



**CITY OF HEMET  
Hemet, California  
ORDINANCE NO. 1949**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET AMENDING VARIOUS SECTIONS OF CHAPTER 90 (ZONING) OF THE HEMET MUNICIPAL CODE TO CORRECT MINOR TEXT ERRORS, ADD DEFINITIONS OF LAND USES, REORGANIZE SECTIONS, AND MODIFY ZONE DISTRICT DEVELOPMENT STANDARDS TO ENSURE CONSISTENCY WITH THE GENERAL PLAN.**

**WHEREAS**, it is incumbent upon the City to maintain an accurate and orderly zoning ordinance; and

**WHEREAS**, the proposed ordinance corrects minor text errors, adds definitions of land uses, reorganizes sections, and modifies zone district development standards for the purpose of ensuring accuracy, eliminating ambiguity, providing for better customer service; and

**WHEREAS**, the proposed text revisions will not substantially alter existing land use policy or development processing procedures; and

**WHEREAS**, approval of these zoning ordinance amendments will not detrimentally affect the health, safety, or welfare of residents of the City of Hemet; and

**WHEREAS**, on August 21, 2018, after conducting a duly noticed public hearing, the Planning Commission adopted resolution No. 18-018 recommending that the City Council approve Ordinance No. 1949; and

**WHEREAS**, on September 11, 2018, the City Council considered the Ordinance, the Planning Commission's findings, and the record of information regarding Zoning Ordinance Amendment No. 18-002 at a duly noticed public hearing, at which time interested persons had an opportunity to provide testimony on this matter.

1 **NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET DOES HEREBY**  
2 **ORDAIN AS FOLLOWS:**

3 **SECTION 1: AMENDMENT OF SECTION 90-4**

4 Section 90-4 (Definitions – Generally) of Article I (In General) of Chapter 90  
5 (Zoning) of the Hemet Municipal Code is hereby amended as shown in Exhibit A, Item 1  
6 to add definitions for cyber lounge, game arcade, family child care, internet café and  
7 manufactured home, and to delete the outdated definition of day care.

8 **SECTION 2: AMENDMENT OF SECTION 90-5**

9 Section 90-5 (Establishment of Zones) of Article I (In General) of Chapter 90  
10 (Zoning) of the Hemet Municipal Code is hereby amended to update the zone districts  
11 established within Chapter 90 as shown in Exhibit A, Item 2.

12 **SECTION 3: REPEAL OF SECTIONS 90-47.1 THROUGH 90.47.9**

13 Sections 90-47.1 through 90-47.9 (Downtown Project Review) of Article II  
14 (Administrative Regulations) of Chapter 90 (Zoning) of the Hemet Municipal Code are  
15 hereby repealed as shown in Exhibit A, Item 3 because the provisions have been  
16 replaced by the Downtown Hemet Specific Plan (SP16-001).

17 **SECTION 4: AMENDMENT OF SECTION 90-72**

18 Section 90-72 (Home Occupations) of Article III (Special Uses and Conditions) of  
19 Chapter 90 (Zoning) of the Hemet Municipal Code is hereby amended as shown in  
20 Exhibit A, item 4 to update the provisions for small family child care homes.

21 **SECTION 5: AMENDMENT OF ARTICLE VII**

22 Article VII (Agricultural Zones) of Chapter 90 (Zoning) of the Hemet Municipal Code is  
23 hereby amended as shown in Exhibit A, Item 5 to rename the A-2-5 zone to A-2.

24 **SECTION 6: AMENDMENT OF SECTION 90-312**

25 Section 90-312 (Permitted Uses) of Article XI (Single Family Residential Zones) of  
26 Chapter 90 (Zoning) of the Hemet Municipal Code is hereby amended as shown in  
27

Exhibit A, Item 6 to clarify that a home occupation permit is required for a small family child care home.

**SECTION 7: REPEAL OF ARTICLE XII**

Sections 90-351 through 90-380 which comprise Article XII (Hillside Development Overlay Zone) of Chapter 90 (Zoning) of the Hemet Municipal Code are hereby repealed as shown in Exhibit A, Item 7 because the provisions are being relocated to Article XXVII.

**SECTION 8: AMENDMENT OF ARTICLE XIII**

Article XIII (Multiple Family Residential Zone) of Chapter 90 (Zoning) of the Hemet Municipal Code is hereby amended as shown in Exhibit A, Item 8 to update the maximum density of the R-3 zone.

**SECTION 9: AMENDMENT OF ARTICLE XXVI**

Article XXVI (Commercial Zones) of Chapter 90 (Zoning) of the Hemet Municipal Code is hereby amended as shown in Exhibit A, Item 9 to reorder the presentation of the commercial zones to reflect lowest to highest intensity and to allow buildings that exceed the maximum height of the zone to be considered with the processing of a conditional use permit.

**SECTION 10: AMENDMENT OF ARTICLE XXVII**

Article XXVII (Overlay Zones) of Chapter 90 (Zoning) of the Hemet Municipal Code is hereby amended to add the Hillside Overlay Zone as Division 2, sections 90-935 through 90-950, and the Scenic Highway Overlay Zone as Division 3, sections 90-951 through 90-979, as shown in Exhibit A, Item 10.

**SECTION 11: AMENDMENT OF SECTION 90-143**

Section 90-1043 (Permitted uses) of Article XXX (Manufacturing Zones) of Chapter 90 (Zoning) of the Hemet Municipal Code is hereby amended as shown in Exhibit A, Item 11 to allow car washes in the M-1 zone with the processing of a conditional use permit.

1       **SECTION 12: REPEAL OF ARTICLE XXXII**

2               Sections 90-1121 through 90-1150 which comprise Article XXXII (Scenic  
3 Highway Overlay Zone) of Chapter 90 (Zoning) of the Hemet Municipal Code are hereby  
4 repealed as shown in Exhibit A, Item 12 because the provisions are being relocated to  
5 Article XXVII.

6       **SECTION 13: AMENDMENT OF ARTICLE XXXIX**

7               A. The name of Article XXXIX is hereby renamed to Religious Institutions Zone.

8               B. Article XXXIX (Religious Institutions Zone) of Chapter 90 (Zoning) of the  
9 Hemet Municipal Code is hereby amended as shown in Exhibit A, Item 13.

10       **SECTION 14: CEQA FINDINGS.**

11               The City has analyzed this proposed project and has determined that it is exempt  
12 from the California Environmental Quality Act ("CEQA") under section 15061(b)(3) of the  
13 CEQA Guidelines, which provides that CEQA only applies to projects that have the  
14 potential for causing a significant effect on the environment. The proposed text changes  
15 do not relate to any physical project and will not result in any physical change to the  
16 environment. Therefore, it can be seen with certainty that there is no possibility that this  
17 Ordinance may have a significant adverse effect on the environment, and therefore the  
18 adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the  
19 CEQA Guidelines.

20       **SECTION 15: ZONING ORDINANCE AMENDMENT FINDINGS**

21  
22 Pursuant to Hemet Municipal Code Section 90-41.5(a), the City Council makes the  
23 following findings with respect to this zoning ordinance amendment:

- 24       1.     *The zoning ordinance amendment is in conformance with the latest adopted*  
25               *general plan for the City.*

26               The zoning ordinance amendment is in conformance with the latest adopted  
27               general plan for the City because it enables the following General Plan  
28               implementation programs:

- 1 a. Program LU-P-2. Comprehensive Update to the Zoning Code. Complete a  
2 comprehensive revision of the zoning code . . . to ensure consistency with the  
3 General Plan.  
4 b. Policy LU-P-16. Development Review Process. Continue to evaluate and  
5 improve the development review process for increased efficiency and  
6 effectiveness

7 2. *The zoning ordinance amendment will protect the public health, safety and*  
8 *welfare.*

9 The zoning ordinance amendment protects the public health, safety and welfare  
10 by establishing and updating zoning requirements that help ensure the accurate  
11 and orderly execution of adopted land use policy and procedures.

12 **SECTION 16: SEVERABILITY.**

13 If any section, subsection, subdivision, sentence, clause, phrase, or portion of this  
14 Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any  
15 court of competent jurisdiction, such decision shall not affect the validity of the remaining  
16 portions of this Ordinance. The City Council hereby declares that it would have adopted  
17 this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or  
18 portion thereof, irrespective of the fact that any one or more sections, subsections,  
19 subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or  
20 unconstitutional.

21 **SECTION 17: EFFECTIVE DATE.**

22 This Ordinance shall take effect thirty (30) days from its passage by the City  
23 Council of the City of Hemet.

24 **SECTION 18: PUBLICATION.**

25 The City Clerk is authorized and directed to cause this Ordinance to be published  
26 within fifteen (15) days after its passage in a newspaper of general circulation and  
27 circulated within the City in accordance with Government Code Section 36933(a) or, to  
28 cause this Ordinance to be published in the manner required by law using the alternative  
summary and pasting procedure authorized under Government Code Section 39633(c).

1 **INTRODUCED** at the regular meeting of Hemet City Council on the 11th day of  
2 September, 2018.

3 **APPROVED AND ADOPTED** this 25th day of September, 2018.  
4

5  
6 \_\_\_\_\_  
7 Michael Perciful, Mayor  
8

9  
10 **ATTEST:**

11  
12 **APPROVED AS TO FORM:**

13 \_\_\_\_\_  
14 Sarah McComas, City Clerk  
15

16 \_\_\_\_\_  
17 Eric S. Vail, City Attorney  
18

1 State of California )  
2 County of Riverside )  
3 City of Hemet )  
4

5 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the  
6 foregoing Ordinance was introduced and first read on the 11th day of September 2018,  
7 and had its second reading at the regular meeting of the Hemet City Council on the 25th  
8 day of September, 2018, and was passed by the following vote:  
9

10 **AYES: Council Members Brown, Krupa and Wright, Mayor Pro Tem Meyer**  
11 **and Mayor Perciful**

12 **NOES:**

13 **ABSTAIN:**

14 **ABSENT:**  
15  
16

17 \_\_\_\_\_  
18 Sarah McComas, City Clerk  
19  
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## EXHIBIT A TO ORDINANCE NO. 1949

Shown below are the proposed changes to Chapter 90 (Zoning). The proposed additions are shown in *redline* and the proposed deletions are shown in ~~strike through~~. No other sections of the Chapter are affected by ZOA18-002.

### 1. Article I (In General), Section 90-4 (Definitions – Generally)

*Cyber lounge* has the same meaning as game arcade.

~~Day care means a service which provides non-medical care to clients in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. The term "day care" includes day care for children, adults, including seniors, and family day care.~~

*Family Day Care or Family Child Care* is defined by the State of California and means regularly provided care, in the caregiver's own home, for periods of less than 24 hours per day, while the parents or authorized representatives are away. Family care homes are licensed by the California Community Care Licensing Division.

(1) *Small Family Child Care Home* means a home that provides family child care for up to six children, or for up to eight children if the criteria in the California Code of Regulations, Title 22, Division 12, Chapter 3, Section 102416.5(b) are met. These capacities include children under the age 10 who reside at the licensee's home.

(2) *Large Family Child Care Home* means a home that provides family child care for up to 12 children, or for up to 14 children if the criteria in the California Code of Regulations, Title 22, Division 12, Chapter 3, Section 102416.5(b) are met. These capacities include children under the age 10 who reside at the licensee's home and the assistant provider's children under age 10.

