owner of a parcel in any multiple-family zoning district or a single-family zoning district with a accessory dwelling shall occupy either the primary dwelling unit or the accessory dwelling, except this provision is not operative between January 1, 2020, and January 1, 2025.
- d. The restrictions are binding upon any successor in ownership of the property and lack of compliance may result in legal action by the city against the property owner.

(2) Record the agreement with the county recorder.

(3) Prepare a disclosure statement that shall be included in any future offer or sale documents. The statement shall read as follows:

"You are purchasing a property with a permit for an accessory dwelling unit. This permit carries with it certain restrictions that must be met by the owner of the property. You are prohibited from selling the accessory dwelling unit separately. The accessory dwelling unit is restricted to the maximum size allowed under City Ordinance Code Section 19.10.070(f)(4). The property owner shall occupy either the primary dwelling unit or the accessory dwelling. The permit is available from the current owner or from the City of Barstow Community Development Department."

- (i) *Nonconforming units.* Notwithstanding the provisions of chapter 19.38 of the Barstow Municipal Code, if the existing primary residence is a legal nonconforming unit, an accessory dwelling may be constructed only if the nonconformity is not expanded and the accessory dwelling unit meets all current applicable zoning and building standards. Any expansion of the nonconforming unit shall be subject to chapter 19.38.

Should the accessory dwelling unit be a garage conversion where the garage is nonconforming (i.e., setbacks), it shall be permitted provided that there is no increase in the nonconformity.

- (j) *Sale of accessory dwelling unit is prohibited.* The purpose of permitting accessory dwelling unit is to provide affordable housing without discretionary review. The accessory dwelling unit shall be deemed part of the residential property, similarly to the primary residence, and cannot be sold separately from the primary residence.
- (k) *Fees.* Fees for accessory dwelling unit permits will be in amounts established by the City of Barstow's building fee schedule. Accessory dwelling units are subject to all regular fees excluding development impact fees for accessory dwelling units under 750 square feet, accessory dwelling units of 750 square feet or more shall be subject to normal development impact fees, park fees, fire department fees and assessment district assessment allocations that are proportional to their size.
- (l) *Permit termination.* An accessory dwelling unit permit validly issued pursuant to this chapter section shall terminate when any one or more of the following occur:
 - (1) The construction of the accessory dwelling unit allowed by the permit has not begun within one year from the date of permit issuance;
 - (2) The construction of the accessory dwelling unit allowed by the permit has been abandoned or discontinued for 180 consecutive days;
 - (3) The accessory dwelling unit owner files a declaration with the community development director that the permit has been abandoned or discontinued and the accessory dwelling unit has been removed from the property; and
 - (4) The permit has expired by its own terms.

(Ord. No. 934-2015, § 19.10.070, 7-20-2015; Ord. No. 953-2017, § 1(Exh. A), 5-15-2017; Ord. No. 976-2021, § 4, 8-16-2021)

Editor's note— Ord. No. 976-2021, § 4, adopted Aug. 16, 2021 amended § 19.10.070 and in doing so changed the title of said section from "Accessory dwelling units" to "Accessory dwelling units and junior accessory dwelling units," as set out herein.

Sec. 19.10.080. - Home occupation permits.

- (a) *Permit required.* No person shall use any dwelling or structure in a residential district for home occupation without filing an application with the economic development and planning manager, and obtaining a permit to allow such use.
- (b) *Application.* Application for a home occupation permit shall be made to the planning department in writing on forms provided by the city for this purpose and shall set forth in detail such information as may be required by the planning department.
- (c) *Filing fee.* Filing fees shall be established by city council resolution. The standards of section 19.10.080(d) shall apply to the conducting of any home occupation.

- (d) *Validity criteria.* The following criteria shall be used by city staff in approving or denying a home occupation:
- (1) No employment of help other than members of the resident family.
 - (2) There will be no direct sales of products or merchandise.
 - (3) Business related to the home occupation shall be conducted substantially away from the premises, and on-premises activities shall include only telephone calls, postal correspondence, bookkeeping, recordkeeping, or such other activities determined by the code enforcement officer to be in accordance with the provisions of this section.
 - (4) A home occupation shall not be conducted in the garage or in any accessory building.
 - (5) There shall be no signs other than those permitted by the zone regulations.
 - (6) There shall be no outdoor storage of materials or equipment associated with the home occupation, nor shall materials or equipment be visible from outside the house.
 - (7) There shall be no exterior evidence of the conduct of a home occupation, including, but not limited to, noise, odor, color, materials, lighting, signs, and vibrations.
 - (8) No vehicular or pedestrian traffic related to this home occupation shall be allowed.
 - (9) A home occupation shall not be conducted on any site unless the issuance of a revocable business license has been approved by the code enforcement department and planning department.
 - (10) Home occupations which do not meet the criteria set forth in subsections (a) through (h) of this section may be permitted subject to the approval of a conditional use permit pursuant to chapter 19.30. A conditional use permit will not be granted if the planning commission finds that the proposed use is objectionable or incompatible with the character of the neighborhood due to noise, dust, odors, traffic congestion or other undesirable characteristics. If a conditional use permit is granted, the planning commission may waive or modify any of the requirements of subsections (a) through (h) of this section and the planning commission may impose such other conditions as it deems necessary or proper to implement the purposes of this chapter.
- (e) *Uses not permitted.* The following uses, because of their nature, shall be listed as not being provided for in any event:
- (1) Animal hospitals.
 - (2) Barbershops.
 - (3) Beauty parlors.
 - (4) Clinics or hospitals.
 - (5) Dancing schools.
 - (6) Mortuary.
 - (7) Nurseries or day care centers.
 - (8) Private clubs.
 - (9) Rental of trailers or any other equipment requiring outdoor storage.
 - (10) Repair shops or service establishments, except repair of small electrical appliances, typewriters, cameras, or other similar items.
 - (11) Restaurants.
 - (12) Sale and/or repair of firearms.
 - (13) Stables or kennels.
- (f) *Revocation of home occupation permit.* A home occupation permit granted in accordance with the provisions of this chapter may be terminated if any of the following are found:
- (1) That any requirement or criterion set forth in section 19.10.080(D) is being violated;
 - (2) That the permit was obtained by misrepresentation or fraud;
 - (3) That the use has become detrimental to the public health or safety, has become a public nuisance, or has grown to be a use that no longer can be conducted within the dwelling unit;
 - (4) That the use for which the permit was granted has ceased or has been suspended for six calendar months;
 - (5) That conditions of the premises or the surrounding district or areas have changed so that the use may no longer be justified under the meaning and intent of this section.

(g)

Nontransferable. A home occupation permit granted in accordance with the provisions of this chapter shall not be transferred, assigned, or used by a person other than the permittee, nor be transferred to any location other than the one for which the permit was granted.

(Ord. No. 934-2015, § 19.10.080, 7-20-2015; Ord. No. 953-2017, § 1(Exh. A), 5-15-2017)

Sec. 19.10.090. - Density bonus.

- (a) *Purpose.* The purpose of this chapter is to adopt an ordinance that specifies how compliance with California Government Code Section 65915 ("State Density Bonus Law") will be implemented in an effort to encourage the production of low income housing units in developments proposed within the city.
- (b) *Definitions.* Unless otherwise specified in this chapter, the definitions found in state density bonus law shall apply to the terms contained herein.
- (c) *Applicability.* This chapter shall apply to all residential zoning districts, including diverse use zoning districts, where residential developments of five or more dwelling units are proposed and where the applicant seeks and agrees to provide low, very low, senior or moderate income housing units in the threshold amounts specified in state density bonus law such that the resulting density is beyond that which is permitted by the applicable zoning. This chapter and state density bonus law shall apply only to the residential component of a diverse use project and shall not operate to increase the allowable density of the nonresidential component of any proposed project.
- (d) *Application requirements.*
 - (1) Any applicant requesting a density bonus, incentive(s) and/or waiver(s) pursuant to state density bonus law shall provide the city with a written proposal. The proposal shall be submitted prior to or concurrently with filing the planning application for the housing development and shall be processed in conjunction with the underlying application.
 - (2) The proposal for a density bonus, incentive(s) and/or waiver(s) pursuant to state density bonus law shall include the following information:
 - a. Requested density bonus. The specific requested density bonus proposal shall evidence that the project meets the thresholds for state density bonus law. The proposal shall also include calculations showing the maximum base density, the number/percentage of affordable units and identification of the income level at which such units will be restricted, additional market rate units resulting from the density bonus allowable under state density bonus law and the resulting unit per acre density. The density bonus units shall not be included in determining the percentage of base units that qualify a project for a density bonus pursuant to state density bonus law.
 - b. Requested incentive(s). The request for particular incentive(s) shall include a pro forma or other report evidencing that the requested incentive(s) results in identifiable, financially sufficient and actual cost reductions that are necessary to make the housing units economically feasible. The report shall be sufficiently detailed to allow the city to verify its conclusions. If the city requires the services of specialized financial consultants to review and corroborate the analysis, the applicant will be liable for all costs incurred in reviewing the documentation.
 - c. Requested waiver(s). The written proposal shall include an explanation of the waiver(s) of development standards requested and why they are necessary to make the construction of the project physically possible. Any requested waiver(s) shall not exceed the limitations provided by section 19.10.090(h)(4) and to the extent such limitations are exceeded will be considered as a request for an incentive.
 - d. Fee. Payment of the fee in an amount set by resolution of the city council to reimburse the city for staff time spent reviewing and processing the state density bonus law application submitted pursuant to this chapter.
- (e) *Density bonus.*
 - 1. A density bonus for a housing development means a density increase over the otherwise maximum allowable residential density under the applicable zoning and land use designation on the date the application is deemed complete. The amount of the allowable density bonus shall be calculated as provided in state density bonus law. The applicant may select from only one of the income categories identified in state density bonus law and may not combine density bonuses from different income categories to achieve a larger density bonus.
 - 2. In the sole discretion of the city council, the city council may approve a density bonus and/or incentive(s) in accordance with state density bonus law for a project that does not maximize the underlying base zoning density. Additionally, nothing herein prevents the city from granting a greater density bonus and additional incentives or waivers than that provided for herein, or from providing

a lesser density bonus and fewer incentives and waivers than that provided for herein, when the housing development does not meet the minimum thresholds.

3. The density bonus and incentive provisions do not apply to new construction on an existing property if it will result in the reduction of affordable housing units on the site. Instead, the project only qualifies for a density bonus and incentives if it maintains the existing number and proportion of onsite affordable housing units serving low- and very-low income households. Replacement units must also be made affordable for 55 years to the same income category, or a lower category, as the units to be replaced. If the incomes of the former residents are unknown to the developer, then one-half of the replacement units must be affordable to very low-income households and the other half to low-income households.

(f) *Incentives.*

- (1) The number of incentives granted shall be based upon the number the applicant is entitled to pursuant to state density bonus law.
- (2) An incentive includes a reduction in site development standards or a modification of zoning code requirements or architectural requirements that result in identifiable, financially sufficient and actual cost reductions. An incentive may be the approval of diverse use zoning (e.g., commercial) in conjunction with a housing project if the diverse use will reduce the cost of the housing development and is compatible with the housing project. An incentive may, but need not be, the provision of a direct financial incentive, such as the waiver of fees.
- (3) A requested incentive may be denied only for those reasons provided in state density bonus law. Denial of an incentive is a separate and distinct act from a decision to deny or approve the entirety of the project.

- (g) *Discretionary approval authority retained.* The granting of a density bonus or incentive(s) shall not be interpreted in and of itself to require a general plan amendment, zoning change or other discretionary approval. If an incentive would otherwise trigger one of these approvals, when it is granted as an incentive, no general plan amendment, zoning change or other discretionary approval is required. However, if the base project without the incentive requires a general plan amendment, zoning change or other discretionary approval, the city retains discretion to make or not make the required findings for approval of the base project.

- (h) *Waivers.* A waiver is a modification to a development standard such that construction at the increased density would be physically possible. Modifications to floor area ratio in an amount equivalent to the percentage density bonus utilized shall be allowable as a waiver. Requests for an increase in floor area ratio above that equivalent percentage shall be considered a request for an incentive. Other development standards include, but are not limited to, a height limitation, a setback requirement, an on-site open space requirement, or a parking ratio that applies to a residential development. An applicant may request a waiver of any development standard to make the project physically possible to construct at the increased density. To be entitled to the requested waiver, the applicant must show that without the waiver, the project would be physically impossible to construct. There is no limit on the number of waivers.

- (i) *Specific plan exemptions.* The following requirements, when established in any approved specific plan with a residential allowance, shall not be modified as either an incentive or waiver pursuant to this chapter:

- A. The maximum FAR shall be limited to the public benefit levels.
- B. The front and side setbacks facing a public right-of-way.
- C. Building facade height.
- D. Massing and modulation standards including major portions of a building facing a street should be parallel to the street, building breaks, building facade modulation and building profile, and upper story facade length.

- (j) *Affordable housing agreement.* Prior to project approval, the applicant shall enter into an affordable housing agreement with the city, to be executed by the city manager without review by the housing commission, planning commission or city council if the underlying application does not require review and/or approval by those bodies, to the satisfaction of the city attorney guaranteeing the affordability of the rental or ownership units for a minimum of 55 years and identifying the type, size and location of each affordable unit. Such affordable housing agreement shall be recorded in the San Bernardino County recorder's office. Said recorded agreement shall include a statement that the agreement can only be rescinded prior to the expiration date with the written agreement from the City of Barstow. In order to rescind a recorded agreement, the applicant shall contribute to the city the cost towards replacement affordable housing, pro-rated based upon the term of the remaining years of the agreement and current cost of replacement affordable housing.

(k) *Design and quality.*

- (1)

Affordable units must be constructed concurrently with market rate units and shall be integrated into the project. Affordable units shall be of equal design and quality as the market rate units. Exteriors, including architecture and elevations, and floor plans of the affordable units shall be similar to the market rate units. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the building official. The number of bedrooms in the affordable units shall be consistent with the mix of market rate units.

(2) Parking standards shall be modified as allowable under state density bonus law and anything beyond those standards shall be considered a request for an incentive.

(l) *Preservation of affordable housing.* Affordable housing may be sold at any price to any buyer but must repay to the local government the initial price break received plus a proportionate share of appreciation. In turn, the local government must reuse its share of the proceeds from the sale of the unit to assist other buyers eligible for affordable housing.

(Ord. No. 934-2015, § 19.10.090, 7-20-2015; Ord. No. 953-2017, § 1(Exh. A), 5-15-2017)

Sec. 19.10.100. - Transitional and permanent supportive housing.

19.10.10 Definition.

1. *Permanent supportive housing* means housing which is available to, and intended for, persons who are homeless, or at-risk of homelessness, and have multiple barriers to employment and housing stability, which barriers include mental illness, chemical dependency, or other disabling or chronic health conditions. To qualify as "permanent supportive housing" each tenant household must have a lease, or a similar form of occupancy agreement, without a limit on length of tenancy, as long as the terms and conditions of the lease or occupancy agreement are met. Additionally, all members of tenant households must have facilitated access to case managers who provide access to supportive services, including intensive case management, information and referral to services to health and dental care, mental health services, substance abuse services, transportation coordination, and linkage to potential out-placements for tenants. Permanent supportive housing is an evidence-based housing intervention method.

Transitional supportive housing means housing which is available to, and intended for, persons who are homeless, or at-risk of homelessness, and have multiple barriers to employment and housing stability, which barriers include mental illness, chemical dependency, or other disabling or chronic health conditions. All members of tenant households must have facilitated access to case managers who provide access to supportive services, including intensive case management, information and referral to services to health and dental care, mental health services, substance abuse services, transportation coordination, and linkage to potential out-placements for tenants.

19.10.10 Applicability.

2. Pursuant to Government Code Section 65583(a)(5), transitional and supportive housing shall be considered as a residential use of the property, subject only to restrictions that apply to other residential dwellings of the same type in the same zone.

19.10.10 Requirements.

3. Notwithstanding other requirements, a supportive housing project, pursuant to this section, shall comply with the following:

(a) *Transitional and supportive housing.* Projects designed for more than seven individuals shall be consistent with section 19.10.120, Large residential care facilities.

(b) *Affordability.* All dwelling units, exclusive of any manager's unit(s) and density bonus units, shall be restricted to lower-income households.

(c) *Supportive housing dwelling units.*

(1) *Minimum number of supportive housing dwelling units.*

a. Projects with 11 or fewer dwelling units, exclusive of any manager's unit(s) and density bonus units, shall be restricted to supportive housing.

b. Projects with 12 or more dwelling units, exclusive of any manager's unit(s) and density bonus units, shall be restricted to a minimum of 25 percent of such units or 12 units, whichever is greater, for supportive housing.

(2) *Target population.* The dwelling units restricted to supportive housing shall be for the target population.

(d) *Duration.* The term of the affordability and supportive housing restrictions and requirements, shall be recorded in the covenants and agreements, shall be 55 years from the issuance of the final certificate of occupancy by building and safety. This agreement shall be recorded prior to beginning operations.

- (e) *Public funding.* The project shall be funded publicly, meaning it shall have federal, state, or county funding. The applicant shall have applied for, or shall intend to apply for, public funding.
- (f) *Supportive services.* Projects shall provide designated areas for on-site supportive services that are limited to tenant use, including without limitation, community rooms, case management offices, computer rooms, and community kitchens, as follows:
 - (1) Projects with 20 or fewer dwelling units, exclusive of any manager's unit(s) and density bonus units, shall designate a minimum of 90 square feet for on-site supportive services.
 - (2) Projects with 21 or more dwelling units, exclusive of any manager's unit(s) and density bonus units, shall designate a minimum of three percent of the total nonresidential floor area for on-site supportive services.
- (g) *Supportive services plan.* Projects shall submit documentation of a supportive services plan, which includes without limitation, the entity providing supportive services, the supportive services funding source, and supportive services staffing levels see 19.10.120(f) (12), Residential care facilities.
- (h) *Dwelling unit facilities.* Residents shall have access to a bathroom including toilet sink and shower, a kitchen or other cooking facilities, including at minimum, a stovetop, a sink, and a refrigerator.
- (i) *Accountability reporting.* The agency shall send a yearly report to the city coordinator documenting the number of individuals under their care, current staff levels, the effectiveness of programs such as the progress of individuals and number of any community infractions and other information the city coordinator may request to assess the effectiveness of care facilities. This requirement for accountability reporting is to streamline the city coordinator's assessment of the care facility, to expedite the review by not wasting time trying to obtain reports from governing entities.
- (j) Supportive housing shall follow all requirements under section 19.10.120, Residential care facilities including yearly inspections.

19.10.10 Reduced number of supportive housing units due to termination of subsidy.

4. Notwithstanding any contrary provision of this 19.10.100, the community development director, in consultation with the City Manager of the City of Barstow, may, at the request of the project owner, reduce the number of supportive housing units in an operating project, if the number of residents living in the supportive housing units decreased as the result of the termination of previously granted project-based rental assistance or operating subsidy through no fault of the project owner. An amendment to the approved site plan section 19.10.130 application is required for such a request, provided that the project owner submits the following:

- (a) A request to the director to reduce the number of supportive housing units six months prior to termination of the project-based rental assistance or operating subsidy; and
- (b) Documentation demonstrating that:
 - (1) The owner has made good faith efforts to find other sources of financial support;
 - (2) Any change in the number of supportive housing units is restricted to the minimum necessary to maintain project financial feasibility; and
 - (3) Any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of any supportive housing units.

(Ord. No. 982-2021, § 2, 11-15-2021)

Editor's note— Ord. No. 982-2021, § 2, adopted Nov. 15, 2021, repealed the former § 19.10.100 and enacted a new § 19.10.100 as set out herein. The former § 19.10.100 pertained to transitional and supportive housing and derived from Ord. No. 953-2017, § 1(Exh. A), adopted July 17, 2017.

CHAPTER 19.12. - DU DIVERSE USE

Sec. 19.12.010. - Purpose.

The purpose of the DU diverse use district is to implement the policies of the general plan, to encourage a harmonious intermingling of business and residential structures, to provide for an increased variety and intermixture of residential, commercial, and office activities, and to enhance the pedestrian usage and character of this district.

(Ord. No. 934-2015, § 19.12.010, 7-20-2015)

Sec. 19.12.020. - Permitted uses.

Diverse use district is intended to offer a mix of residential, professional, administrative and commercial uses. Except as specifically provided elsewhere in this title, any building or structure in the diverse use district shall be only in accordance with the regulations set forth in this chapter.

- (1) Any use permitted in the SFR district. Those uses subject to a conditional use permit under the SFR district shall be subject to a conditional use permit pursuant to chapter 19.30.
- (2) Any use permitted in the MDR district. Those uses subject to a conditional use permit under the MDR district shall be subject to a conditional use permit pursuant to chapter 19.30.
- (3) Any use permitted in the C district pursuant to section 19.16.020. Uses identified under section 19.12.030 below shall require a conditional use permit pursuant to chapter 19.30.

(Ord. No. 934-2015, § 19.12.020, 7-20-2015)

Sec. 19.12.030. - Uses requiring a permit.

In this district, the following uses are permitted subject to the issuance of a conditional use permit (chapter 19.30):

- (1) Any use permitted in the C district pursuant to section 19.16.030.
- (2) Any other commercial or office use not listed within section 19.16.020 and 19.16.030 which the planning commission finds to be consistent with the purpose of the article and which will not impair the present or potential use of adjacent properties.
- (3) Public and quasi-public buildings and uses of a recreational, educational, religious, or public service type.
- (4) Towing and auto repair, not including storage yard.
- (5) Truck repair and service centers.
- (6) Light industrial uses with ten or fewer employees.

(Ord. No. 934-2015, § 19.12.030, 7-20-2015; Ord. No. 979-2021, § 3, 11-1-2021)

Sec. 19.12.040. - Lot development standards.

The diverse use district lot development standards are intended as a guide to establish the lot size, configuration, setbacks and building heights.

- (1) Setbacks for the diverse use district shall be as follows:
 - a. Front/street side: 15 feet.
 - b. Interior side: five feet.
 - c. Rear: five feet.
 - d. Garage or carport: 20 feet.
- (2) Building height. Buildings constructed in the diverse use district shall be within the reasonable height limitations of the adjacent zoning districts in order to preserve the building scale of the adjacent structures. Building height construction shall be as follows:
 - a. When located adjacent to single-family residential the maximum building height shall be 35 feet.
 - b. When located along a collector or arterial street, highway or interstate, or next to multiple-family residential, the maximum building height shall be 45 feet.
 - c. Shopping centers located on collector or arterial streets, highway or interstate, may step the building height provided the structures immediately adjacent to single-family residential uses or zones is a maximum of 35 feet in height.
- (3) Lot area. A minimum of 6,000 square feet.
- (4) Lot configuration. The lot shall be square or rectangular in shape whenever possible. Except for existing lots, the lot shall have a dimension of not less than 50 feet for any property line.

(Ord. No. 934-2015, § 19.12.040, 7-20-2015)

Sec. 19.12.050. - Coverage by structure.

Structures permitted in the DU district shall not exceed lot coverage as follows:

- (1) For diverse use including commercial and/or office combined with residential structures, 50 percent.
- (2) For commercial and office uses not combined with residential uses, 45 percent.

(Ord. No. 934-2015, § 19.12.050, 7-20-2015)

Sec. 19.12.060. - Floor area ratio.

The floor area ratio shall be as follows:

- (1) For diverse use and residential structures, 150 percent (1½ times) the total lot area, up to a maximum of 10,000 square feet in a single structure.
- (2) For commercial and office uses not combined with residential uses, 90 percent (nine-tenths) of the total lot area.

(Ord. No. 934-2015, § 19.12.060, 7-20-2015)

Sec. 19.12.070. - Open space.

For mixed use or single use buildings, the total usable open space shall equal 25 percent of gross floor area for any residential units. Such open space may be above the ground level in the form of decks, balconies, or similar features.

(Ord. No. 934-2015, § 19.12.070, 7-20-2015)

Sec. 19.12.080. - Parking.

For parking regulations, see [section 19.06.050](#).

(Ord. No. 934-2015, § 19.12.080, 7-20-2015)

Sec. 19.12.090. - Loading area.

