

ORDINANCE NUMBER 1357

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING THE SECOND READING OF ORDINANCE AMENDMENT 17-05199 TO AMEND ZONING CODE 19.02.140 "HOME OCCUPATIONS" AND MAKE FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Perris recognizes the need to amend Zoning Code 19.02.140, Home Occupations, to update regulations and permitted use; and

WHEREAS, Ordinance Amendment 17-05199 includes changes to expand and clarify the types of home occupations permitted and regulating provisions in the City of Perris; and

WHEREAS, on October 18, 2017, the Planning Commission conducted a duly, noticed public hearing on the proposed ordinance amendment, considered testimony and materials in the findings and accompanying documents, and recommended approval of the proposed amendment; and

WHEREAS, on November 28, 2017, the City Council conducted a duly, noticed public hearing on the proposed amendments, and voted to approve the First Reading of said Ordinance based on the findings contained in the Resolution and attached exhibits; and

WHEREAS, all legal prerequisites for the adoption of this Ordinance have occurred.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris as follows:

Section 1. The above recitals are all true and correct.

Section 2. The City Council hereby determines that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines pursuant to Article 19, Section 15305, pertaining to Minor Alterations in Land Use Limitations. Accordingly, the City Council adopts a Categorical Exemption in accordance with the provisions of the California Environmental Quality Act.

Section 3. Based upon the information contained within the supporting exhibits, with respect to Ordinance Amendment 17-05199, the City Council finds that:

Ordinance Amendment 17-05199

- A. The proposed Ordinance Amendment will not result in a significant adverse effect on the environment.
- B. The proposed Ordinance Amendment will not conflict with the goals, policies, and implementation measures set forth in the General Plan and Zoning Ordinance.

- C. The proposed Ordinance Amendment will not have a negative effect on public health, safety, or the general welfare of the community.

Section 4. That for the foregoing reasons the City Council approves, Ordinance Amendment 17-05199 to amend Zoning Code 19.02.140 “Home Occupations”, based on the findings presented herein.

Section 5. The City Council declares that should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Ordinance shall remain in full force and effect.

Section 6. The Mayor shall sign this Ordinance and the City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty days after its final passage.

ADOPTED, SIGNED, and APPROVED this 12th day of December 2017.

Mayor, Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, **Nancy Salazar**, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1357 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 12th day of December 2017, by the following called vote:

AYES: ROGERS, BURKE, CORONA, RABB, VARGAS
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

City Clerk, Nancy Salazar

Attachment: Adopted Ordinance 1357

CHAPTER 19.02

GENERAL PROVISIONS

Sections:

- 19.02.010 REGULATION APPLICATION
- 19.02.020 LIMITATION ON LAND USE
- 19.02.030 EXCEPTIONS TO BUILDING HEIGHT
- 19.02.040 RESTRICTIONS FOR WALLS, FENCES, AND HEDGES
- 19.02.050 CORNER CLEARANCE
- 19.02.060 OPEN SPACE AREAS AND ENCROACHMENTS
- 19.02.070 SCREENING
- 19.02.080 PROPERTY MAINTENANCE
- 19.02.090 DWELLINGS
- 19.02.100 UTILITIES
- 19.02.110 LIGHTING
- 19.02.120 OPERATIONAL RESTRICTIONS
- 19.02.130 LANDSCAPING
- 19.02.140 HOME OCCUPATIONS
- 19.02.150 SETBACKS

19.02.010 REGULATION APPLICATION

The regulations contained in this Chapter shall pertain to the various zoning districts within the City.

19.02.020 LIMITATION ON LAND USE

A. ***Prohibition against the location and operation of medical marijuana dispensaries***

The establishment of a medical marijuana dispensary for the sale or distribution of medical marijuana or the sale or distribution of medical marijuana by an existing business is prohibited.

No use permit, variance, building permit, or other entitlement for use shall be accepted, processed, approved or issued for the establishment or operation of, and no person shall otherwise establish, a “medical marijuana dispensary,” as defined in Chapter 19.08 of the Perris Municipal Code. (Ord 1239 § 4 (part), 2008)

B. ***Zoning District Compliance***

Except as provided in this title, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is specifically permitted in the Zone in which the building or land is located.

