

ORDINANCE NUMBER 1369

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING ORDINANCE AMENDMENT 18-05114, TO AMEND ZONING CODE CHAPTERS 19.61 “CONDITIONAL USE PERMITS” AND CHAPTER 19.54 “AUTHORITY AND REVIEW PROCEDURES” AND FIND THE PROJECT EXEMPT FROM CEQA PURSUANT TO ARTICLE 19, SECTION 15305, MINOR ALTERATIONS IN LAND USE LIMITATIONS, AND MAKE FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Perris recognizes the need to amend Zoning Code Chapters 19.61 “Conditional Use Permits” and Chapter 19.54 “Authority and Review Procedures” to insure clarity and consistency related to Conditional Use Permit review and approval authority in the City of Perris; and

WHEREAS, Ordinance Amendment 18-05114 clarifies that the Planning Commission shall initiate proceedings for consideration of a Conditional Use Permit and that the Planning Commission shall have review and approval authority in the City of Perris; and

WHEREAS, on June 6, 2018, the Planning Commission conducted a regularly scheduled and legally noticed public hearing for Ordinance Amendment 18-05114, and recommended approval of the project after considering public testimony and accompanying documents; and

WHEREAS, on July 31, 2018, the City Council conducted a duly, noticed public hearing on the proposed amendments, considered testimony and materials in the findings, accompanying documents and exhibits; and

WHEREAS, all legal prerequisites for the adoption of this Ordinance have occurred.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris as follows:

Section 1. The above recitals are all true and correct.

Section 2. The City Council hereby determines that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines pursuant to Article 19, Section 15305, pertaining to Minor Alterations in Land Use Limitations. Accordingly, the City Council adopts a Categorical Exemption in accordance with the provisions of the California Environmental Quality Act.

Section 3. Based on the information contained within the supporting exhibits, with respect to Ordinance Amendment 18-05114, the City Council finds that:

Ordinance Amendment 18-05114

- A. The proposed Ordinance Amendment will not result in a significant adverse effect on the environment.
- B. The proposed Ordinance Amendment will not conflict with the goals, policies, and implementation measures set forth in the General Plan and Zoning Ordinance.
- C. The proposed Ordinance Amendment will not have a negative effect on public health, safety, or the general welfare of the community.

Section 4. That for the forgoing reasons the City Council approves, Ordinance Amendment 18-05114 to amend zoning code chapters 19.61, Conditional use Permit and Chapter & 19.54, Authority and Review Procedures, based on the findings presented herein.

Section 5. The City Council declares that should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Ordinance shall remain in full force and effect.

Section 6. The Mayor shall sign and the Secretary shall certify to the passage and adoption of this ordinance.

ADOPTED, SIGNED, and APPROVED this 28th day of August 2018.

Mayor, Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, **Nancy Salazar**, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1369 was duly and regularly introduced by the City Council of the City of Perris at a regular meeting held the 31st day of July 2018, and duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 28th day of August, 2018 by the following called vote:

AYES: BURKE, CORONA, RABB, ROGERS, VARGAS

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

Nancy Salazar, City Clerk

Attachments: Redlined PMC sections 19.54 and 19.61

CHAPTER 19.54

AUTHORITY AND REVIEW PROCEDURES

Sections:

- 19.54.010 PURPOSE
- 19.54.020 AUTHORITY
- 19.54.030 REVIEW AUTHORITY AND PROCESSING PROCEDURES
- 19.54.040 FINDINGS OF APPROVAL FOR DISCRETIONARY APPLICATIONS
- 19.54.050 FINDINGS OF APPROVAL FOR NON-DISCRETIONARY APPLICATIONS
- 19.54.060

19.54.010 PURPOSE

The purpose of this Chapter is to establish the authority to adopt and procedures to evaluate the following applications and actions:

- Zone Changes
- Zoning Ordinance Amendments
- Specific Plans
- Conditional Use Permits
- Variances
- Administrative Permits
- Permitted Uses
- Temporary Outdoor Uses
- Modifications to Specific Plans, Conditional Use Permits, and Variances
- Administrative Determination
- Minor Adjustments
- Development Plan Review
- Letters of Public Convenience or Necessity (Ord. 1103, 6/02)

19.54.20 AUTHORITY

The authority for each type of application identified in Section 19.54.010 PURPOSE, is as follows:

A. *Zone Changes and Zoning Ordinance Amendments*

The California Government Code allows jurisdictions to adopt and amend criteria which regulate the use of property located within specified districts or categories. Such changes or amendments shall be undertaken consistent with State law and local procedures. The Planning Commission is authorized to review and recommend either approval or denial to the City Council. The City Council is authorized to approve or disapprove any proposed requests.

