

**ORDINANCE NUMBER 1264**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING ORDINANCE AMENDMENT 09-07-0002 TO AMEND CHAPTERS 19.08 AND 19.81 OF THE ZONING CODE FOR SECOND UNITS TO CONFORM TO THE STATE OF CALIFORNIA'S SECOND UNIT LAW, AND MAKING FINDINGS IN SUPPORT THEREOF**

**WHEREAS**, The State of California DHCD (Department of Housing and Community Development) has enacted a Second Unit Law (AB 1866) which enables homeowners the option of building a second unit in any residential zone through a ministerial review process; and

**WHEREAS**, The California State Law was enacted to provide affordable housing within existing neighborhoods for family members, students, elderly, disabled, at sub market prices; and

**WHEREAS**, Section 19.81 of the Perris Zoning Code entitled "Second Units" provides general regulations, development standards, required findings and conditions and application requirements for second units; and

**WHEREAS**, under the current code, all second units are approved by a discretionary review; and

**WHEREAS**, the Ordinance Amendment would amend Section 19.81 to conform to the State of California's Second Unit Law and amend Section 19.08 to provide a definition for Second Unit; and

**WHEREAS**, revisions have been made to Sections 19.08 and 19.81 to correct and update passages therein; and

**WHEREAS**, the proposed project is exempt from California Environmental Quality Act per section 15282 (h); and

**WHEREAS**, this Ordinance Amendment has been duly noticed; and

**WHEREAS**, on August 19, 2009, the Planning Commission recommended to the City Council approval of Ordinance Amendment 09-07-0002; and

**WHEREAS**, a public hearing was held on November 10, 2009, at which time all interested persons were given full opportunity to be heard and to present evidence; and

**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 Ordinance Amendment 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 Project Report and the accompanying attachments and exhibits, the City Council hereby makes the following findings regarding Ordinance Amendment 09-07-0002:

- 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) approving Ordinance Amendment 09-07-0002 to amend City Zoning Ordinance Chapter 19.08 as set forth in Exhibit “A,” and Chapter 19.81 as set forth in Exhibit “B,” attached hereto, 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 and this Ordinance and the City Clerk shall certify the passage and adoption of this Ordinance.

**ADOPTED, SIGNED, and APPROVED** this 8<sup>th</sup> day of December 2009.

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Judy L. Haughney, C.M.C.

Attachment: Chapter 19.08 (Definition) and 19.81(Second Unit)

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

I Judy Haughney, duly elected City Clerk of the City of Perris do hereby certify that the foregoing Ordinance Number 1264, introduced at a regular meeting of the City Council of the City of Perris held on the 10<sup>th</sup> day of November, 2009, was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 8<sup>th</sup> day of December, 2009, by the following vote:

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

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City Clerk, Judy L. Haughney

Attachment: **Chapter 19.08 (Definition) and 19.81(Second Unit)**

CHAPTER 19.08

DEFINITIONS

Section:  
19.08.10      DEFINITIONS

The meaning of various words contained in the Perris Development Code are contained in this Chapter.

“Accessory Structure or Building” means a building, part of a building or structure, the use of which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot. Where a substantial part of the wall of any accessory building is a part of the main building, or where an accessory building is attached to the main building in a substantial manner by a roof, such accessory building shall be deemed a part of the main building.

“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.

“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.

“Banner, Flag or Pennant” means any bunting, plastic, paper, or similar material used or advertising purposes attached to any structure, staff, pole, line, framing, vehicles or any other similar object.

“Bed and Breakfast” means dwelling where lodging and breakfast is provided for compensation and in which there are no more than 5 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.

“Boarding, Rooming, or Lodging House” means a building or portion thereof which is used to accommodate for compensation 3 or more boarders or roomers in addition to the members of the occupant’s immediate family occupying such building.

“Building Frontage” means the building elevation(s) which front on a public street, public parking lot, or pedestrian walk.

**“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.

**“Bulk Reverse Vending Machine”** means a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and will pay 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 factor-built housing, but not containing a kitchen.

**“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.

**“Channel Letters”** means 3 dimensional individually cut letters or figures, illuminated or unilluminated, affixed to a building or sign structure.

**“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 accessory uses in the principal structure or in separate buildings, including Sunday school rooms, assembly rooms, kitchen, library room, 1 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 Council”** means the City Council of the City of Perris.

**“City”** means the City of Perris and/or its employees.

**“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:

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

“Collector Street” means a two (2) lane roadway as designated in the Perris General Plan Circulation Element. The width of collector streets can range from a curb-to-curb width of 40 feet to 64 feet with 6 feet of sidewalk on both sides 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 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 driveways, parking areas, utility space such as trash, transformer or laundry areas, or the area occupied by the required front yard.

“Complex” means any group of 2 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 terms “convalescent hospital” shall include 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 inches = 0.62  
325,900 gallons = 1 acre foot  
43,560 square feet = 1 acre  
12 inches = 1 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 on two intersecting or intercepting streets, where the interior angle of intersection of interception does not exceed 128 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 of California 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 Home and Large Family Day Care Home.