In this district, all commercial, office, and professional uses shall provide loading spaces not less than ten feet in width, 20 feet in length, and 14 feet in height as follows:

- (1) In a diverse use building:
 - a. Residential, no loading area required;
 - b. Three thousand to 20,000 square feet of commercial or office-professional floor area, one loading space;
 - c. Over 20,000 square feet of commercial or office-professional floor area, two loading spaces.
- (2) In a single-use building or development:
 - a. Residential, no loading area required;
 - b. Commercial or office-professional, see [section 19.16.120](#).
- (3) The loading space shall not occupy any portion of the required yard area.
- (4) Where the loading space is adjacent to a street, any required yard adjacent to the street shall not be used for loading space and there shall be no more than one entry or exit for each 60 feet of lot frontage facing a street.
- (5) When the lot upon which the loading space abuts upon an alley, loading space may adjoin and have access from the alley. The length of the loading space may be parallel with the centerline of the alley.

(Ord. No. 934-2015, § 19.12.090, 7-20-2015)

Sec. 19.12.100. - Signs.

For sign regulations, see [section 19.06.060](#).

(Ord. No. 934-2015, § 19.12.100, 7-20-2015)

CHAPTER 19.14. - HS HUMAN SERVICES

Sec. 19.14.010. - Purpose.

The purpose of the HS human services district is to implement the policies of the General Plan, and to identify sites within the city that are suitable for the provision of human services.

(Ord. No. 934-2015, § 19.14.010, 7-20-2015)

Sec. 19.14.020. - Permitted uses.

The human services district is intended to offer a mix of residential, professional, administrative and commercial uses. Except as specifically provided elsewhere in this title, any building or structure in the human services district shall be only in accordance with the regulations set forth in this chapter.

- (1) Any use permitted in the SFR district provided the standards of the SFR district are followed. Those uses subject to a conditional use permit under the SFR district shall be subject to a conditional use permit pursuant to chapter 19.30.
- (2) Any use permitted in the MDR district provided the applicable standards of the MDR districts are followed. Those uses subject to a conditional use permit under the MDR district shall be subject to a conditional use permit pursuant to chapter 19.30.
- (3) Any use permitted in the C district pursuant to section 19.16.020 with the exception of bars and liquor stores. Uses identified under section 19.14.030 shall require a conditional use permit pursuant to chapter 19.30.
- (4) Emergency shelters providing temporary shelter for homeless populations.
- (5) Nursery schools or day care centers.
- (6) Sober living facilities.
- (7) Low-Barrier Navigation Centers as per California State Code 65583.

(Ord. No. 934-2015, § 19.14.020, 7-20-2015; Ord. No. 982-2021, § 2, 11-15-2021)

Sec. 19.14.030. - Uses requiring a permit.

In this district, the following uses are permitted subject to the issuance of a conditional use permit (chapter 19.30):

- (1) Any use permitted in the C district pursuant to section 19.16.030.
- (2) Any other commercial or office use not listed within section 19.16.020 and 19.16.030 which the planning commission finds to be consistent with the purpose of the article and which will not impair the present or potential use of adjacent properties.
- (3) Public and quasi-public buildings and uses of a recreational, educational, religious, or public service type.
- (4) Single-room occupancy facilities pursuant to the development standards in section 19.14.110.
- (5) Towing and auto repair, not including storage yard.
- (6) Truck repair and service centers.
- (7) Shelters and provision of services for homeless, at-risk and special needs populations.

(Ord. No. 934-2015, § 19.14.030, 7-20-2015)

Sec. 19.14.040. - Lot development standards.

The human services district lot development standards are intended as a guide to establish the lot size, configuration, setbacks and building heights.

- (1) Setbacks for the human services district shall be as follows:
 - a. Front/street side: 15 feet.
 - b. Interior side: ten feet.
 - c. Rear: five feet.
 - d. Garage or carport: 20 feet.
- (2) Building height.
 - a.

Buildings constructed in the human services district shall be within the reasonable height limitations of the adjacent zoning districts in order to preserve the building scale of the adjacent structures.

b. Building height construction shall be as follows:

1. When located adjacent to single-family residential the maximum building height shall be 35 feet.
2. When located along a collector or arterial street, highway or interstate, or next to multiple-family residential, the maximum building height shall be 45 feet.
3. Shopping centers located on a collector or arterial streets, highway or interstate may step the building height provided the structures immediately adjacent to single-family residential uses or zones is a maximum of thirty-five feet in height.

(3) Lot area: A minimum of 6,000 square feet.

(4) Lot configuration. The lot shall be square or rectangular in shape whenever possible. Except for existing lots, the lot shall have a dimension of not less than 50 feet for any property line.

(Ord. No. 934-2015, § 19.14.040, 7-20-2015)

Sec. 19.14.050. - Coverage by structure.

Structures permitted in the HS district shall not exceed lot coverage as follows:

- (1) For uses with commercial and/or office combined with residential structures, 50 percent.
- (2) For commercial and office uses not combined with residential uses, 45 percent.

(Ord. No. 934-2015, § 19.14.050, 7-20-2015)

Sec. 19.14.060. - Floor area ratio.

The floor area ratio shall be as follows:

- (1) For uses combined with residential uses, 150 percent (1½ times) the total lot area, up to a maximum of 10,000 square feet in a single structure.
- (2) For commercial and office uses not combined with residential uses, 90 percent (nine-tenths) of the total lot area.

(Ord. No. 934-2015, § 19.14.060, 7-20-2015)

Sec. 19.14.070. - Open space.

For multiple or single use buildings, the total usable open space shall equal 25 percent of gross floor area. Such open space may be above the ground level in the form of decks, balconies, or similar features.

(Ord. No. 934-2015, § 19.14.070, 7-20-2015)

Sec. 19.14.080. - Parking.

For parking regulations, see [section 19.06.050](#).

(Ord. No. 934-2015, § 19.14.080, 7-20-2015)

Sec. 19.14.090. - Loading area.

In this district, all commercial, office, and professional uses shall provide loading spaces not less than ten feet in width, 20 feet in length, and 14 feet in height as follows:

- (1) In a multiple use building:
 - a. Residential, no loading area required;
 - b. Three thousand to 20,000 square feet of commercial or office-professional floor area, one loading space;
 - c. Over 20,000 square feet of commercial or office-professional floor area, two loading spaces.
- (2) In a single-use building or development:

- a. Residential, no loading area required;
- b. Commercial or office-professional, see [section 19.16.120](#);

- (3) The loading space shall not occupy any portion of the required yard area.
- (4) Where the loading space is adjacent to a street, any required yard adjacent to the street shall not be used for loading space and there shall be no more than one entry or exit for each 60 feet of lot frontage facing a street.
- (5) When the lot upon which the loading space abuts upon an alley, loading space may adjoin and have access from the alley. The length of the loading space may be parallel with the centerline of the alley.

(Ord. No. 934-2015, § 19.14.090, 7-20-2015)

Sec. 19.14.100. - Signs.

For sign regulations, see [section 19.06.060](#).

(Ord. No. 934-2015, § 19.14.100, 7-20-2015)

Sec. 19.14.110. - Single-room occupancy facility development standards.

A single room occupancy (SRO) facility shall comply with the requirements of this section, where allowed by this [title 19](#) (Zoning districts and allowable land uses).

- (1) *Purpose.* The provisions of this section 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.
- (2) *Development standards.*
 - a. *Density.* A single room occupancy facility shall be consistent with the density of the human services land use identified in the General Plan.
 - b. *Common area.* Four 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.
 - c. *Laundry facilities.* Laundry facilities must be provided in a separate room at a ratio of one washer and one dryer for every 20 units or a fraction thereof, with at least one washer and dryer per floor.
 - d. *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.
- (3) *Single room occupancy units.*
 - a. *Unit size.* An SRO unit shall have a minimum of 150 square feet and a maximum of 400 square feet.
 - b. *Occupancy.* An SRO unit shall accommodate a maximum of two persons.
 - c. *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 residences with at least one full bathroom per floor.
 - d. *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 a stove, range top or oven. A partial kitchen is missing at least one of these appliances. If a kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.
 - e. *Closet.* Each SRO unit shall have a separate closet.
 - f. *Code compliance.* SRO units shall comply with all requirements of the California Building Code.
- (4) *Accessibility.* All SRO units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.
- (5) *Management.*
 - a. *Facility management.* An SRO with ten or more units shall provide on-site management. An SRO facility with less than ten units shall provide a 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.

(6) *Parking.* Off-street parking shall be consistent with section 19.06.050. Secure bicycle parking shall be provided at a ratio of one per five rooms.

(7) *Tenancy.* Tenancy of SRO units shall be limited to 30 or more days.

(8) *Existing structures.* An existing structure may be converted to an SRO facility, consistent with the provisions of this section.

(Ord. No. 934-2015, § 19.14.110, 7-20-2015)

CHAPTER 19.16. - C COMMERCIAL DISTRICT

Sec. 19.16.010. - Purpose.

The commercial district is intended to serve the many uses in the commercial classification. Except as specifically provided elsewhere in this title, any building or premises in the commercial district used or occupied and every building erected, constructed, or established within said commercial district shall be only in accordance with the regulations set forth in this chapter.

(Ord. No. 934-2015, § 19.16.010, 7-20-2015)

Sec. 19.16.020. - Permitted uses.

Commercial district is intended for professional, administrative, and commercial uses. Except as specifically provided elsewhere in this title, any building or structure in the commercial district used or occupied and every building erected, constructed or established within the commercial district shall be only in accordance with the regulations set forth in this chapter.

(1) Office and professional uses, including:

- a. Architects, engineers, draftsmen.
- b. Art galleries; exhibit halls for commercial and industrial exhibits; provided, that there shall be no sale of stock or material; and provided, that there be no warehousing or storage either within or on the premises.
- c. Attorneys at law, paralegal personnel.
- d. Biological and medical laboratories, provided the floor space does not exceed 2,000 square feet in gross floor area.
- e. Chiropractors, chiropodists, optometrists, dentists.
- f. Data retrieval firms.
- g. Insurance agencies.
- h. Medical offices, physicians, osteopaths.
- i. Opticians, optical laboratories related and incidental to a professional building and occupying no more than 1,000 square feet of floor space; provided, that no stock shall be visible from the street.
- j. Phone answering services.
- k. Photography studio and digital photography printing.
- l. Prescription pharmacies; no stock shall be visible from the street.
- m. Private security and investigative firms.
- n. Public accountants, bookkeepers.
- o. Realtors, brokers.
- p. Tattoo/body art studios within an enclosed building and subject to the requirements of section 119300 et seq. of the San Bernardino County Health and Safety Code.
- q. Travel agencies.

(2) Commercial uses, including:

- a. Animal hospitals and animal hotels that are at least 500 feet from residential uses or zoning districts.

- b. Apparels and accessories, including, but not limited to, clothing stores, custom dressmaking and tailors, furriers, millinery shops and dry goods, bakery goods shop.
- c. Bar or tavern, excluding dancing.
- d. Barber or beauty shop.
- e. Bicycle stores.
- f. Blueprinting, photo-stating and photocopying.
- g. Bookstores and stationers.
- h. Building materials and hardware stores, including, but not limited to, glass or mirror shops, paint store, and plumbing supply stores.
- i. Cafe, restaurant, with or without on-sale liquor. Outdoor seating is permitted for up to ten percent of total indoor seating. Any additional outdoor seating above ten percent shall require additional parking.
- j. Camera and photographic supply stores.
- k. Cleaning and pressing establishment; laundry, coin-operated or self-service.
- l. Clothes cleaning pickup agencies (cleaning and pressing plant located elsewhere).
- m. Child day care centers as defined in 19.06.120.
- n. Delicatessen.
- o. Department stores.
- p. Drugstore.
- q. Feed store.
- r. Financial institutions.
- s. Florist shop.
- t. Frozen food lockers.
- u. Furniture, floor coverings, drapery, furniture upholstery stores, miscellaneous home furnishing stores, household appliance stores and equipment stores including, but not limited to, new furniture (not over 25 percent floor space used for stocking and displaying used furniture), floor coverings, and radio, television and music stores.
- v. Gift, novelty and souvenir shops.
- w. Grocery store.
- x. Jewelry stores.
- y. Laundry agency (self-service only)
- z. Liquor store (off-sale only)
- aa. Mail order house, retail.
- bb. Massage therapy conforming to the provisions set forth in section 19.06.020.
- cc. Motel and hotels.
- dd. Museums and galleries.
- ee. Nonprofit club or lodge; fraternal or religious association.
- ff. Pet shops and taxidermy.
- gg. Photographer.
- hh. Post office.
 - ii. Printing, lithographing, publishing, reproduction, newspaper distributorship, including binding.
- jj. Public utility offices, fire, police.
- kk. Radio, television, and music stores.
 - ll. Retail sales of parts or goods, no installation.
- mm. Secondhand, used merchandise and antique stores; no outside storage or display shall be permitted.
- nn. Sporting goods stores and bicycle shops.

- oo. Studio, music and/or dance. Studio-music, dance stores.
- pp. Supermarket and specialty markets.
- qq. Theaters, excluding drive-ins.
- rr. Ticket or travel agencies.
- ss. Tobacco stores and newsstands.
- tt. Trunk and leather goods stores.
- uu. Telephone exchanges.
- vv. Trade schools.
- ww. Video/pinball arcade not including adult arcades identified in chapter 19.26 (pertaining to sexually oriented businesses) and chapter 9.24 (Gambling) of this Code.
- xx. Veterinarians (See animal hospitals).
- yy. Wedding chapels.

(Ord. No. 934-2015, § 19.16.020, 7-20-2015; Ord. No. 979-2021, § 3, 11-1-2021)

Sec. 19.16.030. - Uses requiring a permit.

In the commercial district, the following uses may be permitted, subject to chapter 19.30:

- (1) Adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, and massage parlors.
- (2) Animal hospitals and animal hotels that are less than 500 feet from residential uses or zoning districts.
- (3) Reserved.
- (4) Automobile service/fueling stations conforming to provisions set forth in section 19.06.070.
- (5) Bar or tavern, dancing permitted.
- (6) Biological and medical laboratories in excess of 2,000 square feet in gross floor area.
- (7) Cannabis uses including—retail storefront (Type 10), indoor cultivation (Types 1-5, including processing, but excluding any outdoor cultivation), delivery (Type 9), distribution (Types 11 and 13), manufacturing (Types 6,7, N, P), testing (Type 12), and temporary cannabis events. All these uses shall be subject to section 19.27.080, Cannabis business location restrictions, and require approval of the following entitlements: development agreement, conditional use permit, cannabis business permit, and all applicable state cannabis licenses.
- (8) Commercial greenhouses
- (9) Commercial laundry, rug cleaning, dyeing, etc.
- (10) Commercial recreation and amusements, such as pitch and putt golf, golf courses, athletic fields, gymnasiums, commercial swimming pools, stadiums, skating rinks (ice and roller), arenas, auditoriums, public dance halls or ballrooms, amusement parks, pool halls, billiards.
- (11) Drive-in restaurant.
- (12) Equipment rental yards, outside storage of rental equipment permitted.
- (13) Furniture storage.
- (14) Heating and plumbing equipment dealers, paint, glass, wallpaper, and electrical supply store (outside storage enclosed by solid fence or wall, six feet in height)
- (15) Ice storage, retail, not more than five-ton capacity.
- (16) Lumberyards and builders' supply yard, outside storage of lumber and building materials permitted.
- (17) Mechanical auto wash.
- (18) Mini-warehouses.
- (19) Mortuaries and funeral parlors.
- (20)

Public garage, auto repair shop, body shop, auto painting, providing all operations are conducted wholly within an enclosed building. If more than five vehicles are on the premises at any one time, they shall be enclosed by a six-foot fence or wall 80 percent opaque.

- (21) Residential dwelling, to be limited to lot or parcel on which permitted uses are located and used exclusively by the operator of the business when approved by site review. If a separate building is used for dwelling purposes, the setback requirement of the MDR district shall apply.
- (22) Tattoo studio conforming to the provisions set forth in Health and Safety Code § 119300 et seq.
- (23) Utility substations.
- (24) Vehicle sales, including trailers (automobile, motorcycle, farm machinery, equipment dealers, truck or semitrailer, house trailer, boat, camper or marine sales and supplies and trailer sales lot), outside display of new and used vehicles and trailers permitted.
- (25) Other uses similar to the above if it can be demonstrated that the uses are of the same general character as the above permitted uses as determined by the planning commission.

(Ord. No. 934-2015, § 19.16.030, 7-20-2015; Ord. No. 977-2021, § 12, 10-4-2021)

Sec. 19.16.040. - Lot area.

No building or part of buildings hereafter erected in this district shall be on a lot less than 8,000 square feet in area.

(Ord. No. 934-2015, § 19.16.040, 7-20-2015)

Sec. 19.16.050. - Building height.

- (a) Buildings constructed in the commercial district shall be within the reasonable height limitations of the adjacent zoning districts in order to preserve the building scale of the adjacent structures.
- (b) Building height construction shall be as follows:
 - (1) When located adjacent to single-family residential the maximum building height shall be 35 feet.
 - (2) When located along a collector or arterial street, highway or interstate, or next to multiple-family residential, the maximum building height shall be 45 feet.
 - (3) Shopping centers located on collector or arterial streets, highway or interstate, may step the building height provided the structures immediately adjacent single-family residential uses or zones is a maximum of 35 feet in height.

(Ord. No. 934-2015, § 19.16.050, 7-20-2015)

Sec. 19.16.060. - Front yard.

Except when Barstow Fire Protection District access is necessary, the front yard of a commercial district that abuts any residential district, there shall be a front yard of at least 15 feet that extends the full width of the lot.

(Ord. No. 934-2015, § 19.16.060, 7-20-2015)

Sec. 19.16.070. - Rear yard.

Except when Barstow Fire Protection District access is necessary, the rear yard of a commercial district that abuts any residential district, there shall be a rear yard of at least 15 feet that extends the full width of the lot.

(Ord. No. 934-2015, § 19.16.070, 7-20-2015)

Sec. 19.16.080. - Side yard.

Except when Barstow Fire Protection District access is necessary, the side yard of a commercial district that abuts any residential district, there shall be a side yard of at least ten feet.

(Ord. No. 934-2015, § 19.16.080, 7-20-2015)

Sec. 19.16.090. - Conditions of use.

- (a) All lots in this district, in order to be used for the purpose set forth in this chapter, shall have their main buildings facing upon the street where the district classification is established.
- (b) No business or building shall be erected, constructed, or established on the same lot together with a building originally designed and used as a residence unless the residential structure is completely removed.
- (c) All stores, shops or businesses shall be operated wholly within an enclosed building with no outside storage or display except as provided for in this chapter and the supplying of petroleum products (i.e., gasoline/diesel) in service stations and electric vehicle charging stations.
- (d) Enterprises which produce or cause dust, gas, smoke, noise, fumes, odors or vibrations detrimental to the surrounding area are prohibited.
- (e) Any use servicing vehicles shall be oriented so that the vehicle service bays are not directly facing any street or residential property. Exceptions include existing buildings and corner lots.

(Ord. No. 934-2015, § 19.16.090, 7-20-2015)

Sec. 19.16.100. - Landscaping.

- (a) The minimum yard size requirements as defined in sections 19.16.060, 19.16.070 and 19.16.080 shall be landscaped and continuously maintained.
- (b) An area of not less than four percent of the total lot area, in addition to landscaping as required by subsection (a) of this section, shall be landscaped and continuously maintained.
- (c) Landscaping shall comply with section 19.06.040 to maintain clear sight for intersections and property access.
- (d) Landscaping shall be installed and maintained pursuant to section 19.06.080.

(Ord. No. 934-2015, § 19.16.100, 7-20-2015)

Sec. 19.16.110. - Parking.

For parking regulations, see section 19.06.050.

(Ord. No. 934-2015, § 19.16.110, 7-20-2015)

Sec. 19.16.120. - Loading area.

- (a) All uses authorized by this chapter shall provide loading spaces not less than ten feet in width, 20 feet in length, and 14 feet in height, as follows:
 - (1) Three thousand to 20,000 square feet floor area, one loading space;
 - (2) For each 20,000 square feet of gross floor area or fraction thereof, one loading space up to a maximum of six.
- (b) The loading space shall not occupy any portion of the required yard area.
- (c) Where the loading area is adjacent to a street; any required yard adjacent to the street shall not be used for loading space and there shall be no more than one entry or exit to each 60 feet of lot frontage facing a street.
- (d) When the lot upon which the loading space abuts upon an alley, loading space may adjoin and have access from the alleys. The length of the loading space may be parallel with the center line of the alley.

(Ord. No. 934-2015, § 19.16.120, 7-20-2015)

Sec. 19.16.130. - Signs.

For sign regulations, see section 19.06.060.

(Ord. No. 934-2015, § 19.16.130, 7-20-2015)

CHAPTER 19.18. - I INDUSTRIAL DISTRICT

Sec. 19.18.010. - Purpose.

In addition to the objectives prescribed in chapter 19.00, the industrial district is established in order to achieve the following purposes:

- (1) To reserve appropriately located areas consistent with the General Plan for a full range of industrial uses grouped in such a manner as to achieve maximum compatibility with respect to the characteristics of the various types of industrial activities and processes;
- (2) To encourage the development of all types of industrial establishments in a manner that is consistent with sound standards of public health and safety;
- (3) To allow certain types of light industrial uses which are relatively free of nuisance or hazardous features to locate in areas nearest to the city's residential, office and commercial districts;
- (4) To protect areas appropriate for industrial development from intrusion by residences and other inharmonious uses while providing opportunities for various types of industrial establishments to concentrate in mutually beneficial relationship to each other;
- (5) To create a suitable environment for various types of industrial uses and to protect them from adverse impacts incidental to certain other industrial uses;
- (6) To ensure the provision of adequate space to meet the needs of industrial development, including off-street parking and truck loading areas;
- (7) To strengthen the city's economic base and to increase employment opportunities close to home for residents of the city and surrounding area;
- (8) To ensure that the appearance of industrial buildings and uses is harmonious with the visual character of the area in which they are located; and
- (9) To achieve these purposes, the industrial district is designed to be applied as follows: to accommodate a full range of industrial, manufacturing, and related establishments of types which may have operational characteristics or features making their location near residential areas inappropriate because of potential adverse impacts but not to allow establishments with nuisance features which cannot be mitigated or which pose a threat to the public health or safety.

(Ord. No. 934-2015, § 19.18.010, 7-20-2015)

Sec. 19.18.020. - Permitted uses.

Industrial district is intended for industrial oriented uses including but not limited to the manufacture and storage of products, assembly, dismantling and salvage, as well as operations that may be incompatible to more sensitive uses (such as the use of hazardous materials). Except as specifically provided elsewhere in this title, any building or structure in the industrial district used or occupied and every building erected, constructed or established within the industrial district shall be only in accordance with the regulations set forth in this chapter. In the industrial district, the following uses are permitted:

- (1) Administrative offices of any business or industry, provided not more than 25 percent of the floor area is devoted to office use.
- (2) Adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, and massage parlors.
- (3) Advertising display manufacture.
- (4) Agricultural uses of any kind.
- (5) Animal hospitals.
- (6) Antique sales and refinishing.
- (7) Assembly of electrical equipment, such as stereo, and television receivers, phonographs, other types of sound equipment, and motion picture cameras and projectors.
- (8) Assembly of small electric appliances such as lighting fixtures, irons, fans, toasters, and electric toys.
- (9) Bakeries, wholesale, and distribution.
- (10) Bicycle assembly plants.
- (11) Canvas products manufacture.
- (12) Catering businesses.
- (13) Ceramic products manufacture using only previously pulverized clay and kilns fired by electricity or gas.
- (14) Cleaning and dyeing plants.