B. *Specific Plans*

The *California Government Code* allows local jurisdictions to adopt and amend Specific Plans to implement a City's General Plan, provided it is prepared pursuant to Section 65450 of the *California Government Code*. Specific Plans may be prepared for single or multiple uses including but not limited to residential, commercial, industrial, or recreational activities. Such changes or amendments shall be undertaken consistent with State law and local procedures. The Planning Commission is authorized to review and recommend either approval or denial to the City Council. The City Council is authorized to approve or disapprove any requests.

C. *Conditional Use Permits*

The *California Government Code* allows for the adoption of regulations which require a use permit be obtained for the operation of specified uses. Use permits may require compliance with certain conditions of approval prior to the issuance of a permit to operate or building permit. The Planning Commission is authorized to approve and deny any requests.

D. *Variances*

The California Government Code allows for the adoption of regulations which permit the Planning Commission to grant a variance from the required development standards contained in a Zoning Ordinance when practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Title result through the strict and literal interpretation and enforcement of the provisions of this Title. The Planning Commission is authorized to approve or deny any requests.

E. *Administrative Permits*

The California Government Code allows jurisdictions to require a non discretionary permit for the establishment of a large family day care home on lots zoned for single-family dwellings. The purpose of the permit can be granted by the designated City official provided the proposed use complies with all adopted local ordinances. The Director of Planning and Community Development is authorized to approve any requests consistent with existing City ordinances and policies.

F. *Permitted Uses*

The California Government Code allows for the regulation of land uses and buildings. The land uses identified as Permitted Uses are allowed by right, subject only to their compliance with existing City regulations. The

Director of Planning and Community Development is authorized to approve or deny any projects consistent with existing City ordinances and policies.

G. *Temporary Outdoor Uses*

The California Government Code allows for the regulation of land uses and buildings. Temporary outdoor uses are allowed subject to their appropriateness, the availability of land, and their compliance with existing City regulations. The Director of Planning and Community Development is authorized to approve, conditionally approve, or deny any requests.

H. *Administrative Determinations*

When a use is not listed specifically as either a permitted use or conditionally permitted use under a particular Zoning district or category, the Director of Planning and Community Development shall have the authority to determine whether the use is sufficiently similar to other uses in the particular zone to justify a finding that it should be deemed either a permitted use or conditionally permitted use. The Director of Planning and Community Development is authorized to approve or disapprove any requests consistent with the provisions of this Chapter.

I. *Minor Adjustments*

When the strict application of the provisions of this Title would be impractical or result in a hardship, a minor adjustment may be authorized by the Director of Planning and Community Development subject to the limitations listed below. Should a request for a minor adjustment be beyond the limitations listed below or considered either too controversial or significant to surrounding property owners or residents, the Director may, at his/her discretion, require the formal filing of a variance request. The Director of Planning and Community Development is authorized to approve or deny the following minor adjustments to the standards contained in the Development Code:

1. Setbacks/Landscaping: Reduce required setback or landscape areas up to 25 percent.
2. Parking: Reduce required parking up to 25 percent.
3. Height/Coverage: Increase the allowable structure height or lot coverage up to 25 percent.
4. Walls/Fences: Increase the height of walls or fences up to 25 percent.
5. Freestanding Signs: Increase the height of freestanding

signs up to 25 percent.

J. *Development Plan Review*

The *California Government Code* allows for adoption of regulations for the review of Development Projects. Development Plans may require compliance with certain conditions of approval prior to issuance of a permit to operate or a building permit. The Director of Planning and Community Development, the Planning Commission, or City Council, as specified in Section 19.54.030, is authorized to approve, conditionally approve, or deny any requests.

K. *Letter of Public Convenience or Necessity*

The *California Business and Professions Code* provides for City review of alcoholic beverage control licenses where there is an “undue concentration” and a determination that the public convenience or necessity would be served by the issuance of a license. The Planning Commission is authorized to approve or deny any requests for determination of public convenience or necessity.

