



## Chapter 18.20

### Residential Zone Districts

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#### 18.20.010 General purpose.

The purpose of the residential zone districts is to provide a range of housing intensities for people of different income levels within the Calimesa community consistent with the general plan and appropriate standards of public health, safety, welfare and aesthetics. The districts described in this chapter are created in order for the following to be achieved:

- A. Ensure adequate light, air, privacy and open space for each dwelling.
- B. Protect residential uses from excessive noise, illumination, unsightliness, odor, smoke and other objectionable influences.
- C. Facilitate the provision of utility services and other public facilities commensurate with the anticipated increase in population, dwelling unit densities and service requirements. [Ord. 95-7 § 2; Code 1990 § 12.3.01.]

#### 18.20.020 Residential zone districts.

A. Open Space Residential (O-S-R) Zone. The open space residential (O-S-R) zone is intended to preserve open space while allowing for limited detached single-family development. The terrain in this zone is unsuitable for a higher density due to steep slopes limiting sound pad areas to build. The minimum lot size in this zone is 10 acres.

B. Residential Estate (R-E) Zone. The residential estate (R-E) zone is intended to provide for the development of single-family detached homes, and buildings and structures related to agriculture, farm use, animal keeping and equestrian uses. The minimum lot size in this zone is five acres.

C. Rural Residential (R-R) Zone. The rural residential (R-R) zone is intended to provide for the development of single-family detached dwellings and related agricultural uses on rural-sized lots and for such accessory uses as are related, incidental, and not detrimental to the rural residential environment. Not more than two single-family dwellings per gross acre. The minimum lot size for this zone shall be 20,000 square feet.

D. Residential Low (R-L) Zone. The residential low (R-L) zone is intended to provide for and protect the atmosphere and lifestyle associated with detached, single-family residential neighborhoods. Not more than four dwellings per gross acre are permitted. The minimum lot size for this zone shall be 7,200 square feet.

E. Residential Low/Medium (R-L-M) Zone. The R-L-M zone is intended to provide for the development of small-lot single-family detached dwellings. Not more than seven dwellings per gross acre are permitted. The minimum lot size for this zone shall be 6,000 square feet.

F. Residential Medium (R-M) Zone. The residential medium (R-M) zone is intended to provide for the development of higher density housing types. Included housing types are single-family detached, single-family attached, and multifamily homes such as duplexes, condominiums, townhouses, apartments and senior citizen housing developments. This zone is situated in areas served adequately by infrastructure, allowing a maximum of 14 dwellings per gross acre. The minimum lot size shall be 6,000 square feet.

G. Residential High (R-H) Zone. The residential high (R-H) zone is intended to provide housing opportunities for people of low and moderate incomes in the form of attached or apartment-like living accommodations. The minimum lot area shall be 6,000 square feet with a maximum of 20 dwelling units per gross acre. [Ord. 95-7 § 2; Code 1990 § 12.3.02.]

18.20.030 Use regulations for residential districts.

Table 18.20.030 provides a list of those uses in the residential zone districts which are permitted (P), subject to development plan review (D), subject to a conditional use permit (C) or are prohibited (X).

**Table 18.20.030 – Uses Permitted Within Residential Districts**

Use	O-S-R	R-E	R-R	R-L	R-L-M	R-M	R-H
<b>A. Residential Uses</b>							
1. Bed and breakfast inns [a]	C	C	C	C	C	C	C
2. Boarding houses	X	X	X	X	X	X	C
3. Community care facility (six or less)	P	P	P	P	P	P	P
4. Convalescent care	X	X	X	X	X	C	C
5. Day care facility [b]							
*Six or less children	P	P	P	P	P	P	P
*Seven or more children	D	D	D	D	D	D	D
6. Guest house [c]	D	D	D	D	D	D	D
7. Manufactured housing	D	D	D	D	D	D	D
8. Mobile home parks	X	X	X	X	X	X	X
9. Multifamily dwellings	X	X	X	X	X	D	D
10. Second dwelling unit [d]	D	D	D	D	D	D	D
11. Senior congregate care housing	X	X	X	X	X	C	C
12. Single-family attached	X	X	X	X	X	D	D
13. Single-family detached	D	D	D	D	D	D	D
<b>B. Equestrian Uses</b>							
1. Riding academies	C	C	C	X	X	X	X
2. Rodeo arenas	X	C	C	X	X	X	X
3. Stables, private	D	D	D	X	X	X	X

4. Stables, commercial	C	C	C	X	X	X	X
<b>C. Agricultural Uses</b>	C	C	C	X	X	X	X
<b>D. Commercial Uses</b>							
1. Antique shops	X	X	C	X	X	X	X
2. Arts, crafts and curio shops	X	X	C	X	X	X	X
3. Auction houses and yards	X	X	C	X	X	X	X
4. Beauty shops [e]	X	X	D	D	X	X	X
5. Feed and grain sales	X	X	C	X	X	X	X
6. Fruit and vegetable packing plants	X	X	C	X	X	X	X
7. Nurseries and garden supply shops	X	X	C	X	X	X	X
8. Produce markets	X	X	C	X	X	X	X
9. Display and sale of agricultural products [f]	X	X	C	X	X	X	X
<b>E. Public/Quasi-Public Uses</b>							
1. Cemeteries, columbariums, mausoleums (including pet cemeteries)	X	X	C	X	X	X	X
2. Churches and other religious institutions	C	C	C	C	C	C	C
3. Educational institutions (public and private)	C	C	C	C	C	C	C
4. Fire and police stations	X	X	C	C	C	C	C
5. Meeting places of nonprofit civic groups, community organizations, clubs and lodge halls	X	X	X	X	X	C	C
6. Public libraries and museums	X	X	C	C	C	C	C
7. Public utility and public service substations, reservoirs, pumping plants and similar installations, not including public utility offices	C	C	C	C	C	C	C
<b>F. Recreational Uses</b>							
1. Archery ranges	C	X	X	X	X	X	X
2. Fishing lakes (commercial and noncommercial)	C	X	X	X	X	X	X
3. Golf courses and customary appurtenant facilities, including clubhouses, restaurants and retail shops, excepting driving ranges and miniature golf courses	C	C	C	X	X	X	X
4. Parks	D	D	D	D	D	D	D
5. Picnic grounds for day use only	D	X	X	X	X	X	X
<b>G. Accessory Uses</b>							
1. Antenna, satellite dishes	D	D	D	D	D	D	D
2. Garage	D	D	D	D	D	D	D
3. Other accessory uses and structures located on the same site as a permitted use	P	P	P	P	P	P	P
4. Other accessory uses and structures located on the same site as a use subject to development plan review	D	D	D	D	D	D	D

