

Title 19 ZONING
CHAPTER 19.02. GENERAL PROVISIONS

Sec. 19.02.040. Restrictions for walls, fences, and hedges.

(a) *Residential Zones.* Residential ~~Z~~zones shall have the following restrictions:

- (1) A ~~solid opaque~~ wall, fence or hedge three feet in height or less may be located and maintained on any part of a lot. A wall or fence up to five (5) feet in height is allowed within the front yard of any residential zone provided that portion over three (3) feet in height is at least 50 percent open.
- (2) On an interior or corner lot a wall, fence or hedge not more than six (6) feet in height may be located anywhere on the lot to the rear ~~of the rear line~~ of the required front yard. On a reversed corner lot a wall, fence, or hedge not more than six (6) feet in height may be maintained anywhere on the lot to the rear ~~of the rear line~~ of the required front yard except within the required triangular open area at the rear constituting a part to the required side yard of the side street side.
- (3) All reversed corner lots, and lots with side or rear yards that front along public streets, shall provide decorative block wall fencing six (6) feet in height, to the rear line of the required side and/or rear yard.
- (4) All fences and walls shall be designed to be compatible with the overall architectural style; fence and wall materials shall be of a durable quality and a color complimentary to the overall project design. Permitted materials include, but are not limited to:
 - a. ~~Split-face masonry.~~
 - b. ~~Stone.~~
 - c. ~~Stone veneer.~~
 - d. ~~Brick.~~
 - e. ~~Slump block.~~
 - f. ~~Stucco.~~
 - g. ~~Existing w~~Wood (rough sawn, treated and untreated, smooth sawn)~~.~~
 - h. ~~Block/wrought iron combinations.~~
 - i. ~~Existing t~~Treated wood~~.~~
 - j. Wrought iron and tubular steel.
 - k. Decorative vinyl

l. Electrified security fence (in compliance with AB 2371)

lk. Any other material deemed appropriate by the Director.

(5) The following types of materials are prohibited:

- a. Barbed and/or razor wire-
- b. Wire-
- c. Corrugated metal-
- d. ~~Electronically charged fences.~~
- e. Plain exposed plastic concrete (PCC)-
- f. Plywood, including T-111-
- g. Chain link fence with or without grapestake fencing or similar materials-

(6) All walls, fencing or screening materials shall be maintained in a physical state similar to that at the time ~~in~~of installation. Repair and/or damaged, defective, or severely weathered materials shall be completed immediately upon occurrence or within a minimum of ten (10) days of notification by the city.

19.02.130 LANDSCAPING

A. Residential Uses

Landscaping and irrigation shall be provided within the front and street side setback areas. Those setback areas ~~fronting upon~~facing a public street shall incorporate either soft (plantings) materials or a combination of soft materials and hard (rock, brick, concrete) materials, except for those portions devoted to vehicular parking.

CHAPTER 19.08. DEFINITIONS

Sec. 19.08.010. Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or structure means a building which is attached to or detached from the main building on a parcel or lot, the use of which is ancillary to that of the main building. An accessory building includes, but is not limited to, greenhouse, storage shed, pool house, cabana, barn, stable or workshop. Accessory buildings do not include "guest houses," "second units", ~~or~~ "granny flats", accessory dwelling units, or junior accessory dwelling units. ~~and are not to be~~

~~used as living quarters~~. No accessory buildings shall be erected unless a primary building exists on the parcel.

Accessory use means a use customarily incidental and accessory to the principal use of a lot or a building located upon the same lot or building site.

Advertising structure means an on-site or off-site structure of any kind erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting, or symbols of any kind may be placed, including statuary for advertising purposes.

Alley means a public thoroughfare, other than a street, having a width of not more than 20 feet nor less than 16 feet which affords only a secondary means of access to abutting property, as determined by the City Engineer.

Alter means change in copy, sign face, color, material, illumination, size, shape, position, construction or supporting structure of any sign.

Amenities means facilities which enhance the operation of a use and make it more attractive to present and future uses.

Animal hospital means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding, and shall be only incidental to such hospital use.

Anti-drain valve or *check valve* means a valve located under a sprinkler head to hold water in the system so as to minimize drainage from the lower elevation sprinkler heads.

Apartment house means a building containing separate dwelling units for three or more families.

Application efficiency (AE) shall be determined as follows:

AE=0.85 for irrigation systems that have a centralized control system or controllers that measure or can be programmed to use evapotranspiration rates, or systems that use other control such as moisture sensors;

AE = 0.65 for irrigation systems which do not have any of the above soil or weather driven type controls.

Application rate means the depth of water applied to a given area, measured in inches per hour.

Applied water means the portion of water supplied by the irrigation system to the landscape.

Approved means having received the consent, endorsement or permission of the city or any advisory agency thereof and shall include those maps or actions which have been "conditionally approved."

As-built plans means drawings which show significant changes in the work made during construction and which are usually based on drawings marked up on the field and other data furnished by the contractor.

Automatic controller means a mechanical or solid state timer capable of operating a valve station to set the days and length of a water application.

Automobile storage space means a permanently maintained space on the same lot or building site as the use it is designed to serve, having an area of not less than 200 square feet, and so located and arranged as to permit the storage of and be readily accessible to a passenger automobile of average size under its own power.

Backflow prevention device means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

Bed and breakfast means dwelling where lodging and breakfast is provided for compensation and in which there are no more than five guestrooms. The use must be managed and operated solely by the owner of the property. Meals are not restricted to breakfast only, but no cooking facilities shall be allowed in the guestrooms. A guest may not stay in the dwelling for more than 14 days in any calendar year.

Bench means a seat located upon or adjacent to public property for the use of a combination of passersby or persons awaiting transportation.

Boardinghouse, roominghouse, or lodging house means a building or portion thereof which is used to accommodate for compensation three or more boarders or roomers in addition to the members of the occupant's immediate family occupying such building.

Building means any structure having a roof supported by columns or walls, designed or used for the housing or enclosure of person, animals, chattels or property of any kind and shall include, but not be limited to, garages, carports, patio covers and gazebos.

Building frontage means the building elevation which fronts on a public street, public parking lot, or pedestrian walk.

Bulk reverse vending machine means a reverse vending machine that is larger than 50 square feet, designed to accept more than one container at a time, and pays by weight instead of by container.

Bulletin board means a sign of permanent character, but with removable letters, words or numerals indicating the names of persons associated with or events conducted upon or products or services offered upon the premises which such signs are located and maintained.

Cabana means a structure for residential occupancy in conjunction with a mobilehome, manufactured home or factory-built housing, but not containing a kitchen.

Car-share service means a mobility enhancement service that provides an integrated citywide network of neighborhood-based motor vehicles available only to members by reservation on an hourly basis, or in smaller intervals, and at variable rates. Car-sharing is designed to complement existing transit and bicycle transportation systems by providing a practical alternative to private motor vehicle ownership, with the goal of reducing over-dependency on individually owned motor vehicles. Car-share vehicles must be located at unstaffed, self-service locations (other than any incidental garage valet service), and generally be available for pick-up by members 24 hours per day at said location. A car-share service shall provide automobile insurance for its members when using car-share vehicles and shall assume responsibility for maintaining car-share vehicles.

CEQA means the California Environmental Quality Act and CEQA Guidelines as contained in the Public Resources Code.

Change of zone means the legislative act of removing one or more parcels of land from one zone and placing them in another zone.

Child care center means any child care facility of 13 or more children (other than a family child care home), and includes infant centers, preschool and extended child care facilities. Such a facility shall provide nonmedical services to children under 18 years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

Church means an establishment, the principal purpose which is religious worship ~~and including with accessory ancillary~~ uses in the principal structure or in separate buildings, including Sunday school rooms, assembly rooms, kitchen, library room, one-family dwelling unit and day nurseries operated by and on the church site, but excluding facilities for residence of or training of religious orders.

City means the City of Perris and/or its employees.

City council means the city council of the City of Perris.

Club means a nonprofit association of persons, whether incorporated or unincorporated for some common purpose, but not including groups organized primarily to render a service customarily carried on as a business.

Cocktail lounge means any establishment which serves alcohol for the purpose of on-site consumption with or without incidental sales of prepared food.

Collection facility means a center for the acceptance by donation, redemption or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment except as indicated in sections 19.76.040 through 19.76.070. Collection facilities may include the following:

- (1) Reverse vending machines.

- (2) Small collection facilities which occupy an area of not more than 500 square feet, and may include:
 - a. A mobile unit.
 - b. Bulk reverse vending machines or a grouping of reverse vending machines occupying no more than 50 square feet.
 - c. Kiosk type units which may include permanent structures.
 - d. Unattended containers placed for the donation of recyclable materials.
- (3) Large collection facilities which may occupy an area of more than 500 square feet and may include permanent structures.

Collector street means a two-lane roadway as designated in the city ~~General Plan~~ Circulation Element. The width of collector streets can range from a curb-to-curb width of 40 feet to 64 feet with ~~six feet of~~ sidewalk either on one side or on both sides of the street depending on the particular design and traffic volumes to be served.

Commercial stable means a stable for horses which are let, hired, used or boarded on a commercial basis and for compensation.

Common open space means that open space upon a lot or parcel to which it is appurtenant, which can be used by and is accessible to all the inhabitants of the property for outside living, activity or recreation. It shall not include front or side yard setbacks, driveways, interior streets, parking areas, utility space such as trash, transformer or laundry areas, ~~or the area occupied by the required front yard~~, A clubhouse counts as common open space.

Complex means any group of two or more buildings, or individual units within a single building.

Consistent means free from variation or contradiction. For example, state law requires consistency between a general plan and implementation measures such as the zoning ordinance or development code.

Convalescent hospital means an institution rendering extended care, nursing, dietary and other personal services to convalescents, invalids or aged persons, in which surgery is not performed and primary treatment such as is customarily given in general hospitals is not provided. The term "convalescent hospital" includes nursing homes, convalescent homes, rest homes and sanitariums.

Conversion factor (0.62) means the number that converts the maximum applied water allowance from acre-inches per acre per year to gallons per square foot per year. The conversion factor is calculated as follows:

$$(325,900 \text{ gallons}/43,560 \text{ square feet})/12 \text{ inches} = 0.62$$

325,900 gallons = one acre foot.

43,560 square feet = one acre.

12 inches = one foot.

To convert gallons per year to 100 cubic feet per year, another common billing unit for water, divide gallons per year by 748. (748 gallons = 100 cubic feet).

Corner lot means a lot ~~abutting-situated on two~~ at the intersection of two or more ~~ng~~ or intercepting streets, ~~where the interior~~ having an angle of intersection of ~~intereception does not exceed 128~~ more than 135 degrees.

Corner lot, reversed, means a corner lot in which the street side lot line is substantially a continuation of the front lot line of the lot upon which the rear of the reversed corner lot abuts.

Council means the city council of the City of Perris.

Coverage means the percentage of total site area covered by structures, open or enclosed, excluding the following uncovered structures: steps, courts, patios, terraces and swimming pools.

Dairy means any premises defined as a "dairy farm" by statute of the state where cows are kept, milked, or maintained for the production of milk on a commercial scale.

Day care home, family, means a home which regularly provides care, protection and supervision of 12 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away and includes small family day care homes and large family day care homes.

Day care home, large family, means a home which provides family child care to seven to 12 children under the age of ten years who do not reside at the home. The use of large family child care homes shall be considered a residential use of property for all residential zone districts.

Day care home, small family, means a home which provides family child care to six or fewer children including children under the age of ten years (who are not in school during the hours which care is provided) who do not reside at the home. The use of small family child care homes shall be considered a residential use of property for all residential zone districts.

dB means a decibel rating used to express the relative intensity of a sound as it is heard by the human ear.

Density bonus means a density increase ~~of at least 25 percent~~ over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date project application is received pursuant to Cchapter 19.57. ~~The~~

~~density bonus shall not be included when determining the number of housing units which is equal to ten or 20 percent of the total.~~

Developer means the legal or equitable owner, or his authorized representative, of any lot or parcel within the city who intends to develop such lot in compliance with the provisions of this title.

Development means any building or other alteration of or use to which land is put and construction incidental thereto.

Development application means any formal application submitted to the city required as a prerequisite to developing property.

~~Director~~*Director* means the ~~director~~Director of Development Services of development services for the city, or his or her designee.

Dismantling yard means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts, but shall not include the incidental storage of damaged vehicles in connection with the operation of a repair garage.

Distribution efficiency means the following for different types of irrigation heads or emitters:

- (1) 0.70 for spray heads.
- (2) 0.85 for gear driven, impact, or ball-driven rotors.
- (3) 0.85 for bubbler heads.
- (4) 0.90 for drip irrigation systems.

Drive-through or fast-food restaurant means any establishment, building, or structure where food or drink are served for consumption either on or off the premises by order from or service to either persons over an interior counter, outside the structure, or from an outdoor service window or an automobile service window.

Drug store means a store which emphasizes the sale of household and health-related items that may have incidental sales of alcoholic beverages.

Dwelling means any building or portion thereof which is used as the private residence or sleeping place for one or more human beings, but not including hotels, auto courts, trailers, club or lodging houses, or any institution such as an asylum, hospital or jail where human beings are housed by reason of illness or under legal restraint.

Easement means the right to use property owned by another for specific purposes or to gain access to another property. For example, utility companies often have easements on the private property of individuals to be able to install and maintain utility facilities.

Ecological restoration project means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

Educational institution means public and other nonprofit institutions conducting regular academic instruction at kindergarten, elementary, secondary and college levels, including graduate schools, universities, nonprofit research institutions and religious institutions. Such institutions must either offer general academic instruction equivalent to the standards prescribed by the state board of education, or confer degrees as a college or university of undergraduate or graduate standing, or conduct research, or give religious instruction. The term "educational institution" does not include schools, academies or institutes, incorporated or otherwise, which operate for a profit, nor does it include commercial or trade schools.

Effective precipitation or useable rainfall means the portion of total precipitation that is used by the plans.

Emergency shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Emitter means drip irrigation fittings that deliver water slowly from the system to the soil.

Established landscape means the point at which plants in the landscape have developed roots into the soil adjacent to the root ball.

Establishment period means the first year after installing the plant in the landscape.

Estimated applied water use means the portion of the estimated total water use that is derived from applied water. The estimated applied water use shall not exceed the maximum applied water allowance. The estimated applied water use may be the sum of the water recommended through the irrigation schedule.

Estimated total water use means the annual total amount of water estimated to be needed to keep the plants in the landscaped area healthy. It is based upon such factors as the local evapotranspiration rate, the size of the landscaped area, the types of plants, and the efficiency of the irrigation system.

ET adjustment factor means the factor of 0.8 that, when applied to reference evapotranspiration, adjusts for the plant factors and irrigation efficiency.

Evapotranspiration means the quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time.

Facilities study means the facilities study prepared by the city in connection with the adoption of fees as described in Cchapter 19.68 and as may be amended from time to time.

Factory-built housing means a residential building, dwelling unit or an individual dwelling room or combination of rooms thereof; or building component, assembly or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage or destruction of the part, which is either wholly manufactured or is in a substantial part manufactured at an off-site location to be wholly or partially assembled on site in accordance with building standards published in the state buildings standards code and other regulations pursuant to state health and safety code section 19990. The term "factory-built housing" does not include a mobile home, a mobile home accessory building or structure, a recreational vehicle or commercial coach.

Family means ~~an individual or two or more~~ all persons living in a household who are related by ~~blood or birth~~, marriage, ~~or a group of not more than six persons, excluding servants, who are not related by blood or marriage~~ adoption, ~~living together as a single housekeeping unit in a dwelling unit.~~

Fence means a structure, self-standing, which is constructed of any combination of combustible and noncombustible materials or combustible or noncombustible materials separately used, to separate, isolate or enclose a designated lot/parcel of land or portion of lot/parcel of land.

Findings means the results of an investigation and the basis upon which decisions are made. Findings are used by city employees and decision-making bodies to justify action taken by them.

Floor area means the entire floor area of a building. The floor area includes not only the ground floor area but also any additional stories or basement of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including enclosed porches. Unless otherwise indicated in this title, floor area shall mean gross usable floor area.

Flow rate means the rate at which water flows through pipes and valves (gallons per minute or cubic feet per second).

Freeway or expressway means a four- to six-lane roadway as designated in the city general plan circulation element. The term "freeway" also means any roadway designated as a state or federal freeway or interstate.

Front lot line means the line dividing a lot from the street. On a corner lot, only one street line is considered the front lot line, and the shorter street frontage shall be considered the front lot line.

Front yard means a yard extending across the full width of the lot between the front lot line and the nearest line of the main building.

Frontage means the front lot line of a site, separating the site from a street.

Garage means a building or part thereof, not over one story in height and used in conjunction with a residence or business for storage of self-propelled private passenger vehicles or private passenger or house trailers, wherein no service for profit is conducted.

General plan means the general plan of the city and the elements thereof as authorized and defined in the Government Code commencing with section 65300.

Government Code means the Government Code of the State of California.

Grand opening means a special event solely for the purpose of promoting newly established businesses, within two months of that particular businesses' initial occupancy of the premises.

Grocery store means any retail store which provides food products, produce, household items and prepackaged alcoholic beverages as an incidental commodity to the establishment.

Health club means a facility providing physical instruction, training, therapy, exercise or rehabilitation, including, but not limited to, any or all of the following: swimming, Jacuzzi, self-defense, dance, weight control, floor exercise, body control, weight lifting, machine exercise, isometrics, or indoor or outdoor court games. This definition shall also apply to a private recreation center, health club, karate studio, Tai-Kwan-Do studio, spa, racquetball club, tennis club, fitness center, nutritional center, figure salon and establishments having similar titles.

Height of building means the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the ceiling of the uppermost story.

High-cube warehousing means warehouses and distribution centers with a minimum gross floor area of 200,000 square feet, a minimum ceiling height of 24 feet, and a minimum dock high door loading ratio of one door per 10,000 square feet. High-cube warehouses are characterized by a small employment count due to a high level of automation. High-cube warehouses shall not be used for manufacturing or labor-intensive purposes, nor exceed the ratio of 25 employees per acre.

High-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours, as required by State law.

Hog ranch means any premises where three or more weaned hogs are maintained.

Home for the aged means an institutional facility for the lodging and care of ambulatory senior citizens, and offering or providing lodging, meals, dietary service or other personal services, but not including care or treatment of persons with addictions or contagious or communicable diseases, insanity, or surgery, physical therapy, full-time nursing care or similar activities customarily provided in a hospital, skilled nursing facility or convalescent hospital.

Hospital means any building, or portion thereof, used for the accommodation of such or injured persons, and includes sanatoria, convalescent and rest homes and boarding homes for

children and aged persons, also orphanages, but shall not include asylums, detention, or similar buildings where human beings are housed or detained under legal restraint.

Hotel means a building designed for or occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six or more guest rooms, and in which there is no provision for cooking in any individual room or suite. Said use may also contain such ancillary facilities as conference facilities, personal services or food preparation and dispensing. Jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes or similar buildings where human beings are housed or detained under legal restraint are specifically not included.

Housing development, except as otherwise defined in Chapter 19.57 for purposes of that Chapter, means one or more groups of projects for residential units.

Hydrozone means a portion of a landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or nonirrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a nonirrigated hydrozone.

Infiltration rate means the rate of water entry into the soil expressed as a depth of water per unit of time in inches per hour.

Infrastructure fee means the development fee established in Chapter 19.68.

Infrastructure improvements means the public facilities described in Chapter 19.68.

Ingress/egress means the ability to enter a site from a roadway and exit a site onto a roadway by the use of a motorized vehicle.

Institution means a church, school, hospital, rest home, civic establishment or similar facility.

Irrigation efficiency means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurement and estimates of irrigation system characteristics and management practices. The minimum irrigation efficiency for purposes of this title is 0.625. Greater irrigation efficiency may be expected from well-designed and maintained systems.

Junkyard means any lot or portion of any lot used for the dismantling of machinery or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking, or for the storage or keeping of junk, including scrap metals or other scrap materials.

Kennel means a place where four or more dogs are kept, which are at least four months of age or older.

Kitchen means any room in a building or dwelling unit which is used for cooking or preparation of food.

Landscape irrigation audit means a process to perform site inspection, evaluate irrigation systems, and develop efficient irrigation schedules.

