



**CITY OF INDIO**

# UNIFIED DEVELOPMENT CODE

Effective 10.22.22

**INDIO**

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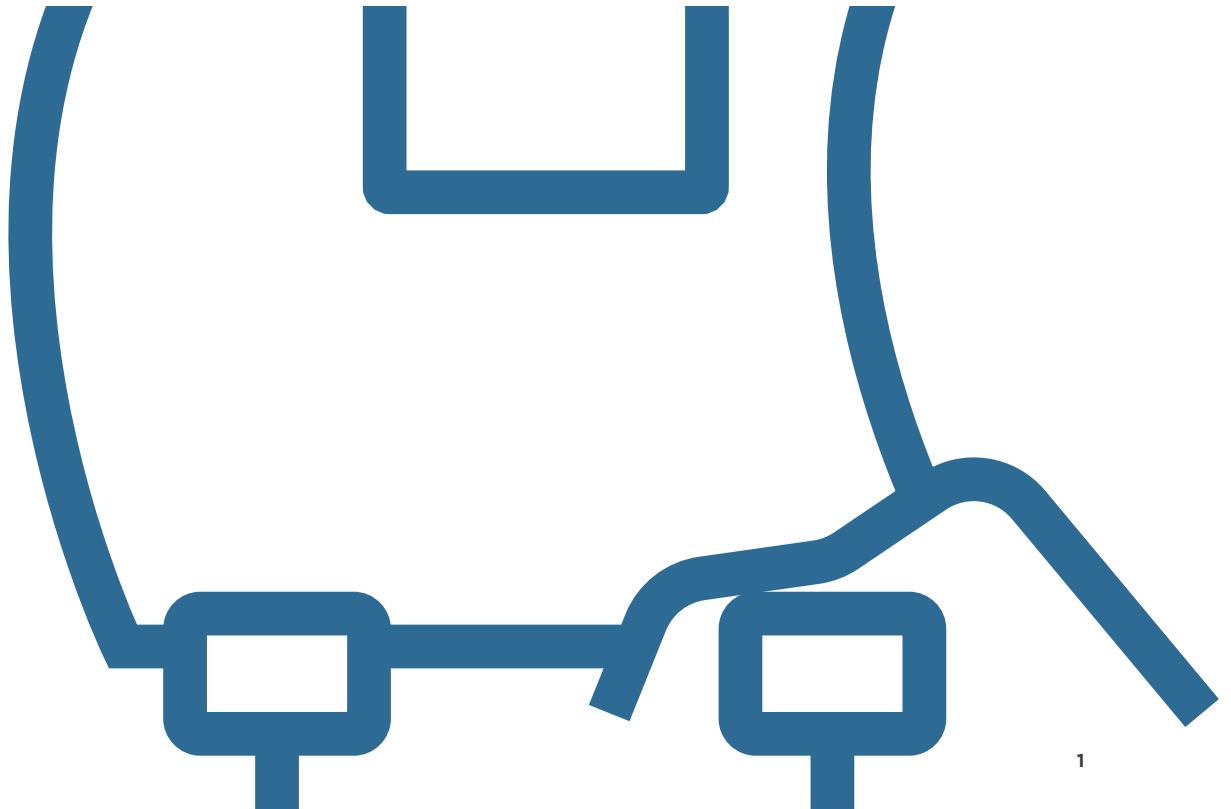
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**ARTICLE 1**

**INTRODUCTORY PROVISIONS**

UNIFIED DEVELOPMENT CODE

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# 1.01. PURPOSE + AUTHORITY

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## 1.01.01. Title

This Title shall be known and officially cited as the “Unified Development Code of the City of Indio.” It is referred to in this Title as the “Indio Development Code,” the “Development Code,” or the “Code.”

The provisions of this Code supersede all prior ordinances codified in Chapters 150, 154, 156, and 159 of the Indio Municipal Code and any amendments.

## 1.01.02. Purpose

The purpose of this Code is to implement the City’s General Plan and to protect, promote, and enhance the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the Code is adopted to achieve the following objectives:

- A.** Achieve the arrangement of land uses depicted in the City of Indio General Plan, consistent with the goals and policies of the General Plan;
- B.** Provide standards for the orderly growth and development of the city, and guide and control the use of land to foster a safe, harmonious, convenient, attractive, and workable relationship among land uses;
- C.** Ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial to the city as a whole;
- D.** Ensure consideration of natural environmental features in the development and use of land within the city;
- E.** Revitalize and connect neighborhoods to preserve and enhance quality of life in the city;
- F.** Facilitate the appropriate location of community facilities, institutions, transportation, and parks and recreational areas;
- G.** Promote economic growth and the creation of jobs;
- H.** Promote high-quality design in the development process so that new development enhances the appearance of the city as it matures;
- I.** Encourage infill development in existing sections of the city and provide for innovative and sustainable development in undeveloped areas;
- J.** Define duties and powers of administrative bodies and officers responsible for implementation of the Code.

### 1.01.03. Authority

This Code is enacted based on the authority vested in the City by the State of California, including, but not limited to: the State Constitution, Sections 65800 and subsequent sections of the Government Code, the California Environmental Quality Act, the Subdivision Map Act, the Health and Safety Code, and case law of the State and Federal courts as they may all be modified from time to time.

### 1.01.04. Scope

This Code is adopted to accomplish the stated objective of and to implement the City's General Plan. To accomplish these objectives, the City shall regulate the use, location, area, and dimension of sites for development; the bulk and height of structures; the appearance of certain uses, structures, and signs; open space, landscaping, access and egress, off-street parking; and other such aspects of land use which may be deemed necessary for the public peace, health, safety, and general welfare of the people working and living within the city.

### 1.01.05. Applicability and Exemptions

This Code applies to all land uses, activities, structures, subdivisions, and development within the incorporated jurisdiction of the City of Indio and to property for which applications for annexation and/or subdivisions have been submitted to the City of Indio, except as provided by this Section. The applicability described in this Section is not a comprehensive list; the Director of Community Development (Director) shall determine the specific applicability of the Code to all projects and applications within the city.

#### A. New Land Uses or Structures, Changes to Land Uses or Structures.

Compliance with the requirements of this Code is necessary for any private person, firm, corporation or organization or public agency to lawfully establish, construct, occupy, maintain, reconstruct, alter, expand, or replace any use of land or structure. Any governmental agency shall be exempt from the provisions of this Code only to the extent that such property may not be lawfully regulated by the City of Indio (e.g., Federal or Tribal lands that are not subject to local land use regulations).

#### B. Issuance of City Permits and Licenses.

No permit or business license shall be issued by the City unless the proposed project or activity complies with all applicable provisions of this Code and all other applicable provisions of law.

#### C. Subdivisions.

Each subdivision of land approved within the City shall comply with the minimum lot size requirements of Article 2 (Zone Regulations), the City's subdivision regulations in Article 5 (Subdivision Regulations), the Subdivision Map Act, and all applicable requirements of this Code.

## D. Exemptions.

The following uses and conditions are exempt from modification by this Code:

**1. Existing Uses and Structures.**

An existing land use/structure is lawful if legally established, operated, and maintained in compliance with all applicable zoning and development regulations at the time of establishment, as provided by Chapter 6.07 (Nonconforming Provisions).

**2. Violations.**

A violation or nonconforming existing land use/structure that was established prior to the adoption of this Code shall maintain the violation and/or nonconforming status until steps are taken to bring the land use or structure into conformance with this Code. See Chapter 6.07 (Nonconforming Provisions) for regulations and standards for nonconforming uses and buildings.

**3. Existing City Entitlements.**

Any effective entitlement and/or permit issued by the City prior to the effective date and hour of this Code shall be permitted to be exercised regardless of compliance with any or all regulations of this Code.

**4. Projects in Progress + Pending Proceedings.**

Any actions or proceedings initiated under provisions repealed, amended or modified by the provisions of this Code, and any vested right, shall not be affected by the enactment of the provisions of this Code, except that subsequent proceedings shall conform to the provisions of this Code insofar as possible and allowable by State law.

**5. Previous Violation or Conviction.**

Any violation of and/or conviction under any provision repealed, amended or modified by the provisions of this Code shall be considered as a violation of and/or conviction under this Code. The repeal or substitution of any provisions shall not affect any prosecution which may be pending in any court for the violation of any provision of the Code at time of the repeal or substitution.

## E. Density Bonuses for Affordable and Senior Housing.

All proposed housing developments that qualify under California Government Code Section 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code Section 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code Section 65915, as may be amended. See Indio Municipal Code Chapter 154 (Density Bonuses and Other Incentives for Low Income and Senior Housing).

## F. Other Requirements May Apply.

Nothing in this Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any County, State, or Federal agency. No use that is illegal under local or State law shall be allowed in any zone within the city.

## G. Substandard Lots.

Legally created substandard lots on record prior to the adoption of this Code shall be deemed in compliance with the minimum lot area requirements. The lot area per dwelling unit, however, shall remain as specified in the applicable zone. In no instance shall these provisions prevent the erection of a single-family dwelling on any substandard residential lot.

## 1.01.06. Interpretation of Regulations

### A. Clarification of Ambiguity.

The Director shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Code. Whenever the Director determines that the meaning or applicability of any of the requirements of this Code are subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Planning Commission for determination. If ambiguity arises concerning the appropriate classification of a particular use or regulation within the meaning and intent of this Code with respect to any matters regulated by this Code based on established or unforeseen circumstances, including technological changes in processing or application of materials, the Director shall have the authority to interpret the regulation based on understanding of the Code. Appeals on any such official interpretation by the Director may be filed and heard consistent with Article 6 (Administration and Procedures); see Table 6.02.04 1 (Summary of Review Authorities for Decisions and Appeals) for the specific review/appeal hierarchy.

### B. Discretion.

When this Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose conditions on the issuance of any City entitlements, consistent with Article 6 (Administration and Procedures).

### C. Minimum Requirements.

The provisions of this Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. Where this Code provides for more discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Code, as may be determined by the applicable Review Authority, if it is deemed necessary to promote health and safety, orderly land use development, and the other purposes of this Code.

### D. Conflicting Regulations.

The regulations of this Code and requirements or conditions imposed pursuant to this Code shall not supersede any other regulations or requirements adopted or imposed by the Indio City Council, the State of California, or any Federal agency that has jurisdiction by law over uses and development authorized by this Code. All uses and development authorized by this Code shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Code and any other City ordinance, chapter, resolution, guideline, or regulation, the more restrictive provisions shall control, unless otherwise specified.

### E. Private Agreements.

The provisions of this Code are not intended to revoke, annul, or impair any easements, codes, covenants and restrictions or other existing agreement between parties, which are more restrictive than the provisions of this Code. Where this Code imposes a greater restriction or higher standard than that required by private agreement, this Code shall control. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

### F. Development Agreements and Specific Plans.

Standards adopted as part of any development agreement or specific plan shall control over any conflicting Code requirements adopted subsequent to the development agreement or specific plan.



## G. Time Limits.

Whenever a number of days is specified in the Code, or in any permit, condition of approval, or notice provided in compliance with the Code, the number of days shall be consecutive calendar days. A time limit shall extend to 5:00 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.

## H. Terminology.

Language used in this Code shall be understood as follows:

### 1. Mandatory Language.

The words “shall,” “will,” “is to,” “must,” and “are to” are always mandatory and not discretionary.

### 2. Encourage Language.

“Should” indicates that the standard is not mandatory but is strongly recommended. “May” is permissive and does not represent a regulatory requirement.

### 3. Indicative Language.

The words “include,” “includes,” and “including” mean “including, but not limited to.” The word “and” means that all connected words or provisions apply; the word “or” means that the connected words or provisions shall apply singly or in any combination. The words “either ... or” indicate that the connected words or provisions shall apply singly, but not in combination.

## I. Photo and Figure Disclaimer.

Images, photos, and diagrams in this Code are not intended to be interpreted literally; they are provided to illustrate regulations and assist in understanding the desired character or proposed implementation of a standard (e.g., measurement/calculation, range of scale, intensity, site organization, streetscape, building design). In case of conflict between the text and a figure, illustration, heading, caption, diagram, or graphic, the text controls.

## 1.01.07. Nuisances

It is a public nuisance for any person, firm, company, or organization to own, use, operate, lease, or otherwise maintain a property or a building, or to own, operate, lease, or otherwise maintain property in violation of any provision of this Code. Notices of violation shall be provided and recorded, and nuisances abated according to the provisions of Municipal Code Chapter 95A (Nuisances).

## 1.01.08. Responsibility for Administration

This Code shall be administered by the City Council, the Planning Commission, the Director or designee, the Community Development Department, the Building Official or staff person designated by the Director to perform such actions, and any other departments, groups, personnel, or individuals as identified in a specific Chapter of this Code, in compliance with Article 6 (Administration and Procedures).

## 1.01.09. Relationship to the General Plan

This Code implements the goals and policies of the Indio General Plan by regulating the use of land and structures within the City. This Code and the General Plan shall be consistent with one another. Any permit, license, or approval issues in accordance with this Code must be consistent with the General Plan and all applicable specific plans. In any case where there is a conflict between this Code and the General Plan, the General Plan shall control.

## 1.01.10. Severability

The provisions of this Code are severable. If any applicability, Chapter, Section, subsection, paragraph, sentence, clause, or phrase of this Code is, for any reason, held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the decision shall not affect the validity or constitutionality of any other portion or provision of this Code.

# 1.02. ZONES AND ZONING MAP

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## 1.02.01. Applicability

The Official Zoning Map, as established by this Code, shall apply to all real property within the city. The establishment of land uses and buildings in all zones shall be consistent with the provisions of this Code and the standards and regulations applicable to the zone. City zones and their relationship to the General Plan Place-Types are listed in Table 1.02.03-1 (Base Zones and Overlay Zones).

## 1.02.02. Zoning Map

The City's Official Zoning Map establishes and defines all zones and overlay areas, and their boundaries. Each zone outlines land use and development standards to implement the range of expected outcomes expressed in the Indio General Plan. All zone regulations shall be applied based on the zone boundaries and locations established by the Official Zoning Map. All overlay areas further regulate the land use or specific activities within the underlying zone and shall be applied based on the overlay boundaries and locations established by the City's Official Zoning Map.

The boundaries of the zones established by this Code are not included in this Code but are shown on the City's Official Zoning Map maintained by the Community Development Department. The Zoning Map, together with all legends, symbols, notations, references, zone boundaries, map symbols, and other information on the map has been adopted by the Council and is hereby incorporated into this Code by reference, together with any amendments previously or hereafter adopted.

### A. Annexation of Properties.

When property outside of the City limits is submitted for annexation to the City, zoning of the property shall be determined by the City and shall be incorporated into the Official Zoning Map upon adoption.

### B. Amendments to the Zoning Map.

Amendments to the Official Zoning Map shall follow the process established in Chapter 6.06 (General Plan and Zoning Amendments).

## 1.02.03. Establishment of Zones

The city is divided into Residential Neighborhood Zones, Mixed-Use Zones, Commercial/Industrial Zones, and Public/Institutional Zones to individually regulate development form and land use of parcels. This specific mix of zones implements the General Plan by providing for a range of development intensity and uses that are compatible with the character of the City's neighborhoods, districts, and corridors. The city is divided into base zones and overlay zones that implement the General Plan as shown in Table 1.02.03-1, and are applied geographically by the Official Zoning Map.

Existing legally constructed nonconforming uses, buildings, and structures established prior to the adoption of this Code are legal, nonconforming uses and are permitted to operate subject to the regulations of Chapter 6.07 (Nonconforming Provisions).

TABLE 1.02.03-1: Base Zones and Overlay Zones

| Zone Symbol                       | Name of Zone                               | Section Reference  | General Plan "Place-Type" Implemented by Zone |
|-----------------------------------|--|--|---|
| <b>Residential Zones</b>          |  |  |   |
| MH                                | Mobile Home                                | Chapter 2.01 (Residential Zones)                           | Connected Neighborhoods                       |
| DE - 1                            | Desert Estates - 1                         | Chapter 2.01 (Residential Zones)                           | Desert Estates                                |
| DET - 3                           | Desert Estates Transition - 3              | Chapter 2.01 (Residential Zones)                           | Desert Estates                                |
| SN - 4                            | Suburban Neighborhood - 4                  | Chapter 2.01 (Residential Zones)                           | Suburban Neighborhood                         |
| SN - 8                            | Suburban Neighborhood - 8                  | Chapter 2.01 (Residential Zones)                           | Suburban Neighborhood                         |
| <b>Mixed-Use Zones</b>            |  |  |   |
| CN - 14                           | Connected Neighborhood - 14                | Chapter 2.03 (Mixed Use Zones)                             | Connected Neighborhood                        |
| CN - 20                           | Connected Neighborhood - 20                | Chapter 2.03 (Mixed Use Zones)                             | Connected Neighborhood                        |
| MUN                               | Mixed Use Neighborhood                     | Chapter 2.03 (Mixed Use Zones)                             | Mixed Use Neighborhood                        |
| NC                                | Neighborhood Center                        | Chapter 2.03 (Mixed Use Zones)                             | Neighborhood Center                           |
| MT                                | Midtown                                    | Chapter 2.03 (Mixed Use Zones)                             | Midtown                                       |
| DT                                | Downtown                                   | Chapter 2.03 (Mixed Use Zones)                             | Downtown                                      |
| <b>Non-Residential Zones</b>      |  |  |   |
| IL                                | Light Industrial                           | Chapter 2.04 (Non-Residential Zones)                       | Workplace and Employment District             |
| IH                                | Heavy Industrial                           | Chapter 2.04 (Non-Residential Zones)                       | Workplace and Employment District             |
| RC                                | Regional Commercial                        | Chapter 2.04 (Non-Residential Zones)                       | Regional Commercial                           |
| RR                                | Resource Recovery                          | Chapter 2.04 (Non-Residential Zones)                       | Resource Recovery                             |
| <b>Public/Institutional Zones</b> |  |  |   |
| PI                                | Public and Institutional                   | Chapter 2.05 (Public/Institutional Zones)                  | Public and Institutional                      |
| OS                                | Parks and Open Space                       | Chapter 2.05 (Public/Institutional Zones)                  | Parks and Open Space                          |
| <b>Other Zones</b>                |  |  |   |
| SP/PMP                            | Specific Plans and Project Master Plans    | Chapter 2.06 (Specific Plan and Project Master Plan Zones) | Various                                       |
| <b>Overlays</b>                   |  |  |   |
| R-OS                              | Resource Management and Open Space Overlay | Chapter 2.07 (Overlay Zones)                               | Resource Management and Open Space Overlay    |
| FD                                | Festival District                          | Chapter 2.07 (Overlay Zones)                               | Festival District                             |
| ES                                | Emergency Shelter Overlay                  | Chapter 2.07 (Overlay Zones)                               | Various                                       |
| PD                                | Planned Development                        | Chapter 2.07 (Overlay Zones)                               | Various                                       |



## 1.02.04. Interpretation of Zone Boundaries

When uncertainty exists about the location of any zone boundary or section shown on the Official Zoning Map, the precise location of the boundary shall be determined by the Director. Generally, the following boundary guidelines shall be used for reading the Zoning Map and for interpretation, unless otherwise determined by the Director.

### A. General Boundaries.

Zone boundaries approximately following the right-of-way shall be construed to follow the proximate property line or right-of-way line.

### B. Scale.

If a zone boundary does not follow a property line, or where a zone boundary divides a property, the location scale on the Official Zoning Map shall be used to determine the location of the boundaries, unless the boundaries are indicated by dimensions.

### C. Split Zone Properties.

Where a zone boundary divides a property, each portion of the property shall be developed in accordance with the applicable zoning designation. If more than 80 percent of the property falls under one zoning designation, the property owner may choose to develop the entire property according to that designation.

### D. Centerline Boundaries.

Zone boundaries shown within a right-of-way that do not follow the outside right-of-way line(s) shall be construed to follow the centerline of such rights-of-way.

### E. Vacated Areas.

Vacated, abandoned, or non-occupancy uses (e.g., dedicated circulation rights-of-way, utility or maintenance easement/corridors, creek easements, railroad rights-of-way, or similar uses) shall be treated in one of the following ways:

1. Revert to the identified zone.
2. Where no zone is identified by the Official Zoning Map, the vacated right-of-way or non-occupancy use shall acquire the zoning district classification of the adjacent property to which it reverts.
3. The Director shall determine the applicable zone; City Council approval and adoption by ordinance of the assigned zone shall be required to incorporate the zoning of the property into the Official Zoning Map.

### F. Unclassified Areas.

Dedicated circulation rights-of-way, utility or maintenance easement/corridors, creek easements, railroad rights-of-way, or similar non-occupancy uses shown within a designated zone shall be deemed to be unclassified and shall not be used for development or structural purposes inconsistent with the established right-of-way use.

In accordance with the provisions of Chapter 3.03 (Parking and Loading), off-street automobile parking may be permitted within such unclassified rights-of-way, provided that such parking is constructed in accordance with all applicable standards and all necessary permits and approvals are obtained. Railroad rights-of-way shall be used solely for the purpose of accommodating tracks, signals, other operative devices, and the movement of rolling stock, unless otherwise vacated.

# 1.03. HOW TO USE THIS CODE

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The following information summarizes how to use this Zoning Code given the anticipated range of applications that will be submitted and processed.

## 1.03.01. Instructions

### A. Zoning.

Find the property on the City's Official Zoning Map to determine which zone applies.

### B. Land Uses.

See the "allowed land uses" table applicable to the zone to determine what uses are allowed on the site and what types of permit(s) are required. See Article 2 (Zone Regulations) for allowed land use tables for each zone.

### C. Application Requirements.

Follow the application requirements identified in Article 6 (Administration and Procedures).

### D. Zone Standards.

See the Chapters applicable to the zone to determine the development standards, operational standards, and all other provisions applicable to and required by the zone, per Table 1.02.03-1 (Base Zones and Overlay Zones).

### E. Additional Standards.

Apply the design standards or other standards applicable to the zone or land use, if any. Supplemental development and design standards can be found by zone in Article 2 (Zone Regulations). Standards applicable to all uses or zones can be found in Article 3 (Citywide Regulations). Standards for special uses can be found in Article 4 (Special Uses). Density bonus regulations and incentives for affordable housing can be found in Indio Municipal Code Chapter 154 (Density Bonuses and Other Incentives for Low Income and Senior Housing).

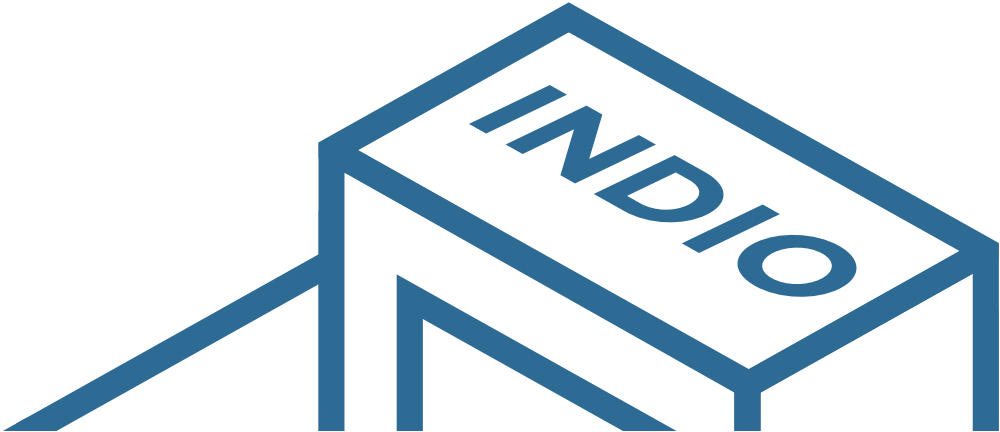
### F. Parking Standards.

Provide at least the minimum required parking spaces as regulated by Chapter 3.03 (Parking and Loading).

### G. Submit Application for Processing.

Submit an application for processing, in compliance with Article 6 (Administration and Procedures).

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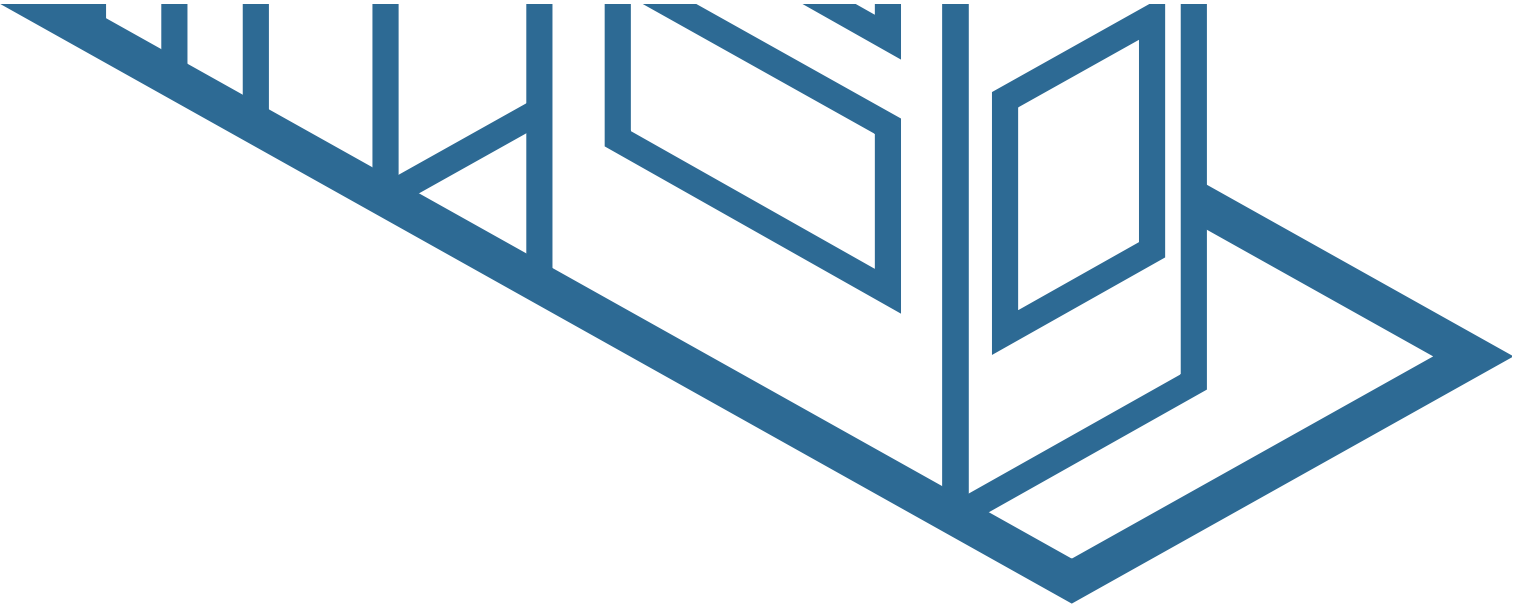
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**ARTICLE 2**

**ZONE REGULATIONS**

UNIFIED DEVELOPMENT CODE

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## 2.01. PURPOSE + USE CLASSIFICATIONS

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### 2.01.01. Purpose

The purpose of this Chapter is to establish allowed land uses and corresponding requirements for permits and entitlements for each of the City's base and overlay zones. Uses allowed herein are consistent with and implement the corresponding land use designations in the Indio General Plan. Allowed land uses include both primary and accessory uses that are permanent in nature. Regulations for temporary uses are listed separately in Chapter 4.11 (Temporary Uses).

### 2.01.02. General Requirements

All land uses shall conform to the purpose and intent of the applicable zone, and shall comply with the following.

#### A. Special Use Regulations.

Additional use regulations for special land uses are listed in Article 4 (Regulations for Specific Uses).

#### B. Special Planning Areas.

Special Planning Areas include areas of the city with adopted planning documents for development within each respective project area (e.g., specific plans, planned developments, master plans). These Special Planning Area documents establish land use and/or development regulations that are unique to the particular project area. When a property is located within a Special Planning Area, the allowed use provisions of that Special Planning Area document shall govern. If a planning document refers back to, utilizes, or defers to one or more of the City's base zones, the allowed use provisions in those base zones shall apply. If a planning document (Specific Plan, Project Master Plan, Development Agreement) refers back to, utilizes, or defers to the zoning in effect at the time of its adoption, refer to Municode Chapter 159 – operative prior to October 22, 2022. If there are any conflicts between a base zone and a Special Planning Area document, the Special Planning Area document shall control.

#### C. Overlay Zones.

When a property is located within an overlay zone, the allowed use provisions of that overlay zone shall control. When an overlay zone is silent on allowed use provisions, it defers to the allowed use provisions of the base zone. Only where there is a conflict between two regulations will the overlay zone provisions control.

#### D. Bermuda Dunes Airport Compatibility Zones.

The City of Indio does not directly regulate the Bermuda Dunes Airport Land Use Compatibility Plan, as this is the responsibility of the Riverside County Airport Land Use Commission and its Staff. However, for properties affected by this Plan, densities, intensities, and prohibited uses shall be consistent with criteria of the Bermuda Dunes Airport Land Use Compatibility Plan, including applicable County-wide criteria as may exist at the time of project review. If the project is located in the Bermuda Dunes Airport Compatibility zones, a project proponent is responsible for coordinating with Indio City Staff and Airport Land Use Commission Staff, as appropriate.

#### E. Unlisted or Similar Compatible Uses.

If a use is not specifically listed, or if the use is not substantially similar to a use classification provided in this Code, the use shall not be allowed. When a use is not specifically listed in this title, the use may be permitted if the Director determines that the use is substantially similar to other uses when all the following findings are made by the Director in writing:

- 1. The characteristics of, and activities associated with, the proposed use are equivalent to and comparable to one or more of the listed permitted uses, and will not involve a higher level of activity or density than the uses permitted in the applicable zoning district.
- 2. The proposed use is substantially similar to a listed permitted use.
- 3. The proposed use is compatible with the purpose and intent of the applicable zone.
- 4. The proposed use has a similar degree of traffic, noise, light, odor, and other operational impacts as a listed permitted use.
- 5. The operation of the proposed use will not be detrimental to existing uses in the area of influence.

Decisions of the Director may be appealed as described in Section 6.03.13 (Appeals).

**F. Unlisted Standards and Permit Requirements.**

When the Director makes the Subsection D findings in writing, the proposed use will be treated in the same regulatory manner as the zone listed use for allowable location(s), permits required, and all other applicable standards and requirements of this Code.

**G. Illegal Uses.**

No use that is illegal under local, State, or Federal law shall be allowed in any zone within the city.

**H. Prohibited Uses.**

No operations conducted on any property shall create objectionable and/or obnoxious dust, light, matter, mud, noise, odor, refuse, smoke, steam, vibration, maintenance needs of grounds or buildings, or other nuisance(s). No land use shall be detrimental to the health and welfare of the Indio community. For the purposes of public health, safety, and general welfare, land uses listed in Table 2.01.02-1 are prohibited in any zone in the city, and are not subject to the Director’s discretion. Full provision is made for all types of uses necessary for industrial development within the city, and thus the following uses, because of their nuisance and hazard characteristics if permitted within the developed area of Indio, would defeat the basic purposes of zoning.

**TABLE 2.01.02-1: Prohibited Land Uses**

| Prohibited Land Uses                                       |
|--|
| Manufacture of Nitrocellulose Products                     |
| Rendering Plant  |
| Dead Animal Reduction or Dumping Slaughterhouse            |
| Distillation of Bones                                      |
| Smelting   |
| Garbage Processing   |
| Gas Manufacture  |
| Glue Manufacture   |
| Tannery  |
| Explosives Manufacture/Storage                             |
| Unlawful Use based on State, Federal, or other regulations |

## 2.01.03. Permissions Tables and Establishment of an Allowed Use

The land use permissions, as established by zone per Tables 2.02.02-1, 2.03.02-1, 2.04.02-1, 2.05.02-1, and 2.06.03-1 in this Chapter, shall be applicable to all new uses, structures, and activities within the identified zone. See Chapter 6.07 (Nonconforming Provisions) for regulations and standards for existing nonconforming uses.

Prior to the establishment of any land use identified in the land use permissions tables of this Chapter, the applicant shall obtain all necessary approvals and permits in compliance with all applicable requirements of this Code. Chapter 6.04 (Permits and Approvals) identifies the requirements of development proposals, and procedures and processing requirements for administrative and discretionary permit applications.

Land uses listed in the land use permissions tables and throughout this Code have been grouped into general categories based on common function, product, or compatibility characteristics. These use categories are called use classifications. The classifications are listed in alphabetical order in the use tables. Use classifications describe one or more uses having similar characteristics but do not list every use or activity that may be appropriate within the classification. For that reason, the City has established a similar use determination process as described in Subsection D of this Section. Each land use is described in Article 7 (Definitions). For example, personal service use includes a wide range of individual personal service uses (beauty parlor, dry cleaning, tanning salons, tailors).

Any one or more land uses allowed per the land use permissions tables in this Chapter may be established on any lot within the zone, subject to the planning permit requirement listed in the tables, and in compliance with all applicable requirements of this Code. Accessory uses are allowed only in conjunction with a primary use to which the accessory use relates, or as specified in the tables.

Where a single parcel is proposed for development with two or more of the land uses listed in the table at the same time, the overall project will be subject to the permit type requiring the highest level of review required by the table for any individual use. However, all applicable fees shall be paid for one or more permit types.

In addition to the regulations and development standards of the applicable zone, all land uses are subject to the specific use standards identified in the “Additional Use Regulations” column of the allowed use tables. Refer to the referenced Sections for additional operational standards and regulations applicable to the use.

## 2.01.04. Allowed Uses + Permit Requirements

Allowed uses by zone and corresponding requirements for entitlements are listed in Tables 2.02.02-1, 2.03.02-1, 2.04.02-1, 2.05.02-1, and 2.06.03-1 for all of the city’s base zones. Generally, a use is either allowed by right, allowed through issuance of a permit, or not allowed. In addition to the requirements for planning entitlements of this Code, other permits may be required prior to establishment of the use (e.g., building permit or permits required by other agencies). The requirements for planning entitlements include:

### A. Permitted (P).

A land use shown with a “P” indicates that the land use is permitted by right in the designated zone, subject to compliance with all applicable provisions of this Code (e.g., development standards), as well as State and Federal law.

### B. Accessory Use (A).

A land use shown with “A” indicates that the land use is permitted only as a secondary use in conjunction with a primary use, subject to compliance with all applicable provisions of this Code (e.g., development standards), as well as State and Federal law.

### C. Administrative Use Permit (AUP) Required.

A land use shown with “AUP” indicates that the land use is permitted in the designated zone upon issuance of an administrative use permit from the designated approving authority, subject to compliance with all applicable provisions of this Code (e.g., development standards), as well as State and Federal law.

**D. Conditional Use Permit (CUP) Required.**

A land use shown with “CUP” indicates that the land use is permitted in the designated zone upon issuance of a conditional use permit from the designated approving authority, subject to compliance with all applicable provisions of this Code (e.g., development standards), as well as State and Federal law.

**E. Not Permitted (X).**

A land use shown with an “X” in the table is not allowed in the applicable zone.

**F. Temporary Uses (TUP).**

On occasion, property will be used for an event, activity, or use on a short-term basis. Such use is considered a temporary use. A land use shown with “TUP” indicates that the land use is permitted as a temporary use in conjunction with the issuance of a temporary use permit in accordance with Section 6.04.05 (Temporary Use Permits). Chapter 4.27 (Temporary Uses) provides the regulations for these uses, including development standards and time limits.



# 2.02. RESIDENTIAL ZONES

## 2.02.01. Purpose + Intent

The purposes of the residential zones are to:

- A. Provide for a full range of housing types consistent with the General Plan;
- B. Preserve, protect, and enhance the character of the City’s different residential neighborhoods;
- C. Enhance the quality of life for City residents;
- D. Ensure that the scale and design of new development and alterations to existing development are compatible with surrounding residences and appropriate to the physical and aesthetic characteristics of proposed locations; and
- E. Provide sites for public and semi-public land uses such as parks, schools, day care, and other community uses that will serve City residents and will complement surrounding residential development.

Additional purposes of each residential zone are as follows:

### F. Desert Estates - 1 (DE-1).

The Desert Estates – 1 (DE-1) zone applies to semi-rural areas of the city and is intended to conserve natural features while providing low-intensity residential neighborhood development for single-family, detached homes at a density of up to one dwelling unit per acre. This zone implements the Desert Estates General Plan land use designation.



### G. Desert Estates Transition – 3 (DET-3).

The Desert Estates Transition – 3 (DE-3) zone applies to semi-rural areas of the city and is intended to conserve natural features while providing low-intensity residential neighborhood development for single-family, detached homes at a density of up to three dwelling units per acre. This zone implements the Desert Estates General Plan land use designation.



**H. Suburban Neighborhoods - 4 (SN-4).**

The Suburban Neighborhoods – 4 (SN-4) zone is intended to provide low-intensity neighborhood development for single-family, detached homes at a density of up to four dwelling units per acre. This zone implements the Suburban Neighborhoods General Plan land use designation.



**I. Suburban Neighborhoods - 8 (SN-8).**

The Suburban Neighborhoods – 8 (SN-8) zone is intended to provide low-intensity neighborhood development for single-family, detached homes at a density of up to eight dwelling units per acre. This zone implements the Suburban Neighborhoods General Plan land use designation.



**J. Mobile Home Park (MH).**

The Mobile Home Park (MH) zone applies to areas of the city appropriate for the exclusive and orderly planned development of mobile home parks and subdivisions, travel trailer parks, and recreational vehicle parks. The purpose of the zone is to establish appropriate regulations and standards in accordance with Section 18000 et seq. of the Health and Safety Code of the State of California. This zone falls within the Connected Neighborhoods General Plan land use designation.



## 2.02.02. Land Use Regulations

The land uses allowed in the residential zones are listed in Table 2.02.02-1. Allowed Uses - Residential Zones, together with the planning permit type required for each use. Numeric notes can be found at the end of the table.

**TABLE 2.02.02-1: Allowed Uses – Residential Zones**

P = Permitted; AUP = Administrative Use Permit; CUP = Conditional Use Permit; TUP = Temporary Use Permit; A = Accessory Use; X = Not Permitted

| RESIDENTIAL ZONES  |                        |                        |                |      |    |                                     |
|--|------------------------|------------------------|----------------|------|----|-------------------------------------|
| Use <sup>1</sup>   | DE-1                   | DET - 3                | SN-4           | SN-8 | MH | Additional/Specific Use Regulations |
| Agriculture and Animal Keeping Uses                                  |                        |                        |                |      |    |                                     |
| Agricultural Support, Sales, Service, and Storage                    | X                      | X                      | X              | X    | X  |                                     |
| Aquaculture  | X                      | X                      | X              | X    | X  |                                     |
| Animal Husbandry and Production                                      | X                      | X                      | X              | X    | X  |                                     |
| Animal Raising and Keeping, Exotic                                   | X                      | X                      | X              | X    | X  |                                     |
| Animal Raising and Keeping, Domestic Pets                            | A                      | A                      | A              | A    | A  | See Chapter 4.04 (Animal Keeping)   |
| Animal Raising and Keeping, Horses                                   | A <sup>2,3</sup> , AUP | A <sup>2,3</sup> , AUP | X              | X    | X  | See Chapter 4.04 (Animal Keeping)   |
| Animal Raising and Keeping, Large Livestock                          | A <sup>2,3</sup> , AUP | X                      | X              | X    | X  | See Chapter 4.04 (Animal Keeping)   |
| Animal Raising and Keeping, Small Livestock, Poultry, and Beekeeping | A <sup>2</sup>         | A <sup>2</sup>         | A <sup>2</sup> | X    | X  | See Chapter 4.04 (Animal Keeping)   |
| Backyard Breeding  | A <sup>2</sup>         | A <sup>2</sup>         | A <sup>2</sup> | X    | X  | See Chapter 4.04 (Animal Keeping)   |
| Community Garden   | P                      | P                      | P              | P    | P  |                                     |
| Crop Production  | P                      | X                      | X              | X    | X  |                                     |
| Greenhouse, Private  | A                      | A                      | A              | A    | A  |                                     |
| Horticultural Production   | X                      | X                      | X              | X    | X  |                                     |
| Kennels, Private/Hobby   | AUP                    | AUP                    | X              | X    | X  |                                     |
| Private Garden   | P                      | A                      | A              | A    | A  |                                     |
| Stable/Equestrian Facility, Commercial/Public                        | CUP <sup>2,3</sup>     | CUP <sup>2,3</sup>     | X              | X    | X  | See Chapter 4.04 (Animal Keeping)   |
| Stable/Equestrian Facility, Hobby/Private                            | A <sup>2,3</sup> , AUP | A <sup>2,3</sup> , AUP | X              | X    | X  | See Chapter 4.04 (Animal Keeping)   |
| Automobile and Vehicle Uses  |                        |                        |                |      |    |                                     |
| Auto and Vehicle Rental  | X                      | X                      | X              | X    | X  |                                     |
| Auto and Vehicle Sales, New  | X                      | X                      | X              | X    | X  |                                     |
| Auto and Vehicle Sales, Used   | X                      | X                      | X              | X    | X  |                                     |
| Auto and Vehicle Sales and Rental, Large Vehicles and Equipment      | X                      | X                      | X              | X    | X  |                                     |
| Auto and Vehicle Services and Repair – Major                         | X                      | X                      | X              | X    | X  |                                     |
| Auto and Vehicle Services and Repair – Minor                         | X                      | X                      | X              | X    | X  |                                     |
| Auto and Vehicle Towing/Impounding                                   | X                      | X                      | X              | X    | X  |                                     |
| Auto and Vehicle Washing and Detailing                               | X                      | X                      | X              | X    | X  |                                     |
| Auto and Vehicle Wrecking/Dismantling                                | X                      | X                      | X              | X    | X  |                                     |



| RESIDENTIAL ZONES   |      |         |      |      |    |  |
|---|------|---------|------|------|----|--|
| Use <sup>1</sup>  | DE-1 | DET - 3 | SN-4 | SN-8 | MH | Additional/Specific Use Regulations  |
| Fueling Stations  | X    | X       | X    | X    | X  |  |
| Truck Stop/Fueling Station                                      | X    | X       | X    | X    | X  |  |
| Cannabis Related Uses   |      |         |      |      |    |  |
| Cannabis Cultivation, Commercial                                | X    | X       | X    | X    | X  |  |
| Cannabis Cultivation, Personal                                  | P    | P       | P    | P    | P  | Personal indoor cultivation of 6 or fewer live cannabis plants within a single private residence or inside an accessory structure located upon the grounds of a private residence that is a fully enclosed and secure structure is permitted per Chapter 4.06 (Cannabis Activity). Outdoor personal cultivation of live cannabis plants is prohibited. |
| Cannabis Logistics, Distribution, and Transportation Facility   | X    | X       | X    | X    | X  |  |
| Cannabis Manufacturing  | X    | X       | X    | X    | X  |  |
| Cannabis Retailer, Microbusiness, or Dispensary                 | X    | X       | X    | X    | X  |  |
| Cannabis Testing Laboratory                                     | X    | X       | X    | X    | X  |  |
| Eating and Drinking Establishments and Entertainment Uses       |      |         |      |      |    |  |
| Bar/Nightclub/Lounge  | X    | X       | X    | X    | X  |  |
| Brewpub/Taproom/Wine Bar/Microdistillery                        | X    | X       | X    | X    | X  |  |
| Cinema/Theater/Performing Arts Center                           | X    | X       | X    | X    | X  |  |
| Drive-Through, Non-Restaurants (Accessory)                      | X    | X       | X    | X    | X  |  |
| Live Entertainment as Accessory Use, Indoors (Accessory)        | X    | X       | X    | X    | X  |  |
| Live Entertainment as Accessory Use, Outdoors (Accessory)       | X    | X       | X    | X    | X  |  |
| Outdoor Dining  | X    | X       | X    | X    | X  |  |
| Outdoor Entertainment   | X    | X       | X    | X    | X  |  |
| Restaurant, Dine-In and Take-Out                                | X    | X       | X    | X    | X  |  |
| Restaurant, Drive -Through                                      | X    | X       | X    | X    | X  |  |
| Industrial and Manufacturing Uses                               |      |         |      |      |    |  |
| Artisan Manufacturing/Makers Space                              | X    | X       | X    | X    | X  |  |
| Brewery/Distillery/Winery - without tasting room or > 10,000 sf | X    | X       | X    | X    | X  |  |
| Brewery/Distillery/Winery - with tasting room and <10,000 sf    | X    | X       | X    | X    | X  |  |
| Construction and Materials Yards                                | X    | X       | X    | X    | X  |  |
| Food or Beverage Manufacturing                                  | X    | X       | X    | X    | X  |  |
| Hazardous Materials/Wholesale Fuel Storage and Distribution     | X    | X       | X    | X    | X  |  |

| RESIDENTIAL ZONES  |      |         |      |      |     |  |
|--|------|---------|------|------|-----|--|
| Use <sup>1</sup>   | DE-1 | DET - 3 | SN-4 | SN-8 | MH  | Additional/Specific Use Regulations  |
| Indoor Warehousing, Storage, Wholesaling, and Distribution | X    | X       | X    | X    | X   |  |
| Manufacturing/Processing, Heavy                            | X    | X       | X    | X    | X   |  |
| Manufacturing/Processing, Light                            | X    | X       | X    | X    | X   |  |
| Mining/Resource Extraction                                 | X    | X       | X    | X    | X   |  |
| Outdoor Storage (Primary Use)                              | X    | X       | X    | X    | X   |  |
| Outdoor Storage (Accessory)                                | X    | X       | X    | X    | X   |  |
| Salvage and Wrecking Yards                                 | X    | X       | X    | X    | X   |  |
| <b>Lodging</b>   |      |         |      |      |     |  |
| Bed and Breakfast  | CUP  | CUP     | AUP  | AUP  | X   |  |
| Lodging - Extended Stay                                    | X    | X       | X    | X    | X   |  |
| Lodging - Hotels   | X    | X       | X    | X    | X   |  |
| Lodging - Motels   | X    | X       | X    | X    | X   |  |
| Lodging - Timeshares                                       | X    | X       | X    | X    | X   |  |
| <b>Recreation, Education, and Public Assembly Uses</b>     |      |         |      |      |     |  |
| Campground, Temporary                                      | TUP  | TUP     | TUP  | TUP  | TUP | See Chapter 4.27 (Temporary Uses)  |
| Cemeteries, Crematories, or Mausoleums                     | CUP  | CUP     | X    | X    | X   |  |
| Civic/Government   | CUP  | CUP     | CUP  | CUP  | X   |  |
| College/University   | CUP  | CUP     | CUP  | CUP  | X   |  |
| Commercial Recreation and Sports, Indoor                   | X    | X       | X    | X    | X   |  |
| Commercial Recreation and Sports, Outdoor                  | AUP  | AUP     | AUP  | AUP  | X   |  |
| Community Assembly, Up to 5,000 sf (gross sf)              | P    | P       | P    | P    | X   |  |
| Community Assembly, > 5000 sf - 12,000 sf (gross sf)       | AUP  | AUP     | AUP  | AUP  | X   |  |
| Community Assembly, >12,000 sf (gross sf)                  | CUP  | CUP     | CUP  | CUP  | X   |  |
| Cultural Institutions                                      | CUP  | CUP     | CUP  | CUP  | X   |  |
| Day Care Centers   | AUP  | AUP     | AUP  | AUP  | X   | See Chapter 4.09 (Child Day Care in a Home (Small and Large) and Day Care Centers) |
| Instructional Services, <= 5000 sf                         | X    | X       | X    | X    | X   |  |
| Instructional Services, > 5000 sf                          | X    | X       | X    | X    | X   |  |
| Open Space, Natural  | P    | P       | P    | P    | P   |  |
| Parks and Recreation Facilities                            | P    | P       | P    | P    | P   |  |
| Public Service Facility                                    | AUP  | AUP     | AUP  | AUP  | X   |  |
| Recreational Vehicle (RV) Park                             | X    | X       | X    | X    | X   |  |
| Schools, Public or Private (TK-12)                         | X    | X       | CUP  | CUP  | X   |  |
| Social Service Facilities                                  | X    | X       | CUP  | CUP  | X   |  |
| Tutoring Facilities  | X    | X       | X    | X    | X   |  |
| Vocational/Trade School                                    | X    | X       | CUP  | CUP  | X   |  |

| RESIDENTIAL ZONES   |        |         |        |        |        |  |
|---|--------|---------|--------|--------|--------|--|
| Use <sup>1</sup>  | DE-1   | DET - 3 | SN-4   | SN-8   | MH     | Additional/Specific Use Regulations  |
| <b>Residential Uses</b>   |        |         |        |        |        |  |
| Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) | A      | A       | A      | A      | A      | See Chapter 4.02 (Accessory Dwelling Units)  |
| Caretaker's Unit  | X      | X       | X      | X      | A      |  |
| Child Day Care in a Home, Large   | AUP    | AUP     | AUP    | AUP    | AUP    | See Chapter 4.09 (Child Day Care in a Home (Small and Large) and Day Care Centers) |
| Child Day Care in a Home, Small   | P      | P       | P      | P      | P      | See Chapter 4.09 (Child Day Care in a Home (Small and Large) and Day Care Centers) |
| Cottage Food Operation  | A, AUP | A, AUP  | A, AUP | A, AUP | A, AUP | See Chapter 4.11 (Cottage Food Operations)   |
| Cottage Industry  | A, AUP | A, AUP  | A, AUP | A, AUP | A, AUP | See Chapter 4.12 (Cottage Industry)  |
| Emergency Shelter   | X      | X       | X      | X      | X      |  |
| Group Residential Home  | AUP    | AUP     | AUP    | AUP    | X      |  |
| Home Occupation   | A      | A       | A      | A      | A      | See Chapter 4.15 (Home Occupations)  |
| Live/Work   | AUP    | AUP     | AUP    | AUP    | X      | See Chapter 4.16 (Live/Work)   |
| Manufactured/Mobile Home Park   | X      | X       | X      | X      | P      | See Chapter 4.17 (Manufactured/Mobile Home Park)                                   |
| Residential Care Facilities, Large                                      | CUP    | CUP     | CUP    | CUP    | X      |  |
| Residential Care Facilities, Small                                      | P      | P       | P      | P      | X      |  |
| <b>Residential Housing Types</b>  |        |         |        |        |        |  |
| <i>Single-Family Dwelling, Detached</i>                                 | P      | P       | P      | P      | X      |  |
| <i>Single-Family Dwelling, Attached</i>                                 | X      | X       | P      | P      | X      |  |
| <i>Two-Family Dwelling/Duplex</i>                                       | X      | X       | P      | P      | X      |  |
| <i>Multi-Family Dwelling, Triplex/Quadplex</i>                          | X      | X       | P      | P      | X      |  |
| <i>Multi-Family Dwelling, ≥ 5 Units</i>                                 | X      | X       | X      | P      | X      |  |
| <i>Mobile Home</i>  | X      | X       | X      | X      | P      | See Chapter 4.17 (Manufactured/Mobile Home Park)                                   |
| <i>Manufactured/Modular/Prefabricated Dwelling Unit</i>                 | P      | P       | P      | P      | P      | See Chapter 4.17 (Manufactured/Mobile Home Park)                                   |
| Single-Room Occupancy   | X      | X       | X      | X      | X      |  |
| Supportive Housing  | X      | X       | CUP    | CUP    | X      |  |
| Transitional Housing  | X      | X       | CUP    | CUP    | X      |  |
| Yard Sales (Temporary)  | P      | P       | P      | P      | P      | See Chapter 4.27 (Temporary Uses)  |
| <b>Retail, Service, and Office Uses</b>                                 |        |         |        |        |        |  |
| Adult-Oriented Business   | X      | X       | X      | X      | X      |  |
| Alcohol Sales, Off-Sale   | X      | X       | X      | X      | X      |  |
| Animal Sales and Services   | X      | X       | X      | X      | X      |  |
| ATM (Accessory)   | X      | X       | X      | X      | X      |  |
| Bail Bonds  | X      | X       | X      | X      | X      |  |

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| RESIDENTIAL ZONES                                   |      |         |      |      |    |                                     |
|---|------|---------|------|------|----|-------------------------------------|
| Use <sup>1</sup>                                    | DE-1 | DET - 3 | SN-4 | SN-8 | MH | Additional/Specific Use Regulations |
| Banks, Financial, and Savings and Loan Institutions | X    | X       | X    | X    | X  |                                     |
| Building Materials Sales and Services               | X    | X       | X    | X    | X  |                                     |
| Business to Business Support Services               | X    | X       | X    | X    | X  |                                     |
| Check-Cashing Businesses                            | X    | X       | X    | X    | X  |                                     |
| Convenience Market                                  | X    | X       | X    | X    | X  |                                     |
| Food Preparation, Commercial                        | X    | X       | X    | X    | X  |                                     |
| Fortunetelling, Palm and Card Reading               | X    | X       | X    | X    | X  |                                     |
| Funeral Homes and Mortuaries                        | X    | X       | X    | X    | X  |                                     |
| General Retail ≤ 5,000 sf                           | X    | X       | X    | X    | X  |                                     |
| General Retail 5,000 sf - 25,000                    | X    | X       | X    | X    | X  |                                     |
| General Retail/Superstore > 25,000                  | X    | X       | X    | X    | X  |                                     |
| Grocery Store                                       | X    | X       | X    | X    | X  |                                     |
| Hospital  | X    | X       | X    | X    | X  |                                     |
| Kennels/Boarding, Commercial                        | X    | X       | X    | X    | X  |                                     |
| Kiosk/Outdoor Vending                               | X    | X       | X    | X    | X  |                                     |
| Laundromat  | X    | X       | X    | X    | X  |                                     |
| Massage Establishment, Accessory                    | X    | X       | X    | X    | X  |                                     |
| Massage Establishment, Stand-Alone                  | X    | X       | X    | X    | X  |                                     |
| Medical Services, Extended Care                     | X    | X       | X    | X    | X  |                                     |
| Medical Services, Medical/Dental/Holistic/Clinic    | X    | X       | X    | X    | X  |                                     |
| Medical Services, Urgent Care                       | X    | X       | X    | X    | X  |                                     |
| Mini-Storage Warehousing or Facility                | X    | X       | X    | X    | X  |                                     |
| Neighborhood Market                                 | X    | X       | CUP  | AUP  | X  |                                     |
| Nursery/Garden Center                               | CUP  | CUP     | X    | X    | X  |                                     |
| Offices, Processing                                 | X    | X       | X    | X    | X  |                                     |
| Offices, Professional/Administrative                | X    | X       | X    | X    | X  |                                     |
| Offices, Service                                    | X    | X       | X    | X    | X  |                                     |
| Outdoor Display                                     | X    | X       | X    | X    | X  |                                     |
| Pawnshop  | X    | X       | X    | X    | X  |                                     |
| Personal Services                                   | X    | X       | X    | X    | X  |                                     |
| Research and Development                            | X    | X       | X    | X    | X  |                                     |
| Smoke Shops   | X    | X       | X    | X    | X  |                                     |
| Smoking Lounge                                      | X    | X       | X    | X    | X  |                                     |
| Swap Meet, Outdoor                                  | X    | X       | X    | X    | X  |                                     |
| Tattoo/Body Art/Piercing                            | X    | X       | X    | X    | X  |                                     |
| Resale/Consignment/Thrift Shop                      | X    | X       | X    | X    | X  |                                     |
| Veterinary Hospitals                                | X    | X       | X    | X    | X  |                                     |

| RESIDENTIAL ZONES  |        |         |        |        |        |   |
|--|--------|---------|--------|--------|--------|---|
| Use <sup>1</sup>   | DE-1   | DET - 3 | SN-4   | SN-8   | MH     | Additional/Specific Use Regulations                       |
| Utility, Transportation, and Communication Uses                    |        |         |        |        |        |   |
| Airports and Heliports   | X      | X       | X      | X      | X      |   |
| Communications, Facilities within Buildings                        | X      | X       | X      | X      | X      |   |
| Communications, Telecommunications/ Large Commercial Antennas      | X      | X       | X      | X      | X      |   |
| Communications, Telecommunications/ Small Wireless Facilities      | P      | P       | P      | P      | P      | See Chapter 4.25 (Telecommunications/Wireless Facilities) |
| Freight/Trucking Facility  | X      | X       | X      | X      | X      |   |
| Light Fleet-Based Services   | X      | X       | X      | X      | X      |   |
| Mobile Recycling Unit (Accessory)                                  | X      | X       | A, AUP | A, AUP | A, AUP |   |
| Parking Lots and Structures  | X      | X       | X      | X      | X      |   |
| Passenger Transportation Facilities                                | X      | X       | X      | X      | X      | Bus stops are allowed in all zones.                       |
| Public Utilities, Major  | CUP    | CUP     | X      | X      | X      |   |
| Public Utilities, Minor  | AUP    | AUP     | AUP    | AUP    | AUP    |   |
| Renewable Energy System (Primary Use)                              | X      | X       | X      | X      | X      |   |
| Renewable Energy System, Building-Mounted (Accessory)              | A      | A       | A      | A      | A      |   |
| Renewable Energy System, Stand-Alone or Ground Mounted (Accessory) | A, CUP | A, CUP  | A, CUP | A, CUP | A, CUP |   |
| Recycling Collection Facility                                      | X      | X       | X      | X      | X      |   |
| Recycling Processing Facility                                      | X      | X       | X      | X      | X      |   |
| Reverse Vending Machine (Accessory)                                | X      | X       | X      | X      | X      |   |
| Utility Yard   | X      | X       | X      | X      | X      |   |

**Notes:**

1. Uses shall be consistent with criteria of the Bermuda Dunes Airport Compatibility Plan, including applicable County-wide criteria as may exist at the time of project review. If the project is located in the Bermuda Dunes Airport Influence Areas, compatibility zones and regulations apply. Please see Riverside County Airport Land Use Commission Staff ([www.rcaluc.org](http://www.rcaluc.org)) and Indio Planning Staff for the most up-to-date regulations.
2. Permitted use on any lot containing a single-family residence, including a legal nonconforming single-family residence, provided the use complies with Section 4.03 (Animal Keeping).
3. Permitted only on lots greater than 20,000 square feet.



## 2.02.03. Development Regulations

Table 2.02.03-1 prescribes the development standards for the residential zones. Additional regulations are also denoted in the righthand column. Section numbers in this column refer to other sections of this Code.

**TABLE 2.02.03-1: Development Standards – Residential Zones**

| ZONES  |   |              |       |  |   |   |
|--|---|--------------|-------|--|---|---|
| Standards  | DE-1  | DET - 3      | SN-4  | SN-8   | MH  | Additional Regulations  |
| <b>Lot and Density Standards<sup>1</sup></b>                     |   |              |       |  |   |   |
| <b>Density (units/acre)</b>                                      |   |              |       |  |   |   |
| <i>Minimum</i>   | 0   | 0            | 0     | > 4.0  | -   | Applies to new development only.  |
| <i>Maximum</i>   | 1.0   | 3.0          | 4.0   | 8.0  | 10 mobile home spaces/ gross acre                           | See Indio Municipal Code Chapter 154 (Density Bonuses and Other Incentives for Low Income and Senior Housing)                               |
| Minimum Lot Size (sf)  | 40,000  | 10,000       | 6,600 | 4,500  | 10 acres  |   |
| Minimum Lot Width (ft) <sup>2</sup>                              | 100   | 80           | 60    | 40   | 40  |   |
| Minimum Lot Depth (ft)   | 200   | 100          | 80    | 80   | 80  |   |
| Maximum Lot Coverage (% of lot)                                  | 30  | 40           | 50    | 60   | 70  |   |
| <b>Building Form and Location</b>                                |   |              |       |  |   |   |
| Maximum Height (ft) - Primary Building                           | 25 or 2 stories, whichever is less  | 25/2 stories | 30    | 30   | 25 or 2 stories, whichever is less                          | Projects must comply with both stories and overall height maximums. See Section 3.01.03 (Measuring Heights)                                 |
| Maximum Height (ft) - Primary Building w/ Architectural Features | 35  | 35           | 40    | 40   | -   | See Section 3.01.03 (Measuring Heights).  |
| Maximum Height (ft) - Accessory Building                         | 20  | 20           | 20    | 20   | -   |   |
| Minimum Distance between Structures                              | Main structures and accessory structures shall be located no closer than 6 ft to any other main structure or to another accessory structure, except as required by adopted Building or Fire Codes |              |       |  | -   |   |
| <b>Minimum Setbacks (ft) - Primary Structure</b>                 |   |              |       |  |   |   |
| Front (primary frontage)   | 25  | 20           | 15    | 10   | 5 ft along exterior property lines abutting a public street | For new single-family attached and detached dwelling units, front-loaded garages shall be set back at minimum 5 ft behind the front facade. |
| Street Side (corner lots)  | 25  | 20           | 15    | 10   |   |   |
| <i>Interior Side</i>   | 20  | 15           | 5     | 5  |   | Only applies to detached single-family dwellings and the ends of attached single-family dwellings.  |
| Interior Side - Zero Lot Line/Common Wall Developments           | -   | -            | -     | 10 ft minimum on one side of the dwelling unit, and no setback required on the opposite side |   | See Section 2.02.04.A (Zero Lot Line Option).   |
| <i>Rear</i>  | 40  | 25           | 15    | 15   |   |   |
| <i>Alley</i>   | 5   | 5            | 5     | 5  |   |   |

| ZONES   |  |         |      |   |             |   |
|---|--|---------|------|---|-------------|---|
| Standards   | DE-1   | DET - 3 | SN-4 | SN-8  | MH          | Additional Regulations  |
| <b>Parking Frontage</b>   |  |         |      |   |             |   |
| Maximum Parking Frontage on a Public Street (for new residential development) | -  | -       | -    | 60%   | -           | Garage doors that face the street shall not occupy more than 60% of the width of any street-facing building facade. This limitation does not apply to frontages along alleys. |
| <b>Open Space Standards</b>   |  |         |      |   |             |   |
| Minimum Open Space  | -  | -       | -    | 300 sf total per unit, of which 150 must be private | -           | Setback areas are not considered usable open space unless they are at least 20 feet wide. Minimum private open space is 6 feet in either direction.                           |
| Minimum Required Front Yard Landscaped Area                                   | 40% of the Minimum Required Front Yard Area, of which half must be planted with live plant material  |         |      |   | 15% of site | See Section 3.02.09 (Landscaping)   |
| <b>Other Standards</b>  |  |         |      |   |             |   |
| Accessory Structures  | In the DE-1 zone, stables and barn yards shall be set back at minimum 50 ft from all property lines. See Section 3.02.04 (Accessory Structures) for additional regulations for accessory structures. |         |      |   |             |   |
| Setbacks and Encroachments  | See Section 3.02.03 (Setbacks and Encroachments)   |         |      |   |             |   |
| Utilities, Service Areas, and Building Equipment                              | See Section 3.02.07 (Utilities, Service Areas, and Building Equipment)   |         |      |   |             |   |
| Refuse and Recycling  | See Section 3.02.08 (Refuse and Recycling)   |         |      |   |             |   |
| Landscaping   | See Section 3.02.09 (Landscaping)  |         |      |   |             |   |
| Fences, Walls, and Screening  | See Section 3.02.10 (Fences, Walls, and Screening)   |         |      |   |             |   |
| Outdoor Lighting  | See Section 3.02.11 (Outdoor Lighting)   |         |      |   |             |   |
| Parking and Loading   | See Chapter 3.03 (Parking and Loading)   |         |      |   |             |   |
| Performance Standards   | See Chapter 3.04 (Performance Standards)   |         |      |   |             |   |
| Signs   | See Chapter 3.05 (Sign Regulations)  |         |      |   |             |   |
| Animal Provisions   | See Chapter 4.03 (Animal Keeping)  |         |      |   |             |   |

1. Densities and intensities shall be consistent with criteria of the Bermuda Dunes Airport Compatibility Plan, including applicable County-wide criteria as may exist at the time of project review. If the project is located in the Bermuda Dunes Airport Influence Areas, compatibility zones and regulations apply. Please see Riverside County Airport Land Use Commission Staff ([www.rcaluc.org](http://www.rcaluc.org)) and Indio Planning Staff for the most up-to-date regulations.
2. No site shall have less than the required lot width as prescribed in the applicable land use district, except lots fronting on cul-de-sac or knuckle streets may have 35 feet of frontage.

## 2.02.04. Supplemental Standards

New single-family structures and alterations to existing single-family structures shall comply with the supplemental standards in this Section.

### A. Zero Lot Line Option.

1. All or part of the setback requirements of interior yards along property lines adjoining other private lots may be waived with the written approval of the City and the property owner of the lot adjoining the yard which is being encroached upon. This written agreement shall take the form of a zero lot line agreement which shall be recorded on the chain of title of both properties involved. The zero lot line agreement shall describe in detail the extent of said waiver. Zero lot line agreements may be executed between private property owners only. Swimming pools are not eligible for zero lot line agreements.
2. Approval of a zero lot line agreement shall be subject to the following requirements:
  - a. All building and fire code requirements resulting from the waiver of the setback requirement shall be met by the construction;
  - b. Approval shall be obtained from the fire chief to ensure that adequate fire-fighting access is retained; and
  - c. Where the setback is reduced to less than three feet, a maintenance access easement of five feet in width shall be provided on the adjoining property.

### B. Services and Utilities.

#### 1. Utilities.

All new utility boxes and equipment and utility connections shall be undergrounded unless otherwise prohibited by the utility provider (e.g., water backflow prevention device that must be placed above ground) or the City Engineer grants an exemption following his/her determination that such undergrounding is not practicable.

#### 2. Location of Above-ground Utilities and Service Areas.

All above-ground utilities and equipment (e.g., electric and gas meters, fire sprinkler valves, irrigation backflow prevention devices, etc.) shall be integrated into building and landscape design and located to minimize impact on the pedestrian experience and neighboring properties by following the standards below. For refuse and recycling standards, see Section 3.02.08 (Refuse and Recycling).

- a. Utilities and equipment shall be located on non-primary street frontages, alleys, parking areas, and/or at the rear or side of buildings.
  - b. Utilities and equipment shall not be located within the front or street side setback area of the lot or development site.
  - c. Utilities and equipment shall be screened from view per Subsection B.3 below.
- #### 3. Service, Utility, and Equipment Screening.

Screening of utilities and equipment shall meet the following standards:

- a. Screening shall be equal to or higher than the height of the equipment to be screened.
- b. Screening shall be made of a primary exterior finish material used on other portions of the residential unit, architectural grade wood or masonry, metal, or landscape screening that forms an opaque barrier when planted.

# 2.03. MIXED-USE ZONES

## 2.03.01. Purpose + Intent

The purposes of the mixed-use zones are to:

- A. Provide opportunities for a mix of complementary uses that may combine residential and nonresidential uses or combine a variety of nonresidential uses on the same site;
- B. Provide for the orderly, well-planned, and balanced development of mixed-use zones;
- C. Provide for a range of multi-family housing types consistent with the General Plan;
- D. Encourage missing middle housing types;
- E. Provide appropriately located commercial areas and neighborhood centers that provide a variety of goods and services for residents, employees, and visitors;
- F. Promote accessibility, business development, and a unified character; and
- G. Promote pedestrian-oriented, mixed-use development at appropriate locations, including major corridors, thoroughfares, and districts in the city.

**Missing Middle Housing**

The Missing Middle Housing types provide diverse housing options, such as duplexes, fourplexes, cottage courts, and multiplexes. These house-scale buildings fit seamlessly into existing residential neighborhoods and support walkability, locally-serving retail, and public transportation options. They provide solutions along a spectrum of affordability to address the mismatch between the available U.S. housing stock and shifting demographics combined with the growing demand for walkability.

*Source: <https://missingmiddlehousing.com>*

Additional purposes of each mixed-use zone are as follows:

### I. Connected Neighborhoods – 14 (CN-14).

The Connected Neighborhoods – 14 (CN-14) zone provides a range of intensities and housing choices within a walkable neighborhood setting in close proximity to goods and services that meet daily needs. Appropriate housing types include single-family detached and attached dwellings of various sizes, courtyard apartments and condos, and small-sized multi-family buildings designed to promote neighborhood compatibility with densities up to 14 dwelling units per acre. Small-scale non-residential uses may be incorporated in the form of live-work units and corner shops, primarily along mixed-use corridors or at the edges of centers. This zone implements the Connected Neighborhoods General Plan land use designation.





### J. Connected Neighborhoods – 20 (CN-20).

The Connected Neighborhoods – 20 (CN-20) zone provides a range of intensities and housing choices within a walkable neighborhood setting in close proximity to goods and services that meet daily needs. Appropriate housing types include single-family attached dwellings of various sizes, courtyard apartments and condos, and medium-sized multi-family buildings designed to promote neighborhood compatibility with densities up to 20 dwelling units per acre. Small-scale non-residential uses may be incorporated in the form of live-work units and corner shops, primarily along mixed-use corridors or at the edges of centers. This zone implements the Connected Neighborhoods General Plan land use designation.



### K. Neighborhood Center (NC).

The Neighborhood Center (NC) zone provides for areas with a variety of neighborhood-serving retail and commercial uses, housing of various types, other neighborhood-serving amenities, and community-gathering spaces for residents. It is intended primarily to create mixed-use neighborhood centers at key locations throughout the city. It allows vertical and horizontal mixed-use development and stand-alone retail, general commercial, services, office, live/work, and entertainment uses, with multi-family residential as a secondary or supporting use. This zone implements the Neighborhood Center General Plan land use designation.



**L. Mixed-Use Neighborhood (MUN).**

The Mixed-Use Neighborhood (MUN) zone provides moderate- to higher-intensity neighborhood development that features a variety of multifamily housing choices and limited neighborhood-serving commercial uses in a walkable environment. It allows commercial development along major streets and adjacent to a neighborhood center. Buildings may include a variety of housing types up to three stories, with mixed-use buildings up to three stories focused at key intersections, along main corridors, and/or adjacent to neighborhood centers and public open spaces. This zone is intended to accommodate uses that provide essential daily services and retail needs, as well as recreational amenities within walking distance of surrounding neighborhoods. Non-residential uses include live-work units, small-scale neighborhood-serving retail, general commercial, service, and office uses. This zone implements the Mixed-Use Neighborhood General Plan land use designation.



**M. Midtown (MT).**

The Indio General Plan lays out a new future for the Highway 111 corridor centered on creating a walkable, mixed use-district in the vicinity of Indio Grand Marketplace (former Indio Fashion Mall). Close to and connected to the historic Downtown and County Fairgrounds, this “Midtown District” will serve as both a center of commerce and a gateway to the City’s festivals. The General Plan Midtown land use designation is implemented through the Midtown (MT) zone, which provides for an active, mixed-use center in the City’s Midtown neighborhood by allowing multi-story, mixed-use buildings at higher intensities, community gathering spaces, and land uses to support residents and visitors. It provides for vertical and horizontal mixed-use development with residential densities up to 40 dwelling units per acre.





## 2.03.02. Land Use Regulations

The land uses allowed in the mixed-use zones are listed below, together with the planning permit type required for each use. For allowed uses and development regulations for Downtown Indio, refer to the Indio Downtown Specific Plan. Numeric notes can be found at the end of the table.

**TABLE 2.03.02-1: Allowed Uses – Mixed-Use Zones**

P = Permitted; AUP = Administrative Use Permit; CUP = Conditional Use Permit; TUP = Temporary Use Permit; A-U = Accessory Use; X = Not Permitted

| MIXED-USE ZONES  |       |       |     |     |     |   |
|--|-------|-------|-----|-----|-----|---|
| Use <sup>1</sup>   | CN-14 | CN-20 | NC  | MUN | MT  | Additional/Specific Use Regulations                               |
| <b>Agriculture and Animal Keeping Uses</b>                           |       |       |     |     |     |   |
| Agricultural Support, Sales, Service, and Storage                    | X     | X     | X   | X   | X   |   |
| Aquaculture  | X     | X     | X   | X   | X   |   |
| Animal Husbandry and Production                                      | X     | X     | X   | X   | X   |   |
| Animal Raising and Keeping, Exotic                                   | X     | X     | X   | X   | X   |   |
| Animal Raising and Keeping, Domestic Pets                            | A     | A     | A   | A   | A   | See Chapter 4.04 (Animal Keeping)                                 |
| Animal Raising and Keeping, Horses                                   | X     | X     | X   | X   | X   |   |
| Animal Raising and Keeping, Large Livestock                          | X     | X     | X   | X   | X   |   |
| Animal Raising and Keeping, Small Livestock, Poultry, and Beekeeping | X     | X     | X   | X   | X   |   |
| Backyard Breeding  | X     | X     | X   | X   | X   |   |
| Community Garden   | P     | P     | P   | P   | A   |   |
| Crop Production  | X     | X     | X   | X   | X   |   |
| Greenhouse, Private  | A     | A     | A   | A   | A   |   |
| Horticultural Production   | X     | X     | X   | X   | X   |   |
| Kennels, Private/Hobby   | X     | X     | X   | X   | X   |   |
| Private Garden   | A     | A     | A   | A   | A   |   |
| Stable/Equestrian Facility, Commercial/Public                        | X     | X     | X   | X   | X   |   |
| Stable/Equestrian Facility, Hobby/Private                            | X     | X     | X   | X   | X   |   |
| <b>Automobile and Vehicle Uses</b>                                   |       |       |     |     |     |   |
| Auto and Vehicle Rental  | X     | X     | CUP | CUP | CUP | See Chapter 4.05 (Automotive Service and Repair/Fueling Stations) |
| Auto and Vehicle Sales, New  | X     | X     | X   | X   | X   |   |
| Auto and Vehicle Sales, Used   | X     | X     | X   | X   | X   |   |
| Auto and Vehicle Sales and Rental, Large Vehicles and Equipment      | X     | X     | X   | X   | X   |   |
| Auto and Vehicle Services and Repair – Major                         | X     | X     | X   | X   | X   |   |
| Auto and Vehicle Services and Repair – Minor                         | X     | X     | CUP | CUP | X   | See Chapter 4.05 (Automotive Service and Repair/Fueling Stations) |
| Auto and Vehicle Towing/Impounding                                   | X     | X     | X   | X   | X   |   |
| Auto and Vehicle Washing and Detailing                               | X     | X     | X   | X   | X   |   |
| Auto and Vehicle Wrecking/Dismantling                                | X     | X     | X   | X   | X   |   |
| Fueling Stations   | X     | X     | CUP | CUP | CUP | See Chapter 4.05 (Automotive Service and Repair/Fueling Stations) |
| Truck Stop/Fueling Station   | X     | X     | X   | X   | X   |   |

| MIXED-USE ZONES  |       |       |             |             |             |  |
|--|-------|-------|-------------|-------------|-------------|--|
| Use <sup>1</sup>   | CN-14 | CN-20 | NC          | MUN         | MT          | Additional/Specific Use Regulations  |
| <b>Cannabis Related Uses</b>                                     |       |       |             |             |             |  |
| Cannabis Cultivation, Commercial                                 | X     | X     | X           | X           | X           | See Chapter 4.07 (Cannabis Activity)   |
| Cannabis Cultivation, Personal                                   | P     | P     | P           | P           | P           | Personal indoor cultivation of 6 or fewer live cannabis plants within a single private residence or inside an accessory structure located upon the grounds of a private residence that is a fully enclosed and secure structure is permitted per Chapter 4.06 (Cannabis Activity). Outdoor personal cultivation of live cannabis plants is prohibited. |
| Cannabis Logistics, Distribution, and Transportation Facility    | X     | X     | X           | X           | X           |  |
| Cannabis Manufacturing   | X     | X     | X           | X           | X           |  |
| Cannabis Retailer, Microbusiness, or Dispensary                  | P     | P     | P           | P           | P           | See Chapter 4.07 (Cannabis Activity)   |
| Cannabis Testing Laboratory                                      | X     | X     | X           | X           | X           |  |
| <b>Eating and Drinking Establishments and Entertainment Uses</b> |       |       |             |             |             |  |
| Bar/Nightclub/Lounge   | X     | X     | AUP         | P           | P           |  |
| Brewpub/Taproom/Wine Bar/Microdistillery                         | X     | X     | AUP         | P           | P           |  |
| Cinema/Theater/Performing Arts Center                            | X     | X     | AUP         | AUP         | P           |  |
| Drive-Through, Non-Restaurants (Accessory)                       | X     | X     | A, AUP      | A, AUP      | X           | See Chapter 4.13 (Drive-Through Uses)  |
| Live Entertainment as Accessory Use, Indoors (Accessory)         | X     | X     | A           | A           | A           |  |
| Live Entertainment as Accessory Use, Outdoors (Accessory)        | X     | X     | TUP, A, AUP | TUP, A, AUP | TUP, A, AUP | Regular outdoor events as an accessory use require an AUP. Sporadic events require a TUP (See Chapter 4.27 ((Temporary Uses)).   |
| Outdoor Dining (Accessory)                                       | A     | A     | A           | A           | A           |  |
| Outdoor Entertainment  | X     | X     | CUP         | CUP         | CUP         |  |
| Restaurant, Dine-In and Take-Out                                 | AUP   | AUP   | P           | P           | P           |  |
| Restaurant, Drive -Through                                       | X     | X     | CUP         | CUP         | X           | See Chapter 4.13 (Drive-Through Uses)  |
| <b>Industrial and Manufacturing Uses</b>                         |       |       |             |             |             |  |
| Artisan Manufacturing/Makers Space                               | X     | X     | AUP         | AUP         | AUP         |  |
| Brewery/Distillery/Winery - without tasting room or > 10,000 sf  | X     | X     | X           | X           | X           |  |
| Brewery/Distillery/Winery - with tasting room and <10,000 sf     | X     | X     | AUP         | AUP         | AUP         |  |
| Construction and Materials Yards                                 | X     | X     | X           | X           | X           |  |
| Food or Beverage Manufacturing                                   | X     | X     | X           | X           | X           |  |
| Hazardous Materials/Wholesale Fuel Storage and Distribution      | X     | X     | X           | X           | X           |  |
| Indoor Warehousing, Storage, Wholesaling, and Distribution       | X     | X     | X           | X           | X           |  |
| Manufacturing/Processing, Heavy                                  | X     | X     | X           | X           | X           |  |
| Manufacturing/Processing, Light                                  | X     | X     | X           | X           | X           |  |



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| MIXED-USE ZONES  |       |       |     |     |     |  |
|--|-------|-------|-----|-----|-----|--|
| Use <sup>1</sup>                                       | CN-14 | CN-20 | NC  | MUN | MT  | Additional/Specific Use Regulations  |
| Mining/Resource Extraction                             | X     | X     | X   | X   | X   |  |
| Outdoor Storage (Primary Use)                          | X     | X     | X   | X   | X   |  |
| Outdoor Storage (Accessory)                            | X     | X     | X   | X   | X   |  |
| Salvage and Wrecking Yards                             | X     | X     | X   | X   | X   |  |
| <b>Lodging</b>   |       |       |     |     |     |  |
| Bed and Breakfast                                      | P     | P     | X   | X   | X   |  |
| Lodging - Extended Stay                                | X     | X     | X   | AUP | AUP |  |
| Lodging - Hotels                                       | X     | X     | P   | P   | P   |  |
| Lodging - Motels                                       | X     | X     | AUP | AUP | CUP |  |
| Lodging - Timeshares                                   | X     | X     | X   | X   | X   |  |
| <b>Recreation, Education, and Public Assembly Uses</b> |       |       |     |     |     |  |
| Campground, Temporary                                  | X     | X     | X   | X   | X   |  |
| Cemeteries, Crematories, or Mausoleums                 | X     | X     | X   | X   | X   |  |
| Civic/Government                                       | AUP   | AUP   | AUP | P   | P   |  |
| College/University                                     | CUP   | CUP   | CUP | CUP | CUP |  |
| Commercial Recreation and Sports, Indoor               | AUP   | AUP   | P   | P   | P   |  |
| Commercial Recreation and Sports, Outdoor              | AUP   | AUP   | P   | X   | X   |  |
| Community Assembly, Up to 5,000 sf (gross sf)          | P     | P     | P   | P   | P   |  |
| Community Assembly, > 5000 sf - 12,000 sf (gross sf)   | AUP   | AUP   | P   | P   | P   |  |
| Community Assembly, >12,000 sf (gross sf)              | CUP   | CUP   | CUP | CUP | CUP |  |
| Cultural Institutions                                  | AUP   | AUP   | AUP | AUP | AUP |  |
| Day Care Centers                                       | P     | P     | P   | P   | P   | See Chapter 4.09 (Child Day Care in a Home (Small and Large) and Day Care Centers) |
| Instructional Services, <= 5000 sf                     | P     | P     | P   | P   | P   |  |
| Instructional Services, > 5000 sf                      | X     | X     | AUP | AUP | P   |  |
| Open Space, Natural                                    | P     | P     | P   | P   | P   |  |
| Parks and Recreation Facilities                        | P     | P     | P   | P   | P   |  |
| Public Service Facility                                | AUP   | AUP   | AUP | P   | P   |  |
| Recreational Vehicle (RV) Park                         | CUP   | CUP   | X   | X   | X   | See Chapter 4.22 (Recreational Vehicle (RV) Parks)                                 |
| Schools, Public or Private (TK-12)                     | AUP   | AUP   | AUP | AUP | AUP |  |
| Social Service Facilities                              | CUP   | CUP   | CUP | CUP | CUP |  |
| Tutoring Facilities                                    | AUP   | AUP   | P   | P   | P   |  |
| Vocational/Trade School                                | CUP   | CUP   | CUP | CUP | AUP |  |

| MIXED-USE ZONES   |        |        |        |        |        |  |
|---|--------|--------|--------|--------|--------|--|
| Use <sup>1</sup>  | CN-14  | CN-20  | NC     | MUN    | MT     | Additional/Specific Use Regulations  |
| <b>Residential Uses</b>   |        |        |        |        |        |  |
| Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) | A      | A      | A      | A      | A      | See Chapter 4.02 (Accessory Dwelling Units)  |
| Caretaker's Unit  | X      | X      | X      | X      | X      |  |
| Child Day Care in a Home, Large   | AUP    | AUP    | AUP    | AUP    | AUP    | See Chapter 4.09 (Child Day Care in a Home (Small and Large) and Day Care Centers)     |
| Child Day Care in a Home, Small   | P      | P      | P      | P      | P      | See Chapter 4.09 (Child Day Care in a Home (Small and Large) and Day Care Centers)     |
| Cottage Food Operation  | A, AUP | A, AUP | A, AUP | A, AUP | A, AUP | See Chapter 4.11 (Cottage Food Operations)   |
| Cottage Industry  | A, AUP | A, AUP | A, AUP | A, AUP | A, AUP | See Chapter 4.12 (Cottage Industry)  |
| Emergency Shelter   | X      | X      | X      | X      | X      | See Chapter 4.14 (Emergency Shelters)  |
| Group Residential Home  | CUP    | CUP    | CUP    | CUP    | CUP    |  |
| Home Occupation   | A      | A      | A      | A      | A      | See Chapter 4.15 (Home Occupations)  |
| Live/Work   | P      | P      | P      | P      | P      | See Chapter 4.16 (Live/Work)   |
| Manufactured/Mobile Home Park   | CUP    | CUP    | X      | X      | X      | See Chapter 4.17 (Manufactured/Mobile Home Park)                                       |
| Residential Care Facilities, Large                                      | CUP    | CUP    | CUP    | CUP    | CUP    |  |
| Residential Care Facilities, Small                                      | P      | P      | P      | P      | P      |  |
| <b>Residential Housing Types</b>  |        |        |        |        |        |  |
| <i>Single-Family Dwelling, Detached</i>                                 | P      | P      | P      | AUP    | AUP    |  |
| <i>Single-Family Dwelling, Attached</i>                                 | P      | P      | P      | P      | P      |  |
| <i>Two-Family Dwelling/Duplex</i>                                       | P      | P      | P      | AUP    | AUP    |  |
| <i>Multi-Family Dwelling, Triplex/Quadplex</i>                          | P      | P      | P      | P      | P      |  |
| <i>Multi-Family Dwelling, ≥ 5 Units</i>                                 | P      | P      | P      | P      | P      |  |
| <i>Mobile Home</i>  | CUP    | CUP    | X      | X      | X      | See Chapter 4.17 (Manufactured/Mobile Home Park)                                       |
| <i>Manufactured/Modular/Prefabricated Dwelling Unit</i>                 | CUP    | CUP    | CUP    | CUP    | CUP    | See Chapter 4.17 (Manufactured/Mobile Home Park)                                       |
| Single-Room Occupancy   | CUP    | CUP    | CUP    | AUP    | AUP    |  |
| Supportive Housing  | CUP    | CUP    | CUP    | CUP    | CUP    |  |
| Transitional Housing  | CUP    | CUP    | CUP    | CUP    | CUP    |  |
| Yard Sales (Temporary)  | P      | P      | P      | P      | P      | See Chapter 4.27 (Temporary Uses)  |
| <b>Retail, Service, and Office Uses</b>                                 |        |        |        |        |        |  |
| Adult-Oriented Business   | X      | X      | X      | X      | X      | See Chapter 4.03 (Adult-Oriented Businesses)   |
| Alcohol Sales, Off-Sale   | X      | X      | CUP    | CUP    | CUP    |  |
| Animal Sales and Services   | X      | X      | P      | P      | P      |  |
| ATM (Accessory Use)   | A      | A      | A      | A      | A      |  |
| Bail Bonds  | X      | X      | X      | X      | CUP    | See Chapter 4.06 (Bail Bonds)  |
| Banks, Financial, and Savings and Loan Institutions                     | X      | P      | P      | P      | P      | Drive-through financial institutions are covered under "Drive-Through, Non-Restaurant" |

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| MIXED-USE ZONES                                  |                |                |                  |                  |                  |   |
|--|----------------|----------------|------------------|------------------|------------------|---|
| Use <sup>1</sup>                                 | CN-14          | CN-20          | NC               | MUN              | MT               | Additional/Specific Use Regulations                       |
| Building Materials Sales and Services            | X              | X              | X                | X                | X                |   |
| Business to Business Support Services            | X              | X              | X                | X                | X                |   |
| Check-Cashing Businesses                         | X              | X              | X                | CUP              | CUP              | See Chapter 4.08 (Check-Cashing Businesses)               |
| Convenience Market                               | X              | X              | CUP              | CUP              | CUP              |   |
| Food Preparation, Commercial                     | X              | X              | P                | P                | P                |   |
| Fortunetelling, Palm and Card Reading            | AUP            | AUP            | P                | P                | P                |   |
| Funeral Homes and Mortuaries                     | X              | X              | AUP              | AUP              | AUP              |   |
| General Retail ≤ 5,000 sf                        | P <sup>2</sup> | P <sup>2</sup> | P                | P                | P                |   |
| General Retail 5,000 sf - 25,000                 | AUP            | AUP            | P                | P                | P                |   |
| General Retail/Superstore > 25,000               | X              | X              | AUP <sup>3</sup> | AUP <sup>3</sup> | AUP <sup>3</sup> |   |
| Grocery Store                                    | X              | CUP            | P                | P                | P                |   |
| Hospital   | X              | X              | X                | CUP              | CUP              |   |
| Kennels/Boarding, Commercial                     | X              | X              | AUP              | AUP              | AUP              |   |
| Kiosk/Outdoor Vending                            | X              | X              | A                | A                | A                |   |
| Laundromat                                       | X              | X              | P                | P                | P                |   |
| Massage Establishment, Accessory Use             | X              | X              | A                | A                | A                | See Chapter 4.18 (Massage Establishment (Accessory))      |
| Massage Establishment, Stand-Alone               | X              | X              | X                | X                | X                |   |
| Medical Services, Extended Care                  | X              | X              | X                | CUP              | CUP              |   |
| Medical Services, Medical/Dental/Holistic/Clinic | P              | P              | P                | P                | P                |   |
| Medical Services, Urgent Care                    | X              | X              | P                | P                | P                |   |
| Mini-Storage Warehousing or Facility             | X              | X              | X                | X                | X                |   |
| Neighborhood Market                              | P              | P              | P                | P                | P                |   |
| Nursery/Garden Center                            | X              | X              | X                | X                | X                |   |
| Offices, Processing                              | X              | X              | X                | X                | X                |   |
| Offices, Professional/Administrative             | P              | P              | P                | P <sup>4</sup>   | P <sup>4</sup>   |   |
| Offices, Service                                 | P              | P              | P                | P                | P                |   |
| Outdoor Display (Accessory)                      | A              | A              | A                | A                | A                |   |
| Pawnshop   | X              | X              | CUP              | CUP              | CUP              | See Chapter 4.21 (Pawnshops)                              |
| Personal Services                                | P              | P              | P                | P                | P                |   |
| Research and Development                         | X              | X              | X                | CUP              | CUP              |   |
| Smoke Shops                                      | X              | X              | CUP              | CUP              | CUP              | See Chapter 4.24 (Smoke Shops)                            |
| Smoking Lounge                                   | X              | X              | AUP              | AUP              | AUP              |   |
| Swap Meet, Outdoor (Temporary)                   | X              | X              | TUP              | TUP              | TUP              | See Chapter 4.27 (Temporary Uses)                         |
| Tattoo/Body Art/Piercing                         | X              | X              | AUP              | AUP              | AUP              | See Chapter 4.25 (Tattoo/Body Art/Piercing Establishment) |
| Resale/Consignment/Thrift Shop                   | X              | X              | AUP              | AUP              | AUP              | See Chapter 4.23 (Resale/Consignment/Thrift Shops)        |
| Veterinary Hospitals                             | X              | X              | AUP              | AUP              | AUP              |   |

| MIXED-USE ZONES  |        |        |        |        |        |   |
|--|--------|--------|--------|--------|--------|---|
| Use <sup>1</sup>   | CN-14  | CN-20  | NC     | MUN    | MT     | Additional/Specific Use Regulations                       |
| <b>Utility, Transportation, and Communication Uses</b>             |        |        |        |        |        |   |
| Airports and Heliports   | X      | X      | X      | X      | X      |   |
| Communications, Facilities within Buildings                        | X      | X      | X      | X      | X      |   |
| Communications, Telecommunications/Large Commercial Antennas       | X      | X      | X      | X      | X      | See Chapter 4.26 (Telecommunications/Wireless Facilities) |
| Communications, Telecommunications/Small Wireless Facilities       | AUP    | AUP    | AUP    | AUP    | AUP    | See Chapter 4.26 (Telecommunications/Wireless Facilities) |
| Freight/Trucking Facility  | X      | X      | X      | X      | X      |   |
| Light Fleet-Based Services   | X      | X      | X      | X      | X      |   |
| Mobile Recycling Unit  | A, AUP | A, AUP | A, AUP | A, AUP | A, AUP |   |
| Parking Lots and Structures  | X      | X      | A, AUP | A, AUP | A, AUP |   |
| Passenger Transportation Facilities                                | CUP    | CUP    | CUP    | CUP    | CUP    | Bus stops are allowed in all zones.                       |
| Public Utilities, Major  | X      | X      | X      | X      | X      |   |
| Public Utilities, Minor  | AUP    | AUP    | AUP    | AUP    | AUP    |   |
| Renewable Energy System (Primary Use)                              | X      | X      | X      | X      | X      |   |
| Renewable Energy System, Building-Mounted (Accessory)              | A      | A      | A      | A      | A      |   |
| Renewable Energy System, Stand-Alone or Ground Mounted (Accessory) | A, CUP | A, CUP | A, CUP | A, CUP | A, CUP |   |
| Recycling Collection Facility                                      | X      | X      | X      | X      | X      |   |
| Recycling Processing Facility                                      | X      | X      | X      | X      | X      |   |
| Reverse Vending Machine (Accessory)                                | X      | X      | A      | A      | A      |   |
| Utility Yard   | X      | X      | X      | X      | X      |   |

**Notes:**

1. Uses shall be consistent with criteria of the Bermuda Dunes Airport Compatibility Plan, including applicable County-wide criteria as may exist at the time of project review. If the project is located in the Bermuda Dunes Airport Influence Areas, compatibility zones and regulations apply. Please see Riverside County Airport Land Use Commission Staff ([www.rcaluc.org](http://www.rcaluc.org)) and Indio Planning Staff for the most up-to-date regulations.
2. Limited to parcels with frontage located along streets designated as 6-Lane Major Arterials or 4-Lane Boulevards in Figure 4-3 (Circulation Plan) of the Indio General Plan.
3. Superstores greater than 50,000 sf require a CUP.
4. Only allowed on upper floors for parcels with frontage located along streets designated as 6-Lane Major Arterials or 4-Lane Boulevards in Figure 4-3 (Circulation Plan) of the Indio General Plan. For allowed ground floor uses in Downtown, see the Downtown Indio Specific Plan.

## 2.03.03. Development Regulations

Tables 2.03.03-1 and 2.03.03-2 prescribe the development standards for the mixed-use zones. Additional regulations are also denoted in the righthand column. Section numbers in this column refer to other sections of this Code.

**TABLE 2.03.03-1: Development Standards – Mixed-Use Zones – Middle Housing**

| MIXED USE - MIDDLE HOUSING ZONES                                     |        |         |        |   |
|--|--------|---------|--------|---|
| Standards  | CN-14  | CN - 20 | NC     | Additional Regulations  |
| <b>Lot and Density Standards<sup>1</sup></b>                         |        |         |        |   |
| Non-Residential Maximum Floor Area Ratio                             | 0.25   | 0.25    | 0.5    |   |
| <b>Residential Density (units/acre)</b>                              |        |         |        |   |
| <i>Minimum</i>   | > 8.0  | > 14.0  | 0      | Applies to new development only.  |
| <i>Maximum</i>   | 14.0   | 20.0    | 20.0   | See Indio Municipal Code Chapter 154 (Density Bonuses and Other Incentives for Low Income and Senior Housing)   |
| Minimum Development Project Site (sf) (for new lots)                 | 10,000 | 10,000  | 10,000 |   |
| Minimum Development Project Site Width (ft) (for new lots)           | 60     | 60      | 60     |   |
| Minimum Development Project Site Depth (ft) (for new lots)           | 100    | 100     | 100    |   |
| Minimum Lot Size per Dwelling Unit (sf) (for new lots)               | 2,500  | 1,800   | 1,800  | See Section 2.03.04 (Small-Lot Detached Single-Family Homes) for maximum lot size and unit size for small-lot detached single-family homes.   |
| Minimum Lot Width per Dwelling Unit (ft) (for new lots) <sup>2</sup> | 30     | 20      | 20     | <p><b>Attached Single-Family Homes/Townhomes:</b><br/>A minimum lot width of 30 to 40 feet may be necessary for townhomes with double loaded attached garages in front and to comply with parking location and design requirements. Minimum lot width may be reduced to 20 feet if garages are single-car wide, detached and/or accessed from an alley.</p> <p><b>Small-Lot Detached Single Family Homes:</b><br/>A lot width of 35 feet may be necessary for small-lot single-family homes with attached double loaded garages in front and to comply with parking location and design requirements. Lot width may be reduced to 30 feet if garages are single-car wide, detached and/or accessed from an alley.</p> |
| Minimum Lot Depth (ft) (for new lots)                                | 80     | 60      | 60     |   |

| MIXED USE - MIDDLE HOUSING ZONES                                  |  |   |   |  |
|---|--|---|---|--|
| Standards   | CN-14  | CN - 20   | NC  | Additional Regulations   |
| <b>Building Form and Location</b>                                 |  |   |   |  |
| Maximum Height (ft) / Stories (ft)                                | 40/3 stories   | 40/3 stories  | 40/3 stories  | Projects must comply with both stories and overall height maximums.  |
| Maximum Height (ft) – w/ Architectural Features                   | 45   | 45  | 45  | Architectural features include rooftop stair access and elevator shafts, mechanical equipment, or other rooftop amenities, as approved by City staff. See 3.01.03 (Measuring Heights). |
| Minimum Ground Floor Height – Non-Residential (Floor to Floor)    | 15   | 15  | 18  |  |
| Distance between Main Structures (ft)                             | Main structures and accessory structures shall be located no closer than 15 ft to any other main structure or to another accessory structure, except as required by adopted Building or Fire Codes |   |   |  |
| <b>Building Site Setbacks (ft)<sup>3</sup></b>                    |  |   |   | See Figure 2.03.05-1   |
| Front – Minimum   | 10   | 10  | 10  |  |
| Front – Maximum (Residential Ground Floor) <sup>4</sup>           | 25   | 25  | 20  | Parking not permitted in front setback area.   |
| Front – Maximum (Non-Residential Ground Floor) <sup>4</sup>       | 15   | 15  | 15  |  |
| Street Side – Minimum   | 10   | 10  | 10  |  |
| Street Side – Maximum (Residential Ground Floor) <sup>4</sup>     | 20   | 20  | 15  |  |
| Street Side – Maximum (Non-Residential Ground Floor) <sup>4</sup> | 10   | 10  | 10  |  |
| Interior Side – Minimum   | 5; 10 ft abutting residential zones  | 5; 10 ft abutting residential zones                   | 0; 10 ft abutting residential zones                   |  |
| Rear – Minimum  | 10   | 15; 20 ft abutting residential zones                  | 15; 20 ft abutting residential zones                  |  |
| <b>Lot Setbacks – Minimums (ft)</b>                               |  |   |   | See Figure 2.03.05-1   |
| Front – Minimum (Residential Ground Floor)                        | 10   | 5   | 10  | For single-family attached and detached dwelling units, garage shall be set back at minimum 5 feet behind the front facade.  |
| Front – Minimum (Non-Residential Ground Floor)                    | 0  | 0   | 0   |  |
| Street Side – Minimum (Residential Ground Floor)                  | 10   | 5   | 10  |  |
| Street Side – Minimum (Non-Residential Ground Floor)              | 0  | 0   | 0   |  |
| Interior Side – Minimum   | 5  | 5   | 5   | Only applies to detached single-family dwellings and the ends of attached single-family dwellings.   |
| Interior Side – Zero Lot Line/ Common Wall Developments           | 10 ft minimum on one side of the dwelling unit, and no setback required on the opposite side   |   |   | See Section 2.03.04.D (Zero Lot Line Option)   |
| Rear – Minimum  | 20   | 15 ft; 20 ft abutting single-family residential zones | 15 ft; 20 ft abutting single-family residential zones | Not additive with building site (inclusive). See Figure 2.03.05-1 (Example Small-Lot Detached Single-Family Residential Site Plans) illustrating building site and lot setbacks.       |

| MIXED USE - MIDDLE HOUSING ZONES  |  |   |  |  |
|---|--|---|--|--|
| Standards   | CN-14  | CN - 20   | NC   | Additional Regulations   |
| <b>Parking Frontage</b>   |  |   |  |  |
| Maximum Surface Parking along Primary Frontage                                    | 30%  | 30%   | 30%  | Applies to new development and major additions or renovations (as defined in Article 7 (Definitions)).   |
| <b>Open Space Standards</b>   |  |   |  |  |
| Minimum Usable Open Space (sf per unit) – Applies to Residential Component        | 300 sf total per unit; minimum 100 sf of private open space required for ground-level units and 60 sf of private open space for upper-level units  | 200 sf total per unit; minimum 100 sf of private open space required for ground-level units and 60 sf of private open space for upper-level units | 200 sf total per unit; minimum 100 sf of private open space for ground-level units and 60 sf of private open space for upper-level units | Common open space includes roof decks and other shared common open areas. Minimum common open space dimension is 20 feet in either direction. Setback areas are not considered usable open space unless they are at least 20 feet wide. Minimum private open space is 6 feet in either direction. Up to 40 square feet per unit can be provided in an indoor communal space so long as it opens directly on to a common outdoor space. |
| Minimum Usable Open Space (sf) – Applies to Non-Residential Component Over 25K sf | 3% of gross floor area   | 3% of gross floor area  | 3% of gross floor area   | Could be common open space for employees or publicly-accessible open space.  |
| Maximum Front Yard Paving   | 60%  | 70%   | 70%  | Includes areas devoted to parking, driveways, and walkways.  |
| Minimum Required Landscaping  | <b>For SFR on Individual Lots:</b> 40% of the Minimum Required Front Yard Area, of which half must be planted with live plant material<br><b>For All Other Development Types:</b> 10% of the lot, of which half must be planted with live plant material |   |  | Excludes areas devoted to parking, driveways, and walkways. Additional standards for front yard landscaping – see Section 2.03.06 (Mixed-Use and Multi-Family Residential Design Standards).   |
| <b>Other Standards</b>  |  |   |  |  |
| Accessory Structures  | See Section 3.02.04 (Accessory Structures)   |   |  |  |
| Setbacks and Encroachments  | See Section 3.02.03 (Setbacks and Encroachments)   |   |  |  |
| Utilities, Service Areas, and Building Equipment                                  | See Section 3.02.07 (Utilities, Service Areas, and Building Equipment)   |   |  |  |
| Refuse and Recycling  | See Section 3.02.08 (Refuse and Recycling)   |   |  |  |
| Landscaping   | See Section 3.02.09 (Landscaping)  |   |  |  |
| Fences, Walls, and Screening  | See Section 3.02.10 (Fences, Walls, and Screening)   |   |  |  |
| Outdoor Lighting  | See Section 3.02.11 (Outdoor Lighting)   |   |  |  |
| Parking and Loading   | See Chapter 3.03 (Parking and Loading)   |   |  |  |
| Performance Standards   | See Chapter 3.04 (Performance Standards)   |   |  |  |
| Signs   | See Chapter 3.05 (Sign Regulations)  |   |  |  |

1. Densities and intensities shall be consistent with criteria of the Bermuda Dunes Airport Compatibility Plan, including applicable County-wide criteria as may exist at the time of project review. If the project is located in the Bermuda Dunes Airport Influence Areas, compatibility zones and regulations apply. Please see Riverside County Airport Land Use Commission Staff ([www.rcaluc.org](http://www.rcaluc.org)) and Indio Planning Staff for the most up-to-date regulations.
2. No site shall have less than the required lot width as prescribed in the applicable land use district, except lots fronting on cul-de-sac or knuckle streets may have 35 feet of frontage.
3. Building site setbacks are inclusive of individual lot setbacks, however, the minimum setbacks along the exterior development site boundaries shall be the greater of the setback required for the development site or the individual lot.
4. If a development provides a publicly-accessible plazas or forecourt, and there is clear visibility between the sidewalk and building entrance, the maximum setback may be waived for up to 40 percent of the building frontage. Entry courtyards, plazas, entries, or outdoor eating areas must be located adjacent to the property line, and buildings shall be built to the edge of the courtyard, plaza, or dining area.

**TABLE 2.03.03-2: Development Standards – Mixed-Use Zones**

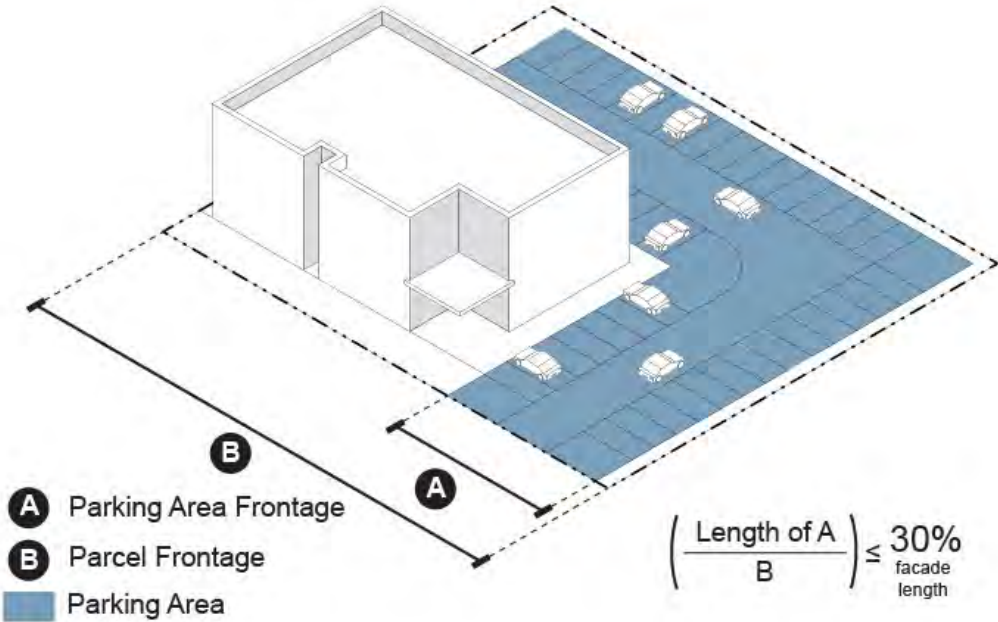
| MIXED-USE ZONES   |  |  |  |
|---|--|--|--|
| Standards   | MUN  | MT   | Additional Regulations   |
| <b>Lot and Density Standards<sup>1</sup></b>                      |  |  |  |
| Non-Residential Maximum Floor Area Ratio                          | 0.5  | 1.0  |  |
| Residential Density (units/acre)                                  |  |  |  |
| Minimum   | 20.0   | 20.0   | Applies to new development only.   |
| Maximum   | 40.0   | 40.0   | See Indio Municipal Code Chapter 154 (Density Bonuses and Other Incentives for Low Income and Senior Housing)  |
| Minimum Lot Size (sf) (for new lots)                              | 20,000   | 20,000   |  |
| Minimum Lot Width (ft) (for new lots) <sup>2</sup>                | 100  | 100  |  |
| Minimum Lot Depth (ft) (for new lots)                             | 100  | 100  |  |
| <b>Building Form and Location</b>                                 |  |  |  |
| Maximum Height (ft)/Stories                                       | 55/4 stories                                       | 55/4 stories                                       | Projects must comply with both stories and overall height maximums.  |
| Maximum Height (ft) – w Architectural Features                    | 60   | 60   | Architectural features include rooftop stair access and elevator shafts, mechanical equipment, or other rooftop amenities, as approved by City staff. See Section 3.01.03 (Measuring Heights). |
| Maximum Height Adjacent to Single-Family Zoned Property           | Within 45-degree plane from property line at grade |  | See Section 2.03.06.J (Neighborhood Transitions).  |
| Minimum Ground Floor Height – Non-Residential (Floor to Floor)    | 18   | 18   |  |
| <b>Setbacks (ft)</b>  |  |  |  |
| Front – Minimum (Residential Ground Floor)                        | 15   | 15   |  |
| Front – Maximum (Residential Ground Floor) <sup>2</sup>           | 25   | 25   |  |
| Front – Minimum (Non-Residential Ground Floor)                    | 5  | 5  |  |
| Front – Maximum (Non-Residential Ground Floor) <sup>3</sup>       | 10   | 10   |  |
| Street Side – Minimum (Residential Ground Floor)                  | 10   | 10   |  |
| Street Side – Maximum (Residential Ground Floor) <sup>3</sup>     | 20   | 20   |  |
| Street Side – Minimum (Non-Residential Ground Floor)              | 5  | 5  |  |
| Street Side – Maximum (Non-Residential Ground Floor) <sup>3</sup> | 10   | 10   |  |
| Interior Side – Minimum   | 0; 10 ft abutting single-family residential zones  | 0; 10 ft abutting single-family residential zones  |  |
| Rear – Minimum  | 10; 20 ft abutting single-family residential zones | 10; 20 ft abutting single-family residential zones |  |
| Alley – Minimum   | 5  | 5  |  |



| MIXED-USE ZONES   |  |  |  |
|---|--|--|--|
| Standards   | MUN  | MT   | Additional Regulations   |
| <b>Parking Frontage</b>   |  |  |  |
| Maximum Parking Frontage Along Primary Street <sup>4</sup>                        | 30%  | 30%  | No more than 30% of the primary street frontage shall be devoted to parking garages and openings, carports, and open/surface parking. This limitation does not apply to frontages along alleys (See Figure 2.03.03-1. Maximum Parking Frontage Along a Primary Street).  |
| <b>Open Space Standards</b>   |  |  |  |
| Minimum Usable Open Space (sf per unit) – Applies to Residential Component        | 150 sf total per unit; a minimum of 50% of the units must have 60 sf of private open space | 150 sf total per unit; a minimum of 50% of the units must have 60 sf of private open space | Common open space includes roof decks and other shared common open areas. Minimum common open space dimension is 20 feet in either direction. Setback areas are not considered usable open space unless they are at least 20 feet wide.<br><br>Minimum private open space is 6 feet in either direction. Up to 40 sf per unit can be provided in an indoor communal space so long as it opens directly on to a common outdoor space. |
| Minimum Usable Open Space (sf) – Applies to Non-Residential Component Over 25K sf | 3% of gross floor area   | 3% of gross floor area   | Could be common open space for employees or publicly-accessible open space. If the open space is over 1,000 square feet and provided as publicly-accessible, up to 50 percent may counted towards the required residential common open space.  |
| Minimum Landscaping (% of lot)  | 10% of the lot, of which half must be planted with live plant material                     |  |  |
| <b>Other Standards</b>  |  |  |  |
| Accessory Structures  | See Section 3.02.04 (Accessory Structures)   |  |  |
| Setbacks and Encroachments  | See Section 3.02.03 (Setbacks and Encroachments)   |  |  |
| Utilities, Service Areas, and Building Equipment                                  | See Section 3.02.07 (Utilities, Service Areas, and Building Equipment)                     |  |  |
| Refuse and Recycling  | See Section 3.02.08 (Refuse and Recycling)   |  |  |
| Landscaping   | See Section 3.02.09 (Landscaping)  |  |  |
| Fences, Walls, and Screening  | See Section 3.02.10 (Fences, Walls, and Screening)   |  |  |
| Outdoor Lighting  | See Section 3.02.11 (Outdoor Lighting)   |  |  |
| Parking and Loading   | See Chapter 3.03 (Parking and Loading)   |  |  |
| Performance Standards   | See Chapter 3.04 (Performance Standards)   |  |  |
| Signs   | See Chapter 3.05 (Sign Regulations)  |  |  |

1. Densities and intensities shall be consistent with criteria of the Bermuda Dunes Airport Compatibility Plan, including applicable County-wide criteria as may exist at the time of project review. If the project is located in the Bermuda Dunes Airport Influence Areas, compatibility zones and regulations apply. Please see Riverside County Airport Land Use Commission Staff ([www.rcaluc.org](http://www.rcaluc.org)) and Indio Planning Staff for the most up-to-date regulations.
2. No site shall have less than the required lot width as prescribed in the applicable land use district, except lots fronting on cul-de-sac or knuckle streets may have 35 feet of frontage.
3. If a development provides a publicly-accessible plaza or forecourt, and there is clear visibility between the sidewalk and building entrance, the maximum setback may be waived for up to 40% of the building frontage. Entry courtyards, plazas, entries, or outdoor eating areas must be located adjacent to the property line and buildings shall be built to the edge of the courtyard, plaza, or dining area.
4. See Figure 2.03.03-1 (Maximum Parking Frontage Along a Primary Street) for an illustration of maximum parking frontage along a primary street.

