

ORDINANCE NUMBER 1024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DISSOLVING THE PLANNING COMMISSION OF THE CITY OF PERRIS, REPEALING CHAPTER 2.32 OF THE PERRIS MUNICIPAL CODE PERTAINING TO THE PLANNING COMMISSION, AND AMENDING TITLES 18 AND 19 OF THE PERRIS MUNICIPAL CODE PERTAINING TO SUBDIVISIONS AND ZONING, RESPECTIVELY

WHEREAS, the City Council of the City of Perris (the "City Council") adopted Ordinance Number 162 in 1951 to establish the Planning Commission of the City of Perris (the "Planning Commission"); and

WHEREAS, Ordinance Number 162 defines the duties of the Planning Commission, sets forth the number of Planning Commission members who are appointed by the Mayor with the approval of the City Council, and the terms of those members; and

WHEREAS, the City Council adopted Ordinance Number 1004 on July 10, 1995, to dissolve the Board of Zoning Adjustment of the City of Perris (the "BZA") and to transfer all of the duties of the BZA to the Planning Commission; and

WHEREAS, the City Council adopted Ordinance Number 1006 on July 10, 1995, to effectuate the dissolution of the BZA and re-establish the Planning Commission to consist of five (5) regular members and two (2) alternate members; and

WHEREAS, the City Council adopted Ordinance Number 1013 on August 14, 1995, to increase the number of Planning Commissioners to seven (7) permanent members and eliminate the two (2) alternate positions; and

WHEREAS, the City Council adopted Ordinance Number 1024 to reinstate the BZA and transfer all of the duties of the BZA from the Planning Commission to the BZA; and

WHEREAS, the City Council desires to dissolve the Planning Commission, assume certain functions and duties of the planning agency and amend sections of Title 18 and Title 19 pertaining to subdivisions and zoning, respectively.

NOW, THEREFORE, the City Council of the City of Perris does ordain as follows:

Section 1. The Planning Commission of the City of Perris is hereby dissolved.

Section 2. Chapter 2.32 of the Perris Municipal Code is hereby repealed in its entirety.

Section 3. Section 18.04.020.F of the Perris Municipal Code is hereby repealed in its entirety and Section 18.04.020.G is hereby renumbered as Section 18.04.020.F.

Section 4. Section 18.04.030 of the Perris Municipal Code is hereby repealed in its entirety.

Section 5. Wherever used in Section 18.040.050 of the Perris Municipal Code, the term "planning commission" is hereby replaced with the term "city council."

Section 6. The phrase "planning commission and" is hereby deleted from Section 18.08.020.C of the Perris Municipal Code.

Section 7. The last sentence of Section 18.08.020.K of the Perris Municipal Code is hereby amended to read as follows: "The city council shall not be compelled to accept any tentative or final map until proper access to a subdivision is provided, and the owner or subdivider shall have the responsibility for providing such access."

Section 8. Section 18.09.120.A of the Perris Municipal Code is hereby amended to read as follows:

A. *Notice of Public Hearing.* The city shall provide written notice to each tenant in any building being proposed for conversion no less than ten days prior to the city council meeting regarding the tentative map for the conversion. Each tenant shall also be provided a copy of the written report or recommendation made by the planning department staff regarding the proposed conversion at least three days prior to the public hearing on said map by the city council.

Section 9. Wherever used in Sections 18.09.120.D and 18.09.120.E of the Perris Municipal Code, the term "planning commission" is hereby replaced with the term "city council."

Section 10. Section 18.12.010.A of the Perris Municipal Code is hereby amended to read as follows:

A. All applications for divisions of land shall be filed with the clerk of the planning department in the form and together with such additional information as specified by rules and regulations adopted by the city council.

Section 11. Section 18.12.030 of the Perris Municipal Code is hereby amended to read as follows:

18.12.030 *Hearing.* Upon the filing of the tentative map the city clerk shall place it on the agenda of the next regular meeting of the city council. The city council shall conduct a public hearing on the map, notice of the hearing shall be provided in accordance with Section 18.12.040. Prior to such hearing, a staff report shall be prepared stating the action recommended to be taken by the city council, and conditions of approval if any. The staff report shall be served upon the land divider and his representative, and one to each tenant of the subject property in the case of proposed conversion of residential real property to a condominium project, community apartment project or stock cooperative project, at least three days prior to the date of hearing.