5. Other accessory uses and structures located on the same site as a use subject to a conditional use permit	C	C	C	C	C	C	C
<b>H. Home Occupations</b> (Subject to the provisions of CMC 18.15.090 and the issuance of a home occupation permit (H))	H	H	H	H	H	H	H
<b>I. Temporary Uses</b> (Subject to the provisions of CMC 18.15.130 and the issuance of a temporary use permit (T))	T	T	T	T	T	T	T
<b>J. Other</b>							
1. Apiaries [g]	P	X	X	X	X	X	X
2. Camps	C	X	X	X	X	X	X
3. Farm projects (Future Farmers, 4-H or similar projects) [h]	P	P	P	X	X	X	X
4. Guest ranch	C	X	X	X	X	X	X
5. Kennels and catteries	X	C	C	X	X	X	X
6. Menageries, animal hospitals and shelters	C	C	C	X	X	X	X
7. Outdoor storage, front yard areas [i]	X	X	X	X	X	X	X
<b>K.</b> Other uses similar to and no more objectionable than the uses identified above shall be reviewed per the process required by the similar use procedures, as determined by the planning commission.	P	P	P	P	P	P	P
<b>Legend:</b>							
<b>P – Permitted use</b>							
<b>D – Subject to development plan review</b>							
<b>C – Subject to conditional use permit</b>							
<b>X – Prohibited</b>							

Notes:

[a] Subject to the provisions of CMC 18.20.050(C), Bed and Breakfast Inns.

[b] Subject to the provisions of CMC 18.20.050(D), Day Care Facility Standards.

[c] Subject to the provisions of CMC 18.20.050(G), Guest House Standards.

[d] Subject to the provisions of CMC 18.20.050(L), Second Dwelling Units.

[e] Operation shall be by residents of the dwelling. No assistants shall be employed. One unlighted sign not to exceed two square feet shall be allowed on-site.

[f] A permanent stand for the display and sale of the agricultural products of any permitted use that is produced on the premises where such stand is located or upon contiguous land owned or leased by the owner or occupant of the premises.

[g] Provided, that hives or boxes housing bees are kept no closer than 500 feet from any dwelling other than that occupied by the owner of the apiary and 300 feet from any public road.

[h] Provided the total number of animals shall not exceed the total number of animals allowed under this chapter.

[i] Outdoor storage within front yard areas, including refuse and waste material as defined in CMC 8.05.010, is prohibited.

Additionally, the use of 200 or more square feet of any lot for outside storage, wrecking, dismantling or salvage of any used or secondhand materials, including but not limited to lumber, auto parts, household appliances, pipe drums, machinery or furniture. A proposed or intended use by the owner of the used or secondhand materials does not constitute an exception to this definition. The outside storage of used or secondhand materials in an area less than 200 square feet is permitted only on the rear half of the lot or parcel.

[Ord. 95-7 § 2; Code 1990 § 12.3.03.]

18.20.040 Residential development standards.

The following property development standards shall apply to all development projects and permitted or conditionally permitted uses located within their respective residential districts. In addition, if the project is within an area adjacent to existing development within the scope of CMC 18.20.070, the project shall be subject to the neighborhood compatibility standards contained in CMC 18.20.070.

A. General Requirements. Table 18.20.040 sets forth minimum site development standards for residential districts, unless stated as maximum by this development code.

**Table 18.20.040 – Residential Development Standards**

Standard	O-S-R	R-E	R-R	R-L	R-L-M	R-M	R-H
1. Maximum density (DUs per gross acre)	.1	.2	2	4	7	14	20
2. Minimum lot size (net area)	10 ac.	5 ac.	20,000 s.f.	7,200 s.f.	6,000 s.f.	6,000 s.f.	6,000 s.f.
3. Minimum lot width [a]	200'	100'	100'	70'	60'	60'	60'
4. Minimum lot depth	150'	120'	120'	100'	100'	100'	100'
5. Minimum front yard setback	35'	35'	30'	20'	20'	20'	20'
6. Minimum side yard setbacks	[b]	[b]	[b]	[b]	[b]	[c]	[c]
7. Minimum rear yard setback	25'	25'	25'	10'	10'	[d]	[d]
8. Maximum lot coverage						60%	60%
9. Maximum height for buildings and structures	32' or two stories, whichever is less				40' or three stories, whichever is less		

Notes:

[a] Cul-de-sac lots shall have a minimum width of 35 feet.

[b] Side Yard Setbacks (O-S-R, R-E, R-R, R-L and R-L-M Districts).

1. The minimum side yard setback on the side of the lot closest to the driveway shall be 12 feet. The 12-foot side yard shall be maintained exclusive of any structural or other physical encroachments (HVAC units, utility meters, etc.) other than eave overhangs or other improvements which do not project more than 24 inches into the side yard. The 12-foot side yard may be reduced behind the rear of the main building line to not less than five feet for open patios and other similar open structures, swimming pools and pool equipment.

2. The other side yard shall be a minimum of five feet.

3. Corner Lots. On corner lots where rear yard access is not available, or is not physically possible from the side street, a 15-foot side yard shall be provided in the interior side yard.

4. Side Yard Exceptions. Each lot with an existing nonconforming dwelling unit which otherwise meets current building code and current zoning requirements may have additions placed at existing building setbacks with not less than five-foot side yards; except, where the 12-foot side yard can be maintained for any additions, or where the lot has legal access onto a dedicated alley.

[c] Side Yard Setbacks (RM and RH Districts).

1. One-story buildings: five feet plus one foot for each 15 feet of wall length.
2. Two-story buildings: 10 feet plus one foot for each 15 feet of wall length.
3. For buildings having more than two stories, each side yard shall be increased five feet for each story above the second story.

[d] Rear Yard Setback (RM and RH Districts).

1. One-Story Buildings. The minimum rear yard setback shall be 10 feet.
2. Two-Story Buildings. The minimum rear yard setback shall be 10 feet.
3. For buildings having more than two stories, the rear yard shall be increased five feet for each story above the second story.

[Ord. 277 § 2, 2008; Ord. 95-7 § 2; Code 1990 § 12.3.04.]

#### 18.20.050 Specific development standards for residential districts.

A. Accessory Structures. Accessory structures are subject to development plan review approval. An accessory structure shall be compatible with the architectural style and materials of the main dwelling on the property. Accessory structures may only be constructed on a lot containing a main dwelling unit. Permitted accessory structures shall maintain the yard requirements of the underlying zone and shall not be habitable and shall not cover more than 30 percent of the required rear yard. No accessory building or structure shall be located in a required front or side yard. Nonhabitable accessory structures of 1,500 square feet or less in size, located on a residentially zoned lot of 15,000 square feet or greater in size, shall be exempt from public improvements requirements, or fees in lieu of such.

#### B. Agricultural and Animal Uses.

1. Applicability. All agricultural and animal keeping uses conducted shall comply with the provisions of this section in addition to the applicable provisions of the zone district in which the use is located.