19.02.030 EXCEPTIONS TO BUILDING HEIGHT

Penthouses or structures for the housing of elevators, stairways, mechanical or similar equipment required to operate and maintain a building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, radio, television masts, radar and other similar facilities attached to the primary building may be erected provided they are less than 10 feet above the height limits prescribed within the applicable Residential Zoning District and less than 20 feet within the applicable Commercial and Industrial Zoning District. However, no penthouse or roof structure, or any other space above the height limit prescribed for the zone in which the building is located shall be allowed for the purpose of providing additional floor space.

19.02.040 RESTRICTIONS FOR WALLS, FENCES, AND HEDGES

A. *Residential Zones*

Residential Zones shall have the following restrictions:

1. A solid opaque wall, fence or hedge 3 feet in height may be located and maintained on any part of a lot. A wall or fence up to 5 feet in height is allowed within the front yard of any residential zone provided that portion over 3 feet in height is at least 50 percent open.
2. On an interior or corner lot a wall, fence or hedge not more than 6 feet in height may be located anywhere on the lot to the rear of the rear line of the required front yard. On a reversed corner lot a wall, fence, or hedge not more than 6 feet in height may be maintained anywhere on the lot to the rear of the rear line of the required front yard except within the required triangular open area at the rear constituting a part to the required side yard of the side street side.
3. All reversed corner lots, and lots with side or rear yards that front along public streets, shall provide decorative block wall fencing six (6) feet in height, to the rear line of the required side and/or rear yard.
4. All fences and walls shall be designed to be compatible with the overall architectural style; fence and wall materials shall be of a durable quality and a color complimentary to the overall project design. Permitted materials include, but are not limited to:
 - Split-face masonry
 - Stone
 - Stone Veneer
 - Brick
 - Slump block
 - Stucco
 - Wood (rough sawn, treated and untreated, smooth sawn)
 - Block /wrought iron combinations
 - Treated wood
5. The following types of materials are prohibited:
 - Barbed wire
 - Wire
 - Corrugated metal
 - Electronically charged fences

Plain exposed plastic concrete (PCC)

Plywood including T-111

Chain link fence with or without grapestake fencing or similar materials

6. All walls, fencing or screening materials shall be maintained in a physical state similar to that at the time in installation. Repair and/or damaged, defective, or severely weathered materials shall be completed immediately upon occurrence or within a minimum of 10 days of notification by the City.

B. *Commercial Zones*

Walls, fences or other screening devices in Commercial Zones shall be allowed provided they meet the following requirements:

1. All fences and walls shall be designed to be compatible with the overall architectural style. Fence and wall materials shall be of a durable quality and a color complimentary to the overall project design. Permitted materials include but are not limited to:
Split-face masonry
Stone
Stone veneer
Brick
Slump block
Stucco
Wood
Block/wrought iron combination
Treated wood
The following types of materials are prohibited:
Barbed wire
Wire
Untreated corrugated metal
Electronically charged fences
Plain exposed plastic concrete/PCC
Chain link with or without grapestake fencing or similar materials
3. All walls, fencing or screening materials shall be maintained in a physical state similar to that at the time of installation. Repair and/or replacement of damaged, defective or severely weathered materials shall be completed immediately upon occurrence or within a minimum of 10 days of notification by the City.
4. All required fencing shall not exceed 12 feet in height, excluding the height of any associated ornamental work or earthwork.
5. Display areas visible from the public right-of-way shall utilize decorative material, including but not limit to block, wrought iron, or other similar material.
6. Landscaping shall be incorporated into the design of walls or fences which exceed 25 feet in length.
7. Chain link or barbed wire shall be prohibited.

C. ***Industrial Zones***

Industrial Zones shall meet the provisions of the Commercial Zones, except chain link or barbed wire may be allowed based upon the following criteria:

1. Chain Link: Shall be allowed provided it is limited to interior or side lot lines which are not visible from the public right-of-way.
Barbed Wire: May be used for security purposes and shall not be visible from the public right-of-way.

19.02.050 CORNER CLEARANCE

A. ***Corner Clearance Area Described***

For the purpose of safe visibility, all corner lots, and reversed corner lots shall maintain a triangular area, described as follows:

1. One angle shall be formed by the front and side property lines, and the sides of this angle shall be 15 feet in length, measured along the front and side property lines.
The third side of this triangle shall be a straight line connecting the two aforementioned points.