(Ord. 1103, 6/02)

19.54.30 REVIEW AUTHORITY AND PROCESSING PROCEDURES

A. *Processing Review and Authority*

1. Review and Approval Authority

All actions covered by this Chapter shall be processed in the manner prescribed below. The following matrix outlines the actions, review authority, and approval authority for each type of application:

TYPE OF ACTION	TYPE OF APPLICATION	REVIEW AUTHORITY	APPROVAL AUTHORITY
Discretionary	<ul style="list-style-type: none"> • Administrative Determinations 	<ul style="list-style-type: none"> • Staff 	<ul style="list-style-type: none"> • Director of Planning & Community Development
	<ul style="list-style-type: none"> • Administrative Development Plan Review (More than 4 Single-Family, less than 4 Multi-Family, New Non-Residential less than 2,500 square feet, and conversion of residential structure to non-residential use) 	<ul style="list-style-type: none"> • Staff • Responsible Agencies 	<ul style="list-style-type: none"> • Director of Planning & Community Development
	<ul style="list-style-type: none"> • Agricultural Preserve Applications 	<ul style="list-style-type: none"> • Staff • Responsible Agencies • Planning Commission 	<ul style="list-style-type: none"> • City Council
	<ul style="list-style-type: none"> • Annexations 	<ul style="list-style-type: none"> • Staff • Responsible Agencies • Planning Commission 	<ul style="list-style-type: none"> • City Council
	<ul style="list-style-type: none"> • Conditional Use Permits 	<ul style="list-style-type: none"> • Staff • Responsible Agencies 	<ul style="list-style-type: none"> • Planning Commission
	<ul style="list-style-type: none"> • Development Agreement 	<ul style="list-style-type: none"> • Staff • Responsible Agencies • Planning Commission 	<ul style="list-style-type: none"> • City Council
	<ul style="list-style-type: none"> • Development Plan Review- 	<ul style="list-style-type: none"> • Staff • Responsible Agencies 	<ul style="list-style-type: none"> • Planning Commission

	TYPE OF APPLICATION	REVIEW AUTHORITY	APPROVAL AUTHORITY
	<ul style="list-style-type: none"> • General Plan Amendments 	<ul style="list-style-type: none"> • Staff • Responsible Agencies • Planning Commission 	<ul style="list-style-type: none"> • City Council
	<ul style="list-style-type: none"> • Major Modifications 	<ul style="list-style-type: none"> • Same Authorities as for new application 	<ul style="list-style-type: none"> • Same Authority as for new application
	<ul style="list-style-type: none"> • Minor Modifications 	<ul style="list-style-type: none"> • Staff • Responsible Agencies 	<ul style="list-style-type: none"> • Director of Planning & Community Development
	<ul style="list-style-type: none"> • Minor Adjustments 	<ul style="list-style-type: none"> • Staff • Responsible Agencies 	<ul style="list-style-type: none"> • Director of Planning & Community Development
	<ul style="list-style-type: none"> • Minor Development Plan Review 	<ul style="list-style-type: none"> • Staff • Responsible Agencies 	<ul style="list-style-type: none"> • Director of Planning & Community Development
	<ul style="list-style-type: none"> • Reversions to Acreage 	<ul style="list-style-type: none"> • Staff • Responsible Agencies 	<ul style="list-style-type: none"> • City Council
	<ul style="list-style-type: none"> • Surface Mining Permits 	<ul style="list-style-type: none"> • Staff • Responsible Agencies • Planning Commission 	<ul style="list-style-type: none"> • City Council
	<ul style="list-style-type: none"> • Sign Programs 	<ul style="list-style-type: none"> • Staff • Responsible Agencies 	<ul style="list-style-type: none"> • Director of Planning & Community Development
	<ul style="list-style-type: none"> • Specific Plans 	<ul style="list-style-type: none"> • Staff • Responsible Agencies • Planning Commission 	<ul style="list-style-type: none"> • City Council

	TYPE OF APPLICATION	REVIEW AUTHORITY	APPROVAL AUTHORITY
	<ul style="list-style-type: none"> • Street Naming 	<ul style="list-style-type: none"> • Staff • Responsible Agencies 	<ul style="list-style-type: none"> • Planning Commission
	<ul style="list-style-type: none"> • Temporary Use Permits 	<ul style="list-style-type: none"> • Staff • Responsible Agencies 	<ul style="list-style-type: none"> • Director of Planning & Community Development
	<ul style="list-style-type: none"> • Tentative Parcel Maps 	<ul style="list-style-type: none"> • Staff • Responsible Agencies 	<ul style="list-style-type: none"> • Planning Commission
	<ul style="list-style-type: none"> • Variances 	<ul style="list-style-type: none"> • Staff • Responsible Agencies 	<ul style="list-style-type: none"> • Planning Commission
	<ul style="list-style-type: none"> • Zone Changes 	<ul style="list-style-type: none"> • Staff • Responsible Agencies • Planning Commission 	<ul style="list-style-type: none"> • City Council
	<ul style="list-style-type: none"> • Zoning Text (Ordinance) Amendments 	<ul style="list-style-type: none"> • Staff • Responsible Agencies • Planning Commission 	<ul style="list-style-type: none"> • City Council
Non-Discretionary	<ul style="list-style-type: none"> • Permitted Uses • 	<ul style="list-style-type: none"> • City Staff • Other Responsible Agencies 	Director of Planning and Community Development

2. Referral to Next Higher Authority

The Director of Planning and Community Development may refer an application to the next higher authority due to special issues, impacts related to the project, or controversy.

