

ORDINANCE NUMBER 1178

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE STATE OF CALIFORNIA, APPROVING ORDINANCE AMENDMENT 05-0089 AMENDING CHAPTER 19.59 OF THE PERRIS MUNICIPAL CODE TO REVISE THE CITY'S PROCEDURES FOR APPLYING THE PLANNED DEVELOPMENT OVERLAY DISTRICT AND THE PROCESSING OF DEVELOPMENT APPLICATIONS THEREIN

WHEREAS, Article XI, Section 7 of the California Constitution confers on cities the power to make and enforce within limits all local police, sanitary and other ordinances not in conflict with general laws; and

WHEREAS, the regulation of "Planned Developments" is within the police powers of the City; and

WHEREAS, conscientious application of the Planned Development overlay district will improve the character and image of the community; and

WHEREAS, the proposed Ordinance Amendment implements policy direction set forth in General Plan 2030; and

WHEREAS, the proposed Planned Development overlay district will provide appropriate criteria necessary to safeguard the public health, safety, convenience and general welfare in the City of Perris; and

WHEREAS, the proposed Ordinance Amendments were reviewed in workshop format by the Planning Commission on May 4, 2005, and by the City Council on June 14, 2005, and January 10, 2006; and

WHEREAS, on August 17, 2005, and September 7, 2005, the Planning Commission conducted duly noticed public hearings regarding the proposed Ordinance Amendments and considered testimony and materials in the staff reports and accompanying document and exhibits; and

WHEREAS, the City Council conducted duly noticed public hearings regarding the proposed Ordinance Amendments on November 8, 2005, November 29, 2005, and January 31, 2006, and considered testimony and materials in the staff reports and accompanying document and exhibits; and

WHEREAS, the City has complied with the California Environmental Quality Act; and

WHEREAS, all legal prerequisites for the adoption of this Resolution have occurred;

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

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

Section 2. The City Council has considered the environmental implications of the proposed project prior to taking action and determined that:

- A. The proposed Ordinance Amendments are Categorically Exempt from CEQA (Class 5 – §15305), insofar as the project consists of minor revisions to the City’s land use limitations.
- B. The City has complied with the California Environmental Quality Act (CEQA).
- C. Determinations of the City Council reflect the independent judgment of the City.

Section 3. The City Council finds the proposed Ordinance Amendment is consistent with the goals and polices of the General Plan by promoting the long-term quality of new development (including mixed-use projects) in the City of Perris.

Section 4. Chapter 19.59 of Title 19 (Zoning Ordinance) of the City of Perris Municipal Code is hereby amended as shown on the attached Exhibit “A” (Chapter 19.59 PLANNED DEVELOPMENT OVERLAY ZONE), attached hereto and incorporated herein by this reference.

Section 5. The Mayor shall sign and the City Clerk shall certify 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 (30) days after its passage.

ADOPTED, SIGNED and **APPROVED** this 14th day of February, 2006.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Margaret Rey

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

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, do hereby certify that the foregoing Ordinance Number 1178, introduced at a regular meeting of the City Council of the City of Perris held on the 31st day of January, 2006, was duly and regularly adopted by the City Council at a regular meeting thereof held on the 14th day of February, 2006, and that it was so adopted by the following called vote:

AYES: Yarbrough, Landers, Motte, Rogers, Busch
NOES:
ABSENT:
ABSTAIN:

City Clerk, Margaret Rey

EXHIBIT “A”
(ORDINANCE NUMBER 1178)

CHAPTER 19.59

PLANNED DEVELOPMENT (PD) OVERLAY ZONE

Sections:

19.59.010	GENERAL
19.59.020	PURPOSE AND INTENT
19.59.030	QUALIFICATIONS FOR ELIGIBILITY
19.59.040	PERMITTED USES
19.59.050	DEVELOPMENT CRITERIA
19.59.060	PRELIMINARY DEVELOPMENT PLAN
19.59.070	APPLICATION AND APPROVAL PROCEDURE