*Game arcade* means a public place of business consisting of six or more computers, electronic machines, or mechanical machines for the purpose of amusement or gaming. Gambling, betting, monetary awards, or any other form of payment are prohibited. For zoning purposes, the terms "internet cafe", "cyber lounge", and "gaming lab" have the same meaning as "game arcade."

*Internet Cafe* has the same meaning as game arcade.

*Manufactured house* means a prefabricated house installed on a permanent foundation and in accordance with the provisions of the zone in which it is located.

### 2. Article 1 (In General), Section 90-5 (Establishment of Zones)

#### Sec. 90-5. - Establishment of zones.

In order to classify, regulate, restrict and separate the use of land and structures, to regulate and to limit the height and bulk of structures, to regulate the areas of yards and other open spaces about structures, and to regulate the density of population, the following zones are established, to be known as:

	Zone	Zone Name	Article
A		Agriculture Zone	

	Zone	Zone Name	Article
A-1-C	A-1	Light Agricultural Zone	VII Agriculture Zones
A-2-C	A-2	Heavy Agricultural Zone	VII Agriculture Zones
R-A	RR	<del>Rural Residential-Agricultural Zone</del>	XI Single Family Residential Zones
R-1-6	R-1	Single-Family Zone	XI Single Family Residential Zones
R-1-8		<del>Single-Family Zone</del>	
R-1-C		<del>Single-Family Zone</del>	
R-2	R-2	<del>Two-Family Zone</del> Low Density Multiple Family Zone	XIII Multiple Family Residential Zones
R-3	R-3	Multiple-Family Zone	XIII Multiple Family Residential Zones
	R-4	High Density Multiple Family Zone	XIII Multiple Family Residential Zones
R-P		<del>Residential-Professional Zone</del>	
SLR	SLR	Small Lot Residential Zone	XVI Small Lot Residential Zone
SR-3		<del>Senior Apartment Zone</del>	
PUD	PUD	Planned Unit Development Overlay District	XVII Planned Unit Development Overlay District
PCD	PCD	Planned Community Development Zone	XIX Planned Community Development Zone
MHP		<del>Mobile Home Park Zone</del>	
<del>TR-20</del>	TR-20	Independent Mobile Home Subdivision Zone	XXI Independent Mobile Home Subdivision Zone
PUMH	PUMH	Planned Unit Mobile Home Development District	XXII Planned Unit Mobile Home Development District
<del>TTPD</del>	TTPD	Travel Trailer Planned Development Zone	XXIII Travel Trailer Planned Development Zone
	OP	Office Professional Zone	XXVI Commercial Zones
<del>C-1</del>	C-1	Neighborhood Commercial Zone	XXVI Commercial Zones
<del>C-2</del>	C-2	General Commercial Zone	XXVI Commercial Zones
<del>C-M</del>	C-M	<del>Commercial Manufacturing Heavy Commercial-Limited Industrial Zone</del>	XXVI Commercial Zones
	SP	Specific Plan Zone	XXVIII Specific Plan Zone
	BP	Business Park Zone	XXX Manufacturing Zones
<del>M-1</del>	M-1	Limited Manufacturing Zone	XXX Manufacturing Zones
<del>M-2</del>	M-2	General Manufacturing Zone	XXX Manufacturing Zones
S		<del>Scenic Highway Setback Overlay Zone</del>	
<del>OS</del>	OS-G	Open Space General Zone	XXXIII Open Space Zones
	OS-R	Open Space Recreation Zone	XXXIII Open Space Zones
P		<del>Parking Zone</del>	

	Zone	Zone Name	Article
†	P-I	Public Institutional Zone	XXXV Public Institutional Zone
S-1	S-1	Church Religious Institutions Zone	XXXIX Religious Institutions Zone
		Acacia-Sanderson Overlay Zone	XXVII Overlay Zones, Division 1
		Hillside Development Overlay Zone	XXVII Overlay Zones, Division 2
		Scenic Highway Setback Overlay Zone	XXVII Overlay Zones, Division 3

### 3. Article II (Administrative Regulations), Division 1. (Applications), Section 90-47.1 – 90.47.9 (Downtown Project Review) - REPEAL

#### **~~Sec. 90-47.1. Review of applications and approving authority.~~**

~~(a) Downtown project review permit by the planning commission.~~ The planning commission shall be responsible for the review of downtown projects that involve the construction of new buildings, or substantial reconstruction, modifications, additions or exterior remodeling of existing buildings. Substantial reconstruction or modification shall mean an improvement to 30 percent or more of the square footage of the original structure, or a modification to 50 percent or more of the exterior façade of the building, including, but not limited to: windows, awnings, porches, and exterior materials. The planning commission shall have the authority to impose reasonable conditions, and may recommend approval, modification or denial of the application to the city council, subject to the findings contained in section 90-47.5. Notice of the public hearing shall be provided pursuant to section 90-47.4.

~~(b) City council review.~~ The city council shall have the final review and approval of new primary buildings within the D-1 and D-2 zones. Following the review by the planning commission, the planning commission shall provide to the city council at a regularly scheduled public hearing a written report and recommendation regarding the downtown project review. As the approving authority, the city council may act to approve, modify or deny the proposed project, subject to the findings contained in section 90-47.5. The approval, modification, or denial shall become effective upon final action of the city council.

~~(c) Minor downtown project review by director.~~ The community development director, or designee ("director") shall be the approving authority for the administrative review of minor exterior modifications and façade improvements that comprise less than 50 percent of the square footage of the structure or the exterior façade. The director may impose reasonable conditions and act to approve, modify or deny the proposed project, subject to the findings contained in section 90-47.5. (~~Ord. No. 1900, § 4(Exh. 1), 4-14-15~~)

#### **~~Sec. 90-47.2. Application fees and refunds.~~**

~~(a) An application fee for a downtown project review shall accompany the application submittal requirements which are filed with the director. The fee(s) shall cover the costs of processing the applications in accordance with a schedule adopted from time to time by city council resolution.~~

~~(b) Applications which are deemed incomplete and with no activity to complete the application for a period of 12 months from the filing date are considered automatically withdrawn and may be subject to a refund in accordance with this section. Applications which have been withdrawn will require a new application and fee to be submitted in order to process the application.~~

~~(c) Application fee refunds shall be authorized by the director for applications that are either automatically withdrawn or withdrawn by the applicant, upon written request and proof of payment by the applicant, in accordance with a refund schedule based upon staff time spent on the project. Requests for application fee refunds shall be valid for a period of up to six months from the date of withdrawal.~~

~~(d) Portions of application fees paid to another jurisdiction or agency for services to be rendered in connection with the application shall not be refunded by the city. Nothing contained in this section shall prohibit another jurisdiction or agency from refunding fees directly to the applicant. If fees~~

have been paid out to another jurisdiction or agency, the administrative fee related to coordinating the review of applications by other jurisdictions or agencies is nonrefundable.  
(Ord. No. 1900, § 4(Exh. 1), 4-14-15)

**~~Sec. 90-47.3. Investigation.~~**

The planning department shall investigate and prepare a written report on all applications. Copies of the report shall be provided to the approving authority and the applicant at least three calendar days prior to a hearing on the application.

**~~Sec. 90-47.4. Hearing and notice procedure required.~~**

(a) *Responsible parties.* The director in the case of the planning commission and city clerk in the case of the city council shall set the time and place of the required public hearing. The approving authority may continue the public hearing from time to time.

(b) *Public notice.* Notice of the public hearing shall be given in accordance with Title 7 of the California Government Code, as amended, except as indicated below:

(1) For applications that the director deems to have greater effect than the normal 300-foot radius, the director may increase the notification radius to another appropriate distance.

(2) Minor downtown project reviews by the director as provided for in section 90-47.1(c) are administrative actions and generally will not require notice and a public hearing unless the project may affect the property rights or enjoyment of neighboring properties, including, but not limited to, the creation of additional traffic impacts to the area, more intense parking demands, and exterior improvements inconsistent with the character, scale and purpose of surrounding properties and the downtown zoning districts.

**~~Sec. 90-47.5. Findings required.~~**

Upon approval of a downtown project review permit application, the following findings shall be made by the approving authority:

(a) That the proposed downtown project is in accord with the objectives of this chapter and the purposes and regulations of the zone in which the site is located; and

(b) That the proposed development or improvement is consistent with the goals, policies and programs of the general plan; and

(c) That the proposed development or improvement is consistent with the applicable standards and design guidelines for the D-1 and D-2 zones, the commercial design guidelines, and other applicable adopted plans; and

(d) The design, scale, height, and layout of the proposed project will not interfere with the use and enjoyment of neighboring existing and future developments, will not create traffic or pedestrian hazards, and will not otherwise have a negative impact on the aesthetics, health, safety or welfare of uses or properties within the downtown area; and

(e) The design of the proposed project is compatible with the character of the surrounding area, will enhance the appearance of the downtown through quality architecture, building materials, color and detailing, and will provide a desirable and attractive environment for the occupants and patrons of the proposed use.

**~~Sec. 90-47.6. Appeals.~~**

An appeal of the director's determination regarding a minor downtown project review may be made to the planning commission. The appeal shall be filed within ten calendar days of the director's decision by filing a letter of appeal and payment of the applicable fee with the planning department. The planning commission may affirm, modify or reverse the director's determination, making findings as required by this chapter. The decision of the planning commission shall be final, unless further appealed to the city council. An appeal of the planning commission's determination regarding downtown project reviews may be made to the city council.

**~~Sec. 90-47.7. Expiration and time extensions.~~**

A downtown project review application approval shall expire 24 months after final approval unless construction has commenced and is being carried on diligently to completion, or an application for a time extension is filed prior to the expiration. If an application for extension is filed prior to the expiration, the approving authority may extend the time limit up to a maximum period of three additional years.

**~~Sec. 90-47.8. Modifications and/or revisions.~~**

~~Modifications or revisions to an approved downtown project review application shall require submittal of a request to the director. The director shall have the authority to permit minor modifications to an approved downtown project review application. For the purposes of this section, a minor modification means where there is less than 20 percent change in the floor area or the façade, and can be found to be in substantial conformance to the original approval. The planning commission shall review all other modifications or revisions in accordance with the required review procedures in this chapter.~~

**~~Sec. 90-47.9. Suspension and/or revocation.~~**

~~(a) *Suspension for violation.* Upon violation of any applicable provision of this article, or, if the application was granted subject to conditions, upon failure to comply with conditions, the application shall automatically be suspended. The approval authority shall, within 40 calendar days of the suspension, hold a hearing in accordance with the requirements of section 90-47.4.~~

~~(b) *Revocation.* If after the hearing the approving authority is not satisfied that the regulation, general provision or condition for which compliance is required is being met, the following actions shall be taken:~~

~~(1) The permit may be revoked and become null and void; or~~

~~(2) The approving authority may take such action as deemed necessary and appropriate to ensure compliance with the regulation, general provision or condition; or~~

~~(3) New requirements and/or conditions may be added.~~

~~Action of the approving authority shall be final within ten calendar days unless appealed in accordance with the procedures of section 90-47.6.~~

**4. Article III (Special Uses and Conditions), Section 90-72 (Home Occupations)**

**Sec. 90-72. - Home occupations.**

(a) *Purpose.* The purpose of these regulations is to allow for a business to be conducted in the home, which is accessory to a residential land use where such a use will clearly not be disruptive or alter the character or the appearance of the neighborhood

(b) *Permit required.* Dwelling units may be used for business purposes when a business license, in conformance with chapter 18, and a home occupation permit have been issued. A home occupation permit shall be required for each business. If a business license for a home occupation is not renewed, the home occupation permit shall automatically expire with the business license. A fee for the processing of a home occupation permit may be established from time to time by resolution of the city council.