FIGURE 2.03.03-1. Maximum Parking Frontage Along a Primary Street





## 2.03.04. Small-Lot Detached Single-Family Residential

For the purposes of this Code, a small-lot detached single-family residential lot/development shall be defined and regulated as follows:

### A. Lot Size.

A small-lot detached single-family residential lot/development shall be defined as a detached single-family residential lot(s) of 4,000 square feet or less.

### B. Unit Size.

Maximum unit size for small-lot detached single-family residential lots/developments shall be 2,500 square feet.

## 2.03.05. Detached Single-Family Residential Design Standards

### A. Purpose.

The following detached single-family residential design standards are intended to ensure that single-family detached homes are well-designed while allowing for flexibility and creativity. A broad range of configurations are permitted, including cluster homes, cottages, auto courts, and other configurations that meet the permitted density requirements and development standards of the applicable zone.

### B. Applicability.

This Section shall apply to all developments consisting of more than one detached single-family residential structure.

### C. Zero Lot Line Option.

1. All or part of the setback requirements of interior yards along property lines adjoining other private lots may be waived with the written approval of the City and the property owner of the lot adjoining the yard which is being encroached upon. This written agreement shall take the form of a zero lot line agreement which shall be recorded on the chain of title of both properties involved. The zero lot line agreement shall describe in detail the extent of said waiver. Zero lot line agreements may be executed between private property owners only. Swimming pools are not eligible for zero lot line agreements.
2. Approval of a zero lot line agreement shall be subject to the following requirements:
  - a. All building and fire code requirements resulting from the waiver of the setback requirement shall be met by the construction;
  - b. Approval shall be obtained from the fire chief to ensure that adequate fire-fighting access is retained; and
  - c. Where the setback is reduced to less than three feet, a maintenance access easement of five feet in width shall be provided on the adjoining property.

**D. Site Planning Standards.**

**1. Access and Connectivity.**

a. **Private Street Placement.** Where a private street serves more than one lot and would abut existing single-family zoned properties, it shall be placed where it would abut the least number of existing single-family zoned properties. Private street access on corner development sites shall be located as far as possible from intersections. Where a private street serves lots on both sides of the private street, the private street shall be doubly loaded with lots on either side.



b. **Turnaround Areas.** Dead-end private streets longer than 150 feet shall provide a vehicle turnaround area.

c. **Sound Barrier Walls.** The use of sound barrier walls to buffer residential areas from arterial, boulevard, connector, Downtown, and local streets is prohibited. If a development has sound barrier walls, it shall provide frequent pedestrian and bicycle connections between the community and surrounding areas at distances no more than 600 feet apart.



d. **External Connectivity.** Streets within any proposed subdivision or building site shall be aligned with existing and planned streets in the surrounding area to create a continuous street pattern. All streets in any subdivision or development site shall connect to other streets and to existing and planned streets outside the proposed subdivision or development to the extent feasible. Any cul-de-sac or other dead-end street longer than 300 feet shall be connected to other streets by a pedestrian path. If a development is gated, it shall provide frequent pedestrian and bicycle connections between the gated community and surrounding areas at distances no more than 600 feet apart.

e. **Pedestrian Pathways/Sidewalks.** Pedestrian pathways/sidewalks connecting to the public sidewalk and other planned or existing pedestrian routes or trails shall be provided. A pedestrian pathway/sidewalk shall connect the primary building entry or entries to the public sidewalk on each street frontage. Pedestrian pathways/sidewalks a minimum five feet wide shall be provided from the public right-of-way to all primary entryways and common areas, guest parking, and centralized trash enclosures.

**2. Landscaping.**

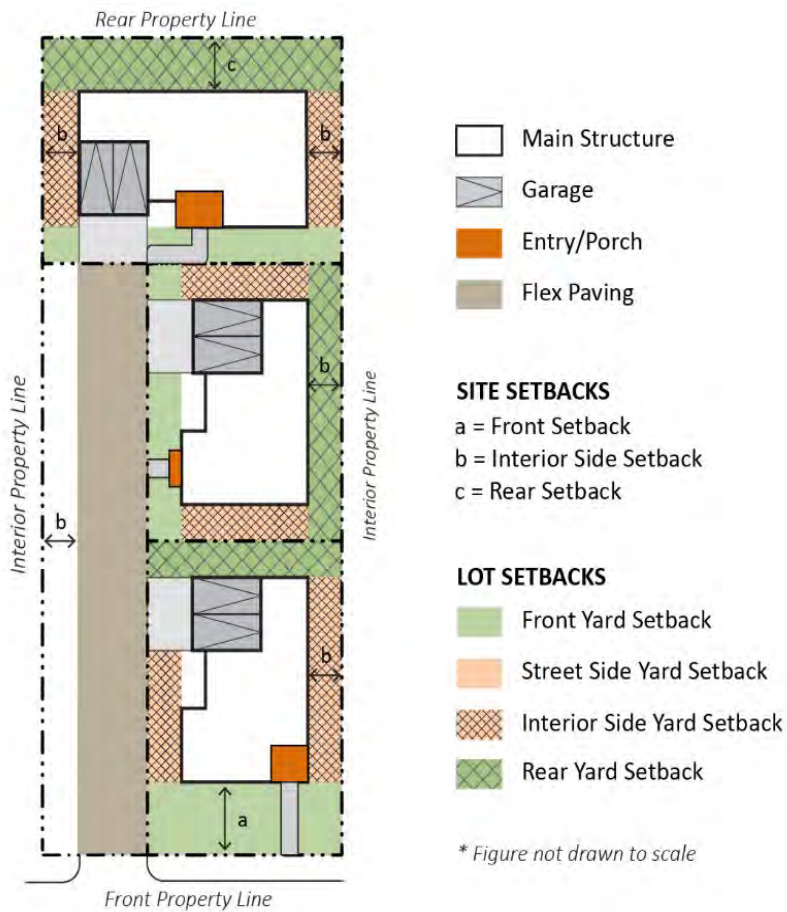
a. **Private Street and Pathway Landscaping.** All publicly-accessible private streets and pathways shall provide a combination of trees, shrubs, and ground cover in a planting strip. Trees shall be planted at a minimum of one tree per 35 feet of linear street/path. Shrubs and groundcover shall cover at least 30 percent of the planting strip.

**3. Parking.**

- a. Parking Location and Design.
  - i. Required parking shall be provided on each lot, within a common parking area, or in a combination of the two.
  - ii. Curb cuts and driveways providing access to parking shall be from an alley or secondary/private street, rather than from the public right-of-way, wherever such alley or secondary/private access is feasible.
  - iii. Parking is not permitted in the front setback area for individual lots and building sites.
  - iv. Garage doors that face the street shall not occupy more than 60 percent of the width of any street-facing building facade. This limitation does not apply to frontages along alleys.



**FIGURE 2.03.05-1. Example Small-Lot Detached Single-Family Residential Site Plans**



4. Services and Utilities.

- a. **Utilities.** All new utility boxes and equipment and utility connections shall be undergrounded unless otherwise prohibited by the utility provider (e.g., water backflow prevention device that must be placed above ground) or the City Engineer grants an exemption following his/her determination that such undergrounding is not practicable.
- b. **Location of Above-ground Utilities and Service Areas.** All above-ground utilities and equipment (e.g., electric and gas meters, fire sprinkler valves, irrigation backflow prevention devices, etc.), shall be integrated into building and landscape design and located to minimize impact on the pedestrian experience and neighboring properties by following the standards below:
  - i. Utilities and equipment shall be located on non-primary street frontages, alleys, parking areas, and/or at the rear or side of buildings.
  - ii. Utilities and equipment shall not be located within the front or street side setback area of the lot or development site.
  - iii. Utilities and equipment shall be fully screened from view (see Subsection D.4.c (*Service, Utility, and Equipment Screening*)).
  - iv. Single-family residential development projects of less than six units do not necessitate communal or shared trash and recycling areas/containers. In such cases, no enclosure structure shall be required, however individual trash and recycling containers shall be stored in such a manner that containers are not visible or screened from public view from the front of the property. Containers may be placed in public view for purposes of collection only on the scheduled collection day and should be removed from public view following said collection.
  - v. For single-family residential development projects with six units or more, trash and recycling containers and collection areas shall be adequate in capacity, number, and distribution to accommodate all waste generation of the site. The number of containers and collection areas shall be reviewed by the local disposal service and approved by the Director. Refuse collection areas shall be located inside of enclosures located along alleys, in parking areas, or at the rear or side of buildings and shall be fully screened from view per the screening standard below (see *Service, Utility, and Equipment Screening* standard in this Subsection, below). Communal refuse collection areas are prohibited on primary frontages (defined as the front lot line).
- c. **Service, Utility, and Equipment Screening.** Screening of refuse collection areas, utilities, and equipment shall meet the following standards:
  - i. Screening shall be equal to or higher than the height of the equipment to be screened.
  - ii. Screening shall be made of a primary exterior finish material used on other portions of the residential units, architectural grade wood or masonry, metal, or landscape screening that forms an opaque barrier when planted.
- d. **Mailboxes.** Mailbox clustering is not required for single-family residential development projects with less than six units. For single-family residential development projects with six units or more, mailboxes shall be clustered (group mailboxes) and shall meet the following standards:
  - i. The cluster mailbox unit(s) and any associated shelters shall be designed using exterior finish materials and colors used on the surrounding residential units.
  - ii. Group mailboxes shall be illuminated with lights and fixtures similar to those used externally throughout the development.
  - iii. Design and location of group mailboxes shall conform to U.S. Post Office requirements.



## E. Building and Facade Design Standards.

### 1. Architectural Variability.

For all developments involving four or more contiguous lots, there shall be multiple “distinctly different” front facade designs. No more than two houses shall be of the same front facade design as any other house directly adjacent along the same block face. Mirror images of the same configuration do not meet the definition of “distinctly different.” “Distinctly different” shall be defined to mean that a single-family dwelling’s elevation must differ from other house elevations in the following (see *Facade Modulation and Articulation* standard):

- a. Number of stories (optional);
- b. Modulation strategies - *at least one*;
- c. Articulation strategies - *at least one*;
- d. Variation in materials - *different material palette, with a different primary material.*

The number of required different front facade designs shall be in accordance with Table 2.03.05-1 (Architectural Variability).

**TABLE 2.03.05-1: Architectural Variability**

| Total number of Dwelling Units | Minimum Number of Facade Designs |
|--------------------------------|----------------------------------|
| 4 - 8                          | 2                                |
| 9 – 20                         | 3                                |
| 20 - 30                        | 4                                |
| –31 - 40                       | 5                                |
| 41 - 60                        | 6                                |
| 61 - 100                       | 7                                |
| >100                           | 8                                |

### 2. Facade Modulation and Articulation.

- a. **Modulation.** Residential units shall employ *at least two* of the following building modulation strategies:
  - i. Varied roof form, such as changes in roof height, offsets, change in direction of roof slope, dormers, parapets, etc.
  - ii. Use of balconies, front porches, overhangs, or covered patios.
  - iii. Projections, offsets, and/or recesses of the building wall at least one foot in depth, such as bay windows, chimneys, brackets, and cornices.





- b. **Articulation.** All building elevations that face a street or a cluster driveway shall employ varied facade articulation of wall surfaces. Facades shall incorporate *at least three* of the following features, consistent in design style, that provide articulation and design interest:
  - i. Variation in texture or material, provided all exterior wall textures and materials are consistent with the overall architectural style of the dwelling;
  - ii. Building base (typically bottom three feet) that is faced with a stone or brick material, or is delineated with a channel or projection;
  - iii. Railings with a design pattern and materials such as wood, metal, or stone which reinforces the architectural style of the building;
  - iv. Decorative trim elements that add detail and articulation, such as door surrounds with at least a two-inch depth, decorative eave detailing, belt courses, etc.;
  - v. Decorative window elements such as lintels, shutters, window boxes, etc; and/or
  - vi. Roof overhangs at least 18 inches deep.

**3. Side Elevations.**

Side facades facing a private street or cluster driveway shall include details which are compatible with those on the front facade, with similar types and treatments of roofs, windows, shutters, planter boxes, and other architectural elements.

**4. Building Entries.**

a. **Orientation.**

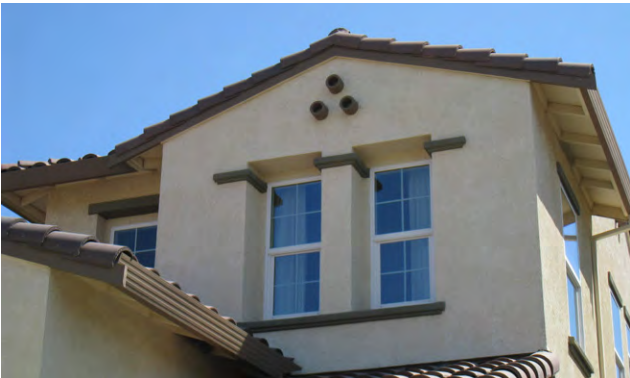
- i. Dwelling units that abut a public right-of-way shall orient the primary entryway toward the public street. Exceptions to this requirement may be approved by the Director or designee for projects where the project site is located on a major arterial, provided the facade facing the public street is designed with similar details and treatments to those of the front facade.
- ii. Dwelling units located in the interior of a development shall orient the primary entryway toward and visible from a private street, pedestrian pathway, or open space that is connected to a public right-of-way or private street.

- b. **Projection or Recess.** Building entrances shall have a roofed projection (such as a porch) or recess with a minimum depth of at least five feet and a minimum area of 30 square feet. Exceptions to this requirement may be approved by the Director or designee for alternative designs that create a welcoming entry feature facing the street, such as a trellis or landscaped courtyard entry.
- c. **Grade.** Ground floor/entry height shall be a maximum of three feet above grade.



**5. Building Roofs.** Building roofs shall be designed as follows:

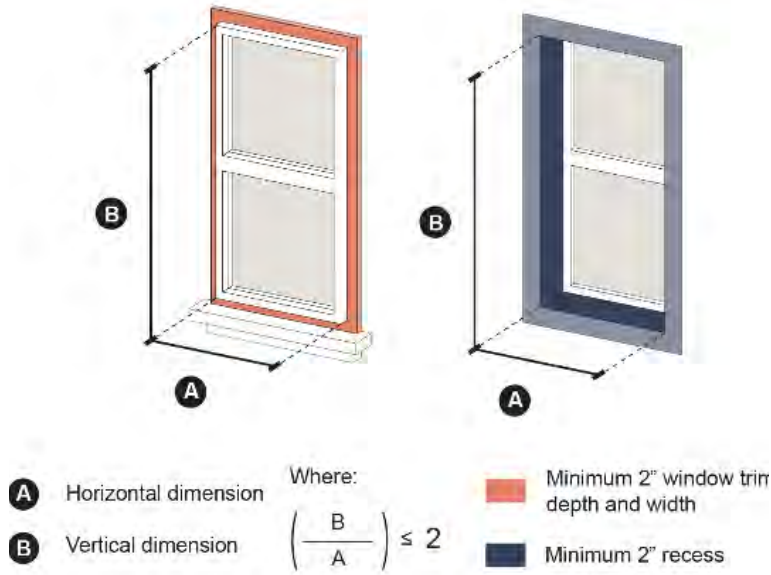
- a. **Roof Form.** Primary roof forms shall be gable, hipped, flat, or shed. Turret/cone style roof forms are prohibited.
- b. **Roof Pitch.** Steep roofs with a rise to run ratio over 6:12 (26.6 degrees) are prohibited.



- 6. **Window Trim or Recess.** Trim at least two inch in depth shall be provided around all windows, or windows shall be recessed at least two inches from the plane of the surrounding exterior wall (see Figure 2.03.05-2 (Window Trim or Recess)). Foam is not a permitted trim material.



**FIGURE 2.03.05-2. Figure 2.03.052 Window Trim or Recess**



**F. Colors and Materials.**

1. **Variation in Materials.** Each home shall incorporate at least two materials for facades.
2. **Prohibited Siding Materials.** The use of plywood, vinyl, plastic (and plastic laminate), and fiberglass is prohibited.
3. **Building Component Colors.** All vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted to match the color of the adjacent surface.

**G. Transitions and Privacy.**

1. **Window Placement.** Windows on adjacent units shall be offset by at least three feet to avoid direct sightlines into and from neighboring properties.
2. **Upper-Story Decks and Balconies.** Upper-story decks and/or balconies over 20 square feet in area shall be setback a minimum of 15 feet from an off-site single-family zoned property.
3. **Landscape Buffer.** For development projects of six units or more, a landscaped planter strip of at least three feet in width shall be provided along the abutting property line between a small lot subdivision/development and any adjoining low-density residential zoning district boundaries. Trees shall be planted within this area every 20 to 40 feet on center (depending on the tree species and canopy at maturity) to provide screening between the small lot subdivision/development and the adjacent low density residential uses.



**H. Open Space**

**1. Common Open Space.**

If common open space is provided, it shall be landscaped with trees, shrubs, and groundcover, with the exception of areas used for amenities which enhance usability, such as play/exercise equipment, benches, picnic tables, swimming pools, and the like. Common open space shall have a minimum useable width of 15 feet, a slope of no more than 10 percent, be accessible by all units, and provide at least one tree. Additional trees shall be provided at a rate of 1 tree per 1,000 square feet.

**2.03.06. Mixed-Use and Multi-Family Residential Design Standards**

**A. Applicability.**

The design standards in this Section shall be applicable to the following, unless specified otherwise:

- 1. All mixed-use or stand-alone multi-family residential development, redevelopment, expansions, and modifications of buildings and uses within the mixed-use zones.
- 2. All residential mixed-use development projects, located in other zones throughout the city (e.g., Regional Commercial).

**B. Site Design - Access and Connectivity.**

All applicable development projects shall comply with the following site design standards. Additional site design regulations can be found in Section 3.01.01 (Site Design) of Article 3. Where a conflict exists between the standards in Article 3 (Citywide Regulations) and this Section, this Section shall prevail.

**1. Smaller Blocks and New Connections.**

The following standards apply to projects (development sites) over 5 acres in size.

- a. New developments or projects shall create smaller blocks and new connections such as publicly-accessible streets or bicycle/pedestrian pathways such that no new block shall be longer than 400 feet in length without a publicly-accessible connection through the parcel.
- b. Where a site has through access to two parallel public or publicly-accessible rights-of-way, at least one publicly-accessible street or multi-use path (pedestrian and/or bicycle) shall connect through the site to another publicly-accessible sidewalk, street, and/or bike path for every 400 feet of parcel frontage.
- c. A street shall be designed and constructed per a classification determined by the Director. Street designs are determined by the City of Indio Public Works Engineering Standards. Street rights-of-way shall be dedicated to the City or provided as a public access easement.



**2. External Connectivity.**

Streets within any proposed development site shall be aligned with existing and planned streets in the surrounding area to create a continuous street pattern. All streets in any development site shall connect to other streets and to existing and planned streets outside the proposed development to the extent feasible. Any dead-end street longer than 400 feet shall be connected to other streets by a pedestrian path. If a development is gated, it shall provide frequent pedestrian and bicycle connections between the gated community and surrounding areas at distances no more than 600 feet apart.

**3. Vehicular Access Hierarchy.**

Parking and service area access shall be provided from the following, in order of preference: 1) from an alley; 2) in the absence of an existing or proposed alley, access shall be from a driveway shared with a property abutting the development site; 3) in the absence of an alley or shared driveway, access shall be from the side/lesser street abutting the development site; 4) in the absence of a side street, from a curb cut/driveway along the primary street frontage. See additional standards in Chapter 3.03 (Parking and Loading).

**4. Driveway and Curb Cuts.**

These standards shall apply to driveways and associated curb cuts providing vehicular access to parcels improved with mixed-use and/or multi-family residential development projects. Alley frontages are exempt from these standards. See also Chapter 3.03 (Parking and Loading).

- a. Driveways shall be a minimum of 50 feet from any street intersection. For parcels less than 75 feet wide, driveways shall be located along the lot line farthest from the intersection.
- b. Each development project site shall be limited to one curb cut, including driveways and private/service streets, per 400 feet of public street frontage, or two curb cuts per street frontage, whichever is less (unless otherwise required for emergency vehicle access).





**5. Pedestrian Access.**

Primary entries for buildings along street frontages shall meet the following standards (excludes individual residential entries):

- a. At least one pedestrian entry is required for each building or tenant space on each primary street frontage, unless a greater number is required by the adopted Building or Fire Codes. A single corner entry may be provided to fulfill this requirement.
- b. Primary building entries shall be at or above the back of sidewalk grade.
- c. Primary building entries shall face or be directly visible from the public right-of-way or a publicly-accessible path/open space. This may be through a front porch or forecourt.



**C. Services and Utilities.**

**1. Utilities.**

All new utility boxes and equipment and utility connections shall be undergrounded unless otherwise prohibited by the utility provider (e.g., water backflow prevention device that must be placed above ground) or the City Engineer grants an exemption following his/her determination that such undergrounding is not practicable.

**2. Location of Above-ground Utilities, Storage, and Service Areas.**

All above-ground utilities and equipment (e.g., electric and gas meters, fire sprinkler valves, irrigation backflow prevention devices, etc.), service areas, and outdoor storage areas shall be integrated into building and landscape design and located to minimize impact on the pedestrian experience and neighboring properties by following the standards below:

- a. Utilities and equipment, service, storage, and non-passenger loading areas shall be located inside buildings or on non-primary street frontages, alleys, parking areas, and/or at the rear or side of buildings.
- b. Utilities and equipment, service, storage, and non-passenger loading areas shall not be located within minimum setback areas, along mid-block pedestrian connections, within the public right-of-way, and/or within 25 feet of a street corner.
- c. Utilities and equipment, service, storage, and non-passenger loading areas shall be fully screened from view per Subsection C.3 (Service, Utility, and Equipment Screening) below.
- d. Refuse collection areas to the extent possible shall be located as far as possible from the residential portion of mixed-use buildings and open space areas. Additional regulations for refuse collection areas can be found in Section 3.05.08 (Refuse and Recycling).



**3. Service, Storage, Utility, and Equipment Screening.**

All service and storage areas, utilities, and equipment not housed inside buildings shall meet the following screening standards:

- a. Screening shall be equal to or higher than the height of the equipment to be screened.
- b. Screening shall be made of a primary exterior finish material used on other portions of the building, architectural grade wood or masonry, metal, or landscape screening that forms an opaque barrier when planted.



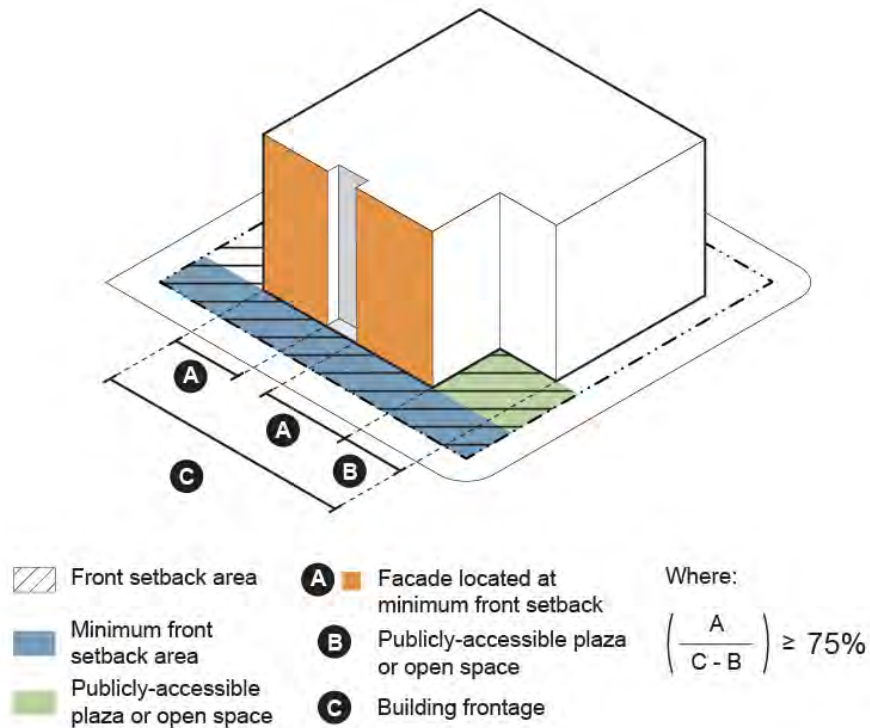
**D. Building Massing and Articulation.**

Building facades shall use a variety of strategies, including building modulation, fenestration, and facade articulation to create visual interest and express a variety of scales as follows.

**1. Building Frontage Location.**

In mixed-use zones, at least 75 percent of the building facade shall be located within the minimum and maximum setback lines. Up to 25 percent of the building facade may be located behind the maximum setback to allow for massing breaks, forecourts, plazas, etc. Publicly-accessible plazas/open spaces may be subtracted from the overall facade length to calculate the minimum percentage of building facade to be located within the setback range, as shown in Figure 2.03.06-1 Building Frontage Location.

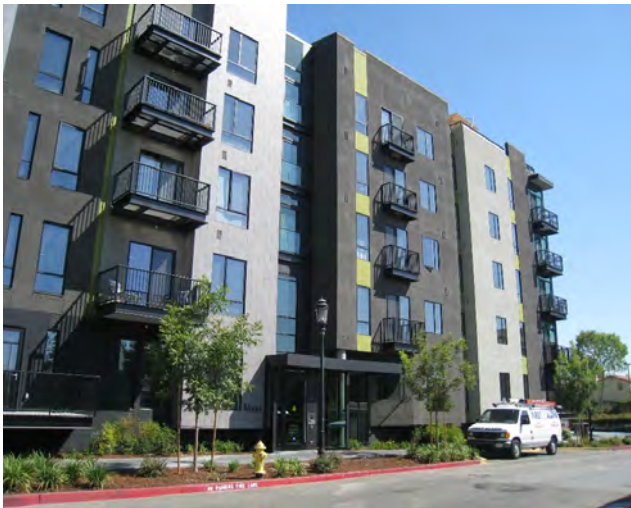
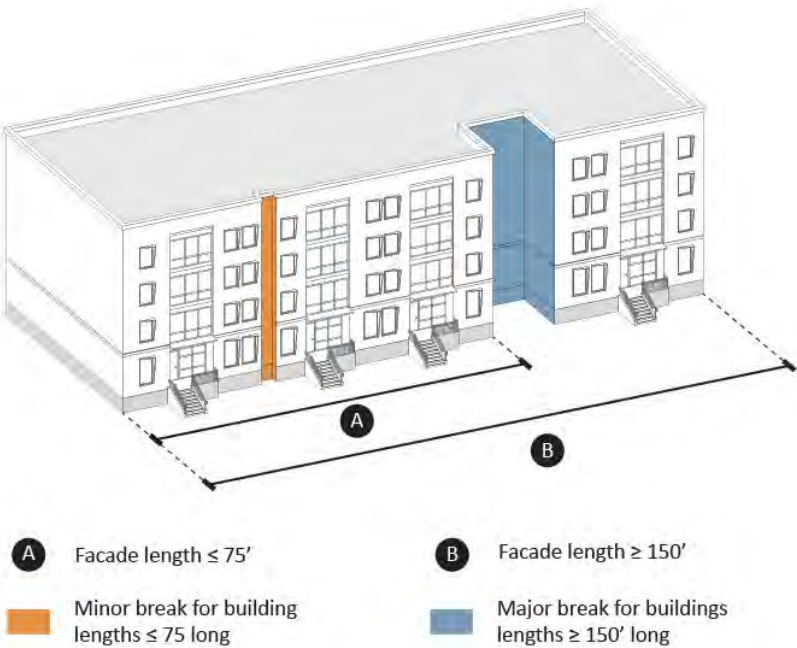
**FIGURE 2.03.06-1. Building Frontage Location**



2. Massing Breaks.

- a. **Major Massing Breaks.** Buildings greater than three stories in height with building facades greater than 150 feet in length shall have a minimum of one major massing break. Major massing breaks shall be a minimum depth of five feet and a minimum width of 10 feet and shall extend the full height of the building including a break in the roofline. Building facades greater than 300 feet in length shall include at least two major massing breaks, with one major break with a minimum depth of 10 feet and minimum width of 20 feet (the other break may be at the smaller size - minimum depth of five feet and a minimum width of 10 feet).
- b. **Minor Massing Breaks.** Continuous building facades greater than 75 feet in length shall have at least one minor massing break (vertical shift modulation). Minor breaks shall be a minimum of two feet deep and four feet wide and extend at minimum the full height of the building above the ground floor, including a break in the roofline.

FIGURE 2.03.06-2. Massing Breaks

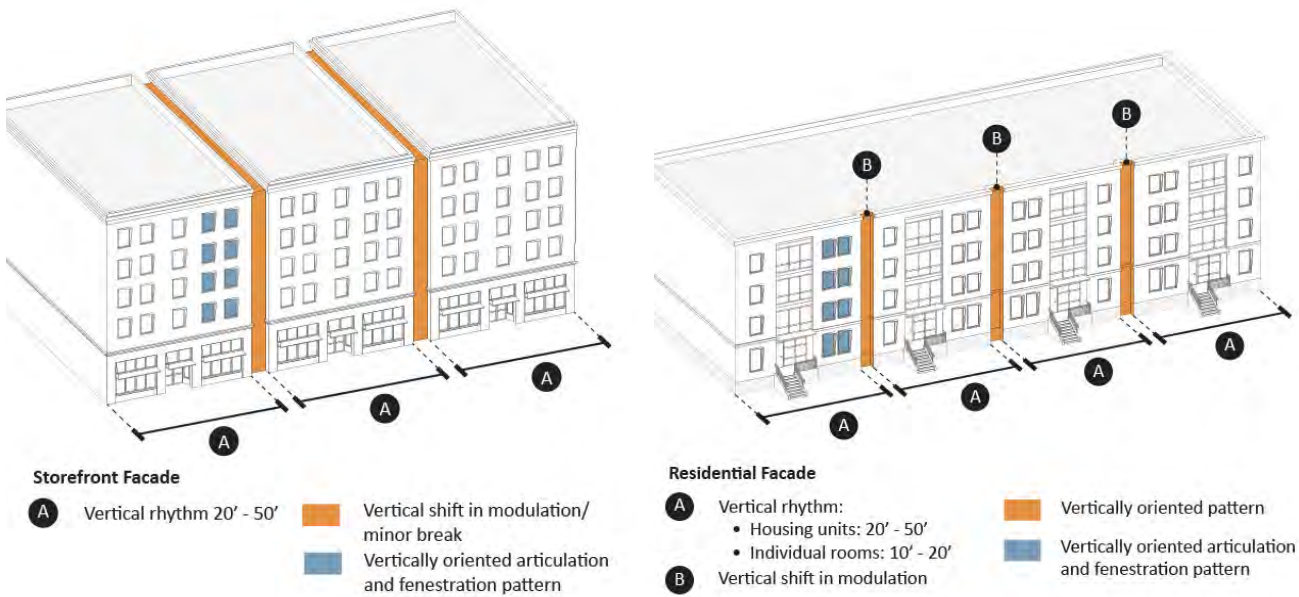




**3. Facade Rhythm and Pattern.**

- a. Multi-family residential and residential mixed-use buildings shall express a rhythm and pattern that reflects the size and scale of a housing unit and/or individual rooms and spaces. Architectural rhythm and pattern is expressed through repeated patterns of lines, shapes, forms, and/or colors. This may be achieved with building modulation to create vertically oriented facades (height greater than the width of the facade), facade articulation, and repeating vertically oriented patterns of fenestration as follows:
  - i. Residential facades shall use vertical patterns of building modulation, facade articulation, and fenestration. This rhythm shall be between 20 to 50 feet in width for housing units or 10 to 20 feet in width for individual rooms and spaces.
  - ii. Ground floor storefront uses shall express a vertical rhythm not to exceed 20 to 50 feet in width.

**FIGURE 2.03.06-3. Facade Rhythm and Pattern**

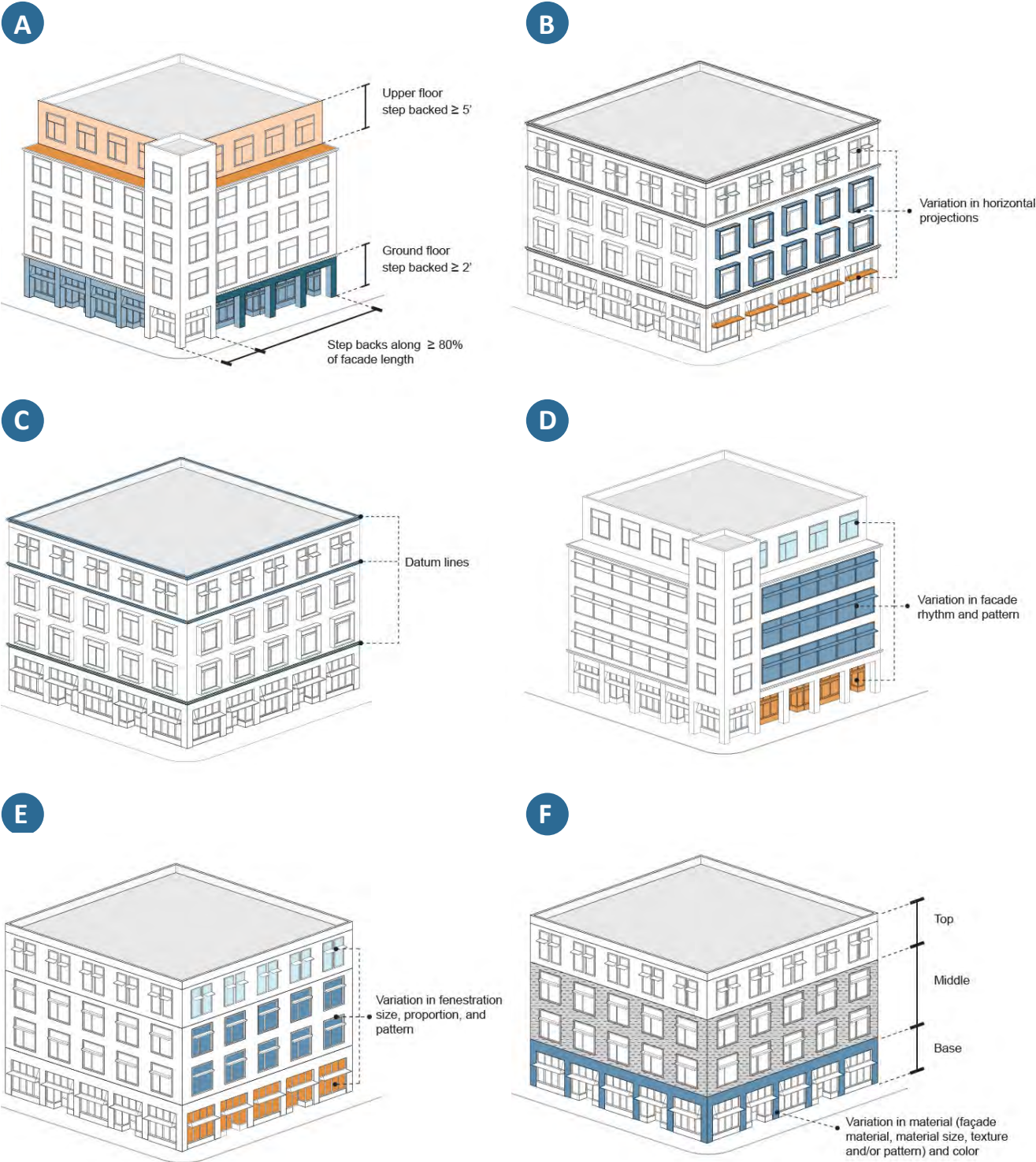


**4. Building Components (Base/Middle/Top).**

Buildings four stories and higher shall be designed to differentiate a defined base, a middle or body, and a top, cornice, or parapet cap. Buildings three stories or less shall include at minimum a defined base and top. Each of these elements shall be distinguished from one another for a minimum of 80% of the facade length through use of **two or more of the following**:

- a. Horizontal facade modulation, which could include upper floor or ground floor step backs. Ground floor step backs shall include a horizontal shift of the ground floor facade with a minimum depth of two feet to create an overhang or arcade. Upper floor step backs shall include at minimum a five-foot step back from the primary facade for a minimum of 80% of the length of the facade.
- b. Horizontal facade articulation and/or variation in facade articulation strategy (see 2.03.04.D4 (Facade Articulation)).
- c. Variation in facade rhythm and pattern (see 2.03.04.D2 (Facade Rhythm and Pattern)).
- d. Variation in fenestration strategy (size, proportions, pattern, and depth or projection) (see 2.03.04.D5 (Fenestration)).
- e. Variation in material (facade material, material size, texture and/or pattern) and color.

FIGURE 2.03.06-4. Building Components (Base/Middle/Top)





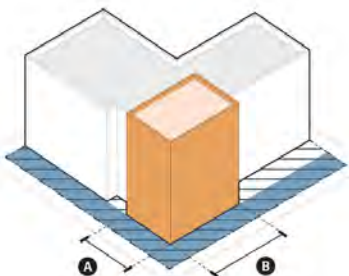
5. **Facade Articulation.** All facades shall include a minimum of *two* of the following facade articulation strategies to create visual interest:
  - a. Vertical and horizontal recesses such as a pattern of recessed grouping of windows, recessed panels, or similar strategies. The recess shall be a minimum four inches in depth.
  - b. Vertical and horizontal projections such as shading and weather protection devices, decorative architectural details, or similar strategies. Shading and weather protection projections shall be a minimum of two feet in depth. Architectural projections shall be a minimum of four inches in depth.
  - c. Datum lines that continue the full length of the building, such as cornices, with a minimum four inches in height, and a minimum two inches in depth with a change in material.
  - d. Balconies or Juliet balconies (every 20 to 50 feet). Balconies shall be a minimum of six feet in depth; Juliet balconies shall be a minimum of four inches in depth.
  - e. Screening devices such as lattices, louvers, shading devices, perforated metal screens, or similar strategies (see also Subsection F.2 (Awnings, Canopies, and Weather Protection)).
6. **Fenestration.** Fenestration shall meet the following standards:
  - a. Fenestration shall reinforce vertical proportions and patterns with windows that shall not exceed a 2:1 horizontal-to-vertical ratio.
  - b. Windows that are flat or “flush” with the facade are prohibited unless applied to a portion of a building that is part of a recessed facade modulation as identified in horizontal or vertical shift modulation strategies in Subsection D.5 (Facade Articulation) above.
  - c. Windows shall be recessed a minimum of two inches to provide a “punched” recessed character, or window trim shall be a minimum of two inches in width and depth.
  - d. Curtain walls, if used, shall have a vertical orientation of mullions, joints, or solid panels that create a vertical pattern that does not exceed a 2:1 horizontal-to-vertical ratio.
7. **Treatment of Corner Buildings.** Buildings located at street corners that are three stories and higher shall include at least one of the following special features:
  - a. The building facade shall be located at the minimum front yard setback or build-to line for a minimum aggregated length of 50 feet on both facades meeting at the corner, and shall include one or more of the following building features:
    - i. An entry to ground floor retail or primary building entrance located within 25 feet of the corner of the building.
    - ii. A different material application and/or fenestration pattern from the rest of the facade.
    - iii. A change in total height of at least 4 feet greater or less than the height of the abutting primary facade.
    - iv. A special architectural feature such as a rounded or cut corner, tower/cupola, or similar.
  - b. A publicly-accessible open space/plaza or outdoor seating area for public dining with a minimum dimension of 20 feet and minimum area of 400 square feet.



FIGURE 2.03.06-5. Treatment of Corner Buildings

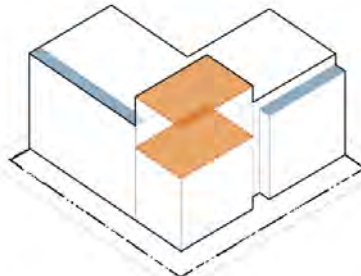


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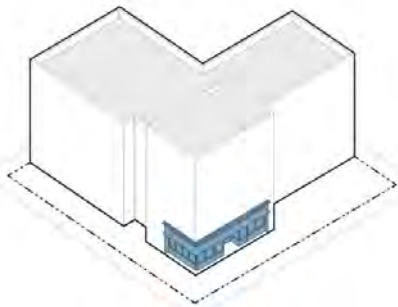
Front setback area  
Minimum front setback area  
Where:  $A + B \geq 50'$

A3



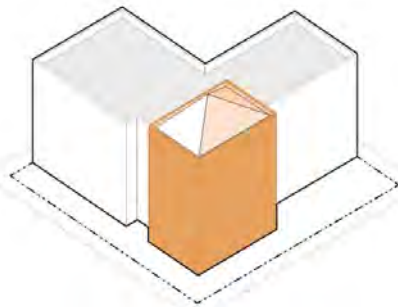
Corner element height  $\leq 4'$  or  $\geq 4'$  than abutting height  
Building height of abutting facade

A1



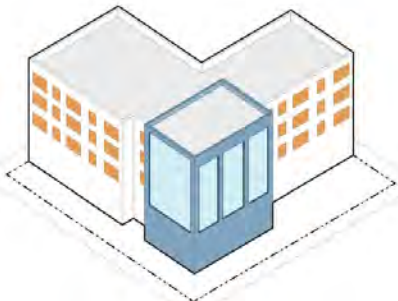
Corner entry to ground floor retail or primary building entrance

A4



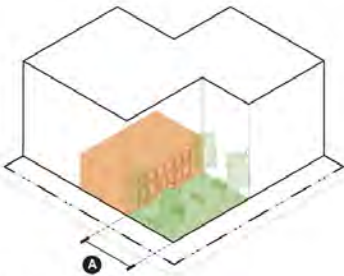
Corner architectural feature

A2



Corner element material or fenestration pattern  
Remaining facade building material or fenestration pattern

B



A Minimum 20' dimension  
Publicly accessible open space or common open space  $\geq 500$  sf  
Adjacent common interior open space



## E. Ground Floor Design - General.

### 1. Primary Shared Residential Building Entries.

Primary residential building entries shared by multiple units (e.g., leading to upper stories) shall be accentuated from the overall building facade through a facade modulation that includes **at least one** of the following:

- a. A recess or projection from the primary facade plane with a minimum depth of two feet.
- b. A change in roof form.
- c. Weather protection that is a minimum 6 feet wide and 4 feet deep by recessing the entry, providing an awning/canopy or using a combination of these methods.

### 2. Blank Walls.

Blank walls (facades without doors, windows, landscaping treatments, artistic treatments, or facade articulation as identified in 2.03.04.D4 (Facade Articulation)) shall be no more than 30 feet in length along public rights-of-way, pedestrian pathways, or publicly-accessible open space areas.

### 3. Front Yard Setback Character.

Required front setbacks shall provide a landscaped area to create a transition between public and private space. The following standards apply, based on intended use and exclusive of areas devoted to public access/sidewalks, outdoor seating, front porches, door swing of building entries, and publicly-accessible open space:

- a. **For ground-floor retail or retail-like uses.** A minimum of 20% of the required front setback area.
- b. **For other ground-floor non-residential uses.** A minimum of 40% of the required front setback area.
- c. **For ground-floor residential uses.** A minimum of 60% of the required front setback area. Front setbacks that are 10 feet or greater shall also include at minimum one tree per 40 linear feet of street frontage.



## F. Ground Floor Design – Non-Residential.

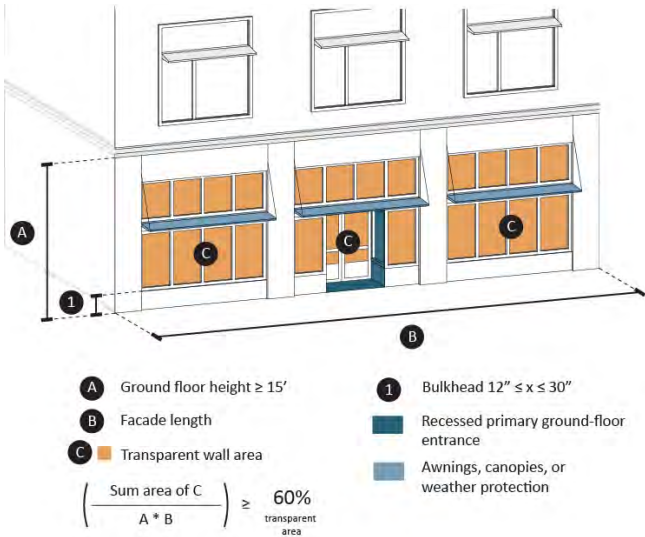
### 1. Retail/Storefront Ground Floor Design.

- a. **Ground Floor Height.** Retail/commercial ground floor space shall have a minimum height of 15 feet floor-to-ceiling.



- b. **Transparency (Openings and Windows).** Storefronts in new mixed-use developments shall contain clear openings and windows for a minimum of 60% of the total area of the first-floor facades facing public rights-of-way, pedestrian pathways, or publicly-accessible open space areas. Transparent glazing shall have a minimum Visible Transmittance (VT) value of 60 and be without tint or coloration.
- c. **Bulkheads and Solid Base Walls.** If provided, bulkheads and solid base walls shall not be less than 12 inches or higher than 30 inches.
- d. **Weather Protection.** Primary ground floor entrances shall include weather protection that is a minimum 6 feet wide and 4 feet deep by recessing the entry, providing an awning/canopy, or using a combination of these methods.

**FIGURE 2.03.06-6. Retail/Storefront Ground Floor Design**



**2. Awnings , Canopies and Weather Protection.**

- a. Awnings and canopies shall provide a minimum of eight feet of vertical clearance over the sidewalk.
- b. When transom windows are provided above display windows, awnings, canopies, or similar weather protection elements shall be installed between the transom and display windows. These elements should allow for light to enter the storefront through the transom windows and allow the weather protection feature to shade the display window.
- c. Awnings may be fixed or retractable.
- d. Awnings, canopies, and other weather protection elements shall not extend across more than 80 percent of the facade. Instead, individual segments shall be installed over each storefront entry or set of storefront windows and shall not extend across wall sections, across multiple windows, or over columns.
- e. Awnings and canopies shall be made of fabric, glass, wood (synthetic or weather treated), metal or a combination of such materials. Vinyl and plastic awnings are prohibited.

**3. Other Non-Residential Ground Floors.**

- a. Ground floor space shall have a minimum height of 15 feet floor-to-ceiling.
- b. A minimum of 30% of the total area of first-floor facades facing public rights-of-way, pedestrian pathways, or publicly-accessible open space areas shall include clear openings and windows. Transparent glazing shall have a minimum Visible Transmittance (VT) value of 60 and be without tint or coloration.
- c. Primary entries shall include weather protection that is a minimum 8 feet wide and 6 feet deep by recessing the entry, providing an awning or canopy or using a combination of these methods.





## G. Ground Floor Design - Residential.

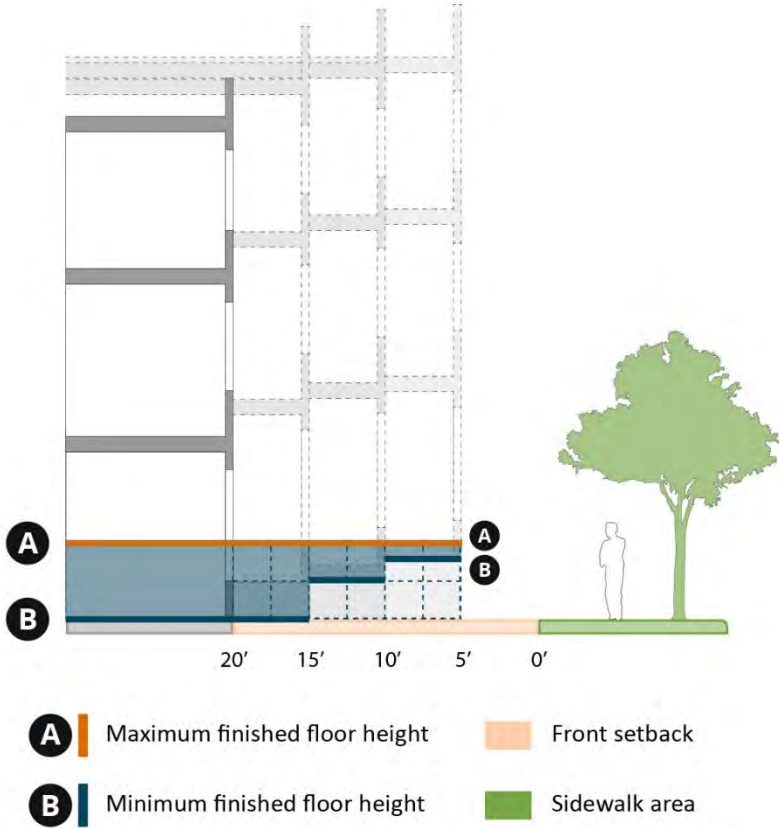
### 1. Ground Floor Residential Units.

The finished floor of ground floor residential units shall be within the minimum and maximum heights according to setback distance from back of walk as described below and illustrated in Figure 2.03.06-7. Finished Floor Range for Ground Floor Residential Units.

#### a. Finished Floor Height:

- i. **Setback between 0 – 10 feet:** Minimum finished floor height of 4 feet, maximum finished floor height of 5 feet.
  - ii. **Setback between 10 - 15 feet:** Minimum finished floor height of 2.5 feet, maximum finished floor height of 5 feet.
  - iii. **Setback > 15 feet:** Minimum finished floor height of 0 feet, maximum finished floor height of 5 feet.
- b. On sites with a cross slope greater than 2% along a building facade, the average height of the finished floor and back of walk shall be used. Where ADA accessibility requirements prohibit raised unit entries for some or all units, those units are exempt. For corridor buildings, accessible entries shall be located on the interior corridor.
  - c. When the underlying zoning district has a minimum setback of zero feet, all residential units shall be set back a minimum 5 feet from back of walk.
  - d. A minimum of 60% of the ground floor residential units that face a public right-of-way, publicly-accessible path, or open space shall have unit entries with direct access to the sidewalk, path, or open space. (Senior units or other deed-restricted units for special populations are exempt.)
  - e. Primary ground-floor entrances serving individual residential units shall include weather protection that is a minimum 4 feet wide and 4 feet deep by recessing the entry, providing an awning or canopy, or using a combination of these methods.

FIGURE 2.03.06-7. Finished Floor Range for Ground Floor Residential Units

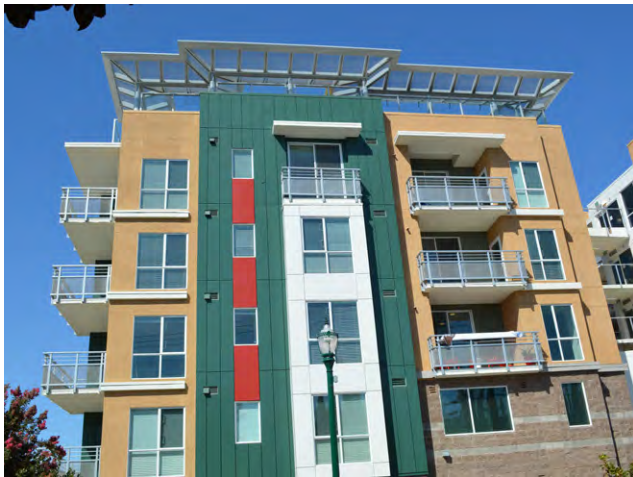


**H. Building Materials.**

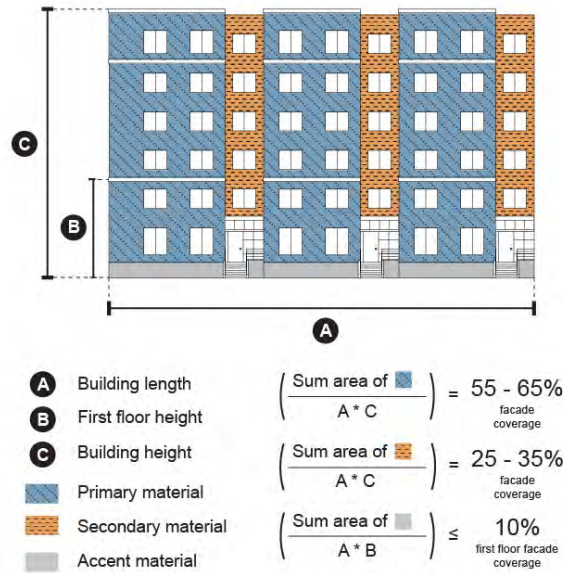
**1. Variation in Building Materials.**

Each facade shall include the following materials:

- a. Primary materials shall cover between 55 and 65% of each exterior (excluding windows, doors, garage doors, and building trim).
- b. A secondary material(s) shall cover the remaining 25 to 35% of each facade (excluding windows, doors, garage doors, and building trim).
- c. Durable finish and/or accent materials, including masonry, tile, stone, brick, and/or finished metal may cover up to 10% of the first floor of the front facade (excluding building trim).



**FIGURE 2.03.06–8. Variation in Building Materials**



**2. Prohibited Siding Materials.**

Plywood, vinyl, plastic (and plastic laminate), and fiberglass are prohibited as siding materials.

**3. Building Component Colors.**

All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the color of the adjacent surface.





**I. Open Space.**

**1. Publicly-Accessible Open Space.**

This section applies to publicly-accessible private open spaces (PAPOS), when provided (either where required or provided voluntarily). Publicly-accessible open space may include: plazas, courtyards, seating areas, parklets, play areas, recreational facilities or equipment, dog parks, and usable green space, among others.

- a. **PAPOS Design and Dimensions.** PAPOS shall be designed to create usable open space for public use. PAPOS shall meet the following standards:
  - i. Minimum dimension of 20 feet in one direction with a minimum of 15 feet in any other direction. Minimum total area of 400 square feet .
  - ii. A maximum of 40 percent of the open space may be covered but cannot be enclosed. Open space is considered enclosed when the space between a floor, decking, or ground level and a roof structure has sides taller than 50 inches in height on more than two sides.
  - iii. Minimum 20% landscape area as per Subsection I.1.c below.
  - iv. The space shall be publicly accessible for a minimum of 12 consecutive hours per day.
  - v. The space shall be directly accessible from a public right-of-way or from a publicly-accessible lobby; or, if the PAPOS is not directly accessible and visible from a public right-of-way, clear signage shall be visible from the public right-of-way directing users to the PAPOS and well as identifying the PAPOS, open space type, hours of access, and amenities.
- b. **PAPOS Amenities.** PAPOS shall include seating options (e.g., seat walls, planter ledges, benches, picnic tables, and seating steps) and shade structures (e.g., awnings, trellises, umbrellas), and **at least one** of the following amenities and features:
  - i. Water features
  - ii. Public art
  - iii. Drinking fountains
  - iv. Public restrooms
- c. **PAPOS Landscaping.** PAPOS shall provide a combination of trees, shrubs, and ground cover as follows:
  - i. A minimum of 20% of the open space area shall be planted with ground cover and/or shrubs.
  - ii. A minimum of one tree shall be planted per 400 square feet of the open space area.



**2. Common Open Space.**

This section applies to private common open space in residential subdivisions, multi-family residential projects, and residential mixed-use projects. Private common open spaces may be indoor rooms or outdoor open spaces that are shared and accessible only to building residents and their visitors. They can be located at the ground level, on parking podiums, or on rooftops, provided they are adequately landscaped. Common open spaces may include: courtyards, gardens, play areas, outdoor dining areas, recreational amenities, rooftop amenities, and community rooms, among others.

- a. **Common Outdoor Open Space Design and Dimensions.** Common outdoor open spaces shall meet the following standards. Entry porches and required setback areas with a dimension less than 20 feet shall not be counted towards common open space requirements.
  - i. Minimum dimension of 20 feet in any direction;
  - ii. A maximum of 40 percent of the common open space may be covered but cannot be enclosed. Common open space is considered enclosed when the space between a floor, decking, or ground level and a roof structure has sides taller than 50 inches in height on more than two sides;
  - iii. Courtyards enclosed on four sides shall have a minimum dimension of 40 feet and have a minimum courtyard width to building height ratio of 1.25:1;
  - iv. Minimum 20 percent of the open space area shall be planted with trees, ground cover, and/or shrubs;
  - v. Slope shall not exceed 10 percent; and
  - vi. Include places to sit, shade structures, and **at least two** of following amenities:
    - a.) Playground equipment;
    - b.) Picnic tables;
    - c.) Barbecue grills;
    - d.) Exercise equipment; and/or
    - e.) Sports facilities.
- b. **Common Community Room Design and Dimensions.** Common community rooms shall be easily accessible by building residents and designed to serve as gathering places. Common community rooms may include: lounges, fitness rooms, shared kitchens, dining areas, co-working spaces, game rooms, or other spaces that provide opportunities for shared experiences. Common community rooms shall meet the following standards:
  - i. Have direct access to and be directly adjacent to common outdoor open spaces or PAPOS;
  - ii. Minimum dimension of 15 feet by 15 feet;
  - iii. Minimum floor-to-ceiling height of 11 feet.



### 3. Private Open Space.

This section applies to personal private open space in multi-family residential and residential mixed-use projects. Private open space areas are intended for private use for each dwelling unit and may include: balconies (covered or uncovered), private gardens, private yards, terraces, decks, and porches, among others.

- a. **Private Open Space Design and Dimensions.** Private open spaces shall be designed to create usable space for residents to spend time sitting and relaxing outdoors or observing public and common open spaces and to provide direct visible access to the sky. Entry porches and required setback areas with a dimension less than 20 feet shall not be counted towards private open space requirements. Private open spaces shall meet the following standards:
  - i. Be directly accessible from a residential unit.
  - ii. Minimum dimension of 6 feet in any direction.
  - iii. Minimum clear height dimension of 8 feet 6 inches.
  - iv. May be covered but cannot be enclosed. Private open space is considered enclosed when the space between a floor, decking, or ground level and a roof structure has more than two sides taller than 50 inches in height.
- b. **Private Open Space Screening.** Ground level private open space shall be screened or buffered from adjacent private or common open space and dwellings by landscaping, fencing, walls, trellises, or other screening elements. Such screening or buffering shall be a minimum of 30 inches and a maximum of 42 inches in height.



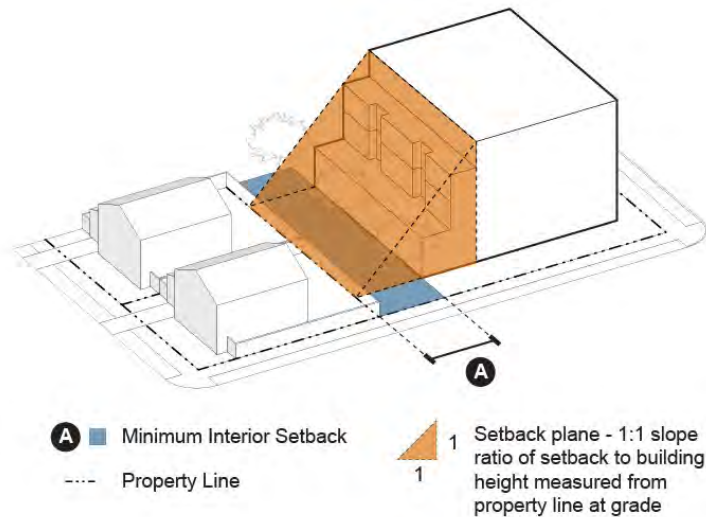


## J. Neighborhood Transitions

### 1. Transition to Lower Density Building Types.

When a building has a rear property line abutting a single-family residential zoned parcel, no portion of a building shall be within the setback established by a diagonal plane that begins at finished grade at the rear property line and slopes at a 45-degree angle moving away from the abutting property line until a point not to exceed maximum allowable building height.

**FIGURE 2.03.06-9. Transition to Lower Density Building Types**



### 2. Window Placement.

Windows shall be offset a minimum of three feet opposite windows of adjacent residences when located closer than 10 feet to a side property line.

### 3. Balconies Placement.

Upper-story balconies shall be offset a minimum of 10 feet opposite windows of adjacent single-family residences.

### 4. Landscape Buffer.

Landscape buffers shall be provided between uses in accordance with Section 3.02.09 (Landscaping).

## K. Performance Standards for Mixed-Use Zones

### 1. Purpose

The purpose of this section is to ensure that residential uses in mixed-use zones are not adversely impacted by adjacent commercial uses, including but not limited to traffic, noise, light, and safety impacts.

### 2. Applicability

The following performance standards shall apply to non-residential uses in mixed-use zones, and mixed-use developments in any zone within the city.

### 3. Hours of Operation.

The hours of operation for non-residential uses in mixed-use zones, and the non-residential component of mixed-use developments in any zone in the city shall be no earlier than 7:00 a.m. and no later than 10:00 p.m. daily, unless modified by an administrative or conditional use permit.

### 4. Loading.

Loading, unloading, and all service and maintenance activities shall be conducted within the hours of operation noted in Subsection 3.05.16.C, to minimize noise and other negative impacts on residential uses.

### 5. Lighting.

Lighting for nonresidential uses shall be appropriately designed, located, and shielded to ensure that it does not negatively impact the residential units in the development or any adjacent residential uses and shall comply with Section 3.02.11 (Outdoor Lighting).

### 6. Noise.

All residential units shall be designed to minimize adverse noise impacts from nonresidential uses and shall comply with the maximum levels permitted in *Table 11-1: Noise Compatibility Guidelines* in the Noise Element of the City of Indio General Plan and Chapter 95C: Noise Control of the City of Indio Municipal Code. Proper design may include, but shall not be limited to, building orientation, double windows, wall and ceiling insulation, and orientation of vents. Common walls between residential and non-residential uses shall be constructed to minimize the transmission of noise and vibration.

### 7. Air Quality and Odors.

All residential units shall be designed to minimize adverse impacts from mechanical equipment and operations of nonresidential uses on air pollutant emissions and odors. Odors released from any operation or activity shall not exceed detectable concentration beyond lot lines, measured at any location on the lot lines. Non-residential uses with attached residential units shall provide state-of-the-art ventilation systems to prevent odors from penetrating residential units.

### 8. Limitations on Use.

Any activity or use as determined by the Director not to be compatible with residential uses and/or to have the possibility of affecting the health or safety of residents due to the potential for the use to create dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or create a hazard because of materials, processes, products, or wastes, shall not be permitted within any mixed use development or mixed-use zone. This includes, but is not limited to, storage or shipping of flammable liquids or hazardous materials beyond that normally associated with a residential use and welding, machining, or open flame work.

### 9. Security.

Residential units shall be designed to ensure the security of residents through the provision of separate and secured entrances and exits that are directly accessible to parking areas. Where residential units are in the same structure as a non-residential/commercial use, access to residential units shall be from a secured area or entrance located on the ground floor. Nonresidential and residential uses located on the same floor shall not have common entrance hallways or common balconies. Shared or common residential entrances shall automatically lock upon closing.

# 2.04. NON-RESIDENTIAL ZONES

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## 2.04.01. Purpose + Intent

The purposes of the non-residential zones are to:

- A.** Designate adequate land for commercial and industrial uses and growth consistent with the General Plan;
- B.** Maintain and strengthen the City’s economic resources;
- C.** Provide a range of employment opportunities to meet the needs of current and future residents;
- D.** Designate adequate land for a full range of local- and regional-serving commercial and retail services consistent for residents, employees, and visitors;
- E.** Provide sufficient areas for a wide range of manufacturing, industrial processing, and service industrial uses and protect areas where such uses now exist; and
- F.** Ensure that appropriate site design and operational standards are in place to promote commerce while protecting health and safety and minimizing impacts on adjacent properties.

Additional purposes of each non-residential zone are as follows:

### **G. Regional Commercial (RC).**

The Regional Commercial (RC) zone provides for large-format retail development along with associated restaurant and commercial service activity. It is intended to accommodate retail, commercial, service, entertainment/amusement, and other regional- and visitor-serving amenities in areas near major freeway connections and around major intersections. This zone implements the Regional Commercial General Plan land use designation.





**H. Light Industrial (IL).**

The Light Industrial (IL) zone is intended to accommodate a wide variety of employment-generating uses and protect these areas from incompatible uses. This zone provides for offices, business and industrial parks, research and development, warehouses, distribution centers, light manufacturing, public and quasi-public uses, and supportive commercial uses. This zone implements the Workforce and Employment District General Plan land use designation.



**I. Heavy Industrial (IH).**

The Heavy Industrial (IH) zone is intended to accommodate manufacturing, processing, storage, and similar heavy industrial uses, including those which may create some objectionable conditions, and protect these areas from incompatible uses. This zone provides for manufacturing, processing, assembly, wholesale and storage uses, trucking terminals, railroad facilities, public and quasi-public uses, and similar and compatible uses, subject to regulations needed to protect health and safety, adjoining properties, and the surrounding area. This zone implements the Workforce and Employment District General Plan land use designation.



**J. Resource Recovery (RR).**

The Resource Recovery (RR) zone applies to land where natural resource recovery and/or reclamation activities such as mining and extraction are primary land uses. This zone implements the Resource Recovery General Plan land use designation. All uses and development regulations shall be determined on a case-by-case basis.

## 2.04.02. Land Use Regulations

The land uses allowed in the non-residential zones are listed below, together with the planning permit type required for each use. Numeric notes can be found at the end of the table.

**FIGURE 2.04.02-1. Allowed Uses – Non-Residential Zones**

P = Permitted; AUP = Administrative Use Permit; CUP = Conditional Use Permit; TUP = Temporary Use Permit; A-U = Accessory Use; X = Not Permitted

| NON-RESIDENTIAL ZONES  |     |     |     |    |   |
|--|-----|-----|-----|----|---|
| Use <sup>1</sup>   | IL  | IH  | RC  | RR | Additional/Specific Use Regulations                               |
| <b>Agriculture and Animal Keeping Uses</b>                           |     |     |     |    |   |
| Agricultural Support, Sales, Service, and Storage                    | P   | P   | X   | X  |   |
| Aquaculture  | AUP | AUP | X   | X  |   |
| Animal Husbandry and Production                                      | CUP | CUP | X   | X  |   |
| Animal Raising and Keeping, Exotic                                   | X   | X   | X   | X  |   |
| Animal Raising and Keeping, Domestic Pets                            | X   | X   | X   | X  |   |
| Animal Raising and Keeping, Horses                                   | X   | X   | X   | X  |   |
| Animal Raising and Keeping, Large Livestock                          | X   | X   | X   | X  |   |
| Animal Raising and Keeping, Small Livestock, Poultry, and Beekeeping | X   | X   | X   | X  |   |
| Backyard Breeding  | X   | X   | X   | X  |   |
| Community Garden   | A   | A   | A   | X  |   |
| Crop Production  | X   | X   | X   | X  |   |
| Greenhouse, Private  | P   | P   | P   | X  |   |
| Horticultural Production   | AUP | AUP | AUP | X  |   |
| Kennels, Private/Hobby   | AUP | AUP | AUP | X  |   |
| Private Garden   | A   | A   | A   | X  |   |
| Stable/Equestrian Facility, Commercial/Public                        | X   | X   | X   | X  |   |
| Stable/Equestrian Facility, Hobby/Private                            | X   | X   | X   | X  |   |
| <b>Automobile and Vehicle Uses</b>                                   |     |     |     |    |   |
| Auto and Vehicle Rental  | X   | X   | P   | X  | See Chapter 4.05 (Automotive Service and Repair/Fueling Stations) |
| Auto and Vehicle Sales, New  | X   | X   | P   | X  | See Chapter 4.05 (Automotive Service and Repair/Fueling Stations) |
| Auto and Vehicle Sales, Used   | X   | X   | P   | X  | See Chapter 4.05 (Automotive Service and Repair/Fueling Stations) |
| Auto and Vehicle Sales and Rental, Large Vehicles and Equipment      | AUP | P   | X   | X  | 4.05 (Auto and Vehicle Services and Repair)                       |
| Auto and Vehicle Services and Repair – Major                         | AUP | P   | X   | X  | See Chapter 4.05 (Automotive Service and Repair/Fueling Stations) |
| Auto and Vehicle Services and Repair – Minor                         | P   | P   | P   | X  | See Chapter 4.05 (Automotive Service and Repair/Fueling Stations) |
| Auto and Vehicle Towing/Impounding                                   | CUP | P   | X   | X  |   |
| Auto and Vehicle Washing and Detailing                               | AUP | P   | AUP | X  |   |
| Auto and Vehicle Wrecking/Dismantling                                | X   | P   | X   | X  |   |

| NON-RESIDENTIAL ZONES  |             |     |             |    |  |
|--|-------------|-----|-------------|----|--|
| Use <sup>1</sup>   | IL          | IH  | RC          | RR | Additional/Specific Use Regulations  |
| Fueling Stations   | CUP         | CUP | CUP         | X  | See Chapter 4.05 (Automotive Service and Repair/Fueling Stations)  |
| Truck Stop/Fueling Station                                       | AUP         | P   | AUP         | X  | See Chapter 4.05 (Automotive Service and Repair/Fueling Stations)  |
| <b>Cannabis Related Uses</b>                                     |             |     |             |    |  |
| Cannabis Cultivation, Commercial                                 | X           | X   | X           | X  | See Chapter 4.07 (Cannabis Activity)   |
| Cannabis Cultivation, Personal                                   | X           | X   | X           | X  | See Chapter 4.07 (Cannabis Activity)   |
| Cannabis Logistics, Distribution, and Transportation Facility    | X           | X   | X           | X  |  |
| Cannabis Manufacturing   | X           | X   | X           | X  |  |
| Cannabis Retailer, Microbusiness, or Dispensary                  | X           | X   | P           | X  | See Chapter 4.07 (Cannabis Activity)   |
| Cannabis Testing Laboratory                                      | X           | X   | X           | X  |  |
| <b>Eating and Drinking Establishments and Entertainment Uses</b> |             |     |             |    |  |
| Bar/Nightclub/Lounge   | P           | X   | P           | X  |  |
| Brewpub/Taproom/Wine Bar/Microdistillery                         | P           | X   | P           | X  |  |
| Cinema/Theater/Performing Arts Center                            | P           | X   | P           | X  |  |
| Drive-Through, Non-Restaurants (Accessory)                       | A           | A   | A           | X  | See Chapter 4.13 (Drive-Through Uses)  |
| Live Entertainment as Accessory Use, Indoors (Accessory)         | A           | X   | A           | X  |  |
| Live Entertainment as Accessory Use, Outdoors (Accessory)        | A, AUP, TUP | X   | A, AUP, TUP | X  | Regular outdoor events as an accessory use require an AUP. Sporadic events require a TUP (See Chapter 4.27 ((Temporary Uses)). |
| Outdoor Dining (Accessory)                                       | A           | X   | A           | X  |  |
| Outdoor Entertainment  | AUP         | X   | AUP         | X  |  |
| Restaurant, Dine-In and Take-Out                                 | P           | AUP | P           | X  |  |
| Restaurant, Drive -Through                                       | AUP         | AUP | P           | X  | See Chapter 4.13 (Drive-Through Uses)  |
| <b>Industrial and Manufacturing Uses</b>                         |             |     |             |    |  |
| Artisan Manufacturing/Makers Space                               | P           | P   | AUP         | X  |  |
| Brewery/Distillery/Winery – without tasting room or > 10,000 sf  | P           | P   | CUP         | X  |  |
| Brewery/Distillery/Winery – with tasting room and <10,000 sf     | P           | P   | AUP         | X  |  |
| Construction and Materials Yards                                 | AUP         | P   | X           | X  |  |
| Food or Beverage Manufacturing                                   | AUP         | P   | X           | X  |  |
| Hazardous Materials/Wholesale Fuel Storage and Distribution      | X           | P   | X           | X  |  |
| Indoor Warehousing, Storage, Wholesaling, and Distribution       | P           | P   | CUP         | X  | Small footprint fulfillment centers less than 50K sf in size may be allowed in the RC Zone with a CUP.                         |
| Manufacturing/Processing, Heavy                                  | X           | P   | X           | X  |  |
| Manufacturing/Processing, Light                                  | P           | P   | X           | X  |  |



| NON-RESIDENTIAL ZONES                                  |     |     |     |     |  |
|--|-----|-----|-----|-----|--|
| Use <sup>1</sup>                                       | IL  | IH  | RC  | RR  | Additional/Specific Use Regulations  |
| Mining/Resource Extraction                             | X   | X   | X   | CUP | The following uses may be permitted in the RR district subject to a CUP: mining; sand or gravel extraction; batch plants; asphalt plants; and secondary processing of raw mineral materials. |
| Outdoor Storage (Primary Use)                          | AUP | P   | X   | X   | See Chapter 4.20 (Outdoor Storage)   |
| Outdoor Storage (Accessory)                            | A   | A   | A   | X   | See Chapter 4.20 (Outdoor Storage)   |
| Salvage and Wrecking Yards                             | X   | P   | X   | X   |  |
| <b>Lodging</b>   |     |     |     |     |  |
| Bed and Breakfast                                      | X   | X   | X   | X   |  |
| Lodging – Extended Stay                                | AUP | X   | P   | X   |  |
| Lodging – Hotels                                       | AUP | X   | P   | X   |  |
| Lodging – Motels                                       | AUP | X   | P   | X   |  |
| Lodging – Timeshares                                   | AUP | X   | P   | X   |  |
| <b>Recreation, Education, and Public Assembly Uses</b> |     |     |     |     |  |
| Campground, Temporary                                  | X   | X   | TUP | X   | See Chapter 4.27 (Temporary Uses)  |
| Cemeteries, Crematories, or Mausoleums                 | AUP | AUP | X   | X   |  |
| Civic/Government                                       | P   | P   | P   | X   |  |
| College/University                                     | CUP | X   | CUP | X   |  |
| Commercial Recreation and Sports, Indoor               | P   | P   | P   | X   |  |
| Commercial Recreation and Sports, Outdoor              | AUP | CUP | AUP | X   |  |
| Community Assembly, Up to 5,000 sf (gross sf)          | P   | AUP | P   | X   |  |
| Community Assembly, > 5000 sf – 12,000 sf (gross sf)   | AUP | AUP | P   | X   |  |
| Community Assembly, >12,000 sf (gross sf)              | CUP | CUP | AUP | X   |  |
| Cultural Institutions                                  | P   | X   | P   | X   |  |
| Day Care Centers                                       | P   | X   | P   | X   | See Chapter 4.09 (Child Day Care in a Home (Small and Large) and Day Care Centers)   |
| Instructional Services, <= 5000 sf                     | P   | X   | P   | X   |  |
| Instructional Services, > 5000 sf                      | P   | X   | P   | X   |  |
| Open Space, Natural                                    | P   | P   | P   | P   |  |
| Parks and Recreation Facilities                        | P   | X   | P   | X   |  |
| Public Service Facility                                | P   | P   | P   | X   |  |
| Recreational Vehicle (RV) Park                         | X   | X   | X   | X   |  |
| Schools, Public or Private (TK-12)                     | CUP | X   | CUP | X   |  |
| Social Service Facilities                              | AUP | X   | AUP | X   |  |
| Tutoring Facilities                                    | P   | X   | P   | X   |  |
| Vocational/Trade School                                | CUP | X   | AUP | X   |  |

| NON-RESIDENTIAL ZONES   |     |     |     |    |  |
|---|-----|-----|-----|----|--|
| Use <sup>1</sup>  | IL  | IH  | RC  | RR | Additional/Specific Use Regulations  |
| <b>Residential Uses</b>   |     |     |     |    |  |
| Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) | X   | X   | X   | X  |  |
| Caretaker’s Unit  | A   | A   | X   | X  |  |
| Child Day Care in a Home, Large   | X   | X   | X   | X  |  |
| Child Day Care in a Home, Small   | X   | X   | X   | X  |  |
| Cottage Food Operation  | X   | X   | X   | X  |  |
| Cottage Industry  | X   | X   | X   | X  |  |
| Emergency Shelter   | P   | X   | AUP | X  | See Chapter 4.14 (Emergency Shelters)  |
| Group Residential Home  | AUP | X   | AUP | X  |  |
| Home Occupation   | A   | A   | X   | X  | See Chapter 4.15 (Home Occupations)  |
| Live/Work   | AUP | X   | AUP | X  | See Chapter 4.16 (Live/Work)   |
| Manufactured/Mobile Home Park   | X   | X   | X   | X  |  |
| Residential Care Facilities, Large                                      | X   | X   | X   | X  |  |
| Residential Care Facilities, Small                                      | X   | X   | X   | X  |  |
| <b>Residential Housing Types</b>  |     |     |     |    |  |
| <i>Single-Family Dwelling, Attached</i>                                 | X   | X   | X   | X  |  |
| <i>Single-Family Dwelling, Detached</i>                                 | X   | X   | X   | X  |  |
| <i>Two-Family Dwelling/Duplex</i>                                       | X   | X   | X   | X  |  |
| <i>Multi-Family Dwelling, Triplex/Quadplex</i>                          | X   | X   | X   | X  |  |
| <i>Multi-Family Dwelling, ≥ 5 Units</i>                                 | X   | X   | X   | X  |  |
| <i>Mobile Home</i>  | X   | X   | X   | X  |  |
| <i>Manufactured/Modular/Prefabricated Dwelling Unit</i>                 | X   | X   | X   | X  |  |
| Single-Room Occupancy   | X   | X   | X   | X  |  |
| Supportive Housing  | CUP | X   | X   | X  |  |
| Transitional Housing  | CUP | X   | X   | X  |  |
| Yard Sales (Temporary)  | P   | P   | X   | X  | See Chapter 4.27 (Temporary Uses)  |
| <b>Retail, Service, and Office Uses</b>                                 |     |     |     |    |  |
| Adult-Oriented Business   | CUP | CUP | X   | X  | See Chapter 4.03 (Adult-Oriented Businesses)   |
| Alcohol Sales, Off-Sale   | P   | P   | P   | X  |  |
| Animal Sales and Services   | P   | P   | P   | X  |  |
| ATM (Accessory)   | A   | A   | A   | X  |  |
| Bail Bonds  | CUP | X   | X   | X  | See Chapter 4.06 (Bail Bonds)  |
| Banks, Financial, and Savings and Loan Institutions                     | P   | X   | P   | X  | Drive-through financial institutions are covered under “Drive-Through, Non-Restaurant” |
| Building Materials Sales and Services                                   | P   | P   | AUP | X  |  |
| Business to Business Support Services                                   | P   | P   | AUP | X  |  |
| Check-Cashing Businesses  | CUP | X   | CUP | X  | See Chapter 4.08 (Check-Cashing Businesses)  |
| Convenience Market  | CUP | CUP | CUP | X  |  |
| Food Preparation, Commercial  | P   | P   | P   | X  |  |
| Fortunetelling, Palm and Card Reading                                   | P   | X   | P   | X  |  |

| NON-RESIDENTIAL ZONES                            |     |     |     |    |  |
|--|-----|-----|-----|----|--|
| Use <sup>1</sup>                                 | IL  | IH  | RC  | RR | Additional/Specific Use Regulations  |
| Funeral Homes and Mortuaries                     | P   | P   | P   | X  |  |
| General Retail ≤ 5,000 sf                        | P   | CUP | P   | X  | General Retail allowed with a CUP in the IH zone only when in conjunction with a mini-storage warehouse or facility (see Chapter 4.19 Mini-Storage Warehousing or Facility). |
| General Retail 5,000 sf – 25,000                 | P   | CUP | P   | X  | General Retail allowed with a CUP in the IH zone only when in conjunction with a mini-storage warehouse or facility (see Chapter 4.19 Mini-Storage Warehousing or Facility). |
| General Retail/Superstore > 25,000               | P   | X   | P   | X  |  |
| Grocery Store                                    | P   | X   | P   | X  |  |
| Hospital   | AUP | X   | AUP | X  |  |
| Kennels/Boarding, Commercial                     | P   | P   | P   | X  |  |
| Kiosk/Outdoor Vending                            | P   | P   | P   | X  |  |
| Laundromat                                       | P   | AUP | P   | X  |  |
| Massage Establishment, Accessory Use             | A   | X   | A   | X  | See Chapter 4.18 (Massage Establishment (Accessory))   |
| Massage Establishment, Stand-Alone               | X   | X   | X   | X  |  |
| Medical Services, Extended Care                  | AUP | X   | AUP | X  |  |
| Medical Services, Medical/Dental/Holistic/Clinic | P   | X   | P   | X  |  |
| Medical Services, Urgent Care                    | P   | X   | P   | X  |  |
| Mini-Storage Warehousing or Facility             | CUP | CUP | X   | X  | See Chapter 4.19 (Mini-Storage Warehousing or Facility)  |
| Neighborhood Market                              | P   | X   | P   | X  |  |
| Nursery/Garden Center                            | P   | P   | P   | X  |  |
| Offices, Processing                              | P   | P   | P   | X  |  |
| Offices, Professional/Administrative             | P   | CUP | P   | X  | Office uses allowed with a CUP in the IH zone only when in conjunction with a mini-storage warehouse or facility (see Chapter 4.19 Mini-Storage Warehousing or Facility)     |
| Offices, Service                                 | P   | CUP | P   | X  | Office uses allowed with a CUP in the IH zone only when in conjunction with a mini-storage warehouse or facility (see Chapter 4.19 Mini-Storage Warehousing or Facility)     |
| Outdoor Display (Accessory)                      | A   | X   | A   | A  |  |
| Pawnshop   | CUP | X   | CUP | X  | See Chapter 4.21 (Pawnshops)   |
| Personal Services                                | P   | X   | P   | X  |  |
| Research and Development                         | P   | P   | AUP | X  |  |
| Smoke Shops                                      | P   | X   | P   | X  | See Chapter 4.24 (Smoke Shops)   |
| Smoking Lounge                                   | P   | X   | P   | X  |  |
| Swap Meet, Outdoor (Temporary)                   | TUP | X   | TUP | X  |  |
| Tattoo/Body Art/Piercing                         | P   | X   | P   | X  | See Chapter 4.25 (Tattoo/Body Art/Piercing Establishments)   |
| Resale/Consignment/Thrift Shop                   | P   | X   | P   | X  | See Chapter 4.25 (Resale/Consignment/Thrift Shops)   |
| Veterinary Hospitals                             | P   | AUP | P   | X  |  |

| NON-RESIDENTIAL ZONES  |          |          |          |    |   |
|--|----------|----------|----------|----|---|
| Use <sup>1</sup>   | IL       | IH       | RC       | RR | Additional/Specific Use Regulations   |
| <b>Utility, Transportation, and Communication Uses</b>             |          |          |          |    |   |
| Airports and Heliports   | CUP      | CUP      | CUP      | X  |   |
| Communications, Facilities within Buildings                        | P        | P        | AUP      | X  |   |
| Communications, Telecommunications/ Large Commercial Antennas      | AUP/ CUP | AUP/ CUP | AUP/ CUP | X  | An AUP or CUP is required, depending on the design and height of the large commercial antenna, as regulated by Section 4.26.04 (Large Commercial Antennas). |
| Communications, Telecommunications/ Small Wireless Facilities      | P        | P        | AUP      | X  | See Chapter 4.26 (Telecommunications/ Wireless Facilities)  |
| Freight/Trucking Facility  | AUP      | P        | AUP      | X  |   |
| Light Fleet-Based Services   | P        | P        | AUP      | X  |   |
| Mobile Recycling Unit  | A        | A        | A        | X  |   |
| Parking Lots and Structures  | P        | P        | A, AUP   | X  |   |
| Passenger Transportation Facilities                                | CUP      | CUP      | CUP      | X  |   |
| Public Utilities, Major  | AUP      | P        | CUP      | X  |   |
| Public Utilities, Minor  | P        | P        | P        | X  |   |
| Renewable Energy System (Primary Use)                              | P        | P        | CUP      | X  |   |
| Renewable Energy System, Building-Mounted (Accessory)              | A        | A        | A        | X  |   |
| Renewable Energy System, Stand-Alone or Ground Mounted (Accessory) | A        | A        | A, AUP   | X  |   |
| Recycling Collection Facility                                      | AUP      | P        | X        | X  |   |
| Recycling Processing Facility                                      | AUP      | P        | X        | X  |   |
| Reverse Vending Machine (Accessory)                                | A        | A        | A        | X  |   |
| Utility Yard   | AUP      | P        | CUP      | X  |   |

Notes:

1. Uses shall be consistent with criteria of the Bermuda Dunes Airport Compatibility Plan, including applicable County-wide criteria as may exist at the time of project review. If the project is located in the Bermuda Dunes Airport Influence Areas, compatibility zones and regulations apply. Please see Riverside County Airport Land Use Commission Staff ([www.rcaluc.org](http://www.rcaluc.org)) and Indio Planning Staff for the most up-to-date regulations.



## 2.04.03. Development Regulations

Table 2.04.03-1 prescribes the development standards for the non-residential zones. Additional regulations are also denoted in the righthand column. Section numbers in this column refer to other sections of this Code.

**FIGURE 2.04.03-1. Development Standards – Non-Residential Zones**

| NON-RESIDENTIAL ZONES  |   |  |  |  |
|--|---|--|--|--|
| Standards  | RC  | IL   | IH   | Additional Regulations   |
| <b>Lot and Density Standards<sup>1</sup></b>                     |   |  |  |  |
| Minimum Lot Size (sf)  | 40,000  | 10,000   | 20,000   |  |
| Minimum Lot Width (ft)   | 100   | 80   | 100  |  |
| Minimum Lot Depth (ft)   | 200   | 100  | 100  |  |
| <b>Building Form and Location</b>                                |   |  |  |  |
| Maximum Floor Area Ratio   | 1.0   | 1.0  | 1.0  |  |
| Maximum Height (ft)/Stories – Primary Building                   | 55/3 stories  | 55/3 stories   | 55/3 stories   | Projects must comply with both stories and overall height maximums.  |
| Maximum Height (ft) – Primary Building w/ Architectural Features | 65  | 65   | 65   | Architectural features include rooftop stair access and elevator shafts, mechanical equipment, or other rooftop amenities, as approved by City staff. See Section 3.01.03 (Measuring Heights).                                   |
| Maximum Height Adjacent to Residential Zones                     | Within 45-degree plane from property line at grade. |  |  |  |
| Distance between Structures (ft)                                 | Minimum required by Building and Fire code.         |  |  |  |
| <b>Setbacks – Minimums (ft)</b>                                  |   |  |  |  |
| <i>Front</i>   | 10  | 10   | 10   | Minimum front setback shall be landscaped in the IL and IH zones, excluding driveways.<br>No parking allowed in minimum setback area.  |
| <i>Street Side</i>   | 10  | 10   | 10   | Minimum front setback shall be landscaped in the IL and IH zones, excluding driveways.<br>No parking allowed in minimum setback area.  |
| <i>Interior Side</i>   | 10; 25 ft abutting a residential zone               | 10; 25 ft abutting a residential zone  | 10; 25 ft abutting a residential zone  |  |
| <i>Rear</i>  | 10; 25 ft abutting a residential zone               | 10; 25 ft abutting a residential zone  | 10; 25 ft abutting a residential zone  |  |
| <i>Alley</i>   | 5   | 5  | 5  |  |
| <b>Open Space Standards</b>                                      |   |  |  |  |
| Minimum Open Space   | 10% of lot (must be publicly-accessible)            | 400 sf total for the first 20 employees <sup>2</sup> , and additional 10 sf per employee over 20 | 400 sf total for the first 20 employees <sup>2</sup> , and additional 10 sf per employee over 20 | Common open space includes roof decks and other shared common open areas. Minimum open space dimension is 15 feet in either direction. Setback areas are not considered usable open space unless they are at least 20 feet wide. |
| Minimum Landscaping (% of lot)                                   | 10  | 10   | 10   | 25% must be live plant material. See Section 3.02.09 (Landscaping)   |

| NON-RESIDENTIAL ZONES                            |  |    |    |                        |
|--|--|----|----|------------------------|
| Standards  | RC   | IL | IH | Additional Regulations |
| <b>Other Standards</b>                           |  |    |    |                        |
| Accessory Structures                             | See Section 3.02.04 (Accessory Structures)                             |    |    |                        |
| Setbacks and Encroachments                       | See Section 3.02.03 (Setbacks and Encroachments)                       |    |    |                        |
| Utilities, Service Areas, and Building Equipment | See Section 3.02.07 (Utilities, Service Areas, and Building Equipment) |    |    |                        |
| Refuse and Recycling                             | See Section 3.02.08 (Refuse and Recycling)                             |    |    |                        |
| Landscaping                                      | See Section 3.02.09 (Landscaping)                                      |    |    |                        |
| Fences, Walls, and Screening                     | See Section 3.02.10 (Fences, Walls, and Screening)                     |    |    |                        |
| Outdoor Lighting                                 | See Section 3.02.11 (Outdoor Lighting)                                 |    |    |                        |
| Parking and Loading                              | See Chapter 3.03 (Parking and Loading)                                 |    |    |                        |
| Performance Standards                            | See Chapter 3.04 (Performance Standards)                               |    |    |                        |
| Signs  | See Chapter 3.05 (Sign Regulations)                                    |    |    |                        |

- Densities and intensities shall be consistent with criteria of the Bermuda Dunes Airport Compatibility Plan, including applicable County-wide criteria as may exist at the time of project review. If the project is located in the Bermuda Dunes Airport Influence Areas, compatibility zones and regulations apply. Please see Riverside County Airport Land Use Commission Staff ([www.rcaluc.org](http://www.rcaluc.org)) and Indio Planning Staff for the most up-to-date regulations.
- Number of employees shall be based on the largest shift that occurs in a typical week.

## 2.04.04. Supplemental Regulations

### A. Open Space.

#### 1. Publicly-Accessible Open Space (PAPOS).

This section applies to publicly-accessible private open spaces in non-residential zones, when provided (either where required or provided voluntarily). Publicly-accessible open space may include: plazas, courtyards, seating areas, and parklets, among others.

a. **PAPOS Design and Dimensions.** PAPOS shall be designed to create usable open space for public use. PAPOS shall meet the following standards:

- Minimum dimension of 20 feet in one direction with a minimum of at least 15 feet in any other direction. Minimum 400 square feet in total area.
- A maximum of 40 percent of the open space may be covered but cannot be enclosed. Open space is considered enclosed when the space between a floor, decking, or ground level and a roof structure has sides taller than 50 inches in height on more than two sides.
- Minimum 20% landscape area as per Subsection A.1.c below.
- Be publicly accessible for a minimum of 12 consecutive hours per day.
- Be directly accessible from a public right-of-way or from a publicly-accessible lobby; or, if the PAPOS is not directly accessible and visible from a public right-of-way, clear signage shall be visible from the public right-of-way identifying the PAPOS, open space type, hours of access, and amenities.



- b. **PAPOS Amenities.** PAPOS shall include seating options (e.g., seat walls, planter ledges, benches, picnic tables, and seating steps), shade structures (e.g., awnings, trellises, umbrellas), and **at least one** of the following amenities and features:
  - i. Water features
  - ii. Public art
  - iii. Drinking fountains
  - iv. Public restrooms
- c. **PAPOS Landscaping.** PAPOS shall provide a combination of trees, shrubs, and ground cover as follows:
  - i. A minimum of 20% of the open space area shall be planted with ground cover and/or shrubs.
  - ii. A minimum of one tree shall be planted per 400 square feet of the open space area.

**2. Common Outdoor Open Space.**

This section applies to private common outdoor open space in non-residential zones. Private common outdoor open spaces are shared and accessible only to building occupants and their visitors. They can be located at the ground level, on parking podiums, or on rooftops, provided they are adequately landscaped. Common outdoor open spaces may include: courtyards, gardens, outdoor dining areas, and rooftop amenities, among others.

- a. **Common Outdoor Open Space Design and Dimensions.** Common outdoor open spaces shall meet the following standards. Required setback areas with a dimension less than 20 feet shall not be counted towards common open space requirements.
  - i. Common outdoor open spaces shall be located a minimum of 15 feet from parking areas, with minimum five feet of landscape screening.
  - ii. Minimum dimension of 20 feet in any direction.
  - iii. A maximum of 40 percent of the common outdoor open space may be covered but cannot be enclosed. Common open space is considered enclosed when the space between a floor, decking, or ground level and a roof structure has sides taller than 50 inches in height on more than two sides.
  - iv. Courtyards enclosed on four sides shall have a minimum dimension of 40 feet and have a minimum courtyard width to building height ratio of 1.25:1.
  - v. A minimum of 20% of the open space area shall be planted with trees, ground cover, and/or shrubs.
  - vi. Slope shall not exceed 10 percent.
  - vii. Common outdoor open spaces shall include places to sit, and shade structures.





# 2.05. PUBLIC/INSTITUTIONAL ZONES

## 2.05.01. Purpose + Intent

The purposes of the public/institutional zones are to:

- A. Provide land for development of public, quasi-public, and open space uses that provide services to the community and support existing and new residential, commercial, and industrial land uses;
- B. Provide areas for educational facilities, cultural and institutional uses, health services, parks and recreation, general government operations, utility and public service needs, and other similar and related supporting uses;
- C. Provide opportunities for outdoor recreation and meet the recreational needs of City residents; and
- D. Reserve areas for passive recreation, open space, and habitat protection and enhancement.

Additional purposes of each public/institutional zone are as follows:

### E. Public and Institutional (PI).

The Public and Institutional (PI) zone is intended to reserve areas for public, educational, and institutional uses. It provides for government offices and other civic facilities, libraries, community centers, senior centers, police stations, fire stations, corporate yards, public and private schools, higher-educational facilities, drainage facilities, public/private recreational facilities, and other similar uses. This zone implements the Public and Institutional General Plan land use designation.



### F. Parks and Open Space (OS).

The Parks and Open Space (OS) zone is intended for public and private land for recreational uses. It provides areas for parks and open space, golf courses, trails, habitat management, passive recreation, amphitheatres, community centers, environmental education, and similar uses. This zone implements the Parks and Open Space General Plan land use designation.



## 2.05.02. Land Use Regulations

The land uses allowed in the public/institutional zones are listed below in Table 2.05.02-1, together with the planning permit type required for each use.

**TABLE 2.05.02-1: Allowed Uses – Public/Institutional Zones**

P = Permitted; AUP = Administrative Use Permit; CUP = Conditional Use Permit; TUP = Temporary Use Permit; A-U = Accessory Use; X = Not Permitted

| PUBLIC ZONES   |     |    |                                     |
|--|-----|----|-------------------------------------|
| Use  | PI  | OS | Additional/Specific Use Regulations |
| <b>Agriculture and Animal Keeping Uses</b>                           |     |    |                                     |
| Agricultural Support, Sales, Service, and Storage                    | X   | X  |                                     |
| Aquaculture  | X   | X  |                                     |
| Animal Husbandry and Production                                      | X   | X  |                                     |
| Animal Raising and Keeping, Exotic                                   | X   | X  |                                     |
| Animal Raising and Keeping, Domestic Pets                            | X   | X  |                                     |
| Animal Raising and Keeping, Horses                                   | CUP | X  | See Chapter 4.04 (Animal Keeping)   |
| Animal Raising and Keeping, Large Livestock                          | X   | X  |                                     |
| Animal Raising and Keeping, Small Livestock, Poultry, and Beekeeping | X   | X  |                                     |
| Backyard Breeding  | X   | X  |                                     |
| Community Garden   | P   | P  |                                     |
| Crop Production  | X   | X  |                                     |
| Greenhouse, Private  | X   | X  |                                     |
| Horticultural Production   | X   | X  |                                     |
| Kennels, Private/Hobby   | X   | X  |                                     |
| Private Garden   | X   | X  |                                     |
| Stable/Equestrian Facility, Commercial/Public                        | CUP | X  | See Chapter 4.04 (Animal Keeping)   |
| Stable/Equestrian Facility, Hobby/Private                            | X   | X  |                                     |
| <b>Automobile and Vehicle Uses</b>                                   |     |    |                                     |
| Auto and Vehicle Rental  | X   | X  |                                     |
| Auto and Vehicle Sales, New  | X   | X  |                                     |
| Auto and Vehicle Sales, Used   | X   | X  |                                     |
| Auto and Vehicle Sales and Rental, Large Vehicles and Equipment      | X   | X  |                                     |
| Auto and Vehicle Services and Repair – Major                         | X   | X  |                                     |
| Auto and Vehicle Services and Repair – Minor                         | X   | X  |                                     |
| Auto and Vehicle Towing/Impounding                                   | X   | X  |                                     |
| Auto and Vehicle Washing and Detailing                               | X   | X  |                                     |
| Auto and Vehicle Wrecking/Dismantling                                | X   | X  |                                     |
| Fueling Stations   | X   | X  |                                     |
| Truck Stop/Fueling Station   | X   | X  |                                     |
| <b>Cannabis Related Uses</b>   |     |    |                                     |
| Cannabis Cultivation   | X   | X  |                                     |
| Cannabis Logistics, Distribution, and Transportation Facility        | X   | X  |                                     |



| PUBLIC ZONES   |             |             |  |
|--|-------------|-------------|--|
| Use  | PI          | OS          | Additional/Specific Use Regulations  |
| Cannabis Manufacturing   | X           | X           |  |
| Cannabis Retailer, Microbusiness, or Dispensary                  | X           | X           |  |
| Cannabis Testing Laboratory                                      | X           | X           |  |
| <b>Eating and Drinking Establishments and Entertainment Uses</b> |             |             |  |
| Bar/Nightclub/Lounge   | X           | X           |  |
| Brewpub/Taproom/Wine Bar/Microdistillery                         | X           | X           |  |
| Cinema/Theater/Performing Arts Center                            | P           | X           |  |
| Drive-Through, Non-Restaurants (Accessory)                       | X           | X           |  |
| Live Entertainment as Accessory Use, Indoors (Accessory)         | A           | A           |  |
| Live Entertainment as Accessory Use, Outdoors (Accessory)        | A, AUP, TUP | A, AUP, TUP | Regular outdoor events as an accessory use require an AUP. Sporadic events require a TUP (See Chapter 4.27 ((Temporary Uses)).                     |
| Outdoor Dining (Accessory)                                       | A           | A, AUP      | Outdoor dining is allowed in conjunction with approved food vendors/concessions within parks when permitted by the City's Public Works Department. |
| Outdoor Entertainment  | A, AUP      | A, AUP      |  |
| Restaurant, Dine-In and Take-Out                                 | AUP         | AUP         |  |
| Restaurant, Drive-Through  | X           | X           |  |
| <b>Industrial and Manufacturing Uses</b>                         |             |             |  |
| Artisan Manufacturing/Makers Space                               | X           | X           |  |
| Brewery/Distillery/Winery - without tasting room or > 10,000 sf  | X           | X           |  |
| Brewery/Distillery/Winery - with tasting room and <10,000 sf     | X           | X           |  |
| Construction and Materials Yards                                 | X           | X           |  |
| Food or Beverage Manufacturing                                   | X           | X           |  |
| Hazardous Materials/Wholesale Fuel Storage and Distribution      | X           | X           |  |
| Indoor Warehousing, Storage, Wholesaling, and Distribution       | X           | X           |  |
| Manufacturing/Processing, Heavy                                  | X           | X           |  |
| Manufacturing/Processing, Light                                  | X           | X           |  |
| Mining/Resource Extraction                                       | X           | X           |  |
| Outdoor Storage (Primary Use)                                    | X           | X           |  |
| Outdoor Storage (Accessory)                                      | A           | A           |  |
| Salvage and Wrecking Yards                                       | X           | X           |  |
| <b>Lodging</b>   |             |             |  |
| Bed and Breakfast  | X           | X           |  |
| Lodging - Extended Stay  | X           | X           |  |
| Lodging - Hotels   | X           | X           |  |
| Lodging - Motels   | X           | X           |  |
| Lodging - Timeshares   | X           | X           |  |

| PUBLIC ZONES  |     |    |  |
|---|-----|----|--|
| Use   | PI  | OS | Additional/Specific Use Regulations  |
| <b>Recreation, Education, and Public Assembly Uses</b>                  |     |    |  |
| Campground, Temporary   | X   | X  |  |
| Cemeteries, Crematories, or Mausoleums                                  | CUP | X  |  |
| Civic/Government  | P   | X  |  |
| College/University  | P   | X  |  |
| Commercial Recreation and Sports, Indoor                                | X   | X  |  |
| Commercial Recreation and Sports, Outdoor                               | X   | X  |  |
| Community Assembly, Up to 5,000 sf (gross sf)                           | AUP | X  |  |
| Community Assembly, > 5000 sf - 12,000 sf (gross sf)                    | AUP | X  |  |
| Community Assembly, >12,000 sf (gross sf)                               | AUP | X  |  |
| Cultural Institutions   | P   | X  |  |
| Day Care Centers  | P   | X  | See Chapter 4.09 (Child Day Care in a Home (Small and Large) and Day Care Centers) |
| Instructional Services, <= 5000 sf                                      | AUP | X  |  |
| Instructional Services, > 5000 sf                                       | AUP | X  |  |
| Open Space, Natural   | P   | P  |  |
| Parks and Recreation Facilities   | P   | P  |  |
| Public Service Facility   | P   | X  |  |
| Recreational Vehicle (RV) Park  | X   | X  |  |
| Schools, Public or Private (TK-12)                                      | P   | X  |  |
| Social Service Facilities   | P   | X  |  |
| Tutoring Facilities   | P   | X  |  |
| Vocational/Trade School   | P   | X  |  |
| <b>Residential Uses</b>   |     |    |  |
| Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) | A   | X  | See Chapter 4.02 (Accessory Dwelling Units)  |
| Caretaker's Unit  | A   | X  |  |
| Child Day Care in a Home, Large   | X   | X  |  |
| Child Day Care in a Home, Small   | X   | X  |  |
| Cottage Food Operation  | X   | X  |  |
| Cottage Industry  | X   | X  |  |
| Emergency Shelter   | CUP | X  | See Chapter 4.14 (Emergency Shelters)  |
| Group Residential Home  | CUP | X  |  |
| Home Occupation   | X   | X  |  |
| Live/Work   | X   | X  |  |
| Manufactured/Mobile Home Park   | X   | X  |  |
| Residential Care Facilities, Large                                      | CUP | X  |  |
| Residential Care Facilities, Small                                      | CUP | X  |  |
| <b>Residential Housing Types</b>  |     |    |  |
| <i>Single-Family Dwelling, Attached</i>                                 | X   | X  |  |
| <i>Single-Family Dwelling, Detached</i>                                 | X   | X  |  |
| <i>Two-Family Dwelling/Duplex</i>                                       | X   | X  |  |
| <i>Multi-Family Dwelling, Triplex/Quadplex</i>                          | X   | X  |  |
| <i>Multi-Family Dwelling, ≥ 5 Units</i>                                 | X   | X  |  |
| <i>Mobile Home</i>  | X   | X  |  |
| <i>Manufactured/Modular/Prefabricated Dwelling Unit</i>                 | X   | X  |  |

| PUBLIC ZONES  |     |    |                                     |
|---|-----|----|-------------------------------------|
| Use   | PI  | OS | Additional/Specific Use Regulations |
| Single-Room Occupancy                               | CUP | X  |                                     |
| Supportive Housing                                  | CUP | X  |                                     |
| Transitional Housing                                | CUP | X  |                                     |
| Yard Sales (Temporary)                              | X   | X  |                                     |
| <b>Retail, Service, and Office Uses</b>             |     |    |                                     |
| Adult-Oriented Business                             | X   | X  |                                     |
| Alcohol Sales, Off-Sale                             | X   | X  |                                     |
| Animal Sales and Services                           | X   | X  |                                     |
| ATM (Accessory)                                     | A   | X  |                                     |
| Bail Bonds  | X   | X  |                                     |
| Banks, Financial, and Savings and Loan Institutions | X   | X  |                                     |
| Building Materials Sales and Services               | X   | X  |                                     |
| Business to Business Support Services               | X   | X  |                                     |
| Check-Cashing Businesses                            | X   | X  |                                     |
| Convenience Market                                  | X   | X  |                                     |
| Food Preparation, Commercial                        | X   | X  |                                     |
| Fortunetelling, Palm and Card Reading               | X   | X  |                                     |
| Funeral Homes and Mortuaries                        | X   | X  |                                     |
| General Retail ≤ 5,000 sf                           | X   | X  |                                     |
| General Retail 5,000 sf - 25,000                    | X   | X  |                                     |
| General Retail/Superstore > 25,000                  | X   | X  |                                     |
| Grocery Store                                       | X   | X  |                                     |
| Hospital  | CUP | X  |                                     |
| Kennels/Boarding, Commercial                        | X   | X  |                                     |
| Kiosk/Outdoor Vending                               | A   | A  |                                     |
| Laundromat  | X   | X  |                                     |
| Massage Establishment, Accessory Use                | X   | X  |                                     |
| Massage Establishment, Stand-Alone                  | X   | X  |                                     |
| Medical Services, Extended Care                     | X   | X  |                                     |
| Medical Services, Medical/Dental/Holistic/Clinic    | X   | X  |                                     |
| Medical Services, Urgent Care                       | X   | X  |                                     |
| Mini-Storage Warehousing or Facility                | X   | X  |                                     |
| Neighborhood Market                                 | X   | X  |                                     |
| Nursery/Garden Center                               | X   | X  |                                     |
| Offices, Processing                                 | X   | X  |                                     |
| Offices, Professional/Administrative                | X   | X  |                                     |
| Offices, Service                                    | X   | X  |                                     |
| Outdoor Display (Temporary)                         | X   | X  |                                     |
| Pawnshop  | X   | X  |                                     |
| Personal Services                                   | X   | X  |                                     |
| Research and Development                            | X   | X  |                                     |
| Smoke Shops   | X   | X  |                                     |

| PUBLIC ZONES   |         |        |   |
|--|---------|--------|---|
| Use  | PI      | OS     | Additional/Specific Use Regulations   |
| Smoking Lounge   | X       | X      |   |
| Swap Meet, Outdoor (Temporary)                                     | TUP     | TUP    | Only permitted in parking lots within parks when permitted by the City's Public Works Department. See Chapter 4.27 (Temporary Uses).                        |
| Tattoo/Body Art/Piercing   | X       | X      |   |
| Resale/Consignment/Thrift Shop                                     | X       | X      |   |
| Veterinary Hospitals   | X       | X      |   |
| <b>Utility, Transportation, and Communication Uses</b>             |         |        |   |
| Airports and Heliports   | CUP     | X      |   |
| Communications, Facilities within Buildings                        | CUP     | X      |   |
| Communications, Telecommunications/Large Commercial Antennas       | AUP/CUP | X      | An AUP or CUP is required, depending on the design and height of the large commercial antenna, as regulated by Section 4.26.04 (Large Commercial Antennas). |
| Communications, Telecommunications/Small Wireless Facilities       | AUP     | CUP    | See Chapter 4.26 (Telecommunications/Wireless Facilities)   |
| Freight/Trucking Facility  | X       | X      |   |
| Light Fleet-Based Services   | X       | X      |   |
| Mobile Recycling Unit (Accessory)                                  | A, AUP  | X      |   |
| Parking Lots and Structures  | P       | A      |   |
| Passenger Transportation Facilities                                | CUP     | X      |   |
| Public Utilities, Major  | AUP     | CUP    |   |
| Public Utilities, Minor  | P       | P      |   |
| Renewable Energy System (Primary Use)                              | CUP     | X      |   |
| Renewable Energy System, Building-Mounted (Accessory)              | A       | A      |   |
| Renewable Energy System, Stand-Alone or Ground Mounted (Accessory) | A, AUP  | A, AUP |   |
| Recycling Collection Facility                                      | CUP     | X      |   |
| Recycling Processing Facility                                      | X       | X      |   |
| Reverse Vending Machine (Accessory)                                | A       | X      |   |
| Utility Yard   | P       | X      |   |

Notes:

1. Uses shall be consistent with criteria of the Bermuda Dunes Airport Compatibility Plan, including applicable County-wide criteria as may exist at the time of project review. If the project is located in the Bermuda Dunes Airport Influence Areas, compatibility zones and regulations apply. Please see Riverside County Airport Land Use Commission Staff ([www.rcaluc.org](http://www.rcaluc.org)) and Indio Planning Staff for the most up-to-date regulations.