“Day Care Home, Small Family” means a home which provides family child care to 6 or fewer children including children under the age of 10 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.

“Day Care Home, Large Family” means a home which provides family child care to 7 to 12 children under the age of 10 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.

“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 Chapter 19.57. The density bonus shall not be included when determining the number of housing units which is equal to 10 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 Application” means any formal application submitted to the City required as a prerequisite to developing property.

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

“Director” means the Director of Development Services for the City of Perris.

“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:

- a. 0.70 for spray heads.
- b. 0.85 for gear driven, impact, or ball-driven rotors.
- c. 0.85 for bubbler heads.
- d. 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 Institutions” 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. This definition 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.

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

“Established Landscapes” 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 .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 Chapter 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 adopted by the Commission pursuant to *California Health and Safety Code* Section 19990. Factory-built housing does not include a mobilehome, a mobilehome accessory building or structure, a recreational vehicle or commercial coach.

“Family” means an individual or two or more persons related by blood or marriage or a group of not more than six persons, excluding servants, who are not related by blood or marriage, 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.

“Finding(s)” means the result(s) 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 Chapter, 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 (4) to six (6) lane roadway as designated in the Perris General Plan Circulation Element. 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 shall be 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 of Perris 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.

“Hog Ranch” means any premises where 3 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 6 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” 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 community facilities, police facilities, fire facilities, park and recreation facilities, libraries, and streets and related transportation facilities as described in the facilities study.

“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 Chapter 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 4 or more dogs are kept, which are at least 4 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 items 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 (2) lane roadway with 60 feet right-of-way and a curb-to-curb width ranging between 36 and 40 feet. 6 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 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 persons or families 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.

“Manufactured Housing” means a structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis more square feet 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, electrical systems contained therein; except that such term 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. “Manufactured home” includes a mobile home subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. Section 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.

“Medical Marijuana Dispensary” means any facility or location where marijuana is made available, sold, transmitted, given, or otherwise provided to qualified individuals in accordance with Proposition 215 (codified as Health and Safety Code Sections 11362.5, *et. Seq.*, “The Compassionate Use Act of 1996”) and Senate Bill 420 which clarifies the scope of the Act. (Ord. 1239 § 4 (part), 2008).

“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. Mobile home 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.

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

“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 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 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 0 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(s) 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:

- a. 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 2 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.
- b. A heavy processing facility is any processing facility other than a light processing facility.
- c. Reverse Vending Machine(s). 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 3 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 a 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.

“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 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.

“Recreational Vehicles” means all motorized and non-motorized vehicles, camp cars, trailers, tent trailers, and tents designed and/or used for human habitation and which are, by construction, mobile.

“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. Recyclable material does not include refuse or hazardous materials. 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 California 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 4 to 7 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 Perris 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 7 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 6 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.

“Secondary Arterials or Primary Arterials” means a four (4) lane roadway as designated in the Perris 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 Perris General plan Circulation Plan (figure C-2).

**“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.**

“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 5 or more tenant spaces.

“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. (Ord. 1096, 2002)

“Sign” means any notice, writing of letter, words or numerals, pictorial presentations, illustrations or decorations, emblems or devices, symbols or trademarks, flags, banners or pennants, graphic announcements, insignia display, display of words, bills, posters, pictures, lithographs, maps, plats, barber poles, buntings, whirligigs, balloons, valances, light festoons, merchandise display or any other thing of a similar nature, designed to be and used as a means of attracting attention outdoors, including but not limited to a structure or any part thereof, or a thing attached to, painted on, or in any manner represented on a building or structure or device and used to advertise or promote, and attract the interest of any person.

“Sign, Abandoned” means any sign which was lawfully erected and maintained, but whose use has ceased or the structure which it addresses has been abandoned by the owner thereof for a period exceeding 90 consecutive days.

“Sign, Animated” means any sign which is designed and constructed to attract attention by visual means through the movement or semblance of movement of the whole or any part of the sign and any artificial light which is not maintained stationary or constant in intensity and color at all times when such sign is in use.

“Sign, Area of” means an area computed by including the entire area within a single, continuous, rectilinear perimeter of not more than 8 straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop of structure against which it is placed, but not including any

supporting framework or bracing that is incidental to the display itself. In the case of a 2-sided sign, the area shall be computed as including the maximum single display surface.

“Sign, Attached” means any sign affixed or attached to a building or structure.

“Sign, Awning” means a painted or silk-screened, nonelectric sign attached to an awning or canopy.

“Sign, Commemorative” means a sign identifying historical buildings, structures, places, or events.

“Sign, Community Identification” means any sign which identifies the name and/or logo of a subdivision, mobile home park, multi-family complex, or specific plan.

“Sign, Construction” means a sign which states the name of the developer and contractor(s) working on the site and any related engineering, architectural or financial firms involved with the project.

“Sign Copy” means any words, letters, numbers, figures, characters, design or other symbolic representations incorporated into a sign.