(c) *Issuance of permit.* The director may, upon application, and payment of the required fee, issue a home occupation permit, with the conditions required in this section and any time limitations that are deemed necessary. The permit shall not be issued unless the director is satisfied that the applicant will meet all the conditions listed in subsection (d) of this section and the applicant has agreed in writing to comply with such conditions. The director may require a hearing for home occupations which the director determines potentially may not meet the purposes of this section. If a hearing is required it shall be in accordance with the requirements of section 90-43.3 through 90-43.6.

(d) *Conditions.* The following conditions shall be observed at all times by the holder of a home occupation permit. In order to meet the purposes of the zone, for public safety, and/or to meet the requirements of state and local laws, the director may require additional conditions.

(1) Signs or advertising shall not be displayed on the premises except for signing permitted under article XXXVI.

- (2) Employees, assistants or volunteers who are not occupants of the dwelling shall not be employed on the premises **except as permitted by State law for Small Family Child Care Homes.**
- (3) The home occupation, including inventory and supplies stored on the premises, shall be conducted wholly within the structures on the premises and shall not exceed 25 percent of the total floor area of the structures. The required garage space shall not be utilized for home occupation purposes. Required off street parking areas may not be utilized for home occupations other than for parking, and shall not be considered as part of the total floor area.
- (4) Display(s) of any kind shall not be visible from the exterior of the premises.
- (5) No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or are customary to home crafts.
- (6) Pedestrian or vehicular traffic shall not be in excess of that customarily associated with the zone in which the use is located.
- (7) No customer services or sales of goods, wares or merchandise shall be made on the premises, except by telephone, computer or as follows:
  - a. Instruction or teaching: A maximum of three students per session and/or six students per day.
  - b. The director may make allowances for single events in order to have more than the maximum of six students per day and/or three students per session.
  - c. Pursuant to State law for Small Family Child Care Homes.**
- (8) There shall be conformity with fire, building, plumbing, electrical and health codes and with all state and local laws.
- (9) There shall be no demand for municipal or utility services or community facilities in excess of those usual and customary for residential use.
- (10) The residential character of the premises shall not be altered, nor shall the use unreasonably disturb the peace and quiet of the area, including alteration or disturbance relating to radio and television reception, color, design, materials, construction, lighting, sounds, noises, vibrations or vehicles.
- (11) The director, in approving a home occupation permit, may impose any additional conditions as deemed necessary to carry out the intent of this section.
- (12) If the zoning regulations applicable to the premises are amended to prohibit such use, the home occupation permit shall be canceled within 90 days after notification.
- (e) Grounds for revocation of permit.** Any home occupation permit shall be revoked by the director upon violation of any requirements of this chapter, or upon failure to comply with any of the conditions or limitations of the permit, unless such violation is corrected within three days of the giving of written notice thereof. A permit may be revoked for repeated violation of the requirements of this chapter, notwithstanding further notice.
- (f) Appeal of denial or revocation of permit.** A decision of the director may be appealed to the planning commission as prescribed in section 90-43.6.

## 5. Article VII (Agricultural Zones)

### **Sec. 90-182. - Zones established.**

The agriculture zones are established in accordance with the standards of this article and as shown on the official zoning map pursuant to section 90-6.

- (1) **A-1—Light agricultural zone:** To provide appropriate areas **with a minimum lot size of one acre** for the establishment of light agricultural land uses or **as a holding zone** for eventual development ~~consistent with the land use designation of the general plan.~~

- (2) *A-2—Heavy agricultural zone:* To provide appropriate areas **with a minimum lot size of five acres** for the establishment of heavy agricultural land uses. ~~at two minimum lot sizes:~~ **Parcels with the designation of A-2-10 have a minimum lot size of 10 acres.**

~~a. A-2-5: Five acre minimum lot size.~~

~~b. A-2-10: Ten acre minimum lot size.~~

**Sec. 90-183. - Permitted uses.**

AGRICULTURE (A) ZONE LAND USE MATRIX					
<b>P = Permitted Use</b>		<b>A = Administratively Permit Use</b>		<b>C = Conditionally Permitted Use</b>	
<b>X = Not Permitted</b>		<b>REQUIREMENTS: Additional or explanatory regulations or requirements</b>			
LAND USE		A-1	A-2-5 A-2	A-2-10	REQUIREMENTS
A. Agriculture and Natural Resources					
1.	Animal keeping	P	P	P	Sec. 90-77
2.	Commercial crop production including fruits, vegetables, flowers, and ornamental plants	P	P	P	
3.	Feed store including tack and other similar items	A	A	A	
4.	Fertilizer operation for farm animal manure including but limited to drying, stockpiling, storage, and sale	X	C	€	
5.	Produce processing (canning, drying, freezing, packing) of food grown on the premises	X	P	P	Sec. 90-48
	Produce stands				
6.	a. Permanent	P	P	P	Sec. 90-48
	b. Temporary	P	P	P	Sec. 90-73
7.	Winery for grapes grown on the premises and incidental uses such as wine tasting, tours, sales	C	C	€	
8.	Wildlife preserve and sanctuary	P/C	P/C	P/€	Sec. 10-3 and Sec. 90-77. A CUP is required if any exotic animals are associated with the use.
B. Residential Uses					
1.	Farmworker housing of up to 36 beds or 12 family units as a component of an agricultural use pursuant to Health and Safety Code §§ 17021.6 and 50199.7	P	P	P	Not subject to the maximum density requirements of Sec. 90-185
2.	Accessory dwelling unit	P	P	P	Sec. 90-321
3.	Single-family home	P	P	P	
4.	Supportive housing pursuant to Government Code § 65582	P	P	P	Sec. 90-262
C. Residential—Other					

AGRICULTURE (A) ZONE LAND USE MATRIX					
<b>P = Permitted Use</b>		<b>A = Administratively Permit Use</b>		<b>C = Conditionally Permitted Use</b>	
<b>X = Not Permitted</b>		<b>REQUIREMENTS: Additional or explanatory regulations or requirements</b>			
LAND USE		A-1	<del>A-2</del> 5 A-2	<del>A-2</del> 10	REQUIREMENTS
1.	Animal keeping	P	P	P	Sec. 90-77
2.	Home occupations	P	P	P	Sec. 90-72
3.	Residential accessory uses and structures	P	P	P	Sec. 90-186(e)
<b>D. Education, Public Assembly, and Recreation Uses</b>					
1.	Fairgrounds	X	C	€	
2.	Equestrian activities	A	P	P	
3.	Commercial recreation	C	C	€	
<b>E. Service Uses</b>					
	Animal Services				
	a. Boarding/Training—day only	P	P	P	
1.	b. Boarding/Training—overnight stays	A	P	P	
	c. Grooming	A	P	P	
	d. Veterinary clinic, animal hospital	C	C	€	
2.	Bed and breakfast inn	C	C	€	
<b>F. Industrial Uses</b>					
1.	Petroleum products distribution and storage for on-site agricultural use	X	P	P	
2.	Mining, including extraction of sand, gravel, and soil.	X	C	€	A mining and reclamation plan per State and County standards is required as part of the CUP process
<b>G. Transportation, Communication, and Infrastructure Uses</b>					
1.	Flood control facilities, including, but not limited to detention and retention basins, flood control channels	P	P	P	
2.	Public facilities and utilities including but not limited to electric substations, waterworks facilities, and public safety facilities.	C	C	€	
3.	Satellite dish antenna	P	P	P	
	Wireless communication facility				Article XLVI
4.	a. Minor facility	A	A	A	
	b. Major facility	C	C	€	



**Sec. 90-185. - General requirements.**

- (a) New development projects in the agricultural zones are subject to pre-application review as provided in section 90-49 and site development review as provided in section 90-48 of this chapter. Development of the site and structures shall be consistent with all applicable design guidelines.
- (b) Prior to the construction of any building or structure, a building permit shall be required in accordance with the latest city adopted California Building Code. The following are minimum requirements, unless otherwise noted, and shall apply to all land, buildings, and structures in their respective zones. All area dimensions are in square feet, unless otherwise noted. All linear dimensions are in feet, unless otherwise noted.

A-ZONES MINIMUM DEVELOPMENT STANDARDS					
ZONE		A-1	A-2-5	A-2-10	REQUIREMENTS
1.	Density (Maximum number of single-family dwelling units per lot)	1	1	1	Does not apply to farmworker housing or secondary units
2.	Minimum lot area	1 acre	5 acres	10 acres	
3.	Lot width	100	100	100	
4.	Lot depth	150	150	150	
5.	Front yard setback	20	20	20	
6.	Rear yard setback	10	10	10	
7.	Side yard setback	10	10	10	
8.	Lot coverage	None	None	None	
9.	Building and structure height	40	40	40	
10.	Parking required				Article XL
11.	Signing allowed				Article XXXVI

**6. Article XI (Single Family Residential Zones)**

**Sec. 90-312. - Permitted uses.**

In the R-R, R-1-5, R-1-6, R-1-7.2, R-1-10, R-1-20, R-1-40 zones, permitted and conditionally permitted uses shall be as listed within the "land use matrix." whenever a business is conducted, even if it is a home occupation, a city business license is required pursuant to chapter 18. All other uses not specifically listed in the matrix shall be interpreted as not permitted unless a similar use determination is made by the community development director pursuant to section 90-3. Uses located within the Hemet-Ryan Airport Influence Area are subject to the requirements of the Riverside County Airport Land Use Plan.

SINGLE-FAMILY RESIDENTIAL LAND USE MATRIX			
P = Permitted		C = Conditionally Permitted (CUP)	
TUP = Temporary Use Permit		SGHP = Small Group Home Permit	
		A = Administrative Use (AUP)	
		X = Not Permitted	
	LAND USE	ZONE	
		R-R	R-1
		REQUIREMENTS	

D.	Care Uses			
	1. Family child care home, licensed			<del>Sec. 90-72</del> Sec. 90-4
	a. Small (up to 8 children)	P	P	Sec. 90-72
	b. Large (up to 14 children)	C	C	
	2. Group homes and small licensed care facilities			Article X
	a. Small licensed care facility	P	P	
	b. Large group home	X	X	
	c. Small group home	SGHP	SGHP	
	d. Supportive housing	P	P	

**7. Article XII (Hillside Development Zone), Sections 90-351 – 90-380. REPEAL. RELOCATE TO ARTICLE XXVII OVERLAY ZONES**

~~ARTICLE XII. HILLSIDE DEVELOPMENT OVERLAY ZONE<sup>101</sup>~~

~~Sec. 90-351. Purposes.~~

The purpose of the hillside development overlay zone is to:

- ~~(1) Establish regulations and standards for the identification and protection of hillsides, ridgelines, canyons, and other natural land forms such as rock outcroppings in recognition that such features are community assets that help define the city as a desirable place to live, work, and recreate; and~~
- ~~(2) Ensure that roadways, driveways, and other access points in the hillside overlay zone provide adequate emergency access;~~
- ~~(3) Comply with the goals and policies of the general plan regarding the protection and preservation of hillside areas as an important aesthetic and community resource; and~~
- ~~(4) Implement the HR (hillside residential) land use designation of the general plan.~~

~~Sec. 90-352. Zone established.~~

~~The hillside development overlay (H) zone is established in accordance with the standards of this article and as shown on the official zoning map pursuant to section 90-6.~~

~~Sec. 90-353. Permitted uses.~~

~~All uses permitted in the underlying zone over which the hillside development overlay zone is placed shall be permitted in the overlay zone. The regulations of the hillside development overlay zone shall apply in addition to the regulations of the underlying zone. In the event of a discrepancy between the regulations of the underlying zone and the overlay zone, the overlay zone shall take precedence.~~

~~Sec. 90-354. Maximum density.~~

~~The maximum density on any parcel to which this section applies shall not exceed the units per acre for each of the average percent slope ranges indicated below:~~

Average Slope (%)	Units Per Acre
0 to 10	4.0
10+ to 15	2.0
15+ to 25	1.0
25+ and above	0.5

~~Sec. 90-355. Density transfer.~~

Within a project having the hillside development overlay zone, a density transfer may be granted when permitted development is transferred from one slope category to a lower slope category. In consideration for such a transfer of development, the allowable density of the lower slope category may be increased by 50 percent. For example, if density/development is transferred from the 25 percent and above slope category (from the above table) to the next lower category (15 percent to 25 percent), the allowable density of the lower category, 1.0 dwelling units per acre, may be increased to 1.5 units per acre. In no situation shall the total number of units permitted for any project exceed the number of units that would have been permitted without any transfer of density. Areas from which density is transferred shall be restricted from future development in an appropriate manner.