B. ***Height Limitations***

Within the triangular area described above, no trees, fences, shrubs, retaining walls, buildings and structures, or other physical obstructions shall be permitted within an area from 42 inches in height to 8 feet in height.

19.02.060 OPEN SPACE AREAS AND ENCROACHMENTS

A. ***Exceptions***

Every required yard shall be open and unobstructed from the ground up, except the following intrusions may project up to 3 feet or one-half the distance of the required yard area, which ever is less:

1. Cornices, belt courses, sills, eaves or similar architectural features; Fireplace structures not wider than 8 feet measured in the general direction of the wall of which it is a part;
3. Uncovered porches and platforms which do not extend above the floor level of the first floor;
4. Planting boxes or masonry planters not exceeding 42 inches in height;
5. Guard railing for safety protection around ramps;
6. Air conditioning or other mechanical equipment not wider than 8 feet measured in the general direction of the wall of which it is a part, and adequately soundproofed;
7. Bay windows or greenhouse windows; and

8. Second-story balconies.

B. ***First Floor Porches***

In addition to the items identified above, first floor porches, which are covered or uncovered, may encroach into the front yard setback not more than 10 feet. The minimum width of any front yard porch shall be 6 feet.

19.02.070 SCREENING

A. ***Screening of Facilities or Equipment***

1. All electrical, telephone, CATV and similar service wires and cables which provide direct service to the property being developed, within the exterior boundary lines of such property, shall be installed underground. Risers on poles and buildings are permitted and shall be provided by the developer or owner onto the pole which provides service to said property. Utility service poles may be placed on the rear of the property to be developed only for the purpose of terminating underground facilities. The developer or owner is responsible for complying with the requirements of this section and shall make the necessary arrangements with the utility companies for the installation of such facilities.
2. Appurtenances and associated equipment, such as, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, sprinkler manifolds and concealed ducts in an underground system may be placed above ground provided such appurtenances and associated equipment are screened from view in the building or a fully enclosed structure. All vent pipes and similar devices which are attached to the building shall be painted to match the building. All roof access ladders shall be screened from view.
3. Mechanical equipment installed on rooftops shall be painted to match the building. The height of said screening shall be equal to the maximum height of said equipment.

B. ***Storage Areas***

Storage areas, including those for cartons, containers, and trash shall be provided and shielded from view within the building or, as in the case of outdoor storage, within an enclosed area subject to the approval of the Director of Planning and Community Development.

19.02.080 PROPERTY MAINTENANCE

A. ***Maintenance of Property***

Property shall be maintained in an acceptable visual condition. This maintenance includes the following:

1. Irrigation, seeding, pruning, and necessary replanting of landscaping areas;
Removal of trash, discarded materials, and equipment;
3. Removal of boats, trailers or other vehicles either unrelated to the on-site business or in a deteriorated or incomplete condition;
4. Removal of containers or shipping materials after their function is accomplished; and ,
5. Painting or appropriate preservation of building facades and walls.

B. ***Reference to Other Ordinance Provisions***

These provisions shall be considered part of and in addition to those provisions contained in Chapter 7.06, PROPERTY MAINTENANCE.

19.02.090 DWELLINGS

A. ***Minimum Dwelling Standards***

1. Dwelling shall be permanent and used to accommodate no more than one family.
2. A mobile home or manufactured home is permitted on a residential lot provided it meets the following criteria:
 - a. The construction is certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) as defined under the California Health and Safety Code, Section 18551, if it was constructed prior June 15, 1976. Documentation indicating certification and construction date must be submitted to the Perris Building Division in order to secure a valid building permit.
 - b. The structure must be compatible with the development and architecture within the immediate area.
3. Mobile home or manufactured home standards
Structure compatibility standards shall be based upon the following criteria:
 - a. The existing siding shall consist of either wood or stucco, as determined by the Director of Planning and Community Development. In determining the material to be used, the Director shall consider the types of construction materials utilized within the immediate neighborhood.
 - b. The roof shall have a pitch of not less than 2 inches vertical run by 12 inches horizontal run. The roof shall overhang the side of the unit by not less than 12 inches in length. Roofing material shall consist of composition shingles, asphalt, or other material typically associated with wood frame construction.
 - c. The minimum width of the structure shall be not less than 20 feet.

B. ***Conformity With Other Standards***

The structure shall conform to all other development and use requirements applicable to dwellings.

