

ORDINANCE NUMBER 1255

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AMENDING SECTIONS 19.50 AND 19.61 OF THE ZONING CODE TO EXTEND THE APPROVAL PERIOD OF NEW DEVELOPMENT CASES FROM TWO TO THREE YEARS, AND ALLOWING A MAXIMUM OF THREE ONE-YEAR EXTENSIONS AFTER THE INITIAL APPROVAL, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City Council of the City of Perris adopted a General Plan to guide development throughout the City and a Zoning Map to implement the vision set forth in the General Plan; and,

WHEREAS, Section 19.50 of the Perris Zoning Code is entitled “Development Plan Requirements” and describes the development plans required for project approval, and the approval period for such approvals; and

WHEREAS, under the current code most development plans expire after two years, and are eligible for two one-year extensions; and

WHEREAS, due to the challenging economy, development has slowed and project developers would potentially benefit from additional time to secure loans, construct the project and find tenants; and

WHEREAS, it is the intent of the City of Perris to promote development and assist developers with development processes; and

WHEREAS, adding a subsection to Section 19.50 of the Zoning Code to clarify the types of development case that may be extended helps to clarify the code; and

WHEREAS, Section 19.61 of the Zoning Code discusses time limits for Conditional Use Permits, and extensions to these permits require approval of the original reviewing authority upon a finding of unavoidable delay; and

WHEREAS, Section 19.61.090 has been revised to also reflect the proposed three year approval horizon; and

WHEREAS, minor revisions have been made to Sections 19.50 and 19.61 to correct and update passages therein; and

WHEREAS, the proposed project is Categorically Exempt under Class 21, Enforcement Actions by Regulatory Agencies, of the California Environmental Quality Act (CEQA); and

WHEREAS, on April 1, 2009, the Planning Commission considered testimony and materials in the staff report and accompanying documents, and recommended approval of Ordinance Amendment 09-03-0005 to the City Council; and

WHEREAS, on April 28, 2009, the City Council conducted a duly noticed public hearing introducing the first reading of an Ordinance (next in order) amending Sections 19.50 and 19.61 of the Zoning Ordinance to extend the approval period of new development projects from two to three years, and allowing a maximum of three one-year extensions after the initial approval period, based on the information and findings presented in the staff report, and as shown in Attachments A and B; and,

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

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

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

Section 2. The City Council has reviewed and considered the environmental information included in the staff report and accompanying attachments prior to taking action on the applications for the proposed projects and finds that the City has complied with the California Environmental Quality Act, and the City Council determinations reflect the independent judgment of the City.

Section 3. Based on the information contained within the staff report and the accompanying attachments and exhibits, the City Council hereby finds that Ordinance Amendment 09-03-0005:

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

Section 4. The City Council hereby adopts the first reading of an Ordinance (next in order) to amend Zoning Code Sections 19.50 and 19.61, based on the information and findings presented in the staff report.

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

Section 6. The Mayor shall sign this resolution and the City Clerk shall certify to the passage and adoption of this Ordinance.

ADOPTED, SIGNED and APPROVED this 12th day of May, 2009.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Judy L. Haughney

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

I Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1255, introduced at a regular meeting of the City Council of the City of Perris held on the 28th day of April, 2009, was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 12th day of May, 2009, by the following vote:

AYES: COUNCILMEMBERS: Yarbrough, Landers, Evans, Rogers, Busch
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

City Clerk, Judy L. Haughney

CHAPTER 19.50

DEVELOPMENT PLAN REQUIREMENTS

Sections:

- 19.50.010 PURPOSE AND INTENT
- 19.50.020 DEVELOPMENT PLANS REQUIRED
- 19.50.030 DEVELOPMENT PLANS DEFINED
- 19.50.040 DEVELOPMENT PLAN EXEMPTIONS
- 19.50.050 AUTHORITY AND ACTION
- 19.50.060 SUBMITTAL OF SUPPORTING PLANS
- 19.50.070 APPLICATION PROCESSING
- 19.50.080 EXTENSION OF TIME

19.50.010 PURPOSE AND INTENT

The City Council finds that development plan review is required to protect the health, safety and welfare of the citizens of the City and to ensure that all development proposed within the City is consistent with the City's General Plan, applicable specific plans, and zoning. (Ord. 1103, 6/02)

19.50.020 DEVELOPMENT PLANS REQUIRED

No person shall commence any physical alteration of a lot or parcel, the construction of a new building, the addition to or alteration of an existing building, any new use, construct a sign, obtain a building permit or certificate of occupancy, or undertake an intensification of use until a development plan has been approved. (Ord. 1103, 6/02)