- (15) Cold storage plants.
- (16) Electrical equipment sales and repair shops.
- (17) Equipment rental agencies.
- (18) Freight forwarding terminals.
- (19) Frozen food distributors.
- (20) Garment manufacture.
- (21) Glass and glass products manufacture.
- (22) Heating and ventilating shops.
- (23) Household appliance sales and repair shops.
- (24) Ice manufacture.
- (25) Laundries, commercial.
- (26) Lumber and building materials yards.
- (27) Machinery sales and rentals.
- (28) Machine shops up to five thousand square feet in floor area with no outside work or storage permitted.
- (29) Mail order and mail-out businesses.
- (30) Manufacture and assembly of business machines including electronic data equipment, accounting machines, calculators, typewriters, communications and testing equipment and related equipment.
- (31) Manufacture and assembly of electrical supplies such as coils, condensers, crystal holders solid-state circuitry, lamps, switches and wire and cable assemblies.
- (32) Manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, and similar uses.
- (33) Manufacture of cutlery, hardware and hand tools, die and pattern making, metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle-caps, buttons, kitchen utensils, and similar uses.
- (34) Manufacture of leather and leather accessories (tanning requires a conditional use permit).
- (35) Manufacture of scientific, medical, dental and dieting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronics equipment, precision instruments and musical instruments.
- (36) Manufacturing, assembling, compounding, packaging, and processing of cosmetics, drugs and pharmaceuticals.
- (37) Moving agencies and storage warehouses.
- (38) Packing and crating services.
- (39) Parcel delivery terminals.
- (40) Photographic processing.
- (41) Plumbing shops.
- (42) Printing, lithography and engraving.
- (43) Public utility and public service pumping stations, equipment buildings and installations, service yards, power stations, drainage ways and structures, reservoirs, well fields, storage tanks, transmission lines, and offices.
- (44) Publishing.
- (45) Railroad freight stations, repair shops, and yards.
- (46) Refrigeration equipment sales and repair shops.
- (47) Rug and carpet cleaning plants.
- (48) Sheet metal shops.
- (49) Tattoo/body art studios within an enclosed building and subject to the requirements of section 119300 et seq. of the San Bernardino County Health and Safety Code.
- (50) Technical and industrial training schools.
- (51) Toys and novelties manufacture.

(52) Trucking yards and terminals.

(53) Warehousing, not including the storage of fuel or flammable liquids.

(Ord. No. 934-2015, § 19.18.020, 7-20-2015)

Sec. 19.18.030. - Uses requiring a permit.

In the industrial district, the following uses may be permitted, subject to chapter 19.30:

- (1) Aircraft and aircraft accessories and parts manufacture.
- (2) Airports.
- (3) Automobile and horse racing tracks.
- (4) Automobile dismantling, junk, rag, metal salvage, scrap processing, and recycling operations.
- (5) Automobile rental agencies.
- (6) Automobile repair or painting.
- (7) Automobile storage lots.
- (8) Automobile, truck, farm equipment, motorcycle and trailer accessories and parts manufacture and assembly.
- (9) Batch plants.
- (10) Bottling plants.
- (11) Boat building and maintenance.
- (12) Box factories and cooperage.
- (13) Brick, tile, and clay products manufacture.
- (14) Building materials manufacture and assembly including composition wallboards, partitions, panels, and prefabricated structures.
- (15) Cabinet shops and furniture manufacture.
- (16) Can and metal container manufacture.
- (17) Cannabis: Indoor cannabis cultivation (Types 1-5, including processing but excluding any outdoor cultivation), delivery (Type 9), distribution (Types 11 and 13), manufacturing (Types 6, 7, N, P), and testing (Type 12). All these uses shall be subject to section 19.27.080, Cannabis business location restrictions, and require approval of the following entitlements: development agreement, conditional use permit, cannabis business permit, and all applicable state cannabis licenses.
- (18) Carpets and rug manufacture.
- (19) Contractors' storage yards.
- (20) Creameries and dairy products plants.
- (21) Day nurseries or centers.
- (22) Electroplating.
- (23) Extermination business.
- (24) Flammable liquid or gas.
- (25) Food and food products manufacture and processing, not including slaughterhouses.
- (26) House moving business.
- (27) Laboratories, commercial, testing, research, experimental or other, including pilot plants.
- (28) Landscape and gardening services.
- (29) Machinery manufacture, including heavy electrical, agricultural and construction machinery, and light machinery and equipment such as air conditioning, dishwashers, dryers, furnaces, heaters, refrigerators, ranges, stoves, ovens, and washing machines.
- (30) Machine shops more than 5,000 square feet in floor area, no outside work permitted, any outdoor storage to be screened.
- (31) Machine tools manufacture, including metal lathes, metal presses, metal stamping machines, and woodworking machines.
- (32) Manufacture of burial vaults and caskets.
- (33) Manufacture of furnaces and accessories.
- (34) Manufacture of pipe and plumbing materials.

- (35) Metal products manufacture and assembly, including metal extrusion, steel cabinets, lockers, doors, fencing, and furniture.
- (36) Mobile home manufacture.
- (37) Motion picture studio.
- (38) Motor and generator manufacture.
- (39) Paint manufacture not employing a boiling process.
- (40) Paper products manufacture, including shipping containers, pulp goods, coated paper stencils and similar uses.
- (41) Penal institutions, jail farms, honor farms and juvenile halls when publicly owned.
- (42) Porcelain products manufacture, including bathroom and kitchen fixtures and equipment.
- (43) Private or public dumps and disposal areas.
- (44) Public or private recreation center.
- (45) Recreational vehicle parks.
- (46) Restaurants.
- (47) Retail sale of products produced.
- (48) Sandblasting establishments.
- (49) Sanitary fill operations.
- (50) Service stations.
- (51) Sewage disposal plants (private).
- (52) Storage buildings for household goods and mini-warehouses.
- (53) Storage garages.
- (54) Storage yards for commercial and recreational vehicles.
- (55) Tire retreading and recapping.
- (56) Truck stops/service stations.
- (57) Wholesale business establishments.
- (58) Welding shops.
- (59) Wood and lumber processing and woodworking, including planning mills, sawmills, plywood veneer, and wood preserving treatment.
- (60) Incidental and accessory structures and uses on the same site with and necessary for the operation of a permitted or conditional use.
- (61) Other uses which, in the judgment of the planning commission, as evidenced by a resolution in writing, are similar to and no more objectionable than any of the uses set forth in this section.

(Ord. No. 934-2015, § 19.18.030, 7-20-2015; Ord. No. 977-2021, § 13, 10-4-2021)

Sec. 19.18.040. - Prohibited uses.

The following uses shall be prohibited in the industrial districts: any use which, on the basis of an environmental assessment, is found to be detrimental to the public health, safety or welfare by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, glare, electromagnetic interference, unsightliness, or other objectionable feature or to involve a hazard of fire or explosion, unless the city council has adopted a statement of overriding considerations pursuant to the proposed use.

(Ord. No. 934-2015, § 19.18.040, 7-20-2015)

Sec. 19.18.050. - Caretaker's quarters.

- (a) A dwelling or mobile home unit shall be permitted only when the planning commission finds that the nature of the business or industrial activity requires continuous supervision by a caretaker, guard, watchman or superintendent.
- (b) The dwelling or mobile home unit shall be located no closer than 15 feet from any other building or storage area on the site and no closer than six feet from any perimeter wall or fence.

- (c) The dwelling or mobile home unit shall comply with all setback requirements of the zoning district, as well as applicable building and fire codes.
- (d) A minimum of 300 square feet of private outdoor living and service space suitably screened for privacy shall be provided for each unit.
- (e) Each unit shall be provided with all necessary utility hookups.
- (f) A dwelling shall be mounted on a conventional foundation, and a mobile home unit shall be placed on a concrete or asphalt slab of sufficient thickness to support its weight.
- (g) The tongue or hitch of a mobile home unit shall be removed, and the support structure shall be enclosed with a material or a texture and color compatible with the exterior surfaces of the unit. Where the tongue or hitch is not removable, it shall be screened by landscaping or other suitable materials.
- (h) The conditional use permit for the dwelling or mobile home unit shall be subject to annual review by the planning commission at its discretion and shall be revocable upon a finding of a violation of the requirements of this section.

(Ord. No. 934-2015, § 19.18.050, 7-20-2015)

Sec. 19.18.060. - General provisions applicable.

- (a) The following regulations shall apply in all industrial districts:
 - (1) *Use of required yards adjoining streets.* Except as otherwise provided in the district regulations, required landscape setback areas adjoining streets may be used only for landscaping, access drives, walkways, lighting standards and signs. Any areas behind the required landscape setback may be used for off-street parking.
 - (2) *Outdoor storage of materials.* The outdoor storage of materials and equipment shall be permitted only within an area surrounded by a masonry wall or fence with screening (a minimum of 80 percent opaque) a minimum of six feet and a maximum of eight feet in height with gates capable of being locked. Within such area, except for trucks or other vehicles necessary for the operation, no materials or equipment shall be stored to a height greater than eight feet. In all industrial districts, where the storage area is visible from a public street or from adjoining properties in residential, office, public or institutional use, the storage area shall be screened by a wall or fence along the side of the storage area facing the street or use. The wall or fence shall be located behind any required landscape setback. When fencing is used as a method of screening, the screening material shall be a minimum of 80 percent opaque.
 - (3) *Security fencing for uses employing toxic substances.* For any use in which a toxic substance of any kind is employed in a process or activity, a security fence or wall at least eight feet in height with gates capable of being locked shall be provided at the perimeter of the area within which the process or activity is conducted, and the gates shall be kept closed and locked at all times when not in use or under direct supervision.
 - (4) *Processes and activities except for the outdoor storage of materials and finished products.* All processes and activities related to a permitted or conditional use shall be conducted within a completely enclosed structure.
 - (5) *Exterior lighting.* Exterior lighting shall be arranged or shielded in such a manner as to contain the direct illumination on the site and avoid glare in nearby residential areas pursuant to section 19.06.010.
 - (6) *Signs.* No sign, outdoor advertising structure, or display of any type shall be permitted, except as prescribed in section 19.06.060.
 - (7) *Exterior mechanical equipment.* All mechanical, heating, and air conditioning equipment shall be screened when visible from a public street or from adjoining properties in residential, office, public or institutional use. Screening method shall be integrated into the design of the building such as an increase in the height of the parapet.
 - (8) *Vibration.* No machine, process or operation shall produce a vibration discernible without instruments at or beyond the property line of the operation and pursuant to the goals and policies of the General Plan noise element, unless the city council has adopted a statement of overriding considerations applicable to the proposed use.
 - (9) *Phased developments.* If a project is to be phased, a phasing plan must be submitted to and approved by the planning commission, showing each phase and general time frames for development. Such project shall be designed so that utility extensions, street construction, off-site improvements and site improvements can be carried out in a reasonable manner as determined by the city engineer. In addition, temporary improvements to facilitate public safety, convenience and maintenance may be required by the city engineer, building official or fire department.

(b)

A parking and improvement agreement shall be approved by the city council, detailing extent and time frames for all public improvements, landscaping, off-street parking and building areas. Dedication shall be provided for all future rights-of-way and easements.

(Ord. No. 934-2015, § 19.18.060, 7-20-2015)

Sec. 19.18.070. - Off-street parking.

For parking regulations, see section 19.06.050.

(Ord. No. 934-2015, § 19.18.070, 7-20-2015)

Sec. 19.18.080. - Loading area.

(a) All industrial uses shall provide spaces not less than 12 feet in width, 20 feet in length, and 14 feet in height, as follows:

- (1) Three thousand to 20,000 square feet gross floor area, one loading space;
- (2) For each additional 40,000 square feet of gross floor area, one loading space.

(b) The loading space shall not occupy any portion of the required yard areas.

(c) Where the loading area is not adjacent to a street, any required yard adjacent to the street shall not be used for loading spaces and there shall be no more than one entry or exit to each 60 feet of lot frontage facing a street.

(d) When the lot upon which the loading space abuts upon any alleys, loading spaces may adjoin and have access from the alley.

(e) Loading spaces shall be adjacent to an overhead door, loading dock, or other door used for delivery purposes.

(Ord. No. 934-2015, § 19.18.080, 7-20-2015)

Sec. 19.18.090. - Safety features for parking and loading areas.

Bumper guards, wheelstops, pavement markings and other vehicular control devices shall be provided as necessary to ensure the safe and efficient operation of off-street parking and loading facilities.

(Ord. No. 934-2015, § 19.18.090, 7-20-2015)

Sec. 19.18.100. - Site area.

The minimum lot size for all new lots to be created in the industrial zone shall be 10,000 square feet.

(Ord. No. 934-2015, § 19.18.100, 7-20-2015)

Sec. 19.18.110. - Front yards.

(a) *Building setback.*

- (1) Adjacent to local streets, the minimum building setback shall be ten feet.
- (2) Adjacent to any arterial or collector street shown on the circulation element of the General Plan, the minimum building setback shall be 50 feet.

(b) *Landscape setback.*

- (1) Adjacent to local streets, ten feet.
- (2) Adjacent to arterial or collector streets shown on the circulation element of the General Plan, an average of 20 feet measured along the entire street frontage. In no event shall the landscaping be less than ten feet in depth. Upon approval of a phasing plan and improvement agreement, as noted in section 19.18.060, portions of the landscaping may be phased and deferred.

(Ord. No. 934-2015, § 19.18.110, 7-20-2015)

Sec. 19.18.120. - Side yards.

(a) *Corner lots.* Buildings and landscape setbacks shall be the same requirements as for front yards.

(b) *Interior lot lines.* Zero setback required, except:

- (1)

Where the side property line of a site adjoins a residential district, the minimum side yard shall be 50 feet, and a six-foot solid wall or a six-foot chain link fence with screening (minimum 80 percent opaque) shall be required at the side property line.

- (2) Where the side property line of a site adjoins any other district in which a setback from the same property line is required, the minimum side yard shall be the same as the setback required in the adjoining district, and a six-foot solid wall or a six-foot chain link fence with screening (minimum 80 percent opaque) shall be required at the side property line.

(Ord. No. 934-2015, § 19.18.120, 7-20-2015)

Sec. 19.18.130. - Rear yards.

- (a) The minimum rear yard shall be not less than ten feet.
- (b) Where the rear property line of a site adjoins a residential district, the minimum rear yard shall be 50 feet, and a six-foot solid wall or a six-foot chain link fence with screening (minimum 80 percent opaque) shall be required at the rear property line.
- (c) Where the rear property line of a site adjoins any other district in which a setback from the property line is required, the minimum rear yard shall be the same as the setback required in the adjoining district, and a six-foot solid wall or a six-foot chain link fence with screening (minimum 80 percent opaque) shall be required at the rear property line.

(Ord. No. 934-2015, § 19.18.130, 7-20-2015)

Sec. 19.18.140. - Maximum building coverage.

The maximum coverage of any building site by building and structure shall be 50 percent.

(Ord. No. 934-2015, § 19.18.140, 7-20-2015)

Sec. 19.18.150. - Landscaping.

All landscape setback areas adjoining a street as noted in this chapter shall be landscaped and permanently maintained. Off-street parking areas shall be landscaped in accordance with section 19.06.080.

(Ord. No. 934-2015, § 19.18.150, 7-20-2015)

Sec. 19.18.160. - Building height.

The maximum building height in the industrial district shall not exceed 35 feet when adjacent to residential districts and 55 feet adjacent to all other districts.

(Ord. No. 934-2015, § 19.18.160, 7-20-2015)

Sec. 19.18.170. - Other requirements.

The following additional requirements shall apply in the industrial district:

- (1) Uses in the industrial district shall be planned, developed, conducted and operated so that smoke, fumes, dust, odors, liquids and other waste of any kind is confined and purified to control pollution of air, soil or water to meet the standards and requirements of the city or other applicable rules or regulations and in such manner as to provide no threat to public health and welfare.
- (2) Uses in the industrial district shall be planned, developed, conducted and operated so that noise and vibration do not impact adjacent properties pursuant to section 19.18.060(h) and the noise element of the Barstow General Plan. Noise levels shall be no more than 65 dBA when measured at the property line when adjacent to residential or other sensitive uses, or as approved by the city for other uses.

- (c) Section 19.06.110 (Special provisions) shall apply.

(Ord. No. 934-2015, § 19.18.170, 7-20-2015)

CHAPTER 19.20. - OPEN SPACE AND GOVERNMENT DISTRICTS

Sec. 19.20.010. - O Open Space.

- (a) *Purpose.* The O Open Space District is intended to provide for permanent open space in the community and to safeguard the health, safety, and welfare of the people by limiting developments in the areas. Open space, pursuant to California Government Code § 65560, maybe so designated for one of the following reasons:
- (1) Open space for the preservation of natural resources.
 - (2) Open space used for the managed production of resources.
 - (3) Open space for outdoor recreation, including, but not limited to, areas of outstanding scenic, historic and cultural value.
 - (4) Open space for public health and safety including, but not limited to, areas which require special management or regulation because of hazardous or special conditions.
- (b) *Permitted uses.* The following uses may be permitted provided, that all buildings, structures and uses shall be only in accordance with the requirements of this section:
- (1) Boulevard and parkway development along arterials.
 - (2) Community entrance roads.
 - (3) Flood control channels, spreading grounds, settling basins, rivers, creeks and wildlife preserves.
 - (4) Freeways.
 - (5) Park and recreational facilities.
 - (6) Pedestrian, bicycle and bridle paths.
 - (7) Planting of shrubbery, trees and similar materials for the purpose of minimizing windstorm, sandstorm and flood damage.
 - (8) Railroad and power line rights-of-way.
- (c) *Uses requiring a permit.* The following uses may be permitted, subject to the issuance of a conditional use permit pursuant to chapter 19.30; provided, that all buildings, structures and uses shall be only in accordance with the requirements of this section:
- (1) Agricultural uses; provided, that there shall be no permanent dwellings on the property.
 - (2) Public and semipublic agricultural and exhibition grounds and related commercial uses normally associated with such uses.
 - (3) Other uses which the commission determines to be similar to the above uses.
- (d) *Property development standards.* The following property development standards shall apply to all lots:
- (1) Maximum population density: no dwellings permitted in the O district, except a watchman or caretaker and his family.
 - (2) No building or structure shall be erected, enlarged or altered in the O district, except for those uses related to those permitted in accordance with chapter 19.30 or section 19.20.010(b). Maximum building height, two stories in height.
- (e) *Parking.* For parking regulations, see section 19.06.050.
- (f) *Signs.* For sign regulations, see section 19.06.060.

(Ord. No. 934-2015, § 19.20.010, 7-20-2015)

Sec. 19.20.020. - MZ Military zone.

- (a) *Purpose.* The MZ military zone district is intended for the property under control of the Marine Corps Logistic Base, Nebo (Logistics Base), or any other United States Department of Defense or directly associated organization established for national defense purposes. It is the expressed intent of the city under this district not to interfere with the military missions or national security interests of the Logistics Base. The MZ military zone district classification shall identify on the zoning map those properties within the city under federal control for military and national security operational, housing, personnel, recreation and similar ancillary military facilities.
- (b) *Policies and standards.* The policies and standards of the MZ district shall be as follows:
- (1) All land uses and activities conducted in the MZ district shall be under the jurisdiction of the Department of Defense or its subordinate and directly associated agencies.
 - (2) Other than authority which may be voluntarily negotiated between the Logistics Base and the city, the city shall confine its governing authority for properties within the city limits within the MZ district to that which is legally required by state or federal law, but only per a predicate and appropriate waiver of federal supremacy. In no event will the city take any actions which the Logistics Base and any state and/or federal authority;

(3) Any land use necessary to carry out the Logistics Base military and national security is permitted in the MZ district and is deemed compatible and corresponds with the public/quasi-public land use category of the General Plan. No other zone district is operative or adds any requirements on properties classified MZ.

(c) *Administration.* Properties owned by, and for the use by, the United States government are not subject to local land use control. Properties that are owned by, and then transferred into private ownership shall be rezoned to an appropriate zoning district as recommended by the planning commission, and approved by the city council through a zone change application process, with costs borne by the private property owner. Said zoning shall be consistent with the General Plan.

(Ord. No. 934-2015, § 19.20.020, 7-20-2015)

Sec. 19.20.030. - PF Public facilities.

- (a) *Public facilities district.* The public facilities (PF) district is established by this section in order to reserve appropriately located sites consistent with the General Plan for necessary public facilities and public service installations and to provide procedure for their establishment and for the expansion of their operations.
- (b) *Permitted uses.* The following uses shall be permitted in the public facilities district:
 - (1) Public schools, colleges, universities and other types of public educational facilities;
 - (2) All facilities, including buildings and grounds, owned by the city, the county, the state, the United States government, a school district, library district, water district, sanitary district, or other type of public service district;
 - (3) Concessionaire commercial establishments ancillary to a permitted use;
 - (4) Public utility or public service structures and installations; and
 - (5) Incidental and accessory structures and uses located on the same site with and necessary for the operation of a permitted use.
- (c) *Existing public facilities.* All public uses and structures existing in the PF district on August 1, 1988, are declared to be conforming uses and structures. All city-owned public facilities are under a transition plan to meet current Americans with Disabilities Act requirements.
- (d) *Site area.* The site area in the PF district shall be large enough to accommodate the proposed use and shall be as specified in the approved development plan. No lot upon the effective date of this section shall be subdivided that is less than 6,000 square feet in area, with a minimum width of 60 feet and a minimum depth of 100 feet.
- (e) *Yard requirements.* The minimum front, side and rear yards in the PF district shall be at least equivalent to those required in the district that adjoins the site at the front, side or rear, or is located across a public street from the site. Where the site adjoins or faces more than one district, the district regulations prescribing the greater setback shall govern. Where the side or rear property line of a site adjoins an R (residential) district, a six foot high solid wall or fence may be required at the side or rear property line. Screening (no less than 80 percent opaque) shall be provided when the yard area is used for storage.
- (f) *Landscaping.* In the PF district, the full depth of all required setback areas adjoining a street shall be landscaped or permanently maintained. Off-street parking lots shall be landscaped as prescribed in section 19.06.080 of the Landscape Manual. Except for existing building setbacks, in no case shall the minimum landscaping be less than ten feet.
- (g) *Building height.* The maximum building height in the PF district shall not exceed 35 feet, subject to the following exception: Where the site is completely surrounded by nonresidential districts, a building height not exceeding 55 feet may be permitted. Measurement of building height is defined in section 19.02.
- (h) *Special requirements.* The following special requirements shall apply to all uses in the PF district
 - (1) *Objectionable uses and processes prohibited.* No use shall be permitted, and no process, equipment or materials shall be employed which, on the basis of an environmental assessment, are found to be detrimental to the public health, safety or welfare by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, glare, electromagnetic interference, unsightliness, or other objectionable feature or to involve a hazard of fire or explosion.
 - (2) *Outdoor storage of materials.* The outdoor storage of materials and equipment shall be permitted only within an area surrounded by a security fence or wall at least six feet in height, capable of being locked; provided, however, the storage area shall not be located in any required front setback area. Within such storage area, except for trucks or other vehicles necessary for the operation, no materials or equipment shall be stored to a height greater than six feet. Where the storage area is visible from a public street or from adjoining properties in residential, office or institutional use, the storage area shall be screened by a six-foot

sight-obscuring wall or fence along the side of the storage area facing the street or use. Any accessory structures for storage purposes, such as transportation containers, must be located a minimum of 50 feet from any residential zone and shall be subject to review by the planning commission for compatible architectural treatment pursuant to section 19.24.035.

(3) *Processes and activities.* Any process or activity deemed by the planning commission to be unsightly may be required to be screened from view by use of a solid wall or fence at least six feet in height.

(i) *Other requirements.* The following additional requirements shall apply to all uses in the PF district:

(1) For parking regulations see section 19.06.050.

(2) Signs. Subject to section 19.06.060.

(Ord. No. 934-2015, § 19.20.030, 7-20-2015)

CHAPTER 19.22. - SP SPECIFIC PLAN DISTRICT

Sec. 19.22.010. - Purposes.

The SP specific plan district is established in order to enable land to be planned and developed as coordinated, comprehensive projects that will provide for the systematic implementation of the General Plan. Regulations for specific plans contained in this chapter and in resolutions adopted pursuant hereto are intended to provide for the classification and development of land as a specific plan land use designation.

(Ord. No. 934-2015, § 19.22.010, 7-20-2015)

Sec. 19.22.020. - Adoption of specific plans.

