

## **CHAPTER XX**

### **ZONING**

#### **20-1 Introduction.**

20-1.1 *Title, Purpose and Objectives.* This chapter shall be known as the "Zoning Ordinance of the City of Ridgecrest" and is adopted to preserve, protect, and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the chapter is adopted to achieve the following objectives:

a. To provide a specific plan so as to achieve progressively the general arrangement of land uses depicted in the General Plan.

b. To foster a wholesome, serviceable and attractive living environment, the beneficial development of areas which exhibit conflicting patterns of use, and the stability of existing land uses which conform with objectives and policies of the General Plan.

c. To prevent excessive population densities and overcrowding of land with structures.

d. To promote a safe, effective traffic circulation system, the provision of adequate off-street parking and truck loading facilities, and the appropriate location of community facilities.

e. To protect and promote appropriately located commercial and industrial activities, in order to preserve and strengthen the City's economic base, protect and enhance real property values and the City's natural assets.

f. To ensure unimpeded development of such new urban expansion that is logical, desirable and in conformance with objectives and policies of the General Plan. (Ord. 84-08, A 1, § 101)

#### **20-1.2 Definitions.**

"*Abut*" or "*Abutting*" shall mean contiguous or the same as adjoining.

"*Access*" or "*Access Way*" shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this chapter.

§ 20-1.2 CITY OF RIDGECREST ORDINANCES

***“Accessory Building”*** shall mean a building or structure which is subordinate to and the use of which is incidental to and detached from the main building, structure or use. An accessory building may be located on an adjacent lot.

***“Accessory Use”*** shall mean a use incidental and subordinate to the principal use established on the same lot.

***“Airport”*** shall mean 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.

***“Air Space Condominium”*** shall mean a freehold estate in which the space bounded by and contained within the interior surfaces of the perimeter walls, floors, ceilings, windows and doors of each separate unit, each of such space being defined as a “unit.” Each unit includes both the portions of the building to be otherwise described and the airspace so encompassed, but the following are not part of a unit: bearing walls, columns, floors, roofs, foundations, reservoirs, tanks, pumps, and other central services, pipes, ducts, flues, conduits, wires and other utility installations wherever located, except the outlets thereof when located in the unit. The ownership also includes an undivided interest in common area. The common area includes all the area of an approved plan except the unit. (See *“Condominium.”*)

***“Alley”*** shall mean a passage or way open to public travel which generally affords a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

***“Animal Hospital”*** shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be an accessory use to such hospital use.

***“Animal Shelter”*** or ***“Animal Care Facility”*** shall mean a place where animals are boarded or held.

***“Apartment”*** shall mean a room or suite of two (2) or more rooms with a single kitchen in a multiple dwelling, occupied or suitable for occupancy as a residence for one (1) family.

***“Approval Authority”*** shall mean City staff or Planning Commission or City Council.

***“Automobile Service Station”*** shall mean an establishment providing gasoline, oil, and other additives, and performing minor repairs and other customary repairs for automobile and light vehicles, but excluding painting, body work, steam cleaning and major repairs.

***“Automobile Dismantling or Automobile Wrecking”*** shall mean the dismantling or wrecking of vehicles, including parts or components thereof, and the storage of dismantled or wrecked inoperative vehicles (including motor vehicles' wrecking yards).

***“Automobile, Inoperative”*** shall mean any vehicle which is unable to be moved under its own power, except a trailer, or has parts removed or damaged which would render it unmovable under its own power.

***“Automobile Motor Home,” “Trailer” or “Camp Trailer”*** shall mean 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 forty (40) feet in length.

***“Basement”*** shall mean that portion of the building between the floor and ceiling which was more than 50 percent below the natural or finished grade of the exterior ground surface.

***“Block”*** shall mean the properties abutting one side of a street and lying between intersections or between an intersection and the end of a street.

***“Boarding, Bed and Breakfast” or “Lodging House”*** shall mean other than a hotel, motel, or dormitory where for compensation for days, week or greater term, table and board is provided. Meals may be furnished to the lodgers and to no other persons.

***“Borrow Pit”*** shall mean the same as quarry.

***“Breezeway”*** shall mean a roofed passageway, designed and used only to connect two or more otherwise separate buildings and permanently open along at least one of its sides.

***“Building”*** shall mean any structure having a roof supported by columns or by walls and intended for a shelter, housing or enclosure for persons, animals or property of any kind.

***“Building, Accessory”*** shall mean a detached building housing a permitted accessory use, located on the same parcel as the main building, provided that if the same is attached to a main building by a common wall or roof, it shall be deemed to be a part of such main building.

§ 20-1.2 CITY OF RIDGECREST ORDINANCES

***"Building Facade"*** shall mean that portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves.

***"Building or Structure Height"*** shall mean the vertical distance from the average finished grade of the lot to the highest point of the building or structure.

***"Building Line"*** shall mean a line which establishes setback from front, rear, and side property lines over which no portion of a building or structure shall encroach except the roof line, which roof line shall in no case extend over the property line.

***"Building, Main"*** shall mean a building within which is conducted the principal or main use on a parcel; where permissible use involves more than one structure designed or used for the primary purpose, as in the case of group houses, each such permissible building on the parcel, as defined in this chapter, shall be construed as constituting a main or principal building.

***"Building Site"*** shall mean (1) the ground area of one parcel, or (2) the ground area of two or more parcels when used in combination with a building or group of buildings together with all open spaces as required by this chapter.

***"Business, Retail"*** shall mean any establishment wherein the retail sale of any article, substances, or commodity takes place.

***"Business, Wholesale"*** shall mean any establishment wherein the wholesaling of any article, substance or commodity takes place.

***"Camp, Public"*** shall mean land or premises used or intended to be used, let or rented for camping purposes.

***"Camper"*** shall mean a structure designed to be mounted upon or towed by a motor vehicle to provide facilities for temporary habitation or camping purposes. In no event shall a camper be used for human habitation outside of a recreational facility designed for such use.

***"Carport"*** shall mean a permanent roofed structure not completely closed by walls or doors and used for shelter or storage of vehicles owned or operated by occupants of the main building.

***"Carwash"*** shall mean any commercial automatic car wash, coin operated, or two or more hand washing stalls having no fuel sales.

***"Cellar"*** See ***"Basement."***

**"Cemetery, Human"** shall mean land used or intended to be used for human cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of the cemetery.

**"Cemetery, Pet"** shall mean land used or intended to be used for pet cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of the cemetery.

**"Certificate of Acceptance"** shall mean a written statement indicating that the construction of a project conforms to the site plan approved. It may be unified in the certificate of occupancy.

**"Change in Use" (or "Intensity of Use")** shall mean a discontinuance of an existing use and substitution thereof of a use of a different kind or class.

**"Child Care Center"** shall mean a facility with an organized daytime program for the supervision and care of children, who are not related to the person operating such facility, licensed as such by the State of California.

**"Church"** shall mean any building set apart for the purpose of worship.

**"Clinic" or "Medical Center"** shall mean a place for group medical services not including overnight housing of patients.

**"Club" or "Lodge"** shall mean a non-profit membership institution established for social, cultural, civic or similar purposes.

**"Communication Equipment Building"** shall mean a building housing operating electrical and mechanical equipment utilized in conducting a public utility communication operation.

**"College"** shall mean a school for vocational, technical or professional instruction.

**"Commercial Office"** shall mean a room or building where a particular kind of commercial business or services for others is transacted, including real estate, insurance, telegraph, utility, travel bureau, etc.

**"Commercial Recreation"** shall mean any place of amusement erected or maintained for amusement or entertainment purposes where the public or members are invited or allowed to attend or assemble, except City, County or State parks and recreation facilities. Although not intended to be specifically limited thereby, examples of commercial recreation are carnivals, side shows and circuses, wherein feats of horsemanship, trained animals, clowns, acrobats or trapeze performers or amusement

devices, games or other forms of skill or amusement are exhibited, bowling alleys, golf courses or private tennis centers, billiards and pool halls, theaters, private stadiums and recreation areas. Commercial recreation does not include card rooms.

*"Community Clubhouse"* shall mean a building containing facilities for private or public neighborhood civic and social activities, when operated for and used by property owners in the vicinity; excluding any place where membership or use is on any other basis than residence in the neighborhood, or where the chief activity is one customarily carried on as a business.

*"Condominium"* shall mean an estate of real property consisting of an undivided interest in common in a portion of a parcel of real property together with the separate interest in space in a residential, industrial or commercial building or such real property, such as a residential apartment, apartment house, office or offices, store or stores. A condominium may include in addition a separate interest in other portions of such real property. (See *"Air Space Condominium."*)

*"Conforming Building"* shall mean a building which wholly meets the requirements of the building code and zoning ordinance as they pertain to residential, commercial or industrial developments.

*"Convalescent Home"* and *"Rest Home"* shall mean premises used for the housing of and caring for, the ambulatory, aged or infirm, and which premises require a license from the State or the County. The convalescent home usually does not have a physician residing on the premises and usually does not provide for surgery or other similar activities which are customarily provided in sanitariums or hospitals.

*"Court"* shall mean an open space on a lot other than a yard or carport designed to be partially surrounded by dwellings.

*"Coverage"* shall mean that percentage of a lot or building site which is covered or occupied by any building or above-ground structure regardless of whether such building or structure is intended for human occupancy, the remainder being open space.

*"Day Care Nursery"* or *"Center"* shall mean any premise for the providing of care for pre-elementary school age children during day time hours, including parent cooperative nursery school, play groups for pre-school children, afterschool care for school children, providing such establishment is institutional in

character and is licensed by the State or County and conducted in accordance with State requirements.

**"Dedication"** shall mean the setting aside of land for some public use by an owner or developer and its acceptance by the City or affected agency.

**"Density"** shall mean the number of units allowed to be built upon an acre of land or individual site.

**"District"** shall mean 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. "District" shall have the same meaning as "zone" or "zoning district."

**"Dormitory"** shall mean a building used partially for sleeping and eating accommodation and where such facilities are related to educational or public institutions including religious institutions, fraternities or sororities.

**"Drive-in"** or **"Drive-Through Restaurant"** shall mean a restaurant which provides service directly to the motorist either for consumption upon the site or elsewhere, including establishments whose customers may serve themselves.

**"Dump"** shall mean a place used for the disposal, abandonment, discarding, dumping, reduction, burial, incineration or by any other means, of any garbage, trash, refuse, waste material (other than hazardous materials as defined by the State).

**"Dwelling Unit"** shall mean one or more rooms, with facilities for living, sleeping, cooking and eating, designed for occupancy by one-family and shall include bachelor or efficiency units.

**"Dwelling, Multiple"** shall mean a building, or portion thereof, designed for occupancy by two or more families living independently of each other with each dwelling unit provided with kitchen facilities.

**"Educational Institutions"** shall mean public and private institutions conducting regular academic instruction at primary, secondary or collegiate levels; and including graduate schools, universities, nonprofit research institutions. Such institutions must either: (1) offer general academic instruction equivalent to the standards prescribed by the State Board of Education; or (2) confer degrees as a college or university of undergraduate or graduate standings; or (3) conduct research or religious instruction; or (4) give religious instruction. This definition does not include schools, academies or institutes, incorporated or otherwise, which operate for a profit, nor does it include commercial or trade schools.

***“Electrical Transmission Substation”*** shall mean an assembly of equipment which is part of a system for the transmission of electric power.

***“Establishment”*** shall mean a business or professional firm, organization, or entity that is the sole occupant of all or a portion of the space on a site or in a building.

***“Family”*** shall mean an individual or two or more persons related by blood or marriage or a group of not more than five persons, excluding servants, who are not related by blood or marriage, living within a single dwelling.

***“Fence”*** shall mean a physical barrier which includes separately or in combination wire mesh, steel mesh, chain link, louvered wood, stake, concrete material, and other similar materials. It does not include plastic materials.

***“Festival,” “Fair,” “Carnival”*** shall mean a temporary public or commercial gathering where entertainment, food, crafts, etc. are offered for viewing or sale. Gatherings on public property under the sponsorship or control of the City or State are excluded.

***“Floor Area”*** or ***“Gross Floor Area”*** shall mean the entire floor area of a building; said floor area includes not only the ground floor area but also any additional stories or basement of said building. All horizontal dimensions shall be taken from the exterior faces of walls, including enclosed porches.

***“Frontage”*** shall mean the property line of a site abutting on a street, other than one side line of a corner lot.

***“Garage”*** shall mean a fully enclosed accessory building or a portion of the principal building for the storage of passenger vehicles, boats or trailers owned by the persons, residents of the premises.

***“Garage, Repair”*** shall mean a structure, or portion thereof, for the minor or major commercial repair of automobiles and other vehicles as defined herein.

***“Garage, Storage”*** shall mean any structure used primarily for the storage of vehicles. This use is usually commercial in nature.

***“General Plan”*** shall mean the projected growth plan for the City of Ridgecrest which includes a statement of development policies and includes a diagram and text setting forth objectives, principles and plan proposals, includes the various elements adopted by the City Council.

**"Guest House (Accessory Living Quarters)"** shall mean 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 shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit.

**"Guest Room"** shall mean a room which is designed to be occupied by one or more guests for sleeping purposes and not rented or otherwise used as a separate dwelling unit.

**"Helipad"** shall mean any helicopter landing area as in the heliport except the appurtenant facilities.

**"Heliport"** shall mean any helicopter land area used, designed, or intended to be used for the receiving or discharge of passengers or cargo; also included are any appurtenant facilities for passengers, cargo or for the service or repair, shelter or storage of helicopters.

**"Hedge"** shall mean a plant or series of plants, shrubs or other landscaping materials, so arranged as to form a physical barrier or enclosure.

**"Home Occupation"** shall mean any use or occupation conducted or carried on by the occupant of a dwelling, which is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof.

**"Hospital"** shall mean an institution providing physical or mental health service, inpatient or overnight accommodations and medical and surgical care of the sick or injured.

**"Hotel"** shall mean a building, or portion of a building, with access provided through a common entrance, lobby or hallway to six or more guest rooms, usually designed to be rented or hired out as temporary or overnight accommodations for guests, but in some cases contain permanent residents.

**"Junk Yard"** shall mean any parcel, or use of any portion of any parcel, 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

§ 20-1.2 CITY OF RIDGECREST ORDINANCES

including scrap metal or other scrap materials including any area of more than 200 square feet for the storage or keeping of junk, including scrap metals, used lumber, paper or other scrap materials, dismantling or selling of castoff or salvage materials of any sort.

"*Kenel*" shall mean any lot or premises on which four or more dogs and/or cats, four months of age or older, are kept, boarded or trained with or without special buildings or runways.

"*Kitchen*" shall mean any room or part of which is designed and/or used for cooking and the preparation of food.

"*Landscaped Area*" shall mean land set aside exclusively for shrubs, flowers, trees, and/or other landscaping material so as to enhance the natural beauty of any given area where landscaping is required.

"*Landscaping*" shall mean the planting and/or placement and maintenance of a combination of suitable ornamental material and/or vegetation within the landscaped area. The design may include a combination of natural features such as rocks, stones, wood fences, walls, benches, and live plant material.

"*Laundromat*" "*Self-Service Laundry*" shall mean any establishment for laundering which uses automatic washers and dryers or extractors where there is not pickup and delivery service and no steam or hand laundry of any type. Generally the machines are coin operated.

"*Live/Work Use*" shall mean a dwelling unit with a separate living space attached to a work space within the same structure. The work space and the living space must be occupied by the same tenant.

"*Loading Space*" shall mean 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 have appropriate means of ingress and egress to a public street or alley.

"*Lot*," "*Site*" or "*Parcel*" shall mean (1) land occupied or to be occupied by a use, building or group of buildings, and accessory buildings together with such yards, open spaces, lot width, depth

and area as are required by this title, and fronting upon a dedicated street; (2) a single parcel of land for which a legal description is filed or recorded or the boundaries of which are shown on a subdivision map or parcel map filed in accordance with the City's Subdivision Ordinance and State Subdivision Map Act; (3) two or more abutting lots or parcels which when combined and used as though a single lot or parcel.

*"Lot or Site Area"* shall mean the total of the lot area, measured in a horizontal plane, within the lot lines of a lot including easements but exclusive of streets, highways, roads and alleys.

*"Lot, Corner"* shall mean a lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.

*"Lot Depth"* shall mean the minimum horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

*"Lot, Double Frontage"* or *"Through"* shall mean any interior lot having frontage on two parallel or approximately parallel streets. For the purpose of determining front yard requirements, each frontage from which access is permitted shall be deemed a front lot line.

*"Lot, Flag"* shall mean a lot or parcel of land where the major portion of the lot area is removed from the street with access provided by a narrow portion of the lot which when measured along the lot width on the street is considerably less than the lot width requirements of the zoning district.

*"Lot, Width"* shall mean the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

*"Lot Line, Front"* shall mean:

a. In the case of an interior lot, a line separating the lot from the street.

b. In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.

§ 20-1.2 CITY OF RIDGECREST ORDINANCES

"*Lot Line, Rear*" shall mean a lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or cone shaped lot, the rear lot line means a line not less than ten feet in length within the lot which is most parallel to the front lot line, at the maximum distance from the front lot line.

"*Lot Line, Side*" shall mean any lot line not a front lot line or a rear lot line.

"*Manager/Caretaker Unit*" shall mean a dwelling unit for a person who is employed (compensation may be in the form of free housing), including an owner or manager to watch over and perform routine maintenance of a ranch, home, or business. A *Manager/Caretaker residence* shall mean one (1) accessory structure or attached unit, used to accommodate a person or persons who takes charge of or cares for the principal use of the lot upon which the dwelling is constructed. Said dwelling may contain one (1) kitchen or cooking facilities, living and sleeping quarters, and shall be limited in floor area to a maximum of twenty (20) percent of the total floor area of the existing primary use not to exceed a total of one thousand two hundred (1,200) square feet of living area. A garage for residential purposes not exceeding three hundred sixty (360) square feet may be attached to the structure.

"*Manufacturing*" shall mean the making of goods and products by hand or machinery.

"*Marquee Sign*" shall mean a sign attached to a marquee.

"*Metal Buildings*" shall mean any building larger than 200 square feet in area if the exterior of the structure is comprised of 50 percent or more metallic building materials visible from the ground that have not been modified or augmented to emulate alternate building materials (stucco, wood siding, brick, etc.).

"*Mobile Home*" shall mean a vehicle, other than a motor vehicle, designed and equipped to contain one or more dwelling units to be used with or without a permanent foundation and which is in the excess of 12 feet in width and not less than 480 square feet.

**"Mobile Home Access Drive"** shall mean a private thoroughfare which affords internal circulation for a mobile home park.

**"Mobile Home Park"** shall mean any lot or parcel of land designed for, used or intended to be used for the placement of mobile homes or modular homes for residential occupancy regardless of whether or not a charge is made for such accommodation, including recreation and accessory facilities serving the residents thereof.

**"Mobile Home Space"** shall mean a plot of ground within a mobile home park, abutting one or more access drives, designed for the accommodation of one mobile home.

**"Motel"** shall mean one or more buildings containing guest rooms or dwelling units, with one or more such rooms or units having separate entrance leading directly from the outside of the building or from an inner court or hallway. Such facilities are designed, used or intended to be used, rented or hired out for temporary or overnight accommodations for guests. "Motel" includes auto court, motor lodge, tourist court and motor hotel.

**"Nonconforming Use or Structure"** shall mean a use, building or structure that does not conform to all the regulations of the zone in which it is located but which was legally established, built or altered in compliance with the ordinances and codes in effect at the time said use, building or structure was established.

**"Nursing and Convalescent Home"** shall mean a facility providing bed care, or chronic or convalescent care, for persons who by reason of illness, physical infirmity, or age are unable to properly care for themselves. A facility shall be deemed to be a nursing or convalescent home for the purpose of this chapter, notwithstanding the designation applied to the facility by its proprietors, of any Federal, State or local regulatory agency, such as "hospital" or "rest home," so long as the facility provides care as herein described, and does not qualify as a hospital as defined in this section.

**"Off-Street Parking Area"** shall mean an open area other than alley or loading facility used for the temporary parking of motor vehicles and available for public use whether free, for compensation, or as an accommodation for tenants, clients or customers.

§ 20-1.2 CITY OF RIDGECREST ORDINANCES

**"Outdoor Advertising Structure"** shall mean any structure of any kind or character erected or maintained for outdoor advertising purposes upon which any advertising sign may be placed, located on a site other than the site on which the advertised use is located or on which the advertised product is produced. (Also "billboard.")

**"Outdoor Sales"** shall mean the sale of items outside a building, where such items are visible from a public right-of-way or neighboring property.

**"Overlay Zone"** shall mean a zone applied in combination with other zone districts in order to impose additional restrictions or to allow greater variety than is possible with the underlying zone.

**"Parapet"** shall mean a wall at the edge of the portion of the roof, of sufficient height behind which roof-top equipment, where provided, would be screened from public view of those at ground level and measured from a reasonable distance from the building walls.

**"Parking Area, Private"** shall mean an open area, other than a street, alley or access drive, used for parking of vehicles and restricted from general public use. Such areas shall have frontage on or access to a dedicated street or alley.

**"Parking Area, Public"** shall mean an open area, other than a private parking area, street, alley or access drive, used for the parking of vehicles and available for public use either free or for remuneration. Such areas shall have frontage or access to a dedicated public street or alley.

**"Parking District"** shall mean a parking area maintained by a special district or City government.

**"Parking Garage"** shall mean a structure or building designed and maintained exclusively for the temporary parking or storage of motor vehicles and available for public use whether free, for compensation, or as an accommodation for tenants, clients or customers.

**"Parking Space"** shall mean an accessible space within a building, parking area or parking garage for the temporary

parking or storage of one motor vehicle exclusive of streets, alleys, driveways, aisles and the area of egress or ingress and having public access to a public street or alley.

*"Pre-existing Use"* shall mean a use that may or may not be a nonconforming use.

*"Primary or Principal Use"* shall mean the primary or predominant use of any lot, building or structure.

*"Processing"* shall mean when used in reference to a commercial or industrial use, one or more acts or operations which have the effect of changing the form of a product or material, so as to render the same more saleable or usable.

*"Professional Office"* shall mean an office maintained and used as a place of business, conducted by persons engaged in the recognized professions, including but not limited to accountants, architects, attorneys, chiropractors, optometrists, physicians and surgeons, writers, musicians and artists.

*"Public Utility Service Yard"* shall mean an area for the storage of public utility vehicles and materials and office facilities for installation, maintenance and construction personnel.

*"Quarry and Borrow Pit"* shall mean any place on a parcel of land where topsoil, subsoil, sand, gravel, rock, clay or similar material is removed by excavation.

*"Quasi-Public"* shall mean a building or use, other than a public building or use, which serves a recognized community function and is not operated for profit.

*"Recreation, Commercial"* shall mean recreation facilities operated as a business and open to the general public for a fee. Public recreation facilities that charge a fee are not included.

*"Recreation, Public"* shall mean publicly owned or operated recreation facilities that may or may not charge a fee.

*"Recreation, Vehicle"* shall mean a trailer or self-propelled vehicle other than a mobile home as defined herein, intended for travel on a public highway and designed or arranged as a dwelling but not used for permanent habitation.

§ 20-1.2 CITY OF RIDGECREST ORDINANCES

**"Residence"** shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more families.

**"Restaurant"** shall mean a public eating place which is regularly and in a regular manner used and kept open for the serving of meals to guests for compensation.

**"Roadside Stand"** and **"Roadside Business"** shall mean the temporary use of the property for the display or sale of products, including sidewalk sales, parking lot sales, fireworks stands, Christmas tree sale lots or other sales or exhibits excluding those of a nonprofit nature.

**"Room"** shall mean an unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways and service porches.

**"Sanitarium"** shall mean the same as "hospital."

**"Screening"** shall mean a continuous fence, supplemented with landscaping or a continuous wall, evergreen hedge, or combination thereof, that effectively screens the property which it encloses, and is at least six feet high and is broken only for access drives and walks.

**"Service Station"** shall mean a place maintained for the sale of gasoline, lubricant and/or vehicular equipment, and providing maintenance service, but excluding vehicle sales and repair, engine overhauling, body and fender shops, paint shops, garages,

storage of vehicles, sales of goods not related to the use of the automobile, or other similar activities.

**"Setback Line"** shall mean a line over which no portion of a building or structure including covered porches shall encroach, except the roof lines, which in no case shall extend over the property line or into a public utility easement.

**"Sign"** shall mean any name, identification, description, symbol, display, illustration, or device, including any structure, component parts and paint, in view of the general public and which directs attention to a product, place, activity, person, institution or business.

**"Site Plan"** shall mean a detailed plan of development or improvement which must be reviewed and approved by the City prior to the issuance of a building permit. It shall show the manner in which the applicant proposes to make use of the property.

**"Stable, Private"** shall mean an accessory building for the keeping of horses, mules, or burros, not kept for remuneration, hire or sale.

**"Story"** shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

**"Street"** shall mean a public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley, which affords the principal means of access to abutting property. "Street" includes all major and secondary highways, traffic collector streets and local streets. A street may also be privately owned.

**"Street Line"** shall mean the boundary line between the street right-of-way and the abutting property.

**"Structural Alteration"** shall mean any changes in the supporting members of a building or structure such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters or changes in the exterior dimensions of the building.

**"Structure"** shall mean anything constructed or erected on the ground, or which requires location on the ground, or is at

tached to something having a location on or in the ground, but not including fences or walls used as fences seven feet or less in height. "Structure" does not include uncovered swimming pools or concrete slabs.

*"Structure, Temporary"* shall mean a structure which is readily movable and used, or intended to be used, for a limited period.

*"Trailer Park or Camp"* shall mean any area or premises where space for house trailers is rented, held for rent or on which free occupancy or camping is permitted to house trailer owners or users but not including automobile or trailer sales lots, on which unoccupied house trailers are parked for inspection and sale.

*"Transition Zone"* shall mean any area of mixed usage which is within a sphere of influence of commercial establishments.

*"Use"* shall mean the purpose for which land or a building or structure is designed, arranged or intended, or for which either land or a building is, or may be occupied, maintained, let or leased.

*"Use, Permitted"* shall mean a standard use that is established for a zoning district and listed as a permitted land use. It is also the accepted purpose or use for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered, or enlarged, or for which either a site or structure is or may be occupied and maintained.

*"Use, conditional"* shall mean a deviation from the general standard established for a district, but essentially desirable in character to be compatible in some instances when located with permitted uses.

*"Wall"* shall mean any structure or device forming a physical barrier, which is constructed so that it is opaque. This shall include concrete block walls, wood, or other materials that are solid and are so assembled as to form a barrier.

*"Yard"* shall mean an open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this chapter,

including a front yard, side yard, rear yard, or space between structures.

**"Yard, Front"** shall mean a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front lot line or planned street line in a line parallel or tangent thereto on the site.

**"Yard, Rear"** shall mean a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto on the site.

**"Yard, Side"** shall mean a space extending from the front yard, or from the front line where no front yard is required by this chapter, to the rear yard, or rear lot line where no rear yard is required by this chapter between a side lot line and the side yard setback line.

**"Zero Lot Line"** shall mean the provisions of this Code in which dwelling units may be placed on the side yard property lines in R-1, R-2, R-3 and R-4 Residential Districts, with a common wall between adjacent units or a single wall placed on the property line, provided there is a permanent easement on the adjacent parcel for maintenance of the zero lot line wall.

(Ord. 84-08, A 1, § 102; Ord. No. 89-16, § 3; Ord. No. 91-12, § 3; Ord. No. 92-10, § 4; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-1.3 Severability.** This chapter and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the chapter shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a planned unit development or any conditional use permit, variance, zoning compliance permit, certificate of occupancy, site plan approval or designation of a nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this chapter and the requirements of some provision hereof, and to protect the public health, safety and

§ 20-1.3 CITY OF RIDGECREST ORDINANCES

welfare, and that the officer or body would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

(Ord. 84-08, A 1, § 103)

**20-1.4 *Relationship to Other Laws.*** Whenever regulations or restrictions imposed by this chapter are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulation, the regulation, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this chapter, no land shall be used and no structure erected or maintained in violation of any State or Federal pollution control or environmental protection law or regulation.

(Ord. 84-08, A 1, § 104)

**20-1.5 *Administrative Standards.*** Any administrative decision made under the provisions of this chapter shall be such that the result will not be contrary to the spirit and purpose of this chapter or injurious to the surrounding neighborhood or the community as a whole.

(Ord. 84-08, A 1, § 105)

**20-1.6 *Application of this Chapter.*** No structure shall be constructed, erected, placed or maintained and no land uses commenced or continued within the City except as specifically or by necessary implication is authorized by this chapter. Conditional uses are allowed only on permit granted by the City. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

(Ord. 84-08, A 1, § 106)

**20-1.7 *Conformity Required.*** Except as otherwise provided herein, land, building and premises in any district shall hereafter be used only in accordance with regulations herein established for that district. Every department and employee of the City authorized to issue permits or licenses affecting the use or occupancy of land or of a structure shall comply with the provisions of this chapter. Where any action or referral on an appeal as required by

this chapter, no such permit or license shall be issued unless and until such an action has been taken and the time within which an appeal could have been taken has expired.

If any proposed structure, use or occupancy for which a permit or license is sought conforms with this chapter in all aspects, the application therefor may be approved as to zoning; otherwise it shall be denied.

Any permit or license hereafter issued contrary to the provisions of this chapter shall be void and of no effect. (Ord. 84-08, A 1, § 107)

**20-1.8 Interpretation.** The provisions of this chapter shall be held to be minimum requirements. Except as specifically herein provided, it is not intended to repeal, abrogate, annul or in any way impair or interfere with any existing law or ordinance of the City, or any easement, covenant or other agreement between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, or

upon the height or bulk of buildings, or requires larger building site area, yards or open spaces than are imposed or required by any such other law, ordinance, easement, covenant or agreement, then the provisions of this chapter shall control. (Ord. 84-08, A 1, § 108)

**20-1.9 *Provision for Continuity.*** The provisions of the chapter, to the extent that they are substantially the same as those in prior effect relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments. No substantial property right accrued, or action or proceeding commenced prior to the effective date of this chapter is affected by the provisions hereof, but all procedures hereafter taken shall conform to the provisions of this chapter. (Ord. 84-08, A 1, § 109)

**20-1.10 *Duty of the Planning Commission.*** It is the duty of the City Planning Commission to assure the proper administration of this chapter, and the Commission shall have the power to establish such policies, rules and regulations not in conflict with any regulations of the City as are reasonably necessary for that purpose. (Ord. 84-08, A 1, § 110)

**20-1.11 *Duty of Director of Community Development.***

- a. The Director of Community Development shall have the primary duty to enforce the provisions of this chapter.
- b. If the Director determines that the provision of this chapter or any condition of a permit issued under this chapter is being violated, the Director shall notify the property owner and permittee in writing, describing in reasonable detail the violation alleged to have committed. The permittee shall have fourteen days from date of mailing to correct the violation.
- c. If the property owner or permittee does not correct the violation the Director shall give notice of revocation of the permit in writing, describing in reasonable detail the violation alleged to have been committed or to exist

and shall serve the notice on the property owner or permittee in person or by certified first class mail to the prior and at the address listed in the permit application.