“Sign, Directory” means a sign located in a multi-unit complex which lists businesses and corresponding addresses located within the complex.

“Sign, Freestanding” means a sign permanently supported by one or more uprights, braces, poles, or other similar structural components attached to the ground or any foundation set in or upon the ground as a support base.

“Sign, Freeway” means any sign located on the same parcel as the entity it identifies and such parcel is located within 660 feet of the nearest edge of a freeway right-of-way line.

“Sign, Height” means the greatest vertical distance measured from the finished grade at the point the sign supports intersect the ground to the uppermost area of the sign which includes support features.

“Sign, Illegal” means a sign erected without compliance with all ordinances and regulations in effect at the time of its construction and erection or use.

“Sign, Lighted” means a sign which utilizes internal or external illumination or material which creates a similar effect.

“Sign, Marquee” means any sign designed to allow the changing of symbols through manual, mechanical or electrical means, including time and temperature signs.

“Sign, Mobile” means any nonpermanent sign which is movable or relocatable, whether it be on wheels, attached to a vehicle, or otherwise portable.

“Sign, Monument” means a low profile, freestanding sign supported by a solid base as opposed to poles or open braces.

“Sign, Nonconforming” means a sign which was legally erected under the existing laws in effect but which does not comply with the present laws.

“Sign, Off-Site” means a sign which advertises or directs attention to products or activities that are not provided or rendered on the site upon which the sign is located.

“Sign, On-Site Directional” means a noncommercial sign to direct pedestrian and vehicular traffic.

“Sign, Outdoor Advertising” means a sign that directs attention to a business, profession, product, commodity or service sold, manufactured or offered not upon the property upon which the sign is placed.

“Sign, Parcel Identification” means a freestanding on-site sign whose allowable sign area is related to the size of the premises on which it stands. Parcel identification sign may include both permanent message and bulletin boards, but shall not include the advertisement of products by trade name which are incidental to the predominant sales or services on said premises.

“Sign, Pedestrian” means any sign to direct pedestrians.

“Sign, Permanent” means a sign which is intended to exist for the duration of time that the use or occupant is located on the premises.

“Sign, Permitted” means any sign which is lawfully erected, replaced, altered, relocated or maintained in conformance with the requirements of this Chapter and other applicable laws.

“Sign, Pole” means a high-profile sign having one or more supports permanently attached directly into or upon the ground.

“Sign, Political” means any sign which is designed to influence the action of the voters with respect to the passage or defeat of a measure appearing on the ballot at any national, state or local election, or which is designed to influence the voters with respect to the nomination, election or defeat of a candidate for public office or the removal of any person from public office at any national, state or local election. Political sign includes any sign which is designed to encourage voters to vote for the candidates of a particular political party, and any sign pertaining to the conduct of a government in general.

“Sign, Projecting” means a sign which protrudes from a building or structure.

“Sign, Prospective Tenant Identification” means a temporary sign which identifies a future use of a site or building(s).

“Sign, Public Convenience” means a noncommercial sign which directs the public to public facilities.

“Sign, Public Utility” means a sign erected for the purpose of identifying public utilities and related equipment.

“Sign, Pylon” means a high profile sign having a solid support permanently attached directly into or upon the ground.

“Sign, Real Estate” means a temporary sign advertising the sale, lease, or rental of the property upon which it is located and maintained, excluding a subdivision sign.

“Sign, Roof” means a sign of any nature, together with all its parts and supports, which is erected, constructed or placed on or above the roof or parapet wall of a building.

“Sign, Tenant Identification” means a sign which identifies a tenant or business and is located on the same premises as that business or tenant.

“Sign, Vehicle” means a sign which is attached to, or painted upon a vehicle.

“Sign, Wall” means a sign attached or erected upon a wall of a building or structure.

“Sign, Window” means a sign painted or otherwise attached to a window or located within 3 feet of the interior side of the window for the purpose of outside display.

“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 of Perris General Plan and is consistent with Section 65450 et seq. of the Government Code.

“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*.

“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.

“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.

“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 Households” means persons or families 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. The use of 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 19.81

SECOND DWELLING UNITS

Sections:

- 19.81.010 PURPOSE
- 19.81.020 PROHIBITION
- 19.81.030 GENERAL REGULATIONS
- 19.81.040 SECOND DWELLING UNIT STANDARDS
- 19.81.050 APPLICATION REQUIREMENTS
- 19.81.060 PERMIT FILING FEES
- ~~19.81.070 HEARING DATE AND PROCEDURES~~
- 19.81.0870 REQUIRED FINDINGS AND CONDITIONS

19.81.010 PURPOSE

The purpose of this Chapter is to provide an additional opportunity for affordable housing in the City by permitting secondary units for residential purposes on lots for single-family use which are compatible; to implement state law requiring consideration and provisions for such use; and to protect and preserve existing neighborhoods by ensuring through established standards that secondary units shall not be permitted where incompatible with existing adjacent and neighboring residential uses and with the goal of providing affordable housing.

