

Strikeout/Underline Code Amendments

9.02.200 Public hearing and notification procedures.

- A. Purpose. This section defines procedures for conducting public hearings for applications pursuant to this title unless otherwise specified in this title. The purpose of this section is to ensure public awareness and full and open public discussion and debate regarding proposed actions pursuant to this title.
- B. Public Hearing Date.
1. Where required by state law, and unless otherwise specified in this title, a public hearing on any application shall be scheduled before the planning commission, on the earliest appropriate date.
 2. A public hearing upon an application shall be heard before the appropriate hearing body when:
 - a. The community development director has determined that the application complies with all applicable ordinances and requirements of the city; and
 - b. All procedures required by the city's rules and procedures for the implementation of the California Environmental Quality Act to hear a matter has been completed.
- C. Notice of Hearing. Whenever a public hearing is prescribed in this title, notice of public hearings shall be given by:
1. Publication in a newspaper of general circulation within the city at least ten (10) calendar days prior to the public hearing;
 2. Mailing, at least ten (10) calendar days prior to the public hearing, to all owners of property within a radius of six hundred (600) feet from the exterior boundaries of the property involved in the application. For this purpose, the last known name and address of each property owner, as contained in the records of the latest equalized Riverside County assessor rolls, shall be used. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection is greater than one thousand (1,000), in lieu of mailed or delivered notice, notice may be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the city at least ten (10) days prior to the hearing;
 3. Mailing, at least ten (10) calendar days prior to the public hearing, or delivering at least ten (10) calendar days prior to the public hearing, to each local agency expected to provide water, sewer, schools, or other essential services or facilities to the project whose ability to provide those facilities and services may be significantly affected;
 4. Mailing, at least ten (10) calendar days prior to the public hearing, or delivering at least ten (10) calendar days prior to the public hearing, to the owner of the subject real property or to the owner's duly authorized agent, to the project applicant and the applicant's authorized representative, if any;
 5. Mailing, at least ten (10) calendar days prior to the public hearing, to any person who has filed a written request with the community development director and has provided the community development director with a self-addressed stamped envelope for that purpose;
 6. For a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, such notice shall also be given by mail to each tenant of the subject property, and, in addition to notice of the time and place of the public hearing, shall include notification of the tenant's right to appear and the right to be heard;
 7. Whenever a hearing is held regarding a permit for a drive-through or modification of an existing drive-through facility permit, the City shall provide notice to the blind, aged, and disabled communities in order to facilitate their participation in any hearing on, or appeal of the denial of, a drive-through facility permit. This shall include a notice sent to the City Senior Center and other agencies and non-profit entities that provide services to the blind, aged, and disabled communities within the City.
 8. The community development director may require that additional notice of the hearing be given in any other manner deemed necessary or desirable by the director or the director's representative to ensure that all notice requirements provided by law for the proposal are complied with;
 9. The public review period for a draft EIR shall not be less than thirty (30) days nor should it be longer than sixty (60) days, except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than forty-five (45) days, unless a shorter period, not less than thirty (30) days, is approved by the State Clearinghouse. The public review period for a proposed negative declaration or mitigated negative declaration shall be not less than twenty (20) days. When a proposed negative declaration or mitigated negative declaration is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than thirty (30) days, unless a shorter period, not less than twenty (20) days, is approved by the State Clearinghouse;
 10. All notices of public hearings shall include a description of the project, the identity of the hearing body or officer(s), shall describe the property, and the date, time and place of the scheduled hearing, a statement that application and associated documents and environmental review are available for public inspection at a specified location, and the manner in which additional information and/or testimony may be received.
- D. Conduct of Public Hearings.

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1. Public hearings held pursuant to the provisions of this title shall be held according to such public hearing rules as the planning commission and city council may, from time to time, adopt.
 2. The chairperson of the planning commission and mayor may require that witnesses be sworn.
- E. Proceeding Before the City Council. Where the authority for approval is not vested solely with the city council, the decision of the planning commission is considered final and no decision by the city council is required unless an appeal is filed or, prior to the end of the appeal period, the city council assumes jurisdiction by the request of any member thereof.

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9.02.230 Lapse of approvals and extensions of time.

- A. Lapse of Approvals: Projects Not Subject to the Subdivision Map Act. Approvals for projects not subject to the Subdivision Map Act shall lapse and become void thirty-six (36) months from the approval date, unless a different expiration date is specifically established as a condition of approval to the extent permitted by law. The project approval shall not lapse while a valid building permit is in effect in reliance upon the approved entitlement and substantial construction has been commenced and diligently pursued toward completion or the approved use has fully commenced. Construction and/or occupancy of each phase of a multiple phase project shall automatically extend the date of expiration for three years, but not beyond nine years from the original date of approval. Additional extensions may be granted as provided in subsection (C)(3) of this section.
- B. Lapse of Approvals: Projects Subject to the Subdivision Map Act. Approved or conditionally approved tentative parcel or tract maps, including vesting tentative parcel or tract maps, shall expire thirty-six (36) months from the approval date.
- C. Extensions of Time.
 - 1. Authority. An extension of time may be granted for projects approved under Section 9.02.030 of this chapter, where substantial construction has not yet commenced or has not been completed or where the property has not yet been occupied and the approved use fully commenced. Except as otherwise provided herein, authority for approval of an extension of time shall be vested with the community development director. The planning commission shall review an extension of time application when:
 - a. The applicant requests review by the planning commission; or
 - b. There is a proposed change to the conditions of approval which would conflict with the original conditions of approval and/or the original environmental determination for the project.
 - 2. Submittal of Extension Requests.
 - a. Extension requests for projects not subject to the Subdivision Map Act shall only be considered if filed with the community development department no more than sixty (60) days prior to the expiration date of the permit or approval.
 - b. A subdivider may request an extension for projects subject to the Subdivision Map Act by written application to the community development director in accordance with the provisions of the Subdivision Map Act and Chapter 9.14 of this title.
 - 3. Time Limits on Extensions. One or more extensions of three years or less may be allowed, except that land divisions shall not be extended more than ~~six~~five years or as otherwise provided by law.
 - 4. Circumstances Under Which Extensions May be Granted. An extension of time of a project may be granted if all incurred city fees have been paid and the decision-making authority can make the required findings specified in this title for approval of such a project. This shall not necessarily be construed to prohibit approval of an extension of time for a project that is nonconforming with respect to design standards. Extensions of approved land divisions shall be reviewed in accordance with Section 9.14.080(C) of this title.

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9.03.040 Residential site development standards.

The following standards shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. The standards stated herein are not intended to prevent more restrictive private site development standards contained in the covenants, conditions and restrictions or other private consensual restrictions imposed on any property or dwelling unit. However, in no case shall private deed or other property restrictions be applied or recognized so as to permit a lesser standard than the minimum standards established in this title or to otherwise revise the standards established by this title.

A. Rural Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the minimum percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.
 - a. Slope-Density-Natural Area Table 9.03.040-4.

Slope Class	Allowable Density (DU/Acre)	Amount of Open Space Required
Greater than 25%	0.05 (1 du/20 ac)	60%
15.1% to 25%	0.10 (1 du/10 ac)	50%
10% to 15%	0.20 (1 du/5 ac)	35%
Less than 10%	0.40 (1 du/2.5 ac)	n/a

- b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The slope analysis shall be certified by a qualified civil engineer or licensed surveyor.
 - c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the ten (10) to fifteen (15) percent slope class and five acres falls within the 15.1 percent to twenty-five (25) percent slope class, then the total permitted yield shall be two dwelling units (10 ac x 0.10 du/ac plus 5 ac x 0.20 du/ac).
2. Minimum Lot Size. Minimum lot size shall be one dwelling unit per 2.5 acres within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, minimum lot size within the rural residential district may be reduced to twenty thousand (20,000) square feet, or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.
3. Subdivision Design and Future Land Divisions.
 - a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.
 - b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.
4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.
5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	Standards
Under 40,000 s.f.	R2 district standards
40,000 s.f. or greater	R1 district standards

6. Grading within the rural residential district shall be performed as described under the hillside residential requirements, subsection (B)(6) of this section.

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B. Hillside Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.
 - a. Slope-Density-Natural Area Table 9.03.040-5.

Slope Class	Allowable Density (DU/Acre)	Minimum Amount of Open Space Required
Greater than 25%	0.10 (1 du/10 ac)	60%
15.1% to 25%	0.25 (1 du/4 ac)	50%
10% to 15%	0.50 (1 du/2 ac)	35%
Less than 10%	1.00 (1 du/ac)	n/a

- b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The community development director may require the slope analysis to be certified by a qualified civil engineer or licensed surveyor.
 - c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the 15.1 percent to twenty-five (25) percent slope class and five acres falls within the greater than twenty-five (25) percent slope class, then the total permitted yield shall be three dwelling units (10 ac x 0.25 du/ac plus 5 ac x 0.10 du/ac).
2. Minimum Lot Size. Minimum lot size shall be one acre within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, the lot size within the hillside residential district may be reduced to ten thousand (10,000) square feet or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.
3. Subdivision Design and Future Land Divisions.
 - a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.
 - b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.
4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.
5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

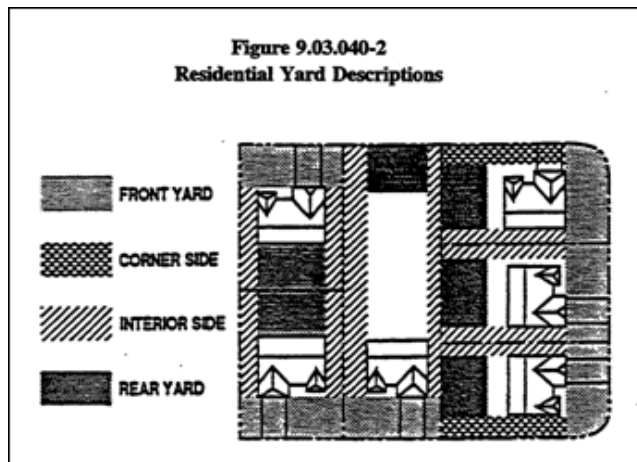
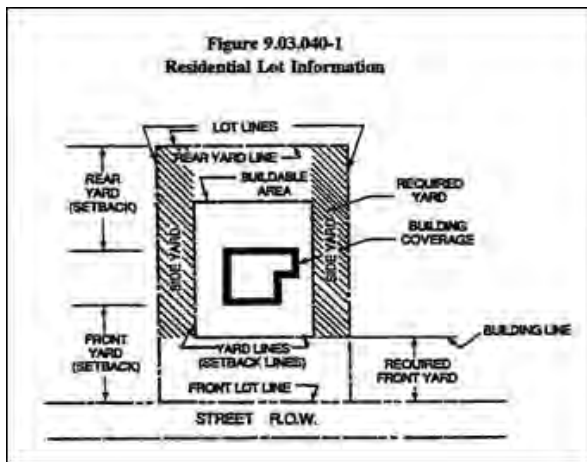
Lot Size	Standards
Less than 20,000 s.f.	R-3 district standards
20,000 s.f. to 40,000 s.f.	R-2 district standards
40,000 s.f. or greater	R-1 district standards

6. Grading of any site shall be minimized and shall conform to the provisions contained in the city of Moreno Valley design guidelines, Ch. 9.16, under Applications for hillside development, Article IV, Sections 9.16.170 through 9.16.230 of this title, and the following standards:

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Slope Class	Standards
15.1—25%	Padded building sites may be allowed, but maximum use of custom foundations and split level designs shall be employed to reduce the need for large padded building areas.
Above 25%	Mass grading is not permitted. Special hillside architectural and design techniques are expected in order to conform to the natural landform. Homes constructed on lots within this terrain shall use custom, multiple-level foundations.
For all areas	All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods such as planting, walls or jute netting.

- C. **Slope Calculations.** For the purposes of this section, the following method will be used to determine slope.
1. "Slope" is defined as the relationship between the change in elevation (rise) of the land and the horizontal distance (run) over which that change in elevation occurs. The percent of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by one hundred (100).
 2.
 - a. For the purpose of determining the amount and location of land falling into each slope category, the applicant shall submit to the community development department, at the time of application, a base topographic map of the subject site prepared and signed by a registered civil engineer or licensed land surveyor. Such a map shall have a scale of not less than one inch to two hundred (200) feet and a contour interval of not more than ten (10) feet.
 - b. This base topographic map shall include all adjoining properties within three hundred (300) feet of the site boundaries. Slope bands in the range of less than ten (10) percent, ten (10) to fifteen (15) percent, fifteen (15) to twenty-five (25) percent, and greater than twenty-five (25) percent shall be delineated on the topographic map. The map shall be accompanied by a tabulation of the land area in each slope category specified in acres. The exact method for computing the percent slope and area by percent slope category is to be sufficiently described and presented so that a review can readily be made.
 3. **Slope Mapping Method.**
 - a. The percent slope of any particular piece of land shall be plotted on the map as described in this subsection.
 - b. In preparing a slope map, those portions of ravines, ridges and terraces of less area generally sloping at twenty-five (25) percent slope or greater, shall be regarded as part of the bordering twenty-five (25) percent slope or greater band.
- D. **General Residential Requirements.** The following tables sets forth minimum site development standards for residential development projects in the specified residential districts. In addition, projects must comply with the special development standards enumerated in this section, the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and standards.



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**Table 9.03.040-6
Residential Site Development Standards
Single-Family Standards**

Requirement	R1	R2	RA2	R3	R5	RS10
1. Maximum density (DUs* per net acre)	1	2	2	3	5	10
2. Minimum lot size (sq. ft. net area)	40K**	20K	20K	10K	7,200	4,500
3. Minimum lot width, in feet	150	100	100	90	70	45
Cul-de-sac/knuckle lot frontage	50	50	50	50	50	45
4. Minimum lot depth, in feet	170	120	120	100	100	85
5. Minimum front yard setback	25	25	25	25	20	20
Front-facing garages						10
Buildings other than front-facing garages						10
6. Minimum side yard setback, in feet***						
a. Interior side yard	See Note 1	See Note 1	See Note 1	See Note 1	See Note 2	See Note 3
b. Street side yard	20	20	20	15	15	10
7. Minimum rear yard setback, in feet***	40	35	35	30	15	15
8. Maximum lot coverage	25%	30%	30%	40%	40%	50%
9. Maximum building and structure height, in feet	Two stories not to exceed 35 feet.					
10. Minimum dwelling size (sq. ft.)	1500	1500	1500	1250	1250	1000
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	15	15	10	10	10
12. Floor area ratio						
a. One-story home	.25	.30	.30	.40	.40	.50
b. Multi-story home	.50	.60	.60	.70	.70	.75

* The term "DUs" means dwelling units.

** The term "K" means thousands.

*** See Section 9.08.030 regarding accessory structures and room additions.

Notes to Residential Site Development Standards Table 9.03.040-6.

1. Combined interior side yard setbacks of twenty (20) feet shall be provided with a minimum of five feet on one side.
2. Combined interior side yard setbacks of fifteen (15) feet shall be provided with a minimum of five feet on one side.
3. In the RS10 district the minimum street side setback shall be ten (10) feet. The interior side setback shall be five feet, except in the case of zero lot line developments with houses placed on an interior side lot line. When a house is placed on an interior side lot line, the other minimum side yard setback shall be ten (10) feet. Where applicable, an easement at least five feet in width shall be provided along the common lot line. The easement shall guarantee the right to use and occupy the easement for a roof overhang(s), stormwater drainage and for building maintenance and repair.
4. The minimum front yard setback from private streets within the R1, R2 and R3 districts shall be fifty-five (55) feet measured from the center line of the street. The minimum front yard setback from private streets within the R5 district shall be fifty (50) feet measured from the center line of said street.

**Table 9.03.040-7
Residential Site Development Standards
Multifamily Standards**

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Requirement	R10	R15	R20	R30
1. Maximum density (DUs*/net acre)	10	15	20	30
2. Minimum lot size (net area in sq. ft.)**	1 acre	1 acre	1 acre	1 acre
3. Minimum lot width in ft.	200	200	200	200
4. Minimum lot depth in ft.	175	175	175	175
5. Minimum front yard setback, in ft.	20	25	30	30
6. Minimum side yard setback, in ft.				
Interior side yard	10	10	10	10 ft. plus 2 ft. for every 5 ft. in height over 30 ft.
Street side yard	20	20	20	20
7. Minimum rear yard setback, in ft.	15	20	25	10 ft. plus 2 ft. for every 5 ft. in height over 30 ft.
8. Maximum lot coverage	40%	45%	50%	50%
9. Maximum building and structure height, in ft.	50 feet			
10. Minimum dwelling size (sq. ft.)	See Note 1			
11. Minimum distance between buildings, in ft. (including main DUs and accessory structures)	20	20	20	20
12. Floor area ratio	.75	.75	.75	1.0

* The term "DUs" means dwelling units.

** Minimum lot size only applies to newly subdivided multi-family lots; existing lots can be developed under the multi-family development standards

Note to Residential Site Development Standards Table 9.03.040-7.

1. ~~Minimum dwelling sizes in multiple-family projects shall be as follows:~~
- a. ~~One bedroom: four hundred fifty (450) square feet;~~
 - b. ~~Two bedroom: eight hundred (800) square feet;~~
 - c. ~~Three bedroom: one thousand (1,000) square feet.~~

E. Special Single-Family Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.
2. In the R2, RA2, R3 and R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.
3. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.
4. Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:
 - a. Front porches;
 - b. Automatic garage door openers;
 - c. Electronic security systems.
5. Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds, tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

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6. For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.
 7. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.
- F. Special Multiple-Family Residential Development Standards.
1. In the R10, R15, R20 and R30 districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 or R30 district shall maintain a minimum setback of twenty (20) feet from any single-family district.
 2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.
 3. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.
 4. In the RS10, R10, R15, R20 and R30 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.
 5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately of plant materials to include water efficient native plants, except for necessary walks and fences. Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces. Hardscape areas are recommended to be constructed with pervious surfaces where feasible to reduce run off.
 6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.
 7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.
 8. In the R30 District, Landscape Trees. One tree per twenty (20) linear feet of building dimension for the portions of building visible from parking lot or ROW and one tree per twenty (20) linear feet of perimeter planter areas.
 9. In the R30 district, for a development of three acres or greater, up to sixty (60) percent of the units may be in buildings with three or four stories, fifty (50) feet maximum height subject to planning commission approval.

Table 9.03.040-8

Designation	Minimum Density*	Maximum Density
R10	8 units/acre	10 units/acre
R15	12 units/acre	15 units/acre
R20	16 units/acre	20 units/acre
R30	24 units/acre	30 units/acre

* Eighty (80) percent of allowable density must be achieved by all multiple-family residential developments.

G. General Multiple-Family Guidelines.

1. Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors.
2. Parking areas should be staggered and landscaped to add visual interest, and opportunities for accent treatments.

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3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.
4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.
5. Open parking areas should be clustered and treated as landscaped plazas and courts.
6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian oriented site.
7. No more than four units for a two-story structure should be served by one entry.
8. Each multiple-family unit shall have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.
9. Common open space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required.
10. Individual units should have a porch or porch-like space at the front door.
11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve.
12. Trash enclosures shall include solid roofs and be designed to be compatible with the project's architecture.
13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles.
14. There shall be at least one double-bin trash enclosure for every forty-eight (48) residential units.
15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to post office guidelines.
16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or Botts' dots are not an acceptable alternative.
17. Freestanding structures, like gazebos or pergolas, should be located to define activity areas at pathway intersections or in secluded landscape areas.
18. Drive aisles shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.
19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.
20. Multiple-family projects warrant special design considerations, including:
 - a. Intimate, shaded outdoor seating areas;
 - b. A network of pathways, providing interesting walking experiences;
 - c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;
 - d. Convenient and attractive access to transit, including porte cocheres, information kiosks, seating areas and water elements;
 - e. Security;
 - f. Direct ambulance access (senior housing projects);
 - g. Parking close to units;
 - h. Elevators (senior housing projects).
21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.
22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.
23. Multifamily projects shall be designed for the needs of the intended residents. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.
24. Architectural features should be used to increase privacy from nearby units and common or public spaces.
25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable is not permitted.
26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each visitor entrance of a multiple-family development.
27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

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9.03.050 Density bonus program for affordable housing.