(a) Procedures for adoption of a specific plan shall be as provided in Government Code § 65450 et seq. The city council may, by resolution, provide guidelines for the format and content of specific plans. The specific plan shall be adopted/amended by mechanism of a zone change application and fee, and, where applicable, General Plan amendment application.

(b) Minimum requirements of a specific plan shall conform to Government Code § 65451, as follows:

(1) A specific plan shall include a text and a diagram or diagrams which specify all of the following in detail:

- a. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
- b. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
- c. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- d. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs a, b, and c above.

(2) The specific plan shall include a statement of the relationship of the specific plan to the General Plan.

(c) Pursuant to Government Code § 65451(a)(2), specific plans are required to identify proposed major components of infrastructure needed to support planned land uses, as well as financing mechanisms.

(Ord. No. 934-2015, § 19.22.020, 7-20-2015)

Sec. 19.22.030. - Administration of specific plans.

The development standards and regulations contained in a specific plan shall replace and supplement the development standards contained elsewhere in title 19, except where specifically provided in the specific plan. Upon adoption of a specific plan the zoning designation of all lands within the specific plan area will be changed to SP. Any matters not specifically addressed in the specific plan will be governed by other applicable regulations and standards of the city.

(Ord. No. 934-2015, § 19.22.030, 7-20-2015)

Sec. 19.22.040. - Reimbursement and payment of fees.

Reimbursement of the costs of preparation of specific plans may be required in accordance with Government Code § 65456.

(Ord. No. 934-2015, § 19.22.040, 7-20-2015)

Sec. 19.22.050. - Permitted uses.

Land uses shown on the specific plan map are permitted, provided that they are similar in size and location to those shown on the specific plan map.

(Ord. No. 934-2015, § 19.22.050, 7-20-2015)

Sec. 19.22.060. - Uses requiring a permit.

Proposed land uses not shown on the specific plan map shall require a conditional use permit pursuant to chapter 19.30. Additionally, proposed land uses that differ significantly in size, scope, location or anticipated environmental impacts from the uses shown on the specific plan map shall require a conditional use permit.

(Ord. No. 934-2015, § 19.22.060, 7-20-2015)

CHAPTER 19.24. - OTHER USES

Sec. 19.24.010. - Determination by the commission.

When the term "other uses which the commission determines to be similar" is used, it shall mean those other uses which in the judgment of the commission are similar to and not more objectionable to the health, safety and general welfare than the uses listed in the same section and which shall be adopted by resolution by the commission and approved by resolution of the city council. (Ord. No. 934-2015, § 19.24.010, 7-20-2015)

Sec. 19.24.020. - Lots in hilly areas.

- (a) On property located on downhill slopes having a 15 percent or greater slope (measured in the general direction of the side lot lines) an additional story may be constructed below the main building; provided, however, that the ceiling of the lower story shall be not more than two feet above the curb level, measured at the center of the lot frontage.
- (b) A private garage, located on property on both uphill and downhill slopes, having a 15 percent or greater slope may be constructed in the required front yard; provided, however, that every portion of the garage shall be at least five feet from the front lot line for uphill or downhill lots.

(Ord. No. 934-2015, § 19.24.020, 7-20-2015)

Sec. 19.24.030. - Location of house trailers.

It is unlawful within the limits of the city for any person to park a house trailer, trailer coach, mobile home, or trailer on any premises other than within an authorized trailer park except as follows:

- (1) The parking of no more than one trailer in an accessory building or immediately at the rear or side of a dwelling, garage, commercial building or similar structure and upon the same lot or at such other location as is specifically designated and approved by the planning commission; and provided further, however, that the trailer so parked or stored shall be kept vacant and unoccupied at all times, and shall not be used for storage of material of any kind.
- (2) Trailers for residential purposes shall be pursuant to chapter 9.45 of this Code.

(Ord. No. 934-2015, § 19.24.030, 7-20-2015)

Sec. 19.24.035. - Location of transportation containers.

- (a) *Purpose.* The intent and purpose of this section is to protect the aesthetics and general welfare of the public by limiting the installation of transportation containers to appropriate land uses and require compatible architectural treatments of such installations.

(b) *Location.* It is unlawful within the city for any person to park, store, install or allow transportation containers on any premises except as follows:

- (1) Temporary parking of transportation containers may be allowed during the delivery or exchange of goods or materials subject to meeting all other provisions of law. Transportation containers may also be used for storage at a construction site, provided the property owner has a valid building permit, and shall be removed at the completion of construction. No final certificate of occupancy shall be granted until the transportation container has been removed.
- (2) Transportation containers may be allowed in commercial, industrial and public facility zoned properties, subject to the provision, procedures and approvals of chapter 19.30, conditional uses, and subject to the following:
 - a. Transportation containers shall be located at the rear of the site and where it is least visible from public view.
 - b. Screening shall be provided from adjacent properties to buffer the visual appearance.
 - c. Containers that are purchased for on-site storage shall be painted to match the base color of the main building on site.
 - d. Transportation containers shall not be permitted on vacant property.
 - e. Transportation containers legally placed prior to the ordinance from which this section is derived, but not meeting the above standards, shall be deemed conforming, but must be painted to match the main building on site.

(Ord. No. 934-2015, § 19.24.035, 7-20-2015)

Sec. 19.24.040. - Exceptions of structures permitted above height limit.

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, wireless and television masts, water tanks, silos, church steeples or similar structures may be erected above the maximum height permitted in each district. No structure or penthouse shall be allowed for purposes of providing additional floor space for other than the preceding items.

(Ord. No. 934-2015, § 19.24.040, 7-20-2015)

Sec. 19.24.050. - Exceptions; projections into yards.

- (a) Any structure erected for the purpose of providing shade in rear yards may be attached to an existing main building and when so attached will not be construed to be an extension of the main building when such shelter is entirely open on three sides.
- (b) Fireplace structures may be located in a required side yard provided they do not project into the yard by more than four feet nor create any side yard less than three feet in width.
- (c) Fire escapes may extend into any required side yard two feet or rear yard not more than four feet when required by law.
- (d) Open, unenclosed stairways or balconies may extend into a rear yard not more than four feet and into a required front yard not more than 30 inches.
- (e) Open, unenclosed and uncovered porches, platforms or landing platforms which do not extend above the level of the first floor of the building, may extend or project into the front yard a distance of not more than five feet.
- (f) Planters to a height of 3½ feet may be permitted in a required front yard.
- (g) Roof projections may extend into a required side yard for interior lots no closer than three feet to the side property line.
- (h) Roof projections may extend into a required front or rear yard three feet.
- (i) Open, unenclosed detached porches, gazebos, pergolas and other shade structures may encroach into a street side yard setback provided a minimum of ten feet remains clear of any structure from the street side yard property line. Location shall be consistent with section 19.06.040 (Clear-sight/sight distance-triangle).
- (j) Nothing in this title shall be construed to limit projections into any yard area for the purpose of reasonable accommodations pursuant to Government Code § 65583(a)(4) and as contained in section 19.10.060.

(Ord. No. 934-2015, § 19.24.050, 7-20-2015)

Sec. 19.24.060. - Accessory building setbacks.

- (a) An accessory building in the rear yard shall be no more than one story in height.

- (b) No accessory building or structure requiring a permit shall be erected in any required yard setback, except as noted above under section 19.24.050(i).
- (c) Garages shall not be permitted closer than 24 feet to side street property line for corner or reverse corner lots when the garage faces a side street property line.
- (d) No accessory building, whether requiring a building permit or not, shall be erected or placed such that it causes property damage to adjacent properties, whether it is from concentrated rain run-off, diverting drainage, etc.

(Ord. No. 934-2015, § 19.24.060, 7-20-2015)

Sec. 19.24.070. - Front and side yard storage.

No portion of any front yard or side yard adjacent to a street shall be used for the storage of motor vehicles, trailers, airplanes, boats, junk or rubbish. Storage as used in this chapter shall mean and constitute the presence for a period of 48 or more hours in any seven-day period of the above described material.

(Ord. No. 934-2015, § 19.24.070, 7-20-2015)

Sec. 19.24.080. - Commercial vehicle parking.

No portion of any lot in a residential district classification shall be used for the parking of any commercial vehicle. The term "commercial vehicle" as used in this chapter shall mean any vehicle over one ton.

(Ord. No. 934-2015, § 19.24.080, 7-20-2015)

Sec. 19.24.090. - Motor vehicle sales on private property.

- (a) It is unlawful for any person, firm, or corporation to sell, offer for sale, or allow to be sold at any time more than one motor vehicle without first obtaining a conditional use permit from the city.
- (b) It shall be the responsibility of the property owner of the property where said vehicles are located to remove or cause to be removed, the vehicles violating this section. It is no defense to this section that the property owner did not own or have the right to possession of said vehicles or that the person had no control over the owner of the vehicle.

(Ord. No. 934-2015, § 19.24.090, 7-20-2015)

Sec. 19.24.100. - Conflicting regulations.

Where any provision of this title imposes greater requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this title shall govern. The city, including its officials, departments, commissions, or employees, shall have no responsibility to administrate or enforce the provisions of private deed restrictions but shall give due consideration to restrictions when advised of them at a public hearing on a change of zone, variance or similar matter.

(Ord. No. 934-2015, § 19.24.100, 7-20-2015)

Sec. 19.24.110. - Public utility lines.

The provisions of this title shall not be so construed as to limit or interfere with the use of property in any land use district for installation, maintenance and operation of public utility pipelines and under aerial transmission and supply lines, when located in accordance with the applicable rules and regulations of the Public Utilities Commission of the state of California within rights-of-way, easements, franchises or other ownerships of such public utilities.

(Ord. No. 934-2015, § 19.24.110, 7-20-2015)

CHAPTER 19.26. - ADULT ENTERTAINMENT BUSINESSES

Footnotes:

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State Law reference— Local authority to regulate the time, place, and manner of operation of sexually oriented businesses, Government Code § 65850.4, Penal Code § 318.6; Quimby-Walsh Act, Penal Code § 318.5.

Sec. 19.26.010. - Purpose.

- (a) The purpose of this chapter is to prevent communitywide adverse secondary effects which can be brought about by:
 - (1) The concentration of adult entertainment businesses;
 - (2) The close proximity of adult entertainment businesses to incompatible uses such as schools for minors, religious institutions, parks and residential uses; and
 - (3) The unregulated operation of adult entertainment businesses.
- (b) These adverse secondary effects include, but are not limited to:
 - (1) Depreciation in property values;
 - (2) Increased vacancy rates in residential and commercial areas;
 - (3) Increased criminal activity;
 - (4) Increased litter, noise, and vandalism; and
 - (5) Interference with the enjoyment of residential property in the vicinity of such businesses.

(Ord. No. 934-2015, § 19.26.010, 7-20-2015)

Sec. 19.26.020. - Definitions.

For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

Adult entertainment business means any of the following:

- (1) *Adult entertainment arcade*. The term "adult entertainment arcade" means an establishment where, for any form of consideration, as a regular and substantial course of conduct, one or more still or motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, computer-generated images, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.
- (2) *Adult entertainment bookstore, adult entertainment novelty store, adult entertainment video store*. The term "adult entertainment bookstore, adult entertainment novelty store or adult entertainment video store" means an establishment which as a regular and substantial course of conduct offers for sale, rent, or viewing for any form of consideration either adult entertainment material, adult entertainment merchandise or both.
- (3) *Adult entertainment cabaret*. The term "adult entertainment cabaret" means an establishment which serves food or beverages and which, for any form of consideration as a regular and substantial course of conduct presents live performances that either:
 - a. Are characterized by specified sexual activities; or
 - b. Feature any semi-nude person.
- (4) *Adult entertainment hotel/motel*. The term "adult entertainment hotel/motel" means a hotel, motel or similar establishment offering public accommodations for any form of consideration which either:
 - a. Provides patrons with closed-circuit television transmissions, films, motion pictures, videos, slides or other photographic or electronic reproductions that are characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas; and advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to newspapers, magazines, pamphlets, leaflets, radio or television;
 - b. Rents, leases or lets any single guestroom for less than any ten-hour period;
 - c. Rents, leases or lets any single guestroom more than twice in any 24-hour period;
 - d. Allows a tenant or occupant to subrent a guestroom for a time period of less than ten hours.
- (5)

Adult entertainment motion picture theater. The term "adult entertainment motion picture theater" means an establishment which, for any form of consideration, as a regular and substantial course of conduct offers to show films, computer-generated images, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.

- (6) *Adult entertainment theater.* The term "adult entertainment theater" means an establishment which, for any form of consideration, as a regular and substantial course of conduct presents live performances that either:
 - a. Are characterized by specified sexual activities; or
 - b. Feature any semi-nude person.
- (7) *Modeling studio.* The term "modeling studio" means an establishment which provides, for any form of consideration, semi-nude figure models who expose specified anatomical areas for the purpose of observation, sketching, photography, painting, sculpting or other depiction by persons paying such considerations. This definition shall not include the following:
 - a. Schools maintained pursuant to standards set by the state board of education; and
 - b. Schools maintained by an individual artist or group of artists, and which do not provide, permit, or make available specified sexual activities.
- (8) *Sexual encounter center.* The term "sexual encounter center" means a business, agency or person that, for any consideration or gratuity, provides a place where three or more persons (not members of the same family) may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.
- (9) Any establishment which, for any form of consideration, as a regular and substantial portion of business offers to its patrons products, merchandise, services or entertainment that are distinguished or characterized by an emphasis on specified sexual activities or the exposure of specified anatomical areas.

Adult entertainment material means any book, periodical, magazine, photograph, drawing, sculpture, motion-picture film, videotape recording, or other visual representation, which is characterized by specified sexual activities or the exposure of specified anatomical areas.

Adult entertainment merchandise means adult entertainment implements or paraphernalia, such as, but not limited to: dildos; auto sucks; adult entertainment vibrators; edible underwear; benwa balls; inflatable orifices; anatomical balloons with orifices; simulated vaginas and similar adult entertainment devices which are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

Characterized by an emphasis upon means the dominant or essential theme of the object described by such phrase.

Director means the economic development and planning manager of the city of Barstow, or his appointed designee.

Entertainer. Entertainer means a person who, for any form of consideration, performs at an adult entertainment business. Such persons shall constitute "entertainers" regardless of their legal relationship (e.g., employee, owner or independent contractor) with the adult entertainment business.

Owner means the following:

- (1) The sole proprietor of an adult entertainment business;
- (2) Any general partner of a partnership which owns and operates an adult entertainment business;
- (3) The owner of a controlling interest in a corporation which owns and operates an adult entertainment business; and
- (4) The person designated by the officers of a corporation to be the permit holder for an adult entertainment business owned and operated by the corporation.

Park or sports facilities means a park, playground, swimming pool, golf course, recreational complex or athletic field within the city which is under the control, operation or management of the city or other public agency.

Peace officer has the meaning set forth in the California Penal Code.

Perform at an adult entertainment business means to engage in or participate in any live performance at an adult entertainment business that either:

- (1) Is characterized by an emphasis upon specified sexual activities; or
- (2) Features any semi-nude person.

Permittee means either of the following as appropriate to the context:

- (1) Any person who has been issued an adult entertainment business permit;
- (2) Any person who has been issued an adult entertainment business entertainer permit.

Person means, for the purpose of this chapter, any individual, partnership, copartnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.

Regular and substantial course of conduct and regular and substantial portion of business means that any of the following conditions exist:

- (1) At least 20 percent of the stock-in-trade is devoted to adult entertainment material, adult entertainment merchandise, or both; provided, however, that this criteria shall not apply to mail order businesses or wholesale business with no patrons on the premises.
- (2) At least 20 percent of the total display area is devoted to adult entertainment material, adult entertainment merchandise, or both; provided, however, that this criteria shall not apply to mail order business or wholesale business with no patrons on the premises.
- (3) The business presents any type of entertainment (live or otherwise) characterized by an emphasis on specified sexual activities or featuring any semi-nude person on any four or more separate days within any 30-day period.
- (4) At least 20 percent of the gross receipts of the business are derived from the sale, trade, rental, display or presentation of services, products, materials or entertainment which is characterized by an emphasis on specified sexual activities or the exposure of specified anatomical areas.

Religious institution means a structure which is used primarily for religious worship and related religious activities.

Residence or *residential* means a residential zoning district, home, abode or place where an individual is actually living at a specified point in time.

School means (i) any child or day care facility; and (ii) any institution of learning for minors (whether public or private) offering instruction in the courses of study required by the California Education Code and maintained pursuant to standards set by the state board of education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school or any special institution of education. However, it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

Semi-nude means a state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola and nipple of the female breast, as well as, portions of the body covered by supporting straps or devices.

Specified anatomical areas means the following:

- (1) Less than completely and opaquely covered human:
 - a. Genitals or pubic region;
 - b. Buttocks; and
 - c. Female breasts below a point immediately above the top of the areola;
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;
- (3) Any device, costume or covering that simulates any of the body parts included in subsections (1) or (2) of this definition.

Specified sexual activities means the following, whether performed directly or indirectly through clothing or other covering:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
- (2) Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated;
- (4) Excretory functions as part of, or in connection with, any of the other activities described in subsections (1) through (3) of this definition.

Substantially enlarged means the increase in floor area occupied by an adult entertainment business by more than ten percent of its floor area as it existed at the time an adult entertainment business permit was issued for the business.

(Ord. No. 934-2015, § 19.26.020, 7-20-2015)

Cross reference— § 5.50.040, Specific regulations, sidewalk vending, adult entertainment material.

Sec. 19.26.030. - Adult entertainment business permit.

- (a) *Permit required.* It is unlawful for any person to operate, engage in, conduct or carry on any adult entertainment business unless the owner of such business first obtains from the director, and continues to maintain in full force and effect, an adult entertainment business permit for such business.
- (b) *Persons eligible.* The owner of a proposed adult entertainment business shall be the only person eligible to obtain an adult entertainment business permit for such business. The owner shall not be eligible to obtain an adult entertainment business permit unless the owner is at least 18 years of age.
- (c) *Application requirements.* The following shall be submitted to the director at the time of application for an adult entertainment business permit.
 - (1) A completed application form signed by: (i) the applicant; and (ii) either the record owner of the property or the lessor of the premises (if the business premises are leased to the applicant business) where the adult entertainment business is to be conducted;
 - (2) The applicant's fingerprints on a form provided by the Barstow police department and a color photograph clearly showing the applicant's face. Any fees for the photographs and fingerprints shall be paid by the applicant. The fingerprints and photograph shall be taken by the Barstow police department;
 - (3) A letter of justification which describes the proposed adult entertainment business and how it will satisfy the requirements of this chapter;
 - (4) A site plan designating the building and/or unit proposed for the adult entertainment business. The site plan shall include a dimensional interior floor plan which depicts how the business will comply with the requirements of this chapter. The site plan shall also include a diagram of the off-street parking areas required by section 19.06.050;
 - (5) The names of all owners, employees, contract and freelance entertainers, independent contractors, and other persons who will perform at the adult entertainment business and who are required by this chapter to obtain an adult entertainment business entertainer permit;
 - (6) A statement signed by the applicant certifying under penalty of perjury that all of the information submitted in connection with the application is true and correct to the best of the applicant's information and belief;
 - (7) A nonrefundable application fee in an amount set by resolution of the city council.

(Ord. No. 934-2015, § 19.26.030, 7-20-2015)

Sec. 19.26.040. - Approval or denial of permit.

The director shall, within 20 city business days of the filing of a complete application, approve and issue the adult entertainment business permit if the requirements of this chapter have been met, or deny the application. Failure of the director to approve or deny the application in 30 days of the applicant or license submittal shall result in the application or license being granted. Notice of the approval or denial of the permit shall be given to the applicant in writing by first class mail, postage prepaid, deposited in the course of transmission with the United States Postal Service within three city business days of the date of such decision. If the application is denied, the director shall attach to the notice a statement of the reasons for the denial. The times set forth in this section shall not be extended except upon the written consent of the applicant. Any interested persons may appeal the decision of the director to the city council in accordance with section 19.26.220.

(Ord. No. 934-2015, § 19.26.040, 7-20-2015)

Sec. 19.26.050. - Nontransferable.

- (a) No person shall operate an adult entertainment business under the authority of an adult entertainment business permit at any place other than the address of the adult entertainment business stated in the application for the permit.
- (b) No adult entertainment business permit issued pursuant to this chapter shall be transferable.
- (c) Any attempts to transfer an adult entertainment business permit is declared invalid and the permit shall automatically become void effective the date of such attempted transfer.

(Ord. No. 934-2015, § 19.26.050, 7-20-2015)

Sec. 19.26.060. - Location criteria.

- (a) A adult entertainment business may be located in the industrial zoning district provided such business complies with all of the following requirements:
- (1) The adult entertainment business is not within 1,000 feet of any existing adult entertainment business located within or outside of the city;
 - (2) The adult entertainment business is not within 1,000 feet of any residential zoning district or existing residence located within or outside of the city;
 - (3) The adult entertainment business is not within 1,000 feet of any existing park or sport facility, religious institution, residentially zoned area or school located within or outside of the city; and
 - (4) The adult entertainment business is not located within an area that is subject to a specific plan.
- (b) The distances set forth above shall be measured as a straight line from the primary entrance of the adult entertainment business to the property line of the property so used without regard to intervening structures.

(Ord. No. 934-2015, § 19.26.060, 7-20-2015)

Sec. 19.26.070. - Design standards.

- (a) No adult entertainment business shall be located in any temporary or portable structure.
- (b) Placement and construction of all trash enclosures shall be consistent with chapter 6.21 (Refuse and recycling enclosures) of this Code.
- (c) Installation of all landscaping and irrigation shall comply with all of the requirements identified under section 12.12.020 (Sight distance and height clearance), section 19.06.040 (Clear-sight/sight distance and height clearance) and section 19.06.080 (Landscaping) of the Barstow Municipal Code, City of Barstow Landscape Manual, Drought Tolerant Materials list and adopted irrigation details.
- (d) All exterior lighting shall be consistent with section 19.06.010 (Outdoor lighting). All off-street parking areas and premises entries of the adult entertainment business shall be illuminated from dusk to closing hours of operation. The lighting shall be shown on the site plan required by section 19.26.030(c)(4).
- (e) The premises within which the adult entertainment business is located shall provide sufficient sound-absorbing insulation so that noise generated inside the premises shall not be audible anywhere on adjacent property, public rights-of-way or within any separate unit within the same building. All sound-absorbing insulation shall be installed per requirements identified in the current edition of the Uniform Building Code.
- (f) The building entrance to the adult entertainment business shall be clearly and legibly posted with a notice indicating that persons under 18 years of age are precluded from entering the premises.
- (g) Restrooms shall be provided based upon requirements contained within the current edition of the Uniform Building Code. All indoor areas of the adult entertainment business within which patrons are permitted, except restrooms, shall be open to view by the management at all times.
- (h) All areas of the adult entertainment business shall be illuminated at a minimum of the following footcandles, minimally maintained and evenly distributed at ground level and shall be consistent with requirements identified within the current edition of the Uniform Building Code:

Area	Footcandles
Bookstores and novelty stores	20
Video stores, theaters and cabarets	5 (except during performances at which times lighting shall be at least 1.25 footcandles)
Arcades	10

Motels/hotels	20 (in public areas)
Modeling studios	20

- (i) The adult entertainment business shall provide and maintain separate restroom facilities for male patrons and employees, and female patrons and employees. Male patrons and employees shall be prohibited from using restrooms for females, and female patrons and employees shall be prohibited from using the restrooms for males, except to carry out duties of repair, maintenance and cleaning of the restroom facilities. The restrooms shall be free from adult entertainment material and adult entertainment merchandise. Restrooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. The foregoing provisions of this subsection shall not apply to a adult entertainment business which deals exclusively with sale or rental of adult entertainment material or adult entertainment merchandise which is not used or consumed on the premises.
- (j) All signs located upon the exterior of an adult entertainment business shall comply with section 19.06.060 (Signs) and any adopted sign policies.
- (k) Adult arcades shall comply with the following additional requirements:
 - (l) The interior of the premises shall be configured in such a manner that from a manager's station there is an unobstructed view of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. If the premises has two or more designated manager's stations, then the interior shall be configured in such a manner that from at least one of the manager's stations there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms. The view required in this subsection must be direct line of sight from the designated manager's station.
- (m) The view specified in subsection (l) of this section shall at all times remain unobstructed by doors, walls, merchandise, display racks, or other materials.
- (n) The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times. The walls or partitions between viewing rooms or booths shall not contain holes between any two such rooms or booths such as would allow either (i) viewing from one room or booth into another; or (ii) physical contact of any kind between the occupants of any two such rooms or booths.
- (o) Adult cabarets and adult theaters, except for businesses regulated by the Alcoholic Beverage Control Commission, shall comply with the following additional requirements:
 - (1) Separate dressing room facilities for entertainers (exclusively dedicated to the entertainers' use) shall be provided.
 - (2) An entrance/exit for entertainers, separate from the entrance/exit used by patrons, shall be provided.
 - (3) Access between the stage and the entertainers' dressing room facilities, completely separated from the patrons, shall be provided. If such separate access is not physically feasible, a minimum three-foot wide walk aisle between the entertainers' dressing room facilities and the stage shall be provided. Such walk aisle shall contain a railing, fence or other barrier shall be at least 30 inches in height and shall be sufficient to prevent any physical contact between patrons and entertainers.

