

**ORDINANCE NUMBER 1412**

***AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RETITLING AND AMENDING, IN ITS ENTIRETY, CHAPTER 19.81 (SECOND DWELLING UNITS) OF TITLE 19 OF THE PERRIS MUNICIPAL CODE IN ORDER TO UPDATE THE CITY'S ACCESSORY DWELLING UNIT AND JUNIOR DWELLING UNIT REGULATIONS SO THAT SUCH REGULATIONS ARE CONSISTENT WITH GOVERNMENT CODE SECTIONS 65852.2 AND 65852.22; AND FINDING THAT THIS ORDINANCE IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.17; AND MAKING FINDINGS RELATED THERETO.***

***WHEREAS***, the City of Perris supports and will assist the development of accessory dwelling units and junior accessory dwelling units by amending Chapter 19.81, Second Dwelling Units, to comply with Government Code Sections 65852.2 and 65852.22; and

***WHEREAS***, this Ordinance (Ordinance Amendment 21-05110) and its Exhibit 1 (collectively referred to as the "Ordinance") will retitle and amend, in its entirety, Chapter 19.81 (Second Dwelling Units) of Title 19 of the Perris Municipal Code in order to update the City's accessory dwelling unit and junior accessory dwelling unit regulations to be consistent with Government Code Sections 65852.2 and 65852.22; and

***WHEREAS***, on July 21, 2021 and August 18, 2021, the Planning Commission conducted a legally noticed public hearing for this Ordinance, which is attached hereto, and recommended approval of this Ordinance to City Council after considering all oral and written testimony from members of the public and City staff, including, but not limited to, all staff reports and exhibits and accompanying documents; and

***WHEREAS***, on September 14, 2021, the City Council conducted a legally noticed public hearing for this Ordinance, and has considered all oral and written testimony from members of the public and City staff, including, but not limited to, all staff reports and exhibits and accompanying documents and approved first reading with three modifications to the draft ordinance recommended by the Planning Commission; and

***WHEREAS***, during November 2021, staff at the California Department of Housing and Community Development ("HCD") provided a courtesy review of this Ordinance for compliance with Government Code Statutes 65852.2 and 65852.22. The HCD comments required that the portions of the Ordinance be revised; and

***WHEREAS***, the revisions of the Planning Commission-recommended draft required that the draft ordinance be reintroduced for first reading; and

***WHEREAS***, on December 14, 2021, the City Council conducted a legally noticed public hearing reintroducing for first reading this Ordinance, and has considered all oral and

written testimony from members of the public and City staff, including, but not limited to, all staff reports and exhibits and accompanying documents; and

**WHEREAS**, on January 11, 2022, the City Council conducted the second reading of this Ordinance, and has considered; and

**WHEREAS**, Government Code Section 65852.2 requires that this Ordinance be submitted to HCD for their review; and

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

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** The above recitals are all true and correct and are incorporated herein by this reference.

**Section 2.** The City Council has reviewed and considered this Ordinance presented in Exhibit 1. The City Council further finds and determines that the City has complied with the California Environmental Quality Act and this Ordinance is Statutorily Exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 which states that CEQA does not apply to the adoption of an ordinance by a city or county to implement provisions of Government Code Sections 65852.2 and 65852.22. This Ordinance is being adopted to implement provisions of Government Code Sections 65852.2 and 65852.22. This determination reflects the independent judgment of the City Council.

**Section 3.** Based upon the forgoing, all oral and written presentations made by members of the public and City staff, including, but not limited to, the agenda report and its attachments/exhibits, at the public hearing on September 14, 2021 and the agenda report and its attachments/exhibits at the public hearing on December 14, 2021, the City Council finds, regarding this Ordinance, as follows:

Ordinance Amendment 21-05110:

- A. This Ordinance will not result in a significant adverse effect on the environment. The California Environmental Quality Act (CEQA) states that the project is Statutorily Exempt pursuant to Public Resources Code Section 21080.17 which states that CEQA does not apply to the adoption of an ordinance by a city or county regulations to implement to provisions of Government Code Sections 65852.2 and 65852.22. This Ordinance is being adopted to implement provisions of Government Code Sections 65852.2 and 65852.22.
- B. This Ordinance will not conflict with the goals, policies, and implementation measures set forth in the General Plan and Zoning Ordinance because the purpose of the Ordinance is to support and promote affordable housing by encouraging the development of Accessory Dwelling Units and Junior

Accessory Dwelling Units. The Zoning Code simplifies the requirements for constructing Accessory Dwelling Units and Junior Accessory Dwelling Units so that they will be compatible with the existing neighborhood.