- A. Purpose and Intent. This section is adopted pursuant to the provisions of California Government Code Sections 65915 through 65918, as they now exist or may hereafter be amended. The purpose of adopting this section is to encourage affordable housing by providing the incentive of increased density and such other incentives provided in this chapter. The provisions of this chapter are intended to comply with California Government Code Sections 65915 through 65918. In the event that any provision of this chapter conflicts with California Government Code Sections 65915 through 65918, state law shall control over the conflicting provision.
- B. Applicability. A housing development as defined in this section and Government Code section 65915 shall be eligible for a density bonus and other incentives that are provided by State Density Bonus Law when the applicant agrees to construct low, very-low, senior or moderate income housing units or units intended to serve transitional foster youth, disabled veterans, and lower income students as specified in this Section, and State Density Bonus Law.
- C. Application Requirements. A density bonus may be approved pursuant to an application for approval of a density bonus, provided the request complies with the provisions of this chapter. An application for a density bonus incentive, concession, waiver, or modifications of development standards pursuant to this Chapter shall be submitted with the first application for approval of a housing development and processed concurrently with all other applications required for the housing development. The application shall be submitted on a form prescribed by the City and shall include at least the following information:
1. A site plan that identifies all units in the project including the location of the affordable units and the bonus units.
 2. A narrative briefly describing the housing development and shall include information on:
 - a. The number of units permitted under the General Plan;
 - b. The total number of units proposed in the project including the floor area, and the number of bedrooms and bathrooms associated with each dwelling unit. Density bonus units shall have at least the same distribution of bedrooms as the market rate units in the development. Density bonus units shall be constructed concurrently with the construction of market rate units;
 - c. Target income of affordable housing units and proposals for ensuring affordability;
 - d. The number of bonus units requested based on Section E.3 of this Chapter
 3. Description of any requested incentives, concessions, waivers or modifications of development standards. For all incentives and concessions that are not included within the menu of incentives/concessions set forth in Sections G and H, the application shall include a pro forma providing evidence that the requested incentives and concessions result in identifiable, financially sufficient, and actual cost reductions. The cost of reviewing any required pro forma or other financial data submitted as part of the application in support of a request for an incentive/concession or waiver/modification of developments standard, including, but not limited to, the cost to the City of hiring a consultant to review said financial data, shall be borne by the developer. The pro forma shall include all of the following items:
 - a. The actual cost reduction achieved through the incentive;
 - b. Evidence that the cost reduction allows the applicant to provide affordable units or affordable sales prices; and
 - c. Other information requested by the Community Development Director. The Community Development Director may require any pro forma include information regarding capital costs, equity investment, debt service, projected revenues, operating expenses, and such other information as is required to evaluate the pro forma.
 4. Any such additional information in support of a request for a density bonus as may be requested by the Community Development Director.
- D. Eligibility for Bonus. A developer of a housing development containing five (5) or more units may qualify for a density bonus and at least one other incentive as provided by this chapter if the developer does one of the following:
1. Agrees to construct and maintain at least five (5) percent of the units dedicated to very low income households;
 2. Agrees to construct and maintain at least 10 percent of the units dedicated to lower income households;
 3. Agrees to construct and maintain at least 10 percent of the units in a common interest development (as defined in Section 4100 of the California Civil Code) dedicated to moderate income households, provided that all units in the development are offered to the public for purchase;
 4. Agrees to construct and maintain a senior citizen housing development, as defined in Section 9.09.150 of this chapter, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code;
 5. Land Donations. An applicant for a tentative subdivision map, parcel map, or other residential development approval that donates land to the City in accordance with Government Code Section 65915(g) shall be eligible for a density bonus in accordance with the terms and conditions of Government Code Section 65915(g);

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6. Includes a qualifying child care facility as described in the “Child care facility requirements” Section J of this Section in addition to providing housing as described in subsections 1 through 3 of this section;
 7. Agree to construct and maintain at least 10 percent of the units of a housing development for transitional foster youth, as defined in Section 66025.9 of the California Education Code, disabled veterans, as defined in Section 18541 of the California Government Code, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), dedicated to very low income households;
 8. Agrees to construct and maintain at least 20 percent of the units for lower income students in a student housing development dedicated for full-time students at accredited colleges pursuant to the “Student Housing” Section of this Section; or
 9. Agrees to construct and maintain 100 percent of the units, including total units and density bonus units, but exclusive of a manager’s unit or units, dedicated to lower income households, except that no more than 20 percent of the units, including total units and density bonus units, may be dedicated to moderate income households.
 10. Religious institution affiliated housing development projects (RIAHD) may qualify for a density bonus under California Government Code section 65915. For RIAHD parking requirements, see Section 9.11.040.D.
- E. Density Bonus Calculation and Allowance.
1. State Law Preemption. Pursuant to state law, the granting of a density bonus or the granting of a density bonus together with an incentive(s) shall not be interpreted, in and of itself, to require a general plan amendment, specific plan amendment, rezone, or other discretionary approvals.
 2. Density Bonus Calculation. An applicant must choose a density bonus from only one applicable affordability category and may not combine categories with the exception of child care facilities or land donation, which may be combined with an affordable housing development. All density calculations resulting in fractional units will be rounded up to the next whole number.
 3. Density Bonus Allowance. In calculating the number of units required for very low, lower and moderate income households, the density bonus units shall not be included. The maximum bonus allowed for a 100 percent affordable project is 80 percent, unless it is located within a half-mile of a major transit stop and then there is no limit to density. A housing development that satisfies all applicable provisions of this Section shall be allowed the following applicable density bonuses:
 - a. Very Low Income per California Government Code §65915(f)(2)
 - b. Lower Income per California Government Code §65915(f)(1)
 - c. Moderate Income per California Government Code §65915(f)(4)The Community Development Department has on file a Density Bonus Chart consistent with the Government Code sections above.
 4. Senior Citizen Housing Development. The density bonus for a senior citizen housing development is addressed in Section 9.09.150 (Senior Housing) of Chapter 9.09 (Specific Use Development Standards).
 5. Child Care Facility. A project (whether a housing, commercial, or industrial project) is eligible for a density bonus for a child care facility when in compliance with Section 9.03.050 of this chapter and California Government Code Section 65917.5.
 6. Conversion of Apartments to Condominiums. A project is eligible for a 25 percent density bonus for the conversion of apartments to condominiums when in compliance with California Government Code Section 65915.5.
 7. Foster Youth, Disabled Veterans, and Homeless Persons. The density bonus for a housing development for transitional foster youth, disabled veterans, or homeless persons shall be 20 percent.
 8. Students. The density bonus for a student housing development that provides housing for students consistent with Section K of this Section shall be 35 percent. Twenty percent of the units granted by the density bonus shall be used for lower income students.
 9. One Hundred Percent Affordable. The density bonus for a 100 percent affordable housing development consistent with subsection D.9 (Eligible for Bonus) of this Section shall be 80 percent of the number of units for lower income households. Except that, if the affordable housing development is located within one-half mile of a major transit stop, maximum density requirements shall not apply.
- F. Continued Affordability. Prior to issuance of a building permit, the developer/property owner must enter into a density bonus housing agreement with the city for at least 55 years by recorded document (Government Code 65915 (c)). Such agreement shall be recorded and shall be binding on the property owner and any successors-in-interest. In addition, a density bonus project must comply with specific requirements for any existing units that are to be demolished as outlined in Section 9.03.050 (P) Additional details regarding requirements for continued affordability and the density bonus housing agreement are included in Section 9.03.050 (O).
- G. Incentives available to housing projects.
Incentives are available to a housing developer as follows:

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Number of Incentives/Concessions	Very Low Income Percentage	Lower Income Percentage	Moderate Income Percentage
1	5%	10%	10%
2	10%	17%	20%
3	15%	24%	30%
4	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)	100% Low/Very Low/Mod (20% Moderate allowed)

If the project is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.

- H. Available Incentives/Concessions. A qualifying project may be entitled up to four incentives, depending on the percentage of affordable housing that will be included within the development.
1. A concession falls within three categories (Section 65915(k)(1, 2 &3)):
 - a. Reduction in the site development standards of this Development Code (e.g., site coverage, off-street parking requirements, reduced lot dimensions, and/or setback requirements);
 - b. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if such uses are compatible with the housing project and the existing or planned development in the area.; and/or
 - c. Other regulatory incentives or concessions proposed by the developer or the City that will result in identifiable and actual cost reductions.
 2. Additional Incentive/Concession. The developer may receive a fifty (50) percent reduction of the development impact fee and the park land impact mitigation fee for the units affordable to very low income households and a twenty-five (25) percent reduction for those units affordable to lower income households.
- I. Parking Requirements. If an applicant qualifies for a density bonus pursuant to this chapter, reduced parking requirements are available for projects qualifying for a density bonus pursuant to this Section. The parking requirement is inclusive of accessible and guest parking for the entire housing development, but shall not include on-street parking spaces in the count towards the parking requirement. In calculating the number of parking spaces required for a development, if the total number of parking spaces is other than a whole number, the number shall be rounded up to the next whole number.
1. Except as otherwise provided in this subsection, the following parking requirements shall apply:
 - a. Zero to one bedroom: one on-site parking space.
 - b. Two to three bedrooms: one and one-half on-site parking spaces.
 - c. Four or more bedrooms: two and one-half on-site parking spaces.
 2. If the housing development includes at least 20 percent lower income units or at least 11 percent very low income units, is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then the parking requirement shall be reduced from one-half on-site parking space per bedroom to one-half on-site parking space per unit.
 3. If a housing development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the California Health and Safety Code, then no parking spaces shall be required as long as the development meets either of the following criteria:
 - a. The development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development; or
 - b. The development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the California Civil Code and the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
 4. If a housing development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the California Health and Safety Code, and the development is either a special needs housing development, as defined in Section 51312 of the California Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the California Health and Safety Code, then no parking spaces shall be required. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

Number of Bedrooms	Required Parking Spaces per Unit* **
0 to 1 bedroom	1

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2 to 3 bedrooms	1.5
4 or more bedrooms	2.5
Projects with at least 20% low-income units, or at least 11% very low-income units***	0.5
100% affordable housing projects ****	No requirement
* If the total number of spaces required results in a fractional number, it shall be rounded up to the next whole number.	
** If a residential or mixed residential/commercial development project includes the required percentage of low, very low-income, or includes a minimum 10 percent transitional foster youth, veteran, or homeless persons units, or provides for-rent housing for individuals who are 62 years of age or older, or is a special needs housing development and is located within one-half mile of a major transit stop where there is unobstructed access to a major transit stop from the development, then, upon the request of the developer, a parking ratio not to exceed 0.5 spaces per bedroom shall apply to the residential portion of the development.	
*** Must be located within one-half mile of a major transit stop, with unobstructed access to the major transit stop from the development.	
**** Must be located within one-half mile of a major transit stop, with unobstructed access to the major transit spot from the development OR for individuals 62 years of age or older and has either paratransit service or unobstructed access within one-half mile, to fixed bus route service that operates at least eight times per day.	

J. Child Care Facilities.

1. Child Care Facility Density Bonus. When an applicant proposes to construct a housing development that is eligible for a density bonus under subsection D. (Eligibility for bonus) of this Section and California Government Code Section 65917.5, and includes a child care facility that will be located on the premises or adjacent to the housing development, the City shall grant either:
 - a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the square footage of the child care facility, or
 - b. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
2. Child Care Facility Requirements. The City shall require, as a condition of approving the housing development, that the following occur:
 - a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable per this chapter; and
 - b. Of the children who attend the child care facility, the children of very low income households, lower income households or families of moderate income households shall equal a percentage that is equal to or greater than the percentage of affordable units in the housing development that are required for very low, lower or families of moderate income households.
3. Child Care Facility Criteria. The City shall not be required to provide a density bonus or incentive for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

K. Student Housing.

1. Student Housing Density Bonus Requirements. In order for a student housing development to be eligible for a density bonus under subsection D.8 of this Section, the student housing development must meet the following requirements:
 - a. All units in the student housing development shall be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. The developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the City that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions.
 - b. Twenty percent of the density bonus units will be used for lower income students. For purposes of this clause, "lower income students" means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the California Education Code.
 - c. The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit

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type.

- d. The development will provide priority for the applicable affordable units for lower income students experiencing homelessness.
2. Definition of Units. For purposes of calculating a density bonus granted for a student housing development, the term "unit" means one rental bed and its pro rata share of associated common area facilities.
- L. General Guidelines.
 1. Location of Bonus Units. As required by California Government Code Section 65915(i), the location of density bonus units within the qualifying housing development may be at the discretion of the developer, and need not be in the same area of the project where the units for the lower income households are located as long as the density bonus units are located within the same housing development.
 2. Preliminary Review. A developer may submit to the Community Development Director a preliminary proposal for the development of housing pursuant to this chapter prior to the submittal of any formal application for a density bonus. Within 90 days of receipt of a written proposal, the City will notify the housing developer in writing of either: (1) any specific requirements or procedures under this chapter, which the proposal has not met; or (2) the proposal is sufficient for preparation of an application for density bonus.
 3. Infrastructure and Supply Capacity. Criteria to be considered in analyzing the requested bonus will include the availability and capacity of infrastructure (water, sewer, road capacity, etc.) and water supply to accommodate the additional density.
- M. Findings for approval for Density Bonus and/or Incentive(s).
 1. Density Bonus Approval. The following finding shall be made by the Approving Authority in order to approve a density bonus request:
 - a. The density bonus request meets the requirements of this chapter.
 2. Density Bonus Approval with Incentive(s). The following findings shall be made by the Approving Authority in order to approve a density bonus and incentive(s) request:
 - a. The density bonus request meets the requirements of this chapter;
 - b. The incentive is required in order to provide affordable housing; and
 - c. Approval of the incentive(s) will have no specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low, and moderate income households.
 3. Denial of a Request for an Incentive(s). The Approving Authority shall make at least one of the following findings prior to disallowing an incentive (in the case where an accompanying density bonus may be approved, or in the case of where an incentive(s) is requested for senior housing or child care facility):
 - a. That the incentive is not necessary in order to provide for affordable housing costs as defined in subsection Q (definitions) of this section, or for rents for the targeted units to be set as specified in Section Q (definitions) of this section.
 - b. That the incentive would result in specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low, and moderate income households.
 - c. That the incentive would be contrary to state or federal law.
- N. Affordability Requirements.
 1. The maximum monthly housing cost for density bonus units, including a monthly allowance for utilities plus rent for rental units or house payments for for-sale units, shall be set at or below the rates described below:
 - a. Density bonus units affordable to very low income households: thirty (30) percent of fifty (50) percent of the area monthly median income for Riverside/San Bernardino Counties adjusted by the number of bedrooms according to regulations of the California Department of Housing and Community Development.
 - b. Density bonus units affordable to lower income households: thirty (30) percent of sixty (60) percent of the area monthly median income for Riverside/San Bernardino Counties adjusted by the number of bedrooms according to regulations of the California Department of Housing and Community Development.
 2. The monthly allowance for utilities shall be the utility allowance calculated by the Department of Housing and Urban Development (HUD) for County Housing Authorities.
 3. The monthly house payments for for-sale units described in subsection (G)(1) of this section includes the sum of principal and interest on a thirty (30) year fixed rate mortgage for ninety (90) percent of the sales price, loan insurance, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, and the fair share cost for maintenance of amenities owned in common such as landscaping and swimming pools.

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4. Housing costs, affordable sales prices, and occupancy requirements, will be governed by a deed restriction which shall take precedence over all other covenants, liens and encumbrances of the property on which the units are constructed.
- O. Affordable Housing Agreement Required.
1. General Requirements. No density bonus pursuant to Section 9.03.050 shall be granted unless and until the affordable housing developer, or designee enters into an affordable housing agreement and, if applicable, an equity sharing agreement, with the City or its designee pursuant to and in compliance with this section (Government Code Section 65915(c)). The agreements shall be in the form provided by the City, which shall contain terms and conditions mandated by, or necessary to implement, state law and this chapter. The affordable housing agreement shall be recorded prior to issuance of a building permit for a rental project or prior to final map recordation for an ownership project which includes a map. The Community Development Director is hereby authorized to enter into the agreements authorized by this section on behalf of the City upon approval of the agreements by the City Attorney for legal form and sufficiency.
 2. Low- or Very Low-Income Affordable Housing Component.
 - a. The affordable housing developer of a qualified housing development based upon the inclusion of low-income and/or very low-income affordable units shall enter into an agreement with the City to maintain the continued affordability of the affordable units for 55 years (for rental units) or 30 years (for for-sale units), or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program or rental subsidy program (Government Code Section 65915(c)(1)). The agreement shall establish specific compliance standards and specific remedies available to the City if such compliance standards are not met. The agreement shall specify the number of lower-income affordable units by number of bedrooms; standards for qualifying household incomes or other qualifying criteria, such as age; standards for maximum rents or sales prices; the person responsible for certifying tenant or owner incomes; procedures by which vacancies will be filled and units sold; required annual report and monitoring fees; restrictions imposed on lower-income affordable units on sale or transfer; and methods of enforcing such restrictions, and any other information that may be required based on the City's review.
 - b. Rental Units. Rents for the low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to Section 9.180.030 shall be set and maintained at an affordable rent (Government Code Section 65915(c)(1)). The agreement shall set rents for the lower-income density bonus units at an affordable rent as defined in California Health and Safety Code Section 50053, except for developments meeting the criteria of Government Code Section 65915(b)(1)(G), for which rents for all units in the development, including both base density and density bonus units, shall be as follows:
 - i. The rent for at least 20 percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.
 - ii. The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.
 - c. The agreement shall require that owner-occupied units be made available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.
 - d. For-Sale Units. Owner-occupied low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to Section 9.180.030 shall be available at an affordable housing cost (Government Code Section 65915(c)(2)). The affordable housing developer of a qualified housing development based upon a very low- or low-income minimum affordable component shall enter into an equity sharing agreement with the City or the master or non-affordable housing developer. The agreement shall be between the City and the buyer, or between developer and the buyer if the developer is the seller of the unit. The City shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law (Government Code Section 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:
 - i. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy, as defined in subparagraph (b), and its proportionate share of appreciation, as defined in subparagraph (c), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.
 - ii. For purposes of this section, the City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the very low-income household, plus

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the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, the value at the time of the resale shall be used as the initial market value.

- iii. For purposes of this subdivision, the City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the home at the time of initial sale.

3. Moderate Income Affordable Housing Component.

- a. The affordable housing developer of a qualified housing development based upon the inclusion of moderate-income affordable units in a common interest development shall enter into an agreement with the City ensuring that:
 - i. The initial occupants of the moderate-income affordable units that are directly related to the receipt of the density bonus are persons and families of a moderate-income household.
 - ii. The units are offered at an affordable housing cost (Government Code Section 65915(c)(2)).
 - iii. The affordable housing developer of a qualified housing development based upon a moderate-income minimum affordable component shall enter into an equity sharing agreement with the City or the master or non-affordable housing developer (Government Code Section 65915(c)(2)). The agreement shall be between the City and the buyer or between the developer and the buyer if the developer is the seller of the unit. The City shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law (Government Code Section 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:
 - iv. Upon resale, the seller of the unit shall retain the value of improvements, the down payment and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy, as defined in subparagraph (b), and its proportionate share of appreciation, as defined in subparagraph (c), which amount shall be used within five years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote homeownership (Government Code Section 65915(c)(2)(A)).
 - v. The City's initial subsidy shall be equal to the fair market value of the unit at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, the value at the time of the resale shall be used as the initial market value (Government Code Section 65915(c)(2)(B)).
 - vi. The City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the unit at the time of initial sale (Government Code Section 65915(c)(2)(C)).

P. Ineligible Projects - Required Replacement of Affordable Units.

1. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if:
 - a. The development is proposed on any property that includes any existing affordable rental dwelling units occupied by lower or very low income households; or
 - b. If such affordable dwelling units have been vacated or demolished in the five-year period preceding the application, and
 - c. Such affordable dwelling units have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income. However, an applicant may establish eligibility if the proposed housing development replaces those units, and either of the following applies:
 - i. The proposed housing development, in addition to the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subsection E.
 - ii. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.
2. The number and type of required replacement units shall be determined as follows:
 - a. For a development containing any occupied dwelling units, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, and must be made affordable to and occupied by persons and families in the same or a lower income category as the occupied dwelling units. For unoccupied dwelling units in the development, the replacement dwelling units shall be made affordable to and occupied by persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household is unknown, it is presumed, unless proven otherwise, that the dwelling units were occupied by lower income renter households in the same proportion of lower income renter households to all renter households within Riverside/San Bernardino Counties as determined by the California Department of Housing and Community Development, and replacement dwelling units shall be provided in that same percentage.