- d. The property owner or permittee may appeal the determination of the Director by filing a written notice of appeal with the Secretary of the Planning Commission no later than thirty days after the date of the notice of the revocation. At the hearing, the burden of proof shall be with the Director to prove the violation by a preponderance of the evidence. The Commission shall confirm, reverse or modify the Director's decision. The decision shall be final unless appealed. On appeal, the decision of the Commission shall be final.

(Ord. No. 84-08, A 1, § 111; Ord. No. 91-12, § 10)

**20-1.12 *Enforcement.*** The Planning Director or his representative shall have the right to enter on any site or to enter any structure for the purpose of investigation and inspection, provided that the right of entry shall be exercised only at reasonable hours. In no case shall any structure be entered in the absence of the owner or tenant or without the consent of the owner or tenant or the written order of a court of competent jurisdiction. The Planning Director may serve notice requiring the removal of any structure or use in violation of this chapter on the owner or his authorized agent, on a tenant, or on an architect, builder, contractor or other person who commits or participates in any violation. The City Attorney is authorized to institute appropriate actions for the enforcement of this chapter. The Planning Director may call upon the Chief Building Official, the Chief of Police or their authorized agents in the enforcement of this chapter. (Ord. 84-08, A 1, § 112)

**20-1.13 *Violations and Penalties.*** Any person, firm, corporation or organization violating any provisions of this chapter shall be guilty of an infraction and, upon conviction thereof, shall be punishable by a fine of not more than fifty (\$50.00) dollars on a first conviction, a fine of not more than one hundred (\$100.00) dollars on a second conviction within one year, and a fine of not more than two hundred fifty (\$250.00) dollars on a third conviction within one year. A person, firm, corporation or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this chapter is committed, continued or permitted by the person, firm, corporation or organization and shall be punishable as herein provided.

Any structure erected, moved, altered, enlarged or maintained and any use of a site or portion of a site contrary to the provisions of this chapter shall be and is hereby declared to be unlawful and a public nuisance, and the City Attorney may institute necessary legal proceedings for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure or use and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering, or enlarging the structure or using the site contrary to the provisions of this chapter. (Ord. 84-08, A 1, § 113)

**20-1.14 *Construction.*** The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this chapter.

Words used in the present tense include the future tense.

Words used in the singular include the plural, and words used in the plural include the singular.

The words "shall" and "must" are mandatory; the word "may" is permissive.

The masculine shall include the feminine and neuter.

In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of this chapter

and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context. The word "oath" shall include affirmation. (Ord. 84-08, A 1, § 114)

**20-1.15 *General Terminology.*** The word "city" shall mean the City of Ridgecrest, California. The words "City Council" and "Council" shall mean the City Council of the City of Ridgecrest. The words "Planning Commission" and "Commission" shall mean the Planning Commission of the City of Ridgecrest, California, duly appointed by the City Council. The words "City Clerk," "City Engineer," "City Administrator," "Chief Building Official" and "Planning Director" shall mean the City Clerk, City Engineer, City Administrator, Chief Building Official and Director of Planning and Community Development, respectively, of the City of Ridgecrest.

The word "Secretary" shall mean the Secretary to the Planning Commission duly appointed by the City Council. The word "zone map" shall mean the officially adopted zone map in accordance with section 20-2 of this chapter. (Ord. 84-08, A 1, § 115)

## **20-2 Precise Zone Plan.**

**20-2.1 *Adoption of the Plan.*** There is hereby adopted a precise zoning plan and zone map for the City of Ridgecrest. (Ord. 84-08, A 2, § 201)

**20-2.2 *Purpose of the Plan.*** The purpose of this section is to provide for regulations for the systematic execution of the elements of the City of Ridgecrest General Plan and for the physical development of the City. (Ord. 84-08, A 2, § 202)

**20-2.3 *Establishment of Zone District.*** The City of Ridgecrest is hereby divided into zoning districts, as named and described in the following sections. The boundaries of said zoning districts shall be as shown upon the zoning maps of the City of Ridgecrest, an attested copy of which is attached hereto by reference and a permanent copy may be found in the office of the City Clerk. (Ord. 84-08, A 2, § 203)

**20-2.4 *Boundaries Adopted — Rules for Construction When Boundaries Uncertain.*** The boundaries of such zones as are shown upon the zoning maps or amendments thereto are

**§ 20-2.5 CITY OF RIDGECREST ORDINANCES**

adopted and the specific regulations as hereinafter set forth for each zone and the general regulations applicable herein are established and declared to be in effect upon all lands included with the boundaries of each and every zone as shown upon said zoning map. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

a. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

b. Boundaries indicated as approximately following established lot lines shall be construed as following such lot lines.

c. Boundaries indicated as approximately following City limits shall be construed as following such City limits.

d. Boundaries indicated as parallel to or extensions of features indicated in paragraphs a. through c. above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

e. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in circumstances not covered by paragraphs a. through d. above, the Planning Commission shall interpret and determine the district boundaries. Where a street or alley is officially vacated or abandoned, the zone boundary shall be changed so as to include said vacated or abandoned street or alley in the same zone as the adjoining property to which it reverts. (Ord. 84-08, A 2, § 204)

**20-2.5 *Uses Permitted in Zones.*** No land shall be used, and no building or structure shall be erected, constructed, enlarged, altered, moved or used in any zone, as shown upon the official zone map, except in accordance with the regulations established by this chapter. (Ord. 84-08, A 2, § 205)

**20-2.6 *Establishment of Zones.***

a. The provisions of this chapter shall apply to and govern the use or maintenance or keeping of any land or other property in the City.

b. The City may be divided by the City Council into parts, and each part may be subdivided into units, for purposes of imposing or establishing zones and subzones on land or property. Such

parts or units may be zoned and rezoned whenever the City Council finds that public convenience, the general welfare or good zoning practice justifies such action, providing such change is consistent with the City's adopted General Plan. The geographical boundaries of each part or unit shall be shown on a map, hereinafter referred to as a zoning map (or maps). A zoning map shall set forth the zone and subzone classification applicable to the land and property contained within the zoning boundary as shown on the map. (Ord. 84-08, A 2, § 206)

20-2.7 *Designation of Zones.* Zone classifications existing prior to April 4, 1986 have been eliminated and replaced with new classifications on April 4, 1986. Any land or property subject to the prior zone classification has been reclassified to the following zone classification:

**Adopted:**

CI	(Civic and Institutional)
RSP	(Recreation, Schools and Public Use District)
UR	(Urban Reserve)
R-1	(Single-Family Residential)
E-3	(Single-Family Residential)
E-2	(Single-Family Residential)
E-1	(Single-Family Residential)
R-2	(Multi-Family Residential)
R-3	(Multi-Family Residential)
R-4	(Multi-Family Residential)
RMH	(Residential Mobilehomes)
PO	(Professional Office)
CN	(Neighborhood Commercial)
CG	(General Commercial)
CS	(Service Commercial)
M-1	(Light Industrial)
M-2	(Heavy Industrial)
PUD	(Planned Unit Development)

(Ord. No. 84-08, § 207; Ord. No. 86-06, § 1)

20-2.8 *Prezoning of Unincorporated Territory.* Unincorporated territory may be prezoned by the City for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the City. Such prezoning shall be accomplished when the annexation request is presented to LAFCO (Local Agency Formation Commission) and will be

§ 20-2.9 CITY OF RIDGECREST ORDINANCES

effective upon completion of proceedings. (Ord. 84-08, A 2, § 208)

*20-2.9 Amendments to the Zone Plan.* Amendments to the zone plan shall be adopted in the manner provided for changing district boundaries as prescribed in Section 20-25 of this chapter and in accordance with the government code. The ordinance shall be attached to the map or maps affected and filed in the City Clerk's office. The planning staff will, from time to time, incorporate the ordinance onto the base zoning maps of the City. (Ord. 84-08, A 2, § 209)

**20-3 General Provisions.**

*20-3.1 Zoning Application of Provisions.*

a. No building, or structure, or lot hereafter shall be used or occupied, and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the zone in which it is located and then only after securing all permits and licenses required by law and ordinance.

b. No building or structure hereafter shall be erected or altered to exceed the height, to accommodate or house a greater number of families or persons, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, or side yards than is specified herein for the zone in which such building or structure is located, except as provided. (Ord. 84-08, A 3, § 301)

*20-3.2 Buildings Under Construction.* Any building or structure for which a building permit or other entitlement has been issued or granted prior to the effective date of this chapter may be completed and used in accordance with the plans, specifications and permits on which said building permit was granted, if construction is commenced within 120 days after the issuance of said permits and diligently pursued towards completion. (Ord. 84-08, A 3, § 302)

*20-3.3 Uses and Buildings.* The existing use or uses of all buildings improved on premises not in conformity with the standards or requirements of the zone in which they are located,

and which uses are lawfully existing may continue as a nonconforming use as hereinafter defined and subject to this section regulating such nonconforming uses. (Ord. 84-08, A 3, § 303)

**20-3.4 *Uses Prohibited.*** Uses that are not specifically listed by this chapter in the Purpose or Uses Permitted or Uses Conditionally Permitted sections of each article are specifically prohibited, except by the amendment of this chapter. (Ord. 84-08, A 3, § 304)

**20-3.5 *Previous Violations.***

a. Any use or uses of any sort that are in violation of any zoning regulations upon the effective date of this chapter and in violation of the provisions of this chapter shall not be deemed to have acquired the status of a nonconforming use by reason of the adoption of this chapter. The same shall be deemed to be a continued violation thereof.

b. Any variance or permit of any kind and any nonconforming use now existing pursuant to any zone classification repealed by this chapter shall continue under the applicable new zone classification as a nonconforming use, but shall not be extended, expanded or enlarged in any way whatsoever. (Ord. 84-08, A 3, § 305)

**20-3.6 *Conflicting Regulations.*** Where any provisions of this title impose more stringent 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; provided, however, that where a subdivision has been approved by the Planning Commission and/or the City Council under the provision of the subdivision ordinance, then the approved standards for streets and highways, alleys, easements, blocks, lots, yards, pedestrian ways and access shall be considered as the requirement of the zoning ordinance. (Ord. 84-08, A 3, § 306)

**20-3.7 *Addition of Permitted or Conditional Uses.*** Upon application or on its own initiative, the Planning Commission may add or delete a use to the list of permitted or conditional uses if the Commission makes all of the following findings:

a. That the addition to or deletion from the list of permitted or conditional uses will further the purposes of the district in

which the use is proposed to be added or deleted.

b. That the use has or has not the same basic characteristics as the uses permitted in the district and is not less restrictive.

c. That the use can or cannot be reasonably expected to conform with the required conditions prescribed for the district.

d. That the addition of a use will not be detrimental to the public health, safety or welfare.

e. That the addition of a use will not create more vehicular traffic than the volume normally created by any of the uses allowed in the district.

f. That the addition of a use will not adversely affect the character of any district in which it is proposed to be allowed.

g. That the use conforms with the General Plan.

h. That the addition of a use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount normally created by any of the other uses allowed in the district.

i. That the addition of a use will not create any greater hazard of fire or explosion than the hazards normally created by any of the uses allowed in the districts. When a use has been added to a list of permitted or conditional uses in accordance with the procedure prescribed in this section, the use shall be deemed to be listed as a permitted or conditional use in the appropriate section and shall be added to the text of that section of this chapter when it is next published, with a notation of the date when the use was added to the list.

Any interested party may appeal the decision of the Planning Commission to the Council. The appeal shall be made in writing within five working days of the Planning Commission's decision and shall be accompanied by a fee as set by Council. Council may sustain, amend or disapprove the action of the Planning Commission.

(Ord. No. 84-08, A 3, § 307; Ord. No. 86-06, § 2)

**20-3.8 Access.** Except where otherwise provided for in this chapter, every structure or building shall face or have frontage upon one of the following:

a. A dedicated and improved street.

b. An improved common parking lot approved by the City;  
or

c. Other permanent access at least 12 feet wide to a street by a public easement or passageway other than an alley. (Ord. No. 84-08, A 3, § 308; Ord. No. 86-06, § 3)

**20-3.9 *Height Limits.*** No structure or part thereof shall be erected, reconstructed or structurally altered in excess of height limits hereafter designated for the zone in which such structure is located except as follows:

a. Farm buildings or structures provided that these are not less than 50 feet from every lot line, church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, distribution and transmission towers, line and poles, chimneys, smoke stacks, flag poles, radio towers, masts and aerials, provided that they are safely erected and maintained.

b. Upon application for a conditional use permit, height limits may be increased for buildings to a height not exceeding 75 feet when set back an additional foot on all sides for each foot above that permitted.

c. An accessory building shall not exceed 16 feet in height, provided however, that the vertical height from the grade to the plate line of a gable hip or gambrel roof shall not exceed 13 feet. (Ord. 84-08, A 3, § 309)

**20-3.10 *Coverage, Measurement.*** The percent of the site area covered by structures shall be measured by dividing the number of square feet of horizontal area covered by structures, open or enclosed, by the total horizontal area within the property lines of the site. (Ord. 84-08, A 3, § 310)

**20-3.11 *Yard Requirements, Measurement.*** Unless otherwise provided, required yards shall be measured as the minimum horizontal distance from the property line of the site or street line to a line parallel thereto on the site; provided that where a precise street plan has been adopted by the City Council, required front yards shall be measured from the outside dimensions of the plan line. No provisions of this chapter shall be construed to permit a structure or use to extend beyond such line; and provided further that where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, required front yards shall be measured from

§ 20-3.12 CITY OF RIDGECREST ORDINANCES

a line representing the boundary of the additional width required for street purposes abutting the site. (Ord. 84-08, A 3, § 311)

20-3.12 *Yard Requirements; Exceptions.* Residential yard requirements specified herein shall be subject to the following exceptions and modifications:

a. Unless otherwise provided, the width of one side yard may be reduced when authorized by the approval authority to not less than three feet, provided the sum of the widths of the two side yards is not less than the required minimum, and further provided the distance between proposed dwelling and another dwelling, existing or proposed, on an adjacent lot is not less than that required by the Uniform Building Code.

b. Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of the sills, belt courses, cornices, buttresses, chimneys, ornamental features, rain gutters, eaves, balconies, and heating and cooling equipment, provided, however, that none of the "projections" shall project into a minimum side yard more than 36 inches, and into the required front or rear yard not more than 6 feet. No building or projection thereof may extend into a public easement or right-of-way. Further, no projection shall project to within 36 inches of a property line.

c. Except as limited for a particular zone, sunshade and patio covers which are open on at least three sides, except for roof supports, may be located in any portion of a required side or rear yard, other than a street side yard, provided they do not encroach into a utility easement. The dripline of the sunshade or patio shall not fall outside of the lot on which the structure is located. Further, no sunshade or patio cover which fails to conform to the fire resistance set forth in the Uniform Building Code shall project to within 36 inches of a property line.

d. Except as limited for a particular zone, fences, walls, hedges, walks, driveways and retaining walls may occupy any required yard or other open spaces, unless necessary for public safety or as required by any law or regulation of the State of California or any agency thereof.

e. Open, unenclosed, uncovered metal fire escapes and depressed ramps or stairways may project into any required yard or space between buildings not more than four feet

unless otherwise provided in this chapter.  
(Ord. No. 84-08, A 3, § 312; Ord. No. 86-06, § 4)

**20-3.13 *Through Lots.*** A front yard, the distance of which is specified in the district, shall be provided on each frontage of a through lot, except where a waiver-of-access to one of the frontages applies. (Ord. 84-08, A 3, § 313)

**20-3.14 *Maintenance of Landscaped Areas.*** A landscaped area provided in compliance with the regulations prescribed in this chapter or as a condition of a use permit, site plan review or planned unit development shall be landscaped with materials suitable for screening or ornamenting the site, whichever is appropriate. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed or otherwise maintained to assure compliance with the regulations requiring landscaped areas as stated under Site Plan Review. (Ord. 84-08, A 3, § 314)

**20-3.15 *Less Restrictive Uses.*** The express enumeration and authorization in this chapter of a particular use, building or structure in a zone shall be deemed a prohibition of such buildings, structures or use in all zones of more restrictive classification. (Ord. 84-08, A 3, § 315)

**20-3.16 *Use of Nonconforming Sites.*** Except as otherwise provided in this section, a site having an area, frontage, width or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was of record prior to the adoption of this chapter, and which had a legal area, frontage, width and depth at the time that the subdivision map, deed or contract of sale was recorded, may be used for any permitted use listed for the district in which the site is located, but shall be subject to all other regulations for such district notwithstanding previous violations of the Subdivision Map Act. (Ord. 84-08, A 3, § 316)

**20-3.17 *Nonconforming Uses and Structures.***

a. ***Purpose.*** A nonconforming use is a use of a structure of land which was lawfully established and maintained prior to the adoption of this chapter but which does not conform with the use regulations for the district in which it is located. This section is intended to limit the number and extent of nonconforming uses by prohibiting their enlargement or their reestablishment after abandonment of six months or more and by prohibiting the alteration of the structures they occupy and their restoration after destruction to the extent of 75 percent or more.

A nonconforming structures is a structure which was lawfully erected prior to the adoption of this chapter but which, under

this chapter, does not conform with the standards of coverage, yard spaces, height of structures or distance 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 section is intended to limit the number and extent of nonconforming structures by prohibiting their being moved, altered or enlarged so as to increase the discrepancy between existing conditions and the standards prescribed in this chapter and by prohibiting their restoration after destruction to the extent of more than 75 percent.

b. *Continuation and Maintenance.* A use lawfully created and occupying a structure or a site on the effective date of this chapter 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, as provided in this section.

A structure lawfully created and occupying a site on the effective date of this chapter or of amendments thereto which does not conform with the standards of coverage, front yard, side yards, rear yard, or distances between structures 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 as provided in this section.

c. *Alterations and Additions to Nonconforming Uses.* No structure, the use of which is nonconforming, shall be moved, altered or enlarged unless the moving, alteration or enlargement will result in the elimination of the nonconforming use.

No structure partially occupied by a nonconforming use shall be moved, altered, or enlarged so as to permit the enlargement of the space occupied by the nonconforming use, and thereby increase the discrepancy.

d. *Change of a Legal Nonconforming Use.* The legal nonconforming use of a structure or site may be changed to another nonconforming use provided that the change of use is approved by the Planning Commission in accordance with the following procedure:

1. Application for a change of use shall be made to the Planning Commission and shall include the following date:

- (a) Name and address of the applicant.
- (b) Statement that the applicant is the owner of the property or is the authorized agent of the owner.

(c) Address and legal description of the property.

(d) Statement of the precise nature of the existing or pre-existing legal nonconforming use and the proposed new nonconforming use and any other data pertaining to the findings prerequisite to the granting of an application.

The application with the appropriate fee as set by Council shall be filed with the Secretary of the Planning Commission. The Secretary shall give notice to the applicant of the time and place when the application will be considered, and may give notice of the time to any other interested party.

2. The Planning Commission shall hold a public hearing on an application for a change in nonconforming use. Notice of the hearing shall be given in the manner prescribed by subsection 20-21.4 of this chapter.

3. The Planning Commission may grant an application for a change of use if, on the basis of the application and the evidence submitted, the Commission makes the following findings:

(a) That the proposed use is classified in a more restricted category than the existing or pre-existing use.

(b) That the proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

4. The Planning Commission may grant an application for a change of use for a limited time period or subject to such conditions as the Commission may prescribe. The Commission may deny an application for a change of use.

5. An action of the Planning Commission granting an application for a change of nonconforming use shall become null and void 180 days following the date of action unless the use is established or unless a greater amount of time is authorized.

e. *Abandonment of Nonconforming Use.* Whenever a nonconforming use had been abandoned or discontinued for a continuous period of six months, or changed to a conforming use, the nonconforming use shall not be re-established, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located.

f. *Restoration of Damaged Structure.* Whenever a nonconforming use or a nonconforming structure shall be destroyed by fire or other calamity, or by an act of God or by the public enemy to the extent of less than 75 percent, the structure may be

§ 20-3.18 CITY OF RIDGECREST ORDINANCES

restored and the nonconforming use may be resumed, provided the restoration does not increase the nonconformity which existed prior to the damage that prevails; further, that restoration is started within six months and is diligently pursued to completion. The extent of damage to any structure shall be determined by the Building Official. Whenever a nonconforming use or a nonconforming structure shall be destroyed by fire or other calamity, or by an act of God or by the public enemy to the extent of over 75 percent the structure shall not be restored except in full conformity with the regulations for the district in which it is located, and the nonconforming use shall not be resumed.

*g. Appeal to City Council.* All appeals to the City Council concerning decisions of the Planning Commission shall be made pursuant to subsection 20-21.10. (Ord. 84-08, A 3, § 317)

**20-3.18 *Public Utility Distribution and Transmission Lines.*** Public utility distribution and transmission lines, both overhead and underground, shall be permitted in all districts without the necessity of first obtaining a use permit, provided that a permit is obtained from the Department of Public Works prior to any new construction or installation of such facilities. (Ord. 84-08, A 3, § 318)

**20-3.19 *Accessory Structures.*** Accessory buildings may be erected detached from the principal building. Such accessory structure shall not be used as a dwelling unit nor have separately metered utilities.

The minimum distance between a dwelling unit and another structure shall be ten feet except where accessory structures are located to the rear of a dwelling unit and do not encroach into the rear yard setback.

(Ord. No. 84-08, A 3, § 319; Ord. No. 86-06, § 5)

**20-3.20 *Dedication of Streets; Curb, Gutter and Sidewalk Requirements for Additions to or Remodeling of Existing Structures or New Construction.*** Upon the issuance of any building permit or when the site of any remodeling, addition to or construction of a new building front on or is adjacent to a planned street or dedicated public street or highway, street sections, curbs, gutters and sidewalks shall be constructed to City standards. In addition, where offers of dedication for the

planned public right-of-way have not taken place, such offers shall be made prior to issuance of the building permit. However, where official grades and alignments have not been established or would not conform to existing features, the Director of Public Works may waive the construction of any portion of such improvements and may require the property owner to enter into a binding agreement calling for the future construction of waived improvements in accordance with approved City policy. (Ord. 84-08, A 3, § 320)

**20-3.21 *Screening of Roof Equipment.*** In all Commercial, Office and Industrial Districts all heating and cooling equipment shall be screened from view by a parapet or other structural feature and designed to match the total structure. (Ord. 84-08, A 3, § 321)

**20-3.22 *Home Occupations.*** The applicant for a home occupation permit shall attest to and acknowledge that they will not violate the following criteria: All applications shall be accompanied by the appropriate fee as set by the City Council. Applications shall be processed and approved or denied by the Planning Department.

a. The home occupation shall not involve the use of signs or accessory structures, other than those permitted in the R Districts.

b. The residence address will not be used for advertising purposes of any kind, nor shall any other residence address be used for advertising purposes in connection with the home occupation.

c. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than one vehicle not to exceed one ton gross capacity, owned by the operator of such home occupation. Home occupation materials including stock, wares, goods, samples or equipment, carried in or on the vehicle shall be concealed in such vehicle or within the main structure so as not to be visible from the street, sidewalk or alley when such vehicle is parked at such residence.

d. Retail sales at the residence and services performed at the residence for persons who have come to the residence for such services shall be limited to no more traffic than that normally occasioned by a residential use. Customers, clients, or prospective

customers or clients may be invited to the residence for the purpose of purchasing or obtaining or considering the purchasing or obtaining of merchandise, wares, goods, equipment or service, subject to the above limitation.

e. No noise, pedestrian or vehicular traffic or activity which constitutes a nuisance or disturbance of the peace of any person shall be produced or made at the residence in connection with the home occupation.

f. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use (either by color, materials or construction, lighting, signs, sounds or noises, vibrations, etc.).

g. Any stock, wares, goods, materials, samples, merchandise or equipment stored on the premises shall be entirely within the building and not visible from the street, sidewalk or alley and shall not interfere with the residential use or endanger any person.

h. No employees, salesmen or other help, including independent contractors, partners or joint ventures hired, engaged, or retained by the permittee, other than members of the immediate or resident family, shall perform any work at the premises or go to or upon the premises in conjunction with the home occupation.

i. Home occupation permits shall not be issued for the following businesses or for the following vocations:

1. Hairdresser, barber or other tonsorial pursuits;
2. Any vocation or business involving the preparation or sale of food or food products;
3. Any vocation or business involving machinery which cannot be stored or operated in the room allowed for use of the home occupation or concealed in the vehicle of not over one ton capacity.

4. Automotive, vehicular, or motorcycle repair or engine repair, body and fender repair and auto painting.

j. Home occupations are intended to be small businesses or vocations with limited hours of operation. Whenever practical for the operation of any proposed use, a condition of approval shall prohibit operation of all or certain aspects of the use between 9:00 p.m. and 8:00 a.m.

k. Home occupation permits shall not be transferable to other individuals. The permittee shall notify the city in writing

at least ten (10) days before the home occupation permit is transferred to a new location. The permit shall be transferred when the home occupancy is relocated if the permittee provides the required notice and the Planning Director finds the occupation compatible with the new location.

The granting of such home occupations permit is conditioned on the faithful compliance with all the regulations set forth herein and does not relieve the permittee from complying with applicable State and City laws for health and safety. The City Council is empowered to revoke the home occupation permit upon reasonable notice to the permittee and upon a hearing, when the Planning Director reports any persistent violations of any such regulation.

(Ord. No. 84-08, A 3, § 322; Ord. No. 86-06, § 6)

**20-3.23 Fences, Walls and Hedges.** Fences, walls and hedges may be permitted as follows:

a. Fences and walls behind the front yard setback along the side and rear yard property lines not exceeding seven (7) feet in height as measured from the average grade on either side of the fence. On streetside fences, the height shall not be higher than seven (7) feet above the top of curb.

b. On interior lots, the horizontal fencing line may be linearly tapered from behind the front yard setback line to the front yard property line provided that the fence is not higher than three (3) feet six (6) inches above grade at the property line.

c. The cross-visibility area as defined elsewhere in this chapter shall not be violated by any structure, fence, wall, hedge or other material.

d. No fence, wall or hedge shall be installed or constructed above the height of three (3) feet six (6) inches within any front or side setback adjacent to a street intersection except as provided below:

1. The fence, wall or hedge along the side yard is located more than twenty-five (25) feet from the projection of the front property line at the street intersection; or

## § 20-3.23 CITY OF RIDGECREST ORDINANCES

2. Such installation within the side yard is determined by the Director of Public Works not to constitute a traffic hazard due to reduced visibility. (Ord. No. 84-08, A 3, § 323)

20-3.24 *Lot Width: Certain Areas.* Notwithstanding any other provisions of this Code, fifty-foot-wide lots in the R-3 and R-4 Zone Districts may be approved within the area bounded on the north by Church Avenue, bounded on the west by Norma Street, bounded on the south by Upjohn Avenue, and bounded on the east by China Lake Boulevard, if a tentative map is approved for such development. (Ord. No. 86-13, §§ 2, 3; Ord. No. 89-02, §§ 2, 3; Ord. No. 94-02, § 2)

20-3.25 *Permanent Structures.* No person shall undertake or conduct a commercial use except within a permanent structure unless the Planning Director determines that particular commercial use cannot be conducted within a permanent structure. (Ord. No. 87-15, § 3)

### 20-3.26 *Family Day Care Homes.*

a. A family day care home may be established in any residential zone, upon the conditions stated in this section.

b. A small family day care home may be established in any residential zone if the home complies with the regulations set forth in the California Health and Safety Code Section 1597.45 and one (1) off-street parking space is provided for each six (6) children, plus one (1) space for each staff member. As used herein, "small family day care home" is a home which regularly provides family day care protection and supervision to eight (8) or fewer children, including children who reside in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians (other than the provider) are absent. A small family day care home shall be considered a residential use of property for purposes of this chapter.

c. A large family day care home may be established in any residential zone if the home complies with the regulations set forth in the California Day Care Facilities Act, California Health and Safety Code Section 1597.46 and the Director of Planning and Community Development issue a permit. As used herein, "large family day care home" is a home which regularly provides

family day care, protection and supervision to nine (9) to fourteen (14) children, including children who reside in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians (other than the provider) are absent. The permit issued by the Director shall include at least the following conditions:

1. The day care home must be the principal residence of the provider, and its use as a day care home must be clearly incidental and secondary to the use of the property for residential purposes.

2. A minimum of one off-street parking space per employee must be provided. For purposes of this section, such off-street parking may be provided in the driveway of the day care home, provided that such parking space will not conflict with the required child drop-off/pick-up area and does not block a public sidewalk or right-of-way.

3. No structural changes or signage are proposed which will alter the character of the residence.

4. The operation of the facility will comply with noise standards contained in the Noise Element of the General Plan.

5. Residences located on major arterial streets must provide a child drop-off/pick-up area designed to prevent vehicles from backing onto the major arterial roadway.

6. The provider shall comply with all applicable regulations of the Fire Department and the State Fire Marshal regarding health and safety requirements.

7. The facility will be operated in a manner which will not adversely affect adjoining residence nor be detrimental to the character of the residential neighborhood.

(Ord. No. 89-15, § 3; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

*20-3.27 Bed and Breakfast Inns.*

a. A bed and breakfast inn serving tourists and visitors may be established with a conditional use permit in the R-2, R-3, R-4 and PO zones, upon the conditions stated in this subsection.

b. The building and the structure must be the primary residence of the owner or the manager of the bed and breakfast use.

**§ 20-3.27 CITY OF RIDGECREST ORDINANCES**

c. Said use shall be located in a building of residential design having a minimum of 2,000 square feet of residential floor area.

d. No meals shall be served for commercial purposes to persons other than to registered guests and residents of the bed and breakfast inn. Meal prices are to be included in the price of the room.

e. The bed and breakfast inn shall be located on a collector or arterial street designed by the City of Ridgecrest General Plan or within a transition zone.

f. Common areas to be provided for exclusive use of the guests must be at least 300 square feet (parlors, dining rooms and the like).

g. Where multi-use eating and drinking utensils are used, washing and sanitizing shall comply with either Section 28559 or 28560 of the California Restaurant Act. A three compartment metal sink with integral metal drainboards or a commercial dishwasher machine with chlorination and sterilizing capabilities with a two compartment metal sink with integral metal drainboards shall be required.

h. The following standards shall apply to the establishment of bed and breakfast inns in the R-2 and R-3, R-4 and PO zones:

1. On-site parking for the underlying residential use shall be provided in accordance with the provisions of Section 20-20. In addition one on-site parking space shall be provided for each guest room in excess of two. On-site parking shall be designed or located so as not to detract from the residential character of the buildings and structures of the bed and breakfast inn.

