

## 9.01.090 Zoning districts.

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A. Districts Created. In order to provide a uniform basis for regulating the use of land, buildings and structures, and to establish minimum site development regulations and performance standards applicable to sites within the city, the city is divided into the following districts:

1. Residential Districts.
  - a. Rural residential (RR) district;
  - b. Hillside residential (HR) district;
  - c. Residential 1 (R1) district (forty thousand (40,000) square feet minimum lot size);
  - d. Residential 2 (R2) district (twenty thousand (20,000) square feet minimum lot size);
  - e. Residential agriculture 2 (RA2) district (twenty thousand (20,000) square feet minimum lot size);
  - f. Residential 3 (R3) district (ten thousand (10,000) square feet minimum lot size);
  - g. Residential 5 (R5) district (seven thousand two hundred (7,200) square feet minimum lot size);
  - h. Residential 10 (R10) district;
  - i. Residential 15 (R15) district;
  - j. Residential 20 (R20) district;
  - k. Residential 30 (R30) district;
  - l. Residential single-family 10 (RS10) district.
2. ~~Mixed Use Districts.~~
  - a. ~~Mixed use development 1 (MUD1) district;~~
  - b. ~~Mixed use development 2 (MUD2) district.~~
2. Commercial Districts.
  - a. Neighborhood commercial (NC) district;
  - b. Community commercial (CC) district;
  - c. Village commercial (VC) district;
  - d. Tourist recreation commercial (TRC) district;
  - e. Office commercial (OC) district;
  - f. Office (O) district.
3. Employment Districts.
  - a. Business park (BP) district;
  - b. Business park-mixed use (BPX) district;
  - c. Industrial (I) district.
4. Open Space and Agricultural Districts.
  - a. Open space (OS) district;
  - b. Agriculture (AG) district.

5. Special Districts.

- a. Public (P) district;
- b. Specific plan (SP) district, precise zoning adopted separately and reflected on zoning atlas;
- c. Medical use overlay (MUO) district;
- d. ~~Airport installation compatibility use zone (AICUZ)~~
- d. Outdoor advertising display overlay (OADO).
- e. Mixed Use Zones (B-F, CEMU, COMU, DC, H/OC)
- f. Mixed Use Overlay Districts

Parenthesis ( ) following district name is abbreviation appearing on zoning atlas maps.

B. Adoption of Official Zoning Atlas.

1. The boundaries of the zoning districts established pursuant to subsection A of this section are delineated upon that certain map(s) entitled "Official Zoning Atlas of the city of Moreno Valley," sometimes referred to as the "zoning map." The zoning atlas, together with all pages, legends, notations, references, boundaries, and other information thereon, is attached to and incorporated by reference in the ordinance adopting this title and is incorporated into this title by reference.

2. A copy of the official zoning atlas shall be kept on file with the city clerk and community development director and shall be made available to the public. Changes in the boundaries of any district shall be made by ordinance pursuant to Section [9.02.050](#) of this title, and shall be reflected on the official zoning atlas. The community development director shall be responsible for keeping official records relative to zoning atlas amendments.

C. Determination of Zoning District Boundaries.

1. Wherever a lot or site is divided by the boundary between districts, the regulations applicable within each district shall apply to each portion of the site situated in a separate district.

2. The following rules shall apply for determining the boundaries of any district on the zoning atlas:

a. Although zoning district boundaries depicted on the official zoning atlas may follow street or other right-of-way boundary lines, the district boundary shall not be construed to be the right-of-way boundary. The centerline of the rightof-way shall be the district boundary;

b. In unsubdivided property, where a district boundary divides a lot, the location of the district boundary, unless the same shall be indicated by dimensions, shall be determined by use of the scale appearing on the zoning atlas;

c. A symbol or symbols indicating the classification of property on the zoning atlas shall in each instance apply to the whole of the areas within the zoning district boundaries;

d. Where a public street, alley or right-of-way is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to each half of such vacated or abandoned street, alley or right-of-way adjacent to that abutting property. (Ord. 810 § 3.1, 2010; Ord. 797 § 2.1, 2009; Ord. 726 § 4.1, 2006; Ord. 694 § 1.1, 2005; Ord. 671 § 2, 2004; Ord. 564 § 2.2, 2000; Ord. 475 § 1.4, 1995; Ord. 468 § 1.1, 1995; Ord. 359, 1992)

### 9.02.020 Permitted uses.

The following tables contain columns with headings identifying zoning districts, and list uses by indicating the zoning district or districts in which each use is permitted or allowed and whether the stated use is permitted subject to district requirements, or whether the stated use is allowed only after obtaining a conditional use permit. Where the table indicates, a use is allowed with conditional use permit, unless otherwise expressly provided, all district uses and other standards and requirements shall apply. Permitted Uses Table 9.02.020-1 identifies all zoning districts within the City except for the Mixed-Use Zones/Corridors and Mixed-Use Overlay Districts, which are in Chapter 9.07.010, Permitted Uses Table 9.07.010-2.

Insert Permitted Uses Table 9.02.020-1 (see attached)

Insert Permitted Uses Table 9.02.020-2 (see attached)

## Chapter 9.07 SPECIAL DISTRICTS

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### Article I. Special Districts in General

**9.07.010 Mixed-Use Zones/Corridors (B-F, DC, COMU, CEMU, HO/C)**

**9.07.030 Public District.**

**9.07.040 Medical use overlay district (MUO).**

**9.07.060 Airport Land Use Compatibility Plan.**

**9.07.080 Primary animal keeping district.**

### Article II. Mixed Use Overlay Districts

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#### **9.09.090 Mixed Use Overlay Districts**

##### **A. Business Flex (B-F)**

1. **Purpose and Intent.** This designation provides for a range of business activities involving production, distribution, or repair with supporting office and commercial space. Permitted uses include light manufacturing, research and development, warehousing and distribution, automobile services and repair, and other uses consistent with applicable airport land use compatibility regulations. Corresponding zoning will be performance-based to promote flexibility and minimize non-conformance issues with existing uses.

2. **Property Development Standards.** The Business Flex (BF) district applies primarily to parcels fronting Alessandro Boulevard between Old Highway 215 and Elsworth Street. The intent is to provide opportunities for the development of onsite pedestrian-oriented friendly projects with development amenities that serves the needs of residents, visitors, and employees from the surrounding community. Development is allowed up to three (3) stories in height with building frontages near or at the sidewalk, landscaped pathways from the public right-of-way and throughout the development, and parking under or behind buildings.

##### **3. Site Development Standards.**

- a. **General Requirements.** The following table sets forth minimum site development standards for the Business Flex district zone. In addition, projects must comply with the performance standards included in Chapter 9.10, and other applicable ordinances, policies, and programs. The parking standards in MC 9.11.040 off-street parking requirements shall apply.

**BUSINESS FLEX District (BF): DEVELOPMENT STANDARDS**

Requirement	Development Standards
Density – Persons	Requires consistency with ALUCP and underlying ALUC Zone
Minimum Site Area	Commercial minimum 10,000 square feet; and warehousing uses minimum 35,000 square feet
Minimum site width, in feet	80
Minimum Site Depth, in feet	100
Front Building Setback, in feet (after dedications for right-of-way)	5 to 10 (Building areas above thirty (30) feet in height shall be set back an additional five feet for every 10 feet of additional structure height unless otherwise approved by the Planning Commission.)
Side street building setback area, in feet (after dedications for right-of-way)	10 (Building areas above thirty (30) feet in height shall be set back an additional five feet for every 10 feet of additional structure height unless otherwise approved by the Planning Commission.)
Lot coverage, maximum	60%
Floor Area Ratios	.5*
Building height, in feet, maximum	35 feet in B1 or B2; and up to 70 feet in C1 of the ALUC Plan
Parking front street setback, in feet (after dedications for right-of-way)	For additional information regarding the ALUC Plan, see MC Section 9.07.060
Parking side street setback, in feet (after dedications for right-of-way)	10
Setback Landscaping	10

\* Further restrictions/regulations per the 2014 Airport Land Use Compatibility Plan (ALUCP), that include prohibited uses, restricted heights, and restricted FARs. The Business-Flex (BF) District is comprised of portions of the B1, B2, and C1 zones in said plan.

**B. Downtown Center (DC)**

**1. Purpose and Intent.** The Downtown Center is envisioned as the primary hub and focal point of Moreno Valley and an economic and cultural engine in the region. The district establishes standards to foster development of a vibrant Downtown Center at the heart of the city to serve as a focal point of the community and destination for people from around the region. The district allows for a vibrant mix of business, entertainment, residential, cultural, and civic uses with the focus of the highest intensity of development along Nason Street. It integrates existing uses and layers compatible new land uses and public amenities together at various scales and intensities to foster a mix of uses that encourages people to live, work, play, and shop within the Downtown Center.

With a range of activities day and night, this thriving area will draw people and businesses to Moreno Valley and will showcase the highest quality architecture/design to rival anything in the region. The Downtown Center will integrate the existing hospital complexes and provide visual and physical connections to Moreno Valley College, Lake Perris, and other key destinations within the community.

Visibility is a critical design consideration for the Downtown Center. Design standards for development at the core of the Downtown Center. The district seeks to take advantage of the relatively flat terrain and promote higher building heights to help build visual connections from other locations within the community and enhance the prominence of the Downtown Center as an important destination. Additionally, public plazas and other vantage points within the Downtown Center should be designed to allow for view of the scenic hills surrounding the city, enhancing sense of place.

**2. Property Development Standards.** The Downtown Center zone applies primarily to parcels in the area generally bounded by Lasselle Street, Iris Avenue, Nason Street, and extending to Cottonwood Avenue at some locations. The intent is to allow for development of a downtown that will include commercial, office, vertical and horizontal mixed use, higher density multi-family development, and lower density residential on the periphery. The most intense development is expected to be focused towards Nason Street. The zone is intended to:

- Ensure orderly and thorough planning and review procedures that will result in quality design; and
- The creation and improvement of common open space and coordination of vehicular, pedestrian, and bicycle circulation; and
- Establish a procedure for the development of land under unified control to achieve efficient land use patterns while permitting creative and innovative approaches to the development of residential, commercial, and mixed-use in the designated DC District in order to create a central downtown business atmosphere towards Nason Street; and
- Encourage mixed development patterns and avoid monotony in large developments by allowing greater flexibility in selecting the means to provide access, light, open space, and amenities; and
- Decrease the burden created by new development on utilities and other infrastructure systems by permitting mixed use development consistent with policies of the General Plan; and

**3. Special Requirements.** In order to implement the Downtown Center (DC) District General Plan policies, an area plan will be required demonstrating consistency with the principles outlined in the Land Use and Community Character (LUCC) Element, Table LCC-2 and the illustrative development program shown in the LUCC Element, Table LCC-3 prior to approval. For large projects, an existing or proposed Specific Plan may be used in lieu of an Area Plan. Development on smaller parcels and multi-family housing projects may satisfy this requirement with a site plan as determined by the Community Development Director, and development of residential projects on the periphery of the Downtown Center may satisfy the requirement through approval of a Planned Unit Development application.

### **The Floating Zone Concept**

A floating zone is a zone that delineates a general area where certain conditions would need to be considered before a development proposal is approved.

### **Floating PUDs**

The Floating Planned Unit Development (DC-PUD) designation allows for the development of single-family housing and less dense multi-family housing on the periphery of the Downtown Center. This will support development of the most intense development in proximity to Nason Street, allowing residential mixed-use projects with ground-floor commercial uses in proximity to the intersection of Nason Street and Alessandro Boulevard, and encouraging residential development greater than 20 dwelling units per acre along portions of Alessandro Boulevard towards Nason Street,

The designation for the Floating Planned Unit Development zone is indicated on the Official Zoning Map with a circle border and the letters “DC-PUD”. This symbol represents a “floating” designation and is only intended to indicate a general area within which a PUD could be located. It does not preclude other development or uses that would otherwise be permitted within the Downtown Center. The purpose and intent of the PUD Floating Zone is to provide flexibility in planning for residential development of projects.

### **Floating Plazas**

The Floating Parks and Plazas (DC-PPL) zone is used to designate lands that can be publicly or privately-owned and are intended to be programmed for low intensity, publicly accessible open space uses. Parks and Plazas represent a creative solution to provide more public space in the Downtown Center zone. Plazas and pocket parks will generally be spaces that are developed and maintained privately, but open to the public. Opportunities for the creation of these types of plazas will occur as properties in the DC zone develop with higher intensity uses.

The designation for the park or plaza is indicated on the Official Zoning Map with a circle border and the letters “DC-PPL”. This symbol represents a “floating” designation and is only intended to indicate a general area within which a park or plaza site should be located. The specific size, exact location and configuration of such park or plaza site will be finalized only through future development of specific parcels in the DC District through an area plan, Specific Plan, or a site plan. Until such time that these properties are privately developed as a publicly accessible park or plaza space or purchased by the City, development is allowed consistent with the DC zone.

## **4. Site Development Standards**

A. General Requirements. The following sets forth minimum site development standards for the Downtown Center. In addition, projects must comply with the special requirements enumerated in subsection B.3, the performance standards included in Chapter 9.10, and other applicable ordinances, policies, and programs. The parking standards in MC 9.11.040 off-street parking requirements shall apply.

### **Downtown Center (DC) - DEVELOPMENT STANDARDS**

<u>Requirement</u>	<u>Development Standards</u>
<u>Block Development</u>	<u>Blocks over 500 feet should feature midblock connections shall as pedestrian pathways or alleys. Block sizes should range between 330 and 660 linear feet where feasible.</u>
<u>Mid-Block Pathways</u>	<u>Mid-block pathways shall be no less than 16 feet wide.</u>

<u>Buildings shall be oriented such that frontages and entrances are visible and accessible from the public right-of-way, pedestrian connections, parks, or plazas.</u>	<u>Buildings shall be oriented such that frontages and entrances are visible and accessible from the public right-of-way, pedestrian connections, parks, or plazas.</u>
<u>Density - Dwelling Units (Du)/Acre *</u>	<u>NA (with or without affordable housing)</u>
<u>Minimum Site Area</u>	<u>As determined through Area Plan if required or Site Plan review</u>
<u>Minimum site width, in feet</u>	<u>As determined through Area Plan if required or Site Plan review</u>
<u>Minimum Site Depth, in feet</u>	<u>As determined through Area Plan if required or Site Plan review</u>
<u>Front Building Setback, in feet (after dedications for right-of-way) Ground Floor Use</u>	<u>0 - 10 ft</u>
<u>Side street building setback area, in feet (after dedications for right-of-way)</u>	<u>0 - 10 ft</u>
<u>Interior side yard setback in feet</u>	<u>0 - 10</u>
<u>Rear yard setback in feet</u>	<u>10</u>
<u>Lot coverage, maximum</u>	<u>Pending Landscape and Open Space Requirements</u>
<u>Building height, in feet, maximum</u>	<u>None.</u>
<u>Floor Area Ratio (FAR)</u>	<u>NA</u>
<u>Minimum Dwelling Size</u>	<u>*See note below.</u>
<u>Minimum distance between buildings in feet (between residential and commercial uses)</u>	<u>10</u>
<u>Parking (surface) front street setback, in feet (after dedications for right-of-way)</u>	<u>10</u>
<u>Parking (surface) side street setback, in feet (after dedications for right-of-way)</u>	<u>5</u>
<u>Garage/Tuck-Under Parking</u>	<u>Prohibited along front lot lines</u>
<u>Underground/Podium Parking</u>	<u>Allowed beneath building footprints</u>
<u>Above Ground Parking Structure</u>	<u>Allowed if screened from views from public right-of-way and adjacent single family residential zones</u>
<u>Setback Landscaping</u>	<u>All setbacks exclusive of required walkways and driveways will be landscaped planting areas.</u>
<u>Publicly Accessible Open Space (non-residential)</u>	<u>15% of net lot area</u>

<u>Private Open Space (Multi-family residential)</u>	<u>150 sq ft per unit on 1st floor, and 100 sq ft per unit on upper floors</u>
<u>Common Open Space (multi-family residential)</u>	<u>300 sq ft per unit</u>
<u>Ground floor building frontages clear glazing material</u>	<u>60%</u>
<u>Ground floor-to-ceiling minimum height in feet</u>	<u>15-20</u>
<b><u>*Note: Minimum Dwelling Unit Sizes</u></b>	
<u>a. Studio and One Bedroom: four hundred fifty (450) square feet;</u>	
<u>b. Two Bedroom: eight hundred (800) square feet;</u>	
<u>c. Three Bedroom: one thousand (1000) square feet;</u>	

**C. Corridor Mixed Use (COMU)**

**1. Purpose and Intent.** The Mixed-Use Community Corridor (COMU) zone is intended to create vibrant boulevards that are both a destination and a place where people can work and live. This will consist of buildings that emphasize street-oriented frontages, pedestrian-scaled buildings, creative use of open spaces and building design, and engaging, well-crafted areas for pedestrian activity such as plazas and walkways. The integration of residential and commercial uses into a mix of vertical and horizontal buildings will encourage businesses to relocate and establish a presence in Moreno Valley whereby pedestrians will work, live, shop and enjoy an array of entertainment experiences. The Mixed-Use Corridors will facilitate transit and bicycle use, and pedestrian activity. This designation allows for residential densities from 15 dwelling units per acre up to 25 dwelling units per acre.