19.81.020 PROHIBITION

No secondary unit shall be constructed by any person who has not first obtained a secondary residential unit permit from the ~~City Council~~ **Development Services Department**.

19.81.030 GENERAL REGULATIONS

No application for a secondary ~~residential~~ unit permit may be filed nor may such a permit be granted or a certificate of occupancy be issued unless and until each of the following requirements are met.

**A. Zoning**

The lot is zoned single-family **or multi-family** and is an existing legally subdivided lot, which complies with the minimum lot requirements for the zoning district.

**B. Use**

The lot contains only one existing single-family detached dwelling unit which complies with the development standards for the zoning district and the lot contains no other second unit.

**C. Owner**

The occupant of either the existing primary unit or the second unit shall be the owner of both units. Sale or ownership of second units separate from the primary residence is prohibited.

**D. Recorded Notice**

All deeds for properties containing a second unit shall, upon transfer of the property, have incorporated therein notice to the transferee that such property contains a second unit and that the transferee shall be subject to the requirements and restrictions of this Chapter, and the conditions of approval for the second unit.

19.81.040 SECOND DWELLING UNIT STANDARDS

**A. Attached Second Dwelling Unit**

An attached second dwelling unit shall comply with all the development standards for new single-family dwelling units as specified for the zoning district in which it is located including, but not limited to, setbacks, height limitations, and maximum lot coverage. The following standards shall also apply:

1. Second dwelling unit shall be attached to the existing residence.
2. The total floor area of the second unit shall not exceed 30 percent of the existing living area of the primary residence.
3. The architecture of the new unit shall be consistent with the existing unit architecture, **color** and material.
4. One enclosed garage, off-street parking space, with a minimum area of 250 square feet shall be provided in addition to that required for the primary unit.
5. There shall not be more than one exterior entrance on the front or on any street side of the structure, and no exterior stairway shall be located on the front of the structure.
6. On lots with less than 20,000 square feet in area, both units shall be connected to public sewer.
7. The character and appearance of the primary residence shall be maintained to appear as a single-family unit.

**B. Detached Second Dwelling Unit**

A detached second dwelling unit shall comply with all the development standards for new single-family dwelling units, as specified for the zoning district in which it is located including, but not limited to, setbacks, height limitations, and maximum lot coverage. The following standards shall also apply.

1. Second dwelling unit shall be a detached, accessory structure, separate from the existing residence. A detached unit may be attached to an accessory structure, such as a detached garage.
2. The total floor area of the second unit shall not exceed 75 percent of the total square footage of the living area of the primary unit and in no event shall the living area exceed 1,200 square feet.
3. The architecture of the new unit shall be consistent with the existing unit architecture, **color** and material.
4. One enclosed garage, off street parking space, with a minimum area of 250 square feet shall be provided in addition to that required for the primary unit. The garage shall be attached to the second unit.
5. On lots with less than 20,000 square feet in area, both units shall be connected to public sewer.
6. Mobile homes (1976 or newer) as second units are allowed only in the RR/A Zone and A-1 or lots containing more than 20,000 square feet in area. The structure shall be compatible with the primary unit.
7. Second units over detached garages with vehicular access from a public alleyway right-of-way, shall be set back from the alleyway no less than 5 feet. The garage shall be equipped with automatic garage door openers to minimize any vehicular impacts to the alleyway.
8. Second units over detached garages shall utilize an interior stairway, and no exterior stairway shall be located on the structure.

19.81.050 APPLICATION REQUIREMENTS

**A. Application Provisions**

The applicant shall submit an application for a secondary residential unit permit pursuant to the submittal requirements on file with the ~~Planning and Community Development Department~~ **Development Services Department**, which shall include, but not be limited to, the following:

1. Name and address of the applicant.

- 2. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the second unit is proposed to be located.
- 3. Address and legal description of the property (assessor’s parcel number).

**B. Site Plans**

- 1. Floor plans and site plans, fully dimensioned, indicating the type, use and location of all rooms, buildings, structures, parking, and landscaping areas.
- 2. Building elevation plans of sufficient detail to indicate the type and color of materials to be utilized.
- 3. The ~~Director of Planning and Community Development~~ **Development Services Director or his/her designee** may require additional information, material or plans, if necessary. The Director may also authorize omission of any plans and drawings required by this Section if he/she deems it unnecessary.
- 4. Photographs of any existing structure or structures (four sides) and of existing structures on adjacent properties as seen from the street.
- 5. Written statement as to proposed exterior construction material.
- 6. Drawings and/or photographs of proposed exterior elevations.

~~C. Other Materials~~

~~List of all assessor’s parcel numbers and record owners of all properties, within a 300-foot radius, based upon the latest equalized tax roll, and one copy of the assessor’s map or maps indicating all listed parcels.~~

19.81.060 PERMIT FILING FEES

Permit filing fees shall be as set forth by City Council resolution.