## 2.05.03. Development Regulations

Table 2.05.03-1 prescribes the development standards for the public/institutional zones. Additional regulations are also denoted in the righthand column. Section numbers in this column refer to other sections of this Code.

**FIGURE 2.05.03-1. Development Standards – Public/Institutional Zones**

| PUBLIC/INSTITUTIONAL ZONES   |   |                    |   |
|--|---|--------------------|---|
| Standards  | PI  | OS                 | Additional Regulations  |
| <b>Lot and Density Standards<sup>1</sup></b>                             |   |                    |   |
| Maximum Floor Area Ratio (for both residential and non-residential uses) | Case-by-case basis                          | 0.01               | The intensity of non-residential facilities will be determined on a case-by-case basis based on the compatibility of the proposed use with existing or proposed uses surrounding the site.      |
| <b>Density (units/acre)</b>  |   |                    |   |
| <i>Maximum</i>   | NA  | 0.05               | Single family residential is allowed at a density of one unit per 20 acres. Density may be further constrained in areas having slopes greater than 15%. Cluster development will be encouraged. |
| Minimum Lot Size (acres)   | NA  | NA                 |   |
| Minimum Lot Width (ft)   | NA  | NA                 |   |
| Minimum Lot Depth (ft)   | NA  | NA                 |   |
| Maximum Lot Coverage   | NA  | NA                 |   |
| <b>Building Form and Location</b>  |   |                    |   |
| Maximum Height (ft)/Stories - Primary Building                           | 45/3 stories                                | Case-by-case basis | Projects must comply with both stories and overall height maximums.   |
| Maximum Height (ft) - Primary Building w/ Architectural Features         | 55  | Case-by-case basis | Architectural features include rooftop stair access and elevator shafts, mechanical equipment, or other rooftop amenities, as approved by City staff.   |
| <b>Setbacks - Minimums (ft)</b>  |   |                    |   |
| <i>Front</i>   | 10  | Case-by-case basis |   |
| <i>Street Side</i>   | 10  | Case-by-case basis |   |
| <i>Interior Side</i>   | 10; 15 ft abutting residential zones        | Case-by-case basis |   |
| <i>Rear</i>  | 10; 20 ft abutting residential zones        | Case-by-case basis |   |
| <i>Alley</i>   | 5   | Case-by-case basis |   |
| Distance between Structures (ft)   | Minimum required by Building and Fire code. |                    |   |
| <b>Open Space Standards</b>  |   |                    |   |
| Minimum Landscaping (% of lot)   | 15  | NA                 |   |

| PUBLIC/INSTITUTIONAL ZONES                       |  |    |                        |
|--|--|----|------------------------|
| Standards  | PI   | OS | Additional Regulations |
| <b>Other Standards</b>                           |  |    |                        |
| Accessory Structures                             | See Section 3.02.04 (Accessory Structures)                             |    |                        |
| Setbacks and Encroachments                       | See Section 3.02.03 (Setbacks and Encroachments)                       |    |                        |
| Utilities, Service Areas, and Building Equipment | See Section 3.02.07 (Utilities, Service Areas, and Building Equipment) |    |                        |
| Refuse and Recycling                             | See Section 3.02.08 (Refuse and Recycling)                             |    |                        |
| Landscaping                                      | See Section 3.02.09 (Landscaping)                                      |    |                        |
| Fences, Walls, and Screening                     | See Section 3.02.10 (Fences, Walls, and Screening)                     |    |                        |
| Outdoor Lighting                                 | See Section 3.02.11 (Outdoor Lighting)                                 |    |                        |
| Parking and Loading                              | See Chapter 3.03 (Parking and Loading)                                 |    |                        |
| Performance Standards                            | See Chapter 3.04 (Performance Standards)                               |    |                        |
| Signs  | See Chapter 3.05 (Sign Regulations)                                    |    |                        |

Notes:

1. *Densities and intensities shall be consistent with criteria of the Bermuda Dunes Airport Compatibility Plan, including applicable County-wide criteria as may exist at the time of project review. If the project is located in the Bermuda Dunes Airport Influence Areas, compatibility zones and regulations apply. Please see Riverside County Airport Land Use Commission Staff ([www.rcaluc.org](http://www.rcaluc.org)) and Indio Planning Staff for the most up-to-date regulations.*

## 2.06. SPECIFIC PLAN AND PROJECT MASTER PLAN ZONES

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### 2.06.01. Purpose + Intent

The purpose of this Chapter is to identify all of the adopted Specific Plans (SPs) and Project Master Plans (PMPs) that apply in the city and reference the regulations that apply.

### 2.06.02. Applicability

Once adopted, a Specific Plan or Project Master Plan shall govern all use and development of properties within the bounds of that Specific Plan or Project Master Plan.

- A.** Where a Specific Plan or Project Master Plan is silent regarding development standards, the provisions of this Code shall govern. The Director shall have the authority to determine which provisions of this Code apply where a Specific Plan or Project Master Plan is silent.
- B.** When a use is not specifically listed as permitted in the Specific Plan or Project Master Plan, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the Specific Plan or Project Master Plan as permitted or not found to be substantially like a permitted use are prohibited.
- C.** No discretionary entitlement applications or other permits may be approved, adopted, or amended within an area covered by a Specific Plan or Project Master Plan, unless found to be consistent with the adopted Specific Plan or Project Master Plan.
- D.** The contents, requirements, and adoption and amendment procedures for Specific Plans and Project Master Plans are listed in Section 6.05.03 (Specific Plans) or within the plans themselves.
- E.** Current Specific Plans and Project Master Plans are administered and maintained by the Community Development Department.

## 2.07. OVERLAY ZONES

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### 2.07.01. Purpose + Intent

This Chapter sets forth additional standards for defined areas (i.e., overlay zones) that are applied in addition to allowed uses and standards provided in the base zones. An overlay zone supplements the base zone and is intended for the following purposes:

- A. To allow more flexibility from the standard provisions of the underlying base zone;
- B. When special provisions are needed to protect unique site features or implement location-specific provisions; and/or
- C. To specify a particular standard for a defined area.

### 2.07.02. Major Music Festival Overlay Zone (MMF)

Refer to Municode Chapter 159 – operative prior to October 22, 2022 and Ordinance No. 1765 for the original adoption language and subsequent amendments to the Major Music Festival Overlay Zone.

#### A. Purpose.

The purpose and objectives of the MMF Overlay Zone are to provide for the long-term permitting and regulation of Major Music Festival Event uses within the Indio Ranchos – Polo Estates Specific Plan and the adjoining properties that are within the MMF Overlay Zone district to ensure the continued viability of Major Music Festival Events in this area, the promotion of the City of Indio as an international Major Music Festival Event venue, and the continued protection of the community’s health, safety and public welfare. This zone implements the Major Music Festival Overlay General Plan land use designation.

#### B. Applicability.

1. The Major Music Festival Overlay zone applies to all use and development of properties within the boundaries of the Indio Ranchos – Polo Estates Specific Plan and the adjoining properties, designated with an “MMF” as shown on the Official Zoning Map.
2. **Major Music Festival Event.** A major music festival event is an event that meets the following criteria:
  - a. Includes a permitted attendance up to 125,000 people;
  - b. The event venue and Ancillary Uses encompass at least 500 acres of land located in the Festival District Subarea under the Indio General Plan and located within the Major Music Festival Event Overlay Zone;
  - c. Provides for Ancillary Uses, if any, to support the Major Music Festival Event; and
  - d. Includes up to three (3) days of musical performances.

#### C. Allowed Uses.

##### 1. Primary Uses.

Major Music Festivals, as defined by this Code, are permitted as a primary use in the MMF Overlay zone.

##### 2. Ancillary Uses.

Ancillary uses allowed in the MMF Overlay zone, as defined by this Code, include uses associated with Major Music Festival Events such as parking, tent, car and/or recreational vehicle camping and associated facilities, portable lavatory facilities, temporary structures such as pavilions, tents, outdoor stages, platforms, back drops, orchestra shells, audio platforms, other temporary shelter structures or enclosures, temporary grandstands and bleachers and other similar temporary structures or infrastructure as determined by the Director.



Except as otherwise provided for by this Section, no lot, premises, building or portion thereof in the MMF Overlay Zone shall be used for any purpose except the uses permitted in the applicable base zone and/or the Indio Ranchos – Polo Estates Specific Plan.

**D. Implementation.**

Major Music Festival Events within the MMF Overlay Zone are permitted only with a development agreement and an approved Major Music Festival Event permit.

**E. Major Music Festival Event Permit Required.**

**1. Permit.**

Major Music Festival events shall be permitted within the MMF Overlay zone, provided, however, that no Major Music Festival event shall be permitted, engaged or commenced until a Major Music Festival event permit has been issued by the City Council pursuant to Subsection 2.07.02.H (Decision). The City Council may not permit more than five Major Music Festival events in one calendar year.

**2. Number of Events.**

A Major Music Festival event permit may permit up to five Major Music Festival Events, which may include car and/or recreational vehicle camping and any Ancillary Uses, during a single calendar year, with no more than three Major Music Festival Events occurring on consecutive weekends. The maximum term of any Major Music Festival event permit shall be no more than 37 years.

**3. Conditions of Approval.**

A Major Music Festival Event Permit shall contain any conditions of approval imposed by the City, including, but not limited to, a condition that the applicant enter into an agreement with the City for the provision and reimbursement of necessary and supplemental municipal services to ensure safety, security, and order at such events.



## **F. Application and Submittal Requirements.**

An application for a Major Music Festival Event Permit shall be filed with the Community Development Department and may be made by the property owner, its authorized agent, a party to a purchase contract with the property owner or who has a contractual or other legal interest in the property, or by a party to a valid use agreement with the property owner or its agent authorizing the party to use the property for the purposes described in the Major Music Festival Event Permit application. The application shall include a description and site plan of the Major Music Festival Event venue and Ancillary Uses, including proposed temporary structures; the requested number of years covered by the permit; the number of proposed Major Music Festival events per year; the approximate time of year when each of the Major Music Festival event or events will be held; the proposed maximum all-inclusive attendance; the proposed maximum number of vehicles (car and recreational) authorized for camping; the proposed hours of operation; proposed alcohol service and “beer garden” plan if required by the Alcoholic Beverage Control (ABC); and a description of any proposed operational plans and other information as may be reasonably required by the Director to evaluate the application and recommend conditions of approval.

## **G. Annual Implementation Plan.**

After the issuance of a Major Music Festival Event Permit, the permittee shall annually submit an implementation plan including the site plan, proposed temporary structures, time of year when the events are to be held and operational plans for the upcoming year for review and approval by the City Manager, in consultation with the Director and Community Services Manager. Approval of the annual implementation plan by the City Manager shall be administrative provided that the implementation plan is consistent with the Major Music Festival Event Permit and conditions of approval and shall not require an amendment to the Major Music Festival Event Permit. If the permittee does not propose any changes in the annual implementation plan from the prior year, the permittee may instead submit a letter to that effect in satisfaction of this requirement.

## **H. Decision.**

The City Council may approve an application for a Major Music Festival Event Permit for a term of up to 37 years if the application meets the requirements of this Section and upon the approval of a development agreement as required by Subsection D. The City Council may impose conditions on the Major Music Festival Event Permit which are necessary to preserve the public health, welfare, or safety, including conditions to ensure that the Major Music Festival events will not be materially injurious to properties or improvements in the vicinity when balanced with the temporary nature of the events.

## 2.07.03. Resource Management and Open Space Overlay (R-OS)

### A. Purpose and Intent.

The Resource Management and Open Space (R-OS) Overlay zone provides an overlay for areas consistent with the Coachella Valley Multi-Species Habitat Management Plan (CVMSHCP) to protect open space and natural resource areas of the city. It is intended for passive recreation, trails/paths, restoration, ecotourism, environmental educational, and similar activities. This zone implements the Resource Management and Open Space Overlay General Plan land use designation.



### B. Applicability.

The Resource Management and Open Space Overlay zone shall apply to the areas designated with an “R-OS” as shown on the Citywide Zoning Map.

### C. Allowed Uses and Development Standards.

Allowed land use and development regulations shall be consistent with the regulations for the underlying base zone in which the parcel is located and any relevant provisions in the CVMSHCP.

## 2.07.04. Planned Development Overlay (PD)

### A. Purpose and Intent.

The Planned Development Overlay (PD) zone applies to areas of the City appropriate for a flexible and creative design approach to development, which allows the development of diverse and varied uses and development that may not comply with all of the base zone regulations and otherwise applicable standards of this Code, but for which the application of site-specific regulations and standards is appropriate to promote the orderly growth of Indio consistent with the General Plan. The overlay provides for one or more properties to be developed under a plan that provides for better coordinated development and incorporates development standards crafted to respond to specific site conditions. To adopt a Planned Development, the procedures established in Section 6.05.01 (Planned Developments) must be followed. Once established, the PD becomes, in effect, the zoning for the area within its respective boundaries.

### B. Applicability.

Once established through the Planned Development (PD) Permit/Plan process, the Planned Development Overlay zone shall apply to the areas designated with a “-PD” as shown on the Citywide Zoning Map, followed by the number of the Planned Development.

### C. Allowed Uses.

The PD Overlay Zone allows any permitted or conditional use consistent with the base zone.

### D. Development Regulations.

#### 1. Minimum Area.

The minimum area of a PD Overlay Zone shall be 10 acres; however, the City Council may approve a smaller area if it finds that a PD would provide greater benefits to the general welfare of the Indio residents and property owners than development under conventional zoning because of unique characteristics of the site or the proposed use.

**2. Residential Unit Density.**

Except where a density bonus is granted in compliance with Indio Municipal Code Chapter 154 (Density Bonuses and Other Incentives for Low Income and Senior Housing) the total number of dwelling units in a PD Overlay zone shall not exceed the maximum number permitted by the General Plan density for the total area of the planned development designated for residential use, excluding areas devoted to public and private streets.

**3. Performance Standards.**

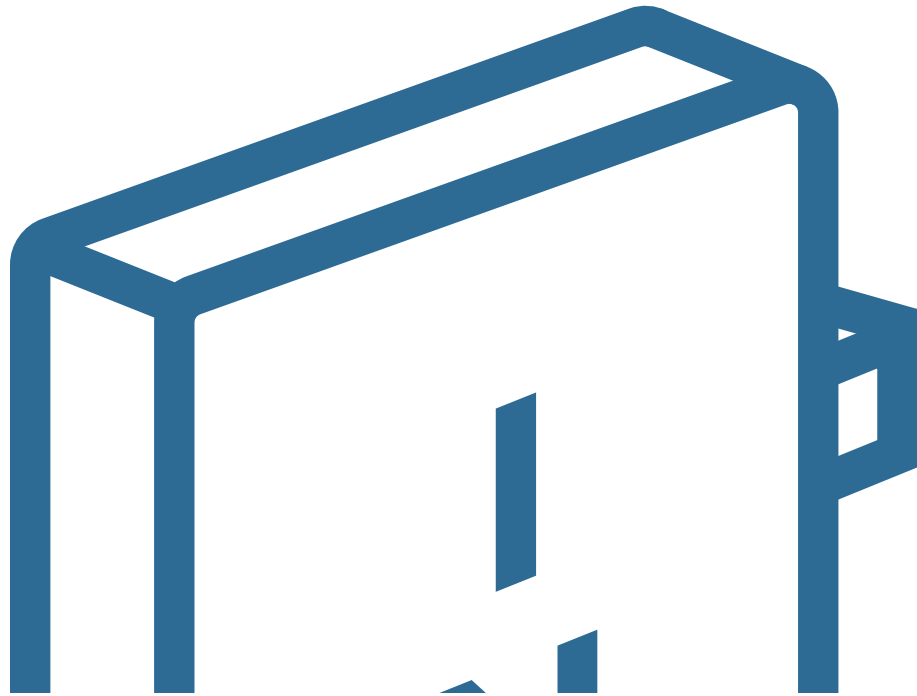
The Performance Standards prescribed by Chapter 3.04 (Performance Standards) apply.

**4. Other Development Standards.**

Other development standards shall be as prescribed by an approved PD Permit/Plan. Where the PD Permit/Plan is silent regarding particular development standards, the development standards of the applicable base zone shall apply.

**E. Procedures.**

See Section 6.05.01 (Planned Developments) for procedures for the PD zoning process.



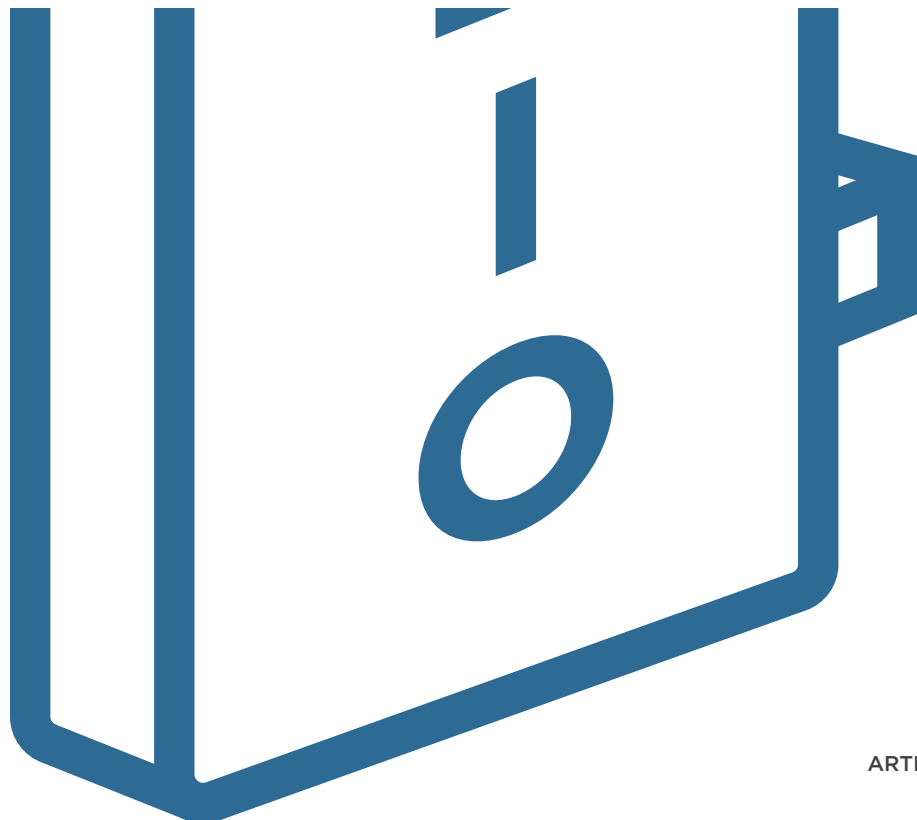
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**ARTICLE 3**

**CITYWIDE REGULATIONS**

UNIFIED DEVELOPMENT CODE

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## 3.01. RULES OF MEASUREMENT

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For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Approving Authority.

### 3.01.01. Fractions

Whenever this Code requires consideration of distances, parking spaces, dwelling units, or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

**1. General Rounding.**

Fractions exceeding one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions equal to or less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.

**2. Exception for State Affordable Housing Density Bonus.**

For the calculation of fractions related to permitted bonus density units for projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statute and Indio Municipal Code Chapter 154 (Density Bonuses and Other Incentives for Low Income and Senior Housing), any fractional number of units shall be rounded up to the next whole number.

### 3.01.02. Measuring Distances

**1. Measurements are Shortest Distance.**

When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

**2. Distances are Measured Horizontally.**

When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

**3. Measurements Involving a Structure.**

Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.

**4. Measurement of Vehicle Stacking or Travel Areas.**

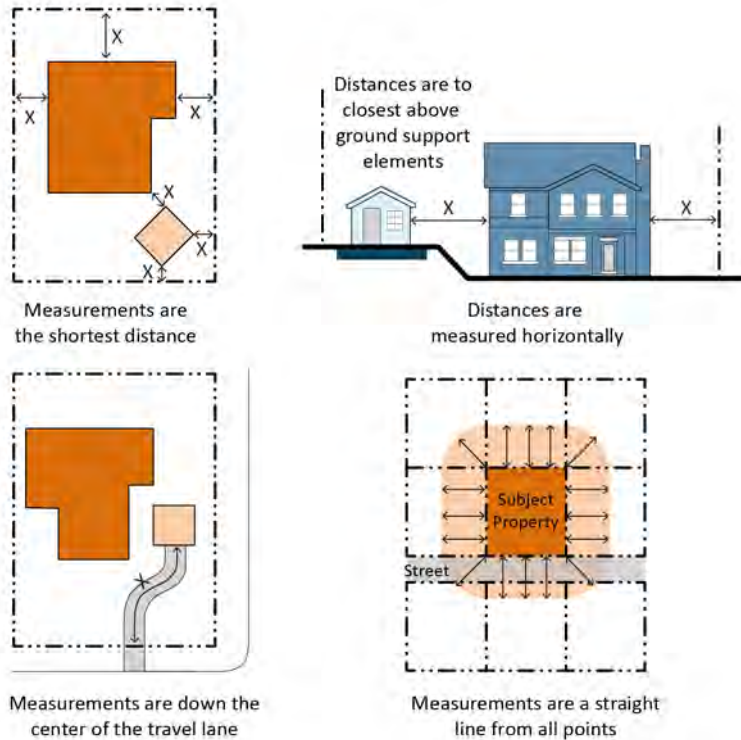
Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.

**5. Measuring Radius.**

When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.



**FIGURE 3.01.02-1. Measuring Distances**

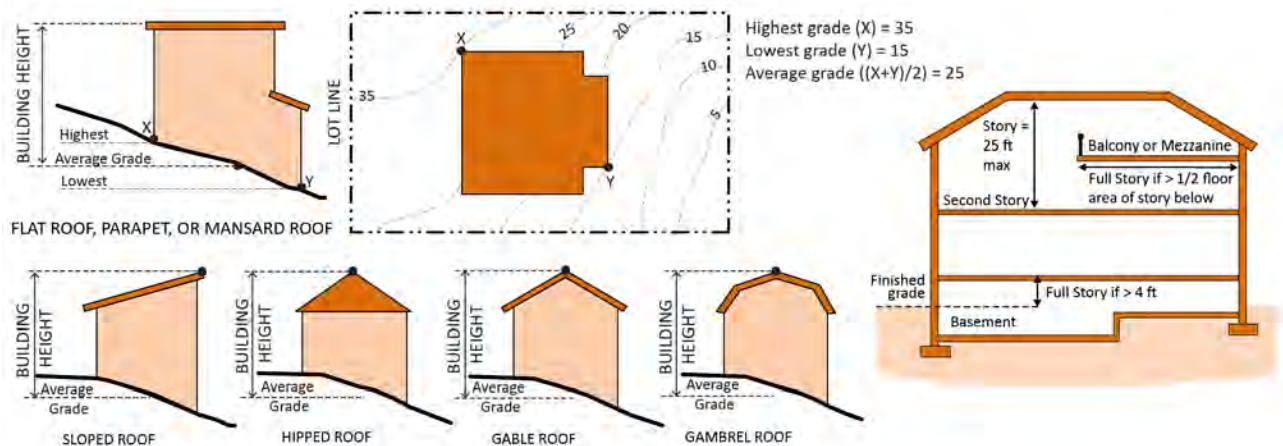


### 3.01.03. Measuring Heights

#### A. Height Measurements.

Height shall be measured as the vertical distance from finished grade at all points adjacent to the building exterior to the highest point of the structure directly above (see Figure 3.01.03-1. Measuring Heights). For properties on a slope, the height of a structure shall be measured as the vertical distance from the average elevation of the finished grade to the highest point of the structure. The average elevation is determined by averaging the highest and lowest elevation points of the structure (see Figure 3.01.03-1. Measuring Heights).

**FIGURE 3.01.03-1. Measuring Heights**



## B. Height of Structures.

The height of each structure shall not exceed the height limit established for the applicable zone in Article 2 (Zone Regulations), except as otherwise provided by this Section. Maximum building height may include one additional subterranean story. Additional height limits are established for Sections 3.02.04 (Accessory Structures), 3.02.10 (Fences, Walls, and Screening), 3.02.11 (Outdoor Lighting), Chapter 3.05 (Sign Regulations), and Chapter 4.26 (Telecommunications/Wireless Facilities).

## C. Height of Structure Exceptions.

The overall building height shall not exceed the maximum height standard of the zone, except that the following architectural features may exceed height limits up to the “Maximum height with architectural features” as established by zone in Article 2 (Zone Regulations), by Review Authority approval, or as otherwise allowed by this Code:

1. Architectural features, including skylights, chimneys, steeples, spires, towers, cupolas, and similar unoccupied features as approved by the Director;
2. Elevators and stairways;
3. Solar roof panels and appurtenant equipment;
4. Antennas allowed without a discretionary permit, as identified by the FCC;
5. Other mechanical equipment usually required to be placed above the roof level and not intended for human occupancy or to be used for any commercial or advertising purpose (e.g., water tanks, air conditioning units); and
6. Flagpoles and sculptures, provided that the same may be safely erected and maintained at such a height with respect to the surrounding conditions and circumstances.

## D. Measuring the Number of Stories.

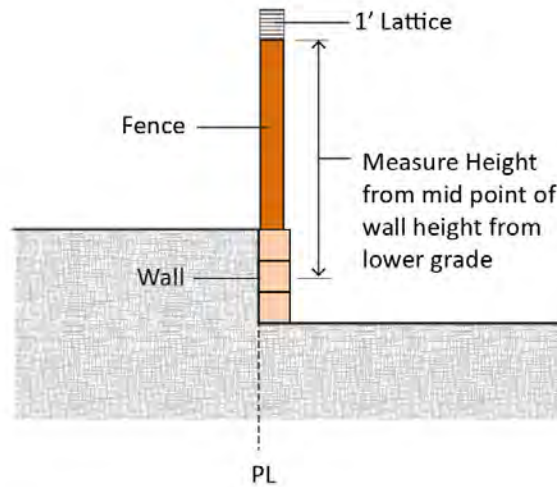
In measuring the number of stories in a building, the following rules shall apply:

1. An interior balcony or mezzanine shall be counted as a full story if its floor area exceeds one-half of the total area of the nearest full floor directly below it.
2. Subterranean stories do not count towards maximum number of stories except as noted. A subterranean story shall be counted as a full story if the vertical distance between finished grade and the finished surface of the floor above the basement is more than four feet at any point.
3. A story shall not exceed 25 feet in height from the upper surface of the floor to the ceiling above.

## E. Fence and Wall Height Measurement.

1. Fence and wall height shall be measured as the vertical distance from the average of the ground levels immediately adjacent to both sides of the fence or wall to the top edge of the fence, wall, or other screening device. For example, when there is a difference in the ground level between two adjoining parcels, the fence or wall shall be measured at the mid-point of the retaining wall height as measured on the side with the lowest finish grade. See Figure 3.01.03-2. (Measurement of Fence and Wall Height on Parcels with Different Elevations).
2. Where a grade differential exists between two properties and/or a retaining wall, the height of a fence or wall is measured as the vertical distance from the average of the ground levels immediately adjacent to both sides of the fence or wall to the highest point of such fence or wall.
3. An earthen berm or mound not taller than two feet may count toward required height of landscaping and screening.

**FIGURE 3.01.03-2. Measurement of Fence and Wall Height on Parcels with Different Elevations**



**F. Measuring the Height of Decks.**

Deck height is determined by measuring from the ground to the top of the floor of the deck directly above the ground below.

**3.01.04. Lots and Setbacks**

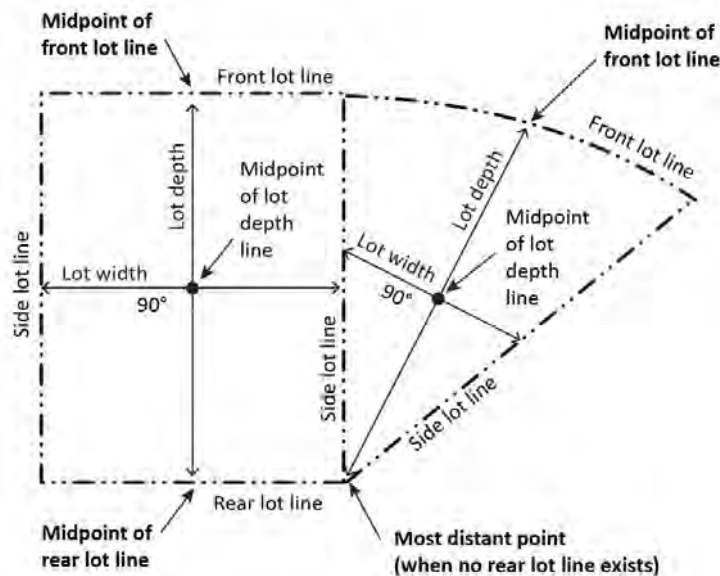
**A. Lot Width.**

Lot width is the 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.

**B. Lot Depth.**

Lot depth is measured along a straight line down from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

**FIGURE 3.01.04-1. Measuring Lot Width and Depth**



## C. Setbacks and Yards.

The calculations of measurements related to setbacks and yards are described in 3.02.03 (Setbacks and Encroachments).

# 3.01.05. Floor Area and Lot Coverage

## A. Determining Floor Area.

The floor area of a building is the sum of the gross horizontal areas of all floors of a building or other enclosed structures, measured from the outside perimeter of the exterior walls.

### 1. Included in Floor Area.

Floor area includes, but is not limited to, all habitable space (as defined in the California Building Code) that is below the roof and within the outer surface of the main walls of principal or accessory buildings. In the case of a multi-story building that has covered or enclosed stairways, stairwells, or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.

### 2. Excluded from Floor Area.

Floor area does not include mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's gross floor area; bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater; areas that qualify as usable open space such as balconies and outdoor terraces; and subterranean floors submerged more than four feet below finished grade of the property. Also excluded are areas used for all off-street parking spaces or loading spaces, driveways, ramps between floors of a multi-level parking garage, and maneuvering aisles.

### 3. Non-Residential Uses.

For non-residential uses, gross floor area includes pedestrian access interior walkways or corridors, interior courtyards, walkways, paseos, or corridors covered by a roof or skylight. Non-residential gross floor area does not include arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the public but are not designed or used as sales, display, storage, service, or production areas.

## B. Determining Floor Area Ratio.

The floor area ratio (FAR) is the ratio of the floor area, excluding the areas described in Subsection 3.01.05.C (Determining Lot Coverage), of all primary and accessory buildings on a site to the site area. To calculate the FAR, gross floor area is divided by site area and typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0.

## C. Determining Lot Coverage.

Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches, shall be summed to calculate lot coverage. The following structures shall be excluded from the calculation:

1. Unenclosed and unroofed decks, patio slabs, porches, landings, and stairways less than four feet in height;
2. Eaves and roof overhangs projecting up to three feet from a wall;
3. Trellises and similar structures that have roofs that are at least 50 percent open to the sky through uniformly distributed openings;
4. Swimming pools and hot tubs that are not enclosed in roofed structures or decks.

FIGURE 3.01.05-1. FAR

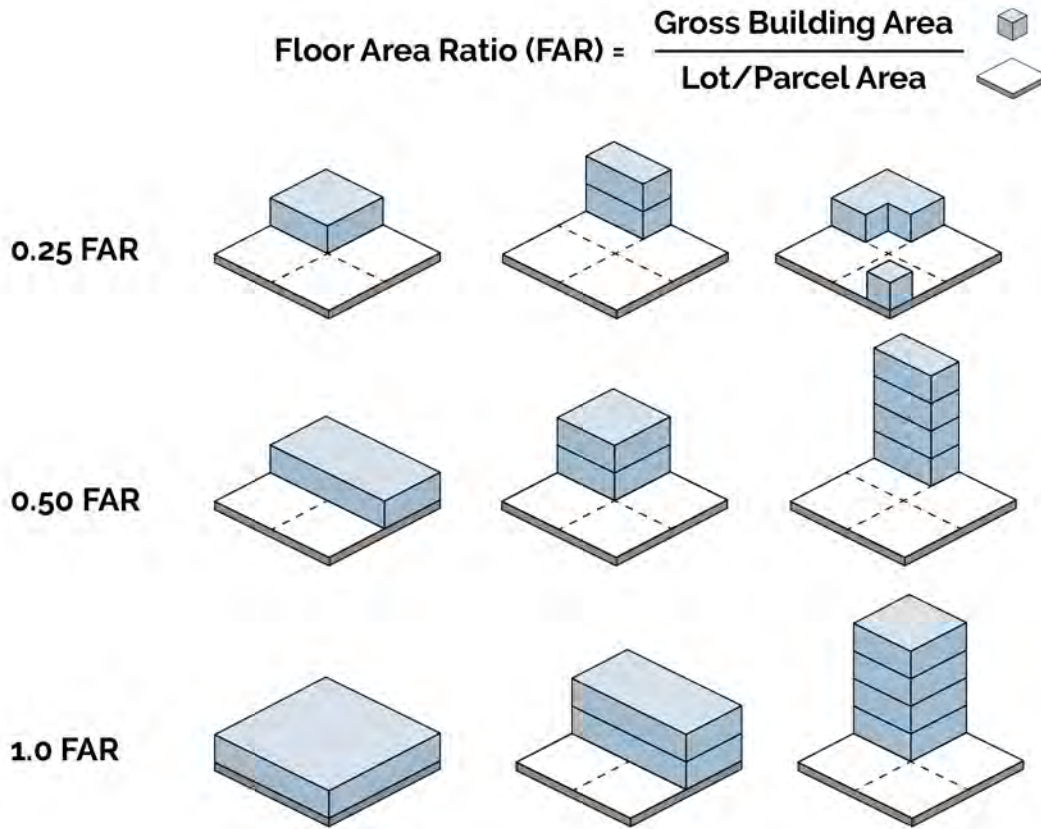
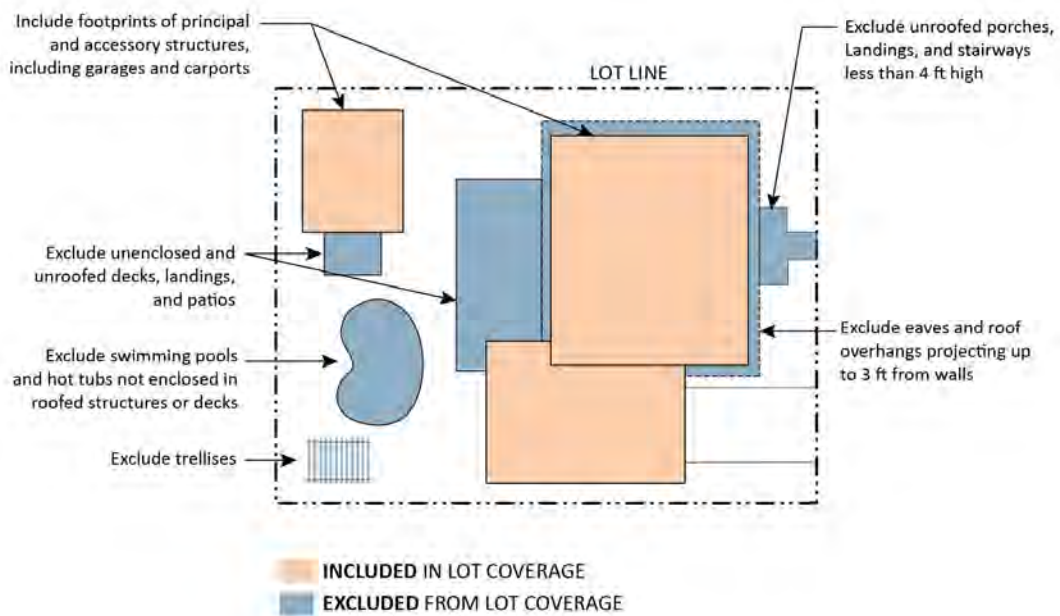


FIGURE 3.01.05-2. Determining Lot Coverage





### **3.01.06. Density**

Density is the number of units per gross acre of a given land area (project area, subdivision, or parcel). In mixed use projects, density is the number of housing units divided by the land area of the mixed use development (that includes areas used for non-residential uses such retail space). The lot area that contains publicly-accessible private open space, public and private streets and pathways, dedicated public parkland, above ground stormwater facilities, and required easements will be counted toward lot area for the purpose of calculating residential density.

## 3.02. GENERAL SITE DEVELOPMENT STANDARDS FOR ALL ZONES

### 3.02.01. Purpose + Applicability

The purpose of this Chapter is to prescribe site regulations that apply, except where specifically stated, to development in all zones and are intended to ensure that proposed development is compatible with existing and future development on neighboring properties. These standards shall be used in conjunction with the standards for each zone established in Article 2 (Zone Regulations). In any case of conflict, the standards specific to the zone shall control.

### 3.02.02. Site Design

#### A. Applicability.

The standards in this Section shall apply in all residential, commercial, and mixed-use zones.

#### B. Block Size.

The maximum block size shall be no greater than 4 acres in size. No block shall be greater than 400 feet in length without a publicly-accessible path or street connecting from one public right-of-way to another public right-of-way or turn around point. Alleys do not count as a connecting street or publicly-accessible path.

#### C. External Connectivity.

Streets within any proposed building/development site shall, to the extent feasible and unless alternatively approved by the Director, be aligned with existing and planned streets and pathways in the surrounding area to create a continuous street pattern. All streets, alleys, pedestrian and bike pathways in any building/development site shall connect to other streets and to existing and planned public sidewalks, streets, open spaces, and bike paths outside the proposed development to the extent feasible. Any dead-end street longer than 300 feet shall be connected to other streets by a pedestrian path.

#### D. Multi-Modal Site Access.

Pedestrian and bike connections shall connect to existing and proposed public sidewalks, streets, transit stops, open spaces, bike paths, bicycle parking areas, and automobile parking areas adjacent to the project site.

1. A pedestrian pathway or multi-use path (pedestrian and/or bicycle) between buildings or through parking lots from the sidewalk to the interior of the site shall be provided for every 400 feet of a project's frontage.
  - a. Pedestrian pathways/sidewalks shall have a minimum six-foot wide unimpeded throughway for the extent of the path or sidewalk.
  - b. Multi-use paths through sites that connect two parallel public or publicly-accessible rights-of-way shall permit 24-hour access for pedestrians, cyclists, and as appropriate emergency vehicles, and shall provide at minimum a 12-foot-wide path within a minimum 20-foot-wide public access easement.





2. Pedestrian pathways/sidewalks connecting to the public sidewalk and other planned or existing pedestrian routes or trails shall be provided. A pedestrian pathway/sidewalk shall connect the primary building entry or entries to the public sidewalk on each street frontage. Pedestrian pathways/sidewalks a minimum five feet wide shall be provided from the public right-of-way to all primary entryways, common areas, guest/customer vehicle parking and bicycle parking areas.

### E. Internal Streets and Paths.

Internal private drives, streets, and paths shall meet the following standards:

1. Private streets shall be a minimum of 26 feet wide, including a clear 20-foot-wide path of travel, and be designed consistent with City standards in the City Design and Engineering Manual. All publicly-accessible private streets and multi-use pathways shall provide a minimum of one tree per 35 linear feet of street/pathway.
2. Private streets, including emergency vehicle access areas, shall be set back a minimum of five feet from interior property lines.
3. Differentiated paving materials, textures (i.e., stamped patterns), and/or colors shall be required where pedestrian paths cross parking areas (where applicable).
4. Private streets shall include on both sides of a street a minimum 6-foot wide sidewalk with a minimum 4-foot wide planting strip. Trees shall be planted at a minimum average spacing between trees of 35 feet. Shrubs and groundcover shall cover at least 30 percent of the planting strip. See also the City standards in the City Design and Engineering Manual.
5. Private streets and paths shall be publicly accessible 24 hours a day.
6. Buildings fronting internal streets and paths, both public and private, shall follow all standards as if the building has a front parcel line at the back of walk for the internal street or path.



### F. Access.

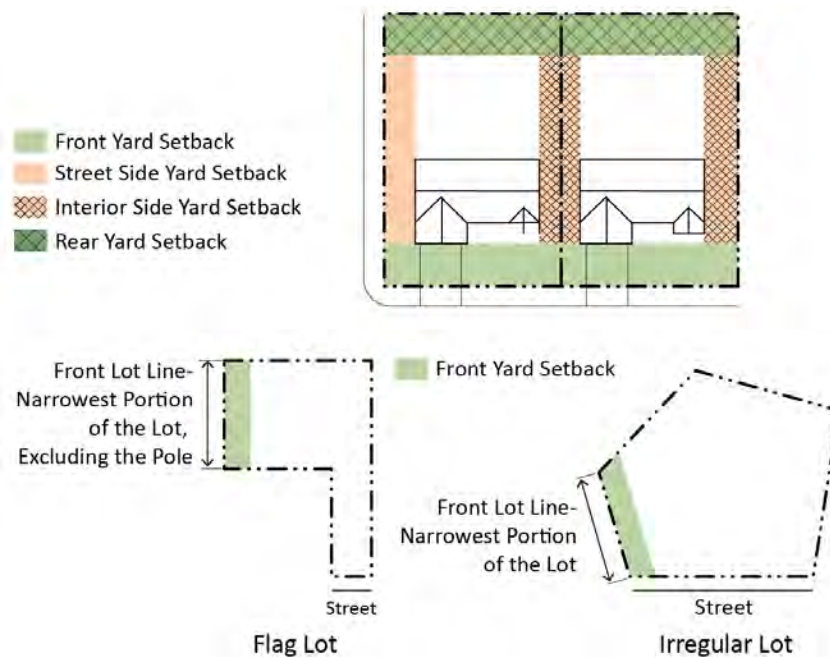
Appropriate access routes necessary for fire and safety access, subject to City approval, shall be provided for all areas of a project. See also the City standards in the City Design and Engineering Manual.

## 3.02.03. Setbacks and Encroachments

### A. Measurement of Setbacks.

1. Required setbacks shall be measured as the minimum horizontal distance from the nearest point of the front, side, or rear property line of the parcel to the nearest wall of the structure (see Figure 3.02.03-1. Measurement of Setbacks), with the following exceptions:
  - a. When a property abuts a street with a required dedication or easement, the required setback shall be measured from the dedication/easement line.
  - b. Where a specific street plan has been adopted by the City Council, site area and required yards shall be measured from the plan line.
2. Generally, the front yard setback is determined by the front lot line, which is the lot line paralleling the street.
3. For flag lots and other irregularly shaped parcels, the front lot line is determined to be the narrowest portion of the lot. For flag lots, this excludes the narrow portion of the lot that represents the “pole.”
4. For through lots/double frontage lots, both lot lines are front lot lines and the lot is considered to have no rear lot line.

**FIGURE 3.02.03-1. Measurement of Setbacks**



### B. Setback and Yard Requirements.

1. Except as permitted in Subsection C (Encroachments into Minimum Required Setbacks), or as otherwise specified in this Code for specific types of structures (e.g., accessory structures, signs) or through the issuance of a variance, structures shall not extend beyond required setback lines as established for each zone in Article 2 (Zone Regulations).
2. A required yard area is the yard space between the property line and the minimum setback as required by this Code. Lot and yard types are further defined in Article 7 (Definitions).
3. On a reversed corner lot, the minimum street side yard shall be no less than the required front yard on the adjoining key lot.
4. Except as otherwise permitted, front and street side yards shall be used only for landscaping, pedestrian walkways, driveways, or off-street parking.



**C. Encroachments into Minimum Required Setbacks.**

Projections such as eaves, cornices, awnings, louvers, porches, stairs, flues, and chimneys may encroach into required setbacks according to the standards of Table 3.02.03-1. (Allowed Encroachments into Setbacks), subject to all applicable requirements of the Building Code. The “Limitations” column states any dimensional, area, or other limitations that apply to such projections. Table 3.02.03-1 applies to all zones unless otherwise specified. Any projection over City property is subject to City discretion and issuance of an encroachment permit.



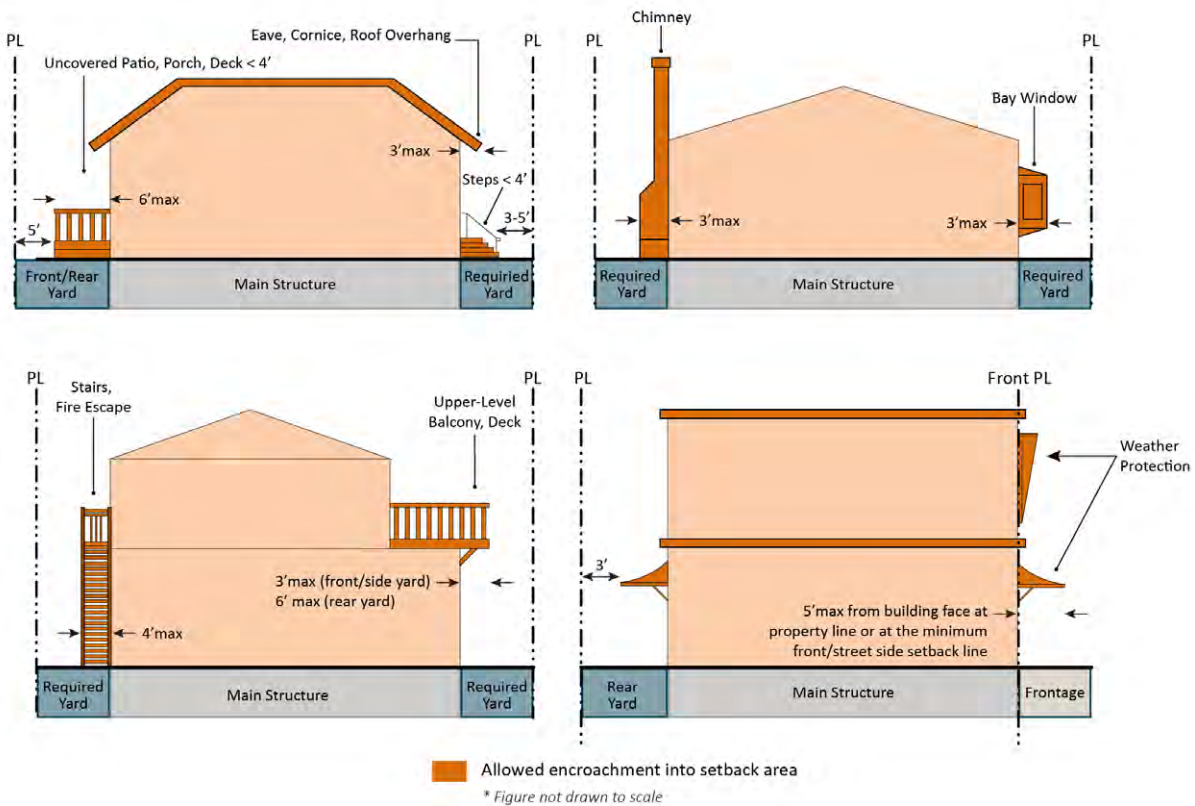


**TABLE 3.02.03-1: Allowed Encroachments into Setbacks**

| Projection  | Front/Street Side Yard   | Interior Side Yard                                | Rear Yard                       | Limitations/Additional Regulations  |
|---|--|---|---------------------------------|---|
| All projections   | <ul style="list-style-type: none"> <li>• Unless otherwise specified, no projection may extend closer than three feet to an interior lot line or into a public utility easement.</li> <li>• The total area of all building projections shall not exceed 35 percent of the primary building facade area. Primary building facade is the facade built at the property or setback line.</li> <li>• Where any allowance of this Code conflicts with applicable building codes, the more restrictive shall apply.</li> </ul> |   |                                 |   |
| Architectural Features (Eaves, Cornices, Bay Windows, Chimneys)   | 3 ft   | 3 ft  | 3 ft                            | <ul style="list-style-type: none"> <li>• May encroach to within 3 feet of property line.</li> <li>• Aggregate width of oriel or bay windows shall not exceed 50% of the length of the wall in which they are located and the width of any individual oriel or bay window shall not exceed 10 feet.</li> <li>• Upper-floor architectural projections shall have a minimum vertical clearance of 8 feet above grade.</li> </ul> |
| Weather Protection (awnings, canopies)  | 5 ft from building face at property line or at the minimum setback line  | To within 3 feet of rear and side property lines. |                                 | May encroach beyond the front property line over sidewalk in instances where the minimum setback is less than 5 feet with an encroachment permit. Weather protection shall have a minimum vertical clearance of 8 feet above grade.   |
| Open, unenclosed fire escapes and fireproof outside stairways   | 4 ft   | 4 ft  | 4 ft                            | May encroach to within 3 feet of property line. May be covered but not enclosed.  |
| Uncovered and unenclosed porches, landings, decks, patios, stoops, and similar features less than 4 ft in height  | 6 ft   | 5 ft  | 6 ft                            | May encroach to within 5 ft of property line.   |
| Uncovered and unenclosed stairs, porches, landings, decks, patios, stoops, and similar features exceeding 4 ft in height, and upper-level balconies and decks | 3 ft   | 3 ft  | 6 ft                            | May encroach to within 5 ft of property line.   |
| Covered patios and porches attached to main structure   | 4 ft   | 0 ft  | 6 ft                            | May encroach to within 5 ft of property line. May be covered but not fully enclosed.  |
| Uncovered steps and ramps under 4 ft in height  | To within 3 ft of property line  | To within 3 ft of property line                   | To within 5 ft of property line |   |

| Projection   | Front/Street Side Yard                        | Interior Side Yard  | Rear Yard | Limitations/Additional Regulations  |
|--|---|---|-----------|---|
| Outdoor fireplaces                                     | May not encroach                              | No closer than 5 feet from a property line, except when adjacent to permanent open space such as a golf course, common landscape or hardscape area, drainage channel, and the like, in which case it may be within 3 feet of the property line  |           | The height of the chimney may be up to six feet unless required to be higher to comply with building code requirements. In such cases, the height shall not be higher than the minimum height required by the adopted building codes. |
| Ponds, waterfalls, and other water features            |   | No closer than 5 feet from a property line, except when adjacent to permanent open space such as a golf course, common landscape or hardscape area, drainage channel, and the like, in which case it may be within 3 feet of the property line. |           | Within 5 feet of any property line, the height of water features shall not exceed 6 feet when adjacent to a residentially zoned property.   |
| Evaporative coolers, air conditioners, and compressors | May not encroach                              | To within 3 feet of rear and side property lines.   |           | Cannot be located in front of any building.   |
| Pools and Spas   | See Section 3.02.05 (Swimming Pools and Spas) |   |           |   |
| Accessory Structures                                   | See Section 3.02.04 (Accessory Structures)    |   |           |   |

**FIGURE 3.02.03-2. Allowed Encroachments into Setbacks**



## D. Encroachments Allowed without Restrictions.

The following features are allowed anywhere in any required yard without restriction:

1. Plant material including trees, shrubs, vines, hedges, and ground cover.
2. Uncovered landscape features such as paths, benches, flagpoles, sculptures, and similar decorative features.
3. Retaining walls, berms, earthen mounds, embankments, and other fill, subject to building and/or grading permits.
4. Fences, hedges, and walls not exceeding the maximum allowed height per Section 3.02.10 (Fences, Walls, and Screening).
5. Trellises and arbors to support vines and planting.
6. Entry features such as gates, arbors, and similar entry features not exceeding eight feet in height, ten feet in width, and three feet in depth.
7. Irrigation, drainage, and lighting systems.
8. Utility poles, wires, and pipes.
9. Stormwater treatment features.
10. Public art
11. Bicycle parking
12. Disabled access features, including, but not limited to, ramps and mechanical lifts, as required by the California Building Code and/or Americans with Disabilities Act.

## 3.02.04. Accessory Structures

### A. Purpose and Intent.

This Chapter establishes development standards for detached residential accessory structures. The purpose of this Chapter is to protect the public health, safety, and welfare by maintaining safe distances between structures, establishing architectural compatibility between primary structures and certain types of accessory structures, and minimizing potential impacts associated with lot coverage, privacy, and maintenance of light and air space.

### B. Applicability.

The requirements contained in this Section shall apply to detached accessory structures on private property and shall be in addition to any other development standards contained elsewhere in this Code. These include, but are not limited to, garages, carports, sheds, workshops, gazebos, and covered patios, that are detached from and accessory to the main building on the site. In the event of a conflict between the provisions of this Section and any other provisions of this Code, the stricter regulation shall control. For the purposes of this Code, accessory dwelling units are not considered accessory structures; accessory dwelling units are governed by the requirements of Chapter 4.02 (Accessory Dwellings Units) and are exempt



from the requirements of this Section. Structures with a common wall or roof with the main building shall be considered part of the main building. The provisions of this Section also do not apply to accessory buildings or structures attached to the main building, which shall comply in all respects with the requirements of this Code applicable to the main building. Allowed building projections into yards and required building separations are provided in Section 3.02.03.C (Encroachments into Minimum Required Setbacks).

**C. Development Standards for Accessory Structures.**

**1. Relation to Existing Structures.**

A detached accessory building or structure may only be constructed on a lot on which there is a permitted main building to which the accessory building or structure is related.

**2. Amenities.**

Accessory structures shall not contain indoor cooking facilities (combination of a sink, cooking apparatus, and refrigeration appliance) and shall not be designed for full-time living, guest accommodation (i.e., guesthouses), or rental purposes (see Chapter 4.02 (Accessory Dwelling Units). Pool houses that conform to the requirements of this Chapter are permitted. Accessory structures may have plumbing for a washer, dryer, toilet, shower, and/or utility sink.

**3. Separation Between Structures.**

Minimum distance between structures shall be provided in accordance with the regulations set forth in Article 2 (Zone Regulations) for each zone.

**4. Lot Coverage.**

The total lot coverage of the main dwelling, any accessory dwelling unit, and/or any accessory structures shall not exceed the maximum lot coverage as established by the applicable zone.

**5. Setbacks and Heights.**

Accessory structures shall meet the setback and height standards provided in Table 3.02.04-1. Accessory Structure Setbacks and Height Limits).

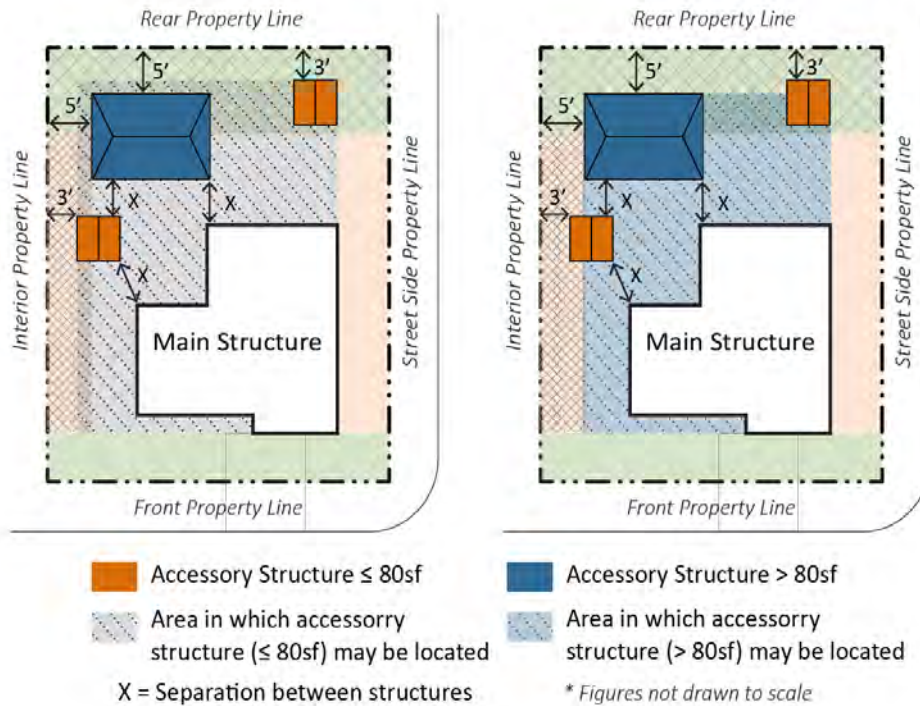
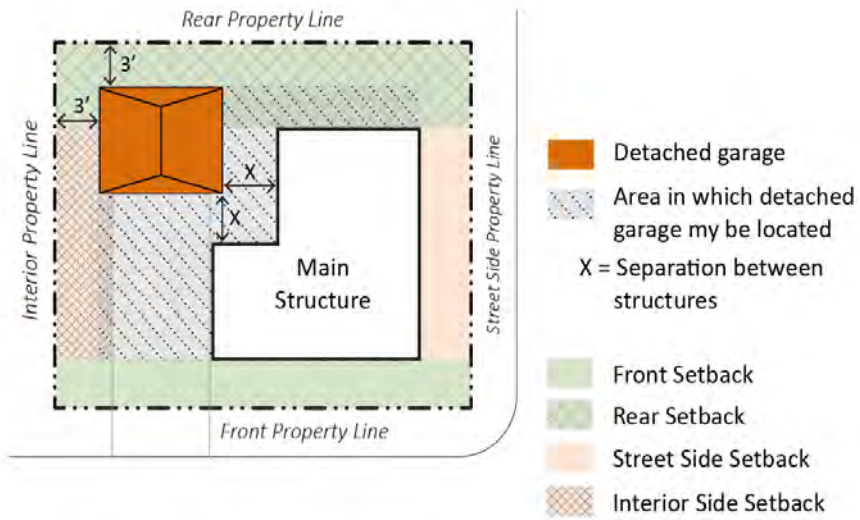
**TABLE 3.02.04-1: Accessory Structure Setbacks and Height Limits**

| Accessory Structure                          | Minimum Setback from Property Line <sup>1</sup> |                               |                    | Maximum Height <sup>1</sup> |
|--|---|-------------------------------|--------------------|-----------------------------|
|  | Front   | Street Side                   | Rear/Interior Side |                             |
| Detached garage                              | Same as for primary structure                   | Same as for primary structure | 3 ft               | 14 ft                       |
| Structure/Building, ≤ 80 sf and ≤ 6 ft tall  | Same as for primary structure                   | Same as for primary structure | 3 ft               | 6 ft                        |
| Structure/Building, ≤ 80 sf and > 6 ft tall  | Same as for primary structure                   | Same as for primary structure | 3 ft               | 14 ft                       |
| Structure/Building, > 80 sf and ≥ 14 ft tall | Same as for primary structure                   | Same as for primary structure | 5 ft               | 20 ft                       |
| Play Equipment                               | Same as for primary structure                   | Same as for primary structure | 3 ft               | 14 ft                       |

1. In the DE-1 zone, maximum height for barns and stables shall be 35 feet. Stables and barn yards shall be set back at minimum 50 feet from all property lines.



**FIGURE 3.02.04-1. Accessory Structure Setbacks**





### 3.02.05. Swimming Pools and Spas

Swimming pools, spas, and any body of water having a depth of more than 18 inches and related equipment shall comply with the following standards, in addition to all applicable requirements of the Building Code.

#### A. Water-Containing Portions of Swimming Pools and Spas.

The outside wall of the water-containing portion of any swimming pool or spa shall be located as follows:

**1. Front Setback.**

The outside wall of the water-containing portion of any swimming pool or spa shall not encroach into the front setback area unless approved by the Director due to special lot conditions.

**2. Street Side Setback.**

The outside wall of the water-containing portion of any swimming pool or spa shall be located a minimum of 10 feet from the street side property line. Where the lot is enclosed by a masonry subdivision perimeter wall, the street side setback is five feet.

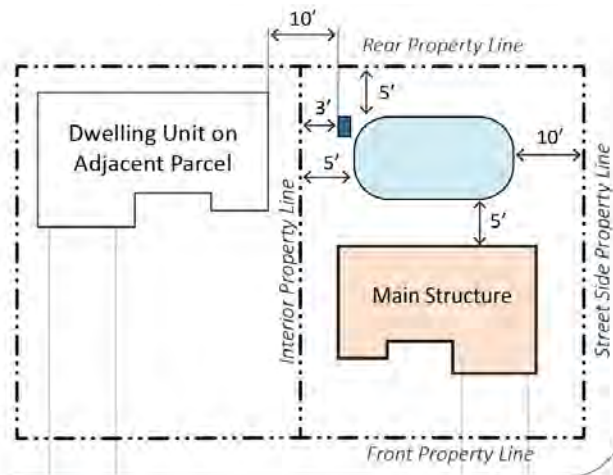
**3. Interior Side and Rear Setbacks.**

The outside wall of the water-containing portion of any swimming pool or spa shall be located a minimum of five feet from the interior side and rear property lines.

**4. Dwelling Unit Setback.**

The outside wall of the water-containing portion of any swimming pool or spa shall be located a minimum of five feet from the exterior wall of any dwelling unit.

**FIGURE 3.02.05-1. Swimming Pool and Spa Setbacks**



- Swimming pool or spa
- Pool or spa filter, heating, and maintenance system and equipment

\* Figure not drawn to scale

#### B. Pool Filter, Heating, and Maintenance Systems.

All pool and spa filter, heating, and maintenance systems and equipment shall not be located within any required setback adjacent to a public street, or within three feet of an interior side or rear property line, or within 10 feet of the living area of any dwelling unit on an adjacent parcel unless located completely within a soundproof enclosure.

## 3.02.06. Visibility Area

### A. Height Limit at Street Corners.

Development proposed adjacent to any public or private street, or an alley intersection, shall be designed to provide a traffic safety visibility area (i.e., sight triangle) for pedestrian and traffic safety.

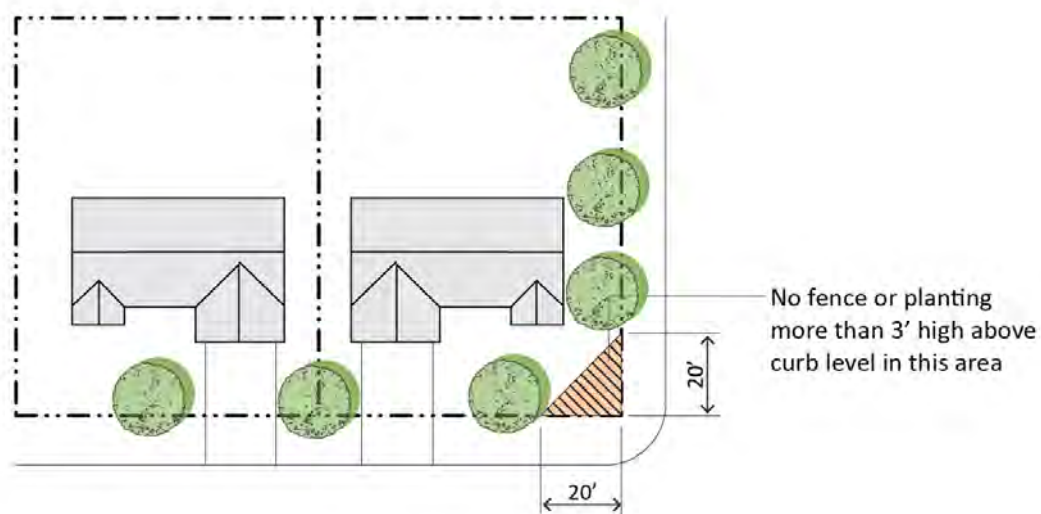
#### 1. Measurement of Visibility Area.

The traffic safety visibility area is the triangle formed at the intersection of two streets and/or alley rights-of-way by measuring 20 feet along both the front and side property lines and connecting the lines diagonally across the property.

#### 2. Height Limit.

No structure, sign, or landscaping shall exceed three feet in height within the traffic safety visibility area (i.e., sight triangle), unless approved by Public Works.

**FIGURE 3.02.06-1. Visibility Area**



### B. Height Limit at Driveways.

A minimum sight triangle extending ten feet shall be maintained at all driveways.

#### 1. Pedestrian Safety.

Within a driveway sight triangle, no plant material, tree trunks, signage, walls, fences, or any other obstructions shall interfere with the driver's view of pedestrians on a public sidewalk.

#### 2. Height Limit.

Within the driveway sight triangle, signage, walls, fences, etc., shall not exceed three feet in height. Within the driveway sight triangle, plant material shall not exceed three feet in height at maturity; trees shall be trimmed so that branches are at least seven feet above top of curb level.

## 3.02.07. Utilities, Service Areas, and Building Equipment

### A. Applicability.

This Section applies to stand-alone non-residential uses in the city.

See Section 3.02.08 (Refuse and Recycling) for regulations on refuse and recycling areas.

### B. Undergrounding of Utilities.

All new utility boxes and equipment and utility connections shall be undergrounded unless otherwise prohibited by the utility provider (e.g., water backflow prevention device that must be placed above ground) or the City Engineer grants an exemption following his/her determination that such undergrounding is not practicable.

### C. Location of Service Areas, Storage, Utilities, and Equipment.

All above-ground utilities and equipment (e.g., electric and gas meters, fire sprinkler valves, irrigation backflow prevention devices, etc.), service areas, and storage areas shall be integrated into building and landscape design and located to minimize impact on the pedestrian experience and neighboring properties by following the standards below:

1. Utilities and equipment, service, storage, and non-passenger loading areas shall be located inside of buildings or on non-primary street frontages, alleys, parking areas, and/or at the rear or side of building.
2. Utilities and equipment, service, storage, and non-passenger loading areas shall not be located within the minimum setback areas, along mid-block pedestrian connections, within the public right-of-way, and/or within 25 feet of a street corner.
3. Utilities and equipment, service, storage, and non-passenger loading areas shall be fully screened from view per Section 3.02.07.D (Service, Utility, and Equipment Screening) below.



### D. Service, Storage, Utility, and Equipment Screening.

All service and storage areas, utilities, and equipment not housed inside buildings shall meet the following screening standards:

1. Screening shall be equal to or higher than the height of the equipment to be screened, unless specified otherwise.
2. Screening shall be made of a primary exterior finish material used on other portions of the building, architectural grade wood or masonry, metal, or landscape screening that forms an opaque barrier when planted.

### E. Location and Screening of Rooftop Equipment.

Rooftop elements including roof access, mechanical equipment, and other features needed for the function of the building shall be located to minimize visual impact by meeting the following requirements. Mechanical equipment less than two feet in height, solar panels, wind generators, or green roof features are exempt from these requirements.

1. Mechanical equipment shall be set back a minimum of 10 feet from the roof edge or screened with a parapet wall.
2. Rooftop equipment shall be screened such that it is not visible from any point at or below the roof level of the subject building (see 3.02.07.D (Service, Utility, and Equipment Screening)).

## 3.02.08. Refuse and Recycling

### A. Applicability.

Any new development project for which an application for a building permit is submitted after the Effective Date of this ordinance shall include adequate, accessible areas for collecting and loading refuse and recyclable materials. These regulations apply to refuse and recycling areas not accessible to the public, and which are used exclusively by the tenants/owners of the development site. The provisions of this Section apply to all development except:

1. Single-family or multi-family residential development projects that do not necessitate communal or shared trash and recycling areas/containers. In such cases, no enclosure structure shall be required, however individual trash and recycling containers shall be stored in such a manner that containers are not visible or screened from public view from the front of the property. Containers may be placed in public view for purposes of collection.

Effective December 31, 2024, all existing developments, except single-family or multi-family residential development projects that do not necessitate communal or shared trash and recycling areas/containers, must also comply with the provisions of this Section. The Director or designee shall have the discretion, as set forth in Subsection G, to provide adjustments or exceptions to assist existing businesses with compliance to this Section.

### B. General Requirements.

1. Trash and recycling containers and collection areas shall be adequate in capacity, number, and distribution to accommodate all waste generation of the site. An area for the storage of trash shall be provided with minimum clear dimensions of five feet by seven feet for all multi-family residential uses of four to 19 dwelling units, and for all nonresidential uses with a gross floor area of less than 5,000 square feet. Multi-family residential uses with 20 or more dwelling units, and nonresidential uses with 5,000 square feet of gross floor area or more, shall provide trash storage areas with the minimum size determined by the local disposal service based on the type of use, the size of the refuse area proposed, and the frequency of refuse collection.
2. Adequate and accessible enclosures for the storage of trash and recyclable materials shall be provided. An alternative to a trash/recycling enclosure shall include the placement of a bin in a concrete or metal lined pit. The use, location, design, construction, and accessibility of enclosures shall conform to the requirements in this Code, and shall be reviewed by the local disposal service and approved by the Director.
3. When a site is retrofitted or upgraded to comply with refuse and recycling standards, the location of any new enclosures shall be reviewed by the local disposal service and approved by the Director. A maximum of one parking space per enclosure may be eliminated if it can be shown that the elimination of said parking space will not be deleterious to the circulation and parking conditions on site.
4. Solid waste collection areas shall not be used for storage or other purposes.

### C. Location.

1. Refuse and recycling collection areas shall be located inside of buildings or inside of enclosures located along alleys or in parking areas at the rear or side of buildings. Refuse collection areas are prohibited within any required front yard, street side yard, any required parking spaces, landscape areas, and open space areas.
2. Enclosures shall be located a minimum of 10 feet from any structure, 25 feet from any public street, 15 feet from a private street and, in non-residential areas, 20 feet from any residential zoned property line.
3. The location of enclosures shall not conflict with circulation or parking conditions on site. A condition shall not be created where a parked vehicle will obstruct access to an enclosure nor where a disposal truck will obstruct parked vehicles.

### D. Access.

The storage area for refuse and recyclable materials shall be accessible to pedestrians (both residents and/or employees) of the development site and to refuse and recycling haulers. Vehicle access requirements are as follows:

1. Driveways or travel aisles leading to exterior collection areas or enclosures shall be a minimum of 16 feet in width and paved in accordance with this Code's paving requirements.
2. Where driveways do not extend from street to street, a turnaround area for collection vehicles shall be provided. Minimum turning radius for collection vehicles at 26/46.
3. Driveways or travel aisles shall provide unobstructed paved access for collection vehicles and provide a minimum of 15 feet vertical clearance. In loading areas, minimum overhead vertical clearance shall be 25 feet for loading operations.
4. A concrete apron or pad, having a minimum size of 10 feet wide by 20 feet long, shall be constructed in front of each exterior collection area or enclosure or at the point of pick-up by the collection vehicle. The purpose of this pad is to prevent damage to the surrounding asphalt paving. The pad shall have a level surface (no slope) and shall be paved with concrete. The Director may waive the requirement for, and/or size of, the concrete apron or pad provided the property owner can demonstrate that the existing asphalt located at the access and servicing areas of the refuse and recycling enclosure has withstood on-going, regular use without appreciable degradation.

### E. Enclosures.

Exterior collection areas must be within an enclosure that meets the following standards.

1. **Minimum Height.**  
Enclosures shall be adequate height to fully screen containers and materials within, with a minimum height of six feet.
2. **Design and Materials.**  
Trash/recycling enclosures shall be constructed of a primary exterior finish material and color used on other portions of the building, architectural grade wood or masonry, metal, or decorative block.
3. **Pedestrian Access.**  
A pedestrian access and separate access for primary collection shall be provided.







#### 4. **Controlled Access and Roofing.**

Refuse and recycling enclosures must be fully enclosed, including solid roofing over the structure to block rainfall and prevent uncontrolled access to collection areas. Lids must always remain closed except when loading or unloading.

#### 5. **Gates.**

Solid metal gates painted to match the enclosure shall be required. All gates shall be post mounted. Gates shall be secured with a padlock approved by the local disposal service.

#### 6. **Protection from Bins and Vehicles.**

Concrete curbs, bollards, or wheel stops shall be installed or constructed inside the enclosure to prevent bins from damaging the enclosure. Concrete curbs or equivalent shall protect the exterior of enclosures from adjacent vehicle parking and travel ways.

### F. **Maintenance.**

Maintenance of each enclosure area and any bins and containers shall be the responsibility of the property owner. The property owner shall be responsible for keeping the area clean and free of litter, rodents, and insects. Enclosures that are damaged to the point of non-use will result in a service interruption if the hauler cannot access the containers and shall be repaired or replaced within 60 calendar days following notification by the City.

### G. **Procedures and Exceptions.**

The Director shall have the authority to approve exceptions, or consider modified design standards, to the requirements of this Section, for existing and new development projects, and projects involving the expansion or retrofit of an existing development. The property owner/applicant must first prove that he/she cannot meet the requirements for the refuse and recycling collections areas as set forth in this Section and any other applicable Section.

#### 1. **Reasons for Exceptions.**

Exceptions may be approved for reasons including, but not limited to, the following:

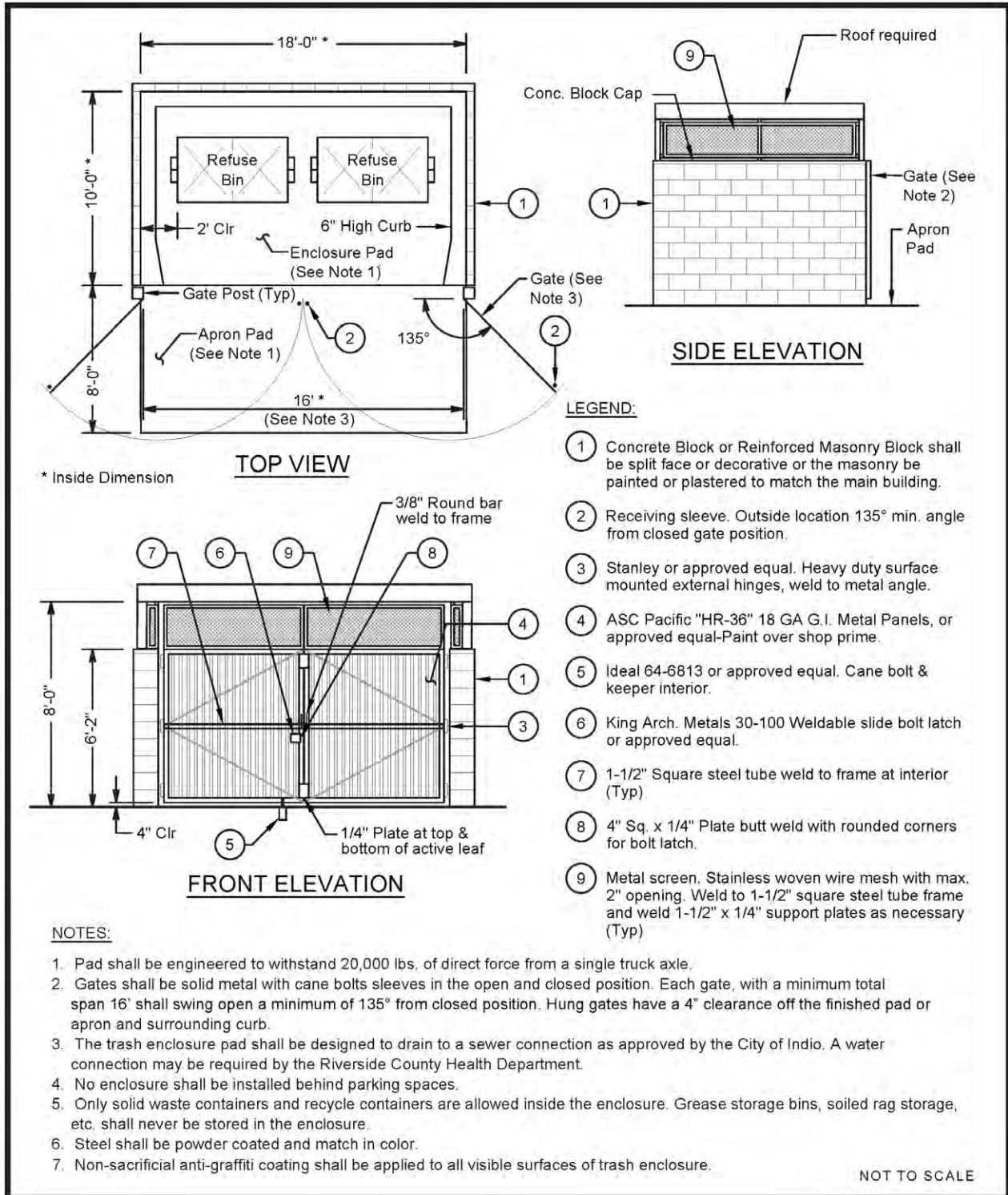
- a. The requirement to provide adequate space for refuse and recyclable materials storage and collection would necessitate the conversion or removal of required parking spaces or required landscaping, or would conflict with some other essential site improvement required by the City;
- b. The nature of the proposed development justifies the provision of less recyclable materials storage and collection space than mandated by this Section; or
- c. Construction of the full enclosure would reduce the vehicular access aisle to less than acceptable width. Cost alone is not a valid reason for granting an exception.

**2. Required Findings.**

Exceptions from any provision of this Section may be approved if the following findings can be made:

- a. That the exception from these requirements will not be detrimental to public health, safety, or welfare nor result in a nuisance; and
- b. That the project will provide adequate capacity, number, and distribution of collection areas to serve the new or existing development.

**FIGURE 3.02.08-1. Solid Waste Trash Enclosure Specification Sheet**



## 3.02.09. Landscaping

### A. Purpose.

The purpose of this Section is to establish minimum landscape standards to enhance the appearance of developments, reduce heat and glare, control soil erosion, conserve water, establish buffers and screening between land uses or of unsightly features, and to ensure the ongoing maintenance of landscape areas.



### B. Applicability.

These standards shall apply to all new development and major additions or renovations of existing properties/structures in the City (as defined in Article 7 (Definitions)). This Section shall not apply to the following:

1. Properties zoned OS (Open Space).
2. Properties zoned RR (Resource Recovery).

### C. Landscape and Irrigation Plan and Review Process.

#### 1. Projects Subject to the Water Efficient Landscape Ordinance.

- a. **Applicability.** All project that meet the criteria below shall comply with the Water Efficient Landscape Ordinance, as follows.
  - i. New development projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building permit, Zoning Clearance, or Planning Review.
  - ii. Renovated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building permit, Zoning Clearance, or Planning Review.
- b. **Process.** A landscape documentation package shall be prepared and approved in accordance with Indio Municipal Code Section 54.063 (Water Efficient Landscape Development Standards). The landscape documentation package requirements can be found in [Ordinance 1684](#).

#### 2. All Other Landscape Projects.

- a. **Applicability.** All other landscape projects that do not meet the criteria listed above.
- b. **Landscape and Irrigation Plan.** A landscape and irrigation plan shall be submitted to the Director in conjunction with site improvement plans. The plans shall show the exact location of and irrigation for trees, shrubs, and ground cover. The landscape plan shall include, at a minimum, plant name, plant quantity, plant size, location of impervious surfaces, minimum landscape coverage and percentage live plant material, utilities and lighting, irrigation system, and plans for tree retention and removal where applicable. The landscape plan shall also include a water budget that includes the estimated water use (in gallons), the irrigated area (in square feet), precipitation rate, and flow rate in gallons per minute.



**3. Landscape Plan Review Process.**

The following landscape plan review process shall be conducted in conjunction with review for the proposed action, pursuant to the requirements of Article 6 (Administration and Procedures).

- a. **Approving Authority.** The approving authority shall be the same as the approving authority of the permit or approval sought for new projects or modifications to existing development.
- b. **Approval of Plans.** The approving authority shall review and approve the landscape and irrigation plan prior to issuance of building permits or planning entitlements for new projects or modifications to existing development.
- c. **Approval Required.** The landscaping shall not be installed until the applicant receives approval of the landscape and irrigation plan by the approving authority and any applicable permits have been issued.
- d. **Changes to Approved Plans.** Changes to the approved landscape and irrigation plans that affect the character or quantity of the plant material or irrigation system design are required to be resubmitted for approval before installation.

**D. Irrigation and Water Efficient Landscape Standards.**

Required landscape areas shall be supported by a permanent, automatic irrigation system coordinated to meet the needs of various planting areas. Proper irrigation shall be provided for healthy plant growth and maturation, and shall be designed to avoid the watering of structures, public walkways, and pedestrian access areas.

A landscape documentation package prepared and approved in accordance with Indio Municipal Code Section 54.063 (Water Efficient Landscape Development Standards) shall be required for any project that is subject to the procedures and standards set forth in that Section. For all other projects, the following apply:

- 1. Irrigation systems shall be designed to avoid runoff, excessive low head drainage, overspray or other similar conditions where water flows or drifts onto adjacent property, non-irrigated areas, walkways, roadways, or structures.
- 2. Low-volume irrigation systems with automatic controllers shall be required. Low-volume irrigation systems include low-volume/high-efficiency sprinkler heads, bubbler, drip irrigation, and soaker hose emitters. Irrigation systems shall be equipped with a meter or submeter and backflow preventer.
- 3. Automatic controllers shall be set to water between 7:00 p.m. and 10:00 a.m. to reduce evaporation.
- 4. An irrigation schedule indicating the four seasons of watering cycles is recommended for all irrigated landscape areas, and is required for those projects with a total landscape area of 2,500 square feet or more.



**E. Timing of Installation.**

Required landscape and irrigation improvements shall be installed prior to the issuance of a certificate of occupancy by the Building Official unless specified otherwise in the project’s conditions of approval.

**F. Minimum Landscape Coverage and Live Plant Material.**

Yards and setback areas shall be landscaped in accordance with the regulations set forth in Article 2 (Zone Regulations) which establishes minimum landscape coverage and percentage of live plant material required for each zone. Areas devoted to parking, driveways, and walkways are excluded from the calculation of minimum landscaped area. Live plant materials include groundcover, shrubs, and trees. The remainder of landscaped yard and setback areas may be rock, gravel, pebbles, stones, or similar natural non-living material. Landscaped areas shall be top dressed with a rock, gravel, or an approved alternative to avoid exposed bare soil. Synthetic turf may be counted towards the required minimum landscape coverage, but does not count as live plant material.

Required landscaping of public and common open spaces can be found in Article 2 (Zone Regulations).

**G. Plant Types.**

**1. Drought-Tolerant and Native Species.**

Landscape planting shall incorporate at minimum 50 percent drought-tolerant and native species (especially along natural, open space areas), and shall be suitable for the soil and climatic conditions specific to the site.

**2. Group Plants by Water Use.**

Plants shall be grouped according to their water needs and irrigated separately from other groupings to promote water efficiency.

**3. Street and Parking Lot Trees.**

- a. Street and parking lot trees shall be selected from the Coachella Valley Water District’s “Lush and Efficient: Desert-Friendly Landscaping in the Coachella Valley” guidebook.
- b. Trees planted within ten feet of a street, sidewalk, paved trail, parking area, or walkway shall be a deep-rooted species or shall be separated from hardscapes by a root barrier to prevent physical damage to public improvements.





## H. Turf and Synthetic Turf.

1. Turf areas shall be limited to activity or recreation areas.
2. Synthetic turf may be used as a substitute for natural turf for the purposes of water conservation, or in high activity or foot-traffic areas such as sports fields. The following standards shall apply to the use and maintenance of synthetic turf.
  - a. Synthetic turf shall consist of lifelike individual blades of grass that emulate real grass in look and color and have a minimum pile height of one and one-half inches.
  - b. Synthetic turf used for pet areas shall be specifically formulated for that purpose.
  - c. A proper drainage system shall be installed underneath to prevent excess runoff or pooling of water.
  - d. Synthetic turf shall be installed and maintained to effectively simulate the appearance of a well maintained lawn.
  - e. The use of indoor or outdoor plastic or nylon carpeting as a replacement for synthetic turf or natural turf shall be prohibited.
  - f. Trees should be kept a minimum of 10 feet away from synthetic turf areas.
  - g. Synthetic Turf Maintenance Guidelines.
    - i. Synthetic turf should be maintained free of moss, mold, algae, and fungi growth.
    - ii. Chemical agents or contaminated water should not be applied to synthetic turf.
    - iii. A turf groomer should be used to maintain the distribution of the infill material in the turf and to raise the turf fibers. Brushing should be performed every couple weeks, raking of the turf should be performed once a month, and cleaning/sanitizing should be performed once a year.

## I. Plant Size, Spacing, and Location.

In order to achieve an immediate effect of a landscape installation and to allow sustained growth of planting materials, minimum plant material sizes, plant spacing, and minimum planter widths (inside measurements) are as follows:

1. **Shrubs Size.**

All proposed shrubs, except accent, color, or ground cover planting, shall be a minimum 5 gallons in size, with a 15-gallon minimum size where required for screening. The minimum planter width for shrubs is 3 feet.
2. **Trees Size.**

The minimum planting size for trees shall be 15-gallon, with 25 percent of all trees on a project site planted at a minimum 24-inch box size. Minimum planter width for trees shall be 5 feet.
3. **Spacing.**

The spacing of trees, shrubs, and ground cover plants shall accommodate mature planting size. Where required for screening, spacing shall form an opaque barrier when planted.
4. **Location.**

Trees and shrubs shall be located and spaced to ensure unobstructed access for vehicles and pedestrians and provide clear vision at intersections per Section 3.01.06 (Visibility Area).



## J. Landscape Maintenance.

All landscaping shall be kept in an orderly condition, as follows:

1. Prior to the installation of landscaping in the public right-of-way, the developer shall provide for the continued maintenance by an agreement with the City of Indio.
2. Lawn and ground cover shall be trimmed or mowed regularly. All planting areas shall be kept free of weeds and debris.
3. All plantings shall be kept in a healthy and growing condition. Fertilization, cultivation, and pruning shall be a part of regular maintenance. Good horticultural practices shall be practiced in all instances.
4. Irrigation systems shall be kept in working condition. Adjustments, replacements, repairs, and cleaning shall be a part of regular maintenance.
5. All significantly injured, decayed, or dead trees and other plant material shall be replaced within thirty days.
6. Trees and shrubs shall not overhang or encroach upon walkways, drives, parking areas, and traffic signs to the extent that they interfere with the use of these areas. Tree limbs which overhang public sidewalks shall be kept trimmed to a height of at least eight feet above the sidewalk level. Tree limbs which overhang the street shall be kept trimmed to a height of at least 13 feet above the street level.
7. Trees shall be staked and tied with lodge poles at the time of installation.
8. Stakes and ties on trees shall be checked regularly for correct functions. Stakes and ties shall be adjusted to avoid creating abrasions or girdling on trunks or branches, and removed after trees are well-established.

## K. Parking Lot Landscaping.

Parking lot landscaping includes perimeter planters, abutting parking lots and drive aisles, tree planting for parking lot shade, and a combination of continuous planting strips, planting fingers, and parking islands throughout the parking lot. The following parking lot landscape requirements are applicable to parking lots in commercial, industrial, mixed-use, and residential developments with five or more spaces.



### 1. Parking Area Landscape Plans.

Landscape and automatic system plans, including the type and location of plant materials, shall be submitted to and approved by the applicable Review Authority either as a part of a review process applicable to the subject property or prior to the issuance of building permits if no such review process is required.

### 2. Minimum Landscaping and Distribution.

- a. **Minimum Landscaping.** A minimum of 15 percent of the total off-street open parking area shall be landscaped with a mixture of trees, shrubs, ground cover, and other plant material. A minimum of one-third of the required landscaping shall be distributed within the interior of the parking facility and the remaining two-thirds of the required landscaping shall be provided as peripheral planting on the exterior edges of the parking area. The parking area shall be computed by adding the areas used for access drive aisles, stalls, maneuvering, and landscaping within that portion of the premises that is devoted to vehicular parking and circulation.
- b. **Minimum Trees.** A minimum of one 24-inch box tree shall be required for each four parking spaces. Said trees are intended to provide shade to parked vehicles and shall be of a type adapted for the climate of the Coachella Valley. Street side planters may contain palm trees at a rate of not more than 25 percent. Parking lot trees may be coordinated with required street trees, but in no event shall the number of trees be less than one for every 30 lineal feet of street frontage. The following exceptions shall apply:
  - i. Where this ratio cannot be achieved due to the installation of solar facilities, trees shall be provided along the perimeter of the parking lot.
  - ii. An existing shade tree may fulfill this requirement, so long as the existing shade tree is a minimum of four inches diameter at breast height. Existing mature trees on the site in good health shall be preserved whenever possible.
- c. **Non-Plant Material.** Crushed rock, wood chips, pebbles, stones, and similar non-plant materials shall be allowed up to 60 percent of the total required landscaping. Landscaped areas shall be top dressed with a bark chip mulch or an approved alternative to avoid exposed bare soil.
- d. **Parking Lot Hardscape Requirements.** Parking lot dividers, islands, planters, and planting areas shall be a minimum of five feet wide and five feet long (including the curb). Planters shall be separated from maneuvering and parking areas by a six-inch, raised concrete curb or equivalent. Tree areas shall be planted a minimum of five feet from walls, walkways, or buildings. To protect hardscape and encourage deep root development, root barriers shall be installed during planting operations.
- e. **Access.** Landscaping shall be located so that pedestrians are not required to cross unpaved landscaped areas to reach building entrances from parked cars. This shall be achieved through proper orientation of the landscaped planters and islands, and by providing pedestrian access through landscaped areas that would otherwise block direct pedestrian routes.
- f. **Perimeter Landscape Strip.** Each unenclosed parking lot shall provide a perimeter landscaped strip where the facility adjoins a property line in accordance with the following standards. The perimeter landscaped strip shall be planted with trees, shrubs, and groundcover, and may include any landscaped yard or landscaped area otherwise required. The landscape strip shall be continuous, except for required access to the site or parking facility.
  - i. Minimum five-foot landscape strip in the SN-4, SN-8, CN-14, CN-20, NC, MUN, and MT zones.
  - ii. Minimum 10-foot landscape strip in the RC, IL, and IH zones.

### 3. Landscaping Installation and Maintenance.

- a. **Maintenance.** All parking lot landscaping shall be maintained in perpetuity, with all maintenance to include, but not be limited to, irrigation corrections, fertilization, pruning, and staking as required by Section 3.02.09.J (Landscape Maintenance).
- b. **Landscaping Irrigation.** Irrigation systems shall be installed within parking lot landscaping. The irrigation system shall be an automatic system with an irrigation timer and two drip or bubbler heads per tree to provide adequate deep root irrigation.



## 3.02.10. Fences, Walls, and Screening.



### A. Permit Requirements and Exemptions.

Unless otherwise exempt below, a Building Permit is required for new fences, walls, and screening.

#### 1. Residential Fences and Walls.

Fences and walls located in single-family residential zones (DE-1, DET-3, SN-4, SN-8) shall be constructed in compliance with the requirements of this Section.

#### Required Fences and Walls.

The requirements of this Section shall not apply to a fence or wall required by any law or regulation of the County, State, or Federal government, or any agency thereof.

#### 2. Temporary Fencing.

Nothing in this Section shall be deemed to prohibit the erection of a temporary fence, including chain-link fencing, around construction projects in compliance with the building code and other applicable requirements of this Code.

### B. Required Screening Between Different Zones.

A screening wall or fence is required between different zones for new development. Within the required front or street side setback the wall or fence shall be reduced consistent with the property line site wall/fence height standards of the applicable zone (See Section 3.02.10.C (Maximum Height)). Required screening shall be landscaped in accordance with Section 3.02.10.F (Landscape Screening).



**1. Between Non-Residential and Residential or Mixed-Use Zones.**

Where a non-residential zoned property abuts a residential or mixed-use zoned property, a solid masonry wall or wood fence shall be installed along the adjacent interior property lines with a minimum height of six feet and a maximum height of seven feet.



**2. Between Mixed-Use and Stand-Alone Residential Zones.**

Where a Mixed-Use zoned property abuts a residential zoned property, a solid masonry wall or wood fence shall be installed along the adjacent interior property lines with a minimum height of six feet and a maximum height of seven feet.

**3. Between Non-Residential Zones.**

Where non-residential zones abut each other, a solid masonry wall shall be installed along the interior property lines with a minimum height of six feet and a maximum height of eight feet. Where a non-residential property abuts another property in the same zone, walls are allowed but not required.



**4. Mobile Home Parks.**

See Chapter 4.17 (Manufactured/Mobile Home Park).

**5. Adjacent to Freeways.**

Fences, walls, berms and/or other sound attenuation features that border freeways may be constructed to a height of six feet above natural grade or to such other height as required by the Director, to adequately mitigate the adverse effects of noise and/or for aesthetic reasons as discussed in an environmental document (e.g., an EIR or negative declaration).

**6. Utilities, Equipment, and Service Areas.**

All utilities, equipment, and service areas shall be screened in accordance with Section 3.02.07 (Utilities, Service Areas, and Building Equipment) and Section 3.02.08 (Refuse and Recycling).

**7. Parking and Loading Areas.**

Parking and loading areas shall be screened in accordance with Chapter 3.03 (Parking + Loading).

**8. Outdoor Storage Areas.**

Outdoor storage areas shall be screened from view from any adjacent public street or freeway, existing or planned residential area/property, or publicly-accessible open space area with a solid masonry wall or wood fence a minimum of six feet in height and a maximum height of eight feet. In the IL and IH zones, screening walls shall be a minimum of eight and maximum of 10 feet in height.

**C. Maximum Height.**

Unless otherwise specified and per Subsection 3.02.10.D (Intersection and Driveway Visibility), fences, walls, and similar screening structures are limited to a maximum height as follows:

**1. Residential and Mixed-Use Zones.**

- a. **Within Required Front Setbacks:** Three feet. An additional foot of fencing is allowed (maximum four feet) provided that all fencing above three feet in height is at least 50 percent open/transparent.
- b. **Within Required Street Side Setbacks:** Six feet. An additional foot is allowed (maximum seven feet), provided that the portion of the fence exceeding six feet in height consists of lattice or similar non-solid material.

- c. **Within Required Interior Side and Rear Setbacks.** Six feet. An additional foot is allowed (maximum seven feet), provided that the portion of the fence exceeding six feet in height consists of lattice or similar non-solid material.

## 2. Commercial Zones

- a. **No Closer than Five Feet from any Street-Facing Property Line.** Three feet. An additional foot of fencing is allowed (maximum four feet) provided that all fencing above three feet in height is at least 50 percent open/transparent.
- b. **All Other Required Setback Areas.** Six feet. An additional foot is allowed (maximum seven feet), provided that the portion of the fence exceeding six feet in height consists of lattice or similar non-solid material.

## 3. Industrial Zones.

- a. **No Closer than Five Feet from any Street-Facing Property Line.** Six Feet.
- b. **All Other Required Setback Areas.** Eight feet.
- c. **Exception.** See outdoor storage screening standards in Section 3.02.10.B.8 (Outdoor Storage Areas).

## 4. Decorative Features.

Support posts or columns not exceeding 18 inches in width may exceed maximum allowable fence heights by a maximum of 4 inches. One entry gateway, trellis, or other entry structure is permitted in the required front or street-facing setback of each lot, provided that the maximum height or width of the structure does not exceed 10 feet. Such decorative feature shall not have any solid obstruction that exceeds two feet in diameter between the height of three and 10 feet.

## 5. Recreational Fencing.

Fencing located around tennis courts, badminton courts, basketball or volleyball courts and similar recreation facilities up to 12 feet in height may be allowed with Director approval, providing that all parts of the fence over six feet are made of open wire construction or other corrosion-resistant and semi-transparent materials.

## 6. Pools, spas, and similar features.

Swimming pools, spas, and other similar water features shall be enclosed in compliance with building code requirements.

## D. Intersection and Driveway Visibility.

Notwithstanding other provisions of this Section, fences, walls, and related structures shall comply with the intersection and driveway visibility requirements in Section 3.02.06 (Visibility Area).

## E. Retaining Walls.

Retaining walls shall be required at all locations where there is a grade separation of more than 12 inches between properties. This may be waived by the Director upon approval of an alternative design by the City Engineer.

## F. Landscape Screening.

Required screening between different zones shall be landscaped as follows:

1. Minimum one tree at least 15-gallons in size per 20 linear feet.
2. Minimum three shrubs per 20 linear feet.

See Section 3.02.09 (Landscaping) for additional landscaping requirements.

## G. Materials.

### 1. Prohibition on Potentially Hazardous Fencing Materials.

The use of barbed wire, razor wire, ultrabARRIER, electrified, broken glass, and other hazardous fencing is not permitted unless such fencing is required by any law or regulation of the City, the State of California, Federal Government, or other public agency.

#### a. Exceptions.

- i. Public safety facilities, such as police stations and fire stations, are exempt.
- ii. The Director may approve an exception to this standard for sites in the I-L, I-H, or RR zones, provided the hazardous fencing materials are located at the top portion of a fence which is at least six feet in height and where the Director finds such fencing is necessary for security purposes. An Administrative Use Permit is required. These approvals shall not be granted unless the fence complies with all the following standards:

- a). No part of the electric fence is adjacent to public uses and public property, including but not limited to: parks, active open spaces, schools, daycare centers, after school programs, or other places where children may congregate.
  - b). The applicant shall provide security and construction plans to the Indio Fire Department and Indio Police Department, both of which must review and approve the plans prior to the public hearing.
  - c). The applicant shall design and install the electric fence in a manner that, in an emergency situation, the responding crews could immediately disable the electricity at the entry point.
  - d). The applicant shall design and locate the lighting used to illuminate the electric fence to confine direct rays to the premises. No spillover or bleeding of light beyond the property line or into the sky shall be permitted.
  - e). The applicant shall install an approved emergency access key lock box to the satisfaction of Indio Police Department and Indio Fire Department for emergency access to any site armed with electric fences.
- iii. Electrified fencing may be allowed in the DE-1 or DET-3 zones for animal control. An Administrative Use Permit is required. Such fences shall also be adequately signed with warnings.

### 2. Limitation on Chain-Link Fencing.

- a. **Residential Zones.** Chain-link fencing is prohibited in residential and mixed-use zones.
- b. **Non-Residential Zones.** In non-residential zones, chain-link fencing shall not be visible from adjacent at-grade public streets, a State highway, or adjacent residential or mixed-use zones.
- c. **Vacant Properties.** Vacant properties in any zone may be fenced with chain-link fencing not to exceed six feet in height when the purpose of such fencing is to prevent unauthorized use, dumping, or vehicular soil disturbance that results in fugitive dust or nuisance conditions. Such fencing of vacant properties shall not be construed to allow use of the property for outdoor storage. Barbed wire is not permitted.



**3. Anti-Graffiti Treatment.**

Walls shall be constructed of a graffiti-resistant material consisting of a hard, smooth, impermeable surface (e.g., ceramic tile or baked enamel), or treated with an anti-graffiti sealant.

**4. Limitation on Concrete Block.**

Plain, concrete block is not permitted as a fence/wall material. Concrete block must be finished with stucco (or decorative split-faced block) and capped with a decorative cap.

**5. Retaining Walls.**

Retaining walls shall be constructed of masonry material such as brick, concrete, or paver block.

**H. Measuring Height of Fences or Walls.**

For measurement of fences and walls, see Section 3.01.03.E (Fence and Wall Height Measurement).

**I. Wall and Fence Design.**

All new sound walls, masonry walls, or non-transparent fences that face a public right-of-way or publicly-accessible path or open space, and that are 50 feet in length or longer and four feet in height or taller shall be designed to minimize visual monotony through at least one of the following:

1. **Changes in plane.** An offset a minimum of 1 foot deep for every 50 feet to 75 feet of wall;
2. **Changes in height.** Wall inserts and/or decorative columns or pilasters every 20 feet to provide relief;
3. **Changes in material.** Changes in material and/or material texture;
4. **Landscaping.** Continuous and opaque landscape screening.

**J. Location.****1. Fence Location on a Lot.**

Fences may be erected, placed, or maintained along or adjacent to a lot line or within a yard. A fence located on a lot line shall be considered as being within the yard adjacent to that lot line. The fence owner shall be responsible for properly locating all lot lines before construction of any fence.

**2. Fences near Utility Structures.**

All walls and fences shall provide four-foot clearance around fire hydrants, water meters, and all other utility structures, per Indio Municipal Code Section 97.068 (Fences and Walls in Parkway and Public Streets).

**3. Fences within a Public Utility Easement.**

Fencing shall not be located within any public utility easement without written approval from Public Works and all affected utility companies.

**4. Fence Encroachment onto Public Property.**

No portion of any fence, including gate doors, shall encroach upon or project into any public right-of-way or other public property without the fence owner first obtaining an encroachment permit from the City.

**K. Maintenance.**

Fencing, walls, and other screening devices shall be continuously maintained, with no sign of rust or disrepair.

**L. Openings and Pedestrian Connections.**

Fence or wall openings for pedestrian connections may be required at the discretion of the Director.



## 3.02.11. Outdoor Lighting

### A. Applicability.

The standards of this Section apply to all new development and to exterior alterations and additions that involve replacement light fixtures or systems, except as provided below.

#### 1. Exceptions.

The following outdoor lighting shall not be subject to the provisions of this Section.

- a. **Public and Private Street Lighting**
- b. **Athletic Field Lights.** Athletic field lights, provided they are not operated between the hours of 10:00 p.m. and 6:00 am.
- c. **Safety and Security Lighting.** Safety and security lighting for public facilities.
- d. **Construction and Emergency Lighting.** All construction or emergency lighting fixtures provided they are temporary and are discontinued immediately upon completion of the construction work or abatement of the emergency.
- e. **Temporary Lighting.** Temporary lights used for holiday decorations, and lighting for temporary uses and special events permitted consistent with this Code.

### B. Lighting Plan.

The submittal of a lighting plan is required as part of a development application or land use permit (except for lighting on an existing single-family residence). All lighting plans shall be prepared and certified to its compliance with the requirements of this Section by a qualified lighting engineer prior to submitting lighting plans to the City. Lighting plans shall contain the information as specified by the lighting plan submittal requirements as specified in Article 6 (Administration and Procedures).

### C. Prohibitions.

The following types of outdoor lighting are prohibited.

#### 1. Searchlights.

Searchlights, laser source lights, or any similar high-intensity light, except for emergency use by police or fire personnel or at their discretion, or for approved temporary lighting for a special event approved by the City.

#### 2. Hazardous Lighting.

Lighting fixtures operated in such a manner as to constitute a hazard or danger to persons or to safe vehicular travel.

#### 3. Mercury Vapor.

Mercury vapor lights are prohibited.

#### 4. Illumination of Entire Buildings.

#### 5. Large Commercial Antenna Lighting.

See Chapter 4.26 (Telecommunications/Wireless Facilities).

#### 6. Roof-Mounted Lighting.

Roof-mounted lighting is prohibited, except for security purposes.

#### 7. Flashing Light Types.

Laser lights or any other lighting that flashes, blinks, scrolls, alternates, or moves (excluding bi-level lighting).

## D. General Requirements

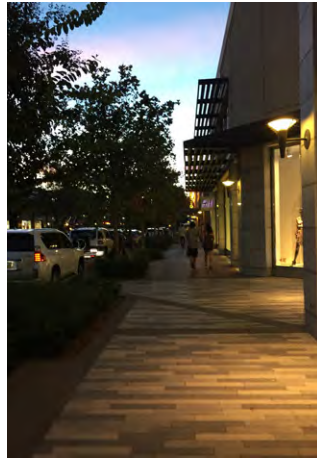
The requirements listed below shall apply to all outdoor lighting.

### 1. Dark-Sky Compliance.

In accordance with the International Dark-Sky Association recommendations, the color temperature of outdoor lighting shall not exceed 3,000 Kelvins.

### 2. Nuisance Prevention.

All outdoor lighting shall be designed, located, installed, directed downward or toward structures, fully shielded, and maintained in order to prevent glare, light trespass, and light pollution and away from adjoining properties and public rights-of-way, so that no light fixture directly illuminates an area outside of the project site intended to be illuminated.



### 3. Maintenance.

Fixtures and lighting shall be maintained in good working order and in a manner that serves the original design intent.

- a. Lighting fixtures shall be weather and vandal resistant.
- b. Burnt-out and broken light bulbs shall be replaced.
- c. Lighting fixtures shall remain free of graffiti and rust.
- d. Painted light fixtures shall be maintained to minimize chipping or peeling.

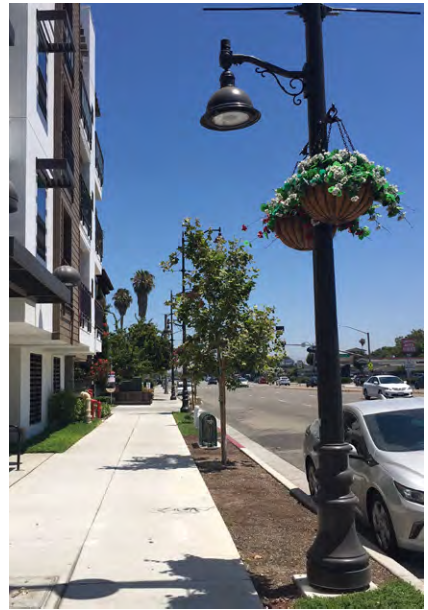
### 4. Signs.

Lighting of signs shall be in compliance with Chapter 3.05 (Signs Regulations) of this Code.

### 5. Maximum Height of Freestanding Outdoor Light Fixtures.

Height shall be measured from the finished grade to the top of the illumination fixture (excluding decorative elements on the top of the fixture).

- a. **Abutting Residential Zones.** The maximum height of freestanding outdoor light fixtures abutting residential zones is 16 feet.
- b. **Industrial Zones.** The maximum height limit for freestanding outdoor light fixtures in industrial zones (zones IL and IH) is 25 feet.
- c. **Other Locations.** In all other locations, the maximum height for freestanding outdoor light fixtures shall be 20 feet.
- d. **Pole or Fence-Mounted Lighting.** Pole or fence-mounted decorative landscape lights shall be no more than six feet above grade.
- e. **Additional Height.** The Planning Commission may allow additional height for activities, uses, or development with unique lighting needs; accentuating historic architectural features of a building; accentuating signage and/or landscape features; or for security purposes.



**6. Fixture Types.**

All luminaries shall meet the most recently adopted criteria of the Illuminating Engineering Society of North America (IESNA) for “Cut Off” or “Full Cut Off” luminaries.

**7. Design of Fixtures.**

- a. **Building-Attached Lighting.** Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet, roof, or eave of the roof.
- b. **Accent Lighting.** Architectural features may be illuminated by uplighting, provided that the lamps are low intensity, and fully shielded such that no glare or light trespass is produced.

**8. Minimum Lighting Requirements.**

- a. **Parking Areas.** Lighting in parking, garage, and carport areas shall be maintained with a minimum of one foot-candle of illumination at the ground-level during hours of darkness, with a maximum of four foot-candles. All lighting shall be on a time-clock or photo-sensor system. Lighting used to illuminate parking areas shall be designed and located to prevent light trespass or glare, in accordance with Subsection D.9 below. Illumination shall not include low pressure sodium or similar lighting techniques.
- b. **Multi-Unit Residential Developments.** Aisles, passageways, and entryways/recesses related to and within the building complex shall be illuminated with an intensity of at least one-quarter foot-candles at the ground level during the hours of darkness.
- c. **Non-Residential Developments.** All exterior doors, during the hours of darkness, shall be illuminated with a minimum of one-quarter foot-candles of light.

**9. Light Trespass.**

All lights shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties. The light level at property lines shall not exceed 0.3 foot-candles.

**10. Timing Controls.**

All outdoor lighting in non-residential zones shall be on a time clock or photo-sensor system and turned off during daylight hours and during hours when the building(s) is not in use and the lighting is not required for security.

**11. Energy-Efficient Fixtures Required.**

Outdoor lighting shall utilize energy-efficient fixtures and lamps such as metal halide, hard-wired compact fluorescent, LED, or other lighting technology that is of equal or greater efficiency. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than 10,000 hours.

## 3.03. PARKING + LOADING

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### 3.03.01. Purpose

The purposes of this Chapter are to:

- A. Require parking spaces and loading spaces for all land uses that are sufficient in number, size, and arrangement;
- B. Minimize the negative environmental and urban design impacts of parking lots, driveways, and drive aisles within parking lots;
- C. Ensure the provision of adequate off-street bicycle parking;
- D. Establish standards and regulations for safe and well-designed parking, unloading, and vehicle circulation areas that minimize conflicts within parking lots and, where appropriate, create buffers from surrounding land uses;
- E. Offer flexible means of minimizing the amount of area devoted to parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand;
- F. Encourage modal shift; and
- G. Reduce urban run-off and heat island effect.