**2. Establishment and Intent.**

The Corridor Mixed-Use District is generally located on Alessandro Boulevard, Perris Boulevard, and Sunnymead Boulevard. For Sunnymead Boulevard, the Village Specific Plan (SP204) provides mixed use standards that are consistent with the intent of this section.

Alessandro Boulevard and Perris Boulevard (COMU) are major entryways into Moreno Valley providing gateways to the City, such that these corridors should:

- a. Facilitate a pedestrian-scaled environment with buildings that emphasize active and street-oriented frontages, well-scaled and designed buildings, and engaging outdoor spaces and landscaping.
- b. Allow for higher intensity residential, commercial, and mixed-use buildings to provide the appropriate height relative to the width of the street.
- c. Provide increased opportunities in Moreno Valley for residents to live near goods, services, transit, and entertainment while also ensuring a high standard and quality of life for residents.
- d. Ensure that consideration and proper transition is designed to adjacent lower-density residential uses.

**3. Applicability.** For Alessandro Boulevard and Perris Boulevard, the building design standards, site design guidelines, and all other land use and development requirements, standards, or other provisions set forth in MC 9.07.010 shall apply to all development within the Corridor Mixed Use zone (COMU). The City’s Official Zoning Atlas will identify the zone as COMU except that in areas within the Village Specific

Plan (SP204), the zoning will be designated as COMU followed by the applicable Specific Plan zone within the Village Specific Plan.

Within the COMU-SP 204 CC zone, commercial uses and development standards of the SP204 CC shall apply, and in addition residential and mixed use are permitted consistent with the standards of the SP204 VCR.

**4. Special Requirements.** A mix of uses is not required on every site but is desired on sites at intersections in order to foster nodes of commercial mixed use development along the corridor. Commercial uses should be concentrated at intersections and limited to no more than 25 percent of the maximum permitted FAR, excluding parking. No residential uses in a vertical mixed use project are permitted on the ground floor.

**5. Permitted Land Uses.** For Perris Boulevard and Alessandro Boulevard, Table 9.02.010-2 indicates the uses permitted (X), permitted with a conditional use permit (C), permitted under special distancing requirement (◆), and permitted pursuant to cannabis regulations (M). Any use not specifically indicated for the Corridor Mixed-Use (COMU) zone in Table 9.02.010-2 as a permitted use, or conditional use shall be prohibited unless they are deemed by the Community Development Director to be similar and compatible uses which meet the purpose and intent of the Corridor Mixed-Use zone.

For uses within the COMU – SP204 CC zone, the uses permitted by SP204 CC shall apply and in addition residential and mixed uses are permitted consistent with the standards of the SP204 VCR.

**6. Site Development Standards**

**A. General Requirements.** The following table sets forth minimum site development for the Mixed-Use Corridor zone. For the Village Specific Plan (SP204), the development standards of the Village Specific Plan will apply as described under the Applicability section above. In addition, projects must comply with the special requirements enumerated in subsection B.4, the performance standards included in Chapter 9.10, and other applicable ordinances, policies, and programs. The parking standards in MC 9.11.040 off-street parking requirements shall apply.

**Corridor Mixed Use (COMU) - DEVELOPMENT STANDARDS**

<u>DEVELOPMENT STANDARDS</u>	<u>COMU</u>	<u>Special Provisions</u>
<u>Density - Dwelling Units (Du)/Acre</u>	<u>15-25</u>	<u>NA</u>
<u>Minimum Site Area, square feet</u>	<u>10,000</u>	<u>These requirements apply to parcels created based on a parcel map or tract map, and would not apply to a condominium map.</u>
<u>Minimum site width, in feet</u>	<u>100</u>	
<u>Minimum Site Depth, in feet</u>	<u>100</u>	
<u>Front Building Setback, in feet (after dedications for right-of-way)</u>	<u>5 -10</u>	<u>NA</u>
<u>Side street building setback area, in feet (after dedications for right-of-way)</u>	<u>5</u>	<u>NA</u>

<u>Interior side yard setback in feet</u>	<u>0-10</u>	<u>NA</u>
<u>Rear yard setback in feet</u>	<u>5*</u>	<u>* 15 feet when abutting residential.</u>
<u>Building height, in feet, maximum</u>	<u>5 stories/60 ft.</u>	<u>NA</u>
<u>Maximum Floor Area Ratio (FAR) - Commercial and Mixed-Use</u>	<u>1.3</u>	
<u>Minimum Dwelling Size</u>	<u>*See note below.</u>	
<u>Minimum distance between buildings in feet</u>	<u>10</u>	
<u>Parking (surface) front street setback, in feet (after dedications for right-of-way)</u>	<u>10</u>	
<u>Parking (surface) side street setback, in feet (after dedications for right-of-way)</u>	<u>5</u>	
<u>Garage/Tuck-Under Parking</u>	<u>Prohibited along front lot lines</u>	
<u>Underground/Podium Parking</u>	<u>Allowed beneath building footprints</u>	
<u>Above Ground Parking Structure</u>	<u>Allowed if screened from views from public right-of-way and adjacent single family residential zones</u>	
<u>Setback Landscaping</u>	<u>All setbacks exclusive of required walkways and driveways will be landscaped planting areas.</u>	
<u>Publicly Accessible Open Space (non-residential)</u>	<u>15% of net lot area</u>	
<u>Private Open Space (Multi-family residential)</u>	<u>150 sq ft per unit on 1<sup>st</sup> floor, and 100 sq ft per unit on upper floors</u>	
<u>Common Open Space (multi-family residential)</u>	<u>300 sq ft per unit</u>	

\*Note: Minimum Dwelling Unit Sizes:

One Bedroom: four hundred fifty (450) square feet

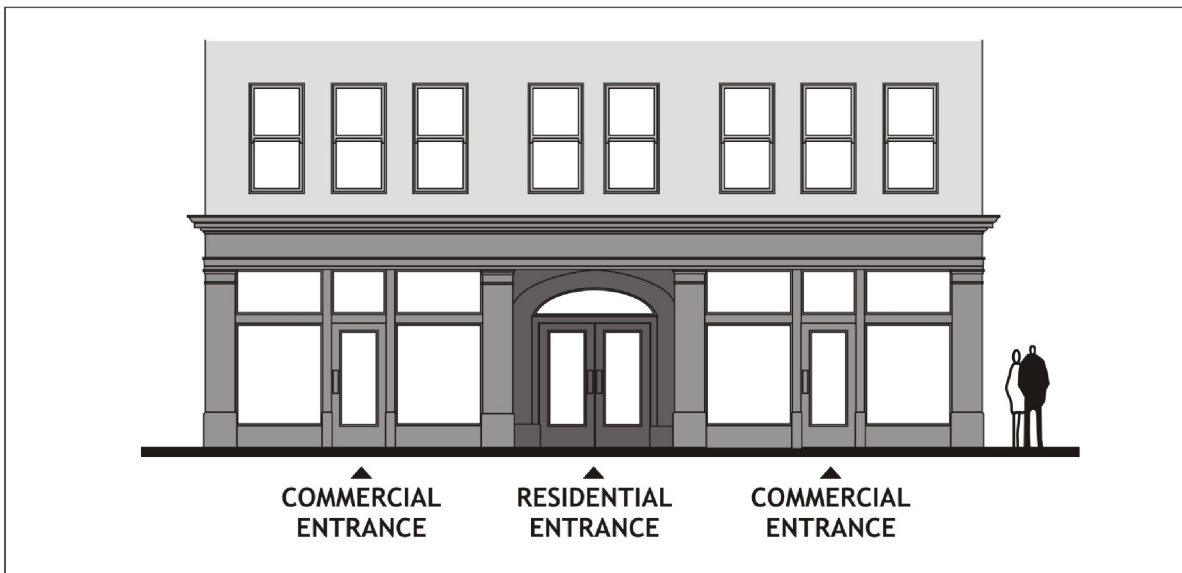
Two Bedroom: eight hundred (800) square feet

Three Bedroom: one thousand (1000) square feet

## **B. Design Requirements.**

1. **Mixed-Use Corridor Development - Specific Design Regulations.** Mixed-Use that is vertically integrated into one (1) building or horizontally integrated on the same site shall comply with the development standards listed in this section] as they pertain to Mixed-Use, in addition to the standards below.

- a. Entrances. When nonresidential and residential uses are in the same building, separate pedestrian entrances shall be provided for each use. The entrances for nonresidential uses shall be designed to be visually distinct from the entrances for residential uses.



*Combining Residential and Commercial Entrances*

- b. Lighting Standards. Lighting for nonresidential uses shall be appropriately designed, located, and shielded to ensure that they do not negatively impact the residential uses in the development nor any adjacent residential uses and shall be consistent with all provisions of MC 9.08.100 (Lighting).
- c. Recycling and Refuse Storage Facilities Standards. Recycling and refuse storage facilities for nonresidential uses shall be located as far as possible from residential units and shall be completely screened from view from the residential portion of the development. Recycling and refuse storage facilities for nonresidential uses shall be compatible in architectural design and details with the overall project.

## **C. New Streets and Pathways Regulations.**

1. **Street and Pathway Connectivity.** New development shall maintain and enhance pedestrian, bicycle, transit, and vehicle connectivity with a hierarchy of streets and pathways, consistent with the street typology identified in the Moreno Valley General Plan (Map C-1). Primary pedestrian access to buildings shall be from the sidewalk.

- a. Enhanced Streetscapes. Streetscapes shall be enhanced with enriched streetscape elements, including but not limited to a variety of landscaping and pedestrian amenities, such as benches, pedestrian-scaled lighting, trash enclosures, and bicycle storage.

2. **Pedestrian-Oriented Design/Pedestrian Access.** The design of new projects shall promote walkability and connectivity to include design and orientation standards such as:

- a. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, including on-site automobile and bicycle parking areas, and any on-site open space areas and pedestrian amenities.
- b. Internal Pedestrian Walkways Width. Internal walkways shall be a minimum of six (6) feet wide adjacent to any common open space areas. Internal walkways elsewhere on the property shall be a minimum of four (4) feet wide and paved with permeable materials, unless walkways are located near swimming pools or in heavily trafficked areas.
- c. Lighting. Lighting shall be incorporated along sidewalks or other pedestrian walkways to enhance the pedestrian environment and provide for public safety. Lighting shall be low mounted, downward casting to reduce light trespass onto adjacent properties, and shall be consistent with all provisions of MC 9.08.100 (Lighting).
- d. Connections to Primary Street. Connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the primary entry and sidewalk, generally no more than one hundred twenty-five (125) percent of the straight-line distance.

#### **D. Center Mixed Use (CEMU)**

1. **Purpose and Intent.** This designation provides for the redevelopment of existing commercial centers and adjacent uses to complement existing development at prominent entry points into the community. The Centers are envisioned as integrated, pedestrian-oriented places with a mix of uses including retail, dining, entertainment, offices, lodging, recreational and cultural facilities that cater to both motorists passing through and residents of surrounding neighborhoods. It is expected that the Moreno Valley Mall at Towngate and commercial areas at the Festival Specific Plan (SP205) will have opportunities to incorporate higher-density housing on-site to support the vitality of commercial uses and activate the areas.

2. **Applicability.** The Center Mixed Use zone is located entirely within the existing extent of adopted Specific Plans: the Towngate Specific Plan (SP200) and the commercial areas of Festival Specific Plan (SP 205), known as “The District.” The permitted uses of the underlying Specific Plan shall apply except that multi-family residential use (20 to 35 dwelling units per acre) is additionally permitted within the Moreno Valley Mall Planning Area (CEMU – SP200 on the City’s Zoning Map) of the Towngate Specific Plan, and within the areas identified as CEMU (CEMU - SP205 on the City’s Zoning Map) within the Festival Specific Plan (SP 205) in conjunction with a mixed use project. It is expected that a Specific Plan amendment will be completed for any mixed use project within the CEMU. However, a master plot plan may be used to determine the standards for the mixed use project if the Community Development Director finds that the project is consistent with the spirit and intent of the Center Mixed Use General Plan designation.

3. **Property Development Standards.** The Center Mixed Use (CEMU) zone applies primarily to the mall site within the Towngate Specific Plan (SP200) and commercial areas of the Festival Specific Plan (SP205), known as “The District.” The maximum permitted FAR in the CEMU designation is 1.25 with a residential range of 20 to 35 dwelling units per acre. On smaller parcels, additional FAR may be permitted to achieve the desired vision of the area. The underlying standards of the applicable Specific Plan will otherwise apply.

**E. Highway/Office Commercial (H/OC)**

**1. Purpose and Intent.** The Highway Office/Commercial (H-OC) zone is envisioned as a gateway to Moreno Valley and from the I-60 Freeway with primary entrances at Moreno Beach Drive and the World Logistics Center Parkway. The zone provides opportunities for distinctive employment or educational campuses. Permitted uses include office, educational, and/or research and development facilities as well as auxiliary commercial uses including restaurants, retail, and service uses. The architectural style should reinforce the rural character intended for the surrounding area.

**2. Applicability.** The Highway Office/Commercial (H-OC) District applies primarily to parcels between Moreno Beach Drive and World Logistics Center Parkway fronting the I-60 Freeway on the north side, and south of Hemlock Avenue. This zone serves as a major gateway to the City of Moreno Valley from the east.

**3. Special Requirements.** Implementation will require review and consideration of the applicable sections of the Land Use and Community Character (LUCC) Element, and conformance with the policies applicable to the Highway Office/Commercial (H-OC) designation.

**4. Site Development Standards.**

**General Requirements.** The following table sets forth minimum site development standards for Highway Office/Commercial zone development projects. In addition, projects must comply with the special requirements enumerated in subsection B.3, the performance standards included in Chapter 9.10, and other applicable ordinances, policies, and programs. Parking and Loading The parking standards in MC 9.11.040 off-street parking requirements shall apply.

**Highway Office/Commercial (HOC): DEVELOPMENT STANDARDS**

Requirement	Development Standards
<u>Minimum Site Area</u>	<u>Office/Commercial Uses minimum 20,000 sq. ft.</u>
<u>Minimum site width, in feet</u>	<u>100</u>
<u>Minimum Site Depth, in feet</u>	<u>100</u>
<u>Front Building Setback, in feet (after dedications for right-of-way)</u>	<u>20 (Building areas above thirty (30) feet shall be set back an additional five feet for every 10 feet of additional structure height unless otherwise approved by the planning commission.)</u>
<u>Side street building setback area, in feet (after dedications for right-of-way)</u>	<u>10 (Building areas above thirty (30) feet shall be set back an additional five feet for every 10 feet of additional structure height unless otherwise approved by the planning commission.)</u>
<u>Lot coverage, maximum</u>	<u>60%</u>
<u>Floor Area Ratios (FAR)</u>	<u>0.4 On smaller parcels, additional FAR may be permitted to achieve the desired vision for the area.</u>
<u>Building height, in feet, maximum</u>	<u>Up to 45 feet</u>
<u>Parking front street setback, in feet (after dedications for right-of-way)</u>	<u>20</u>

<u>Parking side street setback, in feet (after dedications for right-of-way)</u>	<u>15</u>
<u>Setback Landscaping</u>	<u>All setbacks exclusive of required walkways and driveways will be landscaped planting areas.</u>

**9.07.030 Public district (P).**

A. Purpose and Intent. The primary purpose of the public district is to provide for the conduct of public and institutional activities, including providing protected designated areas for public and institutional facilities.

B. Property Development Standards. The following regulations shall apply to all land and buildings and structures located within the public district:

1. General Requirements. The following sets forth minimum site development standards for public district development projects. In addition, projects shall comply with the special requirements enumerated in subsection (B)(2) of this section, the performance standards included in Chapter [9.10](#) and other applicable city ordinances and policies.

**Property Development Standards General Requirements Table 9.07.030-9**

	<b>Requirement</b>	<b>Standard</b>
a.	Minimum site area	1 acre
b.	Minimum site width	160 feet
c.	Minimum site depth	160 feet
d.	Minimum front building setback	30 feet
e.	Minimum side building setback	25 feet
f.	Minimum street side building setback	30 feet
g.	Minimum rear building setback	25 feet
h.	Building height (maximum)	35 feet
i.	Building coverage (maximum)	45%

2. Special Requirements.

- a. Wherever a lot in any public district abuts a lot in any residential district, a minimum building setback of fifty (50) feet shall be required. A minimum of twenty (20) feet of the setback area nearest the district boundary line shall be landscaped and the remaining area may be used for required off-street parking.
- b. Where off-street parking areas are situated such that they are visible from any street, screening in the form of a decorative wall, shrubs, or landscaped earthen berm three feet in height shall be

erected between the required landscape area and the parking area to adequately screen said parking.

- c. Where off-street parking areas are situated such that they are visible from any street, screening in the form of a decorative wall, shrubs, or landscaped earthen berm three feet in height shall be erected between the required landscape area and the parking area to adequately screen said parking.
- d. Required front setback areas shall be landscaped.
- e. Except as otherwise permitted, a street side building setback area shall be used only for landscaping, pedestrian walkways, driveways or off-street parking.
- f. Except as otherwise permitted, required rear and interior side building setback areas shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, and similar accessory activities.
- g. Where off-street parking is located within building setback areas, a minimum landscaped area ten (10) feet in depth shall be provided between the property line and parking area, with an additional minimum landscaped area ten (10) feet in depth required between the parking area and the building.