Landscaped area means the entire parcel less than building footprint, driveways, nonirrigated portions of parking lots, hardscapes, such as decks and patios, and other nonporous areas. Water features are included in the calculation of the landscaped area. Areas dedicated to edible plants, such as orchards or vegetable gardens are not included.

Landscaping means the planting and continued maintenance of suitable ornamental or beautification vegetation where an adequate irrigation system is provided with associated areas of paving, gravel or otherwise dust-free materials.

Lateral line means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

Liquor store means any store whose predominant item of sale is packaged alcoholic beverages for off-site consumption, not food products or commodities.

Loading space means any off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading materials.

Local street means a two-lane roadway with 60 feet right-of-way and a curb-to-curb width ranging between 36 and 40 feet. Six-foot wide sidewalks are to be included in general on both sides of local streets. In industrial areas, the curb-to-curb width may be widened from 44 feet to 56 feet.

Lot means a parcel of real property as shown on a delineated parcel of land with a separate and distinct number or other delineation on a plat recorded in either the office of the county recorder of Riverside County or in San Diego County.

Lot depth means the horizontal distance between the front and rear lot lines, measured in the main direction of the side lot lines.

Lot lines includes lease lines or other lines defining a building site.

Lot size means the total horizontal area within the lot lines of the lot.

Lower income household means a person or family whose income does not exceed the qualifying limits in section 50079.5 of the California Health and Safety Code.

Main line means the pressurized pipeline that delivers water from the water source to the valve or outlet.

Major transit stop, except as otherwise defined in Chapter 19.57 for purposes of that Chapter, means a site containing an existing rail or bus rapid transit station or the intersection of two or more major bus routes with a frequency of service interval of twenty (20) minutes or less during the morning and afternoon peak commute periods, as required by State law.

Manufactured housing means a structure, transportable in one or more sections, which, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such terms shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under this part. The term "manufactured home" includes a mobile home subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 USC 541 et seq.).

Maximum applied water allowance means, for design purposes, the upper limit of annual applied water for the established landscaped area. It is based upon the area's reference evapotranspiration, the ET adjustment factor and the size of the landscaped area. The estimated applied water use shall not exceed the maximum applied water allowance.

Medical clinic means a place used for the care, diagnosis and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention including counseling services, but who are not provided with board or room, nor kept overnight on the premises.

Mined-land reclamation projects means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

Minimart means any retail establishment generally less than 3,000 square feet in floor area, functioning as a quick-service retail outlet for the convenience of the public which sells limited grocery, food and dry goods and may or may not include the sale of alcoholic beverages, and gasoline sales as an ancillary service.

Mobile home means a structure transportable in one or more sections designed and equipped to contain not more than two dwelling units to be used with or without a foundation system. The term "mobile home" shall also include state-approved factory-built housing, and does not include a recreational vehicle, commercial coach or factory-built housing.

Mobile home park means a parcel or site intended for residential use exclusively with mobile home, together with recreation and accessory facilities serving the residents of the park.

Mobile recycling unit means an automobile, truck trailer or van, licensed by the department of motor vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers which are used for the collection of recyclable materials.

Mulch means any material such as leaves, bark, straw or other material left loose and applied to the soil surface for the beneficial purpose of reducing evaporation.

Multiple- or multi-family dwelling means a building or portion thereof used to house two or more families including domestic employees of each such family, living independently of each other, and doing their own cooking.

Nonconforming structure means a structure which was legal when established, but which because of the adoption or amendment of the ordinance codified in this title now conflicts with the provisions of this title applicable to the district or zone in which it is situated.

Nonconforming use means the use of a structure or premises that was legal when established, but which because of the adoption or amendment of the ordinance codified in this title now conflicts with the provisions of this title applicable to the district in which such use is situated.

Occupied includes arranged, designed, built, altered, converted to, rented, leased, or intended to be occupied.

Off-sale beer and wine means the sale of all types of beer, wine and malt beverages in original sealed containers for consumption off the premises.

Off-sale, general, means the sale of all types of alcoholic beverages in original sealed containers for consumption off the premises.

On-sale beer and wine means the sale of all types of beer, wine and malt liquor for on-site consumption.

On-sale, general, means the sale of all types of alcoholic beverage; namely, beer, wine and distilled spirits for consumption on the premises.

One-family dwelling means a building containing but one kitchen, designed or used to house not more than one family, including all domestic employees of such family and including not more than two roomers or boarders.

Operation pressure means the pressure at which a system of sprinklers is designed to operate, usually indicated at the base of a sprinkler.

Outdoor sales and display area means an area located outside of a building or structure which is used for the display of goods or products for sale with the primary sales office located within a building or structure on the same lot or parcel of land.

Outdoor storage means an area located outside of a building or structure which is screened from view and is used for the placement of goods, supplies or stock which is intended for future use.

Overhead sprinkler irrigation system means sprinkler irrigation systems, e.g., with high flow rates (pop-ups, impulse sprinklers or rotors).

Overspray means the water which is delivered beyond the landscaped area wetting pavements, walks, structures, or other nonlandscaped areas.

Person includes association, firm, co-partnership, corporation, city or county.

Plant factor means the factor that, when multiplied by the reference evapotranspiration, estimates the amount of water used by plants. For purposes of this title, the average plant factor of low water-using plants ranges from zero to 0.3, for average water-using plants the range is 0.4 to 0.6 and for high water-using plants, the range is from 0.7 to 1.0.

Private nonprofit organization means a private association organized and operated solely for nonprofit purposes and the income of which is used solely for the purposes of such organizations, but not including groups organized primarily to render a service customarily operated as a business available to the general public.

Private open space means that space immediately adjacent to the individual apartment or dwelling unit and for the use of the inhabitant of the adjacent apartment.

Processing facility means a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment or to an end-user's specifications by means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing. Processing facilities include the following:

- (1) A light processing facility occupies an area of under 45,000 square feet of gross collection, processing and storage area and has up to an average of two outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact or bale ferrous metals other than food and beverage containers.
- (2) A heavy processing facility is any processing facility other than a light processing facility.
- (3) Reverse vending machine. A "reverse vending machine" is an automated mechanical device which accepts at least one or more types of empty beverage containers, including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed with the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the

requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

Public garage means a garage for public or commercial purposes other than a garage for private purposes.

Public use or facility use means a use of property or structure for the use or benefit of the community.

Qualifying resident means either a person 62 years of age or older or 55 years of age or older in a senior citizen housing development as defined in section 51.3 of the California Civil Code.

Rain sensing device means a system which automatically shuts off the irrigation system during period of rain.

Ramada means an unattached structure having the primary purpose of sheltering a mobile home, manufactured home or factory-built house but which may extend beyond the same to provide additional protection from the elements to people or things. A portion of the area under the ramada may be used as a storage, washroom, patio, carport or garage, subject to other limitations of this title.

Rear lot line means the line opposite the front lot line.

Rear yard means a yard extending across the full width of the lot between the rear lot line and the nearest line of the main building.

Reasonable accommodation means making reasonable modifications in rules, policies, practices, or services when such adjustments may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling. Persons with disabilities shall not be denied reasonable accommodations and/or modifications in their housing. "Reasonable accommodation" requires a housing provider to alter or change their rules and policies to allow a disabled person to live in and enjoy their home.

Reclaimed water or recycled water means treated or recycled wastewater of a quality suitable for nonpotable uses such as landscape irrigation not intended for human consumption.

Recreational area means areas of active play or recreation such as sports fields, school yards, picnic grounds, or other areas with intense foot traffic.

Recreational vehicle means a vehicle for non-commercial, recreational use, including a motor home, travel trailer, camper, fifth wheel, boats, water craft, race cars, off road vehicles, horse trailer or trailers designed to carry recreational vehicles.

Recreational vehicle park means any park, subdivision, portion of subdivision or parcel of land whose use is intended to be specifically for recreational vehicles as defined in this title.

Recreational vehicle space means that lot on which a recreational vehicle is parked and which is rented/leased for the purpose of temporary residence.

Recyclable material means reusable materials, including, but not limited to, metals, glass, plastic and paper which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. The term "recyclable material" does not include refuse or hazardous materials. The term "recyclable material" may include used motor oil collected and transported in accordance with sections 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

Recycling facility means a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the state department of conservation and meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage container or processing activity located on the premises of a residential, commercial or manufacturing use which is used solely for the recycling of material generated by that residential property, business or manufacturer.

Reference evapotranspiration or *ETo* means a standard measurement of environmental parameters which affect the water use of plants. ETo is given in inches per day, month or year, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well-watered. Reference evapotranspiration is used as a basis of determining the maximum applied water allowance so that regional differences in climate can be accommodated. The reference evapotranspiration of ETo for the city shall be 56.65 inches per year, unless otherwise tested for a specific project.

Rehabilitated landscape means any relandscaping project required in conjunction with a conditional use permit, development plan review, minor development plan review or other proposal with landscape requirements, provided that such required landscaping exceeds 5,000 square feet.

Residential care center means a facility which provides for the care of more than 12 persons with special needs who reside at the facility. The use of a residential care center shall be considered a non-residential use of property for all zone districts.

Residential care facility, large, means a home which provides for the care of seven to 12 persons with special needs who reside at the home. The use of large residential care facilities shall be considered a residential use of property for all residential zone districts.

Residential care facility, small, means a home which provides for the care of six or fewer persons with special needs who reside at the home. The use of small residential care facilities shall be considered a residential use of property for all residential zone districts.

Restaurant means an establishment that serves prepared food as the primary function, with or without the incidental sales of alcoholic beverages served for on-site consumption.

Right-of-way means the entire width of property used for highways, flood and drainage works, overhead and underground utilities, or any related improvements.

Roof means the solid cover of a building.

Runoff means water which is not absorbed by the soil or landscape to which it is applied and flows from the area. For example, runoff may result from water that is applied at too great a rate (application rate that exceeds the infiltration rate) or when there is a severe slope.

Screening means the construction, election or positioning of any combination of fence or wall materials used to provide a barrier to wind, weather or vision but not used to provide a barrier similar to that of a wall or fence. Screening shall also include tile planting or positioning of structural vegetation to provide isolation, separation or enclosure of a lot/parcel of land or portion of lot/parcel of land.

~~*Second unit* means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.~~

Secondary arterials or primary arterials means a four-lane roadway as designated in the city general plan circulation element with a curb-to-curb width of 64 feet to 86 feet in accordance with the cross sections shown on the city general plan circulation plan (figure C-2).

Service station means any establishment which provides for the general servicing of motor vehicles, primarily including the sale of gasoline, other motor vehicle fuels, lubricants, and related supplies.

Setback means the minimum distance between the property line and the building line.

Shall means that which is obligatory, necessary or mandatory.

Shopping center means a commercial center consisting of five or more tenant spaces.

~~*Short-term rental* means the rental of a dwelling or a portion thereof, by the owner to another person or group of persons for occupancy, dwelling, lodging or sleeping purposes for a period of less than thirty-one (31) consecutive calendar days. The rental of units within city-approved hotels, motels, bed and breakfasts, and time-share projects shall not be considered to be a short-term rental.~~

Side lot line means any lot line other than the front lot line or rear lot line.

Side street means that street bounding a corner lot and which extends in the same general direction as the line deemed the depth of the lot.

Side yard means a yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or of the accessory building attached thereto.

Side yard setback, cumulative, means the minimum sum of side yard setbacks on both sides of a lot. Each side yard shall be on opposing sides of the lot.

Sign. See definitions in [Chapter 19.75](#).

Single-room occupancy (SRO) (also known as efficiency units), except as otherwise defined in Chapter 19.0881 for purposes of that chapter, means single room dwelling units that serve as the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both) if the project consists of new construction, conversion of non-residential space, or reconstruction. For acquisition or rehabilitation of an existing residential structure or hotel, neither food preparation nor sanitary facilities are required to be in the unit. If the units do not contain sanitary facilities, the building must contain sanitary facilities that are shared by tenants.

Soil moisture sensing device means a device that measures the amount of water in the soil.

Soil texture means the classification of soil based on the percentage of sand, silt and clay in the soil.

Specific plan means a plan adopted by the city council that is based upon the city general plan and is consistent with Government Code § 65450 et seq.

Sprinkler head means a device which sprays water through a nozzle.

Static water pressure means the pipeline or municipal water supply pressure when the water is not flowing.

Station means an area served by one valve or by a set of valves that operate simultaneously.

Story means that part of a building including between the surface of any floor and the roof next above or the surface of the floor next above.

Street means a public or an improved thoroughfare or road easement which affords the principal means of access to abutting property, but not including an alley.

Street line means the boundary line between a street and abutting property.

Structural alternations means any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists or roof joists.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, and which requires location on the ground or attachment to something having a location on the ground, including satellite dishes, and radio or television masts, but not including fences or walls

used as fences 42 inches or less in height. A non-building structure must meet all yard setbacks of the zone in which it is located.

Subdivision, parcel map, tentative map, final map, improvement and design have the same meaning respectively, as those terms are defined or used in Division 2 of title 7 of the Government Code of the state, known as the Subdivision Map Act.

Supportive housing means housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of section 53260 of the California Health and Safety Code, and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his health status, and maximizing his ability to live and, when possible, work in the community. Supportive housing occupants may live in single or multifamily dwelling units, or maintain a separate residence.

Swap meet means the use, rental, or lease of stalls or areas outside of an enclosed building by vendors offering goods or materials for sale or exchange, not including public fairs, or art exhibits.

Target population means adults with low income having one or more disabilities, which may include mental illness, HIV or AIDS, substance abuse, or other chronic health conditions; or individuals eligible for services provided under the Lanterman Development Disabilities Services Act (division 4.5, commencing with section 4500 of the Welfare and Institutions Code); and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless persons.

Trailer or trailer coach means any camp car, trailer or other vehicle with or without motive power designed and constructed to travel on public thoroughfares and designed or used for human habitation.

Transitional housing and *transitional housing development* mean buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing can take several forms, including group housing or multifamily units.

Turf means a surface layer of earth containing mowed grass with its roots. Annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue, and tall fescue are cool-season grasses. Bermuda grass, kukuyu grass, seashore paspalum, St. Augustine grass, zoysia grass and buffalo grass are warm-season grasses.

Use means the purpose for which land or the building or buildings thereon is occupied, used or maintained.

Used includes occupied, arranged, designed or intended to be used.

Valve means a device used to control the flow of water in the irrigation system.

Very low income household means a person or family whose income does not exceed the qualifying limit in section 50105 of the California Health and Safety Code.

Wall means any structure constructed of masonry and partial masonry materials used to isolate, separate, or enclose a designed parcel of land or lot or portion of lot/parcel of land. This definition shall not apply to buildings or similar devices whose sides are commonly referred to as walls.

Warehousing and distribution means a building or premises in which goods, merchandise or equipment are stored for eventual distribution.

Washroom means any building which contains individual laundry facilities but does not include kitchen, bathroom or sleeping facilities.

Water conservation concept statement means a one-page checklist and a narrative summary for a landscape project.

Water feature means any fountain, pond, pool, lake or similar element which requires the use of water.

Wireless communications means a broad range of telecommunications services that enable people and devices to communicate independent location. This includes the current technologies of cellular communications and personal communications services. This excludes non-commercial antennas, radio and television signals, and non-commercial satellite dishes.

Yard means a space or area open to the sky and unoccupied or unobstructed except by encroachments specifically permitted by this code on the same lot with a building.

Zone means a zoning district to which uniform regulations apply.

CHAPTER 19.20. A-1 ZONE (LIGHT AGRICULTURAL/INTERIM DESIGNATION)

Sec. 19.20.030. Uses subject to a conditional use permit.

(a) The following uses shall be allowed subject to obtaining a conditional use permit, as provided by [Chapter 19.61](#):

- (1) *Farms or ranches*. Farms or ranches devoted to the hatching, raising, fattening, sale or marketing on a commercial scale of chickens, turkeys or other fowl or poultry, rabbits, fish or frogs.
- (2) *Rural and convalescent rest homes*. Rural and convalescent rest homes, provided that no mentally unbalanced patient or patient suffering from any contagious disease is admitted, that no building houses more than ten patients, that buildings maintain a residential appearance, that all buildings are at least 50 feet removed from any lot

line, that only incidental medical treatment be administered on the premises, that not more than one building for 20,000 square feet of lot area is erected, and that all plans for such home are submitted to and approved by the city council before any buildings are erected or used in connection such allowed use.

(3) *Farms.* Farms or establishments for the selective or experimental breeding of cattle or horses or the raising and training of horses or show cattle, provided that not more than two animals per acre of total lot area shall be permitted in connection with such use, that all necessary buildings in connection with such use shall be removed at least 50 feet from any building used for human habitation, and that plans for the development of the property are approved by the city council before the use is established.

(4) *Grazing of cattle or horses.* The grazing of cattle or horses, provided that there shall be no concentrated feeding of such animals, that not more than two such animals per acre of lot area shall be maintained, and that no accessory building in connection with such use shall be nearer than 50 feet from any building used for human habitation.

(5) *Recreational vehicle park.* Recreational vehicle parks, in compliance with the standards of Chapter 19.58.

~~(6) *Accessory dwelling.* An accessory dwelling unit, as defined in chapter 19.08.~~

(b) ~~(7) *Miscellaneous.* Other similar uses approved by the Director of planning and community development services, as provided by Chapter 19.54.~~

Sec. 19.20.040. Permitted accessory uses.

(a) The following uses are considered to be incidental to and compatible with permitted and conditionally permitted uses:

(1) *Animals.*

a. *Large animals shall not be allowed on a parcel less than 20,000 square feet in size.*

b. *Two large animals are allowed on a parcel having more than 20,000 square feet, up to one acre.*

c. *One additional animal is allowed for each 20,000 square feet of land area over one acre.*

(2) *Accessory dwelling units.* Pursuant to the requirements set forth in Chapter 19.81.

(b) ~~(2) Other similar uses: Approved by the Director of planning and community development services, as provided by Chapter 19.54.~~

CHAPTER 19.21. R-20,000 SINGLE-FAMILY RESIDENTIAL 20,000 SQUARE FOOT MINIMUM LOTS

Sec. 19.21.020. Permitted uses.

(a) The following uses are permitted:

- (1) Agricultural uses.
- (2) One detached single-family dwelling.
- (3) Supportive and transitional housing (in compliance with provisions of the R-20,000 Zone).
- (4) Single-room occupancy (SRO) facilities.
- ~~(5) Monopoles or similar wireless communications towers or facilities.~~
- ~~(6)(5) Small family day care homes.~~
- ~~(7)(6) Residential care facilities (per Chapter 19.84).~~
- (7) Residential uses pursuant to Chapter 19.30, SB 9 Housing Developments, and Urban Lot Splits
- (8) One manufactured home pursuant to Section 19.02.090.

(b) Other similar uses: ~~As~~ approved by the ~~Director~~ Director of development services, as provided by Chapter 19.54.

Sec. 19.21.040. Permitted accessory uses.

(a) *General.* The following uses are considered to be incidental to and compatible with permitted and conditionally permitted uses:

- (1) Agriculture:
 - a. Non-commercial farming.
 - b. 4-H or FFA farming and animal raising.
- (2) Animals:
 - a. No more than three small animals per acre for non-commercial uses.
 - b. Keeping of no more than three of each type of small domestic animal for non-commercial use.

- c. Keeping of large animals, such as horses, cows, sheep, pigs are permitted at the following maximum densities:
 1. Two animals on not less than 20,000 square feet.
 2. Three animals on not less than 30,000 square feet.
 3. Four animals on not less than one acre.
 4. More than four animals are allowed on property greater than one acre provided there isare at least 20,000 square feet for each additional animal.

(b) *Child care facility.* Uses must be consistent with the criteria contained in Cchapter 19.83.

(c) *Accessory dwelling units.* Pursuant to the requirements set forth in Chapter 19.81.

(d) *Home Occupations.* Pursuant to the requirements set forth in Section 19.02.1-40.

(e) *Residential care.* Uses must be consistent with the criteria contained in Cchapter 19.84.

~~(b)(f)~~ (f) Other similar uses ~~As~~ approved by the Director of development services, as provided by Cchapter 19.54.

CHAPTER 19.22. R-10,000 SINGLE-FAMILY RESIDENTIAL 10,000 SQUARE FOOT MINIMUM LOTS
Sec. 19.22.020. Permitted uses.

