

CHAPTER 20.10

GENERAL DEVELOPMENT STANDARDS

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20.10.10 **PURPOSE AND INTENT**

It is the purpose and the intent of the general development standards to ensure that new land uses and development will contribute to and be compatible with existing and future development in the surrounding vicinity in a manner that will enhance the quality of life for City residents, employers and visitors. It is further intended, that all proposed development is consistent with the goals, policies, objectives and implementation programs of the General Plan.

The standards contained in this Chapter apply throughout the City in each district and, as appropriate, for all land uses and development. Rather than repeat these regulations and standards throughout this Title, they have been compiled in this Chapter.

20.10.20 **APPLICABILITY**

The provisions of this Chapter shall apply to any land division or land use application that authorizes, or would authorize by its approval, new construction, new land uses, or the substantial modification of an existing structure or land use. The provisions of this Chapter shall apply in addition to all applicable standards or regulations for the zone district in which the use or structure is located.

20.10.30 **ACCESSORY STRUCTURES**

1. Accessory Structures within Residential Districts

a. Accessory Structure

Except as provided below, all accessory structures, whether attached or detached, shall meet all site development standards applicable to the main structure as required by the zone district in which the main structure is located.

b. Canopies/Patio Covers

Canopies/patio covers or roofs attached to the main building or connecting the main building to an accessory building, may extend into a required rear or interior side yard, provided that the portions of such structures extending into the yard:

(1) Shall not exceed fifteen (15) feet in height, project closer than thirty (30) inches to an interior side lot line, project closer than thirty (30) inches to a rear lot line where the rear yard setback is five (5) feet, or project closer than five (5) feet to a rear lot line where the rear yard setback is ten (10) feet.

(2) Shall be entirely open on at least three sides excluding the necessary supporting columns; except that a roof connecting a main building and an accessory building shall be open on two sides.

c. Ground Mounted Mechanical Equipment

Ground mounted equipment, including but not limited to air conditioning compressors, evaporative coolers and pool equipment; if fully enclosed, may be permitted in any rear or interior side yard setback. If fully enclosed, said

equipment may project a maximum of four (4) feet into the required rear yard setback, and a maximum of two (2) feet into the required interior side yard setback, but shall be prohibited from projecting into the required front or street side yard setbacks.

d. Roof Mounted Mechanical Equipment

All roof mounted mechanical equipment, including but not limited to air conditioning compressors, evaporative coolers and pool equipment shall be located on the rear portion of the roof ridgeline in such a manner as to be screened, as much as practical, from public streets. On commercial property, said mechanical equipment may be placed forward of a ridgeline provided screening for the equipment has been approved. Industrial property is exempt from this provision.

e. Detached Accessory Structures

(1) A detached accessory structure may be located within an interior side yard or rear yard, provided that when such a structure is located closer than five (5) feet to an interior side or rear lot line, one-hour fire walls shall be installed on the side or sides located within the setback area. In no case, however, shall an accessory structure be located closer than thirty (30) inches to an interior side property line or to a rear property line.

(2) Accessory buildings shall have a maximum height of fifteen (15) feet; provided, however, that the accessory building is no higher than the main structure.

f. Projections into Yards

Porches, steps, and other architectural features, such as eaves, awnings, chimneys, balconies, stairways, wing walls, and bay windows may project a maximum of thirty (30) inches into any required front, rear, or side setback area.

2. Accessory Structures: Non-residential Districts

a. Accessory structures shall not be located within the "building frontage," as defined in section 20.1.190 of this Title.

b. Accessory structures shall meet all setback requirements for the associated main building(s).

c. Eaves, roof projections, awnings, and similar adjacent architectural features may project into the City right-of-way subject to receiving an approved encroachment permit from the City Engineer.

d. Fireplaces, chimneys, bay windows, balconies, fire escapes, exterior stairs and landings, and similar architectural features may project into required building setback areas a maximum distance of thirty (30) inches, provided that all such features in any one setback shall not occupy more than twenty-five (25) square feet of that required building setback area.

e. Flues, chimneys, antennas, elevators, towers, spires, bell towers, or similar architectural elements, utility, or mechanical features may exceed the height limit of the land use district in which it is located by not more than twenty-five

percent (25%), provided that such feature shall not be used for habitable space and appropriate screening is provided for mechanical equipment when possible.

- f. Ground and wall mounted equipment incidental to industrial, commercial or office development shall be appropriately screened with solid walls and/or landscaping. Such equipment shall not be located in front of a building and any screening provided shall be architecturally compatible with adjacent architecture and materials.
- g. Roof-mounted equipment shall be used only for the building upon which it is mounted.
- h. Roof-mounted equipment shall be screened from public view to the extent practicable, as follows:
 - (1) All roof screens must be solid and continuous. Equipment may be covered by continuous grills or louvers.
 - (2) Roof screens shall be sheathed in a matching or complimentary material to the exterior building material and may include metal panels, aluminum, copper, ceramic tile, or other surface as approved by the Community Development Director.
 - (3) Mechanical plants and distribution networks shall be located in a manner that is compatible with the affected building.

20.10.40 CIRCULATION, TRANSPORTATION, AND TRAILS FACILITIES

1. Purpose and Intent

This section is intended to ensure that development proposals which include the design and/or construction of new roads, trails, and transit facilities are consistent with the adopted Circulation Element and Open Space/Conservation Element of the General Plan, and contribute to the implementation of the goals and policies of those Elements. Further, it is intended to ensure that proposed transportation improvements are consistent with efficient traffic management and good traffic engineering practices.

2. Public Street, Highways, Alleys, Easements

- a. All streets, highways, alleys and ways shall be designed and constructed in accordance with the Title 16 (Subdivision Ordinance) of the Municipal Code and any engineering design standards that may be periodically updated by the City Engineer, as incorporated herein by reference.
- b. The design of any new street proposed as part of any new development shall, in the opinion of the City Engineer, relate to the established street pattern in the area adjoining the proposed development.
- c. The proposed street plan shall provide for access and connection for future subdivision or development of adjoining undeveloped property when applicable.

- d. All streets shall be designed, dedicated and constructed in a manner consistent with the Circulation Element of the General Plan, the Subdivision Ordinance and the City's Engineering Design Standards.
 - e. Additional rights-of-way or easements shall be provided when the City Engineer determines that such additional rights-of-way or easements are necessary to accommodate roadway slopes, drainage structures, and other facilities related to improvements required for proposed development.
 - f. No direct access to residential property contiguous to a freeway, highway, or arterial street, as shown on the Circulation Element of the General Plan, shall be permitted except by a frontage road, service road, or street separated from said major thoroughfare by a tier of lots.
 - g. The design and construction of new, or the extension of any existing streets, shall be consistent with the surrounding street pattern, the Circulation Element of the General Plan, the Subdivision Ordinance, and the City's Engineering Design Standards. The design and construction of parkways, grade separations, flood control facilities, local drainage facilities and other physical constraints shall be consistent with good engineering practice and shall be subject to approval by the City Engineer.
 - h. Secondary or alternative access shall be provided for all new development whenever deemed necessary by the Community Development Director to protect the public safety.
 - i. Within subdivisions and other developments where immediate full improvements are not required, the centerline alignment of the street right-of-way shall be located so that future improvements can be constructed in accordance with any applicable conditions of approval.
 - j. The type and placement of required street name signs shall conform to the City's Engineering Design Standards.
 - k. All new or reconstructed streets that are not through streets shall terminate in a cul-de-sac, designed to the specifications of Title 16 of the Municipal Code, and the City's Engineering Design Standards, unless specifically waived by the City Engineer in favor of some other design alternative.
 - l. Street lights shall be installed along the right-of-way of all newly constructed or extended streets within the City, unless this requirement is specifically waived by the City Engineer.
 - m. Street right-of-way lines at uncontrolled intersections shall be a chord based on the points of tangency of a twenty (20) foot radius for street widths of fifty (50) feet, sixty (60) feet, and eighty (80) feet; for all others, a fifteen (15) foot radius shall be used. In the case of two streets with different right-of-way widths intersecting, the smaller of the two streets shall be used for the determination of the radius. If a block wall or fence is installed along the frontage of either or both of these streets, the chord and block wall or fence shall be set at the point where the line of sight is determined to be by the City Engineer.
3. Private Streets, Alleys, or Ways
- a. Private streets may be permitted when the City Engineer determines that:

- (1) There is adequate provision for their construction and continuous maintenance;
 - (2) The access and parking needs of the occupants of the development will be adequately served;
 - (3) The construction, use, and maintenance of private streets will not be detrimental to the public health, safety and general welfare;
 - (4) Occupants of the development are better served by private streets; and
 - (5) The type of development proposed is typically served by private streets.
- b. Private streets may, subject to approval by the City Engineer, provide for access control by design, posting or gating.
 - c. The intersection of a private street or drive with a public street shall be indicated by posting, gating, or a change of pavement material and color at the entry to the private street, as approved by the City Engineer.
 - d. Concrete rolled curbs may be permitted in place of standard curbs on private streets and drives upon the determination by the City Engineer that the streets are adequate to handle drainage, that an adequate maintenance program is provided for in the covenants, conditions and restrictions, and/or some other maintenance mechanism approved by the City Engineer is utilized.
 - e. Private streets shall be constructed to the same standards required for public streets except for alternate curbing as provided in paragraph (d) above.
4. Sidewalks, Walking Paths, Bicycle Paths and Horse Trails
- a. Sidewalks shall be constructed in conjunction with public and private streets unless they are determined by the City Council to be unnecessary, considering the rural nature of the development and/or pedestrian circulation needs. Sidewalk construction shall be in accordance with the City's Subdivision Ordinance and Engineering Design Standards.
 - b. The City may require dedication of walking paths, equestrian, and/or other trails for public use when such paths are determined to be necessary to further the goals and objectives, policies, or programs of the General Plan. In addition, and in conjunction with required street dedications, a project applicant may also be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the development.
5. Local Transit Facilities

The City may require the dedication or irrevocable offer of dedication of land for local transit facilities such as bus turnouts, benches, shelters, loading pads and similar items. If a subdivision is involved, such requirements shall directly benefit the residents of the subdivision, and shall apply only if the subdivision as shown on the tentative map has the potential for one-hundred (100) dwelling units or more if

developed to the maximum density shown on the City's General Plan and if the City finds that transit services are or will, within a reasonable time, be made available to the subdivision.

20.10.50 CONDOMINIUMS AND CONDOMINIUM CONVERSIONS

1. Purpose and Intent

The purpose of this section is to establish development standards and special conditions for the protection of the community and purchasers or renters of both new and converted residential and commercial condominiums, community apartment projects and stock cooperatives, the lessors of cooperative apartment projects and stock cooperatives, and the lessors of cooperative apartments, as well as mobilehome park residents in parks proposed for subdivision activity.