(Ord. No. 934-2015, § 19.26.070, 7-20-2015)

Sec. 19.26.080. - Performance standards.

- (a) No adult entertainment business shall be operated in a manner that permits the observation, from public rights-of-way or locations outside the establishment, of either:
 - (1) Adult entertainment material;
 - (2) Adult entertainment merchandise;
 - (3) Specified sexual activities; or
 - (4) Any semi-nude person.

This provision shall apply to any display, decoration sign, show window or other opening.

- (b)

Exterior doors and windows of the adult entertainment business shall not be propped or kept open at any time while the business is open.

- (c) Exterior windows of the adult entertainment business shall be covered with opaque covering at all times.
- (d) Patrons shall not be permitted access to any area of the adult entertainment business which has been designated as an area in which patrons will not be permitted.
- (e) No person under the age of 18 years shall be permitted within the adult entertainment business at any time.
- (f) The adult entertainment business shall maintain a security system that visually monitors and records all parking surfaces serving the business.
- (g) Security guards shall be employed in order to maintain the public peace and safety, based upon the following standards:
 - (1) One security guard shall be on duty at all times while the business is open; provided, however, that an additional security guard shall be on duty if the occupancy limit of the premises is greater than 35 persons.
 - (2) Security guards shall be: (i) certified by the state commission on peace officer standards and training; (ii) currently employed, off-duty peace officers; and (iii) uniformed in such a manner so as to be readily identifiable as a security guard by the public.
 - (3) The security guards shall be charged with preventing violations of law, enforcing patron compliance with the requirements of this chapter, and with notifying the Barstow police department of any violations of law observed.
 - (4) No security guard required pursuant to this subsection (g) shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard.
- (h) No adult entertainment business shall operate between the hours of 12:00 midnight and 8:00 a.m. on any day, except that this provision does not apply to businesses also regulated by the California Department of Alcoholic Beverage Control.
- (i) No owner or other person with managerial control over an adult entertainment business shall permit any person on the premises of the adult entertainment business to engage in a live showing of specified anatomical areas.
- (j) Adult arcades shall comply with the following additional requirements:
 - (1) No viewing room or video booth may be occupied by more than one person at any one time.
 - (2) At least one employee shall be on-duty and stationed at each manager's station at all times that a patron is present inside the premises.
 - (3) Customers, patrons or visitors shall not be allowed to loiter in either: (i) the vicinity of viewing rooms or booths; or (ii) the common area of the business.
 - (4) Signs prohibiting loitering shall be posted in prominent places in and near viewing rooms and booths.
 - (5) The floors, seats, walls and other interior portions of viewing rooms and booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any viewing rooms or booths shall be evidence of improper maintenance and inadequate sanitary controls.
- (k) Adult cabarets and adult theaters, except for businesses regulated by the Alcoholic Beverage Control Commission, shall comply with the following additional requirements:
 - (1) No entertainer shall perform except upon a stage which is both: (i) at least 18 inches above the level of the floor; and (ii) separated by a distance of at least ten feet from the nearest area occupied by patrons.
 - (2) No patron shall be permitted within ten feet of the stage while the stage is occupied by an entertainer.
 - (3) No entertainer shall have physical contact with a patron before, during or after performances. This subsection shall only apply to physical contact on the premises of the business.
 - (4) No patron shall have physical contact with an entertainer before, during or after performances. This subsection shall only apply to physical contact on the premises of the business.
 - (5) No patron shall directly pay or give any gratuity to an entertainer.
 - (6) No entertainer shall solicit any gratuity from a patron.

(Ord. No. 934-2015, § 19.26.080, 7-20-2015)

Sec. 19.26.090. - Gross receipt records.

- (a) *Maintenance.* The owner of an adult entertainment business shall maintain complete records which can be segregated with regard to all transactions involving products, merchandise, services or entertainment which are characterized by an emphasis on specified sexual activities or exposure of specified anatomical areas. Such records shall be sufficient to establish the percentage of gross receipts of the business which is derived from such transactions. Such records shall be maintained for at least three years after the end of the calendar year for which the records were created.
- (b) *Exemption.* This section shall not be applicable to an adult entertainment business for which such transactions constitute less than 15 percent of the gross receipts of the business.

(Ord. No. 934-2015, § 19.26.090, 7-20-2015)

Sec. 19.26.100. - Register and permit number of entertainers.

- (a) *Maintenance.* Every owner of an adult cabaret and every owner of an adult theater shall maintain on the premises of such business a register of all entertainers who perform at the business. Such register shall list each entertainer's legal name, stage names, and adult entertainment business permit number.
- (b) *Annual filing.* Every owner of an adult cabaret and every owner of an adult theater shall annually file with the director a copy of the register of entertainers who perform at the business. Such filing shall be accompanied by a statement, signed by the owner, that all of the information in the register is true and correct to the best of the owner's information and belief.

(Ord. No. 934-2015, § 19.26.100, 7-20-2015)

Sec. 19.26.110. - Employment of person without permits.

No permittee, owner, operator or other person in charge of an adult entertainment business shall allow any person to perform at the business unless such person is in possession of a valid adult entertainment business entertainer permit.

(Ord. No. 934-2015, § 19.26.110, 7-20-2015)

Sec. 19.26.120. - Display of permit.

Every adult entertainment business shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such business. The permit shall be displayed in a conspicuous place so that it may be readily seen by all persons entering the adult entertainment business.

(Ord. No. 934-2015, § 19.26.120, 7-20-2015)

Sec. 19.26.130. - Inspections.

The owner, operator, or other person in charge of an adult entertainment business shall allow city officers and their authorized representatives to conduct unscheduled inspections of the premises of the adult entertainment business for the purpose of ensuring compliance with the law at any time the adult entertainment business is open for business or occupied.

(Ord. No. 934-2015, § 19.26.130, 7-20-2015)

Sec. 19.26.140. - Conditions.

The requirements of this chapter shall be deemed conditions of adult entertainment business permit approvals. Failure to comply with every such requirement shall be grounds for suspension or revocation of an adult entertainment business permit.

(Ord. No. 934-2015, § 19.26.140, 7-20-2015)

Sec. 19.26.150. - Adult entertainment business entertainer permit.

- (a) *Permits required.* It is unlawful for any person to perform at an adult entertainment business unless such person first obtains from the director, and continues to maintain in full force and effect, an adult entertainment business entertainer permit.
- (b) *Persons eligible.* No person less than 18 years of age shall be eligible for an adult entertainment business permit.

- (c) *Application requirements.* The following shall be submitted to the director at the time of application for an adult entertainment business entertainer permit:
- (1) A completed application form signed by: (i) the applicant; and (ii) the owner of the adult entertainment business in which the applicant intends to perform;
 - (2) The applicant's legal name and any other names (including stage names and aliases) used by the applicant;
 - (3) Age, date and place of birth;
 - (4) Height, weight, hair and eye color;
 - (5) Present residence address and telephone number;
 - (6) Whether the applicant has ever been convicted of:
 - a. Any of the offenses set forth in California Penal Code §§ 315, 316, 266a, 266b, 266c, 266e, 266g, 266h, 266i, 311.1, 311.2, 311.3, 311.4, 311.6, 311.10, 311.11, 313.1, 314, 647(a), 647(b) and 647(d), as those sections now exist or may hereafter be amended or renumbered;
 - b. The equivalent of any of the aforesaid offenses if committed outside the State of California;
 - c. Any offenses which would require the individual to register as a sex offender pursuant to California Penal Code § 290;
 - (7) Whether such person is or has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution in such jurisdiction. If any person mentioned in this subsection has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other state to engage in prostitution, a statement shall be submitted giving the place of such registration, licensing or legal authorization, and the inclusive dates during which such person was so licensed, registered, or authorized to engage in prostitution;
 - (8) State driver's license or identification number;
 - (9) Satisfactory written evidence that the applicant is at least 18 years of age;
 - (10) The applicant's fingerprints on a form provided by the Barstow police department, and a color photograph clearly showing the applicant's face. Any fees for the photographs and fingerprints shall be paid by the applicant. The fingerprints and photograph shall be taken by the Barstow police department.

(Ord. No. 934-2015, § 19.26.150, 7-20-2015)

Sec. 19.26.160. - Grounds for denial.

- (a) The director shall deny an application for an adult entertainment business entertainer permit for any of the following causes:
- (1) The applicant has knowingly made any false, misleading, or fraudulent statement of material fact in the application or in any report or document required to be filed with the application;
 - (2) The applicant is under 18 years of age.
 - (3) The adult entertainment business entertainer permit is to be used for performing in a business prohibited by state or city law;
 - (4) The applicant has been convicted of any of the offenses enumerated in section 19.26.150(c)(6)a or an equivalent offence committed outside the State of California; provided, however, that such conviction shall not be grounds for denial if the conviction occurred more than five years prior to the date of the application.
- (b) Only felony convictions for items noted under this section would result in denial of a permit.

(Ord. No. 934-2015, § 19.26.160, 7-20-2015)

Sec. 19.26.170. - Approval or denial of permit.

- (a) The director shall, within three city business days of the filing of a complete application, approve and issue the adult entertainment business permit if there are no grounds for denial; otherwise, the permit shall be denied. Notice of the approval or denial of the permit shall be given to the applicant in writing by first class mail, postage prepaid, deposited in the course of transmission with the United States Postal Service within three city business days of the date of such decision.
- (b) If the application is denied, the director shall attach to the notice a statement for the reasons for the denial. The times set forth in this section shall not be extended except upon the written consent of the applicant. Any interested person may appeal the decision of the director to the city council in accordance with this chapter.

(Ord. No. 934-2015, § 19.26.170, 7-20-2015)

Sec. 19.26.180. - Nontransferable.

- (a) No adult entertainment business entertainer permit shall authorize the permittee to perform at a adult entertainment business other than the business stated in the application for the permit.
- (b) No adult entertainment business entertainer permit issued pursuant to this chapter shall be transferable.
- (c) Any attempt to transfer an adult entertainment business entertainer permit is declared invalid and the permit shall automatically become void effective the date of such attempted transfer.

(Ord. No. 934-2015, § 19.26.180, 7-20-2015)

Sec. 19.26.190. - Display of permit.

Every entertainer shall have his adult entertainment business entertainer permit available for inspection at all times during which such entertainer is on the premises of the adult entertainment business at which the entertainer performs.

(Ord. No. 934-2015, § 19.26.190, 7-20-2015)

Sec. 19.26.200. - Grounds for suspension or revocation.

- (a) The director shall suspend or revoke an adult entertainment business permit for the following causes:
 - (1) The permittee has knowingly made any false, misleading or fraudulent statement of material fact in the application, or in any report or record required to be filed with the city;
 - (2) The permittee, or an employee, owner, agent, partner, director, stockholder, or manager of an adult entertainment business has knowingly failed to comply with any of the requirements of this section;
 - (3) The permittee, or an employee, owner, agent, partner, director, stockholder, or manager of an adult entertainment business has knowingly allowed or permitted the occurrence of criminal activity on the premises of the adult entertainment business;
 - (4) The permittee, or an employee, owner, agent, partner, director, stockholder, or manager of an adult entertainment business has committed a misdemeanor or felony in the conduct of the business;
 - (5) The permittee, or an employee, owner, agent, partner, director, stockholder, or manager of an adult entertainment business has failed to abide by any disciplinary action previously imposed by an authorized city official;
 - (6) The approved use has been substantially enlarged without city approval.
- (b) The director shall suspend or revoke an adult entertainment business entertainer permit for the following causes:
 - (1) The permittee has knowingly made any false, misleading or fraudulent statement of material fact in the application for a permit, or in any report or record required to be filed with the city;
 - (2) The permittee has engaged in one of the activities described below while on the premises of an adult entertainment business:
 - a. Unlawful sexual intercourse, sodomy, oral copulation, or masturbation;
 - b. Unlawful solicitation of sexual intercourse, sodomy, oral copulation, or masturbation;
 - c. Any conduct constituting a criminal offense which requires registration under California Penal Code § 290;
 - d. Lewdness, assignation, or prostitution, including any conduct constituting violations of California Penal Code §§ 315, 316, or 318 or subdivision b of § 647.
 - e. An act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including but not limited to Penal Code §§ 311 through 313.4.
 - f. Any conduct prohibited by this section;
 - (3) Failure to abide by an disciplinary action previously imposed by an authorized city official.

(Ord. No. 934-2015, § 19.26.200, 7-20-2015)

Sec. 19.26.210. - Procedure for suspension or revocation.

- (a) *Notice.* On determining that grounds for permit revocation exist, the director shall furnish written notice of the proposal suspension or revocation to the permittee. Such notice shall set forth the time and place of a hearing, and the grounds upon which the propose suspension or revocation is based. The notice shall be mailed, postage prepaid, addressed to the last known address of the permittee, or shall be personally delivered to the permittee, at least ten days prior to the hearing date.
- (b) *Hearing.* Hearings shall be conducted in accordance with procedures established by the director. All parties involved shall have a right to: (i) offer testimonial, documentary and tangible evidence bearing on the issues; (ii) be represented by counsel; and (iii) confront and cross examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness.
- (c) *Penalty.* After holding the hearing in accordance with this section, upon determination that there are sufficient grounds for disciplinary action, the director shall impose one of the following penalties:
 - (1) A warning;
 - (2) Suspension of the permit for a specified period not to exceed six months;
 - (3) Revocation of the permit.

The director may, in conjunction with the issuance of a warning or the suspension of a permit, order the permittee to take appropriate corrective action.

(Ord. No. 934-2015, § 19.26.210, 7-20-2015)

Sec. 19.26.220. - Appeals.

- (a) *Who may appeal.* Any interested person may appeal the director's issuance, denial of issuance, suspension or revocation of an adult entertainment business entertainer permit to the city council in accordance with the provisions of this section.
- (b) *Appeal period.* A written appeal petition must be filed with the city clerk within five working days after the decision of the director, provided, however, that if the five days expires on a date that city hall is not open for business, then the appeal period shall be extended to the next city business day. Failure to file a timely appeal petition deprives the city council of jurisdiction to hear the appeal.
- (c) *Form of appeal petition.* The appeal petition must indicate in what way the appellant contends the director's decision was incorrect or must provide extenuating circumstances which the appellant contends would justify reversal or modification of the director's decision.
- (d) *Director's decision stayed.* The effectiveness of any decision of the director to suspend or revoke an adult entertainment business permit or adult entertainment business entertainer permit shall be stayed during: (i) the appeal period set forth in subsection (b) of this section; and (ii) the pendency of any appeal.
- (e) *City council consideration.* The city council shall set the appeal for hearing and give notice of the date, time and place thereof in accordance with section 19.44.050(a).
- (f) *City council decision.* The city council shall render a decision on the appeal in accordance with section 19.44.050(b). No later than three city business days after the city council's decision, notice of the decision and a copy of the resolution shall be mailed by first class mail, postage prepaid, to the appellant. Such notice shall contain the substance of the following statement: "You are hereby notified that the time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure § 1094.6."
- (g) *Judicial review.* The appellant may seek judicial review of the city council's decision in accordance with California Code of Civil Procedure § 1094.5 et seq. or as otherwise permitted by law.

(Ord. No. 934-2015, § 19.26.220, 7-20-2015)

Sec. 19.26.230. - Existing adult businesses.

- (a) Any adult entertainment business lawfully operating on the effective date of the ordinance from which this chapter is derived in violation hereof shall be deemed a nonconforming use.
- (b) Any adult entertainment business lawfully operating on the effective date of the ordinance from which this chapter is derived which becomes nonconforming due to the location criteria enumerated in section 19.26.060 shall cease operation, or otherwise be brought into full compliance with the location criteria of this chapter, not later than 20 years following the effective date of the ordinance from which this chapter is derived.

- (c) Any adult entertainment business lawfully operating on the effective date of the ordinance from which this chapter is derived which becomes nonconforming due to either the design standards enumerated in section 19.26.070 or the performance standards enumerated in section 19.26.080 shall cease operation, or otherwise be brought into full compliance with the design standards and performance standards of this chapter, not later than one year following the effective date of the ordinance from which this chapter is derived.
- (d) Any adult entertainment business lawfully operating on the date of being annexed by the city which becomes nonconforming due to the location criteria enumerated in section 19.26.060 shall cease operation, or otherwise be brought into full compliance with the location criteria of this chapter, not later than 20 years following the date of annexation.
- (e) Any adult entertainment business lawfully operating on the date of being annexed by the city which becomes nonconforming due to either the design standards enumerated in section 19.26.070 or the performance standards enumerated in section 19.26.080 shall cease operation, or otherwise be brought into full compliance with the design standards and performance standards of this chapter, not later than one year following the date of annexation.
- (f) An adult entertainment business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of: (i) a residential use within 1,000 feet of the adult entertainment business; or (ii) a park or sports facility, religious institution or school within 1,000 feet of the adult entertainment business. This exemption shall only apply if the adult entertainment business is continuous, which means that interruptions in use cannot exceed six months.

(Ord. No. 934-2015, § 19.26.230, 7-20-2015)

Sec. 19.26.240. - Employment of and services to minors.

No permittee, operator or other person in charge of an adult entertainment business shall hire or allow any person who is not at least 18 years of age to enter or remain within the adult entertainment business. Any permittee, operator, or other person in charge of a business who allows any person who is not at least 18 years of age to enter or remain within the adult entertainment business shall be subject to civil fine not to exceed \$10,000.00 per violation, suspension or revocation of the adult entertainment business permit, or both such fine and suspension or revocation.

(Ord. No. 934-2015, § 19.26.240, 7-20-2015)

Sec. 19.26.250. - Number of businesses.

No building, structure or other facility shall contain more than one type of adult entertainment business, as such types of adult entertainment businesses are defined in this chapter.

(Ord. No. 934-2015, § 19.26.250, 7-20-2015)

Sec. 19.26.260. - Regulations nonexclusive.

The provisions of this chapter regulating adult entertainment businesses are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other applicable provisions of this Code or other law.

(Ord. No. 934-2015, § 19.26.260, 7-20-2015)

Sec. 19.26.270. - Conflicts.

If the provisions of this chapter conflict with or contravene any other provisions of this Code, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. No. 934-2015, § 19.26.270, 7-20-2015)

CHAPTER 19.27. - USES RELATED TO CANNABIS

Footnotes:

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Editor's note— Ord. No. 974-2021, § 1, adopted June 7, 2021, repealed the former Ch. 19.27, §§ 19.27.010—19.27.060, and enacted a new Ch. 19.27 as set out herein. The former Ch. 19.27 pertained to uses related to marijuana and derived from Ord. No. 949-2016, § 2, adopted Nov. 7, 2016.

Sec. 19.27.010. - Purpose.

The purpose of this chapter is to regulate personal use of cannabis and commercial cannabis activity in the city. Nothing in this chapter shall preempt or make inapplicable any provision of state or federal law.

(Ord. No. 974-2021, § 1, 6-7-2021)

Sec. 19.27.020. - Definitions.

For purposes of this chapter, the following definitions shall apply:

Applicant means a person applying for a permit to engage in commercial cannabis activity within the city.

Business premises means the designated structure or structures and land specified in an application for a permit that is owned, leased, or otherwise held under the control of the applicant or cannabis business where the licensed commercial cannabis activity will be or is conducted.

Cannabis means all parts of the plant *Cannabis sativa* Linnaeus *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" does not include:

- (1) Industrial hemp, as defined in section 11018.5 of the California Health and Safety Code; or
- (2) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

Cannabis business means any person engaged in commercial cannabis activity in the city.

Cannabis nursery means any facility that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

Cannabis products means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

Commercial cannabis activity includes all cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis, cannabis accessories, or cannabis products, except the personal uses and cultivation of cannabis permitted by California Health and Safety Code sections 11362.1 and 11362.2.

Cultivation means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Day means calendar day unless another meaning is provided.

Delivery means the commercial transfer of cannabis or cannabis products to a customer.

Distribution means the procurement, sale, and transport of cannabis or cannabis products between licensed cannabis businesses.

Manufacture means the production, preparation, propagation, or compounding of cannabis products, including extraction processes, infusion processes, the packaging or repackaging of manufactured cannabis or cannabis products, and labeling or relabeling the packages of manufactured cannabis or cannabis product.

Owner means owner as defined in Section 26001 of the California Business and Professions Code, included in the Medicinal and Adult Use Cannabis Regulation and Safety Act, as currently defined or as may be amended.

Permit means a city permit issued pursuant to this chapter to engage in commercial cannabis activity in the city.

Person includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

Retail storefront means a place at which or a business by which cannabis, cannabis products, or accessories for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale.

State licensing agencies mean the California Bureau of Cannabis Control, California Department of Public Health and the California Department of Food and Agriculture, or any other state agency designated by the State of California to regulate commercial cannabis activity.

Any term defined in this section also means the very term as defined in the California Business and Professions Code or the California Health and Safety Code, unless otherwise specified.

(Ord. No. 974-2021, § 1, 6-7-2021)

Sec. 19.27.030. - Personal use.

- (a) Personal, non-commercial use, possession, purchase, or transport of cannabis or cannabis products for recreational or medicinal purposes is permissible in the city.
- (b) *Outdoor cultivation*. No person may cultivate cannabis outdoors in any zoning district of the city. No use permit, building permit, variance, or any other permit of entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.
- (c) *Indoor cultivation*. No Person may cultivate cannabis inside any structure in any zoning district of the city, unless (i) that person holds a cultivation permit issued pursuant to this chapter or (ii) that person cultivates no more than six plants at any one time and solely for personal use in a private residence or an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure.
- (d) Nothing in this Code shall limit the right of an owner of a private residence to restrict the use or cultivation of cannabis or cannabis products within that private residence, or on the grounds thereof, by tenants, licensees, or any other person with lawful access to that private residence.

(Ord. No. 974-2021, § 1, 6-7-2021)

Sec. 19.27.040. - Cannabis business permit and other permits required.

- (a) It shall be unlawful to operate a cannabis business or otherwise engage in commercial cannabis activity within the city except with a permit issued pursuant to this chapter. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of any cannabis business within the city except as permitted by this chapter and any other applicable provision of this Code.
- (b) A cannabis business shall obtain a separate permit for each type of commercial cannabis activity it will engage in in the city.
- (c) A cannabis business shall obtain a separate permit for each business premises at which it will engage in commercial cannabis activity in the city.
- (d) In addition to a cannabis business permit under this chapter, it shall be unlawful to operate a cannabis business or otherwise engage in commercial cannabis activity within the city without the approval by the city council of a development agreement and a condition use permit authorizing each proposed cannabis business.

(Ord. No. 974-2021, § 1, 6-7-2021; Ord. No. 977-2021, § 1, 10-4-2021)

Editor's note— Ord. No. 977-2021, § 1, adopted Oct. 4, 2021 amended § 19.27.040 and in doing so changed the title from "Cannabis business permit required" to "Cannabis business permit and other permits required," as set out herein.

