

# PLANNING COMMISSION

## AGENDA

REGULAR MEETING OF THE HEMET PLANNING COMMISSION  
City Council Chambers  
450 East Latham Avenue, Hemet CA 92543

May 3, 2011  
6:00 PM

*If you wish to make a statement regarding any item on the agenda, please complete a Speaker Card and hand it to the clerk. When the Chairman calls for comments from the public on the item you wish to address, step forward to the lectern and state your name and address. Only testimony given from the lectern will be heard by the Planning Commission and included in the record.*

### 1. CALL TO ORDER:

**Roll Call:** Chairman John Gifford, Vice Chairman Sharon Deuber, and Commissioners Vince Overmyer, David Rogers and Chauncey Thompson.

**Invocation and Flag Salute:** Commissioner Overmyer

### 2. APPROVAL OF MINUTES: None (The minutes from the April 19, 2011 meeting will be presented for approval at the May 17, 2011 meeting)

### 3. PUBLIC COMMENTS:

Anyone who wishes to address the Commission regarding items **not on the agenda** may do so at this time. Please line up at the lectern when the Chairman asks if there are any communications from the public. When you are recognized, please give your name and address. Please complete a Speaker Card and hand it to the Clerk so that we have an accurate recording of your name and address for the minutes.

## PUBLIC HEARINGS

### Meeting Procedure for Public Hearing Items:

1. Receive Staff Report Presentation
2. Commissioners Report Regarding Any Site Visit or Applicant Contact
3. Open the Public Hearing and receive comments from the applicant and the public.
4. Close the Public Hearing
5. Planning Commission Discussion and Motion

□ CITY OF HEMET PLANNING COMMISSION MEETING □  
MAY 3, 2011

4. **ZONING ORDINANCE AMENDMENT 10-005 – AMENDMENTS TO THE ZONING CODE REGARDING THE DOWNTOWN OVERLAY ZONE AND THE D-1 AND D-2 ZONES**

**APPLICANT:** City-initiated  
**LOCATION:** Downtown area between Inez Street and Buena Vista Street; and Kimball Avenue and properties north of Devonshire Avenue  
**PLANNER:** Ron Running  
**DESCRIPTION:** A zoning ordinance amendment of Chapter 90, Articles II, XXVI and XXVII, of the Hemet Municipal Code to revise the development standards, permitted uses, and review procedures for the D-1 and D-2 zones.

**Recommended Actions:**

**Adopt Planning Commission Resolution Bill No. 11-005, entitled:** "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONING ORDINANCE AMENDMENT NO. 10-005 AMENDING ARTICLES II, XXVI AND XXVII OF THE HEMET MUNICIPAL CODE PERTAINING TO DEVELOPMENT STANDARDS, PERMITTED USES AND REVIEW PROCEDURES FOR THE DOWNTOWN ZONES."

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**DEPARTMENT REPORTS**

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5. **COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**  
A. Report on City Council actions from the April 26<sup>th</sup> meeting  
B. Upcoming events and informational items
6. **CITY ATTORNEY REPORTS:** *Verbal reports from Assistant City Attorney Tom Jex on items of interest to the Planning Commission*
7. **PLANNING COMMISSIONER REPORTS:** *Commissioner reports on meetings attended or other matters of Planning interest*
- A. Chairman Gifford
  - B. Vice Chairman Deuber
  - C. Commissioner Overmyer
  - D. Commissioner Rogers
  - E. Commissioner Thompson

8. **FUTURE AGENDA ITEMS:** *Items to be scheduled for upcoming Planning Commission Meetings*
- A. EOT 11-001 for CUP 05-002 (Senior apartments at NWC of Sanderson & Devonshire Aves.)
  - B. CUP 10-008 (Inland Valley Baptist Fellowship at 2700 W. Johnston Ave.)
  - C. CUP 10-014 (Europrecast Concrete at 170 E. Oakland Ave.)
  - D. CUP 11-001 (Verizon @ Apple Urgent Care at 1001 S. State St.)
  - E. SDR 11-001 (Reconstruction of burned building at NWC of Florida & Carmalita Aves.)
9. **ADJOURNMENT:** To the regular meeting of the City of Hemet Planning Commission scheduled for **May 17, 2011 at 6:00 p.m.** to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet, California 92543.

**NOTICE TO THE PUBLIC:**

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the Planning Department counter of City Hall located at 445 E. Florida Avenue during normal business hours. Agendas for Planning Commission meetings are posted at least 72 hours prior to the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting, please contact the Planning Department office at (951) 765-2375. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to insure accessibility to the meeting. (28 CFR 35.102-35.104 ADA Title II).

# AGENDA #4



## Staff Report

TO: City of Hemet Planning Commission

FROM: Deanna Elliano, Community Development Director *DE/MS*  
Ron Running, City Planner *RR/MS*

DATE: May 3, 2011

RE: **ZONING ORDINANCE AMENDMENT 10-005** – A zoning ordinance amendment of Chapter 90, Articles II, XXVI and XXVII, of the Hemet Municipal Code to revise the development standards, permitted uses and review procedures for the D-1 and D-2 zones.

### STAFF RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution Bill No. 11-005 recommending approval to the City Council of Zoning Ordinance Amendment No. 10-005, entitled:

**“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONING ORDINANCE AMENDMENT 10-005 AMENDING ARTICLES II, XXVI AND XXVII OF THE HEMET MUNICIPAL CODE PERTAINING TO DEVELOPMENT STANDARDS, PERMITTED USES AND REVIEW PROCEDURES FOR THE DOWNTOWN ZONES.”**

### BACKGROUND

The proposed ordinance amendment was continued from the Planning Commission meeting of April 19, 2011 in order to send out a mailed notice to all the property owners and occupants within the D-1 and D-2 zones.

On January 21, 2010 the building located on the northwest corner of E. Florida Avenue and Carmelita Street was destroyed by fire. The property owner, Mrs. Salwa Greco is desirous of rebuilding the structure for commercial use. The owner's representative, James Calkins, found that the Downtown (D-1) zone has a coverage limitation of 60%. However, the HUB of the Valley Overlay zone permits the rebuilding of structures up to 120% of the original building size. Therefore, there exists an inconsistency between the development standards within the D-1 zone and the Hub of the Valley Overlay Zone that needs correction.

The applicant submitted preliminary plans to ascertain the City's position on the coverage issues and proposed architecture style. The original building was 9,026 sq. ft. in size including a basement area which is over 100% of the site coverage. The City Council reviewed the proposed building at its meeting of December 14, 2010. The Council directed staff to prepare an ordinance rectifying the inconsistency with the two Code sections. Additionally, Council directed staff to include revised review procedures for new buildings and façade improvements in the downtown area.

Currently, development in the downtown area needs to comply with the provisions of either the Downtown (D-1) or (D-2) zones found in Article XXVI and those in the Hub of the Valley Overlay Zone outlined in Article XXVII. Additionally the General Plan contains Appendix D (HUB of the Valley Downtown Plan) which was adopted November 9, 1999 with the HUB of the Valley Overlay zone. The Downtown Plan contains design guidelines for development in the HUB of the Valley Overlay zone. The D-1 and D-2 zones were established with Ordinance 1642 adopted on April 20, 2001.

## **PROPOSAL**

The proposed ordinance is the first phase in revising the standards and guidelines for the downtown area. There is some urgency in adopting standards whereby the fire damaged building on the corner of Carmelita and E. Florida Avenue can be rebuilt. Consequently, staff is proposing that the essential development standards and procedures be adopted at this time. Subsequent phases will include a comprehensive downtown sign ordinance, and expanded and updated Downtown Design Guidelines. Ultimately, it is hoped that a Downtown Specific Plan would be developed for the area.

The proposed ordinance and general plan amendment are necessary for the continuation of the upgrading and improvement of the historic downtown core of Hemet. The ordinance proposes to consolidate development standards in a single location in the code in Article XVII. The ordinance amendment removes the existing conflict of allowable building coverage between the Commercial Zones (Article XVI) and the HUB of the Valley overlay zone. Additionally, a review procedure section has been added which requires review for all new development by the Planning Commission and the City Council.

## **Development Standards**

The D-1 zone has a maximum lot coverage of 60%. Consequently, the 7,746 sq. ft. site, previously mentioned, would yield only 4,647 sq. ft. of single story building space. However, the HUB of the Valley Overlay allows for existing uses to be remodeled, rehabilitated or increased by 20%. Using that criteria, the allowable area for the project would be approximately 10,800 sq. ft. The proposed ordinance eliminates the coverage restriction for the D-1 and D-2 zones. The ordinance deletes the development standards for the D-1 and D-2 zones from Article XXVI (Commercial Zones) and places them in Article XXVII renamed as the Downtown Zones. The

result will be that all of the development standards for the downtown area will be found in one place in the Code. Exhibit 1A includes the proposed revisions to the code sections, and Attachment 2 provides copies of the existing zoning chapters.

Currently, the Code allows for mixed-use projects to be considered in the D-1 and D-2 zones with a conditional use permit. However, there are currently no standards or guidelines to utilize for a mixture of commercial and residential uses. The next phase of the ordinance amendments will establish appropriate standards for mixed uses as they are allowed in the D-1 and D-2 zones.

The existing code has a flexible front setback standard which is determined by the adjacent development. The new ordinance allows zero front setbacks in the D-1 zone, provided that an overall 10 foot sidewalk is provided as is commonly found, and a minimum of a 10 foot front setback in the D-2 zone.

### **Permitted Land Uses**

The Land Use Matrix for the Downtown zones has been shifted from the Commercial section to the Downtown zones Section 90-932, and now incorporates the “encouraged” uses from the Hub of the Valley Overlay Zone (see Exhibit 2B). The matrix shows permitted, conditionally permitted, administrative uses and not permitted uses. Uses that might have a potential for disturbing or impacting surrounding areas are typically required to have a conditional use permit. The permitted uses are those that are suitable to a historic city core that has a more pedestrian orientation and scale. Drive through uses are not permitted. Uses involving the serving of alcoholic beverages, other than restaurants, will require a conditional use permit. The list of permitted uses for the D-1 and D-2 zones has been updated as well, to better fit the overall goals and policies for the downtown area as a vibrant, pedestrian oriented space.

### **Project Review Procedures**

The City Council was presented with several options that review of downtown projects could take at their workstudy held on December 14, 2010. The Council determined that new development and façade improvements are important considerations and therefore requested that staff bring back an ordinance that required both City Council and Planning Commission review. Presently Site Development Review is typically handled by the Community Development Director, conditional use permits are handled by the Planning Commission. The City Council only reviews zone changes and appeals within the Downtown area.

ZOA 10-005 establishes a new section in Article II – Administrative Regulations, Section 90.47 for a Downtown Project Review Permit. All new buildings, public structures, and façade improvements will need Planning Commission review and City Council review and approval. Minor Downtown Project improvements to facades would be reviewed and approved by the Community Development Director. The proposed ordinance eliminates the provision requiring the establishment of a Downtown Collaborative to review and approve projects.