In addition, for purposes of this Chapter, "sign" means any advertising structure regulated by Chapter 19.74 of this Code. Except as provided in Section 19.50.030, and in the ordinance establishing this Chapter, no building permit or certificate of occupancy shall be issued for development projects in process on the date the ordinance codified in this Chapter becomes effective unless such development complies with the provisions of this Chapter. (Ord. 1103, 6/02)

19.50.030 DEVELOPMENT PLANS DEFINED (Ord. 1255, 6/09)

Development plans are required to be submitted for review and approval by the City Council, Planning Commission, or the Director of Development Services for the following types of development cases:

- Conditional Use Permits
- Development Plan Reviews
- Administrative Development Plan Reviews
- Variances

19.50.040 DEVELOPMENT PLAN EXEMPTIONS

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

A. Residential Uses

1. 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 twenty-five 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.
2. Landscape components and fencing in areas designed for single-family residential development.
3. Pools and spas in areas designated for single-family residential development.

B. 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.

C. Other Uses

Any other development of similar scale and impact, as determined by the Director of Development Services. (Ord. 1103, 6/02)

19.50.050 AUTHORITY AND ACTION

The City Council, Planning Commission, or the Director of Development Services as specified in Section 19.54.030 shall review the development plan for conformance with the City's General Plan, Development Code, specific plan regulations, and other applicable City regulations and shall then approve, conditionally approve, deny, or refer to a higher authority. (Ord. 1103, 6/02; (Ord. 1255, 6/09)

19.50.060 SUBMITTAL OF SUPPORTING PLANS

The following supporting plans shall be submitted with a development plan application. Before an application is accepted and approved as complete, the

applicant may be required to clarify, correct or otherwise supplement the information contained in the application. (Ord. 1103, 6/02)

A. Site Plan

A site plan, drawn to standard engineering scale (one inch equals thirty feet), shall contain the following information:

1. Parcel and lot dimensions illustrating the location of all existing buildings and structures.
2. The location, height, and construction material of all walls and fences.
3. The location, number of spaces, and internal circulation pattern for all on-street parking along with the location of any off-site parking.
4. The width of all driveways, rights-of-way and the design of all ingress/egress routes.
5. The location of all areas proposed to be landscaped.
6. The proposed use of the building(s) or structures and the amount of square footage devoted to each use.
7. The design and location of all areas or improvements to be made available for use by the public or dedicated to a public agency or utility.
8. The location and design of all trash enclosures.
9. The design and location of all signs, exterior lighting and pedestrian walk-ways.
10. The location of all existing and proposed fire hydrants.
11. The location of all proposed outdoor storage areas and a description of the materials to be stored in such areas.
12. The percentage of landscaped area, building coverage, and parking area.
13. The location of any existing curbs, planter islands, sign, lighting standards or bollards, or any other improvements to be removed.

B. Other Plans

1. Floor plans for all proposed buildings and structures.
2. Colored architectural elevations and colors and materials sample board.
3. Landscaping plans indicating the species, container size and quantity of the proposed plant materials, and the design of the irrigation system. All landscaping plans shall be prepared by a qualified landscape architect.
4. Preliminary Grading Plans

C. Other Materials/Specifications

1. An 8-1/2 inch by 11 inch reduction of all site plans. All reductions shall be highly legible for reproduction purposes. (Ord. 1255, 6/09)
2. All site plans, floor plans, architectural elevations, and landscape plans shall be folded to an 8-1/2 inch by 11 inch size. Unfolded

plans shall not be accepted and shall be cause for determining a development plan application incomplete.

3. Any other information or plans that may be required by the Director of Development Services which are reasonable or necessary to the City Council's, Planning Commission's, or Director's review of an application. (Ord. 1103, 6/02)

19.50.070 APPLICATION PROCESSING

Upon submittal of a development plan application, the Director of Development Services shall review the application to determine whether an application is complete and its compliance with the requirements of this Chapter. If the requirements of this Chapter are not satisfied within 30 days of receipt of the application, the Director shall give written notification to the applicant that the application is incomplete and the reasons therefore.