2. Preexisting Uses. A legally established agricultural or animal keeping use which would, as a result of the adoption of this title, become nonconforming with this section shall be permitted to continue as a "legal nonconforming use"; provided, however, that the use meets the criteria for legal nonconforming uses, pursuant to CMC 18.15.120, Nonconforming structures and uses.

#### 3. Domestic Pets.

a. In the R-L, R-L-M, R-M and R-H land use districts, the keeping of dogs or cats shall not exceed four adult dogs or four adult cats or a combination totalling not more than four adult animals. The keeping of dogs or cats shall not exceed eight adult dogs or eight adult cats or a combination totalling not more than eight adult animals in the R-R, R-E and O-S-R land use districts; provided, however, parcels must be equal to or greater than 20,000 square feet. Adult animals are defined as older than 10 weeks of age.

b. Any number of domestic household pets, not including cats and dogs, including parakeets, cockatiels, tropical fish, rats, mice, and other similar domestics are allowed.

c. Pot Bellied Pigs. In the R-L, R-L-M, RM and R-H land use districts a maximum of two pot bellied pigs shall be allowed. The number of adult animals on any parcel, including dogs and cats, shall not exceed four. In the R-R, R-E and O-S-R land use districts a maximum of four pot bellied pigs shall be allowed; provided, however, parcels must be equal to or greater than 20,000 square feet. The number of adult animals on any parcel, including dogs and cats, shall not exceed eight.

#### 4. Domestic Equines, Bovines, Swine, Llamas, and Alpacas.

a. The noncommercial keeping of equines, bovines, swine, llamas, and alpacas is permitted in the O-S-R, R-E, and R-R land use districts, subject to the following provisions:

i. Lots shall have a minimum area of 20,000 square feet. The “arm” or narrow access drive of a flag lot or other unusable areas (e.g., steeply sloped) of a lot where animal-keeping is not feasible shall not be included in the calculation of lot area.

ii. Open corrals and enclosures shall be located and maintained no less than 10 feet to any side or rear property line.

iii. Open corrals and enclosures may be located in the front yard if located at least 50 feet from the front property line.

iv. Barns and related structures shall be consistent with the regulations for accessory structures in the residential zoning districts.

v. Front, side, and rear yard areas may be used for pasture area and shall be maintained in a sanitary and orderly condition.

b. Two animal units may be kept on the first 20,000 square feet of lot area and one additional animal unit may be kept on each additional half-acre of lot area, subject to the following provisions:

i. Animal units are calculated as one equine equals one unit, two miniature equines equals one unit, one bovine equals one unit, one swine equals one unit, two sheep equals one unit, two goats equals one unit, one llama equals one unit, and one alpaca equals one unit.

ii. The offspring of permitted adult animal units shall not be counted in determining the permitted number of animal units allowed on a lot, if such offspring do not exceed one year of age for equines, bovines, swine, llamas, and alpacas.

c. Nonprofit educational animal-keeping organizations may be located in the O-S-R, R-E, and R-R land use districts, subject to the approval of a conditional use permit. The scope and scale of the use, including, but not limited to, the number of animals, the number of participants, the location of the use on the property, availability of parking for participants, and hours of operation, shall be subject to review and approval by the planning commission through the conditional use permit process. A fee of \$100.00 shall be submitted in conjunction with an application for a conditional use permit.

d. Notwithstanding subsection (B)(2) of this section, a legally established agricultural or animal-keeping use which would, as a result of the adoption of this title, become nonconforming with this section, shall be permitted to continue as a legal nonconforming use, subject to the following provisions:

i. A change of ownership shall negate the nonconforming status of an animal-keeping use.

ii. Uses that are discontinued for more than six months shall lose their nonconforming status.

#### 5. Poultry, Rabbits and Other Small Animals.

a. The keeping of poultry, rabbits and other small animals is permitted in the O-S-R, R-E and R-R land use districts subject to the following provisions:

i. Lots shall have a minimum net area of 20,000 square feet and a minimum width of 100 feet.

ii. Animals shall be kept, fed and maintained not less than 50 feet from any residence existing at the time such use is established.

iii. A maximum of 50 animals per 20,000 square feet in any combination of species may be kept, provided the total number kept does not exceed 500 animals.

#### C. Bed and Breakfast Inns.

1. Bed and breakfast inns shall be permitted in the residential land use districts subject to the issuance of a conditional use permit and the following additional requirements:

a. The inn structure shall serve as the primary residence of the owner. If a corporation is the owner, a majority shareholder shall reside primarily in the inn structure.

b. The bed and breakfast use shall be operated as an accessory use to the owner's residential use.

c. Guests may check in only from 9:00 a.m. to 8:00 p.m.

d. Breakfast shall be the only meal served to guests of the bed and breakfast rooms.

e. No long-term rental of rooms shall be permitted. The maximum stay for guests shall be 14 days.

f. No cooking facilities shall be allowed in the guest rooms.

g. Applications shall be subject to a one-year review period by the planning commission.

h. If the use at any time becomes unduly intrusive to the neighborhood, the permit may be revoked at the discretion of the planning commission, pursuant to CMC 18.15.050(K) (conditional use permit revocation).

i. The permit to operate is granted solely to the property owner. If a change of ownership occurs, a new application shall be required.

j. Satisfactory evidence of compliance with state and local laws in other land use endeavors, if any, shall be provided by the owner as a prerequisite to any approvals under this chapter.

#### 2. Property Development Standards.

a. The lot upon which the bed and breakfast inn is to be established shall conform to all standards of the zoning district in which it is located, and shall not be further subdivided.

b. One parking space in a permitted location shall be provided on the same lot for each guest room and each employee, in addition to the required parking spaces serving the resident owner.

c. Outdoor living space shall be provided in accordance with the minimum standards of the underlying zone.

d. Any sign shall be reviewed as part of the conditional use permit application, and shall not exceed four square feet in area. If not attached to the residence, a sign shall not exceed three feet in height. One sign shall be permitted. Wording such as "motel," "hotel," "motor hotel" or "lodge" shall not be permitted. The establishment may be referred to as an "inn." The sign may be lighted externally. Lighting shall be turned off between 10:00 p.m. and 6:00 a.m.



e. Number of Rooms.

i. In the single-family residential zones, the number of guest rooms shall not exceed one room for each multiple of minimum lot area required for each dwelling unit in the underlying zone, with a maximum number of 10.

ii. In the multiple-family residential zones, the maximum number of rooms shall be determined by the adequacy of the parcel to provide on-site parking and outdoor living space.

f. The planning commission may, at the time of application, determine a reasonable maximum limit to the total number of guests staying at the inn.

g. In addition to standards required of all conditional uses, the planning commission may require the preservation and maintenance of significant permanent landscaping features and significant historical, architectural or cultural features of the structure or property.