Section 12. Section 18.12.050 of the Perris Municipal Code is hereby amended to read as follows:

18.12.050 *Duties and findings.* The city council shall carry out the following actions:

A. Investigate each tentative map filed with the city pursuant to this title or the Subdivision Map Act and the improvements proposed to be constructed and installed in or to serve the subdivision, and make its report with respect to the design and improvements of the subdivision and the kind, nature and extent of the proposed improvements.

B. Consider the tentative map at the time and place set forth in the notice required by Section 18.12.040, and shall by resolution approve, conditionally approve, or disapprove the tentative map.

C. Where the city council approves or conditionally approves a tentative map, it shall prescribe, pursuant to the provisions of this title, the kind, nature and extent of the improvements to be constructed or installed in or to serve the subdivisions for which such tentative map is filed.

D. The city council shall disapprove a tentative map if it finds any of the following:

1. That the proposed map is not consistent with applicable general and specific plans;

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;

3. That the site is not physically suitable for the type of development;

4. That the site is not physically suitable for the proposed density of development;

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

6. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;

7. That the design of the subdivision or the type of improvements will conflict with easements of record or easements established by court judgment, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the planning director may recommend approval of a map if he finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public;

8. That all requirements of CEQA have not been met;

9. That the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code."

Section 13. Sections 18.12.060 and 18.12.070 of the Perris Municipal Code are hereby repealed in their entirety.

Section 14. Section 18.12.080 of the Perris Municipal Code is hereby amended to read as follows:

18.12.080 *Modifications of regulations.* Whenever the city council finds with respect to a subdivision that the real property to be divided is of such size or shape or is subject to such title limitations of record, or is affected by such topographical location or conditions, or is to be devoted to such usage, that is impossible or impractical in the particular case for the subdivider to conform fully to the requirements of this chapter, the city council may waive or modify such requirements as it deems reasonably necessary; provided, however, any such waiver or modification shall be in conformity with the spirit and purpose of the Subdivision Map Act and of this title. The city council may waive or modify such requirements upon such reasonable conditions as it deems appropriate.

Section 15. The phrase "planning commission and approved by the" is hereby deleted from Section 18.16.020.A of the Perris Municipal Code.

Section 16. The phrase "planning commission and approved by the" is hereby deleted from the first sentence of Section 18.16.040 of the Perris Municipal Code.

Section 17. Section 18.16.040.A of the Perris Municipal Code is hereby amended to read as follows:

A. The city engineer shall review such waiver application and shall recommend to the city council the approval or disapproval of such application based upon such criteria as adopted by the city council.

Section 18. The phrase "the planning commission, or upon appeal," is hereby deleted from Section 18.16.040.B of the Perris Municipal Code.

Section 19. The term "planning commission" is hereby deleted from Section 18.19.020.B of the Perris Municipal Code.

Section 20. Section 18.19.080 of the Perris Municipal Code is hereby repealed in its entirety.

Section 21. Wherever used in Sections 18.19.090 and 18.19.250.A of the Perris Municipal Code, the term "planning commission" is hereby replaced with the term "city council."

Section 22. Section 18.19.100 of the Perris Municipal Code is hereby amended to read as follows:

18.19.100 *Findings by city council.* The following findings shall be made by the city council in order to approve the proposed development agreement:

A. The proposed development agreement is consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.

B. The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is or will be located.

C. The proposed development agreement is in conformity with and will promote public convenience, general welfare and good land use practice.

D. The proposed development agreement will not be detrimental to the health, safety and general welfare.

E. The proposed development agreement will not adversely affect the orderly development of the property or the preservation of property values.

F. The proposed development agreement will promote and encourage the development of the proposed project by providing a greater degree of requisite certainty.

Section 23. Section 18.19.120 of the Perris Municipal Code is hereby amended to read as follows:

18.19.120 *Conduct of hearing.* At the hearing, the city council shall consider all of the evidence and public testimony presented and may approve, disapprove or modify the development agreement.

Section 24. The second and third sentences of Section 18.19.130 of the Perris Municipal Code are hereby deleted.

Section 25. The phrase "planning commission or" is hereby deleted from Section 18.19.150.A of the Perris Municipal Code.

Section 26. The phrases "planning commission or" and "as the case may be" are hereby deleted from Section 18.19.150.C of the Perris Municipal Code.