- C. This Ordinance will not have a negative effect on public health, safety, or the general welfare of the community because the Accessory Dwelling Units and Junior Accessory Dwelling Units Ordinance in its entirety, simplifies the process for permitting these units and promotes development of affordable housing that enhance the built environment and support further the city goals for providing affordable housing that is compatible with the surrounding neighborhoods.

**Section 4.** Based upon the forgoing, all oral and written presentations made by members of the public and City staff, including, but not limited to, the agenda report and its attachments/exhibits, at the public hearings on September 14, 2021 and December 14, 2021, the City Council hereby approves Ordinance Amendment 21-05110, which retitles and amends, in its entirety, Chapter 19.81 of Title 19 of the Perris Municipal Code and which is attached hereto and incorporated herein by this reference as Exhibit 1 of this Ordinance. Further, the City Council hereby authorizes City staff to submit this Ordinance to HCD for their review pursuant to Government Code Section 65852.2 and to make such non-substantive and/or technical changes to Ordinance Amendment 21-05110 as may be required by HCD.

**Section 5.** Chapter 19.81 of Title 19 of the Perris Municipal Code shall be retitled and amended in its entirety as provided in Exhibit 1 of this Ordinance, provided that such retitling and amendment shall include the non-substantive and/or technical changes described in Section 4 hereof.

**Section 6.** 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 7.** The Mayor shall sign this Ordinance and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty days after its final passage.

**ADOPTED, SIGNED** and **APPROVED** this 11<sup>th</sup> day of January, 2022.

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Mayor, Michael M. Vargas

ATTEST:

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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 1412 was duly and regularly introduced by the City Council of the City of Perris at a regular meeting held the 14<sup>th</sup> day of December 2021 and duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 11<sup>th</sup> day of January 2022, by the following called vote:

AYES: ROGERS, NAVA, CORONA, RABB, VARGAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

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City Clerk, Nancy Salazar

Exhibit 1

Retitle and Replace in its Entirety Chapter 19.81 of Title 19 of the Perris Municipal Cod

**CITY OF PERRIS**  
**CHAPTER 19.81 – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

**Sec. 19.81.010 – Purpose**

The purpose of this section is to establish regulations and procedures for reviewing and permitting Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) consistent with California Government Code Section 65852.2 and 6852.22, or any successor statute.

**Sec. 19.81.020 – Definitions**

A

*Accessory Dwelling Unit (ADU)* – is a dwelling unit that is either attached to, detached from, or contained within the principal dwelling unit located or proposed on a site zoned for residential use.

B

*Accessory Structure* – is a structure that is located on the same lot as the primary dwelling. An accessory structure may be either attached or detached from the primary dwelling and must have a use that is incidental to the main use. Examples of residential accessory uses include, but are not limited to, storage sheds, garages, studios.

C

*Attached ADU* – an accessory dwelling unit created by new construction that is attached to the primary dwelling unit by a shared wall, floor, or ceiling.

D

*Car Share Vehicle* – Car sharing organizations offer members use of cars on a short-term basis.

E

*Converted Existing Space ADU* – an accessory dwelling unit created by the conversion of existing floor area within either the primary dwelling unit or an accessory structure or by total replacement of an existing accessory structure with an ADU.

F

*Detached ADU* – an accessory dwelling unit located on the same parcel and is created by new construction that is detached, or separate from, the primary dwelling unit. Detached ADUs may be constructed on any parcel where single-family, mixed use or multi-family uses are existing or permitted by zoning.

G

*Efficiency Kitchen* – For purposes of establishing a JADU, an efficiency kitchen shall be defined as an area that shall include a sink, food preparation counter and food storage area. A plug-in food preparation appliance, such as a microwave or hot plate, may also be provided.

## H

*Existing Building Envelope* – The existing walls and roofs of a dwelling that separate interior space for exterior space. A space enclosed by at least two walls and a roof is within the existing building envelope.

## I

*Junior Accessory Dwelling Unit (JADU)* – a dwelling unit accessory to and entirely contained within an existing or proposed single family dwelling. A JADU may have a bathroom or may share a bathroom with the Primary Dwelling Unit.