2. Applicability

All new or converting residential and commercial condominiums, community apartment projects, stock cooperatives, and cooperative apartments including mobilehome park conversions shall be reviewed for conformance with the provisions of this Code under the City's conditional use permit procedure, in addition to any and all requirements for preparation, review, and approval for a Subdivision Map, pursuant to the Subdivision Map Act and Title 16 of the Municipal Code.

This section shall also apply to the conversion of mobilehome parks to a mobilehome subdivision, condominium or cooperative. Conversion of a mobilehome park to any other use, or cessation of use of the land for a mobilehome park, shall be subject to Section 65863.7 and 65863.8 of the California Government Code.

3. Minimum Requirements

Except as otherwise provided by law, in approving or conditionally approving any condominium projects, including conversions of apartments or mobilehome parks, the following shall be required:

a. Parking

Off-street parking shall be provided in the amount and type pursuant to standards for new construction in Chapter 20.13 of this Title.

b. Yard and Height Requirements

All new condominium projects, including conversions of apartment or conversion of mobilehome park developments, shall comply with property development standards for the district in which the project is to be located, except that nothing in this Section shall be construed to prohibit the imposition of more restrictive requirements as a condition of approval by the City when necessary to protect the public health, safety, or general welfare, based upon appropriate findings.

c. Covenants, Conditions, and Restrictions (CC & Rs)

The Covenants, Conditions, and Restrictions (CC & Rs) for the new or converting condominium project, including conversion of apartment and mobilehome park projects, shall be reviewed and approved by the City and

shall include an agreement that the following shall be guaranteed by the subdivider:

- (1) Common area items, including but not limited to; a roof, plumbing, heating, air-conditioning, and electrical systems shall be maintained by the sponsor of the conversion, or the developer, in good condition until one year elapses from the date of the sale of the last individual unit sold.
 - (2) Adequate provisions for maintenance, repair, and upkeep of common areas.
 - (3) Provisions, that in the event of destruction, reconstruction shall be in accordance with codes in effect at the time of such reconstruction.
 - (4) Provisions for dedication of land or establishment of easements for street widening or other public purpose.
- d. The CC & Rs shall provide that individual unit owners have the right to select or change the management group or the homeowner association ninety (90) days after sale or transfer of title of fifty-one (51) percent of the units. The CC & Rs shall provide that subsequent owners agree to make no changes in the CC & Rs imposing restrictions on the age, race, national origin, sex, marital status or other similar restrictions of occupants, residents, or owners.

4. Condominium and Mobilehome Park Conversion

- a. Condominium conversions and mobilehome park conversions may be approved in the City pursuant to the procedures in section 20.2.50 of this Title for a conditional use permit and for a tentative tract map as set forth in Title 16 of the Municipal Code.
- b. No condominium conversion or mobilehome park conversion shall be approved unless and until all of the following conditions have been met by the subdivider;
 - (1) Tenants have received a Tenant's Notice of Intent to Convert pursuant to the provisions of California Government Code Section 66427.1 (Subdivision Map Act) prior to filing a Notice of Pending Application to Convert with the Community Development Director. Such notice shall be given by the applicant, and shall contain information as to tenant's rights under state and local regulations.
 - (2) A Notice of Pending Application to Convert has been filed with the Community Development Director, prior to the filing of a tentative subdivision map and conditional use permit application. The notice shall include a copy of the Tenant's Notice of Intent to Convert and a Building Condition and History Report prepared by a building inspection service or similar agency acceptable to the Building Official and Fire Department. The report shall contain information set forth on forms to be provided by the Community Development Director, including, but not limited to: date of construction, a list of all repairs and renovations to be made, an analysis of building conditions and any violations of housing, fire, or building codes, a

listing of the proposed improvements to be carried out, an estimated time schedule, the present rent schedule including type and length of tenancy, the estimated prices of the converted units and/or lots, a copy of the proposed CC & Rs, a Tenant Relocation Assistance Plan indicating the number of tenants interested in purchasing or relocating, and detailed plans for assisting in the relocation of tenants. The subdivider shall furnish each prospective buyer with a copy of this report together with the CC & Rs.

- (3) The Community Development Department shall prepare and deliver to the applicant a Staff Report including a staff recommendation for approval or denial, a listing of conditions or requirements recommended as a basis for approval, and supportive reasons or justifications for such recommendations.
 - (4) Tenants shall be notified by the subdivider in writing, of all public hearings in connection with an application for conversion, and all tenants subsequent to the initial notice of intent shall be notified in writing of the pending conversion prior to occupancy.
 - (5) The applicant shall comply with the latest City adopted Uniform Building Code, Uniform Mechanical Code, Uniform/International Plumbing Code, National Electrical Code, Uniform Fire Code, and all other applicable codes, ordinances and regulations. The applicant shall further complete such alterations or repairs required by the Building Official prior to the sale of any such units.
 - (6) Written notice shall be given to all residential tenants not less than one (1) year from the date of tentative approval.
- c. For residential conversions, the City Council shall also determine that:
- (1) The conversion is consistent with the General Plan;
 - (2) The vacancy factor of rental housing units in the City exceeds three (3) percent of the total rental housing inventory. Existing rental units may be approved for conversion regardless of the vacancy factor if the City Council determines that a new rental unit has or will be added to the City's housing inventory for each rental unit removed through conversion; and
 - (3) The subdivider has complied with all provisions of this Title and all other requirements and conditions as may be imposed by the City Council.

20.10.60 CONVERSION OF RESIDENTIAL STRUCTURES TO NONRESIDENTIAL USE

Except where a home occupation is involved, no structure originally designed as a residence (including hotels and motels), or as an accessory structure or addition to a residence, shall be used for any commercial or office use unless the building and site are improved to meet all code requirements for an office or commercial development. This includes but is not limited to building code, fire code, and the requirements of this Title. Such a conversion may be a permitted use or may be subject to a conditional use permit process, depending on the base district use regulations.

20.10.70 DEDICATION REQUIREMENTS

1. General Requirements

The dedication requirements, as specified by this Section, are imposed as provided by Section 66475 of the Subdivision Map Act and shall apply to all final tract and parcel maps, parcel map waivers, lot line adjustments and lot mergers unless exempted from specific dedication requirements by the Subdivision Map Act. In addition, the provisions of this Section may be imposed as necessary on projects not involving a subdivision in order to implement the provisions of the General Plan.

2. Public Streets, Highways, Alleys, Easements

All streets, highways, alleys, ways, easements, rights-of way, and parcels of land which are shown on the final tract map, parcel map, or development plan, and which are intended for public use shall be offered for dedication for public use by appropriate certificate unless required otherwise by the City Engineer. All irrevocable offers of dedication shall also be shown by appropriate certificate. If a subdivision is involved, the certificate shall be on the title sheet of the final map. Where lots exist along a public street, highway, alley or easement that does not align with the subject lot, the developer of any such lot shall dedicate to the City such land necessary to assure the continued planned line of improvements along such lot prior to the issuance of a building permit.

When vehicular access rights, including a one (1) foot non-access strip and line of sight, as defined in section 20.10.40.m. of this Chapter, from any lot or parcel to any highway or street are to be restricted as a requirement of a subdivision, such rights shall be forfeited in favor of the City by an appropriate certificate. A note stating: "VEHICULAR ACCESS RIGHTS DEDICATED TO THE CITY OF DELANO" shall be placed on the final map along the highway or street adjacent to the lots or parcels affected. If a subdivision is not involved, equivalent certificates and notes dedicating such vehicular access rights shall be required in a form approved by the City Engineer.

3. Utility and Landscape Easements

Any public or private utility and/or landscape easements required by any utility agency or by the City shall be shown on the final tract map, parcel map, or by the equivalent documentation if a subdivision is not involved. Said easements shall be dedicated to the appropriate party.

4. Drainage Facilities

In the event that a subdivision or development, or any part thereof is determined by the City Engineer to be traversed by a major watercourse, channel, stream, or creek, the subdivider or developer shall dedicate an adequate right-of-way for storm drainage purposes if, in the opinion of the City Engineer, such dedication is necessary. In the event that the natural watercourse does not lie entirely within such dedication, the subdivider or developer may, as approved by the City Engineer, either construct an adequate channel within such dedication or delineate the course of such watercourse upon the final map or upon an equivalent document if a subdivision is not involved.

If an artificial drainage facility is necessary for the general use of lot or parcel owners in a subdivision or other development, and is necessary for adequate drainage, as may result from the development and its improvements, the subdivider or developer may be required to provide such improvements. If required, an adequate right-of-

way for the construction and maintenance of such drainage channel shall be dedicated on the final map, if applicable, or granted by separate instrument.

When storm drains are necessary for the general use of lot or parcel owners in a subdivision, or other developments, and such storm drains are not to be installed in the streets, alleys, or ways of such subdivision or development, then the subdivider or developer shall offer to dedicate upon the final tract map, parcel map, or by separate instrument, the necessary rights-of-way for such facilities.

When property or any portion thereof being subdivided or developed is within the natural or artificially planned drainage path, as indicated in any approved city drainage plan of adjoining unsubdivided or undeveloped property, and no street, alley, or way within the subdivision or development is designed to adequately provide for the drainage of such adjoining property, the subdivider shall dedicate drainage rights-of-way which are adequate to accommodate the flows calculated for such adjoining property based on the full development of said adjoining property.

20.10.80 DEVELOPMENT DENSITY

The maximum allowable development density or intensity of development shall be as specified in the General Plan and as specified in the zone district within which the proposed development is to be located. In determining the allowable number of dwelling units on a development parcel, all remainders of 51 percent (51%) or greater shall be rounded to the next higher whole number. Requirements for obtaining a Density Bonuses are set forth in California Government Code Section 65915.

20.10.90 FENCES AND WALLS

1. Residential Districts

- a. In any required front yard or street side yard of a reversed corner lot , a wall or fence shall not exceed forty (40) inches in height.
- b. A fence or fence wall not more than six (6) 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 or the street side yard of a reverse corner lot, with the following exception:

For lots adjacent to a sidewalk, that portion of section 20.10.90.1.b above which provides for a six (6) foot high fence may be increased to a maximum height of eight (8) feet above the grade of the adjacent sidewalk when the final grade of the subject lot is at least two (2) feet higher than the adjacent sidewalk; provided that for each one (1) foot of fence height above the six (6) feet, two (2) feet of landscaped area shall be provided between the sidewalk and the subject fence.

- c. No barbed wire shall be used or maintained as a fence or wall, or as any part of a fence or wall when located along a front, side, or rear property line of any lot; nor shall any sharp wire or sharp points project above the top of any fence or wall.