(a) The following uses are permitted:

- (1) One detached single-family dwelling-
- (2) Small family day care homes-
- (3) Residential care facilities (per Cchapter 19.84)-
- (4) Supportive and transitional housing (in compliance with provisions of the R-10,000 Zone)-
- ~~(5)~~ (5) Single-room occupancy (SRO) facilities (as defined in Chapter 19.08per chapter 19.28.070.E, MFR-22)-
- (6) Residential uses pursuant to Chapter 19.30, SB 9 Housing Developments, and Urban Lot Splits
- ~~(5)(7)~~ (7) One Manufactured Home pursuant to Section 19.02.090-

- (b) Other similar uses ~~As~~ approved by the ~~Director of development services~~, as provided by ~~Chapter 19.54.~~

Sec. 19.22.040. Permitted accessory uses.

- (a) The following uses are considered to be incidental to and compatible with permitted and conditionally permitted uses:

(1) Animals: No more than three small domestic animals of each type of animal.

(2) Child care facility: Uses must be consistent with the criteria contained in ~~Chapter 19.83.~~

~~(3) Residential care: Uses must be consistent with the criteria contained in Chapter 19.84.~~

~~(4) Accessory dwelling units. Pursuant to the requirements set forth in Chapter 19.81.~~

~~(5) Home Occupations. Pursuant to the requirements set forth in Section 19.02.1-40.~~

~~(3) Second unit: Uses must be consistent with the criteria contained in chapter 19.81.~~

- (b) Other similar uses ~~As~~ approved by the ~~Director of development services~~, as provided by ~~Chapter 19.54.61.~~

Sec. 19.22.080. Development criteria.

- (a) *General provisions.* Refer to ~~Chapter 19.02~~ for those general criteria applicable to development, such as:

(1) Building criteria for structures.

(2) Encroachments/architectural projections.

(3) Utilities.

- (b) *Lot size.*

(1) Minimum lot size: 10,000 square feet.

~~(2) Maximum lot size: 20,000 square feet.~~

- (c) *Lot dimensions.*

(1) Lot width: 70 feet minimum.

(2) Lot width (corner lots): 75 feet minimum.

(3) Lot depth: 100 feet minimum.

(4) Lot depth (cul-de-sacs and street knuckles): 90 feet minimum.

~~(d) Building size. Minimum primary building size of 1,200 square feet, excluding porches and garages.~~

~~(e)(d)~~ Accessory structure size. Subject to Cchapter 19.29, Accessory Buildings and Structures.

~~(f)(e)~~ Lot coverage. Maximum lot coverage of 40 percent.

~~(g)(f)~~ Building height. Maximum height of 35 feet.

~~(h)(g)~~ Setbacks.

(1) Minimum front yard: 25 feet.

~~(2) Maximum front yard: None.~~

~~(3)(2)~~ Minimum side yard: ~~Ten-10~~ feet.

~~(4)(3)~~ Minimum street side yard: ~~Ten-10~~ feet.

~~(5)(4)~~ Minimum rear yard: 25 feet.

~~(i)(h)~~ Building separation. Minimum of ~~five-5~~ feet between buildings on the same lot.

~~(j)(i)~~ Lot frontage. Lot frontage shall be a minimum of 70 feet, unless located on a cul-de-sac. All cul-de-sac lots shall have a minimum lot width of 55 feet.

CHAPTER 19.23. R-8,400 SINGLE-FAMILY RESIDENTIAL 8,400 SQUARE FOOT MINIMUM LOTS

Sec. 19.23.020. Permitted uses.

(a) The following uses are permitted:

(1) One detached single-family dwelling.

(2) Small family day care homes.

(3) Residential care facilities (per Cchapter 19.84).

(4) Supportive and transitional housing (in compliance with provisions of the R-8,400 Zone).

~~(5)~~ Single room occupancy (SRO) facilities (~~per chapters defined in Chapter 19.28.070.E08, MFR-22~~).

(6) Residential uses pursuant to Chapter 19.30, SB 9 Housing Developments, and Urban Lot Splits.

~~(5)(7) One Manufactured Home pursuant to Section 19.02.090.~~

(b) Other similar uses ~~as~~ approved by the ~~D~~irector of development services, as provided by ~~C~~hapter 19.54.

Sec. 19.23.040. Permitted accessory uses.

(a) The following uses are considered to be incidental to and compatible with permitted and conditionally permitted uses:

(1) Animals: No more than four (4) small domestic animals of each type of animal.

(2) Child care facility: Uses must be consistent with the criteria contained in Chapter 19.83.

(3) Residential care: Uses must be consistent with the criteria contained in Chapter 19.84.

(4) Accessory dwelling units. Pursuant to the requirements set forth in Chapter 19.81.

(5) Home Occupations. Pursuant to the requirements set forth in Section 19.02.1-40.

~~(3) Second unit: Uses must be consistent with the criteria contained in chapter 19.81.~~

(b) Other similar uses as ~~as~~ approved by the ~~D~~irector of development services, ~~as~~ provided by in Chapter 19.5461.

Sec. 19.23.080. Development criteria.

(a) *General provisions.* Refer to Chapter 19.02 for those general criteria applicable to development, such as:

(1) Building criteria for structures.

(2) Encroachments/architectural projections.

(3) Utilities.

(b) *Lot size.* 8,400 square feet minimum.

(c) *Lot dimensions.*

(1) Lot width: 65 feet minimum.

(2) Lot width (corner lots): 70 feet minimum.

(3) Lot depth: 100 feet minimum.

(4) Lot depth (cul-de-sacs and street knuckles): 90 feet minimum.

~~(d)~~ *Building size.* Minimum primary building size of 1,200 square feet, excluding porches and garages.

~~(e)~~(d) *Accessory structure size.* Subject to Cchapter 19.29, Accessory Buildings and Structures.

~~(f)~~(e) *Lot coverage.*

(1) One-story dwellings: 60 percent maximum.

(2) Two-story dwellings: 40 percent maximum.

~~(g)~~(f) *Building height.* Maximum height of 35 feet (measured to top of roof pitch).

~~(h)~~(g) *Setbacks.*

(1) Front yard, primary dwelling: 20 feet minimum.

(2) Front yard, garage: 20 feet minimum for side-entry garages; 25 feet minimum for front-entry garage. Front entry garages are defined as having garage doors parallel to the street.

(3) Side yard: ~~Five~~5 feet per story minimum.

(4) Street side yard: ~~ten~~10 feet for one-story dwellings 15 feet for two-story dwellings.

(5) Rear yard: 25 feet minimum.

~~(i)~~(h) *Building separation.* Minimum of ~~ten~~10 feet between buildings on the same lot.

~~(j)~~(i) *Lot frontage.* Lot frontage shall be a minimum of 70 feet for corner lots, 65 feet for interior lots, and 50 feet for lots on cul-de-sac and street knuckles.

CHAPTER 19.24. R-7,200 SINGLE-FAMILY RESIDENTIAL 7,200 SQUARE FOOT MINIMUM LOTS

Sec. 19.24.020. Permitted uses.

(a) The following uses are permitted:

(1) One detached single-family dwelling.

(2) Small family day care homes.

(3) Residential care facilities (per Cchapter 19.84).

(4) Supportive and transitional housing (in compliance with provisions of the R-7,200 Zone).

~~(5) Single room occupancy (SRO) facilities (as defined in Chapter 19.08 per chapter 19.28.070.E, MFR-22).~~

~~(6) Residential uses pursuant to Chapter 19.30, SB 9 Housing Developments, and Urban Lot Splits. Urban lot splits and duplexes allowed pursuant to Chapter 19.30.~~

~~(7) One Manufactured Home pursuant to Section 19.02.090.~~

(b) Other similar uses ~~as~~ ~~As~~ approved by the ~~D~~director of development services, ~~as~~ provided by ~~in C~~chapter 19.54.

Sec. 19.24.040. Permitted accessory uses.

(a) The following uses are considered to be incidental to and compatible with permitted and conditionally permitted uses:

(1) Animals: No more than four small domestic animals of each type of animal.

(2) Child care facility: Uses must be consistent with the criteria contained in ~~C~~chapter 19.83.

~~(3) Residential care: Uses must be consistent with the criteria contained in Cchapter 19.84.~~

~~(4) Accessory dwelling units. Pursuant to the requirements set forth in Chapter 19.81.~~

~~(5) Home Occupations. Pursuant to the requirements set forth in Section 19.02.1-40.~~

~~(3) Second unit: Uses must be consistent with the criteria contained in chapter 19.81.~~

(b) Other similar uses ~~as~~ ~~As~~ approved by the ~~D~~director of development services, ~~as~~ provided by ~~in C~~chapter 19.54~~61~~.

Sec. 19.24.080. Development criteria.

(a) *General provisions.* Refer to ~~C~~chapter 19.02, General Provisions, for those general criteria applicable to development, such as:

(1) Building criteria for structures.

(2) Encroachments/architectural projections.

(3) Utilities.

(b) *Lot size.* 7,200 square feet minimum.

(c) *Lot dimensions.*

- (1) Lot width: 60 feet minimum.
- (2) Lot width (corner lots): 65 feet minimum.
- (3) Lot depth: 100 feet minimum.
- (4) Lot depth (cul-de-sacs and street knuckles): 90 feet minimum.

~~(d) *Building size.* Minimum primary building size of 1,200 square feet, excluding porches and garages.~~

~~(e)~~(d) *Accessory structure size.* Subject to Cchapter 19.29, Accessory Buildings and Structures.

~~(f)~~(e) *Lot coverage.*

- (1) One-story dwellings: 60 percent maximum.
- (2) Two-story dwellings: 40 percent maximum.

~~(g)~~(f) *Building height.* Maximum height of 30 feet (measured to top of roof pitch).

~~(h)~~(g) *Setbacks.*

- (1) Front yard, primary dwelling: 20 feet minimum.
- (2) Front yard, garage: 20 feet minimum for side-entry garages; 25 feet minimum for front-entry garage. Front entry garages are defined as having garage doors parallel to the street.
- (3) Side yard: ~~Five~~5 feet per story minimum.
- (4) Street side yard: ~~Ten~~10 feet for one-story dwellings; 15 feet for two-story dwellings.
- (5) Rear yard: 20 feet minimum.

~~(i)~~(h) *Building separation.* Minimum of ~~ten~~10 feet between buildings on the same lot.

~~(j)~~(i) *Lot frontage.* Lot frontage shall be a minimum of 65 feet for corner lots, 60 feet for interior lots, and 45 feet for lots on cul-de-sac and street knuckles.

(Code 1972, § 19.24.080; Ord. No. 1309, Ceh. 19.24, 7-14-2015)

CHAPTER 19.25. R-6,000 SINGLE-FAMILY RESIDENTIAL 6,000 SQUARE FOOT MINIMUM LOTS

Sec. 19.25.010. Purpose.

The R-6,000 Zone is to provide for the development of ~~attached and~~ detached single-family, medium density residential development ~~, including duplexes, condominiums, and townhouses,~~ at a density of ~~four-six~~ to seven-eight dwelling units per acre. This zone shall be applicable to and correlate with the General Plan land use designation of R-6,000 Single-Family Residential.

Sec. 19.25.020. Permitted uses.

(a) The following uses are permitted:

- (1) Attached and detached one-family dwellings.
- (2) Small family day care homes.
- (3) Residential care facilities (per Chapter 19.84).
- (4) Supportive and transitional housing (in compliance with provisions of the R-6,000 Zone).

~~(5) Single room occupancy (SRO) facilities (as defined in Chapter 19.08 per chapter 19.28.070.E, MFR-22).~~

~~(6) Residential uses pursuant to Chapter 19.30, SB 9 Housing Developments, and Urban Lot Splits Urban lot splits and duplexes allowed pursuant to Chapter 19.30.~~

~~(7) Manufactured Homes pursuant to Section 19.02.090.~~

(b) Other similar uses ~~as~~ As approved by the Director of development services, ~~as provided by~~ in Chapter 19.54.

Sec. 19.25.040. Permitted accessory uses.

(a) The following uses are considered to be incidental to and compatible with permitted and conditionally permitted uses shall include:

- (1) Animals: No more than three small domestic animals of each type of animal.
- (2) Child care facility: Uses must be consistent with the criteria contained in Chapter 19.83.
- ~~(3) Residential care: Uses must be consistent with the criteria contained in Chapter 19.84.~~
- ~~(4) Accessory dwelling units. Pursuant to the requirements set forth in Chapter 19.81.~~

~~(5) Home Occupations. Pursuant to the requirements set forth in Section 19.02.1-40.~~

~~(3) Second unit. Uses must be consistent with the criteria contained in chapter 19.81.~~

(b) Other similar uses ~~as~~ as approved by the ~~D~~Director of development services, ~~as provided by~~ in ~~C~~Chapter 19.54.

Sec. 19.25.080. Development criteria.

(a) *General provisions.* Refer to ~~C~~Chapter 19.02, General Provisions, for those general criteria applicable to development, such as:

- (1) Building criteria for structures.
- (2) Encroachments/architectural projections.
- (3) Utilities.

(b) *Lot size.* Minimum lot size: 6,000 square feet.

(c) *Lot dimensions.*

- (1) Lot width: 60 feet minimum.
- (2) Lot width (corner lots): 65 feet minimum.
- (3) Lot depth: 100 feet minimum.
- (4) Lot depth (cul-de-sacs and street knuckles): 90 feet minimum.

~~(d) *Building size.*~~

~~(1) *Single family:* Minimum primary building shall be 1,200 square feet, excluding porches and garages.~~

~~(2) *Multiple family:* Please refer to section 19.25.090(h).~~

~~(e)~~(d) *Accessory structure size.* Subject to ~~C~~Chapter 19.29, Accessory Buildings and Structures.

~~(f)~~(e) *Lot coverage.*

- (1) Single-story dwellings. Maximum lot coverage of 60 percent.
- (2) Two-story dwellings. Maximum lot coverage of 40 percent.

~~(g)~~(f) *Building height.* Maximum height of 30 feet.

~~(h)~~(g) *Setbacks.*

(1) Minimum front yard:

- a. Primary building: 20 feet.
- b. Garage: 20 feet. On lots of 8,000 square feet or more, the garage shall be set back at least 25 feet.

(2) Maximum front yard: None.

(3) Minimum side yard: ~~Five~~5 feet per story minimum.

~~a. Zero lot line: Zero feet.~~

~~b. Attached/detached: Five feet for each story.~~

~~1. Existing lots less than 53 feet in width: Five feet minimum.~~

~~2. Existing lots 53 feet or greater in width: Five feet minimum.~~

~~3. The following conditions and setbacks are allowed:~~

~~i. Second stories on interior lots shall also have a minimum cumulative side yard setback of 15 feet, with ten additional feet required for each additional story beyond the second.~~

~~ii. New subdivision projects consisting of the construction of five or more single family residences may reduce the cumulative setback by five feet for a particular lot when adjacent to a parcel with a single story structure, provided the total number of lots with reduced setbacks does not exceed 25 percent of all residential lots in the project.~~

~~e. Multiple family building: Five feet for each story.~~

(4) Minimum street side yard: The following conditions and setbacks are allowed:

a. Existing single-family lots less than 53 feet in width: Six (6) feet minimum for single-story dwellings and ten (10) feet for two-story dwellings.

b. Existing single-family lots 53 feet and greater in width: Ten (10) feet minimum. Second stories on corner and reverse corner lots shall also have a minimum cumulative setback of 20 feet, with ten (10) additional feet required for each additional story beyond the second.

~~e. Multiple family buildings: Ten feet minimum; five feet for each additional story over one story.~~

(5) Minimum rear yard: 20 feet minimum. ~~The following conditions and setbacks are allowed:~~

a. ~~Attached/detached dwellings: 20 feet.~~

b. ~~Multiple family buildings: Ten feet; five feet for each additional story.~~

~~(h)~~ (i) *Building separation.* Ten-10 feet between buildings on the same lot; an additional five-5 feet for each additional story of building height.

~~(i)~~ (i) *Lot frontage.* Lot frontage shall be a minimum of 60 feet, unless located on a cul-de-sac. All cul-de-sac lots shall have a minimum lot width of 45 feet.

Sec. 19.25.090. Design criteria.

(a) *Access/orientation.* consistent with the Residential Design Guidelines. ~~No specific requirements~~

(b) *Architecture.*

(1) Single-family: Project site planning and dwelling unit architecture shall be consistent with the Ceity's Residential Design Guidelines.

~~(2) Multiple family: Multiple family buildings shall have roof overhangs and architectural interest.~~

(c) *Landscaping.* Landscaping and irrigation shall be provided consistent with section 19.02.130. Landscaping along Multiple family buildings shall include reverse frontages and perimeter walls facing a street shall include a combination of trees, shrubs, and ground cover to provide an attractive streetscape and help preclude the occurrence of blank walls.

(d) *Parking.* Parking shall be provided consistent with Chapter 19.69.

(e) *Signs.* Signs shall be allowed consistent with the provisions contained in Chapter 19.75.

(f) *Utilities.* Utilities shall be provided consistent with the provisions contained in Chapter 19.02.

(g) *Walls/fencing.*

(1) Walls and fencing shall be consistent with the Ceity's Residential Design Guidelines.

(2) See also ~~the~~ screening provisions contained in Chapter 19.02.

~~(h) Special standards for multiple family buildings. Multiple family buildings shall be consistent with the following standards:~~

~~(1) Dwelling area required. Every dwelling erected shall have a minimum ground floor area of not less than 480 square feet, exclusive of unroofed porches and garages.~~

~~(2) Outdoor living space. All multiple-family dwelling units constructed in the city shall provide private and common open space for the enjoyment of their residents in accordance with the following requirements:~~

~~a. Private open space.~~

~~1. Each individual ground-floor unit of a single-family dwelling shall be provided with a minimum of 150 square feet of contiguous and usable outdoor living space, exclusive of any front yard, which shall be enclosed by a solid fence, wall or other approved screening, six feet in height and the rectangle inscribed within such private open space shall not have a dimension less than ten feet. Not more than 75 square feet of private open space for ground-floor dwelling units shall be covered by an overhanging balcony or patio roof. Patios and balconies may be included in the calculation of private open space.~~

~~2. Each individual dwelling unit not having a ground-floor living area shall be provided with a minimum of 75 square feet of above-ground private open space and the rectangle inscribed therein shall have no dimension less than five feet. All above-ground private open space shall have at least one exterior side open above the railing height.~~

~~3. Private open space shall be adjacent to and not more than four feet above or below the floor level of the dwelling unit served.~~

~~b. Common open space. Each unit shall be provided with a minimum of 150 square feet of common open space, exclusive of driveways and sidewalks. Portions of yards, excluding the front yard and private open spaces, which are contiguous to all units, pools, paved recreation areas, and indoor recreational facilities may be included in the calculation of common open space. Not less than 30 percent of the required open space shall be in permanent landscaping. Such landscaping shall be comprised of live plant materials with permanent irrigation facilities and automatic timers installed.~~

~~(3) Alley improvement. Where alleys exist adjacent to a proposed project the developer shall be required to fully improve such alleys, as a condition of approval, to full width with a ribbon gutter to the nearest paved street which provides adequate drainage.~~

~~(i) Special architectural and design standards for multiple-family dwellings. The city council may reduce the following special architectural and design standards and required amenities for affordable housing or seniors housing. The city council may also approve alternative~~

facilities appropriate to the type of development, in lieu of the following requirements, if a finding is made that equivalent standards, amenities, or facilities are provided.

(1) *Required amenities:*

a. *General.* All multi-family housing developments shall provide recreational amenities within the site in accordance with the following:

Amenity Required	Project Size
Tot lot with play equipment	5 units
Barbecue area with seating	10 units
Swimming pool and spa	20 units
Court game facilities such as tennis, basketball, or racquetball	50 units
Clubhouse	120 units

The above amenities are cumulative, so all of the required amenities for smaller projects shall also be required in addition to the specified amenity for the number of units.

b. *Security.* All multi-family housing developments shall be entirely fenced and gated around the perimeter of the site. Vehicular gates shall be designed and arranged to provide turn-around outside the gate for vehicles not obtaining entry to the development.

c. *Community focal points.* Projects containing more than 20 units require installation of at least one community focal point per project. The community focal point shall be designed to function as a central meeting place for use by project residents and shall consist of a plaza, courtyard, or other type of landmark feature. These areas should include shading, seating, and decorative features consistent with the style and design of the units, or may be enclosed to function as a recreation room or cabana. If enclosed, the structure shall be architecturally embellished to signify a focal point. The focal point shall be centrally located and accessible to all residents.

d. *On site storage.* Each dwelling unit shall be provided a minimum of 400 cubic feet of private enclosed lockable storage space within the garage, carport or immediately adjacent to the dwelling unit.