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- b. If all of the dwelling units are vacant or have been demolished within the five years preceding the application, the development must contain at least the same number of replacement dwelling units, of equivalent size and bedrooms, as existed at the highpoint of those units in the five year period preceding the application, and must be made affordable to and occupied by persons and families in the same or a lower income category as those in occupancy at that same time. If the income categories are unknown for the highpoint, it is presumed, unless proven otherwise, that the dwelling units were occupied by very low income and low income renter households in the same proportion of very low income and low income renter households to all renter households within Riverside/San Bernardino Counties as determined by the California Department of Housing and Community Development, and replacement dwelling units shall be provided in that same percentage.
- Q. Definitions. For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
1. "Approving authority" is as defined in the Moreno Valley Municipal Code Title 9, Zoning Section 9.02.030.
 2. "Child care facility" is defined as a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.
 3. "Density bonus" is defined as an increase in density over the otherwise maximum allowable residential density under the applicable general plan designation as of the date of filing of an application for density bonus with the City or, if elected by the applicant, a lesser percentage of density increase. A density bonus request shall be considered as a component of a qualified housing development.
 4. "Housing development" is defined as a development project for five or more residential units, including mixed-use developments, constructed within a parcel. For the purposes of this chapter, "housing development" also includes a subdivision or common interest development as defined in Section 4100 of the Civil Code and consists of residential units or unimproved residential lots. A density bonus shall be permitted in geographic areas of the housing development other than the areas where the affordable units are located, so long as the density bonus units are located on the same parcel.
 5. "Incentive" is defined as a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission. An incentive can be requested by the applicant for purposes of reducing the cost of development to make the project financially feasible. The term "incentive" includes the term "concession" as that term is used in California Government Code Sections 65915 through 65918.
 6. "Located within one-half mile of a major transit stop" means that any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this chapter, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.
 7. "Lower income" is defined as less than 80 percent of the area median income, as defined by Section 50079.5 of the California Health and Safety Code.
 8. "Lower income unit" is defined as a unit with an affordable rent or payment that does not exceed 30 percent of 60 percent of area median income adjusted for family size appropriate for the unit.
 9. "Major transit stop" is defined as a site containing any of the following: (1) an existing rail or bus rapid transit station; (2) a ferry terminal served by either a bus or rail transit service; or (3) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 10. "Moderate income" is defined as less than 120 percent of the area median income, as defined in Section 50093 of the California Health and Safety Code.
 11. "Moderate income unit" is defined as a unit with an affordable rent or payment that does not exceed 35 percent of 120 percent of area median income adjusted for family size appropriate for the unit.
 12. "Unobstructed access to a major transit stop" means a resident is able to access the major transit stop without encountering natural or constructed impediments. "Natural or constructed impediments" includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.
 13. "Very low income" is defined as less than 50 percent of the area median income, as defined in Section 50105 of the California Health and Safety Code.
 14. "Very low income unit" is defined as a unit with an affordable rent or payment that does not exceed 30 percent of 50 percent of the area median income, adjusted for family size appropriate for the unit.
- R. Interpretation. If any portion of this subsection conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this subsection. Any ambiguities in this section shall be interpreted to be consistent with State Density Bonus Law.

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9.05.040 Industrial site development standards.

A. General Requirements.

1. The following table sets forth minimum property development standards for all land, buildings and structures constructed within the specified industrial districts. All sites shall conform to the dimensions set forth in this section. A development or center may, however, be a combination of many parcels totaling at least the required site size, but its design must be integrated and unified.
2. In addition, projects must comply with the special requirements enumerated in subsection B, the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and programs.

**Table 9.05.040-8
Industrial Site Development
Minimum Standards**

Requirement	BP/LI¹	BPX	I
Minimum site area (in acres)	1	1	5
Minimum site width (in feet)	200	200	300
Minimum site depth (in feet)	200	200	300
Minimum front building setback area (in feet)	20	20	20
Minimum interior side building setback area (in feet)*	*(see note below)	*(see note below)	—
Minimum street side building setback area (in feet)	20	20	20
Minimum rear building setback area (in feet)*	*(see note below)	*(see note below)	—
¹ See Special Site Development Standards Section 9.05.040(B)(9) for unique separation requirements for structures greater than 50,000 square feet in building area.			
* Structures shall be constructed on the property line or a minimum of three feet from the property line.			

B. Special Site Development Standards.

1. When any industrial district abuts a property in any residential district, a minimum building setback equal to the building height, but not less than twenty (20) feet shall be required from such residential district. Further, the ten (10) feet of such setback nearest the district boundary line shall be landscaped.
2. Where off-street parking areas industrial districts are visible from any street, screening in the form of a landscaped earthen berm, shrubs, or decorative wall three feet in height shall be erected between the required landscape area and the parking area.
3. In all industrial districts, required front building setback areas shall be landscaped. The landscaping shall consist predominantly of plant materials except for necessary walks and drives.
4. Except as otherwise permitted, a street side building setback area in any industrial district shall be used only for landscaping, pedestrian walkways, driveways or off-street parking. Where off-street parking in any industrial district 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.
5. Except as otherwise permitted, required rear and interior side building setback areas in any industrial district shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, and similar accessory activities.
6. Parking for each use shall comply with the requirements of Chapter 9.11 and this title.
7. The land uses planned for each development shall be specified on the approved site plans. No use shall be established unless the development where it is located has adequate parking facilities to accommodate such use and any planned uses that share parking facilities with such use.
8. In the BP, LI and I districts, the retail sales of goods produced or warehoused in connection with a manufacturing, assembly or warehouse use may be conducted, provided that no more than fifteen (15) percent of the gross floor area of the space occupied by such use is devoted to retail sales. Any merchandise storage or display areas to which the public has access shall be considered as committed to the percentage of building area used for retail purposes.
9. In the LI district, industrial and warehouse, structures greater than fifty thousand (50,000) square feet in building area shall be separated from any residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be two hundred fifty (250) feet between the residential district and the truck court or loading area.
10. The parcelization of a business complex for marketing, financing or other purpose shall not establish separate privileges with respect to the maximum percentage of floor area specified in this section with respect to the BPX district.
11. Industrial buildings larger than 50,000 square feet shall be designed and constructed to meet the equivalent level of LEED Silver.

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9.07.080 Primary animal keeping overlay (PAKO).

- 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.

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9.08.260 Shopping cart containment and retrieval requirements.

- A. General Provisions. The provisions in this chapter are applicable to new businesses with ten (10) or more shopping carts established after the adoption of the ordinance codified in this section and to existing businesses with ten (10) or more shopping carts which have experienced a change in ownership after the adoption of the ordinance codified in this section.
1. A change of ownership shall include all sales, transfers, leases, assignments, mergers, consolidations, or other business transactions that result sale of a corporation, limited partnership to another corporate entity. Corporate name changes or minor reorganizations do not classify as a change in ownership and are therefore exempt from code provisions within this chapter.
 2. This chapter shall not apply to any conditions expressly allowed or authorized by federal or state law or any other provision of this code.
 3. Violations of this chapter shall be treated as strict liability offenses regardless of intent.
- B. Cart Containment and Retrieval Plan. Except as otherwise provided in this chapter, every business that provides shopping carts to customers for use on their premises shall develop, implement and comply with the provisions of a written plan approved by the city to prevent customers from removing shopping carts from the premises of such business without authorization of the owner and to provide for the retrieval of removed or abandoned shopping carts which have been removed from the premises of the retail establishment (the "plan"), and shall demonstrate compliance with all other purposes and provisions of this chapter. The plan, at a minimum, shall include the following elements:
1. Owner Information. The name of the owner; the physical address where the retail establishment is conducted; and the name, address, and telephone number(s) of the owner and all on-site managers, including any changes of such persons.
 2. Cart Inventory. The number of carts to be used or located on the premises.
 3. Signs Affixed to Carts. Every shopping cart made available for use by customers shall have a sign permanently affixed to it that identifies the owner of the cart; notifies the public that the unauthorized removal of the cart from the premises of the retail establishment, or the unauthorized possession of the cart, is a violation of state law, and lists a valid telephone number and address for returning the cart removed from the premises to the owner.
 4. Notice to Customers. Conspicuous signs shall be placed and maintained on the premises near all customer entrances, exits and cart storage areas, warning customers that removal of shopping carts from the premises is prohibited by state law. All signs shall be in English and Spanish.
 5. Prevention Measures. A description of the specific measures that the business owner will implement to prevent removal of any cart from the business premises. Permissible measures are identified in subsection G.
 6. Mandatory Cart Retrieval Operations. The procedure by which the business owner or qualified cart retrieval service will search, find and return carts removed from the business premises. The cart retrieval operation must demonstrate that carts will be actively located within one mile of the business premises and respond to complaints from the public or notifications from city enforcement personnel in a manner which results in the retrieval of carts within twenty-four (24) hours of receiving the notification. If a business owner contracts with a cart retrieval service, the retrieval service must be a city licensed and approved service, and shall not place limits on daily loads or days per week to retrieve carts within the city. The owner shall provide written authorization to all retrieval personnel, which authorization shall be carried by each such person while performing cart retrieval services on behalf of the owner and shall be provided to any enforcement personnel upon request. Each vehicle used by retrieval personnel shall bear conspicuous signs on the vehicle identifying either the name of the business for which such retrieval service is being performed or, if applicable, the name of the cart retrieval service with which the business has contracted for such services.
 7. Employee Training. The business owner shall implement and maintain a periodic training program for its new and existing employees designed to educate such employees concerning the requirements of the plan and the provisions of state law prohibiting the unauthorized removal of shopping carts from the premises of the retail establishment. The plan shall expressly describe the employee training program.
 8. Daily Cart Confinement. All shopping carts located on the premises of the business (other than a business open for business twenty-four (24) hours per day) shall be collected at the end of each business day by employees of the business and shall be collectively confined in a secure manner in the cart confinement area, as designated in the approved plan, until the commencement of the next business day. All shopping carts located on the premises of any business open for business twenty-four (24) hours per day, other than carts then currently in use by a customer or patron, shall be collected by employees of the business and returned to the cart confinement area, as designated in approved plan, at least once per calendar day between the hours of nine p.m. and midnight on each day the retail establishment is open for business. The provisions of this subsection shall not apply to any shopping carts located within an enclosed building.

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9. Collaboration with Other Businesses. Two or more businesses located within the same shopping or retail center or sharing a common parking area may collaborate and submit a single plan.
10. Additional Information. Any other information deemed appropriate by the community ~~and economic~~ development director to ensure compliance with this chapter and specified within the plan application.
- C. Exemptions. The requirements of this chapter shall not apply to any business which provides a total of less than ten (10) shopping carts for use by the customers of such business.
- D. Plan Submission and Approval. Unless otherwise expressly exempt by this chapter, each new business, any existing business relocating to a different location within the city, and any business with a change in ownership to an unrelated entity shall submit a proposed plan complying with the requirements of subsection B to the community ~~and economic~~ development director, and obtain approval thereof by the city, prior to the commencement of business or issuance of a certificate of occupancy. Each proposed plan shall be accompanied by a processing and inspection fee in an amount as set by resolution of the city council.
 1. If approved, the plan shall be implemented no later than ninety (90) days from the date of notification to the owner of the approval. An inspection by enforcement personnel shall be made of the premises to confirm compliance at the conclusion of the ninety (90) day period.
 2. The decision of the community ~~and economic~~ development director shall be made in writing and notice thereof shall be transmitted to the owner of the business by first-class mail, or by personal delivery. The owner may appeal the decision in the time and manner provided in Section 9.02.240.
- E. Standards for Denials. The community ~~and economic~~ development director may deny a plan based upon any of the following grounds:
 1. Implementation of the plan would violate provisions of the building, zoning, health, safety, fire, police or other municipal codes, or any county, state, or federal law that substantially affects public health, welfare or safety;
 2. The plan fails to include all the information required by this chapter;
 3. The plan is insufficient or inadequate to prevent removal of carts from the owner's premises;
 4. The plan fails to address any special or unique conditions, due to the geographical location of the premises, as they relate to cart retention and prevention efforts;
 5. Implementation of the plan would violate a term or condition of another city policy or requirement of this code;
 6. The owner has knowingly made a false statement of fact, or omits a fact required to be revealed in an application for a plan, or in any addendum or report or other information required to be provided regarding the plan.
 7. If the plan is rejected as incomplete or inadequate, the community ~~and economic~~ development director shall indicate the areas of incompleteness or inadequacy.
- F. Plan Modification. At any time subsequent to the approval of a plan, the owner may request a modification of a previously approved plan to address a change in circumstances, an unanticipated physical or economic impact of the plan, or a need to modify an ineffective plan. Each proposed amendment shall be accompanied by a processing fee in an amount as set by resolution of the city council.
- G. Penalties. Any required business owner, property owner, and/or business representative that fails to submit a plan, implement plan measures or implement any required modifications to the plan by the city within the time frames specified within this chapter shall be subject to penalties including, but not limited to, criminal action, civil action or other judicial or administrative proceedings.
- H. Containment Methods. All shopping carts shall be contained or controlled within the boundaries of the store premises, which refers to the lot area, maintained, managed and/or utilized by the business, that may include the building, parking lot and adjacent walkways where the business' shopping carts are permitted.
 1. Bollards. Bollards or posts may be installed near exits to prevent the removal of carts from the business as long as they do not interfere with fire lanes, handicapped access, or conflict with federal, state and local laws, including municipal, building and zoning code.
 2. Wheel Locking Mechanisms. Equipping shopping carts with a locking or stopping mechanism that is used in conjunction with an electronic or magnetic barrier along the perimeter of the store premises. The wheel locking or stopping mechanism must activate when the shopping cart crosses the electronic or magnetic barrier.
 3. Coin Operated Machines. Businesses may opt to utilize coin operated machinery to charge patrons a deposit for the cart which is refunded upon return of the cart.
 4. Customer Service Representative. The business may employ customer service representatives to assist customers by delivering merchandise to patrons' vehicles and thus not allowing carts to be removed from the premises.
 5. Security. The business may employ security personnel to patrol the premises and prevent carts from being removed from the property.

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6. Other Methods. The project may use other methods of containment as long as the systems or methods are approved by the community ~~and economic~~ development director and effectively will contain or control shopping carts to the store premises.
- I. Containment System Design. All structures, including bollards and wheel locking mechanisms, associated with the containment system must be harmonious and compatible with the project submittal and city design and development standards.

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9.08.150 Screening requirements.

- A. Screening of Commercial, Industrial, Public and Quasi-Public Uses. Whenever a building or structure is constructed or enlarged on any property zoned for commercial, industrial, public or quasi-public purposes, which abuts a residential zone, appropriate screening is erected and maintained along the property line of the parcel.
1. Screening consists of a decorative masonry wall sufficient for sound attenuation with a minimum height of six feet, as measured from the commercial or industrial side of the wall at the property line. If the wall is either greater or less than six feet in height on the residential side, landscaping may be required on that side of the wall, as necessary. Decorative walls of block, brick, stone, stucco-treated masonry, or concrete panels are acceptable. The community development department director may approve alternative materials, provided that the materials are comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.
- B. Screening and Storage Areas. Where permitted, all outdoor storage of materials, wares, crates, bottles or similar items necessary to, or part of a permitted use within an industrial, commercial or special district are screened from view on at least three sides by a solid, impact-resistant wall, not less than six feet in height, and on the fourth side by a similar gate, not less than five feet in height. Alternate materials or designs may be approved by the community development department director.
- C. Screening of Refuse Storage Areas. Trash/waste enclosure design standards shall be designed to be consistent with all City applicable standards, and ~~are found in the public works standards. In addition, trash/waste enclosures~~ shall:
1. Be located a minimum of thirty-five (35) feet from any residential structures or as otherwise approved by the community development department director;
 2. Provide a minimum planter dimension of three feet on three sides of the enclosure walls, and accommodate climbing vines and screening shrubs within the planter area;
 3. Be constructed to include a solid roof cover;
 4. Be designed using materials and colors aesthetically compatible with the project.

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9.08.270. Security Plan and On-site Security requirements

- A. For newly constructed commercial centers larger than two (2) acres and multi-family projects of fifty-one (51) dwelling units or more, a detailed security plan shall be submitted to the City for review and approval prior to building permit.
- B. At a minimum, the security plan shall include the following to ensure security of the site.
 - 1. Security surveillance cameras and a video recording system must be installed to monitor all doors into and out of the buildings on the site, the parking lot, loading areas, and all exterior sides of the property adjacent to the public rights-of-way. The cameras and recording system must be of adequate quality, color rendition, and resolution to allow the identification of any individual present on the site.
 - 2. Professionally and centrally monitored fire, sprinkler, robbery, and burglar alarm systems must be installed as required and maintained in good working condition. The alarm system must include a private security company that is required to respond to every alarm.
- C. Through the security plan, the City may require details regarding staffing and deployment of security for a commercial center larger than two (2) acres, and if deemed necessary for the purposes of security, the City may require that the property owner maintain the services of a private security company to monitor the buildings and parking areas based on the specific facts and circumstances associated with the site.

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9.08.280 Maintenance of Parkways by Property Owners.

- A. The owner of any lot fronting any portion of a parkway, or sidewalk, or other public right-of-way or City owned property, shall maintain such parkway, sidewalk and right-of-way including all landscaping in a condition that will not interfere with the public safety and convenience and the use of the parkway, sidewalk, and right-of-way.
- B. In conjunction with all new development projects involving an entitlement on a Divided Major Arterial, Divided Arterial, Arterial, Minor Arterial or Industrial Collector, the City shall require an encroachment permit to require that developers maintain landscape areas per approved plans that are within the right-of-way, and also maintain any areas along their frontages (eg. Caltrans right-of-way) (see Section 9.17.140 Freeway frontage) that are not required to be landscaped by the project conditions of approval. The encroachment permit shall be reviewed and approved by the City prior to issuance of a grading permit.
- C. Landscape plans required by Title 9 shall show any areas along the project frontage, and shall identify either landscaping or maintenance responsibility within the Caltrans right-of-way if the project includes frontage along Caltrans right-of-way.

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9.09.130 Accessory Dwelling Units (ADUs).