~~19.81.070 HEARING DATE AND PROCEDURES~~

~~A hearing shall be set by the Director of Planning and Community Development for no more than 30 days after the filing of the completed application with the Planning and Community Development Department, consistent with the provisions of Chapter 19.56, PUBLIC HEARING PROCEDURES.~~

19.81.0870 REQUIRED FINDINGS AND CONDITIONS

**A. Findings**

The ~~City Council~~ **Development Services Department** shall not approve a secondary residential unit permit unless the ~~City Council~~ **Development Services Director** makes the following findings:

1. That the proposed secondary unit is in conformity with the standards of the zone in which it is proposed to be located, and other applicable ordinances insofar as the location and appearance of the buildings and structures involved, except as otherwise specifically permitted by this Chapter.
2. That the plan for the proposed secondary unit reflects sufficient consideration of the relationship between the proposed buildings and structures and those that exist or have been approved for the general neighborhood, including relative height and orientation, to preserve and protect neighborhood character.
3. That the proposed exterior design and appearance of the secondary unit is not so at variance with the appearance of other existing structures in the general neighborhood as to cause the local environs to materially depreciate in appearance and value.
4. That all provisions of this Chapter are met.

***B. Conditions***

If all criteria designed in this Section are met, the application shall be approved subject to at least the following conditions:

1. All necessary City permit will be obtained prior co commencement of construction.
2. Construction work must begin under the secondary unit permit within 12 months after the effective date of the permit and carried on diligently to completion of at least one usable unit or the permit and any other privilege or variance granted thereby shall expire.

## CHAPTER 19.08

### DEFINITIONS

Section:

19.08.10 DEFINITIONS

The meaning of various words contained in the Perris Development Code are contained in this Chapter.

“Accessory Structure or Building” means a building, part of a building or structure, the use of which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot. Where a substantial part of the wall of any accessory building is a part of the main building, or where an accessory building is attached to the main building in a substantial manner by a roof, such accessory building shall be deemed a part of the main building.

“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.

“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.

“Banner, Flag or Pennant” means any bunting, plastic, paper, or similar material used or advertising purposes attached to any structure, staff, pole, line, framing, vehicles or any other similar object.

“Bed and Breakfast” means dwelling where lodging and breakfast is provided for compensation and in which there are no more than 5 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.

“Boarding, Rooming, or Lodging House” means a building or portion thereof which is used to accommodate for compensation 3 or more boarders or roomers in addition to the members of the occupant’s immediate family occupying such building.

“Building Frontage” means the building elevation(s) which front on a public street, public parking lot, or pedestrian walk.

“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.

“Bulk Reverse Vending Machine” means a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and will pay 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 factor-built housing, but not containing a kitchen.

“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.

“Channel Letters” means 3 dimensional individually cut letters or figures, illuminated or unilluminated, affixed to a building or sign structure.

“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 accessory uses in the principal structure or in separate buildings, including Sunday school rooms, assembly rooms, kitchen, library room, 1 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 Council” means the City Council of the City of Perris.

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

“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:

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

“Collector Street” means a two (2) lane roadway as designated in the Perris General Plan Circulation Element. The width of collector streets can range from a curb-to-curb width of 40 feet to 64 feet with 6 feet of sidewalk on both sides 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 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 driveways, parking areas, utility space such as trash, transformer or laundry areas, or the area occupied by the required front yard.

“Complex” means any group of 2 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 terms “convalescent hospital” shall include 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:

$$\begin{aligned} & (325,900 \text{ gallons}/43,560 \text{ square feet})/ \\ & 12 \text{ inches} = 0.62 \\ & 325,900 \text{ gallons} = 1 \text{ acre foot} \\ & 43,560 \text{ square feet} = 1 \text{ acre} \\ & 12 \text{ inches} = 1 \text{ foot} \end{aligned}$$

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 on two intersecting or intercepting streets, where the interior angle of intersection of interception does not exceed 128 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 of California 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 Home and Large Family Day Care Home.

“Day Care Home, Small Family” means a home which provides family child care to 6 or fewer children including children under the age of 10 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.

“Day Care Home, Large Family” means a home which provides family child care to 7 to 12 children under the age of 10 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.

“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 Chapter 19.57. The density bonus shall not be included when determining the number of housing units which is equal to 10 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 Application” means any formal application submitted to the City required as a prerequisite to developing property.

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

“Director” means the Director of Development Services for the City of Perris.

“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:

- a. 0.70 for spray heads.
- b. 0.85 for gear driven, impact, or ball-driven rotors.
- c. 0.85 for bubbler heads.
- d. 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 Institutions” 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. This definition 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.

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

“Established Landscapes” 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 .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 Chapter 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 adopted by the Commission pursuant to

*California Health and Safety Code* Section 19990. Factory-built housing does not include a mobilehome, a mobilehome accessory building or structure, a recreational vehicle or commercial coach.

“Family” means an individual or two or more persons related by blood or marriage or a group of not more than six persons, excluding servants, who are not related by blood or marriage, 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.

“Finding(s)” means the result(s) 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 Chapter, 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 (4) to six (6) lane roadway as designated in the Perris General Plan Circulation Element. 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 shall be 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 of Perris 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.