### General Plan Consistency

The proposed ordinance supports and implements several General Plan policies and objectives as they pertain to the historic downtown area. The guidelines noted below are currently in the general plan, and will be expanded with the new design guidelines. In particular the ordinance, and subsequent Downtown Design Guidelines and sign ordinance, will encourage the following:  
Downtown General Plan Policies

*A generally low-profile form of development, punctuated by landmark structures at key locations (major intersections and commercial nodes). (1992 General Plan, Page 2)*

*Design of commercial facilities which facilitate, rather than hinder, pedestrian circulation within the center, as well as between the center and adjacent residential neighborhoods. (1992 General Plan, Page 2)*

### Community Character and Design:

*Enhance pedestrian level activity within residential and commercial areas by utilizing the following techniques. [1992 General Plan, Page II-A-7]:*

- *Discourage wide expanses of parking lot between the sidewalk and the front of commercial buildings or provide safe, easily identifiable pedestrian access through the parking lot from multiple access points.*
- *Provide pedestrian links between individual uses within individual centers, between centers, and along commercial corridors.*
- *Utilize "street furniture: (planters, benches, drinking fountains, newspaper racks, bike racks, trash receptacles) within commercial areas to create and enhance urban open spaces within commercial areas and to emphasize appropriate architectural themes.*
- *Design commercial buildings and projects so as to have a central plaza or main visual focus or feature which is oriented toward pedestrian and transit connections.*

*Maintain a site plan review process which ensures that commercial facilities are oriented to the pedestrian by the incorporation of seating areas, courtyards, landscaping, and similar measures. [1992 General Plan, Page II-A-7]:*

- *Buildings should be designed and sited so as to present a human-scale environment, including identifiable pedestrian spaces.*
- *Encourage commercial designs which provide clear pedestrian access to rights-of-way with a minimum of auto-pedestrian conflicts.*
- *Uses within pedestrian spaces should contribute to a varied and lively streetscape.*
- *Buildings facing pedestrian ways and plazas should incorporate design features that provide visual interest at the street level.*

- Encourage architectural styles which provide covered verandas and other similar pedestrian/building shade features for protection of the front of the commercial structures from the area's intense heat.

Require that commercial developments portray a precise concept for adequate signage; include provisions for sign placement and number, as well as sign scale in relationship to the building, landscaping and readability, as an integral part of the signage concept by incorporating the following standards into the design review process [1992 General Plan, Page II-A-8]:

- Ensure that signs are integrated into the overall site and architectural design them of commercial developments.
- Require that sign placement, heights, size, materials, proportions, and design within the commercial areas be consistent with the low-profile nature and scale of the community.
- Avoid freestanding pole signs in favor of monument-type signs, wall signs, and/or secondary projecting signage.

### CEQA

The proposed ordinance does not increase the density or intensity of any property within the City of Hemet. Therefore, the proposed ordinance is considered to be Categorical Exempt under Section 15061 of CEQA (General Exemption Rule) which states that an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

### REPORT SUMMARY

The proposed zoning ordinance amendment will clarify and facilitate development in the historic downtown area of Hemet. The ordinance sets forth appropriate land uses and development standards for the small lot configuration found in the downtown area. Additionally, the ordinance provides the necessary review procedures for new and remodeled projects in the area.

Respectfully Submitted,

*N. Shaw*

*for* Ronald K. Running  
City Planner

Reviewed By,

*N. Shaw*

*for* Deanna Elliano  
Community Development Director

**ATTACHMENTS**

- 1) Planning Commission Resolution Bill No. 11-005  
Exhibit 1A - City Council Ordinance Bill No. 11-007
- 2) Existing Zoning Code Sections  
Exhibit 2A - Article XXVI. Commercial Zones  
Exhibit 2B - Article XXVII HUB of the Valley Overlay Zone
- 3) Zoning and Vicinity Map

# Attachment

## No. 1

Planning Commission  
Reso. Bill No. 11-005

Planning Commission  
Meeting of  
May 3, 2011



**CITY OF HEMET  
PLANNING COMMISSION**

**RESOLUTION BILL NO. 11-005**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONING ORDINANCE AMENDMENT NO. 10-005 AMENDING ARTICLES II, XXVI AND XXVII OF THE HEMET MUNICIPAL CODE PERTAINING TO DEVELOPMENT STANDARDS, PERMITTED USES AND REVIEW PROCEDURES FOR THE DOWNTOWN ZONES.**

**WHEREAS**, pursuant to Government Code Sections 65854 and 65855, the Planning Commission has the authority to review and make recommendations to the City Council regarding amendments to the City's zoning ordinances;

**WHEREAS**, on April 7, 2011 the City gave public notice by advertising in the Press Enterprise – a newspaper of public circulation, of the holding of a public hearing at which the amendment to the City's zoning ordinances would be considered; and

**WHEREAS**, on April 19, 2011 and May 3, 2011, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the proposed amendment to the City's zoning ordinance and at which the Planning Commission considered the proposed amendment to the City's zoning ordinance; and

**WHEREAS**, the City has analyzed this proposed project and has determined that it is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

**WHEREAS**, attached hereto as Exhibit "A" is the proposed Ordinance

**NOW, THEREFORE**, the Planning Commission of the City of Hemet does Resolve, Determine, Find and Order as follows:

**SECTION 1. ENVIRONMENTAL FINDINGS.**

The Planning Commission, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated May 3, 2011, and documents incorporated therein by reference, and any other evidence (within

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**Planning Commission Resolution Bill No. 11-005  
ZONING ORDINANCE AMENDMENT NO. 10-005 – DOWNTOWN ZONES**

1 the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record or  
2 provided at the public hearing of this matter, hereby finds and determines as follows:

3 1. CEQA: The City has analyzed this proposed project and has determined  
4 that it is exempt from the California Environmental Quality Act ("CEQA") under Section  
5 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects  
6 that have the potential for causing a significant effect on the environment. Where, as  
7 here, it can be seen with certainty that there is no possibility that the activity in question  
8 may have a significant effect on the environment, the activity is not subject to CEQA.  
9 The amendments to this Ordinance do not relate to any physical project and will not  
10 result in any physical change to the environment. Therefore, it can be seen with  
11 certainty that there is no possibility that this Ordinance may have a significant adverse  
12 effect on the environment, and therefore the adoption of this Ordinance is exempt from  
13 CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

## 14 **SECTION 2. ZONING ORDINANCE AMENDMENT FINDINGS**

15 According to Hemet Municipal Code section 90-41.5(a), the Planning  
16 Commission makes the following findings with respect to this Zoning Ordinance  
17 Amendment:

18 1. That the Zoning Ordinance Amendment is in conformance with the latest  
19 adopted General Plan for the City.

20 The proposed Ordinance revises the development standards and design  
21 guidelines for development in the downtown zones. Requiring these standards will  
22 further the purposes of the General Plan and the City's zoning regulations by ensuring  
23 that all development in the downtown area will be compatible with surrounding land  
24 uses, and are in accord with the objectives of the General Plan and the zone in which  
25 the new development is located with respect to scale, architectural style and pedestrian  
26 orientation.

27 2. That the Zoning Ordinance Amendment will protect the public health,  
28 safety and welfare.

29 The proposed ordinance will require the Approval Body considering an  
30 application to find that the proposed zoning ordinance amendment and design  
guidelines will not be detrimental to the public health, safety and welfare or materially  
injurious to the properties in the vicinity. In addition, the Approval Body must find that  
the project will be sufficiently managed and administered so as to promote the health,  
safety and welfare of the project's residents and other members of the public. The  
proposed ordinance and guidelines will further the protection of the public health, safety  
and welfare in the Downtown Zones by establishing consistent and appropriate  
development standards for future buildings and façade improvements.

1 **SECTION 3. PLANNING COMMISSION ACTION**

2 The Planning Commission hereby takes the following actions:

3 1. The Planning Commission hereby recommends that the City Council  
4 adopt the proposed Ordinance which is attached hereto and incorporated herein by  
5 reference as Exhibit "A".

6 **PASSED, APPROVED AND ADOPTED** this 3<sup>rd</sup> day of May 2011, by the following vote:

7 **AYES:**

8 **NOES:**

9 **ABSTAIN:**

10 **ABSENT:**

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**John Gifford, Chairman**  
**Hemet Planning Commission**

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16 **ATTEST:**

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**Nancie Shaw, Minutes Secretary**  
**Hemet Planning Commission**

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**Exhibit**

**No. 1A**

**City Council Ordinance Bill  
No. 11-007**

**Planning Commission  
Meeting of  
May 3, 2011**



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**CITY OF HEMET**  
**Hemet, California**  
**ORDINANCE BILL NO. 11-007**

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**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA ADOPTING ZONING ORDINANCE AMENDMENT NO. 10-005 TO AMEND ARTICLES II, XXVI AND XXVII OF THE HEMET MUNICIPAL CODE PERTAINING TO DEVELOPMENT STANDARDS, PERMITTED USES AND REVIEW PROCEDURES FOR THE DOWNTOWN ZONES**

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**WHEREAS**, the City Council has determined that establishment of development standards and procedures for the Downtown Zones is an integral part of beautifying the City; and,

**WHEREAS**, the City Council has determined that an amendment to the Hemet Municipal Code relating to development standards is essential to maintaining and protecting the environment in the downtown area of the City; and,

**WHEREAS**, on April 7, 2011 the City gave public notice by advertising in the Press Enterprise – a newspaper of General Circulation, of the holding of a public hearing before the Planning Commission at which the amendment to the City's zoning ordinances would be considered; and,

**WHEREAS**, on April 19, 2011 and May 3, 2011, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Zoning Ordinance Amendment and at which the Planning Commission considered the Zoning Ordinance Amendment and recommended adoption to the City Council; and,

**WHEREAS**, on \_\_\_\_\_, 2011 the City gave public notice by advertising in the Press Enterprise – a newspaper of General Circulation, of the holding of a public hearing at which the amendment to the City's zoning ordinances would be considered; and,

1           **WHEREAS**, the City Council, on \_\_\_\_\_, 2011, reviewed the proposed  
2 ordinance to the Hemet Municipal Code pertaining to development standards and  
3 review procedures for the Downtown Zones in the City of Hemet; and,

4           **WHEREAS**, the City Council, at said meeting reviewed the staff report dated May  
5 10, 2011, pertaining to development standards and review procedures for the  
6 Downtown Zones; and,

7           **WHEREAS**, The City Council hereby determines that this Ordinance is exempt  
8 from review under the California Environmental Quality Act ("CEQA") (California  
9 Public Resources Code Section 21000 et seq.), because pursuant to State CEQA  
10 Regulation 15061(b)(3) (14 Cal. Code Regs., §15061(b)(3)), this Ordinance is  
11 covered by the CEQA Categorical Exemption for actions taken to assure the  
12 maintenance, restoration, enhancement, or protection of a built environment in the  
13 downtown area of the City. The adoption of this ordinance will result in the  
14 enhancement and protection of built environment in the Downtown Overlay Zone in  
15 the City, and will not result in cumulative adverse environment impacts. It is  
16 therefore exempt from the provisions of CEQA.

17           **WHEREAS**, attached hereto as Exhibit A is the proposed City Council  
18 Ordinance.

19           **NOW THEREFORE**, the City Council of the City of Hemet does hereby ordain as  
20 follows:

21           **SECTION 1: Amendment of Article XLVIII.** Articles II, XXVI and XXVII of the  
22 Hemet Municipal Code is hereby amended, as shown in Exhibit A.

23           **SECTION 2: Environmental Findings.** The City Council, in light of the whole  
24 record before it, including but not limited to, the City's Local CEQA Guidelines and  
25 Thresholds of Significance, the recommendation of the Community Development  
26 Director as provided in the Staff Report dated May 10, 2011 and documents  
27 incorporated therein by reference, and any other evidence (within the meaning of  
28 Public Resources Code § 21080(e) and § 21082.2) within the record or provided at  
the public hearing of this matter, hereby finds and determines as follows:

1. **CEQA:** The City Council hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.), because pursuant to State CEQA Regulation 15061(b)(3) (14 Cal. Code Regs., §15061(b)(3)), this Ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the resources in the

1 City, and will not result in cumulative adverse environment impacts. It  
2 is therefore exempt from the provisions of CEQA.

3 **SECTION 3. Zoning Ordinance Amendment Findings.** According to Hemet  
4 Municipal Code section 90-41.5(a), the City Council makes the following findings  
5 with respect to this zoning ordinance amendment:

- 6 1. That the zoning ordinance amendment is in conformance with the latest  
7 adopted general plan for the city.

8 The proposed zoning ordinance amendment further facilitates the goals  
9 and policies of the general plan by ensuring the quality of development  
10 in the downtown area of the City of Hemet through implementation of  
11 development standards and review procedures. In addition, the  
12 proposed zoning amendment will continue to encourage buildings of  
13 similar scale and pedestrian orientation.