2. Signs for bed and breakfast inns shall be limited to four square feet of sign area attached directly to the residential building or structure, provided, in the PO zone, sign standards for the zone shall apply. The content of any such sign shall be limited to identifying not more than the name and address of the facility. No sign shall be internally or externally illuminated.

3. The actual number of guest rooms permitted in any location will be determined by the Planning Commission

based on a relationship of the site to parking, access, character, size and scale of surrounding uses. The building or structure may not contain more than eight guest rooms, which may not be occupied by more than 16 guests.

4. In those areas where the existing building or structure is developed with or used for residential apartments, the unit may be converted upon application and approval by the Planning Commission.

5. No cooking facilities shall be permitted in any guest room.

6. No guest shall be permitted to rent accommodations or remain in occupancy for a period in excess of 28 days during any consecutive 30 day period.

7. Fire, safety and health requirements will be imposed by the City Building Department, the Kern County Fire Department and the Kern County Health Department (Information Only: \$150.00 inspection fee is required by Kern County Health Department, 1991). Minimum requirements for a bed and breakfast occupancy shall be the installation of approved smoke detectors in each lodging room, installation of three approved fire extinguishers in the structure and the inclusion of an evacuation plan posted in each room. Written approval must be received from these departments prior to the business becoming operational.

8. The Kern County Fire Department and the Kern County Health Department shall conduct an annual inspection of each bed and breakfast inn.

9. No additions to existing buildings which would increase the number of bed and breakfast rooms shall be allowed.

i. In approving a conditional use permit for a bed and breakfast inn located in the R-2, R-3, R-4 and PO zones, the Planning Commission must make the following findings:

1. The establishment of a bed and breakfast inn is consistent with the purpose of the General Plan, including policies regarding the displacement of rental units in the housing stock; and

2. The establishment of a bed and breakfast inn will not be detrimental to a building, structure or feature of significant

aesthetic, cultural, architectural or engineering interest or value of a historical nature; and

3. The establishment of a bed and breakfast inn is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses.

These findings shall be in addition to those required for the approval of conditional use permits contained in subsection 20-21.7.

j. Any conditional use permit issued by the City for any bed and breakfast inn shall be subject to an express condition that said permit shall expire and said use shall terminate (unless a new conditional use permit is approved therefore) upon any transfer of ownership of said real property.

k. The permit shall terminate if any bed and breakfast inn is discontinued for a period of 12 months, regardless of any intent to resume operation.

(Ord. No. 91-12, § 9)

#### **20-4 RSP — Recreation, Schools and Public Use District.**

20-4.1 RSP — *Purpose and Intent.* This district is intended primarily for application to those areas of the City where it is necessary and desirable to provide permanent open space, governmental and special district facilities, which are necessary to safeguard the health, safety and welfare of the people, and to provide spaces for the location and preservation of public school, cultural, police, fire and other governmental facilities and recreation sites. (Ord. 84-08, A 4, § 401)

#### 20-4.2 RSP — *Permitted Uses.*

a. Recreation areas, civic centers, parks, parkways, playgrounds, golf courses, primary and secondary schools, colleges, cemeteries and fairgrounds and areas of scenic, historic and cultural values and any necessary buildings incidental thereto.

b. Flood control channels and drainage ditches, water and gas reservoir distribution and pumping stations, irrigation ditches, settling and water recharge basins.

c. Any City, County, State and Special District Facilities not inconsistent with subsection 20-4.1.

d. Open space for public health and safety, including areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risk, areas required for the protection of water quality and water reservoirs, and the protection of residents from high noise areas.

e. Incidental and accessory structures and uses.  
(Ord. 84-08, A 4, § 402)

**20-4.3 RSP — Conditional Uses.** Conditional uses may be added or deleted from time to time by the Planning Commission per subsection 20-3.7 of this Code and subject to the application for a Conditional Use Permit per Section 20-21 of this Code. (Ord. 84-08, A 4, § 403)

**20-4.4 RSP — Site Area.** The minimum site area shall be 6,000 square feet unless the land was lawfully subdivided into a smaller area prior to the enactment of this chapter. In such case the existing lawfully divided lot shall suffice for minimum area. (Ord. 84-08, A 4, § 404)

**20-4.5 RSP — Yard Requirements, Distance Between Structures, Coverage, Fences, Walls and Hedges.** Yard requirements shall be determined by the Planning Commission during the site plan review process. (Ord. 84-08, A 4, § 405)

**20-4.6 RSP — Site Plan Review.** No permitted or conditional use shall be permitted on any site in this district until a site plan review has been completed in accordance with the provisions of Section 20-22. (Ord. 84-08, A 4, § 406)

#### **20-4A CI Civic and Institutional District.**

**20-4A.1 CI - Purpose and Intent.** This district is intended to provide sites for offices and other facilities used by government, public utilities, and for public and private health and welfare facilities. Further, it is the intent of this district to encourage the location of such facilities in close proximity to each other. This district is not intended to include schools, either public or private. (Ord. No. 86-06, § 7)

##### **20-4A.2 CI - Permitted Uses.**

a. Public and private charitable institutions, hospitals, sanitariums.

b. Public and quasi-public uses of an administrative, public service or cultural including City, County, State or Federal administrative centers and courts, libraries, museums, art galleries, police, fire-stations and other public buildings, structures and facilities, public playgrounds, park and community centers.

(Ord. No. 86-06, § 7)

§ 20-4A.3 CITY OF RIDGECREST ORDINANCES

20-4A.3 *CI - Conditional Uses.* Conditional uses may be added or deleted from time to time by the Planning Commission per subsection 20-3.7 of this Code and subject to the application for a conditional use permit per Section 20-21 of this Code. (Ord. No. 86-06, § 7)

20-4A.4 *CI - Site Area.* The minimum site area shall be 6,000 square feet unless the land was lawfully subdivided into a smaller area prior to the enactment of this chapter. In such case the existing lawfully divided lot shall suffice for minimum area. (Ord. No. 86-06, § 7)

20-4A.5 *CI - Yard Requirements, Distance Between Structures, Coverage, Fences, Walls and Hedges.* Yard requirements shall be determined by the Planning Commission during the site plan review process. (Ord. No. 86-06, § 7)

20-4A.6 *CI - Site Plan Review.* No use shall be permitted on any site in this district until a site plan review has been completed in accordance with the provisions of Section 20-22. (Ord. No. 86-06, § 7)

**20-5 UR Urban Reserve District.**

20-5.1 *Purposes and Intent.*

a. This district is intended primarily for application to areas within urban limits of the General Plan and which are designated by the General Plan to be held in reserve for future urban expansion or which are in the vicinity of areas so designated, (i.e., Rural Density or Estate Density). Such areas are generally characterized by predominantly open uses of land and/or which, because of the lack of any clear trends for conversion to urban use, cannot be specifically zoned for urban use prior to the City's approval of definite proposals for urban development.

b. The application of this district will avoid problems associated with specific zoning of lands too far in advance of probable development, preserve the availability of lands required for future urban expansion, allow limited conversion of such lands to very low-density urban use, and assist in the prevention of premature development of land where the full range of municipal-type services is not available.

c. The rezoning of land with the UR District to other appropriate district classifications would be undertaken only at such time as evidence of substantial development is available through urban uses and the required infrastructure to serve those uses is available.

(Ord. 84-08, A 5, § 501)

*20-5.2 UR — Permitted Uses.*

a. A one-family dwelling in areas designated by the General Plan as Rural Residential or Estate Density.

b. The following uses are permitted:

1. Breeding, hatching, raising and fattening of poultry, fowl, birds, rabbits for domestic use, provided that such fowl or animal shall be limited in number to one per 2,000 square feet of site area.

2. Keeping of bovine animals and horses, provided, however, that there shall not be allowed on the premises more than one of any adult animal of the foregoing for each 40,000 square feet of site area. The keeping of such fowl and animals shall conform to all other provisions of law governing same, and no fowl or animals, nor any pen, coop, stable, barn or corral shall be kept or maintained within 50 feet of any dwelling or other building used for human habitation, or within 100 feet of the front lot line of the lot upon which it is located, or within 100 feet of any public park, school, hospital or similar institution.

3. There shall be no raising, killing or dressing of any such animals or poultry for commercial purposes.

(Ord. 84-08, A 5, § 502)

*20-5.3 Conditional Uses.*

a. Boarding stables and riding stables of a commercial nature with no more than one adult animal for each 10,000 square feet of site.

b. Church and school uses.

(Ord. No. 84-08, A 5, § 503; Ord. No. 86-06, § 8; Ord. No. 86-26, § 1; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

## § 20-5.4 CITY OF RIDGECREST ORDINANCES

20-5.4 *Site Area.* The minimum site area shall be no less than two and one-half gross acres.  
(Ord. No. 84-08, A 5, § 504)

20-5.5 *Building Height and Coverage.* Building height and coverage shall be as set forth in the R-1 District.  
(Ord. No. 84-08, A 5, § 505)

20-5.6 *Lot Frontage, Width and Depth.* Each lot shall have not less than 300 feet of width/depth on a public or private street unless located on a knuckle or cul-de-sac. In this case, the front yard width scribed by the radius shall be no less than 200 feet.  
(Ord. 84-08, A 5, § 506)

20-5.7 *Yard Requirements.* The front, rear, and side yard requirements for the main dwelling shall be no less than those specified in the R-1 District.  
(Ord. 84-08, A 5, § 507)

20-5.8 *Site Plan Review.* No conditional use shall be permitted on any site in this district unless the site plan review has been completed in accordance with the provisions of Section 20-22.  
(Ord. 84-08, A 5, § 508)

### 20-5A Primary Agriculture District.

20-5A.1 *Purpose and Intent.* To provide living areas which combine certain advantages of both urban and rural location by limiting development to very low-density concentration of one family dwellings and permitting a limited number of animals to be kept for pleasure, hobbies, and of a commercial nature.

This district is intended primarily for application of land in natural and scenic areas to:

a. Permit the opportunity of developing rural size parcels which because of their size cannot be economically accommodated within urban areas;

b. To permit agricultural pursuits which may not be harmonious and compatible with urban areas; and

ZONING

§ 20-5A.1

c. To assure the provisions and/or construction of at least those minimum physical improvements that are necessary to protect safety and general welfare of people living on rural size parcels.

(Ord. No. 87-19, § 1)

**20-5A.2 Permitted Uses.**

- a. A one family dwelling.
  - b. Accessory buildings and structures located on the same parcel of land.
  - c. Keeping of bovine and equine animals, provided, however that there shall not be allowed on the premises more than one of any adult animal of the foregoing for each 10,000 square feet of site area. The keeping of such fowl and animals shall conform to all other provisions of law governing same, and no fowl or animals, nor any pen, coop, stable, barn or corral shall be kept or maintained within 50 feet of any dwelling or other building used for human habitation, or within 100 feet of the front lot line of the lot upon which it is located, or within 100 feet of any public park, school, hospital or similar institution. There shall be no raising, killing or dressing of any such animals or poultry for commercial purposes.
    1. One hog or pig per 10,000 per square feet of area 2;
    2. Three goats or three sheep or three similar livestock per 10,000 square feet of area;
    3. 24 chickens per 10,000 square feet of area;
    4. Ten ducks or ten rabbits or ten similar livestock per 10,000 square feet of area;
    5. The outdoor growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain, and similar food and fiber crops.
    6. Game preserves or refuges.
    7. One stand for the sale of agricultural products grown on the premises.
- (Ord. No. 87-19, § 1)

**20-5A.3 Uses Permitted with a Use Permit.** All land uses that are existing upon adoption of this section are considered legal conforming uses and do not need to acquire a conditional use permit.

- a. The raising, feeding, maintaining, and breeding of poultry, fowl, rabbits, fur-bearing animals, and the like, for other than domestic purposes.
- b. Commercial hog and pig farming.
- c. Dairies.
- d. Livestock feed yards, animal sale yards.

§ 20-5A.3 CITY OF RIDGECREST ORDINANCES

- e. Kennels, veterinarians clinics for farm animals and livestock but not for companion and exotic animals.
- f. Public and private nonprofit elementary schools, junior high schools, and colleges.
- g. Art, craft, music and dancing schools.
- h. Business, professional and trade schools or colleges.
- i. Churches, public playgrounds, parks, community centers, libraries, museums, and similar uses and buildings.
- j. Public airports and private landing strips.
- k. Cemeteries, mausoleums, columbariums, and crematoriums.
- l. Public utility buildings and public service or utility uses (transmission and distribution lines excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, power stations, transformer stations, service yards, and parking lots.
- m. Commercial stables, riding academies and hunting clubs.
- n. Commercial aquaculture.
- o. Game preserves and refuges.
- p. Retail plant nurseries (indoor or outdoor), fruit and produce stands, commercial wood yards, including wood splitting.
- q. Commercial mushroom farming.
- r. Wholesale nurseries and greenhouses for the indoor propagation and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, and similar crops.
- s. Minor agricultural services which serve the immediate vicinity including blacksmithing, welding, small machinery repair, and the like.
- t. Agricultural processing plants and facilities, including wineries, dehydrators, canneries and similar agricultural uses, including retail sales of agricultural products processed on the premises. Incidental activities such as fruit and vegetable packing, sizing, polishing, and the like, shall not be considered to be agricultural processing.
- u. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision and temporary subdivision sales offices and signs and model home display areas.

v. Reserved.

w. Guest houses.

(Ord. 84-08, A 6, § 603; Ord. No. 87-19, § 1; Ord. No. 92-10, § 6)

20-5A.4 *Site Area*. The minimum site area shall be no less than five (5) acres. (Ord. No. 87-19, § 1)

20-5A.5 *Building Height and Coverage*. Building height and coverage shall be as set forth in the R-1 District. (Ord. No. 87-19, § 1)

20-5A.6 *Lot Frontage*. Each lot shall have not less than 300 feet of frontage on a public or private street. (Ord. No. 87-19, § 1)

20-5A.7 *Lot Width*. The minimum lot width of each lot shall be no less than 300 feet. (Ord. No. 87-19, § 1)

20-5A.8 *Lot Depth*. The minimum depth of each lot shall be no less than 600 feet. (Ord. No. 87-19, § 1)

20-5A.9 *Site Density*. Not more than one (1) dwelling unit shall be permitted on each site. (Ord. No. 84-08, A 6, § 609; Ord. No. 87-19, § 1)

20-5A.10 *Yard Requirements*. The front, rear and side yards shall be no less than those set forth in the R-1 District. (Ord. 84-08, A 6, § 610; Ord. No. 87-19, § 1)

## **20-5B Residential Agriculture District.**

20-5B.1 *Purpose and Intent*. The Residential Agriculture (RA) District is hereby created. This district is intended to provide living areas combining certain advantages of both urban and rural location by limiting development to very low-density concentration of one family dwellings and permitting a limited number of animals to be kept for pleasure, hobbies, and of a commercial nature. This district is intended primarily for application of land in natural and scenic areas to:

a. Permit the opportunity of developing rural size parcels which because of their size cannot be economically accommodated within urban areas;

b. To permit agricultural pursuits which may not be harmonious and compatible with urban areas; and

c. To assure the provisions and/or construction of at least those minimum physical improvements that are necessary to protect safety and general welfare of people living on rural size parcels. (Ord. No. 94-05, § 3)

**20-5B.2 Permitted Uses.** The following uses are permitted in the Residential Agriculture District:

a. A one-family dwelling.

b. Accessory buildings and structures located on the same parcel of land.

c. Keeping of bovine and equine animals, provided, however that there shall not be allowed on the premises more than one (1) of any adult animal of the foregoing for each ten thousand (10,000) square feet of site area. The keeping of such fowl and animals shall conform to all other provisions of law governing same, and no fowl or animals, nor any pen, coop, stable, barn or corral shall be kept or maintained within fifty (50) feet of any dwelling or other building used for human habitation, or within one hundred (100) feet of the front lot line of the lot upon which it is located, or within one hundred (100) feet of any public park, school, hospital or similar institution. There shall be no raising, killing or dressing of any such animals or poultry for commercial purposes.

1. One (1) hog or pig per ten thousand (10,000) square feet of area; or
2. Three (3) goats or three (3) sheep or three similar livestock per ten thousand (10,000) square feet of area; or
3. Twenty-four (24) chickens per ten thousand (10,000) square feet of area; or
4. Ten (10) ducks or ten (10) rabbits or ten similar livestock per ten thousand (10,000) square feet of area;
5. The outdoor growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain, and similar food and fiber crops;

6. Equine boarding stables subject to requirements of subsection 20-5B.2(c).

d. Home occupations.

e. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision and temporary subdivision sales offices and signs and model home display areas.

f. Second Units subject to the requirements of subsection 20-8.12.

(Ord. No. 94-25, § 3; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-5B.3 *Uses Permitted with a Conditional Use Permit.* The following uses may be permitted in the Residential Agriculture District with a conditional use permit:

a. One (1) stand for the sale of agricultural products grown on the premises.

b. The raising, feeding, maintaining, and breeding of poultry, fowl, rabbits, fur-bearing animals, and the like, for other than domestic purposes with the exception of slaughtering.

c. Kennels and veterinarian clinics.

d. Public and private nonprofit elementary schools, junior high schools, and colleges.

e. Art, craft, music and dancing schools.

f. Churches, public playgrounds, parks, community centers, libraries, museums, and similar uses and buildings.

g. Cemeteries, mausoleums, columbariums, and crematoriums.

h. Public utility buildings and public service or utility uses (transmission and distribution lines excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, power stations, transformer stations, service yards, and parking lots.

i. Equine riding academies.

j. Game preserves and refuges other than for migratory birds.

§ 20-5B.3 CITY OF RIDGECREST ORDINANCES

k. Wholesale nurseries and greenhouses for the indoor propagation and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, and similar crops.

l. Minor agricultural services which serve the immediate vicinity including blacksmithing, welding, small machinery repair, and the like.

m. Guest houses.  
(Ord. No. 94-05, § 4)

20-5B.4 *Dimensional Minimums.* The following minimum dimensions apply in the Residential Agriculture Zone:

a. *Site Area.* The minimum gross site area shall be no less than two and one-half (2½) acres.

b. *Building Height and Coverage.* Building height and coverage shall be as set forth in the R-1 District.

c. *Lot Frontage.* Each lot shall have not less than two hundred twenty (220) feet of frontage on a public or private street unless located on a knuckle or cul-de-sac. In this case the front yard width as scribed by the radius arc shall be no less than one hundred forty (140) feet.

d. *Lot Width.* The minimum lot width of each lot shall be no less than two hundred twenty (220) feet except as provided in subsection 20-5B.6.

e. *Lot Depth.* The minimum depth of each lot shall be no less than three hundred (300) feet.

f. *Site Density.* Not more than one (1) dwelling unit shall be permitted on each site.

g. *Yard Requirements.*

1. *Front yard.* The minimum front yard setback shall be forty (40) feet as measured from the front property line. On a cul-de-sac or knuckle lot the minimum front yard setback line shall be determined by scribing a straight line between two (2) points located forty (40) feet behind the front property line on the side property lines. In no case shall any portion of the setback line be less than thirty (30) feet.

2. *Rear yard.* The minimum rear yard shall be twenty (20) feet. Accessory structures may be located in any portion of a required rear yard provided they do not encroach into a utility easement. Further, the drip line of an accessory structure shall not fall outside the lot line on which the accessory structure is installed.

3. *Side yard.* The minimum side yard setback on each side of a main building shall not be less than twenty (20) feet on either side.

(Ord. No. 94-05, § 5)

20-5B.5 *Site Plan Review.* All uses in the Country Estate District except a single family dwelling and incidental residential uses shall comply with the provisions of Section 20-22.

(Ord. No. 94-05, § 6)

### **20-5C Country Estate District-2½ acre minimum.**

20-5C.1 *Purpose and Intent.* This district is intended to provide living areas combining certain advantages of both urban and rural location by limiting development to very low density concentration of one-family dwelling and permitting a limited number of animals to be kept for pleasure or hobbies, free from activities of a commercial nature.

This district is intended primarily for application of land in natural and scenic areas to (1) permit the opportunity of developing rural size parcels which because of their size cannot be economically accommodated within urban areas, (2) to permit limited agricultural pursuits which may not be harmonious and compatible with urban areas, and (3) to assure the provisions and/or construction of at least those minimum physical improvements that are necessary to protect safety and general welfare of people living on rural size parcels.

(Ord. No. 94-05, § 7)

20-5C.2 *Permitted Uses.* The following uses are permitted in the Country Estate (CE) District.

a. A one-family dwelling.

b. Accessory buildings and structures located on the same parcel of land.

§ 20-5C.2 CITY OF RIDGECREST ORDINANCES

c. Home Occupations.

d. Second Units subject to the requirements of subsection 20-8.12.

(Ord. No. 94-05, § 8; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-5C.3 *Uses Permitted with a Conditional Use Permit.* The following uses may be permitted in Country Estate District with a conditional use permit.

a. Keeping of bovine and equine animals provided, however, that there shall not be allowed on the premises more than one (1) of any adult animal of the foregoing for each ten thousand (10,000) square feet of site area. The keeping of such fowl and animals shall conform to all other provisions of law governing same, and no fowl or animals, nor any pen, coop, stable, barn or corral shall be kept or maintained within fifty (50) feet of any dwelling or other building used for human habitation, or within one hundred (100) feet of the front lot line of the lot upon which it is located, or within one hundred (100) feet of any public park, school, hospital or similar institution. There shall be no raising, killing or dressing of any such animals or poultry for commercial purposes.

1. One (1) hog or pig per ten thousand (10,000) square feet of area; or

2. Three (3) goats or three (3) sheep or three similar livestock per ten thousand (10,000) square feet of area; or

3. Twenty-four (24) chickens per ten thousand (10,000) square feet of area; or

4. Ten (10) ducks or ten (10) rabbits or ten similar livestock per ten thousand (10,000) square feet of area;

5. The outdoor growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain, and similar food and fiber crops;

b. Public and quasi-public uses of an educational religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

c. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addicts or liquor addict cases.

d. Public uses of an administrative, recreational, public service or cultural type, including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

e. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

f. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision and temporary subdivision sales offices and signs and model home display areas.

(Ord. No. 94-05, § 9; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-5C.4 Dimensional Minimums.** The following minimums apply in the Country Estate District:

a. *Site Area.* The minimum site area shall be no less than two and one-half (2½) acres.

b. *Building Height and Coverage.* Building height and coverage shall be as set forth in the R-1 District.

c. *Lot Frontage.* Each lot shall have not less than two hundred twenty (220) feet of frontage on a public or private street unless located on a knuckle or cul-de-sac. In this case, the front yard width as scribed by the radius arc shall be no less than one hundred forty (140) feet.

d. *Lot width.* The minimum lot width of each lot shall be no less than two hundred twenty (220) feet except as provided in subsection 20-6.6.

e. *Lot Depth.* The minimum depth of each lot shall be no less than three hundred (300) feet.

## § 20-5C.4 CITY OF RIDGECREST ORDINANCES

f. *Site Density.* Not more than one (1) dwelling unit shall be permitted on each site.

g. *Yard Requirements.*

1. *Front yard.* The minimum front yard setback shall be forty (40) feet as measured from the front property line. On a cul-de-sac or knuckle lot the minimum front yard setback line shall be determined by scribing a straight line between two (2) points located forty (40) feet behind the front property line on the side property lines. In no case shall any portion of the setback line be less than thirty (30) feet.

2. *Rear yard.* The minimum rear yard shall be twenty (20) feet. Accessory structures may be located in any portion of a required rear yard provided they do not encroach into a utility easement. Further, the drip line of an accessory structure shall not fall outside the lot on which the accessory structure is installed.

3. *Side yard.* The minimum side yard setback on each side of a main building shall not be less than twenty (20) feet on either side.

(Ord. No. 94-05, § 10)

20-5C.5 *Site Plan Review.* All uses in the Country Estate District except a single family dwelling and incidental residential uses shall comply with the provisions of Section 20-22.

(Ord. No. 94-05, § 11)

## 20-5D Country Estate District-1 acre minimum.

20-5D.1 *Purpose and Intent.* The Country Estate District is hereby created. This district is intended to provide living areas combining certain advantages of both urban and rural location by limiting development to very low density concentration of one-family dwelling and permitting a limited number of animals to be kept for pleasure or hobbies, free from activities of a commercial nature.

This district is intended primarily for application of land in natural and scenic areas to (1) permit the opportunity of developing rural size parcels which because of their size cannot be economically accommodated within urban areas, and (2) to assure

the provisions and/or construction of at least those minimum physical improvements that are necessary to protect safety and general welfare of people living on rural size parcels.  
(Ord. No. 94-05, § 12)

**20-5D.2 *Permitted Uses.*** The following uses are permitted in the Country Estate District:

- a. A one-family dwelling.
- b. Accessory buildings and structures located on the same parcel of land.
- c. Home Occupations.
- d. Second Units subject to the requirements of subsection 20-8.12.  
(Ord. No. 94-05, § 13; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-5D.3 *Uses permitted with Conditional Uses.*** The following uses may be permitted in the Country Estate District with a conditional use permit:

- a. Keeping of equine animals provided, however, that there shall not be allowed on the premises more than one of any adult animal of the foregoing for each twenty thousand (20,000) square feet of site area. The keeping of such animals shall conform to all other provisions of law governing same, and no animals, stable, barn or corral shall be kept or maintained within fifty (50) feet of any dwelling or other building used for human habitation, or within one hundred (100) feet of the front lot line of the lot upon which it is located, or within one hundred (100) feet of any public park, school, hospital or similar institution.
- b. Public and quasi-public uses of an educational religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

§ 20-5D.3 CITY OF RIDGECREST ORDINANCES

c. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addicts or liquor addict cases.

d. Public uses of an administrative, recreational, public service or cultural type, including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

e. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

f. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision and temporary subdivision sales offices and signs and model home display areas.

(Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-5D.4 *Dimensional Minimums.*

a. *Site Area.* The minimum site area shall be no less than one (1) acre.

b. *Building Height and Coverage.* Building height and coverage shall be as set forth in the R-1 District.

c. *Lot Frontage.* Each lot shall have not less than one hundred ten (110) feet of frontage on a public or private street unless located on a knuckle or cul-de-sac. In this case, the front yard width as scribed by the radius arc shall be no less than seventy (70) feet.

d. *Lot Width.* The minimum lot width of each lot shall be no less than one hundred ten (110) feet except as provided in subsection 20-6.6.

e. *Lot Depth.* The minimum depth of each lot shall be no less than one hundred fifty (150) feet.

f. *Site Density.* Not more than one (1) dwelling unit shall be permitted on each site.

*g. Yard Requirements.*

1. *Front yard.* The minimum front yard setback shall be twenty (20) feet as measured from the front property line. On a cul-de-sac or knuckle lot the minimum front yard setback line shall be determined by scribing a straight line between two (2) points located twenty (20) feet behind the front property line on the side property lines. In no case shall any portion of the setback line be less than fifteen (15) feet.

2. *Rear yard.* The minimum rear yard shall be ten (10) feet. Accessory structures may be located in any portion of a required rear yard provided they do not encroach into a utility easement. Further, the drip line of an accessory structure shall not fall outside the lot on which the accessory structure is installed.

3. *Side yard.* The minimum side yard setback on each side of a main building shall not be less than ten (10) feet on either side.

(Ord. No. 94-05, § 14)

**20-5D.5 Site Plan Review.** All uses in the Country Estate District except a single family dwelling and incidental residential uses shall comply with the provisions of Section 20-22.

(Ord. No. 94-05, § 14)

**20-6 Estate Density.**

**20-6.1 Purpose and Intent.** To provide living areas which combine certain advantages of both urban and rural location by limiting development of very low density concentration of one-family dwelling and permitting a limited number of animals to be kept for pleasure or hobbies, free from activities of a commercial nature.

This district is intended primarily for application of land in natural and scenic areas to (1) permit the opportunity of developing rural size parcels which because of their size cannot be economically accommodated within urban areas, (2) to permit limited agricultural pursuits which may not be harmonious and compatible with urban areas, and (3) to assure the provisions

§ 20-6.1 CITY OF RIDGECREST ORDINANCES

and/or construction of at least those minimum physical improvements that are necessary to protect safety and general welfare of people living on rural size parcels.

(Ord. 84-08, A 6, § 601)

20-6.2 *Permitted Uses.*

a. A one-family dwelling.

b. Accessory buildings and structures located on the same parcel of land.

c. Home occupations.

d. The keeping of domestic animals as regulated by subsection 20-5.1b.

e. Second Units subject to the requirements of subsection 20-8.12.

(Ord. 84-08, A 6, § 602; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-6.3 *Conditional Uses.* The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of this Code.

a. Public and quasi-public uses of an educational religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

b. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addicts or liquor addict cases.

c. Public uses of an administrative, recreational, public service or cultural type, including City, County, State, or Federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

d. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

e. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision and temporary subdivision sales offices and signs and model home display areas.

(Ord. 84-08, A 6, § 603; Ord. No. 92-10, § 6; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-6.4 Site Area.** The minimum site area shall be no less than 40,000 square feet.

(Ord. 84-08, A 6, § 604)

**20-6.5 Building Height and Coverage.** Building height and coverage shall be as set forth in the R-1 District.

(Ord. 84-08, A 6, § 605)

**20-6.6 Lot Frontage.** Each lot shall have not less than 110 feet of frontage on a public or private street unless located on a knuckle or cul-de-sac. In this case, the front yard width as scribed by the radius arc shall be no less than 70 feet.

(Ord. 84-08, A 6, § 606)

**20-6.7 Lot Width.** The minimum lot width of each lot shall be no less than 110 feet except as provided in subsection 20-6.6.

(Ord. 84-08, A 6, § 607)

**20-6.8 Lot Depth.** The minimum depth of each lot shall be no less than 150 feet.

(Ord. 84-08, A 6, § 608)

**20-6.9 Site Density.** Not more than one dwelling unit shall be permitted on each site.

(Ord. 84-08, A 6, § 609)

**20-6.10 Yard Requirements.** The front, rear and side yards shall be no less than those set forth in the R-1 District.

(Ord. 84-08, A 6, § 610)

§ 20-7 CITY OF RIDGECREST ORDINANCES

**20-7 E-2 Estate.**

**20-7.1 Purpose and Intent.** To provide living areas within the City where development is limited to low density concentrations of one-family residential units and where regulations are designed to accomplish the following:

a. To promote and encourage a suitable environment for family life.

b. To provide space for community facilities needed to complement various styles of urban life.

c. To provide areas for institutions which require a residential environment.

d. To minimize traffic congestion and to avoid the overloading of utilities and public facilities designed to service only one-family residential uses in accordance with the density standards of the General Plan.

e. To combine certain of the advantages of the urban and rural locations by permitted limited numbers of animals and fowl to be kept for pleasure or hobbies that do not involve commercial nature.

(Ord. 84-08, A 7, § 702)

**20-7.2 Permitted Uses.**

a. A one-family dwelling.

b. Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure are both located on adjacent lots which meet minimum area requirements.

c. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.

d. Home occupations.

e. Second Units subject to the requirements of subsection 20-8.12.