“Hog Ranch” means any premises where 3 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 6 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” 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 community facilities, police facilities, fire facilities, park and recreation facilities, libraries, and streets and related transportation facilities as described in the facilities study.

“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 Chapter 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 4 or more dogs are kept, which are at least 4 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 items 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 (2) lane roadway with 60 feet right-of-way and a curb-to-curb width ranging between 36 and 40 feet. 6 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 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 persons or families 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.

“Manufactured Housing” means a structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis more square feet 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, electrical systems contained therein; except that such term 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. “Manufactured home” includes a mobile home subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. Section 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.

“Medical Marijuana Dispensary” means any facility or location where marijuana is made available, sold, transmitted, given, or otherwise provided to qualified individuals in accordance with Proposition 215 (codified as Health and Safety Code Sections 11362.5, *et. Seq.*, “The Compassionate Use Act of 1996”) and Senate Bill 420 which clarifies the scope of the Act. (Ord. 1239 § 4 (part), 2008).

“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. Mobile home 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.

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

“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 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 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 0 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(s) 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:

- a. 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 2 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.
- b. A heavy processing facility is any processing facility other than a light processing facility.
- c. Reverse Vending Machine(s). 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 3 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 a 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.

“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 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.

“Recreational Vehicles” means all motorized and non-motorized vehicles, camp cars, trailers, tent trailers, and tents designed and/or used for human habitation and which are, by construction, mobile.

“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. Recyclable material does not include refuse or hazardous materials. 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 California 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 4 to 7 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 Perris 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 7 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 6 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.

“Secondary Arterials or Primary Arterials” means a four (4) lane roadway as designated in the Perris 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 Perris General plan Circulation Plan (figure C-2).

**“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.**

“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 5 or more tenant spaces.

“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. (Ord. 1096, 2002)

“Sign” means any notice, writing of letter, words or numerals, pictorial presentations, illustrations or decorations, emblems or devices, symbols or trademarks, flags, banners or pennants, graphic announcements, insignia display, display of words, bills, posters, pictures, lithographs, maps, plats, barber poles, buntings, whirligigs, balloons, valances, light festoons, merchandise display or any other thing of a similar nature, designed to be and used as a means of attracting attention outdoors, including but not limited to a structure or any part thereof, or a thing attached to, painted on, or in

any manner represented on a building or structure or device and used to advertise or promote, and attract the interest of any person.

“Sign, Abandoned” means any sign which was lawfully erected and maintained, but whose use has ceased or the structure which it addresses has been abandoned by the owner thereof for a period exceeding 90 consecutive days.

“Sign, Animated” means any sign which is designed and constructed to attract attention by visual means through the movement or semblance of movement of the whole or any part of the sign and any artificial light which is not maintained stationary or constant in intensity and color at all times when such sign is in use.

“Sign, Area of” means an area computed by including the entire area within a single, continuous, rectilinear perimeter of not more than 8 straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop of structure against which it is placed, but not including any supporting framework or bracing that is incidental to the display itself. In the case of a 2-sided sign, the area shall be computed as including the maximum single display surface.

“Sign, Attached” means any sign affixed or attached to a building or structure.

“Sign, Awning” means a painted or silk-screened, nonelectric sign attached to an awning or canopy.

“Sign, Commemorative” means a sign identifying historical buildings, structures, places, or events.

“Sign, Community Identification” means any sign which identifies the name and/or logo of a subdivision, mobile home park, multi-family complex, or specific plan.

“Sign, Construction” means a sign which states the name of the developer and contractor(s) working on the site and any related engineering, architectural or financial firms involved with the project.

“Sign Copy” means any words, letters, numbers, figures, characters, design or other symbolic representations incorporated into a sign.

“Sign, Directory” means a sign located in a multi-unit complex which lists businesses and corresponding addresses located within the complex.

“Sign, Freestanding” means a sign permanently supported by one or more uprights, braces, poles, or other similar structural components attached to the ground or any foundation set in or upon the ground as a support base.

“Sign, Freeway” means any sign located on the same parcel as the entity it identifies and such parcel is located within 660 feet of the nearest edge of a freeway right-of-way line.

“Sign, Height” means the greatest vertical distance measured from the finished grade at the point the sign supports intersect the ground to the uppermost area of the sign which includes support features.

“Sign, Illegal” means a sign erected without compliance with all ordinances and regulations in effect at the time of its construction and erection or use.

“Sign, Lighted” means a sign which utilizes internal or external illumination or material which creates a similar effect.

“Sign, Marquee” means any sign designed to allow the changing of symbols through manual, mechanical or electrical means, including time and temperature signs.

“Sign, Mobile” means any nonpermanent sign which is movable or relocatable, whether it be on wheels, attached to a vehicle, or otherwise portable.

“Sign, Monument” means a low profile, freestanding sign supported by a solid base as opposed to poles or open braces.

“Sign, Nonconforming” means a sign which was legally erected under the existing laws in effect but which does not comply with the present laws.