- 14 2. That the zoning ordinance amendment will protect the public health,  
15 safety and welfare.

16 By including provisions for development standards and review  
17 procedures for the Downtown zones a consistent development pattern  
18 will be achieved and new development will be reviewed at a public  
19 hearing. Findings will have to be made by the approval body that any  
20 new or substantially remodeled structure will not be detrimental to the  
21 public health, safety and welfare of the surrounding area.

22 **SECTION 4:** The City Clerk is authorized and directed to cause this Ordinance to  
23 be published within fifteen (15) days after its passage in a newspaper of general  
24 circulation and circulated within the City in accordance with Government Code Section  
25 36933(a) or, to cause this Ordinance to be published in the manner required by law  
26 using the alternative summary and pasting procedure authorized under Government  
27 Code Section 39633(c).

28 **SECTION 5:** If any section, subsection, subdivision, sentence, clause, phrase,  
or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by  
the decision of any court of competent jurisdiction, such decision shall not affect the  
validity of the remaining portions of this Ordinance. The City Council hereby declares  
that it would have adopted this Ordinance, and each section, subsection, subdivision,  
sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or  
more sections, subsections, subdivisions, sentences, clauses, phrases, or portions  
thereof be declared invalid or unconstitutional.

**INTRODUCED** at the regular meeting of Hemet City Council on \_\_\_\_\_, 2011.

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APPROVED AND ADOPTED this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2011.

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Gerald Franchville, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Sarah McComas, City Clerk

\_\_\_\_\_  
Eric S. Vail, City Attorney

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

4 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the  
5 foregoing Ordinance is the actual Ordinance adopted by the City Council of the City  
6 of Hemet and was passed by the following vote:

7 AYES:  
8 NOES:  
9 ABSTAIN:  
10 ABSENT:

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12 Sarah McComas, City Clerk

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**EXHIBIT 1A**  
**ZOA 10-005**  
**Downtown Zoning Ordinance Amendment**

*The following text displays the proposed changes to Articles II(2), XXVI(25) and XXVII (26) of the Hemet Municipal Code concerning development standards, permitted and conditionally permitted uses, and review procedures for the D-1 and D-2 zones within the Downtown area of the City of Hemet. For the purposes of this chapter, the Downtown area is generally bordered by Devonshire Street to the north, Kimball Avenue to the south, Buena Vista Avenue to the east, and Inez Street to the west.*

*Note: Only those applicable sections of the code that are being amended are excerpted and shown below. Amended text is shown as follows:*

*Underlined text = new  
~~Strikeout text~~ = deleted*

**CHAPTER 90 - ZONING**

**ARTICLE XXVI. COMMERCIAL ZONES**

**Sec. 90-891. Purposes.**

~~(g) — D downtown zones:~~

~~(1) D-1: To provide medium intensity commercial uses that serve mostly community wide needs in a pedestrian friendly environment. Uses allowed include commercial retail, service commercial, business offices, restaurants, cultural and entertainment uses, and government uses.~~

~~(2) D-2: To provide medium intensity commercial uses that serve mostly community wide needs in a more auto oriented environment. Uses allowed include commercial retail, service commercial, business offices, restaurants, and auto related service uses.~~

**Sec. 90-892. Permitted uses.**

In the R-P, O-P, C-1, C-2, and C-M ~~and D~~ zones, permitted and conditionally permitted uses shall be listed as within the "Land Use Matrix." Whenever a business is conducted, a city business license is required pursuant to chapter 18.

*Delete D-1 and D-2 zone columns in the Commercial Land Use Matrix.*

## Sec. 90-894 General Requirements

Prior to the construction of any building or structure a building permit shall be required in accordance with the latest city-adopted Uniform 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.

Delete the D-1 and D-2 zone standards from the minimum development standards table below:

A. COMMERCIAL ZONE MINIMUM DEVELOPMENT STANDARDS								
ZONE	R-P	O-P	C-1	C-2	C-M	D-1	D-2	
1. Coverage (in percent)(in the R-P zone ten percent of the remaining land shall be landscaped)	60	60	40	40	40	60	60	
2. Net lot area	8,000	8,000	6,500	6,500	6,500	n.a.	n.a.	
3. Lot width								
a. Standard	60	60	60	60	65	n.a.	n.a.	
b. Cul-de-sac/knuckle	40	40	40	40	40	n.a.	n.a.	
4. Lot depth	100	100	100	100	100	n.a.	n.a.	
5. Front yard setback, landscaped (in the R-P zone the front yard setback may be reduced to ten feet when parking is located in front)	20	20	7 feet for each 12 feet of bldg height*	7 feet for each 12 feet of bldg height*	10	0**	10	
6. Rear yard setback, landscaped								
a. Adjacent to an alley, street, or in an R zone (in the R-P zone it may be adjacent to a permanent non-buildable easement at least ten feet wide)	10	10	10	10	10	10	10	
b. Not adjacent to an alley or street	0	0	0	0	0	0	0	
7. Side yard setback, landscaped								
a. Interior side	5 for each story	5 for each story	0	0	0	0	0	
b. Street side and corner	10	10	10	10	10	10	10	
8. Building and structure height (see section 90-385 C. for exceptions)	35	35	35	35	35	35	35	
9. Parking required (see article XL)						***	***	
10. Signing permitted (see article XXXVI)						****	****	

### Notes:

\* The intent is to keep the overall height of the building at the minimum seven-foot setback to no more than 12 feet. Building height may be increased as the setback is increased (See Figure 1 below).

\*\* Building setback shall be equal to the average of the established setback on the block.

~~\*\*\* Parking shall be provided per the requirements of article XL, however credit shall be given for parking that is found immediately adjacent to the property in the public right of way and in the municipal parking lot within 300 feet.~~

~~\*\*\*\* Signing may be permitted per the requirements of article XXXVI, however, the following additional restrictions shall also apply:~~

- ~~1. "Can" type wall signs are prohibited.~~
- ~~2. Freestanding signs shall only be "monument" style.~~

**ARTICLE XXVII. HUB OF THE VALLEY OVERLAY ZONE DOWNTOWN ZONES**

**Sec. 90-931. Purpose**

(a) In addition to the overall objectives stated in section 90-1, the HUB of the Valley Overlay zone Downtown Zones is are established to encourage the provision of a HUB regional focus of activity within Planning Areas I and II the downtown historical core which includes, but is not limited to: government, transportation, medical, historic, retail, and cultural/entertainment uses. Land uses are encouraged which promote pedestrian and vehicular traffic in an environment which is safe day and night. The arrangement of the uses should enhance retail viability and should develop a sense of community. The downtown zones are within the area of the city generally bounded by Devonshire Avenue, Buena Vista Street, Kimball Avenue and Inez Street. (Ord. No. 1616, §1; Ord. No. 1617)

(b) Downtown Zone Classifications:

- (1) D-1: To provide medium intensity commercial uses that serve mostly community wide needs in a pedestrian friendly environment. Uses allowed include commercial retail, service commercial, business offices, restaurants, cultural and entertainment uses, and government uses.
- (2) D-2: To provide medium intensity commercial uses that serve mostly community wide needs in a more auto oriented environment. Uses allowed include commercial retail, service commercial, business offices, restaurants, and limited auto related service uses.

**Sec. 90-932. ~~Encouraged and conditional uses.~~**

~~In the HUB of the Valley Overlay Zone, the following uses are encouraged and conditionally permitted, in addition to the permitted uses identified in section 90-892. Whenever a business is conducted, a city business license is required pursuant to chapter 18.~~

**HUB OF THE VALLEY LAND USE MATRIX**

E = Encouraged use — C = Conditional Use

1. Album show	E
2. Antiques	E
3. Apparel	E
4. Art, public	E
5. Art galleries	E
6. Artist's housing/studios	E
7. Arts/crafts	E
8. Audio/video stores and studios	E
9. Banks and savings and loans and other financial institutions	E
10. Book stores with or without food/beverage service	E
11. Center for the arts	E
12. Coffee house with or without food or books	E

13. College satellite promotional offices (including, but not limited to, Mt. San Jacinto College, University of California at Riverside)	E
14. Craft stores	E
15. Depot/MetroLink station	E
16. Dining with or without alcoholic beverages	E
17. Dress shops	E
18. Entertainment and/or cultural facilities and displays	C
19. Events approved by the Planning Commission	C
20. Fairs	C
21. Certified Farmer's Market (Riverside County Health permits required)	C
22. Farming history displays	E
23. Food court (Riverside County Health permits required)	C
24. Gift and specialty shops	E
25. Grocery stores	E
26. Hemet Theater including, but not limited to, arts, old movies, bands, recitals, dinner theater, community players	E
27. Hotels and motels	E
28. Libraries	E
29. Kite shops	E
30. Mixed uses including, but not limited to, retail, professional offices, service commercial, restaurants, residential uses on the second floor over office or commercial uses	C
31. Open air entertainment/markets	C
32. Pageants approved by the Planning Commission	C
33. Transit center	E
34. Museums including, but not limited to, historic, Native American, art	E
35. Offices including, but not limited to, government, health/clinics/doctors, corporate	E
36. Optical	E
37. Outpatient clinics	C
38. Pharmacies	E
39. Post office	E
40. Professional offices	E
41. Restaurants with patio/outdoor dining and walk-up counters for seating and/or service	E
42. Retail and specialty shops	E
43. Schools including, but not limited to, the University of California at Riverside, law, and night college classes	E
44. Specialty clothing	E
45. Sporting goods	E
46. Youth center	E

(Ord. No. 1616, §1, 11-23-99; Ord. No. 1617, 11-30-99)

Sec. 90-932. Permitted and conditionally permitted uses.

In the D-1 and D-2 zones, permitted and conditionally permitted uses shall be as listed within the following "Land Use Matrix." Land uses allowed subject to an administrative approval are shown as "A" in the table below. Uses which are not permitted in the zone are shown as NP. All other uses not specifically listed in the table below shall be interpreted to not be allowed, unless a similar use determination is made by the Director pursuant to Section 90-3 of the H.M.C. Whenever a business is conducted, a city business license is required pursuant to chapter 18 of the HMC and a certificate of occupancy is required for all uses pursuant to Section 309 of the Uniform Administrative Code.

