

Exhibit C

Title 9 - Development Code

LR24-0135

Chapter 9.30 Common Application Processing Procedures

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- 9.30.010 Purpose and Applicability
- 9.30.020 Applications and Fees
- 9.30.030 Pre-Application Review
- 9.30.040 Initiation of Application
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9.30.090 Approving Authority

- A. **Recommending Authority.** The recommending authority as designated in Table 9.30.090-1 (Designated Authority for Permits and Approvals) shall hear and make recommendations on the proposed land use or development permit or approval in accordance with the requirements of this Title.
- B. **Approving Authority.** The approving authority as designated in Table 9.30.090-1 (Designated Authority for Permits and Approvals) shall approve, conditionally approve or deny the proposed land use or development permit or approval in accordance with the requirements of this Title. Generally, the Director and his/her designee will make non-discretionary and discretionary decisions at the administrative level, the Planning Commission will make discretionary decisions, and the City Council will make the legislative decisions. In acting on a permit, the approving authority decision may be appealed pursuant to procedures set forth in Section 9.30.100 (Appeals).

Table 9.30.090-1: Designated Authority for Permits and Approvals				
Permit or Approval Type (Chapter)	Type of Action	Designated Authority ¹		
		Community Development Director	Planning Commission	City Council
AB 2011 Multi-Family Ministerial Application	Ministerial	A		
Conditional Use Permit, Minor (9.40)	Discretionary	A		
Conditional Use Permit, Major (9.40)	Discretionary	R	A	
Development Agreement (9.45)	Legislative	R	R	A
Finding of Public Convenience and Necessity (9.250)	Discretionary	R	A	

Table 9.30.090-1: Designated Authority for Permits and Approvals

Permit or Approval Type (Chapter)	Type of Action	Designated Authority ¹		
		Community Development Director	Planning Commission	City Council
General Plan Amendment (9.50)	Legislative	R	R	A
Home Occupation Permit (9.55)	Ministerial	A		
Home-Based Business (9.55)	Discretionary	A		
Large Family Daycare Permit (9.60)	Ministerial	A		
Master Sign Program, Minor (9.65)	Ministerial	A		
Master Sign Program, Major (9.65)	Discretionary	R	A	
Minor Exception (9.70)	Discretionary	A		
Official Code Interpretation (9.10)	Discretionary	A		
Planned Development Overlay (9.105)	Legislative	R	R	A
Planned Development (9.75)	Discretionary	R	A	
Plot Plan, Minor (9.80)	Ministerial	A		
Plot Plan, Major (9.80)	Discretionary	R	A	
Reasonable Accommodation (9.85)	Discretionary	A		
SB35 Multi-Family Ministerial Review Permit	Ministerial	A		
Sign Permit (9.90)	Ministerial	A		
Similar Use Determination (9.95)	Discretionary	A		
Specific Plan (9.100)	Legislative	R	R	A
Substantial Conformance Determination (9.25)	Discretionary	A		
Temporary Use Permit, Minor (9.105)	Discretionary	A		
Temporary Use Permit, Major (9.105)	Discretionary	A		
Two-Unit Development (9.296)	Ministerial	A		
Urban Lot Split (9.296)	Ministerial	A		
Variance (9.110)	Discretionary	R	A	
Zone Change/Zoning Code Amendment (9.105)	Legislative	R	R	A

¹ A = Approving Authority; R = Recommending Authority

C. Multiple Entitlements. When a proposed project requires more than one permit or approval with more than one approving authority all project permits and approvals shall be processed concurrently and final action shall be taken by the highest-level designated authority for all such requested permits and approvals.

D. Referral to the Planning Commission. At any point in the review process, the Director may transfer approving authority to the Planning Commission at his/her discretion because of policy implications, unique or unusual circumstances, or the magnitude of the project. Decisions referred to the Planning Commission shall be considered at a noticed public hearing. Public notice shall be provided and a public hearing conducted pursuant to Section 9.30.080 (Public Hearing and Public Notice). A referral to the Planning Commission is not an appeal and requires no appeal application or fee.

- E. **Referral to the City Council.** At any point during the Planning Commission hearing, the Planning Commission may, by simple majority, transfer approving authority to the City Council because of policy implications, unique or unusual circumstances, or the magnitude of the project. Decisions referred to the City Council shall be considered at a noticed public hearing. Public notice shall be provided and a public hearing conducted pursuant to Section [9.30.080](#) (Public Hearing and Public Notice). A referral to the City Council is not an appeal and requires no appeal application or fee.
- F. **City Council Referral back to Planning Commission.** The City Council may refer any matter (including, but not limited to, those appealed to it) back to the Planning Commission in accordance with the provisions of Section 2.20.160 (City Council Referral Back to Planning Commission).

Chapter 9.75 Planned Development

Contents:

- 9.75.010 Purpose
- 9.75.020 Applicability
- 9.75.030 Application and Required Fees
- 9.75.040 Approving Authority
- 9.75.050 Public Hearing and Notice
- 9.75.060 Conditions of Approval
- 9.75.070 Findings for Approval
- 9.75.080 Notice of Decision
- 9.75.090 Effective Date
- 9.75.100 Appeals
- 9.75.110 Expiration
- 9.75.120 Extension of Time
- 9.75.130 Amendments
- 9.75.140 Implementation

9.75.010 Purpose

The purpose of a planned development is to provide a flexible vehicle for realizing the goals and policies of the adopted General Plan and securing amenities and broad community value greater than would otherwise be achieved through application of the primary zone regulations. Development within a planned development shall be demonstratively superior to the development that could occur under any other zone or combination of zones authorized by this Title that are consistent with the General Plan land use category applicable to the subject property. This chapter describes the process for adopting planned developments and approving subsequent development under a planned development.

9.75.020 Applicability

- A. Planned Developments may be established for any property where flexibility in the applicable standards of development of this Title is necessary to take advantage of modern site planning techniques to result in a product of unique results and/or exceptional design that is in harmony with existing or potential development in the surrounding area. ~~Establishment of a Planned Development (PD) Overlay zone is required prior to or concurrent with the establishment of a Planned Development.~~
- B. Planned Developments shall only be considered for parcel(s) measuring a minimum of 2.5 gross acres.

9.75.030 Application and Required Fees

- A. **Application Filing and Processing.** Applications for a Planned Development shall be filed and processed in accordance with [Chapter 9.30](#) (Common Application and Processing Procedures).

B. **Application Fees.** Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).

~~C. **Overlay Zone Required.** Initial approval of a Planned Development requires establishment of a Planned Development (PD) Overlay Zone prior to or concurrent with approval of the Planned Development. Establishment of a Planned Development Overlay Zone shall be processed in accordance with Chapter 9.115 (Zone Change/Zoning Code Amendment).~~

~~D.~~C. **Additional Applications May Be Required.** A separate application for a Plot Plan or a Tentative Tract Map or other application, as appropriate, may be required for concurrent review and approval at the discretion of the Community Development Director. When multiple applications are required for the same project, the applications shall be processed in accordance with Subsection 9.30.090.C (Multiple Entitlements).

9.75.040 Approving Authority

Applications for a Planned Development shall be reviewed and approved by the designated authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals) as follows:

- A. *Recommending Authority.* The designated recommending authority shall review and make recommendations, as appropriate, to the designated approving authority for an application for a Planned Development.
- B. *Approving Authority.* The designated approving authority is authorized to approve, conditionally approve, or deny an application for a Planned Development.

9.75.050 Public Hearing and Notice

The Planning Commission shall hold a public hearing prior to taking action on an application for a Planned Development. Public hearings shall be set and notice given in accordance with Section 9.30.080 (Public Hearing and Notice).

9.75.060 Conditions of Approval

- A. In approving an application for a Planned Development, the approving authority may impose conditions of approval to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings. The approving body may impose such conditions as may be necessary to achieve these purposes, including but not limited to the following matters:
 - 1. Allowable uses and restrictions on specific uses or operations.
 - 2. Setbacks, yard areas and open spaces.
 - 3. Fences, walls and screening.
 - 4. Building materials, building scale, and architectural treatments.
 - 5. Parking, parking areas, and vehicular ingress and egress.
 - 6. Pedestrian and other non-vehicular circulation and access.
 - 7. Common and private open space, landscape, and maintenance of landscape and grounds.
- B. Compliance with any site plans, architectural drawings, landscape plans and related materials submitted in support of the application with such modifications thereof shall be required as a condition of approval.

C. Reasonable guarantees of compliance with required conditions, such as a deed restriction or requiring the applicant to furnish security in the form of money or surety bond in the amount fixed by the City, shall be required. The City may also require that proposed homeowner's association documents be submitted for review and approval of the City Attorney prior to submittal to the California Bureau of Real Estate.

9.75.070 Findings for Approval

Prior to approving a Planned Development, the approving authority shall make all the following findings, which shall be made by resolution:

- A. The planned development is consistent with the adopted General Plan and any applicable specific plan.
- B. The planned development is in substantial compliance with the purpose and intent of this Title.
- C. The proposed site is adequate in size and shape to accommodate the planned development in a manner that is compatible with existing and planned uses in the vicinity.
- D. The proposed development will not have a substantial adverse effect on surrounding property or the permitted use thereof and will be compatible with the planned land use character of the surrounding area. The standards of development applicable to the planned development are clearly designated.
- E. The uses allowed within the planned development are clearly designated.
- F. The planned development will be well integrated into its setting.
- G. The planned development will make an overall contribution to the enhancement of the surrounding environment.

9.75.080 Notice of Decision

Written notice of decision shall be provided in accordance with Subsection 9.30.080.G (Notice of Decision).

9.75.090 Effective Date

Planned Developments shall become effective immediately following the date of adoption. ~~_or upon the effective date of the associated PD Overlay, whichever is later.~~

9.75.100 Appeals

Actions taken on applications for a Planned Development are subject to appeal. Appeals shall be processed in accordance with Section 9.30.100 (Appeals).

9.75.110 Expiration

Approved Planned Developments do not expire.

9.75.120 Extension of Time

Planned Developments may be extended in accordance with Subsection 9.30.110.C (Permit Extensions).

9.75.130 Amendments

An applicant may request an amendment to an approved Planned Development after the final written decision is issued and the permit becomes effective. Amendments shall be processed in accordance with Section 9.30.120 (Amendments to Previously Approved Permits).

9.75.140 Implementation

- A. **Final Site Development Plan and Plot Plan.** Following approval of a Planned Development and prior to exercising the Planned Development, a final site development plan for single-family residential tract homes, or a plot plan for all other developments, shall be submitted for administrative review to verify conformance with the Planned Development. The final site development plan or plot plan shall include the following:
1. All buildings to scale.
 2. Off-street parking facilities.
 3. Landscaping.
 4. Finished grades.
 5. Other details to demonstrate conformance with all the features, conditions and characteristics upon which the Planned Development was approved.
- B. **Compliance.** No permit shall be issued for any building or use except in full compliance with the Planned Development and final site development plan. Compliance shall be determined through the substantial conformance determination process, unless additional entitlements are required. The Director may require additional information to be submitted to demonstrate compliance.

Chapter 9.80 Plot Plan

Contents:

- 9.80.010 Purpose
- 9.80.020 Applicability
- 9.80.030 Application and Required Fees
- 9.80.040 Approving Authority
- 9.80.050 Public Hearing and Notice
- 9.80.060 Standards and Conditions of Approval
- 9.80.070 Findings for Approval
- 9.80.080 Notice of Decision
- 9.80.090 Effective Date
- 9.80.100 Appeals
- 9.80.110 Expiration
- 9.80.120 Extension of Time
- 9.80.130 Modifications

9.80.020 Applicability

- A. **Minor Plot Plan Required.** A Minor Plot Plan is required prior to establishment of any permitted use as indicated with a “P” on the allowed use tables contained in [Chapter 9.125](#) (Agricultural and Rural Zones) through [Chapter 9.150](#) (Public/Quasi-Public Facilities) and meeting the following criteria, except as specifically exempted by Section 9.80.020C below:
1. New construction of non-residential projects of up to 2,500 square feet of floor area where public improvements meeting City standards are in place and adequate infrastructure and utilities are provided.
 2. New construction of a residential project of up to six units where public improvements meeting City standards are in place and adequate infrastructure and utilities are provided.
 3. New construction of parking lots of 25 or fewer parking spaces.
 4. Final site development plan for architectural and plotting review for single family residential track developments.
 5. Other projects similar to the above-listed criteria, as determined by the Director.
- B. **Major Plot Plan Required.** A Major Plot Plan is required prior to establishment of any permitted use as indicated with a “P” on the allowed use tables contained in [Chapter 9.125](#) (Agricultural and Rural Zones) through [Chapter 9.150](#) (Public/Quasi-Public Facilities) and meeting the following criteria, except as specifically exempted by Section 9.80.020.C below:
1. Projects that do not meet the applicability criteria for Minor Plot Plans specified in Subsection 9.80.020.A or are more appropriately reviewed and evaluated as a Major Plot Plan, as determined by the Director.
 2. New construction of non-residential projects of more than 2,500 square feet of floor area.
 3. New construction of a residential project of more than six units.

4. New construction of parking lots of more than 25 parking spaces.

5. Other projects similar to the above-listed criteria, as determined by the Director.

C. **Exemptions.** Single-family homes and accessory structures/amenities are not subject to review and approval of a Plot Plan.

Chapter 9.105 Temporary Use Permit

Contents:

- 9.105.010 Purpose
- 9.105.020 Applicability
- 9.105.030 Application and Required Fees
- 9.105.040 Approving Authority
- 9.105.050 Public Hearing and Notice
- 9.105.060 Conditions of Approval
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- 9.105.080 Notice of Decision
- 9.105.090 Effective Date
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- 9.105.110 Expiration
- 9.105.120 Extension of Time
- 9.105.130 Modifications
- 9.105.140 Transferability
- 9.105.150 Standards of Approval – General
- 9.105.160 Standards of Approval – Standards by Activity/Use

9.105.010 Purpose

Temporary use permits provide a process for review of short-term activities that may not meet the normal development or use standards of the applicable zone but may be acceptable because of their temporary nature. The intent of these regulations is to establish a process for the review of temporary uses and to ensure that the temporary use does not adversely impact the long-term uses of the same or neighboring sites, or impact the general health, safety, and welfare of persons residing within the community.

9.105.020 Applicability

- A. **Temporary Use Permit Required.** A Temporary Use Permit is required prior to establishment of any temporary use as identified in [Chapter 9.105](#) (Temporary Uses) or as otherwise required by this Title.
- B. **Level of Temporary Use Permit Required.** The following applicability thresholds shall be used to determine if the proposed project shall require a Minor Temporary Use Permit or a Major Temporary Use Permit.
 - 1. *Minor Temporary Use Permit.* A Minor Temporary Use Permit shall be required for temporary uses meeting all the following criteria:
 - a. The temporary use does not impact surrounding properties, as determined by the Director. Examples include, but are not limited to the following:
 - i. Weekend promotional events consisting of outdoor display and sales of merchandise within commercial land use districts, including sidewalk sales;

- ii. Flower sales (non-mobile), vendor stands (non-mobile), seasonal sales of agricultural products for limited periods of time, which, at no time, may be conducted in the public right-of-way;
- iii. Special lighting exhibits including spotlights, and specifically including holiday lighting displays;
- iv. Veterinary vaccination clinics on developed sites that are not in conjunction with a veterinary facility (i.e., pet store, groomer);
- v. Garage or yard sales conducted at the same residential location more than four times per year;
- vi. Car shows;
- vii. Private events including weddings, picnics or block parties to which 100 people are invited and/or which would not require public road closures or significantly impact traffic on adjacent public roadways;
- viii. Live entertainment at a restaurant or bar no more than four times per year.

b. The temporary use is exempt from CEQA.

2. *Major Temporary Use Permit.* A Major Temporary Use Permit shall be required for temporary uses meeting any of the following criteria:

a. The temporary use does impact surrounding properties, as determined by the Director. Examples include, but are not limited to the following:

- ~~i. Temporary construction offices in all zones, except the open space and conservation zone;~~
- ~~ii-i. Outdoor temporary swap meets or auctions;~~
- ~~iii-ii. Christmas tree sales lots and associated jolly jumps, food sales and on-site banners and other signage;~~
- ~~iv-iii. Pumpkin sales lots and associated jolly jumps, food sales and site banners and other signage;~~
- ~~v-iv. Farmer's markets held on one day per week in the same location for a total period of time not exceeding one year~~
- ~~vi-v. Private events including weddings, picnics or block parties to which more than 100 people are invited and/or which would require public road closures or significantly impact traffic on adjacent public roadways;~~
- ~~vii-vi. Special outdoor events, when not held within premises designed to accommodate the events, including carnivals, circuses, fairs, parades, rodeos, and large athletic, religious, or entertainment events.~~

b. The temporary use is not exempt from CEQA.

C. **Exempt Uses.** The following uses are exempt from the requirements of this chapter:

1. Temporary construction office trailers in all zones under the following conditions:

- a. The construction office trailer is associated with an active, approved construction project.
- b. The construction office trailer is located within the boundaries of the project site.
- c. The construction office trailer is not in an environmentally sensitive area.

If any of the above conditions cannot be met, a Major Temporary Use Permit shall be required, subject to the Community Development Director's discretion.

- ~~1-2.~~ Going out of business sales with no additional merchandise and normal promotional activities conducted within the approved display area for the business.
- ~~2-3.~~ Commercial filming regulated by other provisions of this Municipal Code.

- ~~3-4.~~ City, state, federal, school district, community college district or other public agencies' event when conducted wholly on that agency's public property or with the consent of another public property owner and which will not require public road closures or significantly impact traffic on adjacent public streets.
- ~~4-5.~~ Homeowners' association events conducted wholly in common areas within the boundaries of the association and which do not impact public streets or other public facilities.
- ~~5-6.~~ Small scale events (art shows, holiday events), sponsored and sanctioned by the Master Property Association or Property Manager for Regional Shopping Centers which are 20 acres or larger located within the CR - Commercial Retail or EDC - Economic Development Corridor zones, shall be exempt from the TUP process provided the entire event occurs on managed or owned properties and are not anticipated to impact parking, circulation/access, surrounding properties or generate significant traffic.
- ~~6-7.~~ Temporary emergency facilities to accommodate emergency public health and safety needs and activities.
- ~~7-8.~~ Yards and sheds for the storage of materials and equipment used as part of a construction project, provided a valid building permit has been issued and the materials and equipment are stored on the same site as the construction activity.
- ~~8-9.~~ Mobile food truck operations at construction sites that are actively under construction pursuant to a valid building permit or grading permit where the mobile food truck does not vend to the general public during the stop.

D. Other Temporary Uses. For temporary uses that are not identified in this Title, the Community Development Director, at his or her discretion, may determine whether the use should be classified as a minor temporary use or a major temporary use. This determination shall be based upon the similarities and differences with temporary uses and related standards of this Chapter and consideration of the proposed temporary use's compatibility with the applicable zone and surrounding land uses. Those temporary uses which do not fit within the criteria for minor temporary or major temporary uses shall be addressed through a Plot Plan, Conditional Use Permit or other type of permit or approval identified in this Title, as determined by the Director. A temporary use which will exceed the length of one calendar year (even when sporadic) requires other types of land use approvals as determined by the Community Development Director.

Chapter 9.125 Agricultural and Rural Residential Zones

Contents:

[9.125.010 Purpose](#)

[9.125.020 Description and Intent of Zone](#)

[9.125.030 Allowed Uses and Approval Requirements](#)

[9.125.040 Development Standards](#)

9.125.040 Development Standards

The development standards listed below are the minimum standards for development within the respective zones.

Table 9.125.040-2 Agricultural and Rural Residential Zones - Development Standards							
Standard	AG	RM	RR5	RR2	RR1	RR1/2	Additional Requirements
LOT DIMENSIONS (Minimum)							
Gross Lot Area (Acres) ³	10	10	5	2	1	0.5	
Lot Width (Feet)	100	100	100	80	70	60	
Lot Depth (Feet)	150	150	120	100	100	90	
Frontage (Feet)	50	50	50	40	40	30	
Frontage for a flag lot (Feet)	40	40	30	30	30	25	
SETBACKS (Minimum):							
Front Yard (Feet)	40	40	40	25	25	20 ²	
Corner Side Yard (Feet)	40	40	20	15	15	15	
Interior Side Yard (Feet)	25	25	15	15	10	10	
Rear Yard (Feet)	25	25	20	20	20	20	
BUILDING HEIGHT (Maximum)							
Building Height (Feet)	35	35	35	35	35	35	Chapter 9.160 (General Development Standards)
BUILDING COVERAGE (Maximum)							
Building Coverage (Percent)	10%	10%	15%	20%	25%	25%	
OPEN SPACE COVERAGE (Minimum)							
Open Space Required (Percent)	75%	75%	70%	60%	50%	40%	
Private Open Space/Unit (Sq. Ft)	N/A	N/A	N/A	N/A	N/A	N/A	

Table 9.125.040-2 Agricultural and Rural Residential Zones - Development Standards

Standard	AG	RM	RR5	RR2	RR1	RR1/2	Additional Requirements
1. Setback encroachment allowances for architectural features <u>can be found in 9.160.030, and accessory structures can be found in 9.160.030</u>							
2. Side-loaded garages may have a front yard setback of 15 feet.							
3. Non-Conforming Lot Development Provision.							
<u>Due to the existence of established lots prior to December 18, 2013, that do not meet the minimum lot size requirements of their designated zoning district, the following provisions shall apply:</u>							
<ul style="list-style-type: none"> <u>In accordance with General Plan Policy LU-1.11, the development of a single-family residential dwelling shall be permitted on residentially designated, undeveloped, non-conforming parcels that were legally established on or before December 18, 2013, even if their lot size does not conform to the density requirements of the General Plan land use designation. This provision aligns with and supports the housing production objectives outlined in the Housing Element of the General Plan and with State housing laws.</u> <u>Notwithstanding this allowance, any proposed dwelling on a non-conforming parcel shall be subject to all applicable development standards set forth in the General Plan and Development Code. Development may be restricted based on parcel constraints, including lot size and physical conditions, and must not result in any adverse impact on public health, safety, or welfare.</u> 							

Chapter 9.130 Residential Zones

Contents:

9.130.010 Purpose

9.130.020 Description and Intent of Zone

9.130.030 Allowed Uses and Approval Requirements

9.130.040 Development Standards

9.130.010 Purpose

The purpose of this chapter is to establish residential districts in the city that provide appropriate locations for low density residential, low medium density residential, medium density residential, medium high density residential, and high density residential. These zones are consistent with and implement the city's General Plan land use categories.

9.130.020 Description and Intent of Zone

LDR-1 LDR-2 LMDR MDR MHDR HDR

The following descriptions identify the characteristic uses, intensity of uses, and level of development intended for each zone:

- A. **Low Density Residential (LDR-1).** Single-family detached residences with a minimum parcel size of ten thousand (10,000) square feet. Limited agriculture and animal keeping is permitted.
- B. **Low Density Residential (LDR-2).** Single-family detached and attached residences with a minimum parcel size of seven thousand and two-hundred (7,200) square feet. Limited agriculture and animal keeping is permitted.
- C. **Low Medium Density Residential (LMDR).** Single-family attached and detached residences with a density range of 5 to 8 dwelling units per acre.
- D. **Medium Density Residential (MDR).** Single-family attached and detached residences, including townhouses, stacked flats, courtyard homes, patio homes, and zero lot line homes with a density range of 8 to 14 dwelling units per acre.
- E. **Medium High Density Residential (MHDR).** Single-family attached residences and multifamily dwellings such as triplexes, fourplexes, motorcourt clusters, and row townhomes with a density range of 14 to 20 dwelling units per acre.
- F. **High Density Residential (HDR).** Multifamily dwellings; includes apartments and condominiums with a density range of 20 to 24 dwelling units per acre.

9.130.030 Allowed Uses and Approval Requirements

- A. **Allowed Use Table.** Table 9.130.030-1 identifies allowed uses and corresponding approval requirements for the residential zones subject to compliance with all other provisions of this Title. Descriptions/definitions of many of the land uses can be found in [Article 6](#) of this title (Definitions). The list of land uses on Table 9.130.030-1 shall be permitted in one or more of the residential zones as indicated in the columns corresponding to each zone.
- B. **Approval Requirements.** Where indicated with a letter "P" the use shall be a permitted use. A letter "C" indicates the use shall be conditionally permitted subject to the approval of a conditional use permit. Where indicated with a "--," the use is prohibited within the zone. Where indicated with an

"NA," the use is not applicable to the zone. The Additional Requirements column in the table identifies additional use regulations for specific uses and/or the specific chapter or section where additional regulations for that use type are located within this title, where applicable. Uses for which additional requirements are listed shall be allowed only upon satisfaction of the specified additional requirements. Under no circumstances shall Table 9.130.030-1 authorize a use without satisfaction of such specified additional requirements.

C. **Unlisted Uses.** Uses not specifically listed in this table shall be considered not permitted in all of the listed zones. The Community Development Director may make a determination pursuant to [Chapter 9.95](#) (Similar Use Determination) that new uses not listed here that have substantially similar characteristics to specific listed permitted uses may be considered permitted as the similar use by right, or conditionally as appropriate.