D. Day Care Facility Standards. Day care facilities within the residential land use districts are permitted for six or less children, and are subject to development plan review for seven or more children. The facilities shall be constructed in the following manner:

1. The facility shall conform to all property development standards of the land use district in which it is located.

2. An outdoor play area shall be provided which complies with the provisions of the California Health and Safety Code governing child day care facilities. Stationary play equipment shall not be located in required front or side yard setbacks. Passive play areas shall not be located within 10 feet of the public right-of-way line and shall be separately fenced.

3. A six-foot-high solid decorative fence or masonry wall shall be constructed on all property lines, except in the front yard, where a fence shall not exceed 48 inches in height. A masonry wall may be constructed; provided, that it is no higher than 36 inches in height. Material, textures, colors and design of the fence or wall shall be compatible with the on-site development and adjacent properties. A fence or wall system shall provide for child safety with controlled points of entry.

4. On-site landscaping shall be installed and maintained pursuant to Chapter 18.70 CMC, Landscape Requirements. Landscaping shall be provided to reduce noise impacts on surrounding properties.

5. All on-site parking shall comply with the provisions of Chapter 18.45 CMC, Off-Street Parking. Large facilities shall provide on-site vehicle turnaround or separate entrance and exit points, and adequate passenger loading spaces.

6. All on-site lighting shall be stationary, directed away from adjacent properties and public rights-of-way and of an intensity appropriate to the use it is serving.

7. The facility shall contain a fire extinguisher and smoke detector devices, and meet all standards and codes adopted by the city of Calimesa.

8. Day care facilities in residential districts may operate between the hours of 6:00 a.m. and 7:00 p.m. seven days a week.

9. Outdoor activities may only be conducted between the hours of 8:30 a.m. and 6:00 p.m.

10. All day care facilities shall be state licensed and shall be operated according to all applicable state and local regulations.

11. One unlighted sign not to exceed two square feet in area shall be permitted on site.

E. Density Bonus.

1. State Government Code Section 65915 provides for the granting of density bonus or other incentives of equivalent financial value when a developer of a residential project agrees to meet at least one of the following requirements:

a. Construct at least 20 percent of the total units for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

b. Construct at least 10 percent of the total units for very low income households, as defined in Section 50105 of the Health and Safety Code.

c. Construct at least 50 percent of the total units for qualifying residents, as defined in Section 51.2 of the Civil Code.

d. Provide at least 33 percent of the total units within condominium conversions of apartments for low or moderate income households, as defined in Section 50093 of the Health and Safety Code.

e. Provide at least 15 percent of the total units within condominium conversions of apartments for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

2. A request for density bonus and regulatory concession and/or incentives shall require development plan review and shall be subject to the following provisions:

a. For the purpose of this section, "density bonus" shall mean up to 25 percent density increase over the maximum density allowed residential zones under this title and the general plan. When determining the number of housing units which are to be affordable, the density bonus shall not be included.

3. The procedures for implementing this section are as follows:

a. The city shall, within 90 days of receipt of a written proposal, notify the developer in writing of the procedures governing these provisions.

b. The council may approve the density bonus and regulatory concessions and/or incentives only if all of the following findings can be made:

i. The developer has proven that the density bonus and adjustment of standards is necessary to make the project economically feasible.

ii. That additional concession or incentive is not required in order to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code or for targeted units to be set as specified pursuant to Government Code Section 65915(c).

iii. The proposed project is compatible with the general plan and zoning ordinances.

iv. The density bonus shall only apply to housing developments consisting of five or more dwelling units.

v. The density bonus provision shall not apply to senior citizen and senior congregate care housing projects that utilize the senior citizen housing density provisions of this zoning ordinance.

c. Prior to the issuance of a building permit for any dwelling unit in a development for which density bonus units have been awarded or incentives have been received, the developer shall submit documentation that identifies the restricted units and shall enter into a written agreement with the city to guarantee a continued use and availability of housing to low and moderate income households. The agreement shall be for 30 years or shall extend more than the 30 years if required by the construction or mortgage financing assistance program, mortgage insurance program or rental subsidy program. The terms and conditions of the agreement shall be binding upon the successor in interest of the developer, and shall be recorded through the Riverside County recorder's office.

The agreement shall include the following provisions:

i. The developer shall give the city the continuing right of first refusal to purchase or lease any or all of the designated units at the fair market value;

ii. The deeds to the designated units shall contain a covenant stating that the developer or his/her successor in interest shall not sell, rent, lease, sublet, assign, or otherwise transfer any interest for same without the written approval of the city confirming that sales price of the units is consistent with the limits established for low and moderate income households, which shall be related to the Consumer Price Index (CPI), as required by Government Code Section 65915;

iii. The city shall have the authority to enter into other agreements with the developer or purchaser of the dwelling units, as may be necessary to assure that the required dwelling units are continuously occupied by eligible households;

iv. Density bonus units shall be generally dispersed throughout a development project and shall be consistent with the architectural style and appearance of the development as a whole;

v. The city shall provide, in addition to a density bonus, no less than one of the following regulatory concessions and/or incentives to ensure that multifamily residential projects will be developed at an affordable cost:

(A) A reduction or modification of development code and standard requirements which exceed minimum building standards approved by the State Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required;

(B) Approval of mixed use development in conjunction with a multifamily residential project if commercial, office, industrial or other land uses will reduce the cost of the development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed housing project will be located;

(C) Other regulatory incentives or concessions proposed by the developer or the city which result in identifiable cost reductions;

vi. If a developer agrees to construct both 20 percent of the total units for lower income households and 10 percent of the total units for very low income households, the developer is entitled to only one density bonus and at least one additional concession or incentive identified in subsection (E)(5) of this section.

#### F. Front/Rear Yard Average Standards.

1. Front/rear yard setbacks required by the base district may be averaged on the interior lots within a single-family detached or duplex subdivision.

The front/rear yard setback of a group of five adjacent dwelling units may vary up to five feet from that required. The average setback of all five units shall be equal to the minimum required for the base district.

2. A reduction of the front yard setback may be granted by the planning commission as an incentive to place garages behind houses, with access obtained from the side yards. In no case shall the front yard setback be reduced to less than 10 feet from the public right-of-way line. All front yard setbacks shall be measured from the public right-of-way line.

G. Guest House Standards. Guest houses are subject to development plan review and shall be constructed in the following manner:

1. All guest houses shall conform to the property development standards of the underlying land use district.

2. There shall be no more than one guest house on any lot.

- 3. The floor area shall not exceed 500 square feet.
- 4. The guest house shall not exceed the height of the main dwelling.
- 5. There shall be no kitchen or cooking facilities within a guest house.
- 6. The guest house shall conform to all of the setback regulations outlined in the applicable land use district.
- 7. The guest house shall be attached to the main dwelling with a roof-to-roof connection (i.e., roof trellis or other open structure).
- 8. The guest house shall be used only by the occupants of the main dwelling, their nonpaying guests, or domestic employees. The guest house shall not be rented.