19.02.100 UTILITIES

A. ***Utility Connections***

All utility connections shall be coordinated with the development of the site and should not be exposed, except where deemed appropriate or necessary by the Building Official. Pad-mounted transformers and/or meter box locations shall be screened from view from surrounding properties. Utilities shall be located underground, unless waived by the City Engineer.

B. ***Ground Mounted Equipment***

Ground mounted equipment, including heating and air conditioning units and trash receptacles shall be completely screened from view from surrounding properties through the use of screen walls, landscaping or other method deemed acceptable by the Department of Planning and Community Development.

C. ***Roof Mounted Equipment***

Roof mounted equipment in the Commercial and Industrial Zones, including heating and air conditioning units and vents shall be completely screened from view. Roof mounted equipment in Residential Zones shall be screened from view from the primary adjoining public right of way. Exposed gutters, downspouts, vents, louvers, and other similar elements shall be painted to match the surface to which they are attached, unless the elements are incorporated as part of the design element of the site.

19.02.110 LIGHTING

A. ***Commercial and Industrial Parking Areas***

Commercial and industrial parking areas shall have lighting, which provides adequate illumination for safety and security. Parking lot lighting fixtures shall maintain a minimum of 1-foot candlepower across the surface of the parking area. Lighting standards shall be energy efficient and in scale with the height and use of the structures on-site. All lighting, including security lighting shall be directed away from adjoining properties and the public right-of-way.

B. ***Commercial Structures***

Commercial structures shall incorporate exterior lighting to illuminate the exterior of the primary structure.

19.02.120 OPERATIONAL RESTRICTIONS

No commercial activity located within the CN Zone shall be permitted to operate between the hours of 10:00pm and 6:00am. No loading activity shall be permitted between the hours of 8:00pm and 6:00am.

19.02.130 LANDSCAPING

A. *Residential Uses*

Landscaping and irrigation shall be provided within the front and street side setback areas. Those setback areas fronting upon a public street shall incorporate either soft (plantings) or hard (rock, brick, concrete) landscape materials or a combination of both, except for those portions devoted to vehicular parking.

B. *Commercial and Industrial Uses*

1. All buildings and structures, including parking structures, shall have 5 feet of landscape areas and irrigation systems around their perimeter. If an opaque wall or fence at least 5 feet in height is installed either along the side yard area, beyond the depth of the required front yard or the rear yard, no perimeter landscaping is required. A combination of soft and hard materials may be installed, provided the use of such materials form a cohesive, attractive, and functional design.

All buildings and structures, including parking structures, shall have landscape areas and irrigation systems in the front yard areas and those side yard areas which front on the public right-of-way or are adjacent to required parking areas.

3. All landscape areas, including the parking area, shall incorporate the theme utilized for the public right-of-way. A combination of soft and hard landscape material may be installed, provided the use of such materials will form a cohesive, attractive, and functional design. Such design is to be integrated with and, if appropriate, physically connected to the landscaping area provided in number 1 above.

19.02.140 HOME OCCUPATIONS

~~A. *General Provisions*~~

~~Home occupations shall include any vocation, trade, or profession, as permitted in Section B below, that are carried on solely by the occupant of the premises, provided all of the following provisions are met:~~

- ~~1. There is no alteration in the residential character of the premises in connection with such vocation or trade.~~
- ~~— All operations are carried on within the dwelling.~~
- ~~3. Not more than 25 percent of the ground floor area of the dwelling shall be occupied or used.~~

- ~~4. No motor other than electrically driven motors shall be used in connection therewith and that the total horsepower of such motors shall not exceed 3 horsepower or 1 horsepower for any single motor.~~
- ~~5. No merchandise or articles shall be displayed for advertising purposes.~~
- ~~6. No merchandise or articles pertaining to such home occupation shall be stored other than in the dwelling.~~
- ~~7. No assistants shall be employed in connection therewith.~~
- ~~8. The premises shall not be used as a place of business or point of sale of the products of such home occupation.~~
- ~~9. All operations in connection with such home occupation shall be conducted so as to prevent the emanation of any dust, gas, smoke, noise, fumes, odors, vibrations, or electrical disturbances, which are or may be detrimental to the welfare of the occupants of surrounding properties.~~

~~B. *Types of Uses*~~

~~The types of uses allowed to operate within a dwelling under the conditions specified under Section A above, shall include professional offices of a physician, chiropractor, surgeon, dentist, optometrist, lawyer, music teacher, or art teacher.~~

A. Purpose.

The purpose of regulating home occupations is to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.