Table 9.130.030-1 Residential Zones - Allowed Uses and Approval Requirements							
Allowed Use	LDR-1	LDR-2	LMDR	MDR	MHDR	HDR	Additional Requirements
RESIDENTIAL USES							
Accessory Dwelling Unit (ADU)	P	P	P	P	P	P	Chapter 9.295 (Special Housing Types)
Affordable Housing Development with a minimum of 20 percent of units affordable to lower income households on nonvacant HDR zoned sites identified to accommodate lower income RHNA in the current housing element and used in a prior housing element. ¹	NA	NA	NA	NA	NA	P	Per Government Code §65583.2(i), such use shall be by-right and shall not require discretionary review that would constitute a "project" as defined in Section 21100 of the Public Resources Code (California Environmental Quality Act "CEQA") Subject to Multifamily Objective Design Standards
Affordable Housing Development with a minimum of 20 percent of units affordable to lower income households on vacant HDR zoned sites identified to accommodate lower income RHNA in the current housing element and used in two prior housing elements. ²	NA	NA	NA	NA	NA	P	Per Government Code §65583.2(i), such use shall be by-right and shall not require discretionary review that would constitute a "project" as defined in Section 21100 of the Public Resources Code (California Environmental Quality Act "CEQA") Subject to Multifamily Objective Design Standards
Bed & breakfast establishment	C	C	C	C	--	--	Chapter 9.245 (Bed and Breakfast)
Congregate care facilities	C	C	C	C	C	C	Chapter 9.270 (Community Care Facilities)
Duplex (two-family dwelling)	P--	P--	P	P	P	P	
Emergency shelters	--	--	--	--	--	P	As mandated by State law and City Housing Element. Chapter 9.295 (Special Housing Types)
Family day care home, large	P	P	P	P	P	P	Chapter 9.60 (Large Family Day Care Permit)
Family day care home, small	P	P	P	P	P	P	

Table 9.130.030-1 Residential Zones - Allowed Uses and Approval Requirements

Allowed Use	LDR-1	LDR-2	LMDR	MDR	MHDR	HDR	Additional Requirements
Group Residential Facility Six or Fewer Residents Seven or More Residents	P C	P C	P C	P C	P C	P C	Chapter 9.270 (Community Care Facilities)
Guest house, accessory to single-family detached	P	P	P	P	P	P	Chapter 9.295 (Special Housing Types)
Home Occupation	P	P	P	P	P	P	Chapter 9.255 (Home Occupation and Home-Based Business)
Home-Based Businesses	--	--	--	--	--	--	Chapter 9.255 (Home Occupation and Home-Based Business)
Junior Accessory Dwelling Unit (JADU)	P	P	P	P	P	P	Chapter 9.295 (Special Housing Types)
Low Barrier Navigation Center	--	P	P	P	P	P	Chapter 9.295 (Special Housing Types)
Manufactured Home	P	P	P	P	P	P	
Mobile home park	C	C	C	C	C	C	Chapter 9.295 (Special Housing Types)
Multiple family	--	P--	P	P	P	P	
Residential Care Facility	C	C	C	C	C	C	Chapter 9.270 (Community Care Facilities)
Short-term rental	—	—	—	—	—	—	
Single- family detached	P	P	P	P	—	—	
Single-room occupancy units	--	--	--	--	--	P	Chapter 9.295 (Special Housing Types)
Supportive housing	P	P	P	P	P	P	
Transitional housing	P	P	P	P	P	P	
NON-RESIDENTIAL USES							
Animals, Small (e.g. hamsters, rabbits, chinchillas, and similar sized animals)	P --	P --	P --	P --	P --	P --	Chapter 9.235 (Animal Keeping)
Non-Commercial Commercial							
Animals, Medium (e.g. sheep, goats, pigs, and similar sized animals)	P --	P --	-- --	-- --	-- --	-- --	Chapter 9.235 (Animal Keeping)
Non-commercial Commercial							
Animals, Large (e.g. cows, horses, camels, llamas, and other similar sized animals)	P --	P --	-- --	-- --	-- --	-- --	Chapter 9.235 (Animal Keeping)
Non-commercial Commercial							
Apiary (non-commercial)	P	P	--	--	--	--	Chapter 9.235 (Animal Keeping)
Collection Containers	--	--	--	--	--	--	
Educational Institutions	C	C	C	C	C	C	

Table 9.130.030-1 Residential Zones - Allowed Uses and Approval Requirements							
Allowed Use	LDR-1	LDR-2	LMDR	MDR	MHDR	HDR	Additional Requirements
Farms and agricultural operations	C	--	--	--	--	--	
Non-commercial Commercial	C	--	--	--	--	--	
Future Farmers of America and 4-H Programs	P	P	P	P	P	P	Chapter 9.235 (Animal Keeping)
Fowl, Non Crowing	P	P	--	--	--	--	Chapter 9.235 (Animal Keeping)
Golf courses	--	--	--	--	--	--	
Governmental facilities	C	C	C	C	C	C	
Kennels and catteries	C	C	--	--	--	--	Chapter 9.235 (Animal Keeping)
Marijuana dispensaries, mobile marijuana dispensaries, marijuana cultivation, or marijuana processing	--	--	--	--	--	--	
Nurseries	C	--	--	--	--	--	Does not include cultivation of marijuana/cannabis.
Parks and recreation areas	P	P	P	P	P	P	
Public utility facilities	C	C	C	C	C	C	
Religious Institutions	C	C	C	C	C	C	
Temporary real estate tract offices	P	P	P	P	P	P	
Wireless Communication Facilities	C	C	C	C	C	C	Chapter 9.290 (Wireless Communication Facilities)
¹ For list of sites, refer to the latest adopted Housing Element (For the 6th Cycle, 2021-2029 Housing Element, these sites are listed in Figure B-1 and Table B-12 of Appendix B)							
² For list of sites, refer to the latest adopted Housing Element							

Chapter 9.135 Commercial and Industrial Zones

Contents:

9.135.010 Purpose

9.135.020 Description and Intent of Zone

9.135.030 Allowed Uses and Approval Requirements

9.135.040 Development Standards

9.135.010 Purpose

The purpose of this chapter is to establish business districts in the city that provide appropriate locations for commercial, office, and industrial uses. These districts are consistent with and implement the city's General Plan land use categories. These districts provide sufficient and appropriately located land for general commercial and industrial uses that minimize impacts on residential neighborhoods.

9.135.020 Description and Intent of Zone CR CO BP HI

The following descriptions of each commercial and industrial zoning district identify the general characteristic uses, intensity of uses, and type of development intended for that district:

- A. **Commercial Retail (CR).** Allows neighborhood, local, and regional serving retail and service uses. Hotels are also permitted in this designation. The permissible development density is between the minimum and maximum floor area ratio (FAR) of 0.20 – 0.35.
- B. **Commercial Office (CO).** Allows a variety of office-related uses, including financial, legal, insurance and other office services; corporate offices; supporting hotel and ancillary retail uses are also permitted. The permissible development density is between the minimum and maximum floor area ratio (FAR) of 0.25 – 1.00.
- C. **Business Park (BP).** Allows industrial and related uses including assembly and light manufacturing, repair facilities, and business parks, including corporate offices. Employee-intensive uses, including research and development, technology centers, "clean" industry, and supporting hotel and ancillary retail uses are also permitted. The permissible development density is ~~between the minimum and~~ based off the maximum floor area ratio (FAR) of ~~0.25~~ – 0.60.
- D. **Heavy Industry (HI).** Allows more intense industrial activities, such as manufacturing uses, that can generate significant impacts such as excessive noise, dust, and other nuisances. The permissible development density is ~~between the minimum and~~ based off the maximum floor area ratio (FAR) of ~~0.15~~ – 0.50.

(2023-365, 02/01/2023)

9.135.030 Allowed Uses and Approval Requirements CR CO BP HI

- A. **Allowed Use Table.** Table 9.135.030-1 identifies allowed uses and corresponding approval requirements for the commercial and industrial zones subject to compliance with all other provisions of this Title. Descriptions/definitions of many of the land uses can be found in [Article 6](#) of this title (Definitions). The list of land uses on Table 9.135.030 shall be permitted in one or more of commercial and industrial zones as indicated in the columns corresponding to each zone.

B. Approval Requirements. Where indicated with a letter “P” the use shall be a permitted use. A letter “C” indicates the use shall be conditionally permitted subject to the approval of a conditional use permit. Where indicated with a “--,” the use is prohibited within the zone. The Additional Requirements column in the table identifies additional use regulations for specific uses and/or the specific chapter or section where additional regulations for that use type are located within this title, where applicable. Uses for which additional requirements are listed shall be allowed only upon satisfaction of the specified additional requirements. Under no circumstances shall Table 9.135.030-1 authorize a use without satisfaction of such specified additional requirements.

C. Unlisted Uses. Uses not specifically listed in this table shall be considered not permitted in all of the listed zones. The Community Development Director may make a determination pursuant to [Chapter 9.95](#) (Similar Use Determination) that new uses not listed here that have substantially similar characteristics to specific listed permitted uses may be considered permitted as the similar use by right, or conditionally as appropriate.

Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements					
Allowed Use	CR	CO	BP	HI	Additional Requirements
Adult businesses	--	--	--	--	See Ordinance XX
Airport	--	--	--	C	
Ambulance services	C	C	P	P	
Amusement arcade	P	--	C	--	
Amusement park, (including multiple activities such as simulated flying, racing, mini-golf, etc.)	P		P		
Indoor	C		C		
Outdoor					
Animals, Small (e.g. hamsters, rabbits, chinchillas, and similar sized animals)	P	P	P	P	Chapter 9.235 (Animal Keeping)
Non-Commercial	--	--	--	--	
Commercial					
Animal hospitals and veterinary services (with outdoor facilities)	P	--	P	C	
	C		C	--	
Animal Rescue	--	--	C	C	Chapter 9.235 (Animal Keeping)
Antique shops, pawn shops, thrift stores	P	--	C	--	Outside collection bins prohibited
Art gallery, library, reading room, museum.	P	P	--	--	
Art supply shops and studios.	P	P	P	--	
Auction Houses	P	--	P	--	
Auditoriums, event centers and assembly areas, including live entertainment:	P	C	P	--	
Indoor	C	--	C	--	
Outdoor					
Bakery goods distributors.	P	--	P	P	
Bakery shops, Coffeehouse, Cybercafé, Delicatessens, Ice cream shops	P	P	P	--	

Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements

Allowed Use	CR	CO	BP	HI	Additional Requirements
Banks and financial institutions.	P	P	P	--	
Banquet facilities.	C	--	C	--	
Batting cages – indoor Outdoor	P C	--	C C	--	
Billiard and pool halls, Bowling alleys	P	--	P	--	Chapter 9.250 (Alcohol Sales)
Breweries, distilleries, and wine making facilities with on-site tasting room and sales for off-site consumption	C	--	P	--	Chapter 9.250 (Alcohol Sales)
Business services	P	P	P	--	
<u>Cannabis Dispensary (Recreational Retail Storefront)</u>	--	--	--	--	
<u>Cannabis Cultivation, Delivery, Dispensary, and Processing</u>	--	--	--	--	
<u>Cannabis, Medicinal Cannabis Delivery Service (Physical Delivery Logistics Location)</u>	--	--	C	--	Chapter 9.275 (Hookah and Cannabis Uses)
Car washes	P	--	C		
Caretaker residence or on-site operator residence, only as accessory to primary use	C	C	C	C	
Catering services	P	--	P	--	
Cemeteries and mausoleums	--	--	C	C	
Clinics, including but not limited to medical and urgent care	C	C	C	--	
Collection Containers	--	--	--	--	
Commercial television and radio broadcast structures	--	--	--	P	
Concrete batch plants and asphalt plants	--	--	--	C	
Congregate care facility	--	C	C	--	Chapter 9.270 (Community Care Facilities)
Contractor, landscape and building materials storage yard	--	--	C	C	
Convenience stores, not including the sale of motor vehicle fuel	P	--	P	--	
Dance Halls, night clubs, discos, cabarets, cocktail lounges, lodges and incidental dancing areas, and similar facilities where dancing is the principal use	C	--	C	--	Chapter 9.250 (Alcohol Sales)
Day Care Center	P	C	C	--	Chapter 9.270 (Community Care Facilities)
Department stores	P	--	P	--	
Drug Store	P	P	--	--	

Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements

Allowed Use	CR	CO	BP	HI	Additional Requirements
Dry cleaning and laundromats (except uniform supply and industrial launderers);	P	C	C	--	
Educational Institution	C	C	C	C	
Emergency shelters	--	--	--	P	As mandated by State law and City Housing Element. Chapter 9.295 (Special Housing Types)
Battery Energy Storage Facility, Utility Scale	--	--	C	C	Chapter 9.297 (Energy Storage Facilities)
Equipment sales and rental, Large (including large vehicles, trucks with beds over 18 feet in length, eighteen plus (18+) wheelers, and construction equipment)	--	--	--	C	
Equipment sales and rental, Small (including rototillers, power mowers, sanders, power saws, cement and plaster mixers not exceeding 20 cubic feet in capacity and other similar equipment)	P	--	C	C	
Fast food/quick service, with drive-through	C	C	C	--	
Fast food/quick service, without drive-through	P	P	P	--	
Feed and grain sales	C	--	--	P	
Fertilizer production and processing (organic or inorganic)	--	--	--	C	
Funeral parlor, mortuary with crematorium	--	C	C	--	
Funeral parlor, mortuary without crematorium	P	C	C	--	
Gas station with/without convenience store, with or without alcoholic beverage sales, and with or without car wash	C	--	C	C	
General retail	P	--	--	--	
General warehousing, distribution centers, and storage (except noxious, explosives, or dangerous materials)	--	--	--	P	
Golf Course	--	--	--	--	
Golf driving range (not in association with full scale course)	C	--	C	--	
Governmental facility	P	P	P	P	
Grocery Store	P	--	--	--	Chapter 9.250 (Alcohol Sales)

Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements

Allowed Use	CR	CO	BP	HI	Additional Requirements
Hardware and Building Supplies without outdoor sales/storage	P	--	P	P	
with outdoor sales/storage	C	--	C	C	
Health, fitness, dance, martial arts studio <5,000 sq.ft. >5,000 sq.ft.	P C	C C	P C	--	
Heliports	--	--	C	C	
Hospital	C	C	--	--	
Hotels and resort hotels	P	C	C	--	
Kennel or cattery	--	--	C	C	Chapter 9.235 (Animal Keeping)
Laboratories, research and development	P	P	P	--	
Live/work units	C	C	C	--	
Lumber yard	--	--	--	C	
Manufacturing, Handcraft	P	P	P	P	
Manufacturing, Light-Intensity	--	C	P	P	
Manufacturing, Medium-Intensity	--	C	C	P	
Manufacturing, Heavy-Intensity	--	--	--	P	
Marijuana dispensaries, mobile marijuana dispensaries, marijuana cultivation, and marijuana processing	--	--	--	--	
Massage Establishment	C	C	--	--	
Material storage yard	--	--	C	P	
Membership clubs, organizations, and lounges	C	C	C	--	
Mobile home sales and storage, trailer sales and rental house trailers	C	--	C	C	
Motels	C	--	--	--	
Motocross Facilities, Bicycle (BMX) course	--	--	--	--	
Motor vehicle body, paint and upholstery shops	C	--	C	P	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle parts and supply stores	P	--	C	--	
Motor vehicle repair/services (e.g. tune-ups, emission tests, brakes, tires, batteries, electrical)	P	--	C	P	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle repairs/services - major (e.g., engine and transmission repair/rebuild, etc.)	--	--	C	P	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle sales and rental (including outdoor display area and repairs associated with sales)	C	--	C	--	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle wholesale, with no outdoor display	P	P	P	P	

Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements

Allowed Use	CR	CO	BP	HI	Additional Requirements
Motor vehicle impound, wrecking and junk yards	--	--	--	C	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle, trailer or boat storage	--	--	C (indoor only)	C	Chapter 9.240 (Motor Vehicle and Related Uses)
Multi-family dwellings in commercial zones per AB 2011 & SB 6	P	P	--	--	Chapter 9.295 (Special Housing Types) must meet affordable or mixed income criteria per AB 2011 or criteria per SB 6.
Nurseries and garden supply, indoor and outdoor (retail sales only)	P	--	--	P	Does not include cultivation of marijuana /cannabis.
Offices, professional and medical	P	P	P	--	
Parking lots and parking structures	P	P	P	P	
Personal and Professional Services	P	--	P	--	
Public utility substations and storage buildings	--	--	--	P	
Radio and television broadcasting and recording studios	P	--	P	--	
Recreational vehicle, trailer and mobile home sales and rental.	C	--	C	C	Chapter 9.240 (Motor Vehicle and Related Uses)
Recycling collection facilities	C	--	C	C	Chapter 9.280 (Recycling Facilities)
Recycling processing facilities	--	--	C	C	Chapter 9.280 (Recycling Facilities)
Religious institutions	P	P	P	P	
<u>Research & Development (except noxious, explosives, or dangerous materials)</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Restaurant	P	P	P	P	Chapter 9.250 (Alcohol sales)
Residential care facility	--	C	--	--	Chapter 9.270 (Community Care Facilities)
Restaurants with breweries, distilleries and/or wine making facilities with sales for on-site and off-site consumption	C	C	C	C	Chapter 9.250 (Alcohol sales)
Self-Storage, public storage facilities	C	--	C	P	
Shooting range; Indoor	--	--	C	--	
Shooting range; Outdoor	--	--	--	--	
Simulated shooting games, Indoor (laser tag, etc.)	C	--	C	--	
Simulated shooting games, Outdoor (paintball, etc.)	--	--	--	--	

Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements

Allowed Use	CR	CO	BP	HI	Additional Requirements
Solid Waste Disposal	--	--	--	C	
Specialized Retail	P	--	P	--	
Sports and recreational facilities (not including motor driven vehicles and riding academies, but including archery ranges, athletic playgrounds, athletic fields, sports arenas, skating rinks, skate parks stadiums, and commercial swimming pools)	P C	-- --	C C	-- --	
Indoor					
Outdoor					
Studios for professional work in or teaching of any form of fine arts	P	C	P	--	
Swap Meets (Indoor only)	C	--	--	C	All activities must be conducted indoors.
Tattoo Establishments	<u>€--</u>	<u>€--</u>	<u>€--</u>	--	<u>Chapter 9.265 (Tattoo Establishments) See Allowed Use – "Personal Services"</u>
Theater	C	--	C	--	
Tourist information centers	P	P	P	--	
Towing services (with tow truck parking - no auto storage)	--	--	P	P	
Towing services (with tow truck parking and auto storage)	--	--	--	C	<u>Chapter 9.240 (Motor Vehicle and Related Uses)</u>
Transportation Stations (bus, railroad and taxi)	P	P	P	P	
Trucking and freighting operations	--	--	--	C	
Uniform supplier and industrial launderers	--	--	C	P	
Utility offices, uses, and structures	P	P	P	P	
Vehicle storage and impoundment within an enclosed building	--	--	P	P	
Vocational/trade school;	C	--	P	C	
<u>Warehouse (except noxious, explosives, or dangerous materials)</u>					
<u>Fulfillment Center</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>P</u>	
<u>Warehousing, logistics and distribution facility</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>P</u>	
Warehouse/club store, Standalone facility 50,000 sq. ft. or larger	C	--	C	--	
Wholesale businesses with samples on the premises but not including storage	P	--	P	--	
Wholesale stores and distributors	--	--	C	--	

Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements					
Allowed Use	CR	CO	BP	HI	Additional Requirements
Wireless Communication Facilities	C	C	C	C	Chapter 9.290 (Wireless Communications Facilities)

(2022-351, 09/21/2022; 2022-356, 10/05/2022; 2023-365, 02/01/2023; 2023-369, 04/05/2023)

9.135.040 Development Standards CR CO BP HI

The development standards listed below are the minimum standards for development within the respective zones. Separate development standards have been established for developments on a single lot and for those commercial shopping centers or industrial planned developments which multiple structures on one or more lots.

Table 9.135.040-1 Commercial and Industrial Zones - Development Standards for Developments within Planned Shopping Centers or Industrial Parks					
Standard	CR	CO	BP	HI	Additional Requirements
MINIMUM LOT DIMENSIONS					
Net Lot Area (Acre)	5	5	10	10	
FLOOR AREA RATIO					
Minimum	0.20	0.25	--0.25	--0.15	
Maximum	0.35	1.0	0.60	0.50	
YARDS/SETBACKS (Minimum)					
Yard Adjacent to Street (Feet):					
Arterial/Major/Secondary/Expressways ¹	25	25	25	25	
Collector	20	20	20	20	
Local	15	15	15	15	
Yard Adjacent to Residential Zone (Feet)	25	25	50	50	
Interior Side Yard (Feet)	0	0	0	0	
Rear Yard (Feet)	15	10	10	25	
Minimum Building Separation (Feet):					
One story:	10	15	15	15	
Two stories:	15	20	20	20	
Three or more stories:	20	25	25	25	
LANDSCAPE SETBACKS FOR PARKING AREAS (Minimum)					
<u>Landscape setback from the public right of way to the parking area (Feet):</u>					
<u>Expressways & Urban Arterial</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	
<u>Arterial & Major</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	
<u>Secondary/Collector/Rural Collector & Local Streets</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	
BUILDING HEIGHT (Maximum)					
Principal Building (Feet)	50	50	50	50	
BUILDING COVERAGE (Maximum)					
Building Coverage (Percent)	30%	50%	40%	40%	

**Table 9.135.040-1 Commercial and Industrial Zones - Development Standards
for Developments within Planned Shopping Centers or Industrial Parks**

Standard	CR	CO	BP	HI	Additional Requirements
OPEN SPACE COVERAGE (Minimum)					
Landscaped Open Space Required (Percent)	20%	25%	25%	20%	
FENCES, WALLS, HEDGES, SCREENING					
Fence wall or hedge – maximum height (feet)	6	6	6	6	
Fence wall or hedge screening outdoor storage –minimum/max height (feet)	6/8	N/A	6/ 14 12	6/ 14 12	
Notes:					
1. Roadway classifications per the General Plan Circulation Element					
2. <u>The screening wall shall have a maximum height of 14 feet as necessary to fully screen interior truck parking, loading, and service areas.</u>					
<u>The exterior wall shall taper or step down in height where feasible.</u>					

**Table 9.135.040-2 Commercial and Industrial Zones - Development Standards
for Development on Separate Lots**

Standard	CR	CO	BP	HI	Additional Requirements
MINIMUM LOT DIMENSIONS					
Net Lot Area (Square Feet) ¹	--	20,000	20,000	10,000	
Lot Width (Feet)	--	100	100	75	
Frontage (Feet)	30	60	80	80	
FLOOR AREA RATIO²					
Minimum	0.20	0.25	--0.25	--0.15	
Maximum	0.35	1.0	0.60	0.50	
YARDS/_SETBACKS (Minimum)					
Yard Adjacent to Street (Feet):					
Arterial	25	25	25	25	
Collector	20	20	20	20	
Local	15	15	15	15	
Yard Adjacent to Residential Zone (Feet)	25	25	50	50	
Interior Side Yard (Feet)	0	0	0	0	
Rear Yard (Feet)	15	10	10	25	
<u>LANDSCAPE SETBACKS FOR PARKING AREAS (Minimum)</u>					
<u>Landscape setback from the public right of way to the parking area (Feet):</u>					
<u>Expressways & Urban Arterial</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>	
<u>Arterial & Major</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	
<u>Secondary/Collector/Rural Collector & Local Streets</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	
BUILDING HEIGHT (Maximum)					
Principal Building (Feet)	50	50	40	40	
BUILDING COVERAGE					
Maximum (Percent)	30%	50%	40%	40%	
OPEN SPACE COVERAGE (Minimum Percent)					
Landscaped Open Space Required (Percent)	20%	25%	25%	20%	

FENCES, WALLS, HEDGES, SCREENING (Feet)					
Fence wall or hedge – maximum height (Feet)	6	6	6	6	
Fence wall or hedge screening outdoor storage –minimum/max height (Feet)	6/8	N/A	6/ 14 ³ 12	6/ 14 ³ 12	
<p>1. All legal commercial and industrial lots in existence prior to the adoption of this ordinance shall be treated as conforming lots with respect to lot sizes.</p> <p>2. See Section 9.295.025 Multifamily Housing in Commercial Zones to determine density allowed in commercial zones subject to AB 2011 and SB 6.</p> <p><u>3. The screening wall shall have a maximum height of 14 feet as necessary to fully screen interior truck parking, loading, and service areas. The exterior wall shall taper or step down in height where feasible.</u></p>					

Chapter 9.140 Economic Development Corridor Zones

Contents:

9.140.010 Purpose

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9.140.040 Development Standards

9.140.050 Special Requirements for Mixed Uses and Residential Uses in Economic Development Corridor Zones

9.140.010 Purpose

The purpose of this chapter is to establish business districts in the City that provide appropriate locations for commercial, office, industrial and economic development. These districts are consistent with and implement the City's General Plan.

9.140.020 Description and Intent of Zone

EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG

The following descriptions identify the characteristic uses, intensity of uses, and level of development intended for each zone:

- A. **Economic Development Corridor Northern Gateway (EDC-NG).** Envisioned as a business park area with more intensive industrial uses (less office) than envisioned for the Scott Road EDC area. Provides a buffer and transition between the commercial uses in Perris to the north and the residential uses in Menifee, south of McLaughlin Road.
- B. **Economic Development Corridor McCall Boulevard (EDC-MB).** Envisioned as a mix of office, medical, and residential uses (assisted living, senior apartments, townhomes, etc.) that would be compatible with the Regional Medical Center and would provide health-related services in close proximity to Sun City residents.
- C. **Economic Development Corridor Community Core (EDC-CC).** The Community Core is envisioned as the City's primary activity center and gathering place. Civic and entertainment uses are envisioned here that are complemented with commercial retail uses and higher density housing options that encourage walkability and reduce the use of the automobile. This area is intended to function as the ceremonial "heart" or downtown of the City of Menifee and will serve as a transition from existing rural lots to more concentrated retail and office development moving east toward I-215.
- D. **Economic Development Corridor Newport Road (EDC-NR).** The Newport Road Corridor is intended to provide neighborhood-oriented commercial uses that support the adjacent residential development to the north and south. Business park, office, or residential uses are envisioned along Bradley Road, to provide a buffer the commercial corridor and a logical transition to the adjacent single-family residential neighborhoods to the north.
- E. **Economic Development Corridor Southern Gateway (EDC-SG).** Southern Gateway will feature a business park style of development consisting of light industrial and office uses, with commercial use opportunities. The objective is to allow development while preserving the rural character of the Southern Gateway area.

9.140.030 Allowed Uses and Approval Requirements EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG

- A. Allowed Use Table.** Table 9.140.030-1 identifies allowed uses and corresponding approval requirements for the EDC zones subject to compliance with all other provisions of this Title. Descriptions/definitions of many of the land uses can be found in [Article 6](#) of this title (Definitions). The list of land uses, with the exception of prohibited uses, on Table 9.140.030-1 shall be permitted in one or more of the EDC zones as indicated in the columns corresponding to each zone.
- B. Approval Requirements.** Where indicated with a letter “P” the use shall be a permitted use. A letter “C” indicates the use shall be conditionally permitted subject to the approval of a conditional use permit. Where indicated with a “--,” the use is prohibited within the zone. The Additional Requirements column in the table identifies additional use regulations for specific uses and/or the specific chapter or section where additional regulations for that use type are located within this title, where applicable. Uses for which additional requirements are listed shall be allowed only upon satisfaction of the specified additional requirements. Under no circumstances shall Table 9.140.030-1 authorize a use without satisfaction of such specified additional requirements
- C. Unlisted Uses.** Uses not specifically listed in this table shall be considered not permitted in all of the listed zones. The Community Development Director may make a determination pursuant to [Chapter 9.95](#) (Similar Use Determination) that new uses not listed here that have substantially similar characteristics to specific listed permitted uses may be considered permitted as the similar use by right, or conditionally as appropriate.

Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Accessory dwelling units	P	P	P	P	P	As allowed by State law
Adult businesses	--	--	--	--	--	See XX (Adult Use Ordinance)
Airport	C	--	--	--	--	
Ambulance services	P	C	C	C	P	
Amusement and game arcade	--	--	P	C	P	
Amusement park(including multiple activities such as simulated flying, racing, mini-golf, etc.)	P	C	C	C	P	
Indoor	--	--	C	C	--	
Outdoor						
Art gallery, art studio, library, reading room, museum	P	P	P	P	P	
Auction Houses:						
Indoor	P	P	P	P	P	
Outdoor	C	--	--	--	--	
Auditoriums, event centers and assembly areas, including live entertainment:						
Indoor	C	C	P	C	P	Chapter 9.250 (Alcohol Sales)
Outdoor	--	C	C	--	--	
Banks and financial institutions	P	P	P	P	P	
Batting cages – indoor	P	P	P	P	P	
Outdoor	C	C	C	C	C	
Billiard and pool halls, Bowling alleys	P	C	P	C	P	Chapter 9.250 (Alcohol Sales)

Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Breweries, distilleries, and wine making facilities with on-site tasting room and sales for off-site consumption	P	P	P	P	P	Chapter 9.250 (Alcohol Sales)
Business Services	P	P	P	P	P	
<u>Cannabis Dispensary (Recreational Retail Storefront)</u>	--	--	--	--	--	
<u>Cannabis, Cultivation, Delivery, Dispensary, and Processing</u>	--	--	--	--	--	
<u>Cannabis, Medicinal Cannabis Delivery Service (Physical Delivery Logistics Location)</u>	--	--	--	--	--	
Car washes	P	C	C	P	--	
Caretaker residence or on-site operator residence, only as accessory to primary use	P	--	--	--	P	
Catering services	P	C	C	C	P	Includes truck parking
Cemeteries, crematories and mausoleums	C	C	--	C	C	
Clinics, including but not limited to medical and urgent care.	P	P	P	P	P	
Collection Containers	--	--	--	--	--	
Commercial radio and television broadcasting	C	C	C	C	C	
Community center	P	P	P	P	P	
Concrete batch plants and asphalt plants	--	--	--	--	--	
Congregate care facility	--	C	C	C	--	Chapter 9.270 (Community Care Facilities)
Contractor, landscape and building materials storage yards (new)	--	--	--	--	--	
Contractor, landscape and building materials storage yards (legally existing as of the effective date of this ordinance)	C	--	--	--	C	
Convalescent hospital/care facility	--	P	C	C	C	
Dance Halls, night clubs, discos, cabarets, cocktail lounges, lodges and incidental dancing areas, and similar facilities where dancing is the principal use	C	C	C	C	C	Chapter 9.250 (Alcohol Sales)
Day Care Center	C	C	C	C	C	Chapter 9.270 (Community Care Facilities)
Dry cleaning and laundromat (except uniform supply and industrial launderers);	--	C	P	P	C	

Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Educational Institution	C	C	C	C	C	
Emergency shelters	P	P	P	P	P	As mandated by State law and City Housing Element. Chapter 9.295 (Special Housing Types)
Equipment (new) sales, Large (including large vehicles, trucks with beds over 18 feet in length, eighteen plus (18+) wheelers, and construction equipment)	P	--	--	--	C	May not be located within 1,000 feet of the freeway right-of-way.
Equipment (new) sales Small (including rototillers, power mowers, sanders, power saws, cement and plaster mixers not exceeding 20 cubic feet in capacity and other similar equipment)	P	C	C	C	C	May not be located within 1,000 feet of the freeway right-of-way.
Fast food/quick service, with drive-through;	C	C	C	C	C	
Fast food/quick service, without drive-through	P	P	P	P	P	
Feed and grain sales	C	--	--	P	C	
Fertilizer production and processing organic or inorganic	--	--	--	--	--	
Gas station with or without a convenience store, with or without alcoholic beverage sales, and with or without car wash	C	C	C	C	C	Chapter 9.250 (Alcohol Sales). In SG-May not be located south of Scott Road.
General Retail	P	P	P	P	P	
Golf Course	--	C	C	C	--	
Golf driving range (not in association with full scale course)	C	C	C	C	C	
Governmental facility	P	P	P	P	P	
Grocery Store, Drug Store	P	P	P	P	P	Chapter 9.250 (Alcohol Sales)
Guns and ammunition store	C	--	C	C	C	
Hardware or Building Supplies Sales without outdoor sales/storage with outdoor sales/storage	P C	P C	P C	P C	P C	
Health, fitness, dance, martial arts studio <5,000 sq.ft. >5,000 sq.ft	P C	P C	P C	P C	P C	
Heliports	C	C	C	C	C	
Hospital	C	C	C	C	C	
Hotels and resort hotels	P	P	P	P	P	
Kennel or cattery	C	C	C	C	C	Chapter 9.235 (Animal Keeping)
Live/work units ⁽²⁾	C	C	C	C	C	

Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Low Barrier Navigation Center	P	P	P	P	P	Chapter 9.295 (Special Housing Types)
Manufacturing, Handcraft	P	C	P	C	P	
Manufacturing, Light-Intensity	P	C	P	C	P	
Manufacturing, Medium-Intensity	P	--	--	--	P	
Manufacturing, Heavy-Intensity	C	--	--	--	--	
Marijuana dispensaries, mobile marijuana dispensaries, marijuana cultivation, and marijuana processing	—	—	—	—	—	
Massage Establishment	P	C	C	C	C	
Meat packaging plants, poultry and egg processing, processing and rendering of fats and oils	--	--	--	--	--	
Membership clubs, organizations, and lounges	C	C	C	C	C	
Mobile home sales and storage, trailer sales and rental house trailers	C	--	--	--	--	
Motocross Facilities, Bicycle (BMX) course	C	--	--	--	--	
Motor vehicle body, paint and upholstery shops	P	C	--	C	C	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle repair/services (e.g. tune-ups, emission tests, brakes, tires, batteries, electrical)	P	P	C	P	P	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle repairs - major (e.g., engine and transmission repair/rebuild, etc.)	C	C	--	C	C	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle sales and rental (including outdoor display area and repairs associated with sales): Automobiles Sales Automobile Rental Boats and RVs Sales and Rental	C C C	C C C	C* C C	C C C	C C C	Chapter 9.240 (Motor Vehicle and Related Uses). *P - Permitted in the EDC-CC Auto Overlay
Motor vehicle wholesale, with no outdoor display	C	--	--	--	--	
Motor vehicle wrecking and junk yards	--	--	--	--	--	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle, trailer or boat storage – Indoor Outdoor	-- --	-- --	-- --	-- --	-- --	
Motorcycle sales/service	C	P	C	P	P	

Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Multi-family dwellings	C	C	C	C	C	Subject to Section 9.140.050 (Special Requirements for Mixed Uses and Residential Uses in EDC Zones). May not be located within 1,000 feet of the I-215 right-of-way.
Multi-family dwellings in commercial zones per AB 2011 & SB 6.	--	P	P	P	--	Chapter 9.295 (Special Housing Types) must meet affordable or mixed-income criteria per AB 2011 or criteria per SB6.
Natural gas, above ground storage	C	--	--	--	C	
Nurseries and garden supply, indoor and outdoor (retail sales only)	C	C	C	C	C	Does not include cultivation of marijuana/cannabis. No outdoor bulk materials.
Offices (professional and medical)	P	P	P	P	P	
Outdoor dining	P	P	P	P	P	Chapter 9.260 (Outdoor Sales, Display, and Dining)
Parking lots and parking structures.	P	C	C	P	P	
Personal Services	PC	P	P	P	PC	
Pet shops, pet supply, and pet care and grooming	P	P	P	P	P	
Public utility substations, offices and storage buildings	P	P	P	P	P	
Recording studios	P	P	P	P	P	
Recycling collection facilities	C	C	--	C	C	Chapter 9.280 (Recycling Facilities); May not be located within 1,000 feet of the freeway right-of-way.
Recycling processing facilities	C	--	--	--	--	Chapter 9.280 (Recycling Facilities); May not be located within 1,000 feet of the freeway right-of-way.
Religious Institutions	C	C	C	C	C	
Research and development (except noxious, explosives, or dangerous materials)	P	--	P	--	P	

Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Residential care facility	C	C	C	C	C	May not be located within 1,000 feet of the I-215 right-of-way.
Restaurants	P	P	P	P	P	Chapter 9.250 (Alcohol sales)
Restaurants with ancillary breweries, distilleries and/or wine making facilities with sales for on-site and off-site consumption	P	P	P	P	P	Chapter 9.250 (Alcohol sales)
Self-Storage, public storage facilities (new)	--	--	--	--	--	
Self-Storage, public storage facilities with or without manager's residence onsite (existing as of the effective date of this ordinance)	C	C	C	C	C	May expand only within the footprint of the existing development/property.
Shooting range; Indoor	P	C	C	C	C	
Shooting range; Outdoor	--	--	--	--	--	
Single-family residences	C	C	C	C	C	Requires tentative tract map approval. May not be located within 1,000 feet of the I-215 right-of-way.
Smoking Lounge	C	C	C	C	C	
Solid Waste Disposal	--	--	--	--	--	
Sports and recreational facilities (not including motor driven vehicles and riding academies, but including archery ranges, athletic playgrounds, athletic fields, sports arenas, skating rinks, skate parks, stadiums, and commercial swimming pools)	C	C	C	--	C	
Supportive Housing	C	C	C	C	C	
Swap Meets (Indoor only)	--	--	--	--	--	
Tattoo Establishments	€--	€--	€--	--	--	Chapter 9.265 (Tattoo Establishments) See Allowed Use – "Personal Services"
Theaters	C	C	P	C	P	
Transitional Housing	C	C	C	C	C	
Towing services (with tow truck parking, no auto storage)	p	C	--	--	C	
Truck stops	--	--	--	--	--	
Trucking and freighting operations	C	C	--	--	C	
Vocational/trade school;	P	C	C	C	P	

Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Warehouse (except noxious, explosives, or dangerous materials)	P	--	--	--	--	
Fulfillment Center	P	--	--	--	--	
Warehousing, logistics and distribution facility						
Warehouse/club store, Standalone facility 50,000 sq. ft. or larger	C	C	C	C	C	
Warehouse/club store, Standalone facility under 50,000 sq. ft.	P	P	P	P	P	
Wedding chapels	C	C	C	C	C	
Wholesale businesses with samples on the premises but not including storage.	P	P	P	P	P	
Wholesale stores and distributors	C	C	C	C	C	
Wireless Communication Facilities	C	C	C	C	C	Chapter 9.290 (Wireless Communication Facilities)

(2022-337, 03/16/2022; 2022-351, 09/21/2022; 2023-365, 02/01/2023; 2024-384, 02/07/2024)

9.140.040 Development Standards EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG

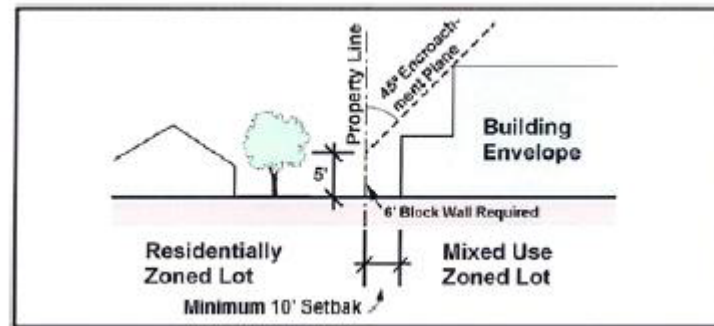
The development standards listed below are the minimum standards for development within the respective zones.

Table 9.140.040-2 Economic Development Corridors Zones - Development Standards						
Standard	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
LOT DIMENSIONS (Minimum)						
Net Lot Area (Sq. Ft.)	15,000	15,000	15,000	10,000	20,000	
FLOOR AREA RATIO						
Maximum	1.0	1.0	1.0	1.0	1.0	
YARDS/SETBACKS (Minimum)						
Front Yard	25	25	25	25	25	Mixed Use Setback Requirements: 9.40.080.B

Table 9.140.040-2 Economic Development Corridors Zones - Development Standards

Standard	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Yard Adjacent to Residential Zone (Feet)	25	25	25	25	25	No buildings or structures shall be located within an encroachment plane sloping upward and inward to the site at a 45-degree angle, commencing 15 feet above the existing grade at the property line (see Figure 9.140-1: Rear or Side Yard Setback and Encroachment Plane on a Residentially Zoned Lot).
Interior Side Yard (Feet)	--	--	--	--	--	
Street Side Yard Setback	15	15	15	15	25	
Rear Yard (Feet)	10	15	15	15	10	
LANDSCAPE SETBACKS FOR PARKING AREAS (Minimum)						
Landscape setback from the public right of way to the parking area (Feet):						
Expressways & Urban Arterial	25	25	25	25	25	
Arterial & Major	20	20	20	20	20	
Secondary/Collector/Rural Collector & Local Streets	15	15	15	15	15	
BUILDING HEIGHT (Maximum)						
Building Height (Feet)	100	45	75	45	75	
BUILDING COVERAGE (Maximum)						
Building Coverage (Percent)	--	--	--	--	--	
OPEN SPACE COVERAGE (Minimum)						
Landscaped Open Space Required (Percent):	10%	10%	10%	10%	10%	Percent of the total lot area excluding that portion of the lot contained within the required front setback area.
FENCES, WALLS, HEDGES, SCREENING (Feet)						
Fence wall or hedge – maximum height (Feet)	6	6	6	6	6	
Fence wall or hedge screening outdoor storage –minimum/max height (Feet)	6/ 14 ¹²	6/8	6/8	6/8	6/ 14 ¹²	
Notes: 1. The screening wall shall have a maximum height of 14 feet as necessary to fully screen interior truck parking, loading, and service areas. The exterior wall shall taper or step down in height where feasible.						

Figure 9.140-1: Rear or Side Yard Setback and Encroachment Plane on a Residentially Zoned Lot



9.140.050 Special Requirements for Mixed Uses and Residential Uses in Economic Development Corridor Zones

- A. Intent of Mixed Uses.** The mixed-use allowances within the Economic Development Corridor (EDC) Zones are intended to enhance, revitalize, and provide opportunities for new development in designated areas of the community. This allows for retail and service commercial businesses (local and regional) and moderate- to high-density residential uses to be integrated vertically consistent with the General Plan.
- B. Mixed Use Setback Requirements.** Within the required front setback area, paved walkways for pedestrian use shall be augmented with landscaping such as planters and trees. Elements enhancing the pedestrian experience shall be incorporated into the design of the front setback, including but not limited to, benches, lighting schemes, and decorative paving.
- ~~1. Mixed-use developments where the front lot line abuts a major traffic corridor must have a minimum front yard setback of 40 feet.~~
 - ~~2. Mixed-use developments where the front lot line does not abut a major traffic corridor must have a minimum front yard setback of 25 feet.~~
- C. Mixed Use Notification Requirements.** The following notification requirements for mixed use developments in a designated EDC district apply:
1. Residents (owners and tenants) of new residential and mixed-use development projects in an Economic Development Corridor Zone where residential uses are allowed shall be notified in writing before taking up residence that they will be living in an urban-type environment and that noise levels may be higher than a strictly residential area.
 2. The conditions of approval of a residential or mixed-use project within an Economic Development Corridor Zone will require prospective residents to acknowledge the receipt of the written noise notification. Signatures shall confirm receipt and understanding of this information.
- D. Restrictions on Land Uses and Activities in a Vertically Integrated Mixed-Use Development.** Economic Development Corridor Zones featuring vertically integrated mixed-use developments shall be subject to the following use limitations:
1. Commercial, office or institutional development component shall comprise a minimum of 0.3 FAR of the overall development.
 - a. A project consisting entirely of deed-restricted affordable housing will not be required to have a commercial feature component but shall be limited to the EDC districts' residential percentage limit of the City's General Plan.

- b. Commercial storefronts in the Community Core and Southern Gateway Zones are required along street frontages. Residential development(s) are not allowed street frontage in these EDC Zones.
 - c. Live-work units are allowed as part of a mixed-use development. Dwelling areas in multi-family residential units are not allowed to be devoted solely to a commercial, office, or production activity.
2. *Prohibited Land Uses and Activities in a vertically integrated mixed-use development.* The following activities are prohibited within vertically integrated mixed-use developments:
- a. General auto repair including paint or body work, auto maintenance or similar use.
 - b. Manufacturing or industrial activities, including, but not limited to, welding, machining or open flame work, except those necessary as part of an art or jewelry producing activity.
 - c. Any other activity, as determined by the Community Development Director to be incompatible with residential activities and/or to have the possibility of adversely impacting the health or safety of residents due to the potential for the use to create late-night activity, dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products or wastes, within individuals units or to adjoining/surrounding units.
3. *Loading and unloading activities.* Conditions of approval for a mixed-use development shall indicate the times when the loading and unloading of goods, products, supplies or similar items will occur. Loading or unloading activities are prohibited between 10:00 p.m. and 7:00 a.m. the following morning on any day of the week.
- ~~4. *Conversion to Residential.* A mixed-use building shall not be converted to entirely residential use unless the development is consistent with all of the standards of this chapter, including 9.140.050.D.1.b and 9.140.050.E.2 regarding street frontage and freeway adjacency. The conversion project proposal must first be reviewed and approved by the Planning Commission. A certificate of occupancy for the conversion is required.~~
- E. **Special Requirements for Residential Uses in EDC Zones.** All residential uses in EDC zones shall be subject to the following provisions:
1. Residential developments shall be integrated vertically with non-residential uses and shall not be allowed as "stand alone" projects or on EDC parcels directly adjacent to a freeway (residential developments may not be located within 1,000 feet of the I-215 right-of-way per table above and General Plan).
 - ~~2. *New residential developments in the Economic Development Corridor Zones are required to include a commercial, office or institutional component and/or enter into an agreement with the City for the development of a commercial, office or institutional facility on another property within the same Economic Development Corridor Zone and within a specified time period.*~~
 - ~~3.2.~~ Residential density limitations are established within the General Plan and are in addition to other applicable requirements of this chapter.
- F. **Single Family Residential Developments in EDC Zones.** Single Family residential uses in EDC zones shall be subject to the following requirements:
1. Single-family dwellings existing as of the effective date of the Ord. 2015-180, passed 11-18-2015 in an Economic Development Corridor Zone shall be considered as permitted uses and shall be subject to development standards for LDR-2 zone, as set forth in [Chapter 9.130](#) of this Title or other zone as determined by the Community Development Director.

2. Tract maps approved prior to the effective date of this chapter located within any Economic Development Corridor Zone shall be considered a permitted residential use and shall be subject to the appropriate Residential Zone development standards of [Chapter 9.130](#) of this Title, as determined by the Community Development Director.

G. **Multi-Family Residential Developments in EDC Zones.** Multi-family residential uses shall be subject to the development standards of the appropriate zone in [Chapter 9.130](#), as determined by the Community Development Director.

H. **Mixed-Use Multi-Family Developments in EDC Zones.** The provisions of this section shall apply to multi-family residential portions of mixed-use developments in addition to other applicable requirements of this chapter.

1. *Maximum Number of Bedrooms per Unit.* No single dwelling unit shall have more than 4 bedrooms, unless otherwise approved by the Planning Commission.
2. *Residential Building Separation.* Residential developments and residential portions of mixed-use developments shall meet the minimum building separation requirements as established below:

Minimum Building Separation (Same Recorded Lot)	
From 1 story to 1 story building	15 ft.
From 1 story to 2 story building	20 ft.
From 2 story to 2 story building	20 ft.
Additional story either building	20 ft. plus 5 ft. per additional story above 2 for either building

~~3. *Elevation of First Floor.* The first habitable floor of a residential-only building shall be located not more than 4 feet above and not more than one foot below the elevation of the adjacent sidewalk or the finished grade 8 feet from of the foundation.~~

~~4.3.~~ *Open space, recreation and leisure area requirements for residential components of integrated mixed-use developments.* Residential components of mixed-use developments shall provide open space, recreation, and leisure areas at a minimum of 300 square feet per dwelling unit. The following spaces shall contribute to the open space, recreation area, and leisure area requirement:

a. *Private Open Space.* Private open space shall be provided at each unit. Private open space may be provided in the form of a patio, yard, balcony or combination thereof and shall be directly adjacent to and accessible from each unit. Private open space shall have a minimum area of 90 square feet, with a minimum depth dimension of 6 feet and a minimum width dimension of 10 feet.

b. *Active Recreation Areas.*

i. Active recreation areas shall include one or more of the following: spa, pool, indoor equipped work-out room(s), tennis, volleyball, racquetball courts, basketball half court, or other similar usable recreational activities as determined acceptable by the Planning Commission during a discretionary review. Active recreation areas shall be open to and accessible to all residents of the mixed-use complex. The required active recreational amenities shall be based on a needs assessment evaluation of the proposed project. The evaluation shall take into consideration the following criteria:

- a. Size and shape of active recreation area;
- b. Location and placement of buildings;

- c. Diversity of recreational amenities needed based upon anticipated resident mix;
 - d. Number of units, size mixture of units, and lot size.
 - ii. Active recreation areas shall not be less than 20 feet in width or depth. Increased dimensions may be required through the discretionary review process based upon specific project circumstances and the intended use of that active recreation area.
 - iii. Active recreation areas may be located indoors, in outdoor portions of habitable levels, or on roof decks. Active recreational areas located in this manner shall not contribute more than 50% of the required open space, recreation, and leisure areas, unless otherwise approved by the Planning Commission.
 - iv. Active recreation areas shall be buffered from adjacent residentially zoned lots. Active recreation areas that feature such activities as pools, spas, court activities shall be placed and operated so as not to infringe upon the peacefulness of nearby residential units or adjoining residential properties.
 - c. *Passive Recreation Areas.* Passive recreation areas shall incorporate pathways, waterscape, hardscape (i.e., large rocks or boulders, benches, gazebos, raised planters constructed on site of bricks, concrete or rocks, or other materials) and unique features that enhance the appearance, desirability and usability of the area. The intent is to provide landscaped areas that can be utilized for walking, sitting, viewing plants and vegetation, reading, and similar types of passive activities. Passive recreation areas shall have a minimum dimension of 10 feet in width and 30 feet in length. These areas shall not contribute more than 50% of the required open space, recreation and leisure areas. An area designated as a "Community Garden" may contribute up to 25% of the required open space, recreation and leisure area(s) of a residential development.
 - d. *Mixed Use Shared Passive Recreation Areas.* Passive recreation areas and joint use patios and plazas may contribute to the requirement for open space, recreation and leisure areas. Passive areas are generally shared with commercial, office or institutional components in a mixed-use development. Passive recreation areas do not include areas used for outdoor dining, fenced or otherwise restricted for use by a single business or tenant. Shared passive recreation areas shall have a minimum dimension of 10 feet in width and 30 feet in length. Such areas shall not contribute to more than 25% of the required open space, recreation and leisure areas.
- 5.4. Additional multi-family residential unit requirements.** Each residential unit in a multi-family component of a mixed-use development shall comply with the following requirements:
- a. *Laundry Facilities.* Each unit shall be provided with washer and dryer hookups and laundry space within the unit. For apartment units, common laundry facilities may be provided.
 - b. *Storage Facilities.* Each unit shall be provided with a separate storage area having a minimum of 300 cubic feet of private and secure storage space. This storage space may be located within the parking garage provided it does not interfere with garage use for automobile parking. Closet and cupboard space within the dwelling unit shall not count toward meeting this requirement.

Chapter 9.155 Special Planning Areas

Contents:

[9.155.010 Purpose](#)

[9.155.020 Adopted Specific Plans](#)

[9.155.030 Planned Development Districts](#)

9.155.020 Adopted Specific Plans

The following specific plans have been approved by the City, or by the County of Riverside prior to incorporation of the City. They are designated on the official zoning map of the City and are hereby incorporated into this Title in their entirety by reference.

- SP-1 Audie Murphy Ranch
- SP-2 Cal Neva
- SP-3 Cantalena
- SP-4 Canyon Cove
- SP-5 Canyon Heights
- SP-6 Cimarron Ridge
- SP-7 Countryside
- SP-8 Legado
- SP-9 Menifee East
- SP-10 Menifee Commercial (Walmart)
- SP-11 -Menifee North
- [SP-12 Menifee Valley](#)
- SP-~~13~~² Menifee Valley Ranch
- SP-~~14~~³ Menifee Village
- SP-~~15~~⁴ Newport Estates
- SP-~~16~~⁵ Newport Hub
- SP-~~17~~⁶ Plaza Del Sol
- SP-~~18~~⁷ [Rockport Ranch](#) ~~Town Center~~
- SP-~~19~~⁸ [Town Center](#) ~~Rockport Ranch~~

- A. Future specific plans shall be prepared and adopted in accordance with Chapter 9.100 (Specific Plans). They shall be numbered consecutively with the prefix "SP."

Chapter 9.160 General Development Standards

Contents:

[9.160.010 Purpose](#)

[9.160.020 Applicability](#)

[9.160.030 Setback Requirements and Exceptions](#)

[9.160.040 Building Height Measurements and Exceptions](#)

[9.160.050 Access](#)

[9.160.060 Intersection Sight Distance](#)

9.160.030 Setback Requirements and Exceptions AG RM RR5 RR2 RR1 RR1/2 LDR-1 LDR-2 LMDR
MDR MHDR HDR CR CO BP HI EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG OS-C OS-R OS-W PD-1
PD-2 PD-3 PD-4 PD-5 PD-6 PD-7

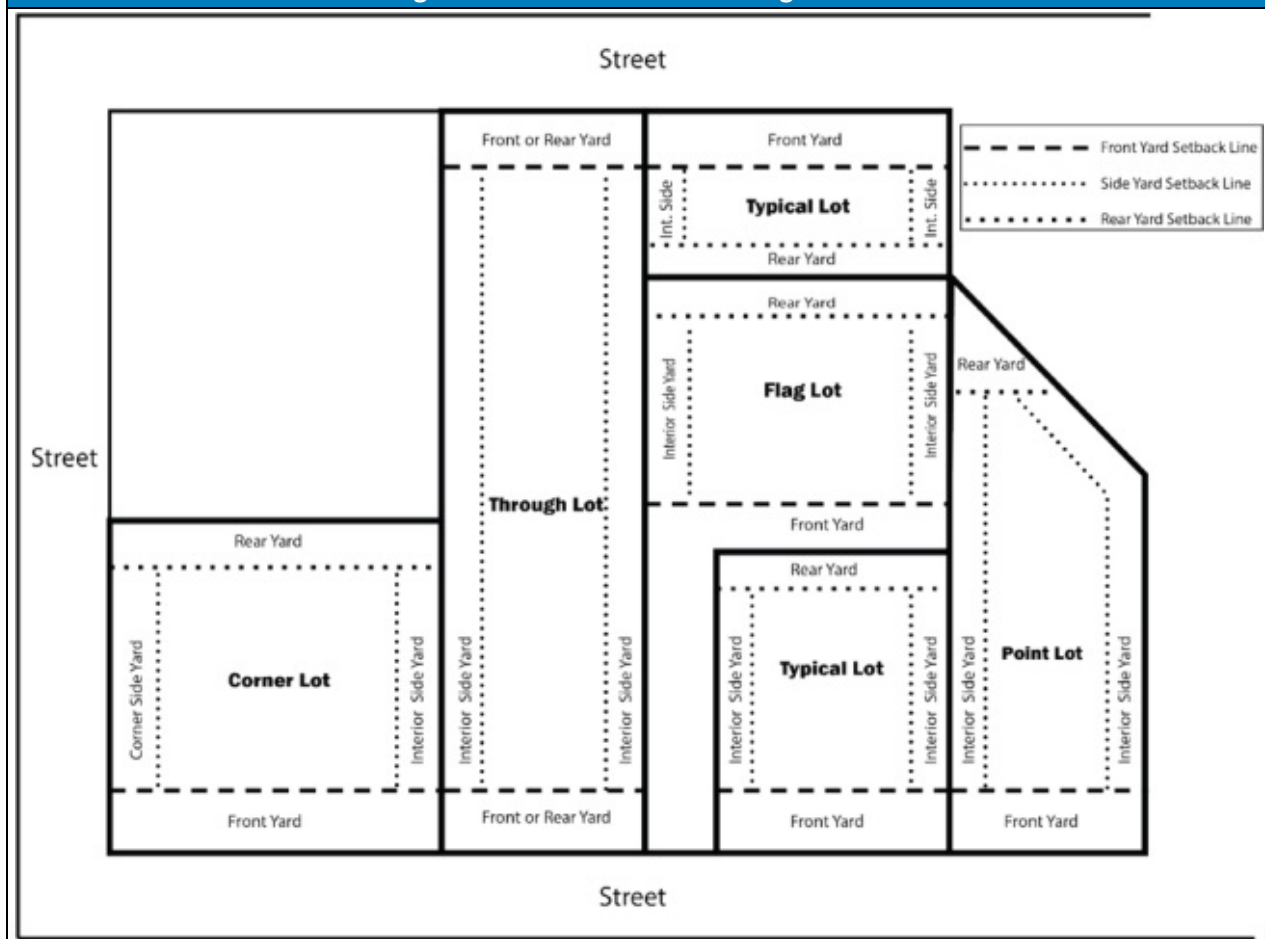
This section establishes standards to ensure the provision of open areas around structures for visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping and recreation.

- A. Setback Requirements.** All structures shall conform with the setback requirements established for each zoning district by [Article 3 \(Zones\)](#), and with any special setbacks established for specific uses by this Title. Except as otherwise specified in this Title, required yard areas shall be kept free of buildings and structures. Each yard shall be open and unobstructed from the ground upward, except as provided in this section. Portions of a structure, including eaves or roof overhangs, shall not extend beyond a property line or into an access easement or street right-of-way.
- B. Exemptions from Setback Requirements.** The minimum setback requirements of this Title apply to all uses except the following:
1. Fences or walls constructed within the height limitations of this Title;
 2. Decks, freestanding solar devices, steps, terraces and other site design elements that are placed directly upon the finished grade and do not exceed a height of 18 inches above the surrounding finished grade at any point;
 3. Retaining walls less than 3 feet in height above the finished grade;
 4. Water elements such as fountains, ponds and other water treatments, may be placed in setback areas, provided they are integral to the overall architectural or landscape design of the site and do not create a traffic safety hazard;
 5. Public art, such as sculptures, statues, murals and other installations of an adequately durable and weatherproof design, may be placed in street setback areas, provided they are integral to the overall architectural or landscape design of the site and do not create a traffic safety hazard.
- C. Measurement of Setbacks.** Setbacks shall be measured as follows (see Figure 9.160.030-1):
1. **Front Yard Setbacks.** Generally, the front yard setback is determined by the front lot line, which is the lot line paralleling the street. The setback shall be measured at right angles from the front property line, establishing a setback line parallel to the front property line that extends from the side property lines on each side. In the case of a lot abutting two or more streets (corner lot), the

front yard shall be the shortest length of the lot abutting a street, unless otherwise designated by the Community Development Director.