- e. ~~*Laundry facilities.* Common laundry facilities or sufficient number and accessibility consistent with the uniform building code shall be provided; or each dwelling unit shall be plumbed and wired for a washing machine and dryer.~~
- f. ~~*Entry statement standards.* Projects shall include vehicular and pedestrian entry statements which shall be consistent with the following:~~
 - 1. ~~Provide one visually dominant entry to the development which conveys a sense of arrival;~~
 - 2. ~~Entry statements shall provide an open view into the development with landscaping and project directories;~~
 - 3. ~~Design the entry to provide a transition from the outside to an internal visual focus, such as landscaping, a water feature, sculpture or a building;~~
 - 4. ~~Special attention shall be given to hardscape and landscape treatments at the entry to enhance the overall image of the development. An entry statement shall consist of at least two of the following items:
 - (i) ~~Hardscape structure (trellis, decorative, low garden wall with berming, guardhouse, decorative gate);~~
 - (ii) ~~Specimen landscaping (large, distinctive vegetation, i.e. relocated Joshua trees) or mature trees, either flowering or native trees, or 24 inch box trees;~~
 - (iii) ~~Large boulder groupings;~~
 - (iv) ~~Water saving and easy maintenance fountains;~~
 - (v) ~~Textured or stamped concrete;~~
 - (vi) ~~Monument signage with accompanying landscape and berming; or~~
 - (vii) ~~Other comparable installations.~~~~
 - 5. ~~*Pedestrian circulation.* An interior walkway system with a minimum width of four feet shall be incorporated into the project for the purpose of providing direct access to and from all individual dwelling units, trash storage areas, parking areas, recreational areas and other outdoor common spaces.~~
 - 6. ~~*Lighting.* Lighting shall be fully shielded and arranged and screened to reflect light away from adjoining residences and streets and to preclude lighting above the horizontal plane of the bottom of the lighting fixture.~~
 - 7. ~~*Mitigating mass and scale of unarticulated building planes.*~~

- ~~(i) Blank end walls are not allowed. Instead, end walls shall be given some form of articulation or architectural treatment or be substantially screened by densely planted trees or fast growing creeping vines and espaliers.~~
- ~~(ii) Balconies, porches, patios and chimneys shall be integrated into multi-family structures to break up large wall masses, and to offset floor setbacks.~~
- ~~(iii) Long barracks like multi-family structures shall be avoided through the use of separations, changes in roof plane, horizontal offsets, and the inclusion of elements such as balconies, varied floor elevations, awnings, porches and patios. Extremely long structures, if properly articulated, may be acceptable; however, structures including garage and carport structures exceeding 150 feet in length are discouraged.~~
- ~~(iv) Design overhangs, reveals and architectural projections to create shadows on the building facade.~~
- ~~(v) Create points of interest on the exteriors of buildings.~~
- ~~(vi) Structures containing three or more attached units in a row shall incorporate at least one of the following:
 - ~~A. At least one architectural projection not less than two feet from the primary wall plane and not less than four feet wide shall be provided for each residential unit. Such projections shall extend the full height of a single story building, at least one-half the height of a two-story building, and at least two-thirds the height of a three-story building.~~
 - ~~B. Provide a change in depth (stagger) of at least three feet for each 12 feet in length for each two units.~~~~

~~8. Dwelling unit access and entries.~~

- ~~(i) Use in providing facade articulation. Entry areas shall be utilized to articulate building faces through recessed, covered porches, or other architectural treatments in such a manner as to increase the sense of arrival.~~
- ~~(ii) Provide shelter. Entries shall provide shelter from natural elements such as sun, rain and wind.~~

~~(iii) *Shared entries.* Access points to residential units shall be clustered in groups of four or less. The use of long, monotonous balconies and corridors resulting in a "motel" type of appearance is discouraged.~~

~~(iv) *Visibility.* Whenever possible, entrances to individual residential units shall be plainly visible from the parking areas that serve them.~~

~~(v) *Maximize privacy.* Entries to individual units shall be spaced as far apart as possible to maximize privacy.~~

~~9. *Mechanical and utility equipment; screen from public view.* Any equipment or utility service areas, whether on the roof, side of the structure or ground, shall be screened from public view from adjacent property or from a public right-of-way. The method of screening shall be architecturally integrated and compatible with the structure on which it occurs in terms of materials, color, shape and size.~~

~~10. *Walls and fences; articulation.* Where any solid wall or fence exceeds 40 feet in length, the wall or fence shall be visibly articulated by pilasters or changes in the wall plane such as insets for plantings. Such articulation shall occur at a minimum of 40 foot intervals. All walls shall incorporate decorative caps.~~

See Section 19.25.100. Processing/Administrative Procedures.

All development projects requiring a permit or approval from the city shall be consistent with the processing and review provisions contained in Chapters 19.54 and 19.56. ~~All multiple-family projects with five or more dwellings shall be subject to review and approval of the city council.~~

CHAPTER 19.26. MFR-14 MULTI-FAMILY RESIDENTIAL 3,000 SQUARE FOOT MINIMUM LOTS

Sec. 19.26.020. Permitted uses.

(a) The following uses are permitted:

- (1) Attached and detached single-family dwellings.
- (2) Multiple-family development, including apartments and condominiums.
- (3) Residential care facilities (per Chapter 19.84).
- (4) Supportive and transitional housing (in compliance with the provisions of the MFR-14 Zone).

(5) Single room occupancy (SRO) facilities (~~as defined in Chapter 19.08~~per chapter 19.28.070.E, MFR 22).

(6) Small family day care.

(7) Manufactured Homes pursuant to Section 19.02.090.

(b) Other similar uses: ~~as~~ As approved by the ~~D~~director of development services, ~~as~~ provided by in Cchapter 19.54.

Sec. 19.26.040. Permitted accessory uses.

(a) The following uses are considered to be incidental to and compatible with permitted and conditionally permitted uses:

(1) Animals: No more than three (3) small domestic animals of each type of animal, per unit.

(2) Child care facility: Uses must be consistent with the criteria contained in Cchapter 19.83.

(3) Residential care: Uses must be consistent with the criteria contained in Cchapter 19.84.

(4) Accessory dwelling units. Pursuant to the requirements set forth in Chapter 19.81.

~~(3)~~(5) Home Occupations. Pursuant to the requirements set forth in Section 19.02.1-40.

~~(4) Second unit:~~ Uses must be consistent with the criteria contained in chapter 19.81.

(b) Other similar uses ~~as~~ As approved by the ~~D~~director of development services, ~~as~~ provided by in Cchapter 19.54.

Sec. 19.26.080. Development criteria.

(a) *General provisions.* Refer to Cchapter 19.02 for those general criteria applicable to development, such as:

(1) Building criteria for structures.

(2) Encroachments/architectural projections.

(3) Lighting.

(4) Utilities.

(b) Lot size. Minimum lot size: ~~363~~,000 square feet.

~~(b)(c)~~ *Density. Maximum one dwelling unit per 3,000 square feet of lot area. 7 to 14 dwellings per acre.*

~~(e)(d)~~ *Lot dimensions.*

(1) Minimum lot width: 35 feet.

(2) Minimum lot depth:

- a. Lots with 4,500 square feet or less: 85 feet.
- b. Lots greater than 4,500 square feet: 100 feet.

~~(d)~~ *Building size.*

~~(1) Single family: Minimum primary building size shall be 1,000 square feet, excluding porches and garages.~~

~~(2) Multiple family: Please refer to 19.26.090(h).~~

(e) *Accessory structure size.* Subject to Cchapter 19.29, Accessory Buildings and Structures.

(f) *Lot coverage.* Maximum lot coverage of 40 percent. On lots less than 6,000 square feet, maximum lot coverage may be 60 percent.

(g) *Building height.* Maximum height of 30 feet.

(h) *Setbacks.*

~~(1) Minimum front yard. For single family dwellings on lots with less than 6,000 square feet, the front setback may be measured from the back of the sidewalk, which may allow four feet of right of way to be counted in the setback. Setbacks shall not be the same on more than two adjacent lots and setbacks shall vary by a minimum of two feet. Roll up garage doors shall be required when the right of way is included in the setback. No vehicles shall be allowed to overhang the sidewalk.~~

a. Single-family dwellings: 15 feet. Garages shall be set back an additional five feet.

b. Multiple-family buildings: 20 feet.

(2) *Maximum front yard.* None.

(3) *Minimum side yard.* The following conditions and setbacks are allowed:

a. Zero-lot line: Zero feet.

b. Single-family dwellings on lots less than 53 feet in width: ~~Five~~5 feet.

- c. Single-family dwellings on lots 53 feet or greater in width: ~~Five~~5 feet.
 - 1. Second stories on interior lots shall also have a minimum cumulative side yard setback of 15 feet, with ten additional feet required for each additional story beyond the second.
 - 2. New subdivision projects consisting of the construction of five (5) or more single-family residences may reduce the cumulative setback by five (5) feet for a particular lot when adjacent to a parcel with a single story structure, provided the total number of lots with reduced setbacks does not exceed 25 percent of all residential lots in the project.

(4) *Minimum street side yard.* The following conditions and setbacks are allowed:

- a. Existing single-family lots less than 53 feet in width: Six (6) feet minimum for single-story dwellings and ten (10) feet for two-story dwellings.
- b. Existing single-family lots 53 feet and greater in width: Ten (10) feet minimum. Second stories on corner and reverse corner lots shall also have a minimum cumulative setback of 25 feet, with ten (10) additional feet required for each additional story beyond the second.
- c. Multiple-family building: ~~Ten~~10 feet minimum; ~~five~~5 feet for each additional story over one story.

(5) *Minimum rear yard.*

- a. Single-family dwellings on lots with 4,500 square feet or less: 15 feet. See section 19.26.090(a).
- b. Single-family dwellings on lots greater than 4,500 square feet: 20 feet.
- c. Multiple-family buildings: ~~Ten~~10 feet; ~~five~~5 feet for each additional story over one story.

(i) *Building separation.* ~~Ten~~10 feet between buildings on the same lot; an additional ~~five~~5 feet per story of building height.

(j) *Lot frontage.* Minimum lot frontage:

- (1) Lots with 4,500 square feet or less: 35 feet.
- (2) Lots greater than 4,500 square feet: 45 feet.
- (3) Cul-de-sac lots shall not be less than 35 feet, with the width not less than 45 feet as measured at the front setback line.

Sec. 19.26.090. Design criteria.**(a) Access/orientation.**

(1) *Access.* Single-family dwellings on lots with 4,500 square feet or less and located with alleys along the rear of the lot shall provide: Vehicular access from the rear of the lot; front yard vehicular access shall be prohibited; and, garages in the rear yard may be located within five feet of the rear property line. Provisions shall be adopted to ensure the installation and maintenance of all alleys and alley lighting fixtures.

~~(2) *Orientation.* Single family dwellings with rear yard vehicular access and a second story shall be designed to provide a second story which provides visibility toward the garage and rear yard access area.~~

(b) Architecture.

(1) *Single-family.* No other specific requirements than those contained in section 19.02.090.

~~(2) *Multiple-family.* To ensure multiple family buildings preclude facades with large blank faces shall comply with the City's Residential Design Guidelines. The following provisions shall also apply: Multiple family buildings shall have roof overhangs and architectural components which preclude blank wall faces, including the use of color and materials.~~

a. Architectural Finishes. A vertical break in the architectural finishes shall be provided between at least 50% of the first floor and second floor on each elevation of the building. The break in the architectural finishes may include a change in material, use of balcony, change of color (provided a belly band trim is included), façade articulation (minimum depth of six inches), or other means approved by the ~~Director~~Director.

b. Horizontal Articulation. The horizontal length of a building shall not exceed 40 feet² unless articulation is incorporated. Articulation may include a change in the depth of the building façade (minimum of ~~eight~~12 inches), covered patios, recessed doors and windows (minimum of ~~six~~6 inches), or other means approved by the ~~Director~~Director.

c. Structures containing three (3) or more attached units in a row shall incorporate at least one architectural projection not less than two feet from the primary wall plane and not less than ~~four~~4 feet wide shall be provided for each residential unit. Such projections shall extend the full height of a single-story building, at least one-half the height of a two-story building, and at least two-thirds the height of a three-story building.

a.d. Entries to dwelling units shall provide shelter from natural elements such as sun, rain and wind.

(c) *Landscaping.* Landscaping and irrigation shall be provided consistent with the provisions of section 19.02.130 and the City's Residential Design Guidelines. Multiple-family buildings shall include a combination of trees, shrubs, and ground cover to provide an attractive streetscape and help preclude the occurrence of blank walls.

(d) *Parking.* Parking shall be provided consistent with Chapter 19.69.

(e) *Signs.* Signs shall be allowed consistent with the provisions contained in Chapter 19.75.

(f) *Utilities.* Utilities shall be provided consistent with the provisions contained in Chapter 19.02.

(g) *Walls/fencing.* Walls/fencing shall be consistent with the screening provisions contained in Chapter 19.02 and the City's Residential Design Guidelines.

~~(h) *Special standards for multiple-family buildings.* Multiple family buildings shall be consistent with the following standards:~~

~~(1) *Dwelling area required.* Every dwelling erected shall have a minimum ground floor area of not less than 480 square feet, exclusive of unroofed porches and garages.~~

(h) *Outdoor living space.* All multiple-family dwelling units constructed in the city shall provide private and common open space for the enjoyment of their residents in accordance with the following requirements:

(1) *Private open space.*

- a. Each individual ground floor unit of a single-family dwelling shall be provided with a minimum of 150 square feet of contiguous and usable outdoor living space, exclusive of any front yard, which shall be enclosed by a solid fence, wall or other approved screening, ~~six~~6 feet in height and the rectangle inscribed within such private open space shall not have a dimension less than ten feet. Not more than 75 square feet of private open space for ground floor dwelling units shall be covered by an overhanging balcony or patio roof. Patios and balconies may be included in the calculation or private open space.
- b. Each individual dwelling unit not having a ground floor living area shall be provided with a minimum of 75 square feet of above ground private open space and the rectangle inscribed therein shall have no dimension less than ~~five~~5 feet. All above ground private open space shall have at least one exterior side open above the railing height.

c. Private open space shall be adjacent to and not more than ~~four~~ 4 feet above or below the floor level of the dwelling unit served.

(2) *Common ~~O~~open ~~S~~space.* Each unit shall be provided with a minimum of 150 square feet of common open space, exclusive of driveways and sidewalks. Portions of yards, excluding the front yard and private open spaces, which are contiguous to all units, pools, paved recreation areas, and indoor recreational facilities may be included in the calculation of common open space. Not less than 30 percent of the required open space shall be in permanent landscaping. Such landscaping shall be comprised of live plant materials with permanent irrigation facilities and automatic timers installed. Portions of the site which serve as stormwater treatment shall not be included in common open space.

~~(i) Alley Iimprovement.~~ Where alleys exist adjacent to a proposed project, the developer shall be required to fully improve such alleys, ~~as a condition of approval, to full width with a ribbon gutter to the nearest paved street which provides adequate drainage to standards set forth as determined by the Director City of Engineer or designee.~~ Engineering Standards.

~~(k) Special architectural and design standards for multiple family dwellings.~~ The city council may reduce the following special architectural and design standards and required amenities for affordable housing or seniors housing. The city council may also approve alternative facilities appropriate to the type of development, in lieu of the following requirements, if a finding is made that equivalent standards, amenities, or facilities are provided.

~~(j) Required amenities.~~

(1) *General.* All multi-family housing developments shall provide recreational amenities within the site in accordance with the following:

Amenity Required	Project Size
Tot lot with play equipment	5 units
Barbecue area with seating	10 units
Swimming pool and spa	20 units
Court game facilities such as tennis, basketball, or racquetball	50 units
Clubhouse	120 units

The above amenities are cumulative, so all of the required amenities for smaller projects shall also be required in addition to the specified amenity for the number of units. Other amenities not listed above may be considered subject to approval by the Director of Development Services.

~~(m)~~(k) Security. All multi-family *housing* developments shall be entirely fenced and gated around the perimeter of the site. Vehicular gates shall be designed and arranged to provide turn-around outside the gate for vehicles not obtaining entry ~~to~~into the development, unless this requirement is waived by the City Engineer.

~~(n)~~(l) Community focal points. Projects containing more than 20 units require installation of at least one community focal point per project. The community focal point shall be designed to function as a central meeting place for use by project residents and shall consist of a plaza, courtyard, or other type of landmark feature. These areas should include shading, seating, and decorative features consistent with the style and design of the units, or may be enclosed to function as a recreation room or cabana. If enclosed, the structure shall be architecturally embellished to signify a focal point. The focal point shall be centrally located and accessible to all residents.

~~(o)~~(m) On-site storage. Each dwelling unit shall be provided a minimum of 400 cubic feet of private enclosed lockable storage space within the garage, carport or immediately adjacent to the dwelling unit.

~~e. — Laundry facilities. Common laundry facilities or sufficient number and accessibility consistent with the Uniform Building Code shall be provided; or each dwelling unit shall be plumbed and wired for a washing machine and dryer.~~

~~(p)~~(n) f. — Entry statement standards. Projects shall include vehicular and pedestrian entry statements which shall be consistent with the City's Residential Guidelines and the following:

- (1) Provide one visually dominant entry to the development which conveys a sense of arrival;
- (2) Entry statements shall provide an open view into the development with landscaping and project ~~director~~Directories;
- (3) Design the entry to provide a transition from the outside to an internal visual focus, such as landscaping, a water feature, sculpture or a building;
- (4) Special attention shall be given to hardscape and landscape treatments at the entry to enhance the overall image of the development. An entry statement shall consist of at least two of the following items:
 - a. Hardscape structure (trellis, decorative, low garden wall with berming, guardhouse, decorative gate);

- b. Specimen landscaping (large, distinctive vegetation, i.e. relocated Joshua trees) or mature trees, either flowering or native trees, or 24-inch box trees;
- c. Large boulder groupings;
- d. Water saving and easy maintenance fountains;
- e. Textured or stamped concrete;
- f. Monument signage with accompanying landscape and berming; or
- g. Other comparable installations.

~~(q)(o)~~ (2) — *Pedestrian circulation.* An interior walkway system with a minimum width of ~~four~~ 4 feet shall be incorporated into the project for the purpose of providing direct access to and from all individual dwelling units, trash storage areas, parking areas, recreational areas and other outdoor common spaces.

~~(r)(p)~~ (3) — *Lighting.* Lighting shall be fully shielded and arranged and screened to reflect light away from adjoining residences and streets and to preclude lighting above the horizontal plane of the bottom of the lighting fixture.

~~(4) — *Mitigating mass and scale of unarticulated building planes.*~~

- ~~a. — Blank end walls are not allowed. Instead, end walls shall be given some form of articulation or architectural treatment or be substantially screened by densely planted trees or fast growing creeping vines and espaliers.~~
- ~~b. — Balconies, porches, patios and chimneys shall be integrated into multi-family structures to break up large wall masses, and to offset floor setbacks.~~
- ~~c. — Long barracks-like multi-family structures shall be avoided through the use of separations, changes in roof plane, horizontal offsets, and the inclusion of elements such as balconies, varied floor elevations, awnings, porches and patios. Extremely long structures, if properly articulated, may be acceptable; however, structures including garage and carport structures exceeding 150 feet in length are discouraged.~~
- ~~d. — Design overhangs, reveals and architectural projections to create shadows on the building facade.~~
- ~~e. — Create points of interest on the exteriors of buildings.~~
- ~~f. — Structures containing three or more attached units in a row shall incorporate at least one of the following:~~

- 1.—~~At least one architectural projection not less than two feet from the primary wall plane and not less than four feet wide shall be provided for each residential unit. Such projections shall extend the full height of a single-story building, at least one-half the height of a two-story building, and at least two-thirds the height of a three-story building.~~
- 2.—~~Provide a change in depth (stagger) of at least three feet for each 12 feet in length for each two units.~~

~~(s) (5) Dwelling unit access and entries.~~

- (1) a.—~~Use in providing facade articulation. Entry areas shall be utilized to articulate building faces through recessed, covered porches, or other architectural treatments in such a manner as to increase the sense of arrival.~~
- (2) b.—~~Provide shelter. Entries shall provide shelter from natural elements such as sun, rain and wind.~~
- (3) c.—~~Shared entries. Access points to residential units shall be clustered in groups of four or less. The use of long, monotonous balconies and corridors resulting in a "motel" type of appearance is discouraged.~~
- (4) d.—~~Visibility. Whenever possible, entrances to individual residential units shall be plainly visible from the parking areas that serve them.~~
- (5) e.—~~Maximize privacy. Entries to individual units shall be spaced as far apart as possible to maximize privacy.~~

~~(q) (6) Mechanical and utility equipment; screen from public view.~~ Any equipment or utility service areas, whether on the roof, side of the structure or ground, shall be screened from public view from adjacent property or from a public right-of-way. The method of screening shall be architecturally integrated and compatible with the structure on which it occurs in terms of materials, color, shape and size, consistent with the City's Residential Design Guidelines.