- A. Purpose and Intent. The purpose of these standards is to ensure:
1. Accessory dwelling units (ADU) and Junior Accessory dwelling units (JADU) as defined herein are a permitted accessory use. This chapter establishes standards for the construction and occupancy of ADUs and JADUs. The standards herein serve to ensure ADUs and JADUs are constructed in a manner that is consistent with the requirements and allowances of State law, and contribute to a suitable living environment for all.
 2. General Plan Consistency. ADUs and JADUs are a residential use consistent with the existing general plan and zoning designation. This section furthers the goals, objectives, and policies of the General Plan Housing Element.
 3. Applicability. Under State law, the City must allow for ADUs and JADUs. However, the approval of ADUs may be based on the adequacy of water and sewer services as well as impacts on traffic flow and public safety. A local homeowner's association cannot prohibit the construction of an ADU or a JADU. This section addresses all requirements of State law regarding ADUs.
- B. Approval Authority. Approval of an ADU or JADU within a residential, mixed-use zone, or Specific Plan zone allowing residential or mixed use is considered a ministerial action and the approval authority is the community development director. Approval of an accessory dwelling unit is subject to all applicable requirements established within this chapter as well as all building, fire, engineering, flood, water quality, environmental codes, standards, and permitting fees established by the city. Any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service, and the impacts on traffic flow and public safety. If the proposal is not consistent with the requirements of State law and this section then the application does not qualify as an ADU and will be processed as a second unit either under an Administrative Plot Plan for a single-family dwelling unit, or through an Amended Plot Plan for additional multiple-family dwelling units. If a JADU has already been constructed within the primary dwelling, this will not preclude submittal of an application for an accessory dwelling unit that is consistent with all the standards of this section and State law. An application for a JADU may be submitted that meets all the requirement of this section even if an ADU already has been constructed.
- C. Application and Processing.
1. Applications for the following types of ADU's that meet all the requirements of this section shall be ministerial and reviewed and processed with a building permit subject to conditions of approval.
 - a. Single-family Internal ADU within previously permitted existing space or within a new single family residence; or
 - b. Single-family attached or detached ADU; or
 - c. Junior ADU.The building plan check application will include all of the items in D.3 below.
 2. Applications for multiple family ADUs consistent with this section: Applications for multiple family ADUs either detached or within an existing permitted structure or dwelling, shall be made to the community development department and shall be permitted ministerially with approval of both an administrative plot plan and building permit. The Administrative Plot Plan will include all of the items in D.3 below.
 3. With regard to evaluating whether the ADU meets the standards of this section, the building permit application or Administrative Plot Plan application as applicable shall include the following:
 - a. A detailed description and scaled, dimensioned floor plan of the proposed ADU, clearly illustrating the bedroom(s), bathroom(s), kitchen and other features or other proposed habitable areas;
 - b. A detailed description and scaled, dimensioned elevation of the proposed ADU, clearly illustrating the exterior entrance of the ADU;
 - c. A scaled, dimensioned site plan of the property clearly illustrating the location of all improvements on site (existing primary residence, garage, driveway(s), fences/walls, accessory structures, public right-of-way improvements, etc.) and where the ADU shall be located;
 - d. The scaled, dimensioned site plan of the property shall note the use(s) of all buildings existing on site.
 4. Applications shall be permitted ministerially if there is an existing single-family or multifamily dwelling on the lot and all applicable requirements and development standards of this chapter are met and no variances are required. If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City will not act on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling. If the application has been deemed complete, the ADU or JADU shall be deemed approved if the city has not acted on the completed application within 60 days. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.
- D. Development Standards and Requirements. Accessory dwelling units shall comply with the following development standards as described below and as shown in Tables 1 and 2:

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1. Permitted ADUs: An ADU is permitted if the lot is zoned for single-family, multifamily use, or mixed use allowing for residential use, and contains an existing, single-family structure or multi-family structure.
 - a. Existing Single-family Structure/Primary Dwelling Unit - For an existing single-family structure, one ADU and one JADU is permitted. An ADU may be detached or attached. A JADU must be contained within the space of an existing single-family structure.
 - b. Existing Multi-family Structure – Within an existing multi-family structure, up to 25 percent of the existing multi-family units may be ADUs, or one unit, whichever is greater; Two accessory dwelling units detached from the multifamily dwelling are permitted subject to a height limit of 16 feet and 4 foot rear and side setbacks.
2. Lot Size: There is no minimum lot size required if the ADU meets the setbacks described in this section.
3. ADU Size:
 - a. Minimum: The minimum unit size for a JADU per State law is 150 SF. There is no minimum unit size for other ADU structures provided that the ADU is in compliance with State laws including building and health and safety codes.
 - b. Maximum: For the conversion of an accessory building per State law, there is no maximum square footage, provided the ADU is within the walls of the existing accessory building. For these uses, up to 150 SF can be added for ingress/egress subject to State law.
 - c. Detached ADUs for single-family or multi-family: The maximum unit size shall be 850 SF for an efficiency or one bedroom, and 1,000 square feet for a two bedrooms.
 - d. Attached ADUs: If there is an existing single-family dwelling on the site, the attached ADU shall be no larger in size than 850 SF for an efficiency or one bedroom, and no larger than 1,000 square feet for a two bedroom. For multi-family, the ADU shall be no more than 800 square feet.
 - e. Lot Coverage/Floor area ratio/Open space – If all of the following standards are satisfied for an attached ADU or detached ADU, lot coverage, floor area ratio, and open space requirements would not apply. All other development standards as described in this section would apply. (See Tables 1 and 2)
 - f. Up to 800 square foot accessory unit; and
 - g. No more than 16 feet in height; and
 - h. Four foot side, corner, and rear yard setbacks.
 - i. For all other ADUs allowed by this section, lot coverage, floor area ratio, and open space requirements of the underlying zone would apply.
4. ADU/JADU height:
 - a. Detached ADUs: For a detached primary dwelling unit on a site, the ADU is permitted to be at least 16 feet in height. Above 16 feet, the ADU may not exceed the height of the existing primary dwelling unit on the site. A detached multi-family ADU may not exceed 16 feet in height.
 - b. Attached ADUs: For JADUs and Internal ADUs, the height limits are not applicable, except the height limit of residential zone would apply if constructed in conjunction with a new single-family residence. An attached multi-family unit would only be permitted within the walls of the existing structure, therefore a height limit would not apply.
5. Setbacks:
 - a. Front setbacks: ADUs shall comply with the front setback requirement of the underlying zone; the front setback does not apply to an internal ADU or JADU.
 - b. Side and Rear Yard Setbacks: Setbacks for ADUs are summarized in Tables 1 and 2. Setbacks would generally not apply to JADUs or internal ADUs entirely contained within an existing dwelling unit; however, if constructed in conjunction with a new single-family residence then the setbacks for the underlying zone would apply. Setbacks would not apply to an existing accessory building converted into an ADU.
 - c. Corner (Street Side) Setbacks: The corner setback for a new detached ADU is 10 feet except that the corner setback may be as little as four feet if satisfying a 10 foot setback would not allow for construction of an ADU on the site. If the required setback is less than 10 feet then the height of the detached ADU may not exceed 16 feet.
 - d. If constructed in conjunction with a single-family residence, the street side setbacks for the underlying zone would apply. The street side setback requirement is not applicable to a JADU, an attached ADU entirely contained within an existing dwelling unit, or an attached ADU which may be constructed at a setback equal to that of the primary dwelling, but no less than four feet.
6. Distance between Structures: The standard for distance between structures of the underlying residential zone will apply where feasible, but if necessary will be adjusted to accommodate an ADU that is 800 square feet or less, 16 feet in height, and with rear and side setbacks of no less than four feet. Any accommodation for the distance between structures will need to be evaluated for consistency with building codes for protection of public safety and approved by the Community Development Director or designee.
7. The ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall

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include a kitchen and bathroom.

E. Design Requirements:

1. ADUs shall be located at the rear or the side of the existing single-family dwelling unless it is demonstrated that the only feasible location is to place the ADU in front of the single-family dwelling due to extraordinary or physical constraints of the lot.
2. The entrance to an attached ADU shall be separate from the entrance to the primary dwelling unit and shall be located and designed in a manner as to eliminate an obvious indication of two or three units in the same structure.
3. All exterior changes shall be architecturally compatible with existing structures with regard to wall covering material, wall texture, and colors. When a garage is converted, the garage door shall be removed and framed-in wall shall include architectural details and finishes compatible with the residence(s) on the site.
4. When a garage is converted into an ADU, a landscaped area with a depth of at least two feet shall be provided for the area adjacent to where the garage door with some exceptions. If the application can demonstrate that this is infeasible, the requirement can be waived by the Community Development Director.
5. Plans that demonstrate an unobstructed pathway extending from a street to one entrance of the ADU are desirable prior to approval of an ADU application; however, is not a mandatory requirement for an ADU.
6. If a manufactured home is the proposed structure for the ADU, at a minimum, it should still be compatible with the primary dwelling unit on the site with regard to wall covering material, wall texture, and colors.
7. ADUs, when converted from existing accessory buildings, are permitted without additional restrictions provided the structure has independent exterior access and side and rear setbacks sufficient for fire safety, provided that no more than 150 square feet is added for ingress/egress subject to the requirements of State law.
8. Outside stairways serving ADUs should not be located on any building elevation facing a public street; and when unavoidable, the design of the stairway shall mute/mitigate any potential negative aesthetic impact and maintain the character of the existing single-family residence.

Table 1: Accessory Dwelling Units - New construction and conversion of accessory buildings

	Conversion of Accessory Building per State law	New construction	
		Detached ADU (single-family)	Detached ADU (multi-family)
Required Main Use on the Lot	Existing single-family dwelling	Existing or proposed single-family dwelling	Existing multi-family dwelling
Minimum dwelling size	None	Determined based on compliance with building and health and safety codes	Determined based on compliance with building and health and safety codes
Unit size maximum	None, plus 150 SF maximum addition for ingress/egress subject to all the this section	No greater than 850 SF for an efficiency or one bedroom; For two or more bedrooms: No greater than 1,000 square feet.	For multi-family, no greater than 850 SF for an efficiency or one bedroom; For two or more bedrooms: No greater than 1,000 square feet.
ADU Height/Story Limit	None	At least 16 feet is permitted, but above 16 feet the ADU may not exceed the height of the existing primary dwelling on the site.	16 feet
ADU Front setback	Not applicable	Front setback standard of the underlying zone applies.	Front setback standard of the underlying zone applies.
ADU Minimum Side and Rear Yard Setbacks	Not applicable	If ADU is 16 feet or less in height: 4 feet for interior side yard and rear If ADU is more than 16 feet in height: Interior side and rear yard setbacks of the underlying zone would apply.	4 feet for interior side yard and rear
Corner setback (Street side)	Not applicable	10 feet*	10 feet*
Minimum Distance between Structures	Not applicable	The standard of the underlying zone will apply where feasible, however, the City must still accommodate an ADU of up to at least 800 square foot or less, 16 feet in height, and with four foot rear and/or side yard setbacks	

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(Primary Dwelling and ADU)		
Parking	None	See parking requirements under this section, Item H.

* The setback may be as little as four feet if necessary to accommodate an ADU that satisfies the State's requirements. If the required setback is less than 10 feet then the height of the ADU may not be more than 16 feet.

Table 2: Junior and Attached Accessory Dwelling Units

	Junior ADU per State law	Internal ADU (Proposed ADU contained within Existing SFD)	Attached ADU (addition to residence)	Attached Multiple family ADUs per State law
Minimum Unit size	150 SF	Determined based on compliance with building and health and safety codes		
Unit Size maximum	500 SF	No greater than 850 SF for an efficiency or one bedroom; For two or more bedrooms: No greater than 1,000 square feet.	No more than 800 square feet.	
ADU/JADU height limit	Not applicable, except height limit of the underlying zone would apply if constructed in conjunction with new single-family residence	Not applicable, except height limit of residential zone would apply if constructed in conjunction with new single-family residence	For an addition, height can be equal to the existing height of the single-family residence, or 16 feet whichever is greater; building height of the underlying zone would apply if constructed in conjunction with a new single-family residence	16 feet
Front Setback	Not applicable; JADU must be within walls of primary dwelling unit	Front setback standard of the underlying zone applies.		
ADU/JADU min. Side and Rear Yard Setbacks	Not applicable, setbacks of the underlying zone would apply if constructed in conjunction with new single-family residence	Not applicable, setbacks of the underlying zone would apply if constructed in conjunction with new single-family residence	An attached ADU shall meet the requirements of the underlying zone, except that if the attached ADU is 800 square feet or less and no taller than 16 feet, the side setbacks may be four feet.	4 feet for ADU portion if new building or addition
Corner (Street side setback)	Not applicable, except setbacks of the underlying zone would apply if constructed in conjunction with a new single-family residence	Not applicable, except setbacks would apply if constructed in conjunction with new single-family residence	10 feet*	10 feet*
Parking	Parking is not required for a JADU constructed within the existing area of the primary dwelling, but may be required if the garage is converted to a JADU subject to the requirements in H. of this section.	See parking requirements under this section, Item H.		

* The setback may be as little as four feet if necessary to accommodate an ADU that satisfies the State's requirements. If the required setback is less than 10 feet then the height of the ADU may not be more than 16 feet.

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F. Parking Requirements

1. Parking requirements, consistent with Chapter 9.11 of this title:
 - a. Unless the JADU or ADU is exempt from parking requirements as described in F.2, one parking space is required per accessory dwelling unit or per bedroom of an accessory dwelling unit, whichever is less, and may be provided through tandem parking on a driveway unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
 - b. Parking is allowed in rear and side setback areas, and in a paved driveway in the front setback area if parking in the rear and side setback areas is not possible, provided that all other development standards are satisfied including minimum front yard landscaping standards.
 - c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the off-street parking spaces will not be required to be replaced.
2. Parking Exemptions. Additional parking spaces are not required for ADUs, nor for JADUs in any of the instances listed in a. through e. below. Further, JADUs within the living area of the primary dwelling unit are exempt from all parking requirements, but the standards in F.1 would apply if a garage is converted to a JADU.
 - a. The ADU is located within one-half mile of a public transportation stop along a prescribed route according to a fixed schedule; or
 - b. The ADU is located within one block of a car share parking spot; or
 - c. The ADU is located in a historic district listed in or formally determined eligible for listing in the National Register of Historic Places and the California Register of Historical Resources or as a city historic preservation overlay zone; or
 - d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
 - e. The accessory dwelling unit is part of the existing dwelling unit or an existing accessory structure.

G. JADU Requirements - As specified in State law, there are specific requirements that apply only to Junior Accessory Dwelling Units. The development standards for JADUs are summarized in Table 2. The standards and requirements for JADUs are as follows.

1. JADUs must be constructed entirely within the walls of the primary structure and have their own entrance
2. The JADU cannot exceed 500 square feet.
3. JADUs are limited to one per residential lot if a single-family residence is already constructed on a lot.
4. The owner must record a deed restriction stating that the JADU cannot be sold separately from the single-family residence.
5. The owner shall execute a Covenant and Agreement in a form acceptable to the City to document that either the primary dwelling unit or accessory dwelling unit will be owner occupied.
6. The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards; no gas or 220V circuits are allowed.
7. The JADU may share a bath with the primary residence or may have its own bath.
8. An interior entry into the single-family residence is not required.
9. The JADU is to be considered part of the single-family residence for purposes of fire and life protection ordinances and regulations, such as sprinklers and smoke alarms.
10. Additional parking may only be required if a garage is converted into a JADU as described in F above.
11. Water, sewer and power connection fees may not be required.

H. Fees – ADUs shall be subject to all development fees specified by city ordinances or resolutions for ADUs. Impact fees may not be imposed on JADUs and ADUs smaller than 750 square feet. For ADUs greater than 750 square feet, local agencies must assess an impact fee that correlates to square footage of primary residence. ADUs shall not be considered new residential uses for purpose of calculating utility connection fees or capacity charges, including water or sewer service.

I. Enforcement – Upon application and approval, the City must delay enforcement against a qualifying substandard ADU for five years to allow the owner to address the violation, so long as the violation is not a health and safety issue, as determined by the Community Development Department.

J. ADUs cannot be sold or otherwise conveyed separately from the primary dwelling, except if a qualified nonprofit corporation whose mission is to provide units to low-income households, completes a deed restricted sale consistent with State law.

K. An accessory dwelling unit created pursuant to this Municipal Code section shall only be rented for a period of longer than 30 days as specified in State law.

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9.11.040 Off-street parking requirements.

- A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the required off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. Parking provided above required off-street must be constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas:

**Table 9.11.040A-12
Off-Street Parking Requirements**

Residential Uses	Requirement	Covered Parking	Notes
Single-family	2/unit	Within an enclosed garage	
Accessory dwelling unit	1/bedroom		The accessory dwelling unit shall provide a minimum of one parking space per bedroom in addition to the parking required for the main dwelling, except as exempted by state law (refer to Section 9.09.130 Accessory dwelling units). Spaces may be provided as uncovered and/or tandem parking on a driveway.
Duplex	2/unit	Within an enclosed garage	
3 or more units: Studio 1 bedroom 2 bedrooms 3+ bedrooms	1.25/unit 1.5/unit 2.0/unit 2.5/unit	1 covered/unit 1 covered/unit 1 covered/unit 2 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard.

Residential Uses	Requirement	Covered Parking	Notes
Senior housing: Studio 1 bedroom + bedrooms	1.0/unit 1.25/unit 1.5/unit	1 covered/unit 1 covered/unit 1 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.
Mobile home parks	2.5/unit		Tandem spaces may be used to meet resident parking requirements.
Residential care homes	Parking requirements shall be determined by the community development director subject to an approved parking study.		
Live-work units (residential component)	2/unit	2 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is NOT included in the minimum required parking standard and can be shared with the business aspect of the "live-work" parking standard.
Residential component of mixed-use project	See multiple-family requirements in this table	See multiple-family requirements in this table	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard and may be shared with the nonresidential component. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.

**Table 9.11.040B-12
Off-Street Parking Requirements**

Commercial Uses	Requirement	Notes
General retail (unless specified elsewhere)	1/225 sq. ft. of gross floor area	

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Commercial Uses	Requirement	Notes
Automobile, boat, mobile home, or trailer sales, retail nurseries, or other similar outdoor commercial activities	1/2,000 sq. ft. of display area	1. Display area shall include all office, service and repair, or other related activities and areas that are accessible to the public. 2. No required off-street parking spaces shall be used for display, sales, service or repair of vehicles.
Automobile service stations, repair and service facilities	2 spaces + 4/service bay for 4 or less bays and 2/service bay for 5 or more bays	Any related retail activities shall be subject to the general retail parking standards (mini-markets, tire sales, and the like).
Automobile washing and waxing establishments: Self-serve Automated	2 spaces + 2/washing stall 10 + 1 per 2 employees	
Business and professional offices	1/250 sq. ft. of gross floor area	
Banks, savings and loans and medical/dental offices	1/225 sq. ft. of gross floor area	
Day care center	1/employee + 1/500 sq. ft. of gross floor area	Special design requirements shall apply for bus loading or parent drop-off points.

Commercial Uses	Requirement	Notes
Eating and drinking establishments	1/100 sq. ft. of gross floor area up to 6,000 sq. ft. 1/75 sq. ft. of gross floor area over 6,000 sq. ft.	A minimum of 10 spaces required for stand-alone use. No additional parking required if outdoor dining area comprises no more than 15% of the interior gross floor area of the primary food service use; if outdoor dining area is over 15%, 1 space for every 60 sq. ft. or 1 space for every 3 seats, whichever is greater.
Eating and drinking establishments within shopping centers of 25,000 sq. ft. of building area or greater	1/225 sq. ft. of gross floor area up to 15% of the shopping center gross building square footage	
Hotel/motel	1/guest room	For facilities with 100+ parking spaces, two 12'x36' through stalls for RV parking are required. These stalls may be counted as 4 auto parking stalls.
Kennels	2 spaces/1,000 sq. ft.	2 spaces/1,000 sq. ft. of indoor animal enclosure.
Veterinary hospital and clinic	1/200 sq. ft. of gross floor area	
Mortuaries	1/4 seats + funeral procession queue capacity for 5 cars	
Nail salons	1 space/2 work stations	
Schools, private: Business and trade College Elementary/junior high Senior high	10 spaces + 24/classroom 10 spaces + 30/classroom 10 spaces + 2/classroom 10 spaces + 10/classroom	
Storage lots and mini-warehouses	1/100 storage spaces and 2/caretaker residence	2 spaces minimum.
Medical and health services: Convalescent and nursing homes Homeless shelter Hospitals	1/3 beds 1/4 beds 1/bed	

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Commercial Uses	Requirement	Notes
Residential care facilities	see Residential Uses, Section 9.11.040 Table 9.11.040A-12	
Recreation: Arcades Bowling and billiards Commercial stables Golf course Golf driving range Golf, miniature Health club Parks—public and private Skating rink Tennis, handball and racquetball facilities Theaters	1/75 sq. ft. of gross floor area 5/alley + 2/billiard table 1/5 horse capacity for boarding on-site 6/hole 1/tee 3/hole 1/100 sq. ft. of gross floor area To be determined by the approval authority based upon an approved parking study. 1/100 sq. ft. of gross floor area 3/court 1/3 fixed seats	

**Table 9.11.040C-12
Off-Street Parking Requirements**

Industrial Uses	Requirement	Notes
Manufacturing	1/500 sq. ft. of gross floor area	Trailer parking: parking stalls for trailers shall be provided at a ratio of 1 stall per truck loading dock door. This is in addition to the loading parking stall already provided at the dock door.
Research and development	1/350 sq. ft. of gross floor area	
Warehouse and distribution	1/1,000 sq. ft. of gross floor area for the first 20,000 sq. ft.; 1/ea. 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft.; 1/ea. 4,000 sq. ft. of gross floor area for areas in excess of the initial 40,000 sq. ft.	

**Table 9.11.040D-12
Off-Street Parking Requirements**

Public and Quasi-Public Uses	Requirement	Notes
Libraries, museums and galleries	1/300 sq. ft. of gross floor area	
Public utility facilities without an office on-site	2/employee on the largest shift + 1/company vehicle	A minimum of 2 spaces shall be required.
Auditorium, places of public assembly and places of worship	1/3 fixed seats or 1/35 sq. ft. of gross floor area of the assembly area or 1 space for every 4.5 lineal feet of benches/pews, whichever is greater	
Government offices	To be determined by a parking study approved by the community development director	

- B. Schedule of Accessible Parking Requirements. The following requirements for accessible parking are intended to be consistent with the state requirements. Any conflicting provisions or future changes in state or federal requirements shall preempt the standards for provision of accessible parking spaces contained in this title.
1. Accessible parking for residential uses shall be provided at a rate of one space for each dwelling unit that is designed for accessibility and occupancy by the disabled, unless an adjustment is allowed, based on a parking study approved by the community development director.
 2. Accessible parking for outpatient units and facilities providing medical care and other services for persons with mobility impairments shall be provided at a rate of ten (10) percent of the total number of parking spaces provided serving such outpatient unit or facility. Accessible parking for units and facilities that specialize in treatment or services for persons with mobility impairments shall be provided at a rate of twenty

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(20) percent of the total number of parking spaces provided serving each such unit or facility.