- a. **Flag Lots.** The measurement shall be taken from the nearest point of the wall of the structure to the point where the access strip meets the bulk of the parcel, establishing a building line parallel to the lot line nearest to the public street or right-of-way.
2. **Interior Side Yard Setbacks.** The interior side yard setback shall be measured at right angles from the nearest point on the interior side property line, establishing a setback line parallel to the side property lines that extends between the front and rear yards.
3. **Corner Side Yard (street side) Setbacks.** The side yard on the street side of a corner parcel shall be measured at right angles from the nearest point of the side property line adjoining the street, establishing a setback line parallel to the side property line that extends between the front and rear yards.
4. **Rear Yard Setbacks.** The rear yard shall be measured at right angles from the nearest point on the rear property line of the parcel, establishing a setback line parallel to the rear property line that extends between the side property lines.
5. **Through Lots.** On through lots, either lot line separating such lot from a street may be designated as the front lot line. In such cases, the minimum rear yard shall not be less than a required front yard in the zone in which such lot is located.

Figure 9.160.030-1 Setback Designations



D. Allowed Projections into Setbacks. The following architectural features, not providing additional floor space, may extend into the front, side and rear yard setbacks, only as follows:

1. **Chimneys/Fireplaces.** A chimney/fireplace, up to 6 feet in width, may extend 2 feet into a required setback, but no closer than 3 feet to a side or rear property line.
2. **Canopies, Cornices, Eaves, Roof Overhangs and Wall Projections.** Architectural features on the primary structure, including, but not limited to, balconies, bay windows, canopies, cornices, eaves, wall projections, overhangs and decorative features, that do not increase the floor area enclosed by the structure may extend 2 feet into required yards.
3. **Porches and Stairways.** Covered, unenclosed porches, located at the same level as the entrance floor of the structure and outside stairways and landings that are not enclosed, may extend 3 feet into required yards, with a minimum 5-foot setback to the rear property line.
4. **Attached Covered Patios.** Covered but unenclosed patios and pergolas attached to the primary structure may extend no more than 50% 6-feet into a required rear yard setback.
5. **Mechanical Equipment.** Ground—mounted outdoor air conditioning units and mechanical equipment for indoor climate control, pool equipment, or solar equipment may extend 3 feet into the rear yard and 2 feet into the side yard. Mechanical equipment is not permitted in the front yard.
6. **Swimming Pools, Spas, and Hot Tubs.** ~~Swimming Pools, Spas, and Hot Tubs shall comply with the setbacks noted in Table 9.160.030-1.~~

Table 9.160.030-1 Swimming Pools, Spas, and Hot Tubs—Setback from Property Line Based on Water's Edge			
Zone	Front Yard	Rear Yard	Interior Side Yard
AG, RM, RR5, and RR2	10 ft	5 ft	5 ft
RR1, RR1/2, LDR-1, LDR-2, LMDR and MDR	Not permitted	5 ft	5 ft
Other	10 ft	10 ft	10 ft
Notes: 1. The water's edge of a swimming pool, spa, hot tub and any associated water slide, rock feature or other structure shall be used to determine setback distance. 2. Pools and spas shall be enclosed by walls or fences no less than 5 feet in height per the California Building Code. 3. Pool equipment shall be screened from view from the front yard and from ground view from adjacent dwelling units.			

9.160.040 Building Height Measurements and Exceptions

The following rules apply to the calculation and determination of height of structures in the city. The intent of these regulations is to provide for compatibility in the measurement of building height under a variety of circumstances (e.g., sloped site).

- E. **Height Measurement.** The height of a structure shall be measured as the vertical distance from the average finished grade at the perimeter of the structure to the highest point of the structure.
- F. **Height Limits.** Height limits are established throughout this Title. Primarily, height limits are listed in the chapters of [Article 3](#) (Zones) in development standards by zone. Additional height limits are established for accessory structures, fences and walls, outdoor lighting and signs and are contained in subsequent chapters of this [Article 4](#).

G. Height Exceptions. Height limits typically exclude architectural features and appurtenances such as, but not limited to, chimneys, antennas, elevators, windmills and similar mechanical equipment.

1. **Architectural Features.** Chimneys, cupolas, flagpoles, monuments, radio and other towers, gas storage holders, water tanks and similar structures and mechanical appurtenances may be permitted in excess of the zone's building height limits by no more than 15 feet, provided, however, that the same may be safely erected and maintained at such height in view of the specific conditions and circumstances affecting the structure and adjacent properties.

2. **Structures in Residential Districts.**

a. **Antenna, Noncommercial.** One noncommercial antenna may be permitted up to 52.5 feet in height for each parcel. Antennas shall be set back from all property lines at least 1.25 times the height of the antenna. Height does not include the additional height of whip antennas. Additional antennas shall require a conditional use permit.

b. **Windmills, Noncommercial.** One noncommercial windmill may be permitted up to 35 feet in height for each parcel. Structures shall be set back from all property lines at least 1.25 times the height of the structure, measured to the top of the highest element of the structure. Additional windmills shall require a conditional use permit. Up to a 50% increase in height, to 52.5 feet, may be approved subject to a conditional use permit.

9.160.050 Access

A. Access to Streets. Every structure shall be constructed upon or moved to a legally recorded parcel with a permanent means of access to a public street or road, or a private street or road, conforming to city standards. All structures shall be located to provide safe and convenient access for servicing, fire protection and required off-street parking.

B. Access to Structures.

1. Accessory structures and architectural features shall not obstruct access to primary structures or accessory living quarters. Also refer to Chapter 9.165.100 (Accessory Structures).

2. Fences and walls blocking access shall incorporate an access gate or other suitable opening at least 12 feet or greater in width, or per Fire Department requirements, to provide vehicle access to parking areas and at least 48 inches in width to allow pedestrian access to primary or accessory structures.

Chapter 9.165 Accessory Structures & Amenities

AG RM RR5 RR2 RR1 RR1/2 LDR-1

LDR-2 LMDR MDR MHDR HDR

Contents:

[9.165.010 Purpose](#)[9.165.020 Applicability](#)[9.165.030 Permit Requirements](#)[9.165.0340 Accessory Structure Development Standards](#)~~[9.165.040 Permit Requirements](#)~~[9.165.050 Outdoor Amenity Development Standards](#)~~[9.165.0560 Metal Shipping Containers](#)~~[9.165.0670 Existing Registered Metal Shipping Containers](#)[9.165.0780 Removal or Plot Plan Approval of Non-Conforming Metal Shipping Containers](#)

9.165.010 Purpose

This chapter establishes regulations for the design and location of accessory structures and amenities in residential zones to help ensure that such structures are adequately designed and are integrated and compatible with the character of the primary structure on a lot and that of the surrounding properties. Provisions regulating the use of metal shipping containers as accessory storage facilities on residentially designated properties are also included in this chapter.

9.165.020 Applicability

The regulations in this chapter apply only to agricultural and residential zones in Menifee, including AG, RM, RR5, RR2, RR1, RR1/2, LDR-1, LDR-2, LMDR, MDR, MHDR and HDR. Nonconforming accessory structures are addressed in [Chapter 9.15](#).

9.165.030 Permit Requirements

Accessory structures and outdoor amenities shall be permitted in accordance with subsection 9.80.020.C. Single-story, detached, accessory buildings – such as tool and storage sheds, playhouses, or similar uses – may be exempt from building permit requirements, provided that the floor area does not exceed 120 square feet, contain no electrical, plumbing, or mechanical components, and the structure is specifically exempted under the California Building Code.

9.165.0340 Accessory Structure Development Standards

An accessory structure (not including metal shipping containers, see Section [9.65.050-110](#)) is permitted in all residential zones subject to the following requirements, which are in addition to any requirements of that residential zone.

- A. **Location.** Accessory structures shall be located only in rear and interior side yards or within the allowable buildable area.
- B. **Height.** Accessory structures shall not exceed a height of 16 feet, except they shall be allowed up to the maximum building height in the agricultural and rural residential zones.

C. **Separation.** Accessory structures shall be located at least 10 feet from the primary building and at least 5 feet from another accessory structure.

D. **Setbacks.** Setback requirements and the placement of accessory structures in the required yards are set forth in Table 9.165.030-1, Accessory Structures Setbacks.

Table 9.165.030-1 Accessory Structures Setbacks			
Accessory Structure	Front Yard ¹	Rear Yard ¹	Interior Side Yard ^{1,2}
Accessory Dwelling Units ³	Not permitted	4 ft ¹	4 ft
Carpports	Not permitted	5 ft for support column	25 ft for support column
Garage	20 ft (Entrance faces street) 10 ft (Entrance from side not facing front yard)	10 ft	5 ft
Gazebo/garden structure	Not permitted	5 ft	5 ft
Patio Cover ⁵	Not permitted	See underlying zone	See underlying zone
Detached guest house	Not permitted	10 ft	5 ft
Solar Equipment	Not permitted	3 ft	3 ft
Storage shed/utility storage	Not permitted	35 ft	35 ft
Notes: ¹ If the zoning classification of a particular property provides for a different front, rear, or side yard setback, the smaller setback shall apply. ² For corner (street) side yard setback requirements, refer to development standards of the applicable zone. ³ See Chapter 9.295 (Special Housing Types) and 9.35 (Accessory Dwelling Unit Permit) for additional requirements on <u>for</u> Accessory Dwelling Units ⁴ Accessory structures that do not exceed 120 square feet shall have a reduced minimum setback of 3 feet from the property lines. ⁵ Setback encroachment allowances for attached covered patios can be found in Section 9.160.030.			

~~E. No accessory structure shall be erected unless a primary building exists on the parcel.~~

~~F. F.~~ Accessory uses and structures shall be incidental to and not alter the residential character of a parcel.

~~F. G.~~ No accessory structure, or total square footage of multiple accessory structures, shall occupy more than 30% of the rear yard of a parcel. No accessory structure shall be greater than 600 square feet for lots less than one-half acre, 900 square feet for one-half to 1 acre, or 3,000 square feet for lots greater than 1 acre.

~~G. H.~~ Lot coverage calculations shall include all enclosed accessory structure area on a lot or parcel.

~~H. I.~~ In the case of through lots, no accessory structure shall encroach upon the required front yard on either street. In the event that the front yard and rear yards cannot be clearly determined, the Community Development Director will determine the required setbacks.

~~I. Underground facilities shall not be subject to the height limitations.~~

~~J.~~ Accessory structures shall include eaves or overhangs and be compatible with the materials, colors and architecture, including roof pitch, of the primary building or residence.

~~J. K.~~ Landscape screening shall be provided on-site to the satisfaction of the Community Development Director or their designee when the structure is visible from the public right-of-way.

~~L.~~ Accessory buildings or structures located in the RR1, RR1/2, LDR-1, LDR-2, LMDR and MDR zones shall be architecturally compatible with or superior to the primary dwelling unit; Bare metal and aluminum sided and roofed buildings (metal buildings without paint or exterior architectural coatings or treatments) shall be prohibited as the primary architectural material and shall only be used as accent finishes to the building.

~~K. M.~~ Accessory buildings or structures located in the AG, RM, RR5, and RR2 zones shall be architecturally compatible with, or superior to the primary dwelling unit. Bare metal buildings are permitted only if painted to match surrounding structures.

~~L.N.~~ Accessory structures shall not be placed within a lot in a manner which would cause significant environmental impacts to drainages, watercourses, sensitive habitat, or archeological or paleontological resources.

~~M.O.~~ An accessory structure used for vehicle storage shall have clear, unobstructed access to the structure across the parcel. No additional curb cuts may be installed for the accessory structure unless otherwise approved by the City Engineer.

~~N.P.~~ The use of metal storage container(s) to construct an underground facility shall be prohibited.

~~Q. No accessory structure shall be erected unless a primary building exists on the parcel.~~

9.165.050 Outdoor Amenity Development Standards

An amenity structure is permitted in all residential zones subject to the following requirements, which are in addition to any requirements of that residential zone.

A. Location. Amenities shall be located only in rear and interior side yards or within the allowable buildable area.

B. Setbacks. Setback requirements and the placement of amenities in the required yards are set forth in Table 9.165.050-1, Outdoor Amenities Setbacks.

Table 9.165.050-1 Outdoor Amenities Setbacks			
Type	Front Yard	Rear Yard	Interior Side Yard
Permanent Firepits/Chimneys/Fireplaces ¹	Not permitted	See underlying zone	See underlying zone
Permanent BBQs/Outdoor Kitchens	Not permitted	5 ft	5 ft
Fountains/Waterfalls ¹	5 ft	5 ft	5 ft
Sunken Gathering Areas	Not permitted	5 ft	5 ft
Permanent Sports and Recreation Areas	Not permitted	5 ft	5 ft
Ponds and Lakes	Not permitted	3 ft	3 ft
Swimming Pools, Spas, and Hot Tubs			
Zone	Front Yard	Rear Yard	Interior Side Yard
AG, RM, RR5, and RR2	10 ft	5 ft	5 ft
RR1, RR1/2, LDR-1, LDR-2, LMDR and MDR	Not permitted	5 ft	5 ft
Other	10 ft	10 ft	10 ft
<p><u>Exemptions:</u></p> <p>¹Fireplaces and water features, including waterfalls and fountains, shall be exempt from setback requirements when integrated into a wall, provided they do not exceed the maximum allowable height of the wall. Approval must be obtained as part of the overall wall design.</p> <p>²Amenities that are integral to multifamily developments shall be exempt from setback requirements.</p> <p><u>Notes for Swimming Pools, Spas, and Hot Tubs:</u></p> <p>The water's edge of a swimming pool, spa, hot tub and any associated water slide, rock feature or other structure shall be used to determine setback distance from the property line.</p> <p>Pools and spas shall be enclosed by walls or fences no less than 5 feet in height per the California Building Code.</p> <p>Pool equipment shall be screened from view from the front yard and from ground view from adjacent dwelling units. Setback encroachment allowances for pool equipment can be found in 9.160.030.D.3</p>			

9.165.05~~60~~ Metal Shipping Containers

Metal shipping containers shall conform to the following standards:

A. Use.

1. Metal shipping containers shall be allowed in all zones on a temporary basis during construction, grading operations when utilized solely for the storage of supplies and equipment that are used for the construction, grading- on that site.
2. Within Agriculture and Rural Residential zones, metal shipping containers shall be an accessory use for storage and shall not be used for habitable space, except as allowed by Section A.3 below.
3. Alternative allowances, including size, screening, condition, location, or habitation, may be considered and approved by the Planning Commission under review and approval of a Conditional Use Permit.

B. Minimum Lot Size.

1. No new Metal Shipping Containers may be placed on lots of less than 1 acre.
2. One ~~small~~ shipping container (not exceeding ~~10-20~~ feet in length) may be located on lot of 1 acre or greater.
3. No more than one (1) shipping container is allowed on lots of ~~21~~-5 acres.
4. No more than two (2) shipping containers are allowed on lots of 5 acres or greater.

C. **Setbacks.** Metal shipping containers shall not be located closer than 50 feet from any property line along a street frontage, nor within the area in front of the leading edge of the home upon the residential property, or within any required parking space. For the rear yard, interior side yard, and corner side yard setbacks, the zone's development standards shall apply.

D. Enhancements.

1. Metal Shipping Containers shall be painted a neutral earth-tone or a color consistent with the principal building or dwelling unit.
2. Metal shipping containers shall be screened from view of public rights-of-way or adjacent residential properties by residential structures, landforms or physical features of the lot, landscaping or opaque fencing of up to 6 feet in height with any visible remaining exterior portion of the container(s) painted in a manner compatible with the principal residence or to blend with the existing landscaping on-site.
3. Screening shall be waived if the container(s) is/are completely encased within an on-site, stick-built skin and eaves, which are architecturally consistent with the primary residence on-site.

E. **Size.** Containers shall not exceed 50 percent of the floor area of the primary residence on-site, inclusive of all accessory structures.

F. Placement.

1. Metal shipping containers shall conform with all health, safety development, and environmental requirements.
2. Metal shipping containers shall not be placed upon a residential lot in a manner which would cause significant impacts to drainages, watercourses, sensitive habitat, or archeological or paleontological resources.
3. Metal shipping containers shall not be stacked vertically.

9.165.0670 Existing Registered Metal Shipping Containers

All existing metal shipping containers in place on residentially designated properties within the City 30 days prior to adoption of Ordinance 2014-142, which adoption occurred on August 20, 2014, and for which a metal shipping container notification/registration was filed with the Community Development Department on or before September 19, 2015, are hereby ratified and allowed to remain on the residential property in the same location and placement. Existing containers may not be moved, repositioned or relocated, except in conformance with Section 9.165.050. All metal shipping containers in place on the effective date of adoption of Ordinance 2014-142 must have been registered with the Community Development Department by September 19, 2015. If a property owner, or individual in control of the property, failed to comply with the notification requirement, the property owner may be ordered to remove the containers from the residential property, at the discretion of the Community Development Director. Any such order by the Community Development Director shall be subject to the appeal provisions of Section 2.20.150 of the Menifee Municipal Code. An appeal fee shall be submitted with any notification requirement appeal application until an alternative notification requirement appeal fee is established by City Council resolution.

9.165.0780 Removal or Plot Plan Approval of Non-Conforming Metal Shipping Containers

- A. All non-conforming or unpermitted metal shipping containers shall obtain plot plan approval or shall be removed from residential property prior to or upon the property's sale or transfer. Failure of the property owner, or individual in control of a property, to obtain plot plan approval or remove all containers from a residentially designated property in conformance to this chapter shall be in violation of the Menifee Municipal Code.
- B. It is the responsibility of the residential property owner, that prior to or upon the sale, transfer or any change in ownership of residential property where a container(s) are located, to remove or obtain plot plan approval for all non-conforming or unpermitted metal shipping containers from that residential property. Non-conforming or unpermitted metal shipping containers not so approved or removed in accordance with the provisions of this section at the time of sale or transfer shall be, by the authority of this chapter, in violation of this chapter and be subject to removal at a date determined by the City.
- C. If a property owner, or individual in control of the property, failed to comply with the notification requirement of Ordinance 2014-142, the property owner may be ordered to remove the containers from the residential property, at the discretion of the Community Development Director. Any such order by the Community Development Director shall be subject to the appeal provisions of Section 2.20.150 of the Menifee Municipal Code. An appeal fee shall be submitted with any notification requirement appeal application until an alternative notification requirement appeal fee is established by City Council resolution.

Chapter 9.195 Landscaping Standards

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The requirements listed below apply to special types of landscaping. However, in any wildland-urban interface fire area, the Riverside County Fire Department/Cal Fire requirements shall prevail.

- A. **Residential landscape.** See Section [9.195.050](#) (Additional Requirements for Residential Areas).
- B. **Substantial landscaping.** All required landscaped areas and planters, unless utilized for other purposes such as Water Quality compliance with the governing jurisdiction, shall be landscaped with a mix of trees, shrubs, perennials, ornamental grasses, vines and ground cover to create a dense and layered design. A substantial quantity of plants shall be planted. Drought -tolerant plants shall be used within all landscaped areas to augment the aesthetic and decorative nature of the planted area. Drought-tolerant plants shall augment, but not completely substitute for, other floral arrangements unless specifically approved by the approval authority.
- C. **Decorative materials.** Decorative materials such as mulch, decomposed granite, bark and drought-tolerant plants, as well as non-living inert material (rock, cobbles, decorative stone, etc.), may be used within any landscape area required by this chapter upon approval by the approval authority.
- D. **Project entry landscaping.** Entries to projects (both residential and nonresidential) shall be designed as a special statement reflective of the character and scale of the project to establish identity for tenants, visitors and patrons. Irrigated, flowering accent plantings, decorative drought- tolerant annuals (to be replaced as needed for maintenance) and specimen trees shall be used to reinforce the entry statement.
- E. **Trees adjacent to building walls.** With the exception of single-family housing developments, trees shall be planted in areas of public view adjacent to structures at a rate of one tree per 30 linear feet of building dimensions, particularly to interrupt expansive horizontal and vertical surfaces. Tree clusters may be used to satisfy specific design objectives.
- F. **Screening of drive-through aisles.** To shield vehicles and associated headlights in a drive-through lane from view of abutting street rights-of-way, a minimum 5-foot -wide planter shall include a minimum 3-foot-tall (maximum 4-foot-tall) landscape barrier planted with trees and other landscaping consistent with those in the parking area. Trimming and pruning of the landscape barrier shall be performed in a

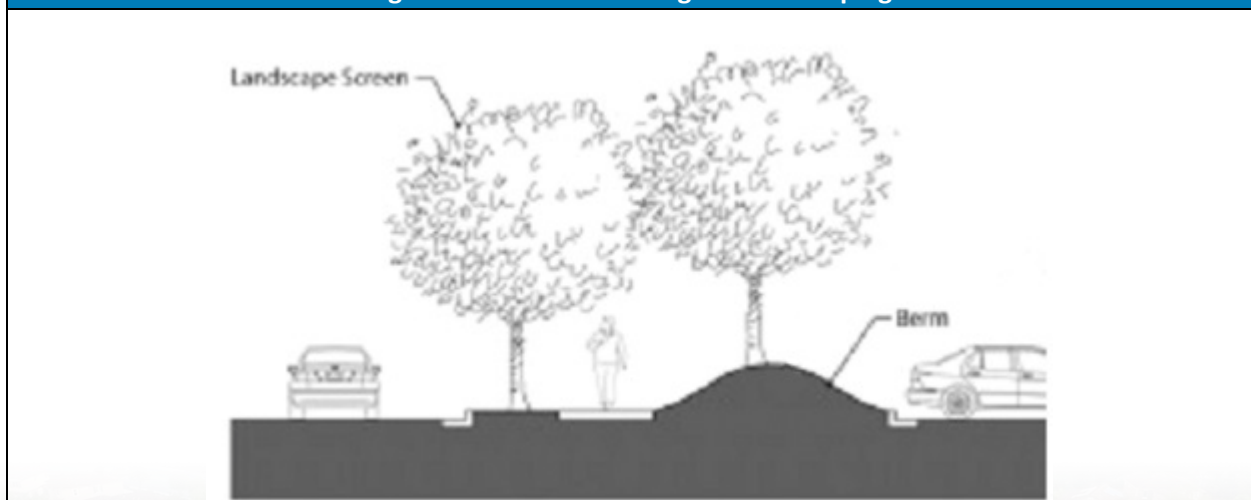
manner that maintains the shielding of vehicle headlights in the drive-through lane from adjacent street rights-of-way. The landscape barrier site design shall not preclude or impede safe and secure ingress and egress from the facility while providing screening from the public right-of-way.

- G. **Screening of outdoor equipment.** Screening is required according to [Chapter 9.185](#) (Fences, Walls and Screening).
- H. **Public and Pedestrian spaces.** Public and Pedestrian space landscaping shall include a combination of shade trees and pedestrian shading devices (e.g., canopies, awnings, umbrellas) placed so as to cover 50% of the total space with a shade canopy within 15 years of securing the building permit.
- I. **Signs.** Landscaping shall be provided at the base of the supporting structure of freestanding signs equal to the area of one face of the sign except as otherwise allowed by the Community Development Director. For example, 50 square feet of sign area requires 50 square feet of landscaped area. The Community Development Director may reduce this ratio during formal project review if found necessary and/or appropriate for the overall design of the proposed project. Such landscaping shall be appropriately irrigated and shall include floral arrangements that include drought- tolerant annuals and perennials that are designed to facilitate maintenance as well as to enhance aesthetic quality.
- J. **Buffering between uses.** A landscape buffer shall only be used between land uses when residential uses are located next to non-residential uses or when necessary, as determined by the designated approving authority. A landscaping strip with a minimum width of 5 feet shall be installed adjacent to a screening wall, except that a minimum of 6 10 feet of landscaping (with trees) shall be provided between a parking lot and a screening wall.
- K. **Sound walls/masonry walls.** Where setback and open space areas are screened from public view by walls or similar approved structures, landscaping shall be provided so that 50% of the wall will be covered by landscape material within three years. See [Chapter 9.185](#) (Fences, Walls, and Screening).
- L. **Existing trees.** Mature trees on the site in good health shall be preserved whenever possible. Credit for the preservation of existing trees shall be as specified in [Section 9.100.030.C](#) (Credit for Tree Preservation).
- M. **Parking lot landscape.** Parking lot landscape includes perimeter planters, planters abutting parking lots and drive aisles, tree planting for parking lot shade, and a combination of continuous planting strips, planting fingers and parking islands throughout the parking lot. All landscaped areas, including those with drought-tolerant plants, shall be irrigated. Landscape requirements applicable to all commercial, industrial, mixed-use and multi-family parking lots with five or more spaces are listed below. See [Chapter 9.240](#) (Motor Vehicle and Related Uses) for superseding standards, requirements and exceptions.
1. **Maintenance.** All landscaped areas, whether populated with drought-tolerant plants, other species or decorative materials such as mulch, decomposed granite, bark or other non-living inert materials (rock, cobble, decorative stone, etc.), shall be maintained in a clean, weed-free and disease-free manner as specified in this chapter and as reviewed, approved and installed (per City inspection) at all times.
 2. **Trees required.** Trees are required to be planted at a rate of one tree for every four parking stalls. At maturity, trees should reach a minimum height and spread of 40 feet so as to form a shade canopy over parking stalls. Smaller ornamental trees may not be used to satisfy this requirement. Tree selections shall be approved by the Community Development Department.
 3. **Minimum landscape.** A minimum of 10% of the total off-street parking area shall be landscaped with trees, shrubs and appropriate ground cover. The parking area shall be computed by adding the areas

used for access drive aisles, stalls, maneuvering and landscaping within that portion of the premises devoted to vehicular parking and circulation.

4. Minimum Parking Lot Shading Requirements. Parking area landscaping shall include shade trees unless otherwise approved by the approval authority, so as to provide for adequate shade canopies within 15 years of age as follows:
 - a. 30% for Parking Lots with 5-24 parking stalls
 - b. 40% for Parking Lots with 25-49 parking stalls
 - c. 50% for Parking Lots with more than 50 parking stalls
5. Perimeter strip. Unenclosed parking facilities shall provide a perimeter landscaped strip at least 5 feet wide (inside dimension) where the facility adjoins a ~~front~~, side or rear property line. The perimeter landscaped strip may include a landscaped yard or landscaped area otherwise required and shall be continuous, except for required access to the site or parking facility.
6. Screening. All surface parking areas shall be screened from streets and adjoining properties, and the open space areas between the property line and public street right-of-way shall be landscaped with berms, swales, trees, shrubs and ground cover (or a combination thereof).
7. Location. Parking lot landscaping shall be located so that pedestrians are not required to cross unpaved areas to reach building entrances from parked cars (see [Figure 9.195.040-1, Parking Lot Landscaping](#)).
8. Planter design. All parking lot planters shall be designed to meet the following minimum requirements (see [Figure 9.195.040-1, Parking Lot Landscaping](#)):
 - a. Planters shall be separated from maneuvering and parking areas by a 6-inch raised concrete curb or equivalent.
 - b. Tree planting wells located at the front of parking stalls shall contain a minimum of 25 square feet, and the smallest inside dimension shall not be less than 5 feet.
 - c. Landscape planters along the sides of parking stalls shall be a minimum 5 feet wide and shall contain a 12-inch-wide concrete monolith pour or curb and "step-out" in addition to the planter width. The length of the planter shall be, at a minimum, the same as the adjacent parking space.
9. Please see the City of Meniffee Landscape Standards Design Guidelines for additional applicable standards for parking lot landscaping.