H. Minimum Dwelling Size Standard. The following minimum dwelling areas are computed by calculating the living areas as measured from the outside of walls and exclude garages, carports, exterior courtyards, patios or balconies.

- 1. The minimum area requirements for single-family residential units are as follows:
  - a. Single-family tracts: minimum livable area, 1,200 square feet.
  - b. Infill single-family tracts: minimum livable area, 1,000 square feet.
  - c. Note(s):
    - i. Infill single-family tracts are defined as tracts less than 20 dwellings in size.
    - ii. The minimum setbacks of the applicable land use district shall be applied.

2. The minimum area requirements for apartments/multifamily are as follows:

Minimum Livable Area	Number of Bedrooms	Number of Baths
750 sq. ft.	1	1
900 sq. ft.	2	1-1/2
1,000 sq. ft.	3	2
1,200 sq. ft.	3+	2

I. Mobile Home and Manufactured Housing Standard. Manufactured or mobile homes are subject to development plan review and shall be subject to the following requirements:

- 1. Mobile or manufactured homes may be used as single-family dwellings in the residential land use districts if the home is certified under the National Mobile Home Construction and Safety Standards Act of 1974, and was constructed within 10 years of the date of the application for issuance of a permit to install the mobile/manufactured home. Documentation indicating certification and construction date must be submitted to the building and safety department in order to secure valid building permit(s).
- 2. Mobile or manufactured homes shall be installed on an approved permanent foundation system in compliance with all applicable codes, pursuant to Section 18551 of the Health and Safety Code.
- 3. The planning director shall determine that the subject lot together with the proposed mobile or manufactured home is compatible with the surrounding development. This determination shall include an assessment of on-site design and development standards and materials, architectural aesthetics, setbacks, building height, accessory buildings, access, off-street parking and minimum square footage requirements, and any other criteria determined appropriate by the director.
- 4. The following specific design standards shall govern the installation and construction of manufactured and mobile homes:

- a. All homes shall have a minimum eave dimension of one foot.
- b. All siding shall be nonreflective and shall be installed from the ground up to the roof.
- c. All roofs shall have a minimum pitch of 1:4.
- d. All homes shall have a minimum width (across the narrowest portion) of 20 feet.
- e. Homes constructed on lots of 20,000 square feet or greater shall be required to:
  - i. Construct a minimum of two roof dormers on the front of the house facing a street or public view; and
  - ii. Architecturally treat gables.

J. Multifamily Housing Standard. Multifamily housing is permitted in the R-M and R-H land use districts subject to development plan review and shall be constructed in the following manner:

- 1. All multifamily developments with 12 or more dwelling units shall provide 30 percent usable open space for passive and active recreational uses. Usable open space areas shall not include: rights-of-way; vehicle parking areas; areas adjacent to or between any structures less than 15 feet apart; setbacks; patio or private yards; or slope areas greater than eight percent.
- 2. Each dwelling unit shall have a private (walled) patio or balcony as follows:
  - a. Ground level units: 25 percent of dwelling unit size.
  - b. Upper story units: 15 percent of dwelling unit size.
- 3. All multifamily developments shall provide recreational amenities within the site, and may include: a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter/barbecue area; court game facilities such as tennis, basketball or racquetball; improved softball or baseball fields; or day care facilities. The type of amenities shall be approved by the planning director and provided according to the following schedule:

**Schedule Table**

<b>Units</b>	<b>Amenities</b>
0 – 11	0
12 – 50	1
51 – 100	2
101 – 200	3
201 – 300	4

Note: Add one amenity for each 100 additional units or fraction thereof.

- 4. Off-street parking spaces for multifamily residential developments shall be oriented to the front of the dwelling unit for which the parking space is provided.
- 5. Each dwelling unit shall be provided with a minimum of 150 cubic feet of enclosed storage space within the garage, carport, or immediately adjacent to the dwelling unit.
- 6. Driveway approaches within a multifamily development of 12 or more units shall be delineated with interlocking pavers and/or rough-textured concrete and landscaped medians.
- 7. All parts of all structures shall be within 100 feet of paved access for single-story and 50 feet for multistory.

8. A bus turnout and shelter on the on-site arterial frontage shall be dedicated if the project is located on a bus route as determined by the planning director.

9. Common laundry facilities of sufficient number and accessibility consistent with the number of living units and the Uniform Building Code shall be provided.

10. Each condominium unit shall be plumbed and wired for washing machine and dryer.

11. Each dwelling unit shall be provided with an automatic dishwasher and a heavy-duty garbage disposal unit.

12. Telephone jacks shall be installed in all living rooms, kitchens and bedrooms.

13. Interior television antennas (cable television) shall be installed in each apartment unit or a central interior antenna shall be installed in each apartment building. No exterior antenna or satellite dish antenna shall be permitted.

14. All utilities, including, but not limited to, electrical, cable television and telephone lines on the site shall be underground.

15. Each multiple dwelling building or complex shall provide one hose bib for each three required parking spaces, and these hose bibs shall be located adjacent to the open parking areas. One dedicated carwash space shall be provided for every 100 units.

16. Lighting designed to reduce hazards and to illuminate potentially unsafe areas such as walkways, passages between buildings, garage areas, parking areas and areas containing heavy or high foliage shall be installed. Consideration should be given to both elevated and ground level lighting and all lighting shall be designed to ensure that neighboring properties or public streets are protected from direct or hazardous glare. The location, foot-candle power and type of light fixtures shall be shown on the site plan.

17. Management and security plans shall be submitted for review and approval for multifamily developments with 12 or more dwelling units. These plans shall be comprehensive in scope.

18. Electronic Gates. Multifamily buildings or complexes with 40 or more dwellings shall provide electronic gates as follows:

a. A minimum six-foot-high, decorative wrought iron fence shall be provided along the front of the property, to the rear of any required setback. Such fence shall incorporate a self-locking remote-controlled vehicle and pedestrian entry/exit gate. The vehicle entry shall incorporate an electronically activated tenant marquee to permit notification of tenants in the event of visitors. Such marquee shall be five feet above finished grade.

K. Recreational Vehicle Storage Facilities. Developments within the multifamily land use districts and with 12 or more dwelling units shall provide recreational vehicle storage facilities. The storage facilities shall be reviewed as part of the development plan review and shall be constructed in the following manner:

1. Centralized storage areas shall be provided for recreational vehicles, boats, etc., at a minimum of one space for each eight dwelling units. Any fractional space requirement shall be constructed as requiring one full storage space, pursuant to Chapter 18.45, Off-Street Parking.

2. Individual storage spaces shall measure not less than 12 feet by 30 feet, and shall have direct access to a driveway with minimum paved width of 25 feet.

3. Storage areas shall be paved and drained.

4. Storage areas shall be completely screened from exterior view by a combination of landscaping, masonry walls, fences or other comparable screening devices eight feet in height, subject to the approval of the planning director.