(Ord. 84-08, A 7, § 702; Ord. No. 86-06, § 9; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-7.3 Conditional Uses.** The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of the Code:

a. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

b. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, not including hospitals, sanitariums, rest homes or nursing homes, for mental or drug addict or liquor addict cases.

c. Public uses of an administrative, recreational, public service or cultural type including City, County libraries, museums, art galleries, police and fire stations and other public buildings, public playgrounds, parks and community centers.

d. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

e. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas.

(Ord. 84-08, A 7, § 703; Ord. No. 92-10, § 6; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-7.4 Site Area.** The minimum site area shall be 10,000 square feet.

(Ord. 84-08, A 7, § 704)

**20-7.5 Building Height and Coverage.** Building height and coverage shall be as set forth in the R-1 District.

(Ord. 84-08, A 7, § 705)

**20-7.6 Lot Frontage.** Each lot shall have no less than 70 feet of frontage on a public street, unless located on a knuckle or cul-de-sac. In this case, the front yard width as scribed by the radius arc shall be no less than 50 feet.

(Ord. 84-08, A 7, § 706)

## § 20-7.7 CITY OF RIDGECREST ORDINANCES

**20-7.7 Lot Width.** The minimum width of each lot shall be no less than 70 feet except as provided in subsection 20-7.6.  
(Ord. 84-08, A 7, § 707)

**20-7.8 Lot Depth.** The minimum depth of each lot shall be no less than 110 feet.  
(Ord. 84-08, A 7, § 708)

**20-7.9 Site Density.** Not more than one dwelling unit shall be permitted on each site.  
(Ord. 84-08, A 7, § 709)

**20-7.10 Yard Requirements.** The front, rear and side yards shall be no less than those set forth in the R-1 District.  
(Ord. 84-08, A 7, § 710)

### **20-7A E-3 Estate District.**

**20-7A.1 Purpose and Intent.** To provide living areas within the City where development is limited to low-density concentrations of one-family residential units and where regulations are designed to accomplish the following:

a. To promote and encourage a suitable environment for family life.

b. To provide space for community facilities needed to complement various styles of urban life.

c. To provide areas for institutions which require a residential environment.

d. To minimize traffic congestion and to avoid the overloading of utilities and public facilities designed to service only one-family residential uses in accordance with the density standards of the General Plan.  
(Ord. No. 86-06, § 10)

#### **20-7A.2 Permitted Uses.**

a. A one-family dwelling.

b. Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure are both located on adjacent lots which meet minimum area requirements.

c. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.

d. Home occupations.

e. Second Units subject to the requirements of subsection 20-8.12.

(Ord. No. 86-06, § 10; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-7A.3 Conditional Uses.** The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of the Code.

a. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

b. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addict or liquor addict cases.

c. Public uses of an administrative, recreational, public service or cultural type including City, County libraries, museums, art galleries, police and fire stations and other public buildings, public playgrounds, parks and community centers.

d. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

e. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas.

(Ord. No. 86-06, § 10; Ord. No. 92-10, § 6; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-7A.4 Site Area.** The minimum site area shall be 7,500 square feet.

(Ord. No. 86-06, § 10)

§ 20-7A.5 CITY OF RIDGECREST ORDINANCES

20-7A.5 *Building Height and Coverage.* Building height and coverage shall be as set forth in the R-1 District.  
(Ord. No. 86-06, § 10)

20-7A.6 *Lot Frontage.* Each site shall have no less than 60 feet of frontage on a public street except for those sites fronting on a cul-de-sac or knuckle which may have a frontage of not less than 40 feet.  
(Ord. No. 86-06, § 10)

20-7A.7 *Lot Width.* The minimum width of each lot shall be no less than 60 feet except as provided in subsection 20-7A.6. A corner lot shall be no less than 65 feet in width.  
(Ord. No. 86-06, § 10)

20-7A.8 *Lot Depth.* The minimum depth of each lot shall be no less than 110 feet.  
(Ord. No. 86-06, § 10)

20-7A.9 *Site Density.* Not more than one dwelling unit shall be permitted on each site.  
(Ord. No. 86-06, § 10)

20-7A.10 *Yard Requirements.* The front, rear and side yards shall be no less than those set forth in the R-1 District.  
(Ord. No. 86-06, § 10)

**20-8 R-1 Single-Family Residential District.**

20-8.1 *One-Family Dwelling District.* The following regulations shall apply in the R-1 Single-Family Residential District unless otherwise provided in this Code.  
(Ord. 84-08, A 8, § 801)

20-8.2 *Permitted Uses.*

a. A one-family dwelling.

b. Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure are both located on adjacent lots which meet minimum area requirements.

c. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.

d. Home occupations.

e. Second Units subject to the requirements of subsection 20-8.12.

(Ord. 84-08, A 8, § 802; Ord. No. 86-06, § 11; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-8.3 Conditional Uses.** The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of this Code.

a. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

b. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addict or liquor addict cases.

c. Public uses of an administrative, recreational, public service or cultural type including City, County, State or Federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

d. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

e. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas.

f. Lodges, social halls, fraternal organizations operated by a nonprofit organization.

g. Mobile home parks.

§ 20-8.3 CITY OF RIDGECREST ORDINANCES

h. Reserved.

i. Parking lots.

(Ord. 84-08, A 8, § 803; Ord. No. 86-06, § 12; Ord. No. 92-10, § 6; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-8.4 Building Height.** Building height shall not exceed 35 feet.

(Ord. 84-08, A 8, § 804)

**20-8.5 Site Area.** The minimum site area shall be 6,000 feet.  
(Ord. 84-08, A 8, § 805)

**20-8.6 Lot Frontages.** Each site shall have no less than 60 feet of frontage on a public street, except for those sites fronting on a cul-de-sac or knuckle which may have a frontage of not less than 40 feet.

(Ord. 84-08, A 8, § 806)

**20-8.7 Lot Width.** The minimum width of each interior lot shall be no less than 60 feet except as noted in subsection 20-8.6. A corner lot shall be no less than 65 feet in width.

(Ord. 84-08, A 8, § 807)

**20-8.8 Lot Depth.** The minimum depth of each lot shall be no less than 100 feet.

(Ord. 84-08, A 8, § 808)

**20-8.9 Site Density.** Not more than one dwelling unit shall be permitted on each site.

(Ord. 84-08, A 8, § 809)

**20-8.10 Coverage.** The maximum site area covered by structure, not including swimming pools, shall not exceed 60 percent.

(Ord. 84-08, A 8, § 810)

**20-8.11 Yard Requirements.**

a. Front yard — The minimum front yard setback shall be 20 feet unless located on a cul-de-sac or knuckle. In this case the minimum setback line shall be determined by scribing a straight line between two points located 20 feet behind the front property line on the side property lines. In no case shall any portion of the setback line be less than 15 feet.

b. Rear yard — The minimum rear yard shall be ten feet. Accessory structures may be located in any portion of a required rear yard provided they do not encroach into a utility easement. Further, the drip line of an accessory structure shall not fall outside of the lot on which the accessory structure is installed.

c. Side yard — There shall be a side yard on each side of a main building of not less than five feet on one side and not less than ten feet on the other side subject to the following conditions and exceptions:

1. On a reversed corner lot, the street side yard shall not be less than one-half the required front yard of the adjoining key lot.

2. Where a lot contains a pedestrian easement, all structures shall have a minimum side yard of five feet from the edge of the easement.

3. Garages and carports taking direct access from the street shall provide a minimum of 20 feet of parking space between the structure and the front or street side property line. When adjacent to an alley, they shall be no less than 15 feet from centerline of said alley.

4. Any land lawfully subdivided prior to January 1, 1974 and having a lot frontage of less than 60 feet as specified in subsection 20-8.6 shall not be required to comply with the requirement for a ten-foot side yard. In this case a five-foot side yard is the minimum requirement except as otherwise provided. (Ord. No. 84-08, A 8, § 811; Ord. No. 86-08, § 13)

20-8.12 *Second Units.* Applications for secondary dwelling units shall be considered a ministerial process, without discretionary review or hearing, notwithstanding Section 65901 and 65906 or any City Ordinance regulating the issuance of variances or conditional use permits, if the dwelling unit is intended for the sole occupancy of one adult or two adult persons who are 62 years of age or over (Government Code Section 65852.1). Secondary dwelling units shall comply with all of the following:

- a. The unit is not intended for sale and may be rented,
- b. The lot is zoned for single family or multi family use,

§ 20-8.12 CITY OF RIDGECREST ORDINANCES

- c. The lot contains an existing single family unit,
- d. The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or on the same lot as the existing dwelling,
- e. The increased floor area of an attached second unit shall not exceed 30-percent of the existing living area,
- f. The total area of floors pace for a detached second unit shall not exceed 1,200 square feet,
- g. Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements that are generally applicable to residential construction in the zone in which the property is located shall apply,
- h. Local building code requirements shall apply to second dwelling units,
- i. Parking shall be provided for second units at one space per unit or per bedroom, whichever is greater.  
(Ord. 84-08, A 8, § 812; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-9 R-2 Low-Density Multi-Family Residential District.**

20-9.1 *Low-Density Multi-Family Residential District.* The following regulations shall apply in the R-2 Low-Density Multi-Family Residential District unless otherwise provided in this Code.  
(Ord. 84-08, A 9, § 901)

20-9.2 *Permitted Uses.*

- a. Multi-family residential dwellings.
- b. Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure are both located on adjacent lots which meet minimum area requirements.
- c. Home occupations.

d. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.

e. Single-family dwellings.

f. Second Units subject to the requirements of subsection 20-8.12.

(Ord. No. 84-08, A 9, § 902; Ord. No. 86-06, § 14; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-9.3 Conditional Uses.** The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of this Code.

a. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

b. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, but not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addict or liquor addict cases.

c. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

d. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

e. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and model home display areas.

f. Lodges, social halls, fraternal organizations operated by a nonprofit organization.

g. Mobile home parks.

h. Parking lots.

i. Bed and breakfast inns.

(Ord. No. 84-08, A 9, § 903; Ord. No. 86-06, § 15; Ord. No. 91-12, § 4)

**20-9.4 Site Area.** The minimum site area shall be 6,000 square feet. (Ord. 84-08, A 9, § 904)

**20-9.5 Building Height.** Building height shall not exceed 35 feet. (Ord. 84-08, A 9, § 905)

**20-9.6 Lot Frontage.** Each site shall have not less than 60 feet of frontage on a public street, except that sites which front on a cul-de-sac or knuckle may have a frontage of not less than 40 feet. (Ord. 84-08, A 9, § 906)

**20-9.7 Lot Width.** The minimum width of each interior lot shall be no less than 60 feet except as noted in subsection 20-9.6. A corner lot shall be no less than 65 feet in width. (Ord. 84-08, A 9, § 907)

**20-9.8 Lot Depth.** The minimum depth of each lot shall be no less than 100 feet. (Ord. 84-08, A 9, § 908)

**20-9.9 Site Density.** The minimum site area per dwelling unit shall be 3,000 square feet. (Ord. 84-08, A 9, § 909)

**20-9.10 Coverage.** The maximum site area covered by structures shall not exceed 60 percent. (Ord. 84-08, A 9, § 910)

**20-9.11 Yard Requirements.**

a. **Front yard.** The minimum front yard setback shall be 20 feet as measured from the front property line, with no parking permitted in the setback except on driveways which shall accommodate no more than one automobile per dwelling unit nor occupy more than 75 percent of the setback area. On a cul-de-sac or knuckle lot, the minimum front yard setback line shall be determined by scribing a straight line between two points located 20 feet behind the front property line on the side property lines. In no case shall any portion of the setback line be less than 15 feet.

b. **Rear yard.** The minimum rear yard shall be ten feet. Accessory structures may be located in any portion of a required rear yard provided they do not encroach into a utility easement. Further, the drip line of an accessory structure shall not fall outside of the lot on which the accessory structure is installed.

c. **Side yard.** The minimum side yard setback on each side of a main building shall not be less than five feet except that on the street side of corner lots there shall be a side yard of not less than ten feet.

d. **Garages and carports** taking direct access from the street shall provide a minimum of 20 feet of parking space between the structure and the front or street side property line. When adjacent to an alley, they shall be no less than 15 feet from centerline of said alley.

(Ord. No. 84-08, A 9, § 911; Ord. No. 86-06, § 16)

**20-9.12 Site Plan Review.** All uses in the R-2 District except a single-family dwelling shall comply with the provisions of Section 20-22. (Ord. 84-08, A 9, § 912)

**20-10 R-3 Medium Density Multi-Family Residential District.**

**20-10.1 Medium Density Multi-Family Residential District.** The following regulations shall apply to the R-3 Multi-Family Residential District unless otherwise provided under this Code. (Ord. 84-08, A 10, § 1001)

**20-10.2 Permitted Uses.** The following uses may be permitted subject to the application for a site plan review pursuant to Section 20-22 of this Code.

- a. Multi-family residential dwellings.
- b. A one-family dwelling.
- c. Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure are both located on adjacent lots which meet minimum area requirements.
- d. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.
- e. Home occupations.
- f. Second Units subject to the requirements of subsection 20-8.12.  
(Ord. No. 84-08, A 10, § 1002; Ord. No. 86-06, § 17; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-10.3 Conditional Uses.** The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of this Code.

- a. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.
- b. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, but not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addict or liquor addict cases.
- c. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

§ 20-10.3 CITY OF RIDGECREST ORDINANCES

d. Electrical distribution substations, gas regulator stations communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

e. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and model home display areas.

f. Lodges, social halls, fraternal organizations operated by a nonprofit organization.

g. Mobile home parks.

h. Parking lots.

i. Bed and breakfast inns.

(Ord. No. 84-08, A 10, § 1004; Ord. No. 86-06, § 18; Ord. No. 91-12, § 5; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-10.4 *Site Area*. The minimum site area shall be 6,000 square feet.

(Ord. 84-08, A 10, § 1004)

20-10.5 *Building Height*. Building height shall not exceed 35 feet.

(Ord. 84-08, A 10, § 1005)

20-10.6 *Lot Frontage*. Each site shall have no less than 60 feet of frontage on a public street, except that those sites which front on a cul-de-sac or knuckle may have a frontage of not less than 40 feet.

(Ord. 84-08, A 10, § 1006)

20-10.7 *Lot Width*. The minimum width of each interior lot shall be no less than 60 feet except as noted in subsection 20-10.6. A corner lot shall be no less than 65 feet in width.

(Ord. 84-08, A 10, § 1007)

20-10.8 *Lot Depth*. The minimum depth of each lot shall be no less than 100 feet.

(Ord. 84-08, A 10, § 1008)

20-10.9 *Site Density*. The minimum site area per dwelling unit shall be 2,000 square feet.

(Ord. 84-08, A 10, § 1009)

**20-10.10 Coverage.** The maximum site area covered by structures shall not exceed 65 percent.  
(Ord. 84-08, A 10, § 1010)

**20-10.11 Yard Requirements.**

a. **Front yard.** The minimum front yard setback shall be 15 feet with no parking permitted in the setback except on driveways which shall accommodate no more than one automobile per dwelling unit nor occupy more than 75 percent of the setback area. On a cul-de-sac or knuckle lot, the minimum front yard setback line shall be determined by scribing a straight line between two points located 15 feet behind the front property line on the side property lines. In no case shall any portion of the setback line be less than 12 feet.

b. **Rear yard.** The minimum rear yard shall be ten feet. Accessory structures may be located in any portion of a required rear yard provided they do not encroach into a utility easement. Further, the drip line of an accessory structure shall not fall outside of the lot on which the accessory structure is installed.

c. **Side yard.** The minimum side yard setback on each side of a main building shall not be less than five feet except that on the street side of corner lots there shall be a side yard of not less than ten feet.

d. **Garages and carports** taking direct access from the street shall provide a minimum of 20 feet of parking space between the structure and the front or street side property line. When adjacent to an alley, they shall be no less than 15 feet from centerline of said alley.

(Ord. No. 84-08, A 10, § 1011; Ord. No. 86-06, § 19)

**20-10.12 Site Plan Review.** All uses in the R-3 District except single-family dwellings shall comply with the provisions of Section 20-22.

(Ord. 84-08, A 10, § 1012)

§ 20-11 CITY OF RIDGECREST ORDINANCES

**20-11 R-4 Medium-Density Multi-Family Residential District.**

*20-11.1 Medium-Density Multi-Family Residential District.* The following regulations shall apply to the R-4 Medium-Density Multi-Family Residential District unless otherwise provided in this Code.

(Ord. 84-08, A 11, § 1101)

*20-11.2 Permitted Uses.* The following uses may be permitted subject to the application for a conditional use permit per Section 20-22 of this Code.

a. A one-family dwelling.

b. Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure area both located on adjacent lots which meet minimum area requirements.

c. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.

d. Home occupations.

e. Second Units subject to the requirements of subsection 20-8.12.

(Ord. No. 84-08, A 11, § 1102; Ord. No. 86-06, § 20; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

*20-11.3 Conditional Uses.* The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of this Code.

a. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

b. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, but not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addict or liquor addict cases.

c. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

d. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

e. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and model home display areas.

f. Lodges, social halls, fraternal organizations operated by a nonprofit organization.

g. Mobile home parks.

h. Parking lots.

i. Bed and breakfast inns.

(Ord. No. 84-08, A 11, §1103; Ord. No. 86-06, § 21; Ord. No. 91-12, § 6)

20-11.4 *Site Area*. The minimum site area shall be 6,000 square feet.

(Ord. 84-08, A 11, § 1104)

20-11.5 *Building Height*. Building height shall not exceed 35 feet.

(Ord. 84-08, A 11, § 1105)

20-11.6 *Lot Frontage*. Each site shall not have less than 60 feet of frontage on a public street, except that those sites which front on a cul-de-sac or knuckle may have a frontage of not less than 40 feet.

(Ord. 84-08, A 11, § 1106)

20-11.7 *Lot Width.* The minimum lot width of each interior lot shall be no less than 60 feet except as noted in subsection 20-11.6. A corner lot shall be no less than 65 feet in width. (Ord. 84-08, A 11, § 1107)

20-11.8 *Lot Depth.* The minimum depth of each lot shall be no less than 100 feet. (Ord. 84-08, A 11, § 1108)

20-11.9 *Site Density.* The minimum site area per dwelling unit shall be 1,000 square feet. (Ord. 84-08, A 11, § 1109)

20-11.10 *Coverage.* The maximum site area covered by structures shall not exceed 70 percent. (Ord. 84-08, A 11, § 1110)

20-11.11 *Yard Requirements.*

a. *Front yard.* The minimum front yard setback shall be ten feet with no parking permitted in the setback except on driveways, which shall accommodate no more than one automobile per dwelling unit nor occupy more than 75 percent of the setback area. On a cul-de-sac or knuckle lot, the minimum front yard setback line shall be determined by scribing a straight line between two points located ten feet behind the front property line on the side property lines. In no case shall any portion of the setback line be less than eight feet.

b. *Rear yard.* The minimum rear yard shall be ten feet. Accessory structures may be located in any portion of a required rear yard provided they do not encroach into a utility easement. Further, the drip line of an accessory structure shall not fall outside of the lot on which the accessory structure is installed.

c. *Side yard.* The minimum side yard setback on each side of a main building shall not be less than five feet except that on the street side of corner lots there shall be a side yard of not less than ten feet.

g. *Garages and carports taking direct access from the street shall provide a minimum of 20 feet of parking space between the structure and the front or street side property line. When adjacent to an alley, they shall be no less than 15 feet from centerline of said alley.*  
(Ord. No. 84-08, A 11, § 1111; Ord. No. 86-06, § 22)

§ 20-11.12 CITY OF RIDGECREST ORDINANCES

20-11.12 *Site Plan Review.* All uses in the R-4 District except single-family dwelling shall comply with the provisions of Section 20-22. (Ord. 84-08, A 11, § 1112)

**20-12 MH — Mobile Home Parks.**

20-12.1 *Purpose and Intent.* The purpose of this section is to provide for the inclusion of manufactured housing (mobile homes) in mobile home parks, as defined in Administrative Code Title 25 of the State of California and the Health and Safety Code; to be located within any residential district of the City upon the application and approval of a conditional use permit and site plan review pursuant to Sections 20-21 and 20-22, respectively.

This article does not include those provisions of State of California law relating to the placement of mobile homes in any residential district on permanent foundations, the standards for which are regulated outside the provisions of this section. (Ord. 84-08, A 12, § 1201)

20-12.2 *Site Area.* The minimum site area shall be not less than two gross acres. There shall also be no less than 2,500 square feet of area for each mobile home space within the park. (Ord. 84-08, A 12, § 1202)

20-12.3 *Recreation Area.* In addition to the above site areas, a mobile home park shall provide one or more recreation areas totaling not less than 5,000 square feet with the aggregate recreational area being no less than 200 square feet for each mobile home space within the park, whichever is greater. Community recreational facilities located within a structure may be considered as part of the recreational public area requirements. (Ord. 84-08, A 12, § 1203)

20-12.4 *Park Access.* Mobile home parks shall be designed so that each unit does not face a public street and shall not have direct access to such street. Vehicular access within the park and ingress/egress to the park shall be controlled by the provisions provided in the conditional use permit and site plan review process. (Ord. 84-08, A 12, § 1204)

20-12.5 *Accessory Structures.* No accessory structure for use by the occupants other than a carport, garden structure, storage

building, sun or wind shelter shall be erected within a mobile home space. No accessory structure shall be permitted to be placed or remain on any lot in a mobile home park unless a mobile home is first placed upon said lot.

(Ord. 84-08, A 12, § 1205)

**20-12.6 *Parking and Internal Circulation.*** Not less than two on-site parking spaces shall be provided for each mobile home space and all internal streets shall be improved and paved so as to provide adequate turning radius and drainage; the design and specifications for such improvements to be subject to the approval of the City Engineer. No less than one guest parking space for every five mobile homes shall be provided and appropriately dispersed throughout the mobile home park.

(Ord. 84-08, A 12, § 1206)

## **20-13 RMH — Residential Mobile Home District.**

**20-13.1 *Purpose.*** The provisions of this section are intended to provide for single-family conventional mobile homes to be placed on a lot and not necessarily required to be placed on permanent foundations.

(Ord. 84-08, A 13, § 1301)

### **20-13.2 *Permitted Uses.***

a. Mobile homes notwithstanding the provisions of subsection 20-13.6.

b. Any use permitted in the R-1 District with the exception of Second Units.

(Ord. 84-08, A 13, § 1302; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-13.3 *Conditional Uses.*** The following uses may be permitted subject to the application for a conditional use permit as regulated by Section 20-21 of this Code: any use listed as a conditional use in the R-1 District.

(Ord. 84-08, A 13, § 1303; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

§ 20-13.4 CITY OF RIDGECREST ORDINANCES

20-13.4 *Site Area, Frontage, Width, Depth, and Yards.* The lot, site area, frontage, width, depth and yard requirements shall be no less than that provided in the R-1 District.  
(Ord. 84-08, A 13, § 1304)

20-13.5 *Density and Coverage.* Density and coverage shall be no less than that provided in the R-1 District.  
(Ord. 84-08, A 13, § 1305)

20-13.6 *Additional Provisions.* The following additional provisions shall apply:

a. Mobile homes used as single-family dwellings shall be permitted only if the following criteria are met:

1. The provisions of subsection 20-3.20 shall apply.

2. Unless on a permanent foundation, the underneath area between ground level and the floor of the mobile home shall be screened from view by an opaque skirt around the entire perimeter of the base of the mobile home.

3. Appliances of any type other than home heating or cooling equipment shall not be installed outside the mobile home or accessory structures.

(Ord. 84-08, A 13, § 1306)

**20-13A Dwellings: All Residential Zones.**

a. Except as provided for in subsection 20-13.1, dwellings, including mobile homes, in any residential zones shall meet the requirements of the respective zone and the following:

1. Each single-family dwelling shall contain not less than 480 square feet of building area and shall be at least 12 feet wide. Multiple-story, single-family dwellings shall have a ground floor containing not less than 480 square feet.

2. All single-family dwellings located on a lot permitting conventional single-family dwellings shall have a continuous concrete perimeter foundation or support system sufficient to support all loads of the structure including wind and seismic loads and shall be at least six inches above ground and/or at least 12 inches above median curb height.

3. Each single-family dwelling and attached garage shall have a roof with a minimum pitch of no less than 3:12. Room additions which are physically constrained to a flatter slope shall have the maximum available slope consistent with the approved roofing. Roof eaves on mobile homes shall not be less than 16 inches. The Community Development Director may allow less roof pitch when necessary to accommodate a recognized architectural style.

4. The roof and siding shall be nonreflective and not produce "glare." Roofing and siding shall also have the appearance of an approved architectural style as determined by the Community Development Director.

5. Appliances of any type other than home heating or cooling equipment shall not be installed outside the dwelling unit or accessory structure.

(Ord. No. 92-10, § 5)

#### **20-14 PO Professional Office.**

20-14.1 *Purpose.* The Professional Office Zone is intended to provide opportunities for the location of professional offices in close relationship to one another inside or outside of the commercial districts, to provide adequate space to meet the needs of such offices by providing adequate off-street parking and loading space and to protect office uses from noise and other disturbances not conducive to an office atmosphere, and to encourage the full development of properties which lie in the transition area between residential and nonresidential districts and which cannot be included practically within residential districts.

(Ord. 84-08, A 14, § 1401)

#### **20-14.2 Permitted Uses.**

a. Offices which deal primarily in professional services in which goods, wares, merchandise are not commercially created, sold or exchanged for the private market, including medical offices, hospitals, engineering, architectural planning and landscape consulting, law, accounting, bookkeeping, banking and brokerage offices, travel agencies, medical and dental laborato-

**§ 20-14.2 CITY OF RIDGECREST ORDINANCES**

**ries and clinics, not including hospitals, sanitariums, rest homes or nursing homes for mental patients or drug or liquor addiction cases.**

**b. Local, state and federal government facilities that supply various services to the public at large; radio and television stations.**

**c. Prescription pharmacies in connection with medical office buildings, clinics or hospitals.**

**d. Public and private charitable institutions, but not including hospitals, sanitariums, rest homes or nursing homes for mental**

patients or drug or liquor addiction cases.

e. Research and development engineering firms whose scientific and/or engineering investigation leads to the manufacturing of new material or equipment including the making or prototypes but not including the manufacture of such material or equipment.

f. Accessory structures located on the same site as a permitted use. (Ord. 84-08, A 14, § 1402)

**20-14.3 Conditional Uses.** The following uses may be permitted in accordance with the provisions of Section 20-21.

a. Churches, manses and other religious institutions.

b. Public uses of a cultural type including libraries, museums, art galleries and other similar structures and facilities.

c. Any use permitted in the R-1, R-2, R-3 and R-4 District, and if granted shall meet the setback requirements of that district.

d. Mortuaries.

e. Electrical transmission and distribution substations, gas regulator stations, communication equipment and transmitting stations, public service pumping stations and/or elevated pressure tanks.

f. Health Clubs.

g. Heliports and helipads.

h. Restaurants.

i. Metal buildings.

j. Bed and breakfast inns.

(Ord. No. 84-08, A 14, § 1403; Ord. No. 86-06, § 23; Ord. No. 86-36, § 1; Ord. No. 89-16, § 4; Ord. No. 91-12, § 7)

**20-14.4 Building Height.** Building height shall not exceed 35 feet. (Ord. 84-08, A 14, § 1404)

**20-14.5 Site Area and Frontage.** The minimum site area for the Professional Office District shall be 10,000 square feet with no less than 80 feet of frontage on a dedicated and improved public street, except that the sites which front on a cul-de-sac or knuckle may have a frontage of not less than 70 feet. (Ord. 84-08, A 14, § 1405)

**20-14.6 Lot Depth and Width.** The minimum depth of each site shall be no less than 100 feet. The minimum width of each lot shall be no less than 80 feet except as noted in subsection 20-14.5. (Ord. 84-08, A 14, § 1406)

**20-14.7 Lot Coverage.** The maximum area covered by structures shall be no more than 65 percent of the site area. (Ord. 84-08, A 14, § 1407)

**20-14.8 Yard Requirements.**

a. **Front yard.** The minimum front yard setback shall be 15 feet.

b. **The minimum side and rear yards shall be as follows:**

1. Where a lot abuts the side or rear yard of a lot in any R District, the side or rear yard shall be no less than ten feet for each story of the main structure.

2. The street side of a corner lot shall be five feet except that where a reverse corner lot rears upon a lot in any R District, the side yard on the street side shall not be less than 50 percent of the front yard required on the key lot.

3. In all other cases, a side or rear yard is not required provided there is an easement on the adjacent lot to allow maintenance along the zero lot line.

c. There are some areas of the city where there are physical and practical difficulties in providing a setback as required in paragraphs a. and b. above. In such cases the Planning Commission may reduce the required setback to not less than the setback required on the adjoining parcel(s).

d. The ordinary projection of sills, belt courses, cornices, buttresses, ornamental features, rain gutters and eaves may extend up to 36 inches into a required yard. No building or projection thereof may extend into a utility easement or public right-of-way nor shall the dripline of any structure fall outside of the lot on which it is located.

(Ord. No. 84-08, A 14, § 1408)

**20-14.9 Site Plan Review.** All uses in the Professional Office District except single-family dwellings shall comply with the provisions of Section 20-22. (Ord. 84-08, A 14, § 1409)

**20-15 CN—Neighborhood Commercial.**

20-15.1 *Purpose.* The Neighborhood Commercial District is intended primarily to provide the retail goods and services required to meet the needs of local residents of one or more neighborhoods with such business activities conducted entirely within an enclosed building except the accessory use of "outside gasoline service" in conjunction with a permitted use. (Ord. 84-08, A 15, § 1501)

**20-15.2 Permitted Uses.**

a. Any local retail business or service establishment such as grocery, fruit and vegetable stores, bakery, drugstore, barber and beauty shops, florists, laundromats, drive-thru dairies, clothes cleaning and dyeing, variety store, hardware stores, which supply services and commodities for residents of a neighborhood.

b. Restaurants, cafes and soda fountains, not including entertainment or dancing or sale of alcoholic beverages for consumption on the premises.

c. Business, professional (not research and development) and medical offices. Accessory structures and uses customarily appurtenant to the permitted use such as incidental storage facilities. (Ord. 84-08, A 15, § 1502)

20-15.3 *Conditional Uses.* The following uses may be permitted in accordance with the provisions of Section 20-21.

a. Sale of alcoholic beverages for consumption on premises in establishments where the primary function is sale of food, such as a restaurant, pizza parlor, etc.

b. Drive-thru restaurants.

c. Public and quasi-public uses appropriate in a Neighborhood Commercial District.

d. Social halls, lodges, fraternal organizations, and clubs.

e. Gasoline pumps when in conjunction with mini-marts.

f. Metal buildings.