“Sign, Off-Site” means a sign which advertises or directs attention to products or activities that are not provided or rendered on the site upon which the sign is located.

“Sign, On-Site Directional” means a noncommercial sign to direct pedestrian and vehicular traffic.

“Sign, Outdoor Advertising” means a sign that directs attention to a business, profession, product, commodity or service sold, manufactured or offered not upon the property upon which the sign is placed.

“Sign, Parcel Identification” means a freestanding on-site sign whose allowable sign area is related to the size of the premises on which it stands. Parcel identification sign may include both permanent message and bulletin boards, but shall not include the advertisement of products by trade name which are incidental to the predominant sales or services on said premises.

“Sign, Pedestrian” means any sign to direct pedestrians.

“Sign, Permanent” means a sign which is intended to exist for the duration of time that the use or occupant is located on the premises.

“Sign, Permitted” means any sign which is lawfully erected, replaced, altered, relocated or maintained in conformance with the requirements of this Chapter and other applicable laws.

“Sign, Pole” means a high-profile sign having one or more supports permanently attached directly into or upon the ground.

“Sign, Political” means any sign which is designed to influence the action of the voters with respect to the passage or defeat of a measure appearing on the ballot at any national, state or local election, or which is designed to influence the voters with respect to the nomination, election or defeat of a candidate for public office or the removal of any person from public office at any national, state or local election. Political sign includes any sign which is designed to encourage voters to vote for the candidates of a particular political party, and any sign pertaining to the conduct of a government in general.

“Sign, Projecting” means a sign which protrudes from a building or structure.

“Sign, Prospective Tenant Identification” means a temporary sign which identifies a future use of a site or building(s).

“Sign, Public Convenience” means a noncommercial sign which directs the public to public facilities.

“Sign, Public Utility” means a sign erected for the purpose of identifying public utilities and related equipment.

“Sign, Pylon” means a high profile sign having a solid support permanently attached directly into or upon the ground.

“Sign, Real Estate” means a temporary sign advertising the sale, lease, or rental of the property upon which it is located and maintained, excluding a subdivision sign.

“Sign, Roof” means a sign of any nature, together with all its parts and supports, which is erected, constructed or placed on or above the roof or parapet wall of a building.

“Sign, Tenant Identification” means a sign which identifies a tenant or business and is located on the same premises as that business or tenant.

“Sign, Vehicle” means a sign which is attached to, or painted upon a vehicle.

“Sign, Wall” means a sign attached or erected upon a wall of a building or structure.

“Sign, Window” means a sign painted or otherwise attached to a window or located within 3 feet of the interior side of the window for the purpose of outside display.

“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 of Perris General Plan and is consistent with Section 65450 et seq. of the Government Code.

“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*.

“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.

“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.

“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 Households” means persons or families 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. The use of 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 19.81

SECOND DWELLING UNITS

Sections:

- 19.81.010 PURPOSE
- 19.81.020 PROHIBITION
- 19.81.030 GENERAL REGULATIONS
- 19.81.040 SECOND DWELLING UNIT STANDARDS
- 19.81.050 APPLICATION REQUIREMENTS
- 19.81.060 PERMIT FILING FEES
- ~~19.81.070 HEARING DATE AND PROCEDURES~~
- 19.81.0870 REQUIRED FINDINGS AND CONDITIONS

19.81.010 PURPOSE

The purpose of this Chapter is to provide an additional opportunity for affordable housing in the City by permitting secondary units for residential purposes on lots for single-family use which are compatible; to implement state law requiring consideration and provisions for such use; and to protect and preserve existing neighborhoods by ensuring through established standards that secondary units shall not be permitted where incompatible with existing adjacent and neighboring residential uses and with the goal of providing affordable housing.

19.81.020 PROHIBITION

No secondary unit shall be constructed by any person who has not first obtained a secondary residential unit permit from the ~~City Council~~ **Development Services Department**.

19.81.030 GENERAL REGULATIONS

No application for a secondary ~~residential~~ unit permit may be filed nor may such a permit be granted or a certificate of occupancy be issued unless and until each of the following requirements are met.

**A. Zoning**

The lot is zoned single-family **or multi-family** and is an existing legally subdivided lot, which complies with the minimum lot requirements for the zoning district.

**B. Use**

The lot contains only one existing single-family detached dwelling unit which complies with the development standards for the zoning district and the lot contains no other second unit.

**C. Owner**

The occupant of either the existing primary unit or the second unit shall be the owner of both units. Sale or ownership of second units separate from the primary residence is prohibited.

**D. Recorded Notice**

All deeds for properties containing a second unit shall, upon transfer of the property, have incorporated therein notice to the transferee that such property contains a second unit and that the transferee shall be subject to the requirements and restrictions of this Chapter, and the conditions of approval for the second unit.