C. Permitted Public Use. For the public district (P), unless otherwise provided in this title, permitted uses are those described in the permitted uses Table 9.02.020-1 in Section [9.02.020](#) of this title. (Ord. 643 § 2.3, 2003; Ord. 616 § 2.2.6, 2003; Ord. 359, 1992)

#### **9.07.040 Medical use overlay district (MUO).**

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A. Purpose and Intent. The primary purpose of the medical use overlay district is to implement the general plan concept of creating a medical corridor by limiting land uses to those that are supportive of and compatible with the city's two existing hospitals. The specific purposes of the medical use overlay (MUO) district are to create and maintain a diversity of medical and supportive uses in the vicinity of the Riverside County Regional Medical Center and the Moreno Valley Community Hospital by:

- 1. Providing a range of appropriately located office and commercial uses consistent with the general plan, and
- 2. Ensuring that the appearance and impacts of office and supportive commercial uses are harmonious with the character of the area in which they are located.

B. Applicability. The medical use overlay district shall be combined with any underlying basic district. The provisions of the medical use overlay district under this section shall apply in addition to and, to the extent they are inconsistent, in lieu of the corresponding provisions of the underlying district with which the medical use overlay district is combined.

C. Zoning Map Designation. The medical use overlay district shall be designated on the zoning map by the symbol "MUO."

D. Development Standards.

1. For property with an underlying zoning of office and office commercial, the permitted uses (Permitted Uses Table 9.02.020-1) and development standards (Chapter [9.04](#)) of the office commercial designation shall apply. In addition to the uses already permitted or conditionally permitted in the office commercial zoning, the following uses shall be permitted without a conditional use permit in order to facilitate the purposes of the overlay district:

- a. Ambulance service;

- b. Apparel for medical professions (retail);
  - c. Medical device services and sales (retail), including, but not limited to, fittings for and sale of prosthetic and orthotic devices;
  - d. Medical equipment supply, including retail sales for in-home medical care, such as wheelchairs, walkers, and respiratory equipment;
  - e. Personal services, excluding tattoo parlors.
2. For property with underlying zoning of neighborhood commercial and community commercial, the permitted uses of the underlying zoning shall apply with the following exceptions:
- a. Automobile, motorcycle, truck recreational vehicle and boat sales and incidental minor repairs and accessory installations;
  - b. Auto service stations;
  - c. Automotive, boat, motorcycle and RV repair—Minor—Includes brake, muffler and tire installation and repair;
  - d. Automotive paint and body repair—Major engine overhaul;
  - e. Auto rentals;
  - f. Auto supply stores;
  - g. Boat sales, new and used, including repairs and accessory installation;
  - h. Car wash;
  - i. Convenience stores with or without drive-through;
  - j. Convenience stores with alcohol sales;
  - k. Escort services;
  - l. Fortunetelling;
  - m. Gasoline dispensing (non-retail accessory to an auto-related use);
  - n. Gun shops;
  - o. Kennels and catteries;
  - p. Liquor stores;
  - q. Pawnshops;
  - r. Pool hall;
  - s. Racetracks;
  - t. Storage lots and mini-warehouses. (Ord. 726 § 4.5, 2006; Ord. 694 § 1.1, 2005; Ord. 475 § 1.4, 1995; Ord. 359, 1992)

**9.07.060 Airport Land Use Compatibility Plan ~~Air installation compatibility use overlay district (AICUZ).~~**

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- A. ~~Purpose and Intent. It is the intent and purpose of this air installation compatibility use overlay (AICUZ overlay) district to limit public exposure to aircraft accidents and noise and to encourage future development that is compatible with the continued operation of March Air Force Base. It is also the intent~~

of the AICUZ overlay to recognize and implement the purpose for the guidelines contained in the March Air Force Base air installation compatible use zone report.

- B. ~~Applicability. The AICUZ overlay district shall apply within the accident potential zone I and II as depicted on the official zoning atlas. The provisions of the AICUZ overlay shall apply in addition to the provisions of the underlying district. If there are inconsistencies between the underlying zone and the AICUZ overlay, the AICUZ overlay shall take precedence.~~
- C. ~~Development Standards. Setbacks and other site development standards shall be those of the underlying zoning district.~~
- D. ~~Use Regulations.~~
  - 1. ~~Unless identified as a permitted use within the underlying district in accordance with Table 9.02.020-1, a use within the AICUZ overlay shall be subject to approval of a conditional use permit.~~
  - 2. ~~Notwithstanding the provisions of the permitted uses table (Table 9.02.020-1), the following uses shall be prohibited in the AICUZ overlay district:~~
    - a. ~~Uses that involve high density public assembly, including concert halls, club houses, churches, amusement areas, passenger terminals, restaurants, nightclubs and similar uses in accordance with the most current air installation compatible use zone report as of the date of the application to establish any such use.~~
    - b. ~~Single and multiple family dwellings, hotels, motels, rest/retirement homes and other residential uses;—c. Schools, hospitals and day care facilities;~~
    - d. ~~Landfills;~~
    - e. ~~Hazardous waste facilities;~~
    - f. ~~Supermarkets, department stores, swap meets, membership warehouse stores;~~
    - g. ~~Gas stations (automobile service stations);~~
    - h. ~~Manufacturing (general) as defined in this title;~~
    - i. ~~Resource production and extraction.—E. Evaluation Criteria.~~
      - 1. ~~Development within the AICUZ overlay district shall avoid uses which concentrate large numbers of people; are noise sensitive; create hazards to aircraft operations; pose special health and safety hazards in the event of an aircraft accident; or involve public facilities and utilities for which disruption would have an adverse impact on large numbers of people. The current March Air Force Base air installation compatible use zone report, referenced in subsection (D)(2)(a) of this section and any amendments thereto which are adopted as amendments to this code, shall be used as a guideline(s) in the evaluation of land uses within the AICUZ overlay district.~~
      - 2. ~~Appropriate conditions shall be applied to each project to mitigate flight and safety hazards, excessive noise levels and other public safety or welfare concerns. Such conditions shall include a requirement that the property owner(s) grant a navigation easement to the city of Moreno Valley and the March Inland Port Airport Authority in the form and manner approved by the grantees and shall cause such easement to be recorded in the office of the county recorder. (Ord. 604 §§ 2.6, 2.7, 2002; Ord. 393 § 1.7, 1993; Ord. 359, 1992)~~

## 9.07.060 Airport Land Use Compatibility Plan

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A. Purpose and Intent. The purpose of this chapter is to establish and implement the requirements of the Riverside County Airport Land Use Compatibility Plan (ALUCP) for the March Air Reserve Base/Inland Port Airport that affects land uses within the City of Moreno Valley and to encourage future development that is compatible with the continued operation of March Air Reserve Base. It is also the intent of the ALUCP to recognize and implement the purpose for the guidelines contained in the March Air Reserve Base air installation compatible use zone report.

B. Applicability. The provisions of the ALUCP shall apply in addition to the provisions of the underlying district. If there are inconsistencies between the underlying zone and the ALUCP, the ALUCP shall take precedence.

C. Airport Land Use Commission (ALUC).

1. The purpose of an Airport Land Use Commission (ALUC) is to conduct airport land use compatibility planning in order to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports. The statutes governing ALUCs are set forth in Division 9, Part 1, Chapter 4, Article 3.5, Sections 21670—21679.5 of the California Public Utilities Code (PUC).

2. The Riverside County Airport Land Use Commission has two principal duties, which include:

a. Preparing and adopting the ALUCP;

b. Reviewing plans, regulations, and other actions of local agencies, and airport operators to ensure consistency with the RCALUCP.

D. Airport Land Use Compatibility Plan (ALUCP). The Airport Land Use Compatibility Plan (ALUCP) is a State-required, long-range master plan that reflects the anticipated growth of an airport over a 20-year time period. State law requires general and specific plans to be consistent with any ALUCP affecting the City. The requirements are established to limit noise impacts on noise-sensitive uses and to protect and preserve airports and aviation safety, as well as public safety, from aviation-related hazards.

The Riverside County Airport Land Use Compatibility Plan (RCALUCP), designates zones of airport influence areas for 13 airports in Riverside County, and provides a series of policies and compatibility criteria to ensure that both aviation uses, and surrounding areas may continue, and are compatible. In 2014, the ALUC adopted the March Air Reserve Base/Inland Port Airport Compatibility Plan which includes compatibility criteria and maps for influence areas of the March Air Reserve Base/Inland Port Airport.

The RCALUCP establishes specific criteria for each of the airport compatibility zones described in this chapter. For property located within a compatibility zone and subject to airport land use compatibility plan policies and criteria, the ALUCP may be more restrictive than what would otherwise be allowed per City zoning designation applicable to the property. In addition to complying with the zoning requirements of this title, proposed uses and development on property within an airport compatibility zone must be

determined to be consistent with, and comply with the compatibility criteria of the applicable compatibility zone and airport land use compatibility plan.

E. Actions which require ALUC Review. As required by State law, the following types of actions shall be referred to the Airport Land Use Commission for determination of consistency with the applicable Airport Land Use Compatibility Plan prior to approval by the City.

1. The adoption or approval of any amendment to a general or specific plan affecting the property within an airport influence area (Public Utilities Code Section 21676(b)).

2. The adoption or approval of a zoning ordinance or building regulation which affects property within an airport influence area, and involves the types of airport impact concerns listed in Section 1.4 of the March ALUCP (Public Utilities Code Section 21676(b)). These are impacts related to:

a. Exposure to aircraft noise;

b. Land use safety with respect both to people on the ground and the occupants of aircraft;

c. Protection of airport airspace; and

d. General concerns related to aircraft overflights.

3. Adoption or modification of a master plan for an existing public-use airport (Public Utilities Code Section 21676(c)).

4. Any proposal for expansion of an existing airport or heliport if such expansion will require an amended airport permit from the State of California (Public Utilities Code Section 21664.5).

5. Any proposal for a new airport or heliport whether for public use or private use if the facility requires a State airport permit (Public Utilities Code Section 21661.5).

F. Other land use actions subject to ALUC Review. In addition to the above types of land use actions for which ALUC review is mandatory, other types of land use actions are subject to review under the circumstances described in Section 1.5 of Chapter 2 Countywide Policies of the Riverside County Airport Land Use Compatibility Plan.

G. Timing of ALUC Review. Proposed projects requiring ALUC review should be submitted to ALUC as early in the process as possible so that the Commission's (or ALUC Executive Director's) review can be considered by the City before taking formal action on a project. The timing may vary depending upon the nature of the specific project. However, all projects requiring ALUC review must be submitted to ALUC for review prior to final approval by the City.

H. Actions not subject to ALUC Review—City ALUCP Compatibility Review. For discretionary actions on property within an airport influence area and compatibility zone, but which are not subject to ALUC review as described in Sections E - G above, the City shall review such action for consistency with the applicable ALUCP, and make a finding of project consistency or inconsistency with the applicable airport compatibility plan based on the basic land use compatibility criteria described below. Where there is uncertainty with regard to compatibility of a proposed use or project with the applicable airport land use compatibility plan, the City shall consult with ALUC staff, or defer such matter to ALUC for a consistency determination.

I. Compatibility zones and criteria for March Air Reserve Base/Inland Port Airport. For uses proposed within airport influence areas of the March Air Reserve Base/Inland Port Airport, refer to the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (March ALUCP) to determine whether a particular use is compatible with the applicable airport and a permissible use.

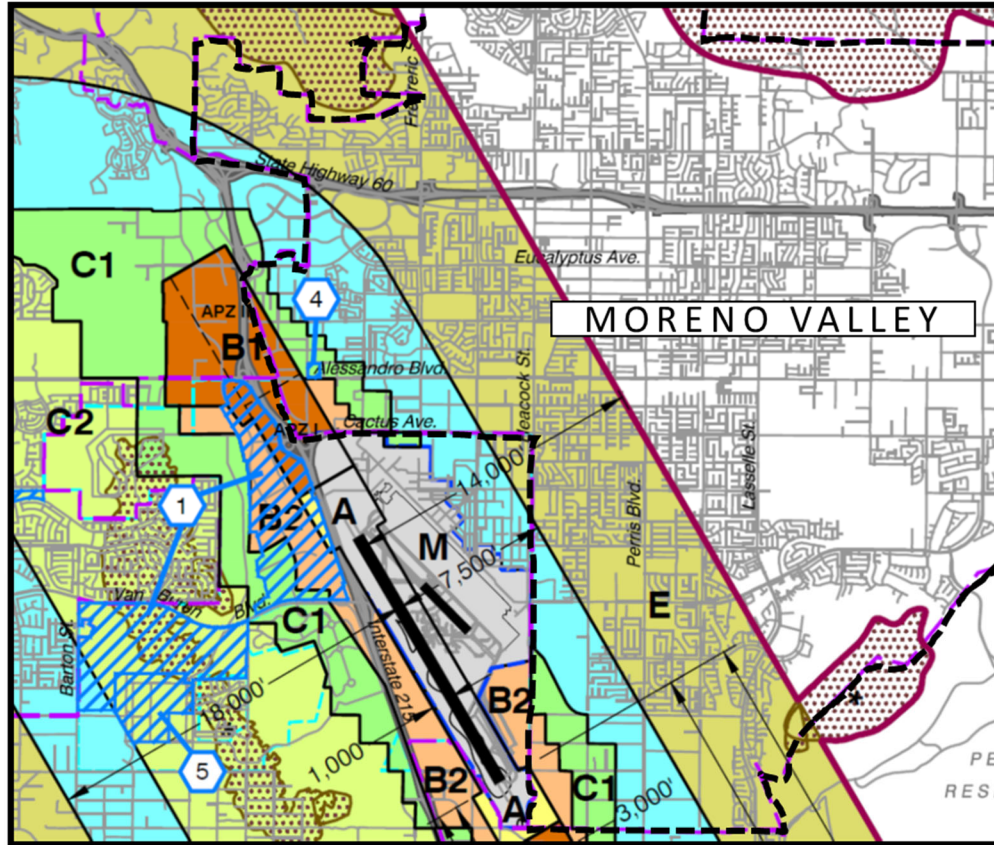
1. Airport Compatibility Zones. The 2014 March ALUCP establishes eight separate Compatibility Zones for March Air Reserve Base/Inland Port Airport. A general description of each compatibility zone is provided in the following table.

Table 9.07.060.I.1 - March Air Reserve Base/Inland Port Airport Compatibility Zones

<u>Compatibility Zones</u>	<u>Description</u>
<u>M</u>	<u>Military</u>
<u>A</u>	<u>Clear Zone</u>
<u>B1</u>	<u>Inner Approach/Departure Zone</u>
<u>B2</u>	<u>High Noise Zone</u>
<u>C1</u>	<u>Primary Approach/Departure Zone</u>
<u>C2</u>	<u>Flight Corridor Zone</u>
<u>D</u>	<u>Flight Corridor Buffer</u>
<u>E</u>	<u>Other Airport Environs</u>

2. The Compatibility Zones for the March Air Reserve Base/Inland Port Airport are established per Map MA-1 within Volume 1 of the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan.

The safety zone boundaries, shown in the map below are consistent with the adopted 2014 Riverside County Airport Land Use Compatibility Plan and 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan.



3. Land use compatibility criteria for March Air Reserve Base/March Inland Port Airport. The criteria for assessing whether a project is compatible with the March ARB/IPA are set forth in the Compatibility Zone Factors matrix, Table MA-1 within Volume 1 of the March ALUCP, within Chapter 3 of the Riverside County Airport Land Use Compatibility Plan, or as amended. These criteria are to be used in conjunction with the compatibility map and policies for the March ARB/IPA as presented in Chapter 3 of the Riverside County ALUCP, or as amended. The basic compatibility criteria listed in Table 2A of Chapter 2 of the Riverside County ALUCP does not apply to the environs of March ARB/IPA.

4. Accident Potential Zones (APZ's). In addition to the compatibility zones described above, Map MA-1 within Volume 1 of the March ALUCP identifies two Accident Potential Zones (APZ's I and II) for the March Air Reserve Base/Inland Port Airport. The Department of Defense (DoD) Air Force Instruction AFI 32-7063 - December 18, 2015 describes Clear Zones, and APZ's as areas off the end of DOD runways that were developed based on past Air Force aircraft accidents and reflect land areas at greater risk of an aircraft accident. The Clear Zone and the APZs represent areas where an accident is most likely to occur, if one would occur; however, they are not predictors of accidents. More specifically, the Clear Zone, and Accident Potential Zones (APZ's) are defined as follows:

- a. The Clear Zone begins at the end of the runway and is the area of highest accident potential; it has few uses that are compatible.
- b. APZ I lies beyond the Clear Zone [and] is in area of lower but still considerable accident potential.
- c. APZ II is beyond APZ I and possesses less accident potential.

