

## **§ 25.10.050 Development Standards.**

The development standards on Table 25.10-3 (Residential Zoning District Development Standards) are applicable to the residential zoning districts. These standards, along with other development standards (e.g., landscaping requirements, signs, and parking standards) in this title, are intended to assist property owners and project designers in understanding the City's minimum requirements and expectations for high-quality development.

**A. Hillside planned residential development standards.** The following standards must be met prior to the approval of a hillside development plan as described in Section 25.78.020:

1. Density. Each lot shall be limited to a maximum of 1 unit per 5 acres. All lots will be entitled to at least 1 unit.

2. Hillside Objective Design Standards. Hillside development plans shall be consistent with the standards and process identified in the City's adopted Hillside Residential Design Standards document.

~~Grading. Location of building pads and access roads shall be evaluated, approved, or adjusted based on consistency with the following:~~

~~a. Preserved natural contours of the land to avoid extensive cut and fill slopes to reduce the need for a staircase effect within developments.~~

~~b. Architecture and landscape design which blends with the natural terrain to the greatest practical extent.~~

~~c. Retention and protection of undisturbed viewsheds, natural landmarks, and features including vistas and the natural skyline as integral elements.~~

~~d. Building Pad Area. The maximum area permanently disturbed by grading shall not exceed 10,000 square feet.~~

~~e. Access Road or Driveway. Maximum permanent grading disturbance of natural terrain for development of access to the approved building pad shall be 3,000 square feet. Roads shall be located and designed to blend with the natural terrain to the greatest practical extent consistent with the grading provisions listed in this subsection (A)(2).~~

~~f. Renaturalization. All cuts, fills, or other areas temporarily disturbed by grading shall be renaturalized, colored, and landscaped to blend with the adjacent undisturbed natural terrain to the satisfaction of the city council.~~

~~g. Maximum Dwelling Unit Size. Total dwelling unit, garage and accessory building size on any 1 lot shall not exceed 4,000 square feet.~~

**3. Exception.** The standards of subsections (A)(1) through (A)(3) of this section shall be required unless modified by one of the following:

a. Precise Plan. ~~Upon recommendation of the Architectural Review Commission, The Planning Commission and Council may approve a precise plan of design through public hearing process that modifies up to a maximum of three (3) standards from the Hillside Residential Design Standards. the standards in subsections (A)(1) through (A)(3).~~ Said precise plan shall take into consideration any and all circumstances, including, but not limited to, viewshed, topography, color, texture, and profile of any structure that the Commission or Council may determine to be in conformity with the purposes set forth in this section.

b. Previously Approved Existing Building Pads. If a property owner can demonstrate that a previous building pad was approved by the City or County before incorporation, a home and accessory structure(s) may be built on a previously approved building pad without a public hearing. The building size shall be limited to 35 percent of the lot, which may be increased up to 50 percent with ARC approval. Enlarging a previously approved existing building pad shall require a new public hearing subject to the provisions of this chapter.

4. Previously approved existing building pads shall be subject to the standard coverage limitations of 35 percent, which may be increased up to 50 percent with ARC approval. Any change to an existing approved building pad shall require a new public hearing subject to the provisions of this chapter.

5. Development on or across ridges is prohibited.

6. Building pads and architecture shall be designed to eliminate or minimize any visual impact on the City to the maximum extent feasible.

~~7. All common open space shall be preserved for that purpose as shown in the development plan. The developer shall choose one or a combination of the following 3 methods of administering common open space:~~

~~a. Dedication of common open space to the City, which is subject to formal acceptance.~~

~~b. Establishment of an association or nonprofit corporation of all property owners or corporations within the project area to ensure perpetual maintenance of all common open space.~~

~~c. Retention of ownership, control, and maintenance of all common open space by the developer; all privately owned common open space shall continue as such and shall only be used in accordance with the development plan; appropriate land use restrictions shall be contained in all deeds to ensure that the common open space is permanently preserved according to the development plan; said deed restrictions shall run with the land and be for the~~

~~benefit of present as well as future property owners, and shall contain a prohibition against partition of common open space.~~

~~8. Design Criteria. The following design criteria are established:~~

~~a. The overall plan shall achieve an integrated land and building relationship.~~

~~b. Open spaces, pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities shall be an integral part of the landscape and particular attention shall be given to the retention of natural landscape features of the site.~~

~~c. The layout of structures and other facilities shall affect a conservation in street and utility improvements.~~

~~d. Recreational areas, active and passive, shall be generally dispersed throughout the development and shall be easily accessible from all dwelling units.~~

~~e. Architectural unity and harmony within the development and with the surrounding properties shall be attained.~~

#### **§ 25.72.080 Hillside Development Plan, Commission Role.**

**A. Purpose and applicability.** The purpose of a hillside development plan is to provide for the review of projects within the hillside planned residential district to ensure that the design of projects is consistent with the hillside conditions on each development site. ~~A Precise Plan may be used as a Hillside Development Plan.~~ Within the hillside planned residential district, no building permit shall be issued for any new building or structure unless a hillside development plan has been approved by the Council according to Section 25.78.020 (Hillside Development Plan).

