

## **ATTACHMENT #1**

### **ORDINANCE NO. 752**

#### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS AMENDING SECTIONS 21.60.020, 21.60.080, 21.90.030 AND ADDING SECTION 21.60.085 TO THE CITY ZONING CODE RELATING TO CITY LANDSCAPE REQUIREMENTS; AND FINDING THE ACTION TO BE CATEGORICALLY EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, the City of Indian Wells, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

**WHEREAS**, California Government Code section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities as a means of implementing the General Plan; and

**WHEREAS**, the City has the authority under Article 11, Section 5 of the California Constitution and the City Charter to make, amend, and enforce all ordinances and regulations with respect to municipal affairs; and

**WHEREAS**, the City desires and intends to amend Section(s) 21.60.020, 21.60.080, 21.90.030 and add Section 21.60.085 to the City's Zoning Code to clarify existing regulations and adopt new regulations related to the City's landscape requirements; and

**WHEREAS**, the Planning Commission held three (3) separate study sessions with the community and the City's professional landscape consultant to discuss potential revisions to the city's landscape regulations at which time all persons wishing to be heard were afforded an opportunity to be heard; and

**WHEREAS**, on October 12, 2023, the City gave public notice of a Planning Commission public hearing to be held to consider this Ordinance by advertisement in a newspaper of general circulation; and

**WHEREAS**, on October 26, 2023, the Planning Commission held its first public hearing to consider the staff report, recommendations by staff, and public testimony concerning this Ordinance. Following the public hearing, the Planning Commission voted to forward the Ordinance to the City Council with a recommendation in favor of its adoption; and

**WHEREAS**, on November 21, 2023 the City gave public notice of a City Council public hearing to be held to consider this Ordinance by advertisement in a newspaper of general circulation; and

**WHEREAS**, on December 7, 2023, the City Council held its first public hearing to consider the Ordinance, including: (1) the public testimony and agenda reports prepared in connection with the Ordinance, (2) the policy considerations discussed therein, and (3) the consideration and recommendation by the City's Planning Commission; and

**WHEREAS**, after considering staff's presentation and public testimony, City Council deliberated on the Planning Commission's recommended amendment to enforce a timeline for properties recently found not to be in compliance with the current landscape code, and

**WHEREAS**, after much deliberation, City Council directed staff to rescind all recent Notices of Violation to property owners found not be in compliance with the current landscape code, and bring the ordinance back to Planning Commission for consideration of an optional enforcement policy provided by city staff; and

**WHEREAS**, on December 14, 2023, the City noticed the Planning Commission's second public hearing for the proposed ordinance in accordance with Government Code section 65090; and

**WHEREAS**, on December 28, 2023, the City's Planning Commission conducted their second public hearing to reconsider the proposed ordinance with amendments and consider additional public testimony. Following the public hearing, the Planning Commission voted to forward the Ordinance to the City Council with a recommendation in favor of its adoption; and

**WHEREAS**, on January 4, 2024 the City gave public notice of the second City Council public hearing to be held on the Ordinance by advertisement in a newspaper of general circulation; and

**WHEREAS**, on January 18, 2024, the City Council held its second public hearing to consider the Ordinance, including: (1) the public testimony and agenda reports prepared in connection with the Ordinance, (2) the policy considerations discussed therein, and (3) the consideration and recommendation by the City's Planning Commission; and

**WHEREAS**, all legal prerequisites to the adoption of the Ordinance have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The foregoing Recitals are true and correct and are incorporated herein by this reference.

**Section 2. CEQA.** This action has been reviewed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State and local CEQA Guidelines, and the environmental regulations of the City. The City, acting as the Lead Agency, has determined the ordinance amendment is exempt from CEQA pursuant to Section 15304, where the proposed amendment consists of minor public or private alterations to the condition of land, water or vegetation as there is no possibility the activity in question will have a significant effect on the environment. Alternatively, it has determined the ordinance amendment is exempt from CEQA per CEQA Guidelines Section(s) 15307 and 15308 as actions taken by regulatory agencies, as authorized by state law or local ordinance, to maintain, restore, or enhance a natural resource. The City shall file a notice of exemption within five business days of adoption.

