

ORDINANCE NO. 2022- _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA APPROVING CODE AMENDMENT LR22-0140, AMENDING THE DEVELOPMENT CODE (TITLE 9 OF THE MENIFEE MUNICIPAL CODE), CONSISTING OF CLEAN-UP AMENDMENTS TO SEVERAL CHAPTERS OF THE DEVELOPMENT CODE, MINOR TECHNICAL CORRECTIONS, CLARIFYING LANGUAGE, AMENDMENTS FOR GENERAL PLAN CONSISTENCY, AND CHANGES TO INDUSTRIAL PARKING REQUIREMENTS.

WHEREAS, on December 1, 2009, the City Council adopted Ordinance 2009-66, which established Riverside County Zoning Ordinance 348 as the City's Zoning Ordinance to be effective until such time when it is repealed, amended, or replaced by the City's own ordinances adopted by the City Council; and

WHEREAS, on December 4, 2019, the City Council adopted Ordinance No. 2019-289 approving a Comprehensive Development Code Update ("CDCU") that established City of Menifee-specific zoning regulations to replace County Ordinance 348, also known as the Development Code ("Code"); and

WHEREAS, since adoption of the Code, staff has implemented and identified areas of the Code where improvements are needed related to technical and grammatical corrections, amending language to simplify and provide more clarity, and for consistency with General Plan goals and policies; and

WHEREAS, certain standards have had unintended consequences that do not reasonably facilitate development as anticipated, and revisions to the standards are needed and appropriate; and

WHEREAS, on May 19, 2022, the City of Menifee initiated an application for a Code Amendment No. LR 22-0140 to amend Title 9 (Zoning Ordinance); and

WHEREAS, this proposed Code Amendment No. LR 22-0140 consists of Code clean-up amendments that include technical and grammatical corrections, amended language to simplify and provide more clarity to certain provisions, to provide consistency with the General Plan, comply with State law, and amend standards as needed to facilitate development in an appropriate manner as needed to implement the Code reasonably and effectively in support of the Goals and Policies of the City's General Plan; and

WHEREAS, the most substantial amendments involve changes to requirements of Chapter 9.215 – Parking and Loading Standards related to parking requirements for Industrial uses, Parking Conditions and Exceptions, and Alternative Programs for Parking; and

WHEREAS, on June 23, 2022, the Riverside County Airport Land Use Commission (ALUC) Director found Code Amendment No. LR 22-0140 consistent with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan and the 2010/2011 Perris Valley Airport Land Use Compatibility Plan; and

WHEREAS, Code Amendment No. LR22-0140 was publicly noticed for a Planning Commission public hearing to be held on July 13, 2022, provided by a publication in *The Press Enterprise* (a newspaper of general circulation), an agenda posting, and to persons requesting public notice; and

WHEREAS, on July 13, 2022, the City of Menifee Planning Commission, held a public hearing on Code Amendment No. LR22-0140, considered all public testimony as well as all materials in the staff report and accompanying documents for Code Amendment No. LR22-0140; and

WHEREAS, on July 13, 2022, the City of Menifee Planning Commission, unanimously adopted Resolution No. PC22-566 recommending that the City Council approve Code Amendment No. LR22-0140; and

WHEREAS, Code Amendment No. LR22-0140 was publicly noticed for a City Council public hearing to be held on August 17, 2022, provided by a publication in *The Press Enterprise* (a newspaper of general circulation), an agenda posting, and to persons requesting public notice; and

WHEREAS, on August 17, 2022, the City of Menifee City Council, held a public hearing on Code Amendment No. LR22-0140, considered all public testimony as well as all materials in the staff report and accompanying documents for Code Amendment No. LR22-0140.

NOW, THEREFORE, the City Council of the City of Menifee hereby ordains as follows:

SECTION 1. Sections 9.15.040, 9.15.070, 9.30.120, 9.105.020, 9.105.160, 9.135.030, 9.135.040, 9.140.030, 9.140.050, 9.165.030, 9.165.050, 9.185.040, 9.190.020, 9.190.030, 9.190.050, 9.190.060, 9.195.030, 9.195.040, 9.215.040, 9.215.070, 9.220.040, 9.220.060, 9.220.130, 9.235.010, 9.235.020, 9.235.050, 9.240.110, 9.260.040, 9.280.040, 9.290.060, 9.300.040, and 9.300.100 of the Menifee Development Code are amended pursuant to Code Amendment No. LR22-0140 as shown in Exhibit "A" attached hereto. Deletions are shown via ~~strike through~~ and additions are shown via underline.