3. Accessible parking spaces for other uses shall be provided at the following rates:

No. of Automobile Spaces Provided	No. of Accessible Spaces Provided
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2% of total spaces
1,001 and over	20 plus 1 for each 100 spaces or fraction thereof over 1,001

4. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum of eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.
 5. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine-foot parking area and a five-foot loading area. Such space shall not be required to be reserved or identified exclusively for use by persons with disabilities.
 6. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
 7. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this subsection would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.
 8. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083% gradient) in any direction.
 9. Notwithstanding the off-street parking requirements of subsection A of this section, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.
 10. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone, as described herein.
- C. Low Emitting Fuel Efficient Carpool/Vanpool Vehicle Parking. Eight percent of required parking shall be designated for any combination of low-emitting, fuel efficient and carpool/vanpool vehicles for all new nonresidential development.
- D. Parking requirements for religious institution affiliated housing development projects (RIAMD).
1. Notwithstanding any provisions of this Title or any adopted specific plan to the contrary, the parking requirements for a religious institution affiliated housing development project are subject to the provisions of Government Code section 65913.6, as amended.

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2. “Religious institution affiliated housing development project” (RIAHD) is defined as a housing development project that meets all of the following requirements:
 - a. The housing development project is located on one or more contiguous parcels that are each owned, entirely, whether directly or through a wholly owned company or corporation, by a religious institution.
 - b. The housing development project qualifies as being near collocated religious-use parking by being on or adjacent to a parcel with religious-use parking or by being located within one-tenth of a mile of a parcel that contains religious-use parking.
 - c. Qualifies for a density bonus under Government Code section 65915.
3. Allows up to 50 percent elimination of total religious-use parking spaces available for a Religious Institution Affiliated Housing Development project.
4. No replacement requirement of religious-use parking spaces for a Religious Institution Affiliated Housing Development project proposes to eliminate, provided the reduction does not exceed 50 percent.
5. Allows the remaining religious-use parking spaces to count toward number of parking spaces required for the Religious Institution Affiliated Housing Development project.
6. Prohibits the reduction in parking spaces from reducing the minimum parking standards below one space per unit unless the Religious Institution Affiliated Housing Development project is within one-half mile of a high-quality transit corridor or a major transit stop, or a car share vehicle within one block of parcel.
 - a. High-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.
 - b. Major transit stop includes existing rail or bus rapid transit station, ferry terminal served by either bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - c. Car sharing means a model of vehicle rental where users can rent vehicles for short periods of time and users are members that have been preapproved to drive.

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9.14.050 Processing of tentative maps.

- A. Filing of Tentative Map.
 - 1. Action Following Filing. For purposes of this section, the fifty (50) day limitation for action after filing of the tentative map shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination that the project is exempt from the requirements of Division 13 (commencing with Section 21,000) of the Public Resources Code.
 - 2. Submittal Requirements. All tentative maps shall be submitted to the community development department and shall be accompanied by the appropriate fee as set by the city council and shall comply with this chapter.
 - 3. Additional Information. Within thirty (30) days of the date on which the map is submitted, the community development department shall determine whether any additional information is required, and the applicant or representative shall be so notified. Once the information required to complete the review of the tentative map is provided, the community development department shall accept the map as complete for filing. Additional information which may be required shall include, but is not limited to, data necessary to complete environmental review, flood and drainage studies, sewage disposal information, and circulation studies.
- B. Fee for Flood Protection Study.
 - 1. A flood protection study fee as set forth by city council shall be paid upon the submittal of the tentative map if required by the city engineer.
 - 2. No charge shall be made for a flood protection study on a revised tentative map filed within two years of the original filing.
 - 3. There shall be no flood protection study fee for reverting subdivided lands to acreage.
- C. Map Distribution. Upon the submittal of the tentative map to the community development department, one copy thereof shall be forwarded to each member of the appropriate advisory agency and to each of the following:
 - 1. City engineer/public works department;
 - 2. Fire department;
 - 3. School district(s);
 - 4. California Department of Transportation (if applicable);
 - 5. Flood control district (if applicable);
 - 6. Eastern municipal water district and local sewer/water servers as applicable to the property involved;
 - 7. Riverside County health department;
 - 8. Police department;
 - 9. Parks and recreation department;
 - 10. Any other public agency, as appropriate.
- D. Review by Project Review Committee.
 - 1. All tentative maps shall be reviewed by the project review committee (PRC). The land divider and any representative shall be notified of the date and time of the meeting, at which time the land divider shall review the proposed map with the committee.
 - 2. Upon completion of its review, the PRC shall prepare minutes and transmit a copy thereof to the land divider and his representative.
- E. Consideration by the Advisory Agency.
 - 1. Tract Maps and Parcel Maps. Except as described herein, a public hearing shall be held before the planning commission and its report thereon shall be made. Notice of the hearing shall be given, as provided in Section 9.02.200 of this title, and shall be subject to the major development review process contained in Section 9.02.030(B) of this title. After closing the hearing, the planning commission shall approve, conditionally approve or disapprove the proposed tentative map. The community development director may approve, conditionally approve or disapprove a tentative parcel map without a public hearing on land zoned and developed for residential, mixed use, commercial or industrial purposes. Notice shall be given, as provided in Section 9.02.200(C) of this title.
 - 2. Notice of the decision shall be filed with the city clerk and a copy thereof mailed to the land divider or authorized agent and any interested party requesting a copy.
- F. Consideration of Tentative Maps by the City Council. The decision of the planning commission is final eleven (11) days after the planning commission decision is required unless:
 - 1. An appeal is filed within ten (10) days of the planning commission action;
 - 2. A member of the city council requests that the city council assume jurisdiction of the matter within ten (10) days of the planning commission action; or
 - 3. The tentative map requires prior approval of a general plan amendment, zone change or other approval vested solely with the city council. If the planning commission decision is appealed or the city council assumes jurisdiction, a public hearing on the matter shall be held not more than thirty (30) days thereafter.
- G. Appeal of Actions of Advisory Agency.

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1. Appeal of Action of the Planning Commission.
 - a. The land divider or any interested party may appeal the decision of the planning commission on a tentative subdivision or parcel map to the city council. Any such appeal shall be filed with the city clerk within ten (10) days after the decision of the planning commission. The appeal shall be filed in writing, stating the basis for the appeal, and shall be accompanied by the applicable fee, as required by the city.
 - b. Upon filing of the appeal, the city clerk shall set the matter for a public hearing on a date within thirty (30) days after the date of the filing of the appeal and shall give notice of the public hearing, as required by law. Upon conclusion of the hearing, the city council shall render its decision on the appeal within seven days, declaring its findings therefore, and it may sustain, modify, reject or overrule any actions or rulings of the planning commission.
2. Appeal of Action of the Community Development Director.
 - a. The land divider or any interested party may appeal the decision of the community development director to the planning commission. Any such appeal shall be filed with the community development director within ten (10) days after the decision. The appeal shall be filed in writing, stating the basis for the appeal, and shall be accompanied by the applicable fee, as required by the city.
 - b. Upon filing of the appeal, the community development director shall set the matter for a public hearing on a date within thirty (30) days after the date of the filing of the appeal and shall give notice of the public hearing in the same manner, as required by law. Upon conclusion of the hearing, the planning commission shall render its decision on the appeal within seven days.
- H. Extension of Time for Processing. All time limits specified in this title for reporting and acting on tentative maps may be extended by the mutual consent of the land divider and the advisory agency or city council, but in no event may the extensions exceed the maximum applicable period permitted by state law.
- I. Failure to Receive Notice. Failure to receive notice of a hearing shall not invalidate the action taken by the advisory agency, or the city council.
- J. Waiver of Final Parcel Map. Upon request of the land divider, the city engineer may waive the requirement that a final parcel map be prepared if the city engineer finds that the proposed land division complies with the requirements as to:
 1. Area;
 2. Improvement and design;
 3. Flood water drainage control;
 4. Appropriate improved public roads;
 5. Sanitary disposal facilities;
 6. Water supply availability;
 7. Environmental protection;
 8. Adequate existing survey control; and
 9. All other provisions of this and other applicable ordinances of the city and the Subdivision Map Act.

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9.15.030 Definitions.

“Abutting” means having district boundaries or lot lines in common.

“Access corridor” means a portion of the lot providing access from a street and having a minimum dimension less than the required lot width.

“Access rights” mean the right, claims, title or privilege of access, by pedestrians or vehicles, to a public road or way.

“Access road” means a graded road with such improvements and of such width, as required in Chapter 9.14 of this title, which provides access from a division of land to an existing maintained street or highway.

“Accessory building” means any subordinate building or portions of the main building, the use of which is incidental to that of the main building on the same lot or premises, and which is used exclusively by the occupants of the main building.

“Accessory dwelling unit” means an attached or a detached residential dwelling unit, which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the existing single-family or multifamily dwelling is or will be situated.

“Accessory structure” means a structure that is accessory or incidental to a dwelling on the same lot.

“Accessory structure used for living purposes” means an accessory structure which is habitable space, as defined by the International Building Code.

“Accessory use” means any use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or premises.

Acreage (Adjusted Net). “Adjusted net acreage” means the land area which remains after dedication of ultimate rights-of-way for: (1) exterior boundary streets; (2) flood control rights-of-way; and (3) public parks developed to meet minimum standards. Major utility easements and rights-of-way may not be counted as adjusted net acreage. Areas devoted to park land or active recreational uses may be counted as adjusted net acreage only if such public facilities are proposed over and above the minimum park land requirements.

“Active recreational uses” mean facilities occurring on level or gently sloping land to a maximum slope of ten (10) percent which are designed to provide individual or group activities of an active nature, including, but not limited to, sports fields, court games, swimming pools, children’s play areas, picnic areas, golf courses, and recreational community gardening. Active recreational uses do not include natural open space, nature study areas, open space for buffer areas, slopes greater than ten (10) percent, riding and hiking trails, scenic overlooks, water courses, drainage areas or water bodies.

“Adjoining” means district boundaries or lot lines in common.

“Advisory agency” means the city of Moreno Valley planning commission for all tentative Schedule “A,” “B,” “C,” “D,” “E,” “F,” “G,” “H” and “I” maps, and for such other purposes as the context so indicates.

“Alley” means a secondary means of access to property and is located at the rear or side of the property. Minimum right-of-way width shall be twenty (20) feet.

“Alter” means to make a change in the supporting members of a structure, such as bearing walls, columns, beams or girders, that will prolong the life of the structure. In case of a sign, “alter” means a change of all or a portion of the copy, message or sign legend or face, except on signs designed to advertise changing messages.

“Ambient level” means the general noise level one finds in a certain area at a given time.

Animal (Exotic or Wild). “Exotic” or “wild animals” mean and include lions, tigers, bears, simians, cougars, badgers, wolves, coyotes, foxes, lynx, peacock, monkey or any venomous or otherwise dangerous reptile or any other dangerous or carnivorous wild animal, or any wild animal, as defined in Section 2116 of the Fish and Game Code of the state of California, or any other animal determined to be dangerous or potentially dangerous by the city community development director.

Animal (Large). “Large animals” mean and include equine, bovine and similar sized animals, as determined by the city community development director.

Animal (Medium). “Medium animals” mean and include sheep, goats and similar sized animals, as determined by the city community development director.

Animal (Small). “Small animals” mean and include rabbits, chinchillas, guinea pigs and other similar sized animals, as determined by the city community development director.

“Antenna” means a device used to transmit and/or receive radio or electromagnetic waves between terrestrially and orbitally based structures.

Antenna, Commercial. “Commercial antenna” means an antenna or satellite dish used in conjunction with a business, commercial enterprise, trade, calling, vocation, profession, occupation, or other means of livelihood, whether or not carried on for gain or profit, including, but not limited to, public utilities, wireless telephone communications or private-owned or publicly supported AM or FM radio stations, cable television operations or television broadcast stations, but excluding standard television receive only antennas.

Strikeout/Underline Code Amendments

Antenna, Noncommercial. "Noncommercial antenna" means an antenna or satellite dish not used in conjunction with a business, or commercial enterprise.

Antenna, Satellite Dish. "Satellite dish antenna" means a transmitting and receiving antenna, typically parabolic, disc or double convex shaped with an active element external to the dish that communicates by line of sight with another similar antenna or an orbiting satellite.

"Apartment" means one or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two dwelling units.

"Applicant" means an owner applying for a city permit pursuant to this title.

"Approved access" means one of the following:

1. A dedicated right-of-way;
2. An offer to dedicate to the city of Moreno Valley, or an offer to dedicate to the county of Riverside for which the city of Moreno Valley is a successor in interest, a width as established by the circulation element of the Moreno Valley general plan or any adopted specific plan or highway right-of-way standards and a strip of land at least twelve (12) feet in width which expressly grants to the owner of the subdivision or development and any successors in interest the right to use the easement without limit as to the quantity of vehicular traffic from each lot or use created by the owners or successors in interest to improved roadways in the city road system, both of which abut or connect to a publicly maintained roadway or connect to existing traveled roads where a prescriptive right by user exists for public use;
3. An offer to dedicate to the city of Moreno Valley, or an offer to dedicate to the county of Riverside for which the city of Moreno Valley is a successor in interest, or to the public in general, an easement for public road, highway and public utility purposes, of a width as established by the circulation element. The offer to dedicate to the public in general can be accepted by public use, but the easement for road construction thereon shall not become a city roadway until and unless the city council, by appropriate resolution, has caused such roadway to be accepted into the city road system; or
4. An existing traveled way where a prescriptive right by user has been established for public use by a court decree.

"Approved fire hydrant" means an appliance meeting city of Moreno Valley standards and approved by the water company and fire department having jurisdiction for use as a fire hydrant.

"Arcades" mean a place of business where more than four electronic, video or coin-operated games are operated for compensation.

"Architectural features" mean any portion of the outer surface of a structure, including, but not limited to, the kind, color and texture of the building material, the type and style of all windows, doors, lights, signs, walls, fences, awnings and canopies, screens, sculptures, decoration, roof shape and materials, and other fixtures appurtenant to a structure.

"Architectural projection" means a marquee, fireplace chimney, porch, canopy or similar projection of a building.

"Arterial" means a highway intended to serve through traffic, where access rights are restricted and intersections with other streets or highways may be limited. Minimum right-of-way width shall be one hundred (100) feet.

"Attendant parking" means parking facilities where a lot attendant parks vehicles for drivers. This term is used interchangeably with "valet parking."

"Authorized agent" means a person bearing written authority from the property owner to act on behalf of and to bind the property owner.

"Automobile service station" or "gasoline service station" means a retail place of business engaged in supplying goods and services essential to the normal operation of automobiles, whose primary use is the dispensing of automotive fuel and motor oil.

Automotive and Light Truck Repair (Major). "Major automotive and light truck repair" means activities typically including, but not necessarily limited to, automotive and light truck repair, heavy automobile and truck repair, such as transmission and engine repair, automotive painting and body work, and the installation of major accessories.

Automotive and Light Truck Repair (Minor). "Minor automotive and light truck repair" means activities, including, but not necessarily limited to, automotive and light truck repair, the retail sale of goods and services for automotive vehicles and light trucks (less than six thousand (6,000) pounds), and the cleaning and washing of automotive vehicles. Uses typically include, but are not necessarily limited to, brake, muffler and tire shops and automotive drive-through car washes. Heavier automobile repair such as transmission and engine repair and auto body shops shall not be included in this land use type.

"Aviary" means an outside enclosure within which small birds (excluding poultry or fowl, as defined) are kept and raised.

"Awning" means a permanent or temporary structure attached to and wholly supported by a building, and installed over or in front of openings or windows in a building, and consisting of a fixed or movable frame and a top of canvas or other similar material covering the entire space enclosed between the frame and the building.

Strikeout/Underline Code Amendments

“Banner,” “flag,” “pennant” or “balloon” means any cloth, bunting, plastic, paper or similar material used for advertising purposes attached to, pinned on, or hung from any structure, staff, pole, line, framing, vehicle or other object.

“Barrier strip” means a strip of land one foot or more in width dedicated to the city of Moreno Valley for street purposes and access control at the end of a dead end street or along the side of a part-width dedicated street or other public right-of-way.

“Bars” means an establishment serving alcoholic beverages for on-site consumption as the primary use, including bars, cocktail lounges, pubs, saloons, and taverns and in which the service of food is only incidental to the consumption of such beverages.

“Bars, with Limited Live Entertainment” means a bar or tavern that provides incidental entertainment, such as musical performances, where the performance area does not exceed seventy-five (75) square feet and customer dancing does not occur. The use shall instead be classified as a nightclub if the performance area exceeds seventy-five (75) square feet or customer dancing occurs. Live entertainment does not include a sexually oriented business.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year; this is sometimes referred to as a one hundred-year flood.

“Bicycle check-in parking system” means a parking system wherein the bicycle is delivered to, and left with, attendant(s) with provision for identifying the bicycle’s owner. The stored bicycles are accessible only to the attendant(s).

“Bicycle locker” means a fully enclosed space accessible only to the owner or operator of the bicycle.

“Bicycle-monitored parking” means an area for the parking of bicycles which is under constant surveillance.

“Bicycle-restricted access parking” means Class 3 facilities within a locked room or locked enclosure accessible only to the owners or operators of bicycles parked within, or Class 2 facilities within the common locked garage area(s) of a multiple-family residential development which is accessible only to residents of the units for which the garage is provided.

“Bicycle way” means an area either within or outside the right-of-way of a dedicated street where bicycle travel is the designated use.

Billboard. See “Outdoor advertising display.”

“Block” means the aggregate of lots, pedestrian passages, and rear alleys, circumscribed on all sides by streets.

“Block length” means the linear dimension of a block along one of its street frontages.

“Block perimeter” means the aggregate dimension of a block along all of its street frontages.

“Boarding or rooming house” means a building containing a dwelling unit where lodging is provided with or without meals for compensation. Notwithstanding this definition, no single-family residence lawfully operating pursuant to a state license under the California Health and Safety Code, that is otherwise exempt from local zoning regulations, shall be considered a boarding or rooming house for purposes of this code.

“Bridge” means the construction of or addition to a bridge identified in the circulation element of the general plan or is part of a major thoroughfare and spans a waterway, railway, freeway or canyon.

“Building façade line” means the vertical plane along a lot where the building’s front façade is actually located. See Figure 9.15.030-1 (Build-to-Zone).

“Building face” means the area of a building elevation, front, rear or side, in which a business is located.

“Building frontage” means the side of a building which contains the main entrance for pedestrian ingress and egress. If more than one main entrance exists, the one that more nearly faces or is oriented to the street of highest classification as portrayed on the current general plan of circulation shall be considered the building frontage. If all streets are of the same classification, the side of the building with the smallest lineal dimension containing a main entrance shall be considered the building frontage.

“Building height” means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the highest point of the highest gable of a pitch or hip roof, but exclusive of vents, air conditioners, chimneys or other such incidental appurtenances.

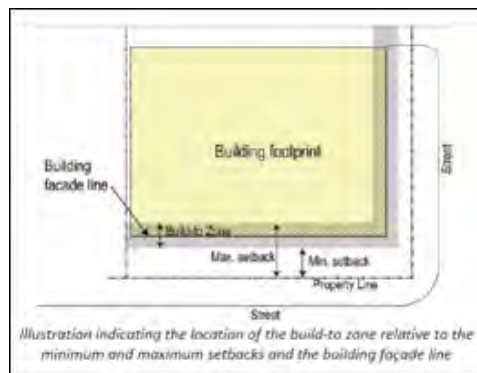
“Building site” means a legally created parcel or contiguous parcels of land in single or joint ownership, which provides the area and the open spaces required by this title for location of a building or structure, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner thereof.

“Building space” means a building or portion of a building used by one business or other user interest without direct interior connections to other business interests.

“Build-to-zone” means the area between the minimum and maximum setbacks within which the principal building’s front façade (building façade line) is to be located. See Figure 9.15.030-1 (Build-to-Zone).

Figure 9.15.030-1 Build-to-Zone

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“Business complex” means a group of buildings and/or parcels planned or constructed as an integrated entity, with shared access and internal circulation.

“Business directory sign” means a sign located in a multitenant complex which lists each business and address located therein.

“Business identification sign” means an on-site sign which identifies the business located therein.

“Cabana” means any portable, demountable or permanent cabin, small house, room, enclosure, or other building or structure erected, constructed or placed on a mobilehome space and used in conjunction with a mobilehome. Such structure shall not be used for sleeping purposes.

“Cannabis” means all parts of the *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this title, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

“Cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

“Cannabis dispensary” means any activity involving the retail sale of cannabis or cannabis products from a retailer.

“Cannabis distribution” means the procurement, sale, and transport of cannabis and cannabis products between licensees.

“Cannabis distribution center” means a location that provides the procurement, sale, and transport of cannabis and cannabis products between entities licensed by the state of California.