**Section 3. General Plan.** Based on the entire record before the City Council, including the Planning Commission recommendation and all written and oral evidence presented, the City Council hereby finds that the proposed water efficient landscape amendments to the City's Zoning Code are consistent with stated goals and policies in the City's adopted General Plan, including General Plan Policy(s) 11.A1.18(1) which aims to promote water efficient landscaping and other methods to

support environmental conservation goals; Policy IIIA8.3 which aims to incorporate water-wise native landscaping or alternative water saving materials (i.e., artificial turf) whenever feasible within the City, and; Water Conservation Goal IIIA5 which aims to protect and maintain safe and adequate water supply to ensure that the City's growing demand for water can be met in a sustainable manner.

**Section 4. Code Amendments.** Section(s) 21.60.020, 21.60.080, 21.90.030 and 21.60.085 of the Indian Wells Zoning Code are hereby amended and added, respectfully, to read in their entirety as set forth in Exhibit "A," attached hereto and incorporated herein.

**Section 5. Effective Date.** This Ordinance takes effect 30 days following its adoption.

**Section 6. Custodian of Records.** The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 44950 Eldorado Drive, Indian Wells, CA 92210. The custodian of these records is the City Clerk.

**Section 7. Severability.** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council and the people of the City of Indian Wells hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 8. Publication; Effective Date.** The City Clerk shall certify the adoption of this Ordinance. Not later than 15 days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Indian Wells.

**PASSED APPROVED AND ADOPTED** by the City Council of the City of Indian Wells, California, at a regular meeting held on the 15<sup>th</sup> day of February, 2024.

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**GREG SANDERS**  
**MAYOR**

**STATE OF CALIFORNIA    )**  
**COUNTY OF RIVERSIDE    ) ss.**  
**CITY OF INDIAN WELLS)**

**CERTIFICATION FOR ORDINANCE NO. 752**

I, Angelica Avila, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance No. 752, having been regularly introduced at a regular meeting of January 18, 2024 was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on February 15, 2024 and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:  
NOES:

and was thereafter on said day signed by the Mayor of said City of Indian Wells.

**ATTEST:**

**APPROVED AS TO FORM:**

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**ANGELICA AVILA**  
**CITY CLERK**

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**TODD LEISHMAN**  
**CITY ATTORNEY**

**EXHIBIT A**

**Amended Landscape Regulations**

(follows this page)

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**Exhibit A: Code Amendments**

**Section 21.60.085 is hereby added to Title 21 Zoning Code to read in its entirety as follows:**

## **21.60.085 Landscape Application Requirements**

A complete landscape application shall include the items listed below. Submissions that are incomplete will not be considered. The Planning Department or Review Authority (as defined by Section [21.60.020\(b\)\(1\)](#)) may require additional information for a particular application. Design guidelines established by the City should be consulted prior to submission of the application.

### **a) Purpose and Intent.**

This Section provides general standards establishing landscaping requirements that are intended to:

- 1) Protect and elevate the city's unique desert setting, distinguishing itself as a prestigious resort community. The standards set forth aim to enhance the aesthetic appearance of all developments.
- 2) Ensure compatibility between adjoining land uses and public rights of way, ensuring a harmonious blend with the surrounding environment.
- 3) Conserve water through efficient irrigation and appropriate plant selection and align the city's standards with state water conservations acts aiming to reduce water consumption.
- 4) Prioritize the health and safety of the public, ensuring that landscaping practices in the City enhance pedestrian and vehicular traffic safety and maintain the integrity of neighborhoods.
- 5) Establish a unified City landscape theme, promote water conservation and enhance the physical and natural beauty of the environment.

### **b) Application**

The landscaping requirements in this chapter apply to the following within all areas of the City except common interest development areas that are not visible from public right-of-way:

- 1) All new landscape or remodeled landscape projects on or after January 1, 2024 that affect more than 250 square feet;

2) Unless they are subject to paragraph (b)(1) of this section, properties with existing legal nonconforming projects as allowed under section 21.90.030 of the Municipal Code are considered "grandfathered" and exempt from regulations of this section. Changes to existing legal nonconforming or "grandfathered" landscape projects are subject to regulations in section 21.90.030 of the Municipal Code.

3) Fee. An application fee in an amount published by the Planning Department is required for review and processing of landscape design packages.