3. Multiple and Concurrent Applications

When multiple applications related to a project are concurrently processed and that project also contains an application which requires review and determination by a higher authority, then all these applications, with the exception of sign permits, shall be reviewed and referred to the higher authority for determination.

The final environmental determination and decision on all of the concurrent applications related to a project shall be made by the highest level of Approval Authority for any of the applications. For example the City Council shall review and determine the final action for all applications concurrently processed with a General Plan Amendment or Zone Change.

4. Modifications

Major Modifications to approved projects shall be reviewed and a determination shall be made by the same authority as required for initial approval. Minor Modifications shall be reviewed and a determination shall be made by the Director of Planning and Community Development. The Director of Planning and Community Development shall be responsible for determining whether or not a proposed modification is deemed significant depending on the circumstances involved and should be considered a Major Modification or Minor Modification. The approval of Major or Minor Modifications to approved projects shall not extend the expiration date of the original project approvals, unless specified in the conditions of approval of said modification.

5. Violation of Conditions

Whenever a permit is conditionally approved or modified by the approving authority, the use or enjoyment of the permit approval without observance or in violation of any such conditions shall constitute a violation of the Code. Violations may be enforced in accordance with the processes and procedures for violations of the Code, or may constitute grounds for the permit to be revoked or suspended as provided in this Code

B. Processing Procedures

1. All development applications are subject to City review, except as exempted in Section 19.50.030.

2. Abandonment of Applications

a. An application for permits or approvals as specified in this Chapter shall be deemed to have been abandoned when information and/or fees have been requested in writing to complete or continue application processing and the requested information and/or fees have not been received by the Planning Division within ninety (90) days of the request.

b. The applicant may provide a written request for extension, which must be supported by a written explanation of the delay, stating the date by which the further application material and or fees will be submitted. If the Director finds that special circumstances exist and that unusual hardship to the applicant would result from deeming the application abandoned, the Director may extend the period during which the required material must be submitted. If the required material has not been submitted by the new date and if the Director has not further extended the allowable period, the application shall be deemed abandoned without further notification.

3. Final Effective Date of Approvals

The final effective date of any approval shall be the first business day after all applicable appeals periods have lapsed, or the final action has occurred on any appeal. Permits shall not be issued and land uses or construction shall not commence for any use or structure involved in any application required by this Code until the final effective date of the required approvals.

(Ord. 1103 6/02)

19.54.40 FINDINGS OF APPROVAL FOR DISCRETIONARY APPLICATIONS

A. Zone Change

The purpose of a zone change is to ensure the City can modify land use requirements to reflect the changing needs of the area and ensure compatibility with the City's General Plan. Prior to granting approval of a zone change application the following findings shall be adopted:

1. The proposed zoning is consistent with the General Plan Land Use Map and applicable General Plan objectives, policies, and programs.
2. The proposed zoning is compatible with or provides adequate buffering of adjoining uses.
3. The proposed zoning is a logical extension of the existing zoning pattern.

B. Specific Plans

The purpose of a Specific Plan is to allow the City to prepare unique policies and development standards which respond to the specific needs of individual projects. Prior to granting approval of a Specific Plan application the following findings shall be adopted:

1. The Specific Plan is consistent with the General Plan Land Use Map and applicable General Plan objectives, policies, and programs.
2. The Specific Plan provides adequate text and diagrams to adequately address the following issues in detail:
 1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the Plan.
 2. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the Plan and needed to support the land uses described in the Plan.
 3. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
 4. A program of implementation measures including regulation, programs, public works projects, and financing measures necessary to carry out the provisions contained in paragraphs a, b, and c above.

C. *Conditional Use Permits*

The purpose of a conditional use permit is to: Assure compatibility of the proposed use with other existing and potential uses within the general area; assure the proposed use is consistent and compatible with the purpose of the zone in which it is located; and, recognize and compensate for potential impacts that could be generated by the proposed use, such as noise, smoke, dust, fumes, vibration, odors, and hazards. Prior to granting approval of a conditional use permit the following findings shall be adopted:

1. The proposed location of the conditional use is in accord with the objectives of this Title and the purposes of the zone in which the site is located.
2. The proposed plan is consistent with the City's General Plan and conforms to all Specific Plans, zoning standards, applicable subdivision requirements, and other ordinances and resolutions of the City.
3. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
4. The architecture proposed is compatible with community standards and protects the character of adjacent development.
5. The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.