5. Department of Defense Requirements for March Air Reserve Base/Inland Port Airport Accident Potential Zones (APZ's). For discretionary actions proposed within March ARB/IPA Accident Potential

Zones (APZ I & II) or within the Clear Zone, the proposed use and/or development shall, in addition to meeting the compatibility criteria of the March ALUCP, be consistent with current Air Force Guidance including:

- a. Department of Defense Instruction 4165.57 for Air Installations Compatible Use Zones, March 12, 2015, or as amended, and
- b. Air Force Instruction AFI 32-7063 for Air Installations Compatible Use Zones Program, December 18, 2015, or as amended. Specifically AFI 32-7063, Table A.2.1 of Attachment 2 - Land Use Compatibility Recommendations for APZS, generally identifies land uses acceptable or not acceptable within the Clear Zone, APZ I, and APZ II, and establishes maximum residential density, or nonresidential floor area ratio requirements applicable to each use and APZ.
- c. Where a discretionary action is proposed within an APZ, or Clear Zone, the Department of the Air Force, 452d Air Mobility Wing (AFRC) March Air Reserve Base shall be consulted to determine whether the proposed discretionary action is consistent with the Air Force Guidance referenced above. Such consultation would be in addition to, and shall not be in lieu of requirements of the March ALUCP, or any review for airport land use compatibility that may be required by the Riverside County ALUC.

J. Overrule Procedures. When ALUC disapproves or finds an action, regulation, or permit, to be inconsistent with the ALUCP, ALUC shall notify the City within 30 days of such action pursuant to Public Utilities Code (PUC) 21675.1(d). The City Council may overrule ALUC decision, by a two-thirds vote and shall make specific findings that the proposed action, regulation, or permit is consistent with the purposes of Article 3.5, as stated in Section 21670 of the PUC.

A City Council proposed overrule of an ALUC action must provide a copy of the proposed decision and findings to both ALUC and the California Division of Aeronautics, a minimum of 45 days' prior to the decision to overrule ALUC. These agencies have 30 days in which to provide comments to City Council pursuant to PUC Sections 21676(a) and (b).

#### **9.07.080 Primary animal keeping overlay (PAKO).**

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A. Purpose and Intent. The primary purpose of the primary animal keeping overlay district is to maintain animal keeping and the rural character of the areas noted within the overlay district and designate a portion of the parcel for medium and large animal keeping.

B. Applicability. The primary animal keeping overlay (PAKO) district and standards shall apply to animal keeping activities in the RR (rural residential), R1 (residential-1) and RA2 (residential agricultural-2) land use districts only within an area bounded by Nason Street to the west, Theodore Street to the east, the city limit line to the north and Cottonwood Avenue to the south.

C. Zoning Map Designation. The primary animal keeping overlay district shall be designated on the zoning map by the symbol "PAKO."

D. Development Standards.

1. Lots within the designated animal keeping overlay district shall include a primary animal keeping area (PAKA) of three thousand (3,000) square feet. The PAKA may be located in the rear, side or front yard, subject to the standards within this section. PAKAs within the front yard will only be allowed when the main habitable structure maintains a minimum setback of seventy-five (75) feet

from the front property line. PAKAs on individual lots shall be grouped together and placed immediately adjacent to those located on an adjoining lot. If unique site constraints exist on a lot, the PAKA may be located on another portion of the lot as approved by the community and economic development director.

2. No non-animal related structures shall be allowed in the PAKA. Animal-related structures located within the PAKA shall not exceed forty (40) percent of the PAKA.
3. A dedicated primary animal keeping area (PAKA) shall be recorded on each newly created lot and included within the project CC&Rs if applicable.
4. All PAKAs shall have a twenty (20) foot minimum setback from any habitable structure.
5. All PAKAs shall be located on flat usable land with a slope no greater than four percent.
6. A minimum width of fifteen (15) feet shall be provided for vehicle access on one side of the lot, with clear access to the PAKA.
7. PAKAs that are developed at a lower or higher grade than the residence pad shall include an access ramp with a slope no greater than twenty-five (25) percent, and a minimum travel width of twelve (12) feet.
8. Lots within the PAKO shall adhere to the minimum lot standards within the underlying zoning district, including planned unit developments (PUDs).
9. Developments within the PAKO shall include feeder trails on one side of the street.
10. The above standards only apply to newly created residential subdivisions within the primary animal keeping overlay (PAKO) district. Specific primary animal keeping areas (PAKAs) shall be designated on all tentative maps and recorded on all final subdivision maps. (Ord. 731 § 3.2, 2007)

### **9.07.090 Mixed-Use Overlay Districts**

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#### **9.07.091 Purpose and intent.**

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A. Purpose. The purpose of this chapter to provide regulations that implement the goals and policies of the general plan, the Alessandro Boulevard Corridor Vision Plan (accepted by the Moreno Valley City Council on June 30, 2010), and other similar long-range planning documents aimed at encouraging mixed-use development within the city.

B. Intent. The mixed-use overlay districts are intended to:

1. Stimulate economic development and reinvestment through regulations based upon recognized urban design principles that allow property owners to respond with flexibility to market forces;
2. Create specific development nodes at street intersections with a pedestrian-oriented mix of uses with convenient access between area neighborhoods, housing, employment centers, and retail services;
3. Accommodate intensities and patterns of development that can support multiple modes of transportation including public transit, bicycles, and walking;
4. Facilitate well-designed new mixed-use development projects that combine residential and nonresidential uses (e.g., office, retail, business services, personal services, public spaces and uses, other community amenities, etc.) to promote a better balance of jobs and housing;

5. Ensure compatibility with adjacent existing single-family neighborhoods and harmonious integration with existing commercial areas;
6. Encourage the development of unique district character through a streetscape that provides attractive features (e.g., landscaping, street furniture, niche or linear parks, public places, courtyards, public transportation shelters, etc.) designed to integrate the public realm (e.g., streets, sidewalks, etc.) with adjacent development on private property; and
7. Provide additional property rights while preserving existing property rights. This intent is achieved by providing additional development rights in compliance with this chapter, which property owners may exercise under certain conditions, while retaining all development rights conferred by the underlying district to property owners in the mixed-use overlay districts. Incentives and advantages include allowing a greater range and mix of uses; more permissive dimensional specifications (e.g., greater floor area ratio, lot coverage ratio, and height; reduced setbacks; etc.); exemption from certain design review requirements; and fee reductions or waivers. (Ord. 864 § 3.3, 2013)

### **9.07.092 Applicability.**

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This section describes the applicability of mixed-use overlay district standards to a property when the property is located within two districts – a base district (e.g., commercial (C), office (O), business park/light industrial (BP), etc.) and a mixed-use overlay district.

A. Relationship Between Overlay District Standards and Base District Standards. For property within a mixed-use overlay district, the regulations in this chapter allow mixed-use development as an alternative to the type of development allowed under the base (underlying) district standards.

B. Base District Standards.

1. The provisions in this chapter shall apply to all properties within their respective mixed-use overlay districts, but the provisions do not supersede the underlying base district provisions until a property is developed in compliance with the provisions of this chapter.
2. New projects may be developed in compliance with the existing underlying base district, provided that all standards and requirements of the underlying base district are met.
3. Regulations, development standards, and requirements in the underlying base district shall continue to apply to those projects that are currently developed according to the existing standards.
4. For legal nonconforming uses (i.e., uses that do not comply with the provisions of the base district or this chapter), the provisions in Section [9.02.180](#) (Legal nonconforming uses, improvements, and parcels) shall apply.

C. Option to Apply Mixed-Use Overlay District Standards.

1. The owner or developer of any property within any mixed-use overlay district may choose to develop in compliance with the standards and procedures in this chapter that apply to the particular mixed-use overlay district in which the property is located.
2. In order to exercise the option to develop under the provisions in this chapter, approval of a development review application shall be required in compliance with Section [9.02.030](#) (Development review process). In granting the approval, the review authority shall find that:
  - a. The proposed development is in compliance with the provisions in this chapter; and

- b. Approval of the project will not reduce the amount of land available in mixed-use overlay zone areas to a point where the city’s affordable housing needs under the Regional Housing Needs Assessment (RHNA) cannot be met.

D. Other Applicable Regulations. Other applicable regulations can be found in Section [9.09.250](#) (Live-work development) and Section [9.09.260](#) (Mixed-use development).

E. Applicable Regulations After Completion of Development. Once a property is developed in compliance with the provisions in this chapter, the provisions of this chapter completely supersede the provisions of the underlying base district. Whenever the requirements of the overlay district impose a more or less restrictive standard than the provisions of the underlying base district, the requirements of the overlay district shall govern.

F. Use of Photographs. Photographs and illustrations are included in this chapter for illustrative purposes only. Specific development standards in this chapter are the controlling language for purposes of development regulation. (Ord. 864 § 3.3, 2013)

### **9.07.093 Purposes of mixed-use overlay districts.**

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This section describes the purpose and intent of each mixed-use overlay district.

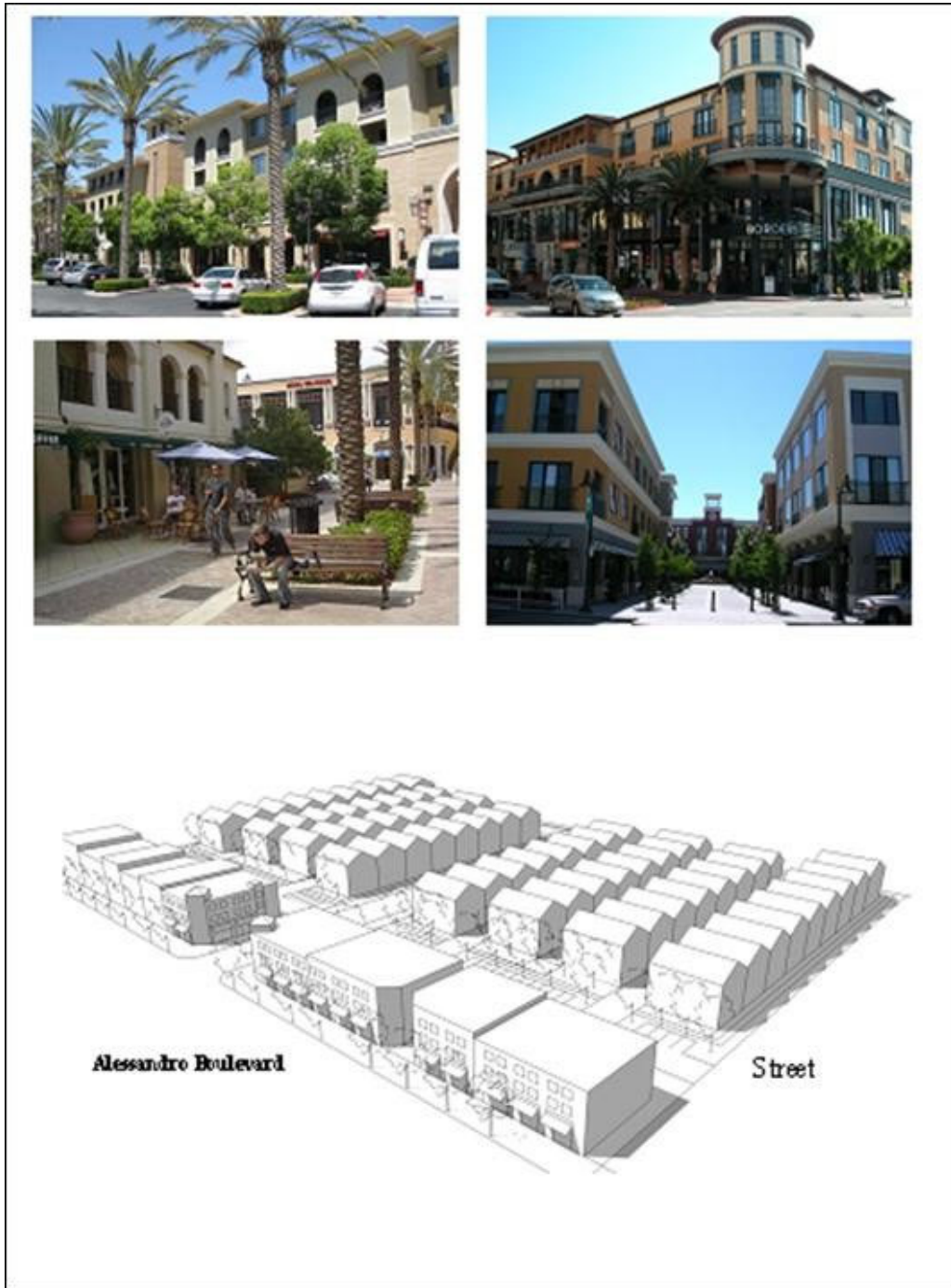
A. Mixed-Use Institutional Anchor (MUI) Overlay District. The mixed-use institutional anchor (MUI) overlay district applies to areas around prominent anchor institutions, such as civic centers, medical centers, and educational campuses. The intent is to build upon the role of the institutions by providing opportunities for urban, high-intensity development that serves the needs of visitors, employees, and residents affiliated with the anchor institution and the surrounding region. Development is allowed up to five stories in height with building frontages near or at the sidewalk, wide sidewalks, and parking under or behind buildings. Vertical mixed-use development (ground-floor retail with offices or housing above) is required at important street intersections. Horizontally-integrated or vertically-integrated mixed-use development, with no requirement for ground-floor retail, is allowed in other locations. The overlay district name may be expanded to include the name of the type of anchor institution (e.g., “MUI—Medical Center”). See Figure 9.07.093-1 (Examples of Development in Mixed-Use Institutional Anchor (MUI) Overlay District).

B. Mixed-Use Community (MUC) Overlay District. The mixed-use community (MUC) overlay district applies to areas along major arterials and arterials. The intent is to provide opportunities for the development of pedestrian-oriented blocks with medium-intense development that serves the needs of residents, visitors, and employees from the surrounding community. Development is allowed up to four stories in height with building frontages near or at the sidewalk, wide sidewalks, and parking under or behind buildings. Vertical mixed-use development (ground-floor retail with offices or housing above) is required at important street intersections. Horizontally-integrated or vertically-integrated mixed-use development, with no requirement for ground-floor retail, is allowed in other locations. The overlay district name may be expanded to include the community name (e.g., “MUC—East Alessandro”). See Figure 9.07.093-2 (Examples of Development in Mixed-Use Community (MUC) Overlay District).

C. Mixed-Use Neighborhood (MUN) Overlay District. The mixed-use neighborhood (MUN) overlay district applies to areas along arterials and minor arterials. The intent is to provide an area for low-rise mixed-use development that serves the needs of residents, visitors, and employees from the surrounding immediate neighborhood. Development is allowed up to three stories in height with building

frontages near or at the sidewalk, wide sidewalks, and parking under or behind buildings. Vertical mixed-use development (ground-floor retail with offices or housing above) is required at important street intersections. Horizontally-integrated or vertically-integrated mixed-use development, with no requirement for ground-floor retail, is allowed in other locations. The overlay district name may be expanded to include the neighborhood name (e.g., “MUN—Lasselle Crossing”). See Figure 9.07.093-3 (Examples of Development in MixedUse Neighborhood (MUN) Overlay District).

**Figure 9.07.093-1 Examples of Development in Mixed-Use Institutional Anchor (MUI) Overlay District**



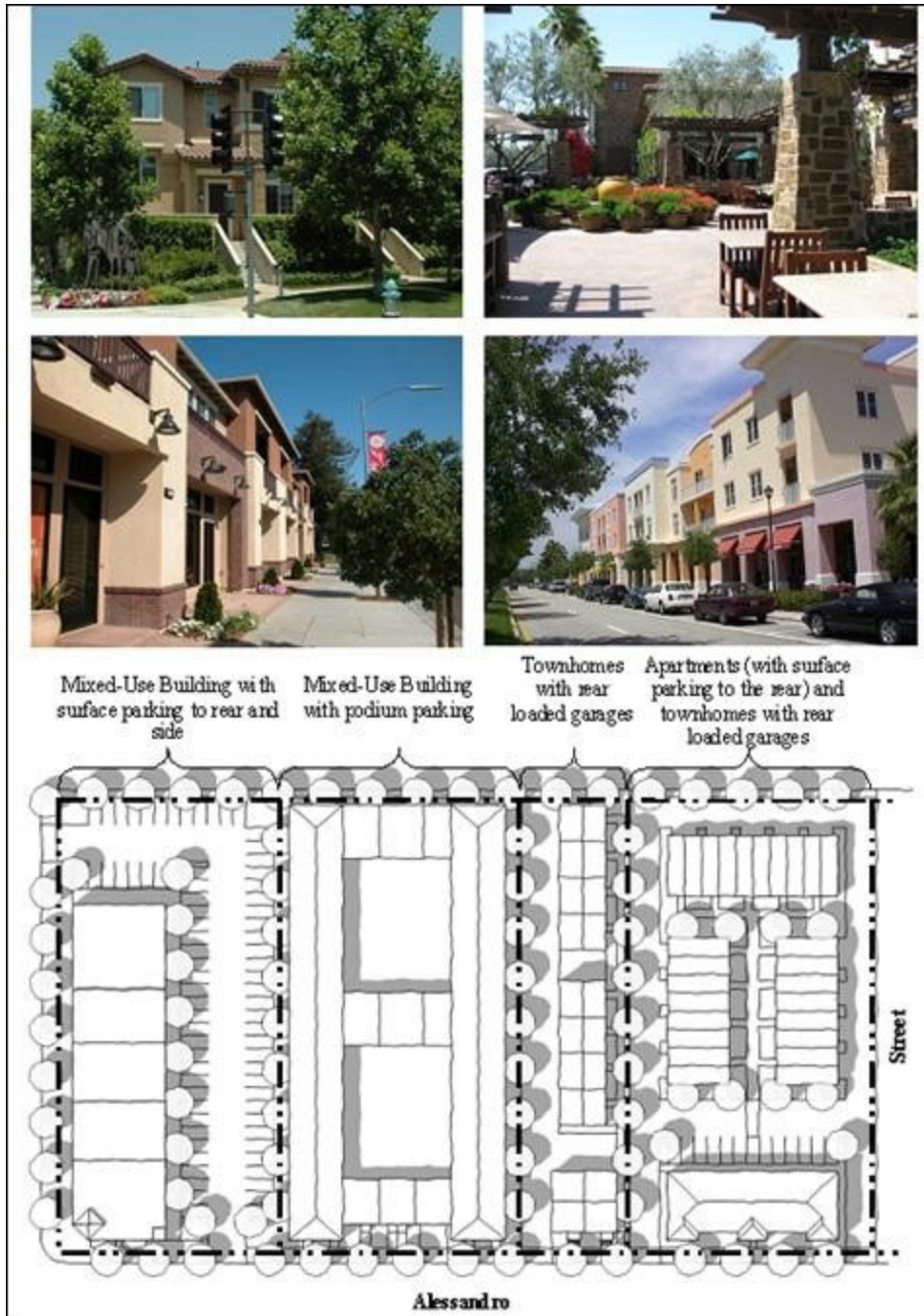
**Figure 9.07.093-2**

**Examples of Development in Mixed-Use Community (MUC) Overlay District**



Figure 9.07.093-3

Examples of Development in Mixed-Use Neighborhood (MUN) Overlay District



(Ord. 864 § 3.3, 2013)

### 9.07.094 Permitted uses in mixed-use overlay districts.

For the mixed-use overlay districts, unless otherwise expressly provided in this title, permitted uses are limited to those described in Table 9.02.020-1 in Section [9.02.020](#) (Permitted uses) of this title. Any use not listed in Table 9.02.020-1 as a permitted use, conditional use, or accessory use shall be prohibited. (Ord. 864 § 3.3, 2013)

### 9.07.095 Mixed-use overlay district site development standards.

This section provides standards that govern development on properties located in the mixed-use overlay districts. See Table 9.07.095-10 (Mixed-Use Overlay District Development Standards) and related illustrations. For the purpose of this title, mixed-use projects shall comply with nonresidential standards when no mixed-use standards exist.