Sec. 19.27.050. - Authority of the city manager.

- (a) The city manager shall be responsible for administering and enforcing this chapter. The city manager may designate its authority under this chapter to other city departments and employees as necessary to effectuate the purpose and intent of this chapter or to protect the public health, safety and welfare.
- (b) The city manager, in consultation with the city attorney, may adopt administrative policies to promulgate rules, regulations, and procedures to ensure the efficient and timely implementation of this chapter or to protect the public health, safety and welfare. Such policies shall be: (i) effective upon the date specified in the policy; (ii) signed by the city manager and the city attorney; and be made publicly available through the city clerk.
- (c) The city manager is the city's designated contact for all communications with the state licensing agencies.
- (d)

The city council may, in its discretion, designate any other city official or other person, to perform any of the city manager's responsibilities pursuant to this chapter.

(Ord. No. 974-2021, § 1, 6-7-2021)

Sec. 19.27.060. - Types of commercial cannabis activity permitted.

The following types of adult-use and medical-use commercial cannabis activity, as defined in Business and Professions Code Section 26050(a) and the regulations of the state licensing agencies, may be permitted to operate in the city, upon the approval of all permits required by this Code:

- (1) Cultivation (Indoor only: Types 1 through 5, excluding outdoor; Processor).
- (2) Delivery (Type 9).
- (3) Distribution (Types 11 and 13).
- (4) Manufacturing (Types 6, 7, N, P).
- (5) Retail Storefront (Type 10).
- (6) Testing (Type 12).
- (7) Temporary cannabis event.
- (8) Any commercial cannabis activity which requires a State of California license as currently defined or amended by the State of California and which is not identified in this chapter and not outdoor cultivation.

(Ord. No. 974-2021, § 1, 6-7-2021; Ord. No. 977-2021, § 2, 10-4-2021)

Sec. 19.27.070. - Number of commercial cannabis businesses permitted.

- (a) There shall be no limit on the number of permits issued pursuant to this chapter.
- (b) Nothing in this section creates a mandate that the city must issue any number of permits if it is determined that applicants do not meet the requirements for a permit pursuant to this chapter and other applicable state and local laws.

(Ord. No. 974-2021, § 1, 6-7-2021; Ord. No. 977-2021, § 3, 10-4-2021)

Sec. 19.27.080. - Cannabis business location restrictions.

A cannabis business shall only be located in such subsets of such zoning districts as designated by the city council by resolution as authorized locations for each type of cannabis business. The following additional location restrictions apply to each cannabis business within the city.

- (a) Each cannabis business type must be located within the zoning districts specified by Barstow Municipal Code sections 19.16.030 and 19.18.030, as applicable.
- (b) A cannabis business shall not be located within a 1,000 foot radius of any public or private school providing instruction in kindergarten or any grades one through twelve, public park, public day care center or public youth center, or church or other religious land use that is in existence at the time the cannabis business applies for its initial permit.
- (c) A cannabis business shall not be located within a 1,000 foot radius of any residentially zoned district of the city (Districts ER, LDR, SFR, MDR, or any other newly created residential zoning district) that is so zoned at the time the cannabis business applies for its initial permit.

The distances specified in this section shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of the California Health and Safety Code.

(Ord. No. 974-2021, § 1, 6-7-2021; Ord. No. 977-2021, § 4, 10-4-2021)

Sec. 19.27.090. - Cannabis business permit application procedures.

- (a) The city manager shall prepare and publish application forms and instructions for applying for a permit and the additionally required development agreement and conditional use permit.
- (b) An applicant shall provide the following documents and information to the city manager as part of its application, in addition to any documents required by the city manager's application forms and procedures promulgated under subsection (a):

- (1) Landowner authorization for the proposed business premises;
 - (2) Zoning map demonstrating the proposed business premises complies with location restrictions specified in section 19.27.080 of this chapter and other applicable provisions of this Code and the city council's resolution(s);
 - (3) Disclosure of all owners and financial interest holders;
 - (4) Business premises diagram;
 - (5) Standard operating procedures;
 - (6) Security plan;
 - (7) Community liaison plan; and
 - (8) Applications for a development agreement and conditional use permit signed by the cannabis business permit applicant and landowner, if not the same.
- (c) Within each application period to be specified by the city manager by regulation, an applicant may submit an application for a permit to the city manager.
- (d) An applicant shall pay a non-refundable application fee in an amount established by resolution of the city council to cover the costs associated with the processing of the application.
- (e) Within 30 days of an applicant paying the application fee pursuant to subsection (d) of this section, the city manager shall determine whether the applicant has submitted all required information and documents pursuant to subsection (b) of this section. If the applicant has submitted all required information and documents, the city manager shall notify the applicant in writing that its application is complete. If the applicant has not submitted all required information and documents, the city manager shall notify the applicant in writing of the remaining information and documents required to be submitted.
- (f) Upon the city manager's determination that an application is complete, the city manager shall issue the applicant local authorization for the purpose of applying for a state license from the state licensing agencies. At a minimum, the local authorization shall confirm that the applicant's compliance with the city's cannabis business permit process is underway but not complete.
- (g) After deeming an application complete, the city manager may issue a permit to an applicant if and once all of the following requirements are met:
- (1) The applicant provides an executed rental agreement or property deed for its business premises.
 - (2) The city manager or its designee conducts a physical inspection of the business premises and determines that it is substantially similar to the premises diagram submitted as part of the application.
 - (3) The city manager or its designee satisfies all requirements, if any, under the California Environmental Quality Act, relating to issuance of a permit.
 - (4) The fire prevention department conducts a physical inspection of the business premises and determines that there are no violations of the fire and building codes.
 - (5) The applicant has obtained all other permits, licenses, authorizations or other approvals required to conduct business in the city, including city council approval of a development agreement and conditional use permit.
 - (6) The applicant's owner(s) complete a background check administered by the police department and no owner is found to have been convicted of a felony within the five years preceding to the date of application.
 - (7) The applicant has obtained all required licenses from the state licensing agencies.
 - (8) The city manager has determined that the applicant has met all applicable requirements of this Code and state law.

(Ord. No. 974-2021, § 1, 6-7-2021; Ord. No. 977-2021, § 5, 10-4-2021)

Sec. 19.27.100. - Denial of cannabis business permit application.

- (a) If an applicant does not meet all requirements for a permit, the city manager shall provide written notice to the applicant specifying which requirements the applicant does not meet and provide the applicant a reasonable opportunity to comply with those requirements. Thereafter, if the applicant fails or is unable to meet any requirement for a permit, the city manager may deny the application by providing written notice to the applicant specifying the reason(s) for denial.
- (b) An applicant may appeal a denial of its application pursuant to section 19.27.170 of this chapter, unless the denial was by the city council, in which case the decision is final and not appealable.

(Ord. No. 974-2021, § 1, 6-7-2021; Ord. No. 977-2021, § 6, 10-4-2021)

Sec. 19.27.110. - Cannabis business permit renewal procedures.

- (a) A cannabis business permit is valid for one year from the date of issuance.
- (b) To renew a permit, a cannabis business shall file an application for renewal, on a form provided by the city manager, at least 60 days prior to the expiration date of the current permit. The cannabis business shall also pay a non-refundable renewal application fee in an amount established by resolution of the city council to cover the costs associated with the processing of the application.
- (c) The city manager shall decide whether to approve or deny the application for renewal no later than 30 days before the current permit expires.
- (d) The city manager shall approve a timely application for renewal if the cannabis business provides all information required by the city manager, pays the renewal application fee, the cannabis business remains in compliance with the terms of its development agreement, conditional use permit, and cannabis business permit, and no reason exists to deny the application, such as noncompliance with applicable state or local laws.
- (e) The city manager may deny an application for renewal if it determines that the cannabis business has violated or is in violation of any requirements of this Code or any applicable state or local law or condition of any city approval or permit, provided the cannabis business is first afforded a reasonable opportunity to correct any violations.
- (f) An applicant may appeal a denial of an application for renewal pursuant to section 19.27.170 of this chapter. If an applicant timely files an appeal, its existing permit shall remain valid and active until it has exhausted all administrative appeal rights pursuant to 19.27.170 of this chapter.

(Ord. No. 974-2021, § 1, 6-7-2021; Ord. No. 977-2021, § 7, 10-4-2021)

Sec. 19.27.120. - Cannabis business ownership amendment and permit transfer procedures.

- (a) A cannabis business shall be permitted to modify its ownership structure, including removing or adding owners, provided that the cannabis business provides the city manager an updated ownership and financial interest disclosure form within 15 days of the occurrence of the modification. If the city manager determines any new owner has been convicted of a felony within the last five years, the cannabis business shall not be permitted to operate unless the ineligible owner is removed from the ownership structure.
- (b) A cannabis business shall be permitted to transfer its permit to another person subject to the approval of the city manager. A Permit may only be transferred if the person receiving the permit first submits to the city manager all documents and information required pursuant to section 19.27.090(g) of this chapter and the city manager determines that person meets the requirements for a permit, including all applicable requirements of the development agreement and conditional use permit.

(Ord. No. 974-2021, § 1, 6-7-2021; Ord. No. 977-2021, § 8, 10-4-2021)

Sec. 19.27.130. - State license required.

A cannabis business shall not engage in commercial cannabis activity in the city if it does not hold an active provisional or annual commercial cannabis license(s) from the state licensing agencies for each type of commercial cannabis activity it will engage in at its business premises in the city.

(Ord. No. 974-2021, § 1, 6-7-2021)

Sec. 19.27.140. - Cannabis business operational requirements.

- (a) A cannabis business in the city shall comply with all city laws and all other applicable laws.
- (b) A cannabis business in the city shall comply with all applicable provisions of Business and Professions Code Section 26000, et seq. and all applicable rules and regulations promulgated by the state licensing agencies.
- (c) *Community relations liaison.* A cannabis business shall designate one of its owners or full-time employees as its community relations liaison and who shall be responsible for receiving and responding to all concerns and complaints made to the city regarding the cannabis business and for making a good faith attempt to promptly address all concerns and resolve all complaints. The community

relations liaison's name, phone number and email address shall be posted prominently on the exterior of the cannabis business's business premises.

- (d) *Age restrictions.* Individuals under 21 years of age shall not be allowed on the business premises of any cannabis business, except as pertaining to the sale of cannabis for medicinal use by a storefront retail cannabis business to a medical patient or primary caregiver who is at least 18 years of age.
- (e) *Hours of retail operation.* A retail storefront cannabis business shall only be open to the public between the hours of 6:00 a.m. and 10:00 p.m. A delivery cannabis business shall only deliver cannabis or cannabis products between the hours of 6:00 a.m. and 10:00 p.m. The city manager may adjust these default hours by regulation.
- (f) *Security requirements.* A cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products. These security measures shall include, but may not be limited to the following:
 - (1) Alarm system (perimeter, fire, and panic buttons).
 - (2) Remote monitoring of alarm systems by licensed security professionals.
 - (3) Perimeter lighting systems (including motion sensors) for after-hours security.
 - (4) Perimeter security and lighting.
 - (5) Establishing limited access areas accessible only to authorized cannabis business personnel.
 - (6) All cannabis and cannabis products shall be stored and secured in accordance with the requirements specified by the State of California. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.
 - (7) Twenty-four-hour security surveillance cameras to monitor all entrances and exits to and from the business premises, all interior spaces within the cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. Live feed and video recordings shall be maintained for a minimum of 90 cannabis events.
 - (8) Entrance areas are to be under the control of a designated responsible party that is either: (a) an employee of the cannabis business; or (b) a licensed security professional.
- (g) *Odor control.* A cannabis business shall implement an adequate ventilation system and odor control filtration measures to prevent odors from inside the business premises from being detected outside the business premises. Activated carbon filters are required for locations growing or manufacturing cannabis. If any cannabis facility has multiple complaints of odors this may trigger an inspection. If upon inspection a facility does have noticeable odor coming from inside the facility to the outside and the facility, then additional measures to reduce odor will be required as determined by the community development department. This includes, but is not limited to, the installation of additional activated carbon or other kinds of filters.
- (h) *Restriction on alcohol and tobacco sales.*
 - (1) No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the business premises of a cannabis business.
 - (2) No person shall cause or permit the sale of tobacco products on or about the business premises of a cannabis business.
- (i) *Onsite consumption of cannabis.* No person shall consume cannabis or cannabis products on the business premises of a cannabis business. Notwithstanding the foregoing, a cannabis business permitted for retail storefront activity may allow a person to consume cannabis in a designated consumption area of its business premises. The cannabis business shall first obtain from the city manager to operate a consumption area and comply with all regulations promulgated by the city manager concerning the operation of consumption areas.
- (j) *Temporary cannabis events.* A cannabis business permitted for retail storefront activity may hold a temporary cannabis event at which the onsite sale and consumption of cannabis goods is authorized. The cannabis business shall comply with all regulations of the state licensing agencies and those promulgated by the city manager concerning temporary cannabis events.
- (k) *Prevention of loitering or public disturbance.* A cannabis business shall take reasonable steps to discourage persons on or around its business premises, including any parking areas under its control from engaging in illegal, criminal, or nuisance activities, including, but is not limited to, disturbances of the peace, public intoxication, drinking alcoholic beverages, smoking or ingesting cannabis products,

illegal drug activity, vandalism, obstruction of the operation of a another business, harassment of passersby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking, excessive loud noise, or any other behavior that adversely affects or detracts from the quality of life for adjoining residents, property owners, or businesses.

- (l) *Access for city officials.* A cannabis business shall provide immediate access to its business premises and all areas therein to employees or agents of the city performing their official duties.
- (m) The city manager or its designee may develop other operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare.
- (n) Cannabis growing, manufacturing and testing shall be in appealing and discreet facilities that do not openly advertise the presence of any cannabis products or operations on site and subject to city's design guidelines.

(Ord. No. 974-2021, § 1, 6-7-2021; Ord. No. 977-2021, § 9, 10-4-2021)

Sec. 19.27.150. - Cannabis business local hire requirements.

- (a) Within one year of the adoption of this chapter, the city manager shall establish a registry for city residents who are interested in employment opportunities at cannabis businesses in the city. The registry shall include the name, phone number and email address of each individual who registers.
- (b) A cannabis business shall make a good-faith effort to employ residents of the city for a minimum of 40 percent of total annual work hours performed at the business. The 40 percent requirement shall take effect one year after the cannabis business first obtains its permit and continue yearly thereafter. A cannabis business shall satisfy its obligation to make a good-faith effort by notifying all individuals on the city manager's registry of new employment opportunities and considering all qualified individuals on the registry for such opportunities.
- (c) A cannabis business shall not be considered in violation of this section if it fails to employ city residents for a minimum of 40 percent of total annual work hours performed if the cannabis business demonstrates to the city manager that it:
 - (1) Notified all individuals on the registry of each employment opportunity available at the cannabis business; and,
 - (2) An insufficient number of individuals on the registry applied for each employment opportunity or possessed the necessary experience or qualifications for each employment opportunity.

(Ord. No. 974-2021, § 1, 6-7-2021)

Sec. 19.27.160. - Cannabis business permit violations.

- (a) The city manager or its designee shall be responsible for monitoring cannabis businesses' compliance with the requirements of this Code and all other applicable laws. A cannabis business shall be subject to inspection, investigation or audit by the city manager or its agents during business hours, with no notice required, to determine compliance with this chapter.
- (b) If the city manager determines that a cannabis business in the city has violated the requirements of this Code or any other applicable law, including the terms of each cannabis business' development agreement, conditional use permit, and cannabis business permit, the city manager may issue the cannabis business a written notice of violation, which shall identify each violation, specify the facts underlying each violation, and specify any administrative penalty imposed for each violation.
- (c) The city manager may impose one or more of the following administrative penalties on a cannabis business for violation of this chapter or any other applicable law:
 - (1) Suspension of permit;
 - (2) Revocation of permit;
 - (3) Imposition of more restrictive permit operating requirements;
 - (4) Order to take corrective action.
- (d) The city manager shall determine an appropriate administrative penalty, if any, by considering factors, including, but limited to:
 - (1) The extent of harm or potential harm caused by the violation;
 - (2) The nature and persistence of the violation;
 - (3) The length of time over which the violation occurs;
 - (4) The history of past violations; and

(5) Any mitigating evidence.

(e) A cannabis business may appeal a notice of violation and any administrative penalty as pursuant to section 19.27.170 of this chapter.

(f) A notice of violation shall be final and effective 30 days from issuance unless timely appealed pursuant to section 19.27.170 of this chapter.

(g) The remedies provided in this section are in addition to the remedies and penalties available under this Code, and all other laws of this state.

(Ord. No. 974-2021, § 1, 6-7-2021; Ord. No. 977-2021, § 10, 10-4-2021)

Sec. 19.27.170. - Cannabis business permit appeal procedures.

(a) This section shall govern the procedures for appealing a decision by the city manager pursuant to sections 19.27.100, 19.27.110 and 19.27.160 of this chapter. Any cannabis permitting decision made by the city council is final and not appealable.

(b) An applicant or cannabis business may appeal a decision by the city manager pursuant to sections 19.27.100, 19.27.110 and 19.27.160 of this chapter within 30 days of the date on which the city manager mailed written notice of its decision to the applicant or cannabis business.

(c) An applicant or cannabis business shall file its appeal in writing to the city manager. The appeal shall specify the decision being appealed and the basis for the appeal. Upon receipt of an appeal, the city manager shall transmit it to the city council.

(d) Upon receipt of an appeal, the city manager shall have discretion to modify or reverse its decision being appealed based upon evidence or arguments presented by the applicant or cannabis business. The city manager shall also have the authority to enter into stipulated agreements concerning the appeal.

(e) The city council shall hold a public hearing on the appeal no later than 90 days from the date the applicant or cannabis business filed the appeal with the city manager. At the public hearing, the applicant or cannabis business shall have a reasonable opportunity to present evidence and arguments concerning its appeal. The city council shall consider all appeals on a de novo basis.

(f) No later than 30 days after the public hearing of the appeal, the city council shall decide to uphold, reverse or modify the city manager's decision. The city council's decision is final and effective upon issuance and is not appealable.

(g) Any deadline under this section may be extended upon the mutual agreement of the applicant and the city council.

(h) *Calculation of time.* Unless otherwise specified, when the final day for the filing of an appeal or holding a public hearing falls on a Saturday, Sunday or city holiday, the time for filing or holding the hearing shall be extended to the close of the next business day, and the effective or final date of any action, decision or determination shall be extended by the same amount of time.

(Ord. No. 974-2021, § 1, 6-7-2021; Ord. No. 977-2021, § 10, 10-4-2021; Ord. No. 977-2021, § 11, 10-4-2021)

CHAPTER 19.28. - VARIANCES

Sec. 19.28.010. - Purpose.

(a) When, because of special circumstances applicable to property, including size, shaped topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, the commission upon verified application by a property owner, agent, or by a lessee shall initiate proceedings for the granting of a variance from the provisions of this title under such conditions as may be deemed necessary to ensure that the intent and purpose of this title and the General Plan upon which it is based will be observed; and that the health, safety, and public welfare be secured; that substantial justice be done, not only to the applicant, but to the applicant who might be affected by the variance.

(b) A variance shall not be construed as an amendment to this title or cause the maps which are part of this title to be changed.

(c) Variances may not be granted to allow for nonpermitted land uses.

(Ord. No. 934-2015, § 19.28.010, 7-20-2015)

Sec. 19.28.020. - Filing of application.

(a) Application for variances shall be made to the commission in writing on forms approved by the commission for this purpose.

- (b) (1) All applications must be determined to be complete by the planning department prior to being set for public hearing.
- (2) In all cases, statutory time-frames imposed by the Government Code and California Environmental Quality Act apply.
- (c) The commission may, along with the submittal of an application for variance, require the following materials:
 - (1) Site plan to scale, showing parcel dimensions, distance and bearings, all existing and proposed structures, and off-street parking locations;
 - (2) Elevations to scale, showing typical unit or units, balconies, porches and overhangs;
 - (3) Topography maps;
 - (4) Landscaping plans.
- (d) The commission shall cause to be made such investigation of facts bearing on the application for variance as will provide necessary information to ensure that the action on each application is consistent with the intent and purpose of this title.
- (e) In cases where the authorized planning personnel find the conditions set forth on the application are not within the scope of the variance procedure, the applicant shall be so informed. Whereupon, if the application is submitted, it shall be signed by the applicant to the effect that he was so informed.

(Ord. No. 934-2015, § 19.28.020, 7-20-2015)

Sec. 19.28.030. - Conditions for granting.

The applicant shall set forth in detail on forms provided by the commission the reasons for the requested variance, show thereon how the conditions set forth in this section are satisfied, and all other information as may be required by the commission. The commission, before it may grant a variance, must make a finding in writing that, on the evidence presented, all of the following conditions exist in reference to the property being considered:

- (1) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other property in the same district classification and neighborhood;
- (2) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same district classification and neighborhood;
- (3) That the granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvements in the district classification and neighborhood in which the property is located; and
- (4) That the granting of the variance will not be contrary to the objectives of the General Plan.

(Ord. No. 934-2015, § 19.28.030, 7-20-2015)

Sec. 19.28.040. - Voiding.

Each variance granted under the provisions of this chapter shall become null and void 12 months after the date of action approving such variance unless:

- (1) The construction authorized by such variance permit has commenced within 12 months after granting of the variance and diligently advanced to completion;
- (2) The occupancy of land or buildings authorized by the variance has taken place within 12 months after granting the variance;
- (3) The decision approving a variance contains in its findings and conditions specific authority for extending the time limit herein; or
- (4) Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limits established herein, the commission may grant, upon written request from the property owner, applicant, or representative, one extension of time, not to exceed 12 months.

(Ord. No. 934-2015, § 19.28.040, 7-20-2015)

Sec. 19.28.050. - Conditions of approval.

For conditions of approval, see chapter 19.36.

(Ord. No. 934-2015, § 19.28.050, 7-20-2015)

Sec. 19.28.060. - Publication, mailing of notices.

For publication and mailing of notices, see chapter 19.40.

(Ord. No. 934-2015, § 19.28.060, 7-20-2015)

Sec. 19.28.070. - Commission hearings.

For commission hearings see section 19.42.010.

(Ord. No. 934-2015, § 19.28.070, 7-20-2015)

Sec. 19.28.080. - Notice of decisions.

For notice of decisions, see section 19.42.020.

(Ord. No. 934-2015, § 19.28.080, 7-20-2015)

Sec. 19.28.090. - Refiling time limit.

For refiling time limit, see section 19.42.030.

(Ord. No. 934-2015, § 19.28.090, 7-20-2015)

Sec. 19.28.100. - Appeals.

For appeals, see chapter 19.44.

(Ord. No. 934-2015, § 19.28.100, 7-20-2015)

CHAPTER 19.30. - CONDITIONAL USES

Sec. 19.30.010. - Purpose.

The intent of this chapter is to provide for certain uses in the several land use districts of this title subject to the issuance of a conditional use permit. The commission may, in accordance with the several provisions set forth in this chapter, grant a conditional use permit for uses listed herein when it is found that the proposed development will meet the requirements of the General Plan and the several chapters of this title. Special consideration given for conditional uses involves, among other things, the size of the area required for the proper development of certain uses, the nature of traffic generated by the operation of such uses, and the effect which such uses may have on adjoining land uses or on the growth or development of the community as a whole. In granting a conditional use permit, the commission may recommend and require such conditions as it may determine necessary in order to safeguard and protect the public health, safety and general welfare and to ensure that such development permitted will be completed in accordance with the plans and an orderly developmental period which the commission may determine.

(Ord. No. 934-2015, § 19.30.010, 7-20-2015)

Sec. 19.30.020. - Conditions required for permit and site approval.

The applicant shall set forth in detail, on forms provided by the commission, the reasons for the requested conditional use permit citing that the intended use is authorized by this chapter. The commission may approve a request, provided the commission makes a finding that all of the following conditions exist:

- (1) That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this title.
- (2) That the use is necessary or desirable for the development of the community and is not detrimental to existing uses or uses specifically permitted in the district classification as per this title.