Upon determining that a development plan application is complete, the Director of Development Services shall distribute the application as provided in Section 19.54.030 REVIEW AUTHORITY AND PROCESSING PROCEDURES, Subsection B, for discretionary applications. (Ord. 1103, 6/02)

19.50.080 EXPIRATION AND EXTENSION OF TIME

A. Expiration

The approval or a conditional approval of a development plan shall expire 36 months from the date the development plan was approved. (Ord. 1255, 6/09)

B. Extension

The person filing a development plan or his authorized agent may request an extension of the development plan approval by written application to the Director of Development Services. Such application shall be filed at least 10 days before the approval or conditional approval is due to expire. The application shall state the reasons for requesting the extension. The development plan must be in conformance with current City of Perris Development Code and General Plan. Extensions of Conditional Permit approvals are subject to the approval of the original reviewing authority upon the finding of unavoidable delay. (Ord. 1255, 6/09)

The reviewing authority specified in Section 19.54.030 for the original development application shall review and determine whether to grant a time extension. The reviewing authority shall ensure that the previously approved project is consistent with the current General Plan and all purposes and provisions of this Title and that the findings for approval

specified in Section 19.54.040 are still applicable. The Director of Development Services shall issue a letter within 10 working days of the decision stating the determination and findings.

C. Time Limit On Extension

A maximum of three one-year time extensions may be permitted. Total extensions of a development plan approval shall not exceed 36 months.

D. Development Plan Modifications

Modifications of a development plan, after approval, shall not extend time limits imposed by the Chapter, unless otherwise specified in the conditions of approval of said modification. (Ord. 1103, 6/02)

CHAPTER 19.61

CONDITIONAL USE PERMITS

Sections:

- 19.61.010 PURPOSE AND INTENT
- 19.61.020 APPLICATION QUALIFICATIONS
- 19.61.030 APPLICATION PROCEDURE
- 19.61.040 PUBLIC HEARING
- 19.61.050 FINDINGS AND CONDITIONS
- 19.61.060 REVOCATION
- 19.61.070 EXISTING PERMITS
- 19.61.080 EFFECTIVE DATE
- 19.61.090 TIME LIMIT
- 19.61.100 TERM
- 19.61.110 REVISIONS TO SITE PLAN
- 19.61.115 ADMINISTRATIVE COMPLIANCE REVIEW
- 19.61.120 FAILURE TO COMPLY

19.61.010 PURPOSE AND INTENT

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

A. *Types of Uses*

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

B. *Conditions*

In granting any conditional use permit, the City Council shall affix those conditions which it determines will tend to safeguard the public health, convenience and general welfare in the City.

19.61.020 APPLICATION QUALIFICATIONS

Applications for conditional use permits will be accepted only from persons having legal authority to take action in accordance with the permit, such as owners or lessees of property, or their agents, or persons who have contracted to purchase

property contingent upon their ability to acquire the necessary permits under this Chapter, or the agents of such persons who may make application in the name of such owners, lessees or contract vendees.

19.61.030 APPLICATION PROCEDURE

A. *Application Requirements*

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

B. *Investigation and Prohibition*

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

(Ord. 1255, 6/09)

19.61.040 PUBLIC HEARING

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

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

19.61.050 FINDINGS AND CONDITIONS

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

19.61.060 REVOCATION

A. Public Hearing

The City Council, on its own motion at a public hearing with or without a recommendation from the Planning Commission, may revoke or modify a conditional use permit upon making one of the findings in Section 19.61.060 C. (Ord. 1126 § 4, 2004)

B. Written Notice

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

C. Revocation Findings

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

1. That the use is detrimental to the public health or safety or is a nuisance.
2. That the conditional use permit was obtained by fraud.
3. The use for which the permit was granted is not being exercised.
4. That the use for which the permit was granted has ceased or discontinued for a period of one year, or been suspended or abandoned for a period of one year or more.
5. That the conditions of the improvements, if any, on a property for which a nonconforming conditional use permit is operative, is such that they can be used or altered so as to be used in conformity with

the uses permitted in the zone in which such property is located without impairing the constitutional rights of any person.

6. That the property owner has not complied with any or all conditions of the conditional use permit.

D. City Council Action

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

19.61.070 EXISTING PERMITS

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

19.61.080 EFFECTIVE DATE

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

19.61.090 TIME LIMIT

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

19.61.100 TERM

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

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

19.61.110 REVISIONS TO SITE PLAN

A. *Approval of Minor Revisions*

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

B. *Non-Minor Revisions*

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

C. *Approved Site Plans*

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

19.61.115 ADMINISTRATIVE COMPLIANCE REVIEW

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

Conditional Use Permit. The permittee shall pay the required fee as adopted by resolution for an administrative compliance review.

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

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

19.61.120 FAILURE TO COMPLY

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