Table 9.07.095-10  
Mixed-Use Overlay District Development Standards

Development Features	MUI	MUC	MUN
<b>Density Standards</b>	Maximum density for residential uses expressed as dwelling units per net acre. See § <a href="#">9.08.060</a> (Development density).		
Residential Uses	40 du/ac	30 du/ac	30 du/ac
<b>Intensity Standards</b>	Maximum floor area ratio (FAR) for nonresidential uses.		
Nonresidential Uses (1)	1.0 (less than 50% residential) 1.25 (greater than 50% residential)	1.0	1.0
<b>Block Standards</b>	Maximum dimensions required for each newly created block as measured from edge of right-of-way line. See “Block” in § <a href="#">9.15.030</a> (Definitions). See Figure 9.07.095-4.		
Block Length (A)	600 ft (max)	500 ft (max)	500 ft (max)
Block Perimeter (B)	1,800 ft	1,600 ft	1,500 ft
<b>Building Placement Standards</b>			
<b>Build-to-Zone</b>	The area between the minimum and maximum setbacks within which the principal building’s front façade (building façade line) is to be located. See “Build-to-Zone” in § <a href="#">9.15.030</a> (Definitions). See Figure 9.07.095-5.		

Front Along Alessandro Blvd. (C)	0 - 15 ft	0 - 10 ft	0 - 10 ft
Front All other streets (D)	0 - 15 ft	0 - 10 ft	0 - 10 ft
Street Side Setback (E)	0 - 15 ft	0 - 10 ft	0 - 10 ft
<b>Setback</b>	Minimum and maximum required setbacks. See § 9.08.030 (Accessory structures) for allowed projections into setbacks. See Figure 9.07.095-6.		
Front Setback Along Alessandro Blvd. (F)	0 ft (min); 15 ft (max)	0 ft (min); 10 ft (max)	0 ft (min); 10 ft (max)
Front Setback All other streets (G)	0 ft (min); 15 ft (max)	0 ft (min); 10 ft (max)	0 ft (min); 10 ft (max)
Street Side Setback (H)	0 ft (min); 15 ft (max)	0 ft (min); 10 ft (max)	0 ft (min); 10 ft (max)
Interior Side Setback (2) (I)	5 ft (min); No max	5 ft (min); No max	5 ft (min); No max
Rear Setback (2) (J)	10 ft (min); No max	10 ft (min); No max	10 ft (min); No max
<b>Building Frontage Length</b>	% of building built to BTZ. See “Build-to-Zone” in § 9.15.030 (Definitions). See Figure 9.07.095-7.		
Within 300 ft of street intersections (K)	65%	65%	65%
Over 300 ft from street intersections (L)	50%	50%	50%

Development Features	MUI	MUC	MUN
<b>Building Standards</b>	See “Underground Levels” and “Mezzanines/Lofts” in § 9.15.030 (Definitions). See Figure 9.07.095-8.		
Number of Stories (3) (M)	5 max	4 max	3 max
Maximum Height (3) (N)	60 ft	55 ft	45 ft
Underground Levels (O)	Allowed	Allowed	Allowed
Mezzanines/Lofts (4) (P)	Allowed	Allowed	Allowed
<b>Building Frontage Types</b>	See § 9.07.096 (Building frontage type standards).		

Along Alessandro Blvd. within 300 ft of intersections (Q)	Live-Work Office Storefront	Live-Work Office Residential Storefront	Live-Work Office Residential Storefront
Elsewhere (R)	Live-Work Office Residential Storefront	Live-Work Office Residential Storefront	Live-Work Office Residential Storefront
<b>Site Planning Standards</b>			
<b>Parking Standards</b>	See Ch. 9.11 (Parking, Pedestrian and Loading Requirements) and Figure 9.07.095-9.		
Surface Parking (S)	20 ft min setback from front lot line; 15 ft min setback from side lot line	20 ft min setback from front lot line; 15 ft min setback from side lot line	20 ft min setback from front lot line; 15 ft min setback from side lot line
Garage/Tuck-Under Parking (T)	Prohibited along front lot lines	Prohibited along front lot lines	Prohibited along front lot lines
Underground/Podium Parking (U)	Allowed beneath building footprint	Allowed beneath building footprint	Allowed beneath building footprint
Above-Ground Parking Structure (5) (V)	Allowed if screened from views from public right-of-way and adjacent singlefamily residential districts	Allowed if screened from views from public right-of-way and adjacent singlefamily residential districts	Allowed if screened from views from public right-of-way and adjacent singlefamily residential districts
<b>Open Space Standards</b>			
Publicly Accessible Open Space (nonresidential)	See § 9.07.097 (Open space standards—Publicly accessible open space).		
	15% of net lot area	10% of net lot area	10% of net lot area
Private Open Space (multifamily residential)	See § 9.07.098 (Open space standards—Private/common open space).		
1st floor	150 sq ft per unit	150 sq ft per unit	150 sq ft per unit
Upper floors	100 sq ft per unit	100 sq ft per unit	100 sq ft per unit
Common Open Space (multifamily residential)	300 sq ft per unit	300 sq ft per unit	300 sq ft per unit

Notes:

- (1) Podium and underground parking is not counted toward floor area ratio (FAR). Includes residential FAR.
- (2) Wherever a lot abuts a lot in any single-family residential district, a minimum setback equal to the building height, but not less than ten (10) feet shall be required.
- (3) Wherever a lot abuts a lot in any single-family residential district, a fifteen (15) foot upper story stepback is required for those portions of buildings that are above thirty (30) feet from finished grade.
- (4) Mezzanines and lofts shall not be counted as a floor if less than one-third of the unit’s floor area.
- (5) Minimum interior depth of building liner space that wraps above-ground parking structures facing Alessandro Boulevard shall be thirty (30) feet from the building façade line, as defined in Section 9.15.030 (Definitions).