L. Second Dwelling Units in Residential Zones.

1. No more than one second dwelling unit shall be permitted on any parcel or lot.

2. Second dwelling units shall be permitted pursuant to Government Code Section 65852 and this section.

3. A second dwelling unit may only be permitted on a residential lot on which there is already built one single-family detached dwelling unit (main unit). The lot must be 7,200 square feet or greater in area and may not be part of a planned residential development (PRD).

4. A second dwelling unit that conforms to this section shall be deemed to be in compliance with the general plan.

5. The second dwelling unit may be rented, but shall not be sold separately from the primary residence on the parcel or lot.

6. Either the second dwelling unit or the main residence shall be occupied by the owner of the property.

7. A second dwelling unit may not be permitted on residential lots already having two or more dwelling units.

8. The parcel upon which the second dwelling unit is to be established shall conform to all standards of the land use district in which it is located.

9. The second dwelling unit shall be subject to the same minimum required front, side and rear yard setbacks as the main dwelling on the parcel.

10. Any increase in the floor area of an attached second dwelling unit shall not exceed 30 percent of the existing living area of the main dwelling unit.

11. The total area of floor space for a detached second dwelling unit shall not exceed 1,200 square feet.

12. The second dwelling unit shall be architecturally compatible with the main dwelling.

13. The second unit shall be one story. The second unit may be located over an attached or detached garage only when the main dwelling is two stories in height; and provided, that the height of the second dwelling unit does not exceed the height of the main dwelling unit.

14. The second dwelling unit shall be provided with one covered parking space per unit or per bedroom within the second dwelling unit, whichever is greater. No variance or minor exception may be filed for allowing parking within the required front or side yard setbacks.

15. The second dwelling unit may be metered separately from the main dwelling for gas, electricity and water/sewer services.

16. Any second dwelling unit placed more than 150 feet from a public right-of-way shall be required to provide all-weather access for emergency vehicles.

17. Prior to the issuance of a building permit, the owner of the lot or parcel upon which the second dwelling unit is proposed to be constructed shall record a covenant with the county recorder's office, on a form approved by the city attorney, which shall place future buyers on notice that the maximum size of the dwelling unit is as set forth in subsections (L)(10) and (11) of this section, that either the main dwelling or second dwelling unit must be occupied by the owner(s) as their principal residence, that not less than one off-street parking space shall be provided per unit or per bedroom (whichever is greater) of the second dwelling unit, that the second dwelling unit may not be sold separately from the main dwelling, and that such restrictions shall run with the land and

be binding upon all future owners. A copy of the covenant shall also be filed with the city’s planning department.

18. The applicant for a second dwelling unit shall be the owner of the property upon which the second dwelling unit is proposed to be located.

19. This section shall not validate any existing illegal second dwelling unit. An application to convert an illegal second unit to a conforming legal second unit shall be made pursuant to the provisions of this section, and such application shall be subject to the standards and requirements set forth in this section.

M. Senior Citizen/Congregate Care Housing Standard. Senior group housing developments (housing greater than six residents) are subject to development plan review and shall be constructed in the following manner:

1. A bus turnout and shelter on the on-site arterial frontage shall be dedicated if the project is located on a bus route as determined by the planning director.

2. Dial-a-Ride transportation shuttles shall be provided; number to be determined by transit authority during project review.

3. The parcel upon which the senior group housing facility is to be established shall conform to all standards of the underlying land use district.

4. The senior group housing shall conform with all local, state and federal requirements.

5. The minimum floor area for each residential unit shall be as follows:

Number of Bedrooms	Minimum Livable Area
Studio	410 sq. ft.
1	510 sq. ft. (if kitchen-dining and living areas are combined).
	570 sq. ft. (if kitchen-dining and living areas are separate).
2	610 sq. ft. (if kitchen-dining and living areas are combined).
	670 sq. ft. (if kitchen-dining and living areas are separate).

6. The main pedestrian entrance to the development, common areas and the parking facility shall be provided with handicapped access pursuant to CMC 18.45.070, Handicapped parking requirements.

7. Indoor common areas and living units shall be handicap-adaptable and be provided with all necessary safety equipment (e.g., safety bars, etc.), as well as emergency signal/intercom systems as determined by the planning director.

8. Adequate internal and external lighting including walkways shall be provided for security purposes. The lighting shall be energy efficient, stationary, deflected away from adjacent properties and public rights-of-way, and of an intensity compatible with the residential neighborhood.

9. Common recreational and entertainment activities of a size and scale consistent with the number of living units shall be provided. The minimum size shall equal 100 square feet for each living unit.

10. Common laundry facilities of sufficient number and accessibility, consistent with the number of living units and the Uniform Building Code, shall be provided. The facilities shall have keyed access for tenants only.

11. The development may provide one or more of the following specific internal common facilities for the exclusive use of the residents:



- a. Central cooking and dining room(s).
  - b. Beauty and barber shop.
  - c. Small-scale drug store not exceeding 1,000 square feet.
12. Off-street parking shall be provided in the following manner:
- a. One covered parking space for each dwelling unit for the exclusive use of the senior citizen residents plus one space for every five units for guest parking.
  - b. Three parking spaces for every four dwelling units for employee and guest use for congregate care residences.
  - c. All off-street parking shall be located within 150 feet of the front door of the main entrance.
  - d. Adequate and suitably striped paved areas for shuttle parking. Shaded waiting areas shall be provided adjacent to shuttle stops.
  - e. Design standards relating to handicapped parking, access, surfacing, striping, lighting, landscaping, shading, dimensional requirements, etc., shall be consistent with the standards outlined in Chapter 18.45 CMC, Off-Street Parking.
  - f. Senior citizen/congregate care parking requirements may be adjusted on an individual project basis, subject to a parking study based on project location and proximity to services for senior citizens, including but not limited to medical offices, shopping areas, mass transit, etc.
13. The project shall be designed to provide maximum security for residents, guests and employees.
14. Trash receptacle(s) shall be provided on the premises. Trash receptacle(s) shall comply with adopted public works department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than six feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding buildings and structures. The receptacle(s) shall be located within close proximity to the residential units which they are intended to serve.
15. Residential occupancy shall be limited to single persons over 55 years of age or married couples of which one spouse is over 55 years of age.
16. Developers of senior citizen/congregate care housing which gave a density larger than that allowed in the underlying land use district shall provide a marketing analysis which analyzes long- term feasibility and a conversion plan of senior residential units to standard units, with a corresponding reduction in the number of units to equal the density allowed in the underlying land use district if the project is not occupied by seniors 60 years of age or older. The feasibility study and conversion plan shall not be required if the project is sponsored by any government housing agency, the city's redevelopment agency or a nonprofit housing development corporation.
17. All parts of all structures shall be within 150 feet of paved access for single-story and 50 feet for multistory. [Ord. 228 § 2, 2006; Ord. 220 § 2, 2004; Ord. 217 § 3, 2004; Ord. 95-7 § 2; Code 1990 § 12.3.05.]