Figure 9.195.040-1 Parking Lot Landscaping



(2022-351, 09/21/2022)

9.195.070 Maintenance Requirements

A. **Maintenance.** All private landscaped areas shall be irrigated and maintained in a clean, weed- free and disease- free manner at all times. Property owners/tenants shall regularly inspect their property to ensure that all plants are alive and healthy, that irrigation systems, control devices and timers are functioning properly, that dead or dying plants are removed and replaced, and that all areas using mulch, decorative rock or other features are in good condition and are consistent with the plans originally approved, installed and inspected by the City. Maintenance of landscaping areas shall include, but not be limited to, the following:

1. All landscaped areas shall be maintained in a clean, weed- free and disease- free manner at all times. Property owners/tenants shall periodically inspect their property to ensure that all plants are alive and healthy, that irrigation systems, control devices and timers are functioning properly and remain properly installed, that dead or dying plants are replaced and that all areas utilizing mulch, decorative rock or other aesthetic treatments are consistent with the plans originally installed, inspected and approved by the City.
2. Irrigation equipment (controllers, valves, piping, electronics, etc.) shall be in good working condition in accordance with City landscape standards at all times.
3. Litter shall be removed from all landscaped areas in a timely manner.
4. Lawn areas shall be mowed on a regular basis and shall be kept green in accordance with seasonal variations. Accumulation of leaves, bark and other similar plant materials shall be removed in a timely fashion. Planting areas shall be weed-free.
5. Landscaping maintenance, including Xeriscape, shall include pruning, cultivating, weeding, fertilizing, mowing, replacement of dead and diseased plants, and watering on a regular basis.
6. Landscape maintenance, including Xeriscape, shall also include pruning or removal of overgrown vegetation, cultivated or uncultivated, that is likely to harbor rats, vermin or other nuisances, or that causes a visual detriment to neighboring properties or property.
7. Landscape maintenance, including Xeriscape, shall include the removal of trees that pose a safety hazard; trees that are dead, decayed or diseased; weeds and debris constituting an unsightly appearance, present a danger to public safety and welfare or cause a visual detriment to neighboring properties or property values. Compliance shall be achieved by removal, replacement or adhering to the prescribed maintenance requirements.
8. Plants along property line. The property owner on whose property hedges or shrubs are growing shall keep such hedges or shrubs trimmed so that no part of them will project over the sidewalk.
9. Thorn- bearing plants in parkways. No person shall plant ivy, shrub or any flora that have thorns or spiny extensions.

B. **Prohibition on use of landscaped areas.** Use of landscaped areas for purposes other than landscaping as approved in the landscape plan or as an approved amenity by the approving authority is prohibited.

C. **Delegation.** The City may delegate to, or enter into a contract with, a local agency to implement, administer and/or enforce the requirements of this chapter on behalf of the City.

~~D. **1 Year Bond.** Applicant shall guarantee the installation, maintenance, and health of required landscaping for a period of not less than 1 year with a bond, letter of credit, or other form of security to the satisfaction of the Community Development Director or City Engineer. The Community Development Director or City Engineer shall be authorized to execute, on behalf of the City, the~~

~~required agreements and bonds. Front yard typical landscaping plans or individual homeowner installed landscaping is exempt from this requirement.~~

Chapter 9.215 Parking and Loading Standards

Contents:

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[9.215.020 Applicability](#)

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9.215.040 Development Standards AG RM RP5 RR2 RR1 RR1/2 LDR-1 LDR-2 LMDR MDR MHDR
HDR CR CO BP HI EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG OS-C OS-R OS-W PD-1 PD-2 PD-3
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In the case of mixed land uses, the total number of parking spaces shall be the sum of the requirements for the various uses computed separately unless shared parking is approved.

The following Table 9.215.040-1, Parking Requirements, is designed to allow calculation of parking spaces required for the uses shown.

Table 9.215.040-1 Parking Requirements				
Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
General Commercial/Retail Uses				
Automobile repair and service shops/stations	1 space per 150 sq. ft. gross floor area (not including building for service bays)		4 spaces per service bay	
Banks and financial institutions	1 space per 250 sq. ft. gross floor area			Stacking for 6 vehicles prior to the drive-up window
Furniture and home furnishing stores	1 space per 750 sq. ft. of sale or display area			
Clubs, discos, ballrooms, cabarets, cocktail lounges, dance halls, lodges & incidental dancing areas, and similar facilities where dancing is the principal use	1 space per 30 sq. ft. of dance floor area			
General retail	3 spaces per 1,000 sq. ft. of gross floor area		See 9.215.040.A.1 below	

Table 9.215.040-1 Parking Requirements

Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
Personal Services (barber, beauty, nails, etc.)	1 space per 150 sq. ft. gross floor area			
Professional business offices	3 spaces per 1,000 sq. ft. of floor area			
Restaurants or similar use, including drive-through	8 spaces per 1,000 sq. ft. of gross floor area	1 space per 2 employees		Stacking for 6 vehicles prior to the menu board, or as required by a traffic impact assessment
Self-Storage, public storage facilities		2 spaces per 3 employees		
Recreational Uses				
Amusement parks including multiple activities (such as simulated flying, racing, and mini gold etc.), and arcades	1 space per 250 sq. ft. of gross floor area			
Auditoriums, event centers, bingo operations, and assembly areas, including live entertainment	1 space per 30 sq. ft. of net assembly area		1 space per 3 seats	
Billiard and pool rooms, bowling alleys	1 space per 250 sq. ft. of gross floor area			
Game courts, badminton, tennis, racquetball			1 space per court	
Golf Course			4 spaces per hole	
Golf driving ranges (not in association with full-scale course)			1 space per tee	
Health and Fitness clubs/gymnasiums, indoor	1 space per 200 sq. ft. of gross floor area			
Parks and recreational areas, private	1 space per 8,000 sq. ft. of active recreational area within a park or playground		1 space per acre of passive recreational area within a park or playground	
Sports and recreational facilities (not including motor driven vehicles and riding academies, but including archery ranges, athletic playgrounds, athletic fields, sports arenas, skating rinks, stadiums, and commercial swimming pools)	1 space per 30 sq. ft. of net assembly area			
Theaters	1 space per 250 sq. ft. of gross floor area		1 space per 3 seats	
Industrial Uses				

Table 9.215.040-1 Parking Requirements

Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
Industrial uses	1 space per 250 sq. ft. of office area, PLUS 1 space per 500 sq. ft. of fabrication area, PLUS 1 space per 1,000 sq. ft. of storage area, AND 1 space per 500 sq. ft. of floor plan which is uncommitted to any type of use			
Research and Development	1 space per 300 sq. ft. of gross floor area			
Warehouse, Logistics and Distribution Facility	1 space per 1,000 sq. ft. of gross floor area for the first 100,000 sq. ft.; 1 space per 1,500 sq. ft. for any additional gross floor area between 100,000 to 500,000 sq. ft.; 1 space per 2,000 sq. ft. of additional gross floor area over 500,000 sq. ft.; plus 1 space per 300 sq. ft. of office use		Fulfillment Center subject to parking study	
Residential Uses				
Single-family	2 spaces per dwelling unit			
Duplex (two-family dwelling)	2 spaces per dwelling unit			
Multiple-family: single bedroom or studio	1.00 spaces per unit			
Multiple-family: two bedrooms	1.50 spaces per unit			
Multiple-family: three or more bedrooms	2.50 spaces per unit	1 space per employee		
Planned residential development: single-bedroom or studio	1.25 spaces per unit			
Planned residential development: two or more bedrooms	2.5 spaces per unit			
Senior citizen development	1.25 per unit			
Mobile home park	2 spaces per travel trailer or mobile home space; spaces may be tandem		1 guest space per 8 mobile home spaces	
Accessory dwelling unit (ADU)	See 9.295.020		See 9.215.040.A.4 below	See 9.295.020
Multi-family and Mixed Use				
Residential guest	1 space per each 10 dwelling units			
Lodging Uses				

Table 9.215.040-1 Parking Requirements

Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
Boarding houses, lodging or rooming houses, dormitories, fraternity and sorority houses			1 space per guest room	
Hotels and motels			1 space per guest room PLUS 1 space per 300 sq. ft. of meeting/conference or ballrooms	
Recreational vehicle	1 space per recreational vehicle site		1 visitor space per 5 recreational vehicle sites	
Medical Uses				
Assisted living and community care facilities		1 space per 3 employees	1 space per 3 beds, PLUS 1 space per vehicle owned and operated by the institution	
Hospitals		1 space per staff member of largest shift	1 space per 2 patient beds, PLUS 1 space per vehicle owned and operated by hospital or clinic	
Offices, clinics, including but not limited to medical, urgent care, eye care, dental and chiropractic	1 space per 200 sq. ft. of net leasable floor area			
Small animal hospitals and veterinary services (no outdoor facilities)	1 space per 300 sq. ft. of gross floor area			
Civic/Religious Institutions				
Art gallery, library, reading room, museum	1 space per 400 sq. ft. of gross floor area	1 space per 2 employees		
Cemeteries	1 space per 50 sq. ft. of net assembly room area	1 space per employee	1 space per vehicle operated on the grounds by the proprietary institution	
Funeral parlor, mortuary with crematorium	1 space per 50 sq. ft. of net assembly area	1 space per employee		
Religious institutions	1 space per 50 sq. ft. of net assembly area used simultaneously for assembly purposes			
Public Utilities				
Public utility substations and storage buildings		1 space per 2 employees	1 space per vehicle kept in connection with the use	

Table 9.215.040-1 Parking Requirements				
Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
Educational Institutions				
Day care centers, including nurseries and preschools		1 space per 2 employees PLUS 1 space per 5 children based on facility capacity		
Elementary and junior high schools	1.5 spaces per classroom PLUS 1 space per 5 fixed seats in auditorium, gymnasium, or similar public assembly facility			Loading/unloading space for at least 2 school buses, or as required by a traffic impact assessment
High schools	8 spaces per classroom			Loading/unloading space for at least 2 school buses
Colleges, universities, business colleges, commercial schools		1 space per employee PLUS 4 spaces per 10 students based on maximum classroom capacity		
Trade and vocational schools	1 space per 35 SF or instruction gross floor area OR	2 spaces per 3 people based on maximum number of students and staff		

A. Conditions and Exceptions. The following are conditions and exceptions to the requirements of Table 9.215.040-1, Parking Requirements.

1. Existing, permitted, non-residential uses on lots less than 6,500 square feet are exempt from the parking requirements.
2. Up to 2,500 square feet of floor area of non-residential uses in existing vertical mixed-use buildings are exempt from the parking requirements.
3. No minimum requirement for residential or mixed-use reuse of listed historic structures.
4. Multi-family and mixed-use guest parking. Guest parking spaces shall be distributed throughout multi-family development sites and the residential portion of the mixed-use development in a manner that allows an ease of use between the guest space and the location of the residential units. Guest spaces shall be marked as such and shall remain available for visitors to the property. In mixed

use projects, these spaces are not to be used as additional parking for permanent residents or count towards required commercial parking within a mixed commercial/residential development.

5. Unless otherwise specified, all required parking must be within 600 feet of the use it serves, unless an alternative distance is approved by the Community Development Director. Parking must be on the same parcel as the use or on an adjoining appropriately zoned parcel.
- ~~5-6.~~ Parking spaces that are not required may be located more than 600 feet from the use served, on the same parcel as the use or on an adjoining appropriately zoned parcel.
- ~~6-7.~~ All vehicle storage (stacking) spaces shall be located off-street. A driveway for stacking leading to a drive-up window shall be designed so as not to interfere with the free or orderly circulation of the parking area. See Section 9.240.090 Drive-Through and Drive-In Facilities for stacking space dimensions.
- ~~7-8.~~ Commercial parking stalls shall be ~~within a building or~~ screened with a combination of walls and landscaping. An alternative screening structure/device may be approved by the approval authority.
- ~~8-9.~~ Residential parking requirements set forth in this Chapter shall be provided within a parking structure or enclosed one- and two-car garages, except that for multiple family residences, condominiums, planned residential developments and senior citizen planned residential developments, at least one of the required parking spaces per unit shall be located in a garage or carport. Parking spaces shall be assigned to each individual unit. Individual one- and two-car garages shall maintain a minimum clear parking area of not less than 10 feet by 20 feet for a one-car garage and not less than 20 feet by 20 feet for a two-car garage. No storage cabinets, areas designated for trash cans or recyclable containers, or mechanical equipment, including but not limited to, water heaters, utility sinks or washers and dryers, shall encroach into the required parking area.
- ~~9-10.~~ The total number of required parking spaces may be reduced by the amount necessary to accommodate electric vehicle charging stations (EVCS), if the EVCS and associated equipment interferes with, reduces, eliminates, or in any way impacts the required parking spaces for existing uses (for additional EVCS provisions, see Section 9.215.100 Electric/Alternative Fuel Vehicle Parking).

B. Layout Design Standards.

1. Location of Parking Areas

- a. No parking space shall be located within 3 feet of any property line.
- b. No parking space on a driveway providing direct access to a street shall be located closer than 30 feet from the property line at the right-of-way.

C. Parking Space Specifications.

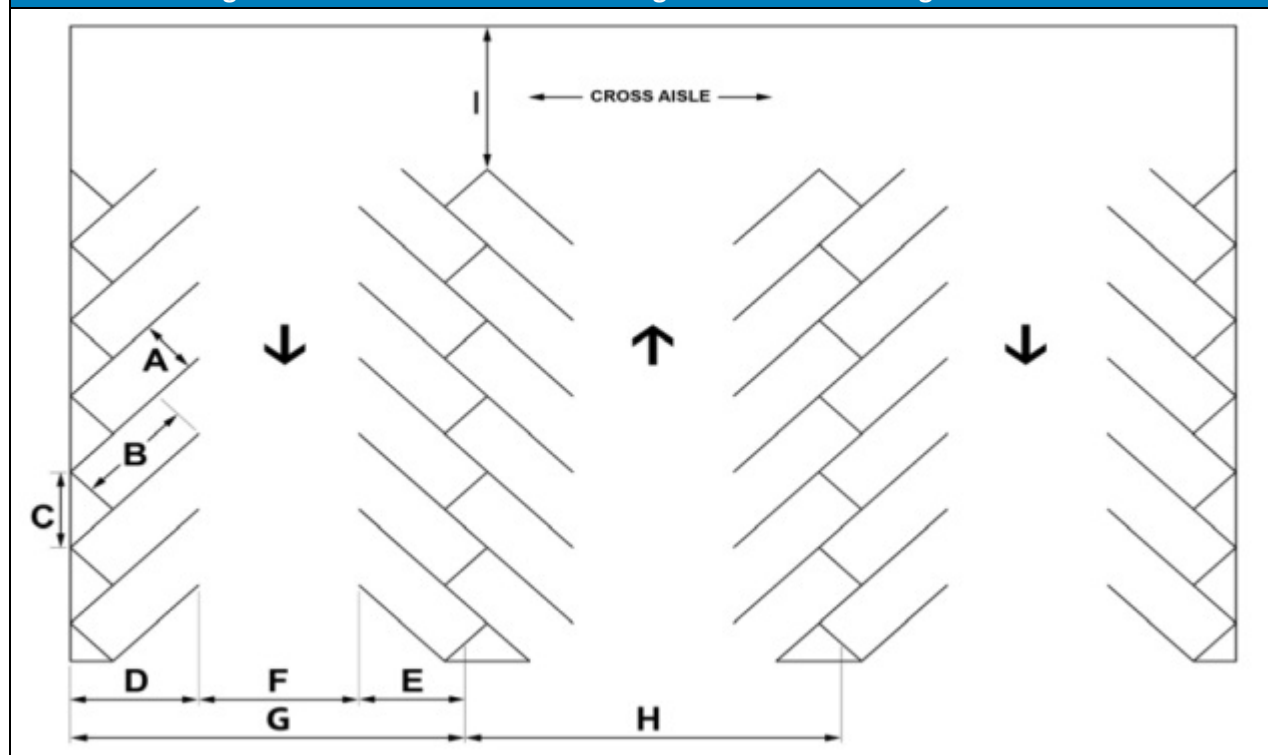
1. The location and dimensions of parking spaces and aisles adjacent to parking spaces shall be provided in accordance with Table 9.215.040-2, Dimensions of Parking Spaces and Aisles.

Table 9.215.040-2 Dimensions of Parking Spaces and Aisles

Parking Angle	Stall Width (feet)	Stall Length (feet)	Stall Width Parallel to Curb or Wall (feet)	Parking Space Depth to Wall or Curb (feet)	Parking Space Depth to Interlock (feet)	Maneuvering Aisle Width (feet) ⁽¹⁾	Wall/Curb to Interlock Double Bay (feet)	Wall to Wall Double Parking Bay (feet)	Interlock to Interlock Double Bay (feet)
Figure Label	A	B	C	D	E	F	G	Not Shown	H
90°	9.0	18.0	9.0	18.0	18.0	24.0	60.0	60.0	60.0
75°	9.0	18.0	9.5	19.5	18.5	21.0	59.0	60.0	58.0
60°	9.0	18.0	10.5	20.0	17.75	17.5	55.25	57.5	53.0
45°	9.0	18.0	13.0	19.0	15.75	15.0	49.75	53.0	46.5
0°	9.0	22.0	NA	9.0	22.0	12.0	43.0	33.0	NA

(1) Aisles used for fire access shall not be less than 24 feet in width. Aisle widths below 24 feet can only be used for one-way traffic.

Figure 9.260.040-2 Reference Drawing for Minimum Parking Dimensions



- The width of driveways for one-family and two-family dwellings shall be 12 feet, and 24 feet for all other multifamily and non-residential uses, and shall comply with applicable fire access requirements in accordance with the California Fire Code or except as otherwise modified by the approval authority. All driveways located within a road right-of-way shall be approved by the City Engineer. Where parallel parking is allowed, the minimum width shall be increased by 8 feet for parking on one side and by 16 feet for parking on both sides.

3. Stub streets in excess of 150 feet shall have a minimum 45-foot radius turnaround at the end, or as otherwise approved by the Riverside County Fire Department/Cal Fire.

D. Off-Street Parking Area Striping

1. If five or more parking spaces are provided, each space shall be clearly marked with white paint or other easily distinguishable material.
2. If ten or more parking spaces are provided and one-way aisles are used, directional signs or arrows painted on the surface shall be used to properly direct traffic.

E. Drainage

1. All parking areas, including driveways, shall be graded to prevent ponding and to minimize drainage runoff from entering adjoining properties.

F. Curbs, Bumpers, Wheel Stops or Similar Devices

1. Public parking areas shall be equipped with permanent curbs, bumpers, wheel stops or similar devices so that parked vehicles do not overhang required walkways, planters or landscaped areas.
 - a. If the method used is designed to stop the wheel rather than the bumper of the vehicle, the stopping edge shall be placed no closer than 2 feet from the edge of any required walkway, planter or landscaped area, or from any building.
 - b. The innermost 2 feet of each parking space, between the wheel stop or other barrier, and any required planter or walkway, may either be paved or be planted with low ground cover.
2. This additional planting area is considered part of the parking space and may not be counted toward satisfying any landscaping requirement(s).

G. Lighting

1. Parking area lighting is not required. However, if parking areas are lighted, such lighting facilities shall be located to prevent lights from shining directly onto adjoining properties or streets.
2. Parking area lighting shall be of an energy-efficient type. Parking area lighting shall be consistent with [Chapter 9.205](#), Lighting Standards and Chapter 6.01, Dark Sky Lighting Requirements of the Menifee Municipal Code.

H. Walls

1. All paved parking areas, other than those required for single-family residential uses, which adjoin property zoned residentially, shall have a 6-foot-high solid masonry wall with an anti-graffiti coating installed to preclude a view of the parking area from such adjoining property. However, any walls within 10 feet of any street or alley shall be 30 inches high.

I. Loading Space Requirements

1. On each lot used for manufacturing, storage, warehousing, goods display, a department store, a wholesale store, a market, a hotel, a hospital, a laundry, dry cleaning or other uses which involve the receipt or distribution by vehicles of materials or merchandise, adequate loading space for delivery vehicle stacking and for loading activities shall be provided and maintained. The loading space and delivery vehicle stacking area shall be located and designed so as to avoid undue interference with parking, or the public use of streets and alleys.
2. Each required loading space shall be ten feet wide, twenty-five feet long, and fourteen feet of unobstructed vertical height.
3. Turning Radius. All loading areas shall be provided with an adequate turning radius. An adequate turning radius means one which will enable a vehicle to maneuver into and out of the loading area without backing onto a street or highway.

4. Screening shall be provided consistent with [Chapter 9.185](#), Fences, walls and screening.

MINIMUM NUMBER OF LOADING SPACES	
Gross Floor Area (square feet)	Number of Loading Spaces
7,499 or less	0
7,500 to 14,999	1
15,000 to 24,999	2
25,000 to 39,999	3
40,000 to 59,999	4
60,000 to 79,999	5
80,000 to 100,000	6
For each additional 100,000	6 plus 1

J. Parking for Persons with Disabilities

Parking spaces shall be provided for access by persons with disabilities in accordance with California Code of Regulations, Title 24.

K. Bicycle Parking Facilities

1. Bicycle Parking Facility Classifications. Bicycle parking facilities shall be classified as follows:

- Class I. Covered, lockable enclosures with permanently anchored racks for bicycles.
- Class II. Lockable bicycle rooms with permanently anchored racks, where the bicyclist supplies only a padlock.
- Class III. Lockable, permanently anchored bicycle racks, where the bicyclist supplies a padlock and chain or cable to secure the bicycle to the stationary object, typically a cement slab or vertical metal bar.

2. Bicycle Parking Requirements.

a. Minimum Bicycle Parking Facilities. The minimum bicycle parking shall be provided per Table 9.215.040-5, Bicycle Spaces for Bicycle Parking Facility Class.

Table 9.215.040-5 Bicycle Spaces for Bicycle Parking Facility Class				
Bicycle Spaces for Bicycle Parking Facility Class				
Facility Class	INDUSTRIAL	RESTAURANTS AND COCKTAIL LOUNGES	COMMERCIAL, OFFICE AND SERVICE USES NOT OTHERWISE LISTED	Multi-Family
Employees	1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required. Type: Class I or Class II	1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required. Type: Class I or Class II	1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required. Type: Class I or Class II	A minimum of 2 bicycle spaces required. Type: Class I, II, or III
Patrons or visitors	Type: N/A	1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required. Type: Class I, II or III	1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required. Type: Class I, II, or III	N/A

Table 9.215.040-5 Bicycle Spaces for Bicycle Parking Facility Class				
Bicycle Spaces for Bicycle Parking Facility Class				
Facility Class	INDUSTRIAL	RESTAURANTS AND COCKTAIL LOUNGES	COMMERCIAL, OFFICE AND SERVICE USES NOT OTHERWISE LISTED	Multi-Family
Tenants	N/A	N/A	N/A	1 bicycle space for every 20 parking spaces required. A minimum of 2 bicycle spaces required. Type: Class I, II, or III
<p>NOTES:</p> <ol style="list-style-type: none"> Where the application of the provisions in the above table results in the requirement for a fraction of a bicycle parking space, such a space need not be provided unless the fraction exceeds 50 percent. Where the application of the provisions in the above table results in the requirement of fewer than six employee spaces, Class II racks need not be placed within an enclosed lockable area. 				

- b. Design Standards. Bicycle parking facilities shall be installed in a manner which allows adequate spacing for access to the bicycle and the locking device when the facilities are occupied. General space allowances shall include a 2-foot width and a 6-foot length per bicycle and a 5-foot-wide maneuvering space behind the bicycle. The facilities shall be located on a hard, dust-free surface, preferably asphalt or concrete.
- c. Exemptions. Requests for exemptions from bicycle parking requirements shall be made in writing to the approval authority.
- Exemptions from bicycle parking requirements shall be submitted and processed concurrently with the project application.
 - Exemptions may be granted depending upon the location of the site with respect to an urbanized area, the nature and hours of operation of the proposed use, and the accessibility of the site by bicycle at present and in the future.

9.215.050 Parking Requirements for Uses Not Specified

When parking requirements for a use are not specifically stated, the parking requirement for such use shall be determined by the approval authority based on the requirement for the most comparable listed use in this article.

9.215.060 Request for Modifications from Parking Layout Requirements

The approval authority may, without notice or hearing, permit modifications to the circulation and parking layout requirements where topographic or other physical conditions make it impractical to require strict compliance with these requirements and where the modification will not create a public safety impact.

9.215.070 Alternative Programs for Parking

- A. A residential, commercial or industrial project may provide for alternative programs which reduce parking demand in return for a reduction in the number of off-street parking spaces required. Parking reductions can be combined for a maximum reduction of 15% of the required parking standard unless stated otherwise.
- B. Alternative programs that may be considered by the approval authority under this provision include, but are not limited to, the following:
1. Private Carpool/Vanpool Operations. Office or industrial developments which guarantee preferred parking spaces to employees who participate regularly in a carpool or vanpool may have their parking requirement reduced by 2 parking spaces for every one space which is marked for a carpool or vanpool at a preferred location.
 2. Mass Transit. Developments which are located within 150 feet of a mass transit facility may have their parking requirement reduced by 2% of the total number of required parking spaces.
 3. Bicycle Parking. Developments which provide secured bicycle parking facilities exceeding the minimum requirement may reduce the number of required parking spaces by one vehicle space for every three additional bicycle spaces provided.
 4. Shared Parking Requirements. The approval authority may, upon application by the owner or lessee of any property, authorize shared use of parking facilities under the following conditions:
 - a. Sufficient evidence shall be presented to the approval authority to demonstrate that no substantial conflict in the principal hours or periods of peak demand will exist between the uses or structures which propose to share parking.
 - b. The building or use for which an application for shared parking is being made shall be located within 300 feet of the parking area to be shared.
 - c. No more than 50% of the parking space requirement shall be met through shared parking.
 - d. Parties sharing off-street parking facilities shall provide evidence of a reciprocal parking agreement for such joint use by a proper legal instrument recorded in the office of the County Recorder with the number of copies as required and thereof filed with the City Clerk.
 5. Roadway Improvements and/or Dedications. A commercial/industrial project that provides roadway improvements that exceed the improvements required by this Code and/or improvements recommended by an eligible traffic study may be eligible for up to a 5% reduction to parking required by this [Chapter 9.215](#). Eligibility for a reduction in required parking pursuant to this Paragraph shall be determined by the Community Development Director and Public Works Director in their sole discretion.
 6. Lot Consolidation. Developments involving lot consolidation and the elimination of existing legal non-conforming uses/structures/properties totaling a minimum of 5 gross acres may be eligible for up to a 5% reduction to parking required by this [Chapter 9.215](#), provided that the adequacy of the proposed parking can be demonstrated in a parking study approved by the Community Development Director and Public Works Director. Eligibility for a reduction in required parking pursuant to this Paragraph, and the amount of said reduction, if any, shall be determined by the Community Development Director and Public Works Director in their sole discretion.
 7. Renewable Energy. A commercial/industrial development that installs a solar photovoltaic (PV) system or otherwise acquire energy from a local utility that has been generated by renewable sources, sufficient to power 100% of the anticipated initial improvements for the facility may be eligible for up to a 5% reduction to parking required by this [Chapter 9.215](#). Each building shall include an electrical system and other infrastructure sufficiently sized to accommodate the PV arrays. The

electrical system and infrastructure must be clearly labeled with noticeable and permanent signage. Documentation shall be submitted for review and approval by the Community Development Director prior to approval for this renewable energy incentive. Eligibility for a reduction in required parking pursuant to this Paragraph, and the amount of said reduction, if any, shall be determined by the Community Development Director and Public Works Director in their sole discretion.

8. **Landscape Setback.** Industrial developments that provide additional front yard landscaping (along the entire frontage) beyond the first 25 feet may reduce required parking as follows:
- 1% for additional 5 feet
 - 3% for additional 10 feet
 - 5% for additional 15 feet

9.215.080 Parking Lot Landscape

See Section ~~9.240.050~~195.040.M for parking lot landscape requirements and standards.

9.215.100 Electric/Alternative Fuel Vehicle Parking Requirement

CR CO BP HI EDC-NC

EDC-MB EDC-CC EDC-NR EDC-SG

Electric/alternative fuel vehicle parking and charging stations shall be provided in accordance with the applicable provisions of the California Building Code, as well as other adopted state or local requirements, and with the following standards.