19.59.010 GENERAL

Upon proper application, a Planned Development overlay zone may be combined with any of the City’s conventional zone districts. When the Planned Development or “PD” overlay zone is shown on the City’s Zoning Map, it shall be combined with one of the City’s conventional districts. For example, application of the “PD” overlay in the R-6,000 zone shall be shown as “R-6,000-PD.” Any lot designated by the PD overlay zone is subject to the land use and density/intensity provisions of the underlying zone district, except as provided herein. If the provisions of this chapter differ from other provisions of this Code, including the development standards of the underlying zone, the provisions of this chapter shall apply and be controlling.

19.59.020 PURPOSE AND INTENT

A. Purpose

1. Allow flexibility in the mixture of land uses and development criteria that are traditionally prohibited by conventional zoning.
2. Encourage superior architectural and site design which emphasizes conservation of open space, provision of recreational amenities, pedestrian connections between buildings, and is harmonious with natural characteristics of the land, including topography, rock outcroppings, significant tree clusters, water courses and ridge tops.
3. Foster creative and imaginative residential and nonresidential development, encourage projects incorporating a variety of housing types or combinations of residential and nonresidential

uses by allowing diversification in the relationship of uses, buildings, architectural design, lot sizes, yard areas, and open spaces which may not be achievable under other zoning districts.

4. Permit the development of innovative residential communities with lot sizes and development patterns that result in livable and desirable environments over the long-term.

B. Intent

This district is designed to provide for those uses or combinations of uses which are most appropriately developed in a comprehensive and coordinated fashion. It is intended to be applied only to those areas which by reason of their proximity to other zoning districts, existing development, topography, geographic location, size, or shape require special consideration to be properly integrated into the community and adjacent developed districts. It is the intent of this zone to carry out the policies and objectives of all elements of the General Plan and to meet the standards necessary to satisfy the requirements for public health, safety, and general welfare.

19.59.030 QUALIFICATIONS FOR ELIGIBILITY

The Planned Development overlay may be applied to any lot or group of lots having a total area of at least two (2) acres, but not more than 75 acres (properties over 75 acres require a Specific Plan). Also, the land on which the planned unit overlay is applied shall be contiguous and under the development control of the applicant.

19.59.040 PERMITTED USES

Allowed land uses include those listed as Permitted, Accessory, or Conditional in the underlying zone district. Also, the Planned Development overlay may allow other uses that either compliment the uses listed in the underlying zone district or otherwise help to implement the goals of the project. Such additional land uses may be permitted by the City Council, subject to the following findings:

- A. The mix of land uses are compatible with surrounding zoning and existing development; and, will not adversely affect the public health, safety, welfare, comfort, or convenience.
- B. The mix of land uses supports the intended purpose of the Planned Development, and creates a superior environment in which to live and work.

- C. The mix of land uses provides exceptional public benefits for the City by establishing innovative live/work environments, commercial opportunities, recreational amenities, pedestrian connections, and/or public infrastructure.
- D. The mix of uses includes housing that will help implement the Housing Element of the City's General Plan.
- E. The mix of uses will diversify the City's economic base, and encourage the influx of new businesses.
- F. The mix of land uses will achieve one or more Goals identified in any of the City's Redevelopment Plans.

19.59.050 DEVELOPMENT CRITERIA

Any project developed pursuant to this Code Section shall meet the following requirements, and any such permit issued shall be subject to conditions established under this Section.