Sec. 90-356. Development performance standards.

The following minimum performance standards are required for any development in the hillside development overlay zone.

(1) ~~Soils/grading.~~

a. ~~Grading of any site shall conform to the following grading standards, based upon the percent of natural slope. The city engineer shall review the proposed grading with respect to the following:~~

- ~~1. 0—10 percent. Redistribution of earth over large areas may be permitted. Significant environmental features may be required to be preserved.~~
- ~~2. 10—15 percent. Some grading may occur, but landforms must retain their natural character. Padded building sites may be allowed, but custom foundations, split level designs, stacking and clustering is expected to mitigate the need for large padded building areas.~~
- ~~3. 15—25 percent. Limited grading may occur, however, major topographical features shall retain their natural landforms. Special hillside architectural and design techniques are expected in order to conform to the natural land form, by using techniques such as split level foundations of greater than 18 inches, stem walls, stacking and clustering.~~
- ~~4. Greater than 25 percent. Development and limited grading can only occur in this category if it can be clearly demonstrated that safety, environmental, and aesthetic impacts will be avoided. Use of larger lots, variable setbacks and variable building structural techniques such as stepped or pole foundations are expected. Structures shall blend with the natural environment through their shaped, materials and colors. Impact of traffic and roadways is to be minimized by following natural contours or using grade separations.~~

b. ~~Grading shall be designed to:~~

- ~~1. Conserve natural topographic features and appearances by means of land sculpturing to blend graded slopes and benches with natural topography.~~
- ~~— Retain major natural topographic features such as canyons and prominent landmarks.~~
- ~~3. Graded slopes over 25 feet in height and over 100 feet in length shall be contour graded. A variety of slope ratios (i.e. 2:1, 3:1, 3.5:1, 5:1, etc.) shall be used to blend graded slopes into the adjoining natural terrain.~~
- ~~4. Terracing shall be designed with small incremental steps, avoiding wide step terracing and large areas of flat pads.~~
- ~~c. All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods such as planting, walls, or netting. Interim erosion control plans shall be required, certified by the project engineer, and reviewed and approved by the city engineer.~~
- ~~d. Slopes created by grading of the site shall not exceed 50 percent or 2:1, without a soils report and stabilization study indicating a greater permissible slope; or shall not exceed 30 feet in height between terraces or benches.~~

~~(2) Water/drainage.~~

- ~~a. On site catch basins or siltation basins, as well as energy absorbing devices, may be required as a means to prevent erosion as well as to provide for ground water recharge.~~
- ~~b. Natural drainage courses should be protected from grading activity.~~
- ~~c. Where brow ditches are required, naturalize with plant materials and native rocks.~~
- ~~d. All benchdrains (interceptors) and downdrains shall be constructed to match the natural contours of the lands.~~
- ~~e. Downdrains on manufactured slopes shall be staggered between terrace drains to be less obtrusive.~~
- ~~f. Maximum coverage of a parcel by impervious surfaces shall not exceed 40 percent of the gross land area, and such maximum may be reduced by the planning director in areas where the slope exceeds 15 percent.~~

~~(3) Animal and plant life.~~

- ~~a. Areas of a site which are identified in the environmental study as having biological significance shall be preserved.~~
- ~~b. Natural vegetation shall be maintained wherever possible. If removal is required, re-establishment of a compatible plant material will be required at a ratio of at least 2:1.~~
- ~~c. All exposed slopes and graded areas shall be landscaped with groundcover, shrubs, and trees.~~
- ~~d. Existing mature trees shall be incorporated into the project where feasible.~~
- ~~e. Water and energy conservation techniques shall be utilized, such as special irrigation techniques (e.g., drip irrigation), drought tolerant plant species, alluvial rockscape, etc.~~
- ~~f. Wherever possible, fire resistant native vegetation shall be preserved and planted.~~
- ~~g. Introduction of landscaping within the hillside areas should make maximum use of texture, color, and be capable of blending in with the natural landscape, and help to soften the effects of buildings, walls, pavement, and grading. Irregular tree and shrub spacing shall be used to achieve a natural appearance on graded slopes.~~
- ~~h. With the exception of landscaping for street parkways, trees and shrubs shall be placed in swale areas to more closely reflect natural conditions.~~
- ~~i. Screening along roadways should make maximum use of berming and landscaping but shall not interfere with sight distance.~~
- ~~j. Landscaping and berming shall be used to screen views of all benchdrains and downdrains.~~
- ~~k. Planting in riparian areas shall be kept as close as possible to their natural state. Ornamental plants and the introduction of non-native species should be avoided.~~
- ~~l. The keeping of pigs, goats, sheep, horses, and other similar animals shall be limited to two per acre in areas that are determined to be of biological sensitivity, in addition to the requirements of section 90-77.~~

~~Sec. 90-357. Structure design guidelines.~~

~~Structural design and construction for wildland interface areas is found under section 14-420.~~

- ~~(1) Dwelling units and structures shall be compatible with the natural surroundings of the area and shall not dominate the natural environment.~~
- ~~(2) Exterior finishes of dwelling units and structures should blend in with natural surroundings by using earth tone colors and avoiding reflective materials or finishes and be of fire resistive materials.~~
- ~~(3) Site design should utilize varying setbacks, building heights, innovative building techniques, and building and wall forms which serve to blend buildings into the terrain.~~
- ~~(4) Dwelling units and structures shall be sited in a manner that will:~~

- a. ~~Retain outward views from each unit;~~
  - b. ~~Preserve or enhance vistas, particularly those seen from public places;~~
  - c. ~~Preserve visually significant rock outcroppings, natural hydrology, native plant materials, and areas of visual or historical significance.~~
- (5) ~~The highest point of any structure shall not be located above the ridgeline.~~
  - a. ~~Use the natural ridgeline as a backdrop for structures;~~
  - b. ~~Use landscape plant materials as a backdrop; and~~
  - c. ~~Use the structure to maximize concealment of cut slopes.~~
- (6) ~~Accessory buildings. Detached accessory buildings which do not have solid exterior walls (carports, patio covers, etc.) shall have supporting members of heavy timber or be constructed with materials approved for one hour construction.~~
- (7) ~~Decks and patios. Decks, balconies, roof overhangs, attached patio covers, and similar architectural features shall be protected on the underside with materials approved for one-hour resistive construction per the requirements found in section 14-420.~~
- (8) ~~Retaining wall/fences.~~
  - a. ~~Retaining walls shall be used in the following manner:~~
    - 1. ~~Upslope not exceeding six feet in height.~~
    - ~~Downslope not exceeding 42 inches in height may be used.~~
    - 3. ~~Lots sloping with the street of access or other conditions. One retaining wall on each side of the lot may be used not exceeding 42 inches in height.~~
    - 4. ~~Retaining walls adjacent to driveways walls being an integral part of the structure may exceed six feet in height if necessary.~~
    - 5. ~~All retaining walls, visible from the public right of way shall be constructed of decorative block materials and be of earth tone colors to minimize visibility.~~
  - b. ~~Exposed retaining walls facing roadways shall be not greater than five feet in height.~~
  - c. ~~Where retaining walls face roadways, they shall be faced with aesthetically pleasing materials (e.g. split face block, etc.).~~
  - d. ~~Precision block walls, wood and chainlink fencing are specifically prohibited for use in hillside developments in relation to perimeter fencing or retaining walls.~~
  - e. ~~Interior fencing along property lines shall be constructed of decorative masonry block, wrought iron with pilasters that are of similar architecture to the buildings, or other non-combustible materials approved by the planning director.~~
  - f. ~~Coated chain link fencing may be allowed to enclose tennis courts but must of a material and color that is approved by the planning director.~~
- (9) ~~Circulation. The intent of this section is to reduce the visual impacts created by hillside roadways, yet provide safe circulation. Roadways shall conform to the standards specified for development for wildland interface areas in section 14-418. Roadways should conform to the natural hillside landform and not greatly alter the physical and visual character of a hillside by creating large notches in ridgelines or by defining wide straight alignments. The following circulation standards and policies shall be implemented for all new hillside projects:~~
  - a. ~~Single-loaded streets are recommended on steep terrain where it can be demonstrated that the overall grading for the project can be reduced.~~
  - b. ~~All hillside development shall have two points of access to provide a safe ingress and egress for hillside developments. This is not applicable to cul de sacs that are less than 350 feet in length.~~
  - c. ~~Street grades shall not have slopes greater than those allowed in subsection 14-418(6). Generally eight percent maximum is allowed in areas of extreme fire hazard.~~

- d. ~~Street rights of way widths can, for hillside development, be reduced from the city's general standards when the city engineer and fire chief determine that their implementation will not be hazardous to the public safety.~~
  - e. ~~Roadway design, wherever practical, be parallel or diagonal to the existing hillside contours. Roads shall be curvilinear fashion and blend in with the existing topographical slopes. Circulation plans for hillside development shall be designed to minimize both their visual and grading impacts.~~
  - f. ~~Private driveways may provide access to a public street of up to two units per driveway. Such driveways shall have a minimum paved width of 25 feet and a maximum slope of 14 percent. Any drives exceeding 12 percent slope may not exceed 600 feet in length.~~
  - (10) ~~Fuel modification. A permanent fuel modification area shall be required for the perimeter of development projects that are located in the hillside zones. Specific requirements are contained in section 14-421 (landscaping and perimeter). The recommended width of the fuel modification areas shall be determined by the fire chief, but in no case shall it be less than 100 feet in width as measured from the development perimeter. The width of the fuel modification area shall be determined by the following:~~
    - a. ~~The natural ungraded slope of the lands with the project and in areas adjacent to the project.~~
    - b. ~~Fuel loading.~~
    - c. ~~Access to the project and access directly to the fuel modification area, and~~
    - d. ~~The on-site availability of water than can be used for firefighting purposes. The fuel modification areas shall also incorporate soil erosion and sediment control measures to alleviate permanent scarring and accelerated erosion.~~
  - (11) ~~Water supply. All development shall be provided with adequate water supply according to the requirements set forth in section 14-419 (water supplies).~~
- Sec. 90-358. ~~Submittal requirements.~~

~~Applications for development of property within the hillside development overlay zone shall be submitted for site development plan review pursuant to section 90-48 of the Code. In addition to the items specified in section 90-48, the applicant shall submit the following:~~