- Applicability.** Parking spaces with electric recharge stations shall be provided in new developments or remodeling or expansion of existing development that provide at least 250 vehicle parking spaces and where calculated costs are estimated to exceed \$200,000.
- Number of Spaces Required.** One Level 2 or 3 conductive and one inductive charger shall be provided in each project required to provide between 250 and 500 parking spaces, with an additional conductive and inductive charger provided for each additional 250 required parking spaces.
- Permit Requirements.** All applicable electrical and building permit requirements, restrictions and inspections shall apply to the construction of charging/exchange stations.
- Level 1/Level 2 Stations.** Level 1 or Level 2 electric vehicle charging stations are permitted within residential zones internal to the garage to serve the occupants of the individual dwelling unit or residential building.
- Level 3 Stations.** Level 3 or commercial grade charging/exchange stations/spaces are restricted to service stations or parking lots within commercial, industrial and mixed-use zones (CR, CO, BP, HI, and EDC). Charging stations/spaces:
 - Shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or towaway provisions are to be enforced by the owner. Information identifying voltage and amperage levels or safety information must be posted.
 - Shall be sited within parking areas to discourage non-electric vehicle use.
 - Shall not interfere with on-site parking or pedestrian circulation.
 - Shall be maintained in functioning order in all respects.

Chapter 9.235 Animal Keeping

Contents:

- [9.235.010 Purpose](#)
- [9.235.020 Applicability](#)
- [9.235.030 Keeping of Animals](#)
- [9.235.040 Fowl](#)
- [9.235.050 Kennels](#)
- [9.235.060 Miniature Pigs](#)
- [9.235.070 Animal Maturity](#)
- [9.235.080 Animal Grazing](#)

9.235.030 Keeping of Animals

Animal keeping uses allowed in [Article 3](#) (Zones) and listed in Table 9.235.030-1 shall comply with the standards listed in Table 9.235.030-1 (Animal Keeping Standards) and with all other standards and requirements of this section and with all other applicable ordinances and regulations.

Only the following animals may be kept in the following zones up to the maximum numbers listed, except where they create a public nuisance regardless of their numbers. Unless specified below, no animals or fowl, other than domestic pets, poultry and rabbits for the exclusive use of the occupant, shall be permitted on lots of less than 20,000 square feet. The keeping of animals is only allowed as an accessory use, except in the AG zone.

Table 9.235.030-1, Animal Keeping Standards					
Types of Animals/Use	Commercial (C) or Non-Commercial (NC)	Zones Permitted	Max Number of Animals per Site	Min Lot Size	Setbacks and Standards (See Table Footnotes)
Small Animals (e.g. hamsters, rabbits, chinchillas, and similar sized animals)	C	AG, RM, RR5, RR2, RR1, RR1/2	Per Approval Authority	1 acre	A
	NC	All Zones	30	--	A
Medium Animals (e.g. sheep, goats, pigs, and similar sized animals)	C	AG, RM , RR5, RR2	Per Approval Authority	1 acre	A, B
	NC	AG, RM , RR5, RR2, RR1, RR1/2	2 animals per ½ acre	½ acre	A
		LDR-1, LDR-2	1	7,200 SF	A
Large Animals (e.g. cows, horses, camels, llamas, and other similar sized animals)	C	AG, RR5, RR2, RR1	5 animals per acre	2 acres	A, B
	NC	AG, RM , RR5, RR2, RR1	5 animals per acre	1 acre	A, B
		RR1/2, LDR-1, LDR-2	2 animals per 20,000 sq. ft. , maximum 4 animals	1 acre	A, B
	C	--	--	--	--

Table 9.235.030-1, Animal Keeping Standards

Types of Animals/Use	Commercial (C) or Non- Commercial (NC)	Zones Permitted	Max Number of Animals per Site	Min Lot Size	Setbacks and Standards (See Table Footnotes)
Non-Crowing Fowl (hens, ducks, etc.)	NC	AG, RR5, RR2, RR1	12	20,000 sq. ft.	A, C
			50	40,000 sq. ft.	A, C
		RM, RR1/2, LDR- 1, LDR-2	4	7,200 sq. ft.	A, C
Crowing Fowl (e.g. roosters, turkeys, peacocks, etc.)	C	--	--	--	--
	NC	AG, RR5, RR2, RR1	1	1 acre	A, C
Kennels and Catteries	C/NC	AG, RR5, RR2, RR1, RR1/2	See classifications and 9.235.050	1 acre	9.235.050
		BP, HI	See classifications and 9.235.050	--	9.235.050
Stables/Boarding of Large Animals, Riding Academies	C	AG, RR5, RR2, RR1	5 animals per acre	1 acre	A, B
Aquaculture (commercial raising of fish, frogs, shellfish, algae, etc.)	C	AG, RR5, RR2	Per Approval Authority	1 acre	A
Apiary (beekeeping)	C	AG, RM, RR5	1 Hive for every 7,200 sq. ft.	7,200 sq. ft.	D
	NC	AG, RM, RR5, RR2, RR1, RR1/2, LDR-1, LDR-2	1 Hive for every 7,200 sq. ft.	7,200 sq. ft.	D
Aviary	C	--	--	--	--
	NC	AG, RM, RR5, RR2, RR1, RR1/2	50 birds per acre; more than 50 per Approval Authority	½ Acre	A
Animal Rescue	C/NC	AG, RR5, RR2, RR1, RR1/2, BP, HI	As otherwise permitted for each animal type permitted herein	1 acre	As otherwise permitted for each animal type permitted herein
Petting Zoo	C/NC	AG, RR5, RR2, RR1, RR1/2	As otherwise permitted for each animal type permitted herein	1 acre	As otherwise permitted for each animal type permitted herein
Future Farmers of America and 4-H Programs	C/NC	AG, RR5, RR2, RR1, RR1/2	As otherwise permitted for each animal type permitted herein	1 acre	As otherwise permitted for each animal type permitted herein
		LDR-1, LDR-2, LMDR,MDR, MHDR, HDR	A total of 5 large and medium animals of any combination. This does not include crowing fowl.	1 acre	As otherwise permitted for each animal type permitted herein

Table 9.235.030-1, Animal Keeping Standards

Types of Animals/Use	Commercial (C) or Non- Commercial (NC)	Zones Permitted	Max Number of Animals per Site	Min Lot Size	Setbacks and Standards (See Table Footnotes)
<p>A. Animals must be kept and maintained in an enclosed area, located not less than 20 feet from any property line and at least 50 feet from any residence existing at the time such use is established.</p> <p>B. Lots must be a minimum of 100 feet in width.</p> <p>C. Animals must be kept in the rear yard.</p> <p>D. Hives must be kept at least 50 feet away from any highways, roads, streets, public school or park property, or any structure used as a dwelling or as a place of business.</p>					

- A. Animals may be kept on any residentially zoned property in the maximum numbers identified in this chapter, provided the keeping of said animals does not constitute a nuisance.
- B. It shall be unlawful to keep a number of animals exceeding the numbers set out in this chapter, except as may be otherwise allowed by the approval authority.
- C. **Approval Authority Conditions.** The Approval Authority may require fencing and landscaping of the parcel and limits on the number of animals to ensure the use is compatible with the surrounding area.

9.235.050 Kennels

- A. Kennels may be for commercial or noncommercial purposes, including for raising of guard dogs, care animals, rescue animals, and breeding and boarding.
- B. The following classes of kennels are allowed in the following zones pursuant to Table 9.235.050-1, pursuant to the following development standards:

Table 9.235.050-1, Kennel Classes and Allowed Zoning

Class of Kennels	Zones Where Allowed	Maximum Number of Animals per Site	Minimum Lot Size for Keeping Such Animals	Kennel Definitions
No Kennel	All zones	1–4 dogs	--	One to 4 dogs on a property is allowed without a Conditional Use Permit issued from the Community Development Department.
Class I Kennel	AG, RM, RR5, RR2, RR1, RR½, LDR-1, LDR-2	5–10 dogs	1 acre	Any building, structure, enclosure or premises whereupon, or within which, 5 to 10 dogs, four months or older of age, are kept or maintained. A Class I Kennel shall not include a sentry dog kennel.
Class II Kennel/Cattery	AG, RR5, RR2, RR1, RR½, BP, HI, EDC	11–25 dogs 10–25 cats	1 acre (or as noted in Section C below)	Any building, structure, enclosure or premise, whereupon, or within which, 11 to 25 dogs, four months of age or older, or 10 to 25 cats are kept or maintained.
Class III Kennel/Cattery	AG, RR5, RR2, RR1, BP, HI, EDC	26–40 dogs 26–40 cats	1 acre (or as noted in Section C below)	Any building, structure, enclosure or premises whereupon, or within which, 26 to 40 dogs or cats, four months or older of age, are kept or maintained.

Table 9.235.050-1, Kennel Classes and Allowed Zoning

Class of Kennels	Zones Where Allowed	Maximum Number of Animals per Site	Minimum Lot Size for Keeping Such Animals	Kennel Definitions
Class IV Kennel/Cattery	AG, RR5, RR2, RR1, BP, HI, EDC	41 or more dogs or cats	1 acre (or as noted in Section C below)	Any building, structure, enclosure or premises whereupon, or within which, 41 or more dogs, four months or older of age, or 41 or more cats, are kept or maintained.
Sentry Dog Kennel	AG, RR5, RR2, RR1, BP, HI, EDC	5 or more dogs	1 acre (or as noted in Section C below)	Any building, structure, enclosure or premises whereupon, or within which, 5 or more guard, or sentry dogs are kept or maintained. A sentry dog is any dog trained to work without supervision in a fenced facility and to deter or detain unauthorized persons found within the facility. The term "guard dog" shall also mean "sentry dog."

C. Development and Operations Standards.

1. Residency. In agricultural, rural and residential zones permitting kennels, such kennels may be placed upon parcels containing detached single-family dwelling units. All Class II Kennels and above shall include a single-family dwelling to be used by a live-in caretaker. Notwithstanding any provision within this ordinance to the contrary, no parcel with a kennel or cattery shall contain more than the maximum number of detached single-family dwelling units permitted by the existing zoning on the property. Multi-family dwelling units and attached single-family dwelling units shall not be permitted in conjunction with kennels or catteries, provided, however, that a guest living quarter or accessory dwelling unit shall be permitted in accordance with current City zoning regulations.
2. Minimum Lot Size. The minimum lot size for a kennel or cattery in an agricultural, residential or rural zone is 1 acre (gross). There is no minimum lot size for a kennel or cattery in a business park or industrial zone other than what is required by the existing zoning on the property.
3. License. The applicant shall obtain and continuously maintain all necessary licenses as adopted by the City.

Chapter 9.250 Alcoholic Beverages Sales, Consumption and manufacturing

Contents:

9.250.010 Purpose

9.250.020 Applicability

9.250.030 Permit Required

9.250.040 Findings of Public Convenience or Necessity

9.250.050 Alcoholic Beverage Sales

9.250.060 Alcoholic Beverage Manufacturing

9.250.030 Permit Required

- A. No person, association, partnership or corporation shall conduct, establish or advertise any alcoholic beverage sales or manufacturing use in the City of Menifee without first applying for and obtaining the required permit/approval in accordance with the applicable zoning regulations of [Title 9, Article 3](#) (Zones), the Tables of Allowed Uses and Approval Requirements, and this [Chapter 9.250](#).
- B. All businesses or establishments offering the sale of alcoholic beverages shall obtain and thereafter maintain the appropriate license from the California Department of Alcoholic Beverage Control.
- C. Grocery stores, drugstores, specialty markets and discount/department stores in excess of 20,000 square feet ("primary uses") may offer the incidental sale of beer, wine, and distilled spirits as a permitted use.
- D. Restaurants (bona fide eating establishments), if properly licensed, are permitted to serve beer and wine as a matter of right, but are subject to obtaining a Conditional Use Permit to offer, sell or serve distilled spirits.
- E. ~~For e~~ Establishments with on-site alcohol beverage sales and consumption that are not bona fide eating establishments (i.e., comedy club, nightclub, dance club, bar, tasting rooms), ~~the "bar area" may only be an incidental use shall be~~ subject to the approval of a Conditional Use Permit.
- F. The following activities are exempt from the requirements of this chapter:
 - 1. Any special event for which a permit has been issued by the City, provided that the application information for the special event indicates that the sale and/or service of alcoholic beverages will occur and all applicable ABC licenses are obtained.
 - 2. Any social gathering within a private residence or business that is not required to be licensed for alcohol sales or services in accordance with the California Alcoholic Beverage Control Act.

Chapter 9.260 Outdoor Sales, Display and Dining

Contents:

[9.260.010 Purpose](#)

[9.260.020 Applicability](#)

[9.260.030 Permit Required](#)

[9.260.040 Development Standards and Requirements for Outdoor Sales and Dining](#)

9.260.040 Development Standards and Requirements for Outdoor Sales and Dining

A. Outdoor Merchandise Display. Any outdoor display exhibited in conjunction with the business being conducted within the building may be permitted without a Temporary Use Permit, provided that the display complies with the following regulations:

1. The items being displayed shall be of the same types that are lawfully displayed and sold inside the building on the premises, except alcohol.
2. The aggregate display area shall not exceed ~~25-40~~ percent of the linear frontage of the storefront or 10 linear feet, whichever is greater.
3. Items shall not project more than 4 feet from the storefront.
4. No item, or any portion thereof, shall be displayed on public property; provided, however, that items may be displayed within the public right-of-way if an Encroachment Permit has first been procured from the City.
5. Items shall be displayed only during the hours that the business conducted inside the building on the premises is open for business.
6. No item shall be displayed in a manner that causes a safety hazard, obstructs the entrance to any building, interferes with or impedes the flow of pedestrian or vehicle traffic, is unsightly or creates any other condition that is detrimental to the appearance of the premises or any surrounding property, or in any other manner is detrimental to the public health, safety or welfare or causes a public nuisance.

7. A minimum continuous pavement walkway and clear pedestrian path of not less than 5 feet wide is maintained.

7.8. Single-tenant buildings that are 50,000 square feet or greater (e.g., big box retail stores), may be allowed outdoor merchandise display exceeding the limitations of the above Subsections 9.260.040.A.2, A.3 and A.5, subject to an amendment to the previously approved permit issued for the primary use and shall be processed in accordance with Section 9.30.120 (Modifications to Previously Approved Permits). In the absence of a previously approved permit for the primary use, a Minor Plot Plan shall be required in accordance with Chapter 9.80 (Minor Plot Plan).

B. Outdoor Dining. The following development standards apply to all outdoor dining areas:

1. A clear path of at least 5 feet wide, free of all obstructions to the flow of pedestrian traffic, shall be provided in the public right-of-way and shall be maintained at all times.
2. No outdoor dining area shall obstruct the entrance to any building, interfere with or impede the flow of pedestrian or vehicle traffic, or create any other condition that is detrimental to the

appearance of the premises or any surrounding property, or in any other manner is detrimental to the public health, safety or welfare or causes a public nuisance.

3. Outdoor dining area furniture, including but not limited to tables, chairs, and umbrellas, shall be of high quality and consistent with the theme of the primary establishment or overall premises.
4. An outdoor dining area shall be used only for dining, drinking and circulation, and shall operate only in conjunction with and during the same hours as the adjacent eating and drinking establishment.
5. The area within, and adjacent to, the outdoor dining area shall be clean and free of litter at all times.
6. Trash or storage areas shall not be located on or adjacent to the public right-of-way.
7. Outdoor dining shall be oriented away from adjacent residential uses except as approved by the approving authority.
8. Parking shall be in compliance with the standards of [Chapter 9.215](#) (Parking and Loading Standards) for the primary use and any outdoor dining area in excess of 200 square feet.

Chapter 9.265 Tattoo Establishments

Contents:

9.265.010 Purpose

9.265.020 Applicability

9.265.030 Permit Required

9.265.040 Development Standards

9.265.010 Purpose

The purpose of this chapter is to establish the regulations related to tattoo establishments in the City of Menifee in order to protect the health, safety and general welfare of the public.

9.265.020 Applicability

The requirements of this chapter apply to all tattoo establishments.

9.265.030 Permit Required

All tattoo establishments shall require a Conditional Use Permit in the zones where such uses are allowed as designated in Article 3 (Zones), Tables of Allowed Land Uses and Approval Requirements. No tattoo establishment shall be established without first applying for and obtaining the required permit/approval in accordance with the applicable zoning regulations of Title 9, Article 3 (Zones), the Tables of Allowed Uses and Approval Requirements, and this Chapter 9.265.

9.265.040 Development Standards

A. Tattoo establishments shall not be an accessory use in any zone.

B. Tattoo establishments shall not be located:

1. Within 500 feet of any other tattoo establishment or within the same commercial center or development.
2. Within 500 feet of any use which involves permitting the sale for consumption of alcohol (on-site license).
3. Within 500 feet of the nearest public entrance of a public or private school, church (or similar facility for the sole purpose of the exercise of religion), or public or private park or playground.

C. The hours of operation shall be between 7:00 a.m. and 9:00 p.m. daily.

D. Compliance with all applicable federal, state and local regulations is required, including, but not limited to, the licensing of tattoo providers, who must be over the age of 18, and the inspection of tattoo establishments by the appropriate City and County agencies. (Health & Safety Code § 119306.)

E. The Conditional Use Permit shall address the type of floor and work surfaces; tattooing of minors, as legally appropriate; disposal of needles; prohibition on alcoholic beverages; and other health and safety requirements.

Chapter 9.275 Hookah and ~~Cannabis Marijuana~~ Uses

Contents:

9.275.010 Purpose

9.275.020 Applicability

9.275.030 Hookah and ~~MarijuanaCannabis~~-Related Use Prohibitions

9.275.040 Medicinal Cannabis Delivery Service

9.275.010 Purpose

The purpose of this chapter is to establish the regulations related to hookah and ~~marijuana-cannabis~~ uses in the City of Menifee in order to protect the health, safety and general welfare of the public.

9.275.020 Applicability

The requirements of this chapter apply to all hookah and marijuana uses.

9.275.030 Hookah and ~~MarijuanaCannabis~~-Related Use Prohibitions

A. Purpose and Findings.

- A. The City Council has found that prohibitions on marijuana cultivation and processing are necessary for the preservation and protection of the public health, safety and welfare for the city and its community. The City Council's prohibition of such activities is within the authority conferred upon the City Council under state law. On October 9, 2015, the governor signed the Medical Marijuana Regulation and Safety Act (MMRSA) into law. The MMRSA contains new statutory provisions that:
 - a. Allow local governments to enact ordinances expressing their intent to prohibit the cultivation of ~~marijuana-cannabis~~ outdoors and their intent not to administer a conditional permit program pursuant to enact reasonable regulations to regulate the cultivation of marijuana within a single private residence or inside an accessory structure to a private residence that is fully enclosed and secure California Health and Safety Code Section 11362.777 for the cultivation of ~~marijuana-cannabis~~ (California Health and Safety Code Section 11362.7772(b)(1-3)).
 - b. Expressly provide that the MMRSA does not supersede or limit local authority of local law enforcement activity, enforcement of local ordinances or enforcement of local permit or licensing requirements regarding marijuana (California Business and Professions Code Section 1931526200(a)).
 - c. Expressly provide that the MMRSA does not limit the authority or remedies of a local government under any provision of law regarding ~~marijuana-cannabis~~, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (California Business and Professions Code Section 1931626200(a)).
- B. The Adult Use of Marijuana Act (AUMA) was approved by the voters on November 8, 2016 and took effect the day after the election. The AUMA decriminalized for state law purposes specified personal use and cultivation of non-medical ~~cannabis marijuana~~ and established a state regulatory and licensing program for non-medical ~~marijuana-cannabis~~ commercial cultivation,

testing, distribution and manufacturing. Under the AUMA, the City retains the ability to prohibit indoor non-medical ~~cannabis marijuana~~ cultivation of more than six plants per residence, place reasonable restrictions on the indoor cultivation of six plants or fewer, prohibit outdoor cultivation, ban smoking/possession of marijuana on City owned or leased property, ban or regulate all entities in the stream of commerce (dispensaries, distributors, manufacturers, commercial cultivators, etc.) and establish additional taxes on recreational ~~marijuana~~cannabis. (California Health and Safety Code Section 11362.2(b)(1-3)).

- C. The City Council found that the provisions of this chapter:
- a. Express its intent to prohibit the cultivation and processing of marijuana in the city, except as allowed by the AUMA.
 - b. Exercise its local authority to enact and enforce local regulations and ordinances, including those regarding the permitting, licensing or other entitlement of the activities prohibited by this chapter.
 - c. Exercise its police power to enact and enforce regulations for the public benefit, safety and welfare of the city and its community.

B. Prohibited Activities.

- A. ~~Marijuana-Cannabis~~ **Dispensaries Prohibited.** ~~Cannabis~~Marijuana dispensaries and medical ~~cannabis~~marijuana dispensaries are prohibited in the City of Menifee pursuant to Chapter 5.50 of this code.
- B. **Mobile ~~Cannabis~~Marijuana Dispensaries Prohibited.** Mobile ~~cannabis~~ marijuana dispensaries are prohibited in the City of Menifee pursuant to Chapter 5.60 of this code.
- C. **~~Cannabis~~ Marijuana Delivery Prohibited.**
 - a. No person shall deliver ~~cannabis~~ marijuana to any location within the city from a mobile marijuana dispensary, regardless of where the mobile ~~cannabis~~ marijuana dispensary is located, or engage in any operation for this purpose, except for Medicinal Cannabis Delivery Services, as outlined in 9.275.040.
 - ~~b.~~ No person shall deliver any ~~cannabis~~ marijuana-infused product such as tinctures, baked goods or other consumable products to any location within the city from a mobile ~~cannabis~~ marijuana dispensary, regardless of where the mobile ~~cannabis~~ marijuana dispensary is located, or engage in any operation for this purpose.
- D. **~~Cannabis~~ Marijuana Cultivation and Processing.** ~~Cannabis~~Marijuana cultivation and processing shall be prohibited activities in Menifee, except where the City is preempted by federal or state law from enacting a prohibition on any such activity. No use permit, variance, building permit or any other entitlement, license or permit, whether administrative or discretionary, shall be approved or issued for the activities of ~~cannabis~~ marijuana cultivation and ~~cannabis~~ marijuana processing in the city, and no person shall otherwise establish or conduct such activities in the city, except where the City is preempted by federal or state law from enacting a prohibition on any such activity for which the use permit, variance, building permit or any other entitlement, license or permit is sought. All commercial ~~cannabis~~ marijuana activities, including, but not limited to, individual sales, cooperatives, dispensaries, cultivation and deliveries, are expressly prohibited in Menifee. No person shall establish, operate, conduct, permit or allow a commercial marijuana activity anywhere within the city.

- E. **Hookah Lounges and Cannabis Marijuana Cafes.** Hookah lounges and cannabis marijuana cafes are prohibited within the city.
- C. **Personal Use.** If an individual is 21 years of age or older, he or she may engage in the indoor cultivation of six or fewer cannabis marijuana plants, pursuant to California Health and Safety Code Sections 11362.1(a)(3) and 11362.2(a)(2), as may be amended from time to time. However, the cannabis marijuana plants may not be visible to the public and must be kept in a secure, locked space within the individual's private residence when not in use. The indoor cultivation of more than six cannabis marijuana plants is prohibited. All outdoor cultivation is prohibited in the city.
- D. **Public Nuisance Declared.** Any violation of this chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.
- E. **Violations.** Violations of this chapter may be enforced by any means available to the City.

9.275.040 Medicinal Cannabis Delivery Service (Physical Delivery Logistics Location)

The standards set forth below shall apply to medicinal cannabis delivery services for physical delivery logistics locations.

A. Requirements. The following shall be submitted along with the required application.

- a. Permit Required. A Medicinal Cannabis Delivery Service shall not commence operation prior to being approved under Chapter 9.40 (Conditional Use Permit).
- b. License Required. All businesses are required to register for a business license, pursuant to Chapter 5.01 (Business License and Registration Program) of the City of Menifee Municipal Code.
- c. Copies of the applicant's current M-License from the California Department of Cannabis Control.
- d. Odor Control Management Plan. All applications shall submit an adequate on-site odor control management plan such that all odors resulting from the storage or transport of cannabis and cannabis related products cannot be readily detected from outside of the structure or vehicle in which the business operates.
- e. Safety and Security Plan.
- f. Sensitive Uses Information. The names and addresses of all sensitive uses within 500 feet measured from the property lines of a proposed facility. For business condominiums, this measurement would be taken from the outer boundaries of the common parcel where the structure is located and not from the building. Sensitive uses for purposes of this Section include:
 - a. Residential zones or private residences
 - b. Public or private schools
 - c. Daycare Centers
 - d. Churches
 - e. Public parks
 - f. Youth activity centers
 - g. Any other medicinal cannabis delivery service business

B. Development Standards.

- a. Dimensions. The cumulative size of all structures associated with a delivery logistics center for Medicinal Cannabis Delivery Service shall not exceed 3,000 square feet of gross building area.
- b. Signs.
 - i. No cannabis or cannabis product may be visible from outside the Medicinal Cannabis Delivery Service fixed location or any delivery vehicles.

- ii. Signage shall be limited to one wall sign and meet the requirements of Menifee's Development Code Chapter 9.220 Sign Regulations.

C. Operation Standards

- a. Hours of Operation. Medicinal Cannabis Delivery Services may only operate during hours authorized by their state license and the Department of Cannabis Control regulations.
- b. Food products. Medicinal Cannabis Delivery Services shall comply with all state laws and regulations with respect to edible products.
- c. Background Check. All owners, operators, partners, investors, employees, and agents must submit to a background check.
- d. All business activities may only occur in a permitted, fully enclosed and secure structure.
- e. Delivery shall be only to qualified Medicinal Cannabis patients or their primary caregivers who possess a valid identification card as described in California Health and Safety Code Section 11362.7.
- f. All business operations must be conducted in conformance with the approved Medicinal Cannabis Delivery Service license and all approved plans included therewith.
- g. Prohibited Activities.
 - i. On-site sales and pick up orders. Medicinal Cannabis Delivery Services shall only conduct sales through delivery. On-site sales or order pick ups are prohibited.
 - ii. Cannabis Paraphernalia Sales. Medicinal Cannabis Delivery Services shall not sell, deliver, or advertise for sale any products other than medicinal cannabis or medicinal cannabis products.
 - iii. A Medicinal Cannabis Delivery Service shall not grow, cultivate, manufacture, or process cannabis.
- h. Site Security.
 - i. Security surveillance cameras and a video recording system must be installed to monitor all doors into and out of the buildings on the site, the parking lot, and all exterior sides of the property adjacent to the public right-of-way. The cameras and recording system must be of adequate quality, color rendition, and a minimum resolution of to allow for the identification of any individual present in the fixed locations of delivery-only medicinal cannabis operations.
 - ii. A professionally and centrally monitored fire, sprinkler, robbery, and burglar alarm systems must be installed and maintained in good working condition at the premises.

D. Public Nuisance. Any violation of this chapter is hereby declared to be a public nuisance and subject to abatement under the laws of Menifee's Municipal Code and the state of California.

E. Conflicting Provisions. If any other provisions of the Municipal Code conflict with the provisions of this chapter as it relates to the regulation of land use related to cannabis, this chapter shall be controlling.

Chapter 9.290 Wireless Communication Facilities

Contents:

[9.290.010 Purpose](#)

[9.290.020 Applicability](#)

[9.290.030 Permit Requirements](#)

[9.290.040 Effect of Location on Public Property](#)

[9.290.050 Effect of Encroachment Permit Issuance](#)

[9.290.060 Development Standards – General](#)

[9.290.070 Development Standards – Small Cell Attachments within the Public Right-of-Way](#)

[9.290.080 Abandoned Sites](#)

9.290.030 Permit Requirements

AG RM RR5 RR2 RR1 RR1/2 LDR-1 LDR-2 LMDR MDR MHDR HDR
CR CO BP HI EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG

- A. **Minor Conditional Use Permit Required.** The following wireless facilities shall require approval of a Minor Conditional Use Permit pursuant to [Chapter 9.40](#) (Conditional Use Permit).
 1. The placement of wireless communication facilities in any permitted zone as indicated on the allowed use tables of [Article 3](#) (Zones), except as specified in Subsection 9.290.030.B and C.
 2. The placement of small cell attachments on public and private poles in the public right-of-way.
- B. **Minor Plot Plan Required.** The placement of co-located wireless communication facilities meeting the following requirements shall require the approval of a Minor Plot Plan pursuant to [Chapter 9.80](#) (Plot Plan) provided the facility:
 1. Was approved subject to an environmental impact report, negative declaration or mitigated negative declaration.
 2. Otherwise complies with the requirements of Government Code Section 65850.6(b) for the co-location of wireless telecommunication facilities.
 3. Such co-location does not increase the height or change the location of the existing wireless telecommunication facility or otherwise change the bulk, size or other physical attributes of the existing permitted wireless telecommunication facility.
- C. **Major Conditional Use Permit Required.** A Major Conditional Use Permit shall be required for any new stand-alone wireless facility that is not co-located or is not incorporated into an existing building.
- D. **Exemptions.** The following project activities are exempt from the permit requirements of this chapter. Additional permits and approvals may be required, including building permits.
 1. Removal of wireless communication facilities.
 2. Change of antennas on any existing wireless communication facility which does not result in increased visibility of the structure.
- E. **Compliance with Other Regulations and Approvals.** All wireless communication facilities shall comply with applicable Federal Communications Commission (FCC) rules, regulations and standards and shall comply with the Uniform Building Code, National Electric Code, Uniform Plumbing Code, Uniform Mechanical Code and Uniform Fire Code, where applicable.