A. *Applicable Criteria For All Development*

1. Lot Size. The minimum lot width, depth and area of lots within a Planned Development shall be determined by the use proposed. For single-family detached projects, special attention shall be given to creating lots that will remain livable and desirable over the long-term.
2. Yard Requirements. The yard requirements and property development standards for lots in the Planned Development zone are substantially the same as that of the underlying zone district, except as may be modified, added or eliminated by the City Council in either application of the zone district or approval of any development therein. Such flexibility in the application of yard requirements is not permitted by right, and may only be allowed to achieve other important objectives of the Planned Development.
3. Architectural Design. A common design style or a palette of architectural features is encouraged for each neighborhood or community in the planned development. A design style is not required; however, consistency in the design features and use of materials is encouraged.
4. Pedestrian Access. Each project shall emphasize the pedestrian circulation system, such that residents of each dwelling unit and/or

employees in each building have direct access to the park or other recreational amenity.

5. Property Owner's Association. A Property Owner's Association shall be established for the ongoing maintenance of common areas/facilities and general administration of each Planned Development.

B. Applicable Criteria for Planned Developments with Residential Land Uses

1. Dwelling Unit Density. Generally, the maximum number of dwelling units permitted in a Planned Development shall be calculated according to the methodology set forth for determining "base density" (below). However, in some cases a ten percent increase in dwelling unit density beyond the base density may be approved, subject to certain conditions and findings of fact.
 - a. Base Density. The "base density" shall be calculated by multiplying the gross land area by the density allowed in the zone district upon which the overlay is applied. If the project is located in more than one residential zoning district, the total number of units shall be calculated by adding the number of units allowed in each zone district. Dwelling units in the proposed planned development may be placed without regard to zone district boundaries, provided that the overall density is not exceeded.
 - b. Density Bonus. A ten percent (10%) density bonus may be approved upon a determination that the project merits such density increase and each of the following findings of fact can be made:
 - The proposed density increase is compatible with surrounding land uses and will not adversely affect the public health, safety, welfare, comfort, or convenience.
 - Suitable infrastructure either exists or will be concurrently constructed to serve the proposed project (i.e., streets, water, sanitary sewer, power, drainage facilities, etc.).
 - The project is in close proximity to schools, shopping, and related residential support services.
 - The project is well planned, exhibiting excellence in

architectural, site and landscape design.

- The project creates a superior residential environment as evidenced by the provision of open space that is directly accessible to dwelling units.
2. **Building Architecture and Site Design.** Architectural and site design shall comply with the City of Perris DESIGN GUIDELINES FOR RESIDENTIAL DEVELOPMENT.
 3. **Private Yards.** When provided, private yard areas for individual dwellings shall have a minimum area of 200 feet. Such area shall be contiguous with a minimum dimension of 10 feet in any direction. Floor plans and architectural designs shall enhance the privacy of yard areas by restricting the placement of windows on adjacent dwelling units.
 4. **Off-Street Parking.** The parking requirements shall conform to those established in other sections of this Title for those uses permitted in the projects, except that the City Council may require additional visitor parking as a condition of approval. These spaces shall be provided at a ratio of 0.3 to 0.5 spaces per unit and shall be equally dispersed throughout the project, such that they are convenient and useful to the units they serve.
 5. **Trash and Garbage Pickup.** Dumpsters (if proposed) shall be completely enclosed by three solid walls and a gate at least 4 ½ feet high. The enclosure shall incorporate the design style and materials of primary buildings, and include a concrete apron equal in width and depth to the enclosure. They shall be located convenient to the residents and/or businesses which they are intended to serve.

Residential projects that do not include common trash enclosures shall set a side a minimum 27 square foot area (3 feet x 9 feet) in each garage for the placement of individual garbage containers. This 27 square foot area shall be in addition to any area required for the parking of vehicles and other storage requirements that may be imposed by individual zone districts.

19.59.050 DEVELOPMENT PLAN

A. Pre-Application

All applicants for Planned Development are encouraged to attend a pre-application conference with the Director. The purpose of this meeting is for the applicant to present the conceptual development and discuss the administrative review process. It is also intended to convey City standards and facilitate the filing of a complete application.