### 3.03.02. Applicability

#### A. New Buildings and Land Uses.

On-site vehicle parking, bicycle parking, and loading spaces shall be provided in accordance with this Chapter at the time any main building or structure is erected or any new land use is established.

#### B. Existing Non-Residential Buildings.

1. When a change in use, expansion of use, or expansion of floor area creates an increase of 30 percent or more in the number of required vehicle parking or loading spaces, additional parking and loading shall be provided for such addition, enlargement, or change in use. For existing uses with nonconforming parking conditions, additional parking shall be provided for the new additions or enlargements, and not for the entire building or site.
2. Bicycle parking shall be provided for any change in use, expansion of use, or expansion of floor area.
3. A change in tenancy or ownership is not considered a change in use unless the new occupant is in a different use classification than the former occupant.
4. Additional parking and loading spaces are not required for the reconstruction of an existing building when there is no increase in floor area.
5. If the number of existing vehicle parking, bicycle parking, and/or loading spaces is greater than the requirements for a proposed use, the number of excess parking or loading spaces may be counted toward meeting the requirements for any change, alteration, or major addition or renovation.



### **C. Existing Residential Buildings.**

Parking in accordance with this Chapter shall be provided where additional dwelling units are created through the alteration of an existing building or construction of an additional structure or structures. Parking for ADUs and JADUs shall be provide in accordance with Chapter 4.02 (Accessory Dwelling Units).

### **D. When Constructed.**

Parking and loading facilities required by this Chapter shall be constructed or installed prior to final inspection or the issuance of a Certificate of Occupancy for the uses that they serve.

## **3.03.03. General Requirements**

### **A. Existing Parking and Loading to be Maintained.**

No existing parking and loading area serving any use may be reduced in amount or changed in design or location below the requirements for such use, unless equivalent substitute facilities are provided.

### **B. Nonconforming Parking and Loading.**

An existing use of land or structure shall not be deemed to be nonconforming solely because of a lack of parking and/or loading facilities required by this Chapter as long as facilities used for parking and/or loading are not further reduced in number to less than what is required as of the date of adoption of this Code.

### **C. Parking Areas.**

Motorized vehicle parking is only allowed within garages, carports, parking lots, and other approved structures and locations that have been developed in conformance with this Code.

### **D. Use of Required Parking Spaces.**

Except as otherwise provided by this Section, required parking spaces must be available for residents, customers, or employees of the use. Parking and loading areas shall be accessible for their intended purpose during all hours of operation. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for shared parking pursuant to Section 3.03.06.F (Shared Parking).

### **E. Stacked and Valet Parking.**

Stacked or valet parking is allowed if an attendant is present or an automated system is in place to move vehicles. Uses with valet parking shall provide an approved valet parking plan which includes insurance provisions for patrons. Such provisions must be approved by the City Attorney. If stacked parking managed by an attendant is used for required parking spaces, an acceptable form of guarantee must be filed with the Director ensuring that an attendant will be present while the parking lot is in operation.

### **F. Assigned Parking.**

Lots developed with multiple uses and a shared parking area shall not assign parking spaces to individual tenant spaces or uses, except that parking spaces for residential uses in a mixed-use development shall be assigned to residential occupants.

## G. Unbundling Parking for Residential Uses.

The following rules apply to the sale or rental of parking spaces accessory to attached single unit and multi-unit residential developments of five units or more, unless waived by the Director as infeasible:

1. All off-street spaces shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space.
2. In cases where there are fewer parking spaces than dwelling units, the parking spaces shall be offered first to the potential owners or renters of three-bedroom or more units, second to owners or renters of two-bedroom units, and then to owners and renters of other units. Spaces shall be offered to tenants first. Non-tenants may lease with a provision for 30 days to terminate the lease.
3. Renters or buyers of on-site affordable units shall have an equal opportunity to rent or buy a parking space on the same terms and conditions as offered to renters or buyers of other dwelling units.

## 3.03.04. Permit Requirements and Exemptions

### A. Permit Requirements.

New parking lots and modifications or expansions to existing parking lots will be evaluated as part of project review for other permits and approvals (e.g., Planning Review, Use Permit, Planned Development). At a minimum, Plan Check is required for new parking lots and modifications to existing parking lots to determine compliance with all applicable provisions of this Code.

### B. Exempt Activities.

Parking lot improvements listed below shall be considered minor in nature if they do not alter the number or configuration of parking stalls and are therefore exempt from Zoning Clearance requirements. However, exempt activities listed herein may require other ministerial permits (e.g., building permit).

1. Repair of any defects in the surface of the parking area, including repairs of holes and cracks.
2. Resurfacing, slurry coating, and re-striping of a parking area with identical delineation of parking spaces.
3. Repair or replacement in the same location as damaged planters and curbs.
4. Work in landscape areas, including sprinkler line repair or replacement of landscape materials, except removal of trees.

## 3.03.05. Off-Street Vehicle Parking Requirements

### A. Minimum Number of Vehicle Spaces Required.

Each land use shall be provided at least the number of parking spaces stated in Table 3.03.05-1. Required Number of Vehicle Parking Spaces. The parking requirement for any use not listed in Table 3.03.05-1 shall be determined by the Director based upon the requirements for the most similar comparable use, the characteristics of the proposed use, and any other relevant data regarding parking demand (e.g. parking demand analysis of similar facilities in the City or region).

## B. Maximum Number of Vehicle Spaces Allowed.

To support walking, transit, and other forms of non-automobile transportation and to eliminate the incentive to build as much parking as possible, the number of parking spaces to be provided shall not exceed 150 percent of the number of parking spaces required pursuant to Table 3.03.051. Required Number of Vehicle Parking Spaces. This limitation may be waived or modified pursuant to Section 6.04.06 (Administrative Variances and Variances), based on the following findings:

1. Special conditions exist that will increase parking demand at the site. Conditions include but are not limited to, the nature of the proposed operation; lack of transit service or other transportation alternatives; or transportation characteristics of persons residing, working, or visiting the site;
2. The use will not be adequately served by the maximum allowed number of parking spaces; and
3. Parking demand generated by the project will exceed the maximum allowed number of parking spaces and have a significant impact on the supply of on-street parking in the surrounding area.

## C. Handicapped Spaces.

Handicapped parking spaces shall be provided in accordance with State and Federal regulations and shall be considered in the calculation of required spaces.

## D. Electric Vehicle Charging Spaces.

### 1. Non-Residential Development.

Non-residential development shall provide electric vehicle charging stations in accordance with CalGreen.

### 2. Multi-Family Residential Development.

New multi-family residential developments with 40 or more parking spaces shall be equipped with raceways, wiring, and power to support future Level 2 EV charging stations at a rate of one per 20 parking spaces. To incentivize the provision of electric vehicle charging stations, required parking may be reduced by two spaces for every Level 2 EV charging station provided, up to a maximum of a 10 percent reduction in total required parking. Notwithstanding the above, all electric vehicle charging facilities shall comply with the requirements in the California Building Code and California Electrical Code.



## E. Calculation of Required Spaces.

The following rules apply to the calculation of vehicle parking spaces in this Chapter.

### 1. Parking Ratios.

- a. **Floor Area.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be net floor area, unless otherwise stated.
- b. **Employees.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.
- c. **Bedrooms.** Where a parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms meeting the standards of the Building Code as a sleeping room shall be counted as a bedroom.
- d. **Students.** Where a parking or loading requirement is stated as a ratio of parking spaces to students (including children in day care), the number is assumed to be the number of students at the state-certified capacity or at Building Code Occupancy where no state certification is required.
- e. **Seating.** Where fixed seats provided are either benches, bleachers, or pews, such seats shall be calculated at one seat per 18 inches, and one seat per 24 inches of booth length for dining.
- f. **Assembly Area.** All rooms or areas that can be logically used for seating, in addition to any fixed seating area, shall be calculated in determining the parking requirement for assembly areas.

### 2. Sites with Multiple Uses.

The number of parking spaces is computed based on the primary uses on the site except as stated in Subsection 3, below. When there are two or more separate primary uses on a site, the minimum and maximum parking for the site is the sum of the required or allowed parking for the individual primary uses, unless a reduction is approved pursuant to Section 3.03.06 (Exceptions and Reductions to Off-Street Parking).

### 3. Accessory Uses.

When more than 20 percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 10,000 square foot building with a 7,000 square foot warehouse and a 3,000 square foot accessory retail area. The minimum and maximum parking would be computed separately for the retail and warehouse uses, except as provided in Table 3.03.05-1.

### 4. Fractions.

If the calculation for parking needs results in the requirement for a fraction of a parking space, the value shall be rounded to the nearest whole number.

## F. Required Vehicle Spaces.

Each land use is subject to the following minimum vehicle parking space requirements unless otherwise provided in another section of this Code. All spaces may be uncovered unless otherwise specified.



**TABLE 3.03.05-1: Required Number of Vehicle Parking Spaces**

| Land Use  | Required Vehicle Parking Spaces  |
|---|--|
| <b>Agricultural and Animal Keeping Uses</b>                       |  |
| Agricultural Support, Sales, Service, and Storage                 | 1 space/employee   |
| Animal Husbandry and Production                                   | Not applicable   |
| Animal Raising and Keeping (domestic, livestock, horses, poultry) | Not applicable   |
| Horticultural/Crop Production/Aquaculture                         | 1 space/employee   |
| Kennels, Private/Hobby  | Not applicable   |
| Stable/Equestrian Facility, Commercial/Public                     | 1 space/4 stables  |
| Stable/Equestrian Facility, Hobby/Private                         | Not applicable <sup>1</sup>  |
| <b>Residential Uses</b>   |  |
| Accessory Dwelling Unit (ADU) and Jr ADU                          | See Chapter 4.02 (Accessory Dwelling Units)  |
| Caretaker's Unit  | 1 space/unit   |
| Child Day Care in a Home, Large                                   | 1 for each nonresident employee plus one space for loading and unloading children plus parking required for the Residential Housing Type   |
| Child Day Care in a Home, Small                                   | None beyond the parking required for the Residential Housing Type  |
| Cottage Industry  | None beyond the parking required for the Residential Housing Type  |
| Emergency Shelter   | 1 space/40 beds  |
| Group Residential Home  | 1 per employee, plus 1 per bedroom/sleeping room   |
| Home Occupation   | None beyond the parking required for the Residential Housing Type  |
| Cottage Food Operation  | None beyond the parking required for the Residential Housing Type  |
| Live/Work   | 2 per 1,000 square feet of nonresidential area plus 1 space for each residential unit  |
| Manufactured/Mobile Home Park                                     | 1 space/unit, plus 1 guest space/4 home lots   |
| Residential Care Facilities, Large                                | 1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 beds   |
| Residential Care Facilities, Small                                | 1 space/employee, plus 1 space/facility vehicle, plus 1 space/6 beds   |
| <b>Residential Housing Types</b>                                  |  |
| <i>Single-Family Dwelling (Attached or Detached)</i>              | 2 spaces per unit, of which 1 shall be enclosed  |
| <i>Two-Family Dwelling/Duplex</i>                                 | <ul style="list-style-type: none"> <li>• 1.5 per studio or one-bedroom unit</li> <li>• 2 per unit with two or more bedrooms</li> </ul> Minimum 1 space per unit shall be enclosed                                    |
| <i>Multi-Family Dwelling, Triplex/Quadplex</i>                    | <ul style="list-style-type: none"> <li>• 1.5 per studio or one-bedroom unit</li> <li>• 2 per unit with two or more bedrooms</li> </ul> Minimum 1 space per unit shall be covered.                                    |
| <i>Multi-Family Dwelling, ≥ 5 Units</i>                           | <ul style="list-style-type: none"> <li>• 1 per studio or one-bedroom unit</li> <li>• 1.5 per two-bedroom unit</li> <li>• 2 per unit with three or more bedrooms</li> <li>• Plus 0.2 guest spaces per unit</li> </ul> |

| Land Use   | Required Vehicle Parking Spaces  |
|--|--|
| <i>Senior Housing</i>                                  | For senior housing developments (62 years or age or older), 0.5 per unit. Developments with 10 or more units shall provide 1 guest space per 10 units.   |
| Single-Room Occupancy                                  | 0.5 spaces per unit  |
| Supportive Housing                                     | 0.3 spaces per unit  |
| Transitional Housing                                   | 0.3 spaces per unit  |
| <b>Recreation, Education, and Public Assembly Uses</b> |  |
| Campground   | 1 space/campsite, plus 1 per onsite caretaker  |
| Cemeteries, Crematories, or Mausoleums                 | 1 space/6 fixed seats or 1 space/150 sf of assembly area if no fixed seats   |
| Civic/Government                                       | 2.5 spaces/1,000 sf of gross floor area, plus 1 space/2 employees  |
| College/University                                     | Adequate number as determined through CUP and Planning Review  |
| Commercial Recreation and Sports, Indoor               | Health, Fitness and Sports Clubs: 4.5 spaces/1,000 sf<br>Bowling Alleys and Billiard Clubs: 4 spaces per bowling lane and/or billiard table plus additional spaces for accessory uses (e.g., restaurant)<br><br>Pools: 2 spaces/1,000 square feet of pool area, minimum 5 spaces<br>Indoor tennis, racquet, or handball facilities: 3 spaces/court<br>Coin-operated electronic amusement centers: 4.5 spaces/1,000 sf<br>All Other Uses: 2 spaces/1,000 sf |
| Commercial Recreation and Sports, Outdoor              | Golf Facilities: <ul style="list-style-type: none"> <li>• Pitch and Putt: 3 spaces /hole</li> <li>• Driving Range: 1 space/tee</li> <li>• Golf Course: 5 spaces/hole</li> </ul> Outdoor tennis, racquet, or handball facilities: 3 spaces/court<br>Pools: 2 spaces/1,000 square feet of pool area, minimum 5 spaces<br>All Other Uses: 1 space/1,000 sf of lot area  |
| Community Assembly, Up to 5,000 sf (gross sf)          | 1 space/4 fixed seats, or 1 space/40 sf of assembly area if no fixed seats   |
| Community Assembly, > 5000 sf - 12,000 sf (gross sf)   | 1 space/4 fixed seats, or 1 space/40 sf of assembly area if no fixed seats   |
| Community Assembly, >12,000 sf (gross sf)              | 1 space/4 fixed seats, or 1 space/40 sf of assembly area if no fixed seats   |
| Cultural Institutions                                  | 2.5 spaces/1000 sf   |
| Day Care Centers                                       | 1 space per employee plus 1 space per 10 children/adults for loading and unloading   |
| Instructional Services, <= 5000 sf                     | 1 space per employee plus 1 space/4 students   |
| Instructional Services, > 5000 sf                      | 1 space per employee plus 1 space/4 students   |
| Open Space, Natural                                    | Not applicable   |

| Land Use   | Required Vehicle Parking Spaces   |
|--|---|
| Parks and Recreation Facilities                                    | 5 spaces per acre, minimum 5 spaces<br>Additional spaces shall be required for uses such as swimming pools, gymnasiums, and tennis courts as follows: <ul style="list-style-type: none"> <li>• Tennis, racquet, or handball facilities: 3 spaces/court</li> <li>• Pools: 2 spaces/1,000 sf of pool area, minimum 5 spaces</li> <li>• Gymnasiums: 2 spaces/1,000 sf</li> </ul> |
| Public Service Facility  | Adequate number as determined through Planning Review   |
| Recreational Vehicle (RV) Park                                     | 1 space/travel trailer/RV site  |
| Schools, Public or Private (TK-12)                                 | Elementary and Middle Schools: 1.5 space/classroom, plus 1 space for every 2 employees or admin personnel<br>High School: 5 spaces/classroom, plus 1 space for every 2 employees or admin personnel   |
| Social Service Facilities  | 4 spaces/1,000 sf   |
| Tutoring Facilities  | 1 space per employee plus 1 space/4 students  |
| Vocational/Trade School  | 1 space/employee, plus 1 space/3 students   |
| <b>Utility, Transportation, and Communication Uses</b>             |   |
| Airports and Heliports   | Adequate number as determined through Planning Review   |
| Communications, Facilities within Buildings                        | 3 spaces/1,000 sf of office space, plus 1 space/service or fleet vehicle  |
| Communications, Telecommunications/ Large Wireless Facilities      | Not applicable  |
| Communications, Telecommunications/ Small Wireless Facilities      | Not applicable  |
| Freight/Trucking Facility  | 2 spaces/1,000 sf of office space, plus 1 space/service or fleet vehicle  |
| Light Fleet-Based Services   | 2 spaces/1,000 sf of office space, plus 1 space/service or fleet vehicle  |
| Mobile Recycling Unit  | Not applicable  |
| Parking Lots and Structures  | Not applicable  |
| Passenger Transportation Facilities                                | Adequate number as determined through CUP   |
| Public Utilities, Major  | Not applicable <sup>1</sup>   |
| Public Utilities, Minor  | 1 per vehicle operated or kept on-site; minimum 2 spaces  |
| Renewable Energy System (Primary Use)                              | Not applicable  |
| Renewable Energy System, Building-Mounted (Accessory)              | Not applicable  |
| Renewable Energy System, Stand-Alone or Ground Mounted (Accessory) | Not applicable  |
| Recycling Collection Facility                                      | 1 space per employee, plus 2 spaces per container or 1,000 sf   |
| Recycling Processing Facility                                      | 1 space per employee  |
| Utility Yard   | 1 space/service or fleet vehicle  |

| Land Use   | Required Vehicle Parking Spaces   |
|--|---|
| <b>Eating and Drinking Establishments and Entertainment Uses</b> |   |
| Bar/Nightclub/Lounge   | Greater of: 1 space/3 seats or 10 spaces/1,000 sf, plus 1 per 150 sf of outdoor dining and seating area over 450 sf         |
| Brewpub/Taproom/Wine Bar/Microdistillery                         | Greater of: 1 space/3 seats or 6 spaces/1,000 sf, plus 1 per 150 sf of outdoor dining and seating area over 450 sf          |
| Cinema/Theater/Performing Arts Center                            | 1 space/4 fixed seats, or 1 space/40 sf of assembly area if no fixed seats  |
| Drive-Through, Non-Restaurants (Accessory)                       | Not applicable  |
| Live Entertainment as Accessory Use, Indoors (Accessory)         | Not applicable  |
| Live Entertainment as Accessory Use, Outdoors (Accessory)        | Not applicable  |
| Outdoor Dining (Accessory)                                       | Not applicable  |
| Outdoor Entertainment  | 1 space/4 fixed seats for all assembly areas, or 1 per/1,000 sf of lot area   |
| Restaurant, Dine-In and Take-Out                                 | Greater of: 1 space/3 seats or 6 spaces/1,000 sf, plus 1 per 150 sf of outdoor dining and seating area over 450 sf          |
| Restaurant, Drive-Through Only                                   | 1 space/employee plus 2 spaces for pickup   |
| <b>Retail, Service, and Office Uses</b>                          |   |
| Adult-Oriented Business  | Greater of: 1 space/3 fixed seats or 4 spaces/1,000 sf  |
| Alcohol Sales, Off-Sale  | 4 spaces/1,000 sf   |
| Animal Sales and Services  | 4 spaces/1,000 sf   |
| ATM  | 1 space/ATM (if stand-alone)  |
| Bail Bonds   | 3 spaces/1,000 sf   |
| Banks, Financial, and Savings and Loan Institutions              | 3 spaces/1,000 sf   |
| Building Materials Sales and Services                            | 2 spaces/1,000 sf interior sales area, plus 1 space/1,000 sf exterior sales and storage area                                |
| Business to Business Support Services                            | 2 spaces/1,000 sf, plus 1 space/service or fleet vehicle  |
| Check-Cashing Businesses   | 3 spaces/1,000 sf   |
| Convenience Market   | 4 spaces/1,000 sf   |
| Food Preparation, Commercial                                     | 2 spaces/1,000 sf, plus 1 space/service or fleet vehicle  |
| Fortunetelling, Palm and Card Reading                            | 3 spaces/1,000 sf   |
| Funeral Homes and Mortuaries                                     | 1 space/4 permanent seats or 1 space/40 sf of assembly area where no seats or where temporary or movable seats are provided |
| General Retail ≤ 5,000 sf  | 5 spaces/1,000 sf   |
| General Retail 5,000 sf - 25,000                                 | 25 spaces for the first 5,000 sf; 4 spaces/1,000 sf above 5,000 sf  |
| General Retail/Superstore > 25,000                               | 105 spaces for the first 25,000 sf; 3 spaces/1,000 sf above 25,000 sf   |
| Grocery Store  | 25 spaces for the first 5,000 sf; 4 spaces/1,000 sf above 5,000 sf  |
| Hospital   | Adequate number as determined through CUP   |
| Kennels/Boarding, Commercial                                     | 3 spaces/1,000 sf   |
| Kiosk/Outdoor Vending  | Not applicable  |



**CITY OF INDIO | UNIFIED DEVELOPMENT CODE**

| <b>Land Use</b>   | <b>Required Vehicle Parking Spaces</b>   |
|---|--|
| Laundromat  | 4 spaces/1,000 sf  |
| Massage Establishment, Accessory Use                            | Not applicable   |
| Massage Establishment, Stand-Alone                              | 3 spaces/1,000 sf  |
| Medical Services, Urgent Care                                   | 4 spaces/1,000 sf  |
| Medical Services, Medical/Dental/Holistic/Extended/Clinic       | 5 spaces/1,000 sf  |
| Mini-Storage Warehousing or Facility                            | 1 space per 75 storage units, plus 3 spaces/1,000 sf of office area. A minimum of 5 spaces shall be provided.  |
| Neighborhood Market   | 4 spaces/1,000 sf  |
| Nursery/Garden Center   | 2/1,000 sf of floor area; 1 space/1,000 sf of outdoor display area   |
| Offices, Processing   | 7 spaces/1,000 sf  |
| Offices, Professional/Administrative                            | 4 spaces/1,000 sf  |
| Offices, Service  | 5 spaces/1,000 sf  |
| Outdoor Display (Accessory)                                     | Not applicable   |
| Pawnshop  | 5 spaces/1,000 sf  |
| Personal Services   | Greater of: 4 spaces/1,000 sf or 2/chair   |
| Research and Development  | 2.5 spaces/1000 sf   |
| Smoke Shops   | 5 spaces/1,000 sf  |
| Smoking Lounge  | Greater of: 1 space/3 fixed seats or 5 spaces/1,000 sf   |
| Swap Meet, Outdoor (Temporary)                                  | Not applicable   |
| Tattoo/Body Art/Piercing  | Greater of: 4 spaces/1000 sf or 2/chair  |
| Resale/Consignment/Thrift Shop                                  | 5 spaces/1,000 sf  |
| Veterinary Hospitals  | 4 spaces/1,000 sf  |
| <b>Lodging</b>  |  |
| Bed and Breakfast   | 1 space/guest room, plus 2 spaces/resident owner or manager  |
| Lodging – Hotels, Motels, Extended Stay                         | 1 space/guest room<br>Additional spaces shall be required for uses such as ballrooms and restaurants (see respective parking requirements for each)  |
| Lodging - Timeshares  | 1 space/unit, plus 1 space/10 units for guest and staff parking<br>Additional spaces shall be required for uses such as ballrooms and restaurants (see respective parking requirements for each) |
| <b>Automobile and Vehicle Uses</b>                              |  |
| Auto and Vehicle Rental   | 3 spaces/1,000 sf of office or retail area, 1 space/rental vehicle, plus 1 per service bay when repair services are included   |
| Auto and Vehicle Sales, New                                     | 3 spaces/1,000 sf of office or retail area, 1 space/sale vehicle, plus 1 per service bay when repair services are included   |
| Auto and Vehicle Sales, Used                                    | 3 spaces/1,000 sf of office or retail area, 1 space/sale vehicle, plus 1 per service bay when repair services are included   |
| Auto and Vehicle Sales and Rental, Large Vehicles and Equipment | 2/1,000 sf of office or retail area, plus 1 space per 1,000 sf of outdoor display  |
| Auto and Vehicle Services and Repair – Major                    | 2 spaces/service bay   |

| Land Use  | Required Vehicle Parking Spaces   |
|---|---|
| Auto and Vehicle Services and Repair – Minor                    | 2 spaces/service bay  |
| Auto and Vehicle Towing/Impounding                              | 1 space/employee plus space for impounded vehicles  |
| Auto and Vehicle Washing and Detailing                          | 2 spaces/service bay or lane  |
| Auto and Vehicle Wrecking/Dismantling                           | 3 spaces, plus 1 space/employee   |
| Fueling Stations  | 1 space/employee, plus additional for convenience store and/or service/repair<br>If a convenience store is included, see “General Retail” for additional required parking.<br>If service bays are included, see “Auto and Vehicle Services and Repair” for additional required parking. |
| Truck Stop/Fueling Station                                      | 1 space/employee, plus truck space parking, plus additional parking required (per this table) for additional uses   |
| <b>Industrial and Manufacturing Uses</b>                        |   |
| Artisan Manufacturing/Makers Space                              | 2 spaces/1,000 sf   |
| Brewery/Distillery/Winery - without tasting room or > 10,000 sf | 2 spaces/1,000 sf, plus space to accommodate all service trucks/vehicles  |
| Brewery/Distillery/Winery - with tasting room and <10,000 sf    | 2 spaces/1,000 sf, plus 1 space/4 seats in tasting room area  |
| Construction and Materials Yards                                | 1.5 spaces/1,000 sf   |
| Food or Beverage Manufacturing                                  | 2 spaces/1000 sf, plus space to accommodate all service trucks/vehicles   |
| Hazardous Materials/Wholesale Fuel Storage and Distribution     | 1 space/employee, plus space to accommodate all service trucks/vehicles   |
| Indoor Warehousing, Storage, Wholesaling, and Distribution      | 0.5 spaces/1,000 sf or 1 space/employee, plus space to accommodate all service trucks/vehicles  |
| Manufacturing/Processing, Heavy                                 | 1 spaces/1000 sf, plus space to accommodate all service trucks/vehicles   |
| Manufacturing/Processing, Light                                 | 2 spaces/1000 sf, plus space to accommodate all service trucks/vehicles   |
| Mining/Resource Extraction                                      | Not applicable <sup>1</sup>   |
| Outdoor Storage (Primary Use)                                   | 0.5 spaces/1,000 sf, plus space to accommodate all service trucks/vehicles  |
| Outdoor Storage (Accessory)                                     | Not applicable  |
| Salvage and Wrecking Yards                                      | 1 space/employee, plus space to accommodate all service trucks/vehicles   |

1. No minimum or maximum required.

### 3.03.06. Exceptions and Reductions to Off-Street Parking.

The number of parking spaces required by Section 3.03.05 may be reduced as follows if the Director finds any or all of the following criteria. Parking reductions are cumulative up to a maximum of 30 percent; all applicable parking reductions may be applied in determining the number of required parking spaces.

#### A. Transit Access.

Site has a bus stop with frequent transit service (every 15 minutes on average during peak hours) located within a quarter mile to it: Allow up to a 10 percent reduction to the standard number of automobile parking spaces.

#### B. Carpool/Vanpool Spaces.

Site has dedicated parking spaces for carpool or vanpool vehicles: Allow up to a 5 percent reduction to the standard number of automobile parking spaces.



#### C. Motorcycle/Scooter Spaces.

Site has dedicated parking spaces for motorcycles, scooters, or electric carts: Allow reductions to the standard dimensions for parking spaces.

#### D. Adjacent On-Street Parking.

For non-residential uses and the non-residential portion of a mixed-use development, the Director may approve a reduction to the off-street parking standards of Table 3.03.05-1 by one parking space for every two on-street parking spaces located adjacent to the subject site (along the frontage), provided the parking spaces meet the dimensional standards of this Chapter.



#### E. Car Sharing Programs.

Required parking spaces may be substituted with designated carshare vehicle parking spaces, and the required number of parking spaces may be reduced, pursuant to the following.

##### 1. Carshare Parking Designation.

A maximum of 10 percent of the required parking spaces may be designated as carshare vehicle parking spaces.

##### 2. Reduction Allowed.

- a. **Parking Areas with 50 or Fewer Parking Spaces.** A five percent reduction in the required parking shall be allowed where five percent of the required spaces are designated as carshare vehicle parking spaces.
- b. **Parking Areas with 51 or More Parking Spaces.** A 10 percent reduction in the required parking shall be allowed where 10 percent of the required spaces are designated as carshare vehicle parking spaces.

### 3. Accessibility.

Car sharing spaces shall be made available to a car share organization for purposes of providing car share services for service subscribers. In addition to conforming to the requirements of this Chapter, the parking area shall be designed to be accessible to local and non-local car share subscribers 24 hours a day, seven days a week.

- a. **Exception.** Car share parking spaces may be occupied by non-car share vehicles, if it is demonstrated to the satisfaction of the Director that no car share organization can make use of the parking spaces. These spaces shall not be separately leasable and shall be made available on a first come first serve basis.

### 4. Deed Restriction.

Prior to issuance of a building permit, a deed restriction shall be recorded identifying the number and location of the car share parking spaces. The location of the car share spaces shall be subject to approval by the Director.

## F. Shared Parking

Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. The total number of spaces and their distribution through the site shall be substantiated through a parking demand study and a parking management plan prepared by a qualified traffic engineering professional. Shared parking requests shall be subject to administrative review and approval by the Director unless subject to Planning Review entitlement based on the following criteria and findings:

1. Factors evaluated to establish shared parking arrangements shall include operating hours, seasonal/daily peaks in parking demand, the site's orientation, location of access driveways, transit service, accessibility to other nearby parking areas, pedestrian connections, distance to parking area, availability of parking spaces, special trip reduction programs (e.g., subsidized vanpooling, transit, shuttle or telecommuting), and cooperation of adjacent owners.
2. The parking demand, rates, and/or number of parking spaces required shall be based on well-recognized sources of parking data such as the Urban Land Institute (ULI) or Institute of Transportation Engineers (ITE) reports. If standard rates are not available or are limited, the applicant may collect data at similar sites to establish local parking demand rates. If the shared parking plan assumes use of an existing parking facility, then field surveys shall be conducted to determine actual parking accumulation.
3. The peak hours of parking demand from all uses do not coincide so that peak demand will not be greater than the parking provided.
4. Commercial/non-residential parking demand often occurs at different times of the day.
5. Residential parking spaces will be available to residents between the hours of 8pm and 7am.
6. The efficiency of parking provided will equal or exceed the level that can be expected if parking for each use were provided separately.
7. If a privately owned parking facility is to serve two or more separate properties, a legal agreement is established between property owners guaranteeing access to, use of, and management of designated spaces.

## G. Other Exceptions/Reductions through Parking Analysis

The applicant may propose a parking standard that is different than the standards in Table 3.03.05-1 above, for administrative review and approval by the Director. The applicant's proposal shall consist of a written request and a parking analysis prepared by a qualified transportation professional. The parking analysis, at a minimum, shall assess the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and other relevant factors.



## 3.03.07. Location of Required Parking

### A. Residential Uses.

Required parking for residential uses shall be on the same lot as the dwelling or use they serve, on a parcel or tract owned in common by all the owners of the properties that will use the parking area, or in an off-site facility as provided in Subsection C (Off-Site Parking Facilities). For single-family detached residential uses, parking shall not be located within a required front or street-facing side yard, however driveways may count towards required residential parking. For single-family residential uses, parking is only permitted in the approved driveway. There shall be no expansion of parking areas through the addition of paved areas in the front, side, or rear yards.

### B. Nonresidential Uses.

Required parking spaces serving nonresidential uses shall be located on the same lot as the use they serve, or in an off-site parking facility as provided in Subsection C (Off-Site Parking Facilities).

### C. Off-Site Parking Facilities.

Parking facilities for uses other than Single-Unit Dwellings, Two-Unit Dwellings, and Second Units may be provided off-site with Director approval of an Administrative Use Permit provided the following conditions are met.

#### 1. Location.

- a. **Residential Uses.** Any off-site parking facility must be located within 200 feet, along a pedestrian route, of the unit or use served.
- b. **Nonresidential Uses.** Any off-site parking facility must be located within 600 feet, along a pedestrian route, of the principal entrance containing the use(s) for which the parking is required.

#### 2. Parking Agreement.

A written agreement between the landowner and the City in a form satisfactory to the City Attorney shall be executed and recorded in the Office of the County Recorder. The agreement shall include:

- a. A guarantee among the landowner for access to and use of the parking facility; and
- b. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation.

## 3.03.08. Parking Development and Design Standards

All parking areas except those used exclusively for stacked or valet parking, shall be designed and developed consistent with the following standards. Parking areas used exclusively for stacked or valet parking are subject only to Subsections D through M. Stacked or valet parking areas which will allow parking at some times without attendants must be striped in conformance with the layout requirements of this Section.

### A. Tandem Parking.

Tandem parking may be permitted to satisfy parking requirements in accordance with the following.

1. No more than two vehicles shall be placed one behind the other.
2. Both spaces shall be assigned to the same residential dwelling unit or non-residential establishment for employee parking.
3. Tandem parking to meet required parking for non-residential uses may be used for employee parking; the maximum number of tandem parking spaces shall not exceed 50 percent of the total number of spaces.

4. Tandem parking for visitors or customers may be allowed with valet parking, subject to an Administrative Use Permit.
5. Tandem parking to meet required parking for multi-unit residential development shall be located within an enclosed structure; the maximum number of tandem parking spaces shall not exceed 30 percent of the total number of spaces.
6. Tandem parking shall not be used to meet the guest parking requirement.

## B. Parking Access.

Parking access areas shall be designed to ensure vehicular access to parking spaces as determined by the Public Works Director.

### 1. Access Hierarchy.

Parking and service area access shall be provided from the following, in order of preference: 1) from an alley; 2) in the absence of an existing or proposed alley, access shall be from a driveway shared with a property abutting the development site; 3) in the absence of an alley or shared driveway, access shall be from the side/lesser street abutting the development site; 4) in the absence of a side street, from a curb cut/driveway along the primary street frontage.

### 2. Distance from Intersection.

Driveways for parking facilities shall be located a minimum of 50 feet from the intersection of any two streets, or the maximum feasible distance from the intersection.

### 3. Shared Vehicle Access.

Nonresidential projects are encouraged to provide shared vehicle and pedestrian access to adjacent nonresidential properties for convenience, safety, and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties approved by the Director shall be recorded in the County's Records Office, in a form satisfactory to the City Attorney.

### 4. Forward Entry.

Parking areas of four or more spaces shall be provided with suitable maneuvering room so that all vehicles therein may enter an abutting street in a forward direction.

### 5. Driveways and Curb Cuts.

Each development project site shall be limited to one curb cut, including driveways and private/service streets, per 400 feet of public street frontage, or two curb cuts per street frontage, whichever is less (unless otherwise required for emergency vehicle access).

### 6. Driveway Length.

Driveway length shall be regulated per the following to properly facilitate lot layout and on-site parking.

- a. Driveways for non-residential uses shall be designed to prevent queuing and backing up onto public rights-of-way. Parking stalls within the first 40 feet are strongly discouraged.
- b. Driveways providing direct access from a public street to a garage or carport shall be at least 19 feet in depth, unless otherwise specified.
- c. Resident parking is permitted in a driveway with a minimum depth of 19 feet. Short driveways for CN-14 and CN-20 zone lots are permitted at three feet from the property line. With the exception of small-lot detached single-family homes, a driveway with a length between 3 feet and 19 feet shall not be permitted.

### 7. Driveway Width.

- a. Minimum width of 10 feet for any driveway serving one residence. Driveways shall not exceed 20 feet nor exceed two driveways per parcel.
- b. Minimum width of 12 feet for a one-way driveway.
- c. Minimum width of 20 feet for a two-way driveway serving any use other than one residence.
- d. The width of driveways shall be limited to the width necessary to access the permitted parking spaces or garage/carport.

### C. Size of Parking Spaces and Maneuvering Aisles.

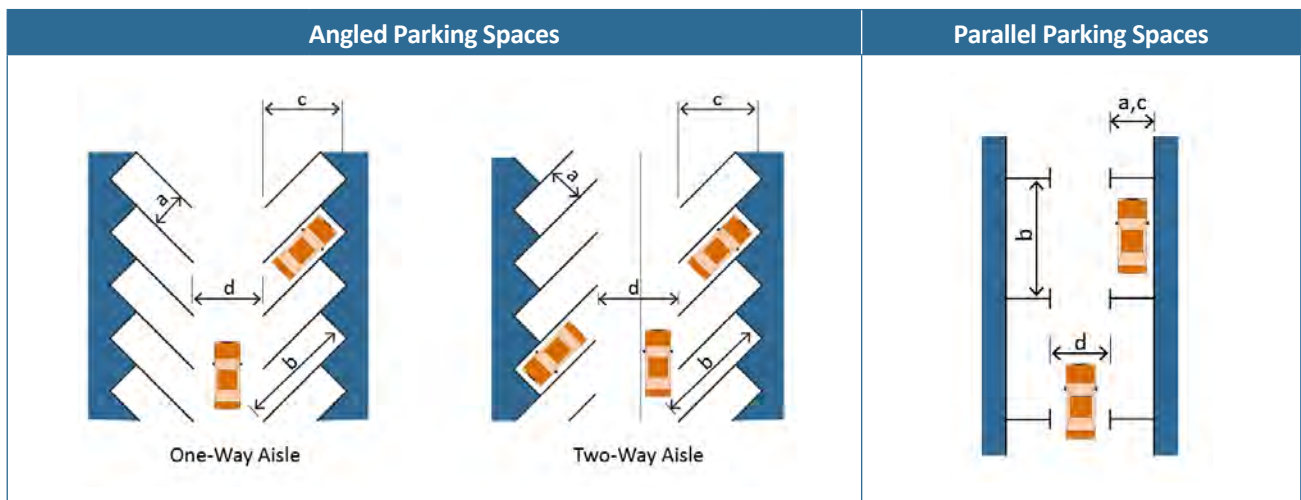
Parking spaces and maneuvering aisles shall meet the minimum dimensions required by this Subsection. Screening walls, roof support posts, columns, or other structural members shall not intrude into the required dimensions for parking spaces.

#### 1. Standard Parking Spaces and Drive Aisles.

The minimum basic dimension for standard parking spaces is 9 feet by 18 feet, with a minimum vertical clearance of seven feet. End spaces where clear back-out space is restricted on one side shall be 11 feet in width. Overhang of two feet shall credit towards minimum stall dimension requirements where appropriate and provided a minimum of four feet clearance is maintained where the overhang is adjacent to a sidewalk or walkway. Table 3.03.08-1. Parking Space and Drive Aisle Dimensions provides the dimensions of spaces (stalls) and aisles according to angle of parking spaces, and is accompanied by Figure 3.03.08-1. Parking Space and Drive Aisle Dimensions. The required aisle width may be modified if the Public Works Director finds that sufficient space is provided, so that maneuvering areas will not interfere with traffic and pedestrian circulation.

**TABLE 3.03.08-1: Parking Space and Drive Aisle Dimensions**

| Stall Type                 | Minimum Space and Aisle Dimensions |                      |                                     |  |         |
|----------------------------|------------------------------------|----------------------|-------------------------------------|--|---------|
|                            | A<br>Stall<br>Width                | B<br>Stall<br>Length | C<br>Stall Depth<br>(aisle to curb) | D<br>Drive Aisle Width                 |         |
|                            |                                    |                      |                                     | One-Way                                | Two-Way |
| Parallel                   | 9 ft                               | 18 ft                | 9 ft                                | 12 ft                                  | 18 ft   |
| 30 Degree                  | 9 ft                               | 18 ft                | 17 ft                               | 14 ft                                  | 18 ft   |
| 45 Degree                  | 9 ft                               | 18 ft                | 19 ft                               | 14 ft                                  | 18 ft   |
| 60 Degree                  | 9 ft                               | 18 ft                | 20 ft                               | 16 ft                                  | 18 ft   |
| 90 Degree                  | 9 ft                               | 18 ft                | 18 ft                               | 20 ft                                  | 24 ft   |
| Compact Stalls, all angles | 8.5 ft                             | 16 ft                | —                                   | Same as standards above per stall type |         |



**Key:**

a = Stall width  
b = Stall length

c = Stall depth  
d = Drive aisle width

## 2. Compact Parking Spaces.

Up to 30 percent of required spaces may be compact and reduced to 8.5 feet by 16 feet for all non-residential and public/institutional uses, and for unassigned stalls for residential uses with more than 25 spaces. Compact car parking spaces shall be clearly marked “compact cars only,” “compact,” or “c.”

## 3. Parking Spaces Abutting a Wall or Fence.

Each parking space adjoining a wall, fence, column, or other obstruction higher than 0.5 feet in the vicinity of where a vehicle door may be located shall be increased to accommodate access to the vehicle through the door.

## 4. Minimum Dimensions for Residential Garages and Carports.

Garages and carports serving residential uses shall be constructed to meet the following minimum inside dimensions and related requirements.

- a. A single car garage or carport: 10 feet in width by 20 feet in length.
- b. A two-car garage or carport: 20 feet in width by 20 feet in length.
- c. A garage or carport containing three or more spaces: 10 feet in width by 20 feet in length per space.
- d. The vertical clearance for garage or carport parking spaces shall not be less than seven feet.
- e. Stairs may encroach into the parking area of a garage provided that the front end of a standard size automobile can fit under the stair projection. The bottom of the stairwell (including exterior finish) shall be a minimum of five feet above the garage floor.

## D. Parking Lot Striping.

All parking stalls shall be clearly outlined with striping, and all aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe traffic movement.

## E. Surfacing.

All parking lots shall be paved and improved, and all sites shall be properly graded and drained, consistent with applicable stormwater runoff regulations and subject to the approval of the City Engineer. Drainage shall not be permitted across the surface of sidewalks or driveways. All areas used for the movement, parking, loading, repair, or storage of vehicles shall be paved according to the requirements in this Subsection. All areas within the parking area not used for parking stalls or maneuvering areas shall be landscaped per Section 3.02.09.K (Parking Lot Landscaping).

### 1. Pavement Standards.

Parking areas shall be paved consistent with the following materials or comparable material approved by the City Engineer.

- a. **Asphalt.** Two inches of asphaltic concrete on four inches of aggregate base material (crushed rock, gravel, or similar material).
- b. **Concrete.** Four inches of Portland cement concrete on three inches of aggregate base material (crushed rock, gravel, or similar material). Concrete approaches shall be provided for ingress and egress.
- c. **Pavers or Permeable Pavement Systems.** Pavers or permeable pavement systems with strength equivalent to a or b above.

### 2. Landscaping Alternative.

Up to two feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving. In addition, a “Hollywood driveway” with a three-foot landscape strip in the middle is allowed.



### F. Perimeter Curbing.

Parking areas within 15 feet of a building, structure, fence/wall, public right-of-way or lot line, except spaces within a garage or carport, shall provide six-inch wide and six-inch high concrete curbing along the outer edge of the parking facility pavement. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.

### G. Wheel Stops.

Parking areas designed to accommodate 10 or more vehicles shall provide concrete wheel stops for all unenclosed parking spaces. A six-inch high concrete curb surrounding a landscape area at least six feet wide may be used as a wheel stop, provided that the overhang will not damage or interfere with plant growth or its irrigation. A concrete sidewalk may be used as a wheel stop if the overhang will not reduce the minimum required walkway width.

### H. Parking Location/Orientation.

Off-street parking serving multi-unit and mixed-use residential development shall be located in one of the following facilities:

1. Surface parking lots, garages, or carports located to the side or rear of residential buildings in relation to adjacent streets. (If a site fronts on two or more streets, the standard shall apply on the street with the highest classification in the General Plan. If a site fronts on two public streets of equal classification, the project applicant may determine on which frontage to meet the standard.)
2. Parking structures in which parking is located underground or the exterior facades are treated with an external skin, facade articulation strategy, or an integrated building facade. See Subsection 3.03.08.I (Parking Structure Design and Screening).





### I. Parking Structure Design and Screening.

Except for garage entrances, structured parking shall not be visible from the street, or any adjacent public park or publicly-accessible open space area. Public-facing elevations of parking structures shall be integrated into the building architecture and/or screened from public view by meeting the following standards:

1. All portions of parking visible above grade shall be designed and treated with the same level of detail, material quality, and facade articulation as other facade areas and/or screened with landscape screening (e.g., shrubs, landscaped trellises) and/or crafted ornamental metal screens.
2. Parking levels above the ground level may be visible on (or extend to) the building facade but shall be designed and treated with the same level of detail and material quality as other facade areas (e.g., Facade articulation and modulation, use of real windows with glazing or false windows defined by frames, lintels, or sills). No more than two levels of parking shall extend to the building facade.

### J. Surface Parking Screening.

All surface parking areas designed to accommodate five or more vehicles shall be screened from view from public streets, publicly-accessible open spaces, and adjacent lots in a more restrictive zoning district, according to the following standards.

#### 1. Height.

The maximum height of a fence or wall along street frontages and walkways/sidewalks shall be no taller than three feet when used to screen the parking lot. Alley frontages are exempt from this standard. Screening of parking lots along interior lot lines that abut Residential zones shall be six feet in height, except within the required front setback of the applicable zone, where screening shall be three feet in height.

## 2. Materials.

Screening may consist of one or any combination of the methods listed below.

- a. **Walls.** Low-profile walls consisting of brick, stone, stucco, or other quality durable material approved by the Director. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Director.
- b. **Fences.** An open fence of wood, wrought iron, or similar material combined with plant materials to form an opaque screen.
- c. **Planting.** Plant materials consisting of compact plants that form an opaque screen. Such plant materials must achieve a minimum height of two feet within 18 months after initial installation and must be permanently maintained.
- d. **Berms.** In industrial zones, berms planted with grass, ground cover, or other low-growing plant materials.

## K. Landscaping.

Parking areas shall be landscaped in accordance with 3.02.09.K (Parking Lot Landscaping).

## L. Heat Island Reduction.

In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped shall be shaded, of light-colored materials with a Solar Reflectance Index of at least 29, or a combination of shading and light-colored materials. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism. If shade is provided by trees, the amount of required shading is to be reached within 15 years.

## M. Lighting.

Parking areas lighting shall comply with the regulations in Section 3.02.11 (Outdoor Lighting).

## N. Circulation and Safety.

1. Visibility shall be assured for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility. Parking shall not be allowed within the traffic safety visibility area per Section 3.02.06 (Visibility Area).
2. Off-street parking areas of four or more spaces shall be provided with sufficient maneuvering room so that all vehicles can enter and exit from a public street by forward motion only.
3. Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing up unreasonable distances or making other dangerous or hazardous turning movements.
4. Separate vehicular and pedestrian circulation systems shall be provided where possible. Multi-unit residential developments of five or more units must provide pedestrian access that is separate and distinct from driveways. Parking areas for commercial and mixed-use developments with 25 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas, building entries, and public sidewalks, according to the following standards:
  - a. **Connection to Public Sidewalk.** An on-site walkway shall connect parking areas to building entries and to the public sidewalk.
  - b. **Separation from On-site Buildings.** Parking areas designed to accommodate five or more vehicles must be separated from the front and side exterior walls of on-site buildings by walkways or landscaping a minimum of four feet in width.
  - c. **Routes through Parking Areas.** Walkways running parallel to the parking rows shall be provided for every four rows.
  - d. **Materials and Width.** Walkways shall provide at least four feet of unobstructed width and be hard-surfaced.





- e. **Identification.** Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.
- f. **Separation and Distinction.** Pedestrian pathways shall be clearly delineated by using landscaping, raised walkways, special pavers, bollards, arches, trellises, and/or other design elements to alert drivers to potential conflicts with pedestrians. Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier. Where the path crosses the auto lane, the path shall be clearly delineated by a contrasting color, pavement material or pattern, and/or be raised slightly to form a speed table.

### O. Alternative Parking Area Designs.

Where an applicant can demonstrate to the satisfaction of the Director that variations in the requirements of this Section are warranted in order to achieve environmental design and green building objectives, including but not limited to achieving certification under the LEED™ Green Building Rating System or equivalent, an alternative parking area design may be approved.

### P. Maintenance.

Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.



## 3.03.09. Bicycle Parking

### A. Short-Term Bicycle Parking.

Short-term bicycle parking shall be provided in order to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a short time.

#### 1. Parking Spaces Required.

- a. **Multi-unit residential with five or more units.** At least 10 percent of the number of required automobile parking spaces; minimum two spaces per development.
- b. **Educational Uses.**
  - i. **Nursery/Preschools, Day Care Centers.** One short-term bicycle parking space per 20 students at planned capacity.
  - ii. **Elementary and Middle Schools.** One short-term bicycle parking space per 20 students at planned capacity.
  - iii. **High Schools.** One short-term bicycle parking space per 10 students at planned capacity.
  - iv. **Colleges and Universities.** One short-term bicycle parking space per 10 students at planned capacity.
- c. **All other non-residential uses anticipated to generate visitor or customer traffic** (e.g., public/institutional, retail and commercial, entertainment, etc.). At least 10 percent of the number of required automobile parking spaces; minimum two spaces per development.



#### 2. Location.

Short-term bicycle parking must be located outside of the public right-of-way and pedestrian pathways and within 50 feet of a main entrance to the building it serves. Where the bicycle parking area is not visible from the main entrance of the building, signs located at the main entrance of the building shall identify the location of bicycle parking.

#### 3. Anchoring and Security (Racks).

- a. **Rack Style.** For each short-term bicycle parking space required, a stationary, securely anchored bike rack/structure shall be provided to which a bicycle frame and one wheel (two points of contact) can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such rack may serve multiple bicycle parking spaces. Decorative bicycle racks, such as circular, ring, or bicycle shaped racks are recommended. No wave racks are allowed.
- b. **Rack Spacing.** Racks shall be spaced a minimum of three feet between each other when placed side by side, and a minimum of five feet when placed end to end.
- c. **Lighting.** Short-term bicycle parking areas shall be lit during hours of darkness for security purposes.

#### 4. Size and Clearance.

Each short-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian pathways and at least five feet from vehicle parking spaces.



## B. Long-Term Bicycle Parking.

Long-term bicycle parking shall be provided in order to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.

### 1. Parking Spaces Required.

- a. **Multi-Unit Residential Uses.** A minimum of one long-term bicycle parking space shall be provided for every four units for multi-unit residential.
- b. **Educational Uses.**
  - i. **Nursery/Preschools and Day Care Centers.** One long-term bicycle parking space per 15 employees.
  - ii. **Elementary, Middle, and High Schools.** One long-term bicycle parking space per 15 employees; minimum one space.
  - iii. **Colleges and Universities.** One long-term bicycle parking space per 15 employees; minimum one space.
- c. **Other Uses.** Any establishment with 15 or more full time equivalent employees shall provide long-term bicycle parking for five percent of required automobile spaces; minimum one space.
- d. **Parking Structures.** Long-term bicycle parking shall be provided at a minimum ratio of one space per 20 vehicle spaces.

### 2. Location.

Long-term bicycle parking must be located on the same lot as the use it serves and within 50 feet of the facility entrance. In parking garages, long-term bicycle parking must be located within 50 feet of an entrance to the facility. Where the bicycle parking area is not visible from the entrance of the building, signs located at the entrance or in an entry lobby of the building shall identify the location of bicycle parking.

### 3. Covered Spaces.

100 percent of required bicycle parking for multi-unit developments shall be inside buildings or garages or in bike lockers. At least 60 percent of other required long-term bicycle parking must be covered either inside a building, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.

### 4. Electric Bicycle Charging.

Bike rooms shall provide outlets for charging electric bicycles.

### 5. Security.

Long-term bicycle parking must be in:

- a. An enclosed bicycle locker;
- b. A fenced, covered, and locked or guarded bicycle storage area;
- c. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas or within secure/restricted bicycle storage room; or
- d. Other secure area approved by the Director.

**6. Size, Clearance, and Accessibility.**

- a. **Size.** Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle.
- b. **Clearance.** Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian pathways and at least five feet from vehicle parking spaces.
- c. **Accessibility.** Bicycle parking areas must be accessible from the public right-of-way. The access path must be clear at all times, provide a five-foot minimum width, a three foot minimum door width, five percent maximum slope, elevator minimum interior dimensions of 80 inches by 54 inches, require no lifting of bicycle over any steps, and provide lighting for the access route and bicycle parking spaces. At least one main access path shall meet all the above listed criteria if multiple access paths are provided.



**7. Rack Style and Spacing. Racks, if used, shall be designed and spaced as follows:**

- a. **Rack Style.** Decorative bicycle racks, such as circular, ring, or bicycle shaped racks are recommended. No wave racks are allowed.
- b. **Rack Spacing.** Racks shall be spaced a minimum of three feet between each other when placed side by side, and a minimum of five feet when placed end to end.

**C. Bicycle Repair Stands.**

Bicycle repair stands have tools to help fix minor maintenance issues, such as adding air to a tire, tightening a loose chain, or adjusting handlebars. To support people bicycling, bicycle repair stands shall be provided as follows:

**1. Residential Uses.**

At least one bicycle repair stand shall be provided for all residential developments with 50 or more units.

**2. Non-Residential Uses.**

At least one bicycle repair stand shall be provided for all non-residential developments with 50 or more employees.



### 3.03.10. Off-Street Loading Requirements

All uses requiring the receipt or distribution by vehicles or trucks of material or merchandise shall provide off-street loading and unloading areas to handle the volume of truck traffic and loading requirements. The loading space(s) shall be maintained during the existence of the building or use it is required to serve. No loading space which is provided for the purpose of complying with the provisions of this Section shall hereinafter be eliminated, reduced, or converted in any manner below the requirements established herein, unless equivalent facilities are provided elsewhere, conforming to this Code. See also Section 3.02.07 (Utilities, Service Areas, and Building Equipment) for additional standards related to service areas.

#### A. Number of Loading Spaces Required.

##### 1. Commercial and Industrial Uses.

At a minimum, loading spaces shall be provided in compliance with Table 3.03.10-1. Required Loading Spaces.

- a. **Multi-Tenant Buildings.** The gross floor area of the entire building shall be used in determining spaces for multi-tenant buildings. A common loading area may be required, if each tenant space is not provided with a loading area. Drive-in roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.
- b. **Reduction to Number of Loading Spaces Required.** The Director may waive the loading space requirement upon finding that the applicant has satisfactorily demonstrated that, due to the specific nature of the use and building, such loading space will not be necessary.
- c. **Additional Loading Spaces Required.** Additional loading spaces may be required to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement shall be based on the anticipated frequency of truck deliveries.

**TABLE 3.03.10-1: Required Loading Spaces**

| Total Square Feet of Building Space<br>(Gross Floor Area) | Loading Spaces<br>Required                    |
|---|---|
| <b>Commercial and Industrial Buildings</b>                |   |
| Less than 6,000   | 0   |
| 6,000 - 15,000  | 1   |
| 15,001 - 40,000   | 2   |
| 40,001 and over   | 3   |
| Over 100,000  | Adequate number as determined by the Director |
| <b>Hospitals and Institutions</b>                         |   |
| Less than 10,000  | 0   |
| 10,000 - 50,000   | 1   |
| 50,001 - 100,000  | 2   |
| 100,001 and over  | 3   |
| <b>Other Uses</b>   |   |
| Hotels/Motels   | 1   |

#### B. Maneuvering Area.

Sufficient space shall be provided for turning and maneuvering vehicles such that vehicles may enter and exit the site in a forward direction.



### C. Location and Orientation.

1. Off-street loading facilities shall be located on the same site with the use for which the berths are required.
2. Off-street loading facilities shall be designed and located so that loading vehicles are not parked in required setbacks, driveways, or required parking spaces during loading activities.
3. No loading berths shall be closer than 30 feet to any property in a residential zone unless completely enclosed within a build, or a uniformly solid fence or wall, or any combination thereof, not less than eight feet in height.
4. No permitted or required loading berth shall be located within 25 feet of the nearest point of any street intersection.
5. Loading areas shall be located inside of buildings or on non-primary street frontages, alleys, parking areas, and/or at the rear or side of building in accordance with Section 3.02.07 (Utilities, Service Areas, and Building Equipment), and loading docks shall not face a public right-of-way.
6. **Exceptions.** The location requirement may be modified or waived where the Review Authority finds that:
  - a. The intended use of the property or the location of or shape of the site and/or existing development warrant a variance;
  - b. That street-facing loading areas will exhibit architectural treatment, or will be enhanced with landscaping, in such a way as to minimize visual and noise impacts; and
  - c. There are specific features of the site and design of the building such that strict application of the location requirement is impractical.



### D. Size and Dimensions.

Each on-site loading space required by this Section shall not be less than 12 feet wide, 45 feet long, and 14 feet high, exclusive of driveways and areas for maneuvering. The minimum size requirement may be modified if the Director finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such size will not be needed.

### E. Screening.

All loading zones and truck parking areas shall be screened from view by a minimum of an eight-foot-high hedge, vine-covered fence, or wall and landscaping in accordance with the Section 3.02.07 (Utilities, Service Areas, and Building Equipment).

### F. Bumpers.

Bumper rails shall be provided in loading areas where needed for safety or to protect property.

### **G. Paving.**

Loading areas, aisles, and access driveways shall be paved so as to provide a durable, dustless surface and shall be graded and drained to dispose of surface water.

### **H. Use of Required Loading Spaces.**

Loading areas shall be accessible for their intended purpose during all hours of operation. No repair work or servicing of vehicles shall be conducted in a loading area. Space allocated to any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facility.

## 3.04. PERFORMANCE STANDARDS

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### 3.04.01. Purpose

The purposes of this Chapter are to:

- A. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;
- B. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions; and
- C. Protect industry from arbitrary exclusion from areas of the City.

### 3.04.02. Applicability

The standards of this Chapter shall apply to all new uses in the City at the time of adoption of this Code. In addition, these standards apply to a change in use and major additions or renovations to existing structures (as defined in Article 7 (Definitions)).

- A. The Director may approve an extension for compliance for existing uses with a contract and schedule for full compliance. The extension shall be based on the degree of expenditure needed to achieve full compliance compared to the total value of the improvements related to the use and the degree of hazard or impact to the adjoining properties and the community from the existing noncompliance with the standards.

### 3.04.03. General Standard

Land and buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive, or other hazard that would adversely affect the surrounding area.

### 3.04.04. Measurement of Impacts

Measurements necessary for determining compliance with the performance standards of this Chapter shall be taken at the property line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

### 3.04.05. Dust Control and Soil Erosion

- A. Any soil disturbance due to excavation, grading or building construction shall comply with the regulations and standards in Chapter 152: Dust Control of the City of Indio Municipal Code.
- B. Any ground or soil disturbance due to excavation, grading, cultivating, plowing, removal of vegetation, or other similar acts shall comply with the regulations and standards in Chapter 155: Soil Erosion of the City of Indio Municipal Code.



### 3.04.06. Air Contaminants

Uses, activities, and processes shall not operate in a manner that emits excessive dust, odor, fumes, smoke, or particulate matter, unless authorized under Federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the South Coast Air Quality Management District (SCAQMD). The City shall consult, when appropriate, with SCAQMD to determine which uses shall be equipped with emission-control devices or measures to preclude fugitive dust and particulate emissions from the site. Such devices or measures shall be approved by SCAQMD prior to issuance of a building permit or other approval authorizing construction activities. All devices shall be maintained by the owner.

### 3.04.07. Odors

No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.

### 3.04.08. Noise and Vibration

#### A. Development Noise.

No development project shall generate noise exceeding the maximum levels permitted in *Table 11-1: Noise Compatibility Guidelines* in the Noise Element of the City of Indio General Plan. An acoustic study shall be required for any proposed project which could create or be subject to a noise that exceeds the levels contained in *Table 11-1 Noise Compatibility Guidelines* of the General Plan should the Director determine that such a study is needed.

#### B. Vibration.

No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard. Where vibration dampeners are proposed, project applications shall include an engineered study establishing the effectiveness of the dampeners based on actual conditions.

#### C. Other Noise and Vibration Sources.

All land uses shall be subject to regulations and standards in Chapter 95C: Noise Control of the City of Indio Municipal Code.

### 3.04.09. Hazardous Materials

Uses, activities, and processes involving the use, storage, or disposal of hazardous and extremely hazardous materials shall be regulated and monitored according to standards established by the United States Environmental Protection Agency (EPA), the California Department of Health Services (DHS), the California Department of Toxic Substances Control (DTSC), the Riverside County Department of Environmental Health, and the City of Indio Fire and Building Codes.





### **3.04.10. Fire and Explosive Hazards**

Uses, activities, and processes involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. No use shall store or process flammable or explosive materials more than the quantities exempted by the Building Code, unless a permit has been granted by the Fire Department. All incineration is prohibited with the exception of substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning, and those instances wherein the Fire Department deems it a practical necessity. Firefighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department.

### **3.04.11. Glare**

Uses, activities, and processes shall not be operated such that significant, direct glare, incidental to the operation of the use, is visible beyond the boundaries of the property where the use is located.

### **3.04.12. Heat and Humidity**

Heat emitted by a use shall not cause a temperature increase of more than five degrees Fahrenheit on an adjacent property.

### **3.04.13. Radioactivity**

Uses, activities, and processes shall not generate or emit any fissionable or radioactive materials into the atmosphere or sewage system or onto the ground.

### **3.04.14. Electromagnetic Interference**

All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

### **3.04.15. Waste**

#### **A. Discharge.**

Liquids and solids of any kind shall not be discharged, either directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with Title V (Public Works) of the City of Indio Municipal Code, Valley Sanitary Sewer District, other County agencies, and all applicable regulations of the Colorado River Basin Regional Water Quality Control Board.

#### **B. Containment.**

Waste shall be handled and stored to prevent nuisances, health, safety, and fire hazards, and to facilitate recycling. Material, including but not limited to paper products, plastic, dirt, sand, lime, seed, bran, chaff, wood refuse, and other readily transportable compounds, shall be contained in a way that cannot be tracked or carried by wind off-site.

# 3.05. SIGN REGULATIONS

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## 3.05.01. General Provisions

### A. Purpose.

This Chapter has been adopted to ensure that all signs installed in the city are compatible with the unique character and environment of the community and in compliance with the General Plan. This Chapter promotes the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content neutral, and nondiscriminatory sign standards and requirements.

More specifically, this Chapter is intended to:

1. Ensure that all signs are compatible with the unique character and environment of the city, and that they support the desired ambience and development patterns of the various zones within the city; and,
2. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages; and,
3. Ensure pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage; and,
4. Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or maintained; and,
5. Protect property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape; and,
6. Provide consistent sign design standards that enable the fair and consistent enforcement of these sign regulations.

### B. Applicability.

1. This Chapter applies to all signs within the City regardless of their nature or location, unless otherwise specifically exempted in Subsection 3.05.01.B.5 (Exemptions).
  - a. Standards for permanent signs are found in Section 3.05.05 (Standards for Permanent Signs).
  - b. Standards for portable and temporary signs are found in Section 3.05.7 (Standards for Portable and Temporary Signs).
  - c. Standards for signs proposed within the boundaries of the City of Indio Downtown Specific Plan are subject to the sign standards established in Section 3.11 (Signs) of the Downtown Specific Plan.
  - d. The provisions of this Chapter shall be applied in a content-neutral manner. Noncommunicative aspects of all signs, not related to the content of the sign, must comply with the provisions of this Chapter. "Non-communicative aspects" include the time, place, manner, design, location, size, height, illumination, spacing, and orientation of signs.
2. Nothing in this Chapter shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the City.

### C. Substitutions and Interpretations.

1. This Chapter is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this Chapter shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial or non-commercial message displayed on a sign, or the content of any non-commercial message displayed on a sign may be changed to a different noncommercial message, without the need for any approval or permit, provided that the

size of the sign is not altered and the sign otherwise complies with the provisions of this Chapter. To the extent any provision of this Chapter is ambiguous, the term will be interpreted not to regulate on the basis of the content of the message.

2. Where there is any question regarding the interpretation of a provision of this Chapter, or its application to any specific case or situation, the Director shall interpret the intent of this Chapter.

#### **D. Exemptions.**

The following are not regulated under this Chapter and do not require a Sign Permit:

1. Building identification signs not exceeding two square feet in area for residential buildings and four-square feet in area for non-residential buildings;
2. Any sign, posting, notice or similar signs placed, installed, or required by law by a city, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including the following:
  - a. Numerals and letters identifying an address from the street to facilitate emergency response and compliant with City requirements;
  - b. Emergency and warning signs necessary to warn of dangerous and hazardous conditions and that serve to aid public safety or civil defense;
  - c. Traffic signs erected and maintained by an authorized public agency;
  - d. Signs required to be displayed by any applicable federal, state, or local law, regulation, or ordinance;
  - e. Signs directing the public to points of interest; and
  - f. Signs showing the location of public facilities.
3. Incidental signs not to exceed an aggregate of three-square feet in sign area in all single-family residential zones and six square feet in all other zones;
4. Landmark signs;
5. Signs not readable from the public right-of-way, including:
  - a. Signs or displays located entirely inside of a building, within a courtyard, open-air pedestrian space or similar open area and not visible from the building's exterior;
  - b. Signs intended to be readable from within a parking area or City park but not readable beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way; and
6. Certain Historic and Architectural Features. Historical plaques erected and maintained by non-profit organizations, memorials, building cornerstones, and date-constructed stones not exceeding four square feet in area.

### **3.05.02. Administration and Procedures**

The procedures for submittal, review, and approval for all signs are provided in Chapter 6.04 (Permits and Approvals).

#### **A. Sign Permits – Permanent Signs.**

The procedures for the submittal, review, and approval of permanent signs are provided in Subsection 3.05.09.B (Sign Permits – Permanent Signs).

#### **B. Sign Permits – Temporary Signs.**

The procedures for the submittal, review, and approval of temporary signs are provided in Subsection 3.05.09.C (Sign Permits – Temporary Signs).

#### **C. Sign Permits – Master Sign Plans.**

The procedures for the submittal, review, and approval of master sign plans are provided in Subsection 3.05.09.D (Sign Permits – Master Sign Plans).

## 3.05.03. General Restrictions for All Signs

### A. Location Restrictions.

Except where specifically authorized in this Chapter, signs must not be placed in the following locations or manner:

1. Within, on, or projecting over public property including City rights-of-way, except as specifically provided in this Chapter;
2. Any sign attached to any public utility pole, structure or streetlight, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, memorial, or other location on public property, except those signs approved as part of a special event permit on City property or banner signs permitted by the City on light poles within the City;
3. Tacked, painted, pasted, or otherwise affixed, to the walls of any building, barn or shed, accessory structure, or on trees, poles, posts, fences, ladders, or other structures that are visible from a public way;
4. Any location that obstructs the view of any authorized traffic sign, signal, or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device;
5. Any sign which is placed in a manner that would prevent or inhibit free ingress to or egress from any door, window, vent, or any exit way required by the Building Code, or by Fire Department regulations (currently in effect);
6. Off-the-premises to which the sign refers, except as provided in Section 3.05.07 (Standards for Portable and Temporary Signs);
7. Mounted, attached, or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on private premises in a manner intended to attract attention of the public for the purpose of advertising or identifying the business premises unless such vehicles are purposefully incorporated into the design of the sign and the sign has either been issued a permit by the Director or is nonconforming. Vehicles must be operable and parked in a lawful or authorized manner. This provision excludes signs indicating the name of the owner or business that are permanently painted or wrapped on the surface of the vehicle, adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to motor vehicles or rolling stock that are actively used in the daily conduct of the business;
8. Painted, attached, or mounted on fuel tanks, storage containers, solid waste receptacles or their enclosures, and similar structures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law;
9. Areas where a sign would cover the architectural features of a building, such as dormers, insignias, pilasters, soffits, transoms, trims, or another architectural feature; and
10. Within the site visibility triangle (Refer to Section 3.02.06 (Visibility Area)) that must be observed at all in street intersections and the intersections of dedicated alleys or driveways with streets.

### B. Display Restrictions.

This Subsection regulates the manner in which signs convey their messages by specifying prohibited display features that create distractions to the traveling public and visual clutter that mar the natural and architectural aesthetics of the City. Signs with the following display features are prohibited:

1. Any sign or lighting device, whether on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, blinking, or strobe light illumination;
2. Any sign with an exposed light source, except for neon incorporated into the design of the sign;
3. Any sign which uses florescent colors;
4. Any sign which emits sound, odor, smoke, laser or hologram lights, or other visible matter, including any sign that uses motion picture projection;
5. Any sign animated by any means, including fixed aerial displays, balloons, pennants, spinners, including



strings of flags, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means;

6. Any sign in which the sign body or any portion of the sign rotates, moves up and down, or any other type of action involving a change in position of the sign body or any portion of the sign, whether by mechanical or any other means. Barber poles no larger than three feet high and 10 inches in diameter, and clocks, are excepted from this restriction; and
7. Strings of lights arranged in the shape of a product, arrow, or any commercial message.

**C. Prohibited Sign Types.**

1. Bandit signs;
2. Billboard signs;
3. Stuffed or inflated animals or characters used as signs;
4. Any sign which advertises a business no longer in existence or a product or service no longer being sold, except as provided in Section 6.03.01.F.2 (Removal or Replacement of a Nonconforming Sign) and landmark signs; and
5. Any signs not specifically allowed in this Chapter.

**3.05.04. General Requirements for All Signs**

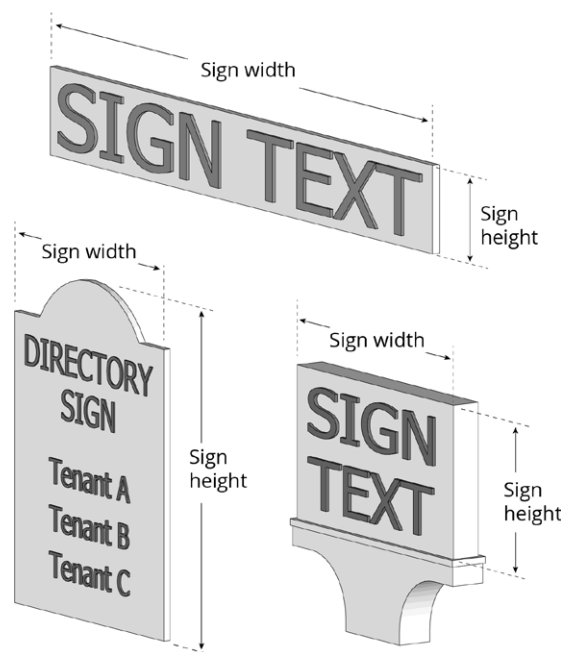
**A. Sign Message.**

Any permitted sign may contain, in lieu of any other message or copy, any lawful non-commercial message, so long as the sign complies with the size, height, area, location, and other requirements of this Chapter.

**B. Rules of Measurement.**

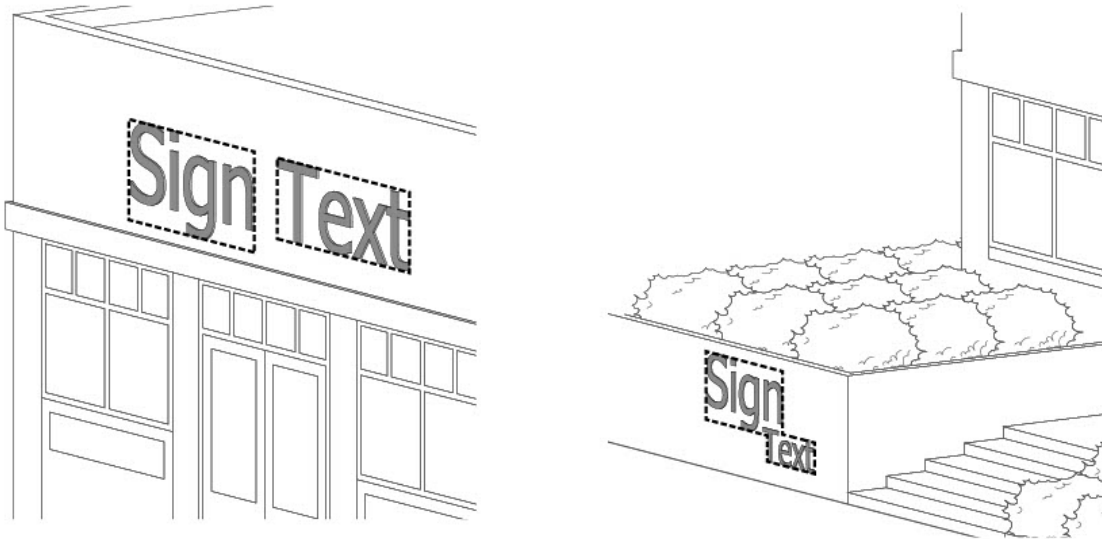
1. **Sign Area Measurement.** Sign area is measured as follows:
  - a. **Signs on Background Panel.** Where the sign copy is mounted, affixed, or painted on a background panel or distinctively painted, textured, or constructed surface, the sign area is measured as the sum of the smallest rectangle(s) that will enclose both the sign copy and the background, as shown in Figure 3.05.04-1.

**FIGURE 3.05.04-1. Signs on Background Panel**



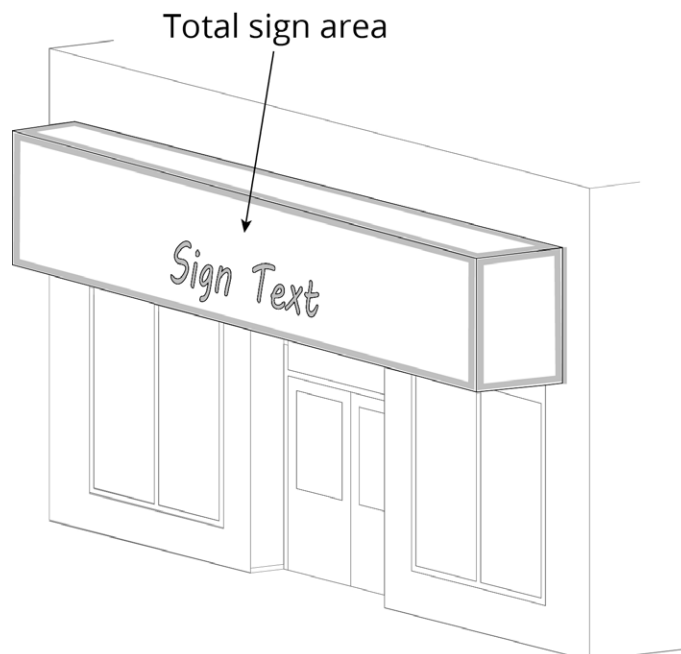
- b. **Signs with Individual Letters.** Where the sign has individual letters or graphics mounted against a wall, fascia, mansard, parapet, or other building surface that has not been distinctively painted, textured or constructed as a background panel, the sign area is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign except for the descending elements of lower case letters, as shown in Figure 3.05.04-2. As an incentive to encourage the use of individual letters in a sign, sign area for individual letters or graphics will be counted as 75 percent of the area enclosing the sign copy so that a larger sign area may be permitted.

**FIGURE 3.05.04-2. Signs with Individual Letters**



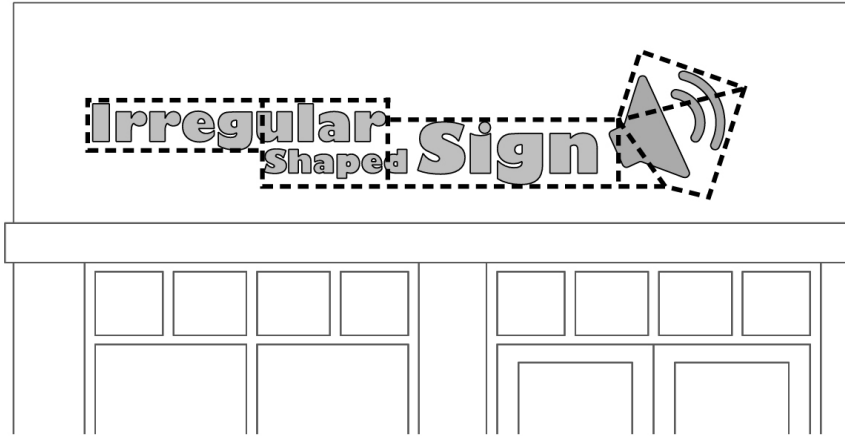
- c. **Signs on Illuminated Surfaces.** Where the sign is mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, the sign area is measured as the entire illuminated surface or illuminated element, which contains sign copy, as shown in Figure 3.05.04-3

**FIGURE 3.05.04-3. Signs on Illuminated Surfaces**



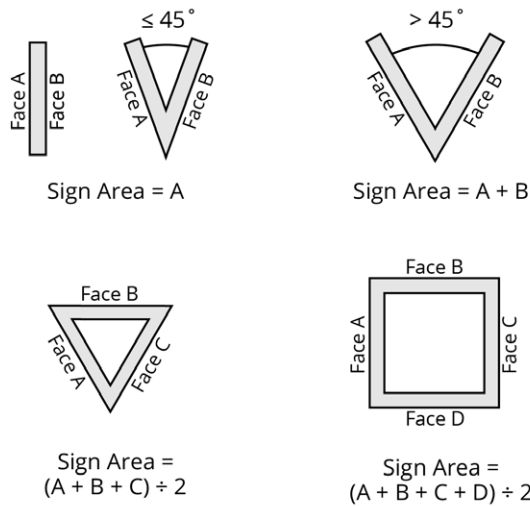
- d. **Irregular Shaped Signs.** Sign area for irregular shaped signs is determined by dividing the sign into squares, rectangles, triangles, circles, or arcs as shown in Figure 3.05.04-4.

**FIGURE 3.05.04-4. Irregular Shaped Signs**



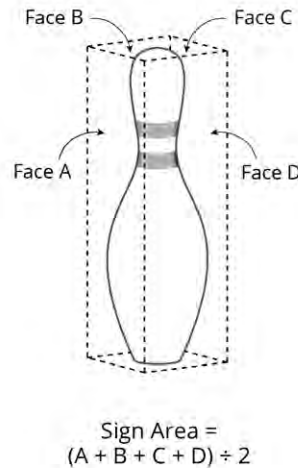
- e. **Multi-Face Signs.** The sign area for multi-face signs, as shown in Figure 3.05.04-5 are measured as follows:
  - i. **Two-Face Signs.** Where the interior angle between the two sign faces is 45 degrees or less and the sign faces are less than 42 inches apart, the sign area is measured as the area of one sign face only. Where the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.
  - ii. **Three- or Four-Face Signs.** The allowable sign area is measured as 50 percent of the sum of the areas of all sign faces.

**FIGURE 3.05.04-5. Multi-Face Signs**



- iii. **Spherical, Free-Form, or Sculptural Signs.** The sign area is measured by encasing the longest portion of the sign with four dimensionally equal lines, and the shortest portion of the sign with at least two dimensionally equal lines to form a cuboid. The sign area is 50 percent of the sum of the areas between the longest four dimensionally equal lines encompassing the cuboid, as shown in Figure 3.05.04-6.

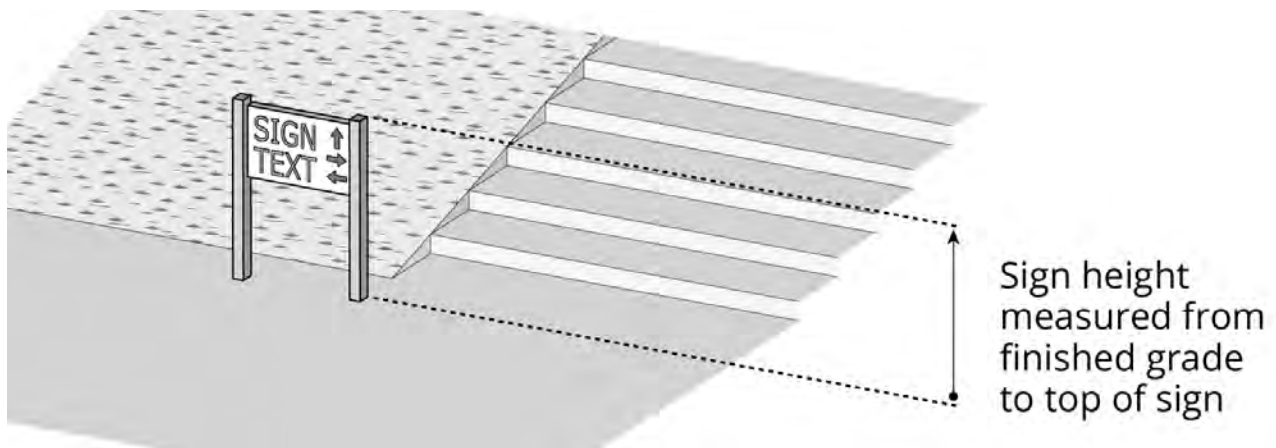
**FIGURE 3.05.04-6. Spherical, Free-form, or Sculptural Signs**



**2. Sign Height Measurement.**

- a. **Freestanding Signs.** Sign height for freestanding signs is measured as the vertical distance from the finished grade to the top of the sign, exclusive of any filling, berming, mounding or landscaping solely for the purpose of locating the sign as shown in Figure 3.05.04-7, excluding decorative embellishments as permitted by the provisions of this Section.

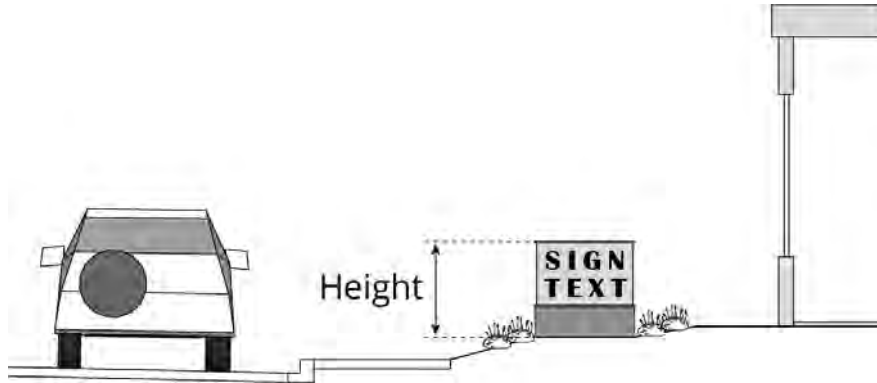
**FIGURE 3.05.04-7. Freestanding Sign Height**





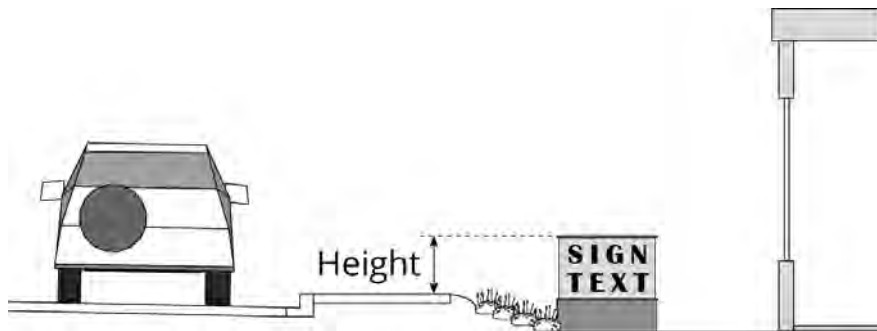
- i. **Higher Than Adjacent Grade.** Where the natural grade at the base of a sign is higher than the grade of the adjacent road, sign height is measured from the base of the sign, as shown in Figure 3.05.04-8.

**FIGURE 3.05.04-8. Freestanding Sign Height, Higher than Adjacent Grade**



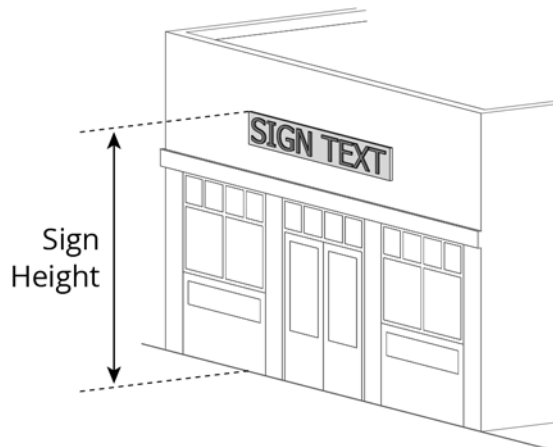
- ii. **Lower Than Adjacent Grade.** Where the natural grade at the base of a sign is lower than the grade of an adjacent road, the height of the sign is measured from the top of curb elevation, as shown in Figure 3.05.04-9.

**FIGURE 3.05.04-9. Freestanding Sign Height, Lower than Adjacent Grade**



- b. **Wall Signs.** The height of building-mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure, as shown in Figure 3.05.04-10.

**FIGURE 3.05.04-10. Wall Sign Height**



**C. Sign Illumination.**

**1. Internal Illumination.**

Internally illuminated signs include cabinet signs, single- or two-color LED signs, signs constructed with pan channel letters, or indirect halo illuminated channel letters on an unlit or otherwise indistinguishable background on a freestanding sign or building wall.

- a. To minimize glare, internally illuminated signs such as cabinet signs must either be constructed with an opaque background and translucent text and symbols, or with a colored (not white, off-white, light gray, or cream) background and generally lighter text and symbols as shown in Figure 3.05.04-11.

**FIGURE 3.05.04-11. Internal Illumination**

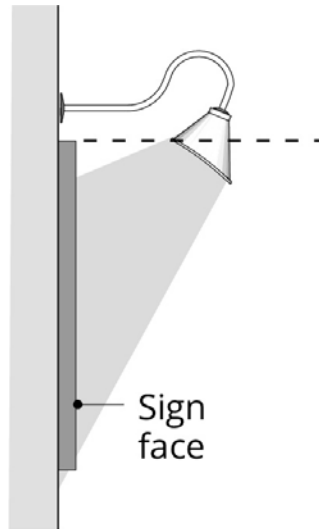
| Light Background<br>Not Allowed | Colored Background<br>Allowed | Opaque Background<br>Allowed |
|---------------------------------|-------------------------------|------------------------------|
| <b>RESTAURANT<br/>CAFE</b>      | <b>GAS<br/>STATION</b>        | <b>HOTEL</b>                 |

- b. Internally illuminated cabinet signs may be used only for non-residential uses in the Residential zones and in the Non-Residential and Public/Institutional zones (Refer to Chapter 2.02 (Residential Zones), Chapter 2.03 (Mixed-Use Zones), and Chapter 2.04 (Non-Residential Zones)) provided the illumination intensity does not exceed 0.5 foot candles at the property line. Internally illuminated cabinet signs are not allowed in any of the Mixed-Use zones.

**2. External Illumination.**

- a. Externally illuminated signs must be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.
- b. The light source for externally illuminated signs must be arranged and shielded to substantially confine all direct light rays onto the sign face and away from streets and adjacent properties as illustrated in Figure 3.05.04-12.

**FIGURE 3.05.04-12. External Illumination**



*Permitted*

**3. Neon.**

- a. Exposed neon sign lighting on permanent signs and single-color or two-color LED signs are only allowed in Mixed-Use and Non-Residential zones (Refer to Chapter 2.02 and Chapter 2.03).
- b. Neon signs placed in a window are counted toward the total aggregate area for all window signs (Refer to Table 3.05.05-13 (Standards for Window Signs)).

**4. Single-Color or Two-Color LED Signs.**

- a. Single-color or two-color LED signs are exempt from the sign area limitations for wall signs and window signs established in Table 3.05.05-12 (Standards for Wall Signs) and Table 3.05.05-13 (Standards for Window Signs).
- b. Any individual single-color or two-color LED sign must not exceed four square feet in area.

**5. Electronic Message Signs.**

- a. One electronic message sign may be allowed subject to approval of an Administrative Conditional Use Permit (Refer to Section 6.04.04 (Use Permits)) as an integral component of a freestanding or wall sign (Refer to Table 3.05.05-12 (Standards for Wall Signs) and Table 3.05.05-18 (Standards for Monument Signs)) per lot or parcel in Mixed-Use and Non-Residential zones and for mixed-use and non-residential uses in all zones. The Director may require Planning Commission approval of the Administrative Conditional Use Permit if, in the Director's opinion, there are special or unusual circumstances associated with the application for the electronic message sign.
- b. Electronic message signs must not flash, blink, flutter, include intermittent or chasing lights, or display video messages (i.e., any illumination or message that is in motion or appears to be in motion). Electronic message signs may display changing messages provided that each message is displayed for no less than 15 seconds.
- c. **Night-time Brightness.**
  - i. **Automatic Control.** Electronic message signs must be equipped with photocell technology to control and vary the intensity of light output depending on the amount of ambient light that is present to prevent overly bright luminance at night. Automatic controls must limit night luminance to a maximum of 100 nits when the display is set to show maximum brightness in 100 percent full white mode.
  - ii. **Manufacturer Certification.** The applicant shall include with the Building Permit application a written certification from the sign manufacturer that the nighttime luminance has been factory pre-set not to exceed 100 nits as described in paragraph c.(i). above, and that this setting is protected from end-user modification by password-protected software or other method as deemed appropriate by the Building Official.
- d. Electronic message signs must be set to a maximum lighting intensity of 0.6 candela (foot-candles) over ambient light levels as measured using a foot-candle meter placed 100 feet from the sign. Each sign shall have a redundant system for controlling sign brightness, including an automatic light sensing device or photocell that will adjust the brightness as ambient light conditions change, and a backup system based on local sunrise and sunset times.

**D. Sign Structure and Installation.**

The installation of signs shall be enforced and administered by the Building Official. All signs and sign structures must be designed to comply with the provisions of this Chapter, the applicable provisions of the Building Code, and constructed to withstand wind loads, dead loads, and lateral forces.

1. **Engineer.** If the desired freestanding sign is more than 12 feet from grade to the bottom of the sign or is more than 100 square feet in one single face, it shall be reviewed and sealed by a licensed engineer.
2. Any angle iron, bracing, guy wires, or similar features used to support a sign must not be visible to the extent technically feasible.
3. Where electrical service is provided to freestanding signs, all such electrical service must be placed underground and be concealed. Electrical service to building mounted signs, including conduit, housings, and wire, must be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. A Building Permit must be issued prior to installation of any new signs requiring electrical service.

4. All permanent signs allowed by this Chapter must be constructed of durable materials capable of withstanding continuous exposure to the elements and the conditions of a built-up environment, and must be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
5. Raceway cabinets, as illustrated in Figure 3.05.04-13, must only be used in building mounted signs when access to the wall behind the sign is not feasible, or when the Director determines that a benefit exists to preserve a historic or architectural feature of a building. In such cases, the raceway cabinet must not extend in width and height beyond the area of the sign and must match the color of the building to which it is attached. Where a raceway cabinet provides a contrast background to sign copy, the colored area is counted in the total allowable sign area allowed for the site or business.

**FIGURE 3.05.04-13. Raceway Cabinet**



### E. Sign Maintenance.

1. All signs shall be maintained by any property owner, lessor, lessee, manager, agent, or other person having lawful possession or control over a sign, building, structure, or parcel of land, in a condition or state of equivalent quality to which it was approved or required by the City.
2. All signs together with their supports and appurtenances must be maintained in good structural condition, in compliance with applicable Building Codes, and in conformance with this Chapter. Maintenance of a sign includes annual cleaning; replacement of flickering, burned out or broken light bulbs or fixtures; repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign; replacement of broken or removed components of the sign; and any other activity necessary to restore the sign so that it complies with the requirements and contents of the Sign Permit issued for its installation and the provisions of this Chapter.
3. Required landscaped areas contained by a fixed border, curbed area, wall, or other perimeter structure must receive regular repair and maintenance. Plant materials that do not survive after installation in required landscape areas are required to be replaced within three months.
4. The Building Official is authorized to order the repair, maintenance, or removal of any sign or sign structure that has not been maintained and is dangerous or in disrepair, or which is erected or maintained contrary to the requirements of this Section.
5. Failure to maintain a sign constitutes a violation of this Chapter and will be subject to enforcement action, in which case the Building Official may order the removal of any sign that is determined to be in disrepair or dangerous.
6. Any owner of a sign victimized by graffiti shall remove, repair, or repaint sign(s) within 10 days of the graffiti being applied or within 10 days of notification by the Director, whichever event comes first.



### 3.05.05. Standards for Permanent Signs

#### A. Applicability.

1. This Section establishes the standards for permanent signs.
2. Table 3.05.05-1 (Allowed Sign Types by Zone) establishes which sign types are allowed in each zone. Any combination of allowed sign types may be used within a given zone unless specifically prohibited. The zones listed in Table 3.05.05-1 (Allowed Sign Types by Zone) are consistent with the land use types established in the General Plan.
3. Table 3.05.05-2 (Dimensional Standards for Permanent Signs) establishes standards for building-mounted and freestanding signs based on the uses allowed within a specific zone(s). Tables 3.05.05-3 through 3.05.05-18 provide the standards and supporting illustrations for each of the allowed sign types.
4. A sign type not specifically included in this Section may be allowed by the Director provided the sign meets the intent of the zone in which it is proposed. The Director may refer a decision on a sign type to the Planning Commission if the Director finds the public interest would be better served by having the Planning Commission act as the decision-maker.
5. A permanent freestanding sign is only allowed on a panel on which a primary use or building has been established.

**TABLE 3.05.05-1: Allowed Sign Types by Zone**

| Sign Type                     | Single-family Residential Zones         | Multi-family Residential Zones | Mixed-Use Zones                       | Commercial Zone | Industrial Zones | Public and Institutional Zones |         |
|-------------------------------|---|--------------------------------|---------------------------------------|-----------------|------------------|--------------------------------|---------|
|                               | DE-1, DET-3, SN-4, SN-8, and RLCI Zones | MH, CN-14, and CN-20 Zones     | MUN-40, NC-20, MT-40, and DT SP Zones | RC Zone         | IL, IH, RR Zones | PI Zone                        | OS Zone |
| • = Allowed; — Not Allowed    |   |                                |                                       |                 |                  |                                |         |
| <b>Building Mounted Signs</b> |   |                                |                                       |                 |                  |                                |         |
| Awning Sign                   | —                                       | —                              | •                                     | •               | •                | •                              | —       |
| Blade Sign                    | —                                       | —                              | •                                     | •               | •                | —                              | —       |
| Canopy Sign                   | —                                       | —                              | •                                     | •               | •                | —                              | —       |
| Directional Sign              | —                                       | •                              | •                                     | •               | •                | •                              | •       |
| Directory Sign                | —                                       | •                              | •                                     | •               | •                | •                              | —       |
| Marquee Sign                  | —                                       | —                              | •                                     | •               | —                | —                              | —       |
| Roof-Mounted Sign             | —                                       | —                              | •                                     | •               | •                | —                              | —       |
| Service Island Canopy Sign    | —                                       | —                              | •                                     | •               | •                | —                              | —       |
| Vertical Projecting Sign      | —                                       | —                              | •                                     | •               | •                | —                              | —       |
| Wall Sign                     | —                                       | —                              | •                                     | •               | •                | •                              | •       |
| Window Sign                   | —                                       | —                              | •                                     | •               | •                | •                              | —       |
| <b>Freestanding Signs</b>     |   |                                |                                       |                 |                  |                                |         |
| Directional Sign              | —                                       | •                              | •                                     | •               | •                | —                              | •       |
| Directory Sign                | —                                       | •                              | •                                     | •               | •                | —                              | •       |
| Front Yard Sign               | •                                       | •                              | •                                     | —               | —                | —                              | —       |
| Monument Sign                 | •                                       | •                              | •                                     | •               | •                | •                              | •       |
| Post Sign                     | •                                       | •                              | •                                     | •               | •                | •                              | •       |

**B. Standards for Permanent Building-Mounted and Freestanding Signs.**

1. The maximum total area for all building-mounted and freestanding signs is established in Table 3.05.05-2 (Dimensional Standards for Permanent Signs).
2. The area of all building-mounted signs is included in the maximum total sign area for wall signs, except when specifically exempted.
3. All permanent building-mounted and freestanding signs must comply with the corresponding sign type standards provided in Tables 3.05.05-3 to Table 3.05.05-18.

**TABLE 3.05.05-2: Dimensional Standards for Permanent Signs**

| Standard   |   |
|--|---|
| <i>“ft”</i> = Feet; <i>“lf”</i> = Linear Feet; and <i>“sf”</i> = Square Feet   |   |
| <b>Single-family Residential Uses</b>  |   |
| Applies to single-family residential (attached and detached), two-family/ duplex, and tri-/quadplex uses in Residential and Mixed-Use zones. |   |
| <b>Building Mounted Sign</b>   |   |
| Max. Sign Area   | 3 sf  |
| Max. Sign Height   | 8 ft  |
| Max. Number of Signs   | 1 per parcel  |
| Illumination   | Non-illuminated   |
| <b>Freestanding Sign</b>   |   |
| Max. Sign Area   | Front yard sign – 4 sf<br>For permitted nonresidential uses and subdivisions:<br>Monument sign – Max. 32 sf or Post sign – Max. 16 sf |
| Max. Sign Height   | 4 ft  |
| Max. Number of Signs   | 1 per parcel  |
| Illumination   | Non-illuminated   |
| <b>Multi-family Residential Uses</b>   |   |
| Applies to multi-family residential uses in Residential and Mixed-Use zones.   |   |
| <b>Building Mounted Sign</b>   |   |
| Max. Sign Area   | For multi-family residential uses with 5 dwelling units or more, 1 building mounted sign allowed max. sign area of 40 sf              |
| Max. Sign Height   | 10 ft   |
| Illumination   | Non-illuminated or internal illumination  |
| Other Requirements   | Building mounted or freestanding directory signs, max. 5 sf; no limit on the number of signs.   |
| <b>Freestanding Signs - Monument and Post Sign (Only allowed in lieu of Building Mounted Signs)</b>  |   |
| Max. Sign Area   | Monument sign – 32 sf or Post sign – 16 sf  |
| Max. Sign Height   | 5 ft  |
| Max. Number of Signs   | 1 sign per street frontage; Max. 2 signs  |
| Illumination   | Non-illuminated or internal illumination  |
| Other Requirements   | 2 sf of landscape area placed at the base of the sign for 1 sf of sign area   |

| Standard  |  |  |  |
|---|--|--|--|
| <b>“ft” = Feet; “lf” = Linear Feet; and “sf” = Square Feet</b>                                      |  |  |  |
| <b>Mobile Home and RV Park</b>  |  |  |  |
| Applies to all mobile home and recreational vehicle parks in Residential and Mixed-Use zones.       |  |  |  |
| <b>Building Mounted Sign</b>  |  |  |  |
| Max. Sign Area  | 32 sf in residential and mixed-use zones<br>50 sf in commercial zones  |  |  |
| Max. Sign Height  | Plate line   |  |  |
| Max. Number of Signs  | 1 sign per street frontage; Max. 2 signs   |  |  |
| <b>Freestanding Signs – Monument and Post Sign (Only allowed in lieu of Building Mounted Signs)</b> |  |  |  |
|   | Residential Zones  | Mixed-Use Zones                            | Commercial Zones                           |
| Max. Sign Area  | Monument Sign - 32 sf<br>Post Sign – 16 sf   | Monument Sign – 32 sf<br>Post Sign – 16 sf | Monument Sign - 40 sf<br>Post Sign - 24 sf |
| Max. Sign Height  | Monument Sign - 5 ft<br>Post Sign - 6 ft   | Monument Sign – 5 ft<br>Post Sign – 6 ft   | Monument Sign - 10 ft.<br>Post Sign - 6 ft |
| Max. Number of Signs  | 1 sign per street frontage; Max. 2 signs   |  |  |
| <b>Public and Institutional Uses</b>  |  |  |  |
| Only applies to public and institutional uses in all zones.   |  |  |  |
| <b>Building Mounted Signs</b>   |  |  |  |
| Max. Sign Area  | 40 sf  |  |  |
| Max. Sign Height  | Plate line   |  |  |
| Max. Number of Signs  | 1 per street frontage; Max. 2 signs  |  |  |
| Illumination  | Non-illuminated or internal illumination   |  |  |
| <b>Freestanding Signs</b>   |  |  |  |
| Max. Sign Area  | 32 sf  |  |  |
| Max. Sign Height  | 6 ft   |  |  |
| Max. Number of Signs  | 1 sign per street frontage; Max. 2 signs   |  |  |
| Illumination  | Non-illuminated or internal illumination   |  |  |
| Other Requirements  | 2 sf of landscape area placed at the base of the sign for 1 sf of sign area.   |  |  |
| <b>Mixed-Use Commercial Uses</b>  |  |  |  |
| Only applies to commercial uses in Mixed-Use zones.   |  |  |  |
| <b>Building Mounted Signs</b>   |  |  |  |
| Max. Sign Area  | Single tenant total building mounted sign area:<br>1 sf to 1 lf of building elevation where sign is placed (Includes awning, blade (≤ 6 sf), canopy, wall (max. 40 sf), and window signs)<br>Multi-tenant total building mounted sign area: 1 sf to 1 lf building tenant frontage (Includes awning, blade (≤ 6 sf), canopy, wall (max. 40 sf), and window signs) |  |  |
| Max. Sign Height  | 16 ft  |  |  |
| Max. Number of Signs  | 1 per business   |  |  |
| Illumination  | Non-illuminated or internal illumination   |  |  |
| Other Requirements  | Signs for an ancillary business located within an existing business are allowed 1 wall sign, max. 24 sf.   |  |  |

| Standard   |   |                |
|--|---|----------------|
| "ft" = Feet; "lf" = Linear Feet; and "sf" = Square Feet  |   |                |
| <b>Mixed-Use Commercial Uses (Continued)</b>   |   |                |
| <b>Freestanding Signs (Monument or Post Sign)</b>  |   |                |
| Max. Sign Area   | Signs placed on primary street: Monument sign – 32 sf or Post sign – 16 sf<br>Signs on a secondary street facing the parking lot: Monument sign – 20 sf or Post sign – 10 sf  |                |
| Max. Sign Height   | Monument sign – 8 ft; Post sign – 6 ft  |                |
| Max. Number of Signs   | 1 per street frontage: Max. 2 signs   |                |
| Illumination   | Non-illuminated or internal illumination.   |                |
| Other Requirements   | 2 sf of landscape area placed at the base of the sign for 1 sf of sign area.  |                |
| <b>General Commercial Uses</b>   |   |                |
| Only applies to commercial uses in the Regional Commercial zone.   |   |                |
| <b>Building Mounted Signs</b>  |   |                |
| Max. Sign Area per Tenant  | Lot Size  | Max. Sign Size |
|  | 0 - 6,000 sf  | 80 sf          |
|  | 6,0001 – 12,000 sf  | 100 sf         |
|  | 12,001 – 24,000 sf  | 150 sf         |
|  | 24,001 and above  | 200 sf         |
| Max. Sign Height   | Plate line  |                |
| Max. Number of Signs   | None, provided the total sign area per tenant is not exceeded.  |                |
| Illumination   | Non-illuminated, internal illumination, or external illumination.   |                |
| Other Requirements   | A roof-mounted sign is permitted in lieu of a wall sign or freestanding sign.   |                |
| <b>Freestanding Signs</b>  |   |                |
| Max. Sign Area   | Sign area for multi-tenant properties shall be 20 sf.   |                |
| Max. Sign Height   | Monument sign: 20 ft<br>Post Sign: 6 ft   |                |
| Max. Number of Signs   | 1 per street frontage; Max. 2 signs (Excludes freestanding signs on individual buildings pads).   |                |
| Illumination   | Non-illuminated, internal illumination, or external illumination.   |                |
| Other Requirements   | Individual building pads in a shopping center are allowed 1 monument sign placed on the building pad with max. area 20 sf and max. height of 6 ft.<br>2 sf of landscape area placed at the base of the sign for 1 sf of sign area.  |                |
| <b>Freeway-Oriented Signs (Applies to all freestanding signs in Regional Commercial zone and Industrial zones)</b> |   |                |
| <b>Parcels ≥ 20 acres with frontage on Interstate 10.</b>  |   |                |
| Max. Sign Area   | 500 sf.   |                |
| Max. Sign Height   | Max. 55 ft; Max. 25 ft above freeway grade.   |                |
| Sign Location  | Min. 500 feet from any other freestanding freeway-oriented sign.<br>Min. 25 feet setback from I-10 right-of-way.  |                |
| Max. Number of Signs   | 1 per freeway-oriented frontage.  |                |
| Illumination   | Non-illuminated, internal illumination, or external illumination.   |                |
| Other Requirements   | Line of sight study required to determine optimum height for sign structures.<br>For each freeway-oriented sign allowed an additional street-oriented freestanding sign may be permitted by design review provided the sign has a distinctive design and is max. 50 sf in area and not taller than 15 ft. |                |

| Standard   |  |                |                  |
|--|--|----------------|------------------|
| <b>“ft” = Feet; “lf” = Linear Feet; and “sf” = Square Feet</b>   |  |                |                  |
| <b>Parcels &lt; 20 acres with frontage on Interstate 10.</b>   |  |                |                  |
| Max. Sign Area   | 300 sf.  |                |                  |
| Max. Sign Height   | Max. 40 ft; Max. 25 ft above freeway grade.  |                |                  |
| Sign Location  | Min. 400 ft from any other freestanding freeway-oriented sign.<br>Min. 25 ft setback from I-10 right-of-way.   |                |                  |
| Max. Number of Signs   | 1 per freeway-oriented frontage.   |                |                  |
| Illumination   | Non-illuminated, internal illumination, or external illumination.  |                |                  |
| Other Requirements   | Line of sight study required to determine optimum height for sign structures. For each freeway-oriented sign allowed an additional street-oriented freestanding sign may be permitted by design review provided the sign has a distinctive design and is max. 50 sf in area and not taller than 15 ft. |                |                  |
| Downtown Zone  |  |                |                  |
| Standards for Downtown Zone  | Refer to the Downtown Specific Plan, Section 3.11 (Signs).   |                |                  |
| Manufacturing, Industrial, and Office Park Uses  |  |                |                  |
| Applies to manufacturing, industrial, office park uses in Light Industrial/ Business Park, Heavy Industrial/ Manufacturing, and Regional Commercial zones. |  |                |                  |
| Building Mounted Signs   |  |                |                  |
| Max. Sign Area per Tenant  | Lot Size   | Max. Sign Size |                  |
|  | 0 - 6,000 sf   | 80 sf          |                  |
|  | 6,0001 – 12,000 sf   | 100 sf         |                  |
|  | 12,001 – 24,000 sf   | 150 sf         |                  |
|  | 24,001 and above   | 200 sf         |                  |
| Max. Sign Height   | Plate line   |                |                  |
| Max. Number of Signs   | 1 per tenant.  |                |                  |
| Illumination   | Non-illuminated, internal illumination, or external illumination.  |                |                  |
| Other Requirements   | A roof-mounted sign is permitted in lieu of a wall sign or freestanding sign.  |                |                  |
| Freestanding Signs   |  |                |                  |
| Max. Sign Area   | 1 acre or larger property, Max. 400 sf   |                |                  |
|  | Frontage Length  | Max. Sign Area | Max. Sign Height |
|  | 0 - 99 lf  | 80 sf          | 25 ft            |
|  | 100 - 199 lf   | 100 sf         | 35 ft            |
|  | > 200 lf   | 200 sf         | 45 ft            |
| Max. Sign Area - Monument Signs  | 45 sf (monument sign only)   |                |                  |
| Max. Sign Height – Monument Signs  | 20 ft  |                |                  |
| Number of Signs  | 1 per street frontage; Max. 2 signs  |                |                  |
| Illumination   | Non-illuminated, internal illumination, or external illumination.  |                |                  |
| Other Requirements   | 2 sf of landscape area placed at the base of the sign for 1 sf of sign area.   |                |                  |



| Standard  |  |
|---|--|
| "ft" = Feet; "lf" = Linear Feet; and "sf" = Square Feet |  |
| Parks and Open Space                                    |  |
| Applies to parks and open space uses in all zones.      |  |
| Building Mounted Signs                                  |  |
| Max. Sign Area  | 12 sf  |
| Max. Sign Height  | 15 feet  |
| Max. Number of Signs                                    | 1 per street frontage; Max. 2 signs  |
| Illumination  | Non-illuminated, internal illumination, or external illumination.            |
| Freestanding Signs                                      |  |
| Max. Sign Area  | 24 sf  |
| Max. Sign Height  | 6 ft   |
| Max. Number of Signs                                    | 1 sign per parcel  |
| Illumination  | Non-illuminated, internal illumination, or external illumination.            |
| Other Requirements                                      | 2 sf of landscape area placed at the base of the sign for 1 sf of sign area. |

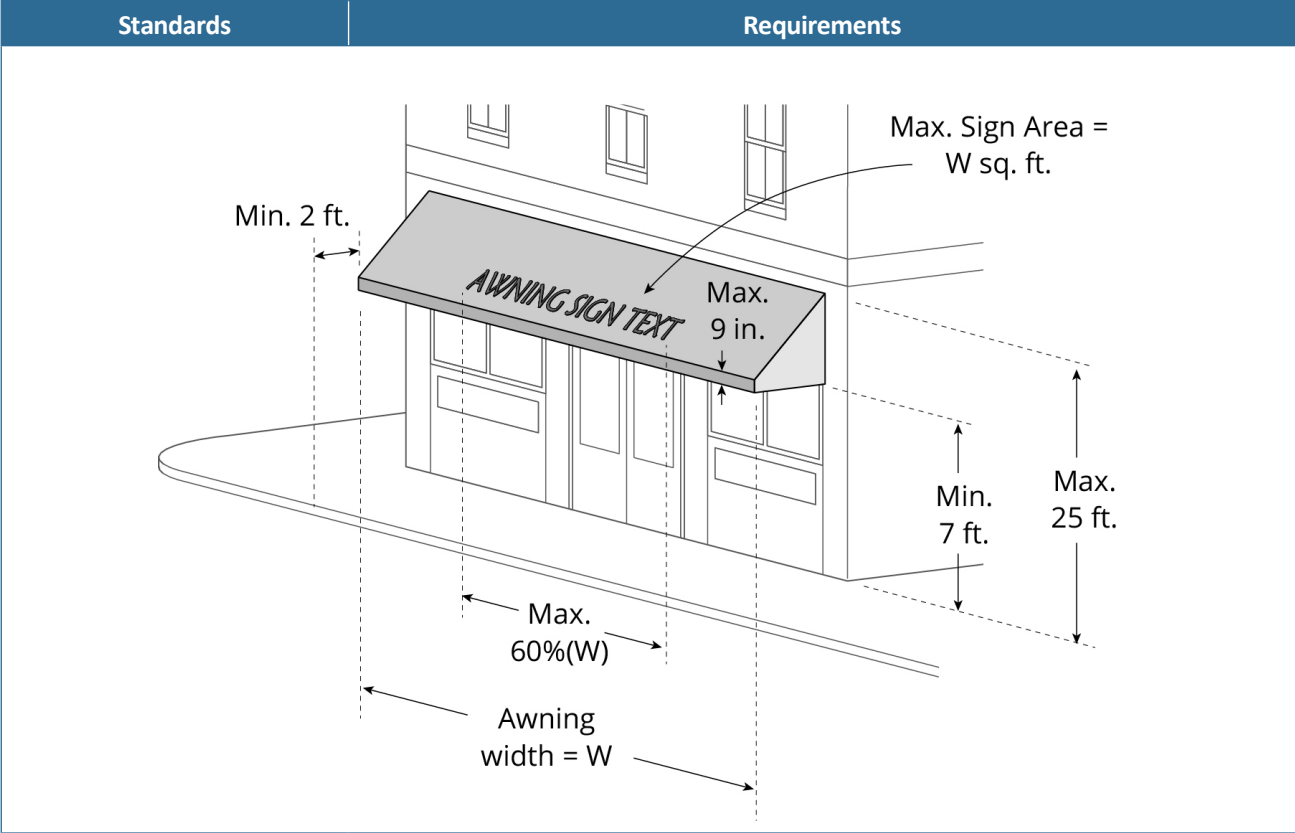
### C. Standards for Permanent Building-Mounted Signs.