<i><b>DOWNTOWN LAND USE MATRIX</b></i>		
<i>P = Permitted Use    A = Administrative Use Permit    C = Conditionally Permitted Use</i>		
<i>NP = Not Permitted</i>		
<i><b>ZONE</b></i>	<i><b>D-1</b></i>	<i><b>D-2</b></i>
<b><u>A. Residential Uses</u></b>		
<u>1. Bed and breakfast</u>	<u>A</u>	<u>A</u>
<u>2. Home occupation in an existing single-family home subject to the requirements of section 90-72.</u>	<u>P</u>	<u>P</u>
<u>3. Household pets in an existing single-family home including, but not limited to dogs, and cats when on the site of an existing residential unit subject to the requirements of section 90-77.</u>	<u>P</u>	<u>P</u>
<u>4. Mixed use, an integrated mix of residential and non-residential uses on a single site, including but not limited to, retail, professional offices, service commercial, restaurants, residential uses on the second floor over office or commercial uses.</u>	<u>C</u>	<u>C</u>
<u>5. Multiple-family residence subject to the requirements of the R-3 zone development standards</u>	<u>C</u>	<u>C</u>
<b><u>B. Commercial Uses</u></b>		
<u>1. Adult business as defined in section 90-18 .</u>	<u>NP</u>	<u>NP</u>
<u>2. Antiques (not thrift store)</u>	<u>P</u>	<u>P</u>
<u>3. Apparel, new</u>	<u>P</u>	<u>P</u>
<u>5. Arcade, video or internet</u>	<u>A</u>	<u>A</u>
<u>4. Art galleries, arts &amp; crafts</u>	<u>P</u>	<u>P</u>
<u>6. Artist studio</u>		
<u>a. Studio without living space</u>	<u>P</u>	<u>P</u>
<u>b. Studio with living space</u>	<u>A</u>	<u>A</u>
<u>7. Automotive, motorcycle, and marine vehicle services including but not limited to parts and equipment sales (including tires) with or without installation, engine and transmission maintenance and repair, smog certification, and window tinting installation.</u>	<u>NP</u>	<u>C</u>

8. Automotive, motorcycle, and marine vehicle body and/or paint shop	<u>NP</u>	<u>C</u>
9. Automotive, motorcycle, and marine vehicle sales		
a. Without outdoor display	<u>NP</u>	<u>A</u>
b. With outdoor display	<u>NP</u>	<u>C</u>
10. Automotive, motorcycle, and marine vehicle wash facility		
a. Self service	<u>NP</u>	<u>A</u>
b. Full service	<u>NP</u>	<u>C</u>
11. Bakery, with or without on-site sales	<u>P</u>	<u>P</u>
12. Bank, savings and loan, credit union	<u>P</u>	<u>P</u>
13. Bar, nightclub, and dance hall		
a. With on-site sale of alcoholic beverage	<u>C</u>	<u>C</u>
b. With on-site live entertainment or dancing	<u>C</u>	<u>C</u>
14. Barber and/or beauty shop	<u>P</u>	<u>P</u>
15. Bookstores, new and used	<u>P</u>	<u>P</u>
16. Coffee house, with or without food & books	<u>P</u>	<u>P</u>
17. Cultural facilities and museums	<u>P</u>	<u>P</u>
18. Drive-through or drive-in facility including, but not limited to dry cleaners, fast food restaurants, and pharmacies	<u>NP</u>	<u>NP</u>
19. Equipment rental including but not limited to moving and construction vehicles and equipment	<u>NP</u>	<u>NP</u>
20. Farmer's market (ongoing)	<u>A</u>	<u>A</u>
21. Gasoline station including self service or full service facilities		
a. As a primary use (offered for sale) on the site subject to the regulations listed in section 90-897(b). All vehicle fuel storage tanks shall be underground. Above ground propane, natural, and other similar fuel gas tanks may be permitted when setback at least 50-feet from the public right-of-way, installed in accordance with the Uniform Fire Code, applicable state and federal laws, and screened in accordance with subsection 90-895(10)	<u>NP</u>	<u>C</u>
b. Gasoline pumps as an accessory use and where fuel is not offered for sale	<u>NP</u>	<u>A</u>
22. Gift and specialty shops, new	<u>P</u>	<u>P</u>
23. Grocery and specialty foods, ice cream	<u>P</u>	<u>P</u>
24. Graphic production	<u>P</u>	<u>P</u>
25. Hotel or motel	<u>C</u>	<u>C</u>
26. Kiosk, permanent retail	<u>A</u>	<u>A</u>
27. Liquor or convenience store	<u>C</u>	<u>C</u>

28. <u>Offices, professional, general including medical, dental and optometry.</u>	<u>P</u>	<u>P</u>
29. <u>Parking lot – commercial</u>	<u>A</u>	<u>A</u>
30. <u>Pawn shop</u>	<u>NP</u>	<u>NP</u>
31. <u>Pharmacy</u>	<u>P</u>	<u>P</u>
32. <u>Photographic studio</u>	<u>P</u>	<u>P</u>
33. <u>Radio station, AM and/or FM (without antennae)</u>	<u>A</u>	<u>A</u>
34. <u>Recording studio</u>	<u>A</u>	<u>A</u>
35. <u>Restaurant (not including bars and nightclubs)</u>		
<u>a. Dining without b, c, d, or e</u>	<u>P</u>	<u>P</u>
<u>b. Dining with on-site sale of alcoholic beverages</u>	<u>A</u>	<u>A</u>
<u>c. Dining wiith dancing and/or live entertainment</u>	<u>A</u>	<u>A</u>
<u>d. Drive-through or drive-in restaurants</u>	<u>NP</u>	<u>NP</u>
<u>e. Micro-brewery or winery and limited distribution</u>	<u>A</u>	<u>A</u>
36. <u>Retail services shops including but not limited to appliance repair and sales, catering, health spa, martial arts or dance studios, locksmith, pet grooming, printing and copy, shoe repair, tailor, costume rental.</u>	<u>P</u>	<u>P</u>
37. <u>Retail sales shops including but not limited to books, stationery, hobby, coins and/or stamps, candy, window coverings, gifts, hardware, home furnishings, florist, music (with or without instruction), furniture, jewelry, dry goods or notions, shoes, pets, paint, sporting goods</u>	<u>P</u>	<u>P</u>
38. <u>Smoke, cigarette, cigar, or tobacco store or hookah lounge</u>	<u>NP</u>	<u>NP</u>
39. <u>Sporting Goods</u>	<u>P</u>	<u>P</u>
40. <u>Storage – Outdoor</u>	<u>NP</u>	<u>NP</u>
41. <u>Theater, motion picture and/or live</u>		
<u>a. Indoor</u>	<u>A</u>	<u>A</u>
<u>b. Outdoor</u>	<u>C</u>	<u>C</u>
42. <u>Thrift store</u>	<u>NP</u>	<u>NP</u>
43. <u>Transportation service including, but not limited to dial-a-ride, depot, train station, bus station (no truck terminals)</u>	<u>C</u>	<u>C</u>
<b><u>C. Recreation and Miscellaneous Uses</u></b>		
1. <u>Billiard parlor and/or pool hall</u>	<u>C</u>	<u>C</u>
2. <u>Lodge hall for civic, social, or fraternal organizations</u>	<u>C</u>	<u>C</u>
3. <u>Community Center</u>	<u>A</u>	<u>A</u>
4. <u>Conversion of a structure from a residential use to a non-residential use in compliance with Article IX</u>		
<u>a. For use by a permitted use</u>	<u>A</u>	<u>A</u>
<u>b. For use by a conditionally permitted use</u>	<u>C</u>	<u>C</u>
5. <u>Entertainment, open air</u>	<u>C</u>	<u>C</u>

<u>6. Public facilities and utilities including but not limited to city facilities and public offices</u>	<u>P</u>	<u>P</u>
<u>7. School or college including, but not limited to art, business, cosmetology, craft, dance, music, professional, technical and trade</u>	<u>A</u>	<u>A</u>
<b><u>D. Accessory Uses</u></b>		
<u>1. Accessory structures and uses located on the same site as a permitted use</u>	<u>P</u>	<u>P</u>
<u>2. Outdoor activities within a clearly defined area accessory to a primary use</u>		
<u>a. Display of merchandise</u>	<u>A</u>	<u>A</u>
<u>b. Outdoor seating</u>	<u>A</u>	<u>A</u>

**Sec. 90-933. Site development requirements.**

Development in the D-1 and D-2 zones shall comply with the standards contained within Sec. 90-895, except as otherwise provided in this chapter, and pursuant to the downtown design guidelines contained in the General Plan, or any other design guidelines or specific plans as may subsequently be adopted by the City Council and applicable to the Downtown zones.

- (a) *Awnings/canopies.* All structures within ~~HUB Area I~~ Downtown Zones shall incorporate awnings or canopies over public walkways for shade, per the HUB Overlay Zone downtown design guidelines.
- (b) *Color palette.* All buildings, and appurtenances thereto, shall comply with the color palette and procedures contained in Sec. 90-896 and the HUB Overlay Downtown Zone design guidelines in the downtown neighborhood planning area of the General Plan. Exterior colors shall be consistent with the architectural style and historic period of the structure and surrounding area.
- (c) *Parapets and mechanical equipment screening.* All roof-mounted mechanical equipment shall be screened from view from any public area, and shall be screened with materials and design consistent with the architecture of the building upon which it is mounted. The use of parapets is encouraged for design purposes, and as a method for screening roof-mounted mechanical equipment.
- (d) *Facades.* The facades of any new or remodeled structures shall comply with the ~~HUB Overlay Zone downtown design guidelines in the downtown neighborhood planning area of the General Plan.~~ Original materials such as brick or stone or other natural materials or architectural detailing associated with a historic architectural style shall be retained in its original condition to the extent possible. Remodeling and alteration of existing facades, materials or windows shall be reviewed by the Community Development Director or the Planning Commission, pursuant to Section 90-937 and 90-47.
- (e) *Landscaping.* Existing commercial buildings constructed on, or within one foot of the front property line shall be provided with decorative aboveground planters at a ratio of one planter per every 20 feet of building frontage in a manner that does not impede pedestrian traffic. Said planters shall incorporate decorative trees or shrubs and

ground cover or other plants which bloom. Encroachments permits shall be requested for any above ground planters and plant materials shall be subject to review and approval by the ~~downtown collaborative~~ Planning and Public Works departments. Planters shall be maintained with vegetation in an attractive, and trash, weed and debris free condition.

- (f) Street Trees. Street trees shall be provided in parkways or tree wells at a spacing of one tree per 30 feet, or as otherwise determined by the Community Development Director.
- (g) Decorative lighting. Decorative night lighting is encouraged. Said lighting shall be mounted in a professional manner, and shall complement the architectural style, form and period of the building. Blinking lighting, rotating lighting, or lighting simulating movement is prohibited. Any decorative lighting shall be subject to review and approval by the Planning and Building Departments ~~downtown collaborative~~. All decorative lighting shall be metal halide, unless otherwise specifically approved by the Community Development director or designate downtown collaborative.
- (h) Construction Fencing. Buildings or sites under construction shall be enclosed by temporary construction fencing and screening material for the duration of the construction period, to the satisfaction of the Building Official.
- (i) Outdoor Display and Storage. Outdoor storage of merchandise or materials is prohibited in the D-1 and D-2 zones. The temporary outdoor display of merchandise associated with a special sale or activity at the primary business is subject to approval of a temporary use permit pursuant to Section 90-73. An ongoing outdoor display associated with the business may be approved subject to the approval of an administrative use permit pursuant to Section 90-43 of the HMC.
- (j) Development Standards for the Downtown Zones. Development in the D-1 and D-2 zones shall comply with the following minimum standards. The standards are designed to allow flexibility in the placement of structures within the downtown, in order to achieve a pedestrian -oriented development. However, additional setbacks may be required as part of the Downtown Project Review in order to comply with applicable building codes, design guidelines, or to promote the health and safety of the general public, if warranted by the circumstances of an individual project.

<i><u>DOWNTOWN ZONES DEVELOPMENT STANDARDS</u></i>		
<i><u>ZONE</u></i>	<i><u>D-1</u></i>	<i><u>D-2</u></i>
<u>1. Maximum Coverage (in percent)</u>	<u>n.a.</u>	<u>n.a.</u>
<u>2. Net lot area</u>	<u>n.a.</u>	<u>n.a.</u>
<u>3. Lot width</u>	<u>n.a.</u>	<u>n.a.</u>
<u>4. Lot depth</u>	<u>n.a.</u>	<u>n.a.</u>
<u>5. Front yard setback</u>	<u>0*</u>	<u>10</u>
<u>6. Rear yard setback</u>		
<u>a. Adjacent to an alley or street</u>	<u>10 feet</u>	<u>10 feet</u>
<u>b. Not adjacent to an alley or street</u>	<u>0</u>	<u>0</u>
<u>7. Side yard setback, landscaped</u>		
<u>a. Interior side</u>	<u>0</u>	<u>0</u>
<u>b. Street side and corner</u>	<u>0*</u>	<u>10</u>

8. <u>Parking areas landscaped setbacks (front and street side)</u>	<u>5 feet</u>	<u>10 feet</u>
9. <u>Building and structure height (see section 90-385C for exceptions) [2]</u>	<u>35**</u>	<u>35**</u>
10. <u>Minimum Building separation</u>	Per building & fire codes	Per building & fire codes

Notes:

[1] \* Allowed where a minimum 10 foot wide pedestrian sidewalk occurs adjacent to the property line. In no instance shall the building be closer than 10.5 feet from the curb face of the adjacent street.