**c) Definitions.**

As used in this Section, terms are defined as follows:

- 1) "Artificial turf" means a surface made from synthetic fibers to look like natural grass.
- 2) "Berming" means the process of creating raised areas of soil, often for the purpose of enhancing landscape design or managing water flow.
- 3) "Box trees" means trees that are sold in large square containers. Size, such as 24-inch or 36-inch, refers to the diagonal measurement of the box.
- 4) "Compost" means decomposed organic matter used to enrich soil.
- 5) "Drought-tolerant plants" means plants that can survive with minimal water, often native to arid regions.
- 6) "Focal points" means elements in a landscape design that capture attention, such as a unique plant, water feature, statue, or other installations.
- 7) "Golden ratio" means a mathematical ratio found in nature and art, often used in design for its aesthetically pleasing properties. In landscaping, it refers to the proportional arrangement of plants and hardscape.
- 8) "Grandfathered landscapes" refers to properties that currently have legal nonconforming landscapes in place. These properties are classified as grandfathered and are therefore exempt from the regulations outlined in this section unless they are subject to paragraph (b)(1) of this section. Any modifications to these grandfathered landscapes will be regulated pursuant to section 21.90.030.
- 9) "Hardscape" means non-living elements of landscaping, such as concrete patios, walkways, and walls.
- 10) "Hydrozone" means a portion of the landscaped area having plants with similar water needs that are served by sprinkler heads, a valve or set of valves with the same schedule.

- 11) "Inorganic ground Cover" means inorganic materials used to cover the ground for decorative or functional purposes, such as decomposed granite, crushed rock, cobbles, and boulders.
- 12) "Irrigation system" means a system that delivers water to plants. Types include drip irrigation (where water drips slowly to the roots of plants) and sprinkler systems.
- 13) "Landscape area" means all non-turf areas such as parkways, planters, flower beds and undeveloped areas that require landscape, irrigation and weed control.
- 14) "Mulch" means an organic material spread around plants to retain moisture, suppress weeds, and improve soil health.
- 15) "Non-functional turf" means turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events.
- 16) "Non-potable water" means water not treated to drinking water standards and is not meant for human consumption. Includes raw (untreated) water from reservoirs, which is commonly used for irrigation and other purposes.
- 17) "Organic cover" means a natural material used to cover the soil and enhance its quality. Examples include mulch and compost.
- 18) "Plant density" means the number of plants within a defined landscape area calculated as an average of plants per 100 square-feet.
- 19) "Plant size" means the volume of the container in which a plant is sold, which gives an approximate idea of the size of the plant. Common sizes include one-gallon, five-gallon, and fifteen-gallon.
- 20) "Texture" means how fine or coarse the surface of a plant or inorganic material is. For inorganic ground cover, texture refers to the size of the crushed rock, pebbles, stone, etc.
- 21) "Tree root barrier" means a root deflector, which can be made from various materials that help block or redirect roots to prevent damage to adjacent hardscape features or structures.
- 22) "Turf" means the upper layer of ground that is made up of live grass and plant roots.
- 23) "Weed barrier" means a permeable cloth material laid over the ground to prevent the growth of weeds.

**d) Review and Permitting Authority.**

- 1) All landscape projects with a landscaped area greater than 250 square feet and less than 2,500 square feet shall be reviewed and permitted by the Planning Department in compliance with this Section.