(Ord. 84-08, A 15, § 1503; Ord. No. 89-16, § 5)

**§ 20-15.4 CITY OF RIDGECREST ORDINANCES**

**20-15.4 *Site Area and Frontage.*** The minimum site area for the Neighborhood Commercial District shall be no less than 6,000 square feet with no less than 60 feet of frontage on a public street. (Ord. 84-08, A 15, § 1504)

**20-15.5 *Building Height.*** Building Height shall not exceed 35 feet. (Ord. 84-08, A 15, § 1505)

**20-15.6 *Lot Depth.*** The minimum lot depth shall be no less than 100 feet. (Ord. 84-08, A 15, § 1506)

**20-15.7 *Yard Requirements.***

a. The front yard setback shall be no less than ten feet.

b. The minimum side or rear yard setback shall be as follows:

1. Where a CN lot abuts a side or rear yard of any R District, the side or rear yard shall be no less than ten feet.

2. The street side of a corner lot shall be five feet except that where a reverse corner lot rears upon a lot in any R District, the side yard on the street side shall not be less than 50 percent of the front yard required on the key lot.

3. In all other cases, a side or rear yard is not required provided there is a common wall or an easement on the adjacent lot to allow maintenance along the zero lot line.

c. There are some areas of the City where there are physical and practical difficulties in providing a setback as required in paragraphs a. and b. above. In such cases the Planning Commission may reduce the required setback to not less than the setback required on the adjoining parcel(s).

d. The ordinary projection of sills, belt courses, cornices, buttresses, ornamental features, rain gutters and eaves may extend up to 36 inches into a required yard. No building or projection thereof may extend into a utility easement or public right-of-way nor shall the dripline of any structure fall outside of the lot on which it is located.

(Ord. No. 84-08, A 15, § 1507; Ord. No. 86-06, § 25)

**20-15.8 Site Plan Review.** All uses in the Neighborhood Commercial District shall comply with Section 20-22. (Ord. 84-08, A 15, § 1508)

**20-16 CG General Commercial.**

**20-16.1 Purpose.** The General Commercial District is intended primarily to serve as the central trading district of the City along major arterials. This zone provides the accommodations for the sales of commodities, performance of services, repair facilities, wholesale and retail distribution of goods and services that are conducted entirely indoors. Parking, auto sales, nurseries, service stations, mobile home sales and large vehicular equipment such as used in farming, trucking and open storage which is completely screened from view by a block wall are excluded from the provisions of being conducted entirely indoors.

Additionally, one live/work or manager/caretaker dwelling unit per legal, conforming lot and attached to a permitted use as specified in Section 20-16.2 may be permitted for upon ministerial site plan review in compliance with the provision of this chapter. (Ord. No. 84-08, A 16, § 1601; Ord. No. 86-06, § 26; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-16.2 Permitted Uses.**

a. Any use permitted in the Neighborhood Commercial (CN) Zone and Professional Office (PO) Zone plus the following:

Addressograph services

Apparel stores

Appliance stores

Art and antique stores

Art and craft schools and colleges

Art galleries

Art supply stores

Auction rooms

New and used automobile, motorcycle and boat sales rooms and service incidental thereto

**§ 20-16.2 CITY OF RIDGECREST ORDINANCES**

**Automobile parts supply stores**  
**Automobile service stations**  
**Bakeries**  
**Banks**  
**Bars, cocktail lounges and night clubs**  
**Bicycle shops**  
**Blueprint and photocopy shops**  
**Book stores and rental libraries**  
**Bowling alleys**  
**Bus depots and transit stations**  
**Business, professional and trade schools and colleges**  
**Camera shops, photographic supplies and photography studios**  
**Card rooms**  
**Car washes**  
**Catering shops**  
**Clothing and costume rental establishments**  
**Communications equipment buildings**  
**Confectionery and ice cream stores**  
**Department stores**  
**Dry goods stores**  
**Minor electrical and electronic equipment sales and service**  
**Escrow offices**  
**Farm equipment sales and services**  
**Financial institutions**  
**Florists**  
**Frozen food lockers**  
**Furniture stores**  
**Garden shops and nurseries**

**ZONING**

**§ 20-16.2**

**Gift, novelty or souvenir shops**  
**Glass shops**  
**Grocery stores**  
**Gunsmith shops**  
**Gymnasiums and health clubs**  
**Hardware stores**  
**Health food stores**  
**Hobby stores**  
**Home furnishings**  
**Home improvement centers**  
**Hotels, motels and apartment hotels**  
**Ice cream and confectionery stores**  
**Interior decorating shops**  
**Jewelry stores**  
**Leather goods and luggage stores**  
**Lending agencies**  
**Linen supply services**  
**Live/work use**  
**Locksmith**  
**Manager/caretaker use**  
**Medical, dental and orthopedic clinics or laboratories**  
**Millinery shops**  
**Mobile home sales**  
**Mortuaries**  
**Music and dance studios**  
**Office and business machine sales and services**  
**Paint and wallpaper stores**  
**Parcel delivery services**

**§ 20-16.2 CITY OF RIDGECREST ORDINANCES**

**Pawn shops**

**Pet and bird stores**

**Printing shops**

**Public and private charitable institutions**

**Radio and television broadcasting studios**

**Restaurants, including drive-in restaurants, cafes, and outdoor cafes**

**Scientific instrument stores**

**Secretarial services**

**Shoe stores — sales and repair**

**Sign shops**

**Small animal hospitals and veterinary offices with no outside animal runs**

**Sporting good stores, including incidental boat sales**

**Sports arenas within buildings**

**Stamp and coin stores**

**Stationery stores**

**Storage garages**

**Tailor and dressmaking shops**

**Telegraph offices**

**Theaters and auditoriums**

**Tire, battery and alignment services (not including large trucks)**

**Tobacco shops**

**Travel bureaus**

**Upholstery shops**

**Variety stores**

**(Ord. 84-08, A 16, § 1602; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)**

**20-16.3 Conditional Uses.** The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of this Code.

- a. Automobile rental agencies.
- b. Electrical transmission or distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations.
- c. Churches and other religious institutions.
- d. Amusement centers and arcades.
- e. Lodges, social halls, fraternal organizations and clubs.
- f. Adult entertainment business as regulated by Chapter VI of the Municipal Code.
- g. Cabinet shops.
- h. Plumbing and sheet metal shops.
- i. Heliports and helipads.
- j. Schools and day care centers.
- k. Mini-storage warehouse complexes.
- l. Metal buildings.
- m. A pest control business provided the business does not include any onsite storage of pesticides and chemicals. (Ord. No. 84-08, A 16, § 1603; Ord. No. 86-06, § 27; Ord. No. 88-03, § 3; Ord. No. 89-16, § 6; Ord. No. 92-03, § 3; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-16.4 Site Area and Frontage.** The minimum site area for the General Commercial District shall be no less than 10,000 square feet, with no less than 80 feet of frontage on an existing or planned secondary arterial and no less than 100 feet of frontage on an existing or planned primary arterial.

a. *Minimum Parcel Size in a Designated Common Parking Area in the General Commercial Zone.* The minimum lot frontage for a common parking area shall be 100 feet, and the minimum parcel depth shall be 100 feet with a minimum area of 20,000 square feet. The minimum site area for a parcel of land in

§ 20-16.4 CITY OF RIDGECREST ORDINANCES

the General Commercial Zone shall be 3,000 square feet with a minimum frontage of 60 feet and minimum lot depth of 100 feet with a designated common parking area.

(Ord. No. 84-08, A 16, § 1604; Ord. No. 87-09, § 1)

**20-16.5 *Building Height.*** Building height shall not exceed 60 feet.

(Ord. 84-08, A 16, § 1605)

**20-16.6 *Lot Depth.*** The minimum lot depth shall be no less than 100 feet.

(Ord. 84-08, A 16, § 1606)

**20-16.7 *Yard Requirements.***

a. The minimum front yard shall be five feet except when a greater setback is found necessary during site plan review.

b. The minimum side or rear yards shall be as follows:

1. Where a General Commercial lot abuts a side or rear yard of any R District, the side or rear yard shall be no less than ten feet.

2. The street side of a corner lot shall be five feet except that where a reverse corner lot rears upon a lot in any R District, the side yard on the street side shall not be less than 50 percent of the front yard required on the key lot.

3. In all other cases, a side or rear yard is not required.

c. There are some areas of the City where there are physical and practical difficulties in providing a five foot setback as required in paragraphs a. and b. above. In such cases the Planning Commission may reduce the required setback to not less than the setback required on the adjoining parcel(s).

d. The ordinary projection of sills, belt courses, cornices, buttresses, ornamental features, rain gutters and eaves may extend up to 36 inches into a required yard. No building or projection thereof may extend into a utility easement or public right-of-way nor shall the dripline of any structure fall outside of the lot on which it is located.

(Ord. 84-08, A 16, § 1607; Ord. No. 86-06, § 28)

**20-16.8 *Site Plan Review.*** All uses in the General Commercial (CG) District shall comply with Section 20-22. (Ord. 84-08, A 16, § 1608)

**20-16.9 *Development Guidelines for Live/Work or Manager/Caretaker Units.*** Development of permitted residential uses (manager/caretaker live/work dwelling units shall enhance the diversity Section and Safety of mixed-use and built form through compatibly designed infill. Conversions and additions to establish live/work uses utilizing appropriate commercial amenities, building materials, and landscaping in a high quality environment is the overall goal, and shall be developed as follows:

a. Dwelling units located above commercial uses on the main floor shall have access at grade which is separate from the commercial component.

b. A maximum of one (1) manager/caretaker dwelling unit shall be located per legal parcel.

c. Two (2) off-street parking spaces shall be required per live/work or manager/caretaker unit.

d. A maximum of fifty (50) percent of the gross floor area with a maximum of one thousand two hundred fifty (1,250) square feet of all commercial development on the parcel shall be devoted to a residential dwelling unit.

e. Residential uses in the General Commercial Zone shall consist of only a manager/caretaker or live/work type dwelling unit as defined in Section 20-1.2 of this chapter.

f. A permanent commercial use as permitted in Section 20-16.2 shall be established on a parcel prior to a permitted manager/caretaker dwelling unit being established. No residential use shall be established prior to establishment of a commercial use.

g. A manager/caretaker or live/work residence shall not be permitted in conjunction with conditionally permitted uses as specified in Section 20-16.3. Further, for health, safety and general welfare purposes, manager/caretaker or live/work residence shall not be permitted within three hundred (300) feet

**§ 20-16.9 CITY OF RIDGECREST ORDINANCES**

**where hazardous materials dispensed and shall not be located on parcels accommodate bars, cocktail lounges, night clubs or adult oriented businesses.**

**(Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)**

**20-17 CS Service Commercial District.**

**20-17.1 Purpose.** To provide for heavy commercial land uses along major arterial streets where a mixture of commercial/light industrial type activities has or is expected to occur. This designation accommodates those heavy commercial land uses generally not appropriate to the General Commercial area. It is intended to attract both indoor commercial uses and some selected outdoor uses which are compatible with existing or future adjoining activities. It is further meant to serve in some cases as a buffer zone between more restrictive commercial, industrial and residential areas, and to screen residential areas from noises generated by the City's transportation corridors. It is intended that this district be used in appropriate locations along select major arterial streets such as West Inyokern Road and East Ridgecrest Boulevard in such a manner as to enhance the entrances to the City. All uses wherein the open storage of appropriate materials is required shall provide for the screening of such materials from the public view by an opaque fence of no less than six feet in height. (Ord. No. 84-08, A 17, § 1701; Ord. No. 86-06, § 29)

**20-17.2 Permitted Uses.**

a. All uses permitted in the General Commercial (CG) District.

Ambulance service  
Auto body and fender repair and painting  
Auto repairing, overhauling and rebuilding  
Bottling plants  
Building material yards  
Cabinet shops  
Carpenter shops  
Cold storage plants  
Columbariums and crematoriums  
Contractor storage yards  
Dairy product plants  
Drapery laundry and supply services  
Drive-in theaters  
Major electrical repair shops  
Equipment rental yards

§ 20-17.3 CITY OF RIDGECREST ORDINANCES

- Exterminator shops
- Freight forwarding terminals
- Furniture warehouses and moving van services
- Heating, ventilation, and air conditioning shops
- Kennels and small animal boarding facilities located not closer than 500 feet from a more restrictive district unless conducted entirely indoors
- Lumber yards not including sawing or planing mills
- Machinery sales, rental and service
- Plumbing and sheet metal shops
- Research and development facilities
- Service stations primarily related to truck service and repair (truck terminals)
- Small animal hospitals, clinics and veterinary offices
- Storage yards for commercial vehicles
- Taxidermists
- Tire sales in conjunction with retreading and recapping
- Mobile home sales and services need not be screened by a solid fence
- Warehouses except for the storage of large amounts of fuel, flammable liquids, toxic material or explosives
- Welding shops (Ord. 84-08, A 17, § 1702)

20-17.3 *Conditional Uses.* The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of this Code.

- a. Auto recycling yards.
- b. Automobile rental agencies.
- c. Churches and other religious institutions.
- d. Lodges, social halls, fraternal organizations and clubs.
- e. Amusement centers and arcades.
- f. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.
- g. Junk yards.
- h. Schools and day care centers.
- i. Watchman's quarters.

(Ord. No. 84-08, A 17, § 1703; Ord. No. 86-06, § 30; Ord. No. 88-03, § 4)

**20-17.4 *Site Area and Frontage.*** The minimum site area shall be no less than 20,000 square feet with no less than 80 feet of frontage on an existing or planned secondary arterial and no less than 100 feet of frontage on an existing or planned primary arterial.

a. ***Minimum Parcel Size in a Designated Common Parking Area in the Service Commercial Zone.*** The minimum lot frontage for a common parking area shall be 100 feet, and the minimum parcel depth shall be 100 feet with a minimum area of 20,000 square feet. The minimum site area for a parcel of land in the Service Commercial Zone shall be 3,000 square feet with a minimum frontage of 60 feet and minimum lot depth of 100 feet within a designated common parking area.

(Ord. No. 84-08, A 17, § 1704; Ord. No. 87-09, § 2)

**20-17.5 *Building Height.*** Building height shall not exceed 60 feet in height. (Ord. 84-08, A 17, § 1705)

**20-17.6 *Lot Depth.*** The minimum lot depth shall be no less than 200 feet. (Ord. 84-08, A 17, § 1706)

**20-17.7 *Yard Requirements.***

a. **Front yard.** The minimum front yard setback shall be five feet except when a greater setback is found necessary during site plan review.

b. **The minimum side and rear yards shall be as follows:**

1. The street side of a corner lot shall be five feet except that where a Service Commercial lot abuts a side or rear yard of any R District, the side or rear yard shall be no less than ten feet.

2. Where a reverse corner lot rears upon a lot in any R District, the side yard on the street shall be no less than 50 percent of the front yard required on the key lot.

3. In all other cases, no side or rear yard is required.

c. There are some areas of the City where there are physical and practical difficulties in providing a five foot setback as required in paragraphs a. and b. above. In such cases the Planning Commission may reduce the required setback to not less than the setback required on the adjoining parcel(s).

d. The ordinary projection of sills, belt courses, cornices, buttresses, ornamental features, rain gutters and eaves may extend up to 36 inches into a required yard. No building or projection thereof may extend into a utility easement or public right-of-way nor shall the dripline of any structure fall outside of the lot on which it is located.

(Ord. No. 84-08, A 17, § 1707; Ord. No. 86-06, § 31)

**20-17.8 Site Plan Review.** All uses in the Service Commercial (CS) District shall comply with Section 20-22. (Ord. 84-08, A 17, § 1708)

## **20-18 M-1 Light Industrial District.**

**20-18.1 Purpose.** To encourage and achieve appropriately located limited and small scale industrial uses for the assembly, fabrication, manufacturing and processing of goods, retailing and administrative activities, wholesaling, storage, warehousing, limited food processing, research and development, company offices, repair of service oriented facilities and truck and rail facilities.

The area designated for industrial uses on the General Plan provide opportunities for certain types of industrial uses to concentrate in mutually beneficial relationships to each other. It also provides adequate land area to meet the needs of modern industrial development that does not intrude into other noncompatible urban uses. (Ord. 84-08, A 18, § 1801)

§ 20-18.2 CITY OF RIDGECREST ORDINANCES

20-18.2 *Permitted Uses.*

- a. All uses permitted in the Service Commercial (CS) District.
- b. Any kind of manufacture, compounding, storing, warehousing, assembling, processing, sales and service or treatment of products other than that which produces or may tend to produce, use, cause, or otherwise emit fumes, odor, dust, smoke, involve toxic materials, gas, noise or vibration that are or may be detrimental to properties and uses in the neighborhood or to the health and welfare of the occupants thereof or the City in general. When, in the opinion of the Planning Director, a proposed use does not fit the above general description, the matter will be referred to the Planning Commission for interpretation.
- c. Animal hospitals, kennels and veterinary service located no closer than 500 feet from a more restrictive district unless conducted entirely indoors.
- d. Office and retail stores and watchman living quarters incidental to and on the same site as the main use. (Ord. 84-08, A 18, § 1802)

20-18.3 *Conditional Uses.* The following uses may be permitted pursuant to Section 20-21.

a. Any uses not listed as permitted uses above, provided that, on the basis of the use permit application and the evidence submitted, the City Planning Commission makes the following findings in addition to the findings prescribed under Conditional Use permits.

1. That consideration of all determinable characteristics of the use which is the subject of the application indicates that the use has the same essential characteristics as the uses listed as permitted with respect to methods of operation, type of process, materials, equipment, structures, storage and appearances.

2. If the use involves nuisance or hazardous characteristics, that the application include sufficient evidence to indicate that special devices, construction or site design are planned to eliminate the nuisance or hazardous characteristic normally attendant to operation of the use.

3. In order to make the necessary findings, the Commission may require submission of technical reports by consultants or other evidence in addition to the data described in the Conditional Use permit. This data, if so required, will be the basis for granting or denying the application for a Conditional Use permit. The Commission is required to make appropriate findings in

granting or denying the Conditional Use permit. (Ord. 84-08, A 18, § 1803)

20-18.4 *Building Height.* Building height shall not exceed 60 feet. (Ord. 84-08, A 18, § 1804)

20-18.5 *Site Area.* The minimum site area shall not be less than 10,000 square feet. (Ord. 84-08, A 18, § 1805)

20-18.6 *Lot Frontage.* Each site shall have no less than 100 feet of frontage on a public street except those lots that front on a cul-de-sac or knuckle may have a frontage of not less than 70 feet. (Ord. 84-08, A 18, § 1806)

20-18.7 *Lot Width.* The minimum width shall be no less than 100 feet. (Ord. 84-08, A 18, § 1807)

20-18.8 *Lot Depth.* The minimum lot depth shall be 100 feet. (Ord. 84-08, A 18, § 1808)

20-18.9 *Coverage.* The maximum site area covered by structures shall not exceed 75 percent. (Ord. 84-08, A 18, § 1809)

20-18.10 *Yard Requirements.*

a. Front yard. The minimum front yard setback shall be five feet.

b. The minimum side and rear yard abutting any residential or Professional Office district shall be ten feet.

c. The street side of a corner lot shall be five feet.

d. No minimum side or rear yard is required except as provided above and as may be required during site plan review.

(Ord. No. 84-08, A 18, § 1810; Ord. No. 86-06, § 32)

20-18.11 *Site Plan Review.* All uses in the Light Industrial (M-1) district shall comply with Section 20-22. (Ord. 84-08, A 18, § 1811)

## **20-19 M-2 Heavy Industrial Zone.**

20-19.1 *Purpose.* To provide an area in the City for normal operations of almost all industries that are "heavier" than those

§ 20-19.2 CITY OF RIDGECREST ORDINANCES

permitted in the M-1 District and basically not compatible with residential and commercial uses. It excludes (unless effective mitigation measures are in place) offensive or unhealthful uses that involve creation or emission of dust, gas, smoke, fumes or other air pollutants, noises, vibration, liquid or solid wastes, uses that created undue traffic congestion, radioactivity, glare, fire, explosive hazard or other conditions that can conceivably affect overall health and safety of the residents of the City. (Ord. 84-08, A 19, § 1901)

20-19.2 *Permitted Uses.*

a. All uses permitted in the M-1 District.

Ordinance and accessories manufacturing

Textile mill production

Lumber and wood production such as sawmills

Paper and allied production such as paper mills

Chemicals and allied production

Petroleum refining and related industries; asphalt paving mixtures and blocks, felts and coatings

Rubber and miscellaneous plastic production

Processing leather and production of leather goods

Stone, clay, and glass production

Fabricated metal production; as in heavy metal stamping mills

Transportation equipment manufacturing

Motor vehicle wrecking and scrap metal yards provided the facility is enclosed by a solid wall not less than six feet high (Ord. 84-08, A 19, § 1902)

20-19.3 *Conditional Uses.* The following uses may be permitted pursuant to Section 20-21.

a. All uses listed as conditional uses in the Service Commercial (CS) District and Light Industrial (M-1) District.

b. The following uses and other uses which involve nuisances, dangers of fire or explosion or other hazards to health and safety require special consideration by the Planning Commission relating to public health, safety and welfare. The Commission may require submission of reports by technical consultants or other evidence in addition to the data prescribed in Section 20-21. This data, if required, will be the basis for granting or denying the application for a conditional use permit.

Cement, lime, gypsum and plaster of Paris manufacture

Charcoal, lampblack and fuel briquetts manufacture

Chemical products manufacture including acetylene, aniline dyes, ammonia, carbide, caustic soda cellulose, chlorine, cleaning and polishing preparation, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton and other materials, nitrates of an explosive nature, potash, pyroxlin, rayon yarn, and carbolic, hydrochloric, picric and sulphuric acids

Coal, coke and tar products manufacture

Dumps and slag piles

Fertilizer manufacture

Film manufacture

Fish products processing and packaging

Gas manufacture or storage

Gelatin, glue size and tallow manufacture from animal or fish refuse

Incineration or reduction of garbage, offal and dead animals

Insecticides, fungicides, disinfectants and similar agricultural, industrial, and household chemical compounds manufacture

Manure, peat and topsoil processing and storage

Metal and metal ores reduction, refining, smelting and alloying

Paint manufacture including enamel, lacquer, shellac, turpentine and varnish

Rolling mills and drop forges

Soap manufacture including fat rendering

Steam plants

Stock yards, stock feeding yards and slaughter houses

Stone quarries, gravel pits, and stone mills

Wood and bone distillation

Wood pulp and fiber reduction and processing. (Ord. 84-08, A 19, § 1903)

**20-19.4 *Building Height.*** Building height shall not exceed 60 feet. (Ord. 84-08, A 19, § 1904)

**20-19.5 *Site Area.*** The minimum site area shall be one gross acre. (Ord. 84-08, A 19, § 1905)

**20-19.6 *Lot Frontage.*** Each site shall have no less than 100 feet of frontage on a public street except those that front on a cul-de-sac or knuckle may have a frontage of not less than 70 feet. (Ord. 84-08, A 19, § 1906)

§ 20-19.7 CITY OF RIDGECREST ORDINANCES

20-19.7 *Lot Width.* The minimum lot width shall be no less than 100 feet. (Ord. 84-08, A 19, § 1907)

20-19.8 *Lot Depth.* The minimum lot depth shall be 300 feet. (Ord. 84-08, A 19, § 1908)

20-19.9 *Coverage.* The maximum site area covered by structures shall not exceed 75 percent. (Ord. 84-08, A 19, § 1909)

20-19.10 *Yard Requirements.*

a. Front yard. The minimum front yard setback shall be five feet.

b. The minimum side and rear yard abutting any residential or Professional Office District shall be ten feet.

c. The street side of a corner lot shall be five feet.

d. No minimum side or rear yard is required except as provided above and as may be required during site plan review.

(Ord. No. 84-08, A 19, § 1910; Ord. No. 86-06, § 33)

20-19.11 *Site Plan Review.* All uses in the M-2 Heavy Industrial District shall comply with Section 20-22. (Ord. 84-08, A 19, § 1911)

**20-20 Off-Street Parking.**

20-20.1 *Purpose.* The following standards for off-street parking shall apply to new construction and when an existing building is altered or enlarged by the addition of floor space, dwelling units or guest rooms or where the use is otherwise intensified by a change in use, land area or seating capacity. These parking standards are required to accomplish the following:

a. To reduce traffic conflicts and congestion normally attributed to on-street parking and improve the overall maintenance and function of the street system;

b. To provide adequate and conveniently located parking spaces based upon realistic requirements for the zone or land use to be served;

c. To improve the economic stability of the community;

d. To improve the appearance of the City. (Ord. 84-08, A 20, § 2001)

**20-20.2 General Provisions.**

a. Parking spaces shall have the minimum dimensions of nine feet by 20 feet, with a one-foot double stripe between spaces where required by adopted City standards. A recreation vehicle parking space shall have a minimum of ten feet in width and 24 feet in length.

b. Not more than 20 percent of the required parking spaces may be designed for compact automobiles. Every space so used shall be clearly marked as a compact space. The minimum dimensions for compact spaces shall be seven-and-one-half feet by 15 feet, with a one-foot double stripe between spaces where required by adopted city standards. The net aisle width shall not be reduced.

c. Tandem parking spaces may be permitted but shall be limited to use by residents or employees of the facility and shall be so assigned. Tandem parking as may be permitted will be regulated by the Site Plan Review process.

d. Net Area — Coffee rooms, restrooms, hallways and mechanical rooms for heating and cooling shall not be used in calculating the required parking spaces unless otherwise stated as gross area. Where these areas are not known as in the case of a shell building, 15 percent of the gross square footage shall be deducted for the nonproductive use, the remainder of which shall be used to calculate the required parking.

e. When, after computing the number of parking spaces required, there appears a fractional requirement of one-half space or more, one additional parking space shall be required. If less than one-half, no additional space is required.

f. All parking for residential uses shall be on the same or adjacent lot, parcel or site. Parking for all other uses may be located no more than 500 feet from the subject area. Where the required off-street parking is provided for in this manner, a covenant, easement or other legal document acceptable to the approval authority shall be recorded for the benefit of the user prior to the use taking place.

g. Neither the side yard abutting a street or the front yard shall be used to meet the requirements for off-street parking purposes except in residential districts. Any use to the contrary requires a Conditional Use Permit, per Section 20-21.

h. All parking areas shall be paved with Portland cement, concrete, asphalt or other appropriate approved material as established by the Public Works Director. Four inch curbing or

§ 20-20.2 CITY OF RIDGECREST ORDINANCES

wheel stops shall be provided around parking lots in all commercial, office, and industrial districts. Planters shall not drain into parking lots so as to accumulate mud or other unsightly residue.

i. The off-street parking provisions of this section may be waived by the Planning Director for unattended public utility facilities.

j. Handicapped parking spaces shall be provided in all parking lots in accordance with applicable State regulations.

k. In no event shall any parking provided pursuant to this chapter be situated in such a way that vehicles entering the parking area required by this chapter shall be required to back onto any street or thoroughfare in order to leave said property. This provision shall not be applicable to any private residence in an area zoned for private residences. On streets which have not been designated as major or secondary streets, the approval authority is granted the power to permit backing onto such streets for multiple dwellings where such backing will not create a serious or dangerous traffic hazard.

l. At the time any change in use takes place in the commercial, office or industrial districts, the parking space requirements of the new use shall be complied with prior to change of use if there is sufficient land available on the same lot or contiguous lots under the same ownership. If such change occurs in an existing building and creates a need for an increase in parking spaces by ten percent or more than exists on the site at the date of adoption of this chapter such increase in parking facilities shall be provided on the basis of the increased requirements for the new use except that if the change in use creates the need for two or less parking spaces, no additional parking spaces shall be provided, except as follows:

In the event a change in use takes place on an improved parcel of land on which no previous parking was provided and there is no area on which to supply such parking, no additional parking need be provided subject to Planning Director's approval.

m. On the same premises with every building, structure or part thereof erected or occupied for manufacturing, storage, warehouse, goods display, department store, wholesale or retail market, hotel, restaurant, hospital, laundry, dry cleaning plant, bus terminal, or other uses similarly involving the receipt or distribution of vehicles carrying materials, merchandise or passengers, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in

order to avoid undue interference with the public use of the streets or alleys. Required loading space may be included within the required parking space adjacent to a building.

n. One parking stall shall be provided per employee, or parking shall be provided as required elsewhere, whichever is greater.

o. In all residential zones in the City a recreational vehicle, boat or a boat trailer may be parked in the following manner:

1. Outside of a structure in the side yard or rear yard area of a residential district provided that:

(a) The recreational vehicle, boat or boat trailer, except for self-propelled recreational vehicles customarily used for ordinary transportation purposes when occupying a parking space shall not obstruct the access to required parking in the garage area.

(b) In the event space is not accessible in the side or rear yard, a recreational vehicle, boat or boat trailer may be parked in the front setback area; a corner yard would be determined to have reasonable access to the rear yard unless a grade difference of three feet or more exists; in addition, a fence shall not be determined to prevent reasonable access.

2. No part of the recreational vehicle, boat or boat trailer may extend over the public sidewalk or public thoroughfare (right-of-way).

3. Parking is permitted only for storage purposes and any camper, recreational vehicle, boat or boat trailer shall not be:

(a) Used as a dwelling unit.

(b) Permanently connected to sewer lines, water lines or electricity; the recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.

(c) Used for storage of goods, materials, or equipment other than those items considered to be part of the recreational vehicle, boat or boat trailer or essential for its immediate use.

4. Notwithstanding the provisions of this section, a recreational vehicle, boat or boat trailer may be parked anywhere on the premises for loading or unloading purposes only as long as it does not overhang the public right-of-way.

5. A recreational vehicle, boat or boat trailer shall be owned or rented by the resident or guest of the resident on whose property the recreational vehicle or boat trailer is parked or stored.

§ 20-20.3 CITY OF RIDGECREST ORDINANCES

6. A recreational vehicle, boat or boat trailer which is stored for a period of 72 hours or more shall not obstruct the vision of an adjoining property owner in obtaining access to a public right-of-way. Upon a determination by the Planning Director that the obstruction creates a potential safety hazard, the recreational vehicle, boat or boat trailer may be required to be relocated or removed from the site. The action of the Director may be appealed to the Planning Commission.

7. No person shall stop, stand or park an oversized vehicle on any lot or parcel in a residential district unless it is necessary to carry out work or service which requires the presence of such a vehicle on the lot or parcel. For the purpose of this section, an oversized vehicle is defined as a vehicle used for commercial purposes containing three or more axles.

p. Mobilehomes shall not be parked or stored on any residential lot.

This shall not preclude the establishment of a mobilehome as a residence as provided for elsewhere in this Code.

q. When parking standards for a use not specified in this chapter become necessary, it shall be the responsibility of the Director of Planning to so determine in writing and to have same incorporated within this section.