2. Non-Residential Districts

- a. Within any required front building setback area, walls or fences shall not exceed forty (40) inches in height. However, walls or fences may be permitted up to a maximum height of five (5) feet provided that the portion of the fence or wall above forty (40) inches in height is ninety percent (90%) light-emitting wrought iron or other similar material.
- b. Walls for the purpose of screening commercial and industrial activities from more sensitive land uses, and for sound attenuation, shall be required as a condition of approval for commercial or industrial development. The height, placement and design of such walls shall be determined based on the required sound attenuation and/or need for visual screening to ensure consistency with General Plan policies and performance standards. In some instances, site specific conditions may require a variance to maximum wall height requirements in order to meet the provisions of this paragraph.
- c. The screening between commercial or employment districts and adjacent existing or planned residential uses shall consist of a decorative masonry wall sufficient for sound attenuation, and shall have a minimum height of six (6) feet on the commercial side of the wall, except for front yard or street side yard setback area, where it will be reduced to forty (40) inches in height.
- d. In any required rear or interior side building setback area, except as provided by section 20.10.90.2.b above, walls and fences shall not exceed six (6) feet in height except with an approved conditional use permit.
- e. No barbed wire or any other sharp point wire, such as razor sharp chain link fence topping, or points shall be permitted as a fence or part of a fence or wall in a DC or NC zone district.
- f. In a GC, CRC, AP, or CF zone district, barbed wired may be used as part of a fence or wall as set forth hereunder:
 - (1) Where permitted by the Community Development Director, barbed wire shall be limited to three (3) strands, no more than one (1) foot in height, when placed on top of a fence or wall when that fence or wall is no less than six (6) feet in height. All other types of fences, or parts of fences or walls, that have sharp wire, such as razor sharp chain link fence topping, or points projecting above the top or to the side of a fence or wall, are prohibited.
 - (2) Said barbed wire, when in compliance with the requirements of subsection 20.10.90.2 above, shall be located no less than twenty-five (25) feet from a front or street side property line, unless otherwise approved by the Community Development Director.

20.10.100 GRADING

Whenever a tentative map or other residential, commercial or industrial development is approved, which will require grading or other preparation of the soil, the City may impose conditions relating to grading on the approval of the development. Such grading conditions shall be in addition to any other provisions of the Building Code applicable to the project.

Such conditions shall be included by the Building Official or City Engineer in any grading permit thereafter issued. Such conditions may include, but are not be limited to, the following:

1. A requirement that lands slope toward rather than away from the street.
2. Requirements for planting and landscaping of slopes.
3. Requirements for the irrigation of slopes.
4. Limitations on the amount of soil to be imported or exported from the site.
5. A designation of the streets over which trucks or equipment may travel for the purpose of importing or exporting soil.
6. A limitation on the periods during which grading operations may occur.
7. Such other conditions as will facilitate an orderly development of the property in accordance with the provisions of the General Plan and the project's approval.

20.10.110 HAZARDOUS MATERIALS MANAGEMENT

1. Purpose and Intent

In accordance with State law and the adopted Kern County Hazardous Waste Management Plan, the purpose of this Section is to ensure that businesses locating or operating within the City, which utilize, store, transport or dispose of hazardous materials, incorporate available risk management and waste minimization practices into their operations. Furthermore, the intent of this section is to minimize the risk of exposure to hazardous materials for residents and property within the City.

2. Preliminary Information Requirements

- a. All land use applications submitted for a new business or for expansion, or modification of an existing business shall provide information disclosing the amount and type of hazardous materials used and hazardous waste generated, the business practices for management and reduction of these substances, and emergency response procedures in the event of an accidental release.
- b. A preliminary hazardous waste minimization plan which identifies proposed waste management and reduction efforts shall be submitted to the City with all applications for land uses which are potential hazardous waste generators, as defined by the Kern County Hazardous Waste Management Plan.

3. Hazardous Materials Notification Requirements

- a. Any land use which handles or will handle any hazardous material or hazardous waste (as defined by the County Hazardous Waste Management Plan) in excess of fifty-five (55) gallons of liquid, three-hundred (300) pounds of solid, two-hundred (200) cubic feet of compressed gases, or any combination thereof, unless the federal threshold is lower, shall prepare and submit a Business Plan to the County Department of Environmental Health Services and the Fire Department prior to final approval of any permits. The contents of said business plan shall be as required by the County Hazardous Waste Management Plan.

- b. Prior to final approval, a Risk Management and Prevention Program as defined in the County Hazardous Waste Management Plan shall be submitted to the County Department of Environmental Health Services and Fire Department for review and approval by any new, modified or expanded land use within the City which handles or will handle "acutely hazardous materials" (AHM), as defined in the County Hazardous Waste Management Plan, in amounts greater than fifty-five (55) gallons of liquid, five-hundred (500) pounds of solid or two-hundred (200) cubic feet of a compressed gas.
 - c. Commercial and industrial uses which propose to locate within the City provide the Fire Department with a list of all hazardous materials used at the site, a description of where and how each is stored, and how each react in a fire.
 - d. Placards or other appropriate signage shall be placed on all buildings or structures that are used for the storage of hazardous materials or wastes.
4. The unlawful discharge of hazardous wastes into the air, land, or water resources within City boundaries is prohibited.

20.10.120 HEIGHT LIMITATIONS

Unless modified by this Chapter 20.11 (Specific Use Development Standards), or Chapter 20.12 (Performance Standards), the maximum allowable height of a structure shall conform to the regulations of the zone district within which the structure is to be located.

20.10.130 IMPROVEMENT STANDARDS AND PLANS

1. Improvement Standards
 - a. Standards for the design and improvements of subdivisions and other developments shall be in accordance with the applicable sections of Title 16 of the Municipal Code, the Subdivision Map Act, the General Plan, any specific plans adopted by the City, and such other standards, regulations, or ordinances as may, from time to time, be adopted by the City Council.
 - b. In the absence of a standard for an improvement, the City Engineer may establish a standard in keeping with good construction and engineering practices.
2. Improvement Plans Required
 - a. All improvements proposed to be constructed or installed in subdivisions or other residential, commercial, or industrial developments shall be in accordance with detailed plans and specifications approved in writing by the City Engineer prior to commencement of said improvement work.
 - b. Improvements plans in sufficient detail shall be submitted to and shall be approved by the City Engineer prior to submitting a final subdivision map to the City Council, or if no final subdivision map is required, prior to the issuance of a building permit.
 - c. Required improvement plans shall show the location of all existing improvements, including but not limited to electrical, natural gas, telephone,

and any other service facilities adjacent to or potentially affected by the proposed improvements. Specific improvement plan requirements shall be compiled and made available to the public by the City Engineer. Improvement plans shall be prepared by a professional civil engineer registered in the State of California.

- d. Improvements shall be completed or shall be bonded for, in accordance with adopted city bonding requirements, by each subdivider or developer, as required by the conditions of approval, prior to acceptance of the final tract map, or the equivalent, if a final subdivision map is not required.
- e. Improvements that are proposed to be or are required to be located within State highway rights-of-way shall be shown on the improvement plans and shall be designed to California Department of Transportation standards. Prior to approval by the City Engineer, the subdivider or developer shall acquire the Department of Transportation's approval of such improvements.
- f. An encroachment permit shall be obtained prior to commencement of any work done in connection with subdivisions or other residential, commercial, or industrial development projects, within the public right-of-way.

20.10.140 LIGHTING

1. Non-Residential

- a. All outdoor lighting associated with nonresidential uses, excluding recreational uses, shall be shielded and directed away from surrounding residential uses. Such lighting shall not exceed one-half (0.5) foot-candles of illumination beyond the property containing the nonresidential use, and shall not blink, flash, oscillate or be of unusually high intensity of brightness.
- b. Parking areas of five (5) or more spaces shall have an average of one-half (0.5) foot-candles of illumination per square foot of parking area for visibility and security during hours of darkness.
- c. Each parking area of five (5) or more spaces existing prior to the effective date of this section, which is enlarged, re-constructed, altered, or changed from its previous configuration shall be subject to the above illumination requirements.
- d. Wiring for illumination shall be underground.
- e. The following types of outdoor lighting usage shall be prohibited between 10:00 p.m. and dawn:
 - (1) The operation of searchlights for advertising purposes; and
 - (2) The illumination of outdoor public recreational facilities, unless a specific recreational activity requiring the lighting is already in progress. All lighting shall be on a time clock or photo-sensor system.

2. Residential

- a. All single-family, duplex and triplex residential dwelling units shall be equipped with security lighting affixed to the exterior of each garage and above the exterior of each front and rear door.

- (1) Lights shall be installed and shall be hard-wired into the electrical power source.
 - (2) Lights shall be shielded and directed away from surrounding residential uses and shall not blink, oscillate or be of unusually high intensity.
- b. Outdoor light poles within residential areas, except for street lighting, shall not exceed twelve (12) feet in height. Such lighting shall be designed to project downward, and shall not create glare on adjacent properties.
3. Recreational
- A conditional use permit shall be required for all sport and athletic field, stadium, or major event lighting.

20.10.150 MINIMUM BUILDING SITES

Unless otherwise specified in Chapter 20.11 (Specific Use Development Standards), the minimum allowable building site size shall be in accordance with the regulations of the zone district within which the structure is to be located.

20.10.160 MANUFACTURED HOUSING

Manufactured housing, fabricated off-site and to be installed on a parcel of land, which includes mobilehomes, manufactured homes, and modular homes, may be permitted on individual lots that permit single family detached housing subject to the following requirements:

1. The manufactured home is permanently attached to a permanent foundation in compliance with all applicable building regulations.
2. If the manufactured home is a mobilehome, construction shall be certified under the National Mobilehome Construction and Safety Standards Act of 1974, (42 U.S.C. Section 5401 et. seq.) pursuant to Section 18551 of the Health and Safety Code. Documentation indicating certification and construction date must be submitted to the building Department in order to secure a valid building permit.
3. The manufactured home is no less than twenty (20) feet wide and no less than one thousand one hundred (1,100) square feet in area.
4. The Community Development Director determines that the placement of the manufactured home is compatible with the existing development in the immediate area in which it is being placed, in accordance with the following criteria:
 - a. The design of the manufactured home shall be similar in character and appearance to other dwellings in the immediate vicinity relative to design features including, but not limited to: unit size, roof overhangs, roof materials, roof pitch, and exterior materials; and
 - b. All building setbacks, parking, coverage, height, and sign requirements of the base district shall apply.

5. Manufactured housing shall comply with the following architectural requirements:
 - a. A minimum three (3) in twelve (12), three (3) inches vertical to twelve (12) inches horizontal, roof pitch and a minimum of one (1) foot eave around the entire perimeter of the manufactured home, as measured from the vertical wall surface is required.
 - b. Roofing material customarily utilized in the construction of a conventional single family dwelling; such as but not limited to: wood shingles, tile, crushed rock, asphalt, or composition shingles is required.
 - c. Only non-reflective or non-glossy siding materials customarily utilized in the construction of conventional single family housing shall be permitted. These materials may include, but are not limited to: brick, stucco, wood or plaster.
 - d. The predominant shape and form of the manufactured home shall be compatible with that of the surrounding neighborhood.
 - e. The design and materials of any enclosed garage, porch, or other structure that is visible from the street, shall be compatible with the requirements of the main dwelling.
6. Manufactured homes not meeting installation and architectural requirements specified in this section, shall be permitted only upon approval of a conditional use permit, pursuant to the provisions of this Title.