[2] \*\*Building heights may be exceeded with the approval of a conditional use permit.

(Ord. No. 1616, §1, 11-23-99; Ord. No. 1617, 11-30-99)

**Sec. 90-934. Signs**

- (a) Signs shall be in compliance with the sign ordinance, Article XXXVI, except as provided herein. In addition, signs shall be designed to complement the design, scale, and colors of the buildings to which they are mounted. Signs shall be submitted to the community development director or designate downtown collaborative for review and approval, prior to erection of any permanent sign.
- (b) Signs painted on buildings and “can” signs are prohibited.
- (c) Freestanding signs shall only be “monument” style.

(Ord. No. 1616, §1, 11-23-99; Ord. No. 1617, 11-30-99)

**Sec. 90-935. Parking.**

These parking standards recognize that the ~~HUB of the Valley Overlay~~ Downtown Zone areas have existing legal nonconforming structures and uses. Public parking lots have been provided at many locations throughout the area Area-I. In recognition of these conditions, less restrictive parking standards are required. Development of the parking facilities shall, however, comply with the development standards of Article XL, off-street parking.

- a) Existing uses:
  - (1) For any expansion of use, remodel, rehabilitation, or increase in floor area less than 20 percent, no additional parking shall be required.
  - (2) Any expansion of use, remodel, rehabilitation or increase in floor area more than 20 percent, shall comply with subsection (b) below.
- b) New construction and/or for additional square footage added to a legal nonconforming use or structure:
  - (1) Retail, office, or service use: One space for each 500 square feet of gross floor area.

- (2) Medical office: One space for each 200 square feet of gross floor area.
- (3) Restaurants, cafes, and similar uses: One space for each 250 square feet of gross floor area.
- c) Except as noted in sections a and b above, parking shall be provided per the requirements of Article XL, however, credit shall be given for parking that is found immediately adjacent to the property in the public right-of-way and in a municipal parking lot within 300 feet.

(a) ~~Area II. The requirements of article XL, off street parking, shall be required.~~  
 (Ord. No. 1616, §1, 11-23-99; Ord. No. 1617, 11-30-99)

**~~Sec. 90-936. Area I and Area II defined.~~**

~~Area I shall be the area of primary influence of the HUB of the Valley Overlay Zone planning area, and shall be as shown in figure 1. Area II shall be the secondary area of influence of the HUB of the Valley planning area, and shall be as shown in figure 2.~~  
 (Ord. No. 1616, §1, 11-23-99; Ord. No. 1617, 11-30-99)

**~~Sec. 90-937. Downtown collaborative.~~**

~~A downtown collaborative shall be established to review all plans in HUB Area 1 for compatibility with the HUB of the Valley overlay zone.~~

- (a) ~~Membership. There shall be a minimum of four members who shall own property and/or a business in HUB Area 2; one community member at large who shall not own a business or property in the area; and an ex officio member of the city staff. Members shall be elected, at large, by majority vote of businesses within Hub Area 2. Members shall serve overlapping four year terms. A list of current members shall be filed with the city manager's office.~~
- (b) ~~Meetings/findings. The downtown collaborative (collaborative) shall appoint a chairperson and a recording secretary from their elected membership. Meetings shall be held on call, with 48 hours' advance notice, or on regularly scheduled dates adopted by the collaborative in advance. The collaborative shall review plans presented to them, and shall make specific findings, in writing, of compliance with the purpose and site development requirements of the Hub of the Valley overlay zone.~~

(c) ~~Appeals. Appeals shall be pursuant to section 90-42.6.~~  
 (Ord. No. 1616, §1, 11-23-99; Ord. No. 1617, 11-30-99)

**Sec. 90-936 Lot Consolidation.**

- (a) In order to encourage the assemblage of smaller existing parcels into larger parcels that can be more efficiently developed into a larger or mixed use project, the following incentives are offered:
  - Reduction in required parking for a mixed-use project.

- Increase in maximum total sign area, up to a maximum of twenty percent (20%).
- Reduction in common and/or private open space requirements, up to a maximum of ten percent (10%).

Sec. 90-937 Project Review.

All façade improvements, new buildings, additions and exterior remodels within the D-1 and D-2 zones shall be reviewed under the Downtown Design Review provisions set forth in Section 90-47.

## ARTICLE II. ADMINISTRATIVE REGULATOINS

### DIVISION 1. APPLICATIONS

#### Sec. 90-47. Downtown Project Review applications.

- (a) *Purpose.* The purpose of the Downtown Project Review (DPR) process is to provide review of all façade improvements, new buildings and structural additions within the Downtown Zones of D-1 and D-2 within the city. Downtown Project Review is intended to ensure that development projects and improvements are well designed, compatible in terms of scale and aesthetics with the surrounding area, and consistent with the goals, policies and standards contained in the city's General Plan, Commercial Design Guidelines, and applicable downtown zoning classifications.
- (b) *New applications.* An application for a Downtown Project Review shall be filed with the Planning Department by the property owner or an authorized agent on a form(s) prescribed by the director, and shall include information and/or plans which are deemed by the director to be necessary to enable the approving authority to make the required findings.

#### 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 and recommendation to the City Council 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 20% or more of the square footage of the original structure, or a modification to 20% 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.* 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 20% 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.

**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 adopted from time to time by city council resolution. 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 non-refundable.

**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 (3) 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© are administrative actions and generally will not require notice and a public hearing unless the project will substantially affect property rights of neighboring properties including, but not limited to, the creation of additional traffic impacts to the area, more intense parking demands, the removal of existing parking spaces, etc.

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 (10) 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.

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 upon a finding of unavoidable delay 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, less than 10% change in floor area or linear foot of the façade, or revisions to the project, if it is found to be in substantial conformance to the original approval. The Planning Commission shall review and 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.
  - (3) New requirements and/or conditions may be added.

Action of the approving authority shall be final within ten (10) calendar days unless appealed in accordance with the procedures of section 90-47.6.

**Attachment**

**No. 2**

**Existing Zoning Code  
Sections**

**Planning Commission  
Meeting of  
May 3, 2011**

**Exhibit  
No. 2A  
Article XXVI  
Commercial Zones**

**Planning Commission  
Meeting of  
May 3, 2011**

## ARTICLE XXV. RESERVED\*

Secs. 90-861—90-890. Reserved.

## ARTICLE XXVI. COMMERCIAL ZONES†

Sec. 90-891. Purposes.

(a) In addition to the overall objectives stated in section 90-1, the commercial zones are established to provide appropriately located areas for retail stores, service and amusement establishments, offices and wholesale businesses, all to provide commodities and services needed by residents of the city and the surrounding market area; to provide adequate space for modern commercial development, including offstreet parking, loading and landscaping; to protect commercial properties from noise, odors, smoke, dirt, vibration, glare, fire, explosion, noxious fumes, unsightliness and other hazards or objectionable influences; to minimize traffic congestion; and to provide space for community facilities and institutions that may be appropriately located in commercial areas.

(b) R-P residential professional zone: To reserve appropriately located areas for desirable mixes of medium density multiple-family residential uses and compatible professional uses.

(c) O-P office professional zone: To provide appropriately located areas for professional/administrative offices and personal services rather than commodities.

\*Editor's note—Ordinance No. 1553, § 2, adopted January 28, 1997, deleted § 90-861. Formerly, such section pertained to commercial zones generally and derived from Ord. No. 621, § 23000 of the 1984 Code.

†Editor's note—Ordinance No. 1553, § 2, adopted January 28, 1997, reorganized the C and M zones, including the R-P zone by deleting §§ 90-891—90-904 and adding new §§ 90-891—90-895. Formerly, such sections pertained to C-1 neighborhood commercial zone and derived from Ord. No. 621, §§ 23100—23113 of the 1984 Code; Ord. No. 864; Ord. No. 888; Ord. No. 917; Ord. No. 932; Ord. No. 954; Ord. No. 975; Ord. No. 1133; Ord. No. 1134; Ord. No. 1174; Ord. No. 1270; Ord. No. 1381; Ord. No. 1385; Ord. No. 1520, § 1, 5-23-95; Ord. No. 1530, 10-25-95; Ord. No. 1548, § 1, 10-22-96.

(d) 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.

(e) 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.

(f) 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.

(g) D downtown zones:

(1) D-1: To provide medium intensity commercial uses that serve mostly community wide needs in a pedestrian friendly environment. Uses allowed include commercial retail, service commercial, business offices, restaurants, cultural and entertainment uses, and government uses.

(2) D-2: To provide medium intensity commercial uses that serve mostly community wide needs in a more auto oriented environment. Uses allowed include commercial retail, service commercial, business offices, restaurants, and auto related service uses.

(Ord. No. 1553, § 2, 1-28-97; Ord. No. 1642, § 2, 4-10-01)

Sec. 90-892. Permitted uses.

In the R-P, O-P, C-1, C-2, C-M and D zones, permitted and conditionally permitted uses shall be as listed within the "Land Use Matrix." Whenever a business is conducted, a city business license is required pursuant to chapter 18.

COMMERCIAL LAND USE MATRIX								
P=Permitted Use    A=Administrative Use (AUP)    C=Conditionally Permitted Use (CUP)								
	ZONE	R-P	O-P	C-1	C-2	C-M	D-1	D-2
<b>A. Agricultural Uses</b>								
1.	Kennel for dogs and/or cats, (in accordance with special regulations listed in section 90-78)							
	a. As an accessory use (indoor)			P	P	P		
	b. As an accessory use (outdoor)			A	A	A		
	c. As a primary use (indoor or outdoor)			C	C	C		
2.	a. Wholesale	C	C	C	C	C		
	b. Retail	P	P	P	P	P		
	c. Retail - Indoor only						P	P
<b>B. Residential Uses</b>								
1.	Bed and breakfast	A	A	A	A		A	A
2.	Day care facility serving more than six clients	P	P	P	P	P		
3.	Residential care facilities (see section 90-75)	C	C					
4.	Home occupation in an existing single-family home subject to the requirements of section 90-72	P	P	P	P	P	P	P
5.	Household pets in an existing single-family home including, but not limited to, dogs, pot belly pigs, and cats when on the site of an existing residential unit subject to the requirements of section 90-77	P	P	P	P	P	P	P
6.	Mixed use, an integrated mix of residential and non-residential uses on a single site.			C	C		C	C
7.	Mobile home park, recreational vehicle park, or travel trailer park					C		
8.	Multiple-family residence subject to the requirements of the R-3 zone development standards	C					C	C
9.	Rented room, a maximum of one room, within an existing single-family dwelling	P	P	P	P	P	P	P
10.	Single-family residence (existing only) including manufactured housing, prefabricated housing, and mobile homes built after 1986 when installed on permanent foundations and subject to the requirements of subsection 90-315(a)	P	P	P	P	P	P	P
<b>C. Commercial Uses</b>								
1.	Adult business as defined in section 90-18 and subject to the requirements of section 90-4-1			C	C	C		
2.	Arcade, video or internet			A	A	A	A	A
3.	Automotive, motorcycle, and marine vehicle services including, but not limited to, parts and equipment sales (including tires) with or without installation, engine and transmission maintenance and repair, smog certification, and window tinting installation				C	C		C
4.	Automotive, motorcycle, and marine vehicle body and/or paint shop				C	C		C
5.	Automotive, motorcycle, and marine vehicle sales							
	a. Without outdoor display				A	A		A
	b. With outdoor display				C	C		C
6.	Automotive, motorcycle, and marine vehicle rental							
	a. Without outdoor display				A	A		A
	b. With outdoor display				C	C		C
7.	Automotive, motorcycle, and marine vehicle wash facility							
	a. Self service				A	A		A
	b. Full service				C	C		C
8.	Bakery, with or without on-site sales			P	P	P	P	P