#### 18.20.060 Design standards.

A. Antennas, Vertical and Satellite Dish Design Standards. All antennas, including portable units, but exempting residential satellite dish installations which are 10.5 feet or less in diameter, 12 feet or less in height, located in the rear yard, and are ground-mounted; and exempting residential single-pole or tower roof or ground-mounted television, or amateur radio antennas where the boom or any active element of the

antenna array is 30 feet or less and the height does not exceed 75 feet, shall be installed in the following manner:

1. The subject location shall conform to all standards of the land use district in which it is proposed.

2. The antennas/satellite dish shall not be located in the following areas:

a. Front setback;

b. Street side setback;

c. On any structure, unless architecturally screened and approved by the planning commission. The screening restriction on antennas may be modified by the commission, if there is no alternative to maintain line of sight clearance for satellites or amateur radio antennas.

3. The maximum overall height for ground-mounted antennas shall be 75 feet above grade.

4. The operation of the antennas shall not cause interference with any electrical equipment in the surrounding neighborhoods (e.g., television, radio, telephone, computer, etc.), unless exempted by federal regulation.

5. The antennas/satellite dish shall be a single, nonglossy color (e.g., off-white, cream, beige, green, black, gray).

6. Antennas/satellite dish facilities (not including an antenna/satellite dish for the exclusive use of a residence) shall be screened on all sides with a six-foot block wall, and with a solid gate six feet in height providing access to the facility.

7. The antenna/satellite dish shall be sited to assure compatibility with surrounding development and not adversely impact the neighborhood.

B. Fences and Walls. Fencing or walls are required between individual residential units and residential developments if adjacent to parks, open spaces, and/or major rights-of-way. All fencing and walls are to be provided by each developer at the time of construction.

1. In any required front yard, a wall or fence shall not exceed four feet in height, except that on corner lots the maximum height shall be 30 inches. However, walls or fences may be permitted up to a maximum height of five feet; provided, that the portion of the fence or wall above three feet in height is 90 percent light-emitting wrought iron or other similar material. Solid pilasters no greater than 12 inches in width on any one side may be permitted if they are intended to support the fence.

2. A wall or fence not more than six feet in height, as measured from the adjacent grade on the same parcel, may be maintained along any interior side yard, rear yard or street side yard; provided, that such wall or fence does not extend into the required front yard.

3. In the case of reversed corner lots, street side yard fences and walls, as permitted by subsection (B)(2) of this section, shall ensure the safety of pedestrian and vehicular traffic by providing for adequate sight lines.

4. Proposed property fencing that faces the public right-of-way shall be constructed of decorative masonry or approved equal. This includes all interior or exterior lots of residential tracts.

5. Wall Design Standards.

a. Perimeter walls shall have articulated planes by providing at a minimum for every 100 feet of continuous wall an 18-inch-deep by eight-foot-long landscaped recession.

b. Walls shall be constructed with pilasters provided at every change in direction, every five feet difference in elevation and at a minimum of every 25 feet of continuous wall.

6. Prohibited Fence Materials/Chain Link Fencing.

a. The use of barbed wire, electrified fence or razor wire fence in conjunction with any fence, wall, roof, hedge or by itself within any land use district is prohibited unless required by any law or regulation of the city, the state of California, federal government, or agency thereof. Agricultural uses may use electrical fences if approved by the director.

b. Chain link fencing is permitted in the residential zone districts provided it is located behind the front yard setback.

c. The above limitations shall not apply where the prohibited fence material is required as a condition of approval.

C. Solar Energy Design Standards. Passive heating and cooling opportunities shall be incorporated in all developments in the following manner:

1. Future structures should be oriented to maximize solar access opportunities.

2. Streets, lot sizes and lot configurations should be designed to maximize the number of structures oriented so that the south wall and roof area face within 45 degrees of due south.

3. The proposed lot size and configuration should permit structures to receive cooling benefits from both prevailing breezes and existing and proposed shading.

4. Any pool or spa facilities owned and maintained by a homeowners' association shall be equipped with a solar cover and solar water heating system.

5. No structure (building, wall or fence) shall be constructed or vegetation placed so as to obstruct solar access on an adjoining parcel.

6. Roof-mounted solar collectors shall be placed in the most obscure location without reducing the operating efficiency of the collectors. Wall-mounted and ground-mounted collectors shall be screened from public view.

7. Roof-mounted collectors shall be installed at the same angle or as close as possible to the pitch of the roof.

8. Plumbing in new construction shall have connections for solar energy additions.

9. Appurtenant equipment, particularly plumbing and related fixtures, shall be installed in the attic.

10. Exterior surfaces of the collectors and related equipment shall have a matte finish and shall be color-coordinated to harmonize with roof materials or other dominant colors of the structure. [Ord. 95-7 § 2; Code 1990 § 12.3.06.]

18.20.070 Neighborhood compatibility standards and review.

A. Purpose. This section is intended to ensure that new residential development within or adjacent to existing residential neighborhoods is compatible with the development pattern and character of existing established neighborhoods.

B. Applicability. The following residential projects shall be subject to the neighborhood compatibility standards of this section:

1. New single-family residences proposed within 1,000 feet of existing residential development (measured from property line to property line).

2. New single-family residences located on sloped terrain greater than 2:1 and/or designated within the hillside ordinance map of the city of Calimesa as referenced in Chapter 18.55 CMC, Hillside Development Regulations.

3. Additions to existing single-family residences that result in 50 percent or greater increase in gross floor area from the original building permit or a cumulative building area of more than 5,000 square feet (including all detached accessory structures on site), whichever is greater.

4. Any second-story addition on a lot adjacent to one or more single-story homes on one or more adjacent lots.

5. All new multifamily residential projects and second-story multifamily additions adjacent to single-family development (including boarding homes and community care facilities).

C. Exemptions. The following construction projects shall be exempt from the neighborhood compatibility standards.

1. Projects located within a specific plan and/or mixed use development.

2. Projects that have obtained a variance from these standards.

D. Neighborhood Compatibility Standards. The following standards are intended to supplement the residential development standards of CMC 18.20.040 and are not intended to replace any standards. If a standard in this section is found to conflict with CMC 18.20.040, the stricter standard shall apply.

1. Accessory Structures. In addition to the standards of CMC 18.20.050, accessory structures shall be subject to the following standards:

a. Accessory structures shall be limited to one story and not more than 17 feet in height to the ridge and nine feet in height to the top plate. Height shall be measured in accordance with the building height definition of the Calimesa zoning code.

b. Accessory structures shall be limited in size to not more than eight percent of the lot area and 50 percent of the area of the primary structure. However, the minimum size requirements for a garage shall supersede this restriction should the resulting floor area be less than the minimum required.