D. Variances

The purpose of a variance is to allow for deviations from the standards contained in this Title. Variances from the terms of the Development Code shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Development Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Those standards which are determined administratively or at the discretion of the Planning commission shall not be subject to the variance provisions. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the Development Code governing the property. Prior to granting approval of a variance the following findings shall be adopted:

1. There are unique physical circumstances applicable to the subject land, including size, shape, topography, location or surroundings. If the reviewing body finds that the physical circumstances are similar to other parcels in the zone, such circumstances are not unique and a variance shall not be granted.
2. The strict application of zoning standards deprives the property of the right to use the land in manner enjoyed by other conforming property in the vicinity under identical zoning standards.
3. The granting of the variance and any appropriate conditions of approval shall not constitute a grant of special privileges which other conforming property properties in the vicinity do not enjoy under identical zoning standards.
4. The granting of the variance will not adversely affect the objectives, policies, and programs contained in the City's General Plan.

E. Major Modifications to Specific Plans, Conditional Use Permits, Development Plan Reviews, and Variances

Modifications to approved plan can occur due to changes necessitated by other agencies or the desire to refine the plan to meet changing economic or social needs. Major modifications involve significant design changes which could, for example, modify the original character of the development, building, or use, such as an increase in residential densities, diminishment of open space areas, reorientation of building or entrance areas. A minor revision would not violate the intent of any of the standards or conditions or the permit or the zone. The Director of Planning and Community Development will be responsible for

determining whether or not a proposed modification is deemed significant, depending on the circumstances involved.

F. Development Plan Reviews

The purpose of the Development Plan Review is to protect the health, safety, and welfare of the citizens of the City; to ensure that all development proposed within the City is consistent with the City's General Plan, Zoning, any applicable Specific Plan, and City requirements to protect and enhance the built and natural environment of the City, identifying and mitigating potential impacts that could be generated by the proposed use, such as traffic, noise, smoke, dust, fumes, vibration, odors, other hazards, or community impacts. The City's review process it shall include the evaluation of certain development impacts and standards, including, but not limited to the following:

1. The proposed development is consistent with the allowed Zoning restrictions, in addition to drainage, waste disposal, street dedication, fire safety, and other appropriate regulations.
2. The following are constructed and arranged so that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and there will be no adverse effect on surrounding property:
 - a. Buildings, structures, and improvements
 - b. Parking, vehicular ingress/egress and internal circulation
 - c. Setbacks
 - d. Height of buildings
 - e. Service areas
 - f. Walls and fences
 - g. Landscaping
 - h. Architectural compatibility with zoning standards, applicable Specific Plans, and surrounding development
3. All utility facilities are underground, unless otherwise authorized by Perris Municipal Code Chapter 13.04.
4. Proposed lighting is located so as to reflect the light away from adjoining properties
5. Proposed signs will not, by size, location, color or lighting, interfere with traffic, limit visibility, contribute to overhead clutter, or create a public nuisance.
6. All applicable public easements and rights-of-way have been dedicated or offered for dedication.
7. All required infrastructure and improvements are included within the proposed development or the conditions of approval.

Prior to granting approval of a Development Plan Review the following findings shall be adopted:

1. The location, size, design, density and intensity of the proposed development and improvements are consistent with the City's General Plan, any applicable Specific Plans, the purposes and provisions of this Title, the purposes of the Zone in which the site is located, and the development policies and standards of the City.
2. The subject site is physically suitable, including but not limited to parcel size, shape, access, and availability of utilities and services, for the type of development proposed.
3. The proposed development and the conditions under which it would be operated or maintained is compatible with abutting properties and will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
4. The architecture proposed is compatible with community standards and protects the character of adjacent development.
5. The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.
6. The safeguards necessary to protect the public health, safety and general welfare have been required for the proposed project.

G. Administrative Determinations

The purpose of an administrative determination is to provide a process whereby uses can be administratively added to a particular zone or zones without processing a formal amendment to the Zoning Ordinance. Prior to granting approval or an administrative determination the following findings shall be adopted:

1. The proposed use is consistent with the purpose of the Zoning Ordinance and the particular zone or zones in which it is to be added.
2. The proposed use and its operation are compatible with the uses allowed in the zone.
3. The proposed use is similar to one or more uses in the zone or zones it is to be added.

H. Minor Adjustments

The purpose of a minor adjustment is to administratively approve deviations from Development Code standards when the changes are deemed to be minor and will not adversely affect the public health or the safety of adjoining properties. Prior to granting approval of a minor adjustment the following findings shall be adopted:

1. The proposed adjustment does not adversely affect the adjoining property owners or uses.
2. The proposed adjustment is necessary for the effective operation of the use or associated facilities.