~~(+)(r) Massing and Scaling.~~ Massing and scaling of buildings must be consistent with the City's Residential Design Guidelines.

~~(s) (7) Walls and fences; articulation.~~ Where any solid wall or fence exceeds 40 feet in length, the wall or fence shall be visibly articulated by pilasters or changes in the wall plane such as insets for plantings. Such articulation shall occur at a minimum of 40-foot intervals. All walls shall incorporate decorative caps, consistent with the City's Residential Design Guidelines.

~~(+)(t) Dwelling unit access and entry.~~ Dwelling unit access and entry must be consistent with the City's Residential Design Guidelines.

Sec. 19.26.100. Processing/administrative procedures.

All development projects requiring a permit or approval from the city shall be consistent with the processing and review provisions contained in ~~C~~hapters 19.54 and 19.56. ~~All multiple-family projects with five or more dwelling units shall be subject to review and approval of the city council.~~

CHAPTER 19.28. MFR-22 MULTI-FAMILY RESIDENTIAL 1,950 SQUARE FOOT MINIMUM LOTS

Sec. 19.28.010. Purpose.

The MFR-22 Zone is to provide for high density residential development at a maximum density of 22 dwelling units per acre. This Zone shall be applicable to and correlate with the General Plan Land Use designation of MFR-22.

Sec. 19.28.020. Permitted uses.

(a) The following uses are permitted:

- (1) Attached and detached single-family dwellings.
- (2) Multiple-family development, including apartments and condominiums.
- (3) Residential care facilities (per ~~C~~hapter 19.84).
- (4) Supportive and transitional housing (in compliance with the provisions of the MFR-22 Zone).
- (5) Single room occupancy (SRO) facilities (as defined in ~~Chapter 19.08~~per ~~Section 19.28.070~~).
- (6) Small family day care.
- (7) Manufactured Homes pursuant to Section 19.02.090.

(b) Other similar uses as ~~÷~~As approved by the Director, as provided ~~by~~in ~~C~~hapter 19.54.

Sec. 19.28.030. Uses subject to a Conditional Use Permit.

(a) The following uses are allowed subject to obtaining approval of a Conditional Uses Permit pursuant to Chapter 19.61:

- (1) Convalescent and senior home facilities.
- (2) Mobile home parks.
- (3) Public and semi-public institutions and facilities.

(4) Recreational vehicle parks.

(5) Schools and educational institutions.

(b) Other similar uses as ~~As~~ approved by the Director, as provided ~~by~~in Chapter 19.54.

Sec. 19.28.040. Permitted accessory uses.

(a) The following uses are considered to be incidental to and compatible with permitted and conditionally permitted uses:

(1) Animals: No more than three (3) small domestic animals of each type of animal, per unit.

(2) Child care facility: Uses must be consistent with the criteria contained in Chapter 19.83.

(3) Residential care: Uses must be consistent with the criteria contained in Chapter 19.84.

(4) Accessory dwelling units. Pursuant to the requirements set forth in Chapter 19.81.

(5) Home Occupations. Pursuant to the requirements set forth in Section 19.021.40.

(b) Other similar uses as ~~As~~ approved by the Director, as provided ~~by~~in Chapter 19.54.

Sec. 19.28.050. Prohibited uses.

(a) The following uses shall be prohibited:

(1) Commercial uses.

(2) Industrial uses.

(3) Large animals.

(4) Wireless telecommunication facilities pursuant to Chapter 19.85.

(5) Storage structures greater than 120 square feet in size.

Sec. 19.28.060. Temporary uses.

Temporary uses are allowed consistent with the criteria contained in Chapter 19.02.

Sec. 19.28.070. Development criteria.

(a) General provisions. Refer to Chapter 19.02 and the City's Residential Design Guidelines for those general criteria applicable to development, such as:

(1) Building criteria for structures:

(2) Encroachments/architectural projections:

(3) Lighting:

(4) Utilities

(5) Fencing/Walls

(6) Screening:

(b) Lot size. Minimum lot size: 10,000 square feet:

(c) Density: Maximum of ~~one~~ ~~22~~ dwellings ~~unit per 1,950 square feet of lot area.~~ per acre

(d) Lot dimensions.

(1) Minimum lot width: 100 feet:

(2) Minimum lot depth: 100 feet

(e) Accessory structure size. Subject to ~~C~~chapter 19.29, Accessory Buildings and Structures:

(f) Lot coverage. Maximum lot coverage of 45 percent:

(g) Building height. Maximum height of 40 feet:

(h) Number of stories. 3

(i) Setbacks.

(1) Minimum front yard. 20 feet, except for properties that front primary arterial roadways, which shall provide a minimum of 30 feet.

(2) Minimum side yard. The following conditions and setbacks are allowed:

a. Single-family dwellings: ~~Five~~5 feet.

b. Multi-family dwellings not adjacent to single-family zones: ~~Ten~~10 feet

c. Multi-family dwellings adjacent to single-family zones: The setback shall be equal to the building wall height, as measured from the finished grade to the highest plate.

(3) Minimum street side yard. The following conditions and setbacks are allowed:

a. Single-family dwellings: ~~Ten~~10 feet.

- b. Multiple-family building: 20 feet, except for street side yards that are adjacent to a primary arterial roadways, which shall provide a minimum of 30 feet.

(4) Minimum rear yard.

- a. Single-family dwellings: 20 feet.
- b. Multiple-family buildings: ~~Ten~~10 feet; ~~five~~5 feet for each additional story over one story.

- (j) Building separation. ~~Ten~~10 feet between buildings on the same lot; an additional ~~five~~5 feet per story of building height.

Sec. 19.28.080. Design criteria.

(a) Access/orientation.

- (1) Access. Single-family dwellings on lots with 4,500 square feet or less and located with alleys along the rear of the lot shall provide: Vehicular access from the rear of the lot; front yard vehicular access shall be prohibited; and, garages in the rear yard may be located within five feet of the rear property line. Provisions shall be adopted to ensure the installation and maintenance of all alleys and alley lighting fixtures.

(b) Architecture.

- (1) Single-family. No other specific requirements than those contained in section 19.02.090.
- (2) Multiple-family. To ensure multiple family buildings preclude facades with large blank faces, the ~~City's Residential Design Guidelines and the~~ following provisions shall ~~also~~ apply:
 - a. Architectural Finishes. A vertical break in the architectural finishes shall be provided between at least 50% of the first floor and second floor on each elevation of the building. The break in the architectural finishes may include a change in material, use of balcony, change of color (provided a belly band trim is included), façade articulation (minimum depth of six inches), or other means approved by the ~~Director~~Director.
 - b. Horizontal Articulation. The horizontal length of a building shall not exceed 40 feet² unless articulation is incorporated. Articulation may include a change in the depth of the building façade (minimum of ~~eight~~12 inches), covered patios, recessed doors and windows (minimum of ~~six~~6 inches), or other means approved by the ~~Director~~Director.

c. Structures containing three (3) or more attached units in a row shall incorporate at least one architectural projection not less than two (2) feet from the primary wall plane and not less than four (4) feet wide for each residential unit. Such projections shall extend the full height of a single-story building, at least one-half the height of a two-story building, and at least two-thirds the height of a three-story building.

d. Entries to dwelling units shall provide shelter from natural elements such as sun, rain and wind.

(c) Landscaping. Landscaping and irrigation shall be provided consistent with the provisions of section 19.02.130. Multiple-family buildings shall include a combination of trees, shrubs, and ground cover to provide an attractive streetscape and help preclude the occurrence of blank walls.

(d) Parking. Parking shall be provided consistent with Chapter 19.69.

(e) Signs. Signs shall be allowed consistent with the provisions contained in Chapter 19.75.

(f) Utilities. Utilities shall be provided consistent with the provisions contained in Chapter 19.02.

(g) Walls/fencing. Walls/fencing shall be consistent with the screening provisions contained in Chapter 19.02 and the City's Residential Design Guidelines.

(h) Outdoor living space. All multiple-family dwelling units constructed in the city shall provide private and common open space for the enjoyment of their residents in accordance with the following requirements:

(1) Private open space.

a. Each individual ground floor unit of a single-family dwelling shall be provided with a minimum of 150 square feet of contiguous and usable outdoor living space, exclusive of any front yard, which shall be enclosed by a solid fence, wall or other approved screening, six (6) feet in height, and the rectangle inscribed within such private open space shall not have a dimension less than ten (10) feet. Not more than 75 square feet of private open space for ground floor dwelling units shall be covered by an overhanging balcony or patio roof. Patios and balconies may be included in the calculation of private open space.

b. Each individual dwelling unit not having a ground floor living area shall be provided with a minimum of 75 square feet of above ground private open space and the rectangle inscribed therein shall have no dimension less than five (5) feet. All above ground private open space shall have at least one exterior side open above the railing height.

c. Private open space shall be adjacent to and not more than four (4) feet above or below the floor level of the dwelling unit served.

(2) Common open space. Each unit shall be provided with a minimum of 150 square feet of common open space, exclusive of driveways and sidewalks. Portions of yards; (excluding the front yard and private open spaces, which are contiguous to all units);, pools, paved recreation areas, and indoor recreational facilities may be included in the calculation of common open space. Not less than 30 percent of the required open space shall be in permanent landscaping. Such landscaping shall be comprised of live plant materials with permanent irrigation facilities and automatic timers installed. Portions of the site which serve as stormwater treatment shall not be included in common open space.

(i) Alley Improvement. Where alleys exist adjacent to a proposed project, the developer shall be required to fully improve such alleys to standards, set forth as determined by the City Director of Engineering or designee.

(j) Required amenities.

(1) General. All multi-family housing developments shall provide recreational amenities within the site in accordance with the following:

Amenity Required	Project Size
<u>Tot lot with play equipment</u>	<u>5 units</u>
<u>Barbecue area with seating</u>	<u>10 units</u>
<u>Swimming pool and spa</u>	<u>20 units</u>
<u>Court game facilities such as tennis, basketball, or racquetball</u>	<u>50 units</u>
<u>Clubhouse</u>	<u>120 units</u>

The above amenities are cumulative, so all of the required amenities for smaller projects shall also be required in addition to the specified amenity for the number of units. Other amenities not listed above may be considered subject to approval by the Director.

(k) Security. All multi-family housing developments shall be entirely fenced and gated around the perimeter of the site. Vehicular gates shall be designed and arranged to provide turn-

around outside the gate for vehicles not obtaining entry into the development, ~~unless this requirement is waived by the City Engineer.~~

(l) *Community focal points.* Projects containing more than 20 units require installation of at least one community focal point per project. The community focal point shall be designed to function as a central meeting place for use by project residents and shall consist of a plaza, courtyard, or other type of landmark feature. These areas should include shading, seating, and decorative features consistent with the style and design of the units, or may be enclosed to function as a recreation room or cabana. If enclosed, the structure shall be architecturally embellished to signify a focal point. The focal point shall be centrally located and accessible to all residents.

(m) *On-site storage.* Each dwelling unit shall be provided a minimum of 400 cubic feet of private enclosed lockable storage space within the garage, carport or immediately adjacent to the dwelling unit.

(n) *Entry statement standards.* Projects containing more than 20 units shall include vehicular and pedestrian entry statements which shall be consistent with the City's Residential Design Guidelines and the following:

(1) Provide one visually dominant entry to the development which conveys a sense of arrival;

(2) Entry statements shall provide an open view into the development with landscaping and project ~~directories~~;

(3) Design the entry to provide a transition from the outside to an internal visual focus, such as landscaping, a water feature, sculpture or a building;

(4) Special attention shall be given to hardscape and landscape treatments at the entry to enhance the overall image of the development. An entry statement shall consist of at least two of the following items:

a. Hardscape structure (trellis, decorative, low garden wall with berming, guardhouse, decorative gate);

b. Specimen landscaping (large, distinctive vegetation, i.e. relocated Joshua trees) or mature trees, either flowering or native trees, or 24-inch box trees;

c. Large boulder groupings;

d. Water saving and easy maintenance fountains;

e. Textured or stamped concrete;

f. Monument signage with accompanying landscape and berming; or

g. Other comparable installations.

- (o) Pedestrian circulation. An interior walkway system with a minimum width of four feet shall be incorporated into the project for the purpose of providing direct access to and from all individual dwelling units, trash storage areas, parking areas, recreational areas and other outdoor common spaces.
- (p) Lighting. Lighting shall be fully shielded and arranged and screened to reflect light away from adjoining residences and streets and to preclude lighting above the horizontal plane of the bottom of the lighting fixture.
- (q) Mechanical and utility equipment; screen from public view. Any equipment or utility service areas, whether on the roof, side of the structure or ground, shall be screened from public view from adjacent property or from a public right-of-way. The method of screening shall be architecturally integrated and compatible with the structure on which it occurs in terms of materials, color, shape and size. Mechanical and utility equipment screening shall be consistent with the City's Residential Design Guidelines.
- (r) Massing and Scaling. Massing and scaling of buildings must be consistent with the City's Residential Design Guidelines.
- (s) Walls and fences; articulation. Where any solid wall or fence exceeds 40 feet in length, the wall or fence shall be visibly articulated by pilasters or changes in the wall plane such as insets for plantings. Such articulation shall occur at a minimum of 40-foot intervals. All walls shall incorporate decorative caps. Walls and fences shall be consistent with the City's Residential Design Guidelines.
- (t) Dwelling unit access and entry. Dwelling unit access and entry must be consistent with the City's Residential Design Guidelines.

Sec. 19.26.100. Processing/administrative procedures.

All development projects requiring a permit or approval from the city shall be consistent with the processing and review provisions contained in Chapters 19.54 and 19.56.

CHAPTER 19.29. ACCESSORY BUILDINGS AND STRUCTURES FOR RESIDENTIAL ZONES

Sec. 19.29.020. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Accessory buildings and structures means a building which is detached from the main building on a parcel or lot, the use of which is ancillary to that of the main building. An accessory building includes but is not limited to garage, greenhouse, storage shed, pool house, cabana, barn, stable or workshop. Accessory buildings do not include "guest houses," "second units" or "granny flats" and are not to be used as living quarters. No accessory buildings shall be erected unless a primary building exists on the parcel.~~

Sec. 19.29.01030. Applicability and permit requirements.

Accessory buildings and structures, as defined in section 19.0829.010020, are permitted, subject to the requirements contained in this chapter.

- (1) Accessory buildings shall require the issuance of a building permit. Single-story, detached accessory buildings used as tool and storage sheds, playhouses, or similar uses, shall be exempt from a building permit, provided the floor area does not exceed 120 square feet, the height does not exceed ten feet, and there are no electrical or plumbing fixtures.
- (2) All accessory buildings that require a building permit shall be subject to the provisions of Chapter 19.54 (Authority and Review Procedures).
- (3) Accessory Dwelling Units shall be subject to the provisions of Chapter 19.81 (Accessory Dwelling Units).

CHAPTER 19.30 SB 9 HOUSING DEVELOPMENTS AND URBAN LOT SPLITS

Sec. 19.30.010. Purpose and Scope.

The purpose of this section is to provides regulations for the creation of SB 9 housing developments and urban lot splits as required pursuant to California Government Code Sections 65852.21 and 66411.7, or any successor statute.

Sec. 19.30.020. Applicability.

- (a) SB 9 housing developments and urban lot splits shall be permitted in the R-20,000, R-10,000, R-8,400, R-7,200, and R-6,000 zoning districts, as well as any portion of a specific plan area that permits the development of single-family residential dwelling units.

As used in this Chapter, "SB 9 housing developments" shall mean and refer to housing developments authorized pursuant to California Government Code Section 65852.21, and "SB 9 lot splits" or "urban lot splits" shall mean and refer to lot splits authorized pursuant to California Government Code Section 66411.7.

- (b) Notwithstanding subsection (a), an SB 9 housing development or urban lot split shall be prohibited if any of the following conditions exist:

- (1) The property does not conform to the development standards and requirements as provided in this section.
- (2) The development requires the demolition or alteration of any of the following types of housing:

 - a. A dwelling unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to very low-, low-, or moderate-income households;
 - b. A dwelling unit that is subject to any form of rent or price control; or
 - c. A dwelling unit that has been occupied by a tenant in the last three years. The applicant and property owner of the development must provide a sworn statement confirming the prior occupancy of the dwelling unit for the last three years. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement; and the City may require additional evidence of the applicant and property owner as necessary to determine compliance with this requirement.
- (3) The development is located on a lot on which the owner has exercised rights under the Ellis Act (Government Code Sections 7060 through 7060.7) to withdraw accommodations from rent or lease within fifteen (15) years before the date that the development proponent submits an application.
- (4) The development is located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the California Public Resources Code, or on a lot that is designated or listed as a City landmark or historic property.
- (5) The property is located in an environmental resource or hazard area, which includes:

 - a. Either prime farmland or farmland of statewide importance;
 - b. Wetlands;
 - c. Very high fire hazard severity zone;
 - d. Hazardous waste site, unless the lot has been appropriately cleared for residential use;
 - e. Delineated earthquake fault zone, unless the development complies with applicable seismic protection building code standards;
 - f. Special flood hazard area as mapped by the most recent adopted Flood Insurance Rate Plan;
 - g. Regulatory floodway;

- h. Lands identified for conservation in an adopted natural resource protection plan;
 - i. Lands that include habitat for protected species; and/or
 - j. Lands subject to a conservation easement.
- (6) Either of the following conditions exist:
- a. The lot has been established through a prior urban lot split; or
 - b. The owner of the lot being subdivided or a person acting in concert with the owner has previously subdivided an adjacent lot using an urban lot split. For the purposes of this subsection, “acting in concert” means pursuing a shared goal to subdivide adjacent lots pursuant to an agreement or understanding, whether formal or informal.

Sec. 19.30.030. Review Procedures.

(a) SB 9 Housing Developments. An application for an SB 9 housing development shall obtain zoning clearance prior to submittal to Plan Check.

- (1) Findings for Denial of an SB 9 Housing Development. Notwithstanding the foregoing, the City may deny an application for an SB 9 housing development if the Building Official makes written finding(s), based upon a preponderance of the evidence, that the development would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon the public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- (2) An application for an SB 9 housing development shall be considered and approved or denied within 60 days from the date the City receives a completed application. If the City has not approved or denied the completed application within 60 days, the application shall be deemed approved. If the City denies an application for a proposed SB9 housing development, the City shall, within the time period described in the preceding sentences of this paragraph, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(b) Urban Lot Split. An application for an urban lot split shall obtain a parcel map shall be processed pursuant to Chapter 18.23.

Sec. 19.30.040. Development Standards.

Except as modified below, an application for an SB 9 housing development or future development on a lot created through an urban lot split shall conform to all requirements of the underlying zoning district or specific plan area, including any applicable overlay district. In no

case shall a development standard be imposed that would have the effect of physically precluding the construction of two units on either of the resulting parcels that would result in a dwelling unit size of less than eight hundred (800) square feet. Where there is no other alternative to comply with this eight hundred (800) square foot minimum, the development standard shall be reduced to the extent necessary to meet this eight hundred (800) square foot minimum.

(a) Side and Rear Setbacks. The side and rear setbacks shall be no less than ~~four~~4 feet.

(b) Existing Structure Setbacks. No increased setback is required for an existing legally established structure or for a new dwelling unit that is constructed in the same dimensions as an existing legally established structure.