Section 27. Section 18.19.230 of the Perris Municipal Code is hereby repealed in its entirety.

Section 28. The last sentence of Section 18.19.250.A of the Perris Municipal Code is hereby deleted.

Section 29. The phrase "on the recommendations of the planning commission" is hereby deleted from the first sentence of Section 18.19.250.B of the Perris Municipal Code.

Section 30. The phrase "planning commission and approved by the" is hereby deleted from the first sentence of Section 18.36.020.A of the Perris Municipal Code.

Section 31. The phrase "to the planning commission and, thereafter," is hereby deleted from Section 18.44.060 of the Perris Municipal Code.

Section 32. Section 19.08.462 of the Perris Municipal Code is hereby repealed in its entirety.

Section 33. Wherever used in Sections 19.10.080.B.11, 19.10.090, 19.10.100 and 19.10.120 of the Perris Municipal Code, the terms "commission" and "planning commission" are hereby both replaced with the term "city council."

Section 34. Section 19.10.110 of the Perris Municipal Code is hereby amended to read as follows:

19.10.110 *City council action.* A. The city council shall hold a public hearing on the public use permit application.

B. The city council shall either approve, conditionally approve or disapprove the public use permit by a majority vote.

Section 35. The heading of Section 19.10.130 is hereby amended to read as follows:

19.10.30 Appeal from director of planning and community development decision.

Section 36. Section 19.10.140 of the Perris Municipal Code is hereby repealed in its entirety.

Section 37. Wherever used in Section 19.10.160 of the Perris Municipal Code, the term "commission" is hereby replaced with the term "director of planning and community development."

Section 38. The phrase "planning commission or" is hereby deleted from the first sentence of Section 19.10.180 of the Perris Municipal Code.

Section 39. Wherever used in Section 19.11.130 of the Perris Municipal Code, the term "planning commission" is hereby replaced with the term "city council."

Section 40. Sections 19.11.140 and 19.11.160 of the Perris Municipal Code are hereby repealed in their entirety.

Section 41. Section 19.11.170 of the Perris Municipal Code is hereby amended to read as follows:

19.11.170 *City council action.* After the public hearing on the proposed specific plan, the city council shall either approve, modify or disapprove the proposed specific plan by a majority vote.

Section 42. Wherever used in Sections 19.12.100, 19.12.140.J, 19.12.150.B and 19.12.230.F of the Perris Municipal Code, the term "planning commission" is hereby replaced with the term "city council."

Section 43. The phrase "planning commission and" is hereby deleted from Section 19.12.130.B.5 of the Perris Municipal Code.

Section 44. The phrase "planning commission or" is hereby deleted from Section 19.12.140.F of the Perris Municipal Code.

Section 45. The phrase "the planning commission and" is hereby deleted

from the last sentence of Section 19.13.010 of the Perris Municipal Code.

Section 46. The phrase "upon the recommendation of the city's planning commission" is hereby deleted from Section 19.13.020 of the Perris Municipal Code.

Section 47. Wherever used in Sections 19.13.040.E, 19.13.070.G, 19.13.110.C and 19.13.140 of the Perris Municipal Code, the term "planning commission" is hereby replaced with the term "city council."

Section 48. The heading and first sentence of Section 19.13.050 of the Perris Municipal Code are hereby amended to read as follows:

19.13.050 *Development plans--City council review.* After a public hearing has been conducted pursuant to this chapter, the city council shall approve, conditionally approve or disapprove a development plan application subject to the criteria contained in Section 19.13.070, for the following development:"

Section 49. Section 19.13.060 of the Perris Municipal Code is hereby repealed in its entirety.

Section 50. The phrase "when it determines a second hearing is required, and the planning commission" is hereby deleted from the third sentence of Section 19.13.080.A.2, the second sentence of Section 19.13.080.A.3 and the second sentence of Section 19.13.080.A.4 of the Perris Municipal Code.

Section 51. The phrase "the planning commission" is hereby deleted from the first sentence of Section 19.13.090 of the Perris Municipal Code.

Section 52. The phrase "the planning commission's" is hereby deleted from Section 19.13.100.H of the Perris Municipal Code.

Section 53. The following sentence is hereby deleted from Section 19.13.140 of the Perris Municipal Code: "The city council may hold a second hearing when it determines that approval or denial of the development plan requires additional deliberation.