- 2) Landscape plans exceeding 2,500 square feet and not within an active homeowner's association shall be reviewed by the City's Design Review Committee (DRC).
- 3) Landscape plans for areas greater than 2,500 square feet shall require plans drawn by a professional landscape architect licensed in the state of California.
- 4) All properties that require the installation of landscaping in compliance with the development standards of this title shall provide and maintain landscaping in compliance with the provisions of this chapter.
- 5) The following landscape projects shall also comply with Chapter 21.70 Water Efficient Landscaping of the City Municipal Code.
  - i. New construction and rehabilitated landscapes for public agency projects and private development projects requiring a building or landscape permit, plan check or design review;
  - ii. New construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects requiring a building or landscape permit, plan check or design review; and
  - iii. New construction and rehabilitated landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project area equal to or greater than two thousand five hundred (2,500) square feet requiring a building or landscape permit, plan check or design review.
- 6) Administrative Landscape Exception. The provision of an administrative landscape exception facilitates regulatory flexibility when a standard is deemed inapplicable or unsuitable for a particular use or design.
  - i. Application. Applicants shall submit a written request for an administrative landscape exception to the Planning Department, accompanied by a comprehensive description and relevant drawings of the proposed project as outlined in Section 21.60.085(d). The Community Development Director may request additional information as necessary.
  - ii. Approval. The authority to grant or deny an administrative landscape exception resides with the Community Development Director. However, the Community Development Director may refer the application to the Design Review Committee ("DRC") or the Planning Commission for decision-making. The following findings shall be made prior to approval of the administrative landscape exception:
    - i. The findings as set forth in Section 21.06.050(d);
    - ii. That the proposed project is exempt from the California Environmental Quality Act ("CEQA");
    - iii. Preservation of the intent of this Zoning Code and the specific regulation under consideration;

- iv. The circumstances make the strict application of the requirements of this division to the proposed project inappropriate;
- iii. Appeal. The applicant may appeal the decision in accordance with the appeal procedures set forth in section 21.06.110.

**e) Submittal of Landscape Plan.**

A comprehensive and fully dimensioned landscape plan shall be submitted to the Planning Department, including the following details:

- 1) Site plan with north arrow identifying the planting areas drawn to scale, along with the location and spacing of proposed plants, trees and any other vegetation. Plants having similar water use shall be grouped together in distinct hydrozones.
- 2) Show the location and type of irrigation system to be utilized within the different hydrozones, as appropriate.
- 3) Show all existing or proposed features on the site plan, including pools, spas, fountains, decks (concrete or wooden), planters, walkways, gates, low walls, etc. Also indicate proposed finishes for all flat work.
- 4) Provide a complete plant palette legend identifying size and species, both common and Latin names, and water usage per the Water Use Classification of Landscape Species (WUCOLS). Drought tolerant species are encouraged.

**f) Landscape Design Standards.**

Landscape designs for residential lots, common areas, and commercial developments shall be required to meet the minimum design criteria:

- 1) Residential lots.
  - i. Plant density shall be three (3) plants per 100 square-feet of landscape area minimum.
  - ii. Live or artificial turf areas are permitted and discounted from overall landscape area.
  - iii. A variety of five (5) unique plant species shall be incorporated within the overall landscape area.
  - iv. 70% of plants shall be five (5) gallon; 30% of plants shall be fifteen (15) gallon. Only seasonal plantings (flowers) may be less than five (5) gallon, but shall not be counted toward plant density.
  - v. A minimum of two (2) 24-inch box trees required in each front yard. Two (2) palm trees at least 8-feet in height may substitute for one (1) 24-inch box tree. Corner lots shall meet this minimum tree requirement for each of their

frontages. Tree root control barriers shall be used on trees installed within 5-feet of any hardscape element or structure.

2) Common areas.

- i. Plant density shall be three (3) plants per 100 square-feet of landscape area minimum.
- ii. Artificial turf areas permitted. Non-functional turf permitted only if irrigated by non-potable water source. Non-functional turf and/or artificial turf shall be discounted from overall landscape area.
- iii. A variety of four (4) unique plant species shall be incorporated within the overall landscape area.
- iv. 70% of plants shall be five (5) gallon; 30% of plants shall be fifteen (15) gallon. Only seasonal plantings (flowers) may be less than five (5) gallon, but shall not be counted toward plant density.
- v. One (1) 36-inch box tree or two (2) palm trees at least 8-feet in height required per 1,000 sqft of landscape area.

3) Commercial areas.

- i. Plant density shall be four (4) plants per 100 square-feet of landscape area minimum.
- ii. Artificial turf areas permitted. Non-functional turf permitted only if irrigated by non-potable water source. Non-functional turf and/or artificial turf shall be discounted from overall landscape area.
- iii. A variety of five (5) unique plant species shall be incorporated within the overall landscape area.
- iv. 70% of plants shall be five (5) gallon; 30% of plants shall be fifteen (15) gallon. Only seasonal plantings (flowers) may be less than five (5) gallon, but shall not be counted toward plant density.
- v. Trees shall be incorporated into the design of all off street parking areas in compliance with Section 21.100.030 of the City's Municipal Code.
- vi. Trees shall be planted along commercial street frontages at a rate of one (1) 36-inch box tree, or one (1) palm tree at least 10-feet in height, per 30-linear feet of street frontage or at the minimum distance between trees as recommended for the specific tree species.