B. *Formal Application*

As determined by the Director and City Engineer, the plan and supporting documents shall include all items specified by the Comprehensive Application for Development and Land Use Approval. Sufficient copies shall be provided and all plans shall be drawn to scale. The plan shall be prepared and endorsed by a registered civil engineer, licensed landscape architect, licensed architect or a registered building designer. In addition, the applicant shall provide as much as applicable, of the following information:

1. Topographic Map. A topographic map of the subject property or properties, prepared by a registered civil engineer or licensed land surveyor, including a written legal description of the subject area, depicting the topography, existing buildings and land features, trees, and percent of the site that falls within the following slope categories:
 - a. 0 to 10 percent
 - b. 11 to 20 percent
 - b. 21 to 30 percent
 - c. 31 percent or more
2. Design Drawings. Drawings showing all proposed land uses, including exterior building and site elevations, locations and materials of all structures, floor plans; front, rear and side yard dimensions; public and private open spaces such as patios, balconies, parks, playgrounds, school sites; preliminary landscape plans, fences, walls, and utility meters.
3. Density and Population Analysis. A residential density and population analysis and a tabulation of the total land area and percent designated thereof for each use.
4. Circulation. Proposed circulation pattern, indicating public and private vehicular and pedestrian facilities, including trails, paths, plazas, bikeways; provisions for parking and loading; driveway location and public or private mass transit facilities; estimated traffic generation as it affects public and private vehicular and pedestrian facilities within and in the vicinity of the proposed development.

5. Neighborhood Context. Relation to present and future land use in surrounding area, and to the General Plan.
6. Economic Feasibility. Economic feasibility analysis of any commercial uses, if the property is not zoned for similar commercial uses at the time of submittal of the preliminary development plan.
7. Adequacy of Facilities. An analysis of all public, quasi-public, recreational and educational areas and facilities proposed in terms of their adequacy to meet the project needs.
8. Ownership and Maintenance. A statement of provisions for ultimate ownership and maintenance of all parts of the development, including street, structures, and open space.
9. Infrastructure Plan. Preliminary report indicating provision for water supply, storm drainage, sewage disposal, and similar utilities.
10. Soils. A preliminary soils, seismic, and geological report.
11. Grading. A preliminary grading plan to determine the feasibility of proposed improvements.
12. Staging. Delineation of development staging, if any.
13. Additional information. The Community Development Director may require additional information in order to determine if the proposed development plan or mix of uses support application of the planned unit overlay district to the area under consideration.

19.59.060 APPLICATION AND APPROVAL PROCEDURE

A. Director's Duties

Upon determining that the application contains all of the items required by this Chapter, the Director shall set the matter for a hearing. The public hearing shall be noticed and held in accordance with the provision of Chapter 19.56, PUBLIC HEARING PROCEDURES.

B. Planning Commission Duties

The Planning Commission shall conduct a public hearing, consider the proposed action, and make a determination to either recommend approval

or disapproval to the City Council. The Commission shall only recommend approval if it has first found that:

1. The proposed mix of land uses is in keeping with the provisions of Section 19.59.030 (above).
2. The proposed project is well designed and will create a superior environment than could otherwise be achieved by strict application of the underlying conventional zone.
3. The project incorporates appropriate amenities necessary to create and maintain a desirable environment for residents and/or employees (e.g., recreation buildings or facilities, guest parking, common area landscaping, enhanced architectural standards, etc.).
4. The proposed planned development is harmonious with surrounding development and does not create internal incompatibilities due to improper design, allowed land uses, or density/intensity of development.
5. The proposed circulation system is adequate to carry the anticipated traffic volume.
6. The existing or proposed public infrastructure is suitable to meet the needs of the planned development, and does not create capacity issues in other areas of the community.

C. *City Council Duties*

1. City Council Action. After receiving the Planning Commission's recommendation, the City Council shall conduct a public hearing, consider the proposed planned development and act to approve, approve with conditions, or disapprove the project.
2. City Council Findings. The City Council shall hear the matter and after consideration may, by Ordinance, apply a planned unit overlay district to a property or group of properties if it finds from the evidence presented at the hearing that all of the following facts exist:
 - a. That the proposed use at the particular location is necessary and desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and to the community.
 - b. The proposed mix of land uses and design of development

will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

- c. That the granting of this permit will not adversely affect the public welfare and will be consistent with the City's General Plan, and any other relevant plans of any governmental agency.