COMMERCIAL LAND USE MATRIX								
		P=Permitted Use			A=Administrative Use (AUP)		C=Conditionally Permitted Use (CUP)	
	ZONE	R-P	O-P	C-1	C-2	C-M	D-1	D-2
9.	Bank, savings and loan, credit unions	P	P	P	P	P	P	P
10.	Bar, nightclub, and dance hall							
	a. With on-site sale of alcoholic beverage				A	A	A	A
	b. With on-site live entertainment or dancing				C	C	C	C
11.	Barber and/or beauty shop	P	P	P	P	P	P	P
12.	Big box retailer, >80,000 sf of gross floor area including outdoor display area				C	C		
13.	Boarding house	C	C					
14.	Cemetery and/or mortuary							
	a. Cemetery without mortuary or crematorium	C	C	C	C	C		
	b. Cemetery with mortuary	C	C	C	C	C		
	c. Cemetery with crematorium				C	C		
	d. Mortuary without cemetery				C	C		
	e. Crematorium without cemetery				C	C		
15.	Communication services without assembly or manufacturing			C	C	C		
16.	Drive-through or drive-in facility including, but not limited to, dry cleaners, fast food restaurants, and pharmacies			C	C	C	C	C
17.	Department store			P	P	P	C	C
18.	Equipment rental including, but not limited to, moving and construction vehicles and equipment				C	C		C
19.	Flower or produce stand							
	a. Permanent			A	A	A	A	A
	b. Non-permanent as a temporary use subject to section 90-73			P	P	P	P	P
20.	Fortune telling			C	C	C		
21.	Gasoline station including self service or full service facilities							
	a. As a primary use (offered for sale) on the site subject to the regulations listed in section 90-897(b). All vehicle fuel storage tanks shall be underground. Aboveground propane, natural, and other similar fuel gas tanks may be permitted when setback at least 50 feet from the public right-of-way, installed in accordance with the Uniform Fire Code, applicable state and federal laws, and screened in accordance with subsection 90-895(10)			C	C	C		C
	b. Gasoline pumps as an accessory use and where fuel is not offered for sale			A	A	A		A
22.	Graphics production	P	P	P	P	P	P	P
23.	Grocery stores and bulk food outlets		A	A	A	A	A	
24.	Hotel or motel	C	C	C	C	C	C	C
25.	Manufactured home sales with and without on-site display of models and inventory				C	C		
26.	Medical and/or dental laboratory	A	A	A	A	A		
27.	Medical urgent care facilities							
	a. Open within the hours of 7:00 a.m. to 9:00 p.m.	P	P	P	P	P		
	b. Open outside the hours of 7:00 a.m. to 9:00 p.m.		C	C	C	C		
28.	Mobile use including, but not limited to, car washing, book and/or video rental, blood bank, MRI							

COMMERCIAL LAND USE MATRIX								
P=Permitted Use    A=Administrative Use (AUP)    C=Conditionally Permitted Use (CUP)								
	ZONE	R-P	O-P	C-1	C-2	C-M	D-1	D-2
	a. <15 days in a 90-day period (subject to a temporary use permit: see section 90-73)	P	P	P				
	b. >15 days in a 90-day period	C	C	C	C	C	C	C
29.	Newspaper printing				C	C		
30.	Offices							
	a. General including, but not limited to, accounting, appraising, architects, consulting, research, insurance, legal, stockbrokerage, real estate	P	P	P	P	P	P	P
	b. Medical, dental, and optometry	P	P	P	P	P		
	c. Counseling		P	P	P	P		
31.	Parking lot - commercial	A	A	A	A	A	A	A
32.	Photographic studio							
	a. Excluding film processing, supplies, and retail sales.	P	P	P	P	P	P	P
	b. With film processing, supplies, and retail sales.			P	P	P	P	P
33.	Radio station, AM and/or FM (without antennae)				C	C	C	C
34.	Recording studio		C		C	C	C	C
35.	Recycling facility							
	a. Non-permanent collection center as a temporary use subject to the requirements of section 90-73	P	P	P	P	P		
	b. Permanent collection center	C	C	C	C	C		
	c. Processing center					C		
36.	Restaurant (not including bars and nightclubs)							
	a. Without b, c, d, or e		P	P	P	P	P	P
	b. With on-site sale of alcoholic beverages		C	P	P	P	P	P
	c. With dancing and/or live entertainment		C	C	C	C	C	C
	d. With drive-through or drive-in			C	C	C		
	e. With micro-brewery or winery and limited distribution			C	C	C	C	C
37.	Retail service shop including, but not limited to, appliance repair and sales, stereo/TV/video repair and sales, catering, health spa, martial arts or dance studios, laundromat, dry cleaners, locksmith, mail receiving service, swimming pool/spa service and supplies, pet grooming, photographic processing, printing, lithography, engraving, copy, plumbing, electrical, heating/air conditioning, shoe repair, tailor, costume rental, dry cleaning without an on-site plant.							
	a. Open within the hours of 7:00 a.m. to 9:00 p.m.			P	P	P	P	P
	b. Open outside the hours of 7:00 a.m. to 9:00 p.m.			A	A	A	A	A
38.	Retail sales shop including, but not limited to, books, stationery, arts and crafts (with light assembly), hobby, coins and/or stamps, candy, window coverings, gifts, hardware, home furnishings, florist, meat, delicatessen, medical supply, pharmacy, music (with or without instruction), furniture, jewelry, dry good or notions, shoes, pets, liquor, paint, firearms, sporting goods, glass, clothing, ice cream, and antiques.							
	a. Open within the hours of 7:00 a.m. to 9:00 p.m.			P	P	P	P	P

COMMERCIAL LAND USE MATRIX								
P=Permitted Use		A=Administrative Use (AUP)			C=Conditionally Permitted Use (CUP)			
ZONE	R-P	O-P	C-1	C-2	C-M	D-1	D-2	
			A	A	A	A	A	A
	b. Open outside the hours of 7:00 a.m. to 9:00 p.m.					C		
39.	Shelter for the homeless and short-term transitional housing							
40.	Shopping and business center							
	a. Retail uses			C	C	C	C	C
	b. Retail and non-retail uses			C	C	C	C	C
	c. Non-retail	A	A	A	A	A	A	A
41.	Smoke, cigarette, cigar, or tobacco store or hookah lounge			C	C		C	C
42.	Tattoo and/or piercing service					C		
43.	Taxi or fleet dispatch and maintenance facility					C		
44.	Theater, motion picture and/or live							
	a. Indoor			A	A	A	A	A
	b. Outdoor			C	C	C	C	C
45.	Towing and impound service subject to the requirements of section 90-895 (g).					C		
46.	Transportation service including, but not limited to, dial-a-ride, depot, train station, bus station (no truck terminals)			C	C	C	C	C
47.	Thrift store			A	A			
<b>D.</b>	<b>Manufacturing and Assembly</b>							
1.	Above ground vehicle fuel storage tank used for an on-going manufacturing business. Sale of fuel to the public is prohibited. Tanks shall be considered structures, they shall comply with setback requirements of the zone and shall be set back a minimum 100 feet from a Hemet Circulation Element Map road, and shall be screened from view from public streets. Requirements of the Uniform Fire Code and applicable state and federal laws shall be met.					C		
2.	Above ground bulk vehicle fuel storage tank used for storage, distribution, and wholesale to businesses. Sale of fuel to the general public is prohibited. Tanks shall be considered structures, they shall comply with setback requirements of the zone and shall be set back a minimum 100 feet from a Hemet Circulation Element Map road, and shall be screened from view from public streets. Requirements of Section 90-895(10) of the Hemet Municipal Code, the Uniform Fire Code and applicable state and federal laws shall be met.					C		
3.	Assembly of small electrical appliances or equipment including, but not limited to radios, phonographs, TVs, cameras, lighting fixtures, picture frames, fans, toasters, toys, electric motor repair, fiberglass blankets.					P		
4.	Cabinet manufacturing and assembly					P		
5.	Ceramic products manufacturing using only previously pulverized clay and kilns fired only by electricity or low pressure gas.					P		
6.	Cleaning, wholesale laundry and dyeing plant					A		

COMMERCIAL LAND USE MATRIX								
P=Permitted Use		A=Administrative Use (AUP)			C=Conditionally Permitted Use (CUP)			
	ZONE	R-P	O-P	C-1	C-2	C-M	D-1	D-2
7.	Distribution facilities including, but not limited to, bottled water, food products, prepackaged goods, machine parts, machinery				C	C		
8.	Food lockers, frozen					P		
9.	Furniture manufacturing				C	P		
10.	Furniture upholstery				P	P		
11.	Machine shop					C		
12.	Motion picture studios				C	C		
13.	Ornamental iron works				C	P		
14.	Transportation maintenance, storage and service yards, excluding truck terminals but including bus charter service subject to the requirements of section 90-895				C	C		
15.	Warehousing and storage, indoor and outdoor in compliance with section 90-895 (storage of fuel or flammable liquids is prohibited)							
	a. General storage					C		
	b. Lumber and building materials and equipment storage (not associated with a retail store)				C	C		
	c. Mini-storage including recreational and marine vehicles					C		
<b>E.</b>	<b>Recreation and Open Space Uses</b>							
	1. Billiard parlor and/or pool hall				C	C	C	C
	2. Bowling alley			C	C	C		
	3. Game court - lighted (with ten-foot high court fencing)	C	C	C	C	C		
	4. Golf course, country club and/or driving range	C	C					
	5. Lodge hall for civic, social, or fraternal organizations	C	C	C	C	C	C	C
	6. Recreation center, slot car racing, miniature golf, batting cages, game court (with ten-foot high court fencing), health club, racquetball, swim facility, and water park - commercial		C	C	C	C		
	7. Skating center			C	C	C		
	8. Shooting range, indoor only				C	C		
<b>F.</b>	<b>Miscellaneous Uses</b>							
1.	Church, temple, synagogue or other religious facility including, but not limited to, parish house, convent, parsonage, monastery, religious school	C	C	C	C			
2.	Conversion of a structure from a residential use to a non-residential use in compliance with Article IX							
	a. For use by a permitted use	A	A	A	A	A	A	A
	b. For use by a conditionally permitted use	C	C	C	C	C	C	C
3.	Library	A	P	P	P	P	P	P
4.	Meal and grocery charitable service							
	a. On-site distribution				C	C		
	b. Off-site distribution				P	P		
5.	Museum	A	P	P	P	P	P	P
6.	Public facilities and utilities including, but not limited to, electrical substations, transmission substation, city facilities and public offices	A	P	P	P	P	P	P
7.	School or college including, but not limited to, art, business, cosmetology, craft, dance, music, professional, technical and trade		P	P	P	P	A	A

COMMERCIAL LAND USE MATRIX									
		P=Permitted Use			A=Administrative Use (AUP)			C=Conditionally Permitted Use (CUP)	
		ZONE	R-P	O-P	C-1	C-2	C-M	D-1	D-2
8.	Storm water facilities								
	a. Flood control channels		P	P	P	P	P	P	P
	b. Detention and retention basins		P	P	P	P	P	P	P
9.	Swap meet and farmer's market								
	a. Permanent						C		
	b. Non-permanent as a temporary use subject to section 90-73					P	P	P	P
G.	Accessory Uses								
1.	Accessory structures and uses located on the same site as a permitted use		P	P	P	P	P	P	P
2.	Accessory structures and uses located on the same site as a conditional use		C	C	C	C	C	C	C
3.	Satellite dish antennas								
	a. <39 inches in diameter when ground- or roof-mounted subject to the requirements of Article XLVI and section 90-894 A.		P	P	P	P	P	P	P
	b. >39 inches when ground- or roof-mounted subject to the requirements of Article XLVI and section 90-894 A.		P	P	P	P	P	P	P
4.	Outdoor activities within a clearly defined area accessory to a primary use								
	a. Display of merchandise		A	A	A	A	A	A	A
	b. Outdoor seating		A	A	A	A	A	A	A

(Ord. No. 1553, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98; Ord. No. 1591, § 1(3), 9-29-98; Ord. No. 1596, § 1, 11-24-98; Ord. No. 1601, § 1, 5-11-99; Ord. No. 1642, § 2, 4-10-01; Ord. No. 1657, § 1, 2-12-02; Ord. No. 1693, § 1, 9-23-03; Ord. No. 1696, § 1, 11-4-03; Ord. No. 1762, § 1, 6-13-06; Ord. No. 1798, § 2(d)(Exh. D), 5-27-08)

Sec. 90-893. Reserved.