(c) Parking. A minimum of one-car enclosed garage shall be provided for each unit within the SB 9 housing development or urban lot split, except that no parking shall be required if any of the following apply:

(1) The site is within one-half mile walking distance of a high-quality transit corridor;

(2) The site is within one-half mile walking distance of a major transit stop; or

(3) The site is within one block of a car-share vehicle.

(d) Maximum Number of Units Allowed.

(1) SB 9 Housing Developments. A maximum of two (2) dwelling units may be provided.

(2) Urban Lot Split. A maximum of two (2) dwelling units may be provided on each lot that results from an urban lot split.

(3) For purposes of this section, “dwelling unit” includes, but is not limited to, a primary dwelling, a unit created under this section, an accessory dwelling unit, or a junior accessory dwelling unit.

(e) Building Height. Each dwelling unit within the development shall not exceed one (1) story and a height of sixteen (16) feet. A dwelling unit that was legally established prior to the addition of a second dwelling unit as part of a SB 9 housing development that exceeds one story or sixteen (16) feet in height may be retained but shall not be increased beyond said height.

(f) Design. The following design elements shall be included in all units developed pursuant to ~~this~~ chapter:

(1) Each proposed dwelling unit shall match the existing dwelling unit in materials, color and architectural style.

(2) Roof decks are prohibited.

(3) The roof pitch/slope and roof style (e.g., hip, gable, mansard, dutch gable, flat, etc.) of the proposed dwelling unit must be the same as the existing dwelling.

(g) Utility Connections. Each dwelling unit shall provide separate connections to public utilities (or their equivalent), including water, electric, and sewer services.

(h) Short-Term Rentals. Any dwelling unit permitted pursuant to an SB 9 housing development or urban lot split shall not be rented for periods of less than thirty-one (31) days.

(i) Nonconforming Conditions. All nonconforming structures, uses or parking on a lot where an SB 9 housing development is proposed shall be brought into compliance with the standards of this Zoning Code.

(j) No Separate Conveyance. Dwelling units, including accessory dwelling units or junior accessory dwelling units, on the same lot may not be sold or otherwise conveyed separately from the lot. Additionally, condominium airspace divisions and common interest developments are not permitted within the lot and all fee interest in a lot and all dwelling units on the lot must be held equally and undivided by all individual property owners.

Sec. 19.30.050 Additional Development Standards for Urban Lot Splits

In addition to the other requirements set forth in this chapter, the following development standards shall apply to urban lot splits:

(a) Minimum Lot Area. The urban lot split shall result in two (2) lots with a minimum lot area of ~~one thousand two hundred~~ (1,200) square feet each.

(b) Lot Area Proportionality. The urban lot split shall result in two lots of approximately equal lot area but in no case less than ~~forty~~ (40) percent of the lot area of the original lot.

(c) Access. Each newly created lot shall have and provide vehicle and utility access to the public right-of-way. Access may be provided through an easement.

(d) Easements. The owner shall provide easements to the City related to the provision of public services and facilities as determined to be necessary by the City.

(e) Utilities and Drainage. Each lot must be served by a separate water service meter and a separate sewer connection. In addition, each lot shall drain to the street, alley, or public storm drain.

(f) Limitation on Conditions of Approval. The City may not require dedication of rights-of-way, off-site improvements, or correction of nonconforming zoning conditions as a condition of approval of a parcel map for an urban lot split.

(g) Owner-Occupancy. The owner of the lot proposed for an urban lot split shall comply with the requirements provided herein and sign an affidavit stating that the owner intends to occupy

one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split, unless the applicant is a community land trust, as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a qualified nonprofit corporation as described in Section 214.15 of the Revenue and Taxation Code.

Sec. 19.30.060 Sunset Provision

The provisions of this chapter shall sunset automatically without action of the City in the event California Government Code Sections 65852.21 and 66411.7 are repealed or no longer mandated by State law.

CHAPTER 19.50. DEVELOPMENT PLAN REQUIREMENTS

Sec. 19.50.040. Development plan exemptions.

The following development is exempt from development plan review and approval:

(1) *Residential uses.*

- a. Patios, second story decks, detached residential accessory structures, or first floor room additions and areas designated for single-family residential development, when these additions are less than 25 percent of the existing structure, are not directly visible from public rights-of-way and when designed to match the existing exterior of the development.
- b. Landscape components and fencing in areas designed for single-family residential development.
- c. Pools and spas in areas designated for single-family residential development.
- d. Accessory dwelling units and junior accessory dwelling units.
- e. SB 9 housing developments and urban lot splits.

(2) *Commercial and industrial uses.* Commercial, industrial, and office additions for which no change in intensity of use, no additional vehicular parking is required and there is no reconfiguration of the parking lot or change in the number of parking spaces. Examples include construction of trash enclosures, interior remodels, and small additions to structures consistent with the existing architecture.

(3) *Other uses.* Any other development of similar scale and impact, as determined by the ~~D~~Director~~Director~~ ~~of development services.~~

Sec. 19.50.050. Authority and action.

The ~~C~~City ~~C~~ouncil, Planning Commission, ~~or the~~ ~~D~~Director~~Director~~, ~~of development services, or designee~~ as specified in section 19.54.030, shall review the development plan for

conformance with the ~~C~~city's ~~G~~general ~~P~~plan, ~~d~~development ~~Z~~oning ~~C~~ode, ~~S~~ubdivision ~~C~~ode, specific plan regulations, and other applicable city regulations and shall then approve, conditionally approve, deny, or refer to a higher authority.

CHAPTER 19.54. AUTHORITY AND REVIEW PROCEDURES

Sec. 19.54.020. Authority.

The authority for each type of application identified in section 19.54.010 is as follows:

- (1) *Zone ~~C~~changes and ~~Z~~oning ~~O~~rdinance ~~A~~ 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 ~~C~~city ~~C~~ouncil. The ~~C~~city ~~C~~ouncil is authorized to approve or disapprove any proposed requests.
- (2) *Specific ~~P~~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 ~~C~~city ~~C~~ouncil. The ~~C~~city ~~C~~ouncil is authorized to approve or disapprove any requests.
- (3) *Conditional ~~U~~se ~~P~~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.
- (4) *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.
- (5) *Administrative ~~P~~permits.* The California Government Code allows jurisdictions to require a non-~~d~~iscretionary 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 ~~D~~irector~~Director~~ ~~of planning and community~~

- ~~development~~development services is authorized to approve any requests consistent with existing city ordinances and policies.
- (6) *Permitted ~~U~~ses.* 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 ~~D~~Director ~~of planning and community development~~development services is authorized to approve or deny any projects consistent with existing city ordinances and policies.
- (7) *Temporary ~~O~~utdoor ~~U~~ses.* 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 ~~D~~Director ~~of planning and community development~~development services is authorized to approve, conditionally approve, or deny any requests.
- (8) *Administrative ~~D~~eterminations.* When a use is not listed specifically as either a permitted use or conditionally permitted use under a particular zoning district or category, the ~~D~~Director ~~of planning and community development~~development services 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 ~~D~~Director ~~of planning and community development~~development services is authorized to approve or disapprove any requests consistent with the provisions of this chapter.
- (9) *Minor ~~A~~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 ~~D~~Director ~~of planning and community development~~development services 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 ~~D~~Director ~~of planning and community development~~development services may, at his/her discretion, require the formal filing of a variance request. The ~~D~~Director ~~of planning and community development~~development services is authorized to approve or deny the following minor adjustments to the standards contained in the development code:
- a. *Setbacks/landscaping.* Reduce required setback or landscape areas up to 25 percent.
 - b. *Parking.* Reduce required parking up to 25 percent.
 - c. *Height/coverage.* Increase the allowable structure height or lot coverage up to 25 percent.
 - d. *Walls/fences.* Increase the height of walls or fences up to 25 percent.

e. *Freestanding signs.* Increase the height of freestanding signs up to 25 percent.

(10) *Development ~~P~~lan ~~R~~eview.* 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 ~~D~~irector ~~of planning and community development~~ Director of development services, the Planning Commission, or ~~C~~eity ~~C~~ouncil, as specified in section 19.54.030, is authorized to approve, conditionally approve, or deny any requests.

(11) *Letter of ~~P~~ublic ~~C~~onvenience or ~~N~~ecessity.* 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.

Sec. 19.54.030. 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 Application	Review Authority	Approval Authority
Type of Action: Discretionary		
<ul style="list-style-type: none"> Administrative Determinations 	<ul style="list-style-type: none"> Staff 	<ul style="list-style-type: none"> Director <u>Director of Development Services</u> of planning and community development <u>development services</u>

Type of Application	Review Authority	Approval Authority
Type of Action: Discretionary		
<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 <u>Director of Development Services of planning and community development services</u>
<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"> - <u>Residential development > 10 dwelling units, unless exempted elsewhere in this Title.</u> - <u>All new non-residential development</u> 	<ul style="list-style-type: none"> Staff Responsible Agencies 	<ul style="list-style-type: none"> Planning Commission
<ul style="list-style-type: none"> <u>Development Plan Review</u> <ul style="list-style-type: none"> - Residential ≤ 10 dwelling units) 	<ul style="list-style-type: none"> <u>Staff</u> <u>Responsible Agencies</u> 	<ul style="list-style-type: none"> Director <u>Director of Development Services of development services</u>

Type of Application	Review Authority	Approval Authority
Type of Action: Discretionary		
• General P lan A amendments	• Staff • Responsible agencies • Planning Commission	• City C ouncil
• Major M odifications	• Same authorities as for new application	• Same Authority as for new application
• Minor M odifications	• Staff • Responsible A gencies	• Director Director of Development Services of planning and community developmentdevelopment services
• Minor A adjustments	• Staff • Responsible A gencies	• Director Director of Development Services of planning and community developmentdevelopment services
• Minor D evelopment P lan review	• Staff • Responsible Agencies	• Director Director of Development Services of Planning and Community DevelopmentDevelopment services
• Reversions to A creage	• Staff • Responsible agencies	• City C ouncil
• Surface M ining P ermits	• Staff • Responsible A gencies • Planning Commission	• City C ouncil
• Sign P rograms	• Staff • Responsible A gencies	• Director Director of Development Services of planning and community developmentdevelopment services

Type of Application	Review Authority	Approval Authority
Type of Action: Discretionary		
• Specific <u>P</u> lans	• Staff • Responsible agencies • Planning Commission	• City <u>C</u> ouncil
• Street <u>N</u> aming	• Staff • Responsible <u>A</u> gencies	• <u>Planning Commission</u> Planning Commission
• Temporary <u>U</u> se <u>P</u> ermits	• Staff • Responsible <u>A</u> gencies	• Director <u>Director of Development Services</u> of planning and community development development services
• Tentative <u>P</u> arcel <u>M</u> aps (<u>without Development</u>)	• Staff • Responsible <u>A</u> gencies	• <u>Planning Commission</u> <u>Director of Development Services</u>
• <u>Tentative Parcel Map</u> (<u>with Development</u>)	• <u>Staff</u> • <u>Responsible agencies</u>	• <u>Planning Commission</u>
• <u>Tentative Tract Map</u> (<u>with Legislative Action</u>)	• <u>Staff</u> • <u>Responsible Agencies</u> • <u>Planning Commission</u>	• <u>City Council</u>
• <u>Tentative Tract Map</u> (<u>without Legislative Action</u>)	• <u>Staff</u> • <u>Responsible Agencies</u>	• <u>Planning Commission</u>
• <u>Variances</u>	• Staff • Responsible <u>A</u> gencies	• Planning Commission
• Zone <u>C</u> hanges	• Staff • Responsible <u>A</u> gencies • Planning Commission	• City <u>C</u> ouncil
• Zoning <u>T</u> ext/ <u>M</u> ap (<u>O</u> rdinance) <u>A</u> amendments	• Staff • Responsible <u>A</u> gencies • Planning Commission	• City <u>C</u> ouncil

Type of Application	Review Authority	Approval Authority
Type of Action: Discretionary		
Non-discretionary		
<ul style="list-style-type: none"> Development Plan Review Residential ≤ 10 dwelling units) 	<ul style="list-style-type: none"> Staff Responsible Agencies 	<ul style="list-style-type: none"> Staff
<ul style="list-style-type: none"> Permitted uses 	<ul style="list-style-type: none"> City sStaff Other rResponsible Agencies 	<ul style="list-style-type: none"> DirectorDirector of Development Services of planning and community development Staff

(2) *Referral to next higher authority.* The ~~D~~irectorDirector of Development Services of ~~planning and community developmentdevelopment services~~ may refer an application to the next higher authority due to special issues, impacts related to the project, or controversy.

(3) *Appeals.* Decisions of the ~~D~~irectorDirector of Development Services may be appealed to the Planning Commission. Decisions of the Planning Commission may be appealed to the City Council. All appeals must ~~be file an application in writing~~ within 105 calendar days ~~of the~~from the day of the decision and be accompanied by the appropriate fee and letter providing the reasons for the appeal ~~as determined by the City Council~~. If the tenth day falls on a non business day for the City (Holidays and weekends), the appeal period shall be extended to the next business day. Appeals shall be filed with the ~~D~~irectorDevelopment Services Department.

(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 ~~C~~eity ~~C~~eouncil shall review and determine the final action for all applications concurrently processed with a ~~G~~eneral ~~P~~plan amendment or ~~Z~~zone ~~C~~echange.

(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 ~~D~~irectorDirector of Development Services. The ~~D~~irectorDirector of Development

Services 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 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 of Development Services finds that special circumstances exist and that unusual hardship to the applicant would result from deeming the application abandoned, the Director of Development Services 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 of Development Services 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.

Sec. 19.54.040. 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 PPlans*. 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:
 - a. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
 - b. 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.
 - c. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
 - d. 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 Ppermits* 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 ~~M~~odifications to ~~S~~pecific ~~P~~lans, ~~e~~Conditional ~~U~~se ~~P~~ermits, ~~D~~evelopment ~~P~~lan ~~R~~eviews, and ~~V~~ariances.* 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~~Director of Development Services will be responsible for determining whether or not a proposed modification is deemed significant, depending on the circumstances involved.

(f) *Development plan reviews* ~~(Residential development > 10 dwelling units and all nonresidential development)~~. The purpose of the ~~D~~development ~~P~~plan ~~R~~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 ~~C~~city's ~~G~~general ~~P~~plan, ~~Z~~zoning ~~C~~Code, 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.
- (8) Prior to granting approval of a development plan review the following findings shall be adopted:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. The architecture proposed is compatible with community standards and protects the character of adjacent development.
 - e. The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.
 - f. 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 ~~A~~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 ~~P~~ublic ~~to~~Convenience or ~~N~~ecessity*. 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 ~~D~~irector~~or~~ *Director of Development Services* 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, indicating 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 ~~U~~se ~~P~~ermits* 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 Cchapter 19.75.

~~Sec. 19.54.050. 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 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) 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.~~

CHAPTER 19.56. PUBLIC HEARING PROCEDURES

Sec. 19.56.010. Setting of hearings.

All proposals requiring a public hearing by the Planning Commission/~~e~~City ~~C~~eouncil shall be set by the ~~C~~eity ~~C~~elrk.

Sec. 19.56.040. Hearing decision.

Not more than 40 calendar days following the termination of the proceedings of the public hearing, the Planning Commission and/or ~~C~~eity ~~C~~eouncil shall announce its findings by formal resolution or ordinance.

CHAPTER 19.57. DENSITY BONUSES ~~AND OTHER INCENTIVES FOR LOW INCOME AND SENIOR HOUSING~~

Sec. 19.57.010. Intent And Purpose

It is the intent of the City of Perris, in enacting this Chapter, to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the City's Housing Element. The purpose of this chapter is to provide for compliance with Government Code Sections 65915 through 65918 as the same may be amended from time to time. This chapter provides regulations for considering density bonus and incentive requests for the development of housing that is affordable to lower-, low-, and moderate-income households, foster youth, disabled veterans, homeless persons, lower-income students, and senior citizens. This chapter is intended to be consistent with Government Code Sections 65915 through 65918, and is not intended to create any right on the part of applicants or others to density bonuses, incentives, concessions or waivers beyond those provided by Government Code Sections 65915 through 65918. In the event of any conflict between this Chapter and Government Code Sections 65915 through 65918, Government Code Sections 65915 through 65918 shall prevail.

Sec. 19.57.020. Definitions

The following definitions shall be applicable to this chapter:

AFFORDABLE HOUSING COSTS is as defined in Health and Safety Code Section 50052.5.

CHILDCARE FACILITY. A child day care facility, other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age childcare centers. "Childcare facility" does not include public or private primary or secondary education facilities.

DEVELOPMENT STANDARD. ~~A~~Includes a site or construction condition, including, but not limited to, a height limitation, setback requirement, floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a housing development pursuant to any ordinance, general plan policy, specific plan, or other local condition, law, policy, resolution, or regulation. Development standard shall not mean an impact fee, inclusionary housing requirement, or dedication of land.

DISABLED VETERAN. Any veteran who is currently declared by the United States Veterans Administration to be ten percent (10%) or more disabled as a result of service in the armed forces. Proof of such disability shall be deemed conclusive if it is of record in the United States Veterans Administration.

EQUIVALENT FINANCIAL VALUE. An incentive that would result in a reduction in cost to the developer/property owner based upon the land cost per dwelling unit and shall be calculated based upon the difference in the value of the land with and without the density bonus.

EQUIVALENT SIZE DWELLING UNIT. A dwelling unit that replaces another dwelling unit and contains at least the same number of bedrooms as the unit being replaced.

EXTREMELY LOW-INCOME HOUSEHOLD means persons and families whose income does not exceed thirty (30) percent of the area median income, as published by the California Department of Housing and Community Development (“HCD”), adjusted for family size and revised annually.

FOSTER YOUTH. A person in California whose dependency was established or continued by a court of competent jurisdiction, including a tribal court, on or after the youth's 13th birthday and who is no older than 25 years of age at the commencement of the academic year.

HOMELESS PERSON. Homeless person shall have the same meaning as that phrase is defined in Section 11302 of the federal McKinney-Vento Homeless Assistance Act (42U.S.C. Ch. 119).

HOUSING DEVELOPMENT. A development project for five (5) or more residential dwelling units, including mixed-use developments. A “housing development” also includes a subdivision or common interest development approved by the City and consists of residential units; or unimproved residential lots; and either a project to substantially rehabilitate and convert an existing commercial building to residential use; or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would result in a net increase in available residential units. For purposes of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one (1) development application but may include more than one subdivision map.

LOW-INCOME HOUSEHOLD. Persons and families whose income is greater than fifty (50) percent but does not exceed eighty (80) percent of the area median income, as published by the California Department of Housing and Community Development, adjusted for family size and revised annually.

LOWER INCOME HOUSEHOLD. Persons and families whose income does not exceed the qualifying limits in Section 50079.5 of the California Health and Safety Code.

LOWER INCOME STUDENT. A student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in Education Code Section 69432.7(k)(1). The eligibility of a student to occupy a unit for lower income students under this section shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education in which the student is enrolled or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver from the college or university, the California Student Aid Commission, or the federal government.

MAJOR TRANSIT STOP. An existing rail or bus rapid transit station; the intersection of two (2) or more major bus routes with a frequency of service interval of twenty (20) minutes or less during the morning and afternoon peak commute periods; or any other transit stop identified as a “major transit stop” by SCAG in the most recent adopted version of the regional transportation plan.

MODERATE-INCOME HOUSEHOLD. Persons and families whose income is greater than eighty (80) percent but does not exceed one hundred twenty (120) percent of the area median income, as published by HCD, adjusted for family size and revised annually.

NATURAL OR CONSTRUCTED IMPEDIMENTS. A hindrance or obstruction that prevents pedestrian or bicycle access to a major transit stop. Natural or constructed impediments include, but are not limited to, freeways, rivers, mountains, harbors, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.

SPECIFIC ADVERSE IMPACT. A significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety: (1) inconsistency with the zoning ordinance or general plan land use designation, or (2) the eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.

UNOBSTRUCTED ACCESS. With reference to a major transit stop, means that the income qualified resident of the housing development is able to access the major transit stop without encountering natural or constructed impediments, which include, but are not limited to, freeways, rivers, mountains, harbors and other bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit with legal pedestrian access through the property.

VERY LOW-INCOME HOUSEHOLD. Persons and families whose income is greater than thirty (30) percent but does not exceed fifty (50) percent of the area median income, as published by HCD, adjusted for family size and revised annually.