Section 54. Wherever used in Sections 19.15.020, 19.15.070 and 19.15.080 of the Perris Municipal Code, the term "planning commission" is hereby replaced with the term "city council."

Section 55. The following sentence is hereby deleted from Section 19.15.070.B of the Perris Municipal Code: "Upon an appeal, the notice shall include the time and place of hearing and the street address of the proposed secondary unit."

Section 56. Section 19.15.090 of the Perris Municipal Code is hereby

repealed in its entirety.

Section 57. Wherever used in Section 19.19.040 of the Perris Municipal Code, the term "planning commission" is hereby replaced with the term "city council."

Section 58. The first sentence of Section 19.19.040.B.1.b of the Perris Municipal Code is hereby amended to read as follows: "A decision on the permit shall be made by the director of planning and community development within a twenty-eight-day period, without a formal hearing, unless one is requested by either the applicant, any member of the city council or other affected persons."

Section 59. Section 19.19.040.B.1.c of the Perris Municipal Code is hereby repealed in its entirety.

Section 60. The first sentence of Section 19.24.130.O of the Perris Municipal Code is hereby amended to read as follows: "Any project developed under this section shall be required to submit conditions, covenants and restrictions to the city council for review, and for the city council's approval, denial or establishing of conditions."

Section 61. Section 19.24.130.P of the Perris Municipal Code is hereby amended to read as follows:

P. *Procedures.* Subdividers using this section shall be required to file a development plan. The development plan shall be submitted to the city council for review. The city council shall approve, conditionally approve or deny the development plan. The approval of such plan does not exempt a development from any provisions of the subdivision ordinance of the city, nor does such a plan become a substitute for either a tentative or final map of a subdivision.

Section 62. The first sentence of Section 19.25.030.O of the Perris Municipal Code is hereby amended to read as follows: "Any project developed under this section shall be required to submit conditions, covenants and restrictions to the city council for review, and for the city council's approval, denial or establishing of conditions."

Section 63. Section 19.25.030.P of the Perris Municipal Code is hereby amended to read as follows:

P. *Procedures.* Subdividers using this section shall be required to file a development plan. The development plan shall be submitted to the city council for review. The city council shall approve, conditionally approve or deny the development plan. The approval of such plan does not exempt a development from any provisions of the subdivision ordinance of the city, nor does such a plan become a substitute for either a tentative or final map of a subdivision.

Section 64. The phrase "after recommendation by the planning commission" is hereby deleted from Section 19.32.020 of the Perris Municipal Code.

Section 65. Section 19.32.050.A of the Perris Municipal Code is hereby amended to read as follows:

A. Upon written application for a permit filed with the city and accompanied by the plot and development plan, the application and plan shall be publicly considered by the city council.

Section 66. The phrase "after recommendation of the planning commission" is hereby deleted from Sections 19.36.020.C and 19.36.030.A of the Perris Municipal Code.

Section 67. Wherever used in Section 19.59.040 of the Perris Municipal Code, the terms "planning commission" and "commission" are hereby both replaced with the term "city council."

Section 68. Section 19.59.060.B of the Perris Municipal Code is hereby repealed in its entirety.

Section 69. The phrase "after considering the planning commission's report" is hereby deleted from Section 19.59.060.C.2 of the Perris Municipal Code.

Section 70. The following sentence is hereby deleted from Section 19.59.060.C.3 of the Perris Municipal Code: "Such modifications or conditions by the city council are final and need not be referred to the planning commission.

Section 71. The phrase "the planning commission and" is hereby deleted from Section 19.59.060.H of the Perris Municipal Code.

Section 72. Section 19.59.060.C of the Perris Municipal Code is hereby renumbered as Section 19.59.060.B and the subsequent subsections are hereby renumbered accordingly.

Section 73. The phrase "the planning commission and" is hereby deleted from Sections 19.61.010.C and 19.61.040.E of the Perris Municipal Code.

Section 74. The phrase "planning commission or" is hereby deleted from Section 10.61.040.F of the Perris Municipal Code.

Section 75. Section 19.61.060.A of the Perris Municipal Code is hereby

amended to read as follows:

A. The city council may not grant a conditional use permit for any use for which a conditional use permit may be granted under any provision of this code unless it has first found from the evidence admitted during the hearing before the council that the proposed use at the proposed location will not be detrimental to the public health, safety, convenience and general welfare, and will be in harmony with the various elements and objectives in the city's general plan.