(Ord. No. 84-08, A 20, § 2002; Ord. No. 86-06, § 34)

20-20.3 *Residential Parking Requirements.* Residential off-street parking requirements shall be as follows:

Single-family detached

    dwellings

Two open or enclosed spaces

Multi-family dwelling units:

One-bedroom

One and one-half parking spaces per unit

Two-bedrooms

Two parking spaces per unit

Three or more bedrooms

Two and one-half parking spaces per unit.

NOTE: In addition, one guest parking space shall be provided on site in a convenient and accessible location for each five residential units. Projects on sites with four or fewer units are exempt from this requirement.

**Condominiums or townhouses:**

- One bedroom** One and one-half parking spaces/dwelling unit.
- Two bedroom** Two parking spaces/dwelling unit.
- Three bedrooms or more** Two and one-half spaces/dwelling unit.

**NOTE:** In addition, one-third parking space shall be provided for each dwelling unit for guest parking and one space for each five units shall be provided for recreational vehicles.

- Mobilehome park** Two parking spaces/dwelling unit plus one space for each five units for guests.

- Housing for elderly (public or federally assisted)** One parking space/dwelling unit plus one parking space for each five units for guests.

- Inclusionary housing for elderly** Residential parking requirements for developments providing at least 50% of the units exclusively for elderly persons may be reduced up to 50% upon site plan review and approval by the City.

(Ord. No. 84-08, A 20, § 2003; Ord. No. 86-06, § 35; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-20.4 Parking.**

a. Hotels and motels shall have one parking space for each guest room and/or sleeping room and one parking space for each two full-time employees. Additional parking shall also be provided for ancillary uses in accordance with the provisions of this chapter.

b. Each bed and breakfast inn shall have two parking spaces for the owner or resident manager plus one on-site parking space for each guest room in excess of two.

(Ord. No. 84-08, A 20, § 2004; Ord. No. 91-12, § 8)

§ 20-20.5 CITY OF RIDGECREST ORDINANCES

*20-20.5 Educational Uses.*

Public and parochial elementary and junior high schools	One space for each teacher, administrator and custodian, plus sufficient space for safe and convenient bus loading and unloading of students.
High schools	One space for each teacher, administrator and custodian, plus one space for each 15 students enrolled, plus sufficient space for loading and unloading students.
Churches	One space for every four seats or 72 inches of pew space.
Colleges	One space for each teacher, administrator and custodian, plus one space for each five students enrolled.
Nursery schools and day care centers	One space for each employee, plus sufficient space for safe and convenient loading and unloading of students.
Business, professional and trade schools, art, craft, music and dancing schools (Ord. 84-08, A 20, § 2005)	One space for each teacher and administrator, plus one space for each student in a class.

*20-20.6 Transportation Terminals and Facilities.*

Airports, heliports, bus depots, railroad stations and yards, truck terminals	Spaces as required by the approval authority during the site plan review process.
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(Ord. 84-08, A 20, § 2006)

*20-20.7 Medical Uses (Inpatient).*

Medical uses	One space for each two beds plus one space for each employee.
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ZONING

§ 20-20.8

Convalescent homes

One space for each five beds plus one space for each staff member or visiting doctor.

(Ord. 84-08, A 20, § 2006)

*20-20.8 Commercial, Industrial and Special Office Uses.*

For any use permitted in the Professional Office (PO) District except as hereinafter specifically set forth.

One parking stall per 200 square feet of gross floor area.

For any use permitted in the Neighborhood Commercial (CN), Service Commercial (CS)

One parking stall per 300 square feet of gross floor area.

or General Commercial (CG) District but not permitted in the Professional Office (PO) District except as hereinafter set forth.

For any use permitted only in the M1 or M2 Districts, except as hereinafter set forth.

Automotive, boat and trailer

Retail nurseries

Bowling alleys

One parking space for every 500 square feet of gross floor area or one parking space for each employee employed on the shift having the largest number of employees, whichever is the greater, and one parking space for each vehicle utilized in the use.

One parking space per 300 gross square feet sales or rental yards of building for customers and guests. In addition, all other areas used for display and storage of vehicles shall be paved to City standards.

One parking space for each 1,000 square feet lumber yards and of gross land area devoted to open display other permitted uses or sales, provided that where such area customarily conducted exceeds 10,000 square feet, only one parking in the open. Space need be provided for each 5,000 square feet of such gross land area in excess of 10,000 square feet. This is in addition to the parking required for the enclosed building and underlying use.

Four parking spaces for each alley. Additional parking shall be provided for ancillary uses in accordance with this chapter.

§ 20-20.9 CITY OF RIDGECREST ORDINANCES

Cocktail lounges	One parking space for each 75 square feet of gross restaurants, bars floor area or one parking space for each four coffee shops, four fixed seats, whichever is greater.
Assembly buildings	One space for each three fixed including stadiums, seats; if there are no fixed seats, one sports arenas, for each 40 square feet of gross floor area theaters, dance halls, used for assembly purposes, clubs and fraternal lodges and other places of assembly
Mini-warehouses used for long-time open or enclosed storage of recreational vehicles, boats and household materials.	As required by the approval authority during site plan review

(Ord. No. 84-08, A 20, § 2008; Ord. No. 86-06, § 36)

20-20.9 *Medical and Dental Offices.* Three spaces for each doctor and practitioner plus one space per employee. (Ord. 84-08, A 20, § 2009)

20-20.10 *Public Buildings (Other Than Education).* One space for each 400 square feet and as may be further required by the approval authority. (Ord. 84-08, A 20, § 2010)

20-20.11 *Access.*

- a. The minimum clear width of a residential driveway shall not be less than ten feet.
- b. A residential access 100 feet or longer shall be a minimum of 20 feet wide or two ten-foot wide one-way drives shall be provided.
- c. A residential driveway serving four or more units shall be a minimum of 20 feet wide.
- d. Access shall be unobstructed by any portion of a building.
- e. A commercial or industrial driveway shall be a minimum of 20 feet wide.

f. Any off-street parking area designed to accommodate four or more vehicles shall be provided with an appropriate turn-around so that all vehicles may enter the street by forward motion.

g. Where an accessory garage or carport is accessible to vehicles from an alley, the accessory structure shall be located not less than five feet from the property line. (Ord. 84-08, A 20, § 2011)

**20-20.12 *Requirements in Case of Mixed Occupancy.*** In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements of the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for common facilities, or joint use. (Ord. 84-08, A 20, § 2012)

**20-20.13 *Common Parking Facilities.*** Common parking facilities may be provided in lieu of the individual requirements contained in this chapter, but such facilities shall be approved by the approval authority as to the size, shape, and relationship to business sites to be served, provided the total of such off-street parking spaces, when used together, shall not be less than the sum or the various uses computed separately. Such common parking area shall be adjacent to the building which it is intended to serve, and secured by a conjunctional parking agreement (if required) approved by the City.

Joint use of parking facilities as compared to common use shall be based upon hours of operation of mutual uses in which peak parking load requirements do not occur at the same time of day (i.e. daytime use vs. nighttime use). The applicant shall show in writing that there is no substantial conflict in the principal operating hours of the contributing uses for which the joint use of off-street parking facilities is proposed. (Ord. 84-08, A 20, § 2013)

**20-20.14 *Storage and/or Parking of Commercial Vehicles in R Districts.*** No commercial vehicle exceeding a manufacturer's gross weight of 10,000 pounds shall be parked or stored on a lot or parcel in any residential district. (Ord. 84-08, A 20, § 2014)

§ 20-20.15 CITY OF RIDGECREST ORDINANCES

20-20.15 *Parking Lot Lighting.* Lighting shall be indirect, hooded and arranged to reflect light away from adjoining properties and streets. Light standards shall be a maximum of 16 feet in height. (Ord. 84-08, A 20, § 2015)

20-20.16 *Parking Lot Dimensions.* All parking for public or private uses shall be provided in accordance with City standards as established by the City Council. (Ord. 84-08, A 20, § 2016)

**20-21 Conditional Use Permits.**

20-21.1 *Purposes.* In certain districts, as specified in this chapter, conditional uses may be authorized by the granting of a use permit. Because of their special characteristics, conditional uses require extraordinary consideration to minimize possible adverse impact upon surrounding properties. In order to give the district flexible use regulations that are necessary to achieve the objectives of this chapter, the Planning Commission is empowered to grant and to deny applications for use permits and to impose reasonable conditions upon the granting of use permits. (Ord. 84-08, A 21, § 2101)

20-21.2 *Powers of City Planning Commission.* The Planning Commission may grant or deny Use Permits for conditional uses in such districts as are prescribed in the regulations for each district in this chapter with the procedures prescribed in this section. (Ord. 84-08, A 21, § 2102)

20-21.3 *Application and Fee.* Application for a Use Permit shall be made to the Secretary of the Planning Commission on a form prescribed by the Commission which shall include the following data:

- a. Name, address and signature of the property owner.
- b. Statement that the applicant is the owner of the property or is the authorized agent of the owner.
- c. Address and legal description of the property.
- d. A concise statement setting forth the precise circumstances or conditions applicable to the land, structure or use which makes the granting of a Use Permit necessary for the preservation and enjoyment of a substantial property right, together with all data pertinent to the findings prerequisite to the granting of a use permit.

e. The complete application, together with the information required in subsection 20-22.4d. that may be required by the Planning Commission to make the necessary findings, shall be accompanied by a fee set by resolution of the City Council sufficient to cover the cost of handling the application as prescribed in this section. If the application is incomplete, the application shall be returned to the applicant.

f. In the event that an application for a conditional use permit requires the concurrent approval of other development plans, the plans shall be processed in accordance with other requirements as set forth in this Code. (Ord. 84-08, A 21, § 2103)

**20-21.4 Public Hearing - Notice.** The Planning Commission shall hold a public hearing on each application for a conditional use permit. Notice of the public hearing shall be given by the Secretary of the Commission not less than ten days nor more than 20 days prior to the hearing as follows:

a. Notice shall be mailed or delivered to the owner of the property or the owner's duly authorized agent and to the project applicant;

b. Notice shall be mailed or delivered to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project whose ability to provide those facilities and services may be significantly affected;

c. Notice shall be mailed or delivered to all owners of real property shown on the last equalized assessment rolls within 300 feet of the subject property; and

d. The notice shall either be published once in a newspaper of general circulation within the City or posted in at least three public places in the City including one public place in the area directly affected by the proceeding.

(Ord. No. 84-08, A 21, § 2104; Ord. No. 85-20, § 4)

**20-21.5 Public Hearing — Procedure.** At the public hearing, the Planning Commission shall review the application and the statement and drawings submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in subsection 20-21.7. (Ord. 84-08, A 21, § 2105)

**20-21.6 Investigation, Report and Notice.** The Secretary of the Planning Commission shall make an investigation of the application as to its compliance with subsection 20-21.3 and shall prepare a report thereon which shall be submitted to the Planning Commission. Such report shall include a recommendation as to the action to be taken by the Commission and a statement supporting such recommendation. The Secretary of the Planning Commission shall give written notice to the applicant of the time when the application will be considered by the Planning Commission. (Ord. 84-08, A 21, § 2106)

**20-21.7 Action by the Planning Commission.** The Planning Commission may approve an application for a conditional use permit as applied for or in modified form if, on the basis of the application and the evidence submitted the Commission makes all of the following findings:

a. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to or inharmonious with properties or improvements in the vicinity.

b. That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.

c. That the proposed location of the conditional use is in accordance with the objectives of the zoning chapter and the purposes of the district in which the site is located. (Ord. 84-08, A 21, § 2107)

**20-21.8 Conditional Use Permit Revocable.** A use permit may either be revocable or be approved for a limited time period, or may be approved subject to such conditions as the Commission may prescribe.

The Commission also may deny an application for a use permit. (Ord. 84-08, A 21, § 2108)

**20-21.9 Effective Date.** A use permit shall be effective five working days following the date on which the use permit is granted. The approved Use Permit with any conditions shown thereon or attached thereto, shall be dated and signed by the

§ 20-21.10 CITY OF RIDGECREST ORDINANCES

Secretary to the Planning Commission. One copy of the said use permit and conditions shall be mailed to the applicant. (Ord. 84-08, A 21, § 2109)

*20-21.10 Appeal of Planning Commission Decision.*

a. An applicant, the City, any concerned property owner or resident may appeal, in writing, a decision of the Planning Commission if the applicant, property owner or resident is of the opinion that the Commission's decision does not conform to City policies and standards. The appeal shall be accompanied by an appropriate fee as set by the City Council.

b. Such appeal of a Planning Commission decision must be filed within five working days following the Commission decision. The Secretary of the Commission shall then transmit to the City Clerk the use permit application and all other data filed therewith, the minutes of the public hearing, the staff report, the findings of the commission and its decision on the application.

c. The Council shall review the decision of the Planning Commission not sooner than 45 days nor later than 90 days after receipt of the written appeal. The record on appeal shall consist of the evidence presented to the Planning Commission and additional evidence the Council deems relevant. The Council shall affirm, reverse or modify the Commission's decision or remand the matter to Commission for further proceedings. Findings shall be prepared if the Council reverses or modifies the decision or affirms the decision on the grounds other than those stated by the Commission.

(Ord. No. 84-08, A 21, § 2110; Ord. No. 86-35, § 1)

*20-21.11 Building Permit.* Before a building permit may be issued for any building or structure proposed as part of the approved conditional use permit application, the Building Official shall determine that the proposed building location, facilities and improvements are in conformity with the site plan and conditions approved by the Planning Commission and/or City

Council. For this purpose the applicant shall stake the property lines deemed necessary by the Building Official. Before a building may be occupied, the Building Official shall certify to the planning agency that the site has been developed in conformity with the site plan and conditions approved by the Planning Commission or the City Council. (Ord. 84-08, A 21, § 2111)

**20-21.12 *Lapse of Use Permit.*** A use permit shall lapse and become void one year following the date on which the permit became effective unless by conditions of the use permit a lesser or greater time is prescribed in accordance with subsection 20-21.13, or unless prior to the expiration of one year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application. A use permit may be renewed for an additional period of up to one year provided that, prior to the expiration of the time period granted, an application for renewal of the use permit is filed with the Planning Commission. The Commission may grant or deny an application for renewal of a use permit. (Ord. 84-08, A 21, § 2112)

**20-21.13 *Time Limit for Development.*** The Planning Commission may establish a lesser or greater time limit than that provided by subsection 20-21.12 within which the subject property and use or any stage of phase thereof shall be commenced and completed. The time limits set by the Planning Commission shall be reasonable, based on the size, nature and complexity of the proposed development. (Ord. 84-08, A 21, § 2113)

**20-21.14 *Pre-Existing Conditional Uses and Use Permits.*** A conditional use permanently and legally established prior to enactment of this chapter shall be permitted to continue and may be either a conforming use or a nonconforming use.

A conditional use permit granted under the provisions of the Kern County Zoning Ordinance and supplementary provisions thereto prior to the enactment of this chapter shall, upon the annexation of the property affected to the City, become null and void at the end of one year following the date of its original approval or extension thereof granted by the County prior to the annexation and shall thereafter be classified as a nonconforming use or be the subject of a new CUP application.

§ 20-21.15 CITY OF RIDGECREST ORDINANCES

A use permit shall be required for the reconstruction of a structure housing a conditional use established prior to enactment of this chapter if the structure is destroyed by fire or other calamity or by an act of God or by the public enemy to the extent of 75 percent or more. The extent of such partial destruction shall be determined by the Building Official.

An accessory structure added to a conditional use may be administratively approved by the Planning Director. (Ord. 84-08, A 21, § 2114)

**20-21.15 *Revocation.*** Upon violation of any applicable provisions of this chapter, or failure to comply with the conditions of approval, a use permit shall be suspended. Notice of such suspension shall then be sent immediately by the Secretary of the Planning Commission to the holder of the use permit with a copy thereof to the City Council. Within 30 days of the suspension, the City Council shall consider the suspension. If not satisfied that the regulations, general provisions, conditions or conditions of approval are being substantively complied with, the City Council shall revoke the use permit and take such appropriate action as may be necessary to insure compliance with the regulations, general provisions and conditions of approval. The Secretary of the Planning Commission shall notify the applicant in writing of the City Council's decision. Upon notification of suspension, the holder of the use permit shall cease all activities on the property which are subject to the use permit. (Ord. 84-08, A 21, § 2115)

**20-21.16 *Notation on Zoning Map.*** A use permit shall be indicated on the appropriate zoning map by a number located on the site of the conditional use (e.g. CUP 81-5). (Ord. 84-08, A 21, § 2116)

**20-21.17 *New Application.*** Following the denial of a use permit application or the revocation of a use permit, no application for a use permit for the same or substantially the same conditional use on the same site shall be filed within one year from the date of denial or revocation of the use permit. (Ord. 84-08, A 21, § 2117)

**20-21.18 Use Permit to Run With the Land.** A use permit granted pursuant to the provisions of this section may run with the land and may continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application, or those which, by their terms, are not made permanent. (Ord. 84-08, A 21, § 2118)

**20-21.19 Density Limit or Intensity of Use.** No use for which a conditional use permit has been applied for shall exceed the residential density criteria as specified in the General Plan. For example, the Low-Density Residential criteria of the General Plan allows no more than six units per gross acre. The only exception to this section is when an applicant applies for and is granted a conditional use for a mobile home park as regulated by Section 20-12. (Ord. 84-08, A 21, § 2119)

## **20-22 Site Plan Review.**

**20-22.1 Purpose.** The purpose of site plan review is:

- a. To insure that the projects listed in subsection 20-22.2 conform to the General Plan and all applicable Code provisions of the City and State;
  - b. To maintain and encourage high standards of development; and
  - c. To provide the applicant with an informative review to assist in the efficient and coordinated processing of projects consistent with City standards and requirements.
- (Ord. 84-08, A 22, § 2201; Ord. No. 86-29, § 1)

**20-22.2 Included Projects.** These projects shall not be considered for approval or permit until site plan review has been completed.

- a. Conceptual development plans.
- b. Preliminary development plans required by subsection 20-23.4.
- c. Municipal reorganizations and annexations.
- d. Specific plans.
- e. Tentative tract maps.
- f. Parcel maps.

§ 20-22.3 CITY OF RIDGECREST ORDINANCES

g. Precise development plans required by subsection 20-23.5.

h. Conditional use permit applications where new buildings or substantial alterations are proposed.

i. Conversion of residential structures to commercial or industrial uses.

j. Any proposed new development, a building, or substantial alteration within a zoning district that requires site plan review.

(Ord. No. 86-29, § 2; Ord. No. 92-07, § 3)

**20-22.3 Application Content.** Site plans for staff review shall be submitted to the Director of Community Development in a number the Director determines necessary to facilitate staff review. All site plans shall be on folded sheets of a minimum eight and one-half by eleven inch (8 1/2" x 11") size to a maximum twenty-four by thirty-six inch (24" x 36") size, and shall be at an easily readable scale.

a. All submittals shall include the following information:

1. Name, address, and telephone number of the property owner.
2. Name, address, and telephone number of the property developer.
3. Name, address, and telephone number of person preparing plan.
4. North arrow oriented to top of plan sheet.
5. Scale.
6. Vicinity map showing site location.
7. Property lines of the entire legal parcel(s).
8. Delineations of any easements on the property.
9. Names of adjacent streets and intersections.
10. Width of adjacent streets and alleys.
11. Legal description of the subject property.
12. Street address of the subject property (if assigned).
13. Zoning designation of the subject property and surrounding properties.
14. Existing land uses of the site and surrounding properties.
15. Area of the subject property.

b. Projects described in subsection 20-22.2, paragraphs e. through i., shall also include the following:

1. Street and/or alley dedications, if applicable.
2. All existing and proposed public improvements within adjacent streets and alley rights-of-way (curb, gutter, sidewalk, street lights, parkways, fire hydrants, power poles, water lines, gas lines, sewer lines, telephone lines, etc.).
3. Existing and proposed public rights-of-way within the subject property.
4. Existing or proposed easements within or immediately outside the site.
5. Location of on-site and off-site drainage facilities.
6. Area of each parcel (gross and net).
7. Physical features on the property and immediately adjacent to property lines (fences, walls, power poles, buildings, slopes, etc.).

c. Projects described in subsection 20-22.2, paragraphs h. through j. shall also include the following:

1. Location of all buildings (main and accessory), fences and/or walls, paved areas and landscape areas, and all shall be labeled as either existing or proposed.
2. Percentage of area covered by buildings, landscaping and pavement on each parcel.
3. Location of existing and proposed on-site water lines, sewer lines, septic tanks and fire hydrants.
4. Type of construction per Uniform Building Code.
5. Height and number of stories of all buildings and structures.
6. Dimensions from building(s) to property lines and to other buildings or structures on the property.
7. Uses of all buildings (existing and proposed) and areas on the property.
8. Exterior building materials including materials of fences, walls and accessory structures.
9. Off-street parking including dimensions of individual parking spaces, internal circulation pattern for pedestrian and vehicular traffic, wheel stops and type of surfacing proposed.
10. Driveway widths.

11. Computation of total parking required per use on each parcel and identification of total number of spaces provided (covered and uncovered indicated separately) on each parcel by type (e.g.: normal stall size, compact stall, handicap stall).

12. Computation of landscape areas required and the square footage of areas proposed for landscaping.

13. Location of landscaping including existing and proposed trees, shrub masses and ground cover area.

14. Loading spaces including dimensions.

15. Estimated quantities of earth to be moved.

16. Direction of drainage flow with slope in percentage.

17. Signs including area, location, height, illumination and mechanical movement.

18. On-site lighting.

19. Trash enclosures.

20. Location of outdoor storage areas.

21. Exterior architectural projections.

22. Location of all entrances.

23. Location of mechanical equipment and proposed screening.

24. Proposed swimming pools, patios and/or recreation areas.

d. The Director of Community Development may require additional information or materials when necessary to accurately and adequately review a specific project. The Director of Community Development may waive any information described above upon determination that it is not relevant to the review. Any decision made by the Director pursuant to this subsection shall include a written justification which shall become part of the project record and accompany the application before the Planning Commission.

(Ord. No. 86-29, § 3; Ord. No. 92-07, § 4)

**20-22.4 Procedure.**

a. The Director of Community Development, directed by City staff, and such utility service representatives as may be available shall, within 21 working days after completion of

filing, conduct a review of the submitted project. The applicant shall be invited to attend the review meeting.

b. The Director of community Development shall, within 15 working days after the review, prepare and mail to the applicant a site plan review letter summarizing the Code requirements and recommendations of staff.

(Ord. No. 86-29, § 4)

**20-22.5 Fees.** Fees, established by resolution of the City Council, shall be paid by the applicant at the time of filing or appeal, to defray costs incurred by the City related to the application or appeal. (Ord. No. 86-29, § 5)

**20-22.6 Appeal.** The applicant may appeal any of the conditions set forth in the Director's letter of determination by filing a written request for review with the Planning Commission within 30 calendar days of the date of the Director's letter. Such appeal must be made in writing, shall stipulate the points of disagreement, shall be accompanied by

a sufficient number of copies of the plan to facilitate Commission review. (Ord. No. 86-29, § 6)

**20-22.7 *Subsequent Site Plan Review.*** A subsequent site plan review application shall be required prior to issuance of building permits or Commission consideration if more than 18 months have lapsed since any prior site plan review for an uncompleted project or if the applicant revises the proposed project in such a way as to materially change the requirements as determined by the Director. (Ord. No. 86-29, § 7)

**20-22.8 *Effect of Code Change.*** Site plan review shall not be construed to vest or grant any development right. Should legal requirement changes occur subsequent to any site plan review, the changes will be incorporated into any building permits issued on the project or any Commission actions. (Ord. No. 86-29, § 8)

## **20-23 Planned Unit Development Zoning Overlay District.**

**20-23.1 *Purpose and Intent.*** This section is intended to allow diversification in the relationship of various land uses, buildings, structures, lot sizes, setbacks, open space and subsequent design. The Planned Unit Development, hereinafter sometimes "PUD", provides an integrated development by offering the opportunity for cohesive design when flexible regulations are applied. It offers the opportunity to provide a more functional, aesthetically pleasing and harmonious living and working environment within the City which otherwise might not be possible by strict application and adherence to the other provisions of this Code. In all instances, however, the Planned Unit Development shall conform in all respects with the General Plan. A Planned Unit Development normally consists of individually-owned lots together with common areas (open space, recreation and sometimes street improvements), which are owned in common by the lot owners. (Ord. No. 88-12, § 3)

### **20-23.2 *Application and Fee.***

a. The following information shall be supplied by the applicant for a PUD.

§ 20-23.3 CITY OF RIDGECREST ORDINANCES

1. A preliminary development plan, drawn to a reasonable scale on 24-inch by 36-inch standard sheets, which shall indicate:

(a) The proposed use or uses of all land within the subject area and the conceptual architectural design of all typical buildings and structures proposed in the development.

(b) A circulation plan for all vehicular or pedestrian ways.

(c) Landscaping, parking, recreation areas, and other proposed common or open space areas.

(d) General indication of drainage and utility provisions to serve the development.

(e) Location and type of all proposed and existing structures, and indicating the location of all known and proposed easements.

2. A statement of reasons for including, in part or whole, any commercial, office, or other nonresidential uses in the development.

3. A statement concerning any public or quasi-public, recreational and educational areas within the development, including anticipated financing, development and maintenance.

4. Approximate location and number of dwelling units.

5. A statement indicating how and why the proposed development conforms to the General Plan.

6. A statement requesting the overlay signed by the owner (in fee) of the subject land and the owner of any option to purchase the property or any portion thereof, if any.

7. Preliminary title report or other proof of ownership.

b. The City may initiate a PUD for a specific parcel or area without providing development plans when the purpose of such zone change is determined to serve the best interests of the City.

c. The application shall be accompanied by a fee set by a resolution of the City Council.

(Ord. No. 88-12, § 3)

**20-23.3 Procedure.**

a. The Community Development Director shall review the application with the applicant and appropriate City depart-

ments to determine whether the proposal meets the requirements of this section. When the proposal satisfies the general requirements of this section, the Community Development Director shall schedule the proposal for hearing by the Commission.

b. The Commission shall conduct a duly noticed public hearing to consider the proposal. The notice shall be given and the hearing shall be conducted in the same manner as notices are given and hearings are conducted for zone amendments.

c. If the Commission approves a proposal, the Council shall conduct a duly noticed public hearing to consider the proposal. The notice shall be given and the hearing shall be conducted in the same manner as notices are given and hearings are conducted for zone amendments. The decision of the Council shall be final. (Ord. No. 88-12, § 3)

**20-23.4 *Required Findings.*** In approving and adopting the PUD application the Commission and the Council shall find the following:

a. The applicant intends to start construction within two (2) years from the effective date of the PUD;

b. The proposed Planned Unit Development is in compliance with the General Plan;

c. In the case of residential, commercial, and/or office development, that such development will constitute an urban environment of sustained desirability and stability, and that it will be in harmony with the character of the surrounding neighborhood and community;

d. The development of a harmonious, integrated plan justifies exceptions from the normal application of this Code;

e. The conditions placed upon this development are necessary to achieve the purpose and intent of this Code. (Ord. No. 88-12, § 3)

**20-23.5 *PUD Standards.***

**§ 20-23.5 CITY OF RIDGECREST ORDINANCES**

**a. The final development plan for the PUD shall include the following minimum information:**

- 1. A site plan showing location and general dimensions of all proposed streets, parking area, pedestrian ways, recreational and common use facilities, general landscaping features, and the locations, number of stories and number of dwelling units of proposed buildings.**
- 2. Conceptual elevations or perspective drawings showing general architectural appearance of proposed buildings.**
- 3. Preliminary plans of all proposed utilities including but not limited to water, sewer, communications, power and natural gas.**
- 4. Preliminary drainage plan providing engineering information to determine adequacy.**
- 5. A general statement indicating planned phases and timing of implementation.**
- 6. A general statement of proposed provisions for maintenance and operation of common facilities.**

**b. There is no minimum site area for a PUD.**

**c. A PUD shall include only those uses allowed as either permitted or conditional uses in the zoning district which the PUD overlays, subject to the following:**

- 1. The number of dwelling units or commercial sites within the development does not exceed the number of dwelling units or commercial sites permitted by the underlying zoning;**
- 2. The uses permitted by the PUD overlay are not more intensive than those permitted by the underlying zoning; and**
- 3. Gross area may be used in determining the number of units per acre allowed under the PUD.**

**d. The minimum common open space, not including streets or parking, in a PUD shall be ten percent of the net site area used for industrial or commercial development, this area to be used for landscaping and walkways or 20 percent of the net site area used**

for multi-family residential or single-family condominium development, this area to be used for landscaping, walkways, and common recreational areas.

e. All roof-mounted heating and cooling equipment proposed for any commercial or industrial structure located within a PUD shall be screened from public view by a parapet or other structural feature designed to match other portions of the building.

f. Open area and density per dwelling unit shall be as shown on the final development plan for the PUD. The permitted number of dwelling units may be distributed without applying the regulations of the underlying zone or zones, provided the development shall conform with the requirements of the general plan.

g. All common areas, including open spaces, community recreation facilities, common walkways, parking areas, private streets, sidewalks, curbs and gutters and all improvements as required by Chapter 19 which are not dedicated and accepted, may be constructed only upon provision for preservation and future maintenance in a manner acceptable to the City.

h. All areas outside the property lines between sidewalks and the property lines shall be maintained through maintenance districts or deed restrictions to guarantee the perpetual maintenance of right-of-way landscaping. All documents must be referred to the City Attorney and the Planning Commission for approval of their sufficiency.

(Ord. No.88-12, § 3; Ord. No. 06-06, § 2)

**20-23.6 *Latitude of Regulations.*** The Commission may require in the development plan: standards, regulations, limitations, conditions and restrictions more restrictive than those specified elsewhere in this Code and which are designed to protect and maintain property values and community, including and relating to but not limited to the following:

- a. Height limitations on buildings and structures;
- b. Percent coverage of land by buildings and structures;

§ 20-23.6 CITY OF RIDGECREST ORDINANCES

- c. Parking ratios and areas so expressed in relation to use or various portions of the property and/or building floor area;
- d. The location, width and improvement of vehicular and pedestrian access to various portions of the property including portions within abutting streets;
- e. Planting and maintenance of trees, shrubs, plants and lawns in accordance with a landscaping plan;
- f. Construction of fences, walls and floodlighting of an approved design;
- g. Limitations upon the size, design, number, lighting and location of signs and advertising structures;
- h. Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;
- i. Location and size of off-street loading areas and docks;
- j. Uses of buildings and structure by general classification, and specific designation;
- k. Architectural design of buildings and structures;
- l. Schedule of time or phasing for construction and establishment of the proposed buildings, structures or land uses or any stage of development thereof;
- m. Requiring of performance bonds to insure development as approved, if deemed necessary by the Commission;
- n. Submit private deed restrictions, as approved by the Department of Real Estate, that are necessary to assure the continued viability and maintenance of the proposed development.

(Ord. No. 88-12, § 3)

*20-23.7 Development Plan Modification.* The final development plan may be modified only by submitting an application and following the same procedure as is required in the initial review.