3. The necessity for the adjustment is adequately justified, including through the use of special studies.

I. Letter of Public Convenience or Necessity

The purpose of the Letter of Public Convenience or Necessity is to allow the City to consider requests for issuance alcoholic beverage control permits in areas “undue concentration” and make a determination that the public convenience and necessity would be served by the issuance of a permit. In order for the City to grant such a request the Director of Planning and Community Development shall consider the applicant’s request, consult with the City’s Police Chief and City Attorney as necessary, review and recommend a course of action to the Planning Commission. The Planning Commission must consider the matter and determine whether the public convenience and necessity would be served by the issuance of a permit. Prior to granting approval of a Letter of Public Convenience or Necessity the following findings shall be adopted:

1. Applicant has submitted a written request for a letter of public convenience and necessity to the City, indicting the reasons for request.
2. The census tract within the project site is located is determined to have an “undue concentration” of alcoholic beverage licenses.
3. Applicant has submitted a request for a particular type of alcoholic beverage license, license upgrade, or premises-to-premises transfer.
4. License applicant has a valid City issued permit for the associated use, which caters to the needs of the community, by providing public convenience or necessity.
5. The issuance of a particular type of alcoholic beverage license, license upgrade, or premises-to-premises transfer will continue to provide for public convenience and necessity.

J. Temporary Use Permits

Temporary outdoor events are those uses which shall be allowed provided they comply with existing City ordinances and policies. The actions undertaken by the City in the review and approval of these uses is to ensure each proposed use meets the City's existing regulation and that the applicant is appraised of these requirements. To accomplish this the City will distribute each proposed project, either formally or informally, to affected departments or agencies to obtain their comments and conditions. Upon completion of the City's review a letter shall be issued to the applicant stipulating the requirements/actions that must be taken to comply with existing City requirements. The letter shall attempt to be as comprehensive as possible in an effort to provide the applicant with the greatest amount of information to enable the proper development of the proposed project. The City will not be responsible for enforcing the

requirements noted by other agencies. As part of the City's review process it shall evaluate factors including but not limited to the following:

1. Compliance with Fire Department and other life safety criteria.
2. Compliance with Building Department criteria.
3. Adequate traffic circulation, ingress/egress and off-site parking.
4. Adequate restroom facilities.
5. Trash collection and disposal
6. Adequate insurance
7. Adequate security
8. Compliance with City sign regulations in Chapter 19.75

(Ord. 1103 6/02)

19.54.50 FINDINGS OF APPROVAL FOR NON-DISCRETIONARY APPLICATIONS

A. Permitted Uses

Permitted uses are those uses which shall be allowed provided they comply with existing City ordinances and policies. However, land uses proposed to occupy a lot containing an abandoned building or structure, shall be subject Development Plan Review and to the applicable review and approving authorities as specified in Chapter 19.50 (Development Plan Requirements) and Section 19.54.030 (Authority and Review Procedures). The actions undertaken by the City in the review and approval of these uses is to ensure each proposed use meets the City's existing regulations and that the applicant is apprised of these requirements. To accomplish this the City will distribute each proposed project, either formally or informally, to affected departments or agencies to obtain their comments and conditions. Upon completion of the City's review a letter shall be issued to the applicant stipulating the requirements/actions that must be taken to comply with existing City requirements. The letter shall attempt to be as comprehensive as possible in an effort to provide the applicant with the greatest amount of information to enable the proper development of the proposed project. The City will not be responsible for enforcing the requirements noted by other agencies. As part of the City's review process it shall evaluate factors including but not limited to the following:

1. The proposed use and structure consistent with the allowed Zoning restrictions, in addition to drainage, waste disposal, street dedication, fire safety, and other appropriate regulations.
2. The following are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected, so that there will be no adverse effect on surrounding property:
 - a. Buildings, structures, and improvements
 - b. Parking, vehicular ingress/egress and internal circulation

- c. Setbacks
 - d. Height of buildings
 - e. Service areas
 - f. Walls and fences
 - g. Landscaping
 - h. Architectural compatibility with zoning standards, applicable Specific Plans, and surrounding development
3. All utility facilities are underground, unless otherwise authorized by Perris Municipal Code Chapter 13.04.
 4. Proposed lighting is so located as to reflect the light away from adjoining properties
 5. Proposed signs will not, by size, location, color or lighting, interfere with traffic or limit visibility.
 6. All applicable public easements and rights-of-way have been dedicated or offered for dedication.