## J

*Kitchen* – An area that includes a cooking appliance, sink, refrigerator and food preparation and storage area.

## K

*Ministerial Action or Ministerial* – A permit application reviewed by staff for compliance with specific standards and approved without discretionary review or a hearing.

## L

*Minor Adjustment* – Defined in Perris Municipal Code Section 19.54.020 (9), a minor adjustment to specific development standards may be approved by the Development Services Director.

## M

*Multi-family Dwelling* – An existing building that contains more than one dwelling unit and is located within a zoning district that allows multi-family dwellings.

## N

*Primary Dwelling Unit* – may be any of the following an existing single-family dwelling, a proposed single-family dwelling, or an existing multi-family structure.

## O

*Proposed Dwelling* – a dwelling that has applied for a permit and that meets the requirements for permitting.

## P

*Public Transit* – a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes and are available to the public.

## Q

*Tandem parking* – When two or more vehicles are parked lined up one behind the other.

R

*Underlying Zoning* – The zoning district in which a parcel is located on the City of Perris Zoning Map or within a Specific Plan.

**Sec. 19.81.030 – Applicability**

Any construction, establishment, alteration, enlargement, or modification of an ADU or a JADU shall comply with the requirements of this chapter and the City’s building and fire codes. An ADU or JADU shall be deemed:

- (a) Consistent with the General Plan designation and zoning for the parcel on which the ADU or JADU is located.
- (b) Within the allowable density for the parcel on which the ADU or JADU is located.

**Sec. 19.81.040 – Review Authority**

ADUs and JADUs that meet the applicable Development Standards described in this chapter and the requirements of the underlying zoning shall be subject to ministerial approval.

**Sec. 19.81.050 – Location**

- (a) ADUs and Junior ADUs are permitted on sites that have an existing or primary dwelling unit and within underlying zoning districts that allow single-family homes or mixed use.
- (b) ADUs are permitted on sites that have existing multi-family residences and within underlying zoning districts allow multi-family homes or mixed use homes.
- (c) Junior ADUs are not permitted on sites where a portion of the Primary Dwelling has been converted to an ADU.
- (d) Junior ADUs are not permitted on sites with multi-family projects.

**Sec. 19.81.060 – Land Use Regulations and Development Standards for All ADUs.**

Except as modified by this Chapter, all ADUs shall conform to the requirements of the underlying residential zoning district and the zoning code in addition to the standards listed below.

- (a) *Minimum Lot Area.* There shall be no minimum lot area required to establish an ADU and/or junior ADU.
- (b) *Building Height.* Shall not exceed 16 feet above grade or the height of the first-floor ridgeline, whichever is greater.
- (c) *Setbacks.*
  - a. Front yard. Determined by underlying zone.
  - b. Side and Rear yards. Minimum four feet or underlying zone requirement whichever is less.
  - c. When a property is adjacent to an alley, the side or rear yard setback may be reduced with the Minor Adjustment approval.
- (d) *Architectural Design.* The architectural design of the ADU shall be compatible with the architectural style and materials used in the Primary Dwelling or Multi-family project.
- (e) *Exterior Entrance.* All units must have an entrance separate from the primary dwelling entrance.

- (f) *Sanitation Facilities.* A separate bathroom is required with sink, toilet, and shower/bathtub; JADUs may share sanitation facilities with the Primary Dwelling.
- (g) *Kitchen.* A kitchen is required.
- (h) *Fire Sprinklers.* Fire sprinklers are required when the Primary Dwelling Unit has fire sprinklers.
- (i) *Underlying Zoning Standards.* Lot coverage, distance requirements between structures and other standards established by the underlying zoning may be applied so long as application of the requirements does not prohibit the construction of an ADU with a floor area that is eight hundred (800) square feet or less, or a peak height above grade that is no more than sixteen (16) feet, or with side and rear yard setbacks that are no less than four (4) feet.

**Sec. 19.81.070 – Specific Land Use Regulations and Development Standards for Single-Family – Attached ADUs**

In addition to the Development Standards outlined in Section 19.81.060, Attached ADUs shall comply with the following standards.