#### **B. Procedure and required Planning Commission action.**

1. Hillside development plan shall be reviewed and processed according to Section 25.78.020 (Hillside Development Plan) ~~and the City's adopted Hillside Residential Design Standards. Final approval by the Council is required, but the Commission may deny a hillside development plan.~~

2. ~~If the Hillside Development Plan is consistent with the Hillside Residential Design Standards, the Planning Commission shall be the final and only approval authority, without Architectural Review Commission recommendation required. Decision of the Planning Commission to approve or deny the development plan shall be final unless appealed to the Council. The Planning Commission shall hold a public hearing and approve if the following findings are met:~~

i. That the proposed Hillside Development Plan is consistent with the City's Hillside Residential Design Standards and all other applicable sections of the Palm Desert Municipal Code, including Section 25.78.020

ii. That the proposed location of Hillside Development Plan under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity.

iii. That the proposed Hillside Development Plan will comply with each of the applicable provisions of this title, except for approved variances or adjustments.

iv. That the proposed Hillside Development Plan complies with the goals, objectives, and policies of the City's General Plan.

~~Prior to Commission action, the ARC shall hold a public hearing on such application and consider a recommendation to the Commission.~~

3. A Hillside Development Plan may propose to modify a maximum of three (3) standards from the Hillside Residential Design Standards. If a modification is proposed, the Hillside Development Plan shall be recommended for approval by the Architectural Review Commission. If the Architectural review Commission approves, the Planning Commission shall hold a public hearing to recommend the City Council approve or deny the proposed Hillside Development Plan. Recommendation shall be based upon the findings identified in Section 25.72.080(B).

4. Notice. All public hearings for Hillside Development Plans shall require notice of a public hearing not less than 10 days or more than 30 days prior to the date of the hearing by publication in the newspaper of general circulation in the City and mailing notices via United States Postal Service to parties whose name appear on the latest adopted tax rolls of Riverside County as owning property within 4,000 feet of the exterior boundaries of the property that is the subject of the hearing, and by notification to all homeowners associations within the City south of Highway 111.

~~The Commission shall hold a public hearing and either:~~

~~i. Recommend to the Council that the development plan is approved if it finds the criteria set forth in Section 25.78.020 (Hillside Development Plan) have been satisfied subject to such conditions as it deems necessary.~~

~~ii. Deny the application if it finds the criteria are not being satisfied or that such application would be detrimental to the public peace, health, safety, or welfare.~~

~~4. Decision of the Commission to deny the development plan shall be final unless appealed to the Council.~~

## **§ 25.78.020 Hillside Development Plan.**

A. Purpose and applicability. The purpose of a hillside development plan is to provide for the review of projects within the hillside planned residential district to ensure that the design of projects is consistent with the hillside conditions on each development site. Within the hillside planned residential district, no building permit shall be issued for any new building or structure unless a hillside development plan covering the area has been approved. **Hillside Development Plans require City Council approval if they are proposing to modify up to three (3) standards from the Hillside Residential Design Standards.**

B. Hillside development plans. In addition to application forms and materials required by the Director, the following additional application information is required within the hillside planned residential district.

### **C. Procedure for hillside development plan application.**

1. Application. The owner, authorized agent, or the purchaser with the consent of the owner may submit an application for development plan approval to the Department.

2. **Notice. All public hearings for Hillside Development Plans shall require notice of a public hearing not less than 10 days or more than 30 days prior to the date of the hearing by publication in the newspaper of general circulation in the City and mailing notices via United States Postal Service to parties whose name appear on the latest adopted tax rolls of Riverside County as owning property within 4,000 feet of the exterior boundaries of the property that is the subject of the hearing, and by notification to all homeowners associations within the City south of Highway 111.**

~~Notice. All development of parcels within the Hillside Planned Residential Zoning District that do not meet the exception's requirement as described in Section 25.10.050 shall require notice of a public hearing not less than 10 days or more than 30 days prior to the date of the hearing by publication in the newspaper of general circulation in the City and mailing notices via United States Postal Service to parties whose name appear on the latest adopted tax rolls of Riverside County as owning property within 4,000 feet of the exterior boundaries of the property that is the subject of the hearing, and by notification to all homeowners associations within the City south of Highway 111.~~

3. **If a Hillside Development Plan requires City Council approval per the process outlined in the Hillside Residential Design Standards and 25.72.080, The Planning Commission shall hold a public hearing and make a recommendation to Council to approve the development plan if it finds the criteria set forth in this chapter have been satisfied subject to such conditions as it deems necessary. The Council shall then hold a public hearing and approve if the following findings are met:**

i. That the proposed Hillside Development Plan is consistent with the City's Hillside Residential Design Standards and all other applicable sections of the Palm Desert Municipal Code, including Section 25.78.020

ii. That the proposed location of Hillside Development Plan under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity.

iii. That the proposed Hillside Development Plan will comply with each of the applicable provisions of this title, except for approved variances or adjustments.

iv. That the proposed Hillside Development Plan complies with the goals, objectives, and policies of the City's General Plan.

~~The Commission may deny the application if it finds the criteria are not being satisfied or that such application would be detrimental to the public peace, health, safety, or welfare. The decision of the Commission to deny the development plan shall be final unless appealed to the Council.~~

**D. Public hearing and appeal.** Public hearing and appeal procedure shall be governed by Chapter 25.60 (Procedures).