- (3) That the site for the intended use is adequate in size and shape to accommodate the use and that all of the yards, setbacks, walls or fences, landscaping, and other features required in order to adjust the use to existing uses or possible future uses on adjoining land in the neighborhood be compatible with one another.
- (4) That the site for the proposed use conforms to streets and highways properly designed and improved so as to carry the type and quantity of traffic generated or to be generated by the proposed use.
- (5) City sewer service shall not be provided to any parcel not meeting the requirements of this chapter.

(Ord. No. 934-2015, § 19.30.020, 7-20-2015)

Sec. 19.30.030. - Uses permitted with a conditional use permit.

Notwithstanding the uses or conditional uses permitted in the several land use districts of this title, the following, additional uses may be permitted in any district classification (except as noted) subject to the provisions of this chapter:

- (1) Airports and heliports, public or private.
- (2) Churches and other religious institutions, tent revivals, rescue missions and enterprises involving large assemblages of people, or automobiles, including planned amusement parks, fairgrounds, race track, open air theater, picnic grounds, recreational or sports centers, baseball and football arenas.
- (3) Cemeteries, mausoleums, crematories, columbariums, and other uses customarily incidental to these permitted uses.
- (4) Hospitals and emergency care facilities, provided that one loading space per 30,000 square feet of gross floor area is provided up to a maximum of four.
- (5) Institutions for the care of the aged, or for the care and cure of mental, drug and alcohol related addictions.
- (6) Educational facilities, libraries, museums and art galleries.
- (7) Playgrounds, parks, community center, and governmental or public buildings.
- (8) Radio and television transmitter or towers.
- (9) Rifle, pistol, trap or skeet range (limited to the DU, HS, C and I districts).
- (10) Public utilities and public service uses or structures such as reservoirs, pumping plants, electrical substations, filtration plants, sewer plants, communication substations, microwave stations and towers.
- (11) Golf courses and driving ranges in conjunction with a golf course.
- (12) Condominium conversions.
- (13) Except where permitted elsewhere in this title, the development of natural resources together with necessary buildings, apparatus, or appurtenances incidental thereto.
- (14) Other special or unusual uses for which no provision is made in this title or which provide an unusual combination of uses on a large scale as determined by the planning commission.
- (15) Auction yards.
- (16) Recreational trailer parks and campgrounds.

(Ord. No. 934-2015, § 19.30.030, 7-20-2015)

Sec. 19.30.040. - Use permit application.

- (a) The planning commission shall fix the form and extent of information required for a use permit application. All applications must be determined to be complete by the planning department prior to being set for public hearing.
- (b) In all cases, statutory time-frames imposed by the Government Code and California Environmental Quality Act apply.
- (c) An application form provided by the planning department plus a fee as determined by resolution of the city council shall be required of all applicants. In addition, any or all of the following materials may be required of the applicant:
 - (1) Site plan to scale:
 - a. Parcel dimensions;
 - b. All existing and proposed buildings and structures, location and number of units on the property and existing development on abutting properties;

- c. Off-street parking; location and number of spaces, dimensions of parking areas, circulation and wheel guards;
 - d. Vehicular and pedestrian ways with grades, widths and types of improvements, access points providing ingress to and egress from the site; service points;
 - e. Topography; surface drainage conditions and outlets;
 - f. Existing and proposed utilities, poles and hydrants;
 - g. Street dedications and improvements;
- (2) Elevations to scale of all structures including architectural type, overhang, openings, balconies, decks and signs (in the case of existing structures and provided that no exterior elevation changes are proposed, photographs of each side of the structures may be submitted in lieu of elevations);
- (3) Typical unit or units;
- (4) Floor plans may be required for building and safety, and fire prevention review.
- (d) Procedure. No application shall be reviewed by the planning commission or accepted by the staff until the materials requested of the applicant are presented.
- (e) Applications submitted without the required submittals shall be deemed incomplete and, pursuant to the Permit Streamlining Act, a notice shall be sent to the applicant within 30 days of submittal indicating why the submittal is incomplete.

(Ord. No. 934-2015, § 19.30.040, 7-20-2015)

Sec. 19.30.050. - Enforcement of conditions of approval.

Failure to comply with the approved conditions of approval shall be considered a violation of this chapter and therefore shall result in the issuance of administrative citations as identified under [chapter 6.30](#). The city planner or his designee may set the conditional use permit approval for review hearing before the planning commission for consideration of modification, discontinuance or revocation after the issuance of the third administrative citation.

(Ord. No. 934-2015, § 19.30.050, 7-20-2015)

Sec. 19.30.060. - Revocation or voiding of a conditional use permit.

- (a) Each conditional use permit granted under the provisions of this chapter shall contain in its findings and conditions of approval specific instructions as to the length of time for authorized construction or establishment of use. When construction or establishment of use has not been diligently advanced to completion or occupancy of the buildings or land within six months of issuance, the permit shall become null and void.
- (b) When an applicant submits a master plan of development or use and it is approved, and such ultimate development or uses will be completed over a number of years, the commission shall require the following:
 - (1) Time limit for construction or use of first buildings or areas to be utilized;
 - (2) At the time of construction or use of facilities proposed as future development on the approved master plan of development, the commission will require submittal of plans for the proposed development for plan review by the city planner or his designee. If proposed construction or use is substantially the same as indicated on the approved master plan of ultimate development the city planner may permit the proposed construction or use without a further public hearing.
 - (3) If the time for construction between phases exceeds five years, a subsequent conditional use permit shall be submitted to and approved by the planning commission.
- (c) A conditional use permit shall become null and void if an approved use is discontinued for a period of 12 months or longer.
- (d) Notwithstanding any other provisions of this Code to the contrary, the city planner or planning commission may require modifications, discontinuances or revocation of any conditional use permit approval if it is found that the conditional use permit approval as operated or maintained:
 - (1) Jeopardizes or adversely affects the public health, peace, or safety of persons residing or working on the premises or surrounding area; or
 - (2) Constitutes a public nuisance;
 - (3)

Has resulted in repeated nuisance activities, including but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises (especially after 11:00 p.m. or before 8:00 a.m.), traffic violations, curfew violations, lewd conduct, or police detentions and arrests;

- (4) Adversely impacts nearby uses;
 - (5) Violates any provisions of this chapter, or any other city, state, or federal regulation, ordinance, or statute;
 - (6) Violates any condition imposed by a prior discretionary land use approval including approvals granted pursuant to this chapter or this title; or an approval initiated by applicants of a property owner or owner's representative related to the use of land including, but not limited to, parcel map, tentative tract map, development agreement, etc. pursuant to a moratorium or an interim control ordinance; or
 - (7) Information contained on the application is false or incorrect at the time of the submittal.
- (e) Procedures. The planning division shall give notice to the record owners and lessees of the real property affected to appear at a review hearing at a time and place fixed by the city planner or his designee, at a time and place fixed by the city planner or his designee and show cause before the planning commission why the conditional use permit approval should not be modified, discontinued or revoked. Upon the conclusion of the review hearing, the planning commission may request the city planner or his designee to set a public hearing for modification, discontinuance or revocation of the conditional use permit approval.
- (1) Hearing notice. The planning division shall give notice of such review hearing to the property owner or lessee not less than 15 days prior to the proposed review hearing. Said notice shall indicate the reasons why the conditional use permit is being considered for modification, discontinuance or revocation. Public hearings requested by the planning commission as a result of a review hearing shall be noticed pursuant to chapter 19.40.
 - (2) Hearing and decision.
 - a. The matter may be set for public hearing before the planning commission. After the conclusion of the public hearing, the planning commission may require the modifications, discontinuance or revocation of the conditional use permit. As part of the action, the planning commission may impose conditions of operations as they deem appropriate, including those necessary to protect the best interest of the surrounding properties or neighborhood; to eliminate, lessen, or prevent any detrimental effect on the surrounding properties or neighborhood; or to ensure compliance with other applicable provisions of law or conditions of an earlier discretionary approval. Conditions imposed may include the establishment of amortization schedules, the closure or removal of buildings or structures, and affect the establishment, maintenance, or operation of the subject use, and related land uses, buildings, or structures.
 - b. Any determination shall be supported by written findings, including a finding that the planning commission's determination does not impair the constitutional rights of any person. The written determination shall also state that failure to comply with any or all conditions imposed may result in the issuance of an order to discontinue or revoke the conditional use permit approval. The planning commission may require the discontinuance or revocation of a conditional use permit only upon finding that:
 1. Prior government efforts to cause the owner or operator to eliminate the problems associated with the conditional use permit approval have failed (examples include formal action, such as citations, orders or hearings by the police department, fire department, building and safety division, planning division, code compliance division, the city planning commission, or any other governmental agency); and
 2. The owner or operator has failed to demonstrate, to the satisfaction of the planning commission, the willingness or ability to eliminate the problems associated with the conditional use permit approval.
 - (3) Any modification, discontinuance or revocation shall be adopted by resolution.
- (f) Appeals. The planning commission's action to modify, discontinue or revoke a conditional use permit approval may be appealed pursuant to chapter 19.44.

(Ord. No. 934-2015, § 19.30.060, 7-20-2015)

Sec. 19.30.070. - Revisions, modifications and extensions.

Revisions or modifications of conditional use permits can be requested by the applicant.

- (1) Revisions/modifications by applicant.
 - a. Major revisions. A major revision or modification to an approved conditional use permit such as, but not limited to, change in conditions, expansions, intensification, location or hours of operation, may be requested by the applicant. Such request shall be processed through application of a new conditional use permit, pursuant to the provisions contained in this section. The applicant shall supply necessary information as determined by the city, to indicate reasons for the requested change.
 - b. Minor revisions. A revision or modification to an approved conditional use permit such as, but not limited to, minor changes in the site design, parking or building placement, which will not increase or change the use or intensity of the site, may be acted on by the planning director through the administrative review without notice procedure, pursuant to section 19.30.110(2). The applicant shall supply necessary information as determined by the planning director to indicate reasons for the requested change.
- (2) Review by planning commission. The planning commission may periodically review any conditional use permit to ensure that it is being operated in a manner consistent with conditions of approval or in a manner which is not detrimental to the public health, safety or welfare, or materially injurious to properties in the vicinity. If, after review, the commission deems that there is sufficient evidence to warrant a full examination, then a public hearing date shall be set.
- (3) Modification or revocation by the planning commission.
 - a. After setting a date for public hearing, the planning director, or his designee, shall notify the applicant and owners of the conditional use permit in question. Such notice shall be sent by certified mail and shall state that the commission will be reviewing the conditional use permit for possible modification or revocation. It shall also state the date, time and place of hearing. The public hearing shall be conducted and notice given in accordance with chapter 19.40.
 - b. The planning director, or his designee, shall fully investigate the evidence and prepare a report for the commission's consideration. Upon conclusion of the public hearing, the commission shall render a decision to do one of the following measures:
 1. Find that the conditional use permit is being conducted in an appropriate manner and that no action to modify or revoke is necessary;
 2. Find that the conditional use permit is not being conducted in an appropriate manner and that modifications to conditions are necessary; or
 3. Find that the conditional use permit is not being conducted in an appropriate manner and that modifications are not available to mitigate the impacts and therefore revoke the permit which requires the operation to cease and desist in the time allotted by the commission.
 - c. If the planning commission either modifies or revokes a conditional use permit, then they shall state reasons for such action within the resolution.
- (4) Extensions may be approved by the economic development and planning manager, or his designee, upon receiving a written request from the property owner, applicant, or representative. The request shall explain the reasons and necessity for granting the extension. An extension may be granted for up to one year. Subsequent extensions may be requested provided that the extensions total no more than two years.
- (5) New applications following denial or revocation. Following the denial or revocation of a conditional use permit application, no application for a conditional use permit for the same or substantially the same use or the same or substantially the same site shall be filed within one year from the date of denial or revocation.

(Ord. No. 934-2015, § 19.30.070, 7-20-2015)

Sec. 19.30.080. - Publication, mailing of notices.

For publication and mailing of notices, see chapter 19.40.

(Ord. No. 934-2015, § 19.30.080, 7-20-2015)

Sec. 19.30.090. - Commission hearings.

For commission hearings, see section 19.42.010.

(Ord. No. 934-2015, § 19.30.090, 7-20-2015)

Sec. 19.30.100. - Appeals.

For appeals, see chapter 19.44.

(Ord. No. 934-2015, § 19.30.100, 7-20-2015)

Sec. 19.30.110. - Development review procedures.

Land use applications will be reviewed and approved in accordance with two basic procedures:

- (1) Noticed public hearing by the planning commission, in which the planning commission hears public testimony for and against the land use proposal, reviews evidence and renders its decision;
- (2) Administrative review without notice, used when land use decisions made by the reviewing authority are based upon standards that have been adopted by the city as law or policy, and the reviewing authority is allowed to render a decision without giving notice to surrounding property owners and other parties. The reviewing authority shall be the economic development and planning division.

(Ord. No. 934-2015, § 19.30.110, 7-20-2015)

Sec. 19.30.120. - Term of conditional use permit.

Each conditional use permit lawfully existing at the time of adoption of the ordinance amending this section and those conditional use permits granted in compliance with the provisions of this chapter shall remain in effect for the effective life of the business service, or use authorized by such permit, subject to any conditions of approval or operating standards imposed by the planning commission or city council. Such permit shall remain in effect upon a change of business or property ownership. To allow for minor deviations in operating standards and conditions, the development services director may make an administrative determination that a use is in substantial compliance with an approved conditional use permit.

(Ord. No. 934-2015, § 19.30.120, 7-20-2015)

CHAPTER 19.32. - ZONING AND ZONING ORDINANCE AMENDMENTS

Sec. 19.32.010. - Purpose.

- (a) A zoning ordinance amendment to this title or zoned district classification change on the zoning ordinance map may, in accordance with the procedures set forth in this chapter, be made whenever the public necessity, general welfare, consistency with the General Plan, or good planning practice justifies such action.
- (b) A proceeding for a rezoning or amendment to the text of the zoning ordinance may be initiated:
 - (1) By the council through the adoption of a motion, describing the proposed zoning ordinance amendment or zoned district classification change and directing the commission, to hold a public hearing thereon;
 - (2) By the commission on its own through the adoption of a motion by at least three of the authorized number of the commission; or
 - (3) By the filing with the commission of a zoning district classification change application.

(Ord. No. 934-2015, § 19.32.010, 7-20-2015)

Sec. 19.32.020. - Filing procedure.

An application for a zoning ordinance amendment or zoned district change (rezoning) shall be made to the commission in writing on forms for such action; furthermore:

- (1) a. All applications must be determined to be complete by the planning department prior to being set for public hearing.
- b. In all cases, statutory time-frames imposed by the Government Code and California Environmental Quality Act apply.
- (2)

The commission shall cause to be made such investigation of facts bearing on the application that will provide the necessary information to ensure that the action requested on each application is consistent with the intent and purposes of this title.

(Ord. No. 934-2015, § 19.32.020, 7-20-2015)

Sec. 19.32.030. - Commission findings.

- (a) The commission shall make a finding and determine if the proposed zoning ordinance or zoned district classification change is in conformance with the land use designation, policies, and standards of the General Plan.
- (b) No zoning ordinance amendments or zoned district change shall be heard by the commission, nor any application filed unless such change is consistent with the adopted land use element of the General Plan. If an application for a zoning ordinance amendment or zoned district change is not consistent with the General Plan as determined by the director of community development, the applicant shall first file an application for a General Plan amendment, subject to the provisions of [chapter 19.34](#) in order that such consistency would be achieved if the zoning ordinance amendment or zoned district change were to be approved by commission action.

(Ord. No. 934-2015, § 19.32.030, 7-20-2015)

Sec. 19.32.040. - Publication, mailing of notices.

For publication and mailing of notices, see [chapter 19.40](#).

(Ord. No. 934-2015, § 19.32.040, 7-20-2015)

Sec. 19.32.050. - Commission hearings.

For commission hearings, see [section 19.42.010](#).

(Ord. No. 934-2015, § 19.32.050, 7-20-2015)

Sec. 19.32.060. - Commission action.

Any recommendation by the commission for a zoning ordinance amendment or zoned district reclassification shall require the affirmative vote of not less than a majority of the total voting members of the commission.

(Ord. No. 934-2015, § 19.32.060, 7-20-2015)

Sec. 19.32.070. - Commission decisions.

For commission decisions, see [section 19.42.020](#).

(Ord. No. 934-2015, § 19.32.070, 7-20-2015)

Sec. 19.32.080. - Council action.

- (a) If the commission recommends the approval or denial of the proposed change or amendment, or any portion thereof, it shall transmit the application, together with its report and recommendations to the council for its action.
- (b) Upon receipt of the application, together with the commission's report and recommendations relative thereto, the council may:
 - (1) Confirm the recommendations of the commission for change or amendment;
 - (2) Conduct a public hearing and accept or reject the proposed change or amendment; or
 - (3) If the council does not agree with, or modifies part of the commission's recommendation, it shall refer the matter back to the commission for a report on the parts in question. Failure of the planning commission to report within 40 days after the reference, or such longer period as the council may designate, shall be deemed to be approval of the proposed modification.

(Ord. No. 934-2015, § 19.32.080, 7-20-2015)

Sec. 19.32.090. - Refiling time limit.

For refiling time limit, see [section 19.42.030](#).

(Ord. No. 934-2015, § 19.32.090, 7-20-2015)

Sec. 19.32.100. - Appeals.

For appeals, see chapter 19.44.

(Ord. No. 934-2015, § 19.32.100, 7-20-2015)

CHAPTER 19.34. - GENERAL PLAN AMENDMENTS

Sec. 19.34.010. - Purpose.

- (a) An amendment to any element of the General Plan may, in accordance with the procedures set forth in this chapter, be made whenever the public necessity, general welfare, changing urban socio-economic development, or good planning practice justifies such action.
- (b) A proceeding for a General Plan amendment may be initiated:
 - (1) By the council through the adoption of a motion, describing the General Plan element affected and the nature of the amendment proposed, directing the commission to hold a public hearing thereon;
 - (2) By the commission on its own through the adoption of a motion describing the General Plan element affected and the nature of the amendment proposed by at least three of the authorized number of the commission; or
 - (3) By filing with the commission a General Plan amendment application.

(Ord. No. 934-2015, § 19.34.010, 7-20-2015)

Sec. 19.34.020. - Initial request by applicant.

- (a) Prior to the filing of an application for an amendment to any element of the General Plan, the applicant shall forward a letter, together with applicable fees, to the planning department with the following information:
 - (1) Specific General Plan element to be changed;
 - (2) Nature of the change for the specific element;
 - (3) Reason for the General Plan change;
 - (4) Area of land involved in change and location;
 - (5) Signature of applicant and date of request,
- (b) The planning commission shall, by majority vote, and within 40 days after receipt of the letter requesting change, either approve the request in principle or deny the request in principle. Approval or denial in principle does not constitute approval of a General Plan amendment, but only determines if further action shall be taken on the request.

(Ord. No. 934-2015, § 19.34.020, 7-20-2015)

Sec. 19.34.030. - Filing procedure.

If an applicant has received an approval, in principle, by the planning commission on a General Plan amendment, he may within 40 days file an application for a General Plan amendment,

- (1) Applications submitted shall be set for public hearing on the nearest General Plan amendment commission hearing listed in section 19.34.040, excepting those applications that are received less than 30 days from the next regularly scheduled General Plan amendment hearing, in which case they shall be heard at the following regularly scheduled General Plan amendment hearing.
- (2) The commission shall cause to be made such investigation of facts bearing on the application that will provide necessary information to ensure that the action on each application is consistent with the intent and purposes of this title.

(Ord. No. 934-2015, § 19.34.030, 7-20-2015)

Sec. 19.34.040. - General plan amendment commission hearing.

- (a) All General Plan amendments shall be processed in accordance with the Government Code.
- (b) All applications must be determined to be complete by the planning department prior to being set for public hearing.
- (c) In all cases, statutory time-frames imposed by the Government Code and California Environmental Quality Act apply.

(Ord. No. 934-2015, § 19.34.040, 7-20-2015)

Sec. 19.34.050. - Publication, mailing of notices.

For publication and mailing of notices, see [chapter 19.40](#).

(Ord. No. 934-2015, § 19.34.050, 7-20-2015)

Sec. 19.34.060. - Commission hearings.

For commission hearings, see section 19.42.010 and Government Code § 65353.

(Ord. No. 934-2015, § 19.34.060, 7-20-2015)

Sec. 19.34.070. - Commission action.

Any recommendation by the commission for a General Plan amendment shall require the affirmative vote of not less than a majority of the total membership of the commission.

(Ord. No. 934-2015, § 19.34.070, 7-20-2015)

Sec. 19.34.080. - Council action.

- (a) When the commission recommends the approval or denial of the proposed General Plan amendment, it shall transmit the application, together with its report and recommendations to the council for its action.
- (b)
 - (1) All General Plan amendments shall be processed in accordance with the Government Code.
 - (2) Pursuant to Government Code § 65355, the council shall conduct at least one public hearing.
 - (3) In all cases, statutory time-frames imposed by the Government Code and California Environmental Quality Act apply.
- (c) The council may, upon receipt of the application and report and recommendations of the commission:
 - (1) Approve the General Plan amendment;
 - (2) Deny the General Plan amendment;
 - (3) Modify the action proposed for a General Plan amendment, in which case it shall be referred back to the planning commission for its report and recommendation on such modification.
- (d) Pursuant to Government Code § 65355, the council must have at least one public hearing prior to approving a General Plan amendment.

(Ord. No. 934-2015, § 19.34.080, 7-20-2015)

Sec. 19.34.090. - Refiling time limit.

For refiling time limit, see [section 19.42.030](#).

(Ord. No. 934-2015, § 19.34.090, 7-20-2015)

Sec. 19.34.100. - Appeals.

For appeals, see [chapter 19.44](#).

(Ord. No. 934-2015, § 19.34.100, 7-20-2015)

CHAPTER 19.36. - APPROVAL CONDITIONS

Sec. 19.36.010. - Designation.

The commission in approving variances, conditional use permits, site approvals or planned unit developments may designate such lawful conditions in connection therewith as will, in its opinion, secure substantial protection for the public health, safety, comfort, convenience and general welfare.

(Ord. No. 934-2015, § 19.36.010, 7-20-2015)

Sec. 19.36.020. - Designated.

Approval conditions may include but shall not be limited to the following:

- (1) Special setbacks, yards, open spaces and buffers.
- (2) Fences and walls.
- (3) Lighting.
- (4) Requiring street dedications and street improvement (or the posting of bonds or other financial mechanism as approved by the city engineer) to conform to the master plan of streets and highways or future street development, including service roads and alleys when necessary.
- (5) Regulation of points of vehicular ingress and egress.
- (6) Regulation of permitted signs.
- (7) Regulation of time of certain activities.
- (8) Requiring landscaping and maintenance thereof.
- (9) Requiring maintenance of grounds.
- (10) Regulation of noise, vibration, odors, dust and other nuisances.
- (11) Time period within which proposed use shall be developed and minimum size of structure for first stage of development
- (12) A request for a detailed plan for purpose of review, the site plan to be submitted by the applicant.
- (13) Regulation of type of architecture.
- (14) Regulation of height of buildings.
- (15) Regulation and requirement for easements.
- (16) Special site improvements.

(Ord. No. 934-2015, § 19.36.020, 7-20-2015)

Sec. 19.36.030. - Applicant agreement.

The commission may require that the applicant agree in writing to fulfill the required conditions as set forth herein and post within the city a faithful performance bond in an amount equal to the estimated cost of improvements plus ten percent. This bond may be furnished by a qualified surety company satisfactory to the finance director, except in cases where a cash deposit is accepted.

(Ord. No. 934-2015, § 19.36.030, 7-20-2015)

CHAPTER 19.38. - NONCONFORMING USES

Sec. 19.38.010. - Purpose.