(Ord. 1103 6/02)

CHAPTER 19.61

CONDITIONAL USE PERMITS

Sections:

19.61.010	PURPOSE AND INTENT
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19.61.050	FINDINGS AND CONDITIONS
19.61.060	REVOCACTION
19.61.070	EXISTING PERMITS
19.61.080	EFFECTIVE DATE
19.61.090	TIME LIMIT
19.61.100	TERM
19.61.110	REVISIONS TO SITE PLAN
19.61.115	ADMINISTRATIVE COMPLIANCE REVIEW
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19.61.010 PURPOSE AND INTENT

The conditional use permit procedure is intended to provide for uses that are:

A. *Types of Uses*

1. Necessary or desirable for the development of the community or region but are not permitted uses in the individual district due to the use's unique character, including, but not limited to, the possible effect of the use on public facilities or surrounding uses; or
2. Appropriate as accessories to the development of neighborhoods or the community; or
3. Appropriate uses in the district in which they are allowed subject to a conditional use permit, but requiring specific consideration of the proposed use or development.

B. *Conditions*

In granting any conditional use permit, the ~~City Council~~ [Planning Commission](#) shall affix those conditions which it determines will tend to safeguard the public health, convenience and general welfare in the City.

19.61.020 APPLICATION QUALIFICATIONS

Applications for conditional use permits will be accepted only from persons having legal authority to take action in accordance with the permit, such as owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Chapter, or the agents of such persons who may make application in

ATTACHMENT 2

the name of such owners, lessees or contract vendees.

19.61.030 APPLICATION PROCEDURE

A. Application Requirements

1. The application for conditional use permit shall be made to the Development Services Department on forms provided by the City.
2. All applications for conditional use permits must be complete before the City is required to consider the application. An application is complete when it contains all the information that is necessary for the City to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this Chapter.
3. The application shall contain thereon full and complete information pertaining to the request, including a site plan of the proposed conditional use and development, and any additional and supplementary materials requested by the Director of the Development Services Department, such as detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.).
4. The applicant must provide the City with a list of property owners and their addresses who reside within a radius of 300 feet of the exterior boundaries of the property, using for this purpose persons who have listed for taxation real property within that area. The list of such persons shall be certified by a title company to ensure actual property ownership.
5. Upon filing an application for a conditional use permit, a uniform fee, as established by City Council resolution and any amendments thereto, shall be paid for the purpose of defraying the costs incidental to the proceedings.

B. Investigation and Prohibition

1. The ~~City Council~~ Planning Commission shall investigate the facts bearing on each case to provide information necessary to assure action consistent with the intent and purpose of this Code.
2. A person may not file and the Director of the Development Services Department shall not accept an application which is the same or substantially the same as an application upon which final action has been taken by the City within 12 months prior to the date of said application, unless accepted by a motion of the ~~City Council~~ Planning Commission.

(Ord. 1255, 6/09)

19.61.040 PUBLIC HEARING

Upon the filing of a verified application, the Development Services Department shall set a public hearing before the ~~City Council~~ Planning Commission when the Director of Development Services has determined that the application is in compliance with this Code and the California Environmental Quality Act.

The notice and public hearing procedure shall be consistent with Chapter 19.56, PUBLIC HEARING PROCEDURES.

19.61.050 FINDINGS AND CONDITIONS

The ~~City Council~~ Planning Commission may not grant a conditional use permit for any use for which a conditional use permit may be granted under any provision of this Code unless it has first found from the evidence admitted during the hearing before the Commission that the proposed use meets the findings contained in Section 19.54.040 C.

19.61.060 REVOCATION

A. Public Hearing

The ~~City Council~~ Planning Commission, on its own motion at a public hearing, may revoke or modify a conditional use permit upon making one of the findings in Section 19.61.060 C. (Ord. 1126 § 4, 2004)

B. Written Notice

Written notice of such public hearing shall be served on the owner of the property for which such conditional use permit was granted and in accordance with Section 19.56, at least 10 days before such public hearing. Said notice shall be served upon the permittee either personally or by registered mail, postage prepaid, return receipt requested.

C. Revocation Findings

A Conditional Use Permit may be revoked or modified upon the making of one or more of the following findings: (Ord. 1126 § 4, 2004)

1. That the use is detrimental to the public health or safety or is a nuisance.
2. That the conditional use permit was obtained by fraud.
3. The use for which the permit was granted is not being exercised.
4. That the use for which the permit was granted has ceased or discontinued for a period of one year, or been suspended or abandoned for a period of one year or more.
5. That the conditions of the improvements, if any, on a property for which a nonconforming conditional use permit is operative, is such that they can be used or altered so as to be used in conformity with the uses permitted in the zone in which such property is located without impairing the constitutional rights of any person.
6. That the property owner has not complied with any or all

conditions of the conditional use permit.