Sec. 19.57.030. Applicability

The provisions of this chapter shall only be applicable to housing developments, as defined in Section 19.57.020.

Sec. 19.57.040. GENERAL PROVISIONS

- (a) Fractional Units. The calculation of a density bonus in compliance with this section that results in fractional units, including base density and bonus density, shall be rounded up to the next whole number.

- (b) Mixed Income Development. If a housing development qualifies for a density bonus under more than one (1) income category; as senior housing; or as housing intended to serve transitional foster youth, disabled veterans, or homeless persons; the applicant shall select only one (1) of the eligible density bonus categories in the application. Density bonuses from more than one (1) category listed in Government Code Section 65915(b) may not be combined.
- (c) General Plan & Zoning Consistency. The granting of a density bonus, in and of itself, shall not be interpreted as requiring a General Plan amendment, Zoning Map amendment, or other discretionary approval.
- (d) Financial Incentives. The provisions of this Chapter shall not be interpreted to require or limit the City from providing direct financial incentives, including the provision of publicly owned land or the waiver of fees or dedication requirements.
- (e) Increased Density Limit. A housing development shall not exceed the cumulative total of base units allowed by the underlying zone and the bonus density units. Incentives, concessions, or development standard waivers shall not be used to increase density.
- (f) Reduced Density. An applicant for a Density Bonus may elect to provide a lesser percentage of density increase than what is allowed including, but not limited to, no increase in density, but shall remain eligible for concessions or incentives, waivers of development standards, and eligible parking requirements provided the project meets the eligibility requirements of this Section.
- (g) Fees. Affordable housing impact, inclusionary zoning, and in-lieu fees shall not be imposed on affordable units.
- (h) Base Density. The base density is the maximum amount of density allowed under the zoning designation. If no density is listed in the zoning code (e.g., a commercial zone), then the developer may submit a base density study to determine the realistic base density for the site. Under density bonus law, the City shall approve the base density study as long as the proposed based density complies with all residential development standards applicable to the project.
- (i) No Elimination of Amenities. The City may not require a developer of density bonus project to reduce or eliminate amenities or redesign a project to avoid or reduce development standards that would physically preclude construction of a development that is eligible for the density bonus law at the densities or with the concessions or incentives permitted. Instead, such development standards are subject to density bonus law waivers.

Sec. 19.57.050. Density Bonuses, Concessions, Incentives, And Waivers

Eligible housing development or mixed-use development projects may be granted density bonuses, concessions, incentives, and waivers pursuant to California State Government Code § 65915 et seq., as may be amended from time to time.

Sec. 19.57.060. Design And Distribution of Affordable Units.

Affordable units shall be designed and distributed within the housing development as follows:

- (a) Number of Bedrooms. Affordable units shall reflect the range of numbers of bedrooms provided in the residential development project as a whole.
- (b) Comparable Quality and Facilities. Affordable units shall be comparable in the facilities provided (e.g., laundry, recreation, etc.) and in the quality of construction and exterior design to the market-rate units.
- (c) Access. In mixed-income multi-unit structures, the occupants of the affordable housing units shall have the same access to common entrances and any common areas including parking areas in that structure as the occupants of the market-rate housing units.
- (d) Size. Affordable units may be smaller and have different interior finishes and features than the market-rate units.
- (e) Location. Affordable units shall be distributed within the residential development, unless clustering is allowed by the review authority (e.g. Planning Commission or City Council). However, in a mixed-income multi-unit structure, affordable units shall not be isolated to a specific floor or an area of a specific floor.

Sec. 19.57.070. Affordable Housing Agreement

The applicant approved for a density bonus, concession, incentive, or waiver under this cChapter shall agree to construct, operate, and maintain the affordable units in accordance with an affordable housing agreement. The requirement of the affordable housing agreement shall be made a condition of approval of the housing development. The affordable housing agreement shall be executed and recorded on title to the parcel on which the affordable units are located prior to the issuance of a building permit for any portion of a housing development subject to the requirements of this cChapter, or prior to final map approval if a map is requested. The affordable housing agreement shall run with the land and be binding upon all future owners and successors in interest.

- (a) Review. The terms of the affordable housing agreement shall be reviewed and revised as appropriate by the ~~Director~~Director of Development Services and City Attorney. The ~~Director~~Director of Development Services shall have authority to approve and execute the affordable housing agreement, subject to City Attorney approval as to form.
- (b) Fees. The City Council may establish fees associated with the setting up and monitoring of the affordable units.
- (c) Contents. The affordable housing agreement shall include at least the following:

(1) Identification of Affordable Units. Affordable units shall be identified by address and legal description, type (floor area, number of bedrooms/baths, unit size, etc.), and designated household income category. The affordable housing agreement shall also identify the total number of affordable units and total number of units approved for the housing development.

(2) Term of Affordability. A minimum term of fifty-five (55) years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, of the specified affordability shall be required for all very low and low-income rental units that qualified the applicant for the award of the density bonus. Such affordability term shall begin on the date a certificate of occupancy is granted for the affordable units.

With respect to for-sale units that qualified the applicant for the award of the density bonus, as further provided in subsection (c)(3)(b) below, the affordable housing agreement shall ensure that the unit is either (i) initially sold to and occupied by a person or family of very low, low, or moderate income, as required, and it is offered at an affordable housing cost and is subject to an equity sharing agreement, or (ii) if the unit is not purchased by an income-qualified person or family within 180 days after the issuance of the certificate of occupancy, the unit is purchased by a qualified nonprofit housing corporation that meets the requirements of Government Code Section 65915(c)(2)(A)(ii)(I)-(IV) pursuant to a recorded contract that satisfies the requirements of Revenue & Taxation Code Section 402.1(a)(10).

(3) Maximum Allowable Rent or Sales Price.

a. Rental Housing Developments. In the case of rental housing developments, the affordable housing agreement shall provide for the following terms and conditions governing the affordable housing units during the affordability term:

1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the affordable units for qualified tenants.
2. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter.
3. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying each affordable unit, and which identifies the bedroom size and monthly rent or cost of each affordable unit.
4. Determination of Rent. A maximum rent schedule shall be submitted to the City prior to the issuance of an occupancy permit for the affordable units and updated annually on the anniversary date of occupancy.

5. Deposit Amount. Total move-in costs for eligible tenants occupying affordable units shall be limited to first month's rent plus a security/cleaning deposit not to exceed one month's rent.
 6. Upward Mobility Allowance. When a tenant occupying an affordable unit no longer qualifies under the income requirements, verified through the monitoring program required as part of the affordable housing agreement, that tenant may then be charged market rate rent. If this occurs, any currently vacant unit of similar type to the affordable unit in question shall then be designated as an affordable unit, and the owner shall immediately attempt to secure tenants in accordance with this chapter. The owner is required to maintain at all times during the affordability term the minimum number of affordable units identified in the affordable housing agreement. If no vacant units are available to be provided as affordable units, or converted to affordable units, then the tenant shall be given six (6) months to vacate the premises.
 7. Subletting of Affordable Units. No subletting or short-term occupancy of designated affordable units shall be allowed. For purposes of this provision, a short-term occupancy shall mean any rental for thirty (30) days or less.
- b. Ownership Projects. In the case of for-sale housing developments, as a condition of approval of the housing development, the City shall require an affordable housing agreement that includes the following terms and conditions governing the initial sale and use of affordable units during the applicable use restriction (i.e., affordability) period:
1. Affordable units shall, upon initial sale, be sold to, and occupied by, eligible very low, low, or moderate income households, as required, at an affordable sales price and housing cost, or to qualifying residents in the case of a senior citizen housing development.
 2. Affordable units shall be owner-occupied by eligible very low, low or moderate-income households, or by qualifying residents in the case of a senior citizen housing development.
 3. The initial purchaser of each affordable housing unit shall execute an instrument or agreement approved by the City restricting the sale of the affordable housing unit in accordance with this chapter during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the affordable housing unit and shall contain such provisions as the City may require to ensure continued compliance with this chapter and State Density Bonus Law.

4. Rental of For-Sale Units. Rental of affordable ownership units shall not be allowed.

5. Equity Sharing Agreements. When an equity sharing agreement is required by this chapter, the affordable housing agreement shall specify the equity sharing agreement comply with Government Code § 65915 et. seq.

(4) Monitoring of Compliance to Agreement. A monitoring program shall be required, specifying the party responsible for certifying tenant incomes and sales price, maintaining the required number of affordable units and each affordable unit's property, and marketing and filling unit vacancies.

(5) Remedies. Description of remedies for breach of the affordable housing agreement by either party (the City may identify tenants or qualified purchasers as third-party beneficiaries under the agreement).

(6) Description of Density Bonus. A description of the density bonus, incentives, concessions, waivers of development standards, and/or reduced parking requirements if any, being provided by the City.

(7) Schedule. A schedule for completion and occupancy of the affordable units.

(8) Other Provisions. Other provisions to ensure implementation and compliance with this chapter.

Sec. 197.57.080. Affordable Housing Implementation Plan

(a) Purpose. An affordable housing implementation plan (AHIP) provides a process to review and grant density bonuses, concessions, incentives, and development standard waivers in compliance with Government Code Sections 65915 et seq. and Chapter 17.58.

(b) Applicability. An affordable housing implementation plan shall be required for any application that proposes a density bonus, concession, incentive, or waiver of development standard pursuant to Government Code Section 65915 et seq. and this Chapter 17.58.

(c) Application Contents.

(1) A legal description of the project site where the target dwelling units will be located, including a statement of present ownership and present and proposed zoning.

(2) A letter signed by the present owner stating what specific density bonus, incentives or concessions, waivers or modifications in development standards are being requested from the City and if reduced parking pursuant to Government Code Section 65915 et seq. is being requested.

- (3) A detailed vicinity map showing the project location and such details as the location of the nearest commercial retail, transit stop, potential employment locations, park or recreation facilities or other social or community service facilities.
- (4) Site plans, floor plans, and building elevations, which shall designate the total number of units proposed on the site, including the number and location of target dwelling units and density bonus dwelling units, and supporting plans per the application submittal requirements.
- (5) If the project site contains existing dwelling units, a description of the existing dwelling units. This shall include the number of units, whether owner-occupied or rentals, the number of bedrooms in each of the units, and evidence of household income of occupants for the previous five (5) years. Projects shall demonstrate compliance with the requirements of Government Code Section 65915(c)(3)(A).
- (6) In the case of a request for any incentive or concession, evidence that the request will result in identifiable and actual cost reductions.
- (7) In the case of a request for a waiver or reduction of development standards, evidence that the development standard being waived or reduced will have the effect of physically precluding the construction of the development as designed at the densities or with the concessions or incentives permitted.
- (8) Any other information the ~~Director~~Director of Development Services deems necessary to review and consider the proposed housing or mixed-use development.
- (d) Fee. A uniform fee, set by City Council resolution, shall be paid to the City upon the filing of each application.
- (e) Public Hearing. The Planning Commission shall hold a public hearing to consider applications for Affordable Housing Implementation Plans, which shall be duly noticed pursuant to Chapter 19.56.
- (f) Decision. The decision of the Planning Commission shall be final unless the Commission's action is appealed to the City Council within ten days of the Commission's decision, including payment of any required appeal fee, as set by resolution of the City Council.
- (g) Commission Recommendation. Notwithstanding subsection (f) above, in cases where the Affordable Housing Implementation Plan proposes a financial incentive or fee waiver, the Planning Commission shall render its decision in the form of a written recommendation to the City Council. The Council shall have sole discretion on approving a financial incentive or fee waiver.

(1) After receipt of the written recommendation from the Commission, the Council shall hold a public hearing to consider the application for the Affordable Housing Implementation Plan.

(h) Findings. The Commission and/or Council (as applicable) shall approve an Affordable Housing Implementation Plan unless it makes, any of the following written findings for denial, based on substantial evidence as to any of the following requests, in which case it may deny the corresponding request for which the finding is made, as applicable:

(1) Incentives or concessions:

- a. The incentive or concession does not result in an identifiable and actual cost reductions to provide for affordable housing costs or for rents for the targeted units to be set as specified in Government Code Section 65915(c);
- b. The incentive or concession would have a specific adverse impact upon public health and safety; or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or
- c. The incentive would be contrary to state or federal law.

(2) A waiver or reduction of development standards:

- a. The development standard proposed to be waived or reduced would not physically preclude the construction of the development at the densities or with the concessions or incentives permitted by this Chapter;
- b. The waiver or reduction of development standards would have a specific adverse impact upon public health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;
- c. The waiver or reduction of development standards would have an adverse impact on any real property listed in the California Register of Historical Resources; or
- d. The waiver or reduction of development standards would be contrary to State or federal law.

(3) Childcare Facility:

- a. The density bonus for a childcare facility is not needed as the community has adequate childcare facilities available to accommodate those who live and work in the City.

(4) Financial Incentive or Fee Waiver:

- a. The City Council determines the financial incentive and/or fee waiver is not advantageous or desirable for the community.

Sec. 19.57.010. Purpose and intent.

~~The California Legislature has determined that the provision of housing for lower and very low income individuals and senior citizens is of primary importance in the state and must be encouraged at the local level. The purpose of this chapter is to comply with the provisions of California Government Code section 65915 requiring the city to adopt an ordinance providing incentives to developers of housing for lower and very low income individuals and senior citizens.~~

Sec. 19.57.020. Applicability.

~~This chapter shall apply to all housing developments, as defined in this title, consisting of five or more units.~~

Sec. 19.57.030. Grant of development incentive.

~~(a) *Development incentive.* A developer shall be entitled to a development incentive as described in section 19.57.050 if the developer enters into either a development agreement pursuant to California Government Code section 65865 et seq. or another recorded contractual agreement satisfactory to the city with respect to the housing development in which the developer covenants to do all of the following:~~

~~(1) To construct the housing development with at least one of the following:~~

~~a. At least 20 percent of the total units of the housing development reserved for lower income households;~~

~~b. At least ten percent of the total units of the housing development reserved for very low income households; or~~

~~c. At least 50 percent of the total housing units of the housing development reserved for qualifying residents.~~

~~(2) The agreement shall ensure continued affordability of all density bonus units for lower income households or very low income households for the time period established in subsection (b) of this section. Continued affordability shall be ensured as follows:~~

~~a. Units targeted for lower income households shall be affordable at a rent that does not exceed 30 percent of 60 percent of the area median income as determined pursuant to section 50079.5 of the California Health and Safety Code.~~

b. ~~Units targeted for very low income households shall be affordable at a rent that does not exceed 30 percent of 50 percent of the area median income, as determined pursuant to section 50105 of the California Health and Safety Code.~~

~~(b) *Time period.* The time period to ensure continued affordability shall be at least 30 years. A longer period of time shall be required if the construction or mortgage financing assistance program, mortgage insurance program or rental subsidy program for the housing development, requires a longer period. Notwithstanding the above, this 30-year period shall be reduced to ten years if the city does not grant at least one additional concession or incentive described in section 19.57.050.~~

Sec. 19.57.040. Preliminary proposal.

~~(a) A developer may submit a written preliminary proposal for development to determine the means for complying with this chapter. The preliminary proposal may be submitted prior to any formal requests for general plan amendments, zoning amendments or subdivision map approvals.~~

~~(b) Within 90 days of receipt of a complete written preliminary proposal, the city shall notify the developer in writing of the procedures which it will comply with this chapter.~~

Sec. 19.57.050. Development incentives.

~~(a) *Requirement to a grant a development incentive.* When required by this chapter to grant a development incentive, the city shall do one of the following:~~

~~(1) Grant a density bonus and at least one of the concessions or incentives set forth in subsection (b) of this section; or~~

~~(2) Provide other incentives of equivalent financial value based upon the land cost per dwelling unit.~~

~~(b) *Definitions.* For purpose of this section, the term "concessions or incentives" has been defined in this Code. This definition shall not require the city to provide direct financial incentives or publicly owned land for the housing development, or to waive fees or dedication requirements.~~

~~(c) *Incentives not required.* The city shall not be required to grant concessions or incentives if the city council makes a written finding that such concessions or incentives are not required in order to provide affordable housing costs as defined in section 50052.5 of the California Health and Safety Code or for rents for the targeted units to be set as specified in section 19.57.030(a)(2)a and b.~~

Sec. 19.57.060. Density bonus plan.

- (a) ~~Plan. Prior to the recordation of a final or parcel map for a housing development for which a density bonus has been granted or the issuance of a building permit for a housing development not requiring a final or parcel map, the developer shall submit to the city for approval a plan showing the developer's intended use of the density bonus within the housing development. The city shall review the plan for compliance with the terms of this chapter and may approve or reject the plan, provided that the plan shall not be rejected solely on the basis that the plan would allow the use of the density bonus in geographic areas of the housing development other than the areas with units for the lower income households or the very low income households are located.~~
- (b) ~~Waiver of development standards. In the event that the geography or topography of the site is such that the strict application of the city's development and zoning standards would inhibit the utilization of the density bonus on the site, the city council may waive or modify the development and zoning standards as applied to the housing development. No waiver shall be granted under this subsection unless the developer has shown to the satisfaction of the city council that the waiver or modification is necessary to make the housing units economically feasible.~~

Sec. 19.57.070. Multiple density bonuses.

~~A developer who agrees to construct both 20 percent of the total units within a housing development for lower income households and ten percent of the total units for very low income households shall be entitled to only one density bonus and at least one additional concession or incentive identified in section 19.57.050(b).~~

CHAPTER 19.69. PARKING AND LOADING STANDARDS

Sec. 19.69.035. Exception to Parking Standards.

Notwithstanding any other minimum parking requirement set forth in this Title, there shall be no minimum parking required for any residential development project, unless one of the following applies:

- (a) The project is not within ½ mile of a major transit stop or high-quality transit corridor.
- (b) The City makes written findings, within 30 days of the receipt of a completed application, that imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact, supported by a preponderance of the evidence in the record, on any of the following:
- (1) The City's ability to meet its share of the regional housing need in accordance with Section 65584 for low- and very low-income households.

(2) The City’s ability to meet any special housing needs for the elderly or persons with disabilities identified in the analysis required pursuant to paragraph (7) of subdivision (a) of Section 65583.

(3) Existing residential or commercial parking within one-half mile of the housing development project.

CHAPTER 19.80. NONCONFORMING BUILDINGS AND USES

Sec. 19.80.040. Reconstruction of damaged nonconforming buildings.

Nothing in this title shall be taken to prevent the restoration of a nonconforming building destroyed to the extent of not more than 75 percent of its reasonable value, to be determined by the ~~city council~~ Building Official, by fire, explosion or other casualty, or act of God, of the public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction, but any building so damaged to more than 75 percent of its value may not be rebuilt, repaired or used unless it is made to conform to all regulations for buildings in the zoning district or category in which it is located.

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 Chapter 13 of Division 1 of Title 7 of the California Government Code ~~Section 65852.2 and 6852.22~~, or any successor statute.

Sec. 19.81.020. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory dwelling unit (ADU) is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated 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. “ADU” also includes the following: (1) an efficiency unit, as defined in Health and Safety Code Section 17958.1; and (2) a manufactured home, as defined in California Health and Safety Code Section 18007.

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.

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

~~*Car share vehicle.* Car sharing organizations offer members use of cars on a short term basis.~~

Converted existing space ADU is an accessory dwelling unit created by the conversion of existing floor area within either the primary dwelling unit or an accessory structure or an existing multifamily dwelling on the lot, or by total replacement of an existing accessory structure on the lot with an ADU.

Detached ADU is 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.

Efficiency kitchen. ~~For purposes of establishing a JADU, an~~ 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.

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.

Junior accessory dwelling unit (JADU) is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structuredwelling 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.

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

Livable Space. A space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

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

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.

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.

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.

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

Public transit **is** 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.

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

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:

- (1) Consistent with the general plan designation and zoning for the parcel on which the ADU or JADU is located.
- (2) 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~~ JADUs 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~~ JADUs are not permitted on sites where a portion of the primary dwelling has been converted to an ADU.
- (d) ~~Junior~~ JADUs 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.