- (1) ~~A topographic map of the project site and land and structures within 100 feet of the project boundaries. The map shall be drawn to a scale of not less than one inch equals to 100 feet with a maximum contour interval of ten feet. The maximum contour interval shall be five feet where terrain has a slope of less than 25 percent.~~
- (2) ~~A site plan of the proposed project showing property lines, recorded or proposed easements and public rights of way. Existing structures within 100 feet of the site shall also be shown on the site plan.~~
- (3) ~~A preliminary grading plan for the project, drawn to the same scale as required above. Existing and final slope shall be shown in the following categories by average slope (percent): 0 to 10, 10+ to 15, 15+ to 25, 25+ and above.~~
- (4) ~~A soils engineering report including data regarding the nature, distribution and strengths of existing soils, conclusions, and recommendations for grading procedures, design criteria for and identified corrective measures, and opinions and recommendations regarding existing conditions and proposed grading. The investigation and report shall be performed by a professional soils engineer experienced in the practice of soil mechanics and registered with the state.~~
- (5) ~~A hydrology report shall be provided including areas of possible inundation, downstream effects, natural drainage courses, conclusions, and recommendations regarding the effect of hydraulic conditions on the proposed development, opinions and recommendations regarding~~

~~the adequacy of facilities proposed for the site, and design criteria to mitigate identified hydraulic hazards. This report shall account for runoff and debris from tributary areas and shall provide consideration for each lot or dwelling unit site in the development. Runoff and debris volumes shall be computed using county flood control district criteria. This investigation and report shall be prepared by a registered civil engineer experienced in hydrology and hydraulic investigation.~~

- ~~(6) A preliminary landscaping plan showing disposition of existing trees, and the type and extent of proposed vegetation. The method of open space maintenance shall also be identified.~~
- ~~(7) A geotechnical study shall be provided including the surface and subsurface geology of the site, degree of seismic hazard, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, opinions and recommended design criteria to mitigate any identified geologic hazards. This investigation and report shall be performed by a professional geologist experienced in the practice of engineering geology and registered with the state.~~
- ~~(8) A landform study shall be provided with a site inventory and map identifying existing landforms shall be submitted for the project including the following:
  - ~~a. All U.S.G.S. blue line streams, springs, perennial and intermittent streams with drainage areas that are 50 acres or greater at or above the project site.~~
  - ~~b. Rock outcroppings that are greater than 300 square feet in surface area.~~
  - ~~c. Classification of "grading zones" that are identified in this article.~~
  - ~~d. Identification of primary and secondary ridgelines.~~
  - ~~e. Identification of the most prominent topographical features of the project site. This identification is relative to each project site and should include any ridges, peaks, knolls and any other similar types of features.~~~~
- ~~(9) A biological survey shall be submitted. This survey shall inventory both flora and fauna found at the site. All endangered, threatened or rare species shall be identified. Survey shall be conducted by a qualified biologist selected from then approved listing maintained by the planning department.~~
- ~~(10) Other information or applications materials as may be deemed necessary or desirable by the planning director such as archaeology, paleontology, and visual analysis studies.~~

~~Secs. 90-359-90-380. Reserved.~~

## **8. Article XIII (Multiple Family Residential Zones)**

### **Sec. 90-382. - Zones established.**

- (a) *R-2 (low-medium density multiple family) zone.* Provides for the development of low to medium density multiple-family residential uses with density not to exceed eight dwelling units per acre. Typical housing units may include detached or attached single-family homes, duplexes, or other low-medium density housing types. The R-2 zone is consistent with the low-medium density residential (LMDR) designation of the general plan.
- (b) *R-3 (multiple family) zone.* Provides for the development of medium to high density multiple-family residential uses with density not to exceed 25 30 dwelling units per acre. Typical housing units may include townhouses, condominiums, cluster developments, apartments, or residential care facilities. R-3 development is typically located near commercial nodes, school sites, parks, and other activity centers. The R-3 zone is consistent with the medium density residential (MDR) and high density residential (HDR) designations of the general plan.

- (c) *R-4 (very-high density multiple family) zone.* Provides for the development of high to very high density multiple-family residential uses with density not to exceed 45 dwelling units per acre. Typical housing units may include townhouses, condominiums, apartments, or residential care facilities that integrate functionally and aesthetically with nearby transit-corridors, commercial centers, parks, bike trails, and other transportation and recreational systems. The R-4 zone is consistent with the very high density residential (VHDR) designation of the general plan.

**Sec. 90-385. - General requirements.**

- (f) The following are minimum requirements, unless otherwise noted, and shall apply to all land, buildings, and structures in their respective zones. All area dimensions are in square feet, unless otherwise noted. All linear dimensions are in feet, unless otherwise noted.

A. MULTIPLE-FAMILY ZONE MINIMUM DEVELOPMENT STANDARDS				
	ZONE	R-2	R-3	R-4
1.	Density (maximum units/gross acre)	8	<del>25</del> 30	45

**9. Article XXVI (Commercial Zones)**

**Sec. 90-892. - Zones established.**

The commercial zones are established in accordance with the standards of this article and as shown on the official zoning map pursuant to section 90-6. The Acacia-Sanderson Overlay Zone, a commercial zone established to allow for the provision of general commercial and commercial manufacturing uses in a specified area, is located in article XXVII overlay zones, division 1.

- (1) *O-P office professional zone:* To provide appropriately located areas for professional/administrative offices and personal services and other ancillary uses for businesses.
- (2) *C-1 neighborhood commercial zone:* To provide appropriately located areas for retail stores, offices and service establishments to primarily serve residents of the immediate area, which are generally compatible with adjacent residential zones.
- (3) *C-2 general commercial zone:* To provide appropriate areas in the locations as shown on the general plan for the development of commercial districts having a wide range of offices, services, retail stores, recreation and transient accommodations.
- (4) *C-M commercial manufacturing zone:* To reserve appropriately located areas for desirable mixes of retail or wholesale outlets and other commercial uses, warehousing and distributing uses, and light manufacturing uses, all of which will be compatible with one another.
- ~~(4) *O-P office professional zone:* To provide appropriately located areas for professional/administrative offices and personal services and other ancillary uses for businesses.~~

**Sec. 90-893. - Permitted uses.**

In the ~~OP~~, C-1, C-2, and C-M and ~~O-P~~ zones, permitted and conditionally permitted uses shall be as listed within the "land use matrix."



- (1) Whenever a business is conducted, a city business license is required pursuant to chapter 18.
- (2) Additional Municipal Code requirements and standards may apply to specific land uses as identified in the land use matrix under "additional requirements."
- (3) All other uses not specifically listed in the matrix shall be interpreted as not permitted unless a similar use determination is made by the director pursuant to section 90-3.
- (4) The definitions of section 90-4 shall apply. Uses not defined in section 90-4 shall be as determined by the director.

COMMERCIAL ZONES LAND USE MATRIX							
P=Permitted Use		A=Administratively Permitted Use			C=Conditionally Permitted Use		
T=Temporary Use Permit		X=Not Permitted					
Requirements: Additional or explanatory regulations or requirements							
	LAND USE	ZONE					ADDITIONAL REQUIREMENTS
		O-P	C-1	C-2	C-M	O-P	
A.	Agriculture and Natural Resources						
1.	Plant nurseries and greenhouses						
	a. Wholesale	C	C	C	A	€	
	b. Retail	P	P	P	P	P	
2.	Community garden	A	A	A	A	A	
3.	Produce stands						
	a. Permanent	X	C	C	C	X	
	b. Temporary	T	T	T	T	T	Sec. 90-73
B.	Residential Uses						
1.	Boarding houses	C	X	X	X	€	Sec. 90-261 et seq.
2.	Continuing care retirement community	C	C	C	X	€	
3.	Group homes						
	a. Large group home (7 or more residents)	C	X	X	X	€	Sec. 90-261 et seq.
	b. Small group home (6 or fewer residents)	C	X	X	X	€	Sec. 90-261 et seq.
	c. Parolee-probationer home	C	X	X	X	€	Sec. 90-261 et seq.
4.	Mixed use, an integrated mix of residential and office/commercial uses on a single site	C	C	C	X	€	
5.	Mobile home park, recreational vehicle park, travel trailer park	X	X	C	C	X	Article XX or XXIII
C.	Care Uses						
1.	Assisted living facility	C	C	C	X	€	
2.	Emergency shelter. Existing shelter permitted in C-1 zone pursuant to section 90-303(b)	X	X	X	C	X	Article X, Division 4
3.	Skilled nursing facility	C	C	C	X	€	

COMMERCIAL ZONES LAND USE MATRIX							
P=Permitted Use      A=Administratively Permitted Use      C=Conditionally Permitted Use T=Temporary Use Permit      X=Not Permitted Requirements: Additional or explanatory regulations or requirements							
	LAND USE	ZONE					ADDITIONAL REQUIREMENTS
		O-P	C-1	C-2	C-M	Θ-P	
<b>D.</b>	<b>Education, Public Assembly, and Recreation Uses</b>						
1.	Auditoriums, meeting halls, conference facilities—public and private	C	C	C	C	€	
2.	Church, temple synagogue or other religious facility including, but not limited to, parish house, convent, parsonage, monastery, religious school	C	C	C	C	€	
3.	Commercial recreation facility						
	a. Indoor (e.g., bowling alley, batting cages, skating rinks, trampoline)	X	C	C	C	✕	
	b. Outdoor (e.g., golf course, lawn bowling, baseball park, miniature golf, water park)	X	C	C	C	✕	
4.	Education facilities - private and public						
	a. Academic (grades preschool -12)	A	A	A	A	A	
	b. Colleges/universities	A	A	A	A	A	
	c. Professional and technical school	P	P	P	P	P	
	d. Trade school	X	X	X	P	✕	
5.	Studio such as art, music, martial arts, dance, or gymnastics	P	P	P	P	P	
6.	Theatre - movies or performing arts	C	C	C	C	€	
7.	Wedding or event venue	C	C	C	X	€	
<b>E.</b>	<b>Retail Trade Uses</b>						
1.	Adult business	X	X	X	C	✕	Sec. 90-18
2.	Alcohol sales						Sec. 90-90
	a. In conjunction with an exempt land use	P	P	P	P	P	
	b. Liquor store	X	X	C	C	✕	
	c. Microbrewery that brews its own beer for on-site consumption	C	X	C	C	€	
	d. All other on-sale and off-sale alcohol sales	C	C	C	C	€	Sec. 90-90
3.	Bank	P	P	P	P	P	
	a. With drive-through	C	C	C	C	€	Sec. 90-1423(B)(22)