Standards for each allowed permanent building-mounted sign type are provided in tables with a supporting illustration of each sign type. All permanent signs must comply with the standards for sign area, height, number, type, and other requirements provided in these tables. Each sign type listed in this Section must be included in the calculation of the total sign area allowed on a parcel or development site by Table 3.05.05-2 (Dimensional Standards for Permanent Signs) except as explicitly provided otherwise in Tables 3.05.05-3 through Table 3.05.05-18.

- 1. Awning Signs.** Awning signs must comply with the standards provided in Table 3.05.05-3 (Standards for Awning Signs).

**TABLE 3.05.05-3: Standards for Awning Signs**

| Standards   | Requirements  |
|---|---|
| "ft" = Feet; "lf" = Linear Feet; and "sf" = Square Feet                   |   |
| Sign Area   | Max. 1 sf per linear foot of awning width   |
| Sign Height   | Min. 8 ft from the bottom of the awning to the nearest grade or sidewalk<br>Max. 20 ft  |
| Number of Signs   | No limit provided the max. area for building mounted signs is met.  |
| Sign Placement  | Must be placed above the doors and windows of the ground, second, or third floor.<br>Awnings must not project above, below, or beyond the edges of the face of the building wall or architectural element.<br>Sign width must not be greater than 60% of the width of the awning face or valance on which it is displayed.<br>If an awning is placed on multiple storefronts, each business is permitted signage no greater than 60% of the width of the storefront.<br>May project into public right-of-way with approval of an Encroachment Permit. |
| Valance Height  | Max. 9 in   |
| Horizontal Distance from the Front Edge of the Awning to the Back-of-Curb | Min. 2 ft   |
| Illumination  | Illumination allowed under the awning.  |



2. **Blade Signs.** Blade signs must comply with the standards provided in Table 3.05.05-4 (Standards for Blade Signs).

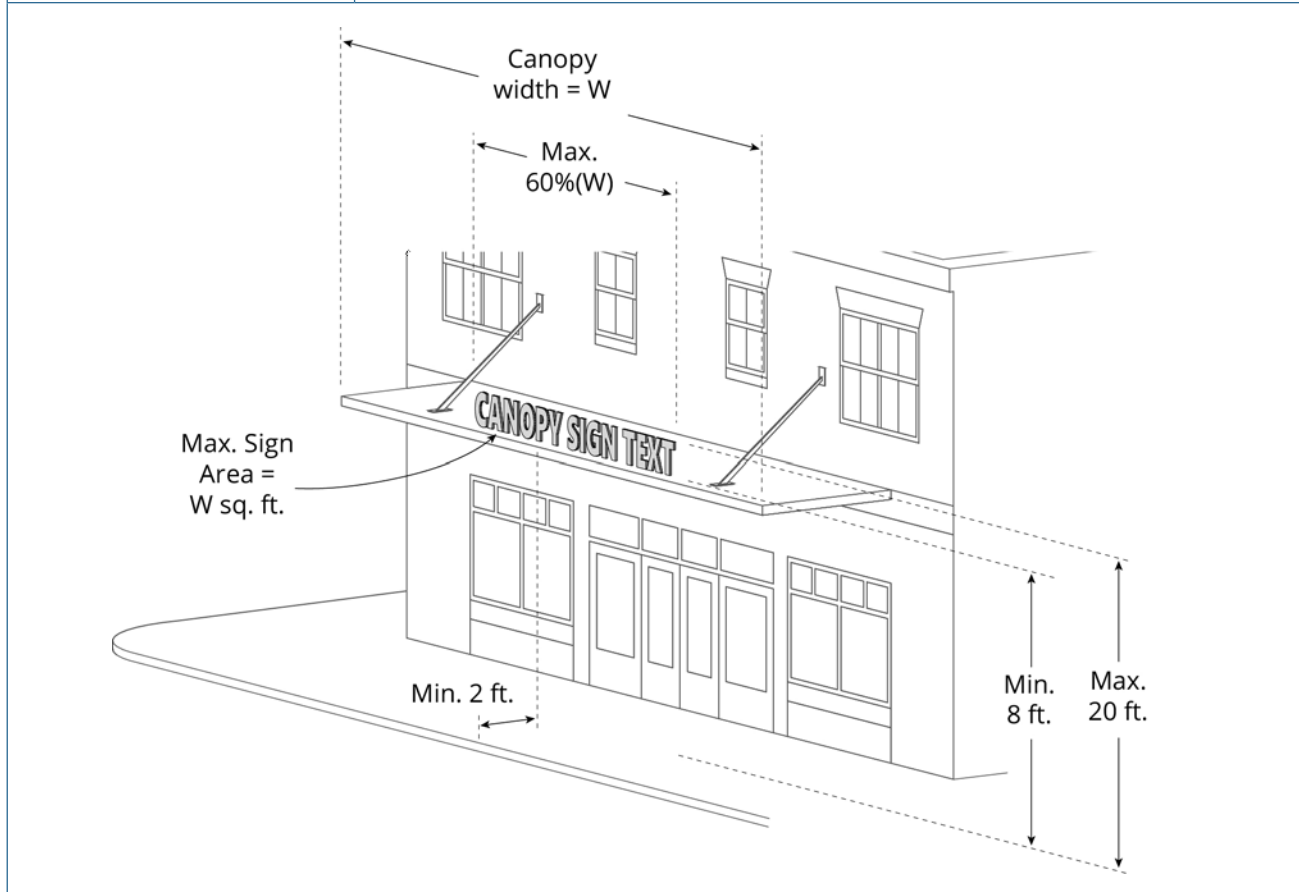
**TABLE 3.05.05-4: Standards for Blade Signs**

| Standards  | Requirements   |
|--|--|
| <i>"ft"</i> = Feet; <i>"lf"</i> = Linear Feet; and <i>"sf"</i> = Square Feet |  |
| Sign Area  | Max. 12 sf   |
| Number of Signs  | 1 per business frontage.   |
| Mounting Height  | Min. 8 ft from the bottom of the sign to the nearest grade or sidewalk.<br>Must be mounted perpendicular to the building face or the corner of the building.   |
| Sign Placement   | If mounted below the underside of a walkway or overhead structure, must not extend beyond the edge of the structure on which it is located.<br>May project into public right-of-way with approval of an Encroachment Permit. |
| Illumination   | Non-illuminated, internal illumination, or external illumination.  |
|  |  |

**3. Canopy Signs.** Canopy signs must comply with the standards provided in Table 3.05.05-5 (Standards for Canopy Signs).

**TABLE 3.05.05-5: Standards for Canopy Signs**

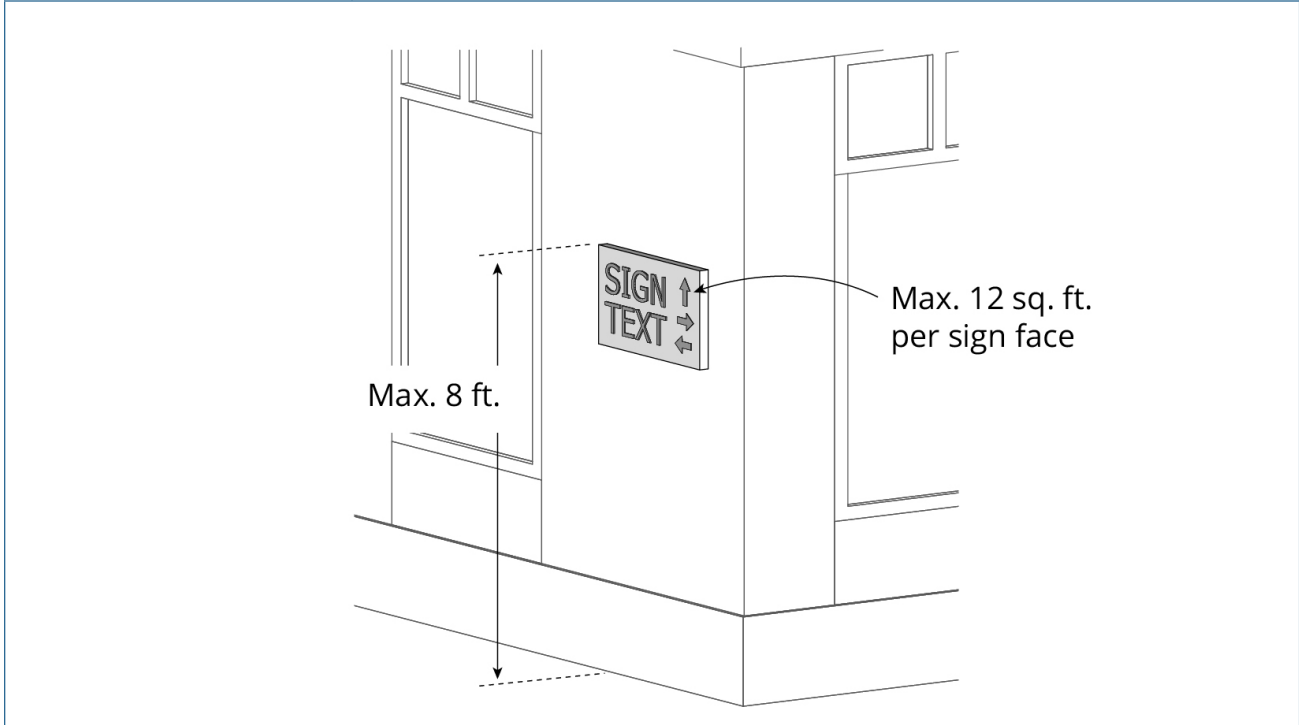
| Standards  | Requirements  |
|--|---|
| <i>“ft”</i> = Feet; <i>“lf”</i> = Linear Feet; and <i>“sf”</i> = Square Feet |   |
| Sign Area  | Max. 1 sf per linear foot of canopy width.  |
| Sign Height  | Min. 8 ft from the bottom of the canopy to the nearest grade or sidewalk; Max. 20 ft  |
| Number of Signs  | 1 per business frontage.  |
| Sign Placement   | Must be placed above the doors and windows of the ground floor of a building. Sign width must not be greater than 60% of the width of the canopy on which it is displayed.<br>If a canopy is placed on multiple store fronts, each business is permitted signage no greater than 60% of the store width or tenant space.<br>May project into public right-of-way with approval of an Encroachment Permit. |
| Horizontal Distance from the Edge of the Canopy to Back-of-Curb              | Min. 2 ft   |
| Illumination   | Non-illuminated, internal illumination, or external illumination.   |



**4. Directional Signs (Building-Mounted).** Directional signs must comply with the standards provided in Table 3.05.05-6 (Standards for Directional Signs (Building-Mounted)).

**TABLE 3.05.05-6: Standards for Directional Signs (Building-Mounted)**

| Standards  | Requirements  |
|--|---|
| <i>“ft”</i> = Feet; <i>“lf”</i> = Linear Feet; and <i>“sf”</i> = Square Feet |   |
| Sign Area  | Max. 12 sf.<br>Excluded from the total allowed sign area for all building-mounted signs.  |
| Sign Height  | Max. 8 ft   |
| Number of Signs  | Max. 1 per driveway entrance; 6 signs per site or development.<br>If not readable from the right-of-way, no limit.<br>Excluded from the total number of allowed signs for all building-mounted signs. |
| Illumination   | Non-illuminated, internal illumination, or external illumination.   |





- 5. **Directory Signs (Building-Mounted).** Directory signs must comply with the standards provided in Table 3.05.05-7 (Standards for Directory (Building-Mounted)).

**TABLE 3.05.05-7: Standards for Directory Signs (Building Mounted)**

| Standards  | Requirements  |
|--|---|
| <i>“ft”</i> = Feet; <i>“lf”</i> = Linear Feet; and <i>“sf”</i> = Square Feet |   |
| Sign Area  | Max. 2 sf per tenant space; Max. total area 16 sf.<br>Excluded from the total allowed sign area for all building-mounted signs. |
| Mounting Height  | Max. 8 ft from nearest grade.   |
| Number of Signs  | Max. 1 per primary building entrance.<br>Excluded from the total number of allowed signs for all building-mounted signs.        |
| Illumination   | Non-illuminated, internal illumination, or external illumination.   |

Max. 8 ft.

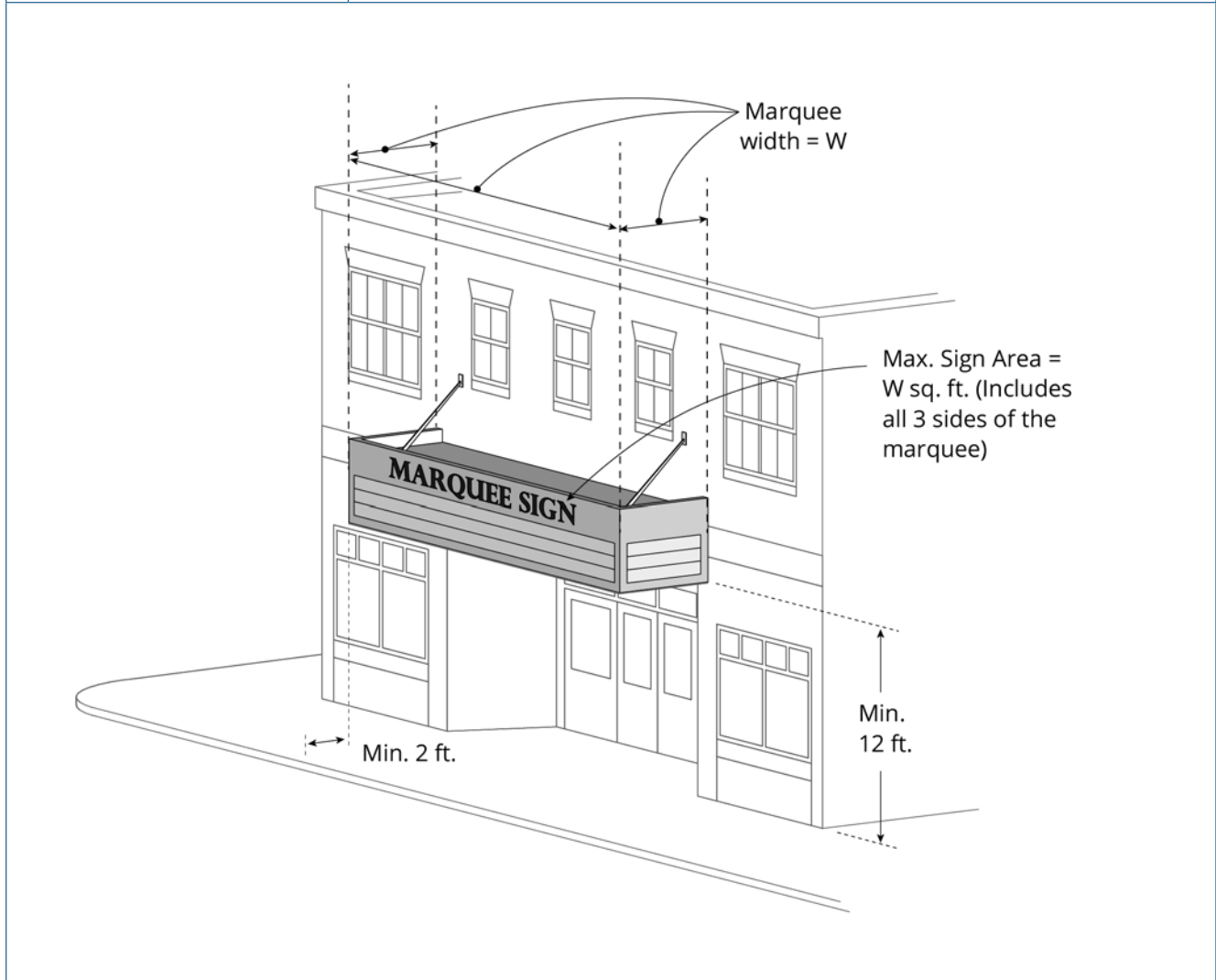
DIRECTORY  
Tenant A  
Tenant B  
Tenant C  
Tenant D

Max. 2 sq. ft. per tenant;  
Max. 16 sq. ft. total

6. **Marquee Signs.** Marquee signs must comply with the standards provided in Table 3.05.05-8 (Standards for Marquee Signs).

**TABLE 3.05.05-8: Standards for Marquee Signs**

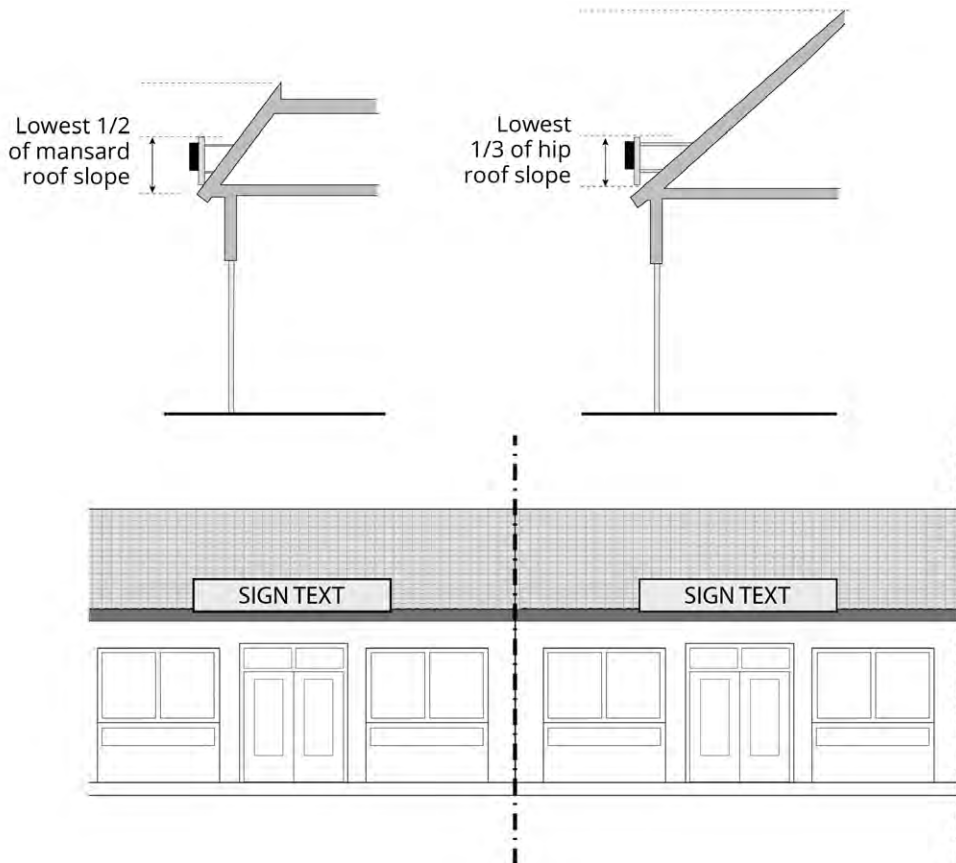
| Standards  | Requirements   |
|--|--|
| <i>“ft”</i> = Feet; <i>“lf”</i> = Linear Feet; and <i>“sf”</i> = Square Feet |  |
| Sign Area  | Max. 200 sf; Includes all 3 sides of the marquee.  |
| Mounting Height  | Min. 12 ft from the bottom of the marquee to the nearest grade or sidewalk.  |
| Sign Placement   | May project into public right-of-way with approval of an Encroachment Permit. Sign letters may be placed above the marquee with approval of a Conditional Administrative Use Permit (Refer to Section 06.04.04 (Use Permits)). |
| Number of Signs  | Max. 1 per business.   |
| Horizontal Distance from the Front Edge of the Marquee to the Back-of-Curb   | Min. 2 ft  |
| Illumination   | Direct illumination or internal illumination.  |



**7. Roof-Mounted Signs.** Roof-mounted signs must comply with standards provided in Table 3.05.05-9 (Standards for Roof-Mounted Signs).

**TABLE 3.05.05-9: Standards for Roof-Mounted Signs**

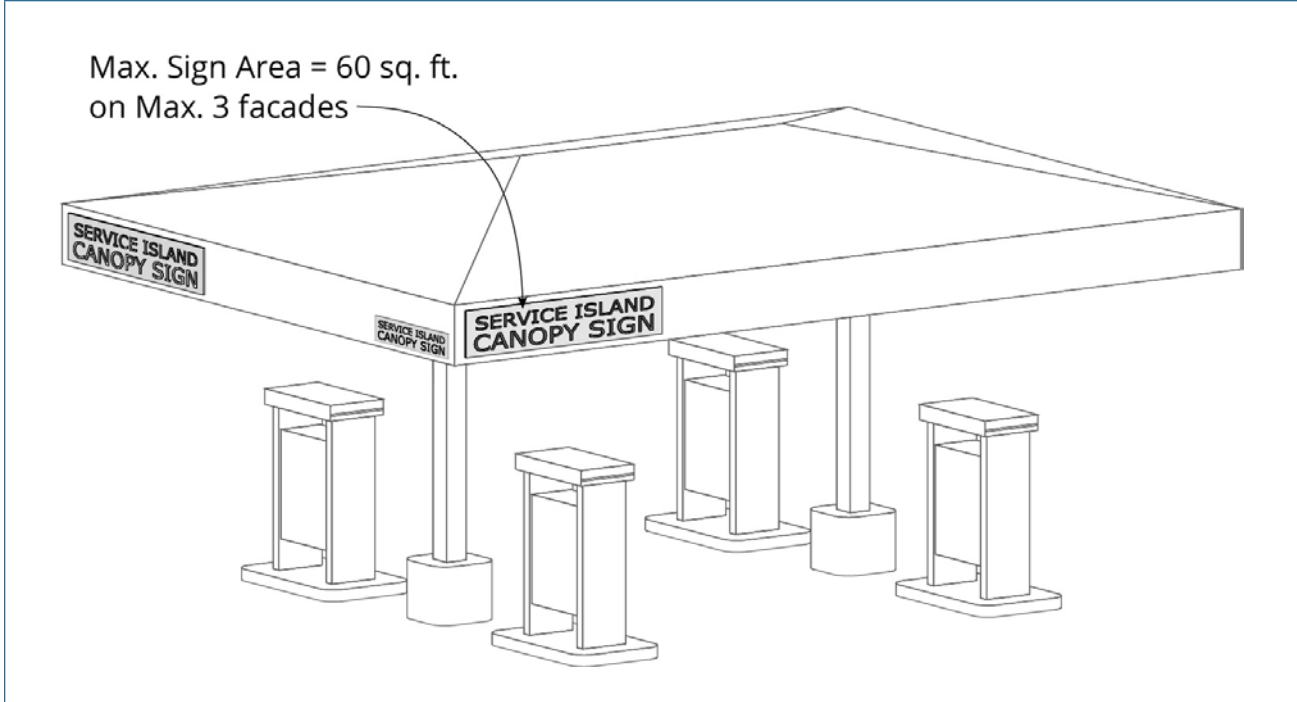
| Standards  | Requirements   |
|--|--|
| <i>“ft”</i> = Feet; <i>“lf”</i> = Linear Feet; and <i>“sf”</i> = Square Feet |  |
| Sign Area  | Refer to the standards for Wall Signs, Table 3.05.05-13.<br>Sign width shall not be greater than 50% of the width of the roof or mansard in which it is displayed.   |
| Sign Placement   | Hip roof: Only placed on the lowest 1/3 of the slope of the roof measured from the peak.<br>Mansard roof: Only placed on the lowest 1/2 of the slope of the roof.<br>Signs for individual tenants in multi-tenant centers shall be centered above the tenant space and only mounted on a mansard roof. |
| Number of Signs  | Max. 1 per business.<br>For corner sites, 1 sign per frontage.   |
| Illumination   | Non-illuminated, internal illumination, or external illumination.  |
| Other Requirements   | Signs made of individual letters must have a minimum depth of 6 inches to convey a three-dimensional appearance.<br>Roof mounted signs must be mounted in compliance with the requirements of Section 3.05.04.D.2 (Sign Structure and Installation).   |



8. **Service Island Canopy Signs.** Service Island Canopy signs must comply with the standards provided in Table 3.05.05-10 (Standards for Service Canopy Signs).

**TABLE 3.05.05-10: Standards for Service Island Canopy Signs**

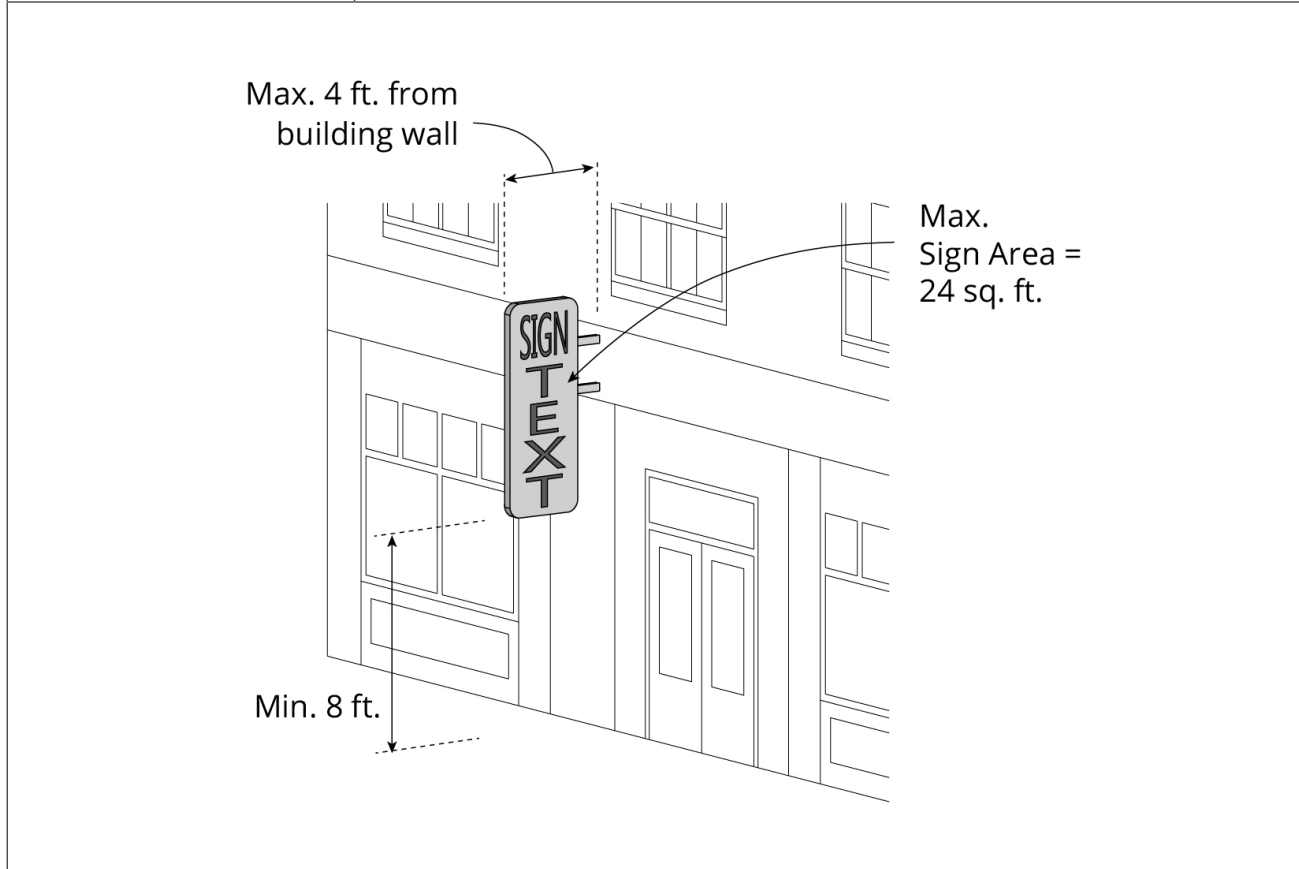
| Standards  | Requirements  |
|--|---|
| <i>“ft”</i> = Feet; <i>“lf”</i> = Linear Feet; and <i>“sf”</i> = Square Feet |   |
| Sign Area  | Max. 60 sf for the total area of all signs on the canopy.<br>As allowed by use permit but not to exceed 150 sf for detached signs and 32 sf for attached. |
| Number of Signs  | Signs may only be displayed on max. 3 canopy facades.   |
| Illumination   | Non-illuminated or internal illumination.   |



**9. Vertical Projecting Signs.** Projecting signs must comply with the standards provided in Table 3.05.05-11 (Standards for Vertical Projecting Signs).

**TABLE 3.05.05-11: Standards for Vertical Projecting Signs**

| Standards  | Requirements   |
|--|--|
| <i>"ft"</i> = Feet; <i>"lf"</i> = Linear Feet; and <i>"sf"</i> = Square Feet |  |
| Sign Area  | Max. 24 sf   |
| Mounting Height  | Min. 8 feet from the bottom of the sign to the nearest grade or sidewalk and 14 ft above vehicular ways.   |
| Sign Placement   | Only on the wall of a building.<br>May project into public right-of-way with approval of an Encroachment Permit.<br>Signs projecting over a public right-of-way shall be limited to those attached to a building located at or within six feet of the building entrance. |
| Number of Signs  | Max. 1 per business frontage.  |
| Projection   | Max. 4 ft from the building wall to the outer edge of the sign.<br>No such sign shall extend closer than four feet to a curb line.<br>For any building located on the property line may have a sign which projects up to 18 inches into the public right-of-way.         |
| Illumination   | Non-illuminated, internal illumination, or external illumination.  |
| Other Requirements   | No sign or sign structure shall project into a driveway or a public alley.   |





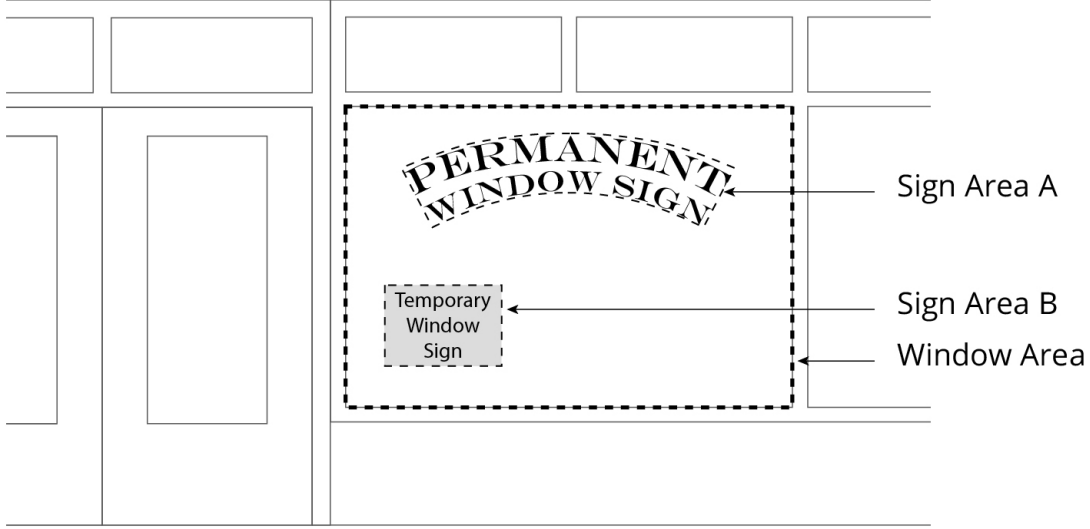
**10. Wall Signs.** Wall signs must comply with the standards provided in Table 3.05.05-12 (Standards for Wall Signs).

**TABLE 3.05.05-12: Standards for Wall Signs**

| Standards  | Requirements  |
|--|---|
| <i>“ft”</i> = Feet; <i>“lf”</i> = Linear Feet; and <i>“sf”</i> = Square Feet   |   |
| Sign Area  | As provided in Table 3.05.05-2.   |
| Number of Signs  | As provided in Table 3.05.05-2.   |
| Illumination   | Non-illuminated, internal illumination, or external illumination.   |
| Sign Placement   | Refer to the illustration below for applicable standards.<br>Signs for businesses exclusively on the second or third floor of a multi-level building are allowed a wall or awning signs, max. 50% of the sign area allocated to business on the first floor.  |
| Special Provisions   | Requirements  |
| Painted Wall Signs   | Painted wall signs are allowed on any exterior building wall of an individual tenant space or building.<br>The allowable area for painted wall signs will be increased by 10% over the normal allowable sign dimensions for the zone.<br>Painted wall signs must be professionally painted.<br>Non-illuminated or external illumination only. |
| Changeable Copy and Electronic Message Signs   | Max. sign area 25% of the total allowable sign area for the building.<br>The changeable sign copy must be an integral part of a permanent building-mounted sign.<br>Changeable sign copy may only be non-illuminated or internally illuminated.   |
| <p>The diagram illustrates the standards for wall sign placement on a building facade. It shows a cross-section of a building with a sign placement area. The sign placement area is defined by a minimum width of 12 inches or 20% of the building element width, whichever is less. The sign placement area is also defined by a minimum height of 12 inches or 20% of the building element height, whichever is less. The sign placement area is limited to a maximum width of 60% of the building element width. The diagram also shows the building element width and building element height for the overall facade section.</p> |   |

**11. Window Signs.** Window signs must comply with the standards provided in Table 3.05.05-13 (Standards for Window Signs).

**TABLE 3.05.05-13: Standards for Window Signs**

| Standards   | Requirements  |
|---|---|
| <i>“ft”</i> = Feet; <i>“lf”</i> = Linear Feet; and <i>“sf”</i> = Square Feet  |   |
| Sign Area   | Permanent window signs – max. 20% of the area of the window on which they are displayed.<br>The combined area of portable and permanent window signs must not exceed 40% of the area of the window on which they are displayed. Painted window signs or perforated vinyl signs are included in this calculation.<br>Excluded from the total allowed sign area for all building-mounted signs. |
| Sign Placement  | Must be mounted or displayed on the interior of the window.<br>Allowed on 1 <sup>st</sup> , 2 <sup>nd</sup> , and 3 <sup>rd</sup> story windows only.   |
| Illumination  | Non-illuminated, neon, or single- or two-color LED signs are allowed.   |
| <div style="text-align: center;">  <p style="text-align: center;">Sign Area A + Sign Area B ≤ 50% Window Area</p> </div> |   |

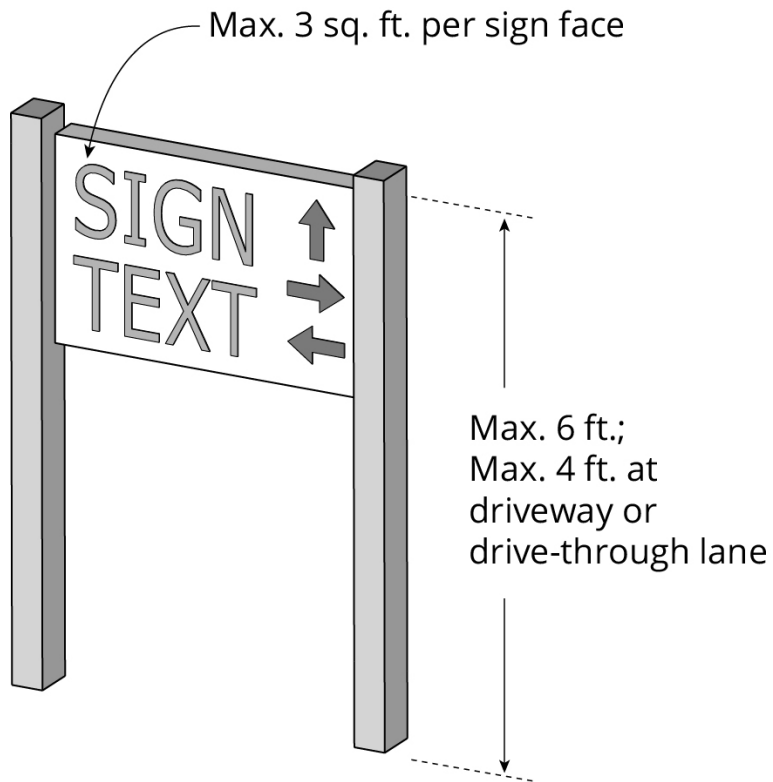
### D. Standards for Permanent Freestanding Signs

Standards for each allowed permanent freestanding sign type are provided in tables with a supporting illustration of each sign type. All permanent signs must comply with the standards for sign area, height, number, type, and other requirements provided in these tables and Table 3.05.05-2 (Dimensional Standards for Permanent Signs).

- 1. Directional Signs (Freestanding).** Directional signs must comply with the standards provided in Table 3.05.05-14 (Standards for Directional Signs (Freestanding)).

**TABLE 3.05.05-14: Standards for Directional Signs (Freestanding)**

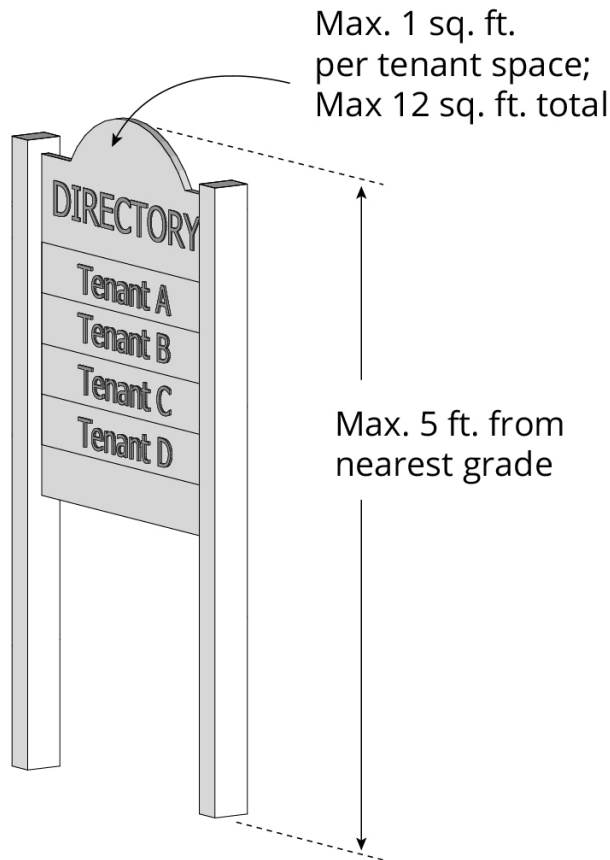
| Standards  | Requirements   |
|--|--|
| <i>"ft"</i> = Feet; <i>"lf"</i> = Linear Feet; and <i>"sf"</i> = Square Feet |  |
| Sign Area  | Max. 2 sided allowed; 3 sf per sign face.<br>Excluded from the total allowed sign area for all freestanding signs.   |
| Sign Height  | Max. 6 ft; except 4 ft at driveway or drive-through lanes.   |
| Sign Placement   | Max. 10 ft setback from the property line.   |
| Number of Signs  | Max. 1 per driveway entrance; 6 signs per site or development.<br>Excluded from the total number of allowed signs for all freestanding signs.  |
| Illumination   | Non-illuminated, internal illumination, or external illumination.  |
| Other Requirements   | Freestanding directional signs must be located in a landscape area defined by a vertical curb to protect the sign.<br>Lack of landscaping associated with a legal non-conforming use is not cause for abatement.<br>Refer to the landscaping standards in Table 3.05.05-2. |



- 2. **Directory Signs (Freestanding).** Directory signs must comply with the standards provided in Table 3.05.05-15 (Standards for Directory Signs (Freestanding)).

**TABLE 3.05.05-15: Standards for Directory Signs (Freestanding)**

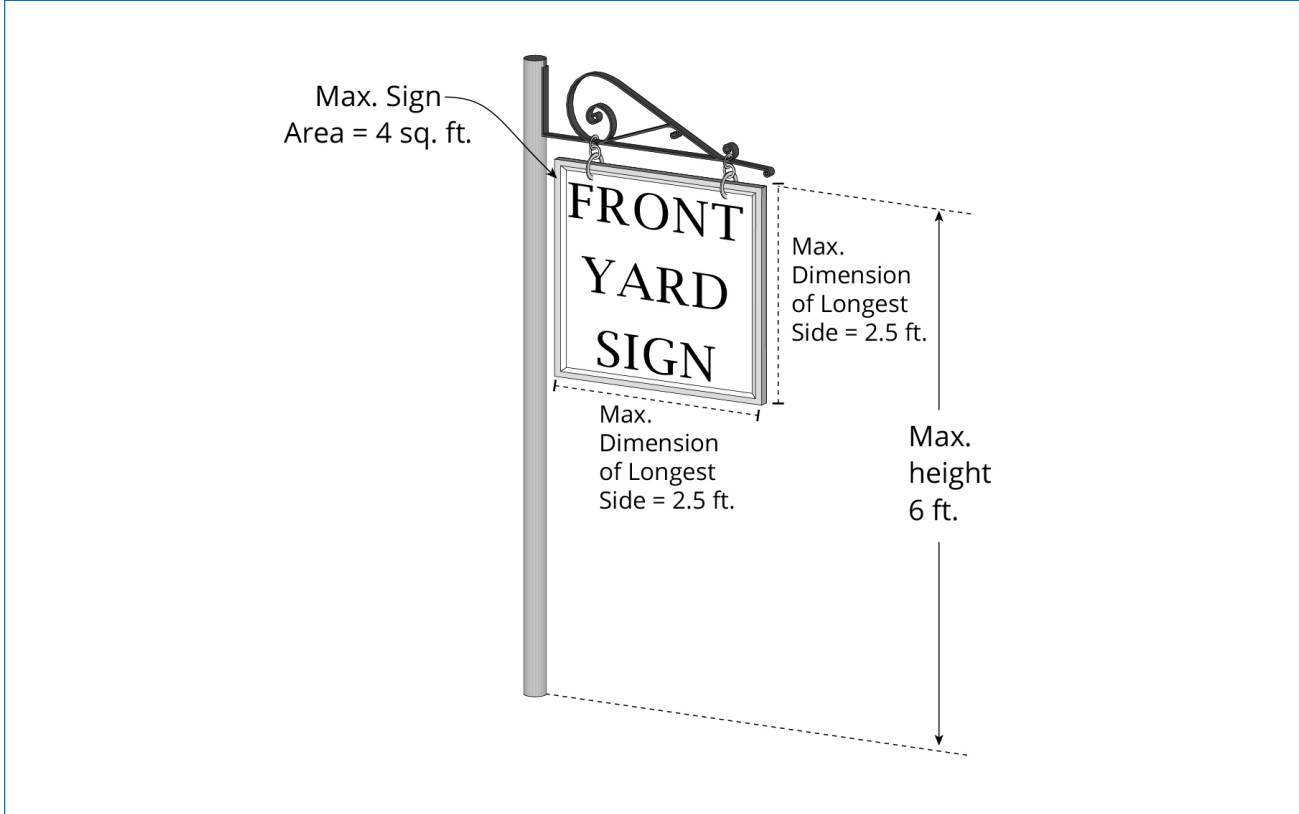
| Standards  | Requirements  |
|--|---|
| <i>"ft"</i> = Feet; <i>"lf"</i> = Linear Feet; and <i>"sf"</i> = Square Feet |   |
| Sign Area  | Max. 12 sf; Max. 1 sf per tenant space.<br>Excluded from the total allowed sign area for all freestanding signs.  |
| Height   | Max. 5 ft from nearest grade.   |
| Sign Placement   | Max. 10 ft setback from the property line.  |
| Number of Signs  | Max. 1 per building. Excluded from the total number of allowed signs for all freestanding signs.  |
| Illumination   | Non-illuminated, internal illumination, or external illumination.   |
| Other Requirements   | Freestanding directory signs shall be located in a landscaping area defined by a vertical curb to protect the sign.<br>Lack of landscaping associated with a legal non-conforming use shall not be cause for abatement.<br>Refer to the landscaping standards in Table 3.05.05-2. |



3. **Front Yard Signs.** Front Yard signs must comply with the standards provided in Table 3.05.05-16 (Standards for front Yard Signs).

**TABLE 3.05.05-16: Standards for Front Yard Signs**

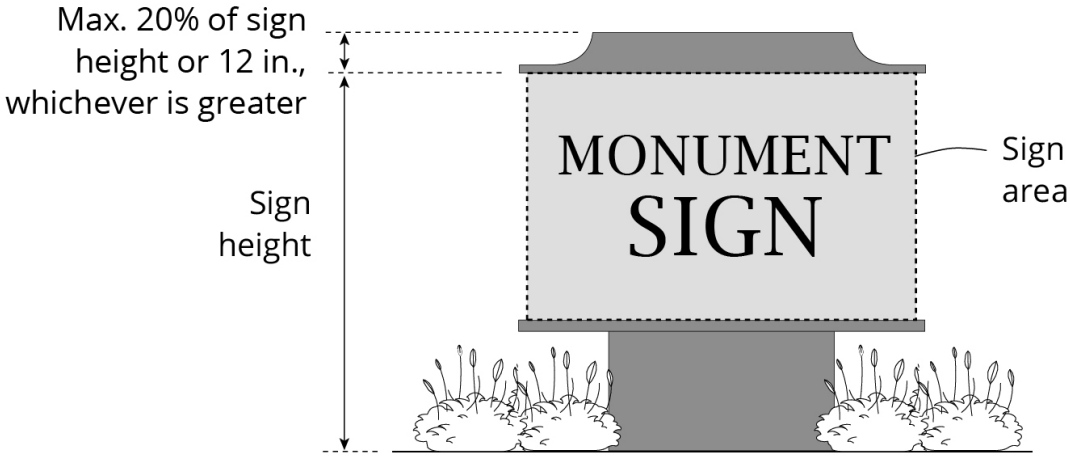
| Standards  | Requirements  |
|--|---|
| <i>"ft"</i> = Feet; <i>"lf"</i> = Linear Feet; and <i>"sf"</i> = Square Feet |   |
| Sign Area  | Max. 4 sf per sign face; Max. dimension of longest side 2.5 ft. Excluded from the total area of allowed signs for all freestanding signs. |
| Height   | Max. 6 ft   |
| Sign Placement   | Max. 10 ft setback from the property line.  |
| Number of Signs  | Max. 1 per business.  |
| Illumination   | Non-illuminated or external illumination.   |



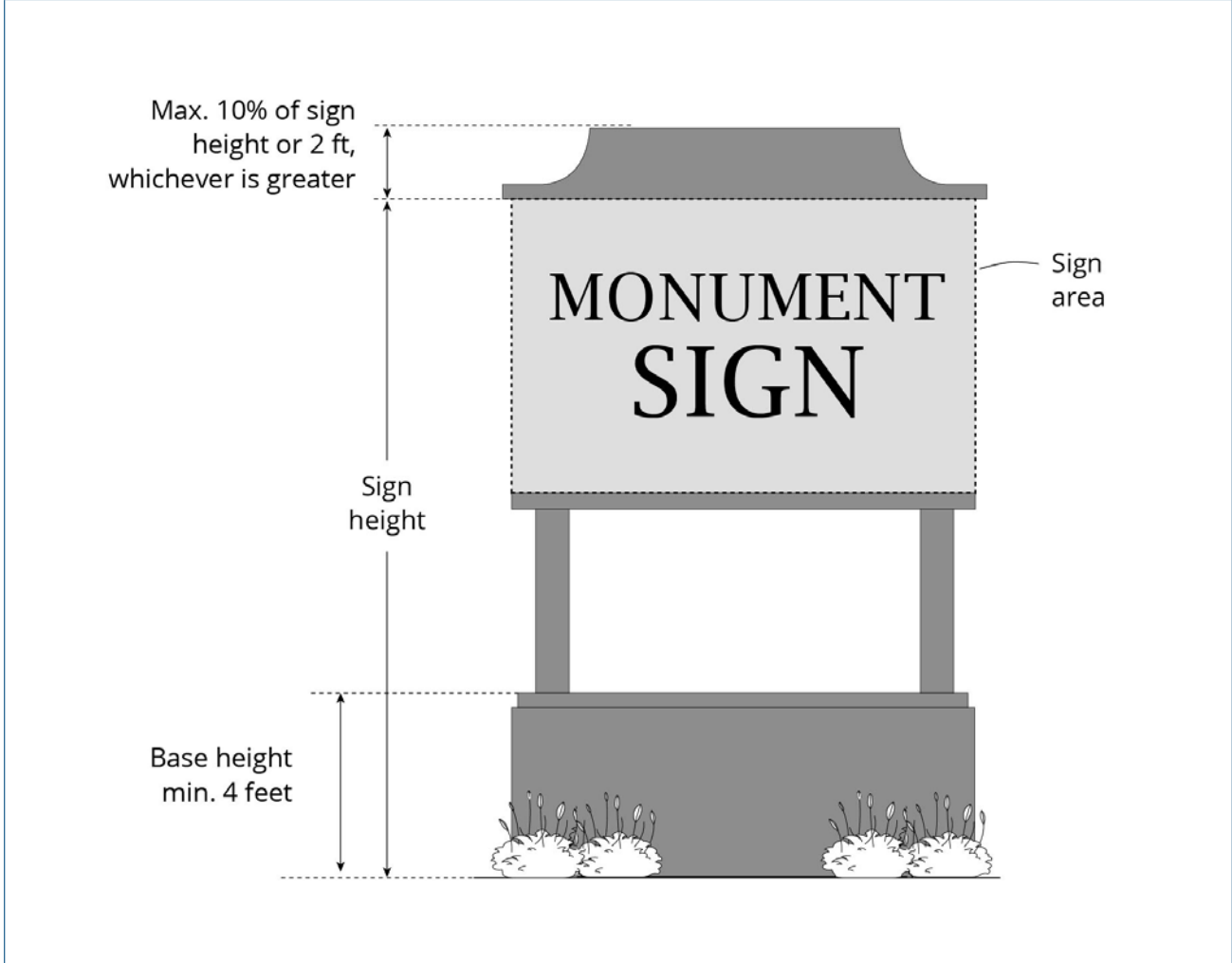


**4. Monument Signs.** Monument signs must comply with the standards provided in Table 3.05.05-17 (Standards for Monument Signs).

**TABLE 3.05.05-17: Standards for Monument Signs**

| Standards  | Requirements  |
|--|---|
| <i>“ft”</i> = Feet; <i>“lf”</i> = Linear Feet; and <i>“sf”</i> = Square Feet   |   |
| Sign Area  | As provided in Table 3.05.05-2.   |
| Sign Height  | As provided in Table 3.05.05-2.<br>Elements to enhance the design of a sign structure may extend above the sign to a max. of 20% of the sign’s allowed height, or 12 inches, whichever is greater.  |
| Base Width/Height  | The monument sign’s base must be at least 60% of the width of the sign.<br>The monument sign’s base must be maximum 4 ft in height.   |
| Sign Placement   | Max. 10 ft setback from the property line.  |
| Illumination   | Non-illuminated, internal illumination, or external illumination.   |
| Other Requirements   | Monument signs shall be located in a landscaping area defined by a vertical curb to protect the sign.<br>Lack of landscaping associated with a legal non-conforming use shall not be cause for abatement.<br>Refer to the landscaping standards in Table 3.05.05-2. |
| Special Provisions   | Requirements  |
| Changeable Copy and Electronic Message Signs   | Max. sign area 30% of the total allowable sign area.<br>The changeable sign or electronic message sign copy must be an integral part of a permanent monument sign.<br>Changeable sign copy may only be non-illuminated or internally illuminated.                   |
|  <p>The diagram illustrates a monument sign with the text "MONUMENT SIGN" on a rectangular panel. A vertical double-headed arrow on the left indicates the "Sign height" from the base to the top of the panel. A dashed horizontal line extends from the top of the panel, and a vertical double-headed arrow between this line and a higher dashed line indicates the "Max. 20% of sign height or 12 in., whichever is greater" allowance for decorative elements. A dashed rectangular box around the sign panel is labeled "Sign area". The sign is shown on a base with landscaping elements at its feet.</p> |   |

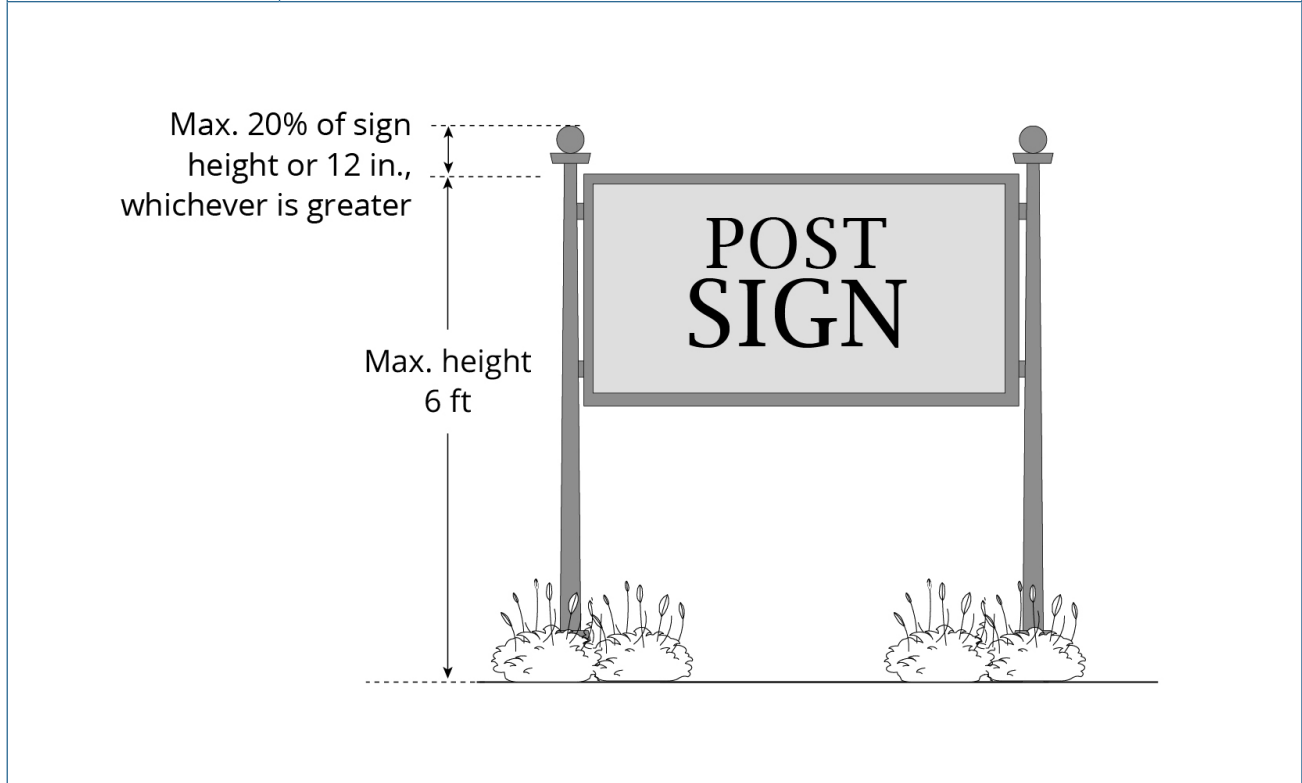
| Standards   | Requirements  |
|---|---|
| <b>Monument Sign Standards for IL, IH, and RC Zones</b> |   |
| Sign Area   | As provided in Table 3.05.05-2.   |
| Sign Height   | As provided in Table 3.05.05-2.<br>Elements to enhance the design of a sign structure may extend above the sign to a max. of 10% of the sign's allowed height, or 2 ft, whichever is greater. |
| Base Width/Height                                       | The monument sign's base must be the same width as the width of the sign.<br>The monument sign's base must be minimum 4 ft in height.   |



5. **Post Signs.** Post signs must comply with the standards provided in Table 3.05.05-18 (Standards for Post Signs).

**TABLE 3.05.05-18: Standards for Post Signs**

| Standards  | Requirements  |
|--|---|
| <i>“ft”</i> = Feet; <i>“lf”</i> = Linear Feet; and <i>“sf”</i> = Square Feet |   |
| Sign Area  | As provided in Table 3.05.05-2.   |
| Sign Height  | Max. 6 ft.<br>Elements to enhance the design of a sign structure may extend above the sign to a max. of 20% of the sign’s allowed height, or 12 inches, whichever is greater.   |
| Sign Placement   | Max. 10 ft setback from the property line.  |
| Number of Signs  | Max. 1 per property frontage.   |
| Illumination   | Non-illuminated, internal illumination, or external illumination.   |
| Other Requirements   | Post signs shall be located in a landscaping area defined by a vertical curb to protect the sign.<br>Lack of landscaping associated with a legal non-conforming use shall not be cause for abatement.<br>Refer to the landscaping standards in Table 3.05.05-2. |



## 3.05.06. Sign Design Standards

### A. Applicability.

The standards established in this Section apply to all permanent signs. These standards complement the mandatory sign regulations established in Section 3.05.05 (Standards for Permanent Signs).

### B. General Sign Design Standards.

These general sign design standards will be utilized during the review of any permit for a sign or master sign plan to ensure the highest level of design quality, while at the same time providing the flexibility necessary to encourage creativity on the part of the sign designer. However, unless there is a compelling reason, these design standards must be observed.

1. **Use a Brief Message.** Signs must be designed with a brief message because the fewer words used, the more effective the sign. A sign with a brief message is quicker and easier to read, looks cleaner, is more effective in conveying its message, and is more attractive.
2. **Avoid Overly Intricate or Unusual Fonts.** Simple, easy-to-read fonts must be utilized in signs to enhance their readability. Signs that include very intricate font styles are generally difficult to read and reduce a sign's ability to communicate effectively. Signs with unusual fonts may look good today, but soon go out of style, and the image conveyed may quickly become that of a dated and unfashionable business.

**FIGURE 3.05.06-1. Examples of Signs with a Brief Message and Simple Font Style**



3. **Emphasize One Line of Text.** Signs with more than one line of text must emphasize one line over the others to enhance the message conveyed.
4. **Limit the Number of Fonts.** The number of fonts used in a sign must be limited because the use of more than two font styles makes the sign harder to read. The primary purpose of a sign is to quickly convey information to motorists and pedestrians.
5. **Sign Colors and Materials.** Sign colors and materials must contribute to sign legibility and design integrity. Signs with poor color selection are generally unattractive and unsuccessful at communicating the message. Too many different colors compete with the sign's content for a viewer's attention and makes the sign less effective. Sign materials must be durable and weather resistant.
6. **Provide Contrast Between Background and Letters/Symbols.** Signs must be designed with high contrast between the sign's letter/symbol color and its background color to be most effective. Signs with little contrast in the hue (shade or tint) and/or intensity (brightness) between the background and letter/symbol colors are difficult to read.

**FIGURE 3.05.06-2. Examples of Signs with a Simple Color Palette, Limited Fonts, and Good Contrast**



- 7. Graphic Relief.** Signs must utilize individual lettered business and logo design, or where appropriate, sign copy, logo, and/or decorative embellishments in relief on the face of the sign to enhance readability and project a positive image of the business or use. Signs must be designed to provide three-dimensional relief, i.e., be raised above, or set below the sign background.



**FIGURE 3.05.06-3. Examples of Raised Letters**

- 8. Sign Placement.** Signs must be placed at or near the entrance of a site or building to show the most direct access to the business.

**FIGURE 3.05.06-4. Example of Well-placed Sign Emphasizing a Building Entrance**

- 9. Proportion, Scale and Rhythm of Sign Placement.** Signs must be placed consistent with the proportions and scale of building elements within a building's facade:
- a. A large sign may fit well on a large, plain wall area, but could overpower the finer scale and proportion of if placed above a small storefront.
  - b. Signs must establish rhythm, scale, and proportion on a facade where these elements are weak in the building design. On buildings with plain facade, signs must establish or continue appropriate design rhythm, proportion, and scale.
  - c. The proportion of letter area to sign background area must be carefully considered. Letters must not appear to occupy more than 70 percent of the sign's background area. Signs where the letters take up too much of the background area are harder to read. Generally, large letters are not necessarily more legible than smaller ones.

**FIGURE 3.05.06-5. Examples of Signs with Good Proportion, Scale, and Rhythm**



10. **Complementary Sign Design.** Where there is more than one sign for a business (e.g., single tenant buildings) or group of businesses (e.g., multiple tenant buildings, commercial centers, or business or industrial parks), all signs must be designed to ensure consistency of sign design and be complementary to one another in the following ways:
  - a. Type of construction materials used in the sign body, sign copy, sign base, supports, etc.);
  - b. Letter size and style of copy;
  - c. Method and design of sign support (wall mounting or monument base);
  - d. Configuration of sign area; and
  - e. Proportion of sign copy area to background.
11. **Artistry and Innovation.** The use of artistry and innovation in sign design will make the sign stand out and draw attention to the use or activity it is advertising. It can also improve the overall appearance of a building or neighborhood.
12. **Sign Scale.** Signs must be designed and placed relative to who the intended viewer will be. Signs intended to be read by pedestrians (i.e., usually read from a distance of 15 to 20 feet) must be smaller in scale than a vehicle-oriented sign which is designed to be viewed from a much greater distance. In general, the closer the sign's viewing distance, the smaller the sign needs to be.
13. **Freestanding Signs.** Freestanding signs must incorporate the materials and architectural features used in the building(s) they serve. Freestanding signs are most effective when placed perpendicular to approaching vehicular traffic.

**FIGURE 3.05.06-6. Example of a Freestanding Sign Incorporating the Architectural Details of the Main Building**





## C. Sign Design Performance Standards.

1. **Sign Design Elements.** Increases in the allowable area and/or height of certain types of signs may be approved to encourage permanent signs with design features that are preferred by the City and the community at large. The design features detailed below apply to both freestanding and building mounted signs subject to the limitations in Subsection 2 (Cumulative Adjustment) below.
  - a. **Raised Letter Signs.** This standard encourages the use of individual lettered business and logo design, or where appropriate, signs containing copy, logo and/or decorative embellishments in relief on the face of the sign. Such improved sign design enhances the readability of sign copy and projects a positive image of the business or use. A sign area and/or height increase as established in Table 3.05.06-1 (Percentage Increases for Design Features Used) may be approved for sign designs that display either:
    - i. Pan channel letters without raceways, or internal/indirect illuminated halo channel letters on an unlit or otherwise indistinguishable background on a freestanding sign or building wall; or
    - ii. Where appropriate, carved signs with a three-dimensional textured surface that is integral to its design, such as extensively carved, routed, and/or sandblasted signs containing the business name and/or logo.

**FIGURE 3.05.06-7. Examples of Pan Channel Letter and Raised Letter Signs**



- b. **Simplified Letter and/or Logo Copy.** The purpose of this standard is to encourage easily recognizable business identification while simplifying the appearance of the city streetscape. A sign area and/or height increase as established in Table 3.05.06-1 (Percentage Increases for Design Features Used) may be approved for the sign standard.

**FIGURE 3.05.06-8. Example of A Sign with a Simplified Logo**



- c. **Sign Structure Materials.** This standard encourages the use of native or natural materials in the construction of sign structures, resulting in improved and innovative sign design and an improved image of the business or development to which it refers. A sign area and/or height increase as established in Table 3.05.06-1 (Percentage Increases for Design Features Used) may be approved for the sign designs in which a minimum of 75 percent of the sign structure and face are constructed of native or natural materials, including rock native to the area, flagstone, river rock, hardwoods or softwoods, durable wood substitute materials, used brick, and/or unpainted or unfinished non-reflective metals. A sign area or height increase as provided in Table 3.05.06-1 (Percentage Increases for Design Features Used) does not apply if the sign structure includes a cabinet sign or electronic message sign.
- d. **Sign Structure Which Blends with the Development Site.** This standard encourages the incorporation of a sign and sign structure into a major element of a building facade or significant landscape feature, resulting in the creation of a unique image for the development or premises on which it is located. A sign area and/or height increase as established in Table 3.05.06-1 (Percentage Increases for Design Features Used) may be approved for the sign designs that integrate major architectural elements or details of the development site into the building facade for a building mounted sign, or the support structure for a freestanding sign.
- e. **Freestanding Signs of Reduced Height.** This standard encourages the reduction of overall height for freestanding signs as established in the standards for permanent freestanding signs in Section 3.05.05 (Standards for Permanent Signs), while maintaining sign and site compatibility and improving the image of the business or development. See Table 3.05.06-1 (Percentage Increases for Design Features Used) for percentage increases allowed.

**TABLE 3.05.06-1: Percentage Increases for Design Features Used**

| Design Feature   | Freestanding Sign                                     |                 | Building-Mounted Sign |                 |
|--|---|-----------------|-----------------------|-----------------|
|  | Area Increase   | Height Increase | Area Increase         | Height Increase |
| <b>Single-Tenant Use</b>   |   |                 |                       |                 |
| Raised Letter without raceways   | 15%   | 10%             | 10%                   | 5%              |
| Simplified Letter and/or Logo Copy   | 15%   | 10%             | 10% <sup>1</sup>      | 5%              |
| Sign Structure Materials   | 15%   |                 | 10%                   | 5%              |
| Sign Structure which Blends with Development Site  | 15%   |                 | 10%                   | 5%              |
| Freestanding Signs of Reduced Height   | 15% area increase for each 1 foot in height reduction |                 | N/A                   |                 |
| <b>Multi-Tenant Use</b>  |   |                 |                       |                 |
| Raised Letter without raceways   | 15%   | 10%             | 10%                   | 5%              |
| Simplified Letter and/or Logo Copy <sup>2</sup>  | 15%   | 20%             | N/A                   |                 |
| Sign Structure Materials   | 15%   | 15%             | 10%                   | 5%              |
| Sign Structure which Blends with Development Site  | 15%   | 15%             | 10%                   | 5%              |
| Freestanding Signs of Reduced Height   |   |                 | N/A                   |                 |
| End Notes:   |   |                 |                       |                 |
| 1. Also applies to individual occupancy within a multi-tenant building, development, or shopping center. |   |                 |                       |                 |
| 2. Applies to multi-tenant building, development, or shopping center.                                    |   |                 |                       |                 |

2. **Cumulative Adjustments.** Where more than one feature listed in Subsection 1 is proposed, the adjustment allowed for each individual feature is cumulative. Such sign area and/or height adjustment is measured and based upon the permitted sign area and height for the applicable site as determined in Section 3.05.05 (Standards for Permanent Signs). Cumulative adjustments for sign area and sign height for freestanding and building mounted signs are provided in Table 3.05.06-2 (Cumulative Adjustments).

**TABLE 3.05.06-2: Cumulative Adjustments**

| Number of Features Used  | Freestanding Sign |                     | Building-Mounted Sign |        |
|--|-------------------|---------------------|-----------------------|--------|
|  | Area              | Height              | Area                  | Height |
| 2  | 30%               | 20-30% <sup>1</sup> | 20%                   | 10%    |
| 3  | 40%               | 35-40%              | 30%                   | 20%    |
| Cumulative Maximum Sign Area Increase Allowed  | 45%               | 45%                 | 45%                   | 30%    |
| End Note:<br>1. <i>This percentage varies depending on which design features listed in Table 3.05.06-1 are utilized.</i> |                   |                     |                       |        |

## 3.05.07. Standards for Portable and Temporary Signs

### A. Purpose.

The Council finds that the proliferation of portable and temporary signs is a distraction to the traveling public and creates aesthetic blight and litter that threatens the public’s health, safety, and welfare. In addition to the purpose provisions of Section 3.05.01 (General Provisions), these regulations ensure that portable and temporary signs do not create a distraction to the traveling public by eliminating the aesthetic blight and litter caused by these signs.

### B. General to All.

Portable and temporary signs are allowed only in compliance with the provisions of this Section.

1. **Permits.**
  - a. **Portable Signs.** No permits are required to place or display portable signs.
  - b. **Temporary Signs.** A Temporary Sign Permit is required for all temporary signs (i.e., banner signs and yard sign type II and type III signs) as described in Section 6.04.01.C (Sign Permits – Temporary Signs).
2. **Not Included in Permanent Sign Allowances.** Portable and temporary signs are not counted toward the maximum total sign area established in Section 3.05.05 (Standards for Permanent Signs).
3. **General Time, Place, and Manner Restrictions.**
  - a. **Time Restrictions.**
    - i. Portable signs. Refer to Table 3.05.07-1 (Standards for Portable Signs) for the time restrictions for portable signs.
    - ii. Temporary signs. Refer to Table 3.05.07-3 (Standards for Temporary Signs) for the time restrictions for temporary signs.
  - b. **Location Restrictions.** Unless specifically exempted by this Section, portable and temporary signs must be placed in compliance with Subsection 3.05.03.A (Location Restrictions).
  - c. **Prohibited Elements.** Any form of illumination is prohibited on portable and temporary signs, including flashing, blinking, or rotating lights; animation; reflective materials; and attachments including balloons, ribbons, loudspeakers, etc. are prohibited.
  - d. **Design and Construction.** Portable and temporary signs must be of sufficient weight and durability to withstand wind gusts, storms, etc. and must be professionally crafted.
  - e. **Removal.** All portable and temporary signs must be removed within 14 calendar days after the conclusion of the purpose served by the sign.



**A. Additional Standards for Portable Signs.**

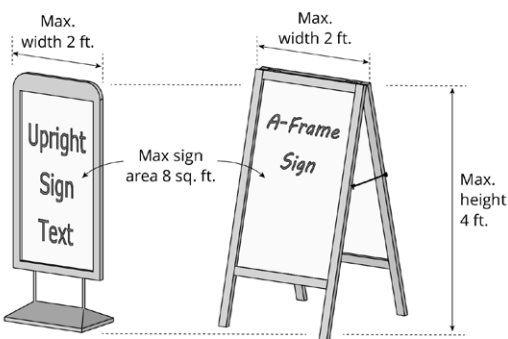
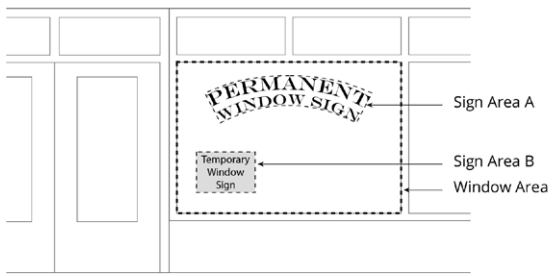

- 1. Portable signs are allowed in compliance with the provisions in Table 3.05.07-1 (Standards for Portable Signs).

**TABLE 3.05.07-1: Standards for Portable Signs**

| Standards  | Requirements  |
|--|---|
| <i>“ft”</i> = Feet; <i>“lf”</i> = Linear Feet; and <i>“sf”</i> = Square Feet |   |
| <b>Residential Only Zones or Residential Only Portion of Mixed-Use Zones</b> |   |
| Total Area of all Portable Signs at Any One Time                             | Max. 6 sf per lot or parcel   |
| Number of Signs  | Unlimited except that the total sign area must not exceed 6 sf.   |
| Time Limitations   | No limitation on the length of time they may be displayed.<br>2 additional yard sign type I signs may be displayed for any consecutive 120-day period one time within the calendar year.              |
| <b>All Other Zones</b>   |   |
| Total Area of All Portable Signs at Any One Time                             | Max. 9 sf per business.<br>Excludes the area of window signs.   |
| Number of Signs  | Unlimited except that the total sign area of all temporary signs (excludes the area of window signs) must not exceed 9 sf per business.   |
| Time Limitations   | No limitation on the length of time they may be displayed.<br>2 additional yard sign type I signs per business may be displayed for any consecutive 120-day period one time within the calendar year. |

**2. Standards for Specific Portable Sign Types.** Portable signs must comply with the standards provided in Table 3.05.07-2 (Standards for Specific Portable Sign Types).

**TABLE 3.05.07-2: Standards for Specific Portable Sign Types**

| Portable Sign Type   | Standards     |              |                           | Other Requirements  |
|--|---------------|--------------|---------------------------|---|
| <i>"ft"</i> = Feet; <i>"lf"</i> = Linear Feet; and <i>"sf"</i> = Square Feet   |               |              |                           |   |
| Portable Sign Type <sup>1</sup>  | Height (Max.) | Width (Max.) | Area (Max.)               | Other Requirements  |
| <p><b>A-Frame or Upright Sign</b></p>  <p>The diagram shows two types of portable signs. On the left is an 'Upright Sign' on a stand, with a label 'Max. width 2 ft.' and 'Max sign area 8 sq. ft.'. On the right is an 'A-Frame Sign' on a tripod stand, also with a label 'Max. width 2 ft.' and 'Max. height 4 ft.'.</p>   | 4 ft          | 2 ft         | 6 sf                      | <p>Prohibited in residential zones.</p> <p>If advertising a business, only permitted during regular business hours.</p>                                     |
| <p><b>Window Sign</b></p>  <p>The diagram shows a window with a sign. The sign is divided into two areas: 'Sign Area A' (the main sign) and 'Sign Area B' (a smaller 'Temporary Window Sign'). The entire window area is labeled 'Window Area'. Below the diagram, it states: 'Sign Area A + Sign Area B ≤ 50% Window Area'.</p>  | —             | —            | See End Note <sup>2</sup> | <p>Max. Height: Placed no higher than first story windows. Inside mounting required.</p> <p>Not included in the total sign area for all portable signs.</p> |
| <p><b>Yard Sign Type I</b></p>  <p>The diagram shows a 'Yard Sign Type I' which is a rectangular sign on a post.</p>  | 4 ft          | 2 ft         | 3 sf                      | <p>Installation Requirement: Installed securely in the ground.</p>  |
| <p><b>End Notes:</b></p> <ol style="list-style-type: none"> <li>1. Other non-permanent sign types may be allowed (e.g., fuel pump topper signs, wraps around waste receptacles, or balloon bobbars (max. height of tether or support is 3 ft) provided the aggregate sign area of these signs is max 20 sf.</li> <li>2. The area of temporary and permanent window signs combined (including signs constructed of perforated vinyl or painted on the window) must not exceed 40% of the area of the window on or within which they are displayed.</li> </ol> |               |              |                           |   |

## B. Sign Walkers.

To promote pedestrian and traffic safety, sign walkers are subject to the following time, place, and manner restrictions:

1. A sign permit is not required for a sign walker;
2. Sign walkers are only allowed in the commercial and industrial zones and commercial planned development zones;
3. Sign walkers are permitted to stand on a sidewalk provided pedestrian movement is unimpeded in conformance with applicable provisions of the Americans with Disabilities Act (ADA);
4. Sign walkers are prohibited from standing in the median of streets, in travel lanes, landscaped areas, curb ramps at crosswalks, and unimproved rights-of-way areas. Sign walkers may not interfere with traffic or block pedestrians or bicyclists;
5. A business is only allowed to use a sign walker for up to 10 consecutive days in any 30-day period and there must be at least a 20-day period before the commencing of another 10-day period;
6. Sign walkers are permitted only from 8:00 am to 8:00 pm;
7. Sign walker signs must not exceed 10 square feet in the area;
8. Sign walker signs that include any of the following are prohibited:
  - a. Audio devices to attract attention;
  - b. Any form of illumination, including flashing, blinking, or rotating lights; and
  - c. Animation on the sign itself.
9. Spinning, waving, throwing the sign in the air, or any other similar erratic movements intended to attract attention is prohibited; and
10. No shade structure, chair, or other sitting device is permitted for a sign walker.

**C. Additional Standards for Temporary Signs.**

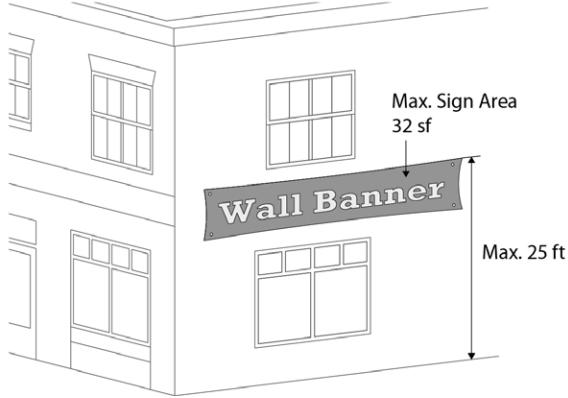


1. Temporary signs are allowed in compliance with the provisions in Table 3.05.07-3 (Standards for Temporary Signs).

**TABLE 3.05.07-3: Standards for Temporary Signs**

| Standards  | Requirements  |
|--|---|
| <i>“ft”</i> = Feet; <i>“lf”</i> = Linear Feet; and <i>“sf”</i> = Square Feet |   |
| <b>Residential Zones or Residential Only Portion of Mixed-Use Zones</b>      |   |
| Number of Signs  | Yard sign type II and type III:<br>Max. 1 sign per street frontage.<br>Banner sign:<br>Prohibited, except as provided below.  |
| Time Limitations   | Yard sign type II and type III:<br>No limitation on the length of time they may be displayed.<br>Banner sign:<br>1 banner sign max. 8 sf in area may be displayed for any consecutive 120-day period one time within the calendar year.   |
| <b>All Other Zones</b>   |   |
| Number of Signs  | Yard sign type II and type III:<br>Max. 1 sign per street frontage.<br>Banner sign:<br>Max. 1 banner per business.  |
| Time Limitations   | Yard sign type II and type III:<br>No limitation on the length of time they may be displayed.<br>Banner sign:<br>1 additional banner sign (or up to 4 banners, max. 8 sf each) per lot or parcel may be displayed for any consecutive 120-day period one time within the calendar year. |

**2. Standards for Specific Temporary Sign Types.** Temporary signs must comply with the standards provided in Table 3.05.07-4 (Standards for Specific Temporary Sign Types).

**TABLE 3.05.07-4: Standards for Specific Temporary Sign Types**

| Temporary Sign Type  | Standards               |              |             | Other Requirements   |
|--|-------------------------|--------------|-------------|--|
| <i>"ft"</i> = Feet; <i>"lf"</i> = Linear Feet; and <i>"sf"</i> = Square Feet   |                         |              |             |  |
| Temporary Sign Type <sup>1</sup>   | Height (Max.)           | Width (Max.) | Area (Max.) | Other Requirements   |
| <p><b>Banner Sign</b></p>           | 25 ft to top of banner. | —            | 32 sf       | <p>Prohibited in single-family residential zones except as allowed in Table 3.05.07-3.</p> <p>Must be mounted on a building wall or between columns, posts, or stakes anchored securely into the ground.</p> |
| <p><b>Yard Sign Type II</b></p>   | 6 ft                    | 2 ft         | 4 sf        | <p>Installation Requirement: Installed securely in the ground.</p>   |
| <p><b>Yard Sign Type III</b></p>  | 7 ft                    | 6 ft         | 24 sf       | <p>Prohibited in single-family residential zones.</p> <p>Installation Requirement: Installed securely in the ground.</p>   |



- 3. Temporary model home complex/active residential subdivision signs.** Temporary model home complex/active residential subdivision signs are allowed as a condition of the subdivision approval in all residential zones and for residential developments in the mixed-use zones. These signs must comply with the standards provided in Table 3.05.07-5 (Standards for Temporary Model Home Complex/Active Residential Subdivision Signs in All Residential Zones).

**TABLE 3.05.07-5: Standards for Temporary Model Home Complex/ Active Residential Subdivision Signs in All Residential Zones**

| Sign Type   | Maximum Number of Signs   |
|---|---|
| Banner <sup>1 2</sup>   | 1 per boundary street frontage of the model home complex/active residential subdivision                           |
| Yard Sign Type I <sup>1 2</sup>   | 1 per lot or dwelling<br>1 per boundary street frontage of the model home complex/ active residential subdivision |
| Yard Sign Type II <sup>1 2</sup>  | 1 per lot or dwelling   |
| Yard Sign Type III <sup>1 2</sup>   | 1 per boundary street frontage of the model home complex/ active residential subdivision                          |
| <p><b>Additional Standards for Temporary Model Home Complex/ Active Residential Subdivision Signs:</b></p> <ol style="list-style-type: none"> <li>1. <i>All temporary model home complex/active residential subdivision signs must be removed upon the conversion of the model home(s) to a residential use and must be removed upon the close of escrow of the last lot in the subdivision or upon cessation of use, whichever comes first.</i></li> <li>2. <i>Any temporary model home complex/active residential subdivision signs placed in public right-of-way requires approval of an Encroachment Permit.</i></li> </ol> |   |

## 3.05.08. Nonconforming Signs

### A. Purpose.

This Section establishes regulations for nonconforming signs that were lawful before the adoption or amendment of this Chapter, but which would be prohibited, regulated, or restricted differently in compliance with the current regulations. These provisions provide for the orderly termination of nonconforming signs to promote the public health, safety, and general welfare, and to bring nonconforming signs into conformity with the goals and policies of the City's adopted General Plan. In recognition of these declarations, it is the intent of this Chapter to:

1. Prevent the expansion of nonconforming signs to the maximum extent feasible;
2. Establish criteria under which nonconforming signs may be continued or expanded; and
3. Provide for the correction or removal of nonconforming signs in an equitable, reasonable, and timely manner.

### B. Applicability.

Nonconforming signs may be maintained, expanded upon, and/or abated only in accordance with the provisions of this Section. In no event will the degree of nonconformity of any sign or type of signage on any lot be increased. Illegal signs, such as signs installed without a required building permit, are not considered to be nonconforming signs.

### C. Signs Rendered Nonconforming.

Any sign which becomes nonconforming subsequent to the Effective Date of this ordinance either by reason of the annexation to the City of the territory upon which the sign is located, or the amendment of this Chapter to render a sign nonconforming, shall also be subject to the provisions of this Section.

### D. Modification and Maintenance.

1. No nonconforming sign shall be altered in any manner, reconstructed, or moved without being made to comply in all respects with the provisions of this Chapter. Nothing in this Section shall prohibit the normal upkeep or repair of any sign, nor the painting or repainting of the face of the sign, during its lawful existence.
2. Nonconforming signs are required to be maintained in good condition in compliance with Section 3.05.04 (General Requirements for All Signs). Maintenance of legal nonconforming signs shall be consistent with applicable California law. Nothing in this Chapter shall affect existing property or the right to its continued use for the purpose used at the time this Chapter takes effect, nor to make any reasonable repairs or alterations.
3. A legal nonconforming sign that has been damaged to the extent of more than 50 percent of the appraised value of the sign structure or is temporarily or permanently removed by any means, including "an act of God," shall be removed or rebuilt, repaired, or replaced only in compliance with the provisions of this Chapter if an application for a Sign Permit to re-erect the sign is made within 6-months of its destruction.

### E. Signs Previously Approved.

Any sign erected and installed pursuant to a permit lawfully issued by the City prior to the Effective Date of this ordinance shall be treated as a conforming sign. All signs determined to be conforming signs may be continued, maintained, and repaired so long as the sign is not structurally altered or expanded.

## F. Removal or Replacement of a Nonconforming Sign.

Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign, is required when:

1. A building is renovated and the cost of the renovation is 50 percent or more of the value of the building as determined by the Building Official or the building is demolished and rebuilt; or
2. The use of the sign and/or the property on which the sign is located has been abandoned, ceased operations, become vacant, or been unoccupied for a period of 90 consecutive days or more as long as the period of non-use is attributable at least in part to the property owner, tenant, or other person or entity in control of the use. For purposes of this Section, rental payments or lease payments and taxes shall not be considered as a continued use. In the event this should occur, such conditions will be considered as evidence of abandonment, requiring removal of the sign by the owner of the property, his/her agent, or person having the beneficial use of the property, building or structure upon which such sign or sign structure is erected within 30 days after written notification from the Community Development Director. If, within the 30-day period, such sign(s) is (are) not removed, enforcement action shall be pursued.

## G. Incentive for Replacement of a Nonconforming Freestanding Sign.

1. As an incentive for the replacement of a nonconforming freestanding sign with a new sign that is in closer conformance with the area and height standards for freestanding signs of Subsection 3.05.05.D (Standards for Permanent Freestanding Signs), a new freestanding sign may be approved and erected that is reduced in height and area by 10 percent of the existing nonconforming sign, or the area and height standards for freestanding signs established in Subsection 3.05.05.D (Standards for Permanent Freestanding Signs), whichever is larger. The replacement freestanding sign must be a type authorized in Subsection 3.05.05.D.
2. The new replacement sign shall be located in the same place as the former nonconforming sign, unless it would be located in a corner cut-off area or similar location where freestanding signs are prohibited (refer to Subsection 3.05.04.A), in which case it may be placed as close as possible to its original location and still satisfy the requirements of this Chapter. Any nonconforming sign modified in accordance with the provisions of this Section will still be considered a nonconforming sign until full compliance with the area and height standards of Section 3.05.05 (Standards for Permanent Signs) has been achieved.

## H. Abatement.

Abatement of non-conforming signs shall be accomplished in the following manner:

1. Signs painted on buildings, walls, and fences shall be painted over in such a manner that the sign is no longer visible. The new painting shall be applied so that the sign area blends with and is compatible with the color scheme of the building.
2. All other signs not otherwise specified by this Section shall be removed or altered to cause it to conform with the provisions of this Title.

## I. Maintenance.

1. Nonconforming signs are required to be maintained in good condition in compliance with the sign maintenance provisions of Section 3.05.04 (General Requirements for All Signs). Maintenance of legal nonconforming signs shall be consistent with applicable California law. Nothing in this Chapter affects an existing sign or the right to its continued use for the purpose used at the time this Chapter takes effect, nor the right to make any reasonable repairs or alterations within the existing sign envelope.
2. A legal nonconforming sign that has been damaged to the extent of more than 50 percent of the appraised value of the sign structure or is temporarily or permanently removed by any means, including "an act of God," shall be removed or rebuilt, repaired, or replaced only in compliance with the provisions of this Chapter.

## J. Amortization of Nonconforming Signs and Inventory.

1. All nonconforming signs, except as described in paragraphs 2. and 3. below, shall have a useful and legal life of 15 years from the Effective Date.
2. All nonconforming freeway-oriented signs shall have a useful and legal life of 25 years from the Effective Date.
3. All nonconforming billboards located within the City limits and not within Interstate 10 corridor shall have a useful and legal life of 7 years from the Effective Date.
4. After the time frames described in paragraphs 1. through 3. above, nonconforming freeway-oriented signs and billboards may be removed in compliance with the requirements of the California Business and Professions Code. As often as may be desirable, but no less frequently than required by State law, the Director shall authorize an identification and inventory of all illegal and abandoned signs within the City in compliance with the requirements of State law.

## 3.05.09. Sign Permits and Procedures

### A. Purpose.

1. **Review Authority.**
  - a. It is the duty of the Department to enforce all permitting and entitlement provisions of this Chapter. The Director has the authority under this chapter to designate a representative of the Department to implement the provisions herein.
  - b. All department officials and public employees of the City vested with the duty or authority to issue permits shall conform to the provisions of this chapter and shall issue no permit, certificate, or license for uses in conflict with the provisions of this chapter. It shall be the duty of the Director and the Fire Department to enforce the provisions of this Chapter.
2. **Applications and Fees.**
  - a. Application for a Sign Permit shall be made upon a form provided by the City and shall contain such information as may be required to assure compliance with this chapter of the code. If the applicant does not agree with the decision made, an appeal process is available under Special Review to the Planning Commission.
  - b. The application fee for Sign Permits shall be fixed from time to time by City resolution. The fee shall be doubled when the installation of a sign is commenced before obtaining a Sign Permit.
3. **Identification.** Every sign erected, altered, or relocated must include the following information where it is readily visible: the date of erection or installation, the date of alteration, the Sign Permit number, and the voltage of any internal electrical components, as well as the Underwriter's Laboratory approval stamp in a conspicuous place.

### B. Sign Permits – Permanent Signs.

1. **Purpose.** This section establishes the permitting requirements for permanent sign structures as described in Chapter 3.05 (Sign Regulations) to ensure compliance with the applicable provisions of this Code.
2. **Sign Permit Requirement.**
  - a. Where a Sign Permit is required by this Chapter, it shall be unlawful for any person to erect, place, display, alter, repair, or relocate a permanent sign structure without first obtaining approval for a Permanent Sign Permit from the Director.
  - b. A sign permit is not required for the following;
    - i. Exempt signs per Subsection 3.05.01.D (Exemptions);
    - ii. Changes to the face or copy of changeable signs;
    - iii. Changes to the face or copy of an existing single-tenant or multi-tenant freestanding or building mounted sign from one business to another with no structural or lighting modifications to the sign; and
    - iv. The normal repair and maintenance of conforming or legal nonconforming signs, except as provided in Section 3.05.04.E (Sign Maintenance).

### 3. Review and Approval.

- a. **Review and Determination.** The Director shall review the Sign Permit application and supporting documentation for compliance with the standards of Chapter 3.05 (Sign Regulations). The Director shall determine whether the Sign Permit may be issued or if additional information is required from the applicant to complete the permit application in compliance with the Review Schedule on file with the Department. If the Sign Permit application is denied, the reason shall be stated in writing.
- b. **Method of Review.** After receipt of a sign application, the Director shall render a decision to approve, approve with modifications, or deny the sign request within seven working days. Such review will ensure that any sign proposal is in conformance with this chapter and is consistent with the City's objectives or as stated in a design agreement. The Director may grant slight deviations from the designated sign area or location or distance between signs, not to exceed 10 percent, when he or she determines no other reasonable method of signing is functional.
- c. **Substitution.** Any time after a Sign Permit is issued, a new owner, tenant, or lessee of record may be substituted for the original applicant if a record of the new interest is made with the City and the new interest assumes all obligations they would have had consistent with the original permit.
- d. **Expiration.** A Sign Permit shall expire and become null and void if the work authorized in compliance with the permit is not commenced within 180 days from the date of issuance of such permit, or if work is suspended or abandoned for a period 90 days or more at any time after the work has commenced. If a Sign Permit has not been obtained within 180 days after the approval of permit plans and issuance of the permit, the Director shall consider the application withdrawn.
- e. **Inspections.**
  - i. All signs for which a Sign Permit is required are subject to inspection to establish compliance with the provisions of Chapter 3.05 (Sign Regulations), as well as the following additional inspections, unless waived in writing by the Building Official:
    - ii. Footing inspections on all freestanding signs, including the addition of additional sign area to existing signs;
    - iii. Electrical inspections for all sign structure(s) prior to placement; and,
    - iv. Final inspection to establish compliance with provisions of this Code and other applicable City codes.
- f. **Violations.**
  - i. Any work commenced without a Sign Permit, or any work beyond the authorized scope of a Sign Permit constitutes a violation of this Chapter and is grounds for the Director to issue a correction notice and/or to stop all work on the sign until appropriate permits are obtained.
  - ii. Permits issued for work commenced without a Sign Permit, or any work beyond the authorized scope of a Sign Permit, shall be assessed double the required permit fees for the sign(s) otherwise as established in the City's Fee Schedule. Payment of a double permit fee shall not exempt any person from compliance with all other provisions of Chapter 3.05 (Sign Regulations), nor from any penalty prescribed by law.

### C. Sign Permits – Temporary Signs.

1. **Purpose.** This Section establishes the permitting requirements for temporary signs to ensure compliance with the applicable provisions of this Code.
2. **Temporary Sign Permit Requirement.** It is unlawful for any person to erect, place, display, alter, or relocate a temporary banner sign, yard sign type II sign, or yard sign type III sign without first obtaining approval for a Temporary Sign Permit from the Director.
3. **Duration of Temporary Sign Permit.** The duration of a Temporary Sign Permit for temporary signs is established in Table 3.05.07-3 (Standards for Temporary Signs).
4. **Review and Approval.**
  - a. **Review.** The Director shall review the Temporary Sign Permit application and supporting documentation for compliance with the standards of Section 3.05.07 (Standards for Portable and Temporary Signs).



- b. **Determination.** The Director shall determine whether the Temporary Sign Permit may be issued or if additional information is required from the applicant to complete the permit application in compliance with the Review Schedule on file with the Department. If the Temporary Sign Permit application is denied, the reason shall be stated in writing.
  - c. **Authorization.** Issuance of a Temporary Sign Permit authorizes the holder to install a temporary sign(s) in compliance with the terms of the permit. At any time after a Temporary Sign Permit is issued, a new owner, tenant, or lessee of record may be substituted for the original applicant if a record of the new interest is made with the City and the new interest assumes all obligations he or she would have had in compliance with the original permit. The change of interest shall not imply that any fees paid for the permit will be returned to either the interest which has been replaced or the substitute.
5. **Inspections.** All temporary signs for which a Temporary Sign Permit is required are subject to inspection to establish compliance with the provisions of Chapter 3.05.07 (Standards for Portable and Temporary Signs) and any other applicable City codes.
6. **Violations.** Any temporary sign installed or displayed without a Temporary Sign Permit is in violation of this Section and is grounds for the Director to issue a correction notice and/or to cause removal of the temporary sign until appropriate permits are obtained.

#### D. Sign Permits – Master Sign Plans

1. **Purpose.** The purpose of this Section is to provide a process to respond to special signage needs for proposed or existing multi-family residential and nonresidential uses, as well as to provide sign design incentives that promote superior sign design, materials, and methods of installation. Master Sign Plan provides mixed-use, non-residential, and multi-family residential uses with flexibility to develop innovative, creative, and effective signage and to improve the aesthetics of the City. This plan also provides an alternative to minimum standard signage subject to sign design performance standards.
2. **Applicability.** Master Sign Plan apply to proposed or existing mixed-use, non-residential, and multi-family residential uses as follows:
- a. **Master Sign Plan is required for:**
    - i. All proposed multi-tenant, or multi-story non-residential developments including mixed-use developments, and multi-family residential uses; and
    - ii. Existing mixed-use and non-residential multi-tenant uses, when:
      - a). A building addition and/or an increase of use is proposed in terms of gross floor area, seating capacity, or other units of measurement indicating an intensification of use of 25 percent or more; or
      - b). An exterior structural remodeling of the building facade is proposed which affects signage.
  - b. A Master Sign Plan may voluntarily be developed and maintained by the owner, applicant, or representative of any new or existing mixed-use, non-residential, and multi-family residential use, when the owner, applicant or representative seeks allowed adjustments under Section 3.05.06 (Sign Design Standards). Any adjustments authorized under a Master Sign Plan using the Sign Design Performance Standards apply to all building mounted signs and freestanding signs within the boundaries of the subject site.
3. **Review.**
- a. Applications for a Master Sign Plan, including a Master Sign Plan that utilizes the sign design performance standards provided in Section 3.05.06 (Sign Design Standards), shall be reviewed by the Director.
  - b. At a minimum, all Master Sign Plans shall include the type, number, size, location/placement, and general design parameters of all permanent building mounted and freestanding signs. Modifications to any uniform sign program shall be made in the same manner as the original approval. All Master Sign Plan submittals shall be reviewed for compliance with the requirements of this Section, and the Director shall either approve, conditionally approve, or deny the proposed Master Sign Plan. Following approval by the Director, a copy of the approved Master Sign Plan will be made available to the

applicant. Individual signs for multi-tenant developments included within the approved Master Sign Plan are subject to the issuance of separate Sign Permits in compliance with this Chapter.

- c. The Planning Commission shall review all Master Sign Plans that request an increase in allowable sign height and area beyond the limits established in Section 3.05.06 (Sign Design Standards) for freestanding and building mounted signs for multi-tenant buildings and shopping centers.

**4. Supplemental Provisions.**

- a. Modifications to an approved Master Sign Plan shall be reviewed by the Director.
- b. No sign identified in this Section may be placed upon real property without the consent of the real property owner(s), who shall either sign and submit the application for a Master Sign Plan or designate in writing an authorized representative.
- c. A Master Sign Plan may be implemented in phases.

**5. Submittal Requirements.** A complete application for Master Sign Plan review and approval is required following, or in conjunction with, the approval of the required site plan for the development, and prior to issuance of a building permit. An application for Master Sign Plan review shall be submitted on a form prescribed by the City in compliance with Section 3.05.09.A.2 (Application and Fees). The application shall be signed by the property owner(s), and/or their authorized agent(s), if appropriate.

**6. Individual Signs Authorized by an Approved Master Sign Plan.** Sign Permits, which must be obtained in compliance with Subsection 3.05.09.B (Sign Permits - Permanent Signs), are required for individual signs authorized by an approved Master Sign Plan, provided:

- a. The signs comply with all applicable conditions of the approved Master Sign Plan;
- b. Sign Permit applications are submitted within a time period specified as part of the conditions of the content or review of the Master Sign Plan, where applicable; and
- c. Sign Permit applications are submitted prior to any subsequent amendment to this Chapter which is more restrictive than provisions existing when the Master Sign Plan was approved.

## 3.05.10. Sign Enforcement

### A. Authority.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, display, maintain, or use a sign within the city contrary to, or in violation of, any provision of this Chapter.

### B. Abatement.

Any sign located on any public right of way or public property or on any utility pole or streetlight in violation of this Chapter or located on private property without the permission of the property owner, may be removed by the Director. The signs will be held for 10 days by the City prior to destruction. If the name and address of the person responsible for the sign can be reasonably ascertained, the City shall provide at least seven days written notice by first class mail to the sign owner stating the location of the signs, the fact they will be destroyed, and the cost for recovering the signs.

- 1. Agency Relationship.** Persons posting signs within the City are responsible for knowing the City's sign regulations. Any person posting signs is deemed the agent of any other person or directed the manufacture or posting of the signs. These persons shall be individually and severally liable to the City for the costs of abatement of any illegal signs, as well as criminally liable for violations of this Chapter.
- 2. Costs.** The fees to be charged for the removal and storage of non-conforming signs shall be established by resolution of the City Council in the City's fee schedule and shall not exceed the City's estimated reasonable cost for the removal and storage of the signs. The Director shall review such fees as appropriate and recommend any necessary adjustments to the City Council.

## 3.05.11. Variance

The requirements of this Section shall be enforced in compliance with the variance provisions of 6.04.06 (Administrative Variances and Variances).

## 3.05.12. Severability

If any Section, sentence, clause, phrase, word, portion or provision of the Chapter is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other Section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid provision. The invalidation of the application of any Section, sentence, clause, phrase, word, portion, or provision of this Chapter to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such Section, sentence, clause, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.

## 3.06. ART IN PUBLIC PLACES



### A. Purpose

The City Council finds and declares:

1. This chapter may be known and cited as the Indio Art in Public Places Program. The city has developed a nationwide reputation through the annual International Tamale Festival, mural program, and other artistic events, that attract thousands of visitors every year to the city. The public health, safety and welfare, the preservation and enhancement of property values and economic vitality, as well as the popularity and prosperity of the community, are dependent upon and enhanced by visually pleasing and high-quality public art.
2. A stated goal of the General Plan is to provide a high quality of life and strong community identity enhanced by rich arts and culture programs. The Art in Public Places Program is intended to achieve this purpose by providing visual art throughout the city.
3. Residential and commercial development throughout the city will benefit from public art, both financially and visually. All property within the city will prosper through the enhancement and preservation of property values that will result from the location of visual art throughout the city. As such, the cost of providing public art should be shared. This program is a means of achieving a balanced responsibility of providing a cultural enhancement.
4. Establishment of the Art in Public Places Program will promote the general welfare through balancing the community's physical growth with revitalization and its cultural and artistic resources.

## B. Art in Public Places Program Established

The Art in Public Places Program is hereby established, which shall be applicable to public, residential, non-residential development. Each development subject to the program shall allocate a percentage of the costs of the development towards the placement of artwork within the development or elsewhere in the city, provided that a developer may pay a fee in lieu thereof. The allocation percentage is established in Subsection D (Program Allocation).

## C. Art in Public Places Fund

1. There is hereby created a fund to be known as the “Art Fund” to account for fees paid pursuant to Subsection D (Program Allocation). This fund shall be maintained by the City Finance Director and shall be used:
  - a. For the design acquisition, commission, installation, improvement, maintenance and insurance of an artwork, including the development of a design concept and the preparation of construction drawings, which are separate and apart from the cost of the fabrication and installation of the artwork;
  - b. For the acquisition and improvement of real property for the purpose of displaying artwork, which has been or may be subsequently approved by the City;
  - c. During a fiscal year, for maintenance of artwork purchased pursuant to Subsection 1.a above;
  - d. For costs associated with administering the Art in Public Places Program.
2. If real property purchased with monies from the Art Fund is subsequently sold, the proceeds from the sale shall be returned to the Art Fund.

## D. Program Allocation

1. The Program Allocation is the percentage of the construction costs set aside for the Art in Public Places Program. All residential construction of more than one unit, rehabilitation or expansion with a building permit valuation of \$100,000 or more will be assessed an amount equal to ¼ percent for that portion of the permit valuation in excess of \$100,000.
  - a. All other residential development, including two or more single-family dwellings being built concurrently in the same tract by the same owner or contractor, will be assessed an amount equal to ¼ percent of the total building valuation, excluding land acquisition and off-street improvement costs.
  - b. All public, non-residential development will be assessed an amount equal to ½ percent of the total building valuation, excluding land acquisition and off-site improvement costs.
  - c. The total building valuation shall consist of the dollar amount of all construction permits using the latest building valuation data, as set forth by the International Code Council, unless, in the opinion of the Director, a different valuation methodology is more appropriate for a particular project.
2. In lieu of placement or donation to the City of an approved artwork, the applicant may pay to the Art Fund an amount equal to the program allocation set forth in this Subsection. In lieu fees are due prior to the issuance of a building permit.
3. Nothing in this section shall prohibit the applicant from placing an approved artwork with acquisition and installation costs in an amount less than the program allocation, provided that the applicant shall also pay to the Art Fund an amount equal to the difference between the program allocation and the costs of acquisition and installation of such artwork.

## E. Authority to Adopt Guidelines

The City Manager shall have the power and authority to promulgate guidelines for the implementation of the Art in Public Places Program, and when duly promulgated, such rules and regulations shall be in full force and effect.





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**ARTICLE 4**

**REGULATIONS FOR  
SPECIFIC USES**

UNIFIED DEVELOPMENT CODE

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# 4.01. PURPOSE + AUTHORITY

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## 4.01.01. General Provisions

- A.** This Article provides site planning, development, and operating standards for certain land uses when allowed in accordance with Article 2 (Zone Regulations) and for activities that require special standards to ensure their compatibility with site features, existing uses, and surrounding uses. The standards in this Article supplement the development standards established in Article 2 (Zone Regulations). For land uses not discussed in the following Chapters, refer to Article 7 (Definitions).
- B.** The intent is to ensure that such developments do not have negative impacts on traffic, safety, air quality, and visual character of the area in which they are located.
- C.** Parking for all land uses shall be provided in accordance with Chapter 3.03 (Parking and Loading).
- D.** Signage for all land uses shall be provided in accordance with Chapter 3.05 (Sign Regulations).
- E.** Exterior lighting for all land uses shall be provided in accordance with Section 3.02.11 (Outdoor Lighting).
- F.** Fences, walls, and screening for all land uses shall be provided in accordance with Section 3.01.10 (Fences, Walls, and Screening).
- G.** As applicable, the provisions of Chapter 152 (Dust Control) shall apply.
- H.** Any decision of the Director may be appealed to the Planning Commission as prescribed in Section 6.03.13 (Appeals).
- I.** All distances shall be measured in a straight line, without regard to intervening structures or objects, from the property line of the lot containing or proposed to contain the specific use listed in this Article to the nearest property line or zone enumerated in Article 2 (Zone Regulations).

## 4.02. ACCESSORY DWELLING UNITS

### 4.02.01. Purpose and Applicability

This Chapter provides the requirements for the establishment of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) consistent with Government Code Sections 65852.2 and 65852.22. ADUs contribute needed housing to the community's housing stock and are a residential use which is consistent with the General Plan objectives and this Code and which enhances housing opportunities.

An accessory use shall be secondary to a primary use and shall be allowed only in conjunction with a principal use or building to which it relates under the same regulations as the main use in any zone. These regulations are found in the land use regulation tables in Article 2 (Zone Regulations) and may be subject to specific standards found in this Chapter or within each zone, as specified in the tables. Unless otherwise specified, accessory uses and structures are also subject to the development and site regulations found in Chapter 3.02 (General Site Development Standards for All Zones). ADUs and JADUs are defined in Article 7 (Definitions).

### 4.02.02. General Requirements

ADUs shall comply with all provisions of the base, overlay, or specific plan zone, except as modified by this Chapter.

#### A. Primary Dwelling Unit Required.

The lot shall contain an existing residential dwelling at the time an application for an ADU is submitted, or the application for the ADU may be made in conjunction with the development of the primary dwelling.

#### B. Required Facilities.

An ADU shall contain a kitchen or an efficiency kitchen that includes cooking appliances, a food preparation counter, and storage cabinets. An ADU shall contain bathroom facilities separate from the single-family dwelling, with the exception of JADUs, which may share bathroom facilities with the primary residence (see Section 4.02.05 (Junior Accessory Dwelling Units)).

#### C. Access.

An ADU shall have independent exterior access and a separate address.

#### D. Utilities and Impact Fees.

1. ADUs shall be metered separately from the primary dwelling for gas, electricity, communications, water, and sewer services with the following exceptions:
  - a. ADUs constructed entirely within existing structures;
  - b. Statewide Exemption Accessory Dwelling Units (see Section 4.02.07 (Statewide Exemption Accessory Dwelling Units)), unless the ADU was constructed with a new single-family dwelling unit.
2. No JADU or ADU shall be permitted if it is determined that there is not adequate water or sewer service to the property.
3. No impact fees shall be imposed on a JADU or ADU that is less than 750 square feet in size. For purposes of this Chapter, "impact fees" shall not include utility connection fees or capacity charges.
4. For ADUs that are 750 square feet or more, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

#### E. Building and Fire Code Compliance.

ADUs shall comply with all applicable building and fire code requirements. Provided, however, that ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence. Except however, fire sprinklers may be allowed to address fire code compliance as needed.

## **F. CEQA Exemption.**

ADUs and JADUs are exempt from CEQA.

## **G. Historic Preservation.**

Compliance with the appropriate Secretary of Interior's Standards for the Treatment of Historic Properties shall be required for properties listed in the California Register of Historical Resources.

## **H. Short-Term Rentals.**

ADUs shall not be used for short-term rentals for a term of less than 31 days.