Figure 9.07.095-4 Block Standards

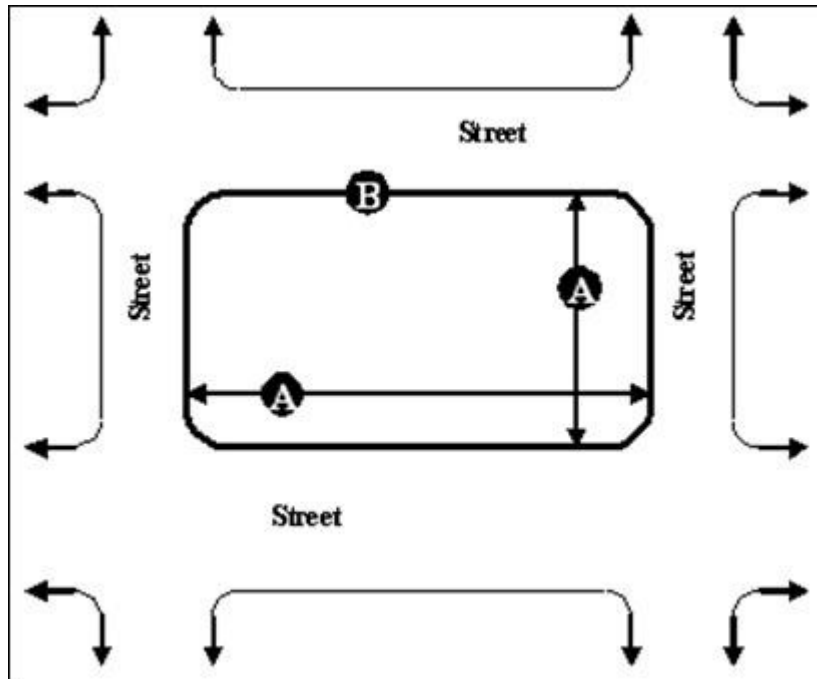


Figure 9.07.095-5  
Build-to-Zone Standards

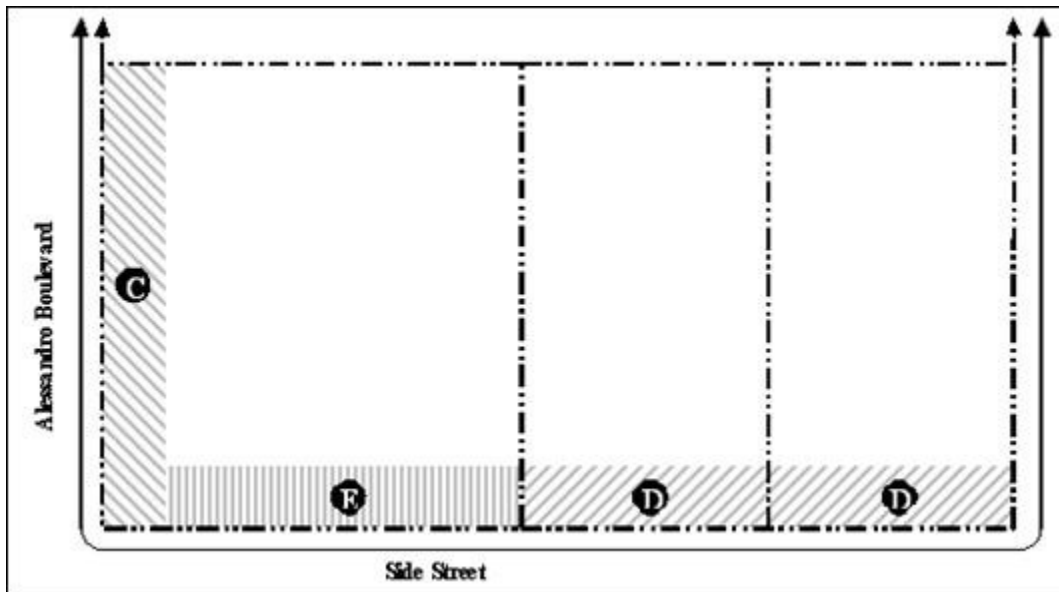


Figure 9.07.095-6  
Setback Standards

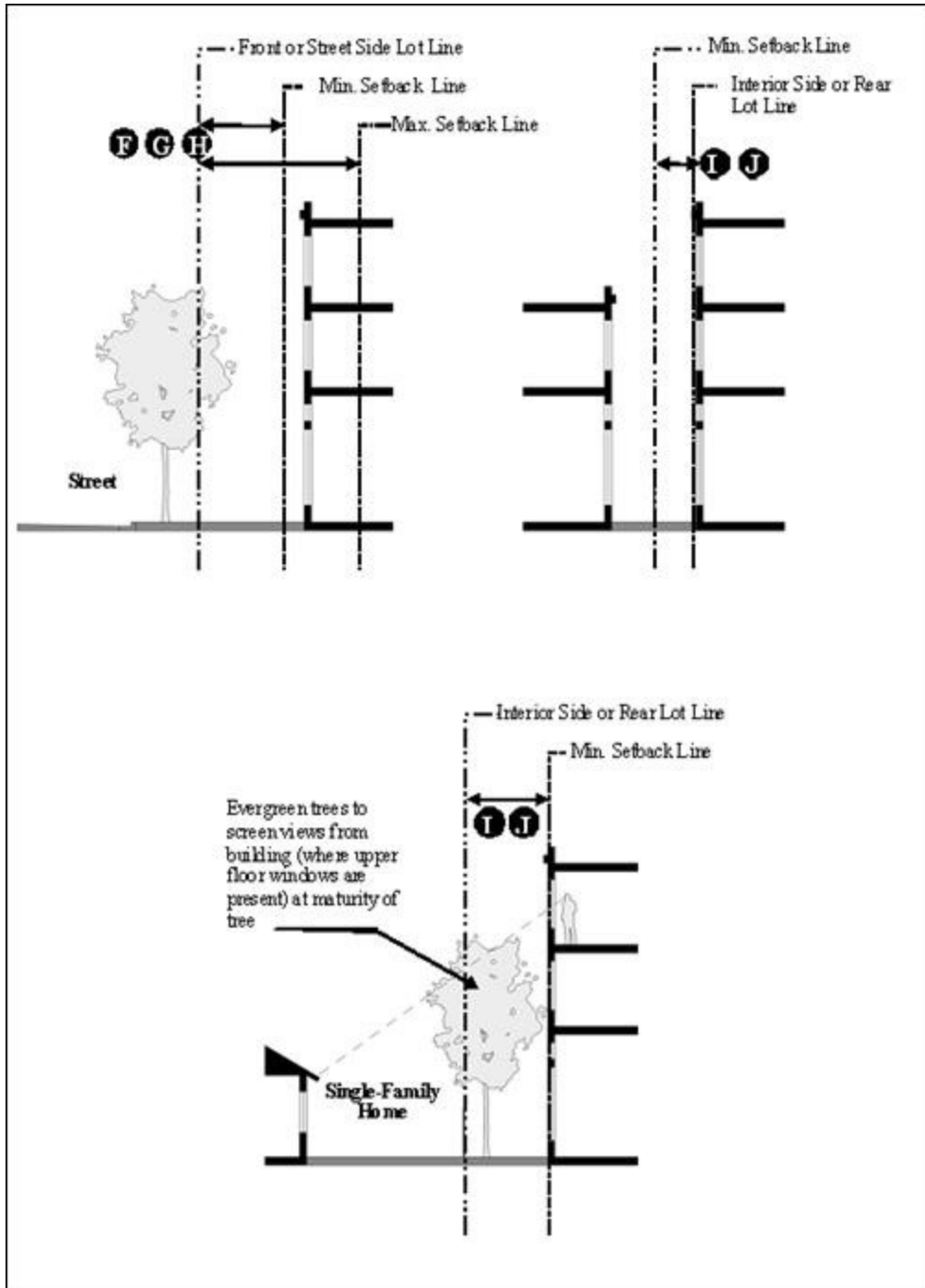


Figure 9.07.095-7  
 Building Frontage Length

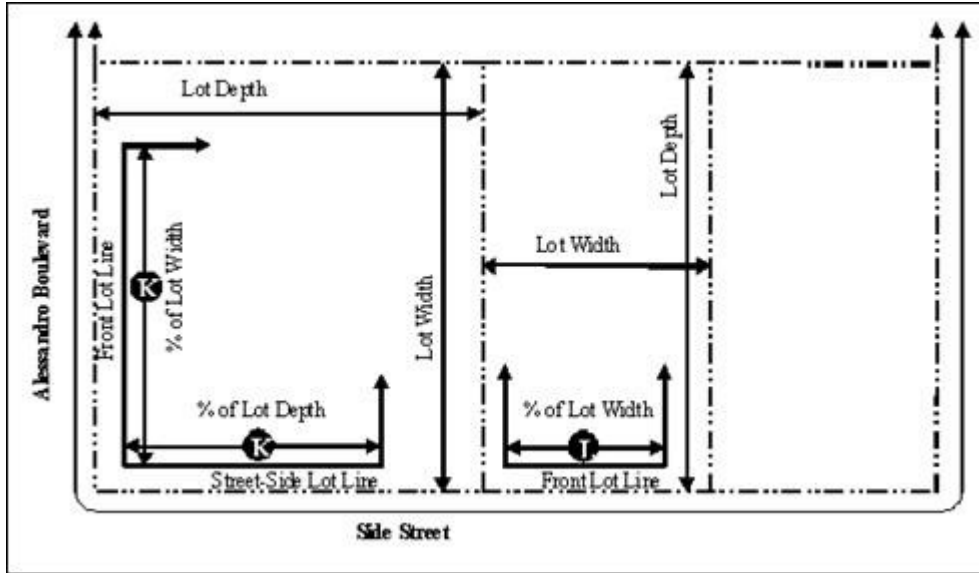


Figure 9.07.095-8  
 Building Standards and Building Frontage Types

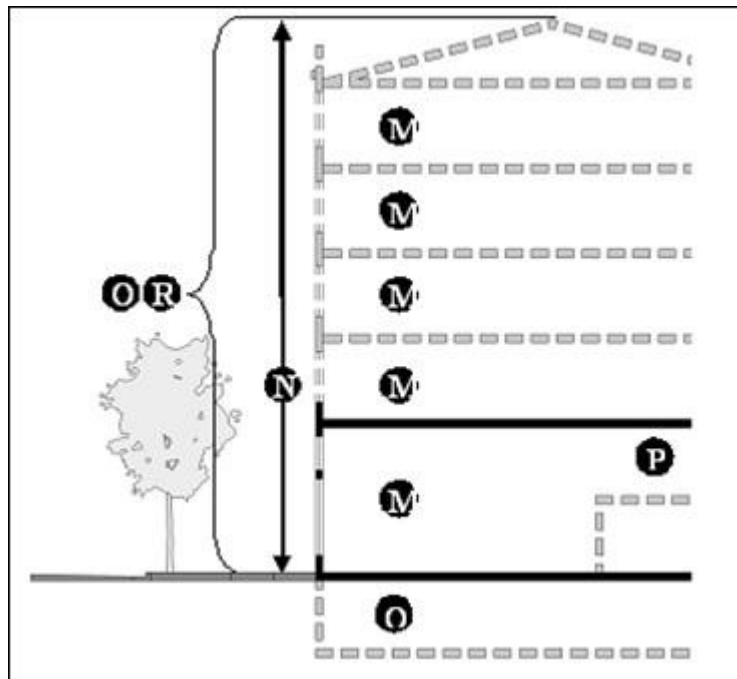
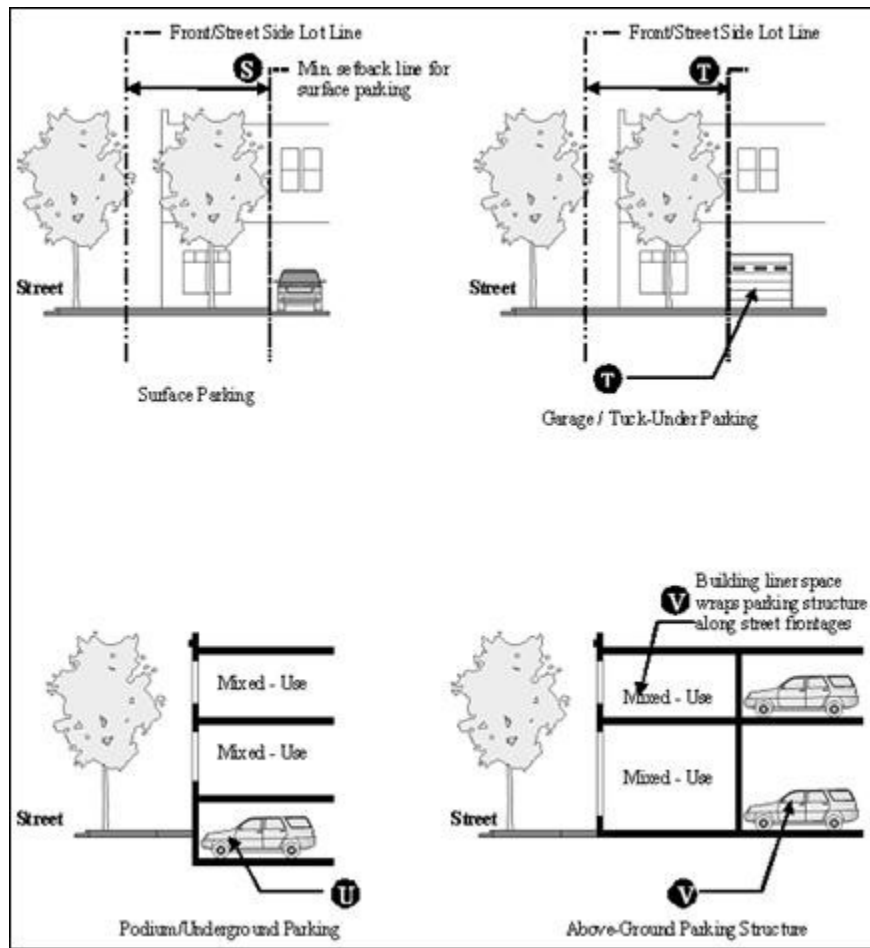


Figure 9.07.095-9  
Parking Standards



(Ord. 864 § 3.3, 2013)

### 9.07.096 Building frontage type standards.

This section provides frontage type standards for buildings in the mixed-use overlay districts. Table 9.07.095-10 specifies allowable building frontage types for each mixed-use overlay district.

#### A. Types of Building Frontages.

1. **Live-Work/Office Fronts.** A frontage that reinforces both residential and work activities that can occur in the building. The elevation of the ground floor is located at or near the grade of sidewalk to provide direct public access to the building. Entrances and windows are provided on the front of the façade to provide eyes on the street and direct sidewalk access to commercial and office uses. The front setback (if provided) may be improved with landscaping or as an extension of the public sidewalk to create a more pedestrian-friendly environment. See also Section [9.09.250](#) (Live-work development).

2. **Residential Fronts.** A frontage that reinforces the residential character and use of the building. The elevation of the ground floor is elevated above the grade of the lot to provide privacy for residences by preventing direct views into the home from the sidewalk. Entrances and windows are provided on the front of the façade to provide eyes on the street and direct sidewalk access to the building. Stoops are allowed to project into the front setback to enhance entrances. The front setback is primarily improved with landscaping.

3. **Storefronts.** A frontage that reinforces the commercial character and use of the ground floor of the building. The elevation of the ground floor is located at or near the grade of sidewalk to provide direct public access into the building. Large storefronts display windows are provided on the front of the façade to encourage visual access to merchandise displays and to encourage window shopping. Awnings or marquees are provided over storefront windows and entrances.

The front setback (if provided) is primarily improved as an extension of the public sidewalk to create a more pedestrian friendly environment.

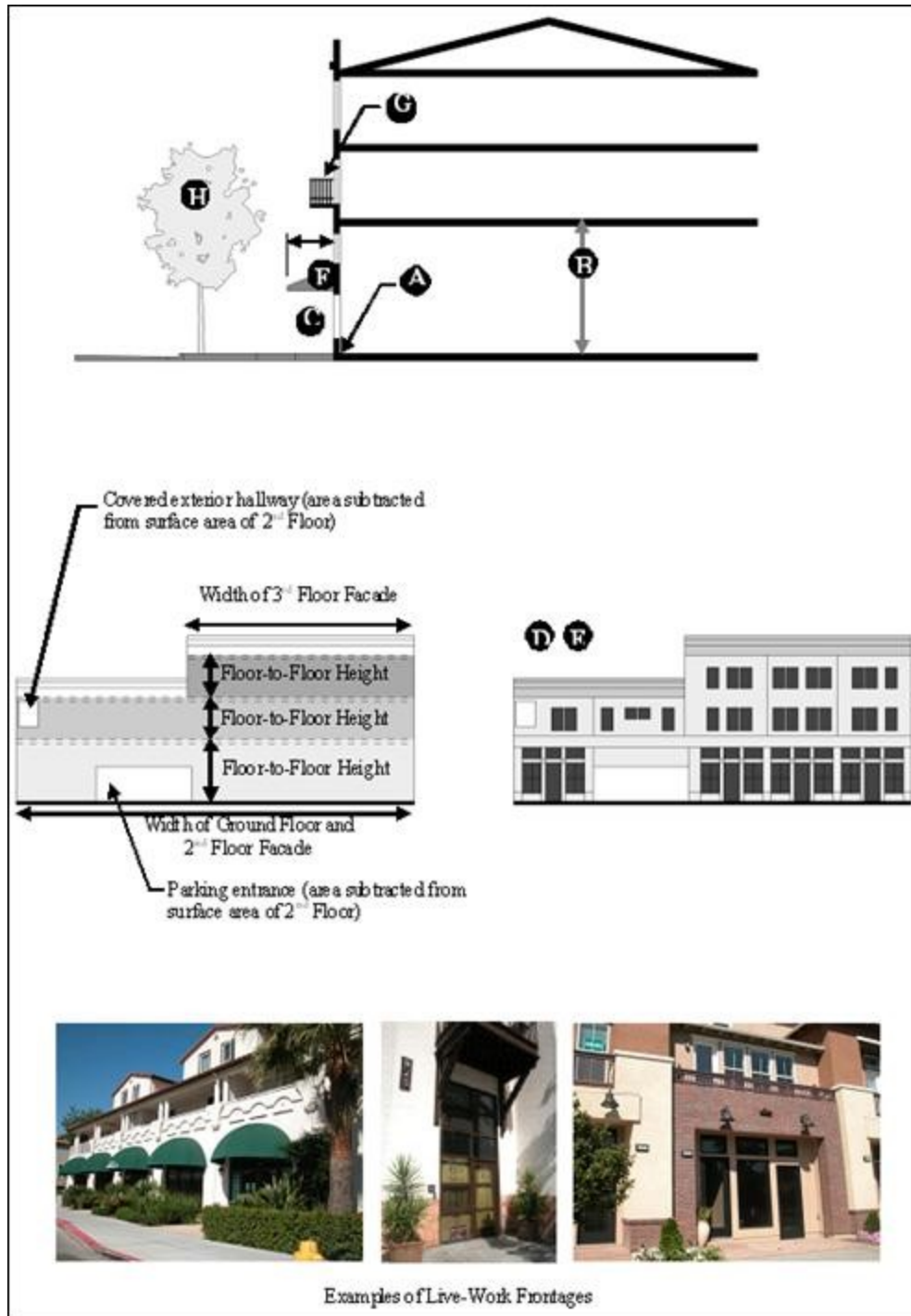
B. Live-Work/Office Frontage Standards (1)	Figure 9.07.096-10
Elevation of Ground Floor (A)	The ground floor elevation shall be located near the elevation of the sidewalk to minimize the need for external steps and external ADA ramps at public entrances.
Minimum Ground Floor Interior Height (B)	12 feet minimum, floor-to-floor height (commercial ready).
Ground Floor Unit Entrances (C)	All ground floor tenant spaces that have street frontage shall have entrances on a façade fronting a street. All other ground floor uses may have a common lobby entrance along the front façade or private entrances along other façades.
Upper Floor Unit Entrances	Entrances to upper floor units may be provided through a common lobby entrance and/or by a common entrance along a façade fronting a street.
Recessed Entrances	Entrances may be recessed into the façade.
Ground Floor Windows (D)	At least 40% of the surface area of the ground floor façade (2) shall be occupied by windows (3).
Upper Floor Windows (E)	At least 25% of the surface area of each upper floor façade (2) shall be occupied by windows (3).

Awnings and Marquees (F)	Awnings or marquees may be provided over storefront windows and entrances. Awning and marquees may project up to 6 feet from the façade and extend over the sidewalk provided that at least 8 feet of vertical clearance is provided.
Projecting Elements (Balconies, Roof Overhangs, Shade Structures, and Bay Windows) (G)	Projecting elements on upper floors may project three feet from the façade and project into the setback.
Sidewalk and Setback Treatment (H)	The public sidewalk shall be improved with street trees with an average spacing of 30 feet on-center and pedestrian-scaled street lights (no taller than 14 feet). If the front façade is set back from the public sidewalk, the setback shall be landscaped and/or improved as an extension of the public sidewalk.

Notes:

- (1) See Section [9.09.250](#) (Live-work development).
- (2) As measured by multiplying the width of the façade by the floor-to-floor height. Opening in the façade (such as entrances to parking facilities or covered outdoor hallways/entrances) shall be subtracted from the surface area calculation.
- (3) All parts of the window (e.g., head, jamb, frame, sash, sill, muntin bars, and panes) that are visible on the elevation drawing shall be included as “window” in the calculation. Portions of the window that are not visible on the elevation drawing (such as a window that is blocked by a solid balcony wall) shall not be included in the calculation.

Figure 9.07.096-10 Live-Work/Office Frontage Standards



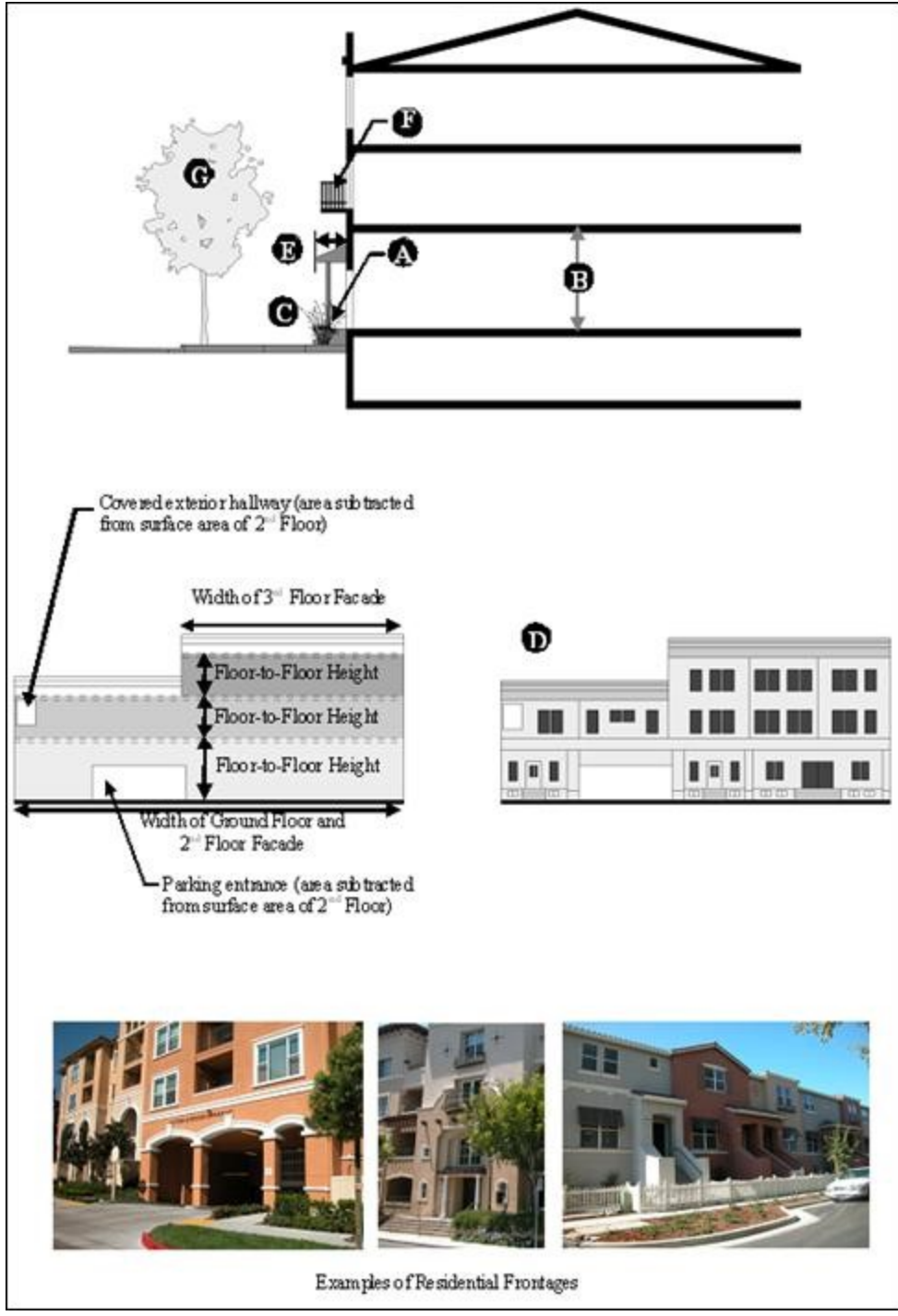
C. Residential Frontage Standards	Figure 9.07.096-11
Elevation of Ground Floor (A)	The ground floor elevation shall be located within 6 feet of the ground surface of the adjacent sidewalk or walkway.

Minimum Ground Floor Ceiling Height (B)	10 feet minimum (floor-to-floor height)
Ground Floor Unit Entrances (C)	Entrances to ground floor units that have street frontage may be provided through a common lobby entrance and/or by private entrances from the adjacent sidewalk.
Upper Floor Unit Entrances	Entrances to upper floor units may be provided through a common lobby entrance and/or by a common entrance along a façade fronting a street.
Recessed Entrances	Entrances may be recessed into the façade.
Ground and Upper Floor Windows (D)	At least 25% of the surface area of the ground and upper floor façade (1) shall be occupied by windows (2).
Stoops and Front Porches (E)	Stoops and front porches may be provided in front of building and unit entrances. Stoops and front porches may project up to 5 feet from the façade and project into the setback.
Projecting Elements (Balconies, Roof Overhangs, Shade Structures, and Bay Windows) (F)	Projecting elements on upper floors may project 3 feet from the façade and project into the setback.
Sidewalk and Setback Treatment (G)	The public sidewalk shall be improved with street trees with an average spacing of 30 feet on-center and pedestrian-scaled street lights (no taller than 14 feet). If the front façade is set back from the public sidewalk, the setback shall be landscaped (excluding stoops/front porches and paved paths to building entrances).