4) Inorganic ground covers and materials.

Open or voided areas within a defined landscape area shall be covered with inorganic ground covers, including but not limited to decomposed granite, crushed rock, cobbles, boulders, and mulch is acceptable. Bare earth shall not be permitted. A minimum of two (2) different textures of inorganic ground covers shall be required within defined landscape areas, including but not limited to:

- i. Crushed Rock: 0.5-inch to 1-inch in size, installed at 2-inch minimum depth.
- ii. Decomposed Granite: 2-inch minimum depth. Not permitted on slopes greater than 3:1
- iii. Cobble: 8" or less diameter set on grade with 1" partially buried so that cobble is not sitting on grade.
- iv. Pebbles: 1-inch to 2-inch in size, installed at 3-inch minimum depth.
- v. Mulch: 3-inch minimum depth.
- vi. Boulders: Maximum 3-feet in height and must be buried 1/3 of height of boulder
- vii. Artificial turf must be manufactured to meet the following quality standards:
  1. Must be permeable to allow water infiltration.
  2. Minimum face weight of 75oz per square yard.
  3. Minimum pile height of 1.75-inch.
  4. Blades shall be comprised of two (2) colors for a natural appearance.
  5. Made in the USA.
- viii. Mounding and the use of complementary colors are encouraged to enhance visual interest and topography within the landscape area. Mounding shall be maintained at a max slope ratio of 3:1 with a max height of three (3) feet.
- ix. Weed barriers are encouraged.

5) Aesthetic design.

The city's landscape aesthetic design guidelines and concepts are encouraged to improve the overall landscape design consistent with the city's quality of life standards. The Community Development Director may refer landscape designs, which do not meet the intent of the aesthetic design guidelines, to the city's Design Review Committee (DRC) for further review. The following landscape aesthetic design guidelines shall be considered during Planning Department review of required landscape plans:

- i. Use of Complimentary Colors: Colors that harmonize and enhance the overall landscape design and built environment are encouraged.
- ii. Berming: The aesthetic use of berms and undulating topography is strongly encouraged to add visual interest to the overall landscape design.
- iii. Proportion and Scale: The design should consider the size relationship between plants, hardscape, and architectural elements, including the application of principles such as the "golden ratio" for spatial arrangements.
- iv. Order and Balance: Symmetry is encouraged in formal or modern gardens, while asymmetrical planting designs are preferred for natural garden settings. The architecture and setting should inspire the landscape design. For natural settings, shrubs should be planted in non-uniform masses to present a natural landscape appearance.
- v. Repetition and Unity: Repetition fosters order, but variety is essential to prevent monotony. This can be achieved through the effective use of color, texture, and form.
- vi. Focal Points: The overall landscape design should incorporate focal points, such as unique plants or features (e.g., boulders, water features, planters, hardscape designs) that contrast with their surroundings in terms of color, size, or texture.
- vii. Interconnection: Dry river features and pathways are encouraged to connect different landscape areas, promoting unity and flow.
- viii. Simplicity: The design should prioritize simplicity, focusing on primary and accent installations.
- ix. Plant Placement: A hierarchy of plant placement is encouraged, with low plants in the foreground and taller plants against structures to create depth. Consideration should be given to the mature size of plants to prevent overcrowding.
- x. Seasonal Interest: A mix of perennial and seasonal plants is recommended to ensure year-round color and interest.
- xi. Texture and Form: A variety of textures and forms should be incorporated for added interest. The combination of fine and coarse-textured materials, such as boulders, crushed rocks, cobbles, and decomposed granite, in complementary colors is encouraged.
- xii. Landscape Lighting: Any outdoor lighting shall comply with Chapter 22.12 Lighting Standards of the City Municipal Code.
- xiii. Landscape Water Features: Any water features included within the landscape area should complement the overall design, be proportionate in size,

incorporate recirculating water system, and shall not exceed a maximum of 18-inches in depth measured from the highest possible water level as required by California Building Code Chapter 31 (Special construction), Section 3119.