D. ~~City Council~~ Planning Commission Action

After a hearing upon the revocation of a conditional use permit, the ~~City Council~~ Planning Commission shall report its findings of fact and recommendations and shall determine the facts and may revoke, modify, or allow to remain unchanged the conditional use permit in accordance with the ~~City Council's~~ Planning Commission's final determination in such matters.

19.61.070 EXISTING PERMITS

Any conditional use permit granted pursuant to any zoning ordinance enacted prior to the effective date of the ordinance codified in this Chapter shall be construed to be a conditional use permit under this Title, subject to all conditions imposed in such permit unless otherwise provided in this Chapter. Such permit may, however, be revoked or voided as provided in Section 19.61.060.

19.61.080 EFFECTIVE DATE

No conditional use permit granted or authorized as provided in this Chapter shall become effective until 10 days after the date of the decision of the ~~City Council~~ Planning Commission granting and authorizing said conditional use permit or until the effective date thereof as provided in the permit; provided, that the latter date is more than 10 days later than the effective date of said resolution.

19.61.090 TIME LIMIT

The determination of the ~~City Council~~ Planning Commission granting a permit shall contain as a condition thereof the following: "The permit hereby allowed is conditioned upon the privileges being utilized within 36 months after the effective date, and if they are not utilized or less than 10 percent of the total cost of construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site, this authorization shall become void, and any development deemed to have lapsed." The ~~City Council or~~ Planning Commission, however, shall have authority to extend the time limit in accordance with Section 19.50.070 upon a finding of unavoidable delay. Once any portion of the conditional use permit is utilized, the other conditions thereof become immediately operative and must be strictly complied with. (Ord. 1255, 6/09)

19.61.100 TERM

Each Conditional Use Permit lawfully existing at the time of adoption of the ordinance amending this Section, and those Conditional Use Permits granted in

compliance with the provisions of this Chapter, shall remain in effect for the effective life of the business service, or use authorized by such Permit, subject to any conditions of approval or operating standards imposed by the Planning Commission ~~or City Council~~. Such Permit shall remain in effect upon a change of ownership, provided the new owner/operator agrees in writing to all applicable conditions and operating standards prior to reopening or maintaining the use under new ownership. To allow for minor deviations in operating standards and conditions, the Development Services Director may make an administrative determination that a use is in substantial compliance with an approved Conditional Use Permit.

The Development Services Director may approve minor changes to the required conditions and operating standards of an approved Conditional Use Permit. (Ord. 1126 § 5, 2004)

19.61.110 REVISIONS TO SITE PLAN

A. *Approval of Minor Revisions*

Minor revisions to a site plan approved as part of a conditional use permit may be made after review and approval by the Director of Development Services. Minor revisions are defined as revisions which in no way violate the intent of any of the standards or conditions of the permit or of the zone.

B. *Non-Minor Revisions*

Revisions other than minor revisions, as defined in subsection (A) of this section, may be pursued consistent with the regular conditional use permit procedures set forth in this Chapter.

C. *Approved Site Plans*

All copies of the approved revised site plan shall be dated and signed by the Director of Development Services and made a part of the record of the subject conditional use permit. One copy of said approved revised site plan shall be mailed to the applicant.

19.61.115 ADMINISTRATIVE COMPLIANCE REVIEW

The Development Services Department will monitor compliance with required conditions of approval and will conduct an administrative compliance review every five years after approval of any Conditional Use Permit. However, nothing in this section shall preclude the Director of Development Services, at his/her discretion or upon the direction of the ~~City Council~~ Planning Commission, from initiating an administrative compliance review at any time during the effective life of a Conditional Use Permit. The permittee shall pay the required fee as adopted by resolution for an administrative compliance review.

During the administrative compliance review, the Development Services Department shall inspect the subject property to determine compliance with all

conditions of approval or other operational standards. Upon determination that the property or use is not in compliance, the permittee shall immediately bring the property or use into compliance. The Development Services Department may grant a limited extension provided the permittee agrees in writing to a schedule for bringing the property or use into compliance.

If after the administrative compliance review the property or use is not brought into compliance in accordance with this Section, the Development Services Department may, in addition to any other remedy, recommend to the Planning Commission ~~or City Council~~ that the Conditional Use Permit be revoked or modified. (Ord. 1126 § 6, 2004)

19.61.120 FAILURE TO COMPLY

Noncompliance with any condition on a conditional use permit shall be a violation of this Title and constitute a criminal misdemeanor offense unless, at the discretion of the City Attorney, such offense is charged as an infraction pursuant to Section 1.16.010 of this Code.