SECTION 2. All ordinances, resolutions, or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 3. *The proposed Development Code Amendment is consistent with the intent of the goals and policies of the General Plan.*

The proposed Zoning Code Amendment consists of Code clean-up amendments that include technical and grammatical corrections, amended language to simplify and provide more clarity to certain provisions, provide consistency with the General Plan, State law, and amend standards as needed to facilitate development in an appropriate manner as needed to implement the Development Code reasonably and effectively, and are consistent with the intent of the following goals and policies of the General Plan:

- **LU-1.9:** *Allow for flexible development standards provided that potential benefits and merit of projects can be balanced with potential impacts.*

- **CD-5.3:** *Consider shared parking and reduced parking standards in areas designated as Economic Development Corridor.*

SECTION 4. *The proposed Development Code Amendment prescribes reasonable controls and standards to ensure compatibility with other established uses.*

The proposed amendments to the Zoning and Development Code prescribes reasonable controls and standards to ensure compatibility with other established uses as none of the proposed amendments involve any changes in zoning, or any changes to allowed uses, or density and intensities allowed within any zone. The proposal consists of Code clean-up amendments that include technical and grammatical corrections, amended language to simplify and provide more clarity to certain provisions, provide consistency with the General Plan, comply with State law, and amend standards as needed to facilitate development in an appropriate manner as needed to implement the Development Code reasonably and effectively.

SECTION 5. *The proposed Development Code Amendment provides reasonable property development rights while protecting environmentally sensitive land uses and species.*

The proposed amendments to the Zoning and Development Code will provide reasonable property development rights while protecting environmentally sensitive land uses and species as it consists of Code clean-up amendments that include technical and grammatical corrections, amended language to simplify and provide more clarity to certain provisions, provide consistency with the General Plan, comply with State law, and amend standards as needed to facilitate development in an appropriate manner as needed to implement the Development Code reasonably and effectively.

SECTION 6. *The proposed Development Code Amendment ensures the protection of the general health, safety, and welfare of the community.*

The proposed amendment will not result in conditions detrimental to the public health, safety, or general welfare as designed and conditioned as none of the proposed amendments involve any changes in zoning, or any changes to allowed uses, or density and intensities allowed within any zone. The proposal consists of Code clean-up amendments that include technical and grammatical corrections, amended language to simplify and provide more clarity to certain provisions, provide consistency with the General Plan, comply with State law, and amend standards as needed to facilitate development in an appropriate manner as needed to implement the Development Code reasonably and effectively.

Therefore, the modification would not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the impacted vicinity.

SECTION 7. *Compliance with CEQA. The proposed Development Code Amendment is in compliance with the requirements of the California Environmental Quality Act.*

The proposed Development Code Amendment LR 22-0140 is exempt pursuant to Section 15061 (b) (3) "Common Sense Exemption" of the CEQA Guidelines, as it is a clean-up amendment to the Development Code that consists of minor technical corrections, clarifying language, amendments for General Plan consistency, and changes to parking requirements for Industrial and Warehouse/Distribution Facility uses where it can be seen with certainty that there is no possibility that the proposed amendments will have a significant impact on the environment.

SECTION 8. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Menifee hereby declares the Council would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional, invalid, or ineffective.

SECTION 9. This ordinance shall take effect 30 days from the date of its adoption.

SECTION 10. The Mayor shall sign this ordinance and the City Clerk shall attest and certify to the passage and adoption of this Ordinance and cause this Ordinance to be published using the alternative summary and posting procedure authorized under Government Code Section 36933.

This Ordinance was introduced for first reading on August 17, 2022, and **PASSED, APPROVED, AND ADOPTED** this ____ day of _____ 2022.

Bill Zimmerman, Mayor

Approved as to form:

Jeffrey T. Melching, City Attorney

Attest:

Stephanie Roseen, Acting City Clerk