F. Authority to Employ Technical Expert. The Community Development Director is explicitly authorized at his or her discretion to employ an independent technical expert to review any submitted supplemental or technical materials or provide technical knowledge to the City. The technical expert shall be agreeable to both the City and the service provider. The applicant shall pay all the costs of said review, including any administrative costs incurred by the City. To the extent allowed by law, any proprietary information that is disclosed to the city or any expert hired shall be located in a separate private file, shall remain confidential, and shall not be disclosed to any third party.

G. Modifications. The approval authority is explicitly authorized and provided the discretion to allow for modifications or variations from the development standards listed in 9.290.060 through 9.290.070, if the approval authority finds:

1. That such modification(s) or variation(s) will not result in any adverse incompatibility, noise, visual, or public safety impacts to surrounding properties given the project design and the location of the proposed facility; and
2. That the overall intent and purpose of Chapter 9.290 is maintained and preserved.
3. For an eligible facilities request, the applicant must specify in writing whether the applicant believes the application is for an eligible facilities request subject to the Spectrum Act, and if so, provide a detailed written explanation as to why the applicant believes that the application qualifies as an eligible facilities request.

H. Permit Review (“Shot Clock”) Time Periods

1. The timeframe for review of an application shall begin to run when the application is submitted but shall be tolled if the City finds the application incomplete and provides notice of incompleteness that delineates the missing information in writing. Such requests shall be made within 30 days of submission of the application. After submission of additional information, the City, will notify the applicant within 10 days of this submission if the additional information failed to complete the application.
2. For applications involving an “Eligible Facilities Request” as defined in Chapter 9.305, the City will act on the application within 60 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.
3. For applications involving modifications to existing facilities that cannot be classified as an “Eligible Facilities Request”, the City will act on the application within 90 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.
4. For applications involving new fixed wireless telecommunication facility sites or neutral host sites (e.g. Distributed Antenna Systems, Small Cell Networks), the City will act on the application within 150 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.

Chapter 9.295 Special Housing Types

Contents:

9.295.010 Purpose

9.295.020 Accessory Dwelling Units and Junior Accessory Dwelling Units

9.295.025 Emergency Shelter

9.295.030 Guest Living Quarters

9.295.035 Low Barrier Navigation Center

9.295.037 Multifamily Housing in Commercial Zones - AB 2011 & SB 6

9.295.040 Single-Room Occupancy Units

9.295.010 Purpose

The purpose of this chapter is to establish development and/or operational standards for special housing types allowed in the City of Meniffee. The purpose and intent of the allowance for such special housing types is also established.

9.295.020 Accessory Dwelling Unit and Junior Accessory Dwelling Units

- A. **Purpose.** The purpose of this section is to establish development standards for accessory dwelling units and to ensure the accessory dwelling unit is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Government Code Section 65852.2.
- B. **Applicability.** The standards contained in this section shall apply to all accessory dwelling units and junior accessory dwelling units.
- C. **Permit Requirements.**
 - 1. **Building Permit Required.** Accessory dwelling units and junior accessory dwelling units shall be approved ministerially through building plan check review and the issuance of a building permit and any other non-discretionary permit (e.g., grading permit) that may be required as applicable. Building plan check is not required for use of “City approved Permit Ready Accessory Dwelling Unit Plans”; however, preparation and submission of a site plan for review is required to determine compliance with Planning, Building, Engineering and Fire Code requirements as applicable to the property in which the accessory dwelling unit is proposed. If applicable, a grading plan may also be required as determined by the Public Works Director.
 - 2. An application for a permit pursuant to this section shall, notwithstanding Sections 65901 or 65906 of the Government Code or City code requirements for the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The City shall either approve or deny the application to create or serve an accessory dwelling unit or junior accessory dwelling unit within 60 days from the date of receiving a completed application if there is an existing single-family dwelling on the lot. If the permit application to create or serve an accessory dwelling unit or junior accessory dwelling unit is submitted with a permit application to create or serve a new single-family dwelling on the lot, the City may delay approving or denying the permit application for the accessory dwelling unit or junior accessory dwelling unit until the City approves or denies the permit application to create or serve the new single-family dwelling, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall still be considered

ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

3. If the City denies an application for an accessory dwelling unit or junior accessory dwelling unit within 60 days of the date of receiving a completed application, the City shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.
4. An application for a permit to create an accessory dwelling unit or junior accessory dwelling unit shall not be denied due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the accessory dwelling unit or junior accessory dwelling unit.
5. **Demolition Permit.** The review and issuance of a demolition permit for a detached garage that is replaced by an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.
6. **Development Impact Fees.** Development impact fees shall not be required for an accessory dwelling unit less than 750 square feet in size. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionally in relation to the square footage of the primary dwelling unit.
7. **Residential Subdivisions with Multiple Accessory Dwelling Units.** Multiple accessory dwelling units proposed in conjunction with single-family dwellings on multiple lots as part of a residential subdivision shall be subject to the Minor Plot Plan Review provisions of [Chapter 9.80](#).

D. Density and Consistency.

1. Accessory dwelling units are not considered for the purposes of evaluating the density requirements established in the General Plan.
2. Accessory dwelling units are a residential use that is consistent with the existing General Plan designation and zoning for the lot.
3. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

E. Development and Operational Standards.

1. **Accessory Dwelling Units within an Existing Permitted Structure.** Accessory dwelling units located within an existing permitted structure shall comply with all the following standards:
 - a. The lot is zoned to allow single-family or multifamily dwelling residential use and contains no more than one existing or proposed dwelling.
 - b. No other accessory dwelling unit exists or is proposed on the same parcel, except a junior accessory dwelling unit.
 - c. The accessory dwelling unit may be rented. An accessory dwelling unit may also be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:
 - i. The accessory dwelling unit or the primary dwelling was built or developed by a qualified nonprofit corporation.
 - ii. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

- iii. The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
1. The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.
 2. A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the accessory dwelling unit or primary dwelling if the buyer desires to sell or convey the property.
 3. A requirement that the qualified buyer occupy the accessory dwelling unit or primary dwelling as the buyer's principal residence.
 4. Affordability restrictions on the sale and conveyance of the accessory dwelling unit or primary dwelling that ensure the accessory dwelling unit and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
 5. If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following:
 - i. Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.
 - ii. Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.
 - iii. Procedures for dispute resolution among the parties before resorting to legal action.
 6. A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
 7. Notwithstanding Government Code Section 65852.2(f)(2)(A), if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.
- iv. For purposes of this section, the following definitions apply:
1. "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.
 2. "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.
- d. The accessory dwelling unit shall not be rented for less than a 30-day period.
- e. The accessory dwelling unit complies with all Building and Safety Code requirements.

- f. The side and rear yard setbacks are sufficient for meeting fire safety requirements.
 - g. Exterior access to the accessory dwelling unit, independent from the primary dwelling unit, is provided.
 - h. If a garage, carport or covered parking structure providing required parking for the primary dwelling is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement spaces for the primary dwelling shall not be required.
 - i. The accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary dwelling. Installation of fire sprinklers in the primary dwelling shall not be required due to the construction of an accessory dwelling unit.
 - j. If a private sewage disposal system is used, the applicant has obtained approval from all appropriate agencies.
 - k. Installation of a new or separate utility connection or the collection of a related connection fee or capacity charge is not required.
2. **Accessory Dwelling Units (Attached and Detached).** Accessory dwelling units not located within an existing permitted structure (i.e., new attached and detached structures) shall comply with all the following standards:
- a. The lot is zoned to allow single-family or multifamily dwelling residential use and contains no more than one existing or proposed dwelling.
 - b. No other accessory dwelling unit exists or is proposed on the same parcel, except a [Junior Accessory Dwelling Unit](#).
 - c. The accessory dwelling unit may be rented. An accessory dwelling unit may also be sold or conveyed separately from the primary residence to a qualified buyer if it meets all of the provisions of Section [9.295.020.E.1](#).
 - d. The accessory dwelling unit shall not be rented for less than a 30-day period.
 - e. The accessory dwelling unit complies with all Building and Safety Code requirements.
 - f. The maximum total floor area for an attached or detached accessory dwelling unit is 1,500 square feet.
 - g. Accessory dwelling units shall comply with the development standards of the zone in which the property is located, except:
 - i. **Setbacks.**
 - 1. **Front Setback.** The front setback shall be the same as the underlying zoning of the property in which the accessory dwelling unit is proposed, except that application of the front yard setback standard shall not preclude the construction of an accessory dwelling unit, of at least 800 square feet in size with four-foot side and rear yards. The front setback standard may be reduced to the extent necessary to accommodate the accessory dwelling unit.
 - 2. **Side and Rear Setback.** A setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure. The above setback requirements shall not apply where an existing permitted accessory structure or structure is converted to an accessory dwelling unit or where the accessory dwelling unit replaces an existing structure provided that the

accessory dwelling unit is constructed in the same location and to the same dimensions as the existing structure and that the structure meets fire safety requirements.

The above setback requirements shall not apply where an existing permitted accessory structure or structure is converted to an accessory dwelling unit or where the accessory dwelling unit replaces an existing structure provided that the accessory dwelling unit is constructed in the same location and to the same dimensions as the existing structure and that the structure meets fire safety requirements.

ii. Height.

1. A maximum height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single **Family** or multifamily dwelling unit.

2. A maximum height of 20 feet for a detached accessory dwelling unit on a lot with an existing or proposed single **Family** or multifamily dwelling unit that is within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 211155 of the Public Resources Code.

A maximum height of 25 feet or the height limitation of the zone applicable to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to the primary dwelling.

h. Accessory dwelling units shall be located to the rear or side of the primary dwelling, but shall not preclude the construction of an accessory dwelling unit, of at least 800 square feet in size with four-foot side and rear yards.

i. Parking shall be provided as follows:

i. One off-street parking space shall be required for the accessory dwelling unit. The space may be uncovered and shall be permitted in setback areas or as tandem parking, unless the location is not feasible based upon specific site or regional topographical or fire and life safety conditions.

ii. Parking for the accessory dwelling unit shall not be required if any of the following conditions are met:

1. The accessory dwelling unit is located within one-half mile walking distance of public transit.
2. The accessory dwelling unit is located within an architecturally and historically significant historic district.
3. The accessory dwelling unit is part of the proposed or existing permitted primary residence or an accessory structure.
4. When on-street parking permits are required but not offered to the occupant(s) of the accessory dwelling unit.
5. When there is a **Car-share Vehicle** located within one block of the accessory dwelling unit.
6. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit satisfies all other criteria required in this chapter.

iii. If a garage, carport, or covered parking structure providing required parking for the primary dwelling is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement spaces are not required.

- j. Accessory dwelling units shall be compatible with the architectural style of the primary dwelling. ~~No bare metal and aluminum sided and roofed materials shall only be used as decorative accent finishes and not be used as the primary structural material of the building, unpainted or unfinished structures are allowed.~~ To determine architectural compatibility, the accessory dwelling unit structure must possess at least three of the following traits in common with the primary dwelling on-site:
- i. Wall covering materials.
 - ii. Roofing material.
 - iii. Roofing pitch.
 - iv. Structural eaves.
 - v. Mass and scale of structure relative to structural height.
 - vi. Window characteristics.
 - vii. Decorative treatments.
- k. Outside stairways serving an accessory dwelling unit located on a second story shall not be constructed on any building elevation facing a public street, not including alleys.
- l. Any accessory dwelling unit located more than 150 feet from a public right-of-way shall provide access for emergency vehicles as required by the Fire Marsha
- m. Prior to issuance of a building permit, the applicant shall grant to the City an irrevocable offer of dedication for any additional right-of-way required to be consistent with the General Plan Circulation Element, or provide for access to the project site, or ensure that previous dedications were properly provided with underlying subdivisions and lot splits (prior to Subdivision Map Act requirements).
- n. Prior to issuance of a building permit, public improvements may be required where public health, safety or welfare conditions warrant additional improvements.
- o. Prior to issuance of a building permit, the applicant shall submit to the City Building and Safety Department written certification from the affected water and sewer district(s) that adequate water and sewer facilities are or will be available to serve the proposed accessory dwelling unit. For accessory dwelling units using onsite septic facilities, the City requires a percolation test completed within the last five years, or if the percolation test has been recertified, in the last 10 years. Written certification of acceptability, including all supportive information, shall be submitted to the City Building and Safety Department with any application for a building permit for an accessory dwelling unit.
- p. Accessory dwelling units shall not be permitted in those areas of the city which have significant problems with regard to water availability or quality, sewage disposal or other public health or safety concerns. Prohibited areas shall include, but not be limited to, those areas where a development moratorium has been imposed, including a moratorium for water or sewer, whether imposed by the City or another public agency with the authority to impose such a development moratorium.
- q. A new or separate utility connection directly between the accessory dwelling unit and the utility may be required, unless exempt pursuant to Government Code section 65852.2(f)(4). The connection may be subject to a connection fee or a capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit upon the water or sewer system, based upon either the size of the accessory dwelling unit or the number of its plumbing fixtures.

r. The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing single-family or multifamily dwelling.

3. Multifamily Accessory Dwelling Units and Accessory Dwelling Units combined with a Junior Accessory Dwelling Unit. Notwithstanding the above, any of the following within a residential or mixed-use zone is allowed subject to ministerial approval of building permit:

a. One accessory dwelling unit and one **Junior Accessory Dwelling Unit** per lot with a proposed or existing single-family dwelling if all of the following apply:

i. The accessory dwelling unit or **Junior Accessory Dwelling Unit** is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

ii. The space has exterior access from the proposed or existing single-family dwelling.

iii. The side and rear setbacks are sufficient for fire and safety.

iv. The **Junior Accessory Dwelling Unit** complies with the requirements of Section 9.295.020.E.4.

b. One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a **Junior Accessory Dwelling Unit** described above, subject to the following conditions on the accessory dwelling unit:

i. A total floor area limitation of not more than 800 square feet.

ii. A height limitation as provided in clause (i), (ii), or (iii) as applicable, of subparagraph (D) of paragraph (2) of subdivision (c).

c. Multiple Accessory Dwelling units within portions of existing multifamily structures.

i. Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

ii. At least one accessory dwelling unit within an existing multifamily dwelling, but no more than up to a maximum of 25 percent of the existing multifamily dwelling units.

d. Multifamily with detached accessory dwelling units.

i. Not more than two accessory dwelling units that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that ADUs on Multifamily dwellings and are subject to the applicable height limitation of this chapter as applicable, and rear yard and side setbacks of no more than four feet.

ii. No more than eight new detached accessory dwelling units shall be permitted on a lot that has an existing multi-family dwelling. The number of ADUs shall not exceed the number of existing units on the lot.

iii. No more than two new detached accessory dwelling units on a lot with a proposed multifamily dwelling.

~~ii-iv.~~ If the existing multifamily dwelling has a rear or side setback of less than four feet, no modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this chapter.

4. **Development and Operational Standards for Junior Accessory Dwelling Units (JADU).**

- a. No more than one JADU is permitted per residential lot zoned for single-family residences, with a single-family residence built, or proposed to be built on the lot.
- b. JADUs must be constructed entirely within the walled interior area of an existing or proposed primary dwelling. Enclosed uses within the residence, such as an attached garage, are considered part of the proposed or existing single-family residence.
- c. The JADU shall not be rented for less than a 30-day period.
- d. The JADU complies with all Building and Safety Code requirements.
- e. The JADU shall have its own separate entrance from the main entrance of the proposed or existing single-family residence.
- f. The JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. If a permitted JADU does not include a separate bathroom, the permitted JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- g. The JADU shall not exceed 500 square feet.
- h. The JADU must include an efficiency kitchen, which shall include the following:
 - i. A cooking facility with appliances; and
 - ii. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
- i. No additional parking shall be required for a JADU.
- j. The owner of single-family property on which the JADU is proposed, must execute a covenant and agreement in a form acceptable to the City, stating that either the remaining portion of the primary dwelling or the newly created JADU will be occupied by the property owner. Owner occupancy is not required if the owner is another governmental agency, land trust, or housing organization.
- k. The owner must record a deed restriction, which shall run with the land, which shall include the following:
 - i. A prohibition on the sale of the JADU separately from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - ii. A restriction on the size and attributes of the JADU as outlined in these provisions.
- l. For purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit.
- m. For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.

Certificate of Occupancy. No certificate of occupancy for an accessory dwelling unit shall be issued before the issuance of a certificate of occupancy for the primary dwelling.

Chapter 9.296 Urban Lot Split & Two-Unit Development

Contents:

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(2024-384, 02/07/2024)

9.296.010 Purpose

The purpose of this section is to appropriately regulate urban lot splits and two-unit developments in accordance with Government Code Section 66411.7 and 65852.21.

9.296.020 Applicability

Only individual property owners may apply for an urban lot split and a two-unit development. "Individual property owner" means a person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C Corp, S Corp, etc.) except for a community land trust (as defined by Revenue and Taxation Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code § 214.15).

9.296.030 Approving Authority

An application for housing development with two units on a single lot within a single-family residential zone shall be considered and approved ministerially, without discretionary review or a hearing. Applications for Senate Bill 9 (SB 9) urban lot splits and two-unit developments shall be reviewed and approved by the designated authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, alter, or deny an application for SB 9 urban lot splits and two-unit developments.

9.296.040 Requirements

The standards set forth below shall apply to all urban lot splits and two-unit developments. For any development standard not explicitly identified below, the requirements of the underlying zone shall apply, unless superseded by State Law.

A. Application and Processing.

1. *Application Review Shot-Clock.* The City shall either approve or deny the application for an urban lot split or two-unit development within 60 days from the date of receiving a completed application. If the application is not approved or denied within 60 days, the application shall be deemed approved.

2. Objective Standards. Urban lot split and two-unit development applications are exempt from objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to the development under the zone.

3. Application Denial. If the application for an urban lot split or two-unit development is denied, the City shall provide a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

A-B. Map Act Compliance. The lot must conform to all applicable objective requirements of the Subdivision Map Act (Government Code § 66410 et seq., "SMA"), including implementing requirements in this Code, except as otherwise expressly provided in this section.

B-C. Location and Zoning. An urban lot split or two-unit development project shall only be allowed in a single-family residential zone. For the purposes of this section, a single-family residential zone is a zone where the only residential use that is allowed as a primary use is a single residential dwelling on a lot, subject to the exceptions set forth below and in Government Code § 65913.4(a)(6)(B)—(K). (See Government Code § 66411.7(a)(3)(C).) Not on properties that are:

1. Prime farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
2. A wetland.
3. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by applicable building code standards.
4. A hazardous waste site that has not been cleared for residential use.
5. Within a delineated earthquake fault zone, unless the development complies with applicable seismic protection building code standards.
6. Within a 100-year flood hazard area, unless the site has either:
 - a. Been subject to a letter of map revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
 - b. Meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
7. Within a regulatory floodway unless all development on the site has received no-rise certification.
8. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan. Properties within the Hillside Overlay are subject to Hillside Development Standards pursuant to [Chapter 9.195](#).
9. Habitat for protected species.
10. Land under conservation easement.
11. Must not be a historic property or within an historic district that is included in the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.

C-D. Restrictions Related to Existing Affordable Housing and Rentals. A parcel is not eligible to do an urban lot split or a two-unit development if the project would require demolition or alteration of:

~~1. More than 25 percent of the exterior walls of a unit that is occupied by a tenant or has been occupied by a tenant at any time in the previous three years;~~

~~2-1.~~ Housing that is income-restricted for households of moderate, low, or very low income;

~~3-2.~~ Housing that is subject to any form of rent or price control; ~~and~~

3. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code §§ 7060—7060.7) at any time in the 15 years prior to submission of the urban lot split application; and

4. -Housing that has been occupied by a tenant in the last three years.

D.E. Regulation of Uses.

1. **Nonresidential Uses.** Except for permitted home occupations pursuant to [Chapter 9.255](#), non-residential uses shall be prohibited.

2. **Short Term Rentals Prohibited.** Units created pursuant to this Chapter shall be rented or leased for a term equal to or longer than 30 days.

3. **Owner Occupancy.**

a. *Urban Lot Split* – the applicant/property owner for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant’s principal residence for a minimum of three years after the urban lot split is approved.

b. *Two-Unit Development* – Unless the lot on which a two-unit development is constructed was established through an urban lot split, the property owner of the property shall reside in one of the units as their principal residence.

E.F. Deed Restriction. The owner must record a deed restriction, acceptable to the City, that does each of the following:

1. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
2. Expressly prohibits any non-residential use of the lots created by the urban lot split.
3. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
4. States that the property is formed by an urban lot split and therefore subject to the city’s urban lot split regulations, including all applicable limits on dwelling size and development.
5. States that the deed restriction runs with the land and each provision therein may be enforced against future owners of the property.

9.296.050 Urban Lot Split Development Standards

The following development standards shall apply to urban lot splits.

A. Parcel Size.

1. Each resulting lot shall be of approximately equal size. In no instance shall a parcel be smaller than 40 percent of the lot area of the original parcel proposed for subdivision, or smaller than 1,200 square feet, whichever is greater.
2. Lots created from an SB 9 urban lot split may not be further subdivided.

B. Lot Lines. Lot lines shall be depicted on the parcel map submitted as part of urban lot split application and prepared by a registered civil engineer or licensed land surveyor in accordance with Government Code Section 66444-66450. Lot lines shall include a reference basis, distance, measurement, and bearings.

C. Access.

1. Each resulting parcel shall provide at least a 24-foot lot frontage along a public or private street.

2. Additional access requirements, including but not limited to a wider access corridor or easement, may be required where necessary to provide adequate access for fire safety equipment as determined by the Fire Marshal.
- D. **Setbacks.** The proposed property line dividing an existing lot into two lots with a proposed urban lot split shall be setback a minimum of 5 feet from an existing primary dwelling or any existing accessory structure located on the lot intended to be subdivided.
- E. **Dedications and Easements.** Easements may be required to convey public utilities, access, and other services. Right-of-way dedication and offsite improvements shall not be required through an urban lot split.
- F. **No Prior Lot Split.** A lot shall not be eligible for an urban lot split if it was previously established through a parcel map for an urban lot split.
- G. **Adjacent Parcels.** A lot shall not be eligible for an urban lot split if the owner of the lot being subdivided, or any person acting in concert with the owner, has previously subdivided an adjacent lot via an urban lot split.
- H. **Legal Nonconforming Conditions.** An urban lot split may be approved without requiring a legal nonconforming zoning condition to be corrected.
- I. **Utilities.** Parcels created through an urban lot split shall have separate sewer, water, gas, and electrical utility services and have the ability to connect prior to approval of the urban lot split.
- J. **Unit Quantity.** No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For the purposes of this subdivision, the two-unit limitation applies to any combination of primary dwelling units, Accessory Dwelling Units (ADUs), or Junior Accessory Dwelling Units (JADUs).
- K. **Two-Units.** Parcels created through an urban lot split shall be subject to Section 9.296.060 Two-Unit Development Standards.

9.296.060 Two-Unit Development Standards

The following development standards shall apply to two-unit developments.

- A. **Legal Lot.** The proposed development must be located on a legally created lot or a proposed urban lot split.
- B. **Unit Quantity.** A lot that is not created by an urban lot split may have a two-unit project under this section. No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary unit, a unit created under this section of the code, an Accessory Dwelling Unit (ADU), or a Junior Accessory Dwelling Unit (JADU).
- C. **Unit Size.**
 1. The total floor area of each primary dwelling unit that is developed as a two-unit project must be between 500 to 800 square feet.
 2. A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of the two-unit project. The unit may not be expanded.
 3. A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the two-unit project.

D. **Lot Coverage.** The lot coverage standard per the existing zone will only be enforced to the extent that it does not prevent two primary dwelling units on the lot of 800 square feet each.

E. **Open Space.** The open space standard per the existing zone will only be enforced to the extent that it does not prevent two primary dwelling units on the lot of 800 square feet each.

F. **Setbacks.**

1. **Generally.** All setbacks must conform to those objective setbacks that are imposed by the underlying zoning.

2. **Separation.** Each unit shall be located 10 feet from each other and at least 5 feet from an accessory structure, patio cover, or carport.

3. **Exceptions.**

a. **Existing Structures.** No setback is required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.

b. **800 Square Foot Dwelling.** The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.

G. **Parking Spaces Required.**

1. Each primary dwelling unit must have at least one off-street parking space.

2. Required parking for each dwelling unit may be exempt if one of the following applies:

a. The lot is located within one-half mile walking distance of either of the following:

i. A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

ii. A site that contains an existing rail or bus rapid transit station, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

b. The site is located within one block of a car-share vehicle location.

H. **Architecture.** Two-unit developments shall be compatible with the architectural style of the primary dwelling. No bare metal, unpainted or unfinished structures are allowed. To determine architectural compatibility, two-unit developments must possess at least three of the following traits in common with the primary dwelling on-site:

1. Wall covering materials.

2. Roofing material.

3. Roofing pitch.

4. Structural eaves.

5. Mass and scale of structure relative to structural height.

6. Window characteristics.

7. Decorative treatments.

I. **Utilities.**

1. Each existing and newly constructed unit shall maintain separate and independent public services and utilities, including separate utility connections and meters. All electric utility connections shall be underground.

2. Two-unit developments shall be required to connect to sewer and shall not be permitted where sewer is not available.
- J. **Fire-Hazard Mitigation Measures.** A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:
1. Emergency access and water supply requirements shall comply with the California Code of Regulations, Title 14 and Title 24, Part 9.
 2. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.
- K. **Separate Conveyance.**
1. Dwelling units on the lot may not be owned or conveyed separately from each other.
 2. Condominium airspace divisions and common interest developments are not permitted within the lot.
 3. All fee interest in a lot must be held equally and undivided by all individual property owners.
- L. **Certificate of Occupancy.** No certificate of occupancy for a two-unit development shall be issued before the issuance of certificate of occupancy for the first primary dwelling.
- M. **Applicable Chapters.** Site requirements of the following Chapters, but not limited to, shall apply to two-unit developments:
1. [Chapter 9.160](#) – General Development Standards
 2. [Chapter 9.165](#) – Accessory Structures
 3. [Chapter 9.185](#) – Fences, walls and screening
 4. [Chapter 9.190](#) – Hillside Development Standards
 5. [Chapter 9.195](#) – Landscaping Standards
 6. [Chapter 9.200](#) – Tree Preservation
 7. [Chapter 9.230](#) – Utilities

9.296.070 Specific Adverse Impacts

Notwithstanding anything else in this section, the city shall not deny a proposed development project based on a written finding that the proposed housing development project would have a specific, adverse impact upon the physical environment. The City may deny an application for an urban lot split or two-unit development if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a “specific adverse impact” on the either public health and safety ~~or on the physical environment and~~ for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The building official may consult with and be assisted by the Community Development Director and others as necessary in making a finding of specific adverse impact.

Chapter 9.298 Small Lot Subdivisions and Housing Development

Contents:

9.298.010 Purpose

9.298.020 Applicability

9.298.030 General Eligibility Requirements

9.298.040 Development & Objective Standards

9.298.050 Specific Adverse Impacts

9.298.010 Purpose

The purpose of this section is to allow and appropriately regulate small lot subdivisions and housing development in accordance with Government Code Section 65852.28, Section 65913.4.5 and Section 66499.41.