- xiv. Project applicants shall reference the Lush and Efficient Landscape Gardening Manual prepared by the Coachella Valley Water District prior to submittal of any landscaping plan for review and approval by the city: [http://web.cvwd.org/conservation/lush\\_book/index.html](http://web.cvwd.org/conservation/lush_book/index.html). Applicants shall also consult the Invasive Plant Inventory prepared by the California Invasive Plant Council prior to selection of any plant species for landscaping: <https://www.cal-ipc.org/plants/>

**g) Irrigation and maintenance.**

- 1) All landscaped areas within the City of Indian Wells shall be irrigated by an automatic irrigation system compliant with Chapter 21.70 Water Efficient Landscaping of the City Municipal Code.
- 2) All required landscaping and associated irrigation systems shall be appropriately installed and must receive approval from the Planning Department prior to the inauguration or occupancy of the property.
- 3) All installed landscaping and irrigation systems shall be consistently maintained in accordance with the following specifications or shall be subject to code enforcement penalties in accordance with Section 8.08.010 Maintenance of Property:
  - i. Landscape maintenance shall encompass regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of deceased plants, and the repair and replacement of irrigation systems.
  - ii. To the greatest extent feasible, landscape irrigation water shall not run off the property to create pooling of stagnant water in the street or gutter.
  - iii. Water features, ponds, or any stagnant water bodies within landscaped areas must be equipped with appropriate mosquito prevention measures, such as circulation systems, mosquito fish, or other approved methods, to prevent the breeding of mosquitos. Circulation systems should run at least 8 hours per day. If a feature has no pump or other approved mosquito control measure, water shall be drained and replaced every 96 hours. Regular inspections and maintenance of these measures are encouraged to ensure their effectiveness.
  - iv. Property owners, homeowner's associations, or other responsible entities shall ensure that no stagnant water accumulates in any landscaped areas, as such conditions can become breeding grounds for mosquitos. Neglected pools, fountains, or standing water shall be drained to prevent breeding of mosquitos. Property owners shall notify the Coachella Valley Mosquito and Vector Control District if their water feature is drained or neglected.

- v. Prior to the approval of a final development plan permit or the recording of a subdivision map, a covenant ensuring the ongoing maintenance of all required landscaping and irrigation systems shall be established. This covenant, whether held by property owners, homeowners associations, or another responsible entity, must be approved by the Community Development Director, with the recommendation of the city attorney, and subsequently recorded in the county recorder's office.

**h) Public safety and protection of intersection visibility.**

- 1) Landscape design plans for corner parcel development projects must ensure traffic safety sight areas are designed to uphold public safety, consistent with Section 21.50.040 Protection of intersection visibility regulations of city's Municipal Code.
- 2) Trees and shrubs shall be planted so that at maturity they do not interfere with utility service lines, street lighting, street sweeping, traffic safety sight areas, on-site signs, and basic property rights of adjoining property owners.
- 3) Trees planted near public curbs, sidewalks, or utility vaults shall have a limited root structure and shall be installed to prevent physical damage to public improvements and shall comply with the following provisions:
  - i. Canopy trees shall be placed a minimum of ten feet from public street curb and a minimum of three feet from sidewalks.
  - ii. Palm trees with a trunk height of ten feet or more shall be placed a minimum of three feet from public street curb and sidewalks.
  - iii. A root barrier system shall be installed when trees are located near public curbs, sidewalks, or utility vaults.
  - iv. Landscape and irrigation plans shall be required for all public street parkways and median islands and shall conform to city standards and be submitted for review and approval to the city engineer and planning division.
  - v. Right-of-way lines shall be shown on the final landscape plan.