Sec. 90-894. General requirements.

Prior to the construction of any building or structure a building permit shall be required in accordance with the latest city-adopted Uniform

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. COMMERCIAL ZONE MINIMUM DEVELOPMENT STANDARDS									
		ZONE	R-P	O-P	C-1	C-2	C-M	D-1	D-2
1.	Coverage (in percent) (in the R-P zone ten percent of the remaining land shall be landscaped)		60	60	40	40	40	60	60
2.	Net lot area		8,000	8,000	6,500	6,500	6,500	n.a.	n.a.
3.	Lot width								
	a. Standard		60	60	60	60	65	n.a.	n.a.
	b. Cul-de-sac/knuckle		40	40	40	40	40	n.a.	n.a.
4.	Lot depth		100	100	100	100	100	n.a.	n.a.

*A. COMMERCIAL ZONE MINIMUM DEVELOPMENT STANDARDS*

	<i>ZONE</i>	<i>R-P</i>	<i>O-P</i>	<i>C-1</i>	<i>C-2</i>	<i>C-M</i>	<i>D-1</i>	<i>D-2</i>
5.	Front yard setback, landscaped (in the R-P zone the front yard setback may be reduced to ten feet when parking is located in front)	20	20	7 feet for each 12 feet of bldg. height*	7 feet for each 12 feet of bldg. height*	10	0**	10
6.	Rear yard setback, landscaped							
	a. Adjacent to an alley, street or in an R zone (in the R-P zone it may be adjacent to a permanent non-buildable easement at least ten feet wide)	10	10	10	10	10	10	10
	b. Not adjacent to an alley or street	0	0	0	0	0	0	0
7.	Side yard setback, landscaped							
	a. Interior side	5 for each story	5 for each story	0	0	0	0	0
	b. Street side and corner	10	10	10	10	10	10	10
8.	Building and structure height (see section 90-385 C. for exceptions)	35	35	35	35	35	35	35
9.	Parking required (see article XL)						***	***
10.	Signing permitted (see article XXXVI)						****	****

Footnotes:

\* The intent is to keep the overall height of the building at the minimum seven-foot setback to no more than 12 feet. Building height may be increased as the setback is increased (See Figure 1 below).

\*\* Building setback shall be equal to the average of the established setback on the block.

\*\*\* Parking shall be provided per the requirements of article XL, however credit shall be given for parking that is found immediately adjacent to the property in the public right-of-way and in the municipal parking lot within 300 feet.

\*\*\*\* Signing may be permitted per the requirements of article XXXVI, however, the following additional restrictions shall also apply:

1. "Can" type wall signs are prohibited.
2. Freestanding signs shall only be "monument" style.

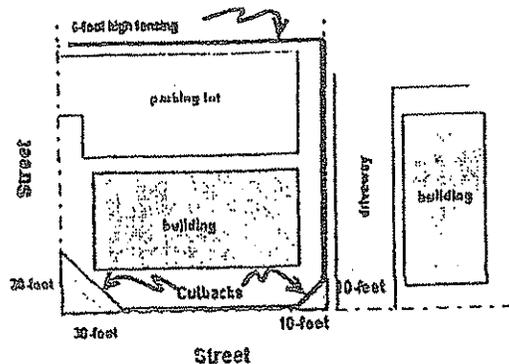


Figure 1

(Ord. No. 1553, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98; Ord. No. 1642, § 2, 4-10-01)

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

(a) *Measurement of yards.* A required yard or other open space around an existing or proposed building shall not be used to meet a required yard or other open space for any other building on an adjoining lot or building site.

#### (b) *Building projections into yards.*

- (1) Cornices, eaves, belt courses, sills, canopies, chimneys, bay windows or other similar architectural features may extend or project into a required yard of the zone up to 30 inches.
- (2) Open, unenclosed porches, platforms or landing places not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into any required front, side or rear yard, or into a court, six feet. A 42-inch high openwork railing may be installed or constructed on any such porch, platform or landing space.

(3) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard three feet, and such balconies or stairway may extend into a required front yard not more than the required exit dimension.

(4) Fire escapes may extend or project into any required yard four feet; provided, however, that at least a 30-inch clearance to the property line is maintained.

(5) The director may allow additions to an existing, legally constructed structure, sited in accordance with the laws and setbacks in effect at the time of the construction, within the currently required front, side, and/or rear setback. The building addition shall not exceed 50 percent of the floor area of the existing structure. For additions in the front yard, the building shall occupy no more than 25 percent of the lineal frontage of the existing building. The director shall deny any addition when it has been determined to be harmful to the health and safety of the resident or the area. In no case shall any addition be closer than 15 feet to the ultimate street right-of-way. The addition shall not exceed the coverage requirements of the zone.

(c) *Height exceptions.* 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.

(d) *Accessory buildings.*

- (1) No accessory building shall be located without a permissive main building.
- (2) Separation between buildings is subject to the requirements of the latest city-adopted Uniform Building Code.
- (3) Accessory buildings constructed without fire resistive walls shall be at least three feet from a side or rear lot line, or an assumed property line as defined by the Uniform Building Code. Accessory buildings constructed with fire resistive walls in accordance with the Uniform Building Code, having no openings, shall be permitted on a side or rear lot line.

(e) *Exterior lighting:* All lighting shall be low pressure sodium and shall be directed away from nearby R zones and shall be shielded or directed so as to keep lighting within the boundaries of the site.

(f) *Service and refuse areas.* All service areas, refuse collection areas and trash bins shall conform with the setback requirements and shall be completely screened by a solid fence or wall, or shall be enclosed within a building in accordance with the adopted standards of the city.

(g) *Walls, fencing screening and landscaping.* This section provides for the regulation of location and height of walls, fencing, screening and landscaping so as to allow the enjoyment of the use of property and for the safety of persons using sidewalks and streets related to the property.

(1) *Fencing generally.* Walls, fences, screening and hedge planting up to a maximum of six feet in height from the higher of the two finished grades adjoining the wall or fence may be permitted in any required yard, or along the edge of any yard.

- a. Walls, fences, screening or hedge plantings in any required front yard shall be up to 42 inches in height when measured from the adjacent sidewalk or street, unless expressly permitted by other applicable sections of this chapter.

- b. A wall, fence or hedge up to six feet in height may be located parallel to the edge of the sidewalk on the street side yard adjacent to the lot, whether the sidewalk area is monolithic or has a planted parkway.
- c. On corner lots the corner cutback area shall be free and clear of visual obstructions in excess of 42 inches in height. The corner cutback shall be defined by a line on a horizontal plane connecting two points along the front and street side property lines and forming a triangle. These points shall be measured 30 feet back from the intersection of the prolongation of the front and street side property lines.
- d. On lots where the driveway is adjacent to the rear yard of a neighboring lot the corner cutback area shall be free and clear of visual obstructions in excess of 42 inches in height. The cutback lines shall be determined by measuring from the projection of the coterminous front and rear property line ten feet along the inside edge of the sidewalk and ten feet back from the street connecting the two points forming a 45 degree triangle.

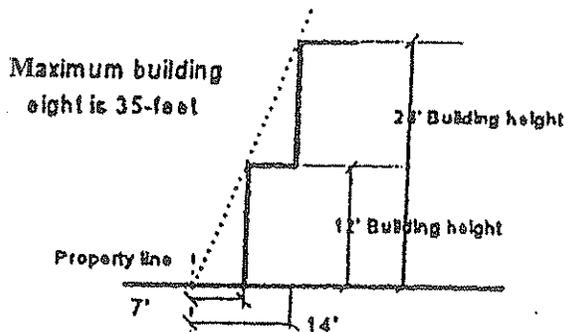


Figure 1

- (2) *Swimming pool fencing.* Swimming pools shall be entirely enclosed by buildings,

fences or walls. The fence or wall shall be at least a minimum of five feet above grade level immediately adjacent thereto, and shall be equipped with self-latching gates or doors, with the latching device not less than four feet above the ground. Prior to filling the pool the required fencing or walls must be in place and approved by the city building department.

- (3) *Wall and landscape buffer for yards adjoining certain uses.* When a site adjoins a single-family zone, or a site general planned for low density single-family use, a solid masonry wall six feet in height shall be located adjoining the property line, except adjoining a required front yard; and an area at least five feet in depth adjoining the property line shall be landscaped with live plant material, including trees. Where a carport or garage is placed within three feet of a property line adjoining a single-family zone or a site general planned for low density single-family use, no landscaped buffer is required.
- (4) *Block walls or opaque fencing or landscaping materials used for screening purposes* shall not be placed within any required front yard or street side yards. Block walls or opaque fencing may be used in other locations. All outdoor storage shall be screened by a six-foot high wall, fence or slatted chain-link fence and shall meet the requirements of section 90-895(g).
- (5) *Security fencing.* Nothing in this section shall be deemed to set aside or reduce the requirements established for security fencing by either local, state or federal law, or by safety requirements of the board of education.
- The maximum height of masonry, concrete, or steel walls or wood fences shall be six feet.
- (6) *For recreational vehicle storage.* Fences for recreational vehicles storage shall be six-foot solid walls (no wood permitted). An additional five feet of fence height may be permitted consisting of chain-link or

wire or any combination thereof placed on top of the solid wall but not exceeding a total height of 11 feet.

- (7) *Screening of roof-mounted equipment.* All roof mounted equipment shall be screened from general view by the public and from public streets.
- (8) *Landscaping.* Where landscaping is required by this chapter, it shall consist predominantly of plant materials, except for necessary walks and drives. Planted areas, where prescribed, shall be landscaped exclusively with live plant materials. Required landscaping shall be installed in accord with landscaping standards approved by the commission, and shall be of types and sizes prescribed in the standards. All screening and landscaping shall be permanently maintained in an orderly condition. Plant materials shall be watered, weeded, pruned and replaced as necessary to screen or ornament the site.
- (9) When a church, school or college, or public facilities are adjacent to 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 15-gallon evergreen trees planted on 20-foot centers.
- (10) *Above-ground fuel storage tanks.* The storage tanks shall be screened from adjoining streets and neighboring properties. Screening may consist of walls, fencing, landscaping, or a combination thereof. The tanks and appurtenances for propane, natural, and similar fuels shall not exceed a maximum height of eight feet. All other fuel storage tanks shall not exceed 25 feet in height. All tanks shall be located in such a manner so as not to impede on-site vehicular traffic and shall not be located in an on-site area of high vehicular traffic.
- (Ord. No. 1553, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98; Ord. No. 1591, § 1(5), 9-29-98; Ord. No. 1642, § 2, 4-10-01)

## Sec. 90-896. Exterior color.

(a) *Color selection.*

- (1) Exterior facade colors of structures developed within commercial and industrial zones shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity or fluorescent colors is prohibited. The recommended color palette is maintained at the planning department.
- (2) Trim and accent areas up to a maximum of ten percent of the building facade may feature brighter, more intense colors, including primary colors.
- (3) The transition between base and accent colors shall relate to changes in building materials or the change of building surface planes. Colors should not meet or change without some physical change or definition to the surface plane.

(b) *Permit required.* Except as specifically provided in this article, no person shall paint the exterior of any commercially zoned building owned by him or under his control within the city, without having first obtained an appropriate permit therefor from the planning department.