- (1) *Minimum lot area.* There shall be no minimum lot area required to establish an ADU and/or ~~junior~~ JADU.
- (2) *Building height.* ~~Shall not exceed 16 feet above grade or the height of the first-floor~~ ridgeline, whichever is greater.
 - a. Single Family Detached ADU. Shall not exceed 16 feet above grade, unless the property is within ½ mile walking distance of a major transit stop or a high-quality transit corridor, in which case the Detached ADU shall not exceed 18 feet above grade. An additional two feet in height shall be allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
 - b. Single Family Attached ADU. Shall not exceed 25 feet above grade or the allowed height limitation of the underlying zoning district applicable to the primary dwelling, whichever is less.
 - c. Multi Family ADU detached ADU on a lot with an existing or proposed multifamily, multistory dwelling. Shall not exceed a height of 18 feet above grade.
- (3) *Setbacks.*
 - a. *Front yard.* Determined by underlying zone, except as provided in Section 19.81.060(9).
 - 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.
- (4) *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.
- (5) *Exterior entrance.* All units must have an entrance separate from the primary dwelling entrance.
- (6) *Sanitation facilities.* A separate bathroom is required with sink, toilet, and shower/bathtub; JADUs may share sanitation facilities with the primary dwelling.

- (7) Kitchen. A kitchen is required.
- (8) Fire sprinklers. Fire sprinklers are required when the primary dwelling unit has fire sprinklers.
- (9) 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 800 square feet or less, ~~or a peak height above grade that is no more than 16 feet,~~ or with side and rear yard setbacks that are no less than four 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.

- (1) Zoning. ADUs are allowed in any zoning district that permits a single-family residence including mixed use zones.
- (2) Maximum number of units on a site. No more than one primary dwelling unit, one attached ADU and one JADU are permitted.
- (3) 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(e)(2)(A)~~ 66321.
- (4) Maximum unit size. The attached ADU shall have an area no more than 50 percent of the floor area in the primary dwelling and shall not exceed the following requirements:
 - a. Studios and one-bedroom units—850 square feet.
 - b. More than one-bedroom units—1,000 square feet.
- (5) 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.

- (1) Zoning. ADUs are allowed in any zoning district that permits a single-family residence.

- (2) Maximum number of units on a site. No more than one primary dwelling unit, one detached ADU and one JADU are permitted.
- (3) 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(e)(2)(A)~~ 66321.
- (4) Maximum unit size. The ~~de~~attached ADU shall not exceed the following requirements:
 - a. Studios and one-bedroom units—850 square feet.
 - b. More than one-bedroom units—1,200 square feet or 75 percent of the primary dwelling, whichever is less.
- (5) 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.
- (6) Parking requirements. Except as provided in Ssection 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 Ssection 19.81.060, converted existing space ADUs shall comply with the following standards.

- (1) Zoning. ADUs and JADUs are allowed in any zoning district that permits a single-family residence.
- (2) Maximum number of units on a site. No more than one primary dwelling unit, ~~and~~ one converted existing space ADU, one detached ADU, and one JADU.
- (3) Minimum unit size. Must have a minimum of 320 square feet floor area.
- (4) Maximum size. No limit.
- (5) Building envelope. The converted existing space ADU must be constructed within the existing or proposed floor area of the primary dwelling.

- (6) 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.
- (7) 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.

- (1) Zoning. JADUs are allowed in any zoning district that permits a single-family residence.
- (2) Maximum number of JADUs on a site. One.
- (3) Minimum unit size. Must have a minimum of 320 square feet floor area.
- (4) Maximum unit size. The maximum floor area of a JADU shall not exceed 500 square feet.
- (5) Building envelope. The JADU must be constructed within the existing or proposed building envelope of the primary dwelling.
- (6) 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).
- (7) Exterior entrance. JADU must have an entrance separate from the primary dwelling entrance.
- (8) Parking requirements. None.
- (9) 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 Ssection 19.81.060, multi-family ADUs on lots with existing or proposed multifamily dwellings shall comply with the following standards.

- (1) Zoning. ADUs are allowed on residential and mixed use zoned properties with existing or proposed multi-family dwellings.
- (2) Maximum number of ~~units~~ADUs.
 - a. Converted existing space ~~units~~ADUs—At least one ADU and ~~no more than~~up to 25 percent of the ~~number of existing~~ number of multifamily dwelling units, as calculated pursuant to subsection (5) of this Section.
 - b. Detached ~~units~~ADUs—~~Two~~ On a lot with an existing multifamily dwelling, up to eight ADUs, provided that ~~but~~ in no case shall the number of detached ADUs exceed the number of total existing multifamily dwelling units on the property. On a lot with a proposed multifamily dwelling, no more than two detached ADUs.
 - c. Attached units—If no detached ADUs or converted existing space ADUs can be built on the site, one attached ADU is permitted.
- (3) Minimum unit size.
 - a. Converted existing space ~~units~~ADUs—Must have a minimum of 320 square feet floor area but shall not prohibit construction of an efficiency unit pursuant to Government Code Section 66321.
 - b. Detached ~~units~~ADUs—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)~~66321.
 - c. Attached ~~units~~ADUs—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)~~66321.
- (4) Location.
 - a. For converted existing space ADUs, lot~~Site~~ must have an existing multi-family structuredwelling. For detached or attached ADUs, lot must have an existing or proposed multifamily dwelling; and
 - b. Converted existing space 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.
- (5) Multi-family sites. ~~The number following of new multi-family units permitted in a multi-family project shall not exceed 25 percent of the existing multi-family units shall apply for purposes of calculating the 25 percent limitation set forth in subparagraph 2(a) of this Section 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 unit~~ADUs, 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.
- (6) Maximum unit size.
- a. Studios and one-bedroom units—850 square feet.
 - b. More than one-bedroom units—1,000 square feet.

~~(7) Type of ADUs:~~

- a. ~~Permitted. Converted existing space ADUs and/or detached ADUs.~~
- b. ~~Prohibited. Attached ADUs and JADUs.~~

~~(8)(7) 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 ~~S~~section 19.69.020, except as modified by the requirements of this chapter.
 - (1) Unless the requirement is exempted or waived by other provisions of this chapter, each ADU shall have one designated off-street parking space.
 - (2) 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.
 - (3) When a garage, ~~or~~ carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU 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.
 - (1) The property is within ½ mile walking distance of public transit, ~~or~~

- (2) The ADU is within an area considered historically significant as defined by the California Register of Historic Resources.
- (3) The ADU is part of the primary dwelling or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the ADU.
- (5) 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.

- (1) 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.
- (2) ~~Multi-family ADUs on lots with multifamily dwellings.~~ 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~~ Rentals. An ADU or JADU permitted by this chapter shall not be rented for periods of less than 310 days ~~or less~~.

(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 approved by the Ceity Attorney. This deed restriction shall remain in effect so long as the ADU and/or JADU remains on the lot.

(1) JADU deed restrictions shall include and describe the following:

- a. Prohibition on the separate conveyance of the JADU except as otherwise permitted by applicable law.
- b. Approved size and attributes of the JADU.
- c. Restrictions on short-term rentals required by PMC Section 19.81.130(b).
- d. JADU owner occupancy requirement as defined in Government Code Section 65852.22(a)(2).

(2) ADU deed restrictions shall include and describe the restrictions on short-term rentals required by PMC Section 19.81.130(a) and Government Code Section 66314(d)(1), except under the limited circumstances described in GC 66341. Deed restrictions shall also include and describe restriction required by PMC Section 19.81.130(b).~~(b).~~

CHAPTER 19.82. - DISTRICTS AND MAP

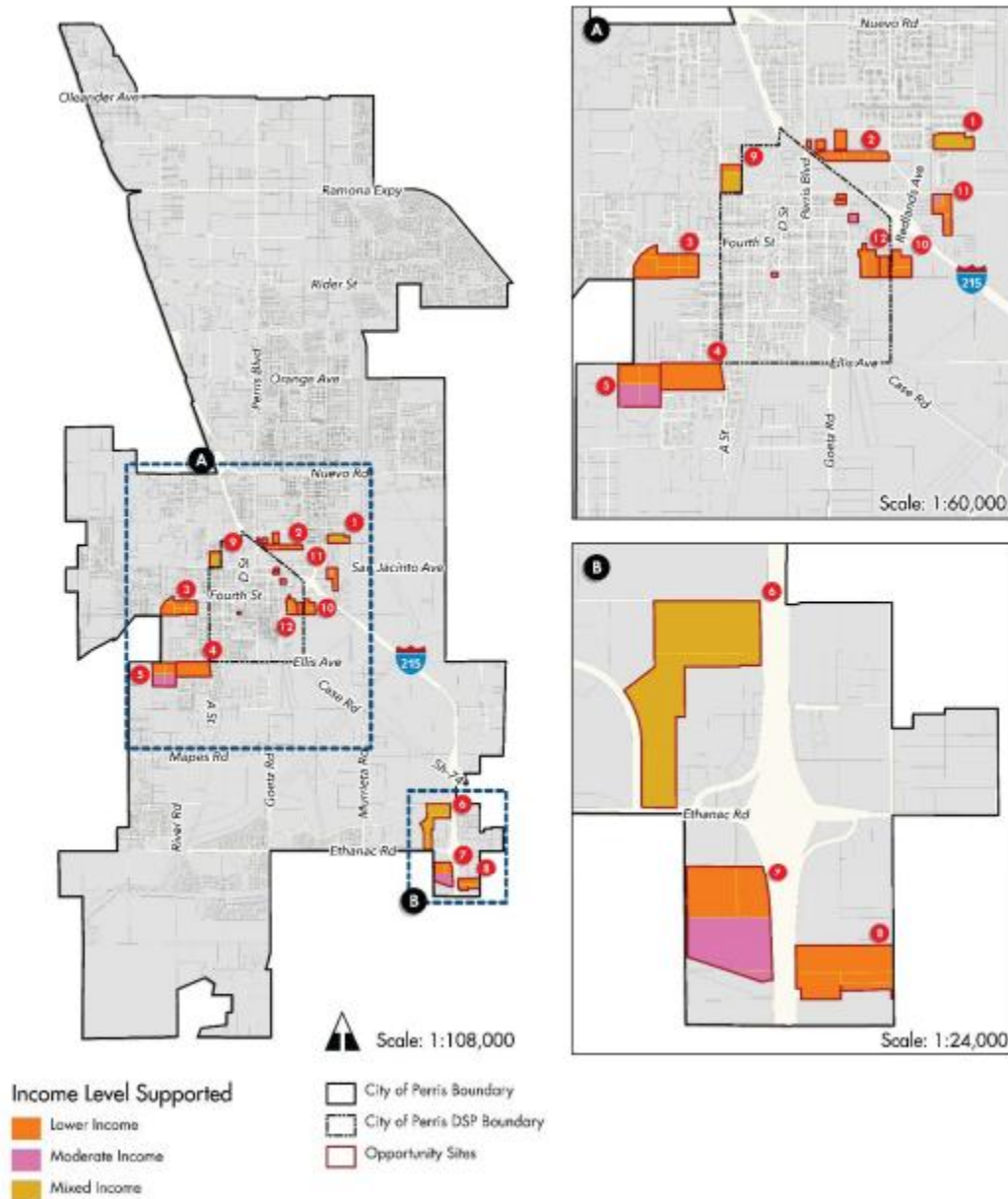
Sec. 19.82.010. Districts designated.

For the purpose of this title, the city is divided into the following districts:

A-1	Light Agriculture/Interim Designation
R-20,000	Single-Family Residential
R10,000	Single-Family Residential
R-8,400	Single-Family Residential
R-7,200	Single-Family Residential
R6,000	Single-Family Residential
MFR-14	Multi-Family Residential
MFR-22	Multi-Family Residential
R-4	Mobile Home Parks
R-5	Mobile Home Subdivisions
CN	Commercial Neighborhood
CC	Commercial Community
PO	Professional Office
BP	Business Park
LI	Light Industrial
GI	General Industrial
OS	Open Space
P	Public/Semi-Public Facilities/Utilities
SP	Specific Plan
SHO	Senior Housing Overlay
PDO	Planned Development Overlay
AOZ	Airport Overlay Zone
<u>HOAO</u>	<u>Housing Opportunity Areas Overlay Zone (HOAO)</u>

(Code 1972, § 19.82.010; Ord. No. 1332, § 4(Exh.), 8-13-2016)

Sec. 19.82.060. - Zone Map – Housing Opportunity Areas Overlay Zone (Adopted 6th Cycle Housing Element).



CHAPTER 19.89. HOUSING OPPORTUNITY AREAS - OVERLAY ZONE (HOAO)

Sec. 19.89.010. –General.

The Housing Opportunity Areas Overlay Zone may be applied to lots within Housing Opportunity Areas identified in the currently adopted Housing Element of the General Plan. When the Housing Opportunity Areas Overlay (HOAO) zone is shown on the City’s Zoning Map, it will be combined with the underlying zone district or districts. For example, the application of HOAO overlay in the R-10,000 zone shall be shown as “R-10,000-HOAO”. Any lot designated by the HOAO zone is subject to the land use and density provisions of the underlying zone district(s), except as provided herein. If provisions in this chapter differ from

other provisions of this Code, including the development standards of the underlying zone, the provision of this chapter supersede and shall be applicable and controlling.

Sec. 19.89.020. – Purpose and intent.

(a) Purpose.

- (1) To encourage the development of housing for high-density mixed use, and/or residential developments to accommodate the needs identified in the City of Perris' Regional Housing Needs Assessment (RHNA).
- (2) To ensure that adequate sites are available to provide housing for a mix of income levels.
- (3) To facilitate the development of housing projects which are superior in functional design, quality of construction, appearance, and operational standards.

(b) Intent. This district is intended to provide a variety of housing types, costs, and densities based on land eligibility, availability of infrastructure, provision of adequate services and recognition of environmental restraint to meet the needs of present and future residents in the City. The intent of the overlay zone is to carry out the policies and objectives of all elements of the General Plan and meet the necessary standards for public health, safety, and general welfare. This includes a by-right, non-discretionary approval process to streamline housing development in order to meet housing needs.

Sec. 19.89.030. – Qualifications for Eligibility

Any property within the Housing Opportunity Areas, as listed in the adopted Housing Element for the current RHNA cycle, is eligible for the Housing Opportunity Areas Overlay (HOAO) zone.

Sec. 19.89.040. –Uses

(a) Permitted Uses. The following uses are permitted:

- (1) Any use that is permitted in the underlying base zone.
- (2) Multiple-family development, including apartments and condominiums, that meet the minimum density set forth in this chapter.
- (3) Mixed-use development that includes a residential component which complies with the minimum density set forth in this chapter.

(b) Conditionally Permitted Uses. The following uses shall be allowed subject to obtaining a conditional use permit, as provided by Chapter 19.61:

- (1) Any use that is conditionally permitted in the underlying base zone.

(2) Any use that requires open or exterior storage.

(c) Accessory Uses. The following uses are considered to be incidental to and compatible with permitted and conditionally permitted uses:

(1) Animals: No more than three small domestic animals of each type of animal.

(2) Childcare facility: Uses must be consistent with the criteria contained in Chapter 19.83.

(3) Residential care: Uses must be consistent with the criteria contained in Chapter 19.84.

(4) Accessory dwelling units: Pursuant to the requirements set forth in Chapter 19.81.

(d) Temporary Uses. Temporary uses are allowed consistent with the criteria contained in Chapter 19.60.

(e) Prohibited uses. The following uses shall be prohibited.

(1) Detached single-family dwellings.

(2) Industrial uses.

(3) Large Animals.

(4) Residential or mixed-use projects that do not meet the minimum density requirements set forth in Section 19.89.050.

Sec. 19.89.050. – Development Standards

(a) General provisions. – Refer to Chapter 19.02 for those general criteria applicable to development, such as:

(1) Building criteria for structures.

(2) Encroachments/architectural projections.

(3) Lighting.

(4) Utilities.

(b) Lot Size/Dimensions. – There shall be no minimum lot size and/or dimensions.

(c) Minimum Density. – No less than 15 dwelling units per acre.

(d) Maximum Density. – No more than 30 dwelling units per acre, unless a density bonus application is approved pursuant to Chapter 19.57.

- (e) Lot Coverage. – No maximum lot coverage.
- (f) Height – Maximum height of 55 feet.
- (g) Minimum Setbacks.

 - (1) Front. – 15 feet.
 - (2) Side – 5 feet.
 - (3) Street Side –10 feet.
 - (4) Rear – 10 feet for portions of the building that are under 15 feet in height. All other portions of the building shall provide a 20-foot rear setback.
- (h) Building separation. – 15 feet between buildings on the same lot.
- (i) Parking. – Parking shall be provided per Chapter 19.69 and/or Chapter 19.57, whichever is applicable.
- (j) Building Footprint. – The footprint of the second or higher floors shall not exceed 80 percent of the first-floor footprint. Covered and uncovered balconies/decks shall not count toward the second or higher floor footprint if at least one wall is open, and the minimum width and depth of the balcony/deck are 10 feet each.
- (k) Open Space. – There shall be a minimum of 150 square feet of common open space per unit, exclusive of driveways and sidewalks. Portions of yards, excluding the front setback, side yard setback, and private open spaces, which are contiguous to all units, pools, paved recreation areas, and indoor recreational facilities may be included in the calculation of common open space.

 - (1) For projects with 10 or fewer dwelling units, the common open space may be provided through private open space (private yards or balconies/decks). The minimum width and depth of the private yards or balconies/decks shall be 10 feet.
 - (2) For projects with 11 or more dwelling units, the open space shall include a recreational facility. For every 25 dwelling units above 11, an additional recreational facility shall be provided. The following listed amenities satisfy the recreational facilities requirement. In recognizing that certain facilities serve more people, have a wider interest or appeal and/or occupy more land area than others, specified items may be counted as two amenities:

 - a. Clubhouse (two);
 - b. Swimming pool (two);
 - c. Tennis court (one per court);

- d. Basketball court (one per court);
- e. Racquetball court (one per court);
- f. Weightlifting facility;
- g. Children's playground equipment;
- h. Sauna;
- i. Jacuzzi;
- j. Day care facility;
- k. Lake or water feature (excluding water fountain);
- l. Other recreational amenities/facilities as deemed adequate by the ~~Director~~Director of Development Services of Development Services.

Sec. 19.89.060. – Design Guidelines

All buildings, structures, and projects within the HOAO zone shall comply with the requirements of the Residential Design Guidelines as adopted by the City of Perris.

Sec. 19.89.070. – Affordable Housing Incentive

In addition to the provisions of Chapter 19.57, any residential or mixed-use project in the Housing Opportunity Area Zone that provides at least 5% of the total units for very-low income households, 10% of the total units for low-income households, or 15% of the total units for moderate income households shall also qualify for the following incentives:

- (a) Incentive/Concession. – One additional development incentive/concession above ~~the~~ number of incentives/concessions to which the project would otherwise be entitled as ~~what is~~ provided in Chapter 19.57.
- (b) Open Space. – Notwithstanding Section 19.89.050(k), each unit shall be provided with a minimum of 100 square feet of common open space, exclusive of driveways and sidewalks. Portions of yards, excluding the front setback, side yard setback, and private open spaces, which are contiguous to all units, pools, paved recreation areas, and indoor recreational facilities may be included in the calculation of common open space. The recreational facility/amenity requirement set forth in Section 19.89.050(k) shall still apply.

Sec. 19.89.080 - Replacement Sites

The City shall not approve a project on any property within ~~the HOAO that has a~~ commercial or industrial base (~~underlying~~) zone unless ~~one of the following apply:~~such approval

complies with applicable State Law, which may include, without limitation, Government Code Section 65863.

- ~~— The project includes residential units that meet or exceed the minimum density requirements set forth in Table 21.38.050.~~
- ~~— A replacement housing opportunity site has been identified by the applicant and the Housing Element has been amended by the City to include the replacement site within the opportunity areas. The replacement site shall comply with the following:~~
 - ~~— The property owner of the replacement site shall agree to have the property included in the opportunity sites.~~
 - ~~— The replacement housing opportunity site shall accommodate the same number of units, at the same income level, as identified for the project site in the Housing Element.~~

Sec. 19.89.090 – Requirements

To accommodate the lower-income RHNA, rezoned parcels are required to:

- (a) Permit owner-occupied and rental multifamily uses by right pursuant to Government Code section 65583.2(i) for developments in which at least 20 percent of the units are affordable to lower-income households;
- (b) Accommodate a minimum of 16 units per site;
- (c) Require a minimum density of 20 units per acre; and
- (d) Require residential uses to occupy at least 50 percent of the total floor area of a mixed-use project.