- 3. Conditions. In granting a planned unit overlay district permit, the City Council may make modification to the plan or impose such conditions as it deems necessary to protect the public health, safety, and general welfare. Any development standards of the underlying zone in which the property is situated including, but not limited to, signs, fences, walls, maximum building height, minimum yards, maximum building coverage, and off-street parking may be increased or decreased or otherwise modified as necessary to accomplish the purposes of this Chapter.

D. Combined Proceedings

All related development and/or land use approvals pertaining to the proposed planned unit overlay shall be combined and processed concurrently with the proposed Planned Development overlay. Such approvals may include, but are not limited to, General Plan Amendments, Tentative Tract Maps, Parcel Maps, Conditional Use Permits and/or Development Plan Reviews.

E. Failure to Utilize Planned Development Overlay District Permit

Any planned development overlay district permit granted by the City Council as provided in this Chapter shall be conditioned upon the privilege granted being utilized within the approval period specified for the applicable subdivision map. In the event that that the approved project does not include a subdivision of land, said approval shall be valid for a period of 24 months. Failure to implement the approved project within the time limits specified herein will automatically void said project, unless an extension of time has been granted by the City Council.

F. Cancellation of a Planned Development Overlay District Permit

Any previously approved Planned Development overlay district may be repealed by the same procedure as the district was originally adopted. Cancellation of a Planned Development overlay district shall be approved by Ordinance and shall similarly nullify all related approvals including,

but not limited to, General Plan Amendments, Tentative Tract Maps, Parcel Maps, Conditional Use Permits and/or Development Plan Reviews, which were approved concurrent with the Planned Development overlay district.

G. *Amendments*

Amendments to a Planned Development overlay district may be initiated by the property owner or authorized agent, and shall generally be considered according to the same procedure as the Planned Development overlay was originally approved. However, minor amendments to individual components of the development plan may, at the Director's discretion, be approved in accordance with the procedures set forth in Chapter 19.50 for Development Plan Review.

H. *Building Permits*

Building permits for construction within the overlay zone shall not be issued until a final subdivision map has been recorded for the project.

I. *Maintenance*

All walkways, parking areas, landscaped areas, storage areas, screening, sewers, drainage facilities, utilities, open space, recreation facilities and other improvements not dedicated to public use shall be maintained by the property owners. Provisions acceptable to the City shall be made for the preservation and maintenance of all such improvements prior to the issuance of building permits.

J. *Failure to Maintain Property*

1. Maintenance Requirement. All commonly owned land improvements and facilities shall be preserved and maintained in a safe condition and in a state of good repair. Any failure to maintain land improvements and facilities shall be unlawful and a public nuisance endangering the health, safety and general welfare of the public and a detriment to the surrounding community.
2. Inspection. In addition to any other remedy provided by law for the abatement, removal and enjoinder of such public nuisance, the building inspector may, after giving notice, cause the necessary work of maintenance or repair to be done, and the costs thereof shall be assessed against the owner or owners of the project.
3. Notice of Work to Occur. The notice shall be in writing and mailed

to all persons whose names appear on the last equalized assessment roll as owner of real property within the project, at the address shown on the assessment roll. Notice shall also be sent to any person known to the building inspector to be responsible for the maintenance or repair of the common areas and facilities of the project under an indenture agreement.

4. Requirement for Completion of Work. The notice shall particularly specify the work required to be done and shall state that if the work is not commenced within 5 days after receipt of such notice and diligently and without interruption prosecuted to completion, the City shall cause such work to be done, in which case the cost and expense of such work, including incidental expenses incurred by the City, will be assessed against the property or against each separate lot and become a lien upon the property.