

### **§ 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.

**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. 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.

**§ 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.

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.

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.

#### **§ 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.

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.

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