20.10.170 MOBILEHOME PARKS

1. Purpose and Intent

The intent and purpose of this Section is to establish standards to be used in the development of mobilehome parks within the City. These standards are intended to assure a suitable living environment for those persons residing within mobilehome parks and within nearby residential neighborhoods.

2. Objectives

- a. Encourage the use of private streets and the private maintenance thereof.
- b. Provide for recreational amenities and common areas, with controls and maintenance thereof by the mobilehome park owner, homeowners association, or common interest group.
- c. Provide a design that is related to and compatible with existing and planned land uses and circulation patterns on adjoining properties.

3. Conditional Use Permit

A conditional use permit, as provided in section 20.2.50 of this Title, shall be required for development of a new mobilehome park and/or for modification or expansion of an existing mobilehome park. Whenever a difference occurs between the standards of this Section and an underlying zone district, the standards of this section shall apply.

4. Site Development Standards

The following standards shall apply to the development of a mobilehome park. Additional requirements may be specified in conditions of approval of a conditional use permit.

- a. A mobilehome park shall be no less than five (5) acres in size.
- b. No more than seven (7) mobilehome spaces gross acre shall be permitted. Rights-of-way of interior streets may be included in the gross acre figure.
- c. The maximum permitted coverage of mobilehomes and all accessory buildings and/or structures shall be seventy-five percent (75%) of the total area of the project site.
- d. The minimum area of a mobilehome space shall be three-thousand five hundred (3,500) square feet.
- e. Each mobilehome space shall comply with the following minimum yard setbacks. There may be no encroachments on any yard setback.
 - (1) Front Yard: Ten (10) feet.
 - (2) Rear Yard: Five (5) feet.
 - (3) Side Yard: Five (5) feet.
- f. Parking within a required access drive is prohibited. Width of access drives shall be determined by the City Engineer.
- g. Off-street parking.
 - (1) Two parking spaces, at least one of which shall be covered, shall be provided on each mobilehome space. Each parking space shall be no less than nine (9) feet wide by nineteen (19) feet long. No parking space may be located within the front yard setback area; tandem parking may be permitted.
 - (2) One guest parking space shall be provided for each four (4) mobilehomes located within the development. Guest parking may be permitted on interior street rights-of-way if the street has been designed to accommodate on-street parking.
- h. Interior streets.
 - (1) Private streets within a mobilehome park shall be a minimum of twenty-four (24) feet wide with no on-street parking, a minimum of thirty-two (32) feet wide if parking is permitted on one side of the street, and a minimum of forty (40) feet wide if parking is permitted on both sides of the street.
 - (2) A roadway divided into separate one way traffic lanes, by a curbed divider, or similar device, shall be no less than fifteen (15) feet in clear width on each side of the divider. Automobile parking shall be prohibited on a divided roadway except where the unobstructed width of the roadway on the side of the divider used for parking is increased by eight (8) feet for each parking lane.

- i. A minimum of ten percent (10) of the net mobilehome park site shall be maintained for permanent open space and recreational facilities. Open space areas shall not include any portion of a mobilehome space or exterior perimeter landscaping. Usable open space may be occupied by recreational facilities such as recreation centers, swimming pools, golf courses, tennis, basketball, volleyball and badminton courts, childrens' play areas, trails, and picnic areas.
- j. All areas within a mobilehome park not used for recreational facilities, streets, driveways, parking structures, building and service areas shall be landscaped, shall be provided with an automated irrigation system, and shall be permanently maintained in a manner approved by the Community Development Director.
- k. A common storage area, equivalent in size to one-hundred (100) square feet for each mobilehome space, shall be provided within the mobilehome park. The purpose of this storage area is to store such items as recreational vehicles, boats, and trailers. The storage area shall be paved and enclosed by a solid wall or durable view-obscuring fence that is at least six (6) feet in height. Recreational vehicles, boats, and trailers shall not be permitted on individual mobilehome spaces, interior streets, or parking spaces designated for automobile parking.
- l. Each mobilehome park shall have a landscaped area, served by an automatic irrigation system, of no less than fifteen (15) feet between the property line and the required perimeter wall if adjoining a public or private street. Where a property line is not adjacent to a public or private street, a perimeter wall shall be provided along said property line.
- m. Except where otherwise required, a perimeter wall shall be no less than six (6) feet in height. Where there is a difference in elevation on opposite sides of a wall, the height shall be measured from the exterior side of said wall. The following design elements shall be incorporated into all perimeter walls.
 - (1) The wall shall consist of concrete, stone, bricks, tile or a similar type of masonry material and shall be a at least four (4) inches thick.
 - (2) Berms, if incorporated into the project, shall be constructed of earthen materials and shall be landscaped and provided with an automatic irrigation system.
- n. Perimeter yard walls and landscaping shall be limited to a height of forty (40) inches within five (5) feet on either side of street openings for non-vehicular traffic and within ten (10) feet on either side of street openings for vehicular traffic.
- o. Adjoining streets shall be improved, as required by the City Engineer, to include all or any of the following: curb, gutters, street paving, sidewalks, and street lighting. This requirement shall include preparation of street improvement plans and any other engineering deemed necessary by the City Engineer.
- p. All utility lines, including water, sewer, electric, gas, telephone, and television distribution systems shall be placed underground.

- q. Trash storage areas shall be provided as follows:
 - (1) Every mobilehome space shall have individual curb site pick-up, or
 - (2) If common trash facilities are used, they shall be contained within an enclosed masonry structure no less than six (6) feet in height.
- r. Adequate lighting shall be provided throughout a mobilehome park to ensure for pedestrian and vehicular safety and to minimize potential security problems.
- s. Each mobilehome space shall be numbered, lettered or identified in such a manner as to be clearly visible from the street. A map and directory of the mobilehome park shall be installed near the primary access drive. Said map and directory shall be equipped with a lighting system adequate for nighttime visibility.

20.10.180 NOISE HAZARDS

- 1. Intent
 - a. Noise hazard provisions are intended to protect public health, safety, and welfare by identifying high noise areas in the City and establishing regulations to mitigate those identified high noise levels.
 - b. The noise hazard provisions shall be applied to those areas where the projected Community Noise Equivalency Level (CNEL) is 65 decibels, 65 dB(A) or greater.
- 2. Development Standards
 - a. When a land use application or development permit is proposed within the 65 dB CNEL noise contour and such a proposed use or noise associated with such a use is adjacent to a residential zone district or residential use, the following standards shall apply:
 - (1) Noise levels shall be identified. An acoustical report shall be performed to identify noise impacts and any recommendation for noise attenuation or other mitigation measures to be incorporated into the Engineering Design Standards or conditions of approval as applicable.
 - (2) Interior noise levels in residences dwelling units and educational institutions shall not exceed 45 dB(A) CNEL emanating from sources outside of the affected building.
 - (3) Exterior noise levels in residential land use areas shall not exceed 65 dB(A) CNEL.
 - (4) Ability to mitigate exterior noises to the levels of 65 dB(A) CNEL shall be considered by the reviewing authority when determining the actual CNEL level with which the land uses must comply.
 - (5) In areas where noise exceeds the noise standard, steps shall be taken to mitigate noise levels. An acoustical report identifying

mitigation measures shall be required and reviewed by Environmental Health Services Department prior to issuance of any required development permits or approval of land use applications.

- b. All other structures shall be sound attenuated against the combined input of all present and projected exterior noise to not exceed the following criteria:
- c. In addition, the average of the maximum levels on the loudest of intrusive sounds occurring during a 24-hour period shall not exceed 65 dB(A) interior.

Typical Uses	12-Hour Equivalent Sound Level (Interior) dB(A) CNEL
Educational Institutions, Libraries, Churches	45 dB(A)
General Office, Reception	50 dB(A)
Retail Stores, Restaurants	55 dB(A)
Other Areas for Manufacturing Assembly, Test, Warehousing	65 dB(A)

20.10.190 **OFF-SITE IMPROVEMENTS**

The City may require, as a condition of approval, the dedication of improvements such as rights-of-way, easements, and the construction of reasonable off-site improvements in conjunction with the parcel(s) being developed or created.

20.10.200 **PARK AND RECREATIONAL FACILITIES**

The City, as established by the Open Space and Conservation Element of the General Plan, and Chapter 16.34, Title 16 of the Municipal Code sets forth the requirements, as a condition of approval for subdivisions and other development projects, the payment of fees and/or dedication of land for the provision of parks and/or recreational facilities.

20.10.210 **PARKING REQUIREMENTS**

Off-street parking facilities shall be provided in accordance with the provisions of Chapter 20.13 of this Title.

20.10.220 **PERMITTED OUTDOOR USES**

1. When identified as a permitted use that is permitted or a use that is permitted subject to approval of a conditional use permit in the zone district in which those uses are to be established, the following uses of property may be established outside of an enclosed building, provided those uses are located entirely on private property. No other outdoor uses shall be allowed unless permitted under the express provisions of Chapter 20.5 (Commercial Districts), Chapter 20.6 (Employment Districts), section

20.10.220 of this Chapter, and Chapter 20.11 (Specific Use Development Standards) of this Title.

a. Commercial Districts

- (1) Patio tables, chairs, umbrellas, and similar outdoor accessories used in connection with a restaurant business that does not impede pedestrian or vehicular circulation.
- (2) Outdoor vending machines or displays, including weighing scales, when accessory to a business conducted within a building.
- (3) Lumber/material yards in conjunction with a principal retail store and contractor supply yards.
- (4) Products generally described as being outdoor materials used for lawn, garden, and patio purposes such as border materials, patio furniture, pottery, barbecues, trellises, and lawn mowers; and for agricultural purposes such as motorized farm equipment and the like, provided such material is accessory to an established retail business and is displayed in an orderly manner where said material is accessible to the general public and is displayed for the purposes of sale. Not more than fifty (50) percent of all private property used for such display shall be utilized.
- (5) Automobile dealership sales, leasing, and rental display and automobile storage lots.
- (6) Dealership sales leasing, and rental display of mobilehomes, farm equipment and recreational vehicles including, but not limited to travel trailers, motorcycles, and boats.
- (7) Outdoor storage of materials and products associated with an established business if said storage of materials and products is completely screened from view from the public right-of-way and from adjacent properties. Said screening shall be subject to approval by the Community Development Director and shall conform to the provisions of section 20.2.80 (Design Review) of this Title.
- (8) Nurseries, garden supply stores, floral stores and sale of timely holiday products such as Christmas trees, pumpkins, and the like.
- (9) Recycling facilities subject to section 20.11.190 (Recycling Facilities) of this Title
- (10) Automotive Washing (self and full service).
- (11) Items listed in an approved conditional use permit that are associated with an existing or proposed building materials store or hardware store.
- (12) Commercial recreational facilities including, but not limited to miniature golf, water slides, and similar uses.