## **I. Application – Owner Certification.**

An ADU may not be sold or otherwise conveyed separately from the primary residence except for as provided below (per Government Code Section 65852.26). As part of the building permit application process for an ADU, the owner of record shall submit a declaration, under penalty of perjury, stating that the ADU is not intended for sale separate from the primary residence, but may be rented. Nothing in this section shall be deemed to affect the legal status of an ADU built with a lawfully issued permit if the property is subsequently transferred or sold, or if the primary dwelling or ADU is subsequently rented or leased.

- 1. Exception.** A local agency shall allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer in conformance with the requirements of Government Code Section 65852.26. These include an ADU constructed on a property developed by a Qualified Non-profit Corporation, where there is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or where the property is held pursuant to a recorded tenancy in common agreement.

# **4.02.03. Development Standards**

An ADU may be constructed on the same lot as an existing or proposed single-family dwelling, duplex, or multi-family dwelling in residential or mixed-use zones and in Specific Plan zones that allow residential uses, subject to applicable Building and Fire Code requirements and the following development standards:

## **A. Number of Units.**

### **1. Single-Family Dwelling.**

No more than one ADU and one JADU shall be permitted to be located on the same lot that has an existing or proposed single-family dwelling. An ADU and JADU may be located in the same primary dwelling.

### **2. Duplex and Multi-Family Dwellings.**

No more than two ADUs detached from an existing multi-family dwelling unit shall be permitted to be located on the same lot. At least one ADU and up to 25 percent of the total number of existing multi-family dwelling units shall be permitted to be converted from existing non-livable space including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with State building standards for dwellings.

## **B. Residential Density.**

ADUs and JADUs shall not count toward the allowed density for the lot upon which the unit is located. ADUs and JADUs approved in compliance with this Article shall be considered a residential use that is consistent with the requirements of the General Plan and zoning ordinance.

### C. Location.

ADUs may be attached to or detached from an existing or proposed primary dwelling, or located within an existing dwelling. JADUs shall be located within the primary single-family dwelling.

### D. Height.

#### 1. Attached Accessory Dwelling Unit.

- a. ADUs attached to an existing or proposed primary dwelling that comply with the setback requirements for the primary dwelling as set by the underlying zone shall be subject to the maximum height requirements of the underlying zoning district.
- b. Attached ADUs that encroach within the setback requirements for the primary dwelling set by the underlying zone but comply with the setback requirements herein shall not exceed 18 feet.

#### 2. Detached Accessory Dwelling Unit.

- a. ADUs detached from an existing or proposed primary dwelling shall be subject to a maximum height of 18 feet.
- b. No more than 400 square feet of the ADU shall be constructed above the first floor. The remaining allowable square footage shall be constructed on the first floor.

### E. Size Limitations.

For the purposes of this Chapter, square footage for an ADU and primary dwelling shall not include garages, carports, and/or covered porches.

#### 1. Attached ADUs.

The floor area of an attached ADU shall not exceed 50 percent of the existing or proposed living area of the primary dwelling or 1,000 feet, whichever is greater. However, in no case shall the floor area exceed 1,200 square feet.

#### 2. Detached ADUs.

The floor area of a detached ADU shall not exceed 1,200 square feet.

### F. Lot Coverage.

ADUs shall be exempt from lot coverage calculations of the underlying zone. For the purposes of this Chapter, attached garages, carports, and covered porches associated with an ADU shall count towards lot coverage.

### G. Setbacks.

ADUs shall comply with the setback standards applicable to other structures within the zone in which the lot is located except as provided below.

#### 1. New ADU.

A four-foot side and rear yard setback shall be required for new attached or detached ADUs. ADUs shall be subject to front yard setbacks applicable to the primary dwelling, unless such a requirement would preclude the construction of a Statewide Exemption Accessory Dwelling Unit as is described in Section 4.01.07.

#### 2. Conversion of Existing Accessory Structure.

No setback shall be required for an ADU located within the existing living area or an existing accessory structure (e.g., detached garage), or an ADU that replaces an existing structure (e.g., garage converted to an ADU) and is located in the same location and to the same dimensions as the structure being replaced, unless required to meet current Building and Fire Code requirements.

#### 3. Conversion and Expansion of Converted Structures.

Any expansion of an ADU converted from a legal accessory structure or primary dwelling shall be subject to this Subsection (Development Standards) for an ADU. See also subsection G.4 below.



**4. Second Story Accessory Unit.**

A minimum setback of four feet from the side and rear lot lines, with an overhang of one-foot or less, shall be required for any second story of a detached ADU.

**5. Building Separation.**

A detached ADU shall be located at least six feet away from the primary dwelling unit.

**6. Safety Codes and Easements.**

Additional setback requirements may apply under the Building and Fire Codes or as a result of "no-build" easements or require compliance with existing easement restrictions.

## 4.02.04. Parking

### A. Conversion of Parking.

No replacement parking spaces shall be required if an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU.

### B. Removal of Off-Street Parking.

If off-street parking is removed to allow for an ADU in a single-family zone, the on-site parking need not be replaced.

### C. Required Parking.

No additional parking spaces shall be required for ADUs or JADUs.

### D. Parking Configuration.

If provided, the automobile parking for an ADU may be provided in setback areas and through tandem parking unless the Director finds that parking in setback areas or tandem parking is not feasible based upon the topographical conditions of the specific site or region or fire and life safety conditions.

## 4.02.05. Junior Accessory Dwelling Units

If a JADU is proposed, it shall comply with the requirements of California Government Code Section 65852.22, as may be amended from time to time, including but not limited to the following:

**A.** Shall not exceed 500 square feet in size.

**B.** Shall not be smaller than the size required to allow an efficiency unit pursuant to Health and Safety Code Section 17958.1.

**C.** Shall be contained entirely within the walls of a single-family residence. JADUs are not permitted on multi-family residential lots.

**D.** Shall provide a separate exterior entrance from the single-family home.

**E.** Shall contain a kitchen or an efficiency kitchen that includes cooking appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the JADU.

**F.** May share a bathroom with the single-family home.

**G.** The owner shall reside in either the single-family residence or the newly created JADU.

- H.** A deed restriction shall be recorded providing for a prohibition on the sale of the JADU separate from the single-family residence, including a statement that the deed restriction may be enforced against future purchasers, and a restriction on the size and attributes that conforms with the requirements of Government Code Section 65852.22.
- I.** Only one JADU shall be allowed per lot.
- J.** No additional parking shall be required for construction of a JADU.
- K.** When a garage is converted into a JADU, any off-street parking spaces that were provided by such garage are not required to be replaced.

## 4.02.06. Design Standards

### A. Design and Materials.

If the ADU requires an exterior addition to the primary dwelling or construction of a new detached building, the ADU shall be visually compatible with the primary dwelling as follows:

1. The ADU shall incorporate at least two of the same colors and/or materials as the primary dwelling unit.
2. The ADU shall incorporate at least two of the same stylistic or character defining elements of the primary dwelling unit, which include form, roof style/pitch, windows, doors, and accents/architectural details (e.g., trim, cornices, eaves, lintels, pilasters, columns, dormers, etc.)

### B. Privacy.

1. Any window or door of an ADU that faces adjacent residences and is less than 10 feet from the property line shall utilize one or more of the following techniques to lessen the privacy impacts onto those properties:
  - a. Use of opaque windows;
  - b. Placement of windows above eye-level (five feet or above) if architecturally compatible; and/or
  - c. Provision of vegetative or other screening treatment installed and effective prior to occupancy.
2. For detached ADUs, balconies and second story decks shall be located interior to the site and not facing the immediately adjacent side or rear yards.
3. For detached ADUs, open stairways shall be located interior to the site and not facing the immediately adjacent side or rear yards, if feasible.

## 4.02.07. Statewide Exemption Accessory Dwelling Units

Pursuant to subdivision (e) of Government Code 65852.2, only a building permit shall be required for an ADU or JADU in the following circumstances if the proposed ADU complies with Building, Fire, and safety codes, provides independent exterior access from the existing residence, and the side and rear setbacks meet the standards in this Chapter. Statewide Exemption ADUs, as described below, shall not be subject to the development and design standards within this Chapter, except for those standards noted in subdivision (e) of Government Code 65852.2.

### A. Single-Family Conversion.

One ADU and one JADU per lot shall be permitted within an existing or proposed single-family dwelling if the ADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and has exterior access separate from the primary dwelling and sufficient side and rear setbacks for fire safety. An ADU proposed under this Section may include an expansion of no more than 150 square feet beyond the same physical dimensions as the existing accessory structure to accommodate ingress and egress.

### **B. Single-Family Detached.**

New construction of one detached ADU that does not exceed 800 square feet and 16 feet in height shall be permitted with minimum four-foot side and rear yard setbacks. The detached ADU may be combined with a JADU that is permitted by Subsection A above.

### **C. Multi-family – Conversion.**

At least one ADU and up to 25 percent of the total number of existing multi-family dwelling units shall be permitted to be converted from existing non-livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with State building standards for dwellings.

### **D. Multi-family Detached.**

No more than two detached ADUs shall be permitted if the ADU(s) is/are located on a lot that has an existing multi-family dwelling, and the unit(s) is/are no more than 16 feet in height, and does/do not exceed four-foot rear yard and side setbacks.

## **4.02.08. Application Review and Approval**

ADUs and JADUs shall be allowed ministerially in compliance with this Chapter and State law as part of the building permit review process for the creation of the ADU or JADU.

### **A. Application.**

Concurrent with the submittal of a complete building permit application for the ADU or JADU, the ADU/JADU checklist, which demonstrates compliance with all of the ADU/JADU development regulations, shall be submitted. The application shall include plans showing the details of the proposed unit per submittal guidelines established by the Director or his/her designee.

### **B. Compliance Determination.**

The Director shall make a determination of compliance prior to issuance of the building permit for the ADU/JADU. The determination of the Director is final and not subject to appeal.

### **C. Approval.**

All applications for ADU/JADUs that meet and comply with the requirements of this Chapter shall be approved without additional permits, discretionary reviews, or hearings within 60 days after receipt of a substantially complete application if there is an existing single-family dwelling, duplex, or multi-family dwelling on the lot. Applicants may request a delay or waive the 60-day approval period. The application shall be denied if the proposed ADU/JADU does not comply with all applicable requirements of this Chapter or it may be conditionally approved subject to conditions that will bring the proposed ADU into compliance with this Chapter.

If the application involves an ADU or JADU where there is also an application for a new single-family dwelling on the lot, then the Director may delay action on the ADU or JADU application to coincide with the single-family dwelling application as long as the Director applies the ministerial review required by this Chapter to the ADU.

## **4.02.09. Compliance with State Law**

To the extent any provision of this Chapter is inconsistent with State law governing ADUs or JADUs, the applicable State law shall govern.

## 4.03. ADULT-ORIENTED BUSINESSES

### 4.03.01. Purpose and Applicability

- A.** The purpose of this Chapter is to establish standards to enhance the compatibility of adult-oriented businesses with other uses in the same zone and to minimize impact of these uses to abutting residential properties. Adult-oriented businesses provide products and services of a mature nature capable of causing serious negative secondary effects on the community, including depreciation of property values; increase in vacancies in residential and commercial areas in the vicinity of adult-oriented businesses; interference with residential property owner's enjoyment of their properties when the properties are located in the vicinity of adult-oriented businesses; and blight conditions such as inadequate maintenance of commercial premises and parking lots, which thereby have deleterious effects upon adjacent areas.
- B.** The intent of these zoning provisions is to provide special design standards and regulatory guidelines which will direct the time, place, and manner of the operation of adult-oriented businesses in order to minimize the associated negative secondary effects.

### 4.03.02. Location Standards

All new adult-oriented business shall be located consistent with the following standards:

- A.** Located a minimum of 500 feet from another adult-oriented business
- B.** Located a minimum of 1,000 feet from all of the following uses:
  1. Any religious institutions;
  2. Schools;
  3. Park and recreation facilities;
  4. Community centers;
  5. Libraries;
  6. Youth organizations; and
  7. Child Day Care in a Home (Small or Large), or Day Care Centers.
- C.** Located a minimum of 250 feet from all of the following uses:
  1. Any business involving an on-premises sale of liquor or alcoholic beverages; and
  2. Any zone other than the IL and IH zones.
- D.** An adult-oriented business shall not be operated within any building or structure containing another adult-oriented business or use as defined by this Section.

### 4.03.03. Standards

- A.** Adult-oriented business shall comply with all permitting or licensing requirements and otherwise applicable standards in Chapter 120 (Sexually Oriented Businesses). In the case of a conflict between this Chapter and Chapter 120 (Sexually Oriented Businesses), this Chapter shall prevail.
- B.** To maintain the City's standard for safe business conduct, adult-oriented businesses must remain in compliance with the following:
  1. Maximum occupancy load, fire exits, aisles and fire equipment shall be regulated, designed, and provided in compliance with the Fire Department and building regulations and standards adopted by the City.

2. No adult-oriented business shall be operated in any manner that allows the observation of any material or activities depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” from any public way or from a location outside the building or areas of such establishment. This provision shall apply to any display, decoration, sign, show window, or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.
3. Lighting shall be required which is designated to illuminate all off-street parking areas serving such use for the purpose of increasing the personal safety of patrons and reducing the incidents of vandalism and theft. Said lighting shall be consistent with Section 3.02.11 (Outdoor Lighting).
4. No loudspeakers or sound equipment shall be used by an adult-oriented business for the amplification of sounds to a level discernible by the public beyond the walls of the building in which such use is conducted or which violates any existing noise restrictions or standards adopted by the City. The premises within which the adult-oriented business is located shall provide sufficient sound-absorbing insulation so that noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way or within any other building or other separate unit within the same building.
5. The building entrance to an adult-oriented business shall be clearly and legibly posted with a notice indicating that persons under 18 years of age are precluded from entering the premises. Said notice shall be constructed and posted to the satisfaction of the Director. No person under the age of 18 years shall be permitted within the premises at any time.
6. The adult-oriented business shall not be located, in whole or in part, within any portable structure.
7. The adult-oriented business shall not conduct or sponsor any special events, promotions, festivals, concerts, or similar activities which would increase the demand for parking spaces beyond the number of spaces for the business, as required by the Code.
8. The adult-oriented business shall not conduct any massage, acupuncture, tattooing, acupressure, or escort services and shall not allow such activities on the premises.
9. Landscaping shall conform to the standards established for the zone, except that, if the adult-oriented business is the sole use on a lot, no planting shall exceed 30 inches in height, except trees with foliage not less than six feet above the ground.
10. All indoor areas of the adult-oriented business within which patrons are permitted, except restrooms, shall be open to view by the management at all times.
11. Specified sexual activities are prohibited in restrooms of any adult-oriented business.
12. All areas of the adult-oriented business accessible to patrons shall be illuminated to a minimum level of 20 foot-candles, minimally maintained and evenly distributed at ground level except as otherwise required by law for adult motion picture theaters and as provided in Subsection 4.02.03.A.14 with regard to adult arcades.
13. Adult-oriented businesses are prohibited to operate between the hours of 1:00 a.m. and 9:00 a.m., daily.
14. Adult-oriented business shall not sell or offer for sale any device, instrument or paraphernalia designed or marketed primarily for sexual stimulation or for sadomasochistic use or abuse of themselves or others. Such devices, instruments, or paraphernalia include, but are not limited to, phallic shaped vibrators, dildos, muzzles, whips, chains, bather restraints, racks, non-medical enema kits, body piercing implements (excluding earrings or other decorative jewelry) or other tools of sadomasochistic abuse.
15. Public nudity is prohibited at adult-oriented businesses, whether or not alcoholic beverages are sold, served or consumed on the premises. Any adult-oriented business found to have violated this Section shall have its permit suspended or revoked pursuant to Chapter 120.09 (Suspension of Permit) and 120.10 (Revocation of Permit) of the Indio Municipal Code. It is hereby further declared that California Penal Code Section 314 relating to lewd public nudity specifically applies to sexually-oriented businesses (regardless of whether or not a permit has been issued to said businesses under this Chapter), including said businesses even if no alcoholic beverages are sold, served, or consumed at the premises of said businesses, pursuant to California Penal Code Subsection 318.5 and 318.6. Prosecution for violations shall be maintained under the Penal Code by the appropriate enforcement officials.
16. The Conditional Use Permit shall be conspicuously posted and visible to patrons inside the adult-oriented business.



17. The following additional requirements shall pertain to adult arcades which provide one or more viewing area(s):
- a. One or more manager's stations (not to exceed 32 square feet of floor area with no dimension greater than eight feet) shall be provided.
  - b. It shall be the duty of the owner(s) to ensure that at least one employee is on duty and situated at each manager's station at all times that any patron is present inside the adult arcade.
  - c. The interior of the adult arcade shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the adult arcade to which any patron is permitted access, excluding restrooms. If the adult arcade has two or more manager's stations designated, then the interior of the adult arcade shall be configured in such a manner that there is an unobstructed view of each area of the adult arcade to which any patron is permitted access, excluding restrooms, from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
  - d. It shall be the duty of the owner(s) and also the duty of all employees present in the adult arcade to ensure that the individual viewing areas remain unobstructed by any doors, walls, persons, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the adult arcade which has been designated as an area in which patrons will not be permitted in the application filed pursuant to this Section.
  - e. No individual viewing area may be occupied by more than one person at a time. Individual viewing areas of the adult arcade shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more individual viewing areas.
  - f. No individual viewing area shall contain booths, stalls, or partitioned portions of such individual viewing area used for viewing of adult material or other forms of entertainment, having doors, curtains or portal partitions, unless such individual viewing areas containing booths, stalls or partitioned portions have at least one side open to the manager's station and is visible to such manager's station. Any booth, stall, or partitioned portion of an individual viewing area authorized under this subparagraph shall be constructed so as to allow 12 inches of open space between the bottom of the stall or partition and the floor. Such open space shall remain unobstructed at all times.
  - g. The adult arcade shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, but such lighting shall not be of an intensity as to prevent the viewing of the adult material.

# 4.04. ANIMAL KEEPING

## 4.04.01. Purpose and Applicability

The purpose of this Chapter is to ensure that the keeping, raising, and maintenance of animals and bees within the city does not create an adverse impact on adjacent properties by reason of dust, fumes, noise, odor, insect or vermin infestations, or visual blight, and to maintain animal welfare and public health, safety, and well-being.

## 4.04.02. Standards

- A. The keeping of exotic or wild animals shall not be permitted in any zone in accordance with Article 2 (Zone Regulations).
- B. Domestic animals are allowed in all zones where residential uses are allowed subject to the following standards:
  1. Up to four dogs or cats or a combination, over four months of age.
  2. An unlimited number of small birds, fish, or nonpoisonous reptiles, provided they do not become a public nuisance due to odors, noise, or public health considerations.
  3. Up to four domesticated rodents, provided they do not become a public nuisance due to odors, noise, or public health considerations.
- C. The number of large and small livestock in residential zones is established in Table 4.04.02-1 (Number of Animals Permitted by Lot Area). Refer to Table 2.02.02-1 (Allowed Uses – Residential Zones) to determine in what residential zones large and small livestock may be kept:

**TABLE 4.04.02-1: NUMBER OF ANIMALS PERMITTED BY LOT AREA**

| Type of Animal   | Maximum Number of Animals Permitted per Lot Size |                                 |                                 |                                 |                  |
|--|--|---------------------------------|---------------------------------|---------------------------------|------------------|
|  | 8,000 sq. ft. – 12,999 sq. ft.                   | 13,000 sq. ft. – 19,999 sq. ft. | 20,000 sq. ft. – 43,559 sq. ft. | 43,560 sq. ft. – 87,119 sq. ft. | > 87,120 sq. ft. |
| "ft" = Feet and "sf" = Square Feet   |  |                                 |                                 |                                 |                  |
| <b>Equine and Large Livestock</b>  |  |                                 |                                 |                                 |                  |
| Cattle, Swine, Llamas, Alpacas, Goats, Sheep, and Other Livestock Not Prohibited By This Chapter | 0  | 0                               | 2 <sup>1</sup>                  | 4 <sup>1</sup>                  | Max. 5           |
| Horses, Mules, and Donkeys   | 0  | 0                               | 2                               | 4                               | Max. 4 per acre  |
| <b>Small Livestock and Poultry</b>   |  |                                 |                                 |                                 |                  |
| Goats (miniature, pygmy, dwarf)  | 2  | 2                               | 4                               | 8                               | Max. 10          |
| Poultry and Rabbits  | 5  | 10                              | 15                              | 20                              | Max. 25          |
| <b>End Note:</b>   |  |                                 |                                 |                                 |                  |
| 1. Max. 1 animal per 20,000 square feet gross lot area.  |  |                                 |                                 |                                 |                  |

**1. Offspring.**

Young animals born to a permitted animal kept on the site may be kept until such animals are weaned (cats and dogs: four months; large animals: six months; horses: 12 months) and are not subject to the maximum number of animals allowed in Table 4.04.02-1 (Number of Animals Permitted by Zone).

**2. Standards for Large Livestock.**

- a. Shelters for large livestock must be located:
  - i. No less than 75 feet from any dwelling unit.
  - ii. No less than 50 feet from any property line.
- b. At least 10,000 square feet of pasture must be made available for each large livestock animal.

**3. Additional Standards for Horse Corrals are as follows:**

- a. Horse corrals shall be a minimum of 300 square feet for the first horse and an additional 200 square feet for each additional horse.
- b. Horse corral fences shall be at least five feet in height and constructed securely to confine the horses.
- c. The corral and stable areas shall be sprinkled or otherwise treated so as to prevent dust, and all accumulation of manure, mud, or refuse shall be eliminated so as to prevent the breeding of flies.
- d. Stables shall be provided consisting of structures with weatherproof roofs with an area of 60 square feet for the first horse and an additional 36 square feet for each additional horse.
- e. Enclosed box stalls shall be a minimum of 12' x 12' per horse.

**4. Standards for Small Livestock and Poultry.**

- a. Male dwarf or pygmy goats must be neutered and dehorned by four months of age.
- b. Shelters and fenced enclosures for housing, keeping, or caring for small livestock must:
  - i. Be located no less than 10 feet from any property line and at least 20 feet from the nearest neighboring dwelling.
  - ii. Have a minimum of four square feet of indoor space per poultry or rabbit.
  - iii. Have a minimum of 10 square feet of permeable outdoor space per poultry or rabbit.
  - iv. Have a minimum of 130 square feet of permeable space per dwarf or pygmy goat.

**5. Maintenance.**

All livestock and the pens, stalls, stables, yards, shelters, cages, and premises where they are held or kept shall be maintained in such a manner so as to not become a public health nuisance. Livestock shelters and runs must be clean and sanitary, generally free of fecal and other matter that may attract flies, rodents, or cause an offensive odor that can be detected beyond the property line. Nothing in this Subsection shall be deemed to prohibit the use of animal manure or droppings to fertilize any farm, garden, lawn, or ranch in such a manner and for such purposes as are compatible with customary methods of good horticulture.

**6. Feeding.**

Feeding of livestock shall be done exclusively from containers (e.g., a trough) or on an impervious platform. Food for feeding livestock shall be stored in rodent and predator resistant containers. The area where livestock are fed must be located a minimum of 20 feet from any dwelling.

**7. Water.**

Watering troughs or tanks shall be provided and shall be equipped with adequate facilities for draining the overflow so as to prevent the ponding of water, the breeding of flies, mosquitoes, or other insects, or any additional health hazards. Watering troughs must be located a minimum of 20 feet from any dwelling.

**8. Shelters.**

Shelters must be covered, predator-resistant, properly ventilated, and designed to be easily accessed, cleaned, and maintained.

**9. Water Runoff.**

All animal-keeping facilities must be designed in a manner such that water runoff does not become a health hazard or nuisance to uses on other properties and is contained and disposed of and does not contribute to the pollution of local groundwater or the flooding of adjacent properties.

**10. Noise.**

No person shall keep or harbor any animal which by frequent or habitual howling, yelping, barking, crowing, or the making of any other noise, day or night, unreasonably disturbs the peace and quiet of any person or persons.

**11. Incineration.**

No incineration of animal refuse shall be permitted on the premises.

**12. Manure Storage and Removal.**

- a. Removal of manure must occur no less than once a month or as necessary to ensure the health, safety and welfare of residents and visitors to the area.
- b. Manure shall be stored within enclosures built expressly for this purpose. Manure storage containers shall be setback a minimum of 50 feet from any perimeter property line.
- c. Any condition that results in odors, unsightly areas, or infestation shall be deemed a public nuisance and/or health hazard and shall be abated within seven days of proper notice.

**D.** The keeping of all animals must comply with all applicable local, State, and Federal regulations.

**E.** Any increase in the number of large and small livestock in residential zones shall be subject to review and approval by the Planning Commission through a Conditional Use Permit (see Section 6.04.04 (Use Permits)). The Planning Commission shall make findings that the requested increase does not create impacts on adjacent properties that cannot be mitigated.

## 4.04.03. Standards for Bee Keeping

**A.** The following standards provide for the safe and orderly keeping of bees.

- 1. Bee keeping is allowed in the DE-1, DET-3, and SN-4 zones. The principal use of the property on which beehives are kept must be residential, institutional, or educational.
- 2. Beehives shall only be located in rear yards and shall be placed a minimum of 20 feet from any property line, except that in the DE-1 and DET-3 zoning beehives also may be placed in the interior side yards. In all zones the entrance to the beehive shall face away from the property line closest to the hive.
- 3. A flyway barrier shall be established and maintained so that all bees are forced to fly at an elevation of at least six feet above ground level in the vicinity of the beehive. Any fence, wall, or natural barrier proposed as a flyway barrier shall comply with the provisions of Section 3.01.10 (Fences, Walls and Screening), as well as the following:
  - a. Be a minimum of six feet tall;
  - b. Be solid such that bees cannot fly through it;
  - c. Be placed parallel to the property line; and
  - d. Extend a minimum of five feet beyond the beehive(s) in each direction.
- 4. A convenient source of water shall be made available for the bees at all times of the year so that bees are less likely to congregate at swimming pools, pet watering bowls, bird baths, or other water sources.
- 5. In any instance in which a bee colony exhibits unusually defensive characteristics by stinging or attempting to sting without provocation or exhibits an unusual disposition toward swarming, beekeepers shall promptly re-queen the colony with another marked queen. Queens shall be selected with a gentle disposition from stock bred for gentleness and non-swarming characteristics. An owner/keeper of a bee hive must be able to produce proof of a receipt from a queen breeder.

## 4.04.04. Backyard Breeding

### A. Purpose.

The purpose of this subsection is to protect the public health, safety, general welfare, and quality of life in the city. The City Council finds that backyard breeding of dogs and cats to potentially be incompatible with surrounding uses in any residential zone of the city because of the noise and odors associated therewith. In addition, the City Council finds that backyard breeding contributes to the stray animal population of the city. Furthermore, the City Council finds that backyard breeding often contributes to unhealthy and inhumane conditions for dogs and cats in the city.

### B. Prohibition.

Unless conducted by a licensed breeder, backyard breeding is prohibited on any residentially zoned property in the city, except as allowed as an accessory use in the DE-1, DET-3, and SN-4 zones as stipulated in Article 2 (Zone Regulations), and no person shall establish or operate a backyard breeding operation on any residentially zoned property.

### C. Backyard Breeding Standards.

No person shall cause or allow any dog or cat owned, harbored, or kept within the city to breed without first obtaining a Riverside County unaltered dog license for dogs and a City business license for the breeding of either dogs or cats. Backyard breeding of dogs or cats shall only be conducted by a reputable breeder and is subject to the following:

1. A reputable residential breeder must obtain a City business license and shall not allow the whelping or queening of more than one litter per business license within any 12-month period. Within 30 days of each litter, the reputable residential breeder shall notify the City of the date and the number of dogs or cats in the litter.
2. A reputable residential breeder must obtain a State of California sellers permit.
3. No offspring may be sold, adopted, bartered, or otherwise transferred until it has reached the age of at least eight weeks.
4. No offspring may be sold or adopted until properly immunized against common disease. The sale or adoption of a dog or cat shall include a statement signed by the seller attesting to the signatory's knowledge of the animal's health and the animal's immunization history.
5. Any person who advertises the availability of any dog or cat for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the business license in any such advertisement. Further, the business license number shall be provided to any person who purchases, adopts, or receives any animal and placed on any receipt of sale.
6. Any person conducting backyard breeding activity shall be subject to inspection by the City or parties commissioned by the City to conduct such.
7. Any person selling or otherwise transferring a dog or cat, shall provide to the new animal owner City application(s) for a license and permit, as well as written information regarding the license and permit requirements of the City and Riverside County Animal Control applicable to such animal.
8. The number of animals kept shall comply with the standards established in Section 4.04.02 (Standards).

### D. Violation and Enforcement.

Any violation of this Section is a misdemeanor and a public nuisance. The nuisance may be enjoined or otherwise abated by the City in the manner described in Section 10.100 of the Indio Municipal Code and any other applicable provision of state or local law.



## 4.05. AUTOMOTIVE SERVICE AND REPAIR/FUELING STATIONS

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### 4.05.01. Purpose and Applicability

The purpose of this Chapter is to establish standards to enhance the compatibility of automotive service and repair or fueling station uses, including fueling stations and convenience stores with other uses in the same zone, and to minimize the impact of these uses to abutting residential properties.

### 4.05.02. Standards

The following supplemental development standards shall apply to development or conversions subsequent to the Effective Date and to expansions or modifications to existing development.

- A.** Automobile repair facilities falling under the category of an accessory use for an allowed retail or service/fueling use in the mixed-use and non-residential zones shall be subject to the applicable requirements of this Chapter.
- B.** Repair work shall be conducted entirely within an enclosed building. Dismantled vehicles and tow trucks shall be stored inside a building or inside a screened area where the vehicles will not be visible from off-site when the business is closed. Where possible, service bay entrances shall not face a public street.
- C.** Surfaced parking areas shall be provided on site for the storage of vehicles awaiting service. No actual repair work shall be conducted on vehicles awaiting service, except for cursory examination.
- D.** Minor repair and body or refinishing shops are allowed as accessory uses to automobile sales dealerships when located not less than 200 feet from a residentially zoned property. Accessory automobile repair facilities shall not exceed one third of the total floor area devoted to the entire principal use.
- E.** Major repair and body or refinishing shops as a primary use shall be considered as industrial uses.
- F.** Major or minor automobile repair facility structures shall not be placed closer than 40 feet to any street right-of-way or closer than 60 feet to any lot in a residential zone.
- G.** Garage doors on buildings used for vehicle repair shall be positioned to face away from all residential zones.
- H.** Pump islands shall be located a minimum of 20 feet from all property lines. Pump island canopies shall be located a minimum of 10 feet from all property lines.
- I.** The operation, display, or storage of merchandise or auxiliary activities (including rental trailers or ice machines) shall be located within a structure, except for those activities directly required to dispense gasoline, oil, water, or air.

## 4.06. BAIL BONDS

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### 4.06.01. Purpose and Applicability

The purpose of this Chapter is to establish standards for bail bonds establishments which make available to the public undertakings of bail in connection with judicial proceedings and to ensure that such businesses are appropriately located and operated so as to not pose a significant threat to the public health, safety, and welfare.

### 4.06.02. Location Standards

All new bail bonds establishments shall be located consistent with the following standards:

- A.** Located a minimum of 1,000 feet from another bail bond services establishment.
- B.** Located a minimum of 500 feet from all of the following uses:
  - 1.** Schools;
  - 2.** Parks and recreation facilities;
  - 3.** Community centers;
  - 4.** Libraries;
  - 5.** Youth organizations; and
  - 6.** Any business involving an on-premises sale of liquor or alcoholic beverages, excluding restaurants and grocery stores/supermarkets.

### 4.06.03. Standards

In addition to the development standards of the underlying zone, the following special standards apply to all bail bonds establishments (existing and new):

- A.** Operation of bail bonds establishments shall be limited to Monday through Saturday, from 7:00 a.m. to 7:00 p.m.
- B.** Management shall be responsible for the removal of litter from adjacent property and streets that results from the bail bonds establishment (with adjacent property owner consent).

## 4.07. CANNABIS ACTIVITY

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### 4.07.01. Purpose and Applicability

The purpose of this Chapter is to establish specific standards for commercial cannabis activities to ensure that cannabis retailers are appropriately located and operated so as not to pose a significant threat to the public health, safety, and welfare, and to limit potential adverse impacts on sensitive uses located in surrounding neighborhoods.

### 4.07.02. Definitions

The technical terms and phrases used in this Chapter are defined in Section 123.06 of Chapter 123 (Cannabis Business Activities) of Title XI (Business Regulations) of the Indio Municipal Code and Article 7 (Definitions) of this Code.

### 4.07.03. Permitted Locations

Cannabis Storefront Retailer and Cannabis Non-Storefront Retailer businesses are permitted land uses in the following zones subject to the location requirements set forth in this Chapter:

- A. All Mixed-Use zones (as specified in Article 2 (Zone Regulations));
- B. The Regional Commercial zone (as specified in Article 2 (Zone Regulations)); and
- C. On properties regulated by a Specific Plan or Project Master Plan that permit commercial land uses except for properties zoned or designated as Neighborhood Commercial within the applicable Specific Plan or Project Master Plan.

### 4.07.04. Location Standards

A Cannabis Storefront Retailer and Cannabis Non-Storefront Retailer shall be located consistent with the following standards:

- A. Located a minimum of 600 feet from any zoned parcel in the City designated as a sensitive use pursuant to Indio Municipal Code Section 123.32(B)(2).
- B. Located a minimum of 250 feet from any church located in a residential zone that is in existence at the time the Cannabis Business Permit is issued.

### 4.07.05. Permit Required

In order to operate in the areas set forth in Section 4.07.04, a Cannabis Storefront Retailer and a Cannabis Non-Storefront Retailer must obtain and maintain at all times the following permits and licenses:

- A. A valid Cannabis Business Permit as required by Chapter 123 (Cannabis Business Activities) of the Indio Municipal Code;
- B. A valid business license from the City; and
- C. A valid State of California Seller's Permit.

## 4.07.06. Personal Cannabis Cultivation

Notwithstanding Sections 4.07.01 through 4.07.05, engaging in the indoor personal cultivation of six or fewer live cannabis plants within a single private residence or inside an accessory structure located upon the grounds of a private residence that is a fully enclosed and secure structure, to the extent such cultivation is authorized by California Health and Safety Code, Sections 11362.1 and 11362.2, as the same may be amended from time to time, is hereby permitted. The outdoor cultivation, however, of six or fewer live cannabis plants upon the grounds of a private residence is prohibited.

## 4.08. CHECK CASHING BUSINESSES

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### 4.08.01. Purpose and Applicability

The purpose of this Chapter is to establish specific site planning, development, and/or operating standards for check cashing businesses. The development standards of this Chapter shall apply to all check cashing businesses in the city, unless specified otherwise.

### 4.08.02. Location Standards

All new check cashing businesses shall be located consistent with the following standards:

- A.** Located a minimum of 1,000 feet from another check cashing establishment.
- B.** Located a minimum of 500 feet from all of the following uses:
  - 1.** Schools;
  - 2.** Parks and recreation facilities;
  - 3.** Community centers;
  - 4.** Libraries;
  - 5.** Youth organizations; and
  - 6.** Alcoholic beverage sales, excluding restaurants and grocery stores/supermarkets.

### 4.08.03. Standards

In addition to the development standards of the underlying zone, the following special standards apply to all check cashing businesses (existing and new):

- A.** Operation of check cashing businesses shall be limited from 7:00 a.m. to 7:00 p.m., daily.
- B.** Management shall be responsible for the removal of litter from adjacent property and streets that results from the check cashing business (with adjacent property owner consent).



# 4.09. CHILD DAY CARE IN A HOME (SMALL AND LARGE) AND DAY CARE CENTERS

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## 4.09.01. Purpose and Applicability

The purpose of this Chapter is to establish standards for child day care in a home (small and large) and/or day care centers. Child day care in a home (small and large) shall be clearly incidental to the use of the dwelling and may not change the character of the dwelling or adversely affect the uses allowed in its zoning district.

## 4.09.02. Location Standards

All new child day care in a home (large) and day care centers shall be located consistent with the following standards:

- A.** Child day care in a home (large) shall be located a minimum of 300 feet from a residential care facility, child day care in a home (small and large), and day care center.

## 4.09.03. Standards

- A.** Child day care in a home (small and large) and day care centers shall comply with the following standards:
  - 1.** Child day care in a home (small) shall serve eight or fewer children, including children who reside at the home and are under the age of 10.
  - 2.** Child day care in a home (large) shall serve seven to 14 children, including children who reside at the home and are under the age of 10.
  - 3.** Day care centers shall serve seven or more persons.
- B.** Child day care in a home (large) and day care centers shall be located, developed, and operated in compliance with the following standards:
  - 1. License.**  
The operator shall secure and maintain a license from the State of California Department of Social Services.
  - 2. Pick-up and Drop-off Plan.**  
A plan and schedule for the pick-up and drop-off of children or clients shall be provided for approval by the Director. The plan shall demonstrate that adequate parking and loading are provided to minimize congestion and conflict points on travel aisles and public streets. The plan shall include an agreement that includes, at a minimum:
    - a. A scheduled time for pick-up and drop-off with allowances for emergencies; and
    - b. Prohibitions of double-parking, blocking driveways of neighboring properties, or using driveways of neighboring properties to turn around.
  - 3. Screening.**  
A periphery wall, constructed of wood or masonry, or landscaping screen shall be provided to screen outdoor activity areas and shall achieve 75 percent opacity. Chain metal fencing or barbed wire is prohibited. The height of the screening shall comply with the standards of the underlying zone.
  - 4. Hours of Operation.**  
Hours of operation shall only be within the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday. Additional hours may be allowed subject to approval of an Administrative Use Permit.

## 4.10. CONVENIENCE MARKETS

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*RESERVED*

# 4.11. COTTAGE FOOD OPERATIONS

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## 4.11.01. Purpose and Applicability

The purpose of this Chapter is to establish standards for cottage food operations in residential dwellings within the City. It is the intent of the City in adopting this Chapter that cottage food operation uses shall not alter or disturb the residential nature of the premises or its surroundings.

## 4.11.02. Permitted Accessory Use

Subject to the limitations, standards and requirements of this Chapter, cottage food operations are permitted as an accessory use in all lawfully constructed and occupied dwelling units in accordance with Article 2 (Zone Regulations).

## 4.11.03. Standards

Cottage food operations shall be subject to the following standards and requirements:

- A.** A cottage food operation shall comply with all development standards of the zone where the dwelling unit is located.
- B.** A cottage food operation shall comply with all permitting or licensing requirements and otherwise applicable Riverside County standards.
- C.** The site of the cottage food operation must be a principal residence of a person engaged in and the owner of the cottage food operation.
- D.** No more than one full-time equivalent cottage food employee may engage in cottage food operation activities on the site of the cottage food operation at any one time.
- E.** A cottage food operation shall be incidental and accessory to the principal residential use of a dwelling unit.
- F.** There shall be no outside storage related to the cottage food operation on the site.
- G.** The cottage food operation activities shall be conducted entirely within a primary dwelling unit.
- H.** There shall be no outside activities or uses which indicate the presence of a cottage food operation, nor shall the cottage food operation alter or disturb the area in which the dwelling unit is located.
- I.** The residential character of the exterior of the dwelling unit shall not be changed.
- J.** No signs other than one non-illuminated building-mounted sign, not more than two square feet in area, shall be erected on the premises in which the dwelling unit is located and is consistent with applicable standards in Chapter 3.05 (Sign Regulations).
- K.** Direct retail sales of any other products at the site of the cottage food operation are prohibited, except for cottage food products that have been prepared for sale in the kitchen of a cottage food operation.
- L.** A maximum of one customer vehicle may be parked at the site of a cottage food operation at any given time. A maximum of two customers may visit the site of a cottage food operation at any given time.

- M.** A maximum of one vehicle not larger than 10,000 pounds gross vehicle weight rating, used in conjunction with a cottage food operation, may be parked at the cottage food operation site.
- N.** A cottage food operation shall not be conducted so it creates or results in noise, glare, smoke, dust, vibration, fumes, odor, electrical interference, radio interference, television interference, fire hazard, significant vehicular or pedestrian traffic or any other hazard or nuisance disruptive to reasonable use of surrounding properties.
- O.** The use or storage of any flammable, combustible, or toxic material in conjunction with a cottage food operation shall be limited to materials and quantities allowed for a residential use pursuant to applicable law.

#### **4.11.04. Exceptions**

Cottage food operations shall not be permitted in any second unit, guest quarter, accessory building, ADU, or JADU.

## 4.12. COTTAGE INDUSTRY

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### 4.12.01. Purpose and Applicability

The purpose of this Chapter is to establish standards for cottage industry and provide for limited commercial uses in conjunction with dwelling which are more extensive than home occupations, but which, like home occupations, do not alter or disturb the residential or rural nature of the premises or its surroundings.

### 4.12.02. Standards

Cottage industries shall conform to the following requirements:

- A.** The particular uses conducted by the cottage industry and their operation and appearance shall not change or disturb the residential or rural character of the premises or its surroundings.
- B.** The use shall be environmentally sound regarding the project site and region.
- C.** No additional service demands shall be created by the use.
- D.** Not more than three full-time equivalent cottage industry employees shall work on the premises in addition to the members of the family residing on the premises.
- E.** The cottage industry shall be clearly incidental and subordinate to the use of the premises for residential purposes.
- F.** Multiple uses are permitted within a cottage industry. The area occupied by all uses within the cottage industry, including storage, shall not exceed 1,000 square feet.
- G.** All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), with the exception of outdoor storage of materials, products, or vehicles as specifically provided by the Administrative Use Permit when completely screened from the street and adjoining properties.
- H.** There shall be no other change in the outside appearance of the building or premises, except one non-illuminated sign not exceeding four square feet.
- I.** The sale of merchandise not produced on the premises (except mail order only businesses) shall be incidental and accessory to the merchandise or service produced by the cottage industry and shall not be advertised in any manner.
- J.** A maximum of one customer vehicle may be parked at, and a maximum of two customers may visit, the site of a cottage industry at any given time.
- K.** A maximum of one vehicle not larger than 10,000 pounds gross vehicle weight rating, used in conjunction with a cottage industry, may be parked at the cottage industry site.
- L.** No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood, nor shall noise exceed the single- and multi-family residential standards in Chapter 3.04 (Performance Standards).



## 4.13. DRIVE-THROUGH USES

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### 4.13.01. Purpose and Applicability

The purpose of this Chapter is to establish specific standards for drive-through facilities provided with other commercial uses, including but not limited to restaurants and financial institutions. These development standards shall apply to all drive-through uses in the City.

### 4.13.02. Design Objectives

A drive-through retail facility shall only be permitted if the Director first determines that the design and operation will avoid congestion, excessive pavement, litter, and noise.

### 4.13.03. Location Standards

The drive-through shall not be located along a primary street-facing frontage. If a drive-through facility must be located along a primary street-facing frontage, it shall be designed per Subsection 4.13.04.E. (Additional Design Guidelines).

### 4.13.04. Standards

#### A. Drive-Through Aisle Design.

1. The entrance/exit of any drive aisle shall be a minimum of 50 feet from an intersection of public rights-of-way (measured at the closest intersecting curbs).
2. The drive aisle shall be designed with a minimum 10-foot interior radius at curves and a minimum 10-foot width.
3. The drive aisle shall not be located between the property line and front of the building.

#### B. Drive-Through Stacking Area.

1. A clearly identified area shall be provided for vehicles waiting for drive up or drive-through service that is physically separated from other onsite traffic circulation. The Director may approve alternatives to the requirements of this Subsection where it is determined that the alternate design will, given the characteristics of the site, be equally effective in ensuring on- and off-site pedestrian and vehicular traffic safety and minimizing traffic congestion.
2. The stacking area shall accommodate a minimum of five cars for each drive-up or drive-through window in addition to the vehicle receiving service.
3. The stacking area shall be located at and before the service window (e.g., pharmacy, teller, etc.).
4. Separation of the stacking area from other traffic shall be by concrete curbing or paint striping on at least one side of the lane.
5. Stacking areas adjacent and parallel to streets or public rights-of-way shall be prohibited.

#### C. Screening.

The drive-through aisle shall be fully screened from the sidewalk or street with landscaping or walls and berms.

#### D. Parking.

Parking shall be in compliance with Chapter 3.03 (Parking and Loading).

## E. Additional Design Guidelines.

1. Well-designed facades, including windows, doors, wall composition, colors, and materials should be used along all street frontages to create interest and pedestrian-oriented facades.
2. The drive-through canopy should be integrated with the building architecture through horizontal and vertical architectural features and treated with the same level of detail as the primary facade.
  - a. Landscaping, including but not limited to landscape berms and sight obscuring trees and vegetation, shall be utilized along the area adjacent to the drive-through portion of the building to provide additional screening of the drive-through functions.
  - b. Drive-through canopies shall extend one car length past the drive-through window and three car lengths prior to the drive-through window. This shall also apply when there are dual drive-through lanes.
3. Walk-up windows should be located near outdoor dining areas or other pedestrian areas to encourage accessibility and limit conflicts between pedestrians and vehicles. Walk-up windows should be emphasized through architectural details and include an awning, roof overhang, or similar protection from the elements.
4. Pedestrian and bicycle routes through the site should be separated from vehicular parking, driveways, and stacking areas. Pedestrian circulation should be accentuated through the use of raised pedestrian crossings, textured and/or colored paving, accent plantings and trees, fencing, trellises, lighting, and/or similar elements.
5. Decorative paving should be used at project entries and in pedestrian areas to improve safety and enhance the pedestrian experience.
6. Parking lots should be extensively landscaped and connected to buildings with well-designed pedestrian paths and paseos.

# 4.14. EMERGENCY SHELTERS

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## 4.14.01. Purpose and Applicability

The purpose of this Chapter is to establish standards for emergency shelters consistent with Government Code Section 65583(a)(4). Emergency shelters shall conform to all development standards of the zone in which it is located, except as modified by the standards in this Chapter.

## 4.14.02. Standards

Emergency shelters shall be located, developed, and operated in compliance with the following standards:

### A. Location.

Emergency shelters shall be located at least 300 feet from another emergency shelter.

### B. Number of Residents.

No more than 50 clients may be present on the premises at any one time.

### C. Length of Occupancy.

Occupancy by an individual or family may not exceed 60 days. Extensions up to a total stay of 180 days may be provided if no alternative housing is available, upon determination by the Director.

### D. Common Area.

The shelter shall provide at least 10 square feet per bed of public or communal gathering space, exclusive of hallways.

### E. Parking Reduction.

The Director may reduce the number of on-site parking spaces required by Section 3.03.05 (Off-Street Vehicle Parking Requirements) where a shelter is located on a bus route or other evidence is provided to indicate that less parking will be needed. The shelter shall, however, provide at least one space for each staff member who will be on duty when residents are present, and at least one space for residents.

### F. Outdoor Activities.

All functions associated with the shelter, except for children's play areas, outdoor recreation areas, and parking, shall take place within the building proposed to house the shelter. There shall be no space for clients to congregate in front of the building, and there shall be no outdoor public telephones.

### G. Designated Smoking Area.

The shelter shall provide a designated smoking area, preferably outside, that is not visible from public rights-of-way.

### H. Noise.

The use shall be conducted in conformance with the noise standards set forth for multifamily housing in the noise element of the General Plan.

### I. Supervision.

On-site management shall be provided any time that clients are present at the shelter.

### J. Management and Security Plan.

The operator of the shelter shall submit a management and security plan for approval by the Director. The Plan shall address issues identified by the Director, including emergencies, transportation, client supervision, security, client services, staffing, and good neighbor issues.

# 4.15. HOME OCCUPATIONS

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## 4.15.01. Purpose and Applicability

The purpose of this Chapter is to establish standards for home occupation uses generally conducted within a dwelling and by its occupants. The use must be clearly incidental to the use of the dwelling and may not change the character of the dwelling or adversely affect the uses allowed in its zone.

## 4.15.02. Standards

In addition to standards for the applicable zone, home occupations shall comply with the following standards:

- A.** A home occupation shall be conducted entirely within a dwelling and shall be incidental to the use of the structure as a dwelling.
- B.** No more than 400 square feet of the dwelling area shall be used for the home occupation.
- C.** A home occupation may be conducted in an accessory structure.
- D.** There shall be no storage of equipment or supplies in an accessory structure or outside the dwelling.
- E.** There shall be no external alteration of the dwelling in which the home occupation is conducted.
- F.** The existence of a home occupation shall not be apparent beyond the boundaries of the parcel.
- G.** No one other than a resident of the dwelling shall be employed in the conduct of a home occupation.
- H.** Any mechanical, electrical equipment, or stock material which is essential in the conduct of the home occupation shall not generate, emit, or create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than normally experienced in an average residential neighborhood.
- I.** The home occupation shall not create any radio or television interference or create noise audible beyond the boundaries of the parcel.
- J.** Not more than five customers or clients per day shall enter the dwelling for meetings, services, or products and not more than 10 vehicle trips per day shall be created by customers or clients. Customers or clients must park either in the driveway of the dwelling or in front of the dwelling only.
- K.** It shall be unlawful to park or store any commercial vehicle on property which is zoned for residential use. One vehicle not to exceed a rated one-ton capacity or less shall be allowed.
- L.** Delivery of product(s) and/or pickup of supplies or materials shall be made in a noncommercial vehicle by the proprietor or resident help of the home occupation, or by a licensed parcel service.
- M.** There shall be no use of utilities or community facilities beyond that normal to the use of a residential property.
- N.** The conduct of any home occupation including, but not limited to the storage of goods and equipment, shall not reduce or inhibit the required off-street parking space(s).
- O.** No storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation shall be visible from the outside of any structure located on the parcel.

### 4.15.03. Home Occupation Permit; Issuance; Modification; and Revocation

No home occupation shall be permitted unless the Director certifies that it conforms to the home occupation regulations of this Chapter and application for such permit shall be made pursuant to Section 6.03.03 (Application Forms and Fees, and Reapplications). In addition, all home occupations must obtain a City business license to operate.

- A.** The Director may fix, in his or her reasonable discretion, a termination date upon a home occupation in order to affect a periodic review thereof. The Director may revoke or modify any permit pursuant upon reasonable proof of a violation of any of the terms or conditions of the permit. If a permit is revoked or modified, no home occupation shall be conducted on the premises until the Director issues a new permit or the terms of any modification are fully met.
- B.** Nothing in this chapter shall require the Director to issue a home occupation permit to any applicant. If any applicant has had a home occupation permit revoked or suspended pursuant to this code, the Director may deny a home occupation permit to any home occupation operated under the same name, same entity or by the same officers, managers, or individuals responsible for or owning the home occupation for which a permit has been revoked or suspended regardless of any name change, change in management, or conveyance of the home occupation to another person or entity.

### 4.15.04. Appeals

- A.** Any applicant aggrieved by any decision of the Director with respect to the issuance, denial, suspension, modification, or failure to renew a permit under the provisions of this section may appeal the decision pursuant to the procedures in Section 6.03.13 (Appeals).
- B.** The failure to timely and properly file a request for a hearing under Section 6.03.13 (Appeals), or the failure to appear at a scheduled hearing, shall constitute a waiver of the right to appeal and a failure to exhaust administrative remedies. If appeal is waived for any reason, including as provided under this Subsection, the decision of the Director shall be final.



# 4.16. LIVE/WORK

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## 4.16.01. Purpose and Applicability

The purpose of this Chapter is to establish standards for live/work uses and artists' lofts/studios, including the reuse of existing nonresidential structures to accommodate live/work opportunities. Live/work units should be primarily commercial in nature.

## 4.16.02. Standards

In addition to standards for the applicable zone, live/work uses shall comply with the following standards:

### A. Permitted Work Activity.

The work activity in a building where live/work units are allowed shall be any use permitted by right or use permit in the zone, with the following exceptions:

1. Sexually-oriented businesses, motor vehicle maintenance and repair, and welding and machining and are prohibited in a live/work unit.
2. In order to protect the health and safety of persons who reside in a live/work unit or in a building which contains one or more live/work units, no work activity shall be permitted nor shall any live/work unit be established on any site that contains those uses which the Director finds would, by virtue of size, intensity, hours of operation, number of employees or the nature of the operation, have the potential to adversely affect others living or working in or nearby the live-work development by reason of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous by way of materials, process, product or wastes.

### B. No Separate Sale or Rental of Portions of Unit.

No portion of a live/work unit may be separately rented or sold as a commercial space for a person or persons not living on the premises or as a residential space for a person or persons not working in the same unit.

### C. Occupancy and Employees.

1. At least one full-time employee of business activity occupying the live/work unit shall also reside in the unit; conversely, at least one of the persons living in the live portion shall work in the work portion.
2. The business activity occupying the live/work unit may utilize nonresident employees, as necessary.

### D. Design Standards.

#### 1. Floor Area Requirement.

- a. A live/work unit shall have a minimum floor area of at least 1,250 square feet.
- b. The maximum size of the residential portion of the work/live unit shall be 30 percent of the unit or 500 square feet, whichever is less, in order to ensure that the residential portion remains an accessory to the primary commercial use.

#### 2. Commercial Activity.

- a. **Ground-Floor Height.** The ground floor of live-work units shall have a minimum floor-to-ceiling height of 13 feet.
- b. **Depth.** A ground-level live/work unit with street frontage shall devote the initial 25 feet of floor area depth to commercial activity.
- c. **Transparency.** The ground floor of live/work units shall contain clear openings and windows for a minimum of 60% of the total area of the first floor facades facing sidewalks, pedestrian walks, or publicly-accessible outdoor space areas. Transparent glazing shall have a minimum Visible Transmittance (VT) value of 60 and be without tint or coloration. Transparent areas shall be designed and maintained to provide views into and out of the non-residential portion of the live/work unit.

**3. Entries.**

- a. Each live/work unit shall have a pedestrian entry on the street-facing facade that provides direct access to the non-residential portion of the unit. A separate entry for the residential portion of the unit shall be provided through a consolidated/central entrance along the street-facing facade or individual residential entries located at the rear or side of the building.
- b. Where there are multiple live/work units within a single structure, each unit shall be physically separated from other units and uses within the structure, and access to individual units shall be from a common open space, corridor, hallway, or other common access area.

**4. Ventilation.**

All live/work units shall be provided with at least one operable window. A ventilation system shall be installed subject to the approval of the Chief Building Official and Fire Marshal for any live/work activity which requires additional ventilation or which generates hazardous fumes or dust.

### **4.16.03. Business License Requirement**

A request for a live/work unit/business shall be made to the Director through the business license process. The Director shall approve the issuance of a business license upon determining that the proposed live/work unit/business meets all the requirements of this Chapter.

### **4.16.04. Changes in Use**

After approval, a live/work unit shall not be converted to entirely residential use unless authorized through an Administrative Use Permit approval.

### **4.16.05. Revocation**

When any live/work unit results in an undesirable condition interfering with the general welfare of the surrounding community, the Director may revoke the business license.

# 4.17. MANUFACTURED/MOBILE HOME PARK

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## 4.17.01. Purpose and Applicability

- A.** The purpose of this Chapter is to establish development standards that enhance the compatibility of mobile and manufactured home parks and associated activities to adjacent zones and ensure protections to abutting properties.
- B.** Mobile and manufactured home parks shall be subject to Discretionary Planning Review pursuant to Section 6.04.03 (Planning Review). These supplemental development standards apply to development or conversions subsequent to the adoption of this Code and to existing development proposed to be expanded or its operations modified.

## 4.17.02. Standards

- A.** Minimum parcel size shall be 10 acres.
- B.** Density shall not exceed 10 lots per gross acre.
- C.** One shade tree per space shall be required.
- D.** The minimum space size shall be 50 feet in width by 85 feet in length.
- E.** Interior streets shall be a minimum of 24 feet wide. Rolled curbs are allowed subject to approval by the City Engineer.
- F.** Decorative block walls shall be required around the perimeter of all manufactured/mobile home parks. The wall height shall be minimum five feet and maximum six feet.
- G.** A minimum of 25 percent of the parcels shall be maintained as common landscaped open space such as golf courses, tennis courts, and trails. Recreation rooms, playgrounds, laundry rooms, offices, restrooms, or other common structures or buildings are excluded from this open space requirement.
- H.** A minimum 15 feet setback shall be maintained for recreational vehicles from the exterior property boundary of the park.
- I.** No structure, accessory building, or storage shed shall exceed the height of the perimeter wall within 5 feet of the property line abutting a public street.
- J.** No more than 75 percent of any mobile home lot shall be covered by mobile homes or accessory structures.
- K.** Parking shall be provided in accordance with Chapter 3.03 (Parking and Loading).
- L.** All utility lines shall be placed underground.
- M.** All mobile homes shall be skirted within 60 days of installation or shall be recessed into the ground.
- N.** Solid waste and recycling enclosures shall be required.
- O.** Recreational amenities shall be provided appropriate to the size and scale of the project and shall be reviewed and approved as part of the design review process.

### 4.17.03. Manufactured Homes in Single-Family Zones

- A. Manufactured homes are allowed in certain single-family zones and are subject to the same development standards to which a conventional single-family residential dwelling on the same lot would be subject, including building setback standards, side, and rear yard requirements, standards for enclosures, access and vehicle parking, aesthetic requirements, and minimum square footage requirements.
- B. Any architectural requirements imposed on the structure itself shall be limited to its roof overhang, roofing material, and siding material. Any manufactured home in the DE-1, DET-3, SN-4, SN-8, CN-14, and CN-20 zones shall be secured to a permanent foundation.

## 4.18. MASSAGE ESTABLISHMENT (ACCESSORY)

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### 4.18.01. Purpose and Applicability

The purpose of this Chapter is to establish specific standards for massage establishments (accessory) provided in conjunction with other specific services and medical uses. The development standards of this Chapter shall apply to all massage establishments (accessory) in the city.

### 4.18.02. Standards

- A.** Massage establishments (accessory) are only allowed as an accessory use in conjunction with an approved physician, surgeon, chiropractor, osteopath, or physical therapist medical practice, when allowed in the zone where the primary use is allowed.
- B.** Massage establishments (accessory) shall comply with the regulations set forth in Chapter 115 (Massage Regulations) of the Indio Municipal Code.
- C.** Massage services shall only be administered by licensed or CAMTC certified massage therapists or certified massage practitioners.
- D.** Hours of operation of massage establishments (accessory) shall be limited from 7:00 a.m. to 7:00 p.m., daily.



# 4.19. MINI-STORAGE WAREHOUSING OR FACILITY

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## 4.19.01. Purpose and Applicability

The purpose of this Chapter is to establish standards to enhance the compatibility of mini-storage warehousing or facilities, including affiliated recreational vehicle (RV) storage, with other commercial and industrial uses in the same zone and to minimize the impact of these uses on nearby properties. The development standards of this Chapter shall apply to all mini-storage warehousing or facilities in the city.

## 4.19.02. Standards

- A.** No more than one manager's security residence shall be permitted.
- B.** All storage shall be within an enclosed building except for the storage of RVs, which shall be completely screened from view from surrounding properties and abutting streets.
- C.** A minimum 50 percent of the lot frontage of mini-storage warehousing or facility developments must be occupied by general retail or office uses on the ground floor (per Article 2 (Zone Regulations)). These ground floor activities shall not be directly associated with the mini-storage warehousing or facility established at the site. All mini-storage buildings and RV storage shall be located behind the fronting general retail or office uses.
  - 1. Exception.** The Director is authorized to exercise discretion in the application of this standard where it is determined that the location does not offer the market conditions to support implementation of the minimum retail/office frontage requirement, as substantiated through provision of a market analysis conducted by a qualified real estate professional.
- D.** The following activities are prohibited on or from the premises of a mini-storage warehouse or facility:
  - 1.** The conduct of a business (other than the mini-storage business itself, required fronting retail or office uses, and permitted accessory uses);
  - 2.** The retail sale of stored items;
  - 3.** The commercial repair of motor vehicles, boats, trailers and other like vehicles;
  - 4.** The operation of spray-painting equipment, power tools, welding equipment, or other similar equipment; and
  - 5.** The production, fabrication, or assembly of products.
- E.** The rental of single unit trucks and small utility trailers shall be permitted as an accessory use to a mini-storage warehouse or facility, provided the business is conducted out of the same office as that of the mini-storage warehouse or facility. No trucks or trailers shall be displayed in public view, and the combined total of all trucks and trailers stored on site shall not exceed a ratio of two trucks or trailers for each 100 storage units.
- F.** Truck and trailer storage shall be screened from streets and adjacent properties.
- G.** When adjacent to a residential use, the exterior wall of the mini-storage shall be constructed of decorative block and subject to the standards in Chapter 3.01.10 (Fences, Walls, and Screening).

# 4.20. OUTDOOR STORAGE

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## 4.20.01. Purpose and Applicability

The purpose of this Chapter is to establish specific standards for outdoor storage to ensure that such developments do not have negative impacts on the area they are located in. The development standards of this Chapter shall apply to all outdoor storage uses in the city.

## 4.20.02. Standards

Storage of goods, materials, machines, equipment, and inoperable vehicles or parts outside of a building for more than 72 hours shall conform to the standards listed below. The regulations of this Chapter do not apply to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit, the parking or overnight storage of vehicles associated with the primary use (e.g., delivery truck), or the parking and storage of RVs or trailers.

### A. Permissibility of Outdoor Storage.

1. **Mixed-Use Districts.** Not permitted (All storage must be within an enclosed building).
2. **Non-Residential Districts.** Permitted as a primary and accessory use outside of required yards, parking and circulation areas, and required landscaped areas per Article 2 (Zone Regulations).
3. **Public and Institutional Districts.** Permitted as an accessory use outside of required front and street side yards, parking and circulation areas, and required landscaped areas per Article 2 (Zone Regulations).

### B. Standards for Outdoor Storage.

1. **Location.** Outdoor storage may not be located within any required front or street side yard for the applicable zoning district within which the activity is located.
2. **Height and Screening Limitation.**
  - a. Outdoor storage areas shall be screened from view and, where possible, located behind the primary buildings on the site from:
    - i. Any public street or freeway;
    - ii. An existing or planned residential area; or
    - iii. A publicly-accessible open space area.
  - b. Screening walls and fences shall comply with the standards established in Section 3.01.10 (Fences, Walls, and Screening).
3. **Parking.** Parking for permanent outdoor storage shall be provided as required in Chapter 3.03 (Parking and Loading).

## 4.21. PAWNSHOPS

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### 4.21.01. Purpose and Applicability

The purpose of this Chapter is to establish specific standards for pawnshops which purchase and sell secondhand tangible personal property incidental to their primary business (such as a jewelry store which purchases gold/jewelry) to ensure that such businesses are appropriately located and operated so as to not pose a significant threat to the public health, safety, and welfare by curtailing the dissemination of stolen property and facilitating the recovery of stolen property. The development standards of this Chapter shall apply to all Pawnshops in the city.

### 4.21.02. Location Standards

All new pawnshops shall be located consistent with the following standards:

- A. Located a minimum of 1,000 feet from another pawnshop.
- B. Located a minimum of 500 feet from all of the following uses:
  - 1. Schools;
  - 2. Parks and recreation facilities;
  - 3. Community centers;
  - 4. Libraries; or
  - 5. Youth organizations.

### 4.21.03. Standards

- A. Operation of pawnshops shall be limited from 7:00 a.m. to 7:00 p.m. daily.

## 4.22. RECREATIONAL VEHICLE (RV) PARKS

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### 4.22.01. Purpose and Applicability

The purpose of this Chapter is to establish standards that enhance the compatibility of recreational vehicle (RV) parks and their associated activities to adjacent zones and afford protection to abutting residential property.

### 4.22.02. Standards

- A.** An RV park established prior to, and continually operated since the Effective Date of this Code, shall be allowed in any zones in which it currently operates, subject to the following standards:
  - 1.** A recreational vehicle park may expand or modify its size or number of allowed spaces, as existed on the Effective Date of this Code, only upon approval of a Conditional Use Permit. A Conditional Use Permit may include conditions relating to the conduct of special events.
  - 2.** An RV park shall comply with all applicable State laws and City ordinances regulating the operation and design of RV and travel trailer parks, except for the standards set forth in Subsection B below.
- B.** RV parks established after the Effective Date of this Code, shall be allowed as stipulated in Article 2 (Zone Regulations) and shall be subject to Planning Commission Planning Review pursuant to Section 6.04.03 (Planning Review).
- C.** The following standards supplement the development standards for the applicable zones, per Article 2 (Zone Regulations). These supplemental development standards shall only apply to development or conversions subsequent to the Effective Date of this Code.
  - 1.** Minimum parcel size shall be 10 acres.
  - 2.** Density shall not exceed 12 spaces per gross acre.
  - 3.** A minimum 15-foot setback shall be maintained for recreational vehicles from the exterior property boundary of the park.
  - 4.** One shade tree per space shall be required.
  - 5.** The minimum space size shall be 30 feet in width by 65 feet in length.
  - 6.** “Park Models” and other permanent or semi-permanent residential units shall be prohibited, except that one permanent residential structure may be allowed as a caretaker’s residence.
  - 7.** Interior streets shall be a minimum of 24 feet wide. Rolled curbs may be allowed subject to approval by the City Engineer.
  - 8.** Decorative block walls shall be required around the perimeter of all RV parks. The wall height shall be minimum five feet and maximum six feet.
  - 9.** All of the spaces shall be installed with sewer, water, and electricity.
  - 10.** A minimum of 25 percent of the parcel shall be maintained as common landscaped and recreational open space such as golf courses, tennis courts, and trails, but not to include recreation rooms, laundry rooms, offices, restrooms, or other common structures or buildings.
  - 11.** Each space shall be improved with concrete or other acceptable hard surface.
  - 12.** Enclosures for solid waste and recycling bins are required.

### 4.22.03. Revocation

A permit issued by the Director under this Chapter may be revoked if it is determined that the RV or travel traveler park is in violation of this Chapter. The operator shall be given 72 hours to correct violations or cease operation.

## 4.23. RESALE/CONSIGNMENT/ THRIFT SHOPS

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### 4.23.01. Purpose and Applicability

The purpose of this Chapter is to establish specific standards for resale, consignment, and/or thrift shops which purchase and sell secondhand tangible personal property incidental to their primary business and to ensure that such businesses are appropriately located and operated so as to not pose a significant threat to the public health, safety, and welfare. The development standards of this Chapter shall apply to all resale/consignment/thrift shops in the city.

### 4.23.02. Location Standards

All new resale/consignment/thrift shops shall be located consistent with the following standards:

- A.** Located a minimum of 1,000 feet from another resale/consignment/thrift shop.

### 4.23.03. Standards

In addition to the development standards of the underlying zone, the following standards apply to resale/consignment/thrift shops:

- A. Enclosed Activities.** All activities shall be completely enclosed within the building for the use.
- B. Collection/Receiving Area.** A dedicated collection area shall be established separate from the main patron entrance and may be located on the front, side, or rear of the building. If the collection area is located in the front of the building, the bulk donation area shall be shielded from public view. Adequate directional signage shall be provided from the main entrance to the use to direct individuals to the collection area. The collection area shall be noticed to prohibit depositing goods when the store is closed.
- C. Hours.** Operation of resale/consignment/thrift shops shall be limited from 7:00 a.m. to 7:00 p.m., daily.
- D. Litter.** Management shall be responsible for the removal of litter from adjacent property and streets that results from the resale/consignment/thrift shop (with adjacent property owner consent).



# 4.24. SMOKE SHOPS

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## 4.24.01. Purpose and Applicability

The purpose of this Chapter is to establish specific standards for smoke shops, to ensure that smoke shops are appropriately located and operated so as not to pose a significant threat to the public health, safety, and welfare, and to limit potential adverse impacts on sensitive uses located in surrounding neighborhoods.

## 4.24.02. Location Standards

All new smoke shops shall be located consistent with the following standards:

- A.** Located a minimum of 1,000 feet from another smoke shop.
- B.** Located a minimum of 500 feet from all of the following uses:
  - 1. Schools;
  - 2. Parks and recreation facilities;
  - 3. Community centers;
  - 4. Libraries;
  - 5. Youth organizations; and
  - 6. Child Day Care in a Home (Small or Large), or Day Care Centers.
- C.** Located a minimum of 250 feet from any business involving an on-premises sale of liquor or alcoholic beverages, excluding restaurants and grocery stores/supermarkets.
- D.** Located a minimum of 100 feet (250 feet if separated by a major street or arterial) from any residential zones.

## 4.24.03. Standards

In addition to any conditions imposed by the Review Authority, retail sales of tobacco and smoking products that require a Conditional Use Permit shall comply with the following development standards:

- A.** Smoke shops shall comply with all applicable local, State, and Federal laws regarding the advertising, display, or sales of tobacco and smoking products.
- B.** Only store employees shall have immediate access to the tobacco products, smoking products and tobacco/smoking paraphernalia. It is unlawful for any person, business, or smoke shop to sell, permit to be sold, offer for sale or display for sale any tobacco product or smoking product by means of Self-Service Display or by means other than vendor-assisted sales.
- C.** Smoke shops shall not sell or transfer a tobacco product, smoking product, or tobacco/smoking paraphernalia to another person who appears to be under the age of 27 years, without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under State law to purchase and possess the tobacco product, smoking product, or tobacco/smoking paraphernalia.
- D.** Smoke shops shall not permit any person who is younger than the minimum age established by State law for the purchase or possession of tobacco products to engage or participate in the sale of tobacco products or tobacco/smoking paraphernalia.

- E.** No person, business, smoke shop, or other establishment shall sell or offer for sale cigarettes or other tobacco or smoking products not in the original packaging provided by the manufacturer and with all required health warnings.
- F.** No permit may be issued to authorize tobacco retailing at a location that is licensed under State law to serve alcoholic beverages for consumption on the premises (e.g., an “on sale” license issued by the California Department of Alcoholic Beverage Control), and no license may be issued to authorize tobacco retailing at any location offering food for sale for consumption by guests on the premises.
- G.** Litter and trash receptacles shall be conveniently located inside and outside the establishment, and trash and debris shall be removed from the receptacles on a daily basis.
- H.** The exterior of the establishment, including all signs, accessory buildings and structures, shall be maintained free of litter and graffiti at all times. Graffiti shall be removed within 24 hours of written notice from the City.
- I.** Loitering in the public right-of-way, parking area, and in front of the property and adjacent properties shall be prohibited.
- J.** The establishment shall conspicuously post the following interior sign stating:

“We ID everyone under 27 years of age for tobacco sales.”

The dimensions of this sign shall be at least eight inches by 11 inches. If the predominant language of the establishment’s clientele is not English, then a sign shall also be posted in that language.

## 4.24.04. Training Requirements

- A.** Each person who sells tobacco or smoking products or tobacco/smoking paraphernalia shall successfully complete a responsible tobacco retailing training. The program shall be completed within 60 days of assuming the position that involves sale of tobacco or smoking products and/or tobacco/smoking paraphernalia and shall be periodically completed again not less than once every three years.
- B.** Records of successful completion of responsible tobacco retailing training shall be maintained on the premises and shall be presented to City and Riverside County Sheriff’s Department representatives upon request.

## 4.24.05. Existing Tobacco/Smoking Product Retailers

Any smoke shop legally established prior to the Effective Date of this Code shall not be required to obtain a Conditional Use Permit and shall not be considered a legal non-conforming use subject to abatement, unless a modification of the approval for the use is sought and the modification is not considered minor subject to Section 6.03.16 (Modifications of Approved Plans). Any existing smoke shop that has been discontinued for a period of 180 days or more shall require a Conditional Use Permit, prior to reestablishing retailing of tobacco/smoking products.

## 4.25. TATTOO/BODY ART/PIERCING ESTABLISHMENTS

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### 4.25.01. Purpose and Applicability

The purpose of this Chapter is to establish development standards for the siting and operation of tattoo/body art/piercing establishments so as not to pose a significant threat to the public health, safety, and welfare, and to limit potential adverse impacts on sensitive uses located in surrounding neighborhoods. The standards of this Chapter shall apply to all tattoo/ body art/piercing establishments.

### 4.25.02. Location Standards

All new tattoo/body art/piercing establishments shall be located consistent with the following standards:

- A.** All new tattoo/body art/piercing establishments shall be located a minimum of 1,000 feet from another tattoo/body art/piercing establishment.
- B.** Located a minimum of 500 feet from all of the following uses:
  1. Adult-oriented business;
  2. Schools;
  3. Parks and recreation facilities;
  4. Community centers;
  5. Libraries;
  6. Youth organizations; and
  7. Child Day Care in a Home (Small or Large), or Day Care Centers.
- C.** Located a minimum of 250 feet from any business involving an on-premises sale of liquor or alcoholic beverages, excluding restaurants and grocery stores/supermarkets.
- D.** Located a minimum of 100 feet (250 feet if separated by a major street or arterial) from any residential zones.

### 4.25.03. Development Standards

In addition to any conditions imposed by the Review Authority, tattoo/body art/piercing establishments shall comply with the following development standards:

- A.** The hours of operation shall be no earlier than 8:00 a.m. and no later than 10:00 p.m., daily.
- B.** The owner of an establishment shall obtain a Health Permit through the Riverside County Department of Public Health (DPH) to operate the facility in a safe and clean manner, maintain written procedures for the operation of the facility, and maintain records of training and equipment sterilization.
- C.** All practitioners shall annually register with the Riverside County Department of Public Health, obtain annual blood-borne pathogen training, provide documentation of Hepatitis B vaccination status, obtain specific health information from clients, and obtain “informed consent” from clients, as required by the Department of Public Health.
- D.** Records of successful completion of registration and annual renewals of Riverside County Department of Public Health permits for the owner of the establishment and any person providing services in the establishment shall be maintained on the premises and shall be presented to City employees and Riverside

County Department of Public Health, Environmental Health Division inspectors on demand. An electronic copy of such records shall be provided on an annual basis to the Planning Division.

- E.** No tattoo, body art, or body piercing shall be performed without first obtaining “Informed Consent” from a client, as required by the DPH.
- F.** No establishment shall provide services to any person who is younger than the minimum age established by State law.
- G.** Amplified sound and loud music shall not be heard outside of the premises; the establishment shall contain all activities within the establishment.
- H.** Litter and trash receptacles shall be conveniently located inside and outside the establishment, and trash and debris shall be removed from the receptacles on a daily basis.
- I.** The exterior of the establishment, including all signs, accessory buildings and structures, shall be maintained free of litter and graffiti at all times. Graffiti shall be removed within 24 hours of written notice from the City.
- J.** Loitering in the public right-of-way, parking area, and in front of the property and adjacent properties shall be prohibited.
- K.** The establishment shall conspicuously post the following interior sign stating:

*“We ID everyone under 27 years of age for any request for our services.”*

The dimensions of such sign shall be at least eight inches by 11 inches. If the predominant language of the establishment’s clientele is not English, then a sign shall also be posted in that language.

## 4.26. TELECOMMUNICATIONS/ WIRELESS FACILITIES

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### 4.26.01. Purpose and Applicability

#### A. Purpose.

The purpose of this Chapter is to regulate the location, height, appearance, and placement of large commercial antennas and other wireless communications facilities. These regulations are designed to protect and promote the public health, safety, welfare, and aesthetic quality of the city.

#### B. Applicability.

This Chapter establishes standards to regulate the design and placement of towers, antennas, and other wireless communication transmission and/or reception facilities (hereinafter called wireless communication facilities) on public and private property, including facilities within the public right-of-way, to minimize the potential safety and aesthetic impacts on neighboring property owners and the community, and to comply with applicable State and Federal laws, including the Federal Telecommunications Act of 1996.

1. **Small Wireless Facilities.** Section 4.26.03 (Small Wireless Communication Facilities) applies to small wireless facilities.
2. **Large Wireless Facilities.** All other Sections of this Chapter, with the exception of Section 4.26.03 (Small Wireless Communication Facilities), apply to large commercial antennas.
  - a. **Existing Facilities.** All large commercial antennas for which applications were approved and/or building permits issued prior to the adoption date of this Section shall not be subject to the application of these regulations and guidelines contained in this Chapter, unless an alteration or intensification of use is requested, in which case the provisions of this Section shall apply.
  - b. **Proposed Facilities.** All large commercial antennas for which applications were received by the Community Development Department but not approved prior to the Effective Date shall be subject to the provisions of this Section.

#### C. To fulfill its purposes, this Chapter is intended to:

1. Establish review and approval requirements, application submittal requirements, and development standards to regulate the design and placement of wireless communication facilities so as to preserve the visual character of the city and to ensure public health and safety, consistent with federal law and Federal Communications Commission (FCC) regulations.
2. Acknowledge the community benefit associated with the provision of wireless communication services within the city.
3. Encourage the joint use of new and existing ground mounted facility monopole/tower sites as a primary option rather than construction of additional single-use towers.
4. Allow the Director to make certain determinations under the provisions of this Section.

### 4.26.02. Small Wireless Facilities

- A. Except as provided elsewhere in this Chapter, all small wireless facilities as defined by the FCC in 47 C.F.R. § 1.6002(l), as may be amended or superseded, are subject to a permit as specified in the Indio City Council's "Policies, Procedures, Standards and Limitations for Submittal and Review of Small Wireless Facilities Within the Public Right-Of-Way pursuant to Indio Municipal Code Section 4.26.03" ("Policy"), as adopted and amended from time to time by City Council resolution, and all small wireless facilities shall comply with such Policy. If the City Council Policy is repealed, an application for a small wireless facility shall be processed pursuant to Section 4.26.03 (Small Wireless Communication Facilities).



## B. Waiver Request.

A waiver from the strict locational or physical requirements of the Policy may be granted by the Director, in his or her discretion, if the applicant can show, by substantial evidence, any of the following:

1. That compliance with a particular requirement is technologically infeasible, would result in an unreasonable interference with signal quality, or would result in an effective prohibition. The applicant will be required to prove that there are no feasible alternatives to the waiver request. A waiver request may be subject to peer review conducted by a qualified Radio Frequency (RF) engineering consultant selected by the City and paid for by the project applicant.
2. Because of special, unique circumstances applicable to the proposed location and/or the proposed small wireless facility, the strict application of the requirements of the Section would deprive the applicant of privileges enjoyed by other permittees in the vicinity operating a similar small wireless facility.
3. Denial of the small wireless facility as proposed would violate Federal law, State law, or both.
4. A provision of the Policy, as applied to applicant, would deprive applicant of its rights under Federal law, State law, or both.

C. A waiver may be granted subject to such conditions or other requirements that will meet the purposes and intent of this Section and the Policy.

## 4.26.03. Large Commercial Antennas

Any monopole, single antenna, or group of antennas attached to a monopole support structure and mounted on the ground or to a building shall be subject to the following:

### A. Permitted Locations.

A large commercial antenna may be permitted in certain zones as specified in Article 2 (Zone Regulations), and in the public right-of-way.

### B. Permit Required.

1. A large commercial antenna designed as a “monopalm” or any other stealth facility (i.e., water tower, windmill, weather vane) not exceeding 70 feet in height and fully complying with all of the development standards as contained in Section 4.26.08, and located in any of the permitted zones may be approved pursuant to an Administrative Use Permit pursuant to Section 6.04.04 (Use Permits).
2. A large commercial antenna designed as a “monopalm” or any other stealth facility that exceeds 70 feet shall be subject to the approval of and compliance with a Conditional Use Permit (Section 6.04.04 (Use Permits)).
3. A large commercial antenna not exceeding 35 feet in height, designed as and substantially in compliance with the City's Engineering Standards for utility poles, and fully complying with all of the development standards as contained in Section 4.26.08, may be located in the public right-of-way subject to an Administrative Use Permit pursuant to Section 6.04.04 (Use Permits). The Director must also determine, based on an analysis by an independent, qualified consultant, that the antenna's location in the City's public right-of-way is necessary to close a significant gap in coverage and is the least intrusive means of doing so. The cost of this analysis shall be paid for by the applicant.
4. A large commercial antenna designed as a “monopalm” or any other stealth facility that is to be placed on vacant property or property used for agricultural uses regardless of size shall be subject to the approval of and compliance with a Conditional Use Permit subject to Section 6.04.04 (Use Permits).
  - a. The applicant shall submit an analysis of the location of the commercial antenna as it relates to the development of the site.
  - b. The applicant shall submit a letter from the telecommunications carrier that the site is the proper location for the commercial development.

### C. Eligible Facilities Request (EFR).

1. EFRs, collocation of new transmission equipment, removal of transmission equipment, or the replacement of transmission equipment may be approved by the Director through an Administrative Use Permit (refer to Section 6.04.04 (Use Permits)) provided the modification of an existing tower or base station does not substantially change the physical dimensions of such tower or base station.
2. In addition to compliance with the requirements of this Chapter, all EFRs shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the Director:
  - a. Any permit granted in response to an application qualifying as an EFR shall be subject to the terms and conditions of the underlying permit.
  - b. The City's grant or grant by operation of law of an EFR request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the City's grant or grant by operation of law of an EFR permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.

## 4.26.04. Required Findings

### A. General Findings.

In approving any large commercial antenna facility except for a collocation facility request or an EFR, the Director shall make the following findings:

1. The proposed use conforms with the specific purposes of this Chapter and any special standards applicable to the proposed facility;
2. The applicant has made good faith and reasonable efforts to locate the proposed facility on a support structure other than a new ground-mounted antenna, or monopole or to accomplish collocation;
3. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site; and
4. The proposed facility uses a stealth design.

### B. Additional Findings for a Large Commercial Antenna.

To approve a large commercial antenna facility, the Director shall find that a small wireless communication facility is not feasible because of technical, aesthetic, or legal considerations including that such siting:

1. Would have more significant adverse effects on views or other environmental considerations;
2. Is not permitted by the property owner;
3. Would impair the quality of service to the existing facility; or
4. Would require existing facilities at the same location to go off-line for a significant period of time.

### C. Findings for Collocation Facilities Requests.

The proposed collocation facility meets the requirements of Section 4.26.02.A.

### D. Findings for Eligible Facilities Requests.

1. The proposed collocation or modification meets each and every one of the applicable criteria for an eligible facilities request stated in 47 C.F.R. 1.6100(b)(3)-(9), or any successor provisions, after application of the definitions in 47 C.F.R. 1.6100(b). The Director shall make an express finding for each criterion.
2. The proposed facility complies with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, except to the extent preempted by 47 C.F.R. 1.6100(b)(7)(i) through (iv), or any successor provisions.
3. The proposed facility will comply with all generally applicable laws.

### **E. Additional Findings for Setback Reductions.**

The Director shall make one or more of the following findings, except for a collocation facility request or an EFR:

1. The facility will be collocated onto or clustered with an existing, legally established telecommunications/wireless facility; and/or
2. The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.

### **F. Additional Findings for Any Other Exception to Standards.**

The Planning Commission may waive or modify requirements of this Section upon finding that strict compliance would result in noncompliance with applicable Federal or State law. Requirements may be waived or modified only to the minimum extent required to avoid the noncompliance. An applicant seeking an exception must provide all supporting evidence for the request at the time of application submittal.

## **4.26.05. Large Commercial Antenna Applications**

An application for approval of a large commercial antenna shall include the following in addition to submittal requirements found in the Community Development Department application packet:

### **A. Site Plans.**

A site plan shall be prepared and drawn to scale showing the site boundary; all existing and proposed structures; vehicular parking and access; existing landscaping to be retained, removed, or replaced; land use and zoning designations on the site; and abutting parcels.

### **B. Elevations.**

Elevations drawn to scale showing all sides of any proposed building(s) and structures.

### **C. Landscape Plans.**

A landscape plan shall be prepared and drawn to scale showing proposed landscaping, including species types, size, spacing, and other features.

### **D. Graphics.**

A visual impact analysis including a photo simulation, field mockup, or other pictorial representation identifying the potential visual impacts of the site location of existing and proposed large commercial antenna.

### **E. Siting of Antennas.**

Information demonstrating that the applicant's proposed large commercial antenna complies with the City's location guidelines and development standards, and that the proposed site best achieves the City's standards over other available sites.

### **F. FCC and State Authorization.**

Documentation from the applicant that the proposed large commercial antenna meets all of the requirements of the various federal and state regulatory agencies.

### **G. Federal Aviation Administration (FAA) Authorization.**

Proof that the location and design of the proposed large commercial antenna is approved by the FAA or local airport authority, if such approval is required.

## 4.26.06. Development Standards for Large Commercial Antennas

### A. Height.

The maximum height for large commercial antennas mounted on a monopole or a lattice tower shall not exceed 70 feet above grade. Additional height may be approved by the Planning Commission provided that technical data justifies the need for greater height in order to close a significant gap in coverage and the additional height is the least intrusive means of doing so.

### B. Setback of Monopole Support Structure.

A large commercial antenna consisting of a monopole design shall be located at least 100 feet from any residentially zoned property. A monopole design support structure shall comply with all setbacks according to the zone it is located in.

### C. Design Guidelines.

Because palm trees are plentiful throughout the city, a suggested screening method for a monopole antenna or large commercial antenna may be a “monopalm.”

1. A “monopalm” designed large commercial antenna may include a cluster of at least three “*Washingtonia robusta*” (Mexican Fan Palm) or “*Phoenix dactylifera*” (Date Palm) to enhance the camouflaged antenna. Palms may have a height that is within 20 feet of the height of the “monopalm” and at varying heights planted around the “monopalm” at the time of installation. Existing landscaping material may be considered in order to screen the “monopalm.”
2. The monopole itself shall be textured in such a way to appear as the trunk of a palm tree. Manufactured palm fronds shall adequately camouflage the panel antennas from view from adjacent properties and public streets. Other screening methods may be utilized.
3. All large commercial antennas shall be a “stealth facility,” except where completely screened from view to the public right-of-way and/or adjacent properties. Other stealth facilities may be utilized such as water towers, windmills, weather vanes, etc.
4. Monopoles representing religious, cultural, commercial or other symbols, signs, or statuary shall be prohibited.
5. If a large commercial antenna is permitted within the public right-of-way, it shall be designed as and substantially comply with the City's Engineering Standards for a street light, to the satisfaction of the City Engineer. The City Engineer may authorize a design that substantially complies with the standards of other utility poles if he or she determines that a street light is inappropriate for the location.

### D. Lighting.

Large commercial antenna lighting is prohibited, except as may be required by the Federal Aviation Administration.

### E. Signage.

Large commercial antennas shall not bear any signs or advertising devices other than those required by Federal regulations or other applicable law.

### F. Co-Location or Co-siting of Large Commercial Antennas.

In order to encourage co-location or co-siting of large commercial antennas and maximize community aesthetics, applicants for Administrative Conditional Use Permits may request authorization, at the time of original application submittal, for subsequent applicants to be co-located on or co-sited around the same facility. Should such request, specifying the number of subsequent users, be authorized by the Director at the time of Administrative Conditional Use Permit approval, such subsequent requests for authorization may be processed by staff administratively, provided all other code requirements and conditions of approval are adhered to.

### **G. Accessory Buildings.**

Accessory buildings supporting large commercial antennas shall not exceed 600 square feet of gross floor area and a height of 12 feet and shall not be used for offices or material storage. All accessory structures or buildings shall comply with the minimum required setbacks in the zone that the facility will be located in.

### **H. Accessory Buildings Material and Colors.**

The use of materials and colors for accessory structures/buildings or cabinets shall be designed to blend with the exterior of existing structures within the area.

### **I. Landscaping and Fencing.**

Landscaping shall be utilized around accessory structures/ buildings or cabinets to further screen the building or cabinets. Chain link fencing shall be prohibited where visible from any public right-of-way. A decorative block wall shall be required where visible from any public right-of-way for the purpose of enclosing accessory structures/buildings, cabinets, or equipment.

### **J. Roof Mounted Antennas.**

Roof mounted antennas shall be screened from view from adjacent properties and public rights-of-way. The screening may include parapets, walls, or similar architectural elements such as towers, provided that they are colored and texturized to integrate with the existing architecture of the building.

### **K. Building Mounted Antennas.**

When located on a building facade, building mounted antennas shall be of a color and texture to match the existing building.

### **L. Utilities.**

All utilities associated with large commercial antennas shall be placed underground.

### **M. Access Roads.**

Access roads shall be limited to 12 feet in width except where the Fire Department requires a greater width. The access road shall be paved to the satisfaction of the City Engineer.

### **N. Building Code Compliance.**

Large commercial antennas, including but not limited to antennas, support structures, equipment enclosures, equipment structures, and related structures and equipment shall be designed, constructed, and maintained in accordance with the uniform building, mechanical, electrical, and other applicable codes, laws, and regulations, as enforced by the Engineering and Building Services Department, to assure that all such facilities will maintain their structural integrity despite the effects of the elements.

### **O. Interference Problems.**

Interference is governed by the rules and regulations promulgated by the FCC. All large and small commercial antennas that are subject to such rules and regulations shall abide by and be in compliance with applicable FCC rules and regulations.

### **P. Right-of-Way Authority.**

Only applicants authorized to enter the public right-of-way pursuant to State or Federal law or a franchise or other agreement with the City shall be eligible for a permit to install or modify a large commercial antenna in the public right-of-way.



## 4.26.07. Removal and Abandonment of Commercial Antennas

- A.** Any large commercial antenna carrier who intends to abandon or discontinue use of a commercial antenna shall notify the City by certified mail no less than 30 days prior to such action. The large commercial antenna carrier or owner of the affected real property shall have 90 days from the date of abandonment or discontinuance, or a reasonable time as may be approved by the Director, to dismantle and remove the commercial antenna. In the case of multiple carriers sharing use of a single tower, this provision shall not become effective until all carriers cease operation. The subject Conditional Use Permit shall become null and void.
- B.** Any large commercial antenna that is not in operation for a continuous period of 180 days shall be considered abandoned. Upon a finding of abandonment, the City shall provide notice to the large commercial antenna carrier last known to use such facility and, if applicable, the owner of the affected real property, providing 30 days from the date of the notice to dismantle and remove the large commercial antenna. The subject Conditional Use Permit shall become null and void. This Section may not be applicable for an application to reuse an abandoned large commercial antenna provided that it complies with all development standards of this Chapter.

## 4.27. TEMPORARY USES

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### 4.27.01. Purpose and Applicability

The purpose of this Chapter to regulate certain land uses that are intended for a limited duration of time and to ensure they do not pose a significant threat to the public health, safety, and welfare. The intent is to ensure that temporary uses will be compatible with surrounding land uses, to protect the rights of adjacent residents and landowners, and to minimize adverse effects on surrounding properties and the environment.

### 4.27.02. Temporary Uses Not Requiring a Temporary Use Permit

The following types of temporary uses may be conducted without a Temporary Use Permit. Other permits, such as a Building Permit, may be required.

#### A. Garage Sales.

1. Garage sales of personal property may be conducted by a resident of the premises subject to the requirements for a Garage Sale Permit as regulated by Chapter 122 (Garage Sale Permits) of the Indio Municipal Code.

#### B. Indoor Entertainment.

1. Indoor amplified music performances accessory to a commercial use is allowed per Article 2 (Zone Regulations) and provided the temporary use complies with the Performance Standards of Chapter 3.04 (Performance Standards).

#### C. Seasonal Sales.

1. Examples of seasonal sales include Christmas tree lots, pumpkin patches, etc.
2. Building Official approval for all temporary electrical service is required prior to establishing the seasonal sale.
3. Seasonal sales associated with holidays are allowed up to a month preceding and one week following the holiday. Christmas tree sales are allowed from Thanksgiving Day through December 31<sup>st</sup>.
4. All items for sale, as well as signs and temporary structures, shall be removed within 10 days after the end of sales, and the appearance of the site shall be returned to its original state.
5. The provisions of this Section do not apply to the sale and display of fireworks. Refer to Chapter 101 (Safe and Sane Fireworks) of the Indio Municipal Code.

#### D. Temporary Buildings or Storage Facilities (Accessory).

This section applies to storage containers or other temporary buildings for the temporary storage of goods.

1. An application shall be made no less than 15 days prior to the date of commencement of the proposed use.
2. Building Official approval is required.
3. The use shall be discontinued upon completion of the project.

#### E. Temporary Real Estate Sales Office.

The structure shall comply with all standards for temporary buildings or storage facilities in this Code and the Building Code, in addition to the following standard:

1. No more than one temporary real estate office may be located on any new subdivision in any zone.

2. The temporary real estate office to be erected is only for use in the sale of homes or parcels within the subdivision in which it is located.
3. Temporary real estate sales offices may be conducted by a resident of the premises subject to the requirements for a Model Home Sales Complex Permit as regulated by Section 151.190 (Model Home Sales Complex Permit Established) of the Indio Municipal Code and subsequent Sections.

#### **F. Vehicle Washing and Detailing.**

1. Auto and vehicle washing and detailing shall be sponsored by a non-profit organization.
2. The duration of use shall not exceed two days.
3. There shall be a minimum of 30 days between events.
4. No more than one sign shall be allowed on the parcel and the sign shall not exceed six square feet.
5. All water run-off shall be maintained on the parcel.

### **4.27.03. Temporary Uses Requiring a Temporary Use Permit**

- A. A Temporary Use Permit (see Section 6.04.05 (Temporary Use Permit)) shall be required prior to establishing, commencing, or engaging in any of the temporary uses specified in Section 4.27.04 (Allowed Temporary Uses and Associated Standards) and Article 2 (Zone Regulations).
- B. A Temporary Use Permit provides a process for administrative review for short-term activities that may not meet normal development or use standards of the applicable zone but may be acceptable because of their temporary nature. Additional or more stringent requirements may be established through the Temporary Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the city as a whole.
- C. In addition to any other conditions imposed by the Director for the temporary use, the standards for height, off-street parking, setbacks, and other structure and property development standards that apply to the category of use or the zone of the subject parcel shall also apply to all temporary activities.

### **4.27.04. Allowed Temporary Uses and Associated Standards**

#### **A. Off-Site Auto and RV Sales.**

1. No more than six off-site auto sales events may be held within a 12-month period.
2. The duration of each off-site auto sales event shall not exceed seven consecutive days, including set up and break down.
3. There shall be a minimum of 30 days between each off-site auto sales event.
4. Canopies shall be adequately braced and anchored to prevent weather-related collapse and must be in good condition. Weathered or dilapidated canopies shall not be used.
5. Off-site auto sales shall not restrict or impair the public's view of another business or activity, the public's view of the signage for another business or activity, and the points of ingress and egress to the site.
6. A new temporary permit is required for each off-site auto sales event.

#### **B. Live Entertainment – Outdoors (Accessory).**

1. Entertainment uses are allowed subject to Article 2 (Zone Regulations). A Temporary Use Permit is required for events with a duration of two days or less.

2. An application for a Temporary Use Permit shall be made no less than 30 days prior to the date of commencement of the entertainment event.
3. The duration of use shall not exceed two days.
4. There shall be a minimum of 30 days between events.
5. Events lasting more than two days or occurring more frequently than every 30 days shall require review and approval per Article 2 (Zone Regulations) and may require an Entertainment Permit issued by the Police Department per Chapter 113 (Entertainment Permits) of the Indio Municipal Code.
6. Live entertainment events requiring a Temporary Use Permit pursuant to this Chapter are prohibited within 1,000 feet of a Major Music Festival Event, as defined under Section 2.07.02 (Major Music Festival Overlay Zone (MMF)).
7. Certification of the safety of rides and all pertinent equipment for carnivals, circuses, or similar events, shall be made by a professional engineer registered in the State of California, with such certification being given to the Director prior to the commencement of use of the equipment.
8. The Director may permit subject to approval of a Temporary Use Permit (see Section 6.04.05 (Temporary Use Permits)) a special event such as, but not limited to, the following types of events: sporting and athletic events, street fairs, social events such as large weddings, picnics, or fireworks displays which by their nature are non-recurring, occurring on improved or unimproved property, which requires regulation because it may, among other things:
  - a. Involve the potential for a substantial number of participants or spectators;
  - b. Require the provision of public services for street blockage, erecting barriers, traffic control or crowd control;
  - c. Require portable restrooms and electrical connections; or
  - d. Require the use of flammable materials.

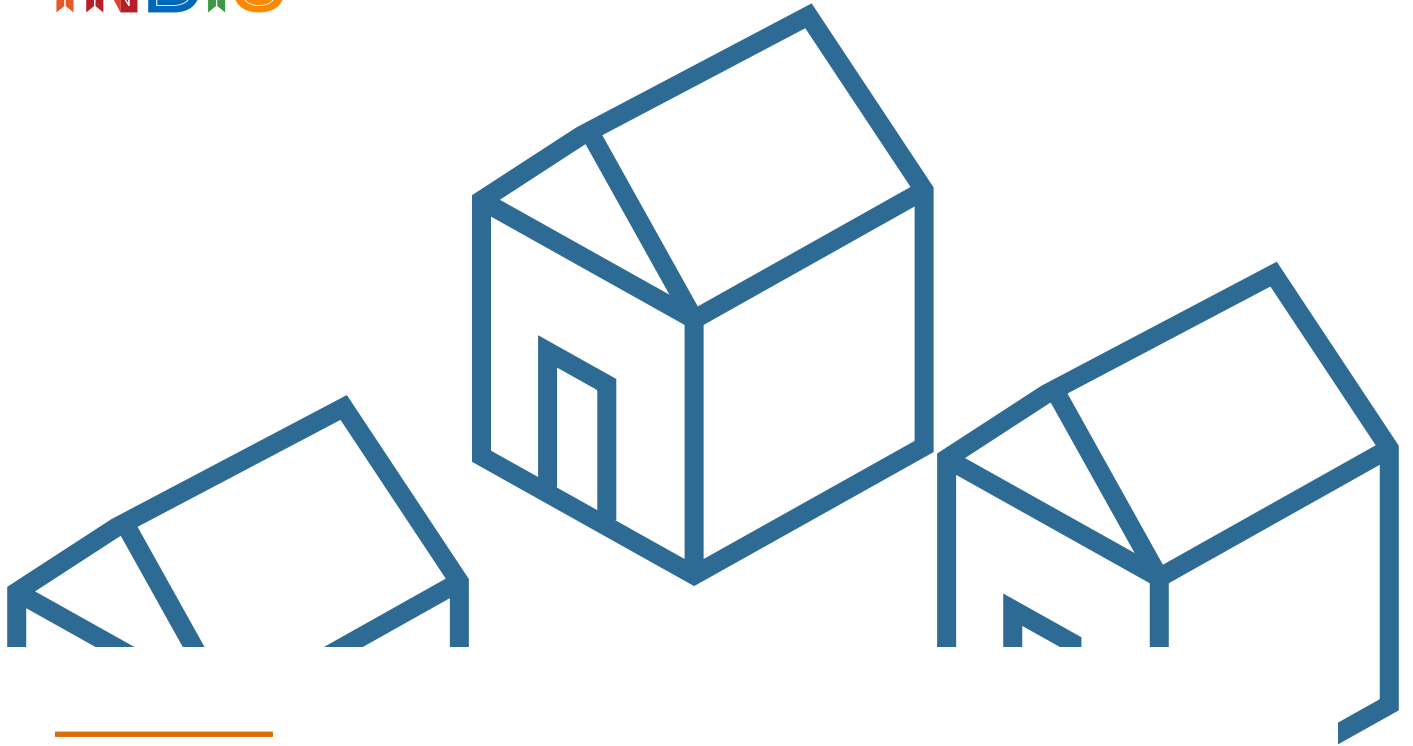
### C. Swap Meet, Outdoor.

1. Outdoor swap meets, farmers markets, and the like are allowed subject to Article 2 (Zone Regulations).
2. An application for a swap meet on private property shall be made no less than seven days prior to the date of commencement of the proposed use.
3. Sales shall be sponsored by one or more merchants or by a non-profit organization.
4. The duration and frequency of the use shall be allowed as determined by the Director.

### D. Temporary Campground.

Temporary campgrounds may be allowed on private or public property subject to Article 2 (Zone Regulations). A Temporary Use Permit is required, subject to the following conditions and standards:

1. A temporary campground shall be allowed for no more than 21 days in any one calendar year.
2. A minimum of 10 feet between vehicles or trailers shall be required.
3. Aisle ways shall be a minimum of 24 feet in width.
4. Toilets, if provided, shall be allowed at a rate of no more than one per 15 spaces and shall be emptied daily by an approved method.
5. Fire hydrants shall be no more than 500 feet from any space.
6. Electrical, sewer, and water hookups shall be prohibited. Provisions for solid waste and recycling collection shall be made.



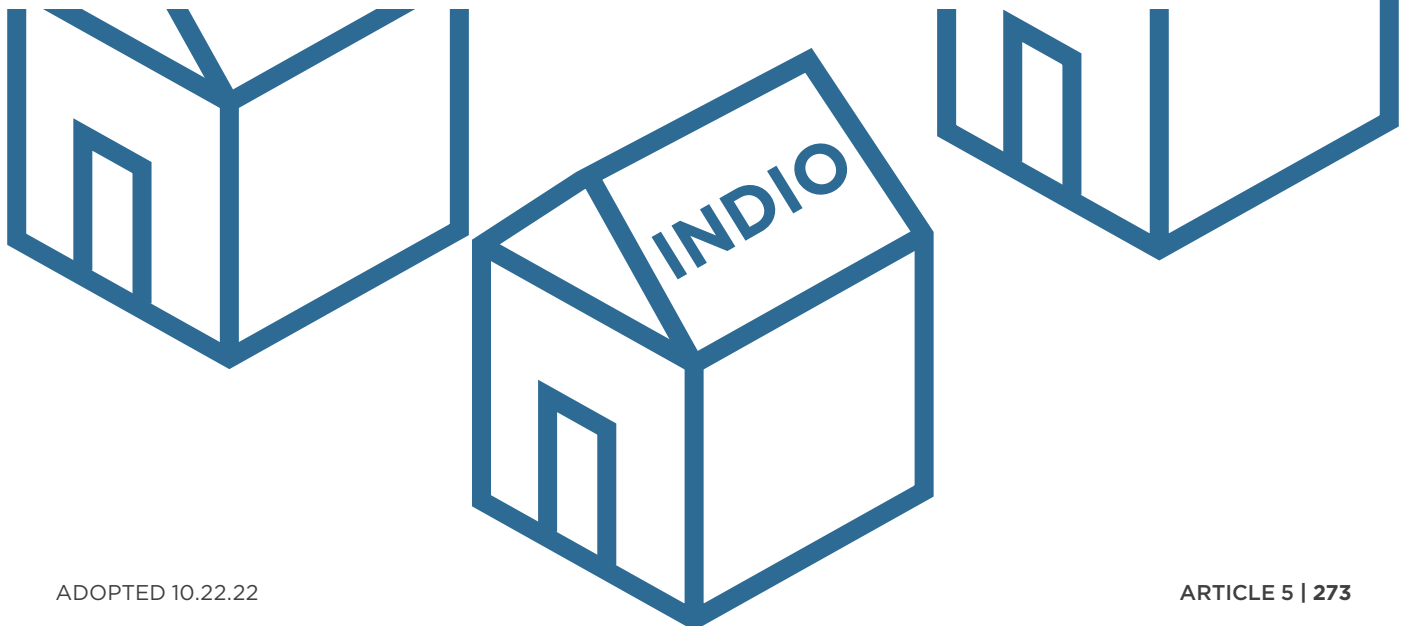
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**ARTICLE 5**

# **SUBDIVISION REGULATIONS + RESIDENTIAL CONDOMINIUM CONVERSIONS**

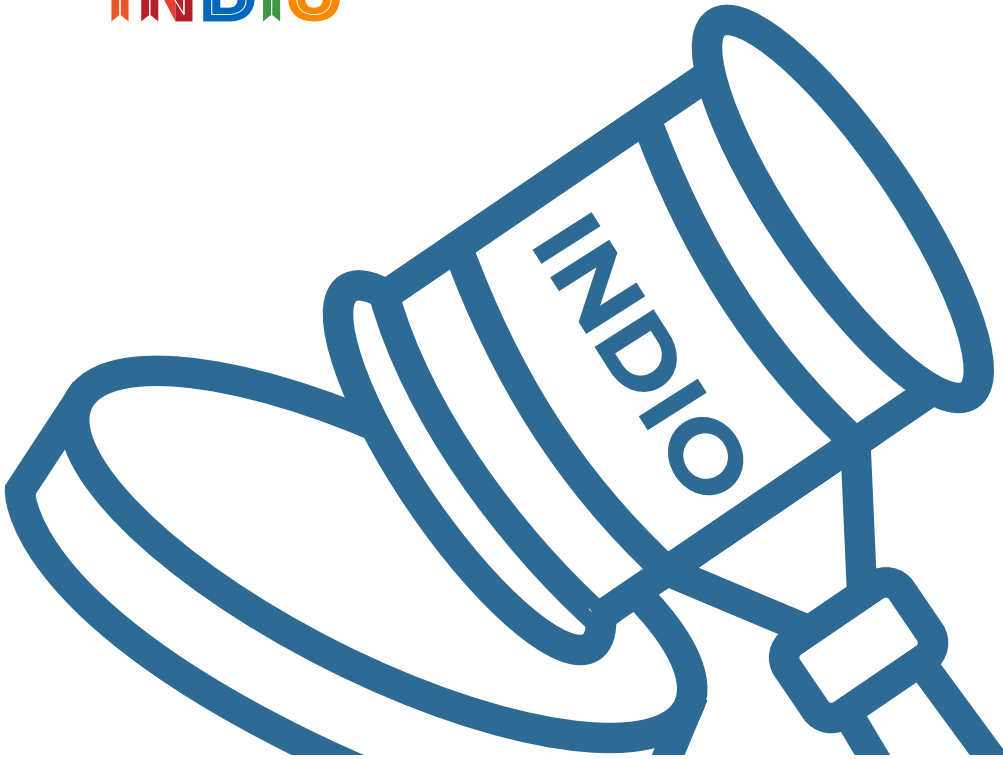
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*RESERVED FOR FUTURE INCLUSION*



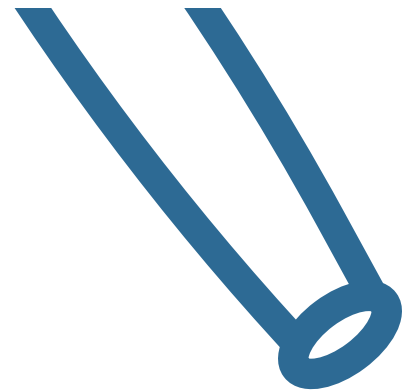
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**ARTICLE 6**

**ADMINISTRATION +  
PROCEDURES**

UNIFIED DEVELOPMENT CODE | MUNICIPAL CODE CHAPTER 159

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## 6.01. PURPOSE

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- A.** This Article establishes provisions and processes for the application, administration, review and approval, and permitting of all land use and development activities in the City of Indio subject to the regulations in this Development Code.
- B.** Chapter 6.02 (Review and Decision-Making Bodies) identifies and describes the responsibilities of the bodies that review and decide upon development applications. Subsequent chapters provide detailed information on procedures, applications, and permits.
- C.** In response to changes in State law, the City shall adopt regulations that follow the statutory guidance and direction. In the absence of codified regulations, the City shall follow the statutes as written.

## 6.02. REVIEW AND DECISION-MAKING BODIES

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The purpose of this Chapter is to identify the bodies, officials, and administrators with designated responsibilities under various chapters of the Development Code. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Ordinance as minimum requirements adopted to implement the policies and achieve the objectives of the General Plan.

### 6.02.01. City Council

The powers and duties of the City Council under this Code include, but are not limited to, the following:

- A.** Consider and adopt, reject or modify amendments to the General Plan map and text pursuant to the provisions of Chapter 6.06 (General Plan and Zoning Amendments), and of the Government Code, following a public hearing and recommended action by the Planning Commission.
- B.** Consider and adopt, reject, or modify amendments to the Official Zoning Map and to the text of this Code pursuant to the provisions of Chapter 6.06 (General Plan and Zoning Amendments), and the Government Code, following a public hearing and recommended action by the Planning Commission.
- C.** Hear and decide applications for development agreements, pursuant to Section 6.05.02 (Development Agreements).
- D.** Hear and decide appeals from decisions of the Planning Commission pursuant to Section 6.03.12 (Appeals).
- E.** Call for review a decision of the Director or Planning Commission pursuant to Section 6.03.11 (Calls for Review).
- F.** Appoint and remove members of the Planning Commission as provided for in Title 3 (Administration) of the Indio Municipal Code.
- G.** Establish, by resolution, a Municipal Fee Schedule listing fees, charges, and deposits for various applications and services provided, pursuant to this Code.