9.298.020 Applicability

This section establishes a streamlined ministerial review and approval process for small lot subdivisions pursuant to the requirements in Government Code Sections 65852.28, 64913.4.5, and 66499.41

9.298.030 General Eligibility Requirements

The standards set forth below shall apply to all lots subdivided pursuant to the requirements in Government Code Section 66499.41. For any development standard not explicitly identified below, the requirements of the underlying zoning district shall apply, unless superseded by State Law.

- A. **Map Act Compliance.** The lot must conform to all applicable objective requirements of the Subdivision Map Act (Government Code § 66410 et seq., "SMA"), including implementing requirements in this Code, except as otherwise expressly provided in this section.
- B. **Legal Lot.** The existing lot was legally created as shown through a previously recorded map or by establishment through a certificate of compliance, and not created previously pursuant to SB 684 or lot splits under 66411.7 (SB 9).
- C. **Location and Zoning.** Small lot subdivision projects shall be allowed on a lot zoned for multifamily residential permitted by right, including LDR-2, LMDR, MDR, MHDR, and HDR or on a vacant lot zoned for single-family residential permitted by right, including AG, RM, RR5, RR2, RR1. RR1/2, LDR-1, LDR-2, LMDR, MDR, subject to the exceptions set forth below and in Government Code § 65852.28 and 66499.41.
 - 1. Prime farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 - 2. A wetland.
 - 3. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
 - 4. A hazardous waste site that has not been cleared for residential use.
 - 5. Within a delineated earthquake fault zone, unless the development complies with applicable seismic protection building code standards.

6. Within a 100-year flood hazard area, unless the site has either:
 - a. Been subject to a letter of map revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
 - b. Meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
7. Within a regulatory floodway unless all development on the site has received no-rise certification.
8. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan. Properties within the Hillside Overlay are subject to Hillside Development Standards pursuant to Chapter 9.195.
9. Habitat for protected species.
10. Land under conservation easement.
11. The housing development project on the lot proposed to be subdivided would not require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low-, very low-, or extremely low-income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - c. Housing occupied by tenants within the five years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the submission of the application for a development permit.
 - d. A parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

-9.298.040 Development and Objective Standards

The following development standards shall apply to small lot subdivisions created through SB 684 and SB 1123.

- A. A lot zoned to allow multifamily residential dwellings shall not exceed five acres and shall be substantially surrounded by qualified urban uses as defined by the Public Resources Code, Sections 21072 and 21159.25.
- B. A vacant lot zoned to allow single-family dwellings shall not exceed one and one-half acres and shall be substantially surrounded by qualified urban uses as defined by the Public Resources Code, Sections 21072 and 21159.25.
- C. **Parcel & Unit Quantity.** The proposed subdivision will result in ten or fewer parcels and the housing development project on the lot proposed to be subdivided will contain ten or fewer residential units.
- D. The housing units on the lot proposed to be subdivided are one -of the following:
 - a. Constructed on fee simple ownership lots;
 - b. Part of a common interest development;

- c. Part of a housing cooperative, as defined in Civil Code Section 817; or
- d. Owned by a community land trust meeting the requirements of Government Code Section 66499.41.

E. The development standards listed below in Table 9.298.010 are the minimum standards for small lot subdivisions.

Table 9.298.010 Small Lot Subdivisions		
Standard		Additional Requirements
MINIMUM LOT DIMENSIONS		
<u>Multifamily Zoned Lots Net Lot Area (Square Feet)</u>	<u>600</u>	
<u>Single-family Zoned Lots Net Lot Area (Square Feet)</u>	<u>1,200</u>	
<u>Lot Width (Feet)¹</u>	<u>=</u>	
<u>Lot Depth (Feet)¹</u>	<u>=</u>	
<u>Frontage (Feet)¹</u>	<u>=</u>	
FLOOR AREA RATIO		
<u>3 to 7 unit subdivisions²</u> <u>Maximum</u>	<u>1.0</u>	<u>See underlying zone's FAR</u>
<u>8 to 10 unit subdivisions²</u> <u>Maximum</u>	<u>1.25</u>	<u>See underlying zone's FAR</u>
SETBACKS (Minimum)		
<u>Front Yard (Feet)</u>	<u>=</u>	
<u>Corner Side Yard (Feet)</u>	<u>4</u>	
<u>Interior Side Yard (Feet)</u>	<u>4</u>	
<u>Rear Yard (Feet)</u>	<u>4</u>	
^{1.} <u>No other size requirement, such as lot width, depth, or frontage shall apply to lots created through SB 684 and SB 1123.</u> ^{2.} <u>The Floor Area Ratios set forth in this table shall only apply where the underlying zone's floor area ratio does not exist.</u>		

F. Setbacks.

- 1. **Separation.** Interior side setbacks are not required between units for an SB 684 subdivision.

G. **Unit Size.** The total floor area of each dwelling that is developed through small lot subdivisions shall not exceed 1,750 net habitable square feet.

H. **Parking Required.** Housing units proposed under SB 684 and SB 1123 shall not be required to provide enclosed or covered parking or require parking if either of the following apply:

- The lot is located within one-half mile walking distance of either of the following:
 - A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.
 - A site that contains an existing rail or bus rapid transit station, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
- The site is located within one block of a car-share vehicle location

I. **Density Requirements.**

1. If the parcel is identified in the City's housing element for the current planning period, the development should result in at least as many units as projected for the parcel in the housing element.
 2. If the parcel is identified to accommodate any portion of the jurisdiction's share of the regional housing need for low or very low-income households, the development will result in at least as many low or very low-income units as projects in the housing element. These units shall be subject to a recorded affordability restriction of at least 45 years.
 3. If the parcel is not identified in the City's housing element for the current planning period, the development shall result in at least 66% of the maximum allowable residential density as specified by the zone or 66% of the applicable residential density, whichever is greater.
- J. Architecture.** Units created through SB 684 shall be compatible with the architectural style proposed in the City's Design Guidelines. No metal, unpainted or unfinished structures are allowed. To determine architectural compatibility, SB 684 units must possess at least three of the following traits in common with proposed or existing dwelling units on site:
1. Wall covering materials
 2. Roofing material
 3. Roofing Pitch
 4. Structural eaves
 5. Mass and scale of structure relative to structural height
 6. Window characteristics
 7. Decorative treatments
- K. Utilities.**
1. Parcels created through a small lot subdivisions shall have separate sewer, water, gas, and electrical utility services and have the ability to connect prior to approval of the subdivision.
 2. Each existing and newly constructed unit shall maintain separate and independent public services and utilities including separate utility connections and meters. All electric utility connections shall be underground.
- L. Fire-Hazard Mitigation Measures.** A lot in a very high or high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:
1. Emergency access and water supply requirements shall comply with the California Code of Regulations, Title 14 and Title 24, Part 9.
 2. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.
- M. Applicable Chapters.** Site requirements of the following Chapters, but not limited to, shall apply:
1. Chapter 9.160 – General Development Standards
 2. Chapter 9.165 – Accessory Structures
 3. Chapter 9.185 – Fences, walls and screening
 4. Chapter 9.190 – Hillside Development Standards
 5. Chapter 9.195 – Landscaping Standards
 6. Chapter 9.200 – Tree Preservation
 7. Chapter 9.230 – Utilities

- N. Prohibition of Urban Lot Splits.** A parcel created under this section may not be further subdivided pursuant to an urban lot split under Chapter 9.296.
- O. Accessory Dwelling and Junior Accessory Dwelling Units.** An accessory dwelling unit or junior accessory dwelling unit shall be permitted on a parcel created through this chapter pursuant to Section 9.295.020.
- 1. Accessory dwelling and junior accessory dwelling units cannot be counted toward a housing development project on a lot subdivided to contain 10 or fewer residential units.**

9.298.50 Specific Adverse Impacts

Notwithstanding anything else in this section, the city may deny an application for a small lot subdivision if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a “specific adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The building official may consult with and be assisted by the Community Development Director and others as necessary in making a finding of specific adverse impact.

Chapter 9.300 Universal Definitions

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9.300.020 “A” Definitions

Abandonment. A discontinuance of any use with intent to permanently discontinue such use.

Abatement. The method of reducing the degree and intensity of pollution, nuisances or violations.

Abut. To physically touch or border upon; to share a common property line.

Access. A way or means of physical entry to a property.

Accessory Dwelling Unit. An attached or a detached 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 primary dwelling unit is situated. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code Section 17958.1, and a manufactured home, as defined in California Health and Safety Code Section 18007.

Accessory Use. See *Use, Accessory*.

Accessory Structure. See *Structure, Accessory*.

Acre. A measure of land area containing 43,560 square feet.

Acre, Gross. Gross acreage refers to the total number of acres of an area, including all roads, railroads, and flood control facilities. The entire acreage of a site calculated to the centerline of bounding streets.

Acre, Net. Gross acreage minus the acreage used for ~~The portion of a site not reserved for public use. The following are not included in the net acreage of a site: major public or private roads, rights-of-way (classified as Collector roads and above), railroad common or public open space, and flood control facilities.~~ ways.

Action. A decision on a permit application or other land use matter, made by the approval authority.

Addition. An extension or increase in floor area or height of an existing building or structure.

Adverse Impact. A condition that creates, imposes, aggravates or leads to inadequate, impractical, unsafe, unsightly or unhealthy conditions.

Agricultural Labor Housing. Living accommodations for employees and their immediate families employed for the exclusive purpose of agricultural pursuits either on the premises or off site. It includes single or multi-unit dwellings, including mobile homes and dormitories.

Agricultural Operations, Commercial. Use of land for the propagation, care, maintenance, production of food and fiber, including the growing of crops and/or the grazing of animals on natural or improved pastureland for the purpose of sale of goods and/or crops for profit. Agriculture uses include agricultural labor housing (see *Agricultural Labor Housing*).

Agricultural Operations, Noncommercial. Use of land for the propagation, care, maintenance, production of food and fiber, including the growing of crops and/or the grazing of animals on natural or improved pastureland for personal use. Agriculture uses include agricultural labor housing (see *Agricultural Labor Housing*).

Aisle. The traveled way by which cars enter and depart parking spaces.

Alcoholic Beverage Sales. An activity or business engaged primarily in the sale of alcoholic beverages for on-site or off-site consumption.

Alley. A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Alteration. Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders and all interior partitions; any change in doors, windows or means of ingress or egress; any enlargement or diminution of a building or structure, whether horizontally or vertically; or the moving of a building or structure from one location to another.

Amenity. Aesthetics or other characteristics of a development that increase its desirability to the community, such as swimming pools, tennis courts, security systems, views, landscaping or enhanced open space.

Amusement Park. Facilities or uses that provide participant recreation indoors or outdoors. Amusement parks may include a variety of recreational uses, including but not limited to go carts, amusement arcades, miniature golf courses, batting cages and other similar uses.

Annexation. The incorporation of a land area into an existing city or district resulting in a change in the boundaries of the city or district.

Apartment. A building, or group of buildings, in which all dwelling units in the building are owned by a single party and rented out to individual tenants.

Appeal. A request for a review of a decision or action taken on a proposed permit application or other land use matter by the approving authority.

Appeal Authority. The agency, board, group or legally designated individual empowered to review and deny, uphold, or refer back to the approval authority, an appeal of an action taken by an approval authority.

Applicant. The owner(s) or lessee(s) of property, or their authorized agent(s), or person(s) who have contracted to purchase property contingent upon their ability to obtain the required entitlements, and who requests in writing, on the appropriate forms, the approval of a permit, license, certificate or other entitlement from the City.

Application, Accepted. An application filed with and accepted for processing by the City in accordance with the requirements of this Title, containing all items required as stated on the applicable application form.

Application, Complete. An application that has been deemed complete in accordance with California Government Code Section 65943 (Permit Streamlining Act).

Approval Authority. The agency, board, group or other legally designated individual empowered to review and approve a proposed permit application or other land use matter.

Approved Plan. A final plan that has been approved by the appropriate authority.

Assisted Living Facility. See *Residential Care Facility*.

Attached. Any structure that has an interior wall or roof in common with another structure.

Auction. The sale of new and used merchandise offered to bidders by an auctioneer for money or other consideration.

Awning. A roof-like cover attached to and extending from the wall of a building to provide shielding of windows and/or entrances.

9.300.130 "L" Definitions

Landscape Plan. A plan on which is shown: proposed landscape species (such as number, spacing, size at time of planting, and planting details), proposals for protection of existing vegetation during and after construction, proposed treatment of hard and soft surfaces, proposed decorative features, grade changes, buffers and screening devices, and any other information that can reasonably be required in order that an informed decision can be made by the approval authority.

Land Use. A description of how land is occupied or utilized.

Land Use Permit. A permit issued by the City pursuant to the Menifee Municipal Code allowing a specific activity to be conducted on an individual property.

Legislative Act. The means by which the legislative arm of government renders decisions, such as minute actions, resolutions and ordinances.

Live Entertainment. Entertainment provided by or one or more professionals and utilizing sound amplification equipment, but not including, a single vocalist or piano player with a microphone, karaoke or open-mike amateur type performances and not including adult uses.

Living Area. Means the interior habitable area of a dwelling unit, including basements and attics, but ~~The area that is considered habitable living space.~~ Does not include ~~at the~~ garage, patios, ~~or~~ screened enclosures, ~~or any accessory structures.~~

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

Loading Space. An off-street space or berth used for the loading or unloading of cargo, products or materials from vehicles.

Lot. Any parcel of real property approved by a record of survey, plat, parcel map, subdivision map, or certificate of compliance, or any parcel legally created or established pursuant to the applicable zoning or subdivision regulations in effect prior to the effective date of application of this Code to such parcel.

Corner. A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

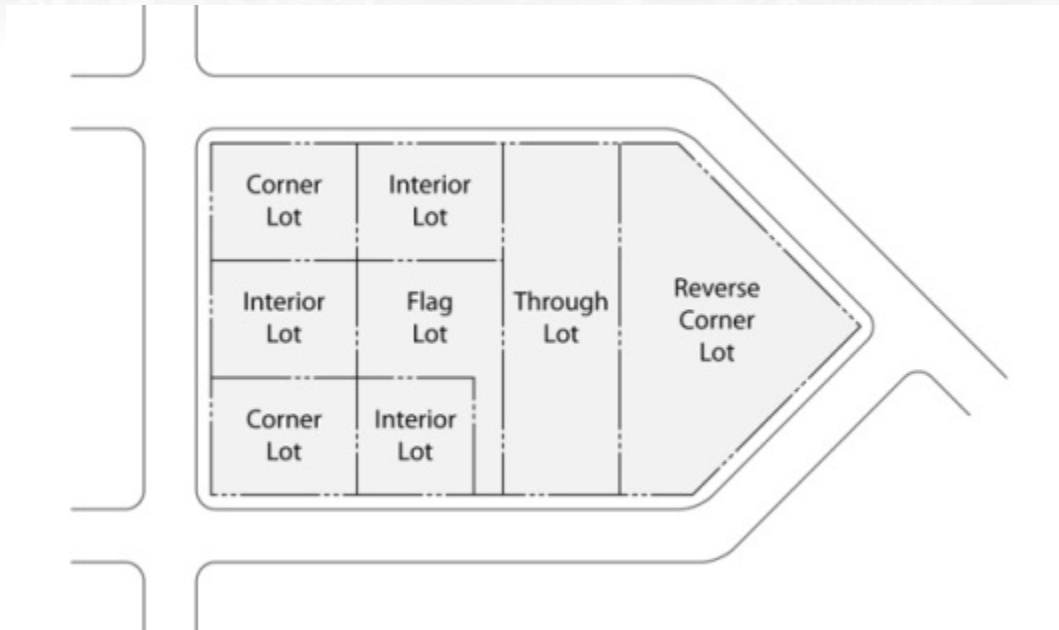
Flag. A lot which utilizes a narrow strip as its means of providing frontage on a street and/or providing access to the lot.

Interior (Typical). A lot other than a corner lot.

Reverse Corner Lot. A lot, the rear of which abuts the side of another lot.

Substandard. A parcel of land that has less than the required minimum area or dimensions.

Through. A lot that fronts upon two streets that do not intersect at the boundaries of the lot.



Lot Area, Gross. The total area within the lot lines of a lot, including any adjacent street rights-of-way.

Lot Area, Net. The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot Coverage. See *Coverage, Lot*.

Lot Depth. The average distance measured from the front lot line to the rear lot line.

Lot Frontage. The length of the front lot line measured at the street right-of-way line. For flag lots, that portion of a lot, not including the pole portion, that is generally parallel to the access street.

Lot Line. A line of record bounding a lot that divides the lot from another lot or from a public or private street or any other public space.

Front. The lot line parallel to the street. On a corner lot, the shorter lot line abutting a street or the line designated as the front lot line by a subdivision or parcel map. On a flag lot, the interior lot line most parallel to the nearest street from which access is obtained.

Interior. A lot line which does not abut a street.

Rear. The lot line which intersects a side lot line and which is most distant from and most closely parallel to the front lot line.

Side. Any lot line other than a front or rear lot line.

Lot Width. The horizontal distance between the side lines, measured at the required front setback line.

Lot of Record. A lot that exists as shown or described on a recorded plat or deed in the records of the County Recorder.

Low Barrier Navigation Center. See *Supportive Housing – Lower Barrier Navigation Center*.

9.300.170 “P” Definitions

Parade. A parade, demonstration, procession, march, review, ceremony, rally or exhibition which is conducted in, on, upon or along any portion of any public street, sidewalk or other public property owned or controlled by the city which would impede, obstruct, impair or interfere with the free use of the public street, sidewalk or other public property, often to support or oppose a specific issue.

Parapet. The extension of the main walls of a building above the roof level.

Park. A tract of land designated and used by the public for active and/or passive recreation.

Park and Ride. A system where participants drive to a central location to carpool or gain access to public transportation to another location.

Parking Lot. An off-street, ground-level open area, usually improved, for the temporary storage of motor vehicles.

Parking, Shared. Joint use of a parking area for more than one use.

Parking Space. A clearly defined location for the parking of a motor vehicle in a public or private parking area.

Parking Space, Covered. An accessible and usable covered space of not less than 10 by 20 feet for storage of automobiles. Such covered parking space to be so located on the lot as to meet the requirements of this Title for an accessory building or, if attached to the primary building, to be so located as to meet all the requirements of this Title for a primary building.

Parkway. The area of a public street between the curb and the adjacent property line or physical boundary definition such as fences or walls, which is used for landscaping and/or passive recreational purposes.

Party Wall. A dividing partition between two adjoining buildings (or units) that is shared by the tenants of each residence or business.

Passageway. A pedestrian pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

Permit. Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

Permitted Use. Any use allowed in a zone district and subject to the restrictions applicable to that zone district.

Personal and Professional Services. Establishments providing non-medical services to individuals as a primary use. May also include accessory retail sales of products related to the services provided. Examples of such uses may include, but are not limited to, shoe repair, barber shops, hair salons, mailing centers, ticket sales, travel agencies, tattoo & body piercing parlors, etc.

Physically Disabled. A person who has a permanent loss of, or loss of use of, a part of the body, or permanent impairment of a body function, resulting in actual disability and a diminished ability to compete in an open market.

Planning Department. See *Community Development Department*.

Planning Director. See *Community Development Director*.

Plat. A map representing a tract of land showing the boundaries and location of individual properties and streets; a map of a subdivision or site plan.

Plaza. An open space which is improved and landscaped, usually surrounded by streets and/or buildings.

Plot. A single unit parcel of land; a parcel of land that can be identified and referenced to a recorded plat or map.

Plot Plan, Minor. The process established to provide for administrative review of projects that, because of their limited size and scope, have minor aesthetic, land use or traffic implications and do not create any significant impact on public utilities or services.

Plot Plan, Major. The process established to examine proposed development to ensure a high standard of quality for buildings, landscaping, parking and general site design. Such review enables the City to maintain stability in property values and prevent deterioration of property and aesthetics throughout the community.

Porch. A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

Prezoning. The process or action by which cities are able to designate that portion of an unincorporated area for future annexation, with specific zoning districts which will apply upon annexation of the property to the City.

Primary Building. See *Building, Primary*.

Primary Use. See *Use, Primary*.

Private Recreational Facilities. Facilities including but not limited to country clubs, tennis and swim clubs, golf courses, racquetball and handball facilities, and commercial uses which are commonly associated and directly related to these uses.

Processing. A method that changes a material's nature, chemical composition, or physical qualities.

Professional Office. The office of a member of a recognized profession maintained for the conduct of that profession.

Prohibited Use. See *Use*.

Project, Non-Subdivision. The total development, not including subdivision of land, within the boundaries as defined on the plan for development.

Project. The total development, including subdivision of land, within the boundaries as defined on the plan for development.

Projection. That part of a building or structure which extends beyond the main wall of a building.

Property. A piece or parcel of land or real estate, including buildings and easements.

Public Property. Property owned by a governmental agency or held open to the public, including, but not limited to, parks, streets, sidewalks and alleys.

Public Areas. Parks, playgrounds, trails, paths, recreation areas, open spaces, scenic and historic sites, schools and other buildings and structures for public use.

Public Improvement. Any improvement or facility, together with the right-of-way necessary to provide transportation, drainage, utilities or other facilities that are usually owned, operated and/or maintained by a government agency.

Public Right-of-Way. An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

Public Utility. An agency that provides electricity, gas, communications, transportation, water, sewage collection or other similar service deemed necessary for the public health, safety and welfare. See also *Utility Service*.

Chapter 9.305 Special standard and use Definitions

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9.305.030 Density Bonus and Related Terms Defined

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9.305.050 Signs and Related Terms Defined

9.305.060 Noise Control Regulations

9.305.070 Wireless Communications and Related Terms Defined

9.305.040 ~~Marijuana~~ Cannabis and Related Term Definitions

Hookah. A glass or metal water pipe usually decorated and shaped somewhat like a bottle or small tank, with a long, flexible cord pipe. Also known as shisha, nargile, hubble bubble, nag and turkish water pipe.

Hookah Lounge. An area of a commercial establishment, whether enclosed, indoor or outdoor, designated specifically for the use of hookahs, but does not include private use of hookahs in personal residences if otherwise in compliance with applicable law.

Indoor Cultivation. Cannabis ~~Marijuana~~ cultivation for personal, non-medicinal use within an individual's private residence, or within an accessory structure that is fully enclosed and secure.

Cannabis~~Marijuana~~. Any or all parts of the plant *Cannabis sativa Linnaeus*, *Cannabis indica*, or *Cannibis rueralis*, or other variations that contain the psychotropic compound Tetrahydrocannabinol (THC), whether growing or not; the seed thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including cannabis marijuana infused in foodstuff or any other ingestible or consumable product containing ~~marijuana~~cannabis. The term ~~marijuana~~ cannabis shall also include "medical ~~marijuana~~ cannabis" as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the State of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 through 11362.85 (Medical Marijuana Program).

~~Marijuana~~ Cannabis Cafe. An area of a commercial establishment, whether enclosed, indoor or outdoor, designated specifically for the use of ~~marijuana~~ cannabis, but does not include private use of ~~marijuana~~ cannabis in personal residences if otherwise in compliance with applicable law.

~~Marijuana~~ Cannabis Cultivation. Growing, planting, harvesting, drying, curing, grading, trimming or processing of ~~marijuana~~ cannabis. The term ~~marijuana~~ cannabis cultivation shall also include "mobile cultivation," that being the cultivation of ~~marijuana~~ cannabis within a movable conveyance such as a vehicle, truck, trailer, recreational vehicle, mobile home or other such mobile device.

~~Marijuana~~ Cannabis Dispensary. Any facility or location, whether fixed or mobile, where ~~marijuana~~ cannabis is made available to or distributed by or distributed to any individual.

Marijuana-Cannabis Processing. Any method used to prepare cannabis marijuana or its byproducts for commercial retail and/or wholesale, including but not limited to drying, cleaning, curing, packaging and extraction of active ingredients to create cannabis marijuana-related products and concentrates. Further, cannabis marijuana processing shall include marijuana-cannabis byproducts created at another location and transported to a site to be used as an additive in another product.

Medical Marijuana-Cannabis Dispensary. Any facility or location, whether fixed or mobile, where medical cannabis marijuana is made available to or distributed by or distributed to one or more of the following: a primary caregiver, a qualified patient, or a patient with an identification card. All three terms are identified in strict accordance with California Health and Safety Code Section 11362.4 et seq. A medical cannabis marijuana dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by this code or applicable law: A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as such uses comply strictly with applicable law, including but not limited to, Health and Safety Code Section 11362.5 et seq.

Mobile Marijuana-Cannabis Dispensary. Any clinic, cooperative, club, business or group which transports or delivers, or arranges the transportation or delivery of, cannabis marijuana to a person for either personal, recreational or medical use.

9.305.070 Wireless Communications and Related Terms Defined

Antenna. A device used for the purpose of transmitting and/or receiving wireless communication signals; does not include a satellite dish or antenna.

Antenna Structure. An antenna and its associated support structure, such as a monopole or tower.

Electric Utility Tower. A structure that supports, holds or contains wires that transfer electricity.

Eligible Facilities Request. A request to modify an existing tower or base-station that, within the meaning of the Spectrum Act, does not substantially change the physical dimensions of that tower or base station, and involves (a) the collocation of new transmission equipment, (b) the removal of transmission equipment, or (c) the replacement of transmission equipment.

Equipment Enclosure. Any freestanding or mounted structure, shelter, cabinet or vault used to house and protect the electronic and supporting equipment necessary for processing wireless communication signals. Supporting equipment includes, but is not limited to, air conditioners and emergency generators and other backup power suppliers.

Fixed Wireless Telecommunication Facility. an un-staffed facility for the transmission or reception of wireless telecommunications services, commonly consisting of an antenna array, connection cables, a support structure to achieve the necessary elevation, and an equipment facility or subterranean vault to house accessory equipment that may include cabinets, pedestals, shelters and similar protective structures.

Monopole. A vertical, unguyed structure erected on the ground to support an antenna.

Support Facility. Equipment and structures constructed in support of wireless communication or antenna structures. Support facilities may include, but are not limited to vaults, equipment rooms, utilities and equipment enclosures.

Tower. A structure that supports, holds or contains equipment that sends and/or receives wireless communication signals, including, but not limited to, antennas.

Wireless Communication Service Provider. The private entity that is responsible for providing wireless communication to the general public or that owns or operates a wireless communication facility. Includes a company which owns the facilities and leases them to a wireless communication service provider. Shall also mean “telecommunication service provider.”

Wireless Communication Facilities. Facilities that send and/or receive personal wireless communication signals, including, but not limited, to antennas, microwave dishes or horns, antenna structures, towers, equipment enclosures and the land upon which they are all situated, but not including satellite antennas. Wireless communication facilities are classified as follows:

1. **Concealed Wireless Communication Facilities.** Facilities blended into the environment so as not to be seen at all or, if seen, not to be recognized as wireless communication facilities; also called “stealth.” Concealed wireless communication facilities include, but are not limited to, architecturally screened roof-mounted facilities, facade-mounted design feature facilities, clock tower facilities and entry statement signage facilities.
2. **Disguised Wireless Communication Facilities.** Facilities designed and sited so as to be minimally visually intrusive. Disguised wireless communication facilities include, but are not limited to, disguised palm trees (monopalm), disguised pine trees (monopines), disguised ball field light poles, disguised water towers, disguised streetlights, disguised electric utility poles, suspended wire antennas and painted poles located within a grove of live trees.
3. **Co-located Wireless Communication Facilities.** Facilities owned by one wireless communication service provider that are attached to facilities owned by a different wireless communication service provider or facilities owned by another utility, such as an electric utility tower.
4. **Other Wireless Communication Facilities.** Facilities that are not concealed, disguised or co-located.
5. **Small Cell Telecommunication Facility.** An unstaffed facility, excluding a satellite dish antenna, that consists of a base station which provides wireless device, data and/or image transmission within a designated service area and may consist of a low-powered access node with no more than five watts of transmitter output power per antenna channel, and may not be larger than a maximum height of three feet and a maximum width of two feet.