- (13) Other uses determined by the Community Development Director to be similar to and no more objectionable than those uses listed in this subsection 20.10.220.1.a above in accordance with the provision of section 20.1.80 of this Title.
 - b. Employment Districts
 - (1) All uses listed under section 20.10.220.1.a above
 - (2) Contracting storage yards, recreational vehicle storage, vehicle storage, and vehicle wrecking and storage
 - (3) Other uses determined by the Community Development Director to be similar to and no more objectionable than those uses listed in subsection 20.10.220.1.b above in accordance with the provision of section 20.1.80 of this title.
2. Interior spaces, such as an interior courtyard, shall not be considered as outdoor storage provided such space is completely surrounded by a building or structure that screens all materials being placed in such an interior space from adjoining property or from a public or private street.
3. An outdoor use, which is not specifically listed as a permitted outdoor use in section 20.10.220.1 of this Chapter and which became a nonconforming use after the effective date of adoption of Title 20 (Zoning Ordinance), shall be removed or made to conform to the provisions of this Chapter.
 - a. Within thirty (30) days after the effective date of Section 20.10.220.1 and 20.10.220.2 of this Chapter, the Community Development Director shall commence giving written notice to the owners of nonconforming outdoor uses informing them of the nature of the nonconformity, their responsibilities, and the City's intent to enforce this subsection. Following such notice, nonconforming outdoor uses shall be removed or made to conform to the provisions of this subsection within one-hundred eighty (180) days.
 - b. Enforcement of this subsection shall be in accordance with the provisions of section 20.1.40 of this Title and the General Penalty imposed in enforcement of this subsection shall be in accordance with the provision of section 20.1.50 of this Title.

20.10.230 PUBLIC ACCESS TO OPEN SPACE AND RECREATION AREAS

In any subdivision, or other development application, wherein any parcel of land borders a public open space or recreational area, pedestrian access to such areas shall be dedicated or permanently preserved.

20.10.240 RESERVATION OF LANDS FOR PUBLIC FACILITIES

1. The City may require that areas of real property within a subdivision or other residential, commercial, or industrial development be reserved for parks and recreational facilities, fire stations, libraries, or other public uses such as, but not limited to, domestic water and sewage facilities subject to the following conditions.

- a. The proposed use of the land reserved is in accordance with General Plan policies and standards, any adopted specific plans, and all provisions of this Title.
 - b. The reserved area is of such size and shape as to permit the balance of the property, within which the reservation is located, to be developed in an orderly and efficient manner.
 - c. The amount of land reserved will not make development of the remaining land held by the subdivider or developer economically unfeasible.
2. The City shall, at the time of approval of a final map, parcel map, or approval of other residential, commercial, or industrial development, enter into a binding agreement to acquire such reserved area within two (2) years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of filing the tentative map, or other development request, plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider or developer in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area. If the City fails to enter into such a binding agreement, the requirement of reservation shall automatically terminate.

20.10.250 REFLECTIVE MATERIAL

Roofing materials that will be visible to the public from adjacent streets or property shall be of a non-reflective composition.

20.10.260 RELOCATED STRUCTURES

Structures may be relocated from one parcel to another subject to the following requirements:

1. Upon relocation of a structure to a new parcel, the parcel, including the relocated structure, shall comply with all regulations of this Title including all development standards, regulations, and restrictions for the use and the district in which the structure is to be relocated, including but not limited by this reference to building height, setback, parcel coverage, and unit density requirements.
2. The structure proposed to be moved or relocated shall be placed and/or reconstructed in the district within which it is to be located under all existing standards, regulations and restrictions.
3. Construction of residential structures proposed to be moved or replaced shall commence within thirty (30) days, and shall be completed within three hundred sixty-five (365) days, of the date the structure is relocated onto the property.
4. Prior to issuance of a building permit, a "Notice of Intent to Relocate" form, approved by the Building Official, shall be posted on the property proposed to contain the relocated structure for a minimum period of one (1) week.

20.10.270 RIGHT TO FARM PROVISIONS

1. Intent

It is the intent of this section to conserve, protect, and encourage the development, improvement, and continued viability of agricultural land and industries for the long-term production of food and other agricultural products; support the economic well-

being of the City's residents; balance the rights of farmers to produce food and other agricultural products with the rights of non-farmers who own, occupy, or use land within or adjacent to agricultural areas; and reduce the loss to the City of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance.

2. Applicability

All agricultural activities, operations, facilities, or appurtenances thereof shall comply with the provisions of this Chapter and to the applicable provisions of the zone district in which the land use is located.

3. Protection from Nuisance

a. No agricultural activity, operation, facility, or appurtenances thereof shall be, or become a nuisance if the following standards are met:

- (1) The agricultural use is conducted or maintained for commercial purposes; and
- (2) The agricultural use is conducted in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality; and
- (3) The agricultural use has been in operation for more than three (3) years and was not a nuisance at the time it began.

b. This section shall not invalidate any provision contained in the Government Code of the State of California associated with agricultural activities, if such activities, operation, facility, or appurtenances thereof, constitutes a nuisance, public or private, as specifically defined or described in any such provision.

c. This section is not to be construed to modify or abridge State law, as set out in the California Civil Code relative to nuisances, but rather to be utilized in the interpretation and enforcement of the provisions of City ordinances and regulations.

4. Notice to Buyers of Land

The Community Development Director shall cause the following notice to be included on any proposed land division that lies partly or wholly within or within three hundred (300) feet of any land zoned for primarily agricultural purposes:

a. Lot(s) No. _____, as shown on this map, is (are) located partly or wholly within, or within 300 feet of land zoned for primarily agricultural purposes by the City of Delano. It is the declared policy of the City of Delano that no agricultural activity, operation, facility, or appurtenances thereof, conducted or maintained for commercial purposes within the City of Delano and conducted in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three (3) years, if it was not a nuisance at the time it began. The term "agricultural activity, operation, facility, or appurtenances thereof" includes, but is not limited to: the cultivation and tillage of the soil, the production, cultivation, growing, and harvesting of any agricultural

commodity, including apiculture, horticulture, the raising of livestock, fur bearing animals, fish or poultry; and any practices performed by a farmer or on a farm as incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market consistent with the provisions of this Title.

- b. The City Engineer shall cause the notice described in subsection (a) to be included on any final land division proposed for recordation that lies partly or wholly within, or within three hundred (300) feet of any land zoned for agricultural purposes.

20.10.280 SCENIC RESOURCES

1. Intent

The scenic resources regulations are intended to establish development standards which protect, preserve and enhance the aesthetic resources of the City by incorporating design considerations which minimize interference with the preservation of unique natural resources, roadside views and scenic corridors. It is also the intent of the Scenic Resources regulations to implement state and federal programs and regulations regarding scenic highway routes.

2. Location Requirements

The Scenic Resources regulations may be applied to the following areas; areas with unique views of mountain and valley areas or any other aesthetic natural land formations.

3. Development Standards

When a land use is proposed within a scenic area, the following criteria shall be used to evaluate the project compliance with the intent of the district:

a. Building and Structure Placement

The building and structure placement shall be compatible with and shall not detract from the visual setting or obstruct significant views.

b. Setbacks

Intensive land development proposals, including, but not limited to, residential facilities, commercial, and industrial activities shall be designed to blend into the natural landscape and maximize visual attributes of the natural vegetation and terrain. The design of such development proposals shall also provide for maintenance of a natural open space parallel to the right-of-way. This represents the visible land area outside the highway right-of-way, which may be described as the "view from the road."

c. Access Drives

Right-of-way access drives shall be minimized. Developments involving concentrations of commercial activities shall be designed to function as an integral unit with common parking and right-of-way access drives when feasible.

d. Roads, Pedestrian Walkways, Parking and Storage Areas

Large scale development shall restrict the number of access points by providing common access roads. Parking and outside storage areas shall be screened from view, to the maximum extent feasible from adjacent scenic or recreational resources by placement of buildings and structures, or by landscaping and plantings.

e. Above Ground Utilities

Utilities shall be constructed and routed underground except in those situations where natural features prevent the underground routing or where safety considerations necessitate above ground construction and routing. Above ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting of the designated area. Where practical, above ground utilities shall be screened from view from adjacent scenic or recreational resources by placement of buildings and structures.

f. Grading

The alteration of the natural topography of the site shall be minimized and shall, to the extent feasible and practical, avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system.

g. Storage Areas

Outside storage areas associated with commercial or industrial activities shall be completely screened from view from the right-of-way with landscaping and plantings.

20.10.290 SCREENING REQUIREMENTS

1. Screening of Commercial and Industrial Uses

Whenever any building or structure is erected or enlarged on any property, which is zoned for commercial or industrial purposes and abuts a residentially zoned parcel, screening, as required by Chapter 20.10.90 (c) of this Title, shall be erected and maintained along the property line(s) abutting the residential zone(s).

2. Screening of Storage Areas

Where permitted, all outdoor storage of materials, wares, crates, bottles, or similar items necessary to, or part of a permitted land use within an industrial, commercial, or special district shall be screened from view on at least three (3) sides by a solid opaque impact-resistant wall not less than five (5) feet in height, and on the fourth side by a solid opaque impact-resistant gate not less than five (5) feet in height or, alternatively, such other material or design approved by the Community Development Director.

3. Screening of Refuse Storage Areas

Outdoor trash receptacles for multiple family and nonresidential uses shall be of sufficient size to accommodate the trash generated by the uses on the parcel(s) being served. All outdoor storage of trash, garbage, refuse, and other items or material intended for discarding or collection shall be screened from public view on at least three (3) sides by a solid decorative wall not less than five (5) feet in height or,

alternatively, such other material or design approved by the Community Development Director. The fourth side shall contain an opaque gate maintained in working order and shall remain closed except when in use.

20.10.300 SETBACK REQUIREMENTS

Unless otherwise specified in this Chapter; Chapter 20.10 (Development Standards), Chapter 20.11 (Specific Use Development Standards), or Chapter 20.12 (Performance Standards), front, side, and rear setbacks for structures shall be maintained in accordance with the regulations of the district within which the structure is located.

20.10.310 SIGNS

Unless otherwise specified within Chapter 20.12 (Performance Standards), signs shall comply with the provisions of Chapter 20.14 (Sign Requirements).