“Cannabis manufacturing” means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid commercial cannabis business permit for manufacturing from the city of Moreno Valley and, a valid state license as required for manufacturing of cannabis products.

“Cannabis microbusiness” means a location with a combination of at least three of the following four commercial cannabis activities: manufacturing, cultivation (limited to ten thousand (10,000) square feet), distribution, and dispensary.

“Cannabis testing” means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products and that is both: (1) accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state; and (2) licensed by the Bureau of Cannabis Control.

“Can sign” means an internally illuminated sign consisting of a metal cabinet and a sign face(s) made, in part, of a translucent material such as plexiglass.

“Canopy” means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether contiguous or noncontiguous on any one site.

“Canopy” means a small roof or awning attached to and supported by the wall of a structure.

“Canopy or awning sign” means a sign painted, placed or installed on any awning or canopy.

“Carport” means a permanently roofed structure with not more than three enclosed sides used for means automobile shelter and storage.

Catteries.

1. “Commercial catteries” mean any building, structure, enclosure or premises whereupon, or within which five or more cats are kept or maintained primarily for financial profit for the purpose of boarding, breeding, training, marketing, hire or any other similar purpose.

Strikeout/Underline Code Amendments

2. “Noncommercial catteries” mean any building, structure, enclosure or premises whereupon, or within which, five or more cats are kept or maintained, but not primarily for financial profit.

“Child day care facility” means a facility, licensed by the state of California, which provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24) hour basis. Child day care facility includes day care centers and family day care homes.

“City” means the city of Moreno Valley.

“City council” means the city council of the city of Moreno Valley.

“City standards” mean standard drawings as prepared or adopted by the public works director/city engineer, showing the nature of various items of improvement work to be constructed and/or made a part of the improvement agreement.

“Collection facility” means a center for the acceptance, by donation, redemption, or purchase, of recyclable materials from the public. Collection facilities may include the following:

1. Reverse vending machine(s);
2. Small collection facilities which occupy an area of not more than five hundred (500) square feet, and may include:
 - a. A mobile recycling unit,
 - b. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet,
 - c. Kiosk type units, which may include permanent structures,
 - d. Unattended containers placed for the donation of recyclable materials;
3. Large collection facilities which may occupy an area of more than five hundred (500) square feet and may include permanent structures.

“Collector street” means a street which is intended to serve intensive residential land use, multiple-family dwellings, or to convey traffic through a subdivision to roads of equal capacity or greater. It may also serve as a cul-de-sac in industrial or commercial use areas but shall not exceed six hundred sixty (660) feet in length when so used. Minimum right-of-way width shall be sixty-six (66) feet.

“Commercial-ready space” means ground floor interior space constructed with a minimum height as established in Section 9.07.096 (Building frontage type standards) that may be used for either residential or nonresidential uses. The intent of commercial-ready space is to provide flexibility so that a space can be converted between residential and nonresidential uses in response to market demand.

“Communication and telecommunication facilities” mean and include cable television reception facilities, cellular telephone facilities, centers for employee telecommuting, communication receiving and broadcasting facilities and the like.

“Communication facilities” mean communication towers, equipment structures, mono-poles, and the necessary appurtenances.

“Community development director” means the community development director of the city of Moreno Valley.

“Community noise equivalent level (CNEL)” means the average noise level during a twenty-four (24) hour day, in decibels, weighted to account for the lower tolerance of people to noise during evening (seven p.m. to ten p.m.) and night (ten p.m. to seven a.m.) hours relative to daytime hours, and shall be computed as prescribed by Title 25 of the Administrative Code of the state of California.

“Community services district” means a community services district which has the power to construct and maintain streets, landscaping, or other public improvements as appropriate with the context used.

Compatible.

1. The term “compatible” means capable of coexisting in harmony or without significant conflict. A compatible land use will not cause a significant detriment to the use, economic value, habitability and enjoyment of residents, owners, workers, and/or patrons of any land uses in the surrounding and adjacent area. In terms of building design, compatible means consistent or in harmony with existing and planned development.

2. Elements to be considered in the evaluation of compatibility include, without limitation by this enumeration, style, mass, bulk, size, use, occupancy, improvements, character, scale, texture, color and other principles of design described in the city of Moreno Valley design guidelines.

“Comprehensive general plan” means the comprehensive general plan of the city of Moreno Valley, including all elements thereof, as adopted by the city of Moreno Valley.

“Condominium” means an estate in real property consisting of an undivided interest in common in portion of real property, coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map or condominium plan in sufficient detail to locate all boundaries thereof, and as more specifically defined by California Civil Code Section 1351(f).

“Construction sign” means a temporary sign announcing a future use or a project under construction and identifying parties participating in the project.

Strikeout/Underline Code Amendments

“Contractor’s storage yard” means a use providing for storage and/or distribution of supplies or construction of materials required in connection with a business activity, public utility service, transportation service, or similar activity.

“Contractor’s storage yard with office” means a use providing for storage and/or distribution of supplies or construction of materials required in connection with a business activity, public utility service, transportation service, or similar activity. The use shall also include a permanent structure on a foundation for office use on the site.

“Convalescent home” means a facility licensed by the State Department of Public Health, the State Department of Social Welfare, or the county of Riverside, which provides bed and ambulatory care for patients with postoperative convalescent, chronically ill or dietary problems, and persons aged or infirm unable to care for themselves; but not including alcoholics, drug addicts, or persons with mental or contagious diseases or afflictions.

“Convenience sign” means a sign which conveys information such as “restrooms,” “no parking,” “entrance,” or minor business identification for directional purposes, and is designed to be viewed on site by pedestrians and/or motorists.

“Convenience store” means any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than five thousand (5,000) square feet.

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

Copy Area. See “Sign copy area.”

“Cul-de-sac street” means a road open at one end only, with special provisions for turning around, and the further extension of which is precluded by the land division design.

“Day care center” means any child day care facility, licensed by the state of California, other than a family day care home, and includes infant care centers, preschools, and extended day care facilities.

“dBA” means a number in decibels read from a sound level meter with the meter using the “A” weighting filter. The “A” weighting filter de-emphasizes very low and very high frequency sounds in a manner similar to the response of the human ear.

“Dead end street” means a street open at one end only, without provisions for turning around and which may be further extended into adjoining property.

“Density” means the number of dwelling units per net acre.

“Department of Transportation” means the Department of Transportation of the state of California.

Design (Land Divisions). For purposes of Chapter 9.14 of this title, “design” means:

1. Street alignments, grades and widths;
2. Drainage and sanitary facilities and utilities, including alignments and grades thereof;
3. Location and size of all required easements and rights-of-way;
4. Fire roads and firebreaks;
5. Lot size and configuration;
6. Traffic access;
7. Grading;
8. Land to be dedicated for park or recreational purposes; and
9. Such other specific physical requirements in the plan and configuration of the entire land division as may be necessary to insure consistency with or implementation of the comprehensive general plan and any applicable specific plan.

“Directional sign” means a sign used to direct and control vehicular or pedestrian traffic and is located upon the same parcel of land as the use that it is intended to serve. A subdivision directional sign shall not be included in this category.

“Discontinued use” means a business or activity that has ceased operation at any given location for a continuous period of at least sixty (60) days.

“District” means a portion of the city within which the use of land and structures and the location, height and bulk of structures are governed by this title.

“Divided arterial” means a divided highway primarily for through traffic to which access from abutting property shall be kept at a minimum. Intersections with other streets or highways shall be limited to approximately one-quarter mile intervals. Minimum right-of-way width shall be one hundred ten (110) feet.

“Divided highway” means a roadway with two roadbeds.

“Divided major arterial” means a six-lane divided highway primarily for through traffic serving property zoned for major industrial, commercial and multiple residential uses where anticipated traffic volumes exceed four-lane capacity. Access from other streets or highways shall be limited to approximately one-quarter mile intervals. Minimum right-of-way width shall be one hundred thirty-four (134) feet.

“Dormitory” means a building intended or used principally for housing students, where such building is related to an educational institution.

Strikeout/Underline Code Amendments

Dwelling (Multifamily Attached). "Attached multifamily dwelling" means a building containing two or more dwelling units.

Dwelling (Single-family). "Single-family dwelling" means a building containing one dwelling unit.

"Dwelling unit" means a building or mobile home or portion thereof, which contains living facilities for not more than one family, within which one family has interior access to all parts of the dwelling. In the case of residential care facilities with shared eating, cooking or sanitation facilities, a dwelling unit is a building or portion thereof that contains living facilities for ten (10) or less persons.

"Edge of a right-of-way" means a measurement from the limit of the public right-of-way measured along a line equidistant from and parallel to the centerline of the freeway or highway.

"Educational institutions" means public and other institutions conducting regular academic instruction at kindergarten, elementary, secondary or collegiate levels, and including graduate schools, universities, research institutions and religious institutions. Such institutions must either offer general academic instruction equivalent to the standards prescribed by the State Board of Education, or confer degrees as a college or university of undergraduate or graduate standing, or conduct academic or scientific research, or give religious instruction. The definition does not include commercial or trade schools.

"Efficiency unit" means an attached unit for occupancy by no more than two persons which have a minimum floor area of one hundred fifty (150) square feet and which may also have partial kitchen or bathroom facilities, as allowed in Section 17958.1 of the Health and Safety Code.

"Emergency shelters" (California Health and Safety Code Section 50801(e)) means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Entertainment (Live). "Live entertainment," when used in this title in connection with the performing arts and other methods of live performances by entertainers, shall apply to the following activities where they occur on a scheduled basis three or more days during a calendar year on the site of a use other than a public or semi-public use:

1. A musical, theatrical or dance recital performed by one or more persons, regardless of whether performers are compensated;
2. Any form of dancing by patrons or guests at a business establishment; or
3. A fashion show, except when conducted within an enclosed building used primarily for manufacture or sale of clothing.

"Environmental constraint note" means any note or notes required by the conditions of approval to be shown on an environmental constraint sheet and reference made thereto on the final map. This shall be required when constraints involving (but not limited to) any of the following are conditioned by the advisory agency or city council: archaeological sites, geologic mapping, grading, building, building setback lines, flood hazard zones, seismic lines and setbacks, fire protection, water availability or sewage disposal, and signalization mitigation.

"Environmental constraint sheet" means a duplicate of the final map on which are shown the environmental constraint notes. This sheet shall be filed simultaneously with the final map, with the city engineer and labeled "ENVIRONMENTAL CONSTRAINT SHEET" in the top margin. Applicable items will be shown under a heading labeled environmental constraint notes. The environmental constraint sheet shall contain the statement:

THE ENVIRONMENTAL CONSTRAINT INFORMATION SHOWN ON THIS MAP SHEET IS FOR INFORMATIONAL PURPOSES DESCRIBING CONDITIONS AS OF THE DATE OF FILING, AND DERIVED FROM PUBLIC RECORDS OR REPORTS AND DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THOSE RECORDS OR REPORTS BY THE PREPARER OF THIS MAP SHEET.

"Environmental impact report (EIR)" means a report complying with the requirements of and as defined by the California Environmental Quality Act (CEQA) and its implementing state guidelines. This term is synonymous with an environmental impact statement (EIS) as defined in federal law.

"Exploration" means the search for minerals by geological, geophysical, geochemical or other recognized techniques. These include, but are not limited to, sampling, assaying, drilling or any surface or underground works needed to determine the type, extent or quantity of minerals present.

"Expressway" means a highway for through traffic to which access from abutting property is restricted. Intersections with other streets or highways shall be limited to approximately one-half mile intervals.

Fascia Sign. See "Wall sign."

"Family" means one or more individuals occupying a dwelling unit and living as a single household unit.

"Family day care home" means a home, licensed by the state of California, which regularly provides care, protection and supervision of children, in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and includes the following:

1. "Large family day care home" which means a home which provides family day care to seven to twelve (12) children, including children who reside at the home;
2. "Small family day care home" means a home which provides family day care to six or fewer children, including children who reside at the home.

Strikeout/Underline Code Amendments

Farm Projects (Future Farmers, 4-H or Similar Projects). "Farm projects" means not more than two cattle, horses, sheep, goats or similar farm animals on parcels not less than twenty thousand (20,000) square feet in size, and other small animals on smaller lots as specified in this title, being fattened or trained in connection with the education of a person as a member of a recognized farm education organization.

"Farmworker housing" means housing that is occupied by farmworkers or farmworkers and their households. Farmworker housing is allowed in all multiple-family zones (R-10, R-15, R-20, and R-30).

"Finance and conveyance map" means a map used to parcelize undivided land, parcel maps, or tract maps for non-build reasons.

"Fire chief" means the chief of the fire protection agency or of any other applicable district, agency or department of the city or designee having jurisdiction for fire protection purposes in the area in which a land division is located.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or
2. The unusual and rapid accumulation of run-off of surface waters from any source.

"Flood control engineer" means the person as determined by the area in which a land division is located, as follows:

1. Within the boundaries of the Riverside County flood control and water conservation district, it means the chief engineer of that district.
2. In other instances, it means the city engineer or designee.

"Flood hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, as shown on a sectional district map, flood insurance rate map (FIRM) or flood boundary and floodway map.

"Flood insurance rate map (FIRM)" and "flood boundary and floodway map" mean the official maps on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the boundaries and the water surface elevations of the base floods.

"Flood related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water or adjacent to a stream as a result of erosion or undermining, caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water unanticipated force of nature, such as a flash flood or by an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

"Floodplain" means the land area adjacent to a watercourse, and/or other land areas susceptible to being inundated by water from any source (see definition of "Flood" or "flooding").

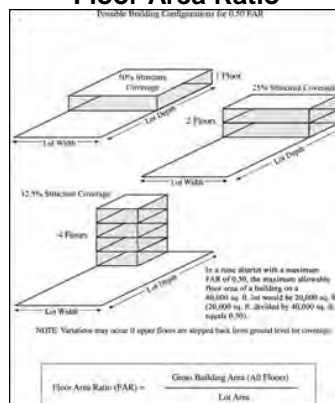
"Floodway" means the channel of a river or other watercourse and that part of the floodplain reasonably required to discharge the design flood without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the floodplain.

Floor Area (Gross). "Gross floor area" means the total enclosed area of all floors of a building measured to the inside face of the exterior walls but excluding area used exclusively for vehicle parking or loading.

Floor Area (Net). "Net floor area" means the total building floor area excluding garages, hallways, lobbies, elevators and other common spaces.

"Floor area ratio (FAR)" means the mathematical relation between volume of building and unit of land expressed as the ratio of gross floor area of all structures on a lot to total lot area. See Table 9.07.095-10 (Mixed-Use Overlay District Development Standards) for FAR figures applicable to the mixed-use overlay districts. See Figure 9.15.030-2 (Floor Area Ratio).

**Figure 9.15.030-2
Floor Area Ratio**



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“Freestanding sign” means any sign which is supported by one or more columns or uprights embedded in the ground, and which is not attached to any building or structure. Freestanding sign shall be architecturally integrated with the primary use on-site.

**Figure 9.15.030-3
Freestanding Sign**



“Freeway” means a highway upon which there are no abutter’s rights of access and which provides separated grades at intersecting streets.

Frontage Road (Major, Secondary and Residential). “Major, secondary and/or residential frontage road” mean an auxiliary street adjacent to freeways, expressways, and flood control channels and other rights-of-way which is used primarily to provide public access to adjacent property. Minimum right-of-way width shall be in accordance with the appropriate city standards.

“Future tenant identification sign” means a temporary sign for an approved project which identifies a future use of a site or building.

“Garage” means a permanently roofed and enclosed structure with a garage door which is intended to be used for automobile shelter and storage.

Garage (Subterranean). “Subterranean garage” means a visually enclosed structure or portion of a structure intended to be used for the storage of automobiles, the maximum height of which is no greater than two and one-half feet measured from the existing grade.

“General local street” means a through street serving fifty (50) or more single-family lots or lot sizes of less than seven thousand two hundred (7,200) square feet. It may also serve as a private interior street in an industrial park. Minimum right-of-way width shall be sixty (60) feet.

Grade (Existing). “Existing grade” means the surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this title.

Grade (Finish). “Finish grade” means the final grade of the site which conforms to the approved plan.

“Grand opening sign” means a temporary sign for a promotional activity used for the original opening of a business at a particular location, within thirty (30) days after occupancy, to inform the public of its location and contribution to the community. Existing businesses may qualify for an original opening if the ownership and the name of the business is changed. “Grand opening” does not mean an annual or occasional promotion of retail sales by a business or opening of a related store at another location.

“Guest room” means any rented or leased room which is used or designed to provide sleeping accommodations for one or more guests in apartments, hotels, motels, private clubs, lodges and fraternal organizations. In a suite of rooms, each room that provides access to a common hall or direct access to the outside area shall be considered as one guest room.

“Handicapped housing” means multiple-family housing in which all of the dwelling units serve physically handicapped persons. Handicapped housing is characterized by doors, elevators, bathroom and kitchen facilities designed to accommodate physically handicapped persons. Handicapped housing does not include residential care facilities licensed by the state of California.

“Hardscape” refers to the solid, hard elements in landscape design that stay the same for years. Examples of hardscape designs include patios, decks, driveways, walkways, stairs, water features, retaining or garden walls and outdoor kitchens. Many different materials are used in hardscape designs including concrete, brick, slate and flagstone.

“Hazardous fire area” means any land which is covered with grass, grain, brush or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion.

“Health officer” means the health officer of Riverside County.

“Height” means a vertical dimension measured from existing grade unless otherwise specified.

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“Highway” or “street” means a right-of-way within which improvements are constructed for the conveyance of vehicular, pedestrian and other permitted traffic and includes all highways, streets, roads and alleys. Such rights-of-way and improvements shall be in conformity with city of Moreno Valley standards and specifications.

“Homeless shelter” means a facility operated by a provider, other than a “community care facility,” as defined in the California Health and Safety Code Section 1502, which provides temporary emergency shelter and/or an intake office for homeless persons. An intake office is a facility where homeless persons contact the provider and make arrangements for obtaining shelter. A provider is a government agency or a private nonprofit organization which provides temporary emergency shelter for the homeless and that meets all of the applicable requirements contained in the California Health and Safety Code and the California Administrative Code.

“Home occupation” means an occupation conducted in a dwelling unit, in a residential district that is incidental to the principal residential use of a lot or site.

Hot Tub. See “Swimming pools, hot tubs and spas.”

“Hotel” means any structure, or any portion of any structure, which is occupied or intended or designed for use or occupancy by transients, including but not limited to dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, time-share project or facility, dormitory, public or private club, mobilehome or house trailer at a fixed location, or other similar structure or portion thereof, duplex, triplex, single-family dwelling units except any private dwelling house or other individually owned single-family dwelling house unit rented only occasionally (infrequently) and incidentally to the normal occupancy by the owner or his family; provided, that the burden of establishing that the housing or facility is a hotel as defined herein shall be upon the owner or operator thereof who shall file with the tax administrator such information as the tax administrator may require, to establish and maintain such status.

“Household pet” means animals which are kept exclusively inside the residence, except dogs and cats, and for which no outside cages or shelters are required. These include, but are not limited to: snakes, birds (other than fowls), guinea pigs, and other animals which are not offensive to a residential neighborhood by nature of noise, odor or other objectionable features.

Illumination (Direct). “Direct illumination” means illumination by means of light that travels directly from its source to the viewer’s eye.

Illumination (Indirect). “Indirect illumination” means illumination by means only of light cast upon a surface from a source from which the light does not travel directly to the viewer’s eye.

“Impound yard” means any property used for the temporary storage of vehicles which have been legally removed or impounded at the direction of a peace officer or by judicial order, as prescribed by law. This definition shall not be construed to include vehicle repair, dismantling, salvage or wrecking activities, nor the sale of vehicles or parts.

“Improvement” means any street work surveys and monuments and utilities to be installed, or agreed to be installed, by the land divider on the land to be used for public or private streets, highways, and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof. Improvement also means such other specific improvements or types of improvements, the installation of which, either by the land divider, public agencies, private utilities, by any other entity approved by the city of Moreno Valley or its designated officer or entity, or by any combination thereof, is necessary to insure consistency with, or implementation of, the general plan and any applicable specific plan.

“Improvement agreement,” as herein referred to, means the formal subdivision improvement agreements entered into with the city council of the city of Moreno Valley by the subdivider or developer, as completed and executed by both parties. Such agreements to set forth all requirements for improvement of the subject subdivision, including roads, water supply systems, drainage systems and devices, sewers, monuments or other work as set forth therein.

“Improvement standards” mean the standards set forth in this and other city ordinances or regulations related to the development of land as a subdivision or parcel map division.