Notes:

- (1) As measured by multiplying the width of the façade by the floor-to-floor height. Opening in the façade (such as entrances to parking facilities or covered outdoor hallways/entrances) shall be subtracted from the surface area calculation.
- (2) All parts of the window (e.g., head, jamb, frame, sash, sill, muntin bars, and panes) that are visible on the elevation drawing shall be included as “window” in the calculation. Portions of the window that are not visible on the elevation drawing (such as a window that is blocked by a solid balcony wall) shall not be included in the calculation.

**Figure 9.07.096-11 Residential Frontage Standards**



**D. Storefront Standards**

**Figure 9.07.096-12**

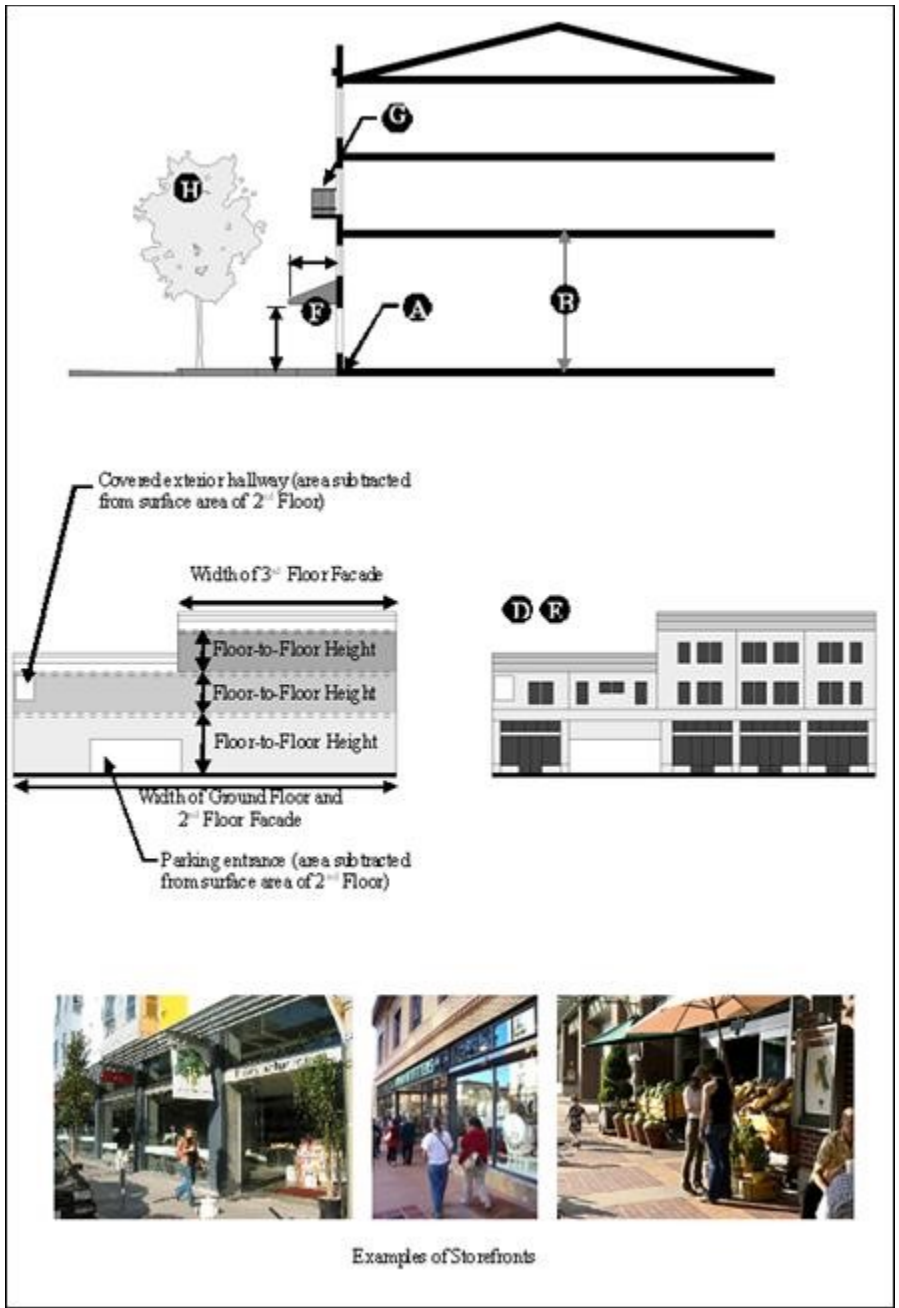
Elevation of Ground Floor (A)	The ground floor elevation shall be located near the elevation of the sidewalk to minimize the need for external steps and external ADA ramps at public entrances.
Minimum Ground Floor Ceiling Height (B)	15 feet minimum, floor-to-floor height (commercial ready).

Storefront Entrances (C)	All ground floor tenant spaces that have street frontage shall have storefront entrances on the façade fronting a street.
Lobby Entrances	Lobby entrances to upper floor uses shall be located on a façade fronting a street.
Recessed Entrances	Storefront and lobby entrances may be recessed into the façade.
Ground Floor Windows (D)	At least 50% of the surface area of the ground floor façade (1) shall be occupied by windows (2).
Upper Floor Windows (E)	At least 25% of the surface area of each upper floor façade (1) shall be occupied by windows (2).
Awnings and Marquees (F)	Awnings or marquees are required over storefront windows and entrances. Awning and marquees may project up to 6 feet from the façade and extend over the sidewalk provided that at least 8 feet of vertical clearance is provided.
Projecting Elements (Balconies, Shade Structures, and Bay Windows) (G)	Projecting elements on upper floors may project 3 feet from the façade and project into the setback.
Sidewalk and Setback Treatment (H)	The public sidewalk shall be improved with street trees with an average spacing of 30 feet on-center and pedestrian-scaled street lights (no taller than 14 feet). If the front façade is set back from the public sidewalk, the setback shall be improved as an extension of the public sidewalk.

Notes:

- (1) As measured by multiplying the width of the façade by the floor-to-floor height. Opening in the façade (such as entrances to parking facilities or covered outdoor hallways/entrances) shall be subtracted from the surface area calculation.
- (2) All parts of the window (e.g. head, jamb, frame, sash, sill, muntin bars, and panes) that are visible on the elevation drawing shall be included as “window” in the calculation. Portions of the window that are not visible on the elevation drawing (such as a window that is blocked by a solid balcony wall) shall not be included in the calculation.

**Figure 9.07.096-12 Storefront Standards**



(Ord. 864 § 3.3, 2013)

### 9.07.097 Open space standards—Publicly accessible open space.

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This section provides standards for publicly accessible open space areas in order to ensure a high level of pedestrian connectivity and activity between the public realm and the private realm, as defined in Chapter [9.15](#) (Definitions).

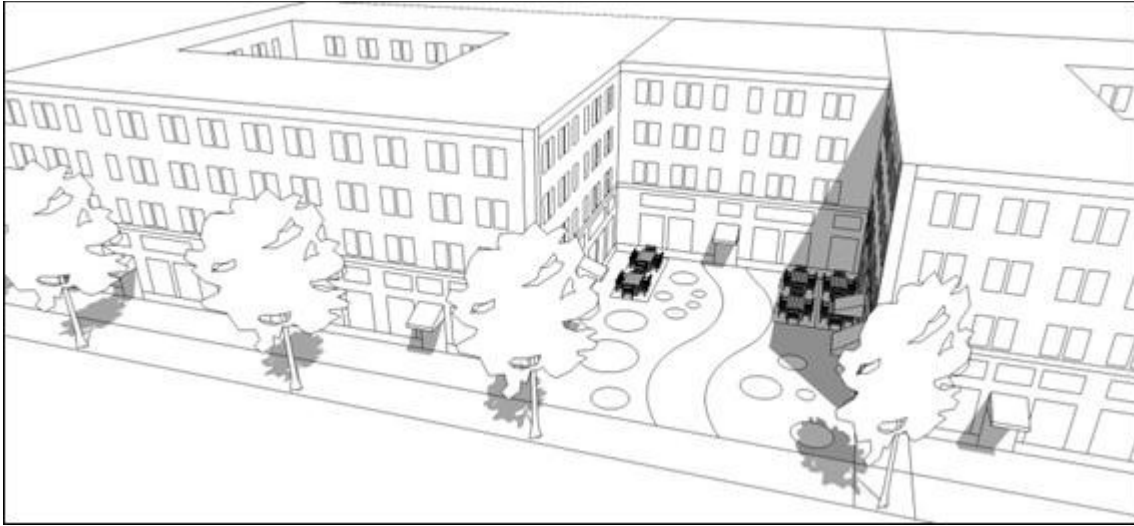
- A. **Minimum Size.** All new nonresidential development shall provide publicly accessible open spaces as a percentage of the total development site area as indicated in Table 9.07.095-10 (Mixed-Use Overlay District Development Standards).
- B. **Eligible Areas.** Publicly accessible open space areas shall not include parking, driveway, or rear setback areas, but may include front and side setback areas provided that they are integrated into the overall design of the project.
- C. **Ground-Level Installation.** Plazas, courtyards, or other similar publicly accessible open space areas shall be installed at ground level and shall be incorporated into the design of the development.
- D. **Visibility and Accessibility.** Public open space areas shall be visible and accessible from the public rights-of-way to engage the interest of pedestrians and encourage public use.
- E. **Landscaping and Hardscapes.** Landscaping shall comply with Chapter [9.17](#) (Landscape and Water Efficiency Requirements). In addition, a combination of landscape and hardscape materials shall be used in the design of these areas and shall include the following components:
  1. Hardscape paving may include brick, stone, interlocking concrete pavers, textured concrete, and/or impressed patterned concrete. Hardscape elements may include, but are not limited to, seating areas, potted plant materials, water features, and public art installations.
  2. The balance of the open space areas shall be landscaped with turf, shrubs or groundcover, and trees. All plant materials shall be in proportion to the height and mass of the building and shall be permanently maintained.
- F. **Minimum Height to Width Ratios.** In order to achieve sunlight and air circulation in required publicly accessible open space areas, the following minimum height to width ratios shall be provided:
  1. Enclosed open space (i.e., open space that is enclosed on four sides, such as a courtyard): two to one ratio. The required open space shall have a width of at least one-half the height of the adjacent building façade (measured perpendicularly from the façade). This requirement shall apply to all sides of the required open space.
  2. Open space that is open on one or more sides: three to one ratio. The required open space shall have a width of at least one-third the height of the adjacent building façade (measured perpendicularly from the façade). This requirement shall apply to all sides of the required open space.
- G. **Design Configuration.**
  1. In the mixed-use institutional anchor (MUI) overlay district, sharing of the required publicly accessible open space (“quasi-public space”) for nonresidential uses and the required common open space for residential uses, indicated in Table 9.07.095-10 (Mixed-Use Overlay District Development Standards), may be allowed by the applicable review authority when it is clear that the open space will provide direct benefit to residents of the project and the public in general subject to the following limitations:
    - a. Up to thirty (30) percent of the required open space for residential uses in a horizontal mixed use project may be provided as quasi-public open space within the nonresidential component of the project; or

- b. Up to fifty (50) percent of the required open space for residential uses in a vertical mixed use project may be provided as quasi-public open space within the nonresidential component of the project.
- c. The minimum dimension (length and width) of shared common open space areas shall be twenty (20) feet. These areas shall be located at grade and shall be accessible for use by the general public.
- d. Quasi-public open space areas shall not include outdoor dining areas or other outdoor activity areas for exclusive use by an individual business.
- e. Quasi-public open space areas are areas located on private property and accessible to the general public. These areas shall include pedestrian oriented amenities, including enhanced seating, lighting, paving, landscaping, public art, water features, and other similar features deemed appropriate by the community development director.

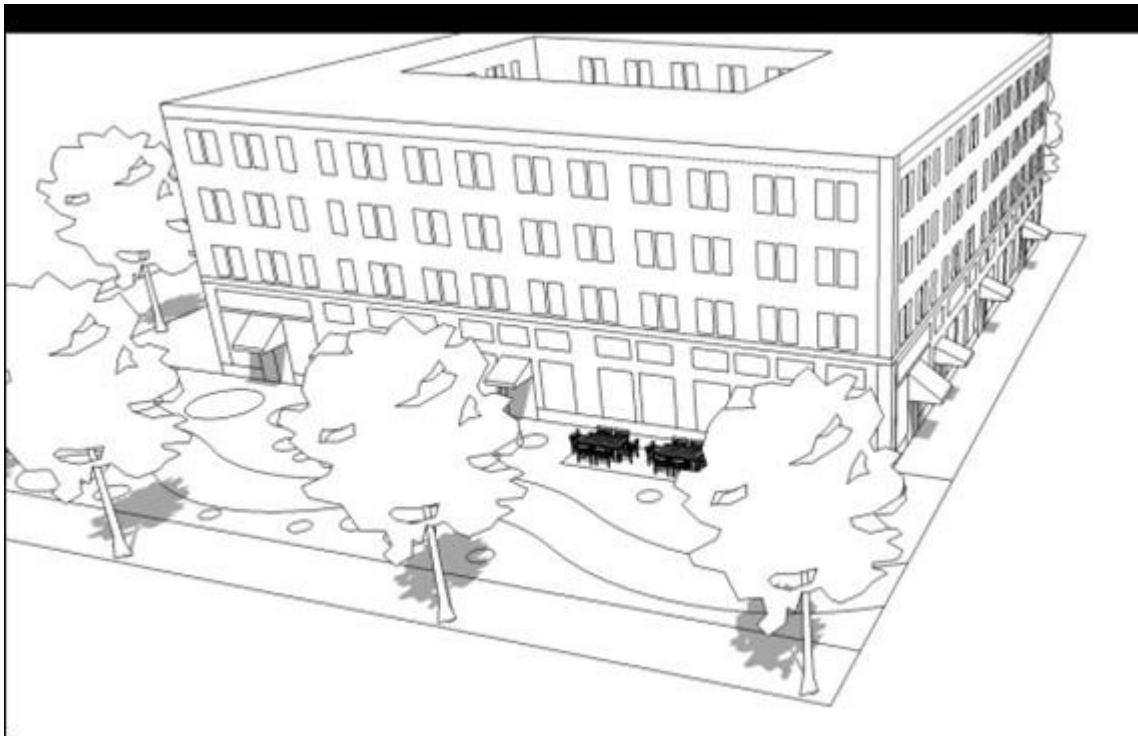
2. Publicly accessible open space areas shall be located and configured as any one of the following:

- a. Forecourt. The publicly accessible open space area is located along a recessed center section of the front façade of the building as illustrated in Figure 9.07.097-13a (Publicly Accessible Open Space—Forecourt).
- b. Front. The publicly accessible open space area is located along the street facing frontage of the building as illustrated in Figure 9.07.097-13b (Publicly Accessible Open Space—Front).
- c. “L” Shaped. The publicly accessible open space area is located along the front and side of the lot as illustrated in Figure 9.07.097-13c (Publicly Accessible Open Space—“L” Shaped).
- d. Paseo or Central Courtyard. The publicly accessible open space area is located on the side of the building or along a center pedestrian paseo or courtyard as illustrated in Figure 9.07.097-13d (Publicly Accessible Open Space—Paseo or Central Courtyard).

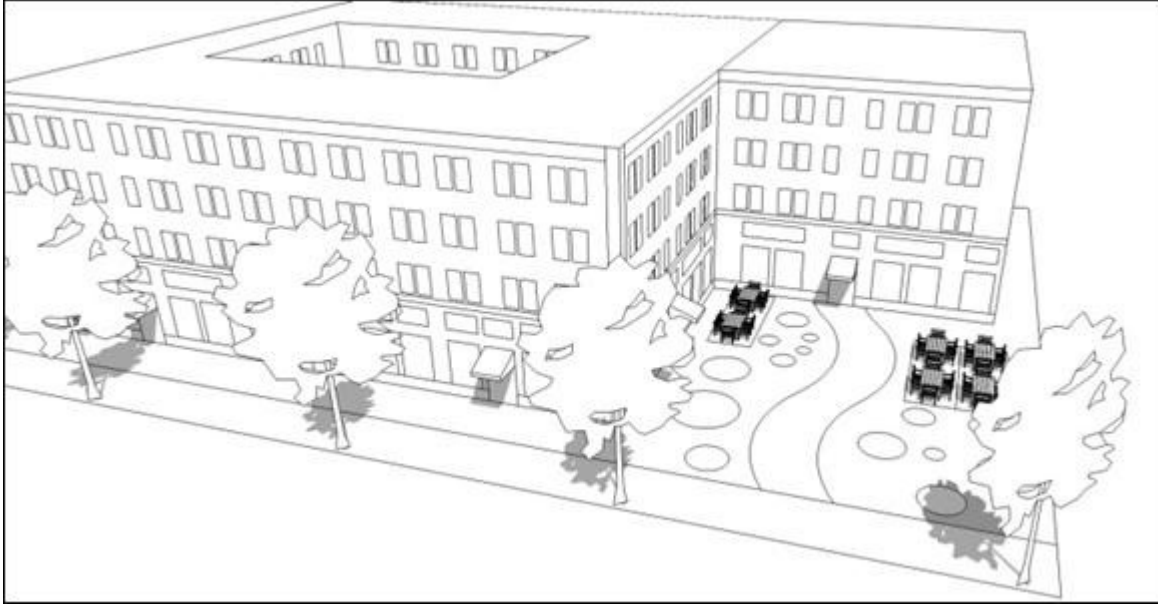
**Figure 9.07.097-13a**  
**Publicly Accessible Open Space—Forecourt**



**Figure 9.07.097-13b**  
**Publicly Accessible Open Space—Front**



**Figure 9.07.097-13c**  
**Publicly Accessible Open Space—"L" Shaped**



**Figure 9.07.097-13d**  
**Publicly Accessible Open Space—Paseo or Central Courtyard**



(Ord. 864 § 3.3, 2013)

### **9.07.098 Open space standards—Private/common open space.**

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This section provides standards for private and/or common open space for residential uses. Private and/or common open space shall be provided in addition to the required publicly accessible open space in Section [9.07.097](#) (Open space standards—Publicly accessible open space).