19.81.040 SECOND DWELLING UNIT STANDARDS

**A. Attached Second Dwelling Unit**

An attached second dwelling unit shall comply with all the development standards for new single-family dwelling units as specified for the zoning district in which it is located including, but not limited to, setbacks, height limitations, and maximum lot coverage. The following standards shall also apply:

1. Second dwelling unit shall be attached to the existing residence.
2. The total floor area of the second unit shall not exceed 30 percent of the existing living area of the primary residence.
3. The architecture of the new unit shall be consistent with the existing unit architecture, **color** and material.
4. One enclosed garage, off-street parking space, with a minimum area of 250 square feet shall be provided in addition to that required for the primary unit.
5. There shall not be more than one exterior entrance on the front or on any street side of the structure, and no exterior stairway shall be located on the front of the structure.
6. On lots with less than 20,000 square feet in area, both units shall be connected to public sewer.
7. The character and appearance of the primary residence shall be maintained to appear as a single-family unit.

**B. Detached Second Dwelling Unit**

A detached second dwelling unit shall comply with all the development standards for new single-family dwelling units, as specified for the zoning district in which it is located including, but not limited to, setbacks, height limitations, and maximum lot coverage. The following standards shall also apply.

1. Second dwelling unit shall be a detached, accessory structure, separate from the existing residence. A detached unit may be attached to an accessory structure, such as a detached garage.
2. The total floor area of the second unit shall not exceed 75 percent of the total square footage of the living area of the primary unit and in no event shall the living area exceed 1,200 square feet.
3. The architecture of the new unit shall be consistent with the existing unit architecture, **color** and material.
4. One enclosed garage, off street parking space, with a minimum area of 250 square feet shall be provided in addition to that required for the primary unit. The garage shall be attached to the second unit.
5. On lots with less than 20,000 square feet in area, both units shall be connected to public sewer.
6. Mobile homes (1976 or newer) as second units are allowed only in the RR/A Zone and A-1 or lots containing more than 20,000 square feet in area. The structure shall be compatible with the primary unit.
7. Second units over detached garages with vehicular access from a public alleyway right-of-way, shall be set back from the alleyway no less than 5 feet. The garage shall be equipped with automatic garage door openers to minimize any vehicular impacts to the alleyway.
8. Second units over detached garages shall utilize an interior stairway, and no exterior stairway shall be located on the structure.

19.81.050 APPLICATION REQUIREMENTS

**A. Application Provisions**

The applicant shall submit an application for a secondary ~~residential~~ unit permit pursuant to the submittal requirements on file with the ~~Planning and Community Development Department~~ **Development Services Department**, which shall include, but not be limited to, the following:

1. Name and address of the applicant.
2. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the second unit is proposed to be located.
3. Address and legal description of the property (assessor's parcel number).

**B. Site Plans**

1. Floor plans and site plans, fully dimensioned, indicating the type, use and location of all rooms, buildings, structures, parking, and landscaping areas.
2. Building elevation plans of sufficient detail to indicate the type and color of materials to be utilized.
3. The ~~Director of Planning and Community Development~~ **Development Services Director or his/her designee** may require additional information, material or plans, if necessary. The Director may also authorize omission of any plans and drawings required by this Section if he/she deems it unnecessary.
4. Photographs of any existing structure or structures (four sides) and of existing structures on adjacent properties as seen from the street.
5. Written statement as to proposed exterior construction material.
6. Drawings and/or photographs of proposed exterior elevations.

~~C. Other Materials~~

~~List of all assessor's parcel numbers and record owners of all properties, within a 300-foot radius, based upon the latest equalized tax roll, and one copy of the assessor's map or maps indicating all listed parcels.~~

19.81.060 PERMIT FILING FEES

Permit filing fees shall be as set forth by City Council resolution.

~~19.81.070 HEARING DATE AND PROCEDURES~~

~~A hearing shall be set by the Director of Planning and Community Development for no more than 30 days after the filing of the completed application with the Planning and Community Development Department, consistent with the provisions of Chapter 19.56, PUBLIC HEARING PROCEDURES.~~

19.81.0870 REQUIRED FINDINGS AND CONDITIONS

**A. Findings**

The ~~City Council~~ **Development Services Department** shall not approve a secondary residential unit permit unless the ~~City Council~~ **Development Services Director** makes the following findings:

1. That the proposed secondary unit is in conformity with the standards of the zone in which it is proposed to be located, and other applicable ordinances insofar as the location and appearance of the

buildings and structures involved, except as otherwise specifically permitted by this Chapter.

2. That the plan for the proposed secondary unit reflects sufficient consideration of the relationship between the proposed buildings and structures and those that exist or have been approved for the general neighborhood, including relative height and orientation, to preserve and protect neighborhood character.
3. That the proposed exterior design and appearance of the secondary unit is not so at variance with the appearance of other existing structures in the general neighborhood as to cause the local environs to materially depreciate in appearance and value.
4. That all provisions of this Chapter are met.

***B. Conditions***

If all criteria designed in this Section are met, the application shall be approved subject to at least the following conditions:

1. All necessary City permit will be obtained prior co commencement of construction.
2. Construction work must begin under the secondary unit permit within 12 months after the effective date of the permit and carried on diligently to completion of at least one usable unit or the permit and any other privilege or variance granted thereby shall expire.