The City Engineer and Director may authorize minor modifications to an approved PUD, provided the modification is in substantial compliance with the approved final development plan.

(Ord. No. 88-12, § 3)

**20-23.8 Termination of the PUD.** The applicant shall commence construction no later than one (1) year from the effective date of the PUD. If construction has not been commenced, the PUD shall become null and void and the land use classification shall revert to the designation in effect immediately before the PUD overlay. Extensions of time to commence construction may be granted by the Commission with the approval of the Council upon presentation of proof of substantial hardship that inhibits the commencement of the development. Any such extension shall not exceed two (2) years.

(Ord. No. 88-12, § 3)

**20-24 Variances.**

**20-24.1 Purpose.** The Planning Commission is hereby empowered to grant variances in order to lessen practical difficulties and unnecessary hardships inconsistent with the objectives of the zoning ordinance which would result from a strict or literal interpretation and enforcement of the regulations prescribed by this chapter. A practical difficulty or unnecessary physical hardship may result from the existing size, shape or dimensions of a site or the location of existing structures thereon from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from population densities, street locations or traffic conditions in the immediate vicinity. The power to grant variances shall not extend to use regulations. (Ord. 84-08, A 24, § 2401)

**20-24.2 Authority of City Planning Commission.** The Planning Commission may grant variances to the regulations prescribed by this chapter with respect to fences and walls, site area, width, frontage, depth, coverage, front yard, rear yard, side yards, height of structures, distances between structures, off-street parking facilities and off-street loading facilities, in accordance with the procedure prescribed in this section. (Ord. 84-08, A 24, § 2402)

**20-24.3 Application and Fee.** Application for a variance shall be made to the Planning Commission, accompanied by a fee as set by the City Council, on a form prescribed by the Planning Commission which shall include the following data:

- a. Name and address of the applicant;
- b. Signature of the owner and a statement that the applicant is the owner of the property or is the authorized agent of the owner;
- c. Address and legal description of the property;
- d. A concise statement of the precise nature of the variance requested, showing the practical difficulty or unnecessary physical hardship that is inconsistent with the objectives of the zoning ordinance, together with any other data pertinent to the findings prerequisite to the granting of a variance prescribed in subsection 20-24.7.

The application shall be accompanied by a site plan which shall comply with the provisions of subsection 20-22.4d.

§ 20-24.4 CITY OF RIDGECREST ORDINANCES

The application shall be filed with the Secretary of the Planning Commission and shall be considered by the Planning Commission within 60 days following the filing date. The Secretary of the Planning Commission shall give notice to the applicant of the time when the application will be considered, and he may give notice of the time to any other interested party. (Ord. 84-08, A 24, § 2403)

**20-24.4 *Hearing and Notice.*** The Planning Commission shall hold a public hearing in accordance with the provisions of subsections 20-21.4 and 20-21.5. (Ord. 84-08, A 24, § 2404)

**20-24.5 *Public Hearing — Procedure.*** At a public hearing, the Planning Commission shall review the application and the statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in subsection 20-24.7. (Ord. 84-08, A 24, § 2405)

**20-24.6 *Investigation and Report.*** The Secretary to the Planning Commission shall make an investigation and shall prepare a report thereon in accordance with the provisions of subsection 20-21.6. (Ord. 84-08, A 24, § 2406)

**20-24.7 *Action of the Planning Commission.***

a. The Planning Commission may grant a variance to a regulation prescribed by this chapter as applied for or in a modified form, if, on the basis of the application, investigation and evidence submitted, the Commission makes all the following findings:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.

2. 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 properties classified in the same zoning district.

3. That strict or literal interpretation and enforcement of the specified regulations would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

b. The Planning Commission may grant a variance to a regulation prescribed by this chapter with respect to off-street parking facilities or off-street loading facilities as the variance was applied for or in modified form, if, on the basis of the application, investigation and the evidence submitted, the Commission makes the findings prescribed in paragraph a. of this subsection and the following additional findings:

1. That the granting of the variances will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

2. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of the zoning ordinance.

A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Planning Commission may prescribe. The Planning Commission may deny a variance application.

A variance shall become effective upon the expiration of five working days following the date on which the variance was granted unless an appeal has been taken to the City Council in accordance with subsection 20-21.10.

(Ord. No. 84-85, A 24, § 2407; Ord. No. 86-06, § 38)

**20-24.8 Lapse of Variance.** A variance shall lapse and shall become void one year following the date on which the variance becomes effective unless by conditions of the variance a greater time is allowed, or unless prior to the expiration of one year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site or the permit or entitlement is executed which was the subject of the variance application.  
(Ord. 84-08, A 24, § 2408)

§ 20-24.9 CITY OF RIDGECREST ORDINANCES

**20-24.9 *New Application.*** Following the denial of a variance application, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year of the date of denial of the variance application or revocation of the variance. (Ord. 84-08, A 24, § 2409)

**20-24.10 *Reserved.*\***

**20-25 Amendments to Zone District Boundaries and Zoning Ordinance Text Changes.**

**20-25.1 *Purpose.*** As the General Plan of Ridgcrest is put into effect over the years, there will be a need for changes in district boundaries and other regulations of this chapter so as to accomplish the purpose and intent of the Zoning Code. As the General Plan is reviewed and revised periodically, other changes in the regulations of this chapter may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this section. (Ord. 84-08, A 25, § 2501)

**20-25.2 *Initiation.*** A change in the boundaries of any district may be initiated, if consistent with the General Plan, by the City of Ridgcrest, an owner of the property or a majority of the property owners within the area for which a change of district boundaries is proposed, or the authorized agent of the owner.

A change in boundaries of any district, or a change in district regulations, general provisions, exceptions, or other provisions of this chapter may also be initiated by action of the Planning Commission or City Council. (Ord. 84-08, A 25, § 2502)

**20-25.3 *Application and Fee.*** A property owner or his authorized agent desiring to change the zoning district bound-

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\*Editor's Note: Former subsection 20-24.10, Appeal of Planning Commission Action, previously codified herein and containing portions of Ordinance No. 87-06, was repealed in its entirety by Ordinance No. 92-09.

**ZONING**

**§ 20-25.3**

aries in which his property is located shall file an application on a form prescribed by the Secretary, which shall include the following data:

- a. Name and address of the applicant.
- b. Signature of the owner and a statement that the applicant is the owner of the property for which the change in district boundaries is proposed, or the authorized agent of the owner.

**c. Address and legal description of the property.**

The application shall be accompanied by a drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site, showing the location of the streets and property lines which are the subject of the zone change request.

The application shall be accompanied by a fee set by a resolution of the City Council. (Ord. 84-08, A 25, § 2503)

**20-25.4 Public Hearing — Notice.** The Planning Commission shall hold a public hearing on each application for a change of district boundaries or district regulations, general provisions, exceptions or other provisions of this chapter within 60 days of the date when the application is filed and complete. Notice of Public Hearing shall be given by the Secretary of the Planning Commission as follows:

a. Notice shall be mailed or delivered to the owner of the property or the owner's duly authorized agent and to the project applicant;

b. Notice shall be mailed or delivered to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project whose ability to provide those facilities and services may be significantly affected.

c. Notice shall be mailed or delivered to all owners of real property shown on the last equalized assessment rolls within 300 feet of the subject property; and

d. The notice shall either be published once in a newspaper of general circulation within the City or posted in at least three public places in the City including one public place in the area directly affected by the proceeding.

(Ord. No. 84-08, A 25, § 2504; Ord. No. 85-20, § 5)

**20-25.5 Investigation and Report.** The Secretary to the Planning Commission shall make an investigation of an application and shall prepare a report thereon which shall be submitted to the Planning Commission, including a recommendation as to the action to be taken by the Commission and a statement supporting such recommendation. (Ord. 84-08, A 25, § 2505)

**20-25.6 *Hearing.*** At the public hearing the Planning Commission shall review the application or the proposal and may receive pertinent evidence as to why and how the proposed change is necessary to achieve the objectives of the zoning chapter, and how or why the proposed change is consistent with the stated purposes and goals of the General Plan, and for the zone classification proposed.

The Commission may review proposals for the use of the property for which a change in district boundaries is proposed or plans or drawings showing proposed structures or other improvements, in light of the fact that under the provisions of this chapter a change in district boundaries can be made conditionally. (Ord. 84-08, A 25, § 2506)

**20-25.7 *Action of the Planning Commission.*** Within 30 days following the completion of the public hearing, the Planning Commission shall make a specific finding in writing as to whether the change in district boundaries is required to achieve the objectives of the zoning chapter and whether the change would be consistent with the purposes and intended application of the zone classification proposed. The Commission shall either approve and recommend the enactment of the proposed amendment, and where appropriate, require contractual commitment and surety bonding to satisfy specified conditions, disapprove it, or recommend an alternative zoning district more restrictive than that proposed. The recommendation for each alternative zoning district shall constitute a disapproval of the district amendment originally proposed.

If the zone change or text amendment is approved by the Planning Commission, the Commission shall transmit a report to the City Council recommending that the application be granted, including a written statement of the reasons for the recommendation together with one copy of the application, resolution of the Commission, all other data filed therewith, the minutes of the public hearing, and the report of the Secretary to the Planning Commission. If the Commission denies and recommends against the rezone application, the City Council shall not be required to take further action unless appealed by the applicant or aggrieved party. Any aggrieved party may appeal the decision of the Planning Commission in accordance with subsection 20-21.10. (Ord. 84-08, A 25, § 2507)

**20-25.8 Reserved.\*****20-25.9 Conditional Zoning Exception.**

a. 1. Whenever an application is filed with the Planning Commission for a change in district boundaries, the Planning Commission or City Council, in lieu of granting or denying said application, may grant to the applicant a conditional zoning exception which will permit said applicant (or his assignee) to develop or use said property in accordance with said application and the provisions of this subsection.

In filing an application, the applicant may request that the application be considered as a request for a conditional zoning exception.

2. If a change in zoning district boundaries is made conditional upon certain events taking place or conditions being fulfilled by the applicant, such events and conditions thus imposed upon the rezoning application must be made to fulfill public needs reasonably expected to result from the allowable uses and/or development of the property or to avoid circumstances adverse to the public health, safety, convenience or welfare. Such conditions shall relate to the special problems of the property if rezoned, such as vehicular or pedestrian access and traffic, grading or topography, drainage, water, sewer and other infrastructure utilities or the proposed physical developments affecting nearby properties.

b. Before a conditional zoning exception may be approved by the Planning Commission or granted by the City Council, the Commission or Council may require the applicant to submit additional information relative to his proposal in the manner required in the filing of an application for a Conditional Use Permit and Site Plan Review.

c. The Planning Commission may approve and the City Council may grant a conditional zoning exception subject to any of the conditions prescribed in Section 20-21 or 20-22.

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\*Editor's Note: Former subsection 20-25.8, Appeal of Planning Commission, previously codified herein and containing portions of Ordinance Nos. 84-08, 86-06 and 87-06, was repealed in its entirety by Ordinance No. 92-09.

§ 20-25.10 CITY OF RIDGECREST ORDINANCES

d. Upon being granted a conditional zoning exception by the City, the applicant shall develop his property in accordance with applicable approved plans and conditions imposed under the provisions of this subsection and within a time fixed by the City Council in granting said exception, or within one year from the date of the granting of the exception where another time is not fixed by the Council, or with any extension of said period that may be granted when requested by the applicant.

e. Upon the development and use of property in accordance with the provisions of paragraph d. of this subsection, the district or part thereof for which the conditional zoning exception was granted shall thereupon be considered rezoned and established in accordance with the original application, or as set forth in the order made by City Council at the time said zoning exception was granted.

f. In the event the applicant (or his assignee) fails to develop and use his property in accordance with the provisions of paragraph d. of this subsection, the application will be deemed to be in violation of the provisions of the zoning regulations. (Ord. 84-08, A 25, § 2509)

**20-25.10 *Change of Zone Plan.*** A change in a district boundary shall be indicated on the zone plan map with a notation of the date and number of the ordinance amending the plan. (Ord. 84-08, A 25, § 2510)

**20-25.11 *New Application.*** Following the denial of an application for a change in a district boundary, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application. (Ord. 84-08, A 25, § 2511)

**20-26 Signs.**

**20-26.1 *Purpose.*** The purpose of this section is to establish the necessary criteria, standards, and limits on all forms of signing, to maximize the value of this medium for identification purposes and to enhance the physical appearance of the

**ZONING**

**§ 20-26.1**

**City. The City of Ridgecrest recognizes the need for signs, but the right to use signs must be kept consistent with the business-man's right of identification, the public's right to identify the business and the community's interest in maintaining a good appearance. It is intended by the provisions of this chapter to accomplish the following:**

City. The City of Ridgecrest recognizes the need for signs, but the right to use signs must be kept consistent with the businessman's right to identification, the public's right to identify the business and the community's interest in maintaining a good appearance. It is intended by the provisions of this chapter to accomplish the following:

- a. To reduce the distraction and confusion caused motorists and pedestrians by inappropriate signing and the hazards which may be attributed to it.
- b. To promote attractive industrial and commercial areas while allowing effective communication.
- c. To provide assurance that such communications will be easily identified.
- d. To increase and encourage the preservation of visual open space which constitutes a primary public resource of economic, social and aesthetic value.
- e. To establish a workable application and review process to ensure conformance and resolve questions of interpretation and application.

(Ord. 84-08, A 26, § 2601)

*20-26.2 Definitions.*

"Accessory Sign" means a sign that is secondary in purpose and provides specific information concerning the business which is not indicated on the primary identification sign(s). Accessory signs indicate such services as store hours, accepted credit cards, quality ratings or affiliations, vacancies, etc.

"Aggregate Area" means the total area of all permanent signs on the premises.

"Architectural Features" means a prominent or characteristic part of a building. Examples of architectural features are windows, columns, awnings, marquee and fascia.

"Attention-getting Devices" means any flag, streamer, spinner, light, balloon or similar device or ornamentation used for purposes of attracting attention for promotion.

§ 20-26.2 CITY OF RIDGECREST ORDINANCES

"Awning" means a temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

"Billboard" means an off-premise sign which directs attention to a product, place, activity, person, institution, business or subject which is not related to the premises on which the sign is located.

"Building Frontage" means the single longest building length or sum of building lengths facing either the street or the business parking lots and used for public approach.

"Canopy (or Marquee)" means a permanent roof-like shelter, either freestanding or supported by a building.

"Changeable Copy Sign" means an announcement sign, bulletin board, or sign which makes provisions for frequent changing of individual letters and other copy.

"Conforming Sign." A sign conforms when it meets all the standards and regulations established by this chapter and the Uniform Building Code, as adopted by the City of Ridgecrest.

"Copy" means any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof which relates to advertising, identification or notification.

"Directional Sign" means an on-site incidental sign designed to guide or direct pedestrian or vehicular traffic.

"Ground Sign" means a freestanding sign which is supported by itself by one or more uprights, poles, or braces in or upon the ground or by a structure other than a building, also known as a pole sign or monument sign.

"Illumination" means a sign which is illuminated by an artificial light source provided for that function.

"Maintenance" means the upkeep of signs and their support structures in a condition of good repair. This shall include the replacement or repainting of sign faces which have been damaged or have otherwise lost their ability to convey the message intended. Maintenance does not include the changing of location, orientation, size or height of a sign.

"Marquee." See "canopy."

"Monument Sign" means a freestanding sign with a solid base connected solidly to and arising from the ground, eight feet high and flush with the ground.

"Nameplate" means a sign which displays only the name, address, and occupation of the occupant of the premises, is not illuminated and does not exceed four square feet in area.

"Nonconforming Sign" means any sign which was lawfully erected or maintained prior to time of adoption of this chapter or which does not conform to this chapter.

"Off-Premises Sign" means a sign that advertises goods, products, services, or facilities not found at the sign site; a sign that directs persons to a different location from where the sign is installed.

"On-site Temporary Real Estate Sign" means a sign offering real property, personal property or a business or any combination thereof, for sale, lease or exchange and includes signs pertinent to property management. It does not include merchandise sold in the usual course of business.

"Pole Sign" refers to "ground sign."

"Portable Sign" means a sign not permanently affixed to the ground or structure, whether it is on or off the premises it is intended to identify.

"Premises" means a defined contiguous area of real property occupied by a business, institution, use or group of uses.

"Projecting Sign" shall mean a sign which is attached to and projects twelve (12) inches or more from the structure or building face, and is not parallel to the structure to which it is attached.

"Roof Line" means the top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

"Roof Sign" means a sign erected upon a roof or parapet wall of the building.

"Sign" means any structured name, identification, description, symbol, display, illustration, or device, including component parts

§ 20-26.2 CITY OF RIDGECREST ORDINANCES

and paint in view of the general public and which directs attention to a product, place, activity, person, institution or business.

"Sign Area." In computing the maximum permissible sign area or display surface, all signs shall be included in computing background area in square feet. Standard mathematical formulas for known or common shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used. The structure or structure covers supporting a sign are not included in determining the sign area, unless the structure or structure covers contain advertising copy. The area of multi-faced signs shall be the total sum of all display surfaces.

"Sign Height" means the vertical distance measured from the grade of the nearest street curb, or street grade other than on elevated roadway, to the uppermost point of the sign or structure.

"Statuary Sign" means any sign which is the modeled, outlined, or sculptured likeness of a living creature or inanimate object. Embossing which projects more than four inches beyond a sign face shall be considered modeling.

"Street Front" means the portion of a parcel facing a public street other than the side of a corner lot.

"Temporary Sign" shall mean any sign or advertising display intended to be displayed, unless otherwise specified by the Community Development Director, for a period of less than thirty (30) days.

"Temporary Directional" means a sign which directs persons to an event, business location, or offering, which is not permanent in nature, such as a new housing development, and placed on-site or off-site.

"Time and Temperature Sign" means a sign which provides information about time and temperature in the public interest without transmitting any advertising message.

"Useful Life" means the useful life of a permanent sign shall be 15 years. The useful life of a temporary sign shall be for the duration of the event for which a sign is placed, but in no case shall be considered more than one year.

"Wall Sign" means any sign painted on or attached parallel to the wall facing of a building and projecting not more than twelve inches (12"). This shall include permanent window signs.

"Window Sign" means any sign affixed to or within three feet (3') of the inside of a window in view of the general public. (Ord. No. 84-08, A 26, § 26-02; Ord. No. 86-06, § 40; Ord. No. 87-16, § 3; Ord. No. 03-02, § 2; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

#### *20-26.3 General Regulations.*

##### *a. Basic Design.*

1. A sign shall not aesthetically obstruct or interrupt a major unique architectural feature of the building to which it is attached.
2. Signs shall not be attached to trees or utility poles.
3. Signs may be attached to a fence or freestanding wall only when a ground sign is not present in the development. Exempted signs, as specified in paragraph b. of this subsection, may be attached in any case when no larger than six square feet.
4. Product or trade names are permitted as a part of a permanent sign only when that product identified is integral to the use on the premises.
5. Lighting, if provided, shall be contained within or pointed at the sign and shall not reflect into surrounding property, public streets, alleys, or highways. Gas discharge tube lighting may be used for advertising messages but not for outlining architectural features. Exposed bulbs are prohibited except when used for security purposes and time and temperature signs.
6. Signs shall be of such structural design that all framework of the sign shall be contained within the body of the sign in such a manner as to not be visible. Visible guy wires are prohibited.
7. Time and temperature signs may be permitted subject to the issuance of a conditional use permit. Such signs shall not bear any advertising message within the area used to display the time and temperature and shall not be considered part of the

**§ 20-26.3 CITY OF RIDGECREST ORDINANCES**

aggregate sign area of the premises. Advertising display may be placed on the frame or body of the sign and, if an advertising message is contained in the text, it shall be considered as part of the aggregate sign area of the premises.

8. No permit for any sign shall be issued and no sign shall be constructed or maintained which has less horizontal or vertical clearance from communications lines and energized electrical power lines than that prescribed by the laws of the State of California or rules and regulations duly promulgated by agencies thereof.

9. No sign or its supports shall be erected in such a manner or location that will physically impede or cause hazardous obstruction or distraction to the visibility of vehicles or person traveling on regularly established public or private ways.

No signs, materials or structural features except poles or pilasters shall extend into the cross-visibility area between three feet six inches and seven feet above the grade of the nearest street curb. The cross-visibility area for the intersection of driveways and public rights-of-way or two public rights-of-way is defined as a triangle having two sides ten feet long and running along the driveway and public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two ends.

10. Regulations regarding permitted aggregate sign area, maximum height and minimum setback outlined in Table 1 for each zone:

(a) Sign area, in square feet, is determined where applicable by multiplying the length of one building frontage or street front as noted by the factor in parentheses, in Table 1.

(b) Businesses with frontage and primary auto access on parallel streets are permitted to consider each frontage separately when determining maximum sign area. The area for each frontage is not transferable to the opposite frontage.

- (c) Additional regulations affecting sign area, height, and setback are specified in subsection 20-26.4.
  - (d) Businesses with direct alley access are permitted additional wall sign area equal to one-half ( $\frac{1}{2}$ ) square foot multiplied by the length of the building facade facing that alley. The sign area for the alley frontage is not transferable to any other street frontage or building side and shall not be used for either a monument or ground sign.
11. Conditional uses shall meet the sign requirements of the zone in which the use is permitted.

b. *Exempted Signs.* The following types of signs are permitted in all districts unless otherwise noted, and shall neither require a building permit nor be considered part of the allowable aggregate area. Such signs shall be erected and maintained in accordance with the provisions of this chapter unless otherwise provided.

1. Nameplate.
2. One "Open" and "Closed" sign not to exceed two square feet in area per frontage.
3. Private information signs not exceeding one square foot, such as "Beware of Dog" or "No Soliciting," that contain no advertising message.
4. Traffic and other municipal signs, signals, and notices which relate to the public welfare and safety which are erected by the City, County or State. Such signs shall be exempt from this Chapter's restrictions.
5. Signs directing on-premise traffic and parking when less than six square feet each, subject to Planning Department approval. Such signs are exempt from setback restrictions, when not exceeding three and one-half feet ( $3\frac{1}{2}'$ ) in height, as measured from top of nearest curb, but are not permitted within the public right-of-way.
6. Memorial signs or tablets erected by governmental or historical agencies or names and dates carved in or affixed to buildings upon construction, or any sign of obvious historical value.

§ 20-26.3 CITY OF RIDGECREST ORDINANCES

7. The flag of any country, state, school, corporation or non-profit corporation.
8. Signs showing the location of public telephones and signs placed by public utilities to show the locations of underground facilities.
9. Signs of a public, noncommercial nature used to indicate danger or to serve as an aid to public safety relating to road work or other construction activities.
10. Accessory signs not exceeding six square feet in total aggregate area.
11. Temporary holiday graphics.
12. Directional, warning or information signs authorized by Federal, State or Municipal authority.
13. Signs in or on public buses or other public conveyances as permitted by City Council.

*c. Prohibited Signs.*

1. Signs, except window signs four square feet or less, which move or simulate motion are prohibited. This shall include: flashing, blinking, animated, rotating signs, or signs whose illumination or surface change with time, but shall not include time and temperature signs, or wall-mounted barber poles which project less than one foot.
2. Signs which emit audible sounds, odor or visible matter.
3. Attention-getting devices, except as provided for in subsection 20-26.4.f.
4. Portable signs, unless they are displayed for a special event by a religious, charitable, or civic organization, and are limited to a time period not to exceed ten days. Not more than four such events shall be permitted in a calendar year. Portable price signs are permitted on a permanent basis for gasoline service stations as regulated in subsection 20-26.4.b.1.(b).

5. Signs which constitute a traffic hazard are prohibited. A sign shall be considered a traffic hazard:
  - (a) When its location is such as to interfere with traffic sight distances, traffic flow or the visual access to name or address of a nearby business or residence or a street or traffic sign.
  - (b) When its color, configuration, text, or location are such that they could be mistaken for or otherwise imitate a traffic sign or signal.
  - (c) If it is in the public right-of-way unless the sign conforms to subsection 20-26.4.c.3.
6. Signs which bear or contain statements, words, or pictures of an obscene, untruthful, or misleading character.
7. Signs which are attached or otherwise portable or set on a motorized or non-motorized vehicle for the basic purpose of directing people to a business or activity located on that or any other premises. This section is not intended to prohibit typical reasonable business identification lettered on a motor vehicle.
8. Roof signs that project above a roof line.
9. No sign shall exceed twenty feet in height and no monument sign shall exceed eight feet in height.

(Ord. No. 84-08, A 26, § 2603; Ord. No. 86-06, § 41; Ord. No. 03-02, § 3)

**TABLE I**

**Regulations Regarding Permitted Aggregate Sign Area, Maximum Height, and Minimum Setback**

Zone	Maximum Height			Minimum setback all except wall, projecting and monument signs***	Aggregate Sign Area Total for All Permanent Signs
	Monument***	Pole Signs**	Wall, Roof & Win. Signs		
Single-Family Residential Uses such as Conditional Use Permits	N/A	N/A	N/A	N/A	N/A
Multi-Family	5'	N/A	20'	None	(.33) × length of street frontage
Neighborhood Commercial	5'	20	30	5'	*(.33) × length of street frontage
Professional Office	5'	20***	30****	5'	(1.5) × length of building frontage
General Commercial, Recreation, Schools, & Public Use	5'	20**	60'	5'	(1.5) × length of building frontage
Service Commercial	6**	20'	60'	5'	(2.0) × length of building frontage
Light Industrial	8'	20'	40'	5'	(2.0) × length of building frontage
Heavy Industrial	8**	20'	40'	5'	(2.0) × length of building frontage

\* The Planning Commission may by use permit allow an increase in maximum aggregate area for conditional uses in this district and for lots wider than 60 feet.

\*\* Plus one additional foot for every five feet of additional setback from the front and corner side yard but not exceeding 25 feet.

\*\*\* Not over three feet six inches in cross-visibility area.

\*\*\*\* The Planning Commission may by use permit allow maximum height to vary depending on building height.

The Planning Commission may by use permit allow an increase in maximum aggregate area for lots with less than 100 feet of allowable sign frontage.

**20-26.4 Specific Regulations.****a. Wall and Permanent Window Signs.**

1. Wall and permanent window signs shall not be placed above the window sill of the second floor of the building unless the business is conducted above the first floor, in which case the sign shall not be placed above the window sill of the third floor nor above the maximum height allowed for the zone.
2. Murals and wall graphics shall be approved by the Planning Commission. Any written message shall be counted as part of the allowable aggregate sign area. In granting or denying approval, the Planning Commission shall consider the extent to which the proposal fulfills the following standards:
  - (a) The mural or graphic shall demonstrate artistic quality or theme as opposed to direct or indirect illustrative advertising.
  - (b) The colors and materials used shall be reasonably harmonious with those in the area and shall not be used for the exclusive purpose of calling attention to the mural or graphic.
  - (c) The subject matter shall not be calculated to deride any person, group of persons, or activity.

**b. Ground Signs.**

1. Each parcel or group of contiguous parcels developed as a unit is permitted one ground sign structure. Additional ground signs are permitted only under the following conditions:
  - (a) Where a single business or development unit has frontage and primary public access on parallel streets, one ground sign is permitted for each separate street frontage.
  - (b) Gasoline service stations are permitted one separate non-illuminated price sign not to exceed 40 square feet in area or six feet in height. The price sign shall be permitted even when pricing information is in-

§ 20-26.4 CITY OF RIDGECREST ORDINANCES

corporated into the primary ground sign and can take the form of a permanent ground sign or portable sign.

- (c) Fast-food restaurants with drive-up windows are permitted one separate menu board adjacent to the drive-up lane not to exceed 25 square feet in area.
  - (d) Unique signage structures, as related to increased sign area, over height limitations, and/or other parameters not specifically listed within this chapter. Commercial shopping centers, multiple tenants of a single parcel, automobile dealers, and other uses in excess of 15,000 square feet of leased gross floor or sale area, may make application for a Conditional Use Permit for unique signage structures required for the site, under the definition of a use permit.
2. Accessory signs shall not be attached to ground sign structures.
  3. Each premise in any commercial or industrial zone shall not place more than one-half their permitted aggregate sign area on a ground sign.
  4. Ground signs that display nameplates shall be considered single signs regardless of the number of nameplates attached.

*c. Projecting Signs.*

1. An activity is allowed one projecting sign only when neither a ground sign or a roof sign is present in the development.
2. Projecting signs are subject to the limitations specified in the Uniform Sign Code.
3. Projecting signs may project into the public right-of-way, not to include alleys, if they conform to all other provisions of this Code and as may be further provided by the Uniform Sign Code.
4. Signs may not project within two feet of the curb lines.

5. Projecting signs may not exceed the maximum height limits permitted for the zone. Further, they may not extend vertically above the second floor window sill or, when there is no second floor, they may not extend above the parapet, eave, or roof line.

d. *Canopy Signs.*

1. Awnings, canopies, and marquees that project into the public right-of-way may have only individual cutout letters and/or symbols attached, painted, stenciled or otherwise placed on their faces.
2. Awnings, canopies and marquees may have a nameplate suspended beneath without being considered a projecting sign. The bottom of nameplates must be at least eight feet above the sidewalk and cannot extend beyond the canopy or within two feet of the curb line.
3. Signs attached above awnings, canopies, and marquees that are connected to buildings shall not extend beyond the maximum projections specified in the Uniform Sign Code. No projecting sign shall be permitted when signing is placed directly on canopies.
4. Signs shall not be attached above freestanding canopies.

e. *Roof Signs.*

1. One roof sign is permitted for each business below the lowest roof peak for each building in the CN, CG, CS, M-1, and M-2 zones.
2. Signs are not permitted above the roof peak or parapet wall nor above the maximum height allowed for the zone.
3. The bottom of roof signs shall be mounted flush with the surface of the roof and shall not interrupt roof lines or other major architectural features.

f. *Temporary Signs.*

1. Unless specified, do not require a permit but must conform to all restrictions of this chapter.

§ 20-26.4 CITY OF RIDGECREST ORDINANCES

2. Temporary signs are not counted as part of the allowed aggregate area for permanent signs. However, the total area of temporary signs shall not exceed the total permitted for permanent signs.
3. No single temporary sign shall exceed 100 square feet in area.
4. Temporary signs shall not be attached to ground, projecting, or roof signs.
5. Attention-getting devices are permitted for special events subject to Planning Department approval, when limited to a period of no more than ten (10) days. No more than three special events shall be permitted in one calendar year.
6. One non-illuminated sign denoting the intended use of the building, architect, engineer, contractor, builder, realtor, and financial backer may be permitted upon premises during construction, provided that such sign does not exceed 64 square feet in area and is no more than ten feet in height. Such signs shall be removed prior to the final inspection of the project.
7. One temporary real estate sign for a subdivision may be permitted on each arterial or collector street within that subdivision. When there are no arterial or collector streets within that subdivision, one such sign may be permitted on a local street within the subdivision. It shall not exceed 32 square feet on a side nor more than 64 square feet aggregate, nor be more than ten feet in height. Such signs shall be non-illuminated. Such signs shall be removed after completion of sales activities on the property or subdivision by the builder or within 18 months, whichever occurs first.
8. One onsite temporary real estate sign for each parallel street frontage of a lot pertaining to the lease, sale, financing or construction of a building or property, provided it shall not exceed the following size and height limitations and is not illuminated.