- (a) A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of the ordinance codified in this chapter or any prior nonconforming use ordinances of this city but which, under this title, does not conform with the use regulations for the district in which it is located. This chapter is intended to limit the number and extent of nonconforming uses by prohibiting their enlargement and their re-establishment after alteration of the structure they occupy and their restoration after destruction. Eventually nonconforming uses are to be eliminated.
- (b) A nonconforming structure is a structure which was lawfully erected prior to the adoption of the ordinance codified in this title or any prior nonconforming use ordinance of this city, but which, under this title, does not conform with the standards of coverage, yard spaces, height of structures or distances between structures prescribed in the regulations for the district in which the structure is located. While permitting the use and maintenance of nonconforming structures, this chapter is intended to limit the number and extent of nonconforming structures by prohibiting their being moved, altered or enlarged so as to increase any discrepancy between existing conditions and the standards prescribed in this title and by prohibiting their restoration after destruction. Eventually all nonconforming structures of nominal value are to be eliminated or altered to conform.

(Ord. No. 934-2015, § 19.38.010, 7-20-2015)

Sec. 19.38.020. - Continuation and maintenance.

- (a) A use lawfully occupying a structure or a site on the effective date of the ordinance codified in this title or of amendments thereto which does not conform with the use regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued, except as otherwise provided in this chapter.
- (b) A structure lawfully occupying a site on the effective date of the ordinance codified in this title or of amendments thereto which does not conform with the standards of coverage, front yard, side yards, rear yards, height of structures or distances between structures and/or other or additional development standards prescribed in the regulations for the district in which the structure is located shall be deemed to be a nonconforming structure and may be used and maintained except as otherwise provided in this chapter. Routine maintenance and repairs may be performed on a structure or site, the use of which is nonconforming, and on a nonconforming structure.

(Ord. No. 934-2015, § 19.38.020, 7-20-2015)

Sec. 19.38.030. - Alterations and additions; uses.

- (a) No structure, the use of which is nonconforming, shall be moved, altered, or enlarged unless required by law, or unless the moving, alteration or enlargement will result in the elimination of the nonconforming use.
- (b) No structure partially occupied by a nonconforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use. No nonconforming use shall be enlarged or extended in such a way as to occupy any part of the structure or site or another structure or site which it did not occupy on the effective date of any ordinance codified in this title or of the amendment thereto which caused it to become a nonconforming use, or in such a way as to displace any conforming use occupying a structure or site.

(Ord. No. 934-2015, § 19.38.030, 7-20-2015)

Sec. 19.38.040. - Alterations and additions; structures.

No nonconforming structure shall be moved, altered, enlarged or reconstructed so as to increase any discrepancy between existing conditions and the standards of coverage, front yard, side yards, rear yard, height of structures or distances between structures prescribed in the regulations for the district in which the structure is located.

(Ord. No. 934-2015, § 19.38.040, 7-20-2015)

Sec. 19.38.050. - Changes of use.

If no alterations are made, a nonconforming use of a building or site may be changed to permit a similar or more restrictive type nonconforming use, subject to the provisions of chapter 19.30 (conditional uses).

(Ord. No. 934-2015, § 19.38.050, 7-20-2015)

Sec. 19.38.060. - Abandonment or cessation.

Any cessation of or abandonment of use for a period of six months or more shall require termination of such nonconforming use. Such cessation or abandonment shall be determined by factors, specifically including but not limited to the following:

- (1) Lapse of business license.
- (2) Field observance by inspection personnel regarding any use of the premises.
- (3) The physical condition of the premises.
- (4) Lack of utilities.
- (5) Building official determines the structure unsafe or uninhabitable.
- (6) Any other objective facts evidencing an abandonment or cessation of use.

(Ord. No. 934-2015, § 19.38.060, 7-20-2015)

Sec. 19.38.070. - Restoration of a damaged structure.

The restoration of a nonconforming building that is damaged or partially destroyed by fire, explosion, act of God, or of the public enemy to the extent of 50 percent or less shall be permitted; provided, that such restoration is permitted by the building code of the city and is started within one year and diligently pursued to completion. A nonconforming building that is damaged in excess of 50 percent of the building valuation shall not be restored except in full conformity with all the regulations of this title. The proportion of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the building to its prior condition and to the estimated cost of duplicating the entire structure as it existed prior thereto.

(Ord. No. 934-2015, § 19.38.070, 7-20-2015)

Sec. 19.38.080. - Nonconforming buildings—Changes.

Except as otherwise provided by this title, no nonconforming building shall be enlarged, remodeled or structurally altered unless the entire building is so changed as to be conforming.

(Ord. No. 934-2015, § 19.38.080, 7-20-2015)

Sec. 19.38.090. - Same—Nonresidential alterations.

Any nonresidential use in an appropriate district which is nonconforming only with respect to a deficiency in yard dimensions or in parking spaces may be structurally altered or enlarged; provided, that any addition or enlargement shall itself be fully conforming.

(Ord. No. 934-2015, § 19.38.090, 7-20-2015)

Sec. 19.38.100. - Same—Dwelling alterations.

A dwelling in any residential district which is nonconforming only with respect to a deficiency in yard dimensions or in parking spaces may be structurally altered or enlarged; provided, that any addition or enlargement shall itself be fully conforming and that the number of dwelling units in the structure shall not be increased.

(Ord. No. 934-2015, § 19.38.100, 7-20-2015)

Sec. 19.38.110. - Same—Maintenance.

Ordinary maintenance and minor repair of a nonconforming building (excluding structural remodeling) is permitted.

(Ord. No. 934-2015, § 19.38.110, 7-20-2015)

Sec. 19.38.120. - Annexation of nonconforming uses/structures.

All property which contains nonconforming uses/structures which are annexed to the city after the effective date of the ordinance codified in this chapter shall be subject to all provisions as listed in this chapter. Any additions or alterations to such nonconforming uses or structures shall comply with section 19.38.040.

(Ord. No. 934-2015, § 19.38.120, 7-20-2015)

Sec. 19.38.130. - Nonconforming signs.

- (a) All signs located upon a site which no longer advertise an existing business conducted or product sold on the premises or any signs located upon a site where the business has been discontinued or abandoned for a period of six months shall be considered nonconforming. Said sign copy shall be removed or caused to be removed by the owner of the site within 30 days of discontinuance of the business advertised thereon and/or notification by the city. Any site containing nonconforming signs may not be expanded, altered or enlarged until such time as the nonconforming signs have been removed or reconstructed so as to bring them into conformity.
- (b) Antique, vintage or locally significant signs may remain provided they are structurally sound and pose no safety concerns and are maintained in a good quality condition. Should an antique, vintage or locally significant sign be removed, it is encouraged that the owner to contact a local museum or collector in lieu of destroying and/or disposing of the sign.

(Ord. No. 934-2015, § 19.38.130, 7-20-2015)

CHAPTER 19.40. - NOTICES

Sec. 19.40.010. - Publication; mailings.

- (a) General projects. Publication and mailing of notices for public hearings as required in the several chapters of this title shall be required as follows using combination of no less than two of the following methods as required by state law.
 - (1) Notice shall be published in a newspaper of general circulation not less than ten days prior to the date set for the hearing.
 - (2) Notices shall be mailed not less than ten days prior to the date of the hearing to owners of property within a radius of 300 feet of the external boundaries of the property described in the application, using for this purpose the last known name and address of owners shown on the latest tax roll of San Bernardino County.
 - (3) Notice shall be posted at least ten days prior to the date of the hearing within a radius of 300 feet of the property described in the application, and not less than three such notices shall be posted for any required public hearing.
- (b) Citywide projects. Publication and mailing of notices for public hearings for citywide projects, including but not limited to ordinance amendments, shall be required as follows:
 - (1) Notice shall be published in a newspaper of general circulation not less than ten days prior to the date set for the hearing.
 - (2) Notices shall be mailed not less than ten days prior to the date of the hearing to persons who file a written request for notice.
- (c) Notices for land use matters (excluding subdivisions) shall be subject to California Government Code §§ 65355, 65853, 65854, 65858, 65867, 65090, 65091, 65092, 65094, and 65905.

(Ord. No. 934-2015, § 19.40.010, 7-20-2015)

CHAPTER 19.42. - COMMISSION

Sec. 19.42.010. - Hearings.

- (a) Commission hearings as provided in this title shall be conducted before the commission. The commission may establish its own rules for the conduct of public hearings and the members of the commission presiding at the hearing are empowered to administer oaths to any person testifying before it.
- (b) Summary of all pertinent testimony offered at public hearings and the names of persons testifying shall be recorded and made a part of the permanent minutes of the commission.
- (c)

If, for any reason, testimony on any item set for a public hearing cannot be completed on the day set for the hearing, the commissioner presiding at the public hearing may, before the adjournment or recess thereof, publicly announce the time and place at which the hearing will be continued and the announcement shall serve as sufficient notice of the continuance and without further recourse to the form of public notice as provided for in this title.

(Ord. No. 934-2015, § 19.42.010, 7-20-2015)

Sec. 19.42.020. - Notice of decisions.

A written report of the decision of the planning commission for any order, requirement, decision, determination, interpretation, ruling or application shall be mailed to the applicant not later than five days after commission decision. The decisions of the commission under this chapter shall become effective five working days after the date of the decision. In the case of tentative parcel maps, the decision of the commission under this chapter shall become effective ten calendar days after the date of the decision.

(Ord. No. 934-2015, § 19.42.020, 7-20-2015)

Sec. 19.42.030. - Refiling time limit.

Any variance, site approval, conditional use permit, land use district classification change, General Plan amendment, home occupation permit, or other decision made by the commission or council on any application for the same property for the same general purpose which has been denied by the commission or council shall not be received or processed by the commission until 12 months after denial except by a simple majority of the members of the commission or council present at a regular meeting.

(Ord. No. 934-2015, § 19.42.030, 7-20-2015)

CHAPTER 19.44. - APPEALS AND CALLS FOR REVIEW

Sec. 19.44.010. - Generally.

- (a) *Appeals.* To avoid results that are inconsistent with the purposes of this Code, any order, requirement, decision, determination, interpretation or ruling of the community development director in administration of this title or of the planning commission on any application filed pursuant to this title may be appealed. Action of the community development director shall be appealed to the planning commission, and action of the planning commission shall be appealed to the city council. Unless otherwise prescribed in the individual chapters of this code, any person aggrieved by, or alleging such error may initiate an appeal.
- (b) *Calls for review.* Unless precluded by state law, as an additional safeguard to avoid results inconsistent with the purposes of this Code, the mayor and one council member, or any two city council members may call up any order, requirement, decision, determination, interpretation or ruling of the planning commission for city council review. If only the mayor, or only one council member wishes to call up a decision, the process shall be consistent with the appeal provisions of this chapter.

(Ord. No. 934-2015, § 19.44.010, 7-20-2015)

Sec. 19.44.020. - Form and content.

- (a) *Filing of appeals.* Appeals shall be in writing and shall be filed in the office of the planning department for community development director decisions, and in the office of city clerk for planning commission decisions upon forms provided by the city. An appeal from any order, requirement, decision, determination, or interpretation must set forth specifically where there was an error or abuse of discretion or where an application did meet or fail to meet, as the case may be, those qualifications or standards set forth in this title as being prerequisite in the granting of any application.
- (b) *Calls for review.* A call for city council review may be initiated by the mayor or any member of the city council with concurrence of another city council member and shall be filed in writing with the city clerk and should not state the reasons or justification for the review.
- (c) *Effect on decisions.* Decisions that are appealed or called for review shall not become effective until the appeal or review is resolved.

(Ord. No. 934-2015, § 19.44.020, 7-20-2015)

Sec. 19.44.030. - Time for filing.

- (a) *Appeals.* Appeals shall be filed within five working days after community development director or planning commission action, except in the case of subdivisions, which shall be filed within ten calendar days after action.
- (b) *Calls for review.* Calls for review shall be initiated within five working days after commission action.

(Ord. No. 934-2015, § 19.44.030, 7-20-2015)

Sec. 19.44.040. - Filing fees.

- (a) *Appeals.* An appeal shall be accompanied by a filing fee in an amount determined by city council resolution.
- (b) *Calls for review.* No fee shall be required for a call for review.

(Ord. No. 934-2015, § 19.44.040, 7-20-2015)

Sec. 19.44.050. - Procedures for appeals and calls for review.

- (a) *Scheduling.*

- (1) Within 30 days after the appeal of a community development director's decision, the planning commission shall hear the appeal, and give prior notice of the date, time and place thereof to the appellant. Prior to such hearing, the community development director shall transmit to the planning commission secretary a report of the community development director's decision, including all exhibits, notices, petitions and other papers and documents pertinent to the matter. The community development director, or the director's designee shall be represented in order to make known the reasons for the director's decision.
 - (2) Within 40 days after the appeal or call for review of a planning commission decision is filed, the city council shall hear the appeal or call for review, and give prior notice of the date, time and place thereof to the applicant, the commission and the appellant, if any. Prior to such hearing, the planning commission secretary shall transmit to the city clerk a report of the findings of the commission and shall present at the hearing all exhibits, notices, petitions and other papers and documents on file in order to make known the reasons for the commission's decision.

- (b) *Hearing and notice.* An appeal or call for review shall be a public hearing if the decision being appealed or reviewed required a public hearing pursuant to chapter 19.40. Notice shall be given in the manner required for the decision being appealed or reviewed. All other appeals or calls for review shall be a hearing only, and shall not be subject to the public hearing requirements.

- (c) *Evidence.* At the hearing, the planning commission (in the case of a director's decision) or city council (in the case of a commission decision) shall only consider all pertinent material and documents constituting the administrative record upon which the decision being appealed or reviewed is based. Introduction of new information during the hearing shall cause the matter and that new information to be remanded back to the community development director (in the case of a director's decision) or the planning commission (in the case of a commission decision) for consideration.

- (d) *Hearing.* At the hearing, any party or person may appear in person or by agent or attorney to provide testimony.

- (e) *Required findings, decision and notice.*

- (1) Following a planning commission appeal hearing, the planning commission may remand the matter to the director for further consideration or may affirm (in whole or in part), modify, or reverse the decision appealed. The planning commission decision shall be made within 30 days of the hearing date. The secretary of the planning commission shall mail notice of the planning commission decision to the appellant within five working days after the date of the decision.
 - (2) Following a city council appeal or review hearing, the city council may remand the matter to the planning commission for further consideration or may affirm (in whole or in part), modify, or reverse the decision appealed or reviewed. If the city council does not remand the matter to the planning commission, it shall make the findings prescribed by this Code for the matter in issue. The city council decision shall be made within 30 days of the hearing date. The city clerk shall mail notice of the city council decision to the applicant and to the appellant, if any, within five working days after the date of the decision.

(Ord. No. 934-2015, § 19.44.050, 7-20-2015)

CHAPTER 19.46. - DEVELOPMENT AGREEMENTS

Sec. 19.46.010. - Intent.

The city council finds and declares that development agreements further the health, safety and welfare interests of the citizens of the city and the interest of developers. Development agreements promote the orderly development of real property within the city by ensuring compliance with the General Plan, zoning and code requirements. Development agreements will further address concerns that ensure adequate infrastructure will be available for any proposed project.

(Ord. No. 934-2015, § 19.46.010, 7-20-2015)

Sec. 19.46.020. - Applications.

- (a) *Authority for adoption.* These regulations are adopted under the authority of Government Code §§ 65864 through 65869.5.
- (b) *Forms and information.*
 - (1) The city planner shall prescribe the form for each application, notice and document provided for or required under these regulations for the preparation and implementation of development agreements.
 - (2) The city planner may require an applicant to submit such information and supporting data as the city planner considers necessary to process the application.
- (c) *Fees.* The city council shall, by separate resolution, fix the schedule of fees and charges imposed for the filing and processing of each application and document provided for or required under these regulations.
- (d) *Qualification as an applicant.* Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement. Applicant includes authorized agent. The city planner shall require an applicant to submit proof of this interest in the real property and of the authority of the agent to act for the applicant. The applicant shall submit original, signed, notarized documents from the property owner identifying the applicant as the authorized agent for proposed project developments and agreements.
- (e) *Proposed form of agreement.* Each application shall be accompanied by the form of development agreement approved by the city. This requirement may be met by designating the city's standard form of development agreement, or as approved by the city, and including specific proposals for changes in or additions to the language of the standard form.
- (f) *Review of application.* The city planner shall endorse on the application the date it is received. The city planner shall review the application and may reject it if it is incomplete or inaccurate for processing. If the city planner finds that the application is complete, the city planner shall accept it for filing. The city planner shall review the application and determine the additional requirements necessary to complete the agreement. After receiving the required information, the city planner shall prepare a staff report and recommendation and shall state whether or not the agreement proposed would be consistent with the General Plan and any applicable specific plan.

(Ord. No. 934-2015, § 19.46.020, 7-20-2015)

Sec. 19.46.030. - Notices and public hearing.

Notices and hearings for development agreements shall be in accordance with terms as specified pursuant to chapter 19.40, "Notices."

(Ord. No. 934-2015, § 19.46.030, 7-20-2015)

Sec. 19.46.040. - Standards of review, findings and decision.

- (a) *Determination by planning commission.*
 - (1) After the public hearing by the planning commission, the planning commission shall make its recommendation in writing to the city council. The recommendation shall include the planning commission's determination as to whether or not the development agreement proposed:
 - a. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan;
 - b. Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;

- c. Is in conformity with public convenience, general welfare and good land use practice;
- d. Will be detrimental to the health, safety and general welfare; and
- e. Will adversely affect the orderly development of property.

(2) The recommendation shall include the reasons for the recommendation.

(b) *Decision by city council.*

- (1) After the city council completes the public hearing, it may accept, modify or disapprove the recommendation of the planning commission. It shall refer matters not previously considered by the planning commission during its hearing back to the planning commission for report and recommendation.
- (2) The city council may not approve the development agreement unless it finds that the provisions of the agreement are consistent with the General Plan and any applicable specific plan.
- (3) Approval of the development agreement. If the city council approves the development agreement, it shall do so by the adoption of a resolution.
- (4) After the resolution approving the development agreement takes effect, the city council may enter into the agreement.

(c) *Approval of the development agreement.* If the city council approves the development agreement, it shall do so by the adoption of a resolution. After the resolution approving the development agreement takes effect, the city council may enter into the agreement.

(Ord. No. 934-2015, § 19.46.040, 7-20-2015)

Sec. 19.46.050. - Amendment and cancellation of agreement by mutual consent.

- (a) *Initiation of amendment or cancellation.* Either party may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into. Said amendments to a development agreement, or cancellation of same, shall occur only by mutual consent.
- (b) *Procedure.* The procedure for proposing an adoption of an amendment to or cancellation in whole or in part of the development agreement is the same as the procedure for entering into agreement in the first instance. However, where the city initiates the proposed amendment to or cancellation in whole or in part of the development agreement, it shall first give notice to the developer of its intention to initiate such proceedings at least 15 days in advance of the giving of notice or intention to consider the amendment or cancellation required by section 19.46.030.

(Ord. No. 934-2015, § 19.46.050, 7-20-2015)

Sec. 19.46.060. - Recordation of development agreement, amendment or cancellation.

- (a) Within ten days after the city enters into the development agreement, the city clerk shall have the agreement recorded with the county recorder.
- (b) If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in Government Code § 68868, or if the city terminates or modifies the agreement as provided in Government Code § 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the city clerk shall have notice of such action recorded with the county recorder.

(Ord. No. 934-2015, § 19.46.060, 7-20-2015)

Sec. 19.46.070. - Periodic review.

- (a) *Time for and initiation of review.* The city may review the development agreement every 12 months from the date the agreement is entered into. The time for review may be modified either by agreement between the parties or by initiation in one or more of the following ways:
 - (1) Recommendation of the planning staff;
 - (2) Affirmative vote of at least three members of the planning commission;
 - (3) Affirmative vote of at least three members of the city council.

(b)

Notice of periodic review. The city planner may initiate the review proceedings by giving notice that the city intends to undertake a periodic review of the development agreement to the developer. The city planner shall give the notice at least 15 days in advance of the time at which the matter will be considered by the planning commission.

- (c) *Delegation to the city planner.* Review shall be conducted by the city planner.
- (d) *Public hearing.* The planning commission may conduct a public hearing at which the developer must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the developer.
- (e) *Findings upon public hearing.* The planning commission shall determine, upon the basis of substantial evidence, whether or not the developer has, for the period under review, complied in good faith with the terms and condition of the agreement.
- (f) *Procedure upon findings.*
 - (1) If the planning commission finds and determines, on the basis of substantial evidence, that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded, and a notice of that determination shall be published and mailed as provided in section 19.46.030.
 - (2) If the planning commission finds and determines, on the basis of substantial evidence, that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the planning commission shall forward its recommendation to the city council and the city council may modify or terminate the agreement.

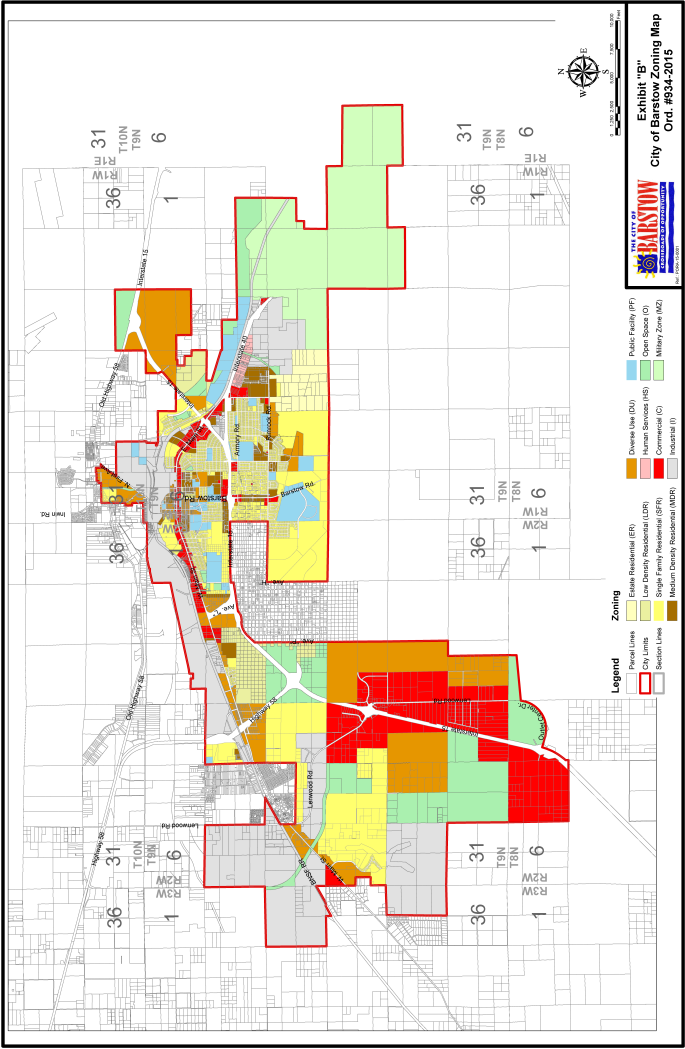
(Ord. No. 934-2015, § 19.46.070, 7-20-2015)

Sec. 19.46.080. - Modification or termination.

- (a) *Proceedings upon modification or termination.*
 - (1) If, upon a finding under section 19.46.070, the city determines to proceed with modification or termination of the agreement, the city shall give notice to the developer of its intention to do so. The notice shall contain:
 - a. The time and place of the public hearing, which shall be conducted by the city council;
 - b. A statement as to the proposed action to either terminate or modify the development agreement; and
 - c. Other information which the city considers necessary to inform the developer of the nature of the proceeding.
 - (2) The proceeding shall be conducted in compliance with chapter 19.40 entitled "Notices." Nothing in this section shall prevent a request by the developer for modification or termination of the development agreement. However, said proceedings shall also be conducted in compliance with this section.
- (b) *Hearing on modification or termination.* At the time and place set for the public hearing on modification or termination, the developer shall be given an opportunity to be heard. If the request for modification or termination is received from the developer, the city council may refer the matter back to the planning commission for review and written recommendation. The city council may impose those conditions to the action it takes as it considers necessary to protect the interests of the city. The decision of the city council is final.

(Ord. No. 934-2015, § 19.46.080, 7-20-2015)

APPENDIX A. - CITY OF BARSTOW ZONING MAP



(Ord. No. 934-2015, exh. B, 7-20-2015)