- (a) *Zoning.* ADUs are allowed in any zoning district that permits a single-family residence including mixed use zones.
- (b) *Maximum Number of Units on a Site.* No more than 1 Primary Dwelling Unit, 1 Attached ADU and one JADU are permitted
- (c) *Minimum Unit Size.* Must have a minimum of 320 square feet floor area but shall not prohibit construction of an Efficiency Unit pursuant to Government Code Section 65852.2(c)(2)(A).
- (d) *Maximum Unit Size.* The attached ADU shall have an area no more than 50% of the floor area in the primary dwelling and shall not exceed the following requirements:
  - a. Studios and 1-bedroom units – 850 square feet.
  - b. More than 1-bedroom units – 1,000 square feet.
- (e) *Parking Requirements.* Except as provided in Section 19.81.120, one parking space shall be required.

**Sec. 19.81.080 – Specific Land Use Regulations and Development Standards for Single-Family – Detached ADUs**

In addition to the Development Standards outlined in Section 19.81.060, Detached ADUs shall comply with the following standards.

- (a) *Zoning.* ADUs are allowed in any zoning district that permits a single-family residence.
- (b) *Maximum Number of Units on a Site.* No more than 1 Primary Dwelling Unit, 1 Detached ADU and 1 JADU are permitted.
- (c) *Minimum Unit Size.* Must have a minimum of 320 square feet floor area but shall not prohibit construction of an Efficiency Unit pursuant to Government Code Section 65852.2(c)(2)(A).
- (d) *Maximum Unit Size.* The attached ADU shall not exceed the following requirements:
  - a. Studios and 1-bedroom units – 850 square feet.
  - b. More than 1-bedroom units – 1,200 square feet or 75% of the Primary dwelling whichever is less.
- (e) *Setbacks.*
  - a. Front yard. Determined by underlying zone.

- b. Side and Rear yards. Minimum four feet or underlying zone whichever is less.
- c. When a property is adjacent to an alley, the side or rear yard setback may be reduced with the Minor Adjustment approval.
- (f) *Parking Requirements*. Except as provided in Section 19.81.120, one parking space shall be required.

**Sec. 19.81.090 – Specific Land Use Regulations and Development Standards for Single-Family – Converted Existing Space ADUs**

In addition to the Development Standards outlined in Section 19.81.060, Converted Existing Space ADUs shall comply with the following standards.

- (a) *Zoning*. ADUs and JADUs are allowed in any zoning district that permits a single-family residence.
- (b) *Maximum Number of Units on a Site*. No more than 1 Primary Dwelling Unit and 1 Converted Existing Space ADU and 1 JADU.
- (c) *Minimum Unit Size*. Must have a minimum of 320 square feet floor area.
- (d) *Maximum Size*. No Limit.
- (e) *Building Envelope*. The Converted Existing Space ADU must be constructed within the existing floor area of the Primary Dwelling.
- (f) *Additional Floor Area*. Building envelope may be increased by up to 150 square feet to accommodate a new entrance to the Converted Existing Space ADU.
- (g) *Parking Requirements*
  - a. Primary Dwelling. When a garage is converted to an ADU, the parking for the Primary Dwelling does not have to be replaced.
  - b. ADU. None.

**Sec. 19.81.100 – Specific Land Use Regulations and Development Standards for JADUs**

In addition to the Development Standards outlined in Section 19.81.060, JADUs shall comply with the following standards.

- (a) *Zoning*. JADUs are allowed in any zoning district that permits a single-family residence.
- (b) *Maximum Number of JADUs on a site*. One.
- (c) *Minimum Unit Size*. Must have a minimum of 320 square feet floor area.
- (d) *Maximum Unit Size*. The maximum floor area of a JADU shall not exceed 500 square feet.
- (e) *Building Envelope*. The JADU must be constructed within the existing building envelope of the Primary Dwelling.
- (f) *Additional Floor Area*. Building envelope may be increased by up to 150 square feet to accommodate a new entrance to the JADU. JADU total area shall not exceed the maximum size defined in Section 19.81.100(c).
- (g) *Exterior Entrance*. JADU must have an entrance separate from the Primary Dwelling entrance.
- (h) *Parking Requirements*. None.
- (i) *Kitchen*. A kitchen area is required. Kitchen area shall include space for food storage and preparation. Cooking appliances may include microwaves or other similar devices.

**Sec. 19.81.110 – Specific Land Use Regulations and Development Standards for ADUs in Multi-Family Sites**

In addition to the Development Standards outlined in Section 19.81.060, Multi-family ADUs shall comply with the following standards.