Section 76. The phrase "commission and/or" is hereby deleted from Section 19.61.060.B of the Perris Municipal Code.

Section 77. The phrase "planning commission and" is hereby deleted from Section 19.61.060.C of the Perris Municipal Code.

Section 78. The first sentence of Section 19.61.110 of the Perris Municipal Code is hereby amended to read as follows: "The determination of the city council granting a permit shall contain as a condition thereof the following: `The permit hereby allowed is conditioned upon the privileges being utilized within twelve months after the effective date, and if they are not utilized or less than ten percent of the total cost of construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site, this authorization shall become void and any development deemed to have lapsed.

Section 79. Wherever used in Section 19.62.010 of the Perris Municipal Code, the phrase "the planning commission and" is hereby deleted.

Section 80. Wherever used in Sections 19.62.020 and 19.62.030.A of the Perris Municipal Code, the term "planning commission" is hereby replaced with the term "city council.

Section 81. The phrases "planning commission and" and "planning commission or" are hereby deleted from Sections 19.62.030.B and 19.62.030.C, respectively, of the Perris Municipal Code.

Section 82. The phrase "commission and" is hereby deleted from Section 19.62.050.A of the Perris Municipal Code.

Section 83. The last sentence of Section 19.62.050.C of the Perris Municipal Code is hereby amended to read as follows: "A copy of the decision of the city council shall be mailed to the applicant at the address shown on the application.

Section 84. The phrase "the commission and" is hereby deleted from

Section 19.62.060 of the Perris Municipal Code.

Section 85. Wherever used in Sections 19.63.020, 19.63.040, 19.63.060, 19.63.070 and 19.63.090 of the Perris Municipal Code, the term "planning commission" is hereby replaced with the term "city council."

Section 86. Section 19.63.100 of the Perris Municipal Code is hereby repealed in its entirety.

Section 87. Wherever used in Section 19.64.010 of the Perris Municipal Code, the phrases "planning commission and" and "city planning commission or" are hereby deleted.

Section 88. The term "city planning commission" in Section 19.64.020.B of the Perris Municipal Code is hereby replaced with the term "city council."

Section 89. Section 19.64.030 of the Perris Municipal Code is hereby amended to read as follows:

19.64.030 *Public hearing.* A. The city council shall hold at least one public hearing on any application for variance or petition for proposed amendment or change of the official land use plan or ordinance, notice of the time and place of which shall be published at least once in a newspaper of general circulation in the city at least ten days before the day of such hearing.

B. The city clerk shall cause required notices of hearings before the city council to be published without orders from the council, and shall cause the matters involved to be set at the earliest regular meetings consistent with notice requirements."

Section 90. The phrase "the planning commission may recommend and" is hereby deleted from the second paragraph of Section 19.64.040 of the Perris Municipal Code.

Section 91. Wherever used in Sections 19.66.070 and 19.66.130 of the Perris Municipal Code, the terms "planning commission" and "commission" are hereby both replaced with the term "city council."

Section 92. The second sentence of Section 19.66.070.F of the Perris Municipal Code is hereby deleted.

Section 93. Section 19.66.070.G of the Perris Municipal Code is hereby repealed in its entirety and the subsequent subsections are hereby renumbered accordingly.

Section 94. The last sentence of Section 19.66.130.C of the Perris Municipal Code is hereby deleted.

Section 95. The last sentence of Section 19.74.060 of the Perris Municipal Code is hereby amended to read as follows: "The completed application shall be submitted to the city council for public review."

Section 96. The phrases "planning commission and" and "planning commission or" are hereby deleted from Sections 19.74.060.B and 19.74.060.C, respectively, of the Perris Municipal Code.

Section 97. The Mayor shall sign 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 (30) days after its passage.

ADOPTED, SIGNED and APPROVED this 26th day of February, 1996.

MAYOR OF THE CITY OF PERRIS

Attest:

City Clerk

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

I, Beti An Hynes, duly elected City Clerk of the City of Perris, California, do hereby certify that the foregoing Ordinance Number 1024 was introduced at a regular meeting thereof held on January 29, 1996, and adopted by the City Council of the City of Perris at a regular meeting thereof held on the 26th day of February, 1996, by the following called vote:

Ayes: Denney, Landers and Baitinger
Noes: Torres and Long
Absent: None

CITY CLERK