**TABLE II**

**Temporary Directional Signs**

<i>Zone</i>	<i>Aggregate Maximum Area</i>	<i>Ground Sign Maximum Height</i>
Single-Family Residential	16 sq. ft. per side; 32 sq. ft. total	8 ft.
Multi-Family Residential	32 sq. ft.	8 ft.
Office and Commercial	64 sq. ft.	10 ft.
Industrial	100 sq. ft.	10 ft.

9. A noncommercial sign expressing the opinion of the owner or occupant of the appurtenant property regarding political, religious, social, or economic topics of public interest shall be permitted so long as the message remains noncommercial in nature. Such signs shall not be placed on fences, trees, utility poles, street furniture, or in the public right-of-way. Only one such sign, not exceeding an aggregate of 32 square feet may be displayed per premises until it is no longer pertinent. Signs advocating a position regarding a specific candidate or proposition shall be removed no later than five days after the election.
10. Temporary directional signs subject to approval by the Planning Director. (See subsection 20-26.4g.2.)
11. Banners, flags, and streamers except when attached to an object that is attached to the building above the roof line.

*g. Off-Premises Signs.*

1. Billboards are allowed by Conditional Use Permit in the Service Commercial (CS) District and as provided in paragraph (b) below if the Planning Commission finds the following conditions to be present:
  - (a) The location of a billboard applied for is consistent with the purposes of the sign regulations of this chapter as set forth in the Statement of Purpose.

**§ 20-26.4 CITY OF RIDGECREST ORDINANCES**

- (b) **The sign may be placed only along and facing the following major highways in the General and Service Commercial Districts: State Route 178 and South China Lake Boulevard.**
  - (c) **Billboards shall not exceed 20 feet in height or ten feet by 20 feet in display area per sign side.**
  - (d) **No other billboard shall be closer than 300 feet of another billboard along the same side of a street.**
  - (e) **All lighting (if provided) shall be indirect (i.e., not internally lighted).**
  - (f) **The sign shall be freestanding with the lowest point no less than seven feet off the ground.**
  - (g) **The sign shall meet all other provisions of this chapter.**
  - (h) **The findings of subsection 20-21.7 can otherwise be made.**
- 2. Temporary directional signs are permitted for periods not exceeding 60 days. No more than four temporary directional signs shall be permitted in a one-year period. Where signs are to be displayed for longer periods of time, a Use Permit is required. In every case, such signs must meet the following conditions:**
- (a) **The location of the directional sign applied for is consistent with the purposes of the sign regulations of this chapter as set forth in subsection 20.26.1.**
  - (b) **The sign shall display only the name and directions to the event, location, or offering.**
  - (c) **The sign shall be non-illuminated.**
  - (d) **The sign shall not exceed the size and height limitations in Table II.**
  - (e) **The sign is to be placed only at points where a turning movement is to be made.**
  - (f) **The sign shall not impair the visibility of another sign.**

(g) The sign shall be removed after completion of activities on the property or subdivision or as specified in the conditions of the Use Permit.

(h) A cash deposit to cover the removal of the sign is required before the sign is erected, which is refundable upon proof that the sign has been removed. Fees required shall be as established by Council resolution.

### 3. Guide Signs.

(a) Guide signs are intended to direct individuals to locations which are difficult to locate and are placed as a public service, not for promotional purposes.

(b) The Planning Commission shall approve the erection and maintenance of all guide signs when special circumstances warrant such construction.

(Ord. No. 84-08, A 26, § 2604; Ord. No. 86-06, § 42; Ord. No. 87-16, § 3; Ord. No. 03-02, § 4)

#### *20-26.5 Special Regulations.*

a. Business without direct public access to the street parking, such as when one building is developed into several shops or offices, shall be permitted to display one nameplate per building entrance only.

b. *Development Identification.* Where several businesses are developed as a unit, such as a shopping center, that development is permitted one sign which identifies the development. The area of this sign shall not exceed the maximum allowable area for the largest business sign permitted in the development but in no case shall it exceed 100 square feet. Where the development identification is placed on a ground sign, subsection 20-26.4 is applicable.

c. *Comprehensive Sign Plans.* At the option of the owner and/or developer, a comprehensive sign plan may be provided for a specific use of groups of businesses or for the whole of a shopping center development. Such a plan may regulate the location, size, height, color, lighting, orientation, and types of

**§ 20-26.5 CITY OF RIDGECREST ORDINANCES**

signs in the included area. Provided that such a comprehensive plan is presented and approved as outlined in subsection 20-26.8g., exceptions to this Section may be permitted.

(Ord. No. 84-08, A 26, § 2605; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-26.6 Permit Procedure.**

a. All signs except exempt signs and most temporary signs require Planning Department approval prior to being erected, placed, altered, or moved, to insure compliance with the provisions of this chapter.

b. Where a use permit is required, it must be obtained from the Planning Commission prior to issuance of a building permit.

c. When an encroachment permit is required from the State Department of Transportation, it must be obtained prior to issuance of a building permit.

d. Three sets of sign plans shall be submitted to the Planning and Building Departments for approval. The sign plan shall contain:

1. Address of sign location.
2. Name and phone number of owner.
3. Name, address and phone number of contractor or erector.
4. Site plan showing location of signs.
5. Elevation showing locations on a building or other structure including height of sign and any projection from building.
6. Elevation of sign showing dimensions and material.
7. Construction details of typical sections for all applicable signs.
8. Sign evaluation and, for electric signs, the number of transformers.
9. Lighting details.

10. Any other information necessary to determine compliance with this chapter.  
(Ord. No. 84-08, A 26, § 2606; Ord. No. 86-06, § 3)

*20-26.7 Nonconforming Signs.*

a. Nonconforming Signs - Termination Date.

1. All legal nonconforming signs, billboards, and other sign structures which were erected and in existence prior to the effective date of this chapter, which were, at the time of such erection or establishment, in compliance with all then applicable statutes and ordinances, but which do not meet the requirements of this chapter, shall be removed and/or made conforming by January 2007.
2. All legally constructed existing signs on property annexed to the City after the effective date of this chapter shall be permitted to continue as nonconforming signs for the period stated in paragraph b. of this subsection, effective starting as of the date of the annexation. Any changes to the signs or their structures in terms of location, orientation, size or height will require that all signs and their structures on the property, business, and/or development be brought into conformance with this chapter.
3. Zone Changes: Signs that are made nonconforming with the provisions of this chapter, due to a change in zoning affecting the premises on which the sign is located, shall be permitted to remain in existence, notwithstanding their nonconforming character, for the period stated in paragraph b. of this subsection, starting with the effective date of the zone change.

b. Removal.

1. The Planning Director or Public Works Director may order the removal without compensation of any nonconforming sign, billboard or sign structure meeting any of the following criteria:
  - (a) Any advertising display erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use.

§ 20-26.7 CITY OF RIDGECREST ORDINANCES

- (b) Any advertising display which was lawfully erected but whose use has ceased, or the structure upon which the display has been abandoned by its owner, for a period of not less than 90 days. Temporary signs shall be deemed to be abandoned after the sale, event or campaign which they advertise has been completed.
- (c) Any advertising display which has been more than 50 percent destroyed, and the destruction is other than facial copy replacement and the display cannot be repaired within 30 days of the date of its destruction.
- (d) Any advertising display which is temporary.
- (e) Any advertising display which is or may become a danger to the public or is unsafe.
- (f) Any advertising display which constitutes a traffic hazard not created by relocation of streets or highways or by acts of any City or County.
- (g) Any advertising display which has been altered or maintained in violation of any ordinance or regulation.

Except as provided elsewhere, the Planning Director or Public Works Director shall give 30 days written notice to the owner of the building, structure or lot on which the sign is located to remove the sign or bring it into full compliance. The Planning Director or Public Works Director may order the immediate removal of any sign billboard or sign structure if in his opinion the condition of the sign is such as to constitute an immediate threat to the safety of the public.

- 2. Any nonconforming onsite advertising structure for which there has been a prior agreement between the City and the owner of the sign calling for the removal of such structure, shall be removed as of the date set out in the agreement, and no compensation shall be provided.
- 3. Nonconforming onsite advertising structures not meeting paragraphs 1. and 2. above, which were located within an area shown as residential on the General Plan and zoned

for residential use on the date on which the advertising structure was erected shall be abated and removed within 15 years of the date of adoption of this chapter. Removal prior to said 15-year period may be required by the City Council pursuant to paragraph c. of this subsection; however, except as provided elsewhere, compensation for such prior removal shall be paid on the basis of one-fifteenth of the duplication cost of construction of the display being removed, multiplied by the number of years remaining before the expiration of said 15-year period.

4. Removal of all other nonconforming onsite advertising structures may be required at any time by the Planning Director, the Public Works Director, Planning Commission or the City Council. Except as provided elsewhere, compensation for such removal shall be paid on the basis of the greater of "fair market value" or "fair and just compensation" as defined herein.
5. Removal of any nonconforming off-site advertising structure not located in a residential area which was in existence on November 6, 1978, or was erected after that date and which complied with all regulations in effect at the time it was erected may be required at any time by Council. Compensation for such removal shall be paid as defined in the Eminent Domain Law (Title 3 of Part 3 of the Civil Procedure).
6. Removal without compensation of any nonconforming off-site advertising structure located in a residential zone district may be required by Council pursuant to paragraph c. of this subsection. In such cases, the subject off-site advertising structure shall be allowed to remain in existence and amortized for the time periods represented in the following chart. Following the expiration of said time periods, the structure shall be removed.

§ 20-26.7 CITY OF RIDGECREST ORDINANCES

<b>Fair Market Value on Date of Notice Of Removal Requirement</b>	<b>Minimum Years Allowed</b>
Under \$1,999.00 . . . . .	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 over . . . . .	7

c. At the conclusion of the hearing, the Council may deny the appeal and application or grant such extension of time for the continuation of nonconforming use as the Council finds justified by the evidence.

d. General. Any nonconforming sign, billboard or advertising structure which is remodeled, enlarged, relocated or otherwise reoriented, outside of a change of copy, shall only be remodeled, enlarged, relocated or otherwise reoriented in a manner which brings the sign, billboard or advertising structure into full conformance with this Code.

Any nonconforming sign, billboard or advertising structure which is located on a site or structure which is subject to remodeling, enlargement or construction, outside of a change of copy, where such display is affected by the remodeling, enlargement, or construction shall be brought into full conformance with this Code or removed from the site or structure.

(Ord. No. 84-08, A 26, § 2607; Ord. No. 86-06, § 44; Ord. No. 03-02, § 5)

*20-26.8 Administration and Enforcement.*

a. *Administration.* This section shall be administered by the Planning Director, who is authorized and directed to enforce all provisions of this section. The Planning Director is authorized to promulgate procedures consistent with the purpose of this chapter and is further empowered to delegate the duties and powers granted to and imposed upon him under this chapter.

b. *Inspection.* Construction of all signs and their attachment is governed by the regulations of the Uniform Building Code, the Uniform Sign Code, and this chapter as adopted by the City of Ridgecrest, and shall be inspected and approved by the Building Department.

c. *Maintenance.* All signs and supporting structures shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted and clean. The immediate surrounding premises shall be maintained free of weeds and rubbish. The Planning Director is authorized to order the painting, cleaning or repair of signs which become dilapidated and the cleaning of the immediate premises. Such maintenance shall be completed within 30 days of receiving written notice.

d. Any Conditional Use Permit granted for a sign or signs shall become void if the sign is altered or relocated in any way which makes the sign in violation of the requirements of this section or the conditions imposed upon the Use Permit when it was authorized.

e. *Penalties.* Failure to comply with the provisions of this section shall subject the owner to the penalties provided for in infractions as otherwise provided in this Code.

f. *Appeals.* Any person aggrieved by any decision or order of the Planning Director or Public Works Director may appeal to the Planning Commission unless such denial is based on violations of the Uniform Building Code, the Uniform Sign Code or the National Electric Code. Denial for these reasons must be appealed to the Board of Building Appeals. Appeals shall be in writing and must be filed in the Planning Department within ten days of the date of the decision or order which is being appealed.

g. *Comprehensive Sign Plans.* Such plans, as described in subsection 20-26.5c., shall be administered by the Planning Director. The plans shall contain the signature of the owner and/or developer and that written and graphic information required to fully describe what shall and shall not be permitted in the development. Those plans that do not violate this chapter's regulations shall be approved by the Planning Director. Those plans that would violate this chapter's regulations may be ap-

§ 20-26.8 CITY OF RIDGECREST ORDINANCES

proved by the Planning Commission if the plans conform with the intent of this chapter and result in an improved relationship between the various parts of the development. Actions by the Planning Commission for comprehensive sign plans shall be governed by Section 20-21 (Conditional Use Permits). (Ord. No. 84-08, A 26, § 2608; Ord. No. 86-06, § 45)

**20-27 Zero Lot Line.**

**20-27.1 Purpose and Intent.** The purpose and intent of the zero lot line provisions of this Code are to utilize new or existing subdivided lots in a manner not otherwise provided in the Code by providing zero lot line setback on one or both side yards in

R-1, R-2, R-3 and R-4 districts. It is also intended that the use provide more efficient use of land, reduce housing unit prices, provide better relation and utilization of outdoor space to its optimum benefit and use internal and external areas more efficiently by placing dwelling units on a side yard property line.

Where regulations provided in this chapter conflict with others of the Code, the regulations specified herein shall apply. (Ord. 84-08, A 27, § 2701)

**20-27.2 District Use.** Zero lot line uses may be located in the single-family or multi-family residential districts as conditional uses. It shall be required that any such use be processed in accordance with Sections 20-21 and 20-22 (Conditional Use Permit, Site Plan Review). (Ord. 84-08, A 27, § 2702)

**20-27.3 Minimum Site Area; Lot Dimensions and Density.** The minimum site area, lot dimensions and density shall be the same as those listed in the underlying zoning district, except the area and lot dimension of lots legally subdivided prior to the adoption of this chapter shall suffice as the minimum.

The Planning Commission may, in approving a Conditional Use Permit for a zero lot line development, impose such conditions as are reasonable and waive one or all of the required side yard setback requirements in the underlying district provided that the Commission can make all of the required findings not related to side yard setbacks as specified in subsections 20-21.7 and 20-22.7.

This provision would allow row housing provided that the end units have at least ten feet of unobstructed side yard on the two ends of a row. All provisions for off-site parking requirements, front and rear yard setbacks, height and coverage shall be governed by the underlying district. (Ord. 84-08, A 27, § 2703)

**20-27.4 Provisions for Maintenance Easements.** A perpetual five-foot minimum maintenance easement shall be provided on the lot adjacent to the zero lot line property line except that where two separate homes share a common zero line, no

easement shall be required provided the construction of all common walls meets the requirements of the Uniform Building Code and that there are adequate provisions recorded relating to the maintenance of the common area on and around the common wall and property line. This provision can be provided by the recording of appropriate conditions, covenants and restrictions (CC&Rs) as approved by the City. (Ord. 84-08, A 27, § 2704)

## **20-28 Enforcement and Appeal.**

**20-28.1 Permits, Certificates and Licenses.** All officials, departments and employees of the City of Ridgecrest vested with the authority or duty to issue permits, certificates or licenses shall comply with the provisions of this chapter and shall issue no permit, certificate or license which conflicts with the provisions of this chapter. Any permits, certificate or license issued in conflict with the provisions of this chapter shall be void. (Ord. 84-08, A 28, § 2801)

### **20-28.2 Enforcement and Penalties.**

a. It shall be the duty of the Planning Director or his authorized representative, and any other officers of the City charged by law with the enforcement of the provisions of this chapter to enforce this chapter and all of its provisions.

b. All departments, officials and public employees of the City who are vested with the duty and authority to issue licenses and permits when required by law shall conform to the provisions of this chapter.  
(Ord. 84-08, A 28, § 2802)

**20-28.3 Violations; Penalties.** Any person, firm, corporation or organization violating any provision of this chapter shall be guilty of an infraction as provided by this Code and, upon conviction thereof, shall be punishable by a fine of not more than fifty (\$50.00) dollars on a first conviction, a fine of not more than one hundred (\$100.00) dollars on a second conviction within one year, and a fine of not more than two hundred fifty (\$250.00) dollars on a third conviction within one

year. A person, firm, corporation or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this chapter is committed, continued or permitted by the person, firm, corporation or organization and shall be punishable as herein provided.

Any structure erected, moved, altered, enlarged or maintained and any use of a site contrary to the provisions of this chapter, or as otherwise unlawfully created prior to the effective date of this chapter, shall be and is hereby declared to be unlawful and a public nuisance, and the City Attorney shall immediately institute necessary legal proceedings for the abatement, removal and injunction thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure or use and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering, or enlarging the structure or using the site contrary to the provisions of this chapter. (Ord. 84-08, A 28, § 2803)

**20-28.4 Appeals: General.** Except as otherwise provided in Chapters XIX or XX or required by State law, appeals may be taken only by: (1) citizens affected by such decision; (2) property owners or a group of property owners affected by such decision; (3) any governmental agency or other entity owning property which may be affected by such decision; or (4) the City Council. (Ord. No. 92-09, § 7)

**20-28.5 Appeal to Planning Commission.**

a. Whenever the provisions of Chapters XIX or XX delegate the authority to carry out any of the provisions of this chapter to any City officer or employee, the decision of such person shall be final subject to appeal to the Planning Commission. A written appeal must be filed with the Community Development Director within ten calendar days of the date that the notice of the decision from the authorized individual was given to the applicant.

b. The appeal shall state why the decision appealed from is not in accord with the purposes of this chapter, and shall de-

§ 20-28.6 CITY OF RIDGECREST ORDINANCES

scribe error or an abuse of discretion. The appeal shall also set forth the requested relief.

c. The Planning Commission shall consider the appeal at a public hearing and approve, conditionally approve, or deny the appeal. Notice of the time and place of said hearing shall be given at least ten calendar days before the hearing.

(Ord. No. 92-09, § 8)

*20-28.6 Appeal to City Council.*

a. The decisions of the Planning Commission may be appealed to the City Council. The appeal shall be filed with the City Clerk within ten calendar days of the date of the Planning Commission's decision. No appeals to the City Council may be taken by any person or entity not appearing either in person or in writing before the Planning Commission.

b. The appeal shall state why the decision appealed from is not in accord with the purposes of this chapter, and shall describe error or an abuse of discretion. The appeal shall also set forth the requested relief.

c. Except as required by California Government Code Section 65856, the City Council may, without public hearing, approve the action of the Planning Commission and deny the appeal. If the City Council decides to accept the appeal and review the action taken by the Planning Commission, the City Council shall affirm, reverse, or modify the decision of the Commission at a regular meeting. Notice of the time and place of said hearing shall be given at least ten calendar days before the hearing in the same form as that required for appeals to the Planning Commission.

(Ord. No. 92-09, § 9)

**20-29 Fees.**

a. The City Council shall, from time to time, establish fees for the cost of reviewing each application for a permit or entitlement to use as set forth in this chapter including all costs incurred by staff, the Planning Commission and Council to review applications, and appeals and to provide legally required notices and other necessary reports and recommendations. Such fees shall also be adequate to recover the cost, if any, of conducting the environmental review associated with the permit or entitlement for use.

b. Director of Community Development may establish fees for miscellaneous services and materials not set by Council action provided the Director shall establish no fee in excess of the cost of providing the service or material for which the fee is levied and provided further the Director shall submit a report to the Council at least 20 days before the effective date of the fee. The fee shall not be effective if the City Council disapproves. (Ord. No. 87-08, § 2)

**20-30 Development Agreements.**

**20-30.1 Application.** Any person, or his authorized agent, who has legal or equitable interest in the real property which is the subject of the development agreement by submitting a proposed agreement to the Director of Community Development. (Ord. No. 87-45, § 3)

**20-30.2 Initial Review of Application.** After receiving the required application, the Director shall prepare a report and recommendation which shall be presented to the Planning Commission for review at a duly noticed public hearing as set forth below. (Ord. No. 87-45, § 3)

**20-30.3 Notices.**

a. The City Clerk shall give notice of intention to consider adoption of development agreement prior to consideration of the proposed agreement by the Commission.

§ 20-30.4 CITY OF RIDGECREST ORDINANCES

b. The notice of intention to consider adoption of development agreement shall contain:

1. The time and place of the hearing;
2. A general explanation of the matter to be considered including a general description of the area affected; and
3. Other information required by specific provision of these regulations or which the Director considers necessary or desirable.

c. The notice shall be given by:

1. Publication at least once in a newspaper of general circulation, published and circulated in the City or if there is none, posting in at least three public places in the City.

2. Mailing of the notice to all persons shown on the last equalized assessment roll as owning real property within 300 feet of the property which is the subject of the proposed development agreement. If the number of owners to whom notice is to be mailed is greater than 1,000, the Director may as an alternative provide notice in the manner set forth in § 65854.5(b) of the Government Code.

d. The failure of any person entitled to receive or respond to such notice required by law or these regulations does not affect the authority of the City to enter into a development agreement. (Ord. No. 87-45, § 3)

*20-30.4 Conduct of Hearing.*

a. The public hearing shall be conducted as nearly as may be in accordance with the procedural standards adopted under Government Code § 65804 for the conduct of zoning hearings. Each person interested in the matter shall be given

an opportunity to be heard. The applicant has the burden of proof at the public hearing on the proposed development agreement.

b. No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is not presumption that error is prejudicial or that injury was done if error is shown.

(Ord. No. 87-45, § 3)

**20-30.5 *Contents of Development Agreements.*** A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time. (Ord. No. 87-45, § 3)

**20-30.6 *Other Land Use Regulations.*** Unless otherwise provided by the development agreement, rules, regulations and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications, applicable to development of the

§ 20-30.7 CITY OF RIDGECREST ORDINANCES

property subject to a development agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement. A development agreement shall not prevent a city, county, or city and county, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent a city, county, or city and county from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies. (Ord. No. 87-45, § 3)

*20-30.7 Determination by Planning Commission.* At the conclusion of the hearing the Planning Commission shall make its recommendation in writing to the City Council. The recommendation shall include the Planning Commission's determination whether or not the development agreement proposed is:

- a. Consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan;
- b. Compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
- c. In conformity with public convenience, general welfare and good land use practice;
- d. Detrimental to the health, safety and general welfare; and
- e. Adversely affecting the orderly development of property or the preservation of property values.

(Ord. No. 87-45, § 3)

*20-30.8 Decision by City Council.*

- a. The Council shall conduct a duly noticed public hearing to consider the Planning Commission's recommendations. The hearing shall be called and conducted in the same manner as the Commission hearing is called and conducted.
- b. After the hearing, the Council may accept, modify or disapprove the recommendation of the Planning Commission.

The Council may, but need not, refer matters not previously considered by the Planning Commission during its hearing back to the Planning Commission for report and recommendation. The Planning Commission may, but need not, hold a public hearing on matters referred back to it by the Council.

c. The 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.

d. If the Council approves the development agreement, it shall do so by the adoption of an ordinance. After the ordinance approving the development agreement takes effect, the City may enter into the agreement.

(Ord. No. 87-45, § 3)

**20-30.9 *Recordation of Development Agreement, Amendment of 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 § 65868, or if the City terminates or modifies the agreement as provided in Government Code § 65868, 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. 87-45, § 3)

**20-30.10 *Periodic Review.***

a. The City shall review the development agreement at least every 12 months from the date of the agreement. 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; and

§ 20-30.11 CITY OF RIDGECREST ORDINANCES

3. Affirmative vote of at least three members of the Council.

b. The City Clerk shall begin the review proceeding by giving notice that the City intends to undertake a periodic review of the development agreement to the property owner. The Clerk shall give the notice at least 30 days in advance of the time at which the matter will be considered by the Commission.

c. The Commission shall conduct a duly noticed public hearing at which the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner. The Commission shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.

d. If the City 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. If the City 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 City may modify or terminate the agreement.

e. The property owner may appeal a determination pursuant to this section to the Council in accordance with the City's rules for consideration of appeals.

(Ord. No. 87-45, § 3)

*20-30.11 Modification or Termination.*

a. If the City determines to proceed with modification or termination of the agreement, the City shall give notice to the property owner of its intention so to do. The notice shall contain:

1. The time and place of the hearing;
2. A statement as to whether or not the City proposes to terminate or to modify the development agreement; and
3. Other information which the City considers necessary to inform the property owner of the nature of the proceeding.

b. At the time and place set for hearing on modification or termination, the property owner shall be given an opportunity to be heard. The Council may refer the matter back to the Planning Commission for further proceedings or for report and recommendation. The 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 Council is final.

(Ord. No. 87-45, § 3)

### **20-31 Off-Site Automobile Sales.**

**20-31.1 General.** No person shall conduct an off-site automobile sale or permit off-site automobile sales to be conducted without first securing a permit pursuant to this chapter.

(Ord. No. 03-01, § 3)

**20-31.2 Definitions.** For the purposes of this Section, the following definitions shall apply:

"Automobile" shall mean cars, light trucks, motorcycles, mopeds, and other forms of motorized vehicular transport.

"Director" shall mean the Director of Community Development.

"Off-site sales" shall mean sale of three (3) or more automobiles at a location not open for automobile sales business during regular business hours on a year-round basis.

"Temporary use" shall mean use of property for off-site automobile sales for three (3) or fewer consecutive days.

(Ord. No. 03-01, § 3)

**20-31.3 Application for Permit.** Applications for a permit to conduct off-site automobile sales shall be filed with the director of community development. The applicant must be a licensed California car dealer. The director shall prepare an application form which requests information from the applicant needed by the director to make a decision consistent with this chapter.

The applicant shall file a completed application no fewer than 40 calendar days and no more than 180 calendar days in advance of the proposed sale. The Director shall prepare a written decision

**§ 20-31.3 CITY OF RIDGECREST ORDINANCES**

within ten (10) calendar days of the date a completed application is filed. The decision shall contain the findings of fact upon which the decision is made.

(Ord. No. 03-01, § 3)

**20-31.4 Findings.** The following findings must be made by the director prior to approving a permit:

- A. The proposed use will be located, operated, and maintained in a manner consistent with each of the applicable Sections of the Municipal Code, including the provisions of this Chapter.
- B. The proposed site shall be improved and shall be located within a commercial or industrial zone.
- C. The proposed use will not be detrimental to property or improvements in the surrounding area or to the public health, safety, or welfare.
- D. The proposed use will have no significant adverse environmental effects.
- E. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or reasonably might generate.
- F. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available on-site or at alternate locations acceptable to the Director.
- G. The applicant has paid fees and deposits owed to the City, both related to the applied-for permit and to any other matter, in a timely manner, including any past-due payments for other permits if applicable.

(Ord. No. 03-01, § 3)

**20-31.5 Permit Decision.** Decisions on the permit application shall be made by the Director in accordance with the criteria of this chapter. The Director shall not issue more than four (4) permits during each calendar year in the entire City. A permit for

off-site automobile sales shall be effective for the dates specified by the Director, not to exceed three (3) days plus such time as the Director approves for setting up and dismantling the site.  
(Ord. No. 03-01, § 3)

20-31.6. *Permit Conditions.* The Director may impose permit conditions necessary to ensure the permit will be in accordance with the findings required above. These conditions may include, but are not limited to:

A. Provision of temporary parking facilities, including vehicular ingress and egress.

B. Regulation of nuisance factors such as prevention of glare or direct illumination of adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases, and heat.

C. Regulation of temporary structures and facilities, including placement, height, size, and location of equipment, tents, or open spaces, including buffer areas and other yards.

D. Provision of sanitary facilities, solid waste collection, and disposal.

E. Provision of security or safety measures, including adequate lighting.

F. Regulation of size and location of signs.

G. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested.

H. Submission of a performance bond or other security to assure that any temporary facilities or structures used for the proposed temporary use will be removed from the site following the event and that the property will be restored to its former condition.

I. Any other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this Chapter.

20-31.7 *Revocation and Amendment.* A permit may be revoked by the Director upon violation of the terms of the permit.

§ 20-31.7 CITY OF RIDGECREST ORDINANCES

The Director may amend the terms or conditions of a permit to ensure the use is consistent with the required conditions.

(Ord. No. 03-01, § 3)

20-31.8. *Appeal.* The Director's decision to approve or deny an application for permit or to revoke or modify an approved permit may be appealed to the City Council in accordance with the procedures set forth in this Code.

(Ord. No. 03-01, § 3)

**20-32 Density Bonuses.**

20-32.1 *Purpose.* Density Bonuses (incentives and concessions) shall be granted by the City consistent with the provisions of Government Code Section 65915, as amended, when an applicant for housing development agrees or proposes to construct at least any one of the following:

a. Twenty (20) percent of the total units of a housing development for lower income households, as identified in Section 50079.5 of the Health and Safety Code,

b. Ten (10) percent of the total number of dwelling units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code,

c. Fifty (50) percent of the total dwelling units of a housing development for qualifying residents, as defined in Section 51.3 of the Civil Code,

d. Twenty (20) percent of the total dwelling units in a condominium project as defined in subsection (f) of Section 1351 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.

(Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-32.2 *Application.* Density Bonuses shall be granted in a ministerial manner consistent with State Density Bonus Law (Government Code Section 65915) upon site plan review and summarized as follows:

a. A twenty-five (25) percent density bonus shall be granted for housing that includes at least fifty (50) percent of all units for seniors and elderly persons plus one additional incentive, or financially equivalent incentive(s). (California Government Code Section 65915).

b. All handicap units shall be exempt from maximum residential density requirements.

c. Incentives shall be provided for the development of Planned Unit Developments (PUD) that include amenities and the preservation of common open space, accommodate seniors and lower income (low and very low) projects with a twenty-five (25) percent density bonus pursuant to Government Code Section 65915.

d. A twenty-five (25) percent density bonus shall be granted for market rate residential developments that set-aside twenty (20) percent of the total number of units, with restrictions, for low and very low income persons.

e. The City shall provide a ten (10) percent density bonus to accommodate large family dwelling units.

f. The City shall grant a density bonus equal to the number of lots or units lost as a result of providing additional, useable recreational space for very low, low and special needs housing in Planned Unit Developments.

g. Density Bonuses shall be granted in a ministerial manner, and be approved as a part of site plan review. (Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**20-32.3 Exceptions.** The City shall grant the additional concession or incentive, unless the City makes a written finding and determination, based on substantial evidence, that the additional concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code.

(Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

**Editor's note**—Ord. No. 04-03, § 15, adopted May 5, 2004, and Ord. No. 04-04, §§ 3, 4, adopted May 5, 2004, added provisions intended for use as § 20-31. Because there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as § 20-32.