- (a) *Zoning*. ADUs are allowed on residential and mixed use zoned properties with existing multi-family dwellings.
- (b) *Maximum Number of Units*.
  - a. *Converted Existing Space Units* – At least one and no more than 25% of the existing number of units.
  - b. *Detached Units* – Two.
  - c. *Attached Units* – If no Detached ADUs or Converted Existing Space ADUs can be built on the site, one Attached ADU is permitted.
- (c) *Minimum Unit Size*.
  - a. *Converted Existing Space Units* – Must have a minimum of 320 square feet floor area.
  - b. *Detached Units* – A minimum of 320 square feet floor area but shall not prohibit construction of an Efficiency Unit pursuant to Government Code Section 65852.2(c)(2)(A).
  - c. *Attached Units* – A minimum of 320 square feet floor area but shall not prohibit construction of an Efficiency Unit pursuant to Government Code Section 65852.2(c)(2)(A).
- (d) *Location*.
  - a. Site must have an existing multi-family structure and
  - b. ADUs must be located within portions of the structure that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, and garages.
- (e) *Multi-Family Sites*. The number of new multi-family units permitted in a multi-family project shall not exceed 25% of the existing multi-family units and shall be calculated in the following manner:
  - a. Previously approved ADUs shall not count towards the existing multi-family dwellings.
  - b. Fractions shall be rounded down to the next lower number of dwelling units, except that at least one ADU shall be permitted; and
  - c. Multi-family projects approved and built as a single complex shall be considered one lot, regardless of the number of parcels or buildings.
- (f) *Maximum Unit Size*.
  - a. Studios and 1-bedroom units – 850 square feet.
  - b. More than 1-bedroom units – 1,000 square feet.
- (g) *Type of ADUs*.
  - a. Permitted. Converted *Existing Space* or Detached ADUs
  - b. Prohibited. Attached ADUs and JADUs
- (h) *Parking Requirements*.
  - a. *Converted Existing Space Units* – None.
  - b. *Detached Units* – One per ADU.

## **Sec. 19.81.120 – Parking Standards**

- (a) *Parking Requirements.* Parking shall comply with Section 19.69.020, except as modified by the requirements of this Chapter.
  - a. Unless the requirement is exempted or waived by other provisions of this Chapter, each ADU shall have one designated off-street parking space.
  - b. Tandem parking and parking within the rear and side yard setbacks are permitted unless findings can be made by City staff demonstrating that the design or location would create dangerous life or fire safety conditions.
  - c. When a garage or carport is demolished or converted to an ADU, replacement parking is not required.
- (b) *Parking Not Required.* ADUs do not need to provide parking when one of the following standards is met.
  - a. The property is within ½ mile walking distance of public transit, or
  - b. The ADU is within an area considered historically significant as defined by the California Register of Historic Resources.
  - c. The ADU is part of the Primary Dwelling or an accessory structure.
  - d. When on-street parking permits are required but not offered to the occupant of the ADU.
  - e. When there is a carshare vehicle located within one block of the ADU.

## **Sec. 19.81.130 – Operational Requirements for All ADUs and JADUs.**

- (a) *No Separate Conveyance.*
  - a. Single-Family ADUs and JADUs. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling, except as otherwise permitted by applicable law.
  - b. Multi-Family ADUs. An ADU may be rented, but no ADU may be sold or otherwise conveyed separately from the lot and the other dwellings, except as otherwise permitted by applicable law.
- (b) *Short-Term Lodging.* An ADU or JADU permitted by this Ordinance shall not be rented for less than 30 days.
- (c) *Deed Restriction and Recordation.*

Prior to issuance of a building and/or grading permit for an ADU and/or JADU, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. This deed restriction shall remain in effect so long as the ADU and/or JADU remains on the lot.

  - a. JADU Deed Restrictions shall include and describe the following:
    - i. Prohibition on the separate conveyance of the JADU except as otherwise permitted by applicable Law.
    - ii. Approved size and attributes of the JADU
    - iii. Restrictions on Short-Term Rentals required by PMC Section 19.81.130(b)
    - iv. JADU owner occupancy requirement as defined in Government Code Section 65852.22(a)(2).
  - b. ADU Deed Restrictions shall include and describe the restrictions on Short-Term Rentals required by PMC Section 19.81.130(b)