**Section 21.60.020 of Title 21 Zoning Code is hereby amended to read in its entirety as follows:**

## **21.60.020 Applicability and Review Authority.**

(a) This Chapter applies to the following activities:

- (1) Obtaining a permit to construct a building or structure in any zone;
- (2) Undertaking any external modification to a structure visible to any roadway or open space, public or private;
- (3) Installation of new or remodeled landscape projects in excess of 250 square-feet within all areas of the City except common interest development areas that are not visible from public right-of-way.
- (4) Installing new or modifying an existing antenna, outdoor lighting, landscape lighting, private tennis court, emergency generators greater than fifteen thousand (15,000) kilowatts; and
- (5) Minor exterior remodel of or addition to a single-family residence, such as:
  - (i) A window or door change-out,
  - (ii) A change of exterior house color (desert tones are preferred),
  - (iii) A wall, fence, planter, fountain, or similar architectural amenity,
  - (iv) Re-roofing,
  - (v) A patio cover,
  - (vi) Solar panels,
  - (vii) An addition in the rear or side yard that is not visible to any roadway or open space area, public or private,
  - (viii) Front and side-yard landscape projects visible from the street with a landscaped area greater than 250 square feet and less than 2,500 square feet.



- (ix) Accessory Dwelling Units in compliance with the requirements in Section 21.85.040

(b) Before commencing any of the activities listed in subsection (a) above, the owner of the property must submit a design review application to the Planning Department, to ensure compliance with the provisions of this Chapter, as well as with the basic zoning and other design parameters that are specified in the Zoning Code. Submissions may be done electronically via the City's website or in person with the Planning Department.

(1) For purposes of this Chapter, the Planning Department, DRC, or the Planning Commission is the "Review Authority" when making the initial decision about an application.

(2) If an application is consistent with all the requirements of the Zoning Code:

(i) Planning Department Review.

(A) The Planning Department is generally the Review Authority for the following:

1. An application under subsection (a)(5) above; or

2. An application for a property located in an area with an active Homeowner's Association, and the complete design review application has been reviewed and approved by the Association.

(B) However, the Community Development Director may refer the application to the Design Review Committee ("DRC") or directly to the Planning Commission as the Review Authority.

(ii) DRC Review. The DRC is generally the Review Authority for an application under any of subsections (a)(1) through (a)(4) above, including landscape projects larger than 2,500 square feet, but any member of the DRC may refer the application to the Planning Commission as the Review Authority.

(3) If an application is inconsistent with any requirement of the Zoning Code, the Planning Commission is the Review Authority unless an administrative landscape exception request is granted under section 21.60.085(d)(6) below. (Ord. 727 § 2, 2020)

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**Section 21.60.080 of Title 21 Zoning Code is hereby amended to read in its entirety as follows:**

## **21.60.080 Architecture Application Requirements.**

A complete design review application shall include the items listed below. Submissions that are incomplete will not be considered. The Planning Department or Review Authority (as defined by Section [21.60.020\(b\)\(1\)](#)) may require additional information for a particular application. Design guidelines established by the City, or if applicable, a Homeowners Association's Architectural Guidelines should be consulted prior to submission of the application. A complete application must include each of the following:

(a) Application to Construct Form. A completed "Application to Construct" form which can be obtained in electronic or hard-copy format from the City.

(b) Required Plans (electronic copies preferred). Two (2) sets of 24" x 36" or 30" x 42" bluelines or blacklines, along with one (1) rendered blackline each of the residence, elevations, landscape plans prepared in accordance with Section 21.60.085, and other data pertinent to the particular application. Rendered blacklines shall be rolled, not folded. Defaced, incomplete, indefinite or faded plans will not be accepted. All residential plans and elevations shall be drawn at a minimum scale of 1/8" = 1'0". For single family residential submittals, a set of plans shall consist of the items listed below. Requirements for multi-family residential and non-residential projects shall include information necessary to evaluate the proposed project as determined by the Community Development Director.

- (1) General Information Block.
  - (i) Owner and designer's names;
  - (ii) Address of owner;
  - (iii) Telephone number of owner;
  - (iv) Assessor parcel number and address of residence;
  - (v) North point, date of drawing and scale; and
  - (vi) Vicinity map showing location of project.

(2) Site Plan.