#### **A. Required Amount of Open Space.**

1. **Minimum Required Open Space.** Private open space and common open space shall be provided in the amounts indicated in Table 9.07.095-10 (Mixed-Use Overlay District Development Standards).
2. **Residential Developments.** Private open space and common open space shall be provided on a per unit basis for residential projects and shall be a combination of the total required space divided between private areas (e.g., balconies, patios, etc.) and common areas (e.g., courtyards, playgrounds, recreation facilities, multi-purpose rooms, etc.) designed for the common use of residents as specified below.
3. **Nonresidential or Mixed-Use Developments.** Private open space and common open space shall be provided as a percentage of the total lot area for nonresidential projects and may be used to provide site amenities such as rooftop decks, courtyards, or similar features. Mixed use developments shall combine the residential standards and the nonresidential standard to satisfy this provision.

**B. Exclusive Use.** Private and common open space areas shall be located and designed for the exclusive use of the residents or tenants of the property and their guests and shall not be publicly accessible, except in the Civic Center Mixed-Use (CVMU) Overlay District and the Medical Center Mixed-Use (MDMU) Overlay District where sharing of the required publicly accessible open space (“quasi-public space”) for nonresidential uses and the required common open space for residential uses may be allowed in compliance with Section [9.07.097\(G\)](#) (Open space standards—Publicly accessible open space, Design configuration).

**C. Types of Open Space.** A combination of private and common open space shall be provided to satisfy the following requirements:

1. **Common open space amenities** shall include, but are limited to, one or more of the following amenities: courtyards, plazas, tennis courts, swimming pools, spas, permanently equipped gym/exercise rooms, or other permanent amenity. Rooftop decks and terraces may be used to satisfy this requirement; however, these areas shall be easily accessible to all residents within the building, and face the public rights-of-way where possible.
2. **Private open space areas** may include balconies, patios, terraces, or rooftop decks. These areas shall be integrated into the overall architectural design of the building. Architectural elements (e.g., railings, trellises, short walls, roof-top enclosures, etc.) shall be consistent with the architectural style of the structure to which they are attached.

**D. Materials and Design.** Open space areas shall be constructed of permanent materials and be permanently integrated into the design of the building.

**E. Building Height to Open Space Width Ratios.** In order to achieve sunlight and air circulation in outdoor common open space areas, the following building height to open space width ratios are required:

1. **Enclosed open space** (i.e., open space that is enclosed on four sides, such as a courtyard): one to one ratio.

The required open space shall have a width of at least one-half the height of the adjacent building façade (measured perpendicularly from the façade). This requirement shall apply to all sides of the required open space.

2. Open space that is open on one or more sides: two to one ratio. The required open space shall have a width of at least one-third the height of the adjacent building façade (measured perpendicularly from the façade). This requirement shall apply to all sides of the required open space. (Ord. 864 § 3.3, 2013)

### **9.07.099 Lot area requirements and lot consolidation incentives.**

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A. Lot Area Requirements. In addition to the lot area requirements provided in Table 9.07.095-10 (Mixed-Use Overlay District Development Standards), the size and shape of each newly created lot shall be adequate to allow the full development of the allowed uses in a manner consistent with the following:

1. Adequate provision shall be made to promote safe and orderly access and circulation of pedestrian and vehicular traffic within the site and from public streets and adjacent developments;
2. Adequate provision shall be made for buildings to be sited to allow for functional use of space between structures and to provide areas for parking, access, and landscaping;
3. Adequate provision shall be made to ensure the compatibility of the site development with surrounding development in regard to size, scale, building and site design, and limitation of overshadowing effects; and
4. The proposed development shall not limit or adversely affect the growth and development potential of adjacent properties or the general area in which the proposed development will be located.

B. Lot Consolidation Incentives.

1. Allowable Incentives for Lot Consolidation. In order to encourage the assembly of smaller existing lots into larger lots that can be more efficiently developed into a mixed-use project, the following incentives are offered:

- a. Reduction in required parking for a mixed-use project when approved in compliance with Section [9.11.070](#) (Adjustments to off-street parking requirements).
- b. Increase in maximum floor area ratio (FAR), up to a maximum of ten (10) percent.
- c. Reduction in common and/or private open space requirements, up to a maximum of ten (10) percent.

2. Eligibility for Incentives.

- a. Consolidation of existing small lots into a development project site of one acre or greater up to two acres shall be eligible for any two of the allowable incentives identified above.
- b. Consolidation of existing small lots into a development project site of two acres or greater shall be eligible for any four of the allowable incentives identified above. (Ord. 864 § 3.3, 2013)

### **9.09.250 Live-work development.**

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This section provides operational and compatibility standards for the development of live-work units. These standards are in addition to the standards for live-work development provided in Article II, Mixed-Use Overlay Districts, of Chapter [9.07](#).

#### **A. Allowed Uses.**

1. The nonresidential component of a live-work unit shall only be a nonresidential use allowed within a mixed-use overlay district, except that certain uses are determined to be not appropriate within a residential environment and are therefore prohibited as provided in subsection B of this section.
2. The residential component of a live-work unit shall only be a residential use allowed within a mixed-use overlay district.

**B. Prohibited Uses.** A live-work unit shall not be used for any of the following activities or similar activities as determined by the community development director:

1. Adult-oriented businesses;
2. Animal care or boarding;
3. Classroom instruction (e.g., art/music lessons, tutoring, and similar uses) involving five or more students at any one time;
4. Commercial food preparation activities;
5. Industrial uses;
6. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.;
7. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
8. Medical and dental offices, clinics, and laboratories (not including chiropractors or counselors/psychotherapists);
9. Activities or uses that are not compatible with residential activities or that would clearly conflict with other livework activities or the character of the surrounding neighborhood as determined by the community development director; and
10. Activities or uses that would adversely affect the health or safety of live-work unit residents, because of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or that would be hazardous because of materials, processes, products, or wastes.

#### **C. Site Planning and Design Standards.**

1. Each live-work unit fronting a public right-of-way shall have a pedestrian-oriented frontage that allows views into the interior of the nonresidential areas of the unit.
2. Each live-work unit shall have a clearly identified, separate access from other live-work units within the structure or development. Access to individual units shall be from common access areas, parking lots, or walkways. Access to each unit shall be clearly identified to provide for emergency services.
3. The living space within the live-work unit shall be contiguous with the working space, with direct access between the two areas.

#### D. Operational Standards.

1. No portion of a live-work unit shall be separately sold or rented.
2. The owner or developer of a structure containing live-work units shall provide written notice to all occupants, tenants, and users that the surrounding area may be subject to higher impacts associated with nonresidential uses (e.g., noise) than exist in more predominantly residential areas. Performance standards for live-work units shall be those applicable to nonresidential uses allowed in the zoning district in which the live-work units are located.
3. All activities related to the “work” component of a live-work unit shall be conducted within a completely enclosed building.
4. Up to two additional persons who do not reside in the live-work unit may work in the unit.
5. Client and customer visits to live-work units are allowed.
6. Parking for each live-work unit shall be provided in compliance with Chapter [9.11](#) (Parking, Pedestrian, and Loading Requirements).
7. A live-work unit shall not be converted to either entirely residential use or entirely nonresidential use.
8. A live-work use may display a window or building-mounted sign up to a maximum of five percent of the building frontage area used for commercial purposes. Signs shall not be illuminated, including neon signs. (Ord. 864 § 3.3, 2013)

#### **9.09.260 Mixed-use development.**

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This section provides operational and compatibility standards for mixed-use development. These standards are in addition to the standards provided in Article I, Mixed Use Districts/Corridors and Article II, Mixed-Use Overlay Districts, of Chapter [9.07](#).

##### A. Operational Standards.

1. **Hours of Operation.** Outdoor nonresidential uses in mixed-use projects shall be prohibited from operating between the hours of ten p.m. and seven a.m. These hours may be modified through approval of a conditional use permit in compliance with Section [9.02.060](#) (Conditional use permits).
2. **Joint Tenants and Owners Association.**
  - a. A joint tenants and owners association shall be formed to ensure the well-being of each tenant and owner in a mixed-use project.
  - b. The association bylaws, including voting rights, shall be subject to review by the city attorney and approval by the director. The association’s bylaws shall include the following:
    - i. Assignment of parking spaces per each use.
    - ii. Identification of maintenance responsibilities for landscaping, parking facilities, and recycling and refuse storage facilities.
    - iii. Noise notification procedures.
    - iv. Relationship between uses regarding association representation.
    - v. Voting procedures.
    - vi. Procedures for solving problems that may arise between the different types of uses or residents.

3. Loading and Unloading Activities. Where applicable, the covenants, conditions, and restrictions of a mixed-use project shall indicate the times when the loading and unloading of goods may occur on the street, provided that in no event shall loading or unloading take place after ten p.m. or before seven a.m. on any day of the week.

4. Noise Notification.

a. Residents, whether owners or tenants, of a mixed-use development project shall be notified in writing before taking up residence that they will be living in an urban type of environment and that the noise levels may be higher than a typical residential area.

b. The covenants, conditions, and restrictions of a mixed-use project shall require that the residents acknowledge their receipt of the written noise notification. Their signatures shall confirm receipt and understanding of this information.

B. Fences and Walls. In addition to the regulations in Section 9.08.070 (Fences and walls), fences and walls shall be subject to the following regulations:

1. Separation Wall Required. A masonry separation wall shall be constructed on all property lines adjacent to any single-family residential district. Pedestrian access points are encouraged and may be allowed subject to approval of the community development director. The separation wall shall be six feet in height, as measured from the highest elevation of land contiguous to the wall, except in a required front setback area and in a required exterior side setback area for a corner, reverse corner or key lot, where the wall shall be limited to thirty-six (36) inches in height.

2. Other Fences and Walls. Fences and walls are allowed in any yard area subject to the following height regulations:

a. Front Yard Area. In the front yard area, the height shall be limited to thirty-six (36) inches.

b. Street Side Yard. In street side yard areas, the height shall be limited to thirty-six (36) inches.

c. All Other Areas. In all other areas, the height shall be limited to six feet, as measured from the side of the fence or wall with the highest grade.

3. Location. All perimeter fences and walls shall be constructed on the property line unless a different location is permitted by the community development director. No parallel wall or fence shall be constructed less than five feet from an existing wall or fence, unless approved by the community development director.

4. Materials.

a. Chain link fencing shall not be erected between a primary or accessory structure and a public or private street, except that chain link fencing may be used for security purposes for public utility structures and for temporary fencing needs (construction sites, special events, vacant lots, etc.).

b. Barbed wire and concertina wire are prohibited, except at public utility structures.

C. Landscaping. Landscaping shall comply with Chapter 9.17 (Landscape and Water-Efficiency Requirements).

D. Screening and Buffering Standards. Mechanical and air-conditioning equipment shall be screened and buffered in compliance with Section 9.10.130 (Mechanical and electrical equipment).

E. Signs. Signs shall comply with Chapter 9.12 (Sign Regulations). In addition, in a mixed-use overlay district where both residential and nonresidential uses are allowed, the signage rights and responsibilities applicable to a particular use shall be determined as follows: residential uses shall be treated as if they were located in the residential area where that type of use would be allowed as a matter of right, and

nonresidential uses shall be treated as if they were located in a district where that particular use would be allowed, either as a matter of right or subject to a discretionary process.

F. Trash and Recycling Enclosures.

1. Recycling and refuse storage facilities shall be located as far away as possible from residential units and shall be completely screened from view from adjacent residential portions of the project or another adjacent residential uses in compliance with Section 9.08.150 (Screening requirements).
2. The location and design of recycling and refuse storage facilities shall mitigate nuisances from odors when residential uses might be impacted.
3. The location and design of recycling and refuse storage facilities shall be integrated into and be compatible with the architectural design and details of the overall project.

G. Sound Mitigation. Residential dwelling units shall be designed to be sound attenuated against present and future project noise. New projects or new nonresidential uses in existing projects shall provide an acoustical analysis report, by an acoustical engineer, describing the acoustical design features of the structure required to satisfy the exterior and interior noise standards.

H. Design Criteria.

1. A mixed-use development project shall be designed and constructed to:
  - a. Be pedestrian in its focus by:
    - i. Providing direct pedestrian linkages to adjacent public sidewalks.
    - ii. Creating enhanced pedestrian connections throughout the project between residential and nonresidential uses and parking areas.
    - iii. Providing enhanced pedestrian amenities throughout the project, including seating, pedestrian area lighting, special paving, public art, water features, common open space, directories, and similar items to create a pleasant pedestrian experience.
    - iv. Incorporating architectural design elements and materials that relate to a pedestrian scale.
  - b. Locate uses in proximity to one another without large intervening parking lots so that it is convenient for people to walk between the various uses and park their vehicles only once.
  - c. Create a pedestrian scale and character of development along the street by providing significant wall articulation and varying roof heights, incorporating pedestrian scale elements (e.g., doors, windows, lighting, landscaping), and locating storefronts and common open space areas (e.g., plaza, courtyard, outdoor dining) near the public sidewalk to contribute to an active street environment.
  - d. Provide a transition to adjacent residential uses in compliance with the standards provided in Table 9.07.095-10 (Mixed-Use Overlay District Development Standards).
2. Consistent Use of Architectural Details and Materials. Architectural style and use of quality materials shall be compatible and consistent throughout an entire mixed-use project. However, differences in architectural details and materials may occur to differentiate between the residential and nonresidential portions of the project. The overall project design and site layout shall be one that promotes a strong pedestrian environment and active street frontage. This can be accomplished by incorporating features into the project as outlined in paragraph 3 of this subsection.
3. Features.
  - a. Street Level Features. Variations in the front building plane shall be incorporated through the use of varying building setbacks, variations in wall planes, and the inclusion of pedestrian amenities (e.g., plaza, courtyard, outdoor dining, landscaping). Long expanses of blank walls shall be prohibited.

- b. Pedestrian-Oriented Features. At least seventy-five (75) percent of the building frontage facing a public street, primary pedestrian way, or parking lot shall be devoted to pedestrian-oriented features (e.g., storefronts, pedestrian entrances to nonresidential uses, transparent display windows, landscaping).
- c. Upper Level Features. Upper floor balconies, bays, and windows shall be provided whenever opportunities exist for these types of features.
- d. Entrances. When nonresidential and residential uses are located in a vertical mixed use structure, separate pedestrian entrances shall be provided for each use. The entrances for nonresidential uses shall be designed to be visually distinct from the entrances for residential uses. Entrances to individual residential units in a vertical mixed use project shall not be allowed along a street frontage. Instead shared entrances to residential units located above the ground floor shall be from lobbies that serve multiple units.
- e. Neighborhood Interface. The design of new infill development shall be sensitive to the scale and design characteristics of established structures in abutting residential neighborhoods, with the objective of achieving a harmonious transition between the new development and existing neighborhood. Consideration shall be given to factors including, but not limited to, orientation of architectural features, building articulation, and exterior building treatments.
- f. Lighting. Lighting shall be incorporated along sidewalks or other pedestrian walkways, plazas, paseos, courtyards, and other common open areas to enhance the pedestrian environment and increase public safety. Lighting for nonresidential uses shall be designed, located, and shielded to ensure that they do not adversely impact the residential uses, but shall provide sufficient illumination for access and security purposes consistent with the provisions of Section [9.08.100 \(Lighting\)](#).
- g. Security. Projects shall be designed to minimize security risks to residents and to minimize the opportunities for vandalism and theft. This may be accomplished by:
  - i. Maximizing visibility to common open space areas, internal walkways, and public sidewalks. Use opportunities for natural surveillance to increase visibility.
  - ii. Using walkways, low fences, lighting, signage, and landscaping to clearly guide people and vehicles to and from the proper entrances.
  - iii. Eliminating areas of concealment, hiding places, and dead spaces.
  - iv. Using lighting to improve the visibility of common areas while enhancing the pedestrian environment. Lighting should not be overly bright and should provide a uniform level of light over the subject area to eliminate dark spaces. (Ord. 864 § 3.3, 2013)