20.10.320 SOIL REPORTS

1. A preliminary soils report, prepared by a geotechnical engineer registered in the State of California, based upon adequate test borings, shall be required for every subdivision for which a final tract map is required, and may be required by the City Engineer for other development applications.
2. In the event the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, could lead to structural defects, a soils investigation of each lot, parcel, or building site in the subdivision or development may be required. Such soils reports must be performed by a geotechnical engineer, registered in the State of California, who shall recommend a corrective action likely to prevent structural damage to each structure proposed to be constructed in the area where such an identified soils problem exists.
3. The subdivision, or other type of development, or any portion thereof where soil problems exist, may be approved by the City Engineer if it is determined that a recommended action would prevent an occurrence of damage to any structure to be constructed and that the issuance of a building permit be subject to the inclusion of such recommended action(s) for the construction of each structure involved.
4. All soils reports prepared specifically for subdivisions shall be kept on file for public inspection by the City, pursuant to the provisions of Section 66434.5 of the Subdivision Map Act.
5. Final soils reports shall certify that all soils meet engineering requirements prior to issuance of any building permit.

20.10.330 SOLAR ENERGY DESIGN

1. Purpose and Intent

These provisions are intended to incorporate, to the extent feasible, passive heating and cooling opportunities into the design or modifications of residential, commercial, and industrial developments. They are further intended to ensure that solar energy

systems in residential, commercial, and industrial areas do not detract from the appearance of the surrounding neighborhood.

2. Design Requirements

a. Active Solar Design

Notwithstanding any provisions included in this Title related to screening roof-mounted equipment, the following standards shall apply to the design of all solar energy systems:

- (1) To the extent practical roof-mounted solar collectors shall be placed in the location least visible from a public right-of-way without significantly reducing the operating efficiency of the collectors. Wall-mounted and ground-mounted solar collectors shall be screened from public view at street level.
- (2) When feasible, collectors shall be integrated into the design of a building. Structural support for the collectors shall be screened in a manner that is compatible with the design of the building.
- (3) Appurtenant equipment, including plumbing and related fixtures, shall be installed in an attic or basement, where feasible.
- (4) Large accessory fixtures which must be exposed (e.g., storage tanks) shall be screened, where possible, through architectural features that harmonize with other design elements of the structure.
- (5) Storage tanks shall not be located in any required front or side yards except as permitted by section 20.10.30.1.c, and they shall be screened from view from any public right-of-way.
- (6) Exterior collector surfaces shall have a matte finish, and shall be color-coordinated to harmonize with roof materials or other dominant colors of the structure.
- (7) Any pool or spa facilities, other than those intended for a single family detached residence, shall be provided with a solar cover or solar water heating system.

b. Passive Solar Design in accordance with Section 66473.1 of the Subdivision Map Act.

The design of a subdivision for which a tentative map is required pursuant to Section 66426 of the Subdivision Map Act, or other development, shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the development. Examples of passive or natural heating opportunities in subdivision design, or within other development include, but are not limited to:

- (1) Design of lot size and configuration to permit orientation of structures in an east-west alignment for southern exposure.
- (2) Design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.

- c. In providing for future passive or natural heating or cooling opportunities in the design of a subdivision or within other residential, commercial, or industrial development for which a subdivision is not involved, consideration shall be given to local climate, contour, configuration of the parcel to be developed, and to other design and improvement requirements. However, such provisions shall not result in reducing allowable densities or the applicable planning and zoning regulations in force at the time the tentative map or other development is filed.
- d. The requirements of this section do not apply to condominium projects that consist of the subdivision of airspace in an existing building when no new structures are added.

20.10.340 SOLID WASTE REUSE AND RECYCLING REGULATIONS

1. Purpose and Intent

The City must divert fifty percent (50%) of all solid waste by January 1, 2000, through source reduction, recycling, and composting activities, pursuant to Chapter 18, Part 3 of Division 30 of the Public Resources Code (California Solid Waste Reuse and Recycling Access Act of 1991). Diverting fifty percent (50%) of all solid waste requires participation by residential, commercial, industrial, and public sectors.

The lack of adequate areas for collecting and loading recyclable and green waste materials that are compatible with surrounding land uses is a significant impediment to diverting solid waste and constitutes an urgent need for state and local agencies to address access to solid waste for source reduction, recycling, and composting activities. This section has been developed to meet that need.

2. General Requirements

- a. Any new development project (project) for which an application for a building permit is submitted shall include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.
- b. Any improvements for areas of a public facility used for collecting and loading solid waste shall include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.
- c. Any existing development project for which an application for a building permit is submitted for a single alteration which is subsequently performed that adds thirty percent (30%) or more to the existing floor area of the project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.
- d. Any existing project for which an application for a building permit is submitted for multiple alterations which are conducted within a twelve (12) month period which collectively add thirty percent (30%) or more to the existing floor areas of the project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.
- e. Any existing project for which multiple applications for building permits are submitted for multiple alterations which are subsequently performed that collectively add thirty percent (30%) or more to the existing floor area of the

project shall provide adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.

- f. Any existing project occupied by multiple tenants, one of which submits an application for a building permit for a single alteration which is subsequently performed that adds thirty percent (30%) or more to the existing floor area of that portion of the project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials. Such recycling and green waste areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the project that said tenant leases.
- g. Any existing project occupied by multiple tenants, one of which submits an application for a building permit for multiple alterations which are conducted within a twelve (12) month period which collectively add thirty percent (30%) or more to the existing floor area of that portion of the project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials. Such recycling and green waste areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the project that said tenant leases.
- h. Any existing project occupied by multiple tenants, one of which submits multiple applications for building permits for multiple alterations which are subsequently performed that portion of the project which said tenant leases shall provide adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials. Such recycling and green waste areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the project that said tenant leases.
- i. Any costs associated with adding recycling and green waste space to existing projects shall be the responsibility of the party or parties who are responsible for financing the alterations.

3. Guidelines for all Development Projects

- a. Recycling areas should be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation, in accordance with such standards.
- b. The design and construction of recycling and green waste areas shall not prevent security of any recyclable and green waste materials placed therein.
- c. The design, construction, and location of recycling and green waste areas shall not be in conflict with any applicable federal, state, or local laws relating to fire, building, access, transportation, circulation, or safety.
- d. Recycling and green waste areas, or bins and/or containers placed therein, must provide protection against adverse environmental conditions, such as rain, which might render the collected materials unmarketable.
- e. Driveways and/or travel aisles shall, at a minimum, conform to local building code requirements for garbage collection access and clearance. In the absence of such building code requirements, driveways and/or travel aisles should provide unobstructed access for collection vehicles and personnel.

- f. A sign clearly identifying all recycling, green waste, and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the collection areas.
 - g. Developments and transportation corridors adjacent to recycling and green waste areas shall be adequately protected for any adverse impacts such as noise, odor, vectors, or glare through measures including, but not limited to maintaining adequate separation, fencing, and landscaping.
4. Additional Guidelines for Single Tenant Development Projects
- a. Areas for recycling and green waste shall be adequate in capacity, number, and distribution to serve the development project.
 - b. Dimensions of the recycling and green waste area shall accommodate receptacles sufficient to meet the recycling needs of the development project.
 - c. An adequate number of bins or containers to allow for the collection and loading of recyclable and green waste materials generated by the development project should be located within the recycling area.
5. Additional Guidelines for Multiple Tenant Development Projects
- a. Recycling and green waste areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s).
 - b. Dimensions of recycling and green waste areas shall accommodate receptacles sufficient to meet the recycling and green waste needs of that portion of the development project by the tenant who submitted an application or applications resulting in the need to provide recycling and green waste area(s).
 - c. An adequate number of bins or containers to allow for the collection and loading of recyclable and green waste materials generated by that portion of the development project by the tenant(s) who submitted an application or applications resulting in the need to provide recycling and green waste areas should be located within the recycling and green waste area.
6. Location
- a. Recycling and green waste areas shall not be located in any area required to be constructed or maintained as unencumbered, according to any applicable federal, state, or local laws relating to fire, access, building, transportation, circulation, or safety.
 - b. Any and all recycling and green waste areas shall be located so they are at least as convenient to those persons who deposit, collect, and load the recyclable and green waste materials placed therein as the location(s) where the solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable and green waste materials shall be adjacent to the solid waste collection areas.

20.10.350 **STORAGE**

The following outdoor storage regulations shall apply in addition to any other standards and requirements of the various districts established by this Title:

1. No sales, rentals, long-term storage, repair work, dismantling, or servicing of any motor vehicle, trailer, airplane, boat, loose rubbish, garbage, junk, or building materials shall be permitted in any front or street side yard of any property, except where such property is an automobile dealership or an automobile rental lot; in which case long term storage for purpose of sale or rental shall be permitted. Repair or servicing of any motor vehicle may occur provided that the work continues for a period not to exceed seventy-two (72) hours. Long-term storage shall mean storage for a period of seventy-two (72) or more consecutive hours.
2. In any residential district, no portion of any vacant or undeveloped parcel, or a parcel where no main building exists, shall be used for storage of the items listed above.
3. Building materials for use on the same parcel or building site may be stored on the parcel or building site during the time that a valid building permit is in effect for construction on the premises.

20.10.360 **STREET LIGHTING AND TREE PLANTING**

1. Street Lighting
 - a. The provision of street lights shall be required for all tentative tract maps and other residential, commercial, or industrial developments. Street lights shall be placed in accordance with improvement standards approved by City Council.
 - b. At a minimum, a subdivider or developer of a residential, commercial, or industrial development shall construct or enter into an agreement to construct, prior to acceptance and approval of a final map or equivalent approval if a subdivision is not involved, a street lighting system of a utility-owned ornamental system consisting of standard ornamental electroliers customarily furnished by the utility or other design approved by the utility and the City Engineer; or
 - c. The subdivider or developer of a residential, commercial, or industrial development shall be liable for and shall pay charges of such utility attributable to such installation.
 - d. Installation of street lighting shall be underground and shall be in accordance with plans and specifications of or as approved by the serving utility and the City Engineer.
2. Front Yard Tree Planting
 - a. All land divisions governed by this section, Section 20.2.80.6.f of this Title, or by Title 16 of the Municipal Code, shall be required to plant a minimum of one (1) tree per parcel frontage prior to final building inspection based on the following standards:
 - (1) Trees shall be chosen from the approved City of Delano Street Tree List for trees, shrubs, and ground covers. Each choice should reflect consideration of the geographic zone involved.

- (2) Trees shall be located a minimum of ten (10) feet from driveways and from any public sidewalk.
 - (3) For corner lots, street trees shall be required on both street frontages, provided such planting does not interfere with sight distances and setbacks.
 - (4) Exceptions to street tree planting may be permitted by the Community Development Director in cul-de-sacs and on those lots where proper spacing is not possible. Requests for exception shall be made, in writing, to the Community Development Director.
- b. The proposed location of all street trees shall be indicated on the site plans submitted to the Community Development Director for comment and final approval.