- (i) Legal description (lot and tract);
- (ii) Lot size (dimension along each property line);
- (iii) Zone classification and type of development of subject property and of all adjacent property, including across any street. Show distance of structure(s) on adjacent properties that are within ten (10) feet of project property line;
- (iv) Setback of existing and proposed buildings in relation to property lines per standards of the zone;
- (v) Locations of swimming pools, spas, air conditioner equipment, pool and spa equipment (i.e., heater, pump), storage areas, utility installations, antenna, tennis courts, refuse storage areas and other auxiliary household equipment shall be noted on site plans;
- (vi) Computed areas of building coverage, impervious surfaces, landscaping, and open space;
- (vii) Dimension of property lines or boundary lines of project;
- (viii) Location, names and widths of boundary streets; and recorded road, utility or drainage easements on property (where none exists, indicate by a note that no easement exists);
- (ix) Elevation of existing curb and gutter where available or edge of pavement where no curb exists;
- (x) Pad grade and finish-floor elevations; provide information on adjacent parcels if available;
- (xi) Heights of existing or proposed walls and fences, as measured from exterior side of wall (side facing street or adjacent property);
- (xii) A "line of sight" section for all in-fill construction;
- (xiii) Clear delineation of all proposed driveways subject to the criteria outlined under Section [21.20.080](#); and
- (xiv) For all large-scale development (ten (10) acres or larger), the inclusion of natural open space areas to provide habitat for native wildlife.

NOTE: All site plans must include sufficient information to demonstrate compliance with all applicable development standards in the Zoning Code.

(3) Floor Plan. Square footage of living space and location, size, and use of all rooms. Show all significant dimensions.

(4) Elevations.

(i) Provide all elevations identified as front, rear, right and left side;

(ii) Show locations of doors, windows, chimneys, etc.;

(iii) Show exterior finishes and roof material;

(iv) Dimension elevation from pad grade, indicate all significant vertical dimensions; and

(v) Show all proposed plant material (trees and shrubs) against elevations. Provide as separate set of elevations.

(5) Roof Plan. Only thirty (30) percent of the total roof area may exceed fifteen (15) feet in height, up to a maximum eighteen (18) feet. Identify that portion of the total roof area that exceeds fifteen (15) feet in height. Show percent calculation on plan.

(6) Mailbox Design per United States Postal Service Requirements. Provide a minimum  $\frac{1}{2}'' = 1'0''$  scale mailbox design not to exceed four (4) feet in height and eighteen (18) inches in width or depth.

NOTE: Review of design packages containing landscape plans not prepared by a California licensed landscape architect will be subject to additional review fees incurred by the City for the review of such plans by professional design consultants.

(7) Conceptual Lighting Plan. Plan shall be submitted delineating size, location, light spread, illuminating capacity (candle power) and hours of operation of proposed exterior lighting. Plan shall be in conformance with lighting standards found in Chapter 22.12 of the City Municipal Code.

(8) Materials Sample and Color Board. (Maximum size  $8 \frac{1}{2}'' \times 14''$ ): Sample of materials should be kept to a minimum size; include exterior finishes of residence including door and window trim colors, and garden walls, along with exterior colors. (Desert tone colors are preferred.)

(c) Fee. An application fee in an amount published by the Planning Department is required for review and processing of architectural design packages. (Ord. 727 § 2, 2020)

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**Section 21.90.030 of Title 21 Zoning Code is hereby amended to read in its entirety as follows:**

## **21.90.030 Non-conforming uses and structures.**

(a) General. Unless otherwise required by the municipal code, any legally established, lawful use of land, building, structure, or improvement may be continued except as provided herein, even if such use does not conform with the applicable provisions of the current municipal code.

(b) Abandonment. Any legally established non-conforming use of land, building, structure, or improvement that becomes vacant and remains unoccupied for a continuous period of one (1) year shall be termed abandoned, and all future uses shall comply with the regulations of the area in which it is located.

(c) Alterations or Additions. An existing building, structure, or improvement conforming as to use but that does not conform to the general development standards may be altered, added to or enlarged, provided that any alteration, addition, or enlargement complies with the current regulations of this division.

(d) Maintenance. A legal non-conforming building, structure, site, or improvement shall be maintained in sound and safe condition.

(e) Restoration of Damaged Structures. A legal non-conforming building, and/or structure which is damaged or partially destroyed by fire, explosion or man-induced or natural disaster to the extent of more than seventy-five (75) percent of the fair market value according to the assessment as listed by the Riverside County Assessor for the fiscal year during which the destruction occurs shall be subject to all the applicable regulations specified by this division. (Ord. 387 § 1, 1996)