“Industrial collector” means a three-lane interior, circulatory street with a continuous left turn lane with at least one end connecting to a road of greater capacity. Minimum right-of-way width shall be seventy-eight (78) feet.

Integration of Uses. Potential ways to integrate uses allowed in mixed-use development include:

1. Vertical Integration. A mix of nonresidential uses (i.e., commercial, retail, and/or office) located on the ground floor with residential dwelling units located above.
2. Horizontal Integration. A mix of nonresidential uses located on the primary street frontage of a lot and residential uses located at the rear of a lot.

“Interior sign” means a sign inside any business that cannot be seen from outside of the building in which the business is located or located more than three feet of the window.

“Internal ADU” is fully contained within the existing space of the primary structure or an accessory dwelling unit. “Junior Accessory dwelling unit (JADU)” means a residential dwelling unit of no more than 500 square feet that is completely contained within the space of an existing residential structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

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“Junk” means an article in poor condition due to deterioration or disrepair.

Kennel (Commercial). “Commercial kennel” means any property maintained for the purpose of boarding, breeding, raising or training dogs or cats over the age of four months for a fee or for sale.

Kennel (Noncommercial). “Noncommercial kennel” means any property where four or more dogs or cats, over the age of four months, are kept or maintained for the use and enjoyment of the occupant for noncommercial purposes.

“Land divisions” shall be as defined by California Government Code Sections 66410 et seq., commonly known as the Subdivision Map Act, Division 2, Subdivision, Article 2, Definitions.

“Land project” means a land division, as defined in Section 11000.5 of the Business and Professions Code.

“Land use approval” means an approval granted at the discretion of the community development director in connection with a building plan, landscape plan or other requested approval certifying that the proposal complies with applicable city ordinances, regulations and any applicable project conditions and where the findings are made by the community development director pursuant to Section 9.02.170(C) of this title.

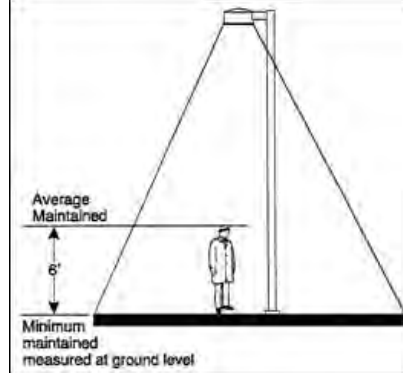
“Land use ordinance” means the city of Moreno Valley development code as amended.

“License” means a state license issued under this title, and includes an A-license and an M-license, as well as a testing laboratory license.

“Licensee” means any person holding a license under this title, regardless of whether the license held is an A-license, M-license, or a testing laboratory license.

Lighting (Minimum Maintained). “Minimum maintained lighting” means a method of measuring light at the ground level.

**Figure 9.15.030-4
Lighting (Minimum Maintained)**



“Light trespass” means any artificial light or glare from a light fixture onto neighboring property that interferes with viewing of the night sky, or eliminates the ability to have darkness on the adjacent property, or shines into neighboring windows, properties or structures.

“Livestock” means and includes cows, bulls, calves and heifers, except pigs.

“Live-work” means a structure or complex of structures that integrates space for both residential and nonresidential uses within individual units.

“Live-work unit” means a unit with both residential and nonresidential uses and where neither use is subordinate to the other.

Lodge Hall. A “lodge hall” consists of a building where a nonprofit fraternal organization holds meetings and social gatherings. A fraternal organization is a group of people formally organized for a common interest and generally characterized by membership qualifications, payment of fees or dues, a constitution and by-laws.

“Lot” means a designated parcel, tract or area of land established by plot, subdivision or as otherwise permitted by law, to be used, developed or built upon as a unit.

“Lot area” means the area within the lot lines after dedication. See “Acreage (adjusted net).”

Lot (Corner). “Corner lot” means a site bounded by two or more streets that have an angle of intersection of not more than one hundred thirty-five (135) degrees. The front yard of a corner lot shall adjoin the narrowest street property line.

“Lot coverage” means the ratio between the ground floor area of the building or buildings and the lot area. Lot coverage shall be exclusive of steps, chimneys, unenclosed and unroofed terraces and patios.

“Lot depth” means the horizontal distance between the midpoint of the front lot line and midpoint of the rear lot line.

Lot (Double Frontage). “Double frontage lot” means a lot having frontage on two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot (Flag). “Flag lot” means a lot with access to a street by a portion of the lot not meeting the requirement of the code for lot width, but having a dimension of at least thirty-five (35) feet at its narrowest point.

Lot (Interior). “Interior lot” means a lot other than a corner lot.

Lot (Key). “Key lot” means the first interior lot to the rear of a reversed corner lot.

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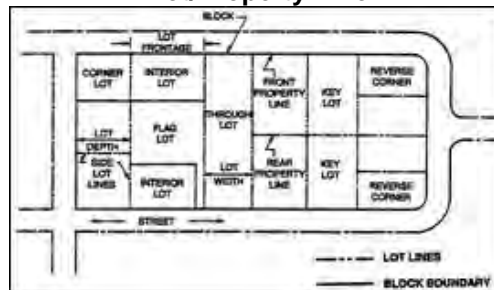
Lot (Reversed Corner). "Reversed corner lot" means a corner lot having a side lot line which is substantially a continuation of the front lot line of a lot to its rear.

Lot or Property Line (Front). "Front lot line" or "front property line" means, in the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the front lot line shall be the narrowest frontage separating the lot from the street.

Lot or Property Line (Rear). "Rear lot line" or "rear property line" means any lot line that is not a front lot line or a side lot line. In the case of a triangular or otherwise irregularly shaped lot, a line or lines ten (10) feet in length entirely within the lot, parallel to and a maximum distance from the front lot line.

Lot or Property Line (Side). The side property line shall be determined as those two lines which intersect the rear line of the required front yard setback and extend to the rear property line(s) of the lot. In the case of an irregularly shaped lot, only the two lines which intersect the rear line of the required front yard setback line shall be side property lines.

**Figure 9.15.030-5
Lot/Property Line**



"Lot line adjustment" means a minor alteration, as approved by the city engineer, to adjust a lot line or lot lines. It is not a subdivision or resubdivision procedure and is intended to be used only in those situations where the provisions of the Subdivision Map Act and this title applicable to subdivisions and resubdivisions do not apply.

"Lot width" means the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

"Major thoroughfare" means those roads designated as an expressway, divided major arterial, modified divided major arterial, divided arterial, arterial and minor arterial as described in this title and reflected in the circulation element of the general plan and whose primary purpose is to carry the through traffic and provide a network connecting to or which is part of the state highway system.

"Manufactured home" means a factory built home as permitted by California law.

Manufacturing (Custom).

1. "Custom manufacturing" activities include, but are not limited to: assembly, manufacturing, processing, packaging, treatment or fabrication of custom made products. These types of businesses do not utilize raw materials for their finished products, but rather, may utilize semi-finished types of manufactured materials for their custom made-to-order products. The finished products are ready for use or consumption and may include on-site wholesale and warehousing of the goods produced. Uses may include, but are not limited to: manufacturing and warehousing of apparel products; art objects; jewelry; household furniture; small instruments (musical, electrical or photographic); stationery and related products; signs and advertising displays; stained glass products; leather products; and assembly of bicycle parts.

2. "Custom manufacturing" activities do not produce odors, noise, vibration, hazardous waste material or particulates which would adversely affect other uses in the structures or on the same site.

Manufacturing (General). "General manufacturing" activities include, but are not limited to: assembly, manufacturing, compounding of materials, packaging, treatment or fabrication of materials and products which require frequent large container truck traffic or the transport of heavy, bulky items. Products are semi-finished to become a component for further manufacturing, fabrication and/or assembly. These types of businesses are usually directed to interplant transfer, or to order from industrial uses, rather than direct sale to the end consumer. Uses may include, but not be limited to: canned foods, furniture and fixtures, converted paper and paper board products, textile products, plastic products made from purchased plastic, resin or rubber products, fabricated metal products made from sheetmetals, electrical and electronic machinery, equipments and supplies, accounting, computing and office machines. Activities may only produce noise, odors, vibrations, illumination or particulates that have been mitigated so as not to affect the persons residing in or conducting business in the vicinity.

Manufacturing (Light). "Light manufacturing" activities include, but are not limited to: assembly, labor intensive manufacturing, fabrication or repair processes which do not involve large container truck traffic or transport of large scale bulky products. New products may be finished in that the product is ready for use or consumption or it may be semi-finished to become a component for further assembly and packaging. These type of businesses are usually directed to the wholesale market, inter-plant transfer rather than direct sale to the consumer. Uses may include, but

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not be limited to: electronic microchip assembly; printing, publishing and allied industries; candy and other confectionery products; bottle, canned soft drinks and carbonated water; apparel and other finished products; paper board containers and boxes; drugs; small fabricated metal products such as hand tools, general hardware, architectural and ornamental metal works; amusement, toys, sports and athletic goods. These activities do not produce odors, noise, vibration, hazardous waste material or particulates which would adversely affect other uses in the structure or on the same site.

“Median” means the portion of a divided highway separating the traveled way for traffic in opposite directions.

“Mezzanine” means an intermediate floor between main floors of a building. The floor often projects from the walls and does not completely close the view of the ceiling from the floor immediately below. A mezzanine floor and the floor below it share the same ceiling.

“Mined lands” means the surface, subsurface and groundwater of an area where surface mining operations will be, are being, or have been conducted. This includes private ways and roads appurtenant to any such land excavations, workings, mining waste, and areas where structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining operations are located.

“Minerals” means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances. These include, but are not limited to, sand, gravel, coal, peat and bituminous rock, but exclude geothermal resources, natural gas and petroleum.

“Mining waste” means the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

Mini-Warehouse (Self-Storage Warehouse). A “mini-warehouse” means a facility containing separate storage spaces leased or rented to individual tenants who have access to such space for the purpose of storing and removing personal property. Mini-warehouses are also known as self-storage warehouses and self-service storage facilities. A mini-warehouse is not to be construed as a small, conventional warehouse.

“Minor arterial” means a highway intended to serve through traffic and where access rights are restricted. Minimum right-of-way width shall be eighty-eight (88) feet. Intersections with other streets and highways shall be as approved by the city engineer.

“Mixed-use horizontal development” means development that combines two or more types of land uses (e.g., residential, commercial, office, industrial, institutional, or recreation) on a single development site, but not necessarily in the same building, typically nonresidential uses are located adjacent to the street and residential uses are located away from major streets behind nonresidential uses.

“Mixed-use overlay district” means a land use designation (zoning district) that allows a combination of uses, which may include residential, commercial, office, industrial, institutional, or recreational uses.

“Mixed-use vertical development” means development that combines two or more types of land uses (e.g., residential, commercial, office, industrial, institutional, or recreation) in a single building in a vertical configuration, typically with residential uses located above nonresidential uses.

“Mobile home” means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

“Mobile home park” means a development where spaces are provided for rent or lease to accommodate mobile homes that are used for residential purposes.

“Mobile recycling unit” means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. A mobile recycling center also means the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

“Modified divided major arterial” means a six-lane divided highway primarily for through traffic where anticipated traffic volumes exceed four-lane capacity and where access rights are restricted. Access from other streets or highways shall be limited to approximately one-quarter mile intervals. Minimum right-of-way width shall be one hundred two (102) feet.

“Monument sign” means a sign supported permanently on the ground by columns, pilasters, or similar details to provide design interest and complement their surroundings. Monument signs shall incorporate landscaping to screen the base. Landscaping around monument signs should be designed to ensure the long-term readability of the sign.

**Figure 9.15.030-6
Modified Monument Sign**



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“Moving sign” means a sign, of which all or a portion, may move either on an intermittent or constant basis.

“Mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

“Multifamily ADU” is an ADU consistent with State law that is proposed on the same parcel with a multifamily structure in a residential, mixed use zone, or Specific Plan zone that allows for residential or mixed use.

“Multifamily dwelling structure” means, for the purposes of ADU law, a structure with two or more attached dwellings on a single lot.

“Multi-lane demand” means projected traffic volume which will exceed the nominal capacity of a two-lane street section when such projected traffic volume is determined by a rational method of traffic generation employing land use techniques and traffic engineering principles.

Net Acre. See “Acreage (adjusted net).”

“Nightclubs” means a bar, tavern, restaurant or similar establishment that provides live entertainment (music, comedy, etc.) that may serve alcoholic beverage for sale, where the performance area exceeds seventy-five (75) square feet, or customer dancing occurs.

“Nonconforming lot” means a lot which when lawfully created or established, complied with the area requirements of the district where located, but which does not conform to the presently existing area regulations of the district where located, or which does not conform to the presently existing requirements of the subdivision regulations governing lot standards.

“Nonconforming outdoor advertising display” means an existing and lawfully constructed and maintained outdoor advertising display not in conformance with Ordinance No. 133 as of July 9, 1987, and any legally constructed and maintained outdoor advertising display established after July 9, 1987 which is not in conformance with Chapter 9 of the Moreno Valley Municipal Code as of the date said chapter became effective.

“Nonconforming sign” means all existing and lawfully constructed and maintained signs: (1) which did not comply with Interim Ordinance 348 (the zoning ordinance in effect prior to adoption of this title) immediately prior to the adoption of this title and which still do not comply with the provision of Chapter 9.12 of this title, or (2) which do not now comply with the provisions of this title.

“Nonconforming structure” means a structure which was lawfully erected, but which does not conform with the standards for the district in which the structure is located by reason of adoption or amendment of a prior zoning or land use ordinance or this title.

“Nonconforming use” means a lawfully established and maintained use which does not conform with the use standards for the district in which the use is located by reason of adoption or amendment of a prior zoning or land use ordinance or this title.

“Offices, business and professional” means offices of firms or organizations providing professional, executive management or administrative services such as architectural, engineering, real estate, insurance, investment, legal and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.

“Off-site sign” means a sign that directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing other than upon the same lot where the sign is displayed.

“Off-site subdivision sign” means a sign which directs traffic to an off-site subdivision within the city.

“Off-street loading facilities” means a site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

“Off-street parking facilities” means a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

“On-site advertising structure or sign” means a structure or sign that is erected or maintained to advertise goods sold, business conducted or services rendered on the site upon which the sign is located.

“On-site subdivision sign” means a sign which identifies the subdivision upon which the sign is located.

Open Space (Common). “Common open space” means usable open space within a residential development reserved for the exclusive use of residents of the development and their guests.

Open Space (Private). “Private open space” means a usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space (Usable). “Usable open space” means outdoor space unobstructed from ground to sky, which serves a recreational function or provides visual relief from the building mass, the minimum dimension of which shall be six feet excluding required front yard.

“Outdoor recreational facility” means a facility designed and equipped for the conduct of outdoor sports, leisure time activities and other customary and usual recreational activities, and which includes public and private facilities.

“Outer separation” means the area between the traveled way of a highway for through traffic and a frontage road or service road.

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“Overburden” means the soil, rock or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal by surface mining operations.

“Owner” means any of the following:

1. A person with an aggregate ownership interest of twenty (20) percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
2. The executive officer of a nonprofit or other entity.
3. A member of the board of directors of a nonprofit.
4. An individual who will be participating in the direction, control, or management of the person applying for a license or who has a financial interest in the business other than a fixed lease of real property.

Parcel Map Division. See “Land divisions.”

“Park,” as used herein, means a parcel or parcels of land, which is open and available for use by the general public and which serves recreational needs of the public.

“Parkway” means the area adjoining the outer edge of the roadbed, extending to the right-of-way line in which sidewalks, plantings, utilities, bank slopes and related facilities may be located.

“Part-width street” means any street in which the improved width is less than the width necessary for a normal full-width street.

“Pedestrian traffic sign” means a sign other than the main business identification sign and which is oriented to pedestrian traffic. Such sign shall not include any business related advertising information.

“Pedestrian way or sidewalk” means a right-of-way designed for use by pedestrians and not intended for use by motor vehicles. A pedestrian way or sidewalk may be located within or outside a street right-of-way, at grade, or grade separated from vehicular traffic.

“Permeable paving/surfaces” means any paving or surfaces that allow stormwater to infiltrate the underlying soils. Permeable paving/surfaces are required to be contained so neither sediment nor the permeable surface discharges off the site. Materials allowed include, but are not limited to: porous asphalt, porous concrete, single-sized aggregate, planting beds, open-jointed blocks, stone, pavers or brick that are loosely set without mortar.

“Podium parking” means parking spaces that are covered by the ground floor of a building and are completely enclosed by walls. Podium parking may occur at or below the grade of the adjacent sidewalk.

“Political sign” means a temporary sign relating to a candidate or ballot measure to be voted upon or signs which express a point of view on an issue of public debate or controversy which may or may not necessarily be the subject of an upcoming election.

“Pool hall” means a building or portion thereof having within its premises four or more pool tables or billiard tables, or combination thereof, regardless of size, and whether activated manually or by the insertion of a coin, token or other mechanical device.

“Portable sign” means any sign not permanently affixed either to land or a structure.

“Poultry” or “fowl” means and includes all commonly domesticated birds kept for eggs or meat, and shall not include roosters, guinea fowl or peafowl. Pigeons shall be classified as fowl.

“Pre-existing” means in existence prior to the effective date of the ordinance enacting this title.

“Premises” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee unless the operator is granted an M-license and an A-license for the same type of activity and such operation is lawful under state and local laws, rules and regulations.

“Prime agricultural land” means and includes any of the following:

1. Land which qualifies for rating as Class I or Class II in the soil conservation service land use capability classifications;
2. Land which qualifies for rating 80 through 100 in the Storie Index Rating;
3. Land which supports livestock used for production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture;
4. Land planted with fruit or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200.00) per acre; or
5. Land which has returned from the production of unprocessed agricultural plant products and annual gross value of not less than two hundred dollars (\$200.00) per acre for three of the previous five years.

“Primary dwelling unit” means, for the purposes of ADU law, a structure with a single dwelling on a single lot.

Private Interior Street (Short, Local or Circulatory). “Private interior street” means a residential street limited by subdivision design to serve less than fifty (50) single-family dwellings or a circulatory private street in a planned residential development. Minimum right-of-way width shall be fifty (50) feet.

“Private realm” means any privately-owned property.

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“Private street” means a street within a private development or a planned residential development, which is not a public street, and where the street requirements are regulated by this title.

“Production units” means single-family residential dwelling units which are constructed in accordance with approved model home plans.

“Projecting sign” means a sign that is wholly or partly dependent upon a building for support and which projects more than eight inches from such building.

“Promotional sales sign” means a sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale at that location or address.

“Prospecting” has the same meaning as “exploration.”

“Public access” means where public access rights between a parcel of property and an adjacent public street or highway have been legally established by dedication or conveyance and acceptance or otherwise expressly established and approved by the city engineer.

“Public improvements” means traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, reclaimed water facilities, lighting facilities, parks and equestrian trails.

“Public realm” means any publicly owned streets, roadways, sidewalks, parks, plazas, and other open spaces that comprise the shared space of a city for its visitors, employees and residents. It is the space between buildings where civic interaction occurs and is defined in contrast to private property.

“Public use” means a use operated or maintained exclusively by a public body for the benefit of the public, such use having the purpose of serving the public health, safety or general welfare; this term includes uses by or for the benefit of the public such as (but not limited to) public schools, parks, streets and ways, playgrounds, hospitals, and administrative and service facilities.

“Pump island” means a raised concrete area upon which fuel dispensing pumps are situated to allow for the dispensing of fuel to a vehicle.

“Quasi-public use” means a use owned or operated by a nonprofit, religious or eleemosynary institution and providing educational, cultural, recreational, religious or similar types of public programs.

“Real estate sign” means a temporary sign advertising real property for sale, rent or lease.

“Reclamation” means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines. Mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses, and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.

“Recorder” means the recorder of Riverside County.

“Recyclable material” means reusable material, including, but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture or recycling for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials.

“Recycling facility” means a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:

1. Reverse vending machine(s);
2. Small collection facilities which occupy an area of not more than five hundred (500) square feet, and may include:
 - a. A mobile recycling unit,
 - b. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet,
 - c. Kiosk type units, which may include permanent structures,
 - d. Unattended containers placed for the donation of recyclable materials;
3. Large collection facilities which may occupy an area of more than five hundred (500) square feet and may include permanent structures.

“Recycling processing facility” means a building or enclosed space used for the collection and processing of recycling materials. Processing means the preparation of material for efficient shipment, or to an end-user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and manufacturing. Recycling processing facilities include the following:

1. A light processing facility occupies an area of under forty-five thousand (45,000) square feet of gross collection, processing and storage area and has up to an average of two outbound truck shipments per day. Light processing

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facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact or bale ferrous metals other than food and beverage containers.