COMMERCIAL ZONES LAND USE MATRIX							
P=Permitted Use      A=Administratively Permitted Use      C=Conditionally Permitted Use T=Temporary Use Permit      X=Not Permitted Requirements: Additional or explanatory regulations or requirements							
	LAND USE	ZONE					ADDITIONAL REQUIREMENTS
		O-P	C-1	C-2	C-M	Θ-P	
4.	Bar or nightclub	X	C	C	C	✗	Sec. 90-90
5.	Convenience store	C	C	C	C	€	
6.	General retail uses	P	P	P	P	P	
	a. Open outside the hours of 7:00 am - 10:00 pm	A	A	A	A	A	Sec. 90-43
	b. With alcohol—refer to alcohol sales	-	-	-	-	-	Sec. 90-892(E)(2)
	c. Conversion of large retail building	C	C	C	C	€	Sec. 90-897(e)
7.	Farm equipment and supplies	X	X	P	P	✗	
8.	Furniture and furnishings	X	P	P	P	✗	
9.	Grocery store and bulk food outlet	X	P	P	P	✗	
	a. Open outside the hours of 7:00 am—10:00 pm	A	A	A	A	A	Sec. 90-43
	b. With alcohol—refer to alcohol sales	-	-	-	-	-	Sec. 90-892(E)(2)
10.	Manufactured home sales with or without on-site display of models and inventory	X	X	X	C	✗	
11.	Pawn shop	X	X	C	X	✗	Sec. 90-4
12.	Pharmacies	P	P	P	P	P	
	a. With drive-through	C	C	C	C	€	Sec. 90-1423(B)(22)
	b. Open outside the hours of 7:00 am—10:00 pm	A	A	A	A	A	Sec. 90-43
	c. With alcohol—refer to alcohol sales	-	-	-	-	-	Sec. 90-892(E)(2)
13.	Resale Store (includes antique, consignment, secondhand, and vintage) with no donation drop-off or collection center on-site	X	P	P	P	✗	Sec. 90-4
14.	Restaurant including coffee, donut, ice cream	P	P	P	P	P	
	a. With live entertainment	C	C	C	C	€	
	b. With drive-through	X	C	C	C	✗	Sec. 90-1423(B)(22)
	c. With outdoor seating	A	A	A	A	A	
	d. With alcohol—refer to alcohol sales	-	-	-	-	-	Sec. 90-892(E)(2)
15.	Shopping center:						
	a. Regional mall or center (400,000+ sf)	X	X	P	C	✗	
	b. Shopping center (125-399,999 sf)	X	C	P	P	✗	
	c. Neighborhood center (30-124,999 sf)	C	P	P	P	€	

COMMERCIAL ZONES LAND USE MATRIX							
P=Permitted Use      A=Administratively Permitted Use      C=Conditionally Permitted Use T=Temporary Use Permit      X=Not Permitted Requirements: Additional or explanatory regulations or requirements							
	LAND USE	ZONE					ADDITIONAL REQUIREMENTS
		O-P	C-1	C-2	C-M	Θ-P	
	d. Convenience or strip center (29,999 or less sf)	X	P	P	P	✗	
16.	Showroom design centers with limited retail sale of products associated with home improvement and decorating	P	P	P	P	P	
17.	Thrift store (including collection center)	X	C	C	C	✗	Sec. 90-4
<b>F. Service Uses</b>							
1.	Adult day care facility	P	P	P	A	P	
2.	Animal services						
	a. Kennel for dogs and cats	X	X	X	C	✗	Sec. 90-78
	b. Grooming/training	P	P	P	P	P	
	c. Veterinary clinic, animal hospital	P	P	P	P	P	
3.	Beauty shop, day spa, barber, nails	P	P	P	P	P	
4.	Bed and breakfast lodging	A	A	A	X	A	
5.	Business support services such as printing, copying, shipping, postal	P	P	P	P	P	
6.	Health and fitness centers						
	a. Small—less than 3,000 sf	P	P	P	P	P	
	b. Large—3,000 sf or larger	A	A	A	A	A	
7.	Childcare day facility	A	A	C	C	A	
8.	Hotel or motel	C	C	C	C	€	Sec. 90-898
9.	Laundromat	X	P	X	P	✗	
10.	Laundry and dry cleaning (drop off only)	P	P	P	P	P	
11.	Marijuana dispensary, marijuana cultivation facility, commercial cannabis activity	X	X	X	X	✗	Sec. 90-79
12.	Massage						Chapter 18, Article VII
	a. Massage establishment	C	X	C	C	€	
	b. Incidental massage services offered by barbershops, beauty salons, day spas, nail salons	P	P	P	P	P	
	c. Medical massage as a prescribed treatment and offered within a medical facility, physical therapy, or chiropractic office	P	P	P	P	P	

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	LAND USE	ZONE					ADDITIONAL REQUIREMENTS
		O-P	C-1	C-2	C-M	Θ-P	
13.	Medical and dental						
	a. Laboratory	P	P	P	P	P	
	b. Offices, clinics, medical center	P	P	P	P	P	
	c. Urgent care clinic	P	A	P	P	P	
	i. Open outside the hours of 7:00 am - 10:00 pm	A	A	A	A	A	Sec. 90-43
	d. Hospital	C	C	C	X	€	
14.	Mortuary with or without crematorium	X	X	P	P	✕	
15.	Offices—general	P	P	P	P	P	
16.	Tattoo, body piercing	X	X	C	C	✕	
17.	Tobacco store	X	X	C	C	✕	Sec. 90-80
<b>G.</b>	<b>Vehicle Uses</b>						
1.	Automotive maintenance and repair services						Sec. 90-897(b)
	a. Major repair, body work, paint shop including overnight vehicle storage	X	X	C	P	✕	
	b. Minor maintenance, installation services, smog certification. No overnight vehicle storage	X	P	P	P	✕	
	c. Tire and brake services	X	C	P	P	✕	
2.	Automotive parts sales within an enclosed building	X	P	P	P	✕	
3.	Automobile rental services	X	X	P	P	✕	
4.	Car wash—self or full-service	X	C	P	P	✕	
5.	Electric recharging facilities	P	A	P	P	P	
6.	Gas station, with or without a convenience store	X	C	C	C	✕	Sec. 90-897
7.	New and used vehicle sales including automobile, motorcycle, and marine						Sec. 90-897
	a. Within a building only	X	P	P	P	✕	
	b. With exterior display area	X	X	C	C	✕	
<b>H.</b>	<b>Industrial Uses</b>						
1.	Assembly of small electronics, cabinets, furniture, equipment, and similar materials with	P	X	A	P	P	

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	LAND USE	ZONE					ADDITIONAL REQUIREMENTS
		O-P	C-1	C-2	C-M	Θ-P	
	no outdoor storage or operations						
2.	Distribution facilities, including, but not limited to bottled water, food products, prepacked goods, machinery	A	X	A	P	A	
3.	Machine shop with no outdoor operations	X	X	X	P	✗	Sec. 90-43
4.	Miscellaneous manufacturing - light. (e.g., jewelry, office supplies, cosmetics, sporting goods) with no outdoor storage or operations	X	X	X	P	✗	
5.	Recycling facilities						
	a. Donation box	X	X	A	A	✗	
	b. Collection facility	X	X	C	C	✗	
	c. Processing facility	X	X	X	C	✗	
6.	Research and development	P	P	P	P	P	
7.	Storage facility (personal, mini-storage)	X	X	X	C	✗	Secs. 90-4, 90-81
8.	Storage and service yard including vehicle storage	X	X	X	C	✗	
<b>I.</b>	<b>Transportation, Communication, and Infrastructure Uses</b>						
1.	Parking facilities	P	P	P	P	P	Article XL
2.	Solar energy systems—commercial or utility ground mounted	X	X	X	C	✗	
3.	Solar energy systems building mounted—non-commercial (serving the development site)	P	P	P	P	P	
4.	Taxi, dial-a-ride, or other fleet dispatch and maintenance facility	X	X	X	C	✗	
5.	Wireless communication facility						
	a. Minor facility	A	A	A	A	A	Article XLVI
	b. Major facility	C	C	C	C	€	Article XLVI
<b>J.</b>	<b>Government Uses</b>						
1.	Courthouse and associated facilities	C	X	C	C	€	
2.	Library	P	P	P	X	P	
3.	Maintenance yard, fueling station, scales, car	X	X	X	P	✗	

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	LAND USE	ZONE					ADDITIONAL REQUIREMENTS
		O-P	C-1	C-2	C-M	Θ-P	
	wash, overnight parking or other vehicle services solely serving the public facility						
4.	Museum	A	A	P	A	A	
5.	Public safety facility	P	C	C	P	P	
<b>K.</b>	<b>Accessory Uses</b>						
1.	Accessory uses and structures	P	P	P	P	P	Sec. 90-895(e)
2.	Metal storage containers						
	a. Temporary use	TUP	TUP	TUP	TUP	TUP	Secs. 90-73; 90-82
	b. Permanent accessory structure	X	X	P	P	X	Sec. 90-82
3.	Outdoor activities accessory to a primary use						
	a. Display of merchandise	A	A	A	A	A	Sec. 90-897(e)
	b. Outdoor seating	A	A	A	A	A	
<b>Supplemental Use Regulations</b>							
1.	Accessory buildings	Sec. 90-895(e)					
2.	Alcohol sales, on-site and off-site	Sec. 90-90					
3.	Automotive related uses—supplemental site standards	Sec. 90-897					
4.	Conversion of large retail building	Sec. 90-897(e)					
5.	Massage establishments	Chapter 18, Article VII, Sec. 211 et seq.					
6.	Metal storage containers	Sec. 90-92					
7.	Outdoor display of merchandise	Sec. 90-897(f)					
8.	Shopping cart containment	Sec. 30-71 et seq.					
9.	Tobacco sales	Sec. 90-80					

**Sec. 90-894. - General requirements.**

(g) The following are minimum requirements unless otherwise noted and shall apply to all land, building and structures in their respective zones. All area dimensions are in square feet, unless otherwise noted. All linear dimensions are in linear feet, unless otherwise noted.

COMMERCIAL ZONE MINIMUM DEVELOPMENT STANDARDS					
	Development Standard	OP	C-1	C-2	C-M

COMMERCIAL ZONE MINIMUM DEVELOPMENT STANDARDS					
	Development Standard	OP	C-1	C-2	C-M
1.	Maximum lot coverage (percentage)	60	40	40	40
2.	Minimum net lot area (square feet)	none	none	none	none
3.	Minimum lot width (linear feet)				
	a. Standard	100	100	100	100
	b. Cul-de-sac/knuckle	70	70	70	70
4.	Lot depth	100	100	100	100
5.	Front yard setback landscaped	20	10	10	10
6.	Rear yard setback, landscaped				
	a. Adjacent to an alley, street, or a R zone	10	10	10	10
	b. Not adjacent to an alley or street	0	0	0	0
7.	Side yard setback, landscaped				
	a. Interior side	5 for each story	0	0	0
	b. Street side and corner	10	10	10	10
8.	Building and structure height (Refer to Sec. 90-895(d) for exceptions)	40	35	35	35
9.	Commercial design standards	Sec. 90-895(a)			
10.	Exterior color requirements	Sec. 90-896			
11.	Landscape requirements	Sec. 90-895(h) and Article XLVIII			
12.	Accessory structures	Sec. 90-895(e)			
13.	Parking requirements	Article XL			
14.	Signage requirements	Article XXXVI			

**Sec. 90-895. - Site development requirements.**

(d) *Height exceptions.*

(1) Structures permitted above a specified height limit may be erected as follows: Structures or walls for the housing of elevators, stairways, tanks, ventilating fans or similar structures, skylights, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts, radio and television masts, water tanks, silos or similar structures, provided that no roof structure, as listed in this subsection, or any space above the height limit specifically prescribed for particular zones, shall be allowed or used for the purpose of providing usable floor space in excess of that reasonably required to maintain such structures and shall not be used for signage.

(2) Buildings that exceed that maximum height of the zone in which the use is proposed may be considered with the processing of a conditional use permit pursuant to Sec. 90-42 of this chapter.



## 10. Article XXVII (Overlay Zones)

### DIVISION 2. - HILLSIDE DEVELOPMENT OVERLAY ZONE

#### Sec. 90-935. - Purposes.

The purpose of the hillside development overlay zone is to:

- (1) Establish regulations and standards for the identification and protection of hillsides, ridgelines, canyons, and other natural land forms such as rock outcroppings in recognition that such features are community assets that help define the city as a desirable place to live, work, and recreate; and
- (2) Ensure that roadways, driveways, and other access points in the hillside overlay zone provide adequate emergency access;
- (3) Comply with the goals and policies of the general plan regarding the protection and preservation of hillside areas as an important aesthetic and community resource; and
- (4) Implement the HR (hillside residential) land use designation of the general plan.