2. Design Compatibility. Additions to existing structures and new structures proposed on a developed parcel shall be compatible in terms of mass, scale, height, design, colors, and materials with the existing structures on the parcel, or the existing structures shall be modified to be compatible with the new construction. In addition, new construction on vacant parcels shall be compatible with the surrounding development pattern in terms of the mass, scale and height of surrounding structures as specified in this section.

3. Flag Lots. The creation of flag lots shall be prohibited.

4. Front Yard Setbacks. Where 50 percent or more of the lots on a block face (including both street sides) in the same zoning district are developed with a primary structure (excluding reversed corner lots), the minimum front setback for all new construction, including additions to existing structures, shall be the average of the front setbacks of the developed lots, but not less than the required front yard setback for the zone in which the site is located. The front yard setbacks to determine the block face average shall be measured from the front property line to the wall of the primary structure, exclusive of architectural projections and unenclosed porches.

5. Second-Story Construction or Top Plate Heights Above Nine Feet.

a. Where 50 percent or more of the lots on a block face (including both street sides) in the same zoning district are developed with a primary structure, two-story construction shall only be allowed if more than 50 percent of all existing primary structures consist of two stories. Height shall be measured in accordance with the building height definition of the Calimesa zoning code.

b. Second stories shall be limited to no more than 75 percent of the floor area of the existing first story.

c. To avoid box structure designs, continuous second-story walls and wall areas greater than nine feet in height that are flush with the first story of a primary structure shall be designed with a minimum recess of one foot for every 20 feet of wall length. For the purposes of this section, "flush" shall mean any second-story element or

wall area above nine feet in height that is less than one foot in depth from the first story or area below nine feet.

d. Proposals involving new primary structures or additions to primary structures with a second story or a top plate height of more than nine feet shall provide twice the required side yard setback of the first story for the second-story portion or area above nine feet.

6. Visual Privacy Standards. When proposed construction involves a second story or a single story at a grade differential of three or more feet from adjacent property and is adjacent to existing single-story dwellings, the following standards shall be met:

a. Landscape screening shall be provided along the property line(s) adjacent to the single-story dwelling(s) or property on the downslope. A landscape plan shall be submitted to the community development director for review and approval. The landscaping shall, at minimum, provide for visual screening of the area immediately across the second story to ensure privacy for the adjacent single-story dwelling from visual intrusion to the windows or back yard of the adjacent residence.

b. If it is determined during project review that visual privacy issues will exist along side yard elevations, the community development director may limit the second-story wall or any structure wall above nine feet in height to clerestory windows or permanent opaque screening, if any windows are proposed. This determination shall be based on whether or not the proposed second story would have views into a neighbor's bedroom(s), living/family room, or back yard.

7. Retaining Walls. Retaining walls shall be located no closer than two feet to property lines and shall be no higher than six feet unless terracing is created with a minimum of separation of three feet between walls.

8. Regrading. Regrading of lots to meet the standards of this section shall be prohibited.

E. Discretionary Review. Development projects that are subject to this section shall be subject to discretionary review for neighborhood compatibility. The planning commission shall be the decision-making body on the application if the project is subject to development plan review (DPR). The community development director shall be the decision-making body on the application if the project is not subject to development plan review (DPR).

F. Application Submittal Requirements. The following items shall be submitted for all applicable projects listed in subsection (B) of this section in addition to the development plan review (DPR) submittal requirements listed in Chapter 18.90 CMC, Development Plan Review, or plan check requirements if the proposal is exempt from a DPR (e.g., room addition):

1. An application, on a form provided by the city.

2. A neighborhood compatibility survey shall be submitted by the applicant for review and approval by the city as part of the DPR application or building plan check, if the proposal is exempt from the DPR requirements. The survey shall include the following information:

a. Copy of tax assessor's map identifying all properties and land uses adjacent to the subject site. For proposed tentative tract maps, the map shall include all existing development within 500 feet and cross-sections of the proposed new construction and adjacent development;

b. Line-of-sight analysis for second-story construction or single-story construction at a grade differential of three or more feet from adjacent properties; and

c. Building footprints, structure heights (i.e., one-story, two-story, etc.), and identification of all amenities (i.e., driveways, walls/fences, landscape features, etc.) of

adjacent development, including properties directly across the street(s) from the subject site.

3. Thirty days prior to any public hearing on the merits of the project (excluding any voluntary workshops) or prior to plan check approval (if the project is exempt from a DPR), the applicant shall complete the following:

a. A 24-inch-by-36-inch public notice shall be placed along the property's frontage on a set of stakes no more than five feet from the property line and no higher than five feet from the ground. The notice shall be constructed of a sturdy material to withstand the elements and be legible for the entire 30-day period. The notice shall include, in bold and minimum one-inch font, the case or plan check number, project description, 30-day review period, city contact information, and invitation to comment on the project.

b. If a variance from any development standard is proposed, a wood-frame silhouette of the proposed construction shall be built on the site in order to depict the finished outline of the project as viewed from surrounding properties and the public right-of-way. The silhouette shall remain in place until final action on the project has been made by the final approval body and all appeal periods have lapsed. In lieu of a wood-frame silhouette, a computer-generated drawing with a minimum of four vantage points may be provided.

G. Public Hearing. A duly noticed public hearing shall be held prior to approval, denial or decision to request a redesign of the project. Written notice of the hearing shall be mailed at least 10 calendar days prior to the hearing to the applicant and to all property owners within 300 feet of the boundaries of the project that are listed on the latest equalized assessment roll. Published notice shall be provided and appear at least 10 calendar days prior to the hearing in a newspaper of general circulation in the city.

H. Required Findings for Approval. Based on the proposed plans and application submittals, the planning commission, or community development director (if the project is exempt from a development plan review), shall not approve a project that is subject to this section unless the following affirmative findings are made:

1. The project design is compatible with the mass, scale and height of surrounding residential development.

2. The project will not significantly affect the privacy of surrounding property owners from visual intrusion into the interior of their residence or into their back yards.

3. The project is compatible with the existing development on the parcel, if any, in terms of mass, scale, height, design, colors and materials.

I. Request for Redesign by the Approval Body. If the approving body requests a redesign of the project in lieu of denial, the project must be re-noticed in accordance with the public notice requirements for the subject application, if applicable. However, a new public hearing, or action by the community development director if the project is exempt from development plan review, may not occur until the required wood-framed or computer-generated silhouette has been revised and a new 30-day review period and 24-inch-by-36-inch on-site public notice have been completed in accordance with the requirements of subsection (F)(3) of this section.

J. Appeal of Denial or Redesign Decision. The decision to deny a project or to request its redesign may be appealed to the city council (or planning commission if the decision is made by the community development director). The appeal shall follow the requirements of CMC 18.90.120, Appeal, pertaining to development plan review applications. [Ord. 277 § 2, 2008; Code 1990 § 12.3.07.]