2. A heavy processing facility is any processing facility other than a light processing facility.

“Residential building identification sign” means a sign which identifies the residential occupants, such as, “The Smiths.”

“Residential name plate” means a sign which identifies the name of a residential complex, such as, “Moreno Arms.”

“Restaurant” means a place of business which sells or serves food products and beverages for consumption on the premises within a building consisting of a permanent structure that is fully enclosed with a roof and walls, and where incidental dining may be permitted out-of-doors on a patio, deck or terrace that is integrated into the building design.

Restaurant (Drive-through). “Drive-through restaurant” means a place of business which sells food products or beverages and which delivers such food products or beverages to customers outside of the building in which they are prepared by means of a service window, counter, or similar method or device.

Restaurant (Fast Food). “Fast food restaurant” means any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: (1) foods, frozen desserts or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed; or (2) the establishment includes a drive-up or drive-through service facility or offers curbside service.

“Restaurant with limited live entertainment” means a restaurant that provides incidental entertainment, such as musical performances, where the performance area does not exceed seventy-five (75) square feet, and customer dancing does not occur. The use shall be classified as a nightclub (commercial entertainment) if the performance area exceeds seventy-five (75) square feet or customer dancing is provided. Live entertainment does not include a sexually oriented business.

“Restricted parking” means a situation where no on-street parking is permitted along the street frontage, or where on-street parking is prohibited during specified hours on certain days or on all days.

“Retail sales” are classified as establishments primarily engaged in selling goods or merchandise to the general public for personal, business, or household consumption and rendering services incidental to the sale of such goods. Some characteristics of retail sales establishments include places of business that engage in activities to attract the general public to buy, receive, sell merchandise and may process, repair, or manufacture some of the products, such as but not limited to jewelry, baked goods, apparel, pottery, or consumer electronics, where such processing, repair, or manufacturing is incidental or subordinate to sale activities. Uses considered objectionable or a nuisance may be denied by the community development director. Uses requiring an adult business use permit are not included under “retail sales.”

Reverse Vending Machine—Bulk Reverse Vending Machine.

1. A “reverse vending machine” means an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container’s redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

2. A “bulk reverse vending machine” refers to a reverse vending machine that is larger than fifty (50) square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

“Revised tentative map” means a modification of an approved tentative map wherein the design of the land division is changed from the approved tentative map, but there is no substantial change in concept from the original approved map.

“Right-of-way” means the entire width of property for the use of highways, flood and drainage works, overhead and underground utilities or any related or consistent improvements.

“Roadbed” means that portion of the roadway extending from curb-face to curb-face or from curb-face to the outside line of improved shoulder, or between the outside line of improved shoulders.

“Roadway” means that portion of the highway including roadbed, all slopes, side ditches, channels, waterways and all other related facilities which are located within a road right-of-way.

“Roof sign” means any sign or a portion thereof located on or extending over or above the roof of a building and either supported by the roof or by an independent structural frame.

“Sculpted can sign” means a can sign constructed in such a manner that the shape of the cabinet conforms to the outline of the letters or other characters to be displayed.

“Service bay” means an area inside a building designed for the maintenance, repair or servicing of a vehicle.

Service Road. See “Frontage road.”

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“Shared parking” means where certain parking spaces can be utilized by two or more different uses.

Shopping Center, Integrated. “Integrated shopping center” means two or more parcels of land that are visually designed to operate as a single center containing cross easements, shared parking facilities and shared access.

“Sign” means a device, fixture, surface or structure of any kind or character, made of any material whatsoever, displaying letters, numbers, words, text, illustrations, symbols, forms, patterns, colors, textures, shadows or lights; or any other illustrative or graphic display designed, constructed or placed on the ground, on a building, canopy, wall, post or structure of any kind, in a window, or on any other object for the purpose of advertising, identifying or calling visual attention to any place, structure, firm, enterprise, profession, business, service, product, commodity, person, idea, activity or other message. “Sign” shall include any portable sign. The term does not include a religious symbol on a church or other place of worship.

Sign Area. The area of a sign shall be the entire area that encloses the outside limits of the sign, including the sign copy area and any frame, border, background area, structural trim, or other material forming an integral part of the sign.

Sign Copy Area. The “sign copy area” shall be the area that encloses the extreme limits of the area available for displaying the desired message. The sign copy area includes both the written message and the background against which the message can be displayed.

“Sign copy height” means the vertical dimension measured from the average finished grade level under the sign to the highest point of the sign copy area.

“Sign face” means that area of a sign which contains the advertising copy or conveys a message.

“Sign height” means the vertical dimension measured from the top of curb or curb design, at the property line nearest to the sign, to the highest point of the sign.

“Single ownership” means holding record title, possession under a contract to purchase or possession under a lease, by a person, firm, corporation or partnership, individually, jointly, in common or in any other manner where the property is or will be under unitary or unified control.

“Single family ADU” is an ADU consistent with State law that is proposed on the same parcel with a single family structure in a residential, mixed use zone, or a Specific Plan zone that allow for residential or mixed use.

“Single family dwelling structure” means, for the purposes of ADU law, a structure with a single dwelling on a single lot.

“Single room occupancy (SRO) facility” means a structure consisting of six or more units, each of which is designed for occupancy by no more than two persons, which also has bathing facilities, that may or may not have partial kitchen facilities, and which is occupied as a primary residence by its occupants. The definition of SRO does not include residential care homes, senior housing projects, rooming and boarding houses, hotels and motels, bed and breakfast lodging, extended care facilities or hospitals.

“Site” means a lot or group of contiguous lots not divided by an alley, street, other right-of-way or city boundary line that is proposed for development in accordance with the provisions of this title, and is in a single ownership or has multiple owners, all of whom join in an application for development.

“Smoke shop” shall mean a retail establishment, commonly known as a smoking shop, smoking lounge, vape shop, hookah bar, cigar bar, cigar shop, or headshop, which provides or sells products intended or designed for use in ingesting, inhaling, or otherwise introducing tobacco into the human body, including but not limited to tobacco products, electronic cigarettes which contain nicotine and emit smoke or vapor, smoking accessories, including but not limited to rolling papers, rolling machines, herb grinders, scales, glass pipes, hookah pipes, bong, bubblers, or other paraphernalia.

Spa. See “Swimming pools, hot tubs and spas.”

“Spa facility” means an establishment in a fixed location where massage is performed for compensation pursuant to all applicable state and local laws, rules and regulations as well as meeting all the requirements of Chapter 11.96 (Spa Facilities). Spa facilities may include additional services such as full service hair salons, make-up consultation and application and manicure and pedicure services, and therapeutic treatments such as body packs and wraps, exfoliation, cellulite and heat treatments, electrolysis, body toning, waxing, aromatherapy, cleansing facials, medical facials, non-surgical face lifts, electrical toning and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine and exercise facilities and instruction may also be provided as additional services.

“Special event sign” means a temporary sign which advertises special events and activities such as charitable events, Christmas tree sales, and firework displays.

“Specific plan” means a plan adopted by the city council of the city of Moreno Valley that is based upon and implements the general plan of the city of Moreno Valley, as provided in Section 65450 et seq., of the California Government Code.

Stable (Commercial). “Commercial stable” means a stable for horses, mules or ponies which are rented, used or boarded on a commercial basis for compensation.

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“Staff” means and includes the employees of the city of Moreno Valley public works and community development departments and fire prevention bureau.

Storm, One Hundred-Year Frequency. “One hundred-year frequency storm” means a storm that has a one percent chance of occurring in any given year. It does not follow, however, that such a storm will be equaled or exceeded once in every one hundred-year period, or that having occurred once, it will not occur again for one hundred (100) years. It may occur several times in a one hundred-year period, but over a sufficient length of time the average is expected to be once in one hundred (100) years.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. The basement or cellar shall not be considered a story unless the upper surface of the floor above is more than six feet above the average level of the highest and lowest points of the ground surface immediately adjacent to the exterior walls of the building.

Street. See “Highway or street.”

“Structural alteration” means any change in or alteration to a structure involving change in or alteration to a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, retaining walls, or similar components.

“Structure” means anything constructed or erected that requires a location on the ground, including a building or a swimming pool, but not including a fence or a wall used as a fence if the height does not exceed six feet, or access drives or walks.

Structure (Accessory). “Accessory structure” means a structure that is accessory or incidental to a dwelling on the same lot. ~~a subordinate structure or portion of a main building, the use of which is incidental, appropriate and subordinate to that of the main building.~~

Structure (Main). “Main structure” means a structure housing a principal use of a site or functioning as a principal use.

“Subdivider” means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others, except that employees, agents and consultants of such persons or entities, acting in such capacity, are not “subdividers.”

Subdivision. See “Land divisions.”

“Subdivision design” means and includes: street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fire roads and firebreaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; and such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan.

Subdivision Improvement. See “Improvement.”

“Substantial improvement” or “substantial construction” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

“Support retail sales” are classified as establishments primarily engaged in retail services that support major business, corporate, and administrative office rather than general community retail needs. These uses include art galleries, art studios, art supply shops, assayer, and florist shops and similar uses. Uses requiring an adult business use permit are not included under “support retail sales.”

“Surface mining operations” mean all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations shall include, but are not limited to:

1. In-place distillation, retorting or leaching;
2. Production and disposal of mining waste; and
3. Prospecting and exploratory activities.

“Surface parking” means parking spaces that are not covered by a building and are not enclosed by walls. Surface parking is also known as a “parking lot.”

“Swimming pools” and “hot tubs” or “spas” mean water-filled enclosures having a depth of eighteen (18) inches or more used for swimming or recreation.

“Tandem parking” means parking space configuration where two or more parking spaces are lined up one behind the other.

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"Temporary sign" means a sign erected for a temporary purpose attracting attention to an activity, product or other idea or message as provided for in this title.

"Tenant improvements" mean improvements to existing structures installed for the benefit of the proposed occupant and user of an office, commercial or industrial property. The occupant and user may be the property owner, a tenant or lessee. The improvements may involve the interior or exterior of the structure.

"Tentative map" means a map made for the purpose of showing the design and improvement of a proposed land division and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

Tentative Map, Revised. "Revised tentative map" means a modification of an approved tentative map wherein the design of the subdivision is changed from the approved tentative map, but there is no substantial change in concept from the original approved map.

"Traveled way" means that portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Truck (Large). "Large truck" means a truck weighing ten thousand (10,000) pounds or more unloaded.

"Tuck-under parking" means parking spaces that are covered by the upper floor of a building, but are otherwise open.

"Underground level" means that portion of a structure between the floor and ceiling which is wholly or partly below grade and having more than one half of its height below grade.

"Vehicle sign" means a sign which is placed, attached or mounted to a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product or service sold or an activity or business located on such property or to an idea or other message.

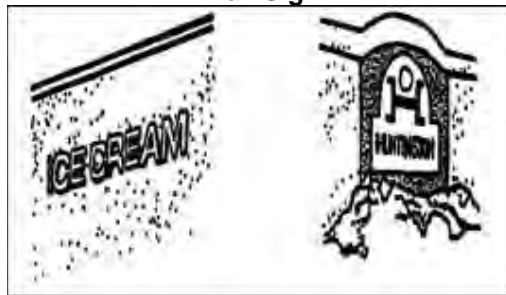
"Vehicle storage yard" means any property used for the storage of vehicles. This classification does not include vehicle repair, dismantling, salvage or wrecking activities, nor the sale of vehicles or parts.

"Vesting tentative map" means a map which meets the requirements of a tentative map that has printed conspicuously on its face the words "Vesting Tentative Map" and is processed in accordance with Section 9.14.060 of this title.

"Visible" means likely to be noticed by a person of average height walking on an adjacent street or sidewalk or traveling in a vehicle on an adjacent street or highway two years after installation of any planting screening material intended to screen a view.

"Wall sign" means any sign affixed to a building facing in such a manner that the face of the sign is substantially parallel to the plane of the building facing.

**Figure 9.15.030-7
Wall Sign**



"Wholesaling" means the selling of any type of goods for purpose of resale.

"Window sign" means any sign, exposed to public view, which is attached, painted, or pasted, or is located within three feet, either permanently or temporarily, on or of the interior or exterior of a window.

"Wrecking yard" means any facility used for the dismantling of vehicles. Activities normally include the buying and selling of inoperative vehicles, their parts or component materials and the storage thereof.

"Yard" or "court" means an open space on the same site as a structure, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title, including a front yard, side yard, rear yard or court between structures.

Yard (Front). "Front yard" means a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

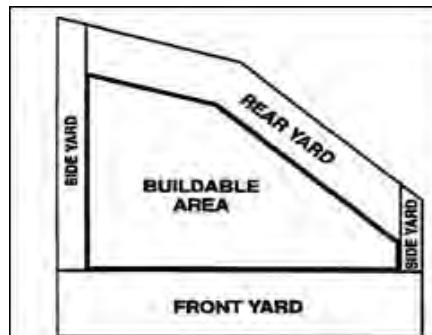
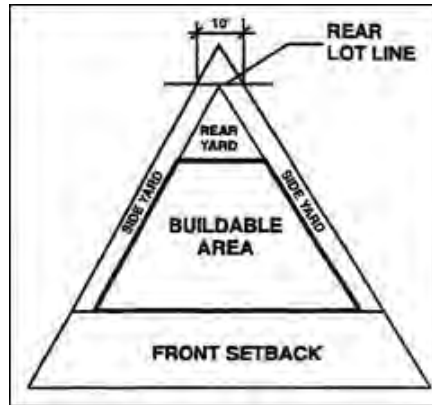
Yard (Rear). "Rear yard" means a yard of the required width extending the full width across the site, from side yard to side yard measured parallel from the rear property line, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site.

Yard (Side). "Side yard" means a yard of the required width extending from the rear line of the required front yard measured parallel from the side property line of the lot extending to the rear property line.

Figure 9.15.030-8

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Setbacks and Yard Areas



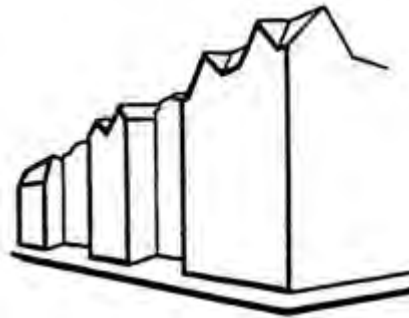
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9.16.150 Commercial (retail, office, mixed use).

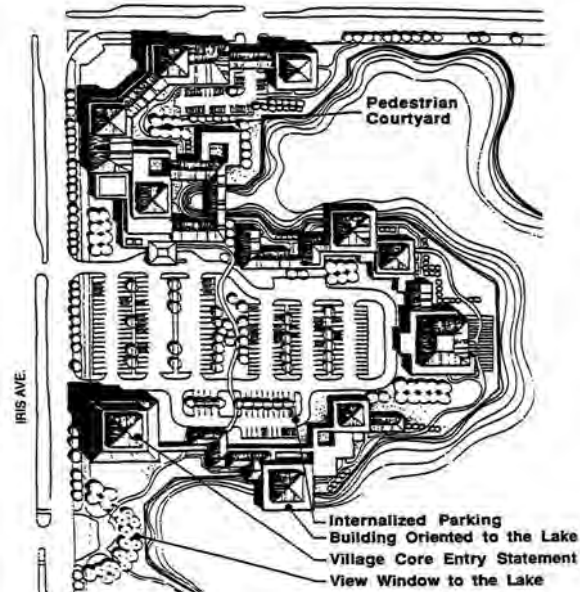
- A. Commercial design guidelines address the various types and intensities of commercial uses allowed for in the general plan. They include neighborhood commercial, community commercial, tourist recreational commercial, village commercial, office commercial and office.
1. Neighborhood Commercial: provides for the daily shopping needs of area residents with a wide range of common retail and personal service needs.
 2. Community Commercial: more intense than neighborhood commercial, provides for the general shopping needs of area residents and workers with a wide variety of retail and personal services.
 3. Tourist Recreational Commercial: provides those commercial support activities that are necessary or incidental to recreation uses while meeting the personal service needs of both tourists and city residents alike.
 4. Village Commercial: provides for office-related and commercial development within the Moreno townsite. It is the further intent of this designation to promote development which recognizes the historic significance of the site and projects a "turn-of-the-century" architectural atmosphere, yet provides limited retail commercial services that are compatible with the surrounding residential community.
- B. General Guidelines.
1. Commercial development shall be compatible with adjacent residential areas by incorporating landscape buffers planted with a mix of flowering, screening and spreading plants, by using low mass, low height building elements, by locating loading and trash collection areas away from residential property lines and by directing circulation away from residential neighborhoods.
 2. Commercial development shall have a central place, main focal feature or point-of-emphasis, including pedestrian seating, shade structures, sculpture, water elements, centralized outdoor dining or any combination of these elements.
 3. New development should respect pedestrian needs by incorporating pedestrian ways and plazas that provide visual interest at the street level, shelter from the elements and adequate street furniture. This guideline is intended to enhance pedestrian related features in concert with quality architecture that would not require variance approval if incorporated as a feature of design.
 4. The development of new, small convenience centers on sites less than eight acres is discouraged.
 5. Architectural elements shall be an integral part of the façade design, avoiding the "pasted-on" look.
 6. Building façades should relate to overhangs, awnings, trellises and porticoes, incorporating these elements into building massing.
 7. Pedestrian covered walks should have a clear walking width of seven feet along retail storefronts. Walkway width may be up to twelve (12) feet to accommodate columns, furniture or building articulation.
 8. Large structures shall incorporate varied setbacks and variations in massing of building bulk.
 9. Continuous, blank building elevations shall be avoided, particularly when visible from public rights-of-way.
 10. Continuous building mass should be divided into smaller units, providing both variety and scale.
 11. Loading areas shall be oriented away from street side elevations whenever possible and shall be screened from public view with a combination of walls and landscaping.
 12. Building placement within office developments shall occur at or near the street setback line to bring the architectural image to the street and to remove parking lots to the extent possible from the streetscape.
 13. Vehicular and pedestrian travel shall be separated to the best possible extent, providing for a safe pedestrian environment and smooth traffic flow.
 14. Pedestrian walkways shall be provided in larger parking lots, encouraging foot travel out of vehicular drive lanes.
 15. Freestanding or clustered retail, restaurant and office pads are encouraged, helping to add variety to the site plan and to introduce interesting architectural elements.
 16. Interparcel access shall be provided between commercial centers, reducing the number of drive approaches from the street and encouraging commercial "crossover."
 17. Entry drive throats shall be at least sixty (60) feet long from property line for major commercial projects, providing adequate queuing for outbound traffic and smoothing inbound traffic flow.
 18. Each commercial center of five acres or more shall have at least one major entry containing a median.
 19. The "strip" commercial image is discouraged. New development should provide variety and articulation in storefront footprints, elevations and roofline.
 20. There shall be landscaped strip equal to the building height where a commercial use is located adjacent to residentially zoned property.
 21. Office developments shall provide courtyards for each building convenient to office users, incorporating seating, sculpture, accent landscaping and shelter. These shelters will allow for small lunch gatherings or relaxation.
 22. Office developments shall have decentralized parking. Parking shall be oriented to the building it is intended

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- to serve and shall be spread throughout the site, lessening the impact of an expansive parking lot.
23. Office developments shall offer interesting site plans by providing several detached or clustered buildings.
 24. Access to service bays of automotive uses shall be from the interior of the site.
 25. Service stations, mini markets and other automobile-related uses shall have architectural details consistent with the overall project design. Access to service bays will be from the interior of the service station site. Window placement should be sensitive to casual police surveillance.
 26. Hotels over 4 stories shall include rooftop amenities (eg. restaurant, bar, swimming pool or other amenities as accepted by the Community Development Director).
 27. Freestanding buildings should incorporate distinctive massing, adding interest to the site and vicinity.
 28. Intimate scale in building design and materials selection is encouraged, emphasizing comfort and warmth.
 29. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and drain into a landscape area for water quality, retention and absorption to reduce water run off.
 30. Architectural design of new projects shall be mindful of the surrounding district's urban fabric, providing a design statement to enhance the context and to upgrade the overall image.



Continuous Mass Divided to Provide Scale



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9.17.140 Freeway frontage.

Development projects adjacent to the Moreno Valley Freeway (California State Highway 60) shall be landscaped within the freeway right-of-way and maintained by the property owner, as prescribed in the landscape guidelines established by the city of Moreno Valley. If the freeway right-of-way is not landscaped, the property owner shall maintain the right-of-way along their frontage in a manner that is free of weeds, vegetative debris, and refuse. An encroachment permit shall be reviewed and approved by the City, and Caltrans if applicable, prior to issuance of a grading permit.