#### Sec. 90-936. - Zone established.

The hillside development overlay (H) zone is established in accordance with the standards of this article and as shown on the official zoning map pursuant to section 90-6.

#### Sec. 90-937. - Permitted uses.

All uses permitted in the underlying zone over which the hillside development overlay zone is placed shall be permitted in the overlay zone. The regulations of the hillside development overlay zone shall apply in addition to the regulations of the underlying zone. In the event of a discrepancy between the regulations of the underlying zone and the overlay zone, the overlay zone shall take precedence.

#### Sec. 90-938. - Reserved.

#### Sec. 90-939. - Maximum density.

The maximum density on any parcel to which this section applies shall not exceed the units per acre for each of the average percent slope ranges indicated below:

Average Slope (%)	Units Per Acre
0 to 10	4.0
10+ to 15	2.0
15+ to 25	1.0
25+ and above	0.5

#### Sec. 90-940. - Density transfer.

Within a project having the hillside development overlay zone, a density transfer may be granted when permitted development is transferred from one slope category to a lower slope category. In consideration for such a transfer of development, the allowable density of the lower slope category may be increased by 50 percent. For example, if density/development is transferred from the 25 percent and above slope category (from the above table) to the next lower category (15 percent to 25 percent), the allowable density of the lower category, 1.0 dwelling units per acre, may be increased to 1.5 units per acre. In no situation shall the total

number of units permitted for any project exceed the number of units that would have been permitted without any transfer of density. Areas from which density is transferred shall be restricted from future development in an appropriate manner.

Sec. 90-941. - Development performance standards.

The following minimum performance standards are required for any development in the hillside development overlay zone.

(1) *Soils/grading.*

a. Grading of any site shall conform to the following grading standards, based upon the percent of natural slope. The city engineer shall review the proposed grading with respect to the following:

1. *0—10 percent.* Redistribution of earth over large areas may be permitted. Significant environmental features may be required to be preserved.
2. *10—15 percent.* Some grading may occur, but landforms must retain their natural character. Padded building sites may be allowed, but custom foundations, split level designs, stacking and clustering is expected to mitigate the need for large padded building areas.
3. *15—25 percent.* Limited grading may occur, however, major topographical features shall retain their natural landforms. Special hillside architectural and design techniques are expected in order to conform to the natural land form, by using techniques such as split level foundations of greater than 18 inches, stem walls, stacking and clustering.
4. *Greater than 25 percent.* Development and limited grading can only occur in this category if it can be clearly demonstrated that safety, environmental, and aesthetic impacts will be avoided. Use of larger lots, variable setbacks and variable building structural techniques such as stepped or pole foundations are expected. Structures shall blend with the natural environment through their shaped, materials and colors. Impact of traffic and roadways is to be minimized by following natural contours or using grade separations.

b. Grading shall be designed to:

1. Conserve natural topographic features and appearances by means of land sculpturing to blend graded slopes and benches with natural topography.  
Retain major natural topographic features such as canyons and prominent landmarks.
  3. Graded slopes over 25 feet in height and over 100 feet in length shall be contour graded. A variety of slope ratios (i.e. 2:1, 3:1, 3.5:1, 5:1, etc.) shall be used to blend graded slopes into the adjoining natural terrain.
  4. Terracing shall be designed with small incremental steps, avoiding wide step terracing and large areas of flat pads.
- c. All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods such as planting, walls, or netting. Interim erosion control plans shall be required, certified by the project engineer, and reviewed and approved by the city engineer.
- d. Slopes created by grading of the site shall not exceed 50 percent or 2:1, without a soils report and stabilization study indicating a greater permissible slope; or shall not exceed 30 feet in height between terraces or benches.

(2) *Water/drainage.*

- a. On-site catch basins or siltation basins, as well as energy absorbing devices, may be required as a means to prevent erosion as well as to provide for ground water recharge.
- b. Natural drainage courses should be protected from grading activity.
- c. Where brow ditches are required, naturalize with plant materials and native rocks.

- d. All benchdrains (interceptors) and downdrains shall be constructed to match the natural contours of the lands.
- e. Downdrains on manufactured slopes shall be staggered between terrace drains to be less obtrusive.
- f. Maximum coverage of a parcel by impervious surfaces shall not exceed 40 percent of the gross land area, and such maximum may be reduced by the planning director in areas where the slope exceeds 15 percent.

(3) *Animal and plant life.*

- a. Areas of a site which are identified in the environmental study as having biological significance shall be preserved.
- b. Natural vegetation shall be maintained wherever possible. If removal is required, re-establishment of a compatible plant material will be required at a ratio of at least 2:1.
- c. All exposed slopes and graded areas shall be landscaped with groundcover, shrubs, and trees.
- d. Existing mature trees shall be incorporated into the project where feasible.
- e. Water and energy conservation techniques shall be utilized, such as special irrigation techniques (e.g., drip irrigation), drought tolerant plant species, alluvial rockscape, etc.
- f. Wherever possible, fire resistant native vegetation shall be preserved and planted.
- g. Introduction of landscaping within the hillside areas should make maximum use of texture, color, and be capable of blending in with the natural landscape, and help to soften the effects of buildings, walls, pavement, and grading. Irregular tree and shrub spacing shall be used to achieve a natural appearance on graded slopes.
- h. With the exception of landscaping for street parkways, trees and shrubs shall be placed in swale areas to more closely reflect natural conditions.
- i. Screening along roadways should make maximum use of berming and landscaping but shall not interfere with sight distance.
- j. Landscaping and berming shall be used to screen views of all benchdrains and downdrains.
- k. Planting in riparian areas shall be kept as close as possible to their natural state. Ornamental plants and the introduction of non-native species should be avoided.
- l. The keeping of pigs, goats, sheep, horses, and other similar animals shall be limited to two per acre in areas that are determined to be of biological sensitivity, in addition to the requirements of section 90-77.

Sec. 90-942. - Structure design guidelines.

Structural design and construction for wildland interface areas is found under section 14-420.

- (1) Dwelling units and structures shall be compatible with the natural surroundings of the area and shall not dominate the natural environment.
- (2) ures should blend in with natural surroundings by using earth tone colors and avoiding reflective materials or finishes and be of fire resistive materials.
- (3) Site design should utilize varying setbacks, building heights, innovative building techniques, and building and wall forms which serve to blend buildings into the terrain.
- (4) Dwelling units and structures shall be sited in a manner that will:
  - a. Retain outward views from each unit;
  - b. Preserve or enhance vistas, particularly those seen from public places;
  - c. Preserve visually significant rock outcroppings, natural hydrology, native plant materials, and areas of visual or historical significance.

- (5) The highest point of any structure shall not be located above the ridgeline.
  - a. Use the natural ridgeline as a backdrop for structures;
  - b. Use landscape plant materials as a backdrop; and
  - c. Use the structure to maximize concealment of cut slopes.
- (6) Accessory buildings. Detached accessory buildings which do not have solid exterior walls (carports, patio covers, etc.) shall have supporting members of heavy timber or be constructed with materials approved for one hour construction.
- (7) Decks and patios. Decks, balconies, roof overhangs, attached patio covers, and similar architectural features shall be protected on the underside with materials approved for one-hour resistive construction per the requirements found in section 14-420.
- (8) Retaining wall/fences.
  - a. Retaining walls shall be used in the following manner:
    - 1. Upslope not exceeding six feet in height.  
Downslope not exceeding 42 inches in height may be used.
    - 3. Lots sloping with the street of access or other conditions. One retaining wall on each side of the lot may be used not exceeding 42 inches in height.
    - 4. Retaining walls adjacent to driveways walls being an integral part of the structure may exceed six feet in height if necessary.
    - 5. All retaining walls, visible from the public right-of-way shall be constructed of decorative block materials and be of earth-tone colors to minimize visibility.
  - b. Exposed retaining walls facing roadways shall be not greater than five feet in height.
  - c. Where retaining walls face roadways, they shall be faced with aesthetically pleasing materials (e.g. split face block, etc.).
  - d. Precision block walls, wood and chainlink fencing are specifically prohibited for use in hillside developments in relation to perimeter fencing or retaining walls.
  - e. Interior fencing along property lines shall be constructed of decorative masonry block, wrought iron with pilasters that are of similar architecture to the buildings, or other non-combustible materials approved by the planning director.
  - f. Coated chain link fencing may be allowed to enclose tennis courts but must of a material and color that is approved by the planning director.
- (9) Circulation. The intent of this section is to reduce the visual impacts created by hillside roadways, yet provide safe circulation. Roadways shall conform to the standards specified for development for wildland interface areas in section 14-418. Roadways should conform to the natural hillside landform and not greatly alter the physical and visual character of a hillside by creating large notches in ridgelines or by defining wide straight alignments. The following circulation standards and policies shall be implemented for all new hillside projects:
  - a. Single-loaded streets are recommended on steep terrain where it can be demonstrated that the overall grading for the project can be reduced.
  - b. All hillside development shall have two points of access to provide a safe ingress and egress for hillside developments. This is not applicable to cul-de-sacs that are less than 350 feet in length.
  - c. Street grades shall not have slopes greater than those allowed in subsection 14-418(6) Generally eight percent maximum is allowed in areas of extreme fire hazard.
  - d. Street rights-of-way widths can, for hillside development, be reduced from the city's general standards when the city engineer and fire chief determine that their implementation will not be hazardous to the public safety.
  - e. Roadway design, wherever practical, be parallel or diagonal to the existing hillside contours. Roads shall be curvilinear fashion and blend in with the existing topographical

slopes. Circulation plans for hillside development shall be designed to minimize both their visual and grading impacts.

- f. Private driveways may provide access to a public street of up to two units per driveway. Such driveways shall have a minimum paved width of 25 feet and a maximum slope of 14 percent. Any drives exceeding 12 percent slope may not exceed 600 feet in length.
- (10) Fuel modification. A permanent fuel modification area shall be required for the perimeter of development projects that are located in the hillside zones. Specific requirements are contained in section 14-421 (landscaping and perimeter). The recommended width of the fuel modification areas shall be determined by the fire chief, but in no case shall it be less than 100 feet in width as measured from the development perimeter. The width of the fuel modification area shall be determined by the following:
  - a. The natural ungraded slope of the lands with the project and in areas adjacent to the project.
  - b. Fuel loading.
  - c. Access to the project and access directly to the fuel modification area, and
  - d. The on-site availability of water that can be used for firefighting purposes. The fuel modification areas shall also incorporate soil erosion and sediment control measures to alleviate permanent scarring and accelerated erosion.
- (11) Water supply. All development shall be provided with adequate water supply according to the requirements set forth in section 14-419 (water supplies).

Sec. 90-943. - Reserved.

Sec. 90-944. - Submittal requirements.