### 6.02.02. Planning Commission

The Planning Commission is established and organized pursuant to Chapter 32 (City Commissions) of the Indio Municipal Code and the requirements of the Government Code. The powers and duties of the Planning Commission under this Code include, but are not limited to the following:

- A.** Conduct hearings and make recommendations to the City Council on proposed amendments to the General Plan map and text, pursuant to Chapter 6.06 (General Plan and Zoning Amendments).
- B.** Conduct hearings, and make recommendations to the City Council on proposed amendments to the Official Zoning Map and to the text of this Code, pursuant to Chapter 6.06 (General Plan and Zoning Amendments).
- C.** Approve, conditionally approve, modify, or deny Conditional Use Permits, Planning Reviews, and Variances, pursuant to Chapter 6.04 (Permits and Approvals), and Section 6.04.06 (Administrative Variances and Variances).

- D.** Hear and decide on modifications to approved Conditional Use Permits, Planning Reviews, and Variances, pursuant to Section 6.03.15 (Modifications of Approved Plans).
- E.** Hear and decide proposals to revoke permits, pursuant to Section 6.03.16 (Revocation of Permits) following a public hearing.
- F.** Hear and decide appeals from decisions of the Community Development Director on decisions, determinations, or interpretations made in the enforcement of this Code and any other decisions that are subject to appeal, pursuant to Section 6.03.12 (Appeals).
- G.** Call for review a decision of the Director pursuant to Section 6.03.11 (Calls for Review).
- H.** Make environmental determinations on any approvals it grants that are subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to State law.
- I.** Such other duties and powers as assigned or directed by the City Council.

### **6.02.03. Community Development Director**

The following powers and duties of the Community Development Director (the “Director”) under this Ordinance include, but are not limited to the following:

- A.** Maintain and administer the Development Code, including processing of applications, abatements, and other enforcement actions.
- B.** Interpret the Development Code to members of the public and to other City Departments.
- C.** Prepare and effect rules and procedures necessary or convenient for the conduct of the Director’s business. These rules and procedures shall be as approved by a resolution of the City Council following review and recommendation of the Planning Commission. They may include administrative details of hearings officiated by the Director (e.g., scheduling, rules of procedure and recordkeeping).
- D.** Issue administrative regulations for the submission and review of applications subject to the requirements of this Code and Government Code Section 65950 (Deadlines for Project Approval Conformance; Extensions).
- E.** As part of the building permit review, review applications for conformance with this Code and issue a zoning clearance letter when the proposed use, activity, or building is allowed by right and conforms to all applicable development and use standards.
- F.** Review applications for discretionary permits and approvals under this Code for conformance with applicable submission requirements and time limits.
- G.** Review applications for discretionary permits and approvals to determine whether the application is exempt from review under CEQA and notify the applicant if any additional information is necessary to conduct the review.
- H.** Process and make recommendations to the City Council on all applications, amendments, appeals, and other matters upon which the Council has the authority and the duty to act under this Code.
- I.** Process and make recommendations to the Planning Commission on all applications, appeals, and other matters upon which the Commission has the authority and the duty to act under this Code.



- J.** Conduct Administrative Planning Review pursuant to 6.04.03 (Planning Review).
- K.** Approve, conditionally approve, modify, or deny applications for Administrative Use Permits, pursuant to Chapter 6.04 (Permits and Approvals).
- L.** Refer items to the Planning Commission where, in his/her opinion, the public interest would be better served by a Planning Commission public hearing and action.
- M.** Negotiate the components and provisions of development agreements for recommendation to the City Council.
- N.** Serve as Staff of the Planning Commission.
- O.** Investigate and make reports to the Planning Commission on violations of permit terms and conditions when the City has initiated revocation procedures.
- P.** Delegate administrative functions to members of the Planning Division as deemed necessary.
- Q.** Other duties and powers as may be assigned by the City Council or established by legislation.

## 6.02.04. Summary of Review Authorities for Decisions and Appeals

Table 6.02.04-1 (Summary of Review Authorities for Decisions and Appeals) summarizes the powers and duties that each Review Authority has under this Code. Where a land use project requires more than one type of application, all permit requests shall be reviewed and decided on by the highest Review Authority established for any of the applications. Numbers refer to notes at the bottom of the table.

**TABLE 6.02.04-1: Summary of Review Authorities for Decisions and Appeals**

| PROCEDURE  | REVIEW AND DECISION-MAKING BODIES |                      |                     |              |
|--|-----------------------------------|----------------------|---------------------|--------------|
|  | PRE-APPLICATION COMMITTEE         | DIRECTOR OR DESIGNEE | PLANNING COMMISSION | CITY COUNCIL |
| <b>R = Review, RC = Recommendation, D = Decision, A = Appeal</b> |                                   |                      |                     |              |
| <b>GENERAL PLAN AND ZONING</b>                                   |                                   |                      |                     |              |
| Annexation   | R                                 |                      |                     | D            |
| General Plan Amendment (Text or Map or Text and Map)             | R                                 | R                    | RC                  | D            |
| Development Code Text Amendment                                  | R                                 | R                    | RC                  | D            |
| Zoning Map Amendment   | R                                 | R                    | RC                  | D            |
| Specific Plan and Project Master Plans                           | R                                 | R                    | RC                  | D            |
| Planned Development  | R                                 | R                    | RC                  | D            |
| <b>ENTITLEMENTS</b>  |                                   |                      |                     |              |
| Administrative Use Permit  | R                                 | D                    | A                   |              |
| Administrative Variance  | R                                 | D                    | A                   |              |
| Variance   | R                                 | R                    | D                   | A            |
| Conditional Use Permit   | R                                 | R                    | D                   | A            |
| Appeal of Administrative Decision                                |                                   | R                    | D                   | A            |
| Appeal of Planning Commission Decision                           |                                   | R                    |                     | D            |
| Planning Review - Administrative                                 | R                                 | D                    | A                   |              |
| Planning Review – Ministerial (Residential + Mixed Use)          | R                                 | R                    | D                   | A            |
| Planning Review - Discretionary                                  | R                                 | R                    | D                   | A            |
| Home Occupation Permit <sup>1</sup>                              |                                   | D                    |                     |              |
| Temporary Use Permit   | R                                 | D                    | A                   |              |
| Sign Permit <sup>2</sup>   |                                   | D                    | A                   |              |
| Minor Modifications to Approved Permit                           |                                   | D                    | A                   |              |
| Major Modifications to Approved Permit <sup>3</sup>              |                                   | R                    | D                   | A            |
| Permit Revocation  |                                   | R                    | D                   | A            |
| Permit Extension   |                                   | D                    | A                   |              |
| <b>OTHER PROCEDURES</b>  |                                   |                      |                     |              |
| CEQA Environmental Review  | R                                 | R                    | D                   | D            |
| Certificate of Public Convenience or Necessity                   |                                   | R                    |                     | D            |
| Development Agreement  | R                                 | R                    | R                   | D            |
| Interpretations  |                                   | D                    | A                   |              |
| Pre-Application Conference                                       | R                                 | R                    |                     |              |

1. See Section 4.15.03 (Home Occupation Permit; Issuance; Modification; and Revocation) for home occupation permit requirements and procedures.
2. See Section 3.05.09 (Sign Permits and Procedures) for sign permit requirements and procedures.
3. Major modifications are a Planning Commission action item only, not subject to public hearing.

## 6.03. COMMON PROCEDURES

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### 6.03.01. Purpose

This Chapter establishes procedures that are common to the application and processing of all permits and approvals provided for in this Code, unless superseded by specific requirement of this Code or State law.

### 6.03.02. Time Limits

Whenever a number of days is specified in the Code, or in any permit, condition of approval, or notice provided in this Article, the number of days shall be consecutive calendar days.

### 6.03.03. Application Forms and Fees, and Reapplications

#### A. Applicant.

Applications shall be made by the owner of property or the owner's authorized agent. If the application is made by someone other than the owner or the owner's agent, proof, satisfactory to the Director, of the right to use and possess the property as applied for, shall accompany the application.

#### B. Application Forms and Materials.

##### 1. Application Forms.

The Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Code.

##### 2. Supporting Materials.

The Director may require the submission of supporting materials as part of the application, including but not limited to statements, photographs, plans, drawings, renderings, models, material samples and other items necessary to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to CEQA. Each permit application checklist lists the minimum necessary submittal materials for that particular type of permit.

##### 3. Availability of Materials.

All material submitted becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the Planning Division offices. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost.

#### C. Application Fees.

##### 1. Schedule of Fees.

The City Council shall approve by resolution a Master Fee Schedule that establishes fees for permits, informational materials, penalties, copying, and other such items or applications authorized or required by this Code.

##### 2. Payment of Fees.

All required fees shall be paid at the time an application is filed and no application shall be accepted as complete and processed without payment of a fee unless a fee waiver has been approved.

**3. Multiple Applications.**

The City's processing fees are cumulative. For example, if an application for Planning Review also includes a Conditional Use Permit, both fees shall be charged.

**4. Fee Waiver.**

No fee shall be required when the applicant is the City, or if it is waived under any other provision of the Municipal Code.

**5. Refund of Fees.**

Application fees are refundable at the discretion of the Director with good cause unless otherwise provided for in the Indio Municipal Code or by policy of the City Council.

**D. Reapplication.**

An application shall not be accepted or acted upon if within the past 12 months the City has denied an application for substantially the same project on substantially the same real property, unless the Director finds one or more of the following circumstances to exist:

**1. New Evidence.**

There is new evidence that would support approving the project that was not presented at the previous hearing and could not have been previously discovered in the exercise of reasonable diligence by the applicant.

**2. Substantial and Permanent Change of Circumstances.**

There has been a substantial and material change of circumstances since the previous hearing that affects the applicant's real property. A change in circumstances could include, but is not limited to, change in infrastructure conditions, change in project proposal, change in environmental conditions, etc.

**3. Mistake at Previous Hearing.**

A verified factual mistake was made at the previous hearing that was a material factor in the denial of the previous application.

## 6.03.04. Pre-Application Review and Conferences

**A. Purpose.**

A Pre-Application Review is a review process and opportunity to:

1. Acquaint a potential application with information on relevant policies, code regulations, and other relevant criteria and procedures. This review is intended for large or complex projects and projects that are potentially controversial.
2. Provide a potential applicant with an early opportunity to meet with the City's Pre-Application Committee to identify possible major issues and discuss the City's review processes to help expedite permit processing and approvals.
3. To acquaint City staff with a potential applicant and application.

**B. Scope and Limitations.**

**1. A Pre-Application Review does not:**

- a. Vest an applicant under the existing rules and regulations adopted by the City in effect at the time of the pre-application conference meeting.
- b. Provide an exhaustive review of all potential issues.
- c. Bind or preclude the City from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated in the pre-application meeting.
- d. Constitute an approval in any manner of a proposal as the pre-application meeting is intended to be informational only.

## 2. Exemption from Permit Streamlining Act.

Pre-application review is not subject to the requirements of the California Permit Streamlining Act (the Act). An application that is accepted for pre-application review shall not be considered complete pursuant to the requirements of the Act unless and until the Director has received an application for approval of a development project, reviewed it, and determined it to be complete under Section 6.03.06 (Review of Applications).

## 3. Recommendations are Advisory.

Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application by City representatives. Any recommendations that result from pre-application review are considered advisory only and shall not be binding on either the applicant or the City.

## C. Applicability and Requirements.

### 1. Applications for which Pre-Application is Required.

A pre-application conference is required for all of the following before an application will be required for the processing of:

- a. Conditional Use Permits
- b. Any project requiring Discretionary Planning Review
- c. General Plan Text and/or Map Amendments
- d. Specific Plans
- e. Development Agreements
- f. Amendments to existing Specific Plans or Project Master Plans
- g. Tentative Maps (refer to adopted Subdivision Regulations)
- h. Variances
- i. Development Code and/or Zoning Map Amendments

### 2. Applications for which Pre-Application is Optional.

An applicant for a project not requiring Pre-Application Review may request such review. The Director may approve this optional review request provided that an application is filed and appropriate fee is paid.

## D. Process and Procedures.

### 1. Review Procedure.

Planning staff shall facilitate the pre-application review process. The Director may consult with or request review by any City agency or official with interest in the application.

### 2. Application Submittal.

A request for Pre-Application Review shall be filed with the Community Development Department on a pre-established City form. The required fee shall be paid at the time of application.

### 3. Application Process.

A counter-completeness review shall be conducted at time of submittal. If all required information is present at time of submittal, the application shall be accepted for processing. An incomplete application shall not be accepted.

### 4. Pre-Application Meetings.

Following submittal of the Pre-Application Review application, the Community Development Department shall route the application to relevant review parties and schedule the pre-application conference meeting following consultation with the applicant regarding meeting availability. Staff from other City Departments and external agency service providers will meet with the applicant and representatives. Following the pre-application conference meeting, a written meeting summary may be prepared and distributed to the applicant and representatives, if applicable. The summary will be based upon the information that was presented to staff (i.e., what is submitted along with the Request form) and may identify applicable development regulations, policies, engineering design standards, key issues, requirements for special studies, and other information.



## 6.03.05. Reserved

## 6.03.06. Environmental Review

### A. Environmental Review.

All projects shall be reviewed for compliance with or exemption from the California Environmental Quality Act (CEQA). Environmental review will be conducted pursuant to Title 14 of the California Code of Regulations (CEQA Guidelines). If Title 14 of the California Code is amended, such amendments will govern City procedures.

**1. Project Exempt from Environmental Review.**

Within 30 days of the date the City has determined an application to be complete, a determination must be made whether the project is exempt from Environmental Review per State CEQA requirements.

**2. Project for which a Negative Declaration or Mitigated Negative Declaration is Prepared.**

Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been completed and adopted for project approval, the City shall take action on the accompanying discretionary project.

**3. Project for which an EIR is Prepared.**

Within 180 days from the date the decision-making authority certifies a Final EIR, the City shall take action on the accompanying discretionary project.

### B. AB 52 Consultation Requirement.

Per AB 52 (Native American Historic Resource Protection Act), Tribal Consultation requirements apply to all CEQA projects for which a Notice of Preparation, Notice of Mitigated Negative Declaration or Notice of Negative Declaration is filed on or after July 1, 2015. The following applies to all applicable projects:

1. The City authorized representative shall comply with the procedures specified in Public Resources Code (PRC) Sections 21080.3.1, 21080.3.2, 21082.3, and 21084.3 to notify, consult, and mitigate for any significant impacts to tribal cultural resources.
2. The City's authorized representative is the authorized representative of the City in all tribal consultation under State law.
3. The Community Development Department shall maintain a list of California Native American tribes, as defined in PRC Section 21073, which requested notification of discretionary projects under its jurisdiction pursuant to PRC Section 21080.3.1, subdivision (b)(1).
4. Within 14 days of determining that an application for a discretionary project is complete and the City is ready to undertake CEQA review, the City's authorized representative shall notify, by letter, all tribes that requested notification and afford them 30 calendar days to accept or decline consultation.
5. Within 30 days of receiving a written acceptance from a tribe, the City's authorized representative shall initiate consultation with the tribe.
6. The City's authorized representative shall take into consideration information provided by the tribe during consultation when making the required determinations of impact during the CEQA process, and shall conclude consultation as specified in Section 21080.3.2(b) of the PRC prior to adopting or certifying the CEQA document.

## 6.03.07. Review of Applications

### A. Review Process.

**1. Application Completeness.**

The Director shall determine whether an application is complete within 30 days of the date the application is filed with the required fee. For the purposes of this Section, completeness shall not include a substantive of the quality, content or merit of the submitted items that shall be analyzed as part of the subsequent application review process. The Director shall notify the applicant in writing of the determination that either all submittal requirements have been satisfied and the application is complete or additional information is necessary and the application is deemed incomplete (see Subsection B below).

## B. Incomplete Application.

If an application is incomplete, the Director shall provide written notification to the applicant listing the applications for permit(s), forms, information, and any additional fees that are necessary to complete the application.

### 1. Zoning Ordinance Violations.

An application shall not be found complete if conditions exist on the site in violation of this Code or any permit or other approval granted in compliance with this Code, unless the proposed project includes the correction of the violations.

### 2. Appeal of Determination.

Determinations of incompleteness are subject to the provisions of Section 6.03.13 (Appeals), except there shall be a final written determination on the appeal no later than 60 days after receipt of the appeal. The fact that an appeal is permitted to both the Planning Commission and the City Council does not extend the 60-day period.

### 3. Submittal of Additional Information.

The applicant shall provide the additional information within the time limit specified by the Director, which shall be no later than 30 days. The Director may grant one extension of up to 90 days.

### 4. Resubmittal Review.

Upon receipt and resubmittal of any incomplete application, a new 30-calendar day period shall begin during which the Director shall determine the completeness of the application.

### 5. Expiration of Application.

If an applicant fails to correct the specified deficiencies within the specified time limit, the application shall expire and be deemed withdrawn. Unexpended fees, as determined by the Director, will be returned to the applicant. After the expiration of an application, project review shall require the submittal of a new, complete application, along with all required fees.

## C. Complete Application.

When an application is determined to be complete, the Director shall make a record of that date. If an application requires a public hearing, the Director shall schedule it in a timely manner and notify the applicant of the date and time.

## D. Extensions.

The Director may, upon written request and for good cause, grant extensions of any time limit for review of applications imposed by this Code.

# 6.03.08. Public Notice

Unless otherwise specified, whenever the provisions of this Code require public notice, the City shall provide notice in compliance with State law as follows. Application types that require a decision by or appeal to the Planning Commission or City Council require a public hearing, per Table Table 6.02.04-1 (Summary of Review Authorities for Decisions and Appeals). All projects requiring an Administrative Permit or public hearing(s) require public noticing as follows.

## A. Mailed Notice for Administrative Permits.

For projects requiring an Administrative Permit, a mailed notice shall be delivered by First Class mail 10 days before the date of action to:

1. The applicant, the owner or owner's duly authorized agent, and any occupant of the subject property;
2. All property owners within a 500-foot radius of the subject property as shown on the latest available assessment roll, or a larger radius if deemed necessary by the Director in order to provide adequate public notification.

## **B. Mailed Notice for Public Hearings.**

At least 10 days before the date of the public hearing, the Director, or the City Clerk for hearings before Planning Commission and/or City Council, shall provide notice by First Class mail delivery to:

1. The applicant, the owner or owner's duly authorized agent, and any occupant of the subject property;
2. 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;
3. All property owners of record within a minimum 500-foot radius of the subject property as shown on the latest available assessment roll or a larger radius if deemed necessary by the Director in order to provide adequate public notification;
4. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located; and
5. Any person or group who has filed a written request for notice regarding the specific application.

## **C. Newspaper Notice.**

At least 10 days before the date of the public hearing, the Director or the City Clerk, for hearings before the Planning Commission and/or City Council, shall publish a notice in at least one newspaper of general circulation in the city.

## **D. Public Places.**

At least 10 days before the date of the public hearing, the Director or the City Clerk, for hearings before the Planning Commission and/or City Council, shall publish a notice in at least three public places in the city including a minimum of one public notice sign on the property(ies) directly affected by the proceeding, per Section 6.03.08.G (Standards and Specifications for Public Notice Signs).

## **E. Contents of Notice.**

The notice shall include the following information:

1. The location of the real property, if any, that is the subject of the application;
2. A general description of the proposed project or action;
3. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required;
4. The identity of the hearing body or officer;
5. The names of the applicant and the owner of the property that is the subject of the application;
6. The location and times at which the complete application and project file, including any environmental impact assessment prepared in connection with the application, may be viewed by the public;
7. A statement that any interested person or authorized agent may appear and be heard;
8. A statement describing how to submit written comments;
9. For Council hearings, the Planning Commission recommendation; and
10. Other information required by specific provision of these regulations or which the City, through its Department Heads, may consider necessary or desirable.

## **F. Failure to Notify Individual Properties.**

The validity of the proceedings shall not be affected by the failure of any property owner, resident or neighborhood or community organization to receive a mailed notice.

## **G. Standards and Specifications for Public Notice Signs.**

### **1. Applicability.**

All projects requiring an Administrative Permit or public hearings before the Planning Commission and/or City Council shall be required to post one or more public notice signs in accordance with the provisions

herein.

## **2. Public Notice Sign Requirements.**

- a. Only public notice signs provided by the City of Indio shall be utilized. Any sign that is posted that is not provided by the City of Indio shall be deemed non-compliant with this Section. Each sign heretofore posted shall contain at a minimum a copy of the public notice, a copy of the submitted site plan, and for those projects requiring a public hearing, a copy of the public hearing notice.
- b. A minimum of one non-illuminated sign shall be installed in accordance with the City of Indio Public Notice Sign Specifications published by the Community Development Department as amended. The sign(s) shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Community Development Department shall approve the location of each sign.
- c. The sign shall be placed in an area of the property most visible to the public, not more than five feet from the front property line in residential areas, and not more than three feet from the front property line in commercial and industrial areas.
- d. At least one sign for every 500 feet of street frontage shall be displayed per street frontage of the subject property. The Director may reduce the number of signs, but the reduction shall be no less than one sign per street frontage.
- e. The Director may require the placement of notice boards in additional and/or alternative locations than the street frontage if, in his/her opinion, further public notice for the project will benefit the public safety, health and welfare and enhance the public's opportunity to be made aware and comment on a proposed land use action.

## **3. Sign Posting Acknowledgement.**

A completed Sign Posting Acknowledgment form prepared and signed and dated by the applicant or an authorized representative of the applicant together with Photograph of Installed Signs form shall be submitted to the Community Development Department no later than three days following the pickup of the signs from the Department. This document shall be mailed or dropped off or emailed to the assigned Project Planner.

## **4. Timing of Installation.**

- a. Signs must be installed no later than five calendar days from the date of pick-up from the Community Development Department.
- b. Posted signs are to physically remain on the property until the last decision-making action specified by Community Development Department. This shall include the timeframe for items that are required to obtain City Council approval.

## **5. Removal.**

- a. Signs shall be removed from the property no later than 10 days following the final action by the City of Indio.
- b. A completed Sign Removal Acknowledgment form together with a completed Photograph of Removed Signs form prepared and signed and dated by the applicant or an authorized representative of the applicant shall be submitted to the Indio Community Development Department no later than three days following the physical removal of the signs. This document shall be mailed, dropped off or emailed to the assigned Project Planner.

## **6. Maintenance.**

The applicant/owner shall be responsible for maintaining the notice board such that it is readable during the period of time it is required to be in place. If the board is damaged, defaced or otherwise made illegible, the applicant/owner shall replace the board with another obtained from the City. The applicant shall pay the replacement cost of such board.

## 6.03.09. Public Hearings

### A. Hearing Time and Notice.

1. The Community Development Director shall set the time and place of hearings required by this Code to be held by the Planning Commission. The Planning Commission may, however, change the time or place of a hearing, if necessary.
2. The City Clerk shall set the time and place of public hearings required by this Code to be held by the City Council, however the Council may change the time or place of a hearing.

### B. Conduct of Public Hearings.

Whenever the provisions of this Ordinance require a public hearing, the hearing shall be conducted in compliance with the requirements in Indio Municipal Code Article III (Administration).

## 6.03.10. Timing and Notice of Decision and Findings Required

When making a decision to approve, approve with conditions, modify, revoke or deny any discretionary permit under this Code, the responsible authority shall issue a Notice of Decision and make findings of fact as required by this Code.

### A. Date of Decision.

The responsible authority shall decide to approve, modify, revoke, or deny any administrative, ministerial, or discretionary permit following the close of the public hearing(s), or if no public hearing is required, within the time periods set by statutory requirements (e.g., Permit Streamlining Act, Housing Accountability Act). These deadlines do not apply to any action that has been called for review (per Section 6.03.12 (Calls for Review)) or appealed in accordance with 6.03.13 (Appeals). Time extensions may be granted pursuant to Section 6.03.15 (Expiration and Extension).

### B. Notice of Decision.

After the Director or Planning Commission takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this Code, and the Calls for Review has ended, the Director shall issue a Notice of Decision. The Notice shall describe the action taken, including any applicable conditions, shall list the findings that were the basis for the decision, and shall include the procedure for appealing the decision. The Director shall file the Notice with the City Clerk and mail the Notice to the applicant, to the members of the City Council and the Planning Commission, and to any other person or entity that has filed a written request for such notification with the Planning Division.

### C. Findings.

Findings, when required by State law or this Code, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the resolution or record of the action on the permit.

## 6.03.11. Scope of Approvals

### A. Scope.

Any approval permits include only those uses and activities actually proposed in the application and exclude other uses and activities. Unless otherwise specified, the approval of a new use shall terminate all rights and approvals for previous uses no longer occupying the same site or location.

## B. Conditions of Approval.

The site plan, floor plans, building elevations, and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process, shall be deemed conditions of approval. Any approval may be subject to requirements that the applicant guarantees, warranties, or ensures compliance with the permit's plans and conditions in all respects.

## C. Actions Voiding Approval.

If the construction of a building or structure or the use established is contrary to the description or illustration in the application, so as to either violate any provision of this Ordinance or require additional permits, then the approval shall be deemed null and void.

## D. Periodic Review.

All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring, or assessments, it shall be the responsibility of the permit holder, the property owner or successor property owners to comply with such conditions.

# 6.03.12. Calls for Review

## A. Applicability.

Decisions by the Director on administrative actions shall be communicated to the Planning Commission as part of a regularly agendized item at the next meeting of the Planning Commission. Any calls for review shall be made as follows:

1. A majority of the Planning Commission may call for review of a decision of the Director.
2. A majority of the City Council may call for review of a decision of the Director or Planning Commission.
3. If a decision is called for review by both the Planning Commission and the City Council, the City Council shall conduct the review.
4. Such call for review shall not require any statement of reasons and shall not represent opposition to or support of a decision, application, or appeal.

## B. Time Limits.

All administrative decisions made by the Director shall be placed on the agenda for the next meeting of the Planning Commission. Only after the Planning Commission has heard and agreed with any administrative decisions by the Director, and no call for review has been received, shall the Director issue a Notice of Decision to the applicant.

## C. Procedure.

### 1. Administrative Planning Review.

Where the call for review is regarding an Administrative Planning Review or other decision by the Director, the decision shall be communicated and any call for review shall be heard as part of a regular agendized item at the next meeting of the Planning Commission.

### 2. Use Permits and Other Discretionary Actions.

Where the call for review is regarding a Use Permit or other discretionary action, the call for review shall be processed in the same manner as an appeal by any other person.



## 6.03.13. Appeals

### A. Applicability.

Any action by the Director or Planning Commission in the administration or enforcement of the provisions of this Code may be appealed in accordance with this Section.

1. **Appeals of Director Decisions.**

Decisions of the Director may be appealed to the Planning Commission by filing a written appeal with the Planning Division.

2. **Appeals of Planning Commission Decisions.**

Decisions of the Planning Commission may be appealed to the City Council by filing a written appeal with the City Clerk.

### B. Rights of Appeal.

Appeals may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Ordinance.

### C. Time Limits.

Unless otherwise specified in State or Federal law, all appeals shall be filed in writing within 15 days of the date which the action was taken. In the event an appeal period ends on a Saturday, Sunday, or any other day the City is closed, the appeal period shall end at the close of business on the next consecutive business day.

### D. Fee.

An appeal shall be accompanied by a fee established by resolution of the City Council to cover the cost of processing the appeal.

### E. Procedures.

1. **Filing.**

The appeal shall identify the decision being appealed and shall clearly and concisely state the factual reasons for the appeal. The appeal shall be accompanied by the required fee.

2. **Proceedings Stayed by Appeal.**

The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of City building permits and business licenses.

3. **Transmission of Record.**

Within 30 days of receipt of the appeal, the Director shall transmit to the City Clerk the application of appeal and copies of the application and all other papers and documents constituting the record upon which the Planning Commission or Staff made their decision.

The Director, or in the case of appeals to the City Council, City Clerk, shall schedule the appeal for consideration by the authorized hearing body in a timely manner. The Director shall prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.

### F. Standards of Review.

When reviewing any decision on appeal, the appeal body shall use the same standards for decision-making required for the original decision. The appeal body may adopt the same decision and findings as were originally approved; it also may request or require changes to the application as a condition of approval.

### **G. Public Notice and Hearing.**

Public notice shall be provided and the hearing conducted by the applicable appeal body pursuant to Chapter 6.03 (Common Procedures). Notice of the hearing shall also be given to the applicant and party filing the appeal and any other interested person who has filed with the City Clerk a written request for such notice. In the case of an appeal of a Planning Commission decision, notice of such appeal shall also be given to the Planning Commission. The Planning Commission may be represented at the hearing.

### **H. Action.**

An action to grant an appeal shall require a majority vote of the hearing body members. A tie vote shall have the effect of rejecting the appeal.

## **6.03.14. Effective Dates**

A final decision on an application for any approval subject to appeal shall become effective after the expiration of the 15-day appeal period following the date of decision, unless an appeal is filed pursuant to Section 6.03.13 (Appeals). No building permit or business license shall be issued until the 15<sup>th</sup> day following the date of the decision. If a different termination date is fixed at the time of granting, or if actual construction or alteration has begun under valid building permits, the 15-day period may be waived.

## **6.03.15. Expiration and Extension**

### **A. Expiration.**

The decision-maker, in the granting of any permit, may specify a time, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare, within which the proposed use must be undertaken and actively and continuously pursued. If no time period is specified, any permit granted under this Code shall automatically expire if it is not exercised or extended within two years of its approval.

### **B. Exercise of Use Permit.**

A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the site.

### **C. Exercise of Building Permit.**

A permit for the construction of a building or structure is exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.

### **D. Extensions.**

The following applies to all development projects with the exception of projects that qualify for State Streamlined Ministerial Approval per Government Code Section 65913.4 (See Section 6.04.03.E.6 (Permit Conditions)).

The Director may approve a two-year extension of any permit or approval granted under this Code, as follows:

#### **1. Process.**

An application for extension shall be filed not less than 60 days prior to the expiration date of the permit or within two years of the date of approval, along with appropriate fees and application submittal materials.

#### **2. Conditions.**

The permit, as extended, may be conditioned to comply with any development standards that may have been enacted since the permit was initially approved.

#### **3. Permit Extension Findings.**

The extension may be granted only when the Director finds that the original permit findings can still be made and there are no changed circumstances, or there has been diligent pursuit to exercise the permit that warrants such extension.

**4. Expiration.**

If the time limits are reached with no extension requested, or a requested extension is denied or expires, the permit expires.

## **6.03.16. Modification of Approved Plans**

No change in the use or structure for which a permit or other approval has been issued is permitted unless the permit is modified as provided for in this Code. For the purposes of this Section, the modification of a permit may include modification of a planning review approval.

### **A. Minor Modifications.**

The Director may approve minor changes or modifications to approved plans provided that they meet the following:

1. They have no potential for significant offsite impacts and would not intensify any potentially detrimental effects of the project.
2. They are consistent with the original findings and conditions approved by the hearing body.
3. They do not change the use designated in the original use permit.
4. They are consistent with the development and design standards they were approved under.
5. They do not increase, reduce, or alter the size or shape of the premises beyond the following:
  - a. A five percent increase in building height;
  - b. A 10 percent increase in floor area or building coverage when calculated on a total, aggregate project basis; or
  - c. A 10 percent decrease in common open space.

### **B. Major Modifications.**

The Planning Commission may approve major changes or modifications to approved plans provided that they meet the following. This is an action item only, not subject to public hearing.

1. They have no potential for significant offsite impacts and would not intensify any potentially detrimental effects of the project.
2. They are consistent with the original findings and conditions approved by the hearing body.
3. They do not change the use designated in the original use permit.
4. They are consistent with the development and design standards they were approved under.
5. They do not increase, reduce, or alter the size or shape of the premises beyond the following:
  - a. A 10 percent increase in building height;
  - b. A 15 percent increase in floor area or building coverage when calculated on a total, aggregate project basis; or
  - c. A 15 percent decrease in common open space.

### **C. New Application.**

A request for changes in conditions of approval of a discretionary permit or a change in an approved site plan or building plan beyond those allowed under the thresholds for major modifications above shall be treated as a new application.

## 6.03.17. Revocation of Permits

Any permit granted under this Code may be revoked or modified for cause if any of the conditions or terms of the permit are violated or if any law or ordinance is violated. Notwithstanding this provision, no lawful residential use can lapse regardless of the length of time of the vacancy.

### A. Initiation of Proceeding.

Revocation proceedings may be initiated by the City Council, Planning Commission, or Director.

### B. Public Notice, Hearings and Action.

After conducting a duly-noticed public hearing, the Planning Commission shall act on the proposed revocation.

### C. Required Findings.

The Planning Commission may revoke or modify the permit if it makes any of the following findings:

1. The approval was obtained by means of fraud or misrepresentation of a material fact;
2. The use, building, or structure has been substantially expanded beyond what is set forth in the permit or substantially changed in character;
3. The use in question has ceased to exist or has been suspended for six months or more (see also Chapter 6.07 (Nonconforming Provisions));
4. There is or has been a violation of or failure to observe the terms or conditions of the permit or Variance, or the use has been conducted in violation of the provisions of this Code, or any applicable law or regulation; or
5. The use to which the permit or Variance applies has been conducted in a manner detrimental to the public safety, health and welfare, or so as to be a nuisance.

### D. Notice of Decision.

Following Planning Commission action to revoke or modify a permit, the Director shall within 14 days issue a Notice of Decision describing the Commission's decision with its findings. The Director shall mail notice to the permit holder and to any person who requested the revocation proceeding.

## 6.03.18. Interpretations and Determinations

Requests for interpretations of this Code and verifications relating to prior approvals or permits may be made to the Director. Requests shall be in writing. The decision of the Director on such requests may be appealed under Section 6.03.13 (Appeals).

## 6.04. PERMITS AND APPROVALS

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### 6.04.01. Certificate of Occupancy

#### A. Purpose.

This Chapter establishes procedures for issuing a Certificate of Occupancy to verify that buildings and the proposed use of land comply with all applicable building and health laws and ordinances and with the requirements of this Code.

#### B. Certificate of Occupancy Required.

No structure erected, moved, altered or enlarged after the effective date of this Code shall be occupied or used, and no site shall be occupied or used until a Certificate of Occupancy has been issued by the Building Official or staff person designated by the Director to perform such actions.

#### C. Application.

Application for a Certificate of Occupancy shall be filed with the Building Official prior to the erection, moving, alteration or enlargement of any structure and prior to the commencement of a new use or a change in use of any structure or site.

#### D. Issuance.

The Building Official shall issue a Certificate of Occupancy upon receipt of written notice that the structure or site is ready for occupancy or use and after inspection, provided that the structure or site and the intended use conform with all applicable building and health laws, all required screening, landscaping, off-street parking and loading facilities have been completed, and all other conditions attached to the use permit, variance, and/or planning review have been met.

### 6.04.02. Zoning Clearance (as part of Building Plan Check)

#### A. Purpose and Applicability.

The purpose of zoning clearance is to ensure that all new and modified uses and structures comply with applicable provisions of this Code, using simple administrative plan check procedures. Zoning clearance is required for all structures that require a building permit and for signs.

#### B. Review Authority.

The Community Development Director is the designated review authority for zoning clearance. The Director approves, conditionally approves, or denies the zoning clearance in accordance with the requirements of this title.

#### C. Process.

##### 1. General.

No application form is necessary for zoning clearance. This process will be conducted by the Community Development Department as part of the building permit application review. If there are any fees required for this, the fee(s) shall be paid prior to the commencement of the zoning clearance review. Zoning clearance shall be granted only when the Director or his/her designee finds the proposal to be

in conformance with all applicable provisions of this Code. The Director may modify plans in whole or in part, apply conditions of approval, or require guarantees to ensure compliance with applicable provisions of this Code. Building permits shall not be issued without zoning clearance approval.

**2. Signs.**

Sign permit requirements and procedures can be found in Section 3.05.09 (Sign Permits and Procedures).

## 6.04.03. Planning Review

### A. Purpose.

This Section establishes the planning review procedure to ensure that new development supports the goals and objectives of the General Plan and other adopted plans and guidelines. The specific purposes of the planning review process are to:

1. Promote excellence in site planning and design and the harmonious appearance of buildings and sites;
2. Ensure that new and modified uses and development will be compatible with the existing and potential development of the surrounding area; and
3. Supplement other City regulations and standards in order to ensure control of aspects of design that are not otherwise addressed.

### B. Applicability.

Planning review is required for all projects that require a permit for new construction, reconstruction, rehabilitation, alteration, or other improvements to the exterior of a structure, site, or a parking area except for:

1. Additions, construction, reconstruction, alterations, improvements, and landscaping for a project developed in compliance with a previous planning review approval;
2. Replacement of exterior materials, including openings, with the same materials; and
3. Individual single-family homes and additions to single-family homes (see Section 6.04.02 (Zoning Clearance (as part of Building Plan Check))).

### C. Procedures; Design Standards and Guidelines.

**1. Forms and Fees.**

Written applications for planning review applications shall be submitted to the Planning Division in compliance with the application procedures in Chapter 6.03 (Common Procedures).

**2. Design Standards and Guidelines.**

All projects shall be consistent with applicable design standards and/or guidelines.

- a. **Objective Design Standards.** Objective Design Standards, pursuant to State law, are required for housing development projects (defined as projects which consist of residential units only, mixed-use projects with 2/3 of the square footage dedicated to residential units, and transitional or supportive housing projects) requesting streamlined approval (see Subsection 6.04.03.E (Planning Review – Ministerial)). If a project does not qualify for streamlining under State law, or if an applicant seeks exceptions or modifications to standards contained in this Code, the project becomes subject to the Discretionary Planning Review process (see Subsection 6.04.03.F (Planning Review – Discretionary)). Standards are written with “shall” statements or similar language imposing a requirement to which projects must adhere.
- b. **Design Guidelines.** Design guidelines provide recommendations to be used in the Discretionary Planning Review process. Guidelines are written with “should” statements. Project applicants may choose to forgo one or more design standards and instead meet the intent of the design standards and/or guidelines. Guidelines are design criteria subject to interpretation by the City during the Discretionary Planning Review process. The standards and any guidelines together are utilized during the City’s Discretionary Planning Review process to encourage the highest level of design quality, while simultaneously providing the flexibility necessary to encourage creativity on the part of project designers. Projects are evaluated on the degree to which they comply with the intent of the standards and guidelines in this document, ultimately leading to Staff-level or Planning Commission decision and approval.



**3. Concurrent Processing.**

When a proposed project requires more than one permit application with more than one Review Authority, all project permits shall be processed concurrently as interrelated permits for a project and shall not be bifurcated. The highest designated Review Authority for all requested permits shall take final action on all permits. For example, the Planning Commission takes final action on a conditional use permit. However, when processed in conjunction with a Specific Plan, the conditional use permit shall be reviewed and acted upon by the City Council in conjunction with the other application request(s). The Planning Commission provides recommendations to the City Council on both entitlement requests.

**D. Planning Review – Administrative.**

**1. Applicability.**

Administrative planning review applies to the following proposed uses or buildings allowed as a matter of right or through an Administrative Use Permit by this Code, so long as they conform to all the applicable development and use standards:

- a. Commercial development projects 5,000 square feet or less in size.
- b. Industrial development projects 10,000 square feet or less in size.

**2. Review Authority.**

The Director shall be the review authority for administrative planning reviews. The Director may, at his/her discretion, refer any administrative application to the Planning Commission for a decision rather than acting on it himself/herself.

**3. Application Review and Approval Process**

The Director will review the project against all applicable use, development, and design standards. If the Director determines that the proposed use or building is allowed as a matter of right by this Code, and conforms to all the applicable development and use standards, the Director shall issue an approval. Staff will draft a Findings and Notice of Decision document containing all relevant findings and conditions of approval.

**E. Planning Review – Ministerial.**

**1. Applicability.**

Ministerial planning review applies to the following types of proposed uses or buildings that qualify for streamlined ministerial planning review under California Government Code Sections 65650 et seq. ("State Supportive Housing Law"), 65660 et seq. ("State Low Barrier Navigation Centers Law"), and 65913.4 ("State Streamlined Ministerial Approval Process"):

- a. Affordable housing developments (per SB 35).
- b. Residential developments of two or more units and mixed-use developments in which two-thirds of the project's square footage is used for residential purposes (per Housing Crisis Act/SB 330).
- c. Transitional or supportive housing (per SB 744/AB 2162).
- d. Low Barrier Navigation Centers (per SB 48).

**2. Review Authority.**

The Planning Commission shall have the authority to conduct ministerial planning reviews to make sure that a project complies with all applicable objective plans, regulations, policies, development and design standards.

**3. Conditions for Approval.**

Before approving an application for Ministerial Planning Review approval, the Planning Commission must make the following findings based on evidence in the record, as applicable, that:

- a. The housing development or Low Barrier Navigation Center is eligible for Ministerial Planning Review approval.
- b. If the Ministerial Planning Review approval is based all or in part on the provision of Supportive Housing, a finding that all the requirements for a Supportive Housing development that are specified in the State Supportive Housing Law have been or will be met.

- c. If the Ministerial Planning Review approval is for a Low Barrier Navigation Center, a finding that all the requirements for a Low Barrier Navigation Center that are specified in the State Low Barrier Navigation Centers Law have been or will be met.
- d. If the Ministerial Planning Review approval request is based all or in part on the State Streamlined Ministerial Approval process, a finding that all the requirements for a housing development approval that are specified in the State Ministerial Approval Process have been or will be met.
- e. If the application includes a request for a density bonus, incentive, waiver, or modification under the State Housing Density Bonuses and Incentives Law, a finding that all the requirements for density bonuses and/or other incentives that are specified in the State Housing Density Bonuses and Incentives Law have been or will be met.
- f. If the project complies with all applicable objective plans, regulations, policies, development standards and Objective Design Standards.

#### 4. Conditions for Denial.

- a. The Planning Commission may deny an application for Ministerial Planning Review Approval if the findings required by Subsection 3 above, as applicable, cannot be made.
- b. The Planning Commission may deny a Ministerial Planning Review Approval if doing so would be contrary to State and Federal law, and if this finding is made in writing.
- c. Nothing in this Section limits the City's right to deny an affordable housing project under Government Code Section 65589.5.

#### 5. Application Review and Approval Process.

- a. **Affordable Housing Streamlined Ministerial Approval (per SB 35).** If the project is an affordable housing development that qualifies for Streamlined Ministerial Planning Review under SB 35, then the project will be evaluated by Staff for compliance with all applicable objective plans, regulations, policies, development standards and Objective Design Standards. If the project is in compliance, the City will issue an approval within the required timeline.
- b. **Streamlined Ministerial Approval.** If a project qualifies for streamlined ministerial approval, staff will review the application to determine compliance with all applicable and objective plans, regulations, policies, development standards and design standards.
  - i. If Staff determines the project to be in compliance with all applicable and objective plans, regulations, policies, development and design standards then the project goes to Planning Commission for its final consideration and approval. The Planning Commission may consider the entire project (site plan, floor plan, elevations, landscaping, context, etc.), but ultimately cannot impose conditions that would have the effect of "impacting the development's ability to provide housing," (i.e., precluding the applicant's ability to achieve the proposed density). The Planning Commission may make recommendations or impose subjective conditions if the condition does not impact the project's ability to provide housing, such as physically or financially impacting the proposed density. The applicant may submit justifications regarding how any such conditions may impact the density of the project.
  - ii. If Staff determines the project is not in compliance, they shall provide the applicant with written documentation identifying the specific provision(s) and an explanation of the reason for the inconsistency. The applicant then has several options for how to proceed:
    - a.) The project applicant can make revisions to bring the project into compliance.
    - b.) The project applicant can choose not to make revisions to the project, forfeits the benefits of Streamlined Ministerial Planning Review, and elects to follow the Discretionary Planning Review process.
    - c.) The project applicant may appeal the determination of non-compliance to the Planning Commission (see Section 6.03.13 (Appeals)).

## 6. Permit Conditions.

- a. **Term.** Unless otherwise required by State law, Ministerial Planning Review approvals shall automatically expire three years from the date of the final action establishing that approval, unless otherwise provided in the permit, from and after the date of issuance of the development permit if within such three-year period, pursuant to and in accordance with the provisions of the Ministerial Planning Review approval (Government Code Section 65913.4). The duration of the approval may be extended as provided for in State law.
- b. **Modifications.** Modifications to the development subsequent to the approval of a Ministerial Planning Review approval but prior to issuance of a final building permit shall be granted in compliance with State law (Government Code Section 65913.4).

## F. Planning Review – Discretionary.

### 1. Applicability.

Discretionary planning review applies to all projects requiring Planning Commission approval (such as Conditional Use Permits and Variances) and all projects that do not qualify for administrative or ministerial planning review. If a project *does* qualify for streamlined ministerial approval under State law, but the applicant seeks exceptions or modifications to the City’s standards, the project is subject to the Discretionary Planning Review process.

### 2. Review Authority.

The Planning Commission shall be the review authority for Discretionary Planning Reviews.

### 3. Reduction in Density or Floor Area Ratio Prohibited.

Planning review shall not result in a reduction in the residential density or the allowable square footage of a proposed project.

### 4. Discretionary Planning Review Criteria/Conditions of Approval

When conducting planning review, the review authority shall evaluate applications to ensure that they satisfy the following criteria, conform to the policies of the General Plan and any applicable specific plan, project master plan or development agreement, objective design standards, and any adopted design guidelines, and are consistent with any other policies or guidelines the City Council may adopt for this purpose. In addition, outside agencies may impose conditions of approval, as applicable. To obtain planning review approval, projects must satisfy the following criteria/findings to the extent they apply.

- a. **General Plan Consistency.** Consistency with General Plan policies and any applicable specific plan, project master plan or development agreement.
- b. **Standards Consistency.** Consistency with applicable objective development standards and design standards and/or design guidelines adopted by the City Council.
- c. **Overall Function and Design.** The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community. The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, will enhance the appearance and features of the project site and surrounding natural and built environment.
- d. **Site Design.** Structures within the development and between the structures and the site relate to one another. Proposed structures and related site development improvements (e.g., access, parking, grading, etc.) relate and connect to existing development in the vicinity. The site is designed to promote efficient circulation and encourage a range of transportation modes by providing safe and convenient routes for pedestrians and cyclists. Projects incorporate necessary utilities and service areas (e.g., refuse and recycling enclosures) such that they are compatible with the overall design of the project and minimize visual impacts.
- e. **Building Design.** Buildings are designed to mediate scale, massing, and bulk, reflect a human scale design, and enhance the pedestrian experience through building modulation and facade articulation treatments. The project architecture is harmoniously integrated internally and in relation to the architecture in the vicinity in terms of colors and materials, scale, and building design. The design is sensitive to and compatible with historic and low-density or sensitive uses in the vicinity.

- f. **Streetscape.** The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the intended character of the area.
- g. **Parking.** Parking areas are designed and developed to provide adequate parking, buffer surrounding land uses, compliment pedestrian-oriented development, enhance the environmental quality of the site (e.g., by minimizing stormwater run-off and the heat-island effect), and achieve a safe, efficient, and harmonious development. Parking areas are properly sited, designed, and screened to minimize the impacts of parking and vehicles on the pedestrian experience.
- h. **Screening and Fencing/Walls.** Fences, walls, and other visual screening elements are made of high-quality materials, add visual interest, are compatible with the character of surrounding development, and help community members differentiate between public and private property. Appropriate screening is provided between incompatible uses.
- i. **Lighting.** Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, and avoid creating glare.
- j. **Landscaping.** Landscaping is designed to be compatible with and enhance the architectural character and features of the buildings on site, conserve water, provide buffers or screening, and help relate the building to the surrounding landscape.
- k. **Consistency and Compatibility.** Project details, materials, signage, and landscaping, are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.
- l. **Public Art Component.** Public art is provided in satisfaction of Chapter 3.06. Art in Public Places.
- m. The project will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.

## G. Notice of Decision; Appeals; Expiration, Extensions, and Modifications.

### 1. Notice of Decision.

- a. **Planning Review by the Director.** Where Planning Review is conducted by the Director, Notice of Decision shall be provided pursuant to Section 6.03.10 (Timing and Notice of Decision and Findings Required). The Director shall provide a report at every regularly scheduled Planning Commission meeting of administrative decisions made by the Director or his/her designee.
- b. **Planning Review by the Planning Commission.** Where Planning Review is conducted by the Planning Commission, Notice of Decision of Planning Review shall be provided concurrently with the associated project approval (such as the Conditional Use Permit or Variance). See Section 6.03.10 (Timing and Notice of Decision and Findings Required).

### 2. Appeals.

Planning Review decisions are subject to the appeal provisions of Section 6.03.13 (Appeals).

### 3. Expiration, Extensions, and Modifications.

Planning Review approval is effective and may only be extended or modified as provided for in Chapter 6.03 (Common Procedures).

## 6.04.04. Use Permits

### A. Purpose.

The Use Permit review and approval process is intended to apply to uses that are generally consistent with the purposes of the zoning district where they are proposed but require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties.

### B. Applicability.

Approval of a Use Permit is required for uses or developments specifically identified in Article 2 (Zone Regulations) and/or any other section of this Code which requires a Use Permit.

### C. Review Authority.

#### 1. Administrative Use Permits.

The Director shall approve, conditionally approve, or deny applications for Administrative Use Permits based on consideration of the requirements of this Chapter. The Director may, at his/her discretion, refer any application for an Administrative Use Permit for a project that may generate substantial public controversy or involve significant land use policy decisions to the Planning Commission for a decision rather than acting on it himself/herself. In that case, the application shall be processed as a Conditional Use Permit.

#### 2. Conditional Use Permits.

The Planning Commission shall approve, conditionally approve, or deny applications for Conditional Use Permits based on consideration of the requirements of this Section.

### D. Application Requirements.

Applications for Use Permits shall be filed with the Planning Division on the prescribed application forms. In addition to any other application requirements, the application for a Use Permit shall include data or other evidence in support of the applicable findings required by Subsection 6.04.04.F (Required Findings), below.

### E. Public Notice and Hearing.

#### 1. Conditional Use Permits.

All applications for Conditional Use Permits shall require public notice and hearing before the Planning Commission pursuant to Chapter 6.03 (Common Procedures).

#### 2. Administrative Use Permits.

Administrative Use Permit applications do not require public hearings, but do require public noticing per Section 6.03.08 (Public Notice).

### F. Required Findings.

The decision-maker must make all of the following findings in order to approve or conditionally approve a Use Permit application. The inability to make one or more of the findings is grounds for denial of an application.

1. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Code and all other titles of the Municipal Code;
2. The proposed use is consistent with the General Plan and any applicable Specific Plan;
3. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
4. The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this Code;

5. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and
6. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

### G. Conditions of Approval.

In approving a Use Permit, the decision-maker may impose reasonable conditions or restrictions deemed necessary to:

1. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
2. Achieve the general purposes of this Code or the specific purpose of the zone in which the project is located;
3. Achieve the findings for a Use Permit listed in Subsection 6.04.04.F (Required Findings), above; or
4. Mitigate any potentially significant impacts identified as a result of environmental review conducted in compliance with CEQA.

In addition, the City may impose conditions or restrictions, as applicable, from external review agencies. The decision-maker may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

### H. Notice of Decision; Appeals; Expiration, Extensions, and Modifications.

1. **Notice of Decision.** Notice of Decision shall be provided pursuant to Section 6.03.10 (Timing and Notice of Decision and Findings Required).
2. **Appeals.** A decision of the Director may be appealed to the Planning Commission and a decision of the Planning Commission may be appealed to the City Council, as provided in Section 6.03.13 (Appeals).
3. **Expiration, Extensions and Modifications.** Use Permits are effective and may only be extended or modified as provided for in Chapter 6.03 (Common Procedures).

## 6.04.05. Temporary Use Permits

### A. Purpose and Applicability.

This Chapter establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur. A Temporary Use Permit is required prior to establishing, commencing, or engaging in any of the temporary uses specified in Section 4.27.04 (Allowed Temporary Uses and Associated Standards) and Article 2 (Zone Regulations).

### B. Review Authority.

The Director shall act as the Review Authority for Temporary Use Permits based on consideration of the requirements of this Section.

### C. Application.

Unless specified otherwise in Chapter 4.27 (Temporary Uses), an application for a Temporary Use Permit shall be submitted at least 30 days before the use is intended to begin, pursuant to Section 6.03.03 (Application Forms and Fees, and Reapplications).



## D. Required Findings.

The Director must make the following findings to approve or conditionally approve a Temporary Use Permit application. The inability to make one or more of the findings is grounds for denial of an application.

1. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City;
2. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas; and
3. The proposed use meets all of the standards specified in Section 4.27.04 (Allowed Temporary Uses and Associated Standards).

## E. Conditions of Approval.

The Director may impose reasonable conditions deemed necessary to ensure compliance with the findings for a Temporary Use Permit listed in Subsection D (Required Findings) above, including, but not limited to:

1. Regulation of ingress, egress, and traffic circulation;
2. Regulation of fire protection and access for fire vehicles;
3. Regulation of lighting and signage;
4. Regulation of hours of operation, staffing, or other aspects of the use; and
5. Removal of all trash, debris, temporary structures, and electrical service.

In addition, the City may impose conditions or restrictions, as applicable, from external review agencies. The Director may also require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

# 6.04.06. Administrative Variances and Variances

## A. Purpose.

This Chapter is intended to provide a mechanism for relief from the strict application of this Ordinance where this will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

## B. Applicability.

Variances may be granted to vary or modify dimensional and performance standards, but Variances may not be granted to allow uses or activities that this Ordinance does not authorize for a specific lot or site.

## C. Application Requirements.

Applications for an Administrative Variance or Variance shall be filed with the Community Development Department on the prescribed application forms in accordance with the procedures in Chapter 6.03 (Common Procedures). In addition to any other application requirements, the application for an Administrative Variance or Variance shall include data or other evidence showing that the requested Administrative Variance or Variance conforms to the required findings set forth in this Section.

## D. Administrative Variances.

This section sets forth the requirements for Administrative Variances, which are minor deviations from otherwise applicable standards when the small size of the modification requested, and the unlikelihood of any adverse effects on nearby properties or the neighborhood, make it unnecessary to complete a regular Variance process.

**1. Review Authority.**

The Director shall approve, conditionally approve, or deny applications for Administrative Variances based on the requirements and considerations in the Section.

**2. Applicability and Requirements.**

The Director may grant an Administrative Variance for adjustments from the development standards in this Code where, in his/her opinion, the intent of the ordinance can be achieved and equal performance obtained by granting an Administrative Variance. The authority to grant such variances shall be limited to requests that do not exceed a 20 percent deviation in the development standards for the following:

- a. Lot area
- b. Lot width
- c. Required yards
- d. Parking regulations
- e. Encroachments into required yards

**3. Required Findings for Administrative Variances.**

The Director may approve or approve with conditions an Administrative Variance application if all of the following findings are made.

- a. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zone, and that the granting of an Administrative Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone;
- b. The granting of the application is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;
- c. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare or convenience; and
- d. The granting of the Administrative Variance will be consistent with the general purposes and objectives of this Code, any applicable specific plans, and of the General Plan.

**4. Public Notice.**

An application for an Administrative Variance shall require public noticing per Chapter 6.03 (Common Procedures). An Administrative Variance application does not require a public hearing.

**E. Variances.****1. Review Authority.**

All other Variances that do not qualify as an Administrative Variance shall be reviewed and approved or denied by the Planning Commission based on consideration of the requirements of this Section.

**2. Applicability.**

All variances that do not meet the requirements for an Administrative Variance shall go through the Variance review and approval process.

**3. Public Notice and Hearing.**

An application for an Administrative Variance or Variance shall require public noticing and hearings before the Planning Commission per Chapter Chapter 6.03 (Common Procedures).

**4. Required Findings for Variances.**

After conducting a public hearing, the Planning Commission may approve or conditionally approve a Variance application if all of the following findings are made. The Commission shall deny an application for a Variance if it is unable to make any of the required findings, in which case it shall state the reasons for that determination.

- a. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zone, and that the granting of a Variance will not constitute a granting of a special privilege inconsistent with the

- limitations on the property in the vicinity and identical zone;
- b. The granting of the application is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;
  - c. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare or convenience; and
  - d. The granting of the Variance will be consistent with the general purposes and objectives of this Code, any applicable specific plans, and of the General Plan.

**5. Conditions of Approval.**

In approving a Variance, the Planning Commission may impose reasonable conditions deemed necessary to ensure compliance with the findings required in Subsection E.4 (Required Findings for Variances) above, and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

**F. Notice of Decision; Appeals; Expiration, Extensions, and Modifications.**

**1. Notice of Decision.**

Notice of Decision shall be provided pursuant to Section Section 6.03.10 (Timing and Notice of Decision and Findings Required).

**2. Appeals.**

The applicant or any other aggrieved party may appeal a decision on an Administrative or Variance pursuant to the provisions of Section 6.03.13 (Appeals).

**G. Expiration, Extensions and Modifications.**

1. Variances are effective and may only be extended or modified as provided for in Chapter 6.03 (Common Procedures).

## **6.04.07. Reasonable Accommodation**

**A. Purpose.**

This Chapter establishes the procedures to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act ("the Acts") in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval.

**B. Applicability.**

1. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any other entity, when the application of zoning law or other land use regulation, policy, or procedure acts as a barrier to fair housing opportunities.
2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
3. A request for Reasonable Accommodation may include a change or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

**C. Review Authority.**

The Director shall act as the Review Authority for Reasonable Accommodation applications based on consideration of the requirements of this Section. Requests submitted for concurrent review with another discretionary land use application shall be reviewed by the Review Authority for the discretionary land use application.

## D. Application.

An application for a Reasonable Accommodation shall be prepared, filed, and processed in compliance with Section 6.03.03 (Application Forms and Fees, and Reapplications). No noticing or public hearing are required for a Reasonable Accommodation request. In addition to any other information required under the City of Indio Municipal Code, an applicant submitting a request for Reasonable Accommodation must provide the following information:

1. Description of the accommodation request;
2. The applicant's name, address, and telephone number;
3. Location of the subject property, including address and assessor's parcel numbers;
4. Name and address of the property owner and the owner's written consent to the application;
5. The current actual use of the subject property;
6. Verifiable documentation of the individual's disability status;
7. The regulation(s), policy, or procedure for which accommodation is sought;
8. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling; and
9. Additional information necessary for Planning Division staff to facilitate proper consideration of the request, consistent with fair housing laws.

## E. Procedures.

The Director shall make a written determination within 90 days for non-concurrent review requests of the application being deemed complete and either approve, modify, or deny a request for Reasonable Accommodation in compliance with Subsection F (Required Findings), below. For concurrent review requests, the decision to approve, modify, or deny a request shall be made at the same time as the decision for the discretionary land use application(s).

## F. Required Findings.

The Review Authority must consider all of the following factors in order to approve or deny a request for Reasonable Accommodation that will be consistent with the Acts.

1. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
2. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
3. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City; and
4. Whether the requested Reasonable Accommodation would require a fundamental alteration of a City program or law, including but not limited to land use and zoning.

## G. Conditions of Approval.

In granting a request for Reasonable Accommodation, the Review Authority may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall terminate if the recipient of the accommodation was requested no longer resides on the property.

## H. Appeals, Expiration, Extensions, and Revisions.

### 1. Appeals.

Reasonable Accommodation decisions may be appealed as provided for in Section 6.03.13 (Appeals).

### 2. Expiration, Extensions, and Revisions.

Reasonable Accommodations may only be expired, extended, or revised as provided for in Chapter 6.03 (Common Procedures). A Reasonable Accommodation shall terminate if the accommodation is no longer required, or if the recipient of the accommodation no longer resides at the property.

## 6.04.08. Certificate of Public Convenience or Necessity

### A. Purpose.

1. Public convenience or necessity is a tool for local governments and communities to limit the issuance of new Alcoholic Beverage Control (ABC) licenses and alcohol outlets. Current State law limits the issuance of new licenses in geographical areas defined as areas of “undue concentration.” New alcohol outlets can be allowed in areas of undue concentration only if it is determined by the City of Indio that they would serve a “public convenience or necessity” (PCN).
2. State law defines “undue concentration” in an area if either of the following conditions exists:
  - a. The proposed site is located in a district where there is a 20 percent greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency; or
  - b. The ratio of off-sale/on-sale retail licenses to population in the census tract or census division in which the applicant’s premises is located exceeds the ratio of off-sale/on-sale retail licenses to population in the county in which the applicant’s premises is located.

### B. Review and Consideration Process.

1. Once the ABC has determined that a specific location is in an area of “undue concentration” for alcohol licenses and has notified the City of such, an applicant shall make application to the City and pay all required fees for the processing of a Certificate of Public Convenience or Necessity.
2. Upon receipt of the application and fee, the Community Development Department will route the application to all pertinent parties for review and comment on the requested Certificate.
3. Following the end of the review period, the Community Development Department shall schedule a public hearing before the City Council and conduct required public noticing in accordance with Section 6.03.08 (Public Notice).

### C. Decision-Making Criteria.

Following the close of the City Council public hearing, the City Council shall issue a decision approving, conditionally approving, or denying the Certificate of Public Convenience or Necessity. In reaching its decision, the City Council shall make findings and shall consider the following factors:

1. Whether or not the proposed use is consistent with the General Plan and Development Code.
2. Whether or not the proposed use is compatible with the nature, condition, and character of adjacent land uses.
3. Whether or not the proposed use would have an adverse effect on adjacent land uses.
4. Whether or not the proposed use would result in an excessive number of similar establishments in close proximity.

### D. Conditions of Approval.

The City Council in issuing a decision to grant a Certificate may apply conditions of approval to address impacts resulting from alcohol related activities at the subject property.

# 6.05. OTHER TYPES OF PLANS

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## 6.05.01. Planned Developments

### A. Purpose and Applicability.

This Section establishes procedures and requirements for Planned Developments. Additional information on the Planned Development Overlay (PD) zone can be found in Section 2.07.04 (Planned Development Overlay (PD)) of Article 2.

### B. Review Authority.

A Planned Development (PD) Overlay Zone must be adopted by the City Council. A public hearing before the Planning Commission is required prior to City Council review, and the Planning Commission shall make a recommendation to the City Council.

### C. Procedures.

#### 1. Initiation.

An application for a PD Overlay Zone shall be initiated by a property owner or authorized agent, or by the Director, Planning Commission, or City Council. If the property is not under a single ownership, all owners must jointly file the application, and a map showing the extent of ownership shall be submitted with the application.

#### 2. Application Contents.

A qualified applicant shall apply for a PD Overlay Zone on a form prescribed by the Community Development Department accompanied by the required fee. The Director may require an applicant to submit additional information and supporting data as considered necessary to process the application.

#### 3. Zoning Amendment.

An application for a PD Overlay Zone shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 6.06 (General Plan and Zoning Amendments), and shall include a PD Permit/Plan.

#### 4. PD Permit.

A PD Permit is required and shall be processed in the same manner as a Conditional Use Permit application, pursuant to Section 6.04.04 (Use Permits).

#### 5. Tentative Subdivision Map.

When a PD Permit requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the PD.

### D. Required Findings.

A PD Permit and subsequent PD Overlay Zoning Map Amendment shall only be approved if all of the following findings are made:

1. The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply;
2. The subject site is physically suitable for the type and intensity of the land use(s) being proposed;
3. Adequate transportation facilities and public services exist or will be provided in accordance with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in an increase in traffic levels or a reduction of levels of public services so as to be a detriment to public health, safety, or welfare;
4. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;



5. The development generally complies with applicable adopted design standards and guidelines; and
6. The proposed development will achieve superior community design, environmental preservation and/or substantial public benefit as compared to the development that would occur under the standards applicable to the underlying base zone.

### E. Conditions of Approval.

In approving a PD Permit and PD Overlay Zone, the Review Authority may impose reasonable conditions deemed necessary to:

1. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;
2. Achieve the general purposes of this Code or the specific purpose of the zone in which the project is located;
3. Achieve the findings listed above; or
4. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

### F. Expiration and Extension.

#### 1. Expiration.

- a. **PD Permit.** A PD Permit shall expire two years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved PD Permit may specify a development staging program exceeding two years.
- b. **Tentative Map.** Where a tentative map has been approved in conjunction with a PD Permit, the PD Permit shall expire upon the expiration of the tentative map.
- c. **Phased Development.** If the applicant intends to develop the project in phases, and the Review Authority approves phased development, the PD Permit shall remain in effect so long as not more than one year lapses between the end of one phase and the beginning of the next phase.

#### 2. Extension.

The Director may approve extensions of time for PD Permits/Plans, including those approved by the Planning Commission or City Council, in accordance with the following:

- a. Such extensions shall be approved only when it is found that the circumstances under which the permits were granted have not substantially changed.
- b. At the discretion of the Director, such extensions shall be approved for not more than two years. Any requests for extensions beyond two years shall be reviewed by City Council.

### G. Amendments of Approved Plans.

#### 1. Amended Plans.

Amendments to a PD Overlay Zone or PD Permit/Plan may be requested by the applicant or its successors. Amendments to the approved Permit/Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment.

#### 2. Major Amendments.

Major amendments to an approved PD Overlay zone or PD Permit/Plan shall be considered by the City Council at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes.

- a. A change in the boundary of the PD Overlay Zone;
- b. An increase or decrease in the number of dwelling units for the PD Overlay Zone that is greater than the maximum or less than the minimum stated in the PD Permit/Plan;
- c. An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the PD Permit/Plan;

- d. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the Public Works Director;
- e. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PD Overlay Zone or to the overall major street system, as determined by the Public Works Director; or
- f. Any other proposed change to the PD Permit/Plan or the conditions of approval that substantively alters one or more of its components as determined by the Director.

### 3. Minor Amendments.

Amendments not meeting one or more of the criteria listed in this Section shall be considered minor if they are consistent with and would not change any original condition(s) of approval. Minor Amendments may be approved by the Director.

## H. Project Review.

Plans for a project in a PD Overlay Zone shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PD Permit/Plan and any conditions of approval. No project may be approved and no building permit shall be issued unless the project, alteration or use is consistent with an approved PD Permit.

## 6.05.02. Development Agreements

### A. Purpose.

This Section establishes procedures and requirements for considering and entering into legally binding agreements with applicants for development projects, as provided for in State law. Such agreements provide a greater degree of certainty than the normal permit approval process by granting assurance that an applicant may proceed with development in accord with policies, rules, and regulations in effect at the time of the approval, subject to conditions to promote the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved.

### B. Applicability.

1. The City incorporates by reference the provisions of Government Code Sections 65864- 65869.5. In the event of any conflict between those statutory provisions and this Chapter, the statutes shall control.
2. A development agreement may be considered for a proposed development that will require a developer to make a substantial investment at the early stages of the project for planning and engineering for the entire project and for public facilities and services.

### C. Review Authority.

1. The Director shall negotiate the specific components and provisions of the Development Agreement on behalf of the City for Planning Commission review (if applicable) and recommendation to the City Council. The Director may request input from other affected Departments as needed.
2. If the Development Agreement involves a land use matter, the Planning Commission shall act as the advisory body and review the Development Agreement to provide recommendation to the City Council. If the Development Agreement does not involve a land use matter, it shall go directly to the City Council for review and decision-making.
3. The City Council shall act as the Review Authority, and after receiving recommendations from the Planning Commission (if the development agreement involves a land use matter), may adopt, reject, or modify a Development Agreement based on consideration of the requirements of this Chapter.

## D. Procedures.

An applicant for a development project may request that the City review the application as a Development Agreement application in accordance with the following procedures. The City incorporates by reference the provisions of Government Code Sections 65864-65869.5. In the event of any conflict between these statutory provisions and this Section, this Section shall control.

### 1. Application Requirements.

Applications for Development Agreements shall be filed with the Community Development Department in accordance with the provisions set forth in Section 6.03.03 (Application Forms and Fees, and Reapplications). In addition to any other application requirements, the application for a Development Agreement shall include data or other evidence in support of the applicable findings required by Subsection G (Required Findings) of this Section.

### 2. Contents of Development Agreements.

- a. **Required Contents.** A Development Agreement shall specify its duration, the permitted uses of the subject property, the general location and density or intensity of uses, the general location, maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. It shall contain provisions concerning its transferability (assignment).
- b. **Additional Contents.** Development Agreements may also include the following:
  - i. *Improvements and Fees.* A Development Agreement may include requirements for construction and maintenance of onsite and offsite improvements or payment of fees in lieu of such dedications or improvements.
  - ii. *Conditions.* A Development Agreement may also include conditions, terms, restrictions, and requirements for subsequent discretionary actions but does not eliminate the applicant's responsibility to obtain all required land use approvals.
  - iii. *Phasing.* A Development Agreement may provide that the project be constructed in specified phases, that construction shall commence within a specified time, and that the project or any phase thereof be completed within a specified time.
  - iv. *Financing.* If the Development Agreement requires applicant financing of necessary public facilities, it may include terms relating to subsequent reimbursement over time for such financing.
  - v. *Indemnity.* A Development Agreement may contain an indemnity clause requiring the applicant to indemnify and hold the City harmless against claims arising out of or in any way related to the actions of applicant in connection with the application or the development process, including all legal fees and costs.
  - vi. *Performance Obligation Fees.* A Development Agreement may include provisions to guarantee performance of obligations stated in the agreement.
  - vii. *Other Items.* Other components and provisions as negotiated by the City.

### 3. Application Completeness.

The Director shall review the application to determine whether or not it is complete. If it is found that the application is complete, the Director shall accept it for filing. If the application is found to be incomplete, the Director shall refuse to accept the application for filing and shall inform the applicant in writing of the items necessary to properly complete the application.

### 4. Concurrent Processing.

It is the intent of this Section that the application for a Development Agreement will be made and considered simultaneously with the review of other necessary applications, including, but not limited to Development Code text amendments, rezoning, Planned Development permits, and Conditional Use Permits. If combined with an application for rezoning, Planned Development, or Conditional Use Permit, the application for a Development Agreement shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information. A Development Agreement is not a substitute for, nor an alternative to, any other required permit or approval, and the qualified applicant or developer must comply with all other required procedures for development approval.

## E. Planning Commission Hearings and Recommendations.

### 1. Notice.

Public notice of hearings by the Planning Commission for a Development Agreement shall be given as specified in Section 6.03.08 (Public Notice). Notice of the hearing shall also be mailed or delivered to any other local agency expected to provide essential facilities or services to the property that is the subject of the Development Agreement.

### 2. Hearing.

The Planning Commission shall conduct a public hearing for making recommendations to the City Council in conformance with the provisions of Section 6.03.08 (Public Notice).

### 3. Recommendation to Council.

Following the public hearing, the Planning Commission shall make a written recommendation on the proposed Development Agreement. The Director shall transmit the Planning Commission's written recommendation and complete record of the application to the City Council for action.

## F. City Council Hearings and Actions.

### 1. Applicant Execution of Agreement.

A proposed Development Agreement shall be executed by the Applicant before it is placed before City Council for consideration at a public hearing.

### 2. Notice.

Public notice of hearings by the City Council for a Development Agreement shall be given as specified in Section 6.03.08 (Public Notice). Notice of the hearing shall also be mailed or delivered to any other local agency expected to provide essential facilities or services to the property that is the subject of the Development Agreement.

### 3. Hearing.

After receiving the report from the Planning Commission but no later than the time specified by Section 65943 of the Government Code, the City Council shall hold a public hearing in conformance with the provisions of Section 6.03.09 (Public Hearings).

### 4. Decision.

After the City Council completes the public hearing, the City Council shall approve, modify, or deny the Development Agreement. Approval of a Development Agreement shall be by ordinance. The ordinance shall refer to and incorporate by reference the text of the Development Agreement. Matters not previously considered by the Planning Commission during its hearing may, but need not, be referred to the Planning Commission for report and recommendation. The Planning Commission may, but need not, hold a public hearing on matters referred to it by the City Council.

## G. Required Findings.

After the public hearing, the City Council may approve, modify or disapprove the proposed Development Agreement. The City Council shall make the following findings for the approval of a Development Agreement:

1. The proposed Development Agreement and its provisions are consistent with the objectives, policies, general land uses, and programs specified in the General Plan and any applicable specific plan. This requirement may be satisfied by a finding that the provisions of a proposed Development Agreement are consistent with proposed General Plan or specific plan provisions to be adopted concurrently with the approval of the proposed Development Agreement.
2. The proposed Development Agreement and its provisions will not adversely affect the orderly development of property or the preservation of property value.
3. The proposed Development Agreement and its provisions will not be detrimental to the health, safety and general welfare.

## H. Execution and Recordation.

Within 10 days after the ordinance approving the Development Agreement takes effect, the City Manager or his/her designee shall execute the Development Agreement on behalf of the City. The City Clerk shall record the fully executed Development Agreement with the County Recorder.

## I. Periodic Review.

The applicant shall be required to demonstrate compliance with the provisions of the Development Agreement at least once a year, at which time the City Manager or his/her designee shall review each approved Development Agreement. The City Manager shall provide a written report to the City Council on the status and performance of each Development Agreement.

### 1. Finding of Compliance.

If the City Manager or his/her designee, based on substantial evidence, finds compliance by the applicant with the provisions of the Development Agreement, no action is required.

### 2. Finding of Noncompliance.

If the City Manager or his/her designee finds the applicant has not complied with the provisions of the Development Agreement, the Director may issue a finding of noncompliance which may be recorded by the City with the County Recorder after it becomes final. The Director shall specify in writing to the applicant the respects in which the applicant has failed to comply and shall set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If the applicant does not comply with any terms of compliance within the prescribed time limits, the Development Agreement shall be subject to termination or revision pursuant to this Chapter.

### 3. Appeal of Determination.

Within 10 days after issuance of a finding of noncompliance, any interested person may file a written appeal of the finding with the City Council. The appellant shall pay fees and charges for the filing and processing of the appeal in amounts established by resolution of the City Council. The appellant shall specify the reasons for the appeal. The issuance of a finding of compliance or finding of noncompliance and the expiration of the appeal period without appeal, or the confirmation by the City Council of the issuance of the finding on such appeal, shall conclude the review for the applicable period and such determination shall be final.

## J. Amendment or Cancellation.

### 1. Mutual Agreement.

Any Development Agreement may be canceled or amended by mutual consent of the parties following compliance with the procedures specified in this Section. A Development Agreement may also specify procedures for administrative approval of minor amendments by mutual consent of the applicant and City Manager or his/her designee.

### 2. After Finding of Noncompliance.

If a finding of noncompliance does not include terms of compliance, or if the applicant does not comply with the terms of compliance within the prescribed time limits, the City Manager or his/her designee may refer the Development Agreement to the City Council for termination or revision. After the public hearing, the City Council may terminate the Development Agreement, modify the finding of noncompliance, or rescind the finding of noncompliance and issue a finding of compliance.

### 3. Recordation.

If the parties to the agreement or their successors in interest amend or cancel the Development Agreement, or if the City terminates or modifies the Development Agreement for failure of the applicant to fully comply with the provisions of the Development Agreement, the City Clerk shall record notice of such action with the County Recorder.

#### 4. Rights of the Parties After Cancellation or Termination.

If a Development Agreement is cancelled or terminated, all rights of the applicant, property owner, or successors in interest under the Development Agreement shall terminate. If a Development Agreement is terminated following a finding of noncompliance, the City may, in its sole discretion, determine to return all benefits, including reservations or dedications of land and payments of fees received by the City.

### K. Effect of Approved Agreement.

#### 1. Existing Rules and Regulations.

Unless otherwise specified in the Development Agreement, the City's rules, regulations, and official policies governing permitted uses of the property, density and design, and improvement standards and specifications applicable to development of the property shall be those City rules, regulations, and official policies in force on the effective date of the Development Agreement.

#### 2. Future Rules and Regulations.

A Development Agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations and policies that do not conflict with those rules, regulations and policies applicable to the property as set forth in the Development Agreement. A Development Agreement shall not prevent the City from denying or conditionally approving any subsequent land use project or authorization for the project on the basis of such rules, regulations, and policies. Unless otherwise specified in the Development Agreement, a Development Agreement shall not exempt the applicant from obtaining future discretionary land use approvals.

#### 3. State and Federal Rules and Regulations.

In the event that any regulation or law of the State of California or the United States, enacted or interpreted after a Development Agreement has been entered into, prevents or precludes compliance with one or more provisions of the Development Agreement, then the Development Agreement may be modified or suspended in the manner and pursuant to the procedures specified in the Development Agreement, as may be necessary to comply with such regulation or law.

### L. Enforcement.

The procedures for enforcement, revision, cancellation, or termination of a Development Agreement specified in this Section and in Government Code Section 65865.4 or any successor statute are non-exclusive. A Development Agreement may be enforced, revised, cancelled, or terminated by any manner otherwise provided by law or by the provisions of the Development Agreement.

## 6.05.03. Specific Plans

### A. Purpose.

The purpose of this chapter is to provide a process for preparing, processing, reviewing, adopting, and amending Specific Plans in compliance with State law (Government Code Section 65450 et seq. or as this subsection may be amended/replaced from time to time).

### B. Intent and Relationship to Zoning.

1. A Specific Plan shall be utilized to provide more flexibility to encourage a more creative development approach that will result in a more efficient, aesthetically pleasing, and desirable use of land than might be normally allowed under the zone and associated development standards applied to the property(ies).
2. A Specific Plan shall not be an alternative to adopted development regulations of the City unless an applicant can demonstrate that the specific plan achieves one or more of the following:
  - a. Provides for community benefits beyond those normally required under existing development regulations.
  - b. Preserves open space, identified environmentally sensitive areas, natural vegetation and significant trees, watercourses, historic buildings and places and other features of value to the community.



- c. Provides for efficient street and utility systems through the clustering of structures.
3. A Specific Plan adopted by ordinance shall replace the base zone for the subject property, and the development standards and guidelines identified in the Specific Plan shall take precedence over the general standards and guidelines contained in this Code.

### C. Applicability.

At the discretion of the Director, a Specific Plan may be required under the following circumstances:

1. If the General Plan requires preparation of a Specific Plan for a particular geographic area;
2. For areas included within the City's sphere of influence and proposed for annexation to the City to address unique biological resources or create fiscal benefits for the city or enhance infrastructure; and
3. As a tool to assist in the comprehensive master planning of non-residential project sites.

### D. Review Authority.

1. The Director shall negotiate the specific components and regulations of the Specific Plan on behalf of the City for Planning Commission review and recommendation to the City Council. The Director may request input from other affected Departments as needed.
2. The Planning Commission shall act as the advisory body and review the Specific Plan to provide recommendation to the City Council.
3. The City Council shall act as the Review Authority, and after receiving recommendations from the Planning Commission, may adopt, reject, or modify a Specific Plan based on consideration of the requirements of this Section.

### E. Minimum Project Area.

1. The minimum project area for a privately initiated Specific Plan shall be 100 acres. For publicly initiated Specific Plans, there shall be no minimum project area size
2. The project area may be one parcel under single ownership or a combination of adjoining parcels subject to a unified planning concept with written concurrence of one or more applicable property owners.

### F. Procedures.

1. **Initiation and Pre-submittal Requirements.** A Specific Plan may be initiated in the following manner:
  - a. By City Council minute order direction;
  - b. By an application being filed by or on behalf of the owner(s) of one or more parcels which would be the subject of the Specific Plan. If initiated by an applicant, the following should first occur:
    - i. A pre-application conference shall be conducted before the filing of a Specific Plan with the City. Pre-application meetings shall be conducted in conformance with Section 6.03.04 (Pre-Application Review and Conferences).
2. **Preparation and Content.**
  - a. The applicant shall prepare a draft Specific Plan for review by the City that includes detailed information in the form of text and diagram(s), organized in compliance with State law (Government Code Section 65451).
  - b. The following information shall be provided:
    - i. The distribution, location, and extent of land uses proposed within the area covered by the Specific Plan, including open space areas;
    - ii. The proposed distribution, extent, intensity, and location of major components of public and private circulation/transportation, drainage, energy, sewers, solid waste disposal, water, and other essential facilities proposed to be located within the Specific Plan area and needed to support the proposed land uses;
    - iii. Standards, criteria, and guidelines by which development would proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;

- iv. A program of implementation measures, including financing, regulations, programs, and public works projects, necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria;
  - v. A discussion of the relationship of the Specific Plan to the actions, goals, objectives, and policies of the adopted General Plan inclusive of detailed analysis as to how the Specific Plan complies with the actions, goals, objectives, and policies;
  - vi. The Specific Plan shall contain additional information deemed to be necessary by the Director based on the characteristics of the area to be covered by the plan, applicable actions, goals, objectives, and policies of the General Plan, or any other issue(s) determined by the Director to be significant.
- c. The Specific Plan application shall be accompanied by a market study prepared by a qualified real estate professional and/or land use economist that analyzes the “highest and best use” land use considerations for the property(ies) being considered for the Specific Plan; and
  - d. The Specific Plan application shall be accompanied by appropriate environmental analysis addressing compliance with the provisions of CEQA that assesses whether there will be no potential significant negative effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless findings are made in compliance with CEQA. This environmental analysis may be accompanied by one or more relevant supporting studies addressing environmental topical areas including but not limited to transportation, air quality, biological resources, water quality, noise, aesthetics, and cultural resources.

### **3. Application Filing, Processing, and Review.**

- a. A draft Specific Plan and application shall be filed with the Community Development Department and shall be accompanied by written and graphic documents intended to substantiate the request on a form provided by the Department. The draft plan shall be processed in the same manner as required for general plans by State law.
- b. The required fee established by the City’s fee resolution shall be submitted at the same time as the application submittal.
- c. After the filing of an application draft Specific Plan, the Director or his/her designee shall review the draft plan and associated documents to determine whether it is in compliance with the provisions of the submittal requirements for the processing for a Specific Plan.
- d. If the application for the draft plan is not in compliance, a notice of incompleteness shall be issued to the applicant with written specification(s) as to why it does not comply and with suggested revisions to ensure compliance.
- e. When the applicant resubmits the required elements needed for a completeness determination to the department and the Director determines it is complete and in compliance with this Section, the proposed Specific Plan application shall be deemed to be accepted for processing.
- f. The draft Specific Plan shall be subject to environmental review pursuant to the provisions of the CEQA.

### **4. Concurrent Processing.**

It is the intent of this Section that the application for a Specific Plan will be made and considered simultaneously with the review of other necessary applications, including, but not limited to rezoning, planning review applications, and Conditional Use Permits. If combined with an application for rezoning, planning review application, or Conditional Use Permit, the application for a Specific Plan shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information. A Specific Plan is not a substitute for, nor an alternative to, any other required permit or approval, and the qualified applicant or developer must comply with all other required procedures for development approval. The applicant shall proceed at known risk and any decision for the other associated applications shall be contingent upon the City Council’s approval of the Specific Plan.

## G. Planning Commission Hearings and Recommendations.

### 1. Notice.

Public notice of hearings by the Planning Commission for a Specific Plan shall be given as specified in Section 6.03.08 (Public Notice). Notice of the hearing(s) shall also be mailed or delivered to any other local agency expected to provide essential facilities or services to the property that is the subject of the Specific Plan.

### 2. Hearing.

The public hearing(s) shall be held after transmittal to and receipt of comments from other City Departments and external review agencies, required noticing, as applicable, to Native American Indian tribes, the conduct of required environmental analysis and associated noticing, as applicable, and the conduct of required public noticing. The Planning Commission shall conduct one or more public hearings for making recommendations to the City Council in conformance with the provisions of Section 6.03.09 (Public Hearings).

### 3. Recommendation to City Council.

Following the conclusion of the public hearing process, the Planning Commission shall recommend to the City Council the approval, approval in modified form or disapproval based on making required findings per Subsection I (Required Findings) of this Section. The Director shall transmit the Planning Commission's written recommendation and complete record of the application to the City Council for final action.

## H. City Council Hearings and Actions.

### 1. Notice.

Public notice of hearings by the City Council for a Specific Plan shall be given as specified in Section 6.03.08 (Public Notice). Notice of the hearing(s) shall also be mailed or delivered to any other local agency expected to provide essential facilities or services to the property that is the subject of the Development Agreement.

### 2. Hearing.

After receiving the report from the Planning Commission but no later than the time specified in Section 65943 of the Government Code, the City Council shall hold a public hearing in conformance with the provisions of Section 6.03.09 (Public Hearings).

### 3. Decision.

After the City Council completes the public hearing(s), the City Council shall approve, modify, or deny the Specific Plan. Approval of a Specific Plan shall be by ordinance in compliance with State law (Government Code Section 65453). The ordinance shall refer to and incorporate by reference the text of the Specific Plan. If there are any substantial change(s) to the Specific Plan that were not considered by the Planning Commission at time of Council review and consideration, the Council may refer the Specific Plan back to the Commission for its recommendation on said changes, in compliance with State law (Government Code Section 65356). The failure of the Planning Commission to report within 45 days after the referral, or within the time set by the City Council, shall be deemed a recommendation for approval.

## I. Required Findings.

After the public hearing, the City Council may approve, modify, or disapprove the Specific Plan. The City Council shall make the following findings for the approval of a Specific Plan:

1. The proposed Specific Plan is consistent with the General Plan and all relevant elements and is not inconsistent with any element thereof;
2. The proposed Specific Plan would not be detrimental to the public interest, health, safety, convenience, or welfare of the city;
3. The subject property(ies) proposed for the Specific Plan is physically suitable for the requested land uses and physical site development;
4. The Specific Plan provides for community benefits beyond those normally required under existing development regulations;

5. The Specific Plan preserves open space, identified environmentally sensitive areas, natural vegetation and significant trees, watercourses, historic buildings and places, and other features of value to the community;
6. The Specific Plan provides for efficient street and utility systems through the clustering of structures;
7. The Specific Plan utilizes innovative methods and concepts not readily available under traditional subdivision and zoning methods;
8. The Specific Plan prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses;
9. The Specific Plan provides reasonable property development rights while protecting environmentally sensitive land uses and species;
10. The proposed Specific Plan ensures development of desirable character which would be harmonious with existing and proposed development in the surrounding neighborhood;
11. The Specific Plan has been designed to provide for flexibility, innovative use of land resources and development, a variety of housing and other development types, and an equitable method of transportation access;
12. The Specific Plan is not an alternate to adopted development regulations of the City because the applicant has substantively demonstrated that the Specific Plan achieves one or more of the following:
  - a. Provides for community benefits beyond those normally required under existing development regulations.
  - b. Preserves open space, identified environmentally sensitive areas, natural vegetation and significant trees, watercourses, historic buildings and places and other features of value to the community.
  - c. Provides for efficient street and utility systems through the clustering of structures.
13. There are existing or planned public and private infrastructure available to the subject property(ies) proposed for the Specific Plan. If one or more public or private infrastructure is not currently available to serve the project, the applicant shall bear the burden of proof in demonstrating how such service will be provided;
14. The Specific Plan is the “highest and best use” of the land relative to the requested change in allowable land uses, development intensity and/or density, and development standards as compared against the current zoning applied to the property(ies) being proposed for the application of the Specific Plan; and
15. The proposed project has been reviewed in compliance with the provisions of CEQA and there would be no potential significant negative effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless findings are made in compliance with CEQA.

## J. Execution and Implementation.

1. After the adoption of a Specific Plan, a public works project, a tentative map or parcel map, or an amendment to this Code may be approved/adopted within an area covered by a Specific Plan only if it is first found consistent with the Specific Plan.
2. Implementation of development projects within an area covered by a Specific Plan shall require the filing and approval of all applicable development permits unless filed and reviewed concurrently with the Specific Plan application.
3. The Council may impose a Specific Plan fee surcharge on development permits and approvals within the Specific Plan area, in compliance with State law (Government Code Section 65456).

## K. Amendments.

1. A Specific Plan may be amended through the same procedure specified by this Section for the approval of a Specific Plan.
2. The Specific Plan may be amended as often as deemed necessary by the Council, in compliance with State law (Government Code Section 65453).

# 6.06. GENERAL PLAN AND ZONING AMENDMENTS

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## 6.06.01. Amendments to the General Plan, Development Code, and Zoning Map

### A. Purpose.

This Chapter establishes procedures for consideration and review of amendments to the General Plan, Development Code, and/or Official Zoning Map, when there are compelling reasons to do so. More specifically, this Chapter addresses:

1. Amendments to the General Plan, to address changes in State or Federal law and problems and opportunities that were unanticipated at the time of adoption or the last amendment; and
2. Amendments to the Development Code and Zoning Map, whenever the public necessity, convenience, general welfare, or good practice justify such amendment, consistent with the General Plan.

### B. Applicability.

The procedures in this Chapter shall apply to:

1. All proposals to change the text of the General Plan and the maps that illustrate the application of its provisions; and
2. All proposals to change the text of this Development Code or to revise a zone or boundary line shown on the Zoning Map.

### C. Review Authority.

The Planning Commission shall act as the advisory body for all amendments to the General Plan, Development Code, and Zoning Map and provide recommendations to the City Council. The City Council shall act as the Review Authority, and after receiving recommendations from the Planning Commission, may adopt, reject, or modify all amendments to the General Plan, Development Code, and Zoning Map.

### D. Initiation of Amendment.

An Amendment to the General Plan, Development Code, or Zoning Map may be initiated by any qualified applicant identified in Section 6.03.03 (Application Forms and Fees, and Reapplications), the Community Development Director, or by a motion of the City Council or Planning Commission.

### E. Procedures.

#### 1. Application.

A qualified applicant shall submit an application accompanied by the required fee, pursuant to Chapter 6.03 (Common Procedures). The Community Development Department may require an applicant to submit such additional information and supporting data as considered necessary to process the application. The Community Development Department may allow amendments to the General Plan, Development Code, and Zoning Map to be processed concurrently with other applications.

#### 2. Staff Report.

The Director shall prepare a report and recommendation to the Planning Commission on any amendment application. The report shall include, but is not limited to, a discussion of how the proposed amendment meets the criteria in Subsection I (Criteria for Zoning Amendments) of this Section (if applicable), as well as an environmental document prepared in compliance with the CEQA. Applications involving projects for which an environmental document is required shall not be heard until the environmental assessment procedures required by CEQA are satisfied.

### 3. Public Hearing and Notice.

All Amendments to the General Plan, Development Code, and Zoning Map shall be referred to the Planning Commission, which shall conduct at least one public hearing on any proposed amendment. At least 10 days before the date of any public hearing, the Planning Division shall provide notice as provided for in Section 6.03.08 (Public Notice). Notice of the hearing also shall be mailed or delivered to any local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment.

## F. Planning Commission Hearing and Recommendation.

### 1. Planning Commission Hearing.

Before submitting a recommendation report to the City Council, the Planning Commission shall conduct at least one public hearing in accordance with Section 6.03.09 (Public Hearings).

### 2. Recommendation to City Council.

Following the public hearing, the Planning Commission shall make a recommendation on the proposed amendment to the City Council. Such recommendation shall include the reasons for the recommendation, findings related to Subsection I (Criteria for Zoning Amendments) of this Section, and the relationship of the proposed amendment to other adopted documents. The recommendation shall be transmitted in the form of a Council memo, prepared by the Community Development Department, with a copy of the approved minutes from the Planning Commission meeting.

## G. City Council Hearing and Action.

### 1. City Council Hearing.

After receiving the recommendation from the Planning Commission, the City Council shall hold one or more hearings in accordance with Section 6.03.09 (Public Hearings). The notice for the hearing shall include a summary of the Planning Commission recommendation.

### 2. City Council Action.

After the conclusion of the hearing(s), the City Council may approve, modify, or deny the proposed amendment. If the Council proposes any substantial revision not previously considered by the Planning Commission during its hearings, the proposed revision shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 45 days after the referral shall be deemed a recommendation for approval and the amendment shall be returned to Council for adoption.

## H. Criteria for General Plan Amendments.

The Planning Commission shall not recommend and the City Council shall not approve an amendment to the General Plan unless the proposed amendment meets the following criteria:

1. The proposed amendment is internally consistent with other applicable provisions of the General Plan;
2. The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan;
3. The proposed amendment would maintain the appropriate balance of land uses within the city;
4. The proposed amendment is compatible with existing or proposed uses in the area, and would not create an "island" or spot land use designation inconsistent with the intent and policies of the General Plan, or with the density or land uses of surrounding properties;
5. In the case of an amendment to the General Plan Land Use Map, the subject parcels are physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the requested land use designation and the anticipated land use developments;
6. The proposed amendment would not be detrimental to the public interest, health, safety, and general welfare; and
7. The proposed amendment is in compliance with the provisions of CEQA.



## I. Criteria for Zoning Amendments.

The Planning Commission shall not recommend and the City Council shall not approve an amendment to the Development Code and/or Zoning Map unless the proposed amendment meets the following criteria:

1. The amendment is consistent with the General Plan;
2. The proposed amendment is internally consistent with other applicable provisions of the Code;
3. Any change in zone boundaries is consistent with the General Plan and is necessary to achieve the balance of land uses desired by the City;
4. The amendment will promote the growth of the city in an orderly manner and promote and protect the public health, safety, peace, comfort, and general welfare; and
5. The proposed amendment is in compliance with the provisions of the CEQA.

## 6.06.02. Pre-Zoning

### A. Purpose.

The purpose of this Chapter is to establish a procedure for zoning property upon annexation.

### B. Applicability.

Unincorporated territory adjoining the city may be pre-zoned for determining the zoning that will apply to such property upon annexation.

### C. Procedure.

Zoning of property to be annexed shall be established through initiation and processing according to the procedures established in this Chapter.

### D. Notification of the Board of Supervisors.

In addition to any other public notice required per Section 6.03.08 (Public Notice), the City shall, as a part of any rezoning request, notify the Board of Supervisors of the County of the proposed application of the pre-zoning process.

### E. Effective Date of Zoning.

Territory annexed to the city, shall, upon the date that the annexation becomes effective, become a part of the study district, unless the City Council determines otherwise by ordinance. The zoning shall be temporary and the Planning Commission shall recommend to the City Council within a period not to exceed one year a final zoning plan for the annexed territory.

### F. Property Classification.

The pre-zoning designation as approved shall be shown on the Zoning Map with a "UA" prefix attached to the designation to indicate upon annexation, for example "SN-4 (UA)." Once the annexation is completed, the UA additive shall be removed.

### G. Annexation Schedule and Time Limits.

Any pre-zoning classification may be subject to a specific timetable for annexation of all or part of the property to the city. The City reserves the right to review annually whether the pre-zoned property is being annexed to the city in conformity with the timetable, and the City Council may, and expressly reserves the right and power, to revoke the pre-zoned classification solely upon the ground that annexation has not taken place according to the timetable.

## 6.07. NONCONFORMING PROVISIONS

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### 6.07.01. Purpose

This Chapter is intended to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Title in a manner that does not conflict with the General Plan. To that end, this Chapter establishes the circumstances under which a nonconforming use or structure may be continued or changed and provides for the removal of nonconforming uses and structures when their continuation conflicts with the General Plan and public health, safety, and general welfare.

### 6.07.02. Applicability

This Chapter applies to structures, land, and uses that have become nonconforming by initial adoption of or amendments to this Code. It also applies to nonconformities that were legal nonconformities under previously applicable ordinances, even if the type or extent of nonconformity is different. Regulations on non-conforming signs and sign enforcement can be found in Chapter 3.05 (Signs).

### 6.07.03. Determination of Nonconformity Status

#### A. Burden of Proof.

The burden of establishing that any nonconformity is a legal nonconformity shall, in all cases, be solely upon the owner of such nonconformity.

#### B. Appeal of Determination.

Any person, firm, or corporation aggrieved by a decision of the Director's determination of nonconformity in interpreting, applying, or enforcing this Chapter, may file an appeal in compliance with Section 6.03.13 (Appeals).

### 6.07.04. Nonconformities, Generally

Any lawfully established use or structure that is in existence on the Effective Date of this ordinance or any subsequent amendment thereto but does not comply with the standards and requirements of this Code shall be considered nonconforming.

- A. A nonconformity may result from any inconsistency with the requirements of this Code including, but not limited to, use, location, density, floor area, height, or setback.
- B. A lawfully existing use that was authorized by a previously approved permit or approval (e.g., Conditional or Administrative Use Permit, Variance, etc.), but is not allowed by this Code in its current location, may continue to exist in compliance with the original permit approval and shall be deemed nonconforming.
- C. A use lawfully existing without a permit that would require a permit under the current Code (e.g., a Conditional Use Permit was not required when the use was established, and the current Code now requires a Conditional Use Permit for that use) shall be allowed to operate to the extent that it previously operated (e.g., maintains the same site area boundaries, hours of operation, etc.) and shall be deemed nonconforming. Any use that is nonconforming solely by reason of the absence of a Use Permit may be changed to a conforming use by obtaining the appropriate Use Permit pursuant to the requirements in Section 6.04.04 (Use Permits).

**D.** Nonconforming uses, structures, and/or physical improvements which lawfully exist on the date the property is annexed to the city, and which do not conform to this Code and any other relevant City document, may continue to exist and, upon annexation, shall be deemed nonconforming and subject to the provisions of this Chapter.

**E. Exceptions.**

No existing use of land or existing structure shall be deemed nonconforming solely because it was previously used and/or developed without site improvements required by this Code, including but not limited to parking, paving, screening, landscaping, lighting, drainage, etc. Said use or structure shall retain conforming status for as long as the use or structure remains unmodified. If the use or structure is also nonconforming because a Use Permit is required, then the provisions of Subsection D above shall apply

## **6.07.05. Projects Under Construction**

A nonconforming structure that began construction under an active building permit prior to a change in regulations in this Code, which would make the structure nonconforming once completed, may be completed per approved building permit and plans and shall be deemed a previously conforming structure.

## **6.07.06. Right to Continue**

Any use or structure that was lawfully established prior to the effective date of this Code or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained provided there is no alteration, enlargement, addition, or other change to any building or structure or use therein; or no substitution, expansion, or other change including an increase in occupant load or any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Chapter.

- A.** Nonconforming uses must comply with applicable City, County, State, and Federal laws regarding their operations, including compliance with all performance standards set for this code (see Chapter 3.04 (Performance Standards)).
- B.** The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership, tenancy, or management.
- C.** The right to continue a nonconforming use or structure shall not apply to uses or structures determined by the Planning Commission or City Council as described in this Chapter to be a public nuisance arising from conditions that constitute a threat to public health, safety, or general welfare.
- D.** The right to continue a nonconforming use or re-occupy a nonconforming structure shall terminate if the nonconforming use has been abandoned or the nonconforming structure has been vacated for the relevant period described in Section 6.07.13 (Abandonment and Loss of Legal Nonconforming Status).

## **6.07.07. Phasing of Compliance.**

Partial conversions of properties or structures to bring them into better compliance with this Code are permitted and encouraged. This applies to nonconforming outdoor activities such as product storage or parking. When a portion of a property, structure, or use is converted to bring it into conformance in phases, the owner does not waive the right to maintain previously allowed uses of other parts of the building or property under the conditions established in this Chapter.

## 6.07.08. Ownership of Multiple Parcels

For the purposes of this Chapter, multiple contiguous parcels under the same or substantially the same ownership or control, shall be treated as if they were a single parcel or property, for enforcement of nonconforming use or building, including outdoor activities such as storage of product or parking. Ownership for the purposes of this Chapter is defined as the same or similar business ownership structure.

## 6.07.09. Maintenance and Repairs

Incidental repairs, normal maintenance, and interior alterations of nonconforming structures shall be permitted if the changes and improvements do not increase the extent of the nonconformity, enlarge the structure, change the building footprint, or increase building height or roof pitch, and are not otherwise expressly prohibited by this Code. This excludes any improvements required to meet accessibility requirements. Nothing in this Chapter shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

## 6.07.10. Change of Use

A nonconforming use may only be changed to a use allowed in the zone in which it is located. A nonconforming use shall not be changed to another nonconforming use. Once a nonconforming use is converted to a conforming use, it shall not be changed back to a nonconforming use.

## 6.07.11. Additions and Expansions to Nonconforming Structures

Additions or expansions of a nonconforming structure or use are permitted subject to the approval of the Director through Zoning Clearance/building permit process, as provided below. The addition or enlargement shall not increase the extent of the nonconformity and shall comply with all applicable laws and requirements of this Code.

Alterations or expansions of any nonconforming use that bring the land use or structure into partial or full compliance shall be permitted if the proposed improvements comply with the design and development standards of this Code, and the requirements of this Chapter. Such improvements will not be subject to the one-time expansion limitation.

A nonconforming structure shall not be moved in whole or in part to any other location unless the move results in the entire structure being brought into compliance with all applicable zone regulations and development standards of this Code.

### A. One-Time Expansion of Nonconforming Structures.

A one-time expansion of up to 10 percent of the existing square footage is permitted, provided the following:

1. The expansion does not add residential units;
2. The expansion does not increase the number of stories; and
3. The expansion does not reduce the number of existing on-site parking spaces or access to the building.

### B. Nonconforming Setbacks, Residential Zones.

In Residential zones, a nonconforming setback may be maintained and extended, and shall not be considered an increase in the discrepancy, provided that:

1. A new encroachment into any other required setback is not created;
2. The height of the portion of the structure that is within the required setback is not increased; and
3. Any residential additions above the first floor shall conform to the setbacks in effect at the time the application for the addition is submitted.

## 6.07.12. Repair and Replacement of Damaged or Destroyed Nonconforming Structures

A nonconforming structure that is damaged or partially destroyed by fire, explosion, earthquake, or natural disaster that was not caused by an act or deliberate omission of a property owner, their agent, or person acting on their behalf or in concert with them, may be restored or rebuilt subject to the following provisions.

### A. Restoration When Damage is 50 Percent or Less of Value.

If the cost of repair or reconstruction is less than or equal to 50 percent of the appraised value of the structure, replacement of the damaged portions of the structure is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed. The determination of the appraised value shall be made by a professional appraiser selected by the City, whose fee shall be paid by the building or property owner.

### B. Restoration When Damage Exceeds 50 Percent of Value.

If the cost of repair or reconstruction exceeds 50 percent of the appraised value of the structure, as determined pursuant to Subsection A above, the land and building shall be subject to the requirements of this Code, except as provided below.

#### 1. Non-Residential Structures.

Any nonconforming use must permanently cease. The Director or Planning Commission may approve the structure, per the Planning Review process, to be rebuilt to the same size, extent, and configuration as previously existed provided that the use of the structure is permitted or conditionally permitted in the zone. In such cases, any expansion or change to the previous use must conform to the requirements of this Chapter.

#### 2. Residential Structures.

Any nonconforming residential structure may be reconstructed, restored, or rebuilt up to the size and number of dwelling units prior to the damage and provided there is no increase in any other nonconformity. The nonconforming use, if any, may be resumed subject to a Zoning Clearance in the case of single-unit dwellings or Director/Planning Commission approval, per the Planning Review process, in the case of other residential uses, unless the review authority finds that the reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood.

### C. Timing.

Building permits must be obtained within two years of the date of the damage or destruction, and construction shall be completed within one year of issuance unless another time period is specified by the Director. Building permits must be maintained valid through the completion of the project.

## 6.07.13. Abandonment and Loss of Legal Nonconforming Status

Except for residential uses, if a nonconforming use ceases to operate for any reason for a period of more than one year, the use shall be considered abandoned. Once abandoned, the legal nonconforming status shall be lost, and the use shall not be resumed, reestablished, reopened, or replaced by any other nonconforming use, except as provided in this Chapter. It is the responsibility of the applicant to provide evidence demonstrating to the satisfaction of the Director that the use was legally established and has not been abandoned.

### A. Abandonment.

The time period set forth above shall commence when the use ceases to operate, whether with the intent to abandon the use or not, and any one of the following occurs:

1. The site is vacated;
2. The business license expires or is revoked;
3. Utilities are terminated; or
4. The applicable lease is terminated.

## B. Notification and Abatement

The Director determines when land, structures, uses or outdoor activities have been abandoned and have lost their nonconforming status. The Director's determination is subject to appeal to the Planning Commission pursuant to Section 6.03.13 (Appeals) of this Code. The property owner(s) and lessee shall be notified in writing of the determination and abatement requirements within 10 days.

Any abandoned nonconforming use or structure shall be abated, including clearing of the land and any associated equipment or materials, within six months of notification by the Director and/or Planning Commission. All future use of such land shall conform to the applicable zone and use provisions of this Code.

## C. Extension of Abandonment Period.

The Director may approve an additional one-year time period during which the use will not be considered abandoned, provided that the Director finds that economic conditions warrant the additional time. If such additional time period is approved, the total period during which the use will not be considered abandoned shall not exceed two years from the date the use ceased to operate.

# 6.07.14. Nonconforming Site Conditions and Improvements

## A. Nonconforming Parking.

No existing use of land or existing structure, where parking for said use or structure was conforming at the time of establishment or modification, shall be deemed to be nonconforming solely because of the lack of parking or loading facilities prescribed in Chapter 3.03 (Parking and Loading). Uses that have off-street parking or loading that do not meet the requirements of this Code may continue in operation and retain conforming status for as long as the use or structure remains unmodified. Implications for modifications are addressed in Subsections 1 and 2, below.

### 1. Expansion of Multi-Family Residential and Non-Residential Structures.

For additions or expansions of existing structures or buildings that would increase the number of parking spaces required, the additional parking shall be required only for the addition or expansion or new dwelling units, and not for the preexisting structure or building or preexisting dwelling units. However, the Review Authority may grant a waiver of the parking requirement for the addition, enlargement, or new dwelling units if it is determined that sufficient parking is available on or near the site, and the project is consistent with the General Plan, otherwise consistent with the Code, and the waiver would not create a negative impact for neighboring properties.

### 2. Expansion of Single-Family Residential Structures.

Existing nonconforming single-family dwellings whose off-street parking facilities do not conform to the provisions of this Code may be expanded or added to a maximum of 20 percent of the existing structure without meeting current requirements for off-street parking. If the expansion or addition exceeds 20 percent of the existing structure, additional parking shall be required only for the addition or expansion.

### 3. Change in Use.

For any change of use or manner of operation that would increase the number of parking spaces required per Chapter 3.03 (Parking and Loading), no additional parking shall be required unless the change in use requires 15 percent or more parking spaces than currently exist. The number of parking spaces required for the change of use shall be the difference between the number required by Chapter 3.03 (Parking and Loading) and 115 percent of the number of spaces that currently exist.



**4. Changes to Parking Area.**

Any changes to a parking area layout, loading area, circulation aisles, access, lighting, or landscaping may only occur when the change reduces or corrects an existing substandard condition; changes shall be subject to applicable permitting of this Code.

**5. Major Renovations.**

If an application is filed for a building permit(s) for the renovation or remodeling of a structure(s) that has one or more nonconforming site features, and the value of the proposed improvements totals 75 percent or more of the current total appraised value of the existing property, the applicant shall be required to address the nonconforming site features, including parking and loading in compliance with Chapter 3.03 (Parking and Loading).

**B. Nonconforming Driveways.**

Nonconforming residential and non-residential driveways may continue to be maintained and repaired until such a time that the driveway is reconstructed, fully or partially realigned, modified dimensionally, connected to a new structure, or a change is made to any structure on the parcel that would require that the structure be brought into compliance with current Code standards.

**C. Nonconforming Landscaping and Screening.**

No existing use of land or existing structure, where landscaping or screening for said use or structure was conforming at the time of establishment or modification, shall be deemed to be nonconforming solely because of the lack of landscaping and screening required by this Code. Uses that have nonconforming landscaping and screening shall retain conforming status for as long as the use or structure remains unmodified. Implications for modifications are addressed through Subsections 1 and 2 below.

**1. Expansion of Structure.**

For additions or expansions of existing structures that would increase the amount or type of landscaping or screening required, the additional landscaping or screening shall be required only for such addition or enlargement and not for the preexisting structure.

**2. Change in Use.**

For any change of use or manner of operation that would increase the amount or type of landscaping or screening required, such additional landscaping and/or screening shall be provided.

**3. Major Renovations.**

If an application is filed for a building permit(s) for the renovation or remodeling of a structure(s) that has one or more nonconforming site features, and the value of the proposed improvements totals 75 percent or more of the current total appraised value of the existing property, the applicant shall be required to address the nonconforming site features, including landscaping and screening in compliance with Chapter 3.03 (Parking and Loading).

**D. Addition of Outdoor Storage Area Only.**

When only outdoor operations/storage/display areas are being added or increased on a site, the percentage increase in outdoor operations area shall require 100 percent compliance with the screening and outdoor storage standards of this Code.

**E. Exceptions.**

Sites that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions or where full compliance would negatively impact adjacent properties shall comply, to the maximum practical extent, as determined by the Director.

## 6.07.15. Elimination and Abatement of Nonconforming Uses and Structures

### A. Elimination of Nonconforming Uses and Structures.

#### 1. Nonconforming Uses Not Occupying a Structure or Occupying a Structure with Valuation Less Than \$2,500.

The following nonconforming uses shall be discontinued and removed from their sites within three years from the effective date of this Code:

- a. A nonconforming use which does not occupy a structure; or
- b. A nonconforming use occupying a structure having an appraised valuation of less than 2,500 dollars.

#### 2. Other Nonconforming Uses.

The City Council may require other nonconforming uses to be discontinued and removed from their sites within a period determined pursuant to the process set forth in Subsection C.2 (Procedures) of this Section.