B. Permitted Home Occupations.

Home occupations are permitted as incidental uses in all residential zones subject to the requirements contained in this Chapter. Only the following business activities are permitted as home occupations:

1. Telecommuting, Business, professional and sales offices, excluding medical, dental and similar uses that involve regular patient visits to the site, provided that no retail sales transactions are made on the premises and that no customers or clients visit the site, except as specifically allowed by this section. Typical examples of such general business office activities include research; report writing; bookkeeping; telecommunication with clients and employees; and the sending and receiving of mail, telephone calls, electronic facsimile communications and electronic communications by electronic or similar means
2. Instruction in academia, music, voice, art, dance or similar activities with no more than one pupil receiving instruction at any given time.
3. Activities associated with the work of artists, sculptors, authors and

composers.

4. Activities associated with the work of dressmakers, seamstresses and tailors.
5. Home crafts, such as model making, rug weaving, quilting and needlework, lapidary work and wood working, limited to the uses of tools and equipment commonly available for personal residential use, but specifically excluding cabinet making.
6. Home catering and food preparation businesses, subject to the approval of the Riverside County Health Department.
7. Small electronics repair, limited to items such as personal computers and electronic recorders with a maximum weight of forty pounds per item.
8. Home-based direct sales distributions businesses in which sales, merchandise distribution and product demonstrations are primarily conducted either off-site or by telephone, mail or other electronic communication.

C. Site Location, Operation and Development Standards.

The standards set forth in underlying residential zones and related use and development provisions, shall apply to all home occupation businesses unless otherwise specified here.

1. The home occupation shall be clearly incidental and subordinate to the primary use of the dwelling unit.
2. The site of the home occupation must be the principal residence of anyone engaged in the home occupation. In addition, no more than one non-resident employee or assistant is permitted to engage in home occupation activities at the site at any given time.
3. There shall be no external visible evidence of the home occupation.
4. A maximum of one room within the dwelling unit or 25 percent of the total square footage of the dwelling unit may be used for the home occupation.
5. The home occupation shall not involve the use of any accessory building or outdoor area for any related activity, including storage or display. However, the use of an attached garage for a permitted home occupation is allowed, provided that required covered parking is continually available and accessible for use.
6. Direct sale of products or merchandise on the premises from which the home occupation is conducted shall be prohibited.

7. A maximum of one customer or client vehicle at any given time shall be allowed to visit the premises of the home occupation.
8. No home occupation use shall create or result in glare, smoke, dust, vibration, fumes, odor, electrical, radio or television interference, fire hazard, significant vehicular or pedestrian traffic, or any other hazard or nuisance disruptive to reasonable use of the surrounding properties. Home occupations shall also comply with the provisions of Chapter 7 of the Municipal Code.
9. The use or storage of any flammable, combustible, or toxic material in conjunction with a home occupation shall be limited to quantities in accordance with the Fire Code as incorporated by the Perris Municipal Code for a residential use.
10. Signage or commercial advertising for the home occupation is prohibited.
11. Only one vehicle owned by the operator of the home occupation, no larger than 10,000 pounds gross vehicle rating weight, may be used in conjunction with the home occupation.
12. If more than one home-based business is conducted at a given site, the aggregate of all the home-based businesses shall comply with these standards.
13. The home occupation shall not increase the use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
14. The home occupation shall comply with all other Municipal Code requirements and any applicable County, State, and Federal laws.
15. Medical marijuana dispensaries or tattoo services are not permitted home occupations.
16. No aspect of the land use shall reduce the character of the residence including noise and disturbances and shall be subject to chapter 7 of the Municipal Code.
17. A valid Business License shall be obtained.

19.02.150 SETBACKS

A. ***General Provisions***

Setbacks shall be provided consistent with the requirements contained in each zoning district. Any buildings or structures attached to the main structure shall also meet the required setbacks.

B. *Exceptions*

The required rear yard setback in residential zones can be reduced up to 50 percent for unenclosed patio covers, provided the following conditions are met:

1. The lot area is less than 8,000 square feet in size.
The patio cover is attached to the main dwelling.
3. No vertical support member for the patio cover encroaches into the setback area.
4. No portion of the patio cover extends more than 30 inches beyond the edge to the vertical support structure.