Applications for development of property within the hillside development overlay zone shall be submitted for site development plan review pursuant to section 90-48 of the Code. In addition to the items specified in section 90-48, the applicant shall submit the following:

- (1) A topographic map of the project site and land and structures within 100 feet of the project boundaries. The map shall be drawn to a scale of not less than one inch equals to 100 feet with a maximum contour interval of ten feet. The maximum contour interval shall be five feet where terrain has a slope of less than 25 percent.
- (2) A site plan of the proposed project showing property lines, recorded or proposed easements and public rights-of-way. Existing structures within 100 feet of the site shall also be shown on the site plan.
- (3) A preliminary grading plan for the project, drawn to the same scale as required above. Existing and final slope shall be shown in the following categories by average slope (percent): 0 to 10, 10+ to 15, 15+ to 25, 25+ and above.
- (4) A soils engineering report including data regarding the nature, distribution and strengths of existing soils, conclusions, and recommendations for grading procedures, design criteria for and identified corrective measures, and opinions and recommendations regarding existing conditions and proposed grading. The investigation and report shall be performed by a professional soils engineer experienced in the practice of soil mechanics and registered with the state.
- (5) A hydrology report shall be provided including areas of possible inundation, downstream effects, natural drainage courses, conclusions, and recommendations regarding the effect of hydraulic conditions on the proposed development, opinions and recommendations regarding the adequacy of facilities proposed for the site, and design criteria to mitigate identified hydraulic hazards. This report shall account for runoff and debris from tributary areas and shall

provide consideration for each lot or dwelling unit site in the development. Runoff and debris volumes shall be computed using county flood control district criteria. This investigation and report shall be prepared by a registered civil engineer experienced in hydrology and hydraulic investigation.

- (6) A preliminary landscaping plan showing disposition of existing trees, and the type and extent of proposed vegetation. The method of open space maintenance shall also be identified.
- (7) A geotechnical study shall be provided including the surface and subsurface geology of the site, degree of seismic hazard, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, opinions and recommended design criteria to mitigate any identified geologic hazards. This investigation and report shall be performed by a professional geologist experienced in the practice of engineering geology and registered with the state.
- (8) A landform study shall be provided with a site inventory and map identifying existing landforms shall be submitted for the project including the following:
  - a. All U.S.G.S. blue-line streams, springs, perennial and intermittent streams with drainage areas that are 50 acres or greater at or above the project site.
  - b. Rock outcroppings that are greater than 300 square feet in surface area.
  - c. Classification of "grading zones" that are identified in this article.
  - d. Identification of primary and secondary ridgelines.
  - e. Identification of the most prominent topographical features of the project site. This identification is relative to each project site and should include any ridges, peaks, knolls and any other similar types of features.
- (9) A biological survey shall be submitted. This survey shall inventory both flora and fauna found at the site. All endangered, threatened or rare species shall be identified. Survey shall be conducted by a qualified biologist selected from then approved listing maintained by the planning department.
- (10) Other information or applications materials as may be deemed necessary or desirable by the planning director such as archaeology, paleontology, and visual analysis studies.

Secs. 90-945—90-950. - Reserved.

### DIVISION 3 - S SCENIC HIGHWAY SETBACK OVERLAY ZONE

Sec. 90-951. - Purpose.

The purpose of the scenic highway overlay zone is to implement the scenic highways element of the general plan to minimize adverse visual impacts and enhance the public's aesthetic enjoyment of the scenic highway corridors. This shall be accomplished through the use of landscaped setbacks on certain roads designated as local scenic highways.

Sec. 90-952. - Permitted uses; designation on zoning map.

All uses permitted in the underlying zone over which the scenic highway overlay zone is placed shall be permitted in the overlay zone. Whenever the overlay zone is placed on the official zoning map, the designation shall be as indicated in the map legend. The regulations of the scenic highway overlay zone shall apply in addition to the regulations of the underlying zone. The most restrictive regulations shall take precedence.

Sec. 90-953. - Setbacks.

Front yards adjoining a scenic highway shall be a minimum of 25 feet in depth, and shall be landscaped with a mixture of live trees, shrubs and ground cover.

Sec. 90-954. - Reserved.

Sec. 90-955. - Scenic highways established.

The following streets are designated as scenic highways:

- (1) Florida Avenue, from Sanderson Avenue west to the sphere of influence line.
- (2) Florida Avenue, from Stanford Street east to the sphere of influence line.
- (3) State Street, from Thornton Avenue south to the sphere of influence line.
- (4) Simpson Road, from the west sphere of influence line to State Street.
- (5) Sanderson Avenue, from the north sphere of influence line to Domenigoni Parkway excepting that portion from Florida Avenue to 850 feet south and that portion of the easterly side from Florida Avenue to 530 feet north.
- (6) Warren Road, from Commonwealth Avenue to Simpson Road.

Secs. 90-956—90-979. - Reserved.

## 11. Article XXX (Manufacturing Zones)

Sec. 90-1043. - Permitted uses.

In the BP, M-1 and M-2 zones, permitted (P), administratively permitted (A), and conditionally permitted (C) uses shall be listed within the "Land Use Matrix." Whenever a business is conducted, a city business license is required pursuant to chapter 18. Uses located within the Hemet-Ryan Airport Influence Area are subject to the requirements of the Riverside County Airport Land Use Plan, which may further limit structure heights or permitted uses depending upon the site location. All uses must be conducted indoors unless otherwise specified by the provisions of this article and are subject to performance standards pursuant to section 90-1048.

MANUFACTURING ZONES LAND USE MATRIX					
P = Permitted Use A = Administratively Permitted Use C = Conditionally Permitted Use X = Not Permitted Requirements: Additional or explanatory regulations or requirements					
ZONE		BP	M-1	M-2	Requirements
G.	Vehicle Uses				
1.	Alternative fuels and recharging facilities	A	A	A	
2.	Boat and marine equipment sales, rental, and repair	C	P	P	Sec. 90-897
3.	Car rental services	P	P	X	
4.	Car wash, full or self serve	X	C	X	
5.	Maintenance and Repair Services				Sec. 90-897
a.	Major Repair/Body Work	X	P	P	
b.	Minor maintenance, installation services, tire services, smog	C	P	P	

	certification				
6.	Service stations, with or without convenience stores <b>allowable accessory uses</b>	C	C	C	Sec. 90-897
7.	Truck scales	X	P	P	

**12. Article XXXII (Scenic Highway Setback Overlay Zone), Sections 90-1121 – 90-1150. REPEAL. Relocate to Article XXVII Overlay Zones**

~~ARTICLE XXXII. – S SCENIC HIGHWAY SETBACK OVERLAY ZONE~~

~~Sec. 90-1121. – Purpose.~~

~~The purpose of the scenic highway overlay zone is to implement the scenic highways element of the general plan to minimize adverse visual impacts and enhance the public's aesthetic enjoyment of the scenic highway corridors. This shall be accomplished through the use of landscaped setbacks on certain roads designated as local scenic highways.~~

~~Sec. 90-1122. – Permitted uses; designation on zoning map.~~

~~All uses permitted in the underlying zone over which the scenic highway overlay zone is placed shall be permitted in the overlay zone. Whenever the overlay zone is placed on the official zoning map, the designation shall be as indicated in the map legend. The regulations of the scenic highway overlay zone shall apply in addition to the regulations of the underlying zone. The most restrictive regulations shall take precedence.~~

~~Sec. 90-1123. – Setbacks.~~

~~Front yards adjoining a scenic highway shall be a minimum of 25 feet in depth, and shall be landscaped with a mixture of live trees, shrubs and ground cover.~~

~~Sec. 90-1124. – Scenic highways established.~~

~~The following streets are designated as scenic highways:~~

- ~~(1) Florida Avenue, from Sanderson Avenue west to the sphere of influence line.~~
- ~~(2) Florida Avenue, from Stanford Street east to the sphere of influence line.~~
- ~~(3) State Street, from Thornton Avenue south to the sphere of influence line.~~
- ~~(4) Simpson Road, from the west sphere of influence line to State Street.~~
- ~~(5) Sanderson Avenue, from the north sphere of influence line to Domenigoni Parkway excepting that portion from Florida Avenue to 850 feet south and that portion of the easterly side from Florida Avenue to 530 feet north.~~
- ~~(6) Warren Road, from Commonwealth Avenue to Simpson Road.~~

~~Secs. 90-1125 – 90-1150. – Reserved.~~

**13. Article XXXIX (S-1 Church Religious Institutions Zone)**

Sec. 90-1381. - Purpose.

The purpose of the S-1 church religious institutions zone is to provide appropriately located areas for churches religious institutions and to provide a procedure for their orderly establishment.

**Sec. 90-1382. – Zone Established.**

**The S-1 religious institutions zone is established in accordance with the standards of this article. The religious institutions zone applies to those parcels indicated on the official zoning map as “S-1” pursuant to section 90-6.**



Sec. 90-1383. - Permitted uses.

Uses permitted in the S-1 zone shall be as follows: Churches, synagogues, temples, and other religious institutions including educational and recreational areas and buildings pertinent thereto.

Sec. 90-1384. – Development review and approval.

New projects in the S-1 religious institutions zone are subject to pre-application review as provided in section 90-49 and site development review as provided in section 90-48. Development of the site and structures shall be consistent with all applicable design guidelines.

Sec. 90-1385. - Site area.

The minimum required site area in the S-1 religious institutions zone shall be one acre.

Sec. 90-1386. - Yards.

- (a) *Front yard.* Every site in the S-1 religious institutions zone shall have a minimum front yard of 25 feet in depth.
- (b) *Side yards.* Except as otherwise provided in this subsection, a ten-foot minimum side yard setback is required, except when the side lot line adjoins a R zone, the minimum side yard shall be 20 feet in depth.
- (c) *Rear yard.* Except as otherwise provided in this subsection, a ten-foot minimum rear yard setback is required except when the site rear lot line adjoins a R zone, the minimum rear yard shall be 20 feet in depth.

Sec. 90-1387. - Placement of buildings.

Building placement in the S-1 religious institutions zone shall be as prescribed in section 90-895.

Sec. 90-1388. - Lot width and depth.

Every site in the S-1 religious institutions zone shall have a minimum width of 150 feet at the building line and a minimum depth of 150 feet.

Sec. 90-1389. - Building height.

No building in the S-1 religious institutions zone shall exceed 35 feet in height, except that church spires shall be permitted to be up to 60 feet in height.

Sec. 90-1390. - Lot coverage.

Permissible lot coverage in the S-1 religious institutions zone shall be as prescribed for the R-3 OP zone in section 90-894.

Sec. 90-1391. - Service and refuse areas.

All service areas, refuse collection areas and trash bins in the S-1 religious institutions zone shall conform to the setback requirements, and shall be completely screened by a solid fence or wall, or shall be enclosed within a building.

Sec. 90-1392. - Lighting.

All exterior lighting in the S-1 zone shall be directed away from nearby R zones.

Sec. 90-1393. - Fencing and required buffers when adjacent to R zones.

- ~~(a) Walls, screening and landscaping shall comply with subsection 90-385 (i) 90-895(i).~~
- ~~(b) Buffers required. When adjoining an A or R zone, a solid six foot masonry wall shall be constructed on the adjoining A or R zone property line. A ten foot landscaped area adjacent to the wall shall~~

~~also be installed and maintained on the church side of the wall. The landscaping shall consist of plant material, including a minimum of 15 gallon evergreen trees planted on 20 foot centers.~~

Sec. 90-~~1394~~. - Off-street parking and loading.

Off-street parking and loading shall be provided for each use in the S-1 ~~religious institutions~~ zone as prescribed in article XL of this chapter.

~~Sec. 90-1393. - General requirement.~~

~~New projects in the church zone are subject to pre-application review as provided in section 90-49 and site development review as provided in section 90-48. Development of the site and structures shall be consistent with all applicable design guidelines.~~

Secs. 90-~~1395~~—90-1420. - Reserved.