#### 3. Elimination of Nonconforming Structures.

Nonconforming structures may continue except that the City Council may establish amortization periods for specific structures pursuant to Subsection C.2 (Procedures) of this Section.

### B. Time for Elimination When Use or Structure Becomes Nonconforming.

Whenever a use or structure becomes nonconforming, the period of time prescribed in this Section for the elimination of the use or the removal of the structure is computed from the effective date of the change that results in the nonconforming status of the use or structure.

### C. Revocation of Nonconforming Use or Structure.

The City Council may revoke or modify the nonconforming status of the use or structure upon finding that the nonconforming use or structure has been or will be materially detrimental or injurious to the neighborhood or public health and welfare, as shown by substantive evidence, as follows:

#### 1. Public Noticing.

Notice shall be mailed to the recorded owner and lessee of the property not less than 20 days before the date of the public hearing. The notice shall state the facts concerning the impending action and shall request appearance by said owner at the time and place specified for the hearing, to show cause why the nonconforming status should not be revoked.

#### 2. Procedures.

Where a nonconforming uses or structure is recommended to be discontinued and removed from the site, such period shall be established as follows.

- a. The Director shall submit the nonconforming use or structure and a recommended amortization period, based on the criteria set forth in this Subsection to the Planning Commission for review.
- b. The Planning Commission shall hold a public hearing, noticed pursuant to Chapter 6.03 (Common Procedures), to consider the revocation and recommended amortization period. Following the public hearing, the Planning Commission shall make a recommendation on the proposed amortization period to the City Council.
- c. After receiving the recommendation from the Planning Commission, the City Council shall hold a public hearing, noticed pursuant to Chapter 6.03 (Common Procedures), to consider the revocation and recommended amortization period.
- d. The City Council may establish a maximum time for which the nonconforming use shall be permitted to continue after considering the following in relation to the use or structure. However, the time period established by the City Council shall be no less than two years in length.
  - i. The amount of investment or original cost of the use or structure;

- ii. The present actual or depreciated value of the use or structure;
- iii. The remaining useful life of the use or structure;
- iv. The remaining term of the lease;
- v. The date or dates of construction;
- vi. Amortization of the business or structure for tax purposes;
- vii. The salvage value;
- viii. The threat to the public health, safety, and welfare posed by the continuance of the nonconforming use; and
- ix. Other factors as appropriate.

**3. Notice of Decision.**

Within 30 days after the public hearing, the Council may by resolution revoke or modify the nonconforming status of the use or structure. The property owner(s) and lessee shall be notified in writing of the decision within 10 days of the meeting. The notice shall include reasonable abatement and conformance requirement dates.

## 6.07.16. Abatement

Any nonconforming use or structure that has been abandoned or revoked shall be abated, including clearing of the land and any associated equipment or materials, within the time period established by the Director or City Council. All future use of such land shall conform to the applicable zone and use provisions of this Code.

The provisions of this Chapter are in addition to existing State law authority to declare and abate a public nuisance pursuant to California law and other applicable provisions of the Indio Municipal Code. If a legal nonconforming structure or use is found to constitute a public nuisance, appropriate action may be taken by the City pursuant to the Chapter 95A: Nuisances of the Indio Municipal Code.

## 6.07.17. Development on Substandard Lots

**A.** Any lot or parcel of land that was legally created through a recorded deed may be used as a building site, even when consisting of less area, width, or depth than required by the regulations for the zone in which it is located, except as provided below.

**1. Two or More Adjoining Vacant Sites.**

Two or more adjoining vacant sites with continuous frontage, each having an area, width or depth less than the minimum prescribed for the zone in which the sites are located, in the same ownership as of the date of adoption of this Section or subsequent thereto, is subject to all regulations for the zone in which the sites are located, including minimum area, width and depth requirements, as if the sites constituted a single parcel of real property.

**B.** No substandard lot shall be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement.

**C.** A substandard lot shall be subject to the same yard and density requirements as a standard lot, provided that in no instance shall these provisions prevent the erection of a single-family dwelling on any substandard lot.

**D.** An existing legal lot comprising a minimum size of 5,000 square feet or greater and a minimum width of 50 feet or greater shall not be considered substandard for the purposes of this Section.

# 6.08. ENFORCEMENT AND ABATEMENT

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See Chapter 10: General Provisions and Chapter 95A: Nuisances of the Indio Municipal Code for the procedures the City will use to identify, abate, remove, and enjoin uses, buildings, or structures that are deemed to be in violation of this Code and departments and officials responsible for enforcement.

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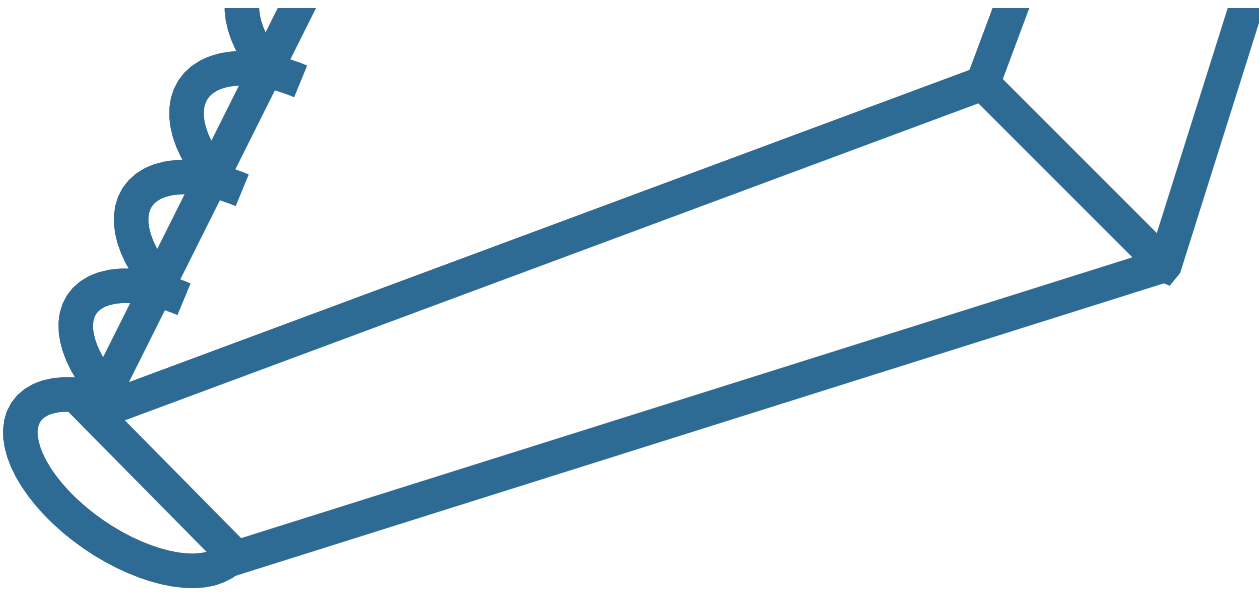
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**ARTICLE 7**

**DEFINITIONS**

UNIFIED DEVELOPMENT CODE | MUNICIPAL CODE CHAPTER 159

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# 7.01. DEFINITIONS OF TERMS AND LAND USE TYPES

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## 7.01.01. Purpose

This Chapter provides definitions of terms, phrases, and land use types used in this Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Code, these definitions shall control for the purposes of this Code. If a word is not defined in this Chapter, or in other provisions of the Code, the Director shall determine the correct definition.

## 7.01.02. Terms

### A. "A" Terms

**Abut or Abutting.** Adjoining or bordering. See also "Lot, Abutting."

**Access.** 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 Code.

**Accessory Building.** See "Building, Accessory."

**Accessory Dwelling Unit.** An additional detached or attached residential dwelling unit which provides complete independent living facilities for one or more persons. The unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family unit is located. The term "ADU" also includes an "Efficiency Unit" as defined in Health and Safety Code Section 17958.1 and a "Manufactured Home" as defined in Health and Safety Code Section 18007. Accessory structures are not considered accessory dwelling units.

**Accessory Structure.** See "Structure, Accessory."

**Accessory Use.** See "Use, Accessory".

**Addition.** Any construction which increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area.

**Addition or Renovation, Major.** A major addition, renovation, or alteration of a structure is one in which:

- The total gross floor area of the proposed addition or renovation area is 30% or more of the total gross floor area of the existing structure before the addition or renovation;
- The value of such addition or alteration is 25% or more of the assessed value of the existing structure(s) as listed on the latest tax rolls before such addition or alteration; and/or
- The renovation involves removing or altering more than 50% of the exterior walls/facade of the structure(s).

**Addition or Renovation, Minor.** Any addition, renovation, or alteration of a structure that does not meet the definition of a Major Addition or Renovation (see "Addition or Renovation, Major).

**Adjacent.** Directly abutting, having a common boundary or property line, or contiguous to.

**Adjoining.** Having a common boundary. See also "Abutting."

**Adult-Oriented Business.** An establishment of concern that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologist, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate. Adult-oriented businesses include adult arcades, adult bookstores, adult novelty shops, adult video stores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, sexual encounter establishment, escort agencies, and nude model studios, among others, as further defined in Chapter 120 (Sexually Oriented Businesses) of the Indio Municipal Code.

**Adult-Oriented Business, Owner, Permit Holder, or Permittee.** Any of the following: (1) the sole proprietor of an adult-oriented business; or (2) any general partner of a partnership which owns and operates an adult-oriented business; or (3) the owner of a controlling interest in a corporation which owns and operates an adult-oriented business; or (4) the person designated by the officers of a corporation to be the permit holder for an adult-oriented business owned and operated by the corporation.

**Agricultural Support/Sales/Service/Storage.** The use of a site for supporting agricultural purposes including, but not limited to on-site sale of feed, grain, fertilizers, pesticides and similar goods; storage of materials, equipment, and products used in the operation of an agricultural industry or business; and the provision of agricultural services with incidental storage of goods off-site; or hay, feed, and grain stores and tree service firms.

**Air Contaminant.** Particulate matter, dust, fumes, gas, mist, smoke, vapor, or any combination thereof having or tending to have a deleterious effect on human beings, vegetation, animals, or property.

**Airport/Heliport.** A facility for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, public terminal building and parking, air freight terminal, baggage handling facility, aircraft hangar and public transportation and related facilities, including bus operations, servicing and storage. Also includes support activities such as fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, coffee shops and snack shops and airport administrative facilities, including airport offices, terminals, operations buildings, communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

**Alcohol Sales, Off-Sale.** Any establishment that is making an application for or has obtained a retail liquor license from the California Department of Alcoholic Beverage Control authorizing the sale of alcoholic beverages for consumption off the premises in original, sealed containers.

**Alley.** An access roadway or drive that provides service or secondary vehicular access to the rear or side of properties abutting a street.

**Alteration.** Any change, addition, or modification that changes the arrangement of rooms or the supporting members of a building or structure, the relative position of buildings or structures on a site, or the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs. Any work on a structure that does not result in any addition to the structure.

**Ambient Noise Level.** General noise level one finds in a certain area at a given time.

**Amendment.** A change in the wording, context, or substance of this Code, or, an addition or deletion or a change in the zone boundaries or classifications upon the zoning map, which imposes any regulation not theretofore imposed, or removes or modifies any such regulation theretofore imposed.

**Animal Husbandry and Production.** The raising and breeding of animals for commercial purposes or production of animal products. Typical uses include grazing, ranching, dairy farming, poultry farming, and beekeeping, but exclude slaughterhouses and feedlot operations. This classification includes accessory agricultural buildings accessory to such uses. Animal sales, boarding, and grooming are defined separately. Also see “Kennels, Commercial,” which provides for the boarding of animals.

**Animal Raising and Keeping.** The raising, care, and maintenance of animals on private property for non-commercial purposes including the following:

**Animal Raising and Keeping, Domestic Pets.** “Domestic pets” means small animals (no larger than the largest breed of dogs) customarily kept as pets within a dwelling unit. This classification includes dogs, cats, fish, and birds (excluding large tropical birds and poultry). Also see “Kennels, Commercial,” which provides for the boarding of animals

**Animal Raising and Keeping, Exotic.** “Exotic animals” means wild animals not customarily confined or cultivated by man for domestic or commercial purposes, but kept as a pet or for display, including miniature pigs, snakes, reptiles, and large tropical birds (including peacocks). This classification is distinct from Animal Husbandry and Production, animal sales and services, and stables (commercial or hobby).

**Animal Raising and Keeping, Horses.** For the purposes of this Code, “Horse” means equine - horses, ponies, donkeys or mules. This classification is distinct from Animal Husbandry and Production, animal sales and services, and stables (commercial or hobby).

**Animal Raising and Keeping, Large Livestock.** “Livestock animals” means domesticated animals that may be kept or raised in pens, barns, houses, and pastures, whether for commercial or private use. Large livestock includes, but is not limited to, cattle, sheep, swine, goats, alpaca, and other similarly sized animals, but excludes horses (see Animal Raising and Keeping, Horses), small livestock, poultry, and bees (See Animal Raising and Keeping, Horses and Animal Raising and Keeping, Small Livestock, Poultry, and Beekeeping). This classification is distinct from Animal Husbandry and Production, animal sales and services, and stables (commercial or hobby).

**Animal Raising and Keeping, Small Livestock, Poultry, and Beekeeping.** “Small Livestock” means miniature, pygmy, or dwarf goats, rabbits, and other similarly sized animals. “Poultry” means domesticated birds (fowl) customarily kept for eggs or meat. This classification includes chickens, roosters, ducks, geese, turkeys, guinea fowl, and Cornish game hens. “Beekeeping” means the keeping, maintaining, or allowing of any hive of any size on any parcel in the city. This classification is distinct from Animal Husbandry and Production, animal sales and services, and stables (commercial or hobby).

**Animal Sales and Services.** Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location and excludes pet supply stores that do not sell animals or provide on-site animal services.

**Antenna.** See “Telecommunications Terms.”

**Applicant.** The person, partnership, corporation, or state or local government agency applying for a permit, certificate, zoning approval, or other entitlement.

**Aquaculture.** The cultivation of marine or freshwater fish, shellfish, or plants under controlled conditions. Aquaculture includes aquaponics which integrates aquaculture with hydroponics by recycling the waste products from fish to fertilize hydroponically growing plants.

**Architectural Feature.** An exterior building feature, including a roof, walls, windows, doors, porches, posts, pillars, recesses or projections, and exterior articulation or walls, and other building surfaces.

**Architectural Projection.** A building feature that is mounted on, and/or extends from the surface of the building wall or facade, typically above ground level. Examples of architectural projections include balconies, bay windows, eaves, cornices, porches, chimneys, awnings, canopies, or similar projections from a building. Such projections may extend into required yards only as allowed by Section 3.01.03(C) of this Code.

**Arterial Roadway.** A street classified as an Arterial in the Transportation Element of the General Plan.

**Articulation.** Changes in the depth of the surface of a building face or facade such as attached columns, recessed windows or window bays, horizontal banding, or decorative cornices. Articulation provides three-dimensional detailing and gives texture to the building surface.

**Artisan Manufacturing/Makers Space.** Any establishment primarily engaged in on-site production or fabrication of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment, and which may include incidental instruction or direct sales for consumers. Typical uses include ceramic studios, fabric and needleworking, leather working, metalworking, glass working, candle-making shops, woodworking, and custom jewelry manufacturers.

**Attached Building or Structure.** See “Building, Attached” and “Structure, Attached.”

**Auto and Vehicle Rental.** An establishment providing for the rental of automobiles, light/noncommercial trucks and vans, motorcycles, and motor homes. Typical uses include car rental agencies.

**Auto and Vehicle Sales, New.** Sale or lease, retail or wholesale, of new automobiles, light/noncommercial trucks and vans, motorcycles, and motor homes, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include new automobile dealers and recreational vehicle sales agencies.

**Auto and Vehicle Sales, Used.** The retail sale of previously owned or used automobiles, light/noncommercial trucks and vans, motorcycles, and motor homes, not directly from the manufacturer.

**Auto and Vehicle Sales and Rental, Large Vehicles and Equipment.** The use of a site for sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, agricultural, or landscape gardening activities (e.g., cranes, earth moving equipment, tractors, combines). Includes large vehicle operation training facilities.

**Auto and Vehicle Services and Repair – Major.** Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, generally on an overnight basis that may include disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. This classification excludes vehicle dismantling or salvaging and tire retreading or recapping.

**Auto and Vehicle Services and Repair – Minor.** The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, and smog checks, tire sales and installation, auto radio/electronics installation, auto air conditioning/heater service, and quick-service oil, tune-up and brake and muffler shops where repairs are made, or service provided in enclosed bays and no vehicles are stored overnight. It excludes repair of heavy trucks and construction vehicles.

**Auto and Vehicle Towing/Impounding.** An establishment primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking).

**Auto and Vehicle Washing and Detailing.** Any business, indoor or outdoor, providing machinery or staffing for the cleaning, washing, or detailing of automobiles and similar light vehicles as a primary use. Washing and detailing are permitted as an accessory use in conjunction with a primary automotive services repair use. This includes self-service auto washing facilities that include all appropriate utility connections and drainage.

**Auto and Vehicle Wrecking/Dismantling.** The dismantling or wrecking of used motor vehicles or trailers, or the storage and sale of dismantled or damaged vehicles or their parts, but not including the incidental storage of damaged vehicles in connection with the operation of a repair garage.

**Automatic Teller Machine (ATM) (Accessory Use).** A pedestrian-oriented machine used by bank and financial service patrons for conducting transactions, including deposits, fund transfers, and withdrawals, without contact with financial institution personnel. ATMs may be located as a freestanding machine or a machine installed in an exterior wall that functions as an ATM as an accessory use to the primary building use(s), or as a space located inside a building dedicated to the functions of an ATM as an accessory use to the primary building use(s). ATMs accessed by drive-through space shall be regulated as a drive-through service; see “Drive-Through Service, Non-Restaurant”. (Accessory use)

**Awning.** An architectural projection that provides weather protection, identity, or decoration, and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

## B. “B” Terms

**Backyard Breeding.** The breeding of dogs or cats on a residential zoned property where any offspring is sold or exchanged for something of value.

**Bail Bonds.** A facility that provides bail bonds, documents that ensure to the court system that a person facing charges, and who typically is in jail, will appear for future court appointments if released.

**Balcony.** A horizontal platform extending from the exterior wall of a building, accessible from the building’s interior, and not directly accessible from the ground. A balcony may be roofed or unroofed and is typically enclosed by a railing or parapet. When a balcony is roofed and fully enclosed with operating windows or doors, it is considered part of the room it serves.

**Bank/Financial/Savings and Loan Institution.** A financial institution providing retail banking services. This classification includes only those institutions serving walk-in customers or clients, including banks, savings and loan institutions, and credit unions, but excluding check cashing businesses.

**Bar/Nightclub/Lounge.** An establishment where alcoholic beverages are offered for on-site consumption as its principal function in accordance with applicable California Department of Alcoholic Beverage Control regulations, where food service, if any, is incidental and subordinate to the sale of alcohol. May feature entertainment which includes, but is not limited to, music, dancing, comedy and karaoke with the issuance of an entertainment permit. Persons under the age of 21 are not admitted. Uses include but are not limited to a tavern, bar, cocktail lounge, or nightclub. Excludes a restaurant, cafe, or coffee shop which may include alcohol sales for on-site consumption as incidental to the primary use. Also excludes brewpubs, taprooms, wine bars, breweries, and wineries.

**Basement/Subterranean Story.** The portion of building between floor and ceiling which is partly or wholly underground. See Chapter 3.01 (Rules of Measurement) for measurement of stories including subterranean levels.

**Bay Window.** Any window projection from the wall of a building and forming a bay or alcove, that is raised at least 12 inches above the finished floor of the story where it is located.

**Bed and Breakfast.** A residential structure that is occupied by a resident as his/her primary residence with one or more bedrooms rented for periods of 30 consecutive days or less and meals may be provided.

**Bedroom.** Any room having the potential of being a bedroom and meeting the standards of the Building Code as a sleeping room.

**Beehive.** A structure for housing honey bees.

**Bee Colony.** The hive and its equipment and appurtenances including honey bees, comb, honey, pollen and brood.

**Block.** All property fronting on one side of a street between an intersection and intercepting streets or between a street and a waterway, dead-end street, major easement or right-of-way, or unsubdivided land. An intercepting street shall only determine the boundary of a block on the side of the street which it intercepts.

**Brewery/Distillery/Winery.** An establishment engaged in the production, processing, packaging or manufacturing of alcoholic beverage products primarily for off-site consumption, where retail sales are clearly incidental. This use is regulated based on size and the presence of retail sales/tasting rooms where alcoholic beverages are sold and consumed on site.

**Brewpub/Taproom/Wine Bar/Microdistillery.** A drinking establishment that also serves food, and where small amounts of beer or malt beverages, wine, and other alcoholic beverages are manufactured, brewed or distilled, or stored on site for retail purchase.

**Buffer.** An open area or barrier used to separate potentially incompatible activities and/or development features; for example, a required setback to separate an area of development from environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

**Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials.

**Building, Accessory.** A detached, subordinate building used only as incidental to the principal building on the same lot.

**Building, Attached.** A building which has a common wall with another building or structure.

**Building, Detached.** A building which does not have a common wall with another building or structure.

**Building, Main or Principal.** A building or buildings within which is conducted the principal use permitted on the lot, as provided by this Code. See also "Structure, Main or Principal."

**Building Code.** Any ordinance or regulations of the City governing the type and method of construction of buildings and structures, including sign structures and any amendments thereto and any substitute therefor including, but not limited to, the California Building Code and other State-adopted uniform codes.

**Building Elevation.** A view of a building seen from one side; a flat representation of one facade.

**Building Face.** The general outer surface of the structure or walls of a building. Where bay windows or pillars project beyond the walls, the outer surface of the windows or pillars is considered to be the face of the building.

**Building Footprint.** The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves. Subsection 3.02.06.D (Determining Lot Coverage).

**Building Frontage.** See "Frontage, Building."

**Building Height.** See "Height."

**Building Massing.** The overall shape or arrangement of the bulk or volume of buildings and structures.

**Building Materials Sales and Services.** Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include Construction and Material Yards, hardware stores less than 10,000 square feet in floor area or plant nurseries.

**Building Modulation.** A stepping back or projecting forward of sections of the facade of a structure from the base plane of the building wall within specified intervals of structure width and depth, as a means of breaking up the apparent bulk and mass of the exterior of the structure (e.g., massing breaks, stepbacks, etc.)

**Building, Nonconforming.** See "Nonconforming Structure."

**Building Site.** See "Development Site."

**Business.** Management, operation, sale, purchase, or other transaction involving the handling or disposition of commodities or services.



**Business Support Services.** An establishment providing non-retail-related services to other businesses on a fee or contract basis. Examples of these uses include, but are not limited to business equipment repair services; computer-related services (rental, repair); blueprint printing, binding, engraving, photocopying, or related services; janitorial/custodial and window-cleaning services; job printing; locksmith services; office security; mailbox services; electronics/small machinery maintenance and repair; equipment rental businesses within buildings; film processing and photofinishing; heavy equipment repair services where repair occurs on the client site; and taxi or delivery services with two or fewer fleet vehicles on-site. Excludes auto and vehicle repair services.

### C. "C" Terms

**Camper.** As defined in the California Vehicle Code.

**Campground.** An open-air facility, where recreational vehicle or camping spaces are rented, or held out for rent, for overnight stay in tents, trailers, or recreational vehicles for 30 consecutive days or less.

#### Cannabis Terms.

**Cannabis Cultivation, Commercial.** A building or portion of a building used for a business involving the wholly indoor commercial cultivation of cannabis plants within California in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the "MAUCRSA", Business and Professions Code Section 26000, et. seq).

**Cannabis Cultivation, Personal.** The indoor personal cultivation of six or fewer live cannabis plants within a single private residence or inside an accessory structure located upon the grounds of a private residence that is a fully enclosed and secure structure, to the extent such cultivation is authorized by Cal. Health and Safety Code, Sections 11362.1 and 11362.2, as the same may be amended from time to time. Outdoor personal cultivation is prohibited (see Chapter 4.07 (Cannabis Activity)).

**Cannabis Logistics/Distribution/Transportation Facility.** A building, or portion thereof, used for a business involving the procurement, sale, and transport of cannabis and cannabis products within California in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the "MAUCRSA," Business and Professions Code Section 26000, et seq.).

**Cannabis Manufacturing.** A building, or portion thereof, used for a business involving the manufacture for off-site sale of cannabis products within California in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the "MAUCRSA", Business and Professions Code Section 26000, et. seq).

**Cannabis Retailer/Microbusiness/Dispensary.** Any facility or location, whether fixed or mobile, where cannabis is cultivated, provided, sold, made available, or otherwise distributed, as defined in Division 10 of the Business and Professions Code and Chapter 6, Article 2 and 2.5 of the Health and Safety Code.

**Cannabis Testing Laboratory.** A building, or portion thereof, used for a business involving the materials testing, investigation, scientific research, or experimentation of medicinal or non-medicinal cannabis or cannabis products within California in compliance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (the "MAUCRSA", Business and Professions Code Section 26000, et. seq).

**Cultivation.** Any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis.

**Fully Enclosed and Secure Structure.** A space within a building, greenhouse or other structure which has a complete solid roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.

**Indoor.** Within a fully enclosed and secure structure.

**Outdoor.** Any location that is not within a fully enclosed and secure structure.

**Private Residence.** A house, an apartment unit, a condominium unit, a mobile home ,or other similar dwelling that is lawfully used as a residence.

**Canopy.** A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

**Carport.** A roofed structure or covered space enclosed on not more than two sides, primarily for the parking or storage of motor vehicles.

**Caretaker's Unit.** A permanent residence that is secondary or accessory to the primary use of the property and used for housing a caretaker on the site of a nonresidential use where needed for security purposes or to provide 24-hour oversight or operations, equipment, or other resources on the site, including, but not limited to the care or monitoring of people, plants, animals, equipment, or other conditions on the site.

**Cemeteries/Crematories/Mausoleums.** Land and/or structure(s) that are dedicated for cemetery purposes or for the burial of the dead, including columbariums, crematoriums, and mausoleums. Excludes funeral homes and mortuaries (see "Funeral Home/Mortuary").

**California Environmental Quality Act (CEQA).** Public Resources Code Section 21000, et seq. or any successor statute and regulations promulgated thereto (14 California Code of Regulations Section 15000, et seq.) that require public agencies to document and consider the environmental effects of a proposed action before a decision.

**Change of Use.** The replacement of an existing use on a site, or any portion of a site, by a new use, or a change in the type of an existing use; does not include a change of ownership, tenancy, or management associated with a use for which the previous type of use will remain substantially unchanged.

**Certificate of Occupancy.** A required document issued by the Building Official prior to the occupation or use of land or prior to occupation or use of buildings erected or structurally altered.

**Check-Cashing Business.** An establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in Civil Code 1789.33. Check Cashing Businesses do not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies. They also do not include retail sellers engaged primarily in the business of selling consumer goods, such as consumables to retail buyers, that cash checks or issue money orders incidental to their main purpose or business.

**Child Day Care in a Home.** A day care facility licensed by the State of California, located in a residential unit where resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day. A Small Child Day Care in a Home is a facility that provides care for six or fewer children, including children who reside at the home and are under the age of 10. A Large Child Day Care in a Home is a facility that provides care for seven to 14 children, including children who reside at the home and are under the age of 10.

**Cinema/Theater/Performing Arts Center.** Any indoor facility for performing arts or display of films and motion pictures on single or multiple screens/stages. This classification may include incidental food and beverage service to patrons as well as auditoriums within buildings.

**City.** The City of Indio.

**City Council.** The City Council of the City of Indio.

**Civic/Government.** An administrative, clerical, or public contact office of a government agency, including postal facilities and courts, along with secondary storage and maintenance. This classification excludes corporation yards, equipment service centers, and similar facilities that require maintenance and repair services and storage facilities for related vehicles and equipment (see Public Utilities).

**Club.** An association of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

**Cluster Development.** An arrangement of dwelling units, attached or detached, constructed on smaller lots in return for the restriction or dedication of the remaining acreage as permanent common open space for use by the residents. See also “Cottage Cluster or Cottage Court.”

**College/University.** A public or private institution of higher education providing curricula of a general or professional nature and granting degrees. This classification excludes Vocational/Trade schools.

**Commercial.** An enterprise or activity operated or carried on primarily for financial gain.

**Commercial Recreation and Sports, Indoor.** An establishment providing predominantly participant sports, indoor amusement and entertainment services conducted within an enclosed building, including coin-operated electronic amusement centers. Typical uses include bowling alleys, billiard parlors, card rooms, health clubs, ice- and roller-skating rinks, indoor racquetball courts, athletic clubs, and physical fitness centers.

**Commercial Recreation and Sports, Outdoor.** Predominantly spectator sports conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, golf courses, miniature golf courses, tennis clubs, outdoor batting cages, swimming pools, and archery ranges.

**Commercial Vehicle.** See “Vehicle, Commercial.”

**Commission or Planning Commission.** The City of Indio Planning Commission.

**Common Open Space.** See “Open Space, Common.”

**Communications, Facilities within Buildings.** Facilities for the provision of broadcasting and other information-relay services using electronic and telephonic mechanisms. Includes radio, television or recording studios, and telephone switching centers.

**Communications, Telecommunications/Large Commercial Antennas.** Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. Uses include large commercial antennas and facilities, radio towers, television towers, telephone exchange/microwave relay towers, and associated equipment cabinets and enclosures. See also “Telecommunications Terms.”

**Communications, Telecommunications/Small Wireless Facilities.** See “Telecommunication Terms.”

**Community Assembly.** A facility for public or private meetings, including community centers, places of worship, union halls, meeting halls, country clubs, club houses, banquet centers, and other membership organizations. Included in this classification is the use of functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms, and storage.

**Community Development Director.** See “Director.”

**Collector Roadway.** A roadway classified as a Collector in the Transportation Element of the General Plan.

**Community Garden.** The cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, by several individuals or households.

**Conditional Use.** A use which requires a special degree of control because of characteristics peculiar to it, or because of size, technological processes, type of equipment, or because of the exact location with reference to surroundings, streets, existing improvements or demands upon public facilities.

**Condition of Approval.** A performance standard, required change in a project, environmental mitigation measure, or other requirement imposed by the decision-making body to alter or modify a project in any manner from the description in the application originally submitted for City approval.

**Conditionally Permitted.** Permitted subject to approval of a Use Permit.

**Condominium.** A state of realty consisting of separate interests in residential buildings together with undivided interests common in other portions of same property unit as a separate interest, and common areas are entire condominium except units granted; thus, owners of condominiums are grantees of units. Each grantee owns a separate interest in his unit and an interest as granted in common, in common area.

**Construction and Materials Yard.** Storage of construction materials or equipment on a site other than a construction site. Examples of these uses include but are not limited to contractor's storage yards, and facilities used for the storage and wholesale trade of building materials.

**Convenience Market.** A neighborhood-serving retail store of 5,000 square feet or less in gross floor area that carries a range of merchandise oriented to daily convenience shopping needs, which may include alcoholic beverage sales as allowed by this Code. Excludes convenience markets with drive-through service.

**Corral.** A pen or enclosure for confining horses or other large animals.

**Cottage Cluster or Cottage Court.** A group of small, detached single-family residential dwelling units on a single lot, arranged around a shared open space or court.

**Cottage Food Operation.** A cottage food operation means an enterprise where an individual prepares or packages non-potentially hazardous foods in his or her private home for sale to consumers and as it is defined in California Health and Safety Code Section 113758. The definitions set forth in Health and Safety Code Section 113758 are hereby incorporated herein by reference, as they are now enacted or hereafter amended.

**Cottage Industry.** A more intensive form of home-based business, having more employees, more floor area used for the business, or other signs of greater use of a residential parcel for business purposes. A cottage industry, like a home occupation, remains clearly subordinate to the use of the parcel and dwelling for residential purpose but includes one or more of the following aspects: require regular visits by clients or customers; need frequent delivery or shipment of goods; conduct regular operations or store materials outside of the residence; have a tendency to create noise, odors, or glare; employ two or more individuals who reside off premises; or include on-site sales to the public.

**County.** The County of Riverside.

**Court.** An unoccupied space, other than a yard, on the same lot with a building or a group of buildings.

**Courtyard apartments.** A medium-density, multi-family housing typology consisting of apartment units surrounding a shared outdoor open space, garden, or courtyard. Dwelling units are typically accessed from the central courtyard.

**Crop Production.** The cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers. The classification excludes wholesale or retail nurseries (See Nurseries/Garden Centers).

**Cultural Institution.** A public or quasi-public cultural institution, examples of which include aquariums, arboretums, art galleries and exhibitions, botanical gardens, zoo, historic sites and exhibits, libraries, and museums. May also include accessory retail uses such as gift/book shops, restaurant, etc.

**Curb Cut.** An opening in or through any existing curb, usually to allow access to private property by use of a driveway.

## D. "D" Terms

**Day Care Center.** An establishment providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

**Deck.** A platform, either freestanding or attached to a building that is supported by pillars or posts.

**Density.** The number of dwelling units per acre of land. See Subsection 3.02.07 (Density).

**Detached Building.** “See Building, Detached.”

**Detached Structure.** “See Structure, Detached.”

**Development.** Any manmade change to improved or unimproved real estate, including but not limited to the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

**Development Agreement.** An agreement between the City and any person having a legal or equitable interest in real property for the development of such property, and which complies with the applicable provisions of the Government Code for such development agreements.

**Development Permit.** Any permit issued by the city for the construction of real property improvements. Development permits include grading permits, encroachment permits, use permits, tentative maps, planned development permits and building permits. Sign permits are excluded from this definition.

**Development Site.** The land area, consisting of one or more recorded lots when comprehensively designed and developed. Could be either under one ownership or for use as a condominium. The site may be either occupied or to be occupied by a main building(s)/primary use(s) and accessory building(s)/use(s) together.

**Director.** The Community Development Director of the City, or his or her designee.

**Disabled Person.** A person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment, as those terms are defined in the fair housing laws.

**District.** See “Zone”.

**Drive-Through Service, Non-Restaurant.** Any business that sells products or provides services to occupants in vehicles, including drive-through or drive-up windows and drive-through services.

**Drive-Through Service, Restaurant.** See “Restaurant, Drive-Through”.

**Driveway.** A vehicular passageway for the exclusive use of the occupants of a property and their guests. A driveway shall not be considered as a street.

**Dwelling Unit.** One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with full cooking, sleeping, and bathroom facilities for the exclusive use of a single household. Excludes garages, tents, cabins, boats, trailers, dormitories, labor camps, hotels, and motels.

**Duplex.** See “Two-Family Dwelling”.

## E. “E” Terms

**Easement.** A recorded right or interest in the land of another, which entitles the holder thereof to some use, privilege or benefit out of or over the land.

**Educational Institution.** A private or public school, college or university qualified by the State Board of Education to give general academic instruction.

**Effective Date.** The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

**Elevation, Building.** See “Building Elevation.”

**Emergency.** A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

**Emergency Shelter.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided.

**Emergency Vehicle.** A self-propelled vehicle or trailer used in the discharge of duties of public districts, agencies or departments, or privately-owned public utilities responsible for fire prevention and control, policing, sanitation, sewerage, drainage, levee maintenance, flood control, public utility lines and all essential services.

**Entry feature.** An entrance to a building, a structure, or an architectural building feature, which signals to a person how to travel from the primary street to the primary uses within a building. Examples include a door, gate, front porch, front stoop, front terrace, canopy, and/or arcade.

**Environmental Impact Report (EIR).** An Environmental Impact Report as required under the California Environmental Quality Act (CEQA). See also "CEQA."

**Environmental Review.** An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

**Equine.** Horse or other member of the horse family including mules and donkeys.

**Equipment.** Non-vehicular items such as, but not limited to, boats, campers, camper shells, tents and related camping supplies, tools, machinery, aircraft, barrels, drums, large cans or containers and parts related to these items.

## F. "F" Terms

**Facade.** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

**Family.** See "Household."

**Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

**Fence.** A free-standing structure of metal, masonry, composition or wood or any combination thereof resting on or partially buried in the ground, and used for confinement, privacy, protection, screening or partition purposes.

**Fenestration.** The arrangement of windows and doors on the elevations of a building.

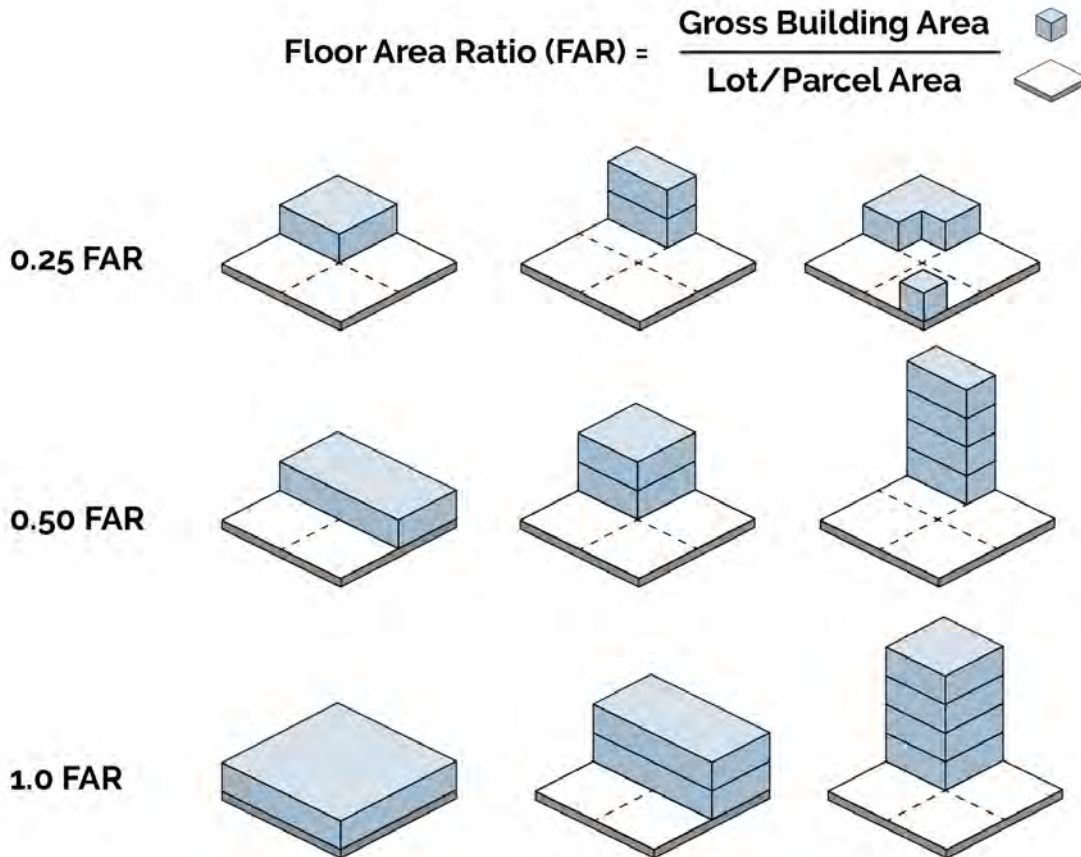
**Firearms.** Any device designed to be used as a weapon or modified to be used as a weapon, from which a projectile is expelled through a barrel by the force of an explosion or other form of combustion.

**Floor Area, Gross.** The sum of the gross horizontal area of all floors of a building or other enclosed structure, measured from the outside perimeter of exterior walls. See Subsection 3.01.06 (Floor Area and Lot Coverage) for rules for determining floor area.



**Floor Area Ratio (FAR).** The ratio of the floor area of all primary and accessory buildings on a site, excluding unenclosed and unroofed areas as described in Subsection 3.01.06. (Floor Area and Lot Coverage), to the site area. See Subsection 3.01.06.B for rules for determining Floor Area Ratio.

**FIGURE 7.01.02-1. FAR**



**Flyway Barrier.** A solid wall, fence, dense vegetation, or combination of these materials at least six feet high that extends at least 10 feet beyond the hives on each end of a bee colony.

**Food or Beverage Manufacturing.** An establishment engaged in the production, processing, packaging, or manufacturing of food or beverage products for off-site consumption and any instruction, direct sales, or on-site consumption are incidental to the food production activity. Examples include coffee roasters, meat or fish processing, and wholesale bakeries. This definition does not include slaughtering of animals or fowl.

**Food Preparation, Commercial.** A business preparing and/or packaging food primarily for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include caterers and commercial kitchens, commercial/wholesale bakeries (bakeries, cheese shops, butchers, etc. operating for on-site sales only (not engaging in distribution to other food sellers outside of the city) are considered a “restaurant”).

**Foot-Candle.** A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. It is equal to one lumen uniformly distributed over an area of one square foot.

**Footprint.** See “Building Footprint.”

**Fortunetelling/Palm Reading/Card Reading.** An establishment providing any type of fortune telling, palm or card reading, psychic services, future telling, spirit communication, and/or any other related type of trade, donation, or compensation, retail or otherwise.

**Freeway.** A roadway classified as a Freeway in the Transportation Element of the General Plan.

**Freight/Trucking Facility.** Any property and improvements used for freight, courier, and postal services; freight transfer truck terminals; or for the operations of a “common carrier trucking company,” including the parking, servicing, repairing, storage of trucks, truck tractors, and/or truck trailers. This classification does not include local messenger and local delivery services (see “Light Fleet-Based Services”).

**Front of Building.** That part of the facade oriented towards and visually prominent to the principal street.

**Front Yard.** See “Yard, Front.”

**Frontage.** The front lot line; also the length thereof. See also “Frontage, Building” and “Frontage, Street.”

**Frontage, Building.** The lineal dimension, parallel to the ground, of the facade of the building oriented towards or abutting on a street.

**Frontage, Street.** That portion of a lot or parcel of land that borders a public or private street. Street frontage shall be measured along the common lot line separating said lot or parcel of land from the public or private street.

**Fueling Station.** An establishment primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services. This classification includes “mini-marts” and/or convenience stores that sell products, merchandise, or services that are ancillary to the primary use related to the operation of motor vehicles where such sale is by means other than vending machines.

**Funeral Home/Mortuary.** A place of business where deceased are prepared for burial or cremation, and funeral services may be conducted.

## G. “G” Terms

**Garage, Private.** A building, or a portion of a building, enclosed and used primarily for the parking of automobiles belonging to the occupants of the property.

**Garage, Public.** A building, or a portion of a building, enclosed and used primarily for the parking of automobiles belonging to the general public.

**General Plan and Indio General Plan.** The general plan of the City.

**General Retail.** The retail sale or rental of merchandise not specifically listed under another use classification. This classification is regulated by size and includes retail establishments such as department stores, home improvement centers, clothing stores, furniture stores, pet supply stores (no on-site sale/keeping of animals), small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, and bicycles. Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

**General Retail/Superstore.** Any form of retail sales establishment with a retail floor area of greater than 25,000 square feet.

**Glare.** The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

**Government Code.** The Government Code of the State of California.

**Grade.** The location of the ground surface.

**Grade, Existing or Natural.** Ground elevation prior to any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

**Grade, Finished.** Final ground elevation after the completion of any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

**Grazing.** The act of pasturing livestock on growing grass or other growing herbage, or on dead grass or other dead herbage existing in the place where grown, as the principal sustenance of the livestock so grazed.

**Greenhouse, Private.** A private food-producing greenhouse that is accessory to the primary use of the site.

**Grocery Store.** An establishment over 15,000 square feet, primarily engaged in the retail sale of all sorts of products including, but not limited to, dry goods, canned goods, fresh fruits and vegetables, dairy products, fresh and prepared meats, fish and poultry.

**Gross Lot Area.** The total area within the lot lines of a lot or parcel of land before public streets, easements, or other areas to be dedicated or reserved for public use are deducted from such lot or parcel. See Section 3.01.06 (Floor Area and Lot Coverage).

**Ground Floor.** The first floor of a building other than a basement that is closest to finished grade.

**Group Residential Home.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, employee housing, dormitories and other types of organizational housing, and private residential clubs, but excludes Hotels and Motels, and Residential Care Facilities.

## H. "H" Terms

**Habitable Room.** Any room for sleeping or living purposes excluding such enclosed places as closets, bath or toilet rooms, connecting corridors, unfinished attics, foyers, storage spaces, utility rooms, spaces used exclusively for cooking or eating, and similar spaces.

**Hazardous Materials/Wholesale Fuel Storage and Distribution.** The storage of hazardous materials including but not limited to pressurized gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives. Includes any establishment engaged in sale of petroleum/fuel products, including storage, refinery, and recycling of biodiesel fuels that may be serviced by pipeline, rail or trucks. This land use does not include the storage of small quantities of explosives or hazardous materials, as customary in hardware, landscaping, or sporting goods stores, etc.

**Heat.** Thermal energy of a radioactive, conductive, or convective nature.

**Heliport.** See "Airport/Heliport".

**Height.** The vertical distance from finished grade at all points adjacent to the building exterior to the highest point of the structure directly above. See Subsection 3.01.03 (Measuring Heights).

**Highway.** See "Street or Highway".

**Home Kitchen Industry.** See "Cottage Food Operation".

**Home Occupation.** Any activity of a non-residential nature carried on within a living unit or accessory structure, by an occupant of the living unit and which is clearly incidental and secondary to the residential use of the living unit. Home occupations typically include uses which involve infrequent or no visits by clients or customers, need infrequent delivery or shipment of goods, and utilize only a small area of the residence to conduct operations. A home occupation may include, but is not limited to, the handicraft manufacturing of products, the conduct of an art or profession, the offering of a service, or the conduct of a business.

**Horticultural Production.** A commercial facility for growing flowers, trees and ornamentals. This classification excludes wholesale or retail nurseries (See "Nursery/Garden Center").

**Hospital.** A facility providing medical, psychiatric, or surgical services for sick or injured persons, primarily on an inpatient basis, and including supplementary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. The institutions are to be licensed by the state of California to provide surgical and medical services. May include on-site accessory clinics and laboratories, accessory retail uses, and on-site ambulance dispatch facilities.

**Household.** One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food; who share living expenses, including rent or mortgage payments, food costs and utilities, and who maintain a single mortgage, lease, or rental agreement for all members of the household. Household does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries, convents, nor does it include such commercial group living arrangements such as boardinghouses, lodging houses, and the like.

**Household Pets.** Animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the residents. Household pets include domestic birds, cats, dogs, fish, rabbits, rodents, or snakes, but do not include horses, mules, goats, cows, hogs or other similar size animals, or roosters or peacocks.

## I. "I" Terms

**Illegal Use.** Any use of land or building that does not have the currently required permits, and was originally constructed and/or established without permits or approvals required for the use at the time it was brought into existence.

**Impact fee.** A fee as defined in the Mitigation Fee Act (California Government Code Section 66000(b)), except that it also includes fees specified in the Quimby Act (California Government Code Section 66477). "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

**Improvement.** Any man-made, immovable item affixed to the ground which adds to the value or enhances the value of land, e.g., streets, utilities, buildings.

**Impervious Surface.** Any surface through which water does not easily pass. Impervious surfaces include all structures such as pavements (roads, sidewalks, driveways, parking lots) and impenetrable surfaces including asphalt, concrete, brick, stone, etc.

**Indoor Warehousing/Storage/Wholesaling/Distribution.** Indoor storage and/or sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. This use includes cold storage, freight moving and storage, warehouses, and wholesalers. Wholesalers are primarily engaged in business-to-business sales but may sell to individual consumers through mail or Internet orders. They normally operate from a warehouse or office having little or no display of merchandise and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials (see Building Materials Sales and Services) or any use that involves cannabis.

**Incidental Use.** See "Use, Incidental".

**Income Levels.** Income levels for households whose gross incomes do not exceed the qualifying extremely low, very low, low, and moderate-income limits established in Section 6932 of the California Code of Regulations, and amended periodically based on the U.S. Department of Housing and Urban Development (HUD) estimate based on the Riverside County median income levels by family size. These income limits are equivalent to the following:

**Extremely Low Income Household.** Under 30 percent of area median income, adjusted for household size appropriate for the unit.

**Very Low Income Household.** 30 to 50 percent of area median income, adjusted for household size appropriate for the unit.

**Low Income Household.** 50 to 80 percent of area median income, adjusted for household size appropriate for the unit.

**Moderate Income Household.** 80 to 120 percent of area median income, adjusted for household size appropriate for the unit.

**Industry.** The manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and includes storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

**Institution.** A social, educational, governmental, health, or religious organization.

**Instructional Services.** A facility that offers specialized programs in personal growth for students of any age group. Examples of these facilities include individual and group instruction and training in the arts; production rehearsal; photography; martial arts training studios; gymnastics instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists. Excludes Recreation-Indoor. Small-scale facilities are up to 5000 sf in size; large-scale facilities are over 5000 sf in size.

**Intensity of Use.** The extent to which a use or the use in combination with other uses affects the natural and built environment in which it is located; the demand for services; and persons who live, work, and visit the area. Measures of intensity include, without limitation: requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light, or glare generated; the number of persons attracted to the site, or in eating establishments, the number of seats.

**Interior Side Yard.** See "Yard, Interior Side."

**Intersection, Street.** The area common to two or more intersecting streets.

## J. "J" Terms

**Juliet Balcony.** A very shallow balcony on an upper story window or French doors usually with a safety railing or balustrade connecting to the building facade.

**Junior Accessory Dwelling Unit.** A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

**Junk.** Any worn out, castoff, or discarded article or material.

## K. “K” Terms

**Kennels/Boarding, Commercial.** A commercial, non-profit, or governmental facility for keeping, boarding, training, breeding or maintaining dogs, cats, or other household pets not owned by the kennel owner or operator. Typical uses include pet clinics, pet day care, and animal shelters, but exclude pet shops and animal hospitals that provide 24-hour accommodation of animals receiving medical or grooming service.

**Kennels, Private/Hobby.** Any lot where four or more dogs, or cats, over the age of four months, are kept or maintained.

**Kiosk/Outdoor Vending.** A free-standing, walk-up facility for retail sales of merchandise or services; this use is generally operated as a kiosk or cart in conjunction with a shopping center or other retail establishment. For facilities with a drive-through access, see “Drive-Through Services” definition and operational standards.

**Kitchen.** Any room or area designed and/or used for the preparation of food, which includes any two of the following features:

- Cooking or food heating equipment, including a hot plate, microwave, oven, or range;
- A refrigerator or other device for cold storage;
- Cabinets, shelves, or other facilities for storage of food and/or utensils; or
- A sink and water supply.

## L. “L” Terms

**Land Use.** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.

**Landscaping.** The planting of suitable plant materials or a combination of plant materials with minimum areas of paving, gravel, or otherwise dust free materials including an adequate irrigation system. See also Section 3.02.09 (Landscaping).

**Large Commercial Antenna.** See “Telecommunications Terms.”

**Laundromat.** A business premises equipped with individual clothes washing and drying machines whether coin-operated or attendant operated for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house, hotel or motel. Excludes commercial laundry facilities.

**Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.

**Light Fleet-Based Services.** Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses.

**Line of Sight.** A visual path emanating from average eye level judged to be five feet above the ground.

**Liquor Sales.** The sale of liquor for offsite consumption.

**Live Entertainment as Accessory Use, Indoors.** Music, comedy, dancing, acting, or other entertainment performed indoors for 6 or more days during a calendar year (any activity with amplified sound that can be heard outside the facility). This includes dancing by patrons to live or recorded music.

**Live Entertainment as Accessory Use, Outdoors.** Music, comedy, readings, dancing, acting, or other entertainment performed in an outdoor setting.



**Livestock.** Domesticated animals raised to produce commodities such as food, fiber, and labor. See also “Animal Keeping and Raising.”

**Livestock, Large.** Horses, cattle, swine, donkeys, mules, llamas, ostriches, goats, sheep, alpaca, and other similarly sized animals.

**Livestock, Small.** Rabbits, chickens, miniature, dwarf or pygmy goats that are dehorned and neutered, and other similarly sized animals.

**Live/Work.** An integrated housing unit and working space, occupied and utilized by a single household structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and where the residential use is secondary and accessory to the primary use as a place of work.

**Loading Space.** 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 one or more vehicles, while loading or unloading, and which has access from a street, alley, or other permanent means of ingress or egress.

**Local/Neighborhood Street.** A roadway classified as a Local/Neighborhood Street in the Transportation Element of the General Plan.

**Lodging, Extended Stay.** A building or group of buildings under single ownership, containing six or more rooms or suites providing transient or temporary lodging for periods not limited to 30 days, available at daily, weekly or monthly rates to guests only. Rooms often have independent cooking facilities, and these establishments may also include accessory services such as restaurants, meeting rooms, function halls, common facilities, and recreation facilities. Includes extended stay hotels and apartment hotels.

**Lodging, Hotel.** A building or group of buildings containing individual rooms or suites of rooms, each having a private bathroom, for the purpose of providing overnight accommodations to the general public for compensation, for periods of 30 consecutive days or less. These establishments may provide additional services and amenities such as conference and meeting rooms, restaurants, bars, spas, or recreation facilities available to guests or to the general public. Common facilities, such as those for reservations, cleaning services, and on-site management, are provided.

**Lodging, Motel.** A building or group of buildings containing individual sleeping or living units for the purpose of providing overnight accommodations to the general public for compensation, for periods of 30 consecutive days or less. Usually a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located near each unit, all for the temporary use by automobile tourists or transient travelers. Generally includes limited amenities or services.

**Lodging, Timeshares.** A facility in which a person receives the right in perpetuity, for life or for a specific period of time, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or portion of real property for a period of time which has been or will be allocated from twelve or more occupancy periods into which the facility has been divided. A timeshare use may be coupled with an estate in the real property or it may entail a license, contract, membership, or other right of occupancy not coupled with an estate in the real property.

**Lot.** Any numbered or lettered parcel shown on a recorded tract map, a record of survey recorded pursuant to an approved division of land or a recorded parcel map. Lot types include the following (see Figure 7.01.02 1 Lot Types):

**Lot, Abutting.** A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

**Lot, Corner.** A lot located at the intersection or interception of two or more streets at an angle of not more than 135 degrees. If greater than 135 degrees, the lot shall be considered an exterior lot.

**Lot, Flag.** A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip not less than 20 feet in width at any point connecting the main building site area to the frontage street.

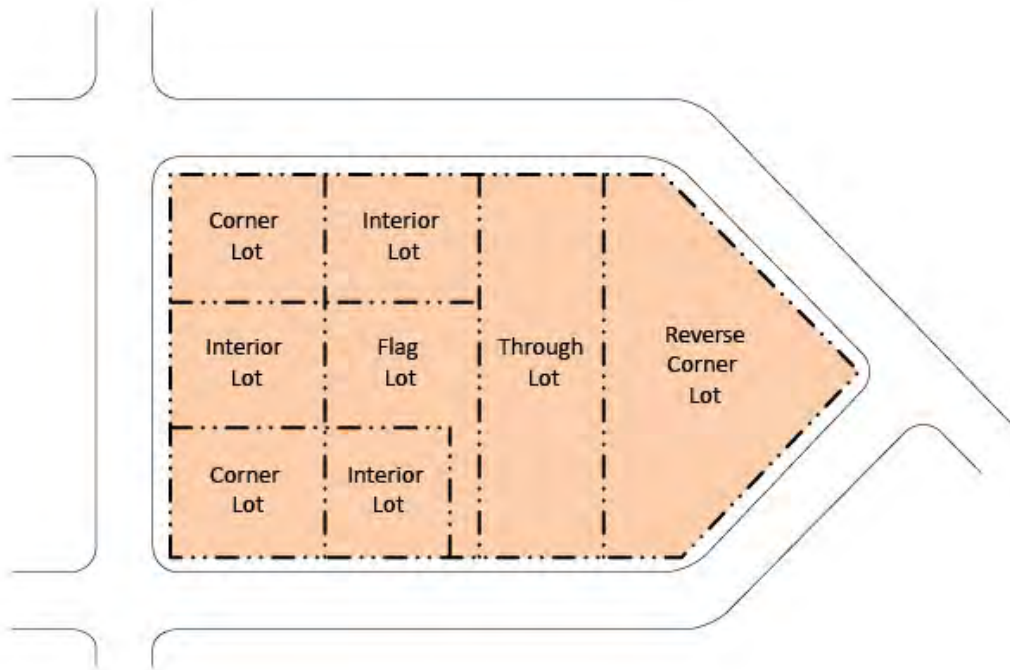
**Lot, Interior.** A lot bounded on one side by a street and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than 135 degrees; a lot other than an exterior, corner, or reverse corner lot.

**Lot, Key.** An interior lot adjoining the rear lot line of a reversed corner lot and not separated by an alley.

**Lot, Reverse Corner.** A corner lot in which the rear property line abuts the side property line of an adjoining interior lot (as opposed to the rear property line of another corner lot).

**Lot, Through.** A lot having frontage on two dedicated parallel or approximately parallel streets.

**FIGURE 7.01.02-2. Lot Types**



**Lot Area.** The area of a lot measured horizontally between bounding lot lines.

**Lot Coverage.** The ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches, shall be summed to calculate lot coverage. See also Subsection 3.02.06.D (Determining Lot Coverage).

**Lot Depth.** The horizontal distance measured along a straight line down from the midpoint of the front property line of the lot to the midpoint of the rear property line, or to the most distant point on any other lot line where there is no rear lot line. See Subsection 3.01.04.B (Lots and Setbacks).

**Lot Line.** Any line(s) bounding a lot as defined in this section under “Lot.” “Property Line” means the same as “Lot Line.” Lot lines include the following:

**Lot Line, Front.** On an interior lot, the lot line abutting the street. On a corner lot, the shorter lot line abutting a street. On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line. For flag lots and other irregularly shaped parcels, the front lot line is determined to be the narrowest portion of the lot (for flag lots, this excludes the narrow portion of the lot that represents the “pole”).

**Lot Line, Interior.** A lot line not abutting a street.

**Lot Line, Rear.** The lot line(s) most distant and opposite the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line (e.g., triangular lot), a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for establishing the minimum rear yard. A lot which is bounded on all sides by streets may have no rear lot lines (e.g., through lots).

**Lot Line, Side.** The side lot line means any lot line that is not otherwise defined as a front, rear, or street side lot line.

**Lot Line, Street Side.** The street side (i.e. exterior side) lot line means any lot line abutting a street that is not determined to be a front lot line.

**Lot, Nonconforming.** A legal parcel of land having less area, frontage, or dimensions than required in the zone in which it is located.

**Lot Width.** The 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. See Subsection 3.01.04 (Lots and Setbacks).

**Lounge.** See “Bar/Nightclub/Lounge.”

## M. “M” Terms

**Maintenance and Repair.** The repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing that restores the character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition.

**Major Music Festival Event.** A major music festival event is an event that meets the following criteria (see also Section 2.07.02 (Major Music Festival Overlay Zone (MMF)):

1. Includes a permitted attendance up to 125,000 people;
2. The event venue and Ancillary Uses encompass at least 500 acres of land located in the Festival District subarea under the Indio General Plan and located within the Major Music Festival Event Overlay Zone;
3. Provides for Ancillary Uses, if any, to support the Major Music Festival Event; and
4. Includes up to three days of musical performances.

**Manufactured Home.** As defined in State of California Health and Safety Code Section 18007, a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

**Manufactured/Mobile Home Park.** A development designed and occupied by manufactured or mobile housing units including development with facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile/manufactured housing units through a subdivision, cooperative, condominium or other form of resident ownership.

**Manufacturing/Processing, Light.** An establishment engaged in manufacturing of non-edible products and finished parts primarily from previously prepared materials by means of physical assembly or reshaping. These industrial activities produce limited impacts on nearby properties, such as noise, gas, odor, or vibration. This classification includes uses where retail sales are clearly incidental to an industrial or manufacturing use; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing (excluding Artisan Manufacturing/Makers Spaces); commercial laundry processing and other cleaning operations that use chemical solvents, and industrial services.

**Manufacturing/Processing, Heavy.** An establishment engaged in the assembly, fabrication, or manufacturing of non-edible products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. Production typically involves some transformation by way of heating, chilling, combining, or through a chemical or biochemical reaction or alteration. Toxic, hazardous, or explosive materials may be produced or used in large quantities as part of the manufacturing process. These industrial activities may produce impacts on nearby properties, such as noise, gas, odor, dust, or vibration. This classification includes manufacturing for biomass energy conversion, commercial advertising, cosmetics and perfumes, electrical appliances and explosives, film and photographic processing plants, apparel and textile mills, leather and allied products manufacturing, wood and paper, glass and glass products, chemical products, medical/pharmaceutical products, plastics and rubber, nonmetallic minerals, primary and fabricated metal products, and automotive and heavy equipment.

**Marquee.** A roofed structure or awning or canopy attached to and supported by the building and extended over a building line and into public property.

**Massage Establishment, Accessory Use.** An establishment offering massage services as an accessory use. Examples include massage chairs/services at shopping malls or in hotels.

**Massage Establishment, Stand-Alone.** Any establishment having a fixed place of business where any person engages in or carries on any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice. Such establishment shall have health enhancement as part of its purpose. Exempted from this definition are massage therapists operating in conjunction with and on the same premises as a physician, surgeon, chiropractor, osteopath, nurse or any physical therapist (State-licensed professions or vocations) who are duly State-licensed to practice their respective professions in the State of California.

**Massing.** See “Building Massing.”

**Massing Break.** A change in plane in the facade of a building (set forward or back), and/or significant break in eave line or roof form to break up the mass of the building. See also “Building Modulation.”

**Medical Services, Extended Care.** A private medical services facility providing for regular care on an extended basis as required; generates limited to no walk-in service. Examples include nursing homes, adult residential facilities treating mental health, and the like. Usually includes incidental medical laboratories.

**Medical Services, Medical/Dental/Holistic/Clinic.** A facility other than a hospital where medical, dental, holistic, mental health, surgical, and/or other personal health care services are provided on an outpatient basis (for example, chiropractors, medical doctors, psychiatrists, other than nursing staff). May also include incidental medical laboratories, supporting pharmacies, etc. Counseling services by other than medical doctors or psychiatrists are included under “Offices - Professional/Administrative.”

**Medical Services, Urgent Care.** An establishment providing limited clinical and emergency medical services generating primarily walk-in service. May also include incidental medical laboratories.

**Middle Housing.** A range of medium-density, multi-unit housing types such as duplexes, triplexes, quadplexes, cottage courts, and courtyard apartments, which provide diverse housing options within walkable neighborhoods located near local-serving businesses and public transportation options.

**Mini Market.** See Convenience Market.

**Mini-Storage Warehousing/Facility.** A facility offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. May include affiliated RV storage. This use excludes workshops, hobby shops, and manufacturing activity.

**Mining/Resource Extraction.** The on-site extraction of surface or subsurface mineral products or natural resources. This use includes borrow pits, mining operations, oil drilling or fracking, and uses incidental to mining operations including structures necessary to the on-site production of mineral products or natural resources.

**Mobile Home.** A structure designed and equipped for human habitation, and for being drawn by a motor vehicle, to be used with or without a foundation system. A mobile home does not include a recreational vehicle, commercial coach, or factory-built housing.

**Mobile Recycling Unit.** An automobile, truck, trailer, or van licensed by the Department of Motor Vehicles that is used for collection of recyclable materials and taken elsewhere for sorting, etc. Bins, boxes, or containers used for collection of recyclable materials to be transported by (delivered/emptied/removed) the licensed vehicle are also considered mobile recycling units.

**Model Home.** A dwelling or residential building having all of the following characteristics:

1. The dwelling is constructed upon a proposed lot previously designated as a model home site in a subdivision for which there is an approved tentative map, and for which a final map has been recorded.
2. The dwelling is intended to be temporarily utilized as an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

**Modular/Prefabricated Unit.** Modular or prefabricated units are constructed inside building facilities and then transported to the building site for assembly. The main difference between manufactured and modular homes is that manufactured homes are built to the national HUD code, while modular/prefabricated units are built to all applicable State and local building codes.

**Modulation.** See “Building Modulation.”

**Motor Vehicle.** A self-propelled device used or intended to be used for the transportation of freight or passengers upon a street or highway, excepting a device moved by human power or a device used exclusively upon stationary rails or tracks.

**Multi-Family Dwelling.** A structure that contains more than one separate residential dwelling unit. Multi-family dwellings are categorized into the following:

**Multi-Family Dwelling, Triplex/Quadplex**

Three or four dwelling units on one lot or parcel, or a single building designed or used for occupancy by three or four households, living independently of each other. Three or four side-by-side dwellings sharing a common wall but located on their own lots are considered single-family attached dwellings.

**Multi-Family Dwelling, ≥ 5 Units**

A building, parcel, or site with five or more dwelling units; units may be attached or detached.

**Municipal Code.** The City of Indio Municipal Code.

## N. “N” Terms

**Neighborhood Market.** An establishment under 5,000 square feet, primarily engaged in the retail sale of all sorts of products including, but not limited to, dry goods, canned goods, fresh fruits and vegetables, dairy products, fresh and prepared meats, fish and poultry. Alcohol is not the majority retail item.

**Net Lot Area.** The total horizontal area within the property lines of a lot or parcel of land exclusive of all right-of-way and road or driveway easements.

**Nightclub.** See “Bar/Nightclub/Lounge”.

**Noise.** Any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

**Noncommercial.** An enterprise or activity which is not normally conducted for profit or gain.

**Nonconforming Building.** See “Nonconforming Structure”.

**Nonconforming Lot.** See “Lot, Nonconforming”.

**Nonconforming Structure.** See “Structure, Nonconforming.”

**Nonconforming Use.** See “Use, Nonconforming.”

**Nuisance.** Anything offensive or obnoxious to the health and welfare of the inhabitants of the city; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

**Nursery/Garden Center.** Any establishment primarily engaged in the retail sale of nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. This classification includes commercial and wholesale greenhouses and nurseries offering plants for sale.

## O. “O” Terms

**Office, Processing.** An office-type facility characterized by high employee densities and occupied by businesses engaged in information processing and other computer-dependent and/or telecommunications-based activities. Examples of these uses include, but are not limited to, airline and rental car company reservation centers, computer software and hardware design and development, consumer credit reporting, data processing services, call centers, HMO offices where no medical services are provided, insurance claim processing, telecommunications facility design and management, and mail order and electronic commerce transaction processing.

**Office, Professional/Administrative.** An office-type facility occupied by businesses that provide professional services or are engaged in the production of intellectual property. Examples of these uses include, but are not limited to, accounting services, advertising agencies, attorneys, business associations, commercial art and design services, construction contractor offices, design services (e.g., architecture, engineering), management and public relations services, news services, photography studios, financial management/counseling, clerical employee services, security and commodity brokers, and writer/artist offices.

**Office, Service.** An office-type facility providing direct services to consumers. Examples of these uses include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and elected official satellite offices. This use does not include “Bank, Financial Services,” which is separately defined. Does not include Medical Offices.

**On-Site.** Located on the lot that is the subject of discussion.



**Open Space.** Generally any undeveloped land or water area, or piece of property that is undeveloped.

**Open Space, Common.** Private common open space in residential subdivisions, multi-family residential projects, and residential mixed-use projects. Private common open spaces may be indoor rooms or outdoor open spaces that are shared and accessible only to building residents and their visitors. They can be located at the ground level, on parking podiums, or on rooftops, provided they are adequately landscaped. Common open spaces may include: courtyards, gardens, play areas, outdoor dining areas, recreational amenities, rooftop amenities, and community rooms, among others.

**Open Space, Private.** Personal private open space in multi-family residential and residential mixed-use projects. Private open space areas are intended for private use for each dwelling unit and may include: balconies (covered or uncovered), private gardens, private yards, terraces, decks, and porches, among others.

**Open Space, Publicly-Accessible Private (PAPOS).** Outdoor space that is privately owned and maintained but is made available for public use for the purposes of outdoor recreation and leisure, cultural arts, sports, or provision of green space. May include: plazas, courtyards, seating areas, parklets, play areas, recreational facilities or equipment, dog parks, and usable green space, among others.

**Open Space, Natural.** A natural open space, and habitat and/or resource conservation area.

**Outdoor Dining.** Any group of tables and chairs, and its authorized decorative and accessory features, situated and maintained in an unenclosed area on private property for use in connection with the consumption of food and beverage sold to the public.

**Outdoor Display.** The long-term placement of goods or merchandise not located within an entirely enclosed building and without screening or fencing. See “Temporary Uses” for temporary outdoor display.

**Outdoor Entertainment.** Predominantly spectator uses, conducted in open or partially enclosed or screened facilities. Typical uses include amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, and drive-in theaters.

**Outdoor Storage (Primary Use).** An establishment whose principal use is the outdoor storage of materials, products, or equipment, subject to all storage and screening requirements of the applicable zone.

**Outdoor Storage (Accessory).** On-site at-grade or shelved space for the storage of business-related materials, products, and goods. All on-site storage is limited to those materials directly used or produced in relation to the functional on-site business activity, subject to all storage and screening requirements of the applicable zone.

**Owner.** A person or persons holding single or unified beneficial title to the property, including without limitation, the settlor of a grantor trust, a general partner, firm, or corporation.

## P. “P” Terms

**Parapet.** That part of a wall that extends above the roof line.

**Parcel.** The same as “Lot,” as defined in this section.

**Parking Area.** An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

**Parking Lot/Structure.** A surface parking lot or structure when such use is not incidental to another on-site activity. May be located above or below grade and use of the parking structure may be subject to a fee. May include park and ride structures.

**Parking Stall.** A space within a building or a private or public parking area, exclusive of driveways, ramps, columns, office and working areas, for the parking of one automobile.

**Park Model.** A park trailer built on a single chassis, mounted on wheels or originally mounted on wheels and from which the wheels have been removed. A fifth wheel trailer is not considered a park home. A park home is designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than 320 square feet and not more than 400 square feet when it is set up.

**Park/Recreation Facility.** A noncommercial park, playground, recreation facility, trail, and/or related open space. This classification includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, golf courses, and botanical gardens, as well as related food concessions or community centers within the facilities.

**Parkway Strip.** The portion of a public street right-of-way lying between the curb and sidewalk intended for landscaping. It is sometimes referred to by other names such as sidewalk strip, planter strip, parking strip, or tree buffer.

**Passenger Transportation Facility.** A facility for passenger transportation operations, including rail stations, bus terminals and pick-up areas, and scenic and sightseeing facilities, but does not include terminals serving airports or heliports.

**Passenger Vehicle.** See “Vehicle, Passenger.”

**Pasture.** Open, uncultivated land used for the grazing of livestock.

**Pathway.** An access way to accommodate pedestrians, bicycles, or other non-vehicular transportation modes.

**Pawnshop.** An establishment engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of such property.

**Patio.** A level hard surfaced area at finished grade. (For an above-grade patio, see “Deck”)

**Pedestrian Path or Pathway.** A right-of-way for pedestrians, free from vehicular traffic and including access ramps, stairs, and mechanical lifts and routes through buildings which are available for public use. See also “Sidewalk.”

**Permitted Use.** See “Use, Permitted”.

**Person.** Any individual, firm, association, organization, partnership, business trust, company, or corporation.

**Personal Services.** An establishment providing non-medical services to individuals as a primary use. In addition to the uses listed below, general personal service uses may also include accessory retail sales of products related to the services provided. Examples includes, but are not limited to, barber/beauty shops, clothing rental, home electronics/small appliance repair, locksmith, shoe and luggage repair, tailors, waxing/tanning salons, and dry-cleaning (pick-up/retail storefront, without processing facilities).

**Physical or Mental Impairment.** Any physiological disorder or condition and any mental or psychological disorder, including, but not limited to, orthopedic, visual, speech and hearing impairments, cosmetic disfigurement, anatomical loss, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disabilities (formerly termed “mental retardation”), emotional or mental illness, learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, and alcoholism and drug addiction (but not including current use of illegal drugs). A temporary condition, such as a broken leg, pregnancy, use of crutches, etc. does not qualify as a physical or mental impairment.

**Planned Development.** A development of parcels of land as a coordinated project which have been developed according to an approved development plan. Adequate control of the development is provided in order to maintain aesthetic values and to protect the investment of developers as well as the community as a whole. Planned developments may be either residential, commercial, or industrial in nature or a combination thereof.

**Planned Street Line.** The planned right-of-way for a major or secondary highway or traffic collector street. A yard abutting such a highway or street shall be measured from this planned right-of-way line.

**Planning Commission.** See “Commission or Planning Commission”.

**Pool.** Any structure for swimming, bathing or wading or as a fishpond or similar use. See also “Swimming Pool.”

**Porch.** A structure attached to a building to shelter an entrance or to serve as a semi-enclosed landing area providing access to the building; usually roofed and generally open-sided.

**Poultry.** A domesticated bird that is used to produce meat or eggs, including but not limited to, chickens, ducks, pigeons, and quail.

**Pre-existing.** In existence prior to the effective date of this Code.

**Primary Use.** See “Use, Primary”.

**Private.** Belonging to or restricted for the use or enjoyment of particular persons.

**Private Garden.** A private food-producing garden that is accessory to the primary use of the site.

**Private Open Space.** See “Open Space, Private.”

**Project.** Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this Code. This term includes, but is not limited to, any action that qualifies as a “project” as defined by the California Environmental Quality Act.

**Property Line.** See “Lot Line”.

**Publicly-Accessible Private Open Space (PAPOS).** See “Open Space, Publicly-Accessible Private.”

**Public Resources Code.** The Public Resources Code of the State of California.

**Public Service Facility.** A facility providing public safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training and maintenance facilities.

**Public Transit.** A location, including but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

**Public Utilities, Major.** A facility providing services for the public good that include generating plants, solid waste collection including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, water towers, dams, flood control facilities, and other services that provide major public infrastructure services for urban development.

**Public Utilities, Minor.** A facility providing services for the public good that include utility substations, pumping stations and other transmission and distribution facilities.

**Public Right-of-Way.** Any street, alley, pedestrian way, pathway, channel, viaduct, subway, bridge, easement, right-of-way or other way in which the public has a right of use.

**Public Works Director.** The Public Works Director of the City of Indio.

## Q. “Q” Terms

**Qualified Applicant.** The property owner, the owner’s agent, or any person, corporation, partnership, or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land, or otherwise has an enforceable proprietary interest in such land.

## R. “R” Terms

**Rear Yard.** See “Yard, Rear”

**Reasonable Accommodation.** Any deviation requested and/or granted from the strict application of the City's zoning and land use laws, rules, policies, practices and/or procedures under provisions of Federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

**Recreational Vehicle.** A travel trailer, pickup camper, or motorized home, with or without motive power, designed for human habitation for recreational or emergency occupancy.

**Recreational Vehicle (RV) Park.** A mobile structure designed as temporary living quarters for recreation, vacation, camping, or travel use, which is either self-propelled or is mounted on or drawn by another vehicle. Examples include, but are not limited to, an RV, travel trailer, camping trailer, fifth-wheel trailer, truck camper, motor home, or camper van.

**Recycling Collection Facility.** Any establishment, including a place of business, center, or standalone container, for collecting or processing recyclable materials from the public. A "Certified Recycling Facility" or "Certified Processor" is a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business, or manufacturer. The processing and sorting of such items is not conducted on-site.

**Recycling Processing Facility.** Any enclosed structure used for collecting and processing recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by means such as bailing, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, or re-manufacturing.

**Renewable Energy System (Primary Use).** The commercial processing, generating, conduction, or storing of any type of renewable energy (solar, wind, or similar or new technologies). Examples include large commercial solar arrays.

**Renewable Energy System.** Any equipment installed for processing, generating, conducting, or storing of any type of renewable energy (solar, wind, or similar or new technologies). Rain barrels are not regulated under this land use. Systems are regulated in the following ways:

**Building-Mounted.** Any renewable energy system mounted or affixed to the outside of a building (new or existing) or located interior to the structure.

**Stand-Alone or Ground-Mounted.** Any renewable energy system erected or installed separate from a building (new or existing).

**Required Yard.** See "Yard, Required."

**Resale/Consignment/Thrift Shop.** An establishment engaged in the retail sale of secondhand merchandise, or offering loans secured by personal property and shall comply with all local and state operating requirements. Could include indoor swap meets.

**Research and Development.** Any business combining activities, laboratories, and facilities for research; uses involve the production of experimental products that neither constitute nor cause a public health risk to employees and/or to surrounding properties and/or residents.

**Residential Care Facility.** An integrated facility that provides accommodations for varying levels of care to residents, depending on need. The use contains the following components: independent living units; assisted living units; residential care facilities; and continuing care, Alzheimer, and related facilities. This use may include supportive medical and non-medical services directly affiliated with the treatment of on-site patients. Residential care facilities are categorized by the following programmatic elements:

**Residential Care Facility, Small.** Any state-licensed facility, place, or structure that is maintained and operated to provide non-medical residential care, day treatment, or foster agency services for six or fewer adults, children, or adults and children as defined in Article 1 of Chapter 3 of the California Health and Safety Code, Section 1500 et seq. This use includes the administration of limited medical assistance (e.g., dispensing of prescribed medications).

**Residential Care Facility, Large.** Any state-licensed facility, place, or structure that is maintained and operated to provide primarily non-medical residential care, day treatment, or foster agency services for seven or more adults, children, or adults and children as defined in Article 1 of Chapter 3 of the California Health and Safety Code, Section 1500 et seq. This use includes the administration of limited medical assistance (e.g., dispensing of prescribed medications). This definition excludes hospitals and those facilities that qualify as small residential care homes.

**Restaurant, Dine-In and Take-Out.** Includes dine-in and take-out establishments. Any establishment operated for the primary purpose of providing food, beverages, or meals for compensation that has suitable kitchen facilities for the preparation, storage, and service of food. Food service may be for on-site consumption, off-site consumption, or a combination of service types. Any bar area with all applicable licenses is typically limited to approximately 500 square feet or approximately 30% of the dining area; bar areas exceeding these limits are classified as a bar.

**Restaurant, Drive-Through.** Any dine-in or take-out eating establishment with an affiliated drive-through facility for the service of food and beverages directly to patrons in vehicles.

**Retail.** The selling of goods, wares, or merchandise directly to the ultimate consumer.

**Reverse Vending Machine.** An automated recycling/depository mechanical device, as an accessory use, that accepts one or more types of recyclable beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. The reverse vending machine may sort and process containers mechanically, provided the entire process is fully enclosed. A grouping of multiple reverse vending machines may be necessary/provided to meet the requirements of certification as a recycling facility.

**Review Authority.** Body or entity responsible for making decisions on applications.

**Multi-Use/Hiking Trail.** A trail or way designed for and used by equestrians, pedestrians, and cyclists using nonmotorized bicycles.

**Right-of-Way.** An area or strip of land, either public or private, on which a right of passage has been recorded.

**Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

**Roof Mounted Equipment.** Anything other than roofing materials or skylights which is used for the operation of any building including, but not limited to heating, ventilation and air conditioning units, vents, antennae, air ducts, and equipment hoods.

**Roof Pitch.** The slope of the roof, or the angle which is formed between the roof and the horizontal plane.

## S. "S" Terms

**Salvage.** Any article or material which is to be or intended to be reclaimed or saved from destruction.

**Salvage/Wrecking Yards.** Any property used for the breaking up, dismantling, sorting, storage, distribution, or sale of any scrap, waste material or junk. Excludes auto and vehicle wrecking/dismantling.

**Scenic Highway.** Any highway designated as a scenic highway by an agency of the City, County, State or Federal government.

**School, Public or Private (TK-12).** An institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained in compliance with the standards set by the State Board of Education. This use includes kindergarten, elementary school, middle or junior high school, or senior high school.

**Screen or Screening.** A structure used for concealment or visual buffer consisting of plant material, masonry, wood, other approved material.

**Secondary Highway.** A roadway classified as a Secondary Highway in the Transportation Element of the General Plan.

**Senior Citizen.** An individual 62 years of age or older.

**Service.** An act, or any result of useful labor, which does not, in itself, produce a tangible commodity.

**Setback.** The minimum required distance by which any building or structure must be separated from a property line. See Section 3.01.02 (Measuring Distances) and Section 3.01.05 (Setbacks and Encroachments) for rules for measurement of setbacks.

**Setback Line.** A line delineating the minimum allowable distance between a property line and a building on a lot, as prescribed by the regulations for the applicable zone, within which no building or other structure shall be placed except as provided in Section 3.01.05 (Setbacks and Encroachments).

**Shelter.** A structure or environment, adequate to the species of animal, which provides protection from adverse weather conditions and predators.

**Shopping Center.** An integrated development of retail and service commercial activities on one or more lots of land sharing common parking and signing facilities and serving a wide spectrum of community shopping needs.

**Side Yard.** See “Yard, Side.”

**Sidewalk.** That portion of a thoroughfare, other than a roadway, set apart by curbs, barriers, markings, or other delineations for pedestrian travel. See also “Pedestrian Path or Pathway” as defined in this section.

**Sign Terms.** See Chapter 7.02 (Sign Terms and Types).

**Single-Family Dwelling, Attached.** A dwelling unit that is designed for occupancy by one household located on a separate lot from any other unit (except a second dwelling unit, where permitted), and is attached through common walls to one or more dwellings on abutting lots. An attached single-unit dwelling is sometimes called a “townhouse” or a “condominium”.

**Single-Family Dwelling, Detached.** A dwelling unit that is designed for occupancy by one household with private yards on all sides and located on a separate lot from any other unit (except an accessory dwelling unit, where permitted). This classification includes individual manufactured, modular, and prefabricated housing units.

**Single-Room Occupancy.** A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, are rented to one- or two-person households for a weekly or monthly period of time. This use classification is distinct from a Hotel or Motel, which is a commercial use.

**Site.** A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this Code and is in a single ownership or under unified control.



**Smoke Shop.** Any business that sells cigarettes, cigars, tobacco, electronic cigarettes, hookah supplies, or other smoke/vape related accessories and supplies, as a primary use. This does not include sales of cigarettes, cigars, or other smoke related accessories, within grocery stores, drug stores, convenience stores, or other similar types of markets.

**Smoking Lounge.** Any business establishment that is dedicated, in whole or in part, to the smoking of tobacco products, electronic cigarettes, or other substances, including but not limited to establishments known variously as cigar lounges, hookah lounges, tobacco clubs, tobacco bars, etc.

**Social Service Facility.** A facility providing a variety of supportive services on a less than 24-hour basis. Examples of services provided are counseling, providing limited medical services, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (see Day Care Centers), clinics, and emergency shelters providing 24-hour care (see Emergency Shelter).

**Soil.** Naturally occurring superficial deposits overlying bedrock.

**Solar Reflectance Index.** Measure of a surface's ability to reflect solar heat, combining reflectance and emittance into one number. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is zero and a standard white (reflectance 0.80, emittance 0.90) is 100.

**Sound Barrier Wall.** Sound barrier walls are high, vertical, solid masonry or concrete walls designed to reduce or buffer roadway noise levels.

**Specific Plan.** A plan for all or part of the area covered by the General Plan that is prepared to be consistent with and to implement the General Plan, pursuant to the provisions of Government Code, Subsection 65450 et seq.

**Stable/Equestrian Facility, Commercial/Public.** A facility dedicated to the keeping for commercial purposes of horses, donkeys, and/or mules, including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals, and paddocks accessory and incidental to these uses.

**Stable/Equestrian Facility, Hobby/Private.** A stable, corral, and/or paddock used by the individual homeowners of corresponding property and their animals.

**State.** The State of California.

**Stoop.** A stoop is an uncovered unenclosed set of steps and elevated platform or landing projecting from the front wall of a structure providing access to the ground level of a building.

**Story.** That portion of a building included between the finished grade of any floor and the finished surface of the floor next above, except that the topmost story shall be that portion of a building included between the finished surface of the topmost floor and the ceiling or roof above.

**Street.** A public or private thoroughfare, which affords the principal means of access to a block and to abutting property. "Street" includes avenue, court, circle, crescent, place, way, drive, boulevard, highway, road, and any other thoroughfare, except an alley or walkway.

**Street Centerline.** A line laterally bisecting a street right-of-way into equal widths.

**Street Line.** The boundary between a street and a lot or parcel of land.

**Street Side Yard.** See "Yard, Street Side."

**Structural Alteration.** Any change in supporting members of a building or structure.

**Structure.** Anything constructed or erected requiring a fixed location on the ground or attached to something having a fixed location on the ground.

**Structure, Accessory.** A detached subordinate structure used only as incidental to the main structure on the same site or lot.

**Structure, Attached.** A structure which is affixed to another building or structure on the site.

**Structure, Detached.** A structure which is not affixed to another building or structure on the site.

**Structure, Main or Principal.** A structure housing the primary use of a site or functioning as the primary use.

**Structure, Nonconforming.** A lawfully established building or structure that does not conform to the regulations of this Code or is designed for a use that does not conform to the regulations of this Code for the zone in which it is located, either on the date of adoption of this Code or as the result of subsequent amendments to this Code.

**Structure, Temporary.** A structure without any foundation or footings, and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**Studio Unit.** A dwelling unit consisting of a combined room for living and sleeping and a separate room for cooking.

**Swimming Pool.** An artificial body of water having a depth in excess of 18 inches, designed, constructed and used for swimming, dipping, or immersion purposes by humans.

**Supportive Housing.** A residential establishment containing dwelling units with no limit on length of stay, that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code (“Target population” means adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.). Linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community.

**Swap Meet, Outdoor.** An event at which two or more persons or entities offer goods or services for sale or exchange, and at which a fee is charged to the party selling the goods or the buyer is charged for the privilege of entering the site to engage in sales transactions. Also may be referred to as Flea Markets, Swap Lots, Open Air Markets, or Outdoor Bazaars.

## T. “T” Terms

**Tandem Parking.** An arrangement of parking spaces such that one or more spaces must be driven across to access another space or spaces.

**Tattoo/Body Art/Piercing.** An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin using needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**Telecommunications Terms.**

**Antenna.** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is operated or operating from a fixed location.

**Base Station.** A telecommunication/wireless structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not include a tower or any equipment associated with a tower.

1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
3. The term includes any telecommunication/wireless structure other than a tower that, at the time the relevant application is filed with the State or local government under this Section, supports or houses equipment described in paragraphs 1 and 2 above and that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the telecommunication/wireless structure was not built for the sole or primary purpose of providing such support.
4. The term does not include any telecommunication/wireless structure that, at the time the relevant application is filed with the State or local government under this Section, does not support or house equipment described in paragraphs 1 and 2 above.

**Collocation.** (1) Mounting or installing a wireless telecommunication/wireless on a pre-existing structure; and/or (2) Modifying a telecommunication/wireless structure for the purpose of mounting or installing a wireless telecommunications facility on that telecommunication/wireless structure. For the purposes of Eligible Facilities Requests, collocation means the mounting or installation of transmission equipment on an existing tower or base station.

**Eligible Facilities Request.** Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving;

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

**Lattice Tower.** A three or more-legged telecommunication/wireless structure designed and erected on the ground to support wireless telecommunication antennas and connecting appurtenances.

**Monopole.** A telecommunication/wireless structure of single pole (non-lattice) design and erected on the ground to support wireless telecommunications antennas and connecting appurtenances.

**Monopalm.** A monopole camouflaged to resemble a palm tree.

**Support Equipment.** The physical, electrical, and/or electronic equipment included within a telecom facility used to house, power, transport, and/or process signals from or to the facility's antenna or antennas.

**Stealth Design.** Improvements or treatments added to a wireless telecommunication/wireless which are intended to make the facility look like something other than a wireless tower or base station or to mask or blend the proposed facility into the existing telecommunication/wireless structure or visual backdrop in such a manner as to render it minimally visible to the casual observer.

**Tower.** Any telecommunication/wireless structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including telecommunication/wireless structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

**Wireless Telecommunications or Telecommunications/Wireless Facility.** A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, monopoles, telecommunication towers, or similar telecommunication/wireless structures supporting said equipment, equipment buildings, parking areas, and other accessory development.

1. Telecommunications/Large Commercial Antenna. Any new stand-alone facility, excluding stand-alone small wireless facilities.
2. Telecommunications/Small Wireless Facility. A small wireless facility as defined by federal law and/or the FCC and that meets each of the following requirements (If a facility does not meet these criteria then it is considered a large telecommunications facility.):
  - a. The facility:
    - i. Is mounted on structures 50 feet or less in height including their antennas as defined in 47 C.F.R. §1.1320(d);
    - ii. Is mounted on structures no more than 10 percent taller than other adjacent structures; or
    - iii. Does not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
  - b. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. § 1.1320(d)), is no more than three cubic feet in volume;
  - c. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
  - d. The facility does not require antenna structure registration under Part 17 of Subchapter A of Chapter 1 of Title 47 C.F.R., or its successor regulations;
  - e. The facility is not located on Tribal lands, as defined under 36 C.F.R. § 800.16(x), or its successor regulation; and
  - f. The facility does not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. § 1.1307(b), or its successor regulation.

**Temporary Buildings or Storage Facilities (Accessory Use).** Temporary buildings, such as construction trailers or temporary real estate sales offices, or temporary storage containers for the temporary storage of goods on a site. This is accessory to the primary use on the site.

**Temporary Structure.** See “Structure, Temporary.”

**Tenant.** A person or household renting or leasing a housing unit or non-residential space.

**Townhouse.** An attached, single-family dwelling unit which is part of a group of two or more such units that are connected to but separated from one another by a common party wall having no doors, windows, or other provisions for human passage or visibility.

**Townhouse Development.** A cluster or grouping of townhouse units. See also “Single-Family Dwelling, Attached.”

**Trailer.** A vehicle with or without motor power, which is designed or used for hauling materials or vehicles, or for human habitation, office, or storage including camper, recreational vehicle, travel trailer, and mobile home, but not including mobile homes on a permanent foundation.

**Transitional Housing.** A rental housing development generally intended to provide housing and appropriate support services to homeless persons to facilitate movement to independent living operating under programmatic constraints that require the termination of assistance after a specified time or event, in no case less than 6 months after initial occupancy, and the re-renting of the assisted unit to another eligible participant.

**Truck Stop/Fueling Station.** An establishment whose principal activity is the retail sale and dispensing of vehicle fuels for non-passenger vehicles. This use may be accessory to a primary industrial or public agency use or a primary use for the regular fueling of site-specific or general commercial fleet vehicles. It may include maintenance and service facilities conducted completely within an enclosed structure, overnight parking, and/or the sale of accessories and equipment for heavy commercial vehicles.

**Tutoring Facility.** A facility offering academic instruction to individuals or to groups in a classroom setting where an adult accompanies a minor. Facilities where minors are not accompanied by adults are classified as Day Care Centers.

**Two-Family Dwelling.** A residential building containing two dwelling units, both of which are located on a single parcel (also referred to as a “duplex” or “two-flat”.) The dwelling units are attached and may be located on separate floors or side-by-side.

## U. “U” Terms

**Unified Development Code or This Code.** The comprehensive development code of the City that includes all development-related regulations, including zoning and subdivision regulations and the Zoning Map.

**University.** See College/University.

**Use.** The purpose for which land or the premises of a building, structure or facility is arranged, designed, or intended, or for which it is or may be occupied or maintained.

**Use, Accessory.** A use that is customarily associated with, and is accessory and subordinate to, a primary use and located on the same lot as a primary use.

**Use, Incidental.** A secondary use of a lot and/or building that is located on the same lot, but is not customarily associated with the primary use.

**Use, Nonconforming.** The use of a building, structure, site, or portion thereof, which was lawfully established and maintained, but which, because of the adoption and application of this Code, no longer conforms to the specific regulations applicable to the zone in which it is located.

**Use, Permitted.** Any use or structure that is allowed in a zone without a requirement for approval of a Use Permit, but subject to any restrictions applicable to that zone.

**Use, Primary.** The main purpose for which land or a building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

**Use, Principal.** The same as Use, Principal, as defined in this section.

**Use, Temporary.** A use which is required for the proper function of the community or temporarily required in the process of establishing a permitted use, or construction of a public facility. See Chapter 4.27 (Temporary Uses).

**Use Classification.** A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics (e.g., residential, industrial and manufacturing, etc.) See Article 2 (Zone Regulations).

**Use Permit.** A discretionary permit which may be granted by the appropriate City of Indio authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right, but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval. See Section 6.04.04 (Use Permits).

**Use Type.** A category that classifies similar uses based on common functional, product, or compatibility characteristics. See also “Use Classification.”

**Utilities.** Equipment and associated features related to the mechanical functions of a building(s) and services such as water, electrical, telecommunications, and waste.

**Utility Yard.** A parcel of land, or portion of land, used by a private company or public entity for the production, storage, or repair of utility equipment (e.g., telecommunications, transit vehicles). Examples include bus yards, corporation yards, telecommunications equipment yards, etc.

## V. "V" Terms

**Valet Parking.** A vehicular parking facility whereby a parking attendant is utilized to park cars in an assigned area that is not available to the general public.

**Variance.** A discretionary grant of permission to depart from the specific requirements of this Code that is warranted when, due to special circumstances regarding the physical characteristics of the property, the strict application of standards would deprive the property of privileges available to other property in the same zone.

**Vehicle.** Any vehicle, as defined by the California Vehicle Code, including any automobile, camper, camp trailer, trailer, trailer coach, motorcycle, house car, boat, or similar conveyance.

**Vehicle, Commercial.** A commercial vehicle as defined by the California Vehicle Code. Pickup trucks and vans not exceeding one-ton rated capacity and which are used primarily for private noncommercial purposes are not considered commercial vehicles.

**Vehicle, Passenger.** As defined in the California Vehicle Code.

**Veterinary Hospital.** An establishment providing medical and surgical treatment for domestic animals. This classification allows 24-hour accommodation of animals receiving medical services but does not include kennels.

**Vibration.** A periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium.

**Visible.** Capable of being seen (whether legible) by a person of normal height and visual acuity walking or driving on a road or in a public place.

**Vocational/Trade School.** An institution providing education or training in business, commerce, language, or other similar activity or occupational pursuit that is not otherwise described as a home occupation, college/university, school, or instructional studio.

## W. "W" Terms

**Wall.** Any vertical exterior surface of building or any part thereof, including windows.

## X. "X" Terms



**Y. “Y” Terms**

**Yard.** An open space on a lot with a building or other structure, located between the building or structure and the adjacent property line, that is unoccupied and unobstructed from the ground to the sky, except for such encroachments as are specifically permitted in Section 3.02.03 (Setbacks and Encroachments). Types of yards include the following (see Figure 7.01.02 2. Yard Types):

**Yard, Front.** A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard shall be a distance specified by this Code for the zone in which it is located and measured inward from the front lot line.

**Yard, Interior Side.** A yard which does not abut a street.

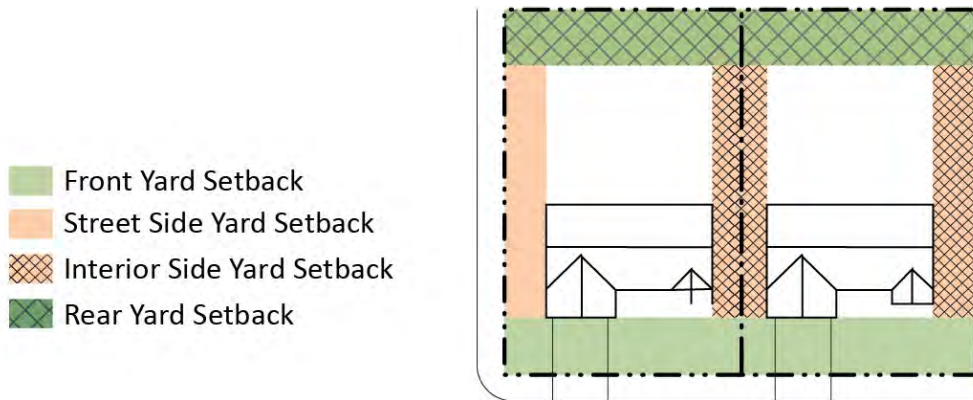
**Yard, Rear.** A yard extending across the rear of a lot for its full width between side lot lines, and to a depth specified by this Code for the zone in which it is located. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for establishing the minimum rear yard.

**Yard, Required.** A yard which complies with the minimum setback requirements for the zone in which the lot is located.

**Yard, Side.** A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the depth of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site.

**Yard, Street Side.** A yard on a corner lot or reversed corner lot extending from the front yard to the rear lot line between the building setback line and the nearest side street lot line.

**FIGURE 7.01.02-3. Yard Types**



**Yard Sale (Temporary Use).** Any sale of personal property to the general public occurring on private or public property; commonly referred to as “garage sales,” “yard sales,” “patio sales,” “rummage sales,” “estate sales,” and similar activities.

**Z. “Z” Terms**

**Zone.** A specifically delineated area in the City within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

**Zoning Map.** The official zoning map of the City of Indio.

## 7.02. SIGN TERMS AND TYPES

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### 7.02.01. Purpose

This Chapter provides definitions of terms and phrases related to signage used in this Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Code, these definitions shall control for the purposes of this Code. If a word is not defined in this Chapter, or in other provisions of the Code, the Director shall determine the correct definition.

### 7.02.02. Sign Terms

#### A. "A" Sign Terms

**Approved Bottom-Mounted Outdoor Advertising Fixture.** A system of lighting which is installed at or on the lower portion of a billboard.

#### B. "B" Sign Terms

**Balloon.** A colored bag made of flexible material, inflated with air or other gas, and sealed, often to make it rise in the air.

**Balloon Bobber.** A reusable pre-formed balloon with regular air made of a durable PVC vinyl that does not need to be inflated, and typically attached to a short pole.

**Building Element.** The maximum lineal dimension of an exterior wall, excluding canopies and projections, measured on a straight line parallel to the site's street frontage.

#### C. "C" Sign Terms

**Commercial Message.** A message conveyed by any sign that is solely intended to interest, entice, or solicit any person to participate in commercial transactions with a business, including offers of goods, cash, discounts on products or services, or other items, including the offering of free goods or services made in exchange for or with the intent to induce the recipient's willingness to receive information relating to a possible commercial transaction.

#### D. "D" Sign Terms

**Direct Illumination.** Illumination resulting from light emitted directly from a light bulb or light fixture, not light diffused through translucent signs or reflected from other surfaces such as the ground or building face.

#### E. "E" Sign Terms

**Electronic Message Display Technology.** A sign or portion of a sign that utilizes computer-generated messages or some other electronic means of changing its characters, letters, numbers, illustrations, display, color, and/or light intensity, including animated graphics and video, by electronic or automatic means. A sign utilizing Electronic Message Display Technology is not a Single- or Two-Color LED Sign.

## F. “F” Sign Terms

**Flag.** A fabric sheet of square, rectangular, or triangular shape that is typically mounted on a pole.

## G. “G” Sign Terms

## H. “H” Sign Terms

**Halo Illumination.** A form of sign illumination in which neon tubing, LED, or similar lights are mounted within the letter to illuminate the mounting surface causing a halo of light around the letter.

**Historical Plaque.** A sign that memorializes a person, event, building, former use of a place, or something else of historical significance.

## I. “I” Sign Terms

## J. “J” Sign Terms

## K. “K” Sign Terms

## L. “L” Sign Terms

**Landscape Area.** For purposes of sign regulation, an area surrounding the base of a freestanding sign, and containing living plant materials with or without a fixed border.

**Laser Light Display.** A display that emits light through the use of a laser beam(s).

**LED (Light Emitting Diode).** A semiconductor diode that emits light when a voltage is applied to it.

**Logo.** See Sign, Logo.

## M. “M” Sign Terms

## N. “N” Sign Terms

**Neon.** A type of illumination emanating from a luminous glass tube filled with a gas or gas mixture (including neon, argon, mercury, or other gases), usually of small diameter (10-15 millimeters), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. A “neon” tube. Does not include common fluorescent tubes.

## O. “O” Sign Terms

## P. “P” Sign Terms

**Pan Channel Letter.** A specific type of permanent sign letter consisting of a metal pan enclosure fabricated in the shape of a letter. The metal pan enclosure is used to house the lighting and electrical components of the letter and can be mounted directly to wall of a building. The sign face is usually made of colored plastic attached to the metal pan to seal it off from pests and harsh weather.

**Plate Line.** The uppermost horizontal line of a building wall upon which the roof above rests.

**Professionally Crafted or Painted Sign.** A temporary or permanent sign that is made to a high standard by a competent individual(s) skilled in sign design, fabrication, and installation.

## Q. “Q” Sign Terms

## R. “R” Sign Terms

**Raceway.** An enclosed conduit for electrical wiring.

## S. “S” Sign Terms

**Sign.** A permanent or temporary structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, provide information in the nature of advertising, provide historical, cultural, archaeological, ideological, political, religious, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

**Sign Face.** The exterior surface of a sign, exclusive of structural supports, on which is placed the sign copy.

**Sign, Abandoned.** A sign that identifies a business, lessor, owner, product, service, or activity that is no longer on the premises where the sign is displayed.

**Sign, A-Frame.** A portable pedestrian-oriented sign that is not permanently affixed to a structure or the ground to advertise special goods, services, or products offered on the site (also known as a Sandwich Board Sign or an Upright Sign).

**Sign, Awning.** Any permanent sign that is part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover located over a door, entrance, window, storefront, or outdoor service area.

**Sign, Bandit.** Any sign that is placed on public or private property without the consent of the property owner or as authorized in Chapter 3.05 (Sign Regulations).

**Sign, Banner.** A temporary sign constructed of cloth, bunting, plastic, paper, or similar material and securely attached to a wall or support structure. Flags are not considered temporary banners.

**Sign, Billboard.** A permanent structure for the display of a commercial or non-commercial message.

**Sign, Blade.** A permanent sign that is perpendicular to the face of a building and projects outward from the building face.

**Sign, Building Identification.** A permanent sign consisting of letters or numbers applied to a building wall, engraved into the building material or consisting of a sculptural relief which contains the name of the building or describes its function, but which does not advertise any individual tenant of the building or any products or services offered.

**Sign, Building Mounted.** A permanent sign attached, connected, painted, or erected on the wall, parapet, or fascia of a building or structure.

**Sign, Cabinet.** A permanent building-mounted or freestanding sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet that contains the lighting fixtures which illuminate the sign face from behind.

**Sign, Canopy.** A permanent sign that is printed, painted, or affixed to a canopy, typically used to accent building entries.

**Sign, Changeable Copy.** A permanent sign that is designed so that characters, letters, numbers, or illustrations can be manually or mechanically changed or rearranged without altering the face or surface of the sign.

**Sign, Channel Letter Sign.** A sign made with three dimensional, individually manufactured letters, figures, or other symbols which may contain a light source that illuminates the front face of the signs letters, figures, or other symbols.

**Sign, Copy.** Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination thereof that is primarily intended to advertise, identify, or notify.

**Sign, Directional.** A permanent sign erected to inform the viewer of the approximate route, direction, or location of a facility or tenant.

**Sign, Directory.** A permanent sign on a multi-tenant site providing information including a list of tenants and occupants, addresses, and suite numbers or a map of the building or complex. These signs are typically internal to a center, oriented to pedestrians, or motorists circulating in a parking lot rather than vehicles traveling on an arterial street.

**Sign, Electronic Message Display.** A permanent sign or portion of a sign that utilizes computer-generated messages or some other electronic means of changing its characters, letters, numbers, illustrations, display, color, and/or light intensity, including animated graphics and video, by electronic or automatic means. An Electronic Message Sign is not a Single- or Two-Color LED Sign.

**Sign, Externally Illuminated.** Any permanent sign, the facing of which reflects light from an external light intentionally directed upon it.

**Sign, Feather Banner.** A portable sign that is taller than it is wide and made of a flexible material (typically cloth, nylon, or vinyl) and mounted to a pole.

**Sign, Freestanding.** A permanent sign that is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building.

**Sign, Freestanding Projecting.** A permanent freestanding sign type featuring a double or single sided sign face, projecting outward at a perpendicular angle from a sign pole or post.

**Sign, Freeway Oriented.** A permanent sign in the freeway corridor, i.e., a zone measuring 1,320 feet from the center line of the freeway. The width of the storm channel shall not be included in determining this distance.

**Sign, Front Yard.** A permanent freestanding sign type featuring a double or single sided sign face, projecting outward at a perpendicular angle from a sign pole or post.

**Sign, Fuel Pump Topper.** A sign affixed to the top of an operable fuel dispensing pump used to advertise goods offered for sale on the same parcel on which the fuel pump is located.

**Sign, Incidental.** A sign which provides incidental information, including security, credit card acceptance, business hours, open/closed, directions to services and facilities, or menus.

**Sign, Individual Letter.** A cut-out or etched letter or logo which is individually mounted on a building wall, or freestanding sign.

**Sign, Internally Illuminated.** Any permanent sign in which the source of light is entirely enclosed within the sign and not directly visible.

**Sign, Landmark.** A historically designated sign determined by the City to have attained a high degree of community, cultural, aesthetic, or historic designation and significance.

**Sign LED.** A permanent sign consisting of light emitting diodes (electronic components that let electricity pass in only one direction) that emit visible light when electricity is applied.

**Sign, Logo.** A stylized group of letters, words, numbers, or symbols used to represent and distinguish a business or product.

**Sign, Marquee.** A permanent sign structure placed over the entrance to a building and typically used for a theater or other entertainment use.

**Sign, Monument.** A permanent freestanding sign, with a solid base that is equal to or larger than the width of the sign face.

**Sign, Non-Conforming.** Any permanent sign legally established prior to the Effective Date which does not fully comply with the standards imposed by the individual sections of this Code.

**Sign, Off-premises.** Any sign that directs attention to a business, commodity, service, entertainment, product, structure, use or property different from a structure or use existing on the property where the sign is located, and/or any sign on which space is rented, donated, or sold by the owner of said sign or property for the purpose of conveying a message.

**Sign, Painted Wall.** A permanent sign painted directly onto the exterior wall of a building and having no sign structure.

**Sign, Pan or Reverse Channel Letters.** A sign made with three dimensional, individually manufactured letters, figures or other symbols with an open back which may contain a light source to provide light onto the sign background against which the channel letters are silhouetted.

**Sign, Pennant.** A sign made of flexible materials usually longer than it is wide, often triangular in shape, and frequently displayed with other pennants on a string.

**Sign, Permanent.** A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

**Sign, Portable.** A sign not permanently attached to the ground, a building, structure, or other immovable object. Includes an A-frame sign, yard sign type I signs, non-permanent window signs, and sign walker signs.

**Sign, Post.** A permanent sign mounted on either a single post or two or more posts.

**Sign, Prohibited.** Any sign not in accordance with or authorized in Chapter 3.05 (Sign Regulations).

**Sign, Projecting.** A permanent sign that is perpendicular to the face of a building and projects outward from the building face.

**Sign, Raised Letter.** A permanent sign containing copy, logo, and/or decorative embellishments in relief on the face.

**Sign, Roof-Mounted.** Any permanent sign erected, painted, or attached on or over the roof of a building.

**Sign, Service Island Canopy.** A permanent sign mounted on or under a service island canopy, including on a fascia.

**Sign, Single-Color or Two-Color LED.** A permanent or temporary sign or portion of a sign composed of single-color or two-color LEDs that displays static or changeable sign messages using characters, letters, and numbers only. Examples of these signs include, but are not limited to, "open" or "closed" signs," "time and temperature" signs, or signs indicating the number of available spaces in a parking facility.

**Sign, Spinner.** A lightweight, durable, and colorful device designed to be affected by the movement of air so that it spins or rotates in a manner to capture attention.

**Sign Structure.** The supports, uprights, bracing, and/or framework of a sign.

**Sign, Temporary.** A sign intended for limited period of display which is not permanently affixed to a structure or window. Includes a banner sign and yard sign type II and type III signs.



**Sign, Vehicle.** Any sign on or affixed to a truck, van, automobile, trailer, or other vehicle.

**Sign, Wall.** A permanent sign affixed to or erected against the wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of wall or fascia to which it is affixed or erected.

**Sign, Walker.** A person who wears, holds, or balances a sign.

**Sign, Window.** A permanent or non-permanent sign posted, painted, placed, or affixed in, on, or within a window, or otherwise exposed to public view through a window.

**Sign, Yard, Type I.** A small portable sign typically constructed of corrugated plastic and supported on an H-shaped wire frame used for example, for advertising by local businesses or by election campaigns. (Syn: Lawn Sign).

**Sign, Yard, Type II.** A temporary sign mounted on a single post installed securely in the ground with a small sign hanging from a cross-bar mounted parallel to the ground.

**Sign, Yard, Type III.** A temporary large typically wooden sign mounted on two posts installed securely in the ground.

**Static Display.** Means a sign face that does not change within a 24-hour period.

## T. "T" Sign Terms

## U. "U" Sign Terms

## V. "V" Sign Terms

**Valance.** The vertical front face of an awning, parallel to the face of the building to which it is mounted.

## W. "W" Sign Terms

## X. "X" Sign Terms

## Y. "Y" Sign Terms

## Z. "Z" Sign Terms