20.10.370 TRANSPORTATION CONTROL MEASURES

1. Intent

It is the intent of this Section, along with other provisions of this Title, to implement the transportation control measures called for in both the latest adopted San Joaquin Air Quality Management Plan and the latest adopted Federal Attainment Plan for Carbon Monoxide.

2. On-Site Pedestrian Walkways and Bicycle Pathways

All new non-residential and multi-family developments of ten(10) or more units shall provide on-site walkways and bicycle pathways connecting each building to adjacent public streets.

3. Passenger Loading Facilities

All new non-residential and multiple-family developments of ten (10) or more units with at least one hundred (100) parking spaces shall provide a minimum of one (1) passenger loading area equivalent to five (5) parking spaces in close proximity to the building entrances and located to avoid interference with on-site vehicle circulation.

4. Vanpool Parking Facilities

All new non-residential developments with a minimum of one-hundred (100) spaces shall provide preferential vanpool parking facilities for a minimum of one (1) space which has a minimum vertical clearance of nine (9) feet for each one-hundred (100) parking spaces.

5. Transit Improvements

All new non-residential and multiple-family developments, along existing or planned transit routes, shall provide transit improvements such as bus pullouts, bus pads, and bus shelters if determined necessary in consultation with Delano Area Rapid Transit, or other locally operated transit systems.

6. Reduced Parking Requirements

Provisions shall be made by the City Council for reduction of on-site parking space requirements for all new non-residential developments on a case by case basis when such developments are linked to other actions, which reduce vehicle trips.

7. County Wide Bicycle Plan

The City shall consider participation in implementation of the County Wide Bicycle Plan upon its adoption.

20.10.380 **UNDERGROUND UTILITIES**

1. Requirement for Underground Installation of Utility Lines

All permits dealing with utility lines shall be consistent with all applicable State laws and regulations.

Except as provided in this Title, the following utility lines, existing and proposed shall be installed underground in conjunction with new development projects. Said undergrounding of utility lines shall include, but not be limited to, all new electrical distribution lines, existing electrical distribution lines of 35,000 Volts or less, telephone lines, street light service lines, cable television and similar service wires or cable as which:

- a. provides new service to the property being developed;
- b. are existing and located within the boundaries of the property being developed;
- c. are existing between the property line and the centerline of the peripheral streets of the property being developed; or
- d. are along the project perimeter boundary.

2. Responsibility for Compliance

Arrangements, including payment of all costs, for undergrounding utility lines shall be made by the developer or owner of the property to be developed with the serving utility company(s). Undergrounding of utility lines and structures may be done by the developer, or owner, with permission from the serving utility.

3. Timing of Compliance

Undergrounding shall be completed;

- a. prior to the inspection approval of related street improvements; or
- b. prior to building occupancy if no related street improvements are required.

4. General Exceptions

The following exceptions shall apply:

- a. Temporary overhead utility lines including necessary service poles, wires, and cables may be permitted and installed to the satisfaction of the Building Official for the period during which authorized construction is continuing for

which valid building permits have been issued. All temporary overhead utility lines shall be removed prior to the issuance of the Certificate of Occupancy.

- b. Appurtenances and associated equipment including, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts from an underground system, may be placed above ground and installed to the satisfaction of the City Engineer.
- c. In established residential areas where overhead utility lines presently exist along or near lot lines and where an in-fill single family dwelling unit is being developed on a single lot, or where an in-fill two family or duplex dwelling unit is being developed on a single lot, overhead utility lines may be permitted and installed to the satisfaction of the City Engineer.

5. Exceptions Approved by the City Engineer

The following further exceptions may apply, subject in each case to the specific written approval of the City Engineer, and then only on the basis of a formal request detailing the reasons therefore:

- a. On developments consisting of three (3) lots or less that do not in total exceed one hundred and fifty feet (150') of frontage for residential, commercial, office professional, business park, public/institutional, or industrial development, the City Engineer may waive construction of underground utility lines along the peripheral streets or property lines, however, all on site utility service lines shall be installed underground. In such a situation, the developer or property owner shall deposit the cost, as determined by the City Engineer, for undergrounding utility lines along the peripheral streets or property lines with the City for future undergrounding work to be done by the City.
- b. A new single family residence constructed in rural undeveloped areas where there are no existing utility lines within a quarter (1/4) mile radius. However, in such a situation, the developer or property owner shall deposit the cost as determined by the City Engineer for undergrounding utility lines along the peripheral streets or property lines with the City for future undergrounding work to be done by the City.

6. Non-Conforming Structures

Buildings and structures which, on the effective date of this Title or any subsequent amendments thereto, are nonconforming in regard to above ground on-site utility lines and structures, may continue to be used, altered or enlarged in the same manner, as if such nonconforming utility lines did not exist.

7. Appeals

An appeal, along with the appropriate fee, may be submitted to the City Council for the consideration of waiving all or portions of the requirements of this Section due to topographic conditions, soil or other factors that render undergrounding unreasonable or impractical. All appeals shall be in writing, and shall state the reason why undergrounding is unreasonable or impractical. Appeals shall include a preliminary estimate of cost, in writing, from the serving utility company(s).

20.10.390 WATER EFFICIENT LANDSCAPE REQUIREMENTS

The purpose and objective of this Chapter is to promote the best interest of the City and its citizens, to conserve a precious and limited natural resource, namely water, to comply with the Water Conservation Act of the State of California, and to establish a comprehensive program for the design, construction, installation and maintenance of water efficient landscapes for all future construction projects in the City of Delano. This chapter is intended to promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible; to establish a structure for designing, installing and maintaining water efficient landscapes and new projects in compliance with Government Code Section 65591.5 and any future amendments thereto; and to establish landscape development standards and guidelines and new projects while promoting the installation of water efficient landscapes.

1. Definitions

The following phrases used in this Section 20.10.390 shall have the meanings as set forth below:

- a. "Anti-Drain Valve" or "Check Valve" shall mean a valve located under a sprinkler head to hold water in the system so it minimizes drainage from the lower elevation sprinkler heads.
- b. "Application Rate" shall mean the depth of water applied to a given area, usually measured in inches per hour.
- c. "Automatic Controller" shall mean a mechanical or solid-state timer, capable of operating valve stations to set the days and length of time of a water application.
- d. "Backflow Prevention Device" shall mean a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- e. "Common Open Space" shall mean the open space within a development that is common to more than one structure often under the control of a homeowners association or assessment district. Common Open Space may include recreational facilities and landscaping.
- f. "Ecological Restoration Project" shall mean a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.
- g. "Emitter" shall mean drip irrigation fittings that deliver water slowly from the system to the soil.
- h. "Established Period" shall mean the point at which plants in the landscape have developed roots into the soil adjacent to the root ball.
- i. "Establishment Period" shall mean the first year after installing the plant in the landscape.
- j. "Hydrozone" shall mean a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone.

- k. "Infiltration Rate" shall mean the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).
- l. "Landscaped Area" shall mean the entire parcel less the building footprint, driveways, non-irrigated portions of parking lots, hardscapes - such as decks and patios, and other non-porous areas. Water features are included in the calculation of the landscaped area. Areas dedicated to edible plants, such as orchards or vegetable gardens are not included.
- m. "Lateral Line" shall mean the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
- n. "Main Line" shall mean the pressurized pipeline that delivers water from the water source to the valve or outlet.
- o. "Mulch" shall mean any material such as leaves, bark, straw or other materials left loose and applied to the soil surface for the beneficial purpose of reducing evaporation.
- p. "Operating Pressure" shall mean the pressure at which a system of sprinklers is designed to operate, usually indicated at the base of a sprinkler.
- q. "Overhead Sprinkler Irrigation Systems" shall mean those with high flow rates (pop-ups, impulse sprinklers, rotors, etc.).
- r. "Overspray" shall mean the water that is delivered beyond the landscaped area, wetting pavements, walks, structures or other non-landscaped areas.
- s. "Project" shall mean any multi-family housing, industrial, or commercial development.
- t. "Quick Coupler" shall mean a valve with a spring-loaded seat, which is forced open manually by a quick coupler key.
- u. "Rain Sensing Device" shall mean a system that automatically shuts off the irrigation system when it rains.
- v. "Record Drawing" or "As-Builts" shall mean a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked upon the field and other data furnished by the contractor.
- w. "Recreational Area" shall mean areas of active play or recreation such as sports fields, schoolyards, picnic grounds, or other areas with intense foot traffic.
- x. "Rehabilitated Landscape" shall mean any re-landscaping project that requires a permit.
- y. "Run-Off" shall mean water that is not absorbed by the soil or landscape to which it is applied and flows from the area. For example, run off may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a severe slope.
- z. "Soil Moisture Sensing Device" shall mean a device that measures the amount of water in the soil.

- aa. "Soil Texture" shall mean the classification of soil based on the percentage of sand, silt, and clay in the soil.
 - bb. "Sprinkler Head" shall mean a device which sprays water through a nozzle.
 - cc. "Static Water Pressure" shall mean the pipeline or municipal water supply pressure when water is not flowing.
 - dd. "Station" shall mean an area served by one valve or by a set of valves that operate simultaneously.
 - ee. "Turf" shall mean a surface layer of earth containing mowed grass with its roots. Annual Ryegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore paspalum, St. Augustine grass, Zoysiagrass, and Buffalo grass are warm-season grasses.
 - ff. "Valve" shall mean a device used to control the flow of water in the irrigation system.
2. Applicability of Section 20.10.390
- a. This Chapter shall apply to all the following projects, except as provided in subsection 20.10.20 herein below:
 - (1) All new and rehabilitated landscaping for public agency projects
 - (2) Developer installed landscaping in new multi-family projects
 - (3) All private development projects that require a permit or other entitlement from the City
 - b. Single family dwelling project or development which contains common open space landscaped areas, and then only as to said common open space landscaped areas within such a development.
 - c. This Chapter shall not apply to:
 - (1) Landscaping for single-family dwellings;
 - (2) Cemeteries;
 - (3) Registered historical sites;
 - (4) Ecological restoration projects that do not require a permanent irrigation system;
 - (5) Any project with a landscaped area less than two-thousand five hundred (2,500) square feet;
 - (6) Schools, parks, golf courses,
 - (7) Church yards where turf provides a playing surface or serves other recreational purposes.

3. Landscape Documentation Package

- a. A landscape documentation package conforming to the requirements of this section shall be submitted to the City as part of all applications for projects that are subject to this Section 20.10.390. No permit shall be issued until the appropriate City department has approved the landscape documentation package.
- b. Each landscape documentation package, consisting of three (3) sets, shall include the following elements:
 - (1) A Landscape Design Plan, as defined in Section 120.10.430, certified by a licensed landscape architect, licensed landscape contractor, or other licensed or certified professional in a related field; and
 - (2) An Irrigation Design Plan as defined in Section 20.10.440, certified by a licensed landscape architect, licensed landscape contractor, irrigation consultant, or other licensed or certified professional in a related field.

4. Landscape Design Plan

A Landscape Design Plan shall be submitted as part of the Landscape Documentation Package and drawn on project base sheets at a scale that accurately and clearly identifies:

- a. Design of hydrozones;
- b. Landscape materials, trees, shrubs, groundcover, turf, and other vegetation. Planting symbols shall be clearly drawn and plants labeled by botanical name, common name, container size, spacing and quantities of each group of plants indicated;
- c. Property lines;
- d. Streets, driveways, walkways, and other paved areas;
- e. Pools, ponds, water features, fences and retaining walls;
- f. Existing and proposed buildings and structures including elevations, if applicable;
- g. Natural features including but not limited to rock outcroppings, existing trees, and shrubs that will remain;
- h. Tree planting and staking details;
- i. Location, type, size and conformance of plant materials;
- j. Soil mix;
- k. Location and names of existing and proposed streets;
- l. Area lighting;
- m. Grade elevations;

- n. Other improvements related to site work to be covered by the landscaping contract;
 - o. A calculation of the total landscaped area including percentage of turfed areas proposed; and
 - p. Designation of recreation areas.
5. Irrigation Design Plan

An Irrigation Design Plan meeting the following conditions shall be submitted as part of the Landscape Documentation Package.

- a. Runoff and Overspray. Soil types and infiltration rate shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates therefore minimizing runoff.
 - (1) Special attention shall be given to avoid runoff on slopes to avoid overspray in planting areas with a width less than ten feet, and in median strips.
 - (2) No overhead sprinkler irrigation systems shall be installed in median strips less than ten feet wide.
 - (3) The use of low gallonage sprinkler heads when mounding is incorporated into the landscape.
- b. Each irrigation plan shall be drawn on project base sheets. It will be separate from, but the same format as, the Landscape Design Plan and the plan shall show location, type and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain sensing device, quick couplers, and backflow prevention devices.
- c. Equipment
 - (1) Water meters. All new water services installed shall be metered. Additional water services requested by the property owner for landscaping purposes shall be metered.
 - (2) Controllers. Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design.
 - (3) Valves. Separate valves shall irrigate plants, which require different amounts of water. If one valve is used for a given area, only plants with similar water use shall be used in that area. Anti-drain (check) valves shall be installed in strategic points to minimize or prevent low-head drainage.
 - (4) Sprinkler heads. Heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating

- (5) pressure, adjustment capability, and ease of maintenance. Service Protection. An approved backflow prevention device shall be required immediately downstream from city service connection in accordance with Title 17 of the Public Health, Department of Health Services.
- (6) Rain Sensing Override Devices. Rain sensing override devices shall be required on all irrigation systems.
- (7) Soil Moisture Sensing Devices. It is recommended that soil moisture sensing devices be considered where appropriate.

6. Certification

Upon completion of the installation of the landscaping and irrigation system, and prior to the issuance of a certificate of occupancy, a field observation shall be completed by the project licensed landscape architect, licensed landscape contractor, or other licensed or certified professional in a related field. A Certificate of Substantial Completion shall be submitted to the Community Services Department by the licensed landscape architect, licensed landscape contractor, or other licensed or certified professional in a related field. The certificate shall specifically indicate that the plants were installed as specified, that the irrigation system was installed as designed, along with a list of any deficiencies.

Certification shall be accomplished by completing a Certificate of Substantial Completion, in the form as follows:

CERTIFICATE OF SUBSTANTIAL COMPLETION PROJECT SITE:

PROJECT NUMBER:
PROJECT LOCATION:

POST-INSTALLATION INSPECTION: (Check indicating substantial completion)

- A. Plants installed as specified
- B. Irrigation system installed as designed
- C. Project submittal package and a copy of certification has been provided to owner/manager and City of Delano

COMMENTS:

I/We certify that work has been installed in accordance with the contract documents.

Licensed Landscape Contractor/Installer /Signature/Date /State License Number

I/We certify that work has been installed in accordance with the contract documents.

Landscape Architect/Designed/Signature/Date/State License Number

I/We certify that I/we have received all of the contract documents and that it is our responsibility to see that the project is maintained in accordance with the contract documents.

Owner Signature Date

Note: Authority cited Section 65594, Government Code. Reference: Section 65597, Government Code.

Return to

Community Services Department 925 Ellington Street Delano, Ca. 93215; Phones (661) 721-3335 Fax: (661) 720-9760

7. Landscape Development Standards

The following landscape development standards are hereby imposed on all projects subject to this Section 20.10.390:

a. General Standards

- (1) All exterior areas not set aside for parking, storage, driveways, and walkways or loading areas shall be landscaped. A minimum of five percent (5%) of the gross lot area shall be so utilized,
- (2) Landscaping shall be used to screen storage areas, trash enclosure, parking areas, public utilities and other similar land uses or elements which do not contribute to the enhancement of the surrounding area. Landscape screening shall be of a height and density so that it provides the desired effect within three (3) years growing time,
- (3) At least ninety percent (90%) of the plants selected in non-turf areas shall be well suited to the climate of the region and require minimal water once established. Up to ten percent (10%) of the plants may be of a non-drought tolerant variety, but shall be grouped together and irrigated separately. A plant list is available from the City's Community Services Department,
- (4) All landscaping plans shall be reviewed by the Community Services Department as to type, density of planting and size of plants intended for use; and
- (5) All landscaping on public property and parks shall conform to standards adopted by the City Council on the recommendation of the Community Services Director.

b. Trees

- (1) Planters with street frontage shall have a general minimum standard of one (1) fifteen (15) gallon tree for each twenty (20) feet of frontage; and
- (2) Trees planted in parking lots shall be of a type that will form a full head on a single trunk.

c. Shrubs

- (1) At least twenty-five percent (25%) of shrubs planted shall be of five (5) gallon minimum size; and
- (2) Shrubs within a required setback shall be spaced in such a way as to achieve a minimum of five (5) plants per one-hundred (100) square feet.

d. Mounding

- (1) Turf on mounds requires slope rates no steeper than 1:8. Mounds with groundcovers require slope rates no steeper than 1:5. Steeper slopes may be allowed for shrub applications if irrigated by drip system; and

- (2) Mounds shall be compacted prior to planting to prevent excessive settlement. To reduce runoff, till in three (3) inches of forest humus into the top six (6) inches of soil on the entire surface of mound; and
 - (3) Plastic lining material is not permitted under woodchips on mounds, or slopes in general.
- e. Ground Cover
- (1) To achieve desired coverage, low-growing, lawn substitute ground cover plants taken from flats shall be planted a maximum of twelve inches (12") on center. This type of groundcover shall be limited to 25% of the total living ground cover area, or except as approved by the Community Services Director.
 - (2) Low-growing, lawn substitute, shrub type ground covers in one (1) gallon cans shall be planted a maximum of two (2) feet on center. Spacing may be increased to three (3) feet on center for fast growing plants as approved by the Parks and Community Services Department.
- f. Turf
- (1) Turf shall be limited to fifty percent (50%) of the total landscaped area.
 - (2) No turf will be allowed in the following applications:
 - (a) Parkways or planting areas less than four (4) feet in width;
 - (b) Storm drainage ponds with slopes steeper than 1:6;
 - (c) On mounds or slopes steeper than 1:8.
 - (3) Exceptions to turf in parkways or planting areas may be granted in cases where pedestrian access is necessary
- g. Irrigation
- (1) Water efficient systems (drip, mini-spray, bubbler type) shall be used whenever feasible.
 - (2) All irrigation systems shall be equipped with an automatic controller capable of dual or multiple programming. Controllers must have multiple cycle capabilities and a flexible calendar program.
 - (3) Separate valves shall be installed based on water use of planting and exposure on irrigation systems with seven (7) or more valves. Separate valves on all irrigation systems regardless of size shall irrigate turf areas and non-turf areas.
 - (4) Sprinkler heads must have matched precipitation rates within each control valve.
 - (5) Sprinkler head coverage shall be designed for head-to-head coverage and placed at a maximum of fifty percent (50%) of the diameter of throw for square spacing and sixty percent (60%) for triangular

spacing.

- (6) Overhead sprays shall not throw water onto hardscape or other non-planted or bare ground areas, including sidewalks between landscaped areas.
- (7) Pop-up sprinklers in turf areas must have at least a four (4) inch pop-up height and must clear all plant material and obstacles in its throw zone.
- (8) Serviceable check valves or separate valves according to water zones are required where elevation differential may cause low head drainage.
- (9) Drip or bubbler irrigation systems are required on all trees and shrubs regardless if planted alone, in groundcover or turf areas.
- (10) Automatic rain shut-off devices shall be required on all irrigation systems with seven (7) or more valves.

8. Maintenance of Landscaping

All landscaping and structural features that are required pursuant to this Chapter shall be maintained in a healthy and attractive condition. Maintenance shall include but is not limited to watering, fertilizing, weeding, cleaning, pruning, trimming, spraying and cultivating. For purposes of enforcement, the owner and the occupant of the property shall be responsible for such maintenance. In the case of a vacant building, the owner shall be responsible for such maintenance.

9. Landscaping of Model Homes

Notwithstanding the provisions of Section 20.10.410, and as to this section only, any new single family project or development:

- a. Consisting of eight (8) or more lots;
- b. In which one (1) or more model homes are built; and
- c. Which landscapes said model home(s), shall provide the following:
 - (1) At least one such landscaped model home shall comply with the requirements of this Chapter; and
 - (2) A four (4) square foot sign shall be placed in the front yard of each said model home that contains such water efficient landscaping, such that it is clearly visible to pedestrian and vehicular traffic. Said sign shall state that the model features a water saving landscape and irrigation system; and
 - (3) Within said model, there shall be located a drawing, or combination of drawings, providing a schematic and description of the landscaping and irrigation system, including a key identifying the common names of all plantings which are part of said landscaping.

10. Appeals

Any party disagreeing with any decision of a City department pursuant to the provisions of this Chapter may appeal such decision in writing within ten (10) days of

such action to the City Council. Thereafter within thirty (30) days, the City Council shall hold a public hearing and rule on said appeal. The decision of the City Council shall be final.

11. Enforcement & Penalties

- a. No certificate of occupancy shall be issued for any project for which landscaping is required pursuant to this Chapter, until all landscaping and improvements shown on the approved plans have been completed. The Planning and Building Department may issue a temporary certificate of occupancy, where completion of the landscaping work is delayed because of adverse weather. An extension may be granted upon execution of an agreement with the City and providing a cash deposit or letter of credit in an amount equal to the cost of completing the work. If modification or changes to submitted landscape plans have been previously approved, as-build plans shall be submitted prior to occupancy.
- b. Any violation of the provisions of this Chapter shall be subject to the provisions of Sections 20.1.40 and 20.1.50 of this Title.