(c) *Application.* An application for an exterior paint permit shall provide the following information:

- (1) The name, address and telephone number of the applicant.
- (2) The address of the subject property.
- (3) Samples of colors that are to be used, indicating the manufacturer, the name of the color and serial number.

(d) *Permit fee.* There shall be no fee required for the exterior paint permit.

(e) *Appeal.* The decision of the planning director or his designee may be appealed to the planning commission by the applicant as follows:

- (1) Any decision made pursuant to the provisions of this article by the planning director shall become final upon the expiration of ten days from the date such decision is served on the applicant, unless an appeal to the planning commission is filed prior

to the expiration of such period of time. If such appeal is filed timely, all action shall be stayed until the appeal is finally decided.

- (2) Any appeal brought pursuant to this section shall be submitted on an application form to be provided by the planning department, and shall be filed with the planning department. All portions of the application shall be substantially completed. Each application of appeal shall be verified. If the application form is not sufficiently completed, the planning department shall return such application to the applicant, indicating the portions requiring additional completion. If the application is not returned to the planning department within ten days of the time mailed, the appeal shall be deemed waived. The planning department shall initiate an investigation of each point covered in the application, and shall prepare recommendations for consideration by the planning commission. An appeal hearing shall be set before the planning commission, and the applicant shall be notified of the hearing date.
- (3) The planning commission shall hear the testimony of the applicant, the recommendations of staff, and other testimony deemed relevant. The decision of the planning commission shall be rendered to the applicant not more than 15 days from the date of the hearing.
- (4) The decision of the planning commission shall become final upon the expiration 15 days from the date of mailing to the applicant, unless an appeal to the city council is filed prior to the expiration of said period of time. If such appeal is filed in a timely manner, all action shall be stayed until the appeal is ruled upon. Upon receipt of the appeal, the city clerk shall set the appeal for public hearing before the city council, and will notify the applicant not less than ten days before said hearing date. The city council shall review all decisions made on the case, as well as hear other testimony deemed rel-

evant. The decision of the city council shall be in the form of a resolution and shall be final.

(f) *Compliance.* The provisions of this section shall apply to all new construction and repainting proposed after the adopted ordinance. Existing structures shall be required to repaint to gain compliance within seven years of adoption of said ordinance.

(Ord. No. 1642, § 2; Ord. No. 1646, § 1)

**Sec. 90-897. Special development requirements.**

(a) *Automotive service use standards.* Automotive service related uses shall be constructed in the following manner:

- (1) The minimum site area shall be 15,000 square feet.
- (2) Service bays with individual access from the exterior of the structure shall not face the public right-of-way, and shall be designed to minimize the visual intrusion onto adjoining properties.
- (3) Repair activities and vehicle loading and unloading shall be prohibited on adjoining streets and alleys.
- (4) All repair activities and operations shall be conducted entirely within an enclosed structure.
- (5) The outdoor parking of vehicles waiting for repair may not exceed a 48-hour period.

(b) *Gasoline station standards.*

- (1) Except for gasoline stations ancillary to and located on the same lot as a single large square-footage retailer as described in subsection 90-1423(b)(14), gasoline stations shall be permitted only at the intersections of major and secondary arterials. A maximum of two service stations shall be permitted at each intersection. The use shall not adjoin a residential land use district. Said ancillary station shall be integrated with the overall project site design, and adequate buffering and land-

scaping shall be provided, as consistent with the overall site design plan for the big-box user.

- (2) The minimum parcel size shall be 5,000 square-feet, and except for gasoline stations ancillary to and located on the same site as a single large square-footage retailer as described in subsection 90-1423(b)(14), each street shall have a minimum frontage of 100 feet.
- (3) All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
  - a. The dispensing of petroleum products, water and air from pump islands.
  - b. The provision of emergency service of a minor nature.
  - c. The sale of items via vending machines which shall be placed next to the main structure in a designated area not to exceed 32 square feet, and which must be screened from public view.
- (4) Pump islands shall be located a minimum of 20 feet from a street property line, however, a canopy or roof structure over a pump island may encroach up to 10 feet within this distance. Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands.
- (5) The maximum number of points of ingress/egress to any one street shall be two.
- (6) There shall be a minimum distance of 30 feet between curb cuts along a street frontage.
- (7) No driveway may be located closer than 35 feet to the curb return.
- (8) The width of a driveway may not exceed 36 feet at the sidewalk.
- (9) Except for gasoline stations ancillary to and located on the same site as a single large square-footage retailer as described in subsection 90-1423(b)(14), onsite park-

ing shall be provided at one space for each pump island, plus one space for each service bay.

- (10) Outside storage of motor vehicles is prohibited.
- (11) No vehicles may be parked on sidewalks, parkways, driveways or alleys.
- (12) No vehicle may be parked on the premises for the purpose of offering same for sale.
- (13) Landscaping shall comprise a minimum of 15 percent of the gasoline station site area, exclusive of required setbacks, and shall be provided and permanently maintained according to the following regulations, as well as those contained in section 90-1425 entitled Parking lot landscaping.
  - a. A minimum five-foot wide (inside dimension), six-inch high planter area shall be provided along interior property lines, except for openings to facilitate vehicular circulation to adjacent properties. Where adjacent to a perimeter wall, trees planted not more than 16 feet apart shall be included in the planter areas.
  - b. Except for gasoline stations ancillary to and located on the same site as a single large square-footage retailer as described in subsection 90-1423(b)(14), a planter area of not less than 200 square-feet shall be provided at the corner of the two intersecting streets. Landscaping shall not exceed a height of 30 inches.
  - c. A minimum of 50 square feet of planter area shall be located along those portions of the main structure fronting on a public street.
  - d. Additional landscaping may be required to screen the gasoline station from adjacent properties.
- (14) Openings of service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion onto adjoining properties.

(15) Restroom entrances viewable from adjacent properties or public rights-of-way shall be concealed from view by planters or decorative screening.

(16) Noise from bells or loudspeakers shall not be audible beyond the property line at any time.

(c) *Mini-storage warehouse.* Mini-storage warehouse uses shall be constructed in the following manner:

- (1) Each facility shall be provided with a minimum stacking area (outside of the public right-of-way) of three vehicles (75 feet) at the project entry.
- (2) A minimum of 25 foot landscape area shall be provided for any frontage along a street right-of-way.
- (3) A minimum separation of 1,000 feet shall be provided between lots on which mini-storage facilities are constructed.
- (4) Visual monotony of the exterior elevations of the mini-storage facilities facing public right-of-ways shall be minimized with the use of varying building materials, change of building surface or planes, the use of pilasters or other suitable architectural features, and additional landscaping setback.
  - a. Any perimeter wall surface shall be modified at a minimum of every 100 linear feet.
  - b. For projects having exterior wall surfaces higher than eight feet for every 100 linear feet an additional five feet of landscape setback shall be required for a distance of 50 feet.
  - c. For projects having exterior perimeter walls under eight feet of height or lower a break in wall material shall occur at a minimum of every 100 linear feet. Allowable treatment shall include change in materials, increased setback, wrought iron fences at a minimum of width of five feet.

- (5) The exterior building materials for mini-storage facilities shall not include precision block masonry.
- (6) No mini-storage facility shall be constructed within 600 feet of Florida Avenue.
- (7) The architecture of the caretaker and mini-storage facilities shall be fully integrated so as to present a uniform appearance.
- (8) Landscaping:
  - a. Designated landscaping areas shall be covered in a combination of lawn, ground cover, shrubs, and trees.
  - b. In addition to the required number of street trees, one tree shall be planted for every 500 square feet of landscaping in all other areas. All trees shall be a minimum of 15-gallon size with 25 percent planted at 24 inch box size.
  - c. A minimum of 25 percent of all landscaping areas shall be planted in shrubs. The shrub areas shall be inter-planted with nonaggressive type ground cover. Triangular spacing shall be used in row plantings of all ground cover and shrubs.
  - d. Landscape irrigation. Automatic irrigation shall be provided with adequate water coverage for all landscaped areas.

(Ord. No. 1642, § 2; Ord. No. 1657, § 1; Ord. No. 1741, § 1)

**Sec. 90-898. Occupancy standards for hotels and motels.**

(a) *Limitation on continuous and cumulative occupancy of hotels and motels.* It shall be unlawful for any hotel or motel, as defined in section 90-4 of this Code, to rent or let, or otherwise provide, any room therein to any person, firm, partnership, corporation, association or other business entity for 30 or more consecutive days, or for more than 60 total days in any 180 consecutive day period, unless such hotel or motel complies with all development standards set forth in sub-

section (c) of this section and a conditional use permit has been obtained pursuant to section 90-42 of the Hemet Municipal Code.

(b) *Maximum occupancy time periods.* No room may be rented, let or otherwise provided to any party, or member of that party, who has occupied the room for the maximum allowable time periods allowed by this section.

- (1) Each hotel and motel shall maintain daily written records reflecting the renting, letting, or other provision of any of its rooms, including but not limited to, check-in and check-out dates of each person who rents, lets, or is otherwise provided a room. Unless payment for the room is made by check or credit card, such records shall also include the name and home or business address and telephone number of each such person. The required records shall be maintained for no less than one year, or for such longer period as may be prescribed by law, and shall be available for review by city representatives during normal business hours.
- (2) Except as otherwise provided by law, each hotel or motel shall post a legible copy of the text of this section in an open and conspicuous place within the lobby public area, and in each room available for rent.
- (3) Any property left in a room by a person or party that has checked out shall be removed by the operator of the hotel or motel and stored or otherwise disposed of in accordance with applicable laws.

(c) *Development standards and guidelines.* Any hotel or motel applying for a conditional use permit to meet or exceed the 30 or 60 day occupancy limit set forth in subsection (a) shall comply with all of the following.

- (1) The hotel or motel must have a minimum of 40 guest rooms.
- (2) Meeting the intent of this chapter. It is the intent of this section to provide assurances that extended stay hotels/motels (defined as stays longer than 30 consecutive days) provide amenities for guests that are conducive to extended stay liv-

ing. Upon application for any conditional use permit, the applicant shall provide a list of amenities and design considerations that allows the planning commission to find that the intent of this chapter is met. Amenities may include, but not be limited to, items such as:

- a. Fireproof safety deposit boxes
- b. In-room telephone services.
- c. Daily service with central maid, mail, and room services.
- d. Restaurant(s) either on the property or within walking distance (usually defined as within  $\frac{1}{4}$  mile of the site).
- e. Provision of laundry services or a laundry room.

(2) Amortization period for legal non-conforming issues. No hotel or motel operating in violation of this article at the time of its enactment shall be required to comply with the terms of this article for a period of six months after its enactment and any value attributable to such prior legal non-conforming use shall thereby be deemed to have been fully amortized after such time at no cost to the city.

(Ord. No. 1716, § 1)

**Sec. 90-899. Acacia/Sanderson Overlay Zone—Established.**

The Acacia/Sanderson Overlay Zone is hereby established.  
(Ord. No. 1808, § 3(Exh. A), 11-25-08)

**Sec. 90-900. Same—Purpose.**

In addition to the overall objectives stated in section 90-891, the Acacia/Sanderson Overlay Zone is established to allow for the provision of general commercial and commercial manufacturing uses pursuant to the requirements set forth in sections 90-901 and 90-902.  
(Ord. No. 1808, § 3(Exh. A), 11-25-08)

**Sec. 90-901. Same—Permitted uses.**

Subject to the site development requirements established in section 90-902 of this article, including the limits on development of C-2 and C-M uses, the uses permitted, conditionally permitted, and administratively permitted in the Acacia/Sanderson Overlay Zone shall include, and approval shall be consistent with, the following table inset:

COMMERCIAL LAND USE MATRIX (from section 90-892 and modified for overlay zone uses)			
P=Permitted Use A=Administrative Use C=Conditionally Permitted Use			
	ZONE	C-2	C-M
<b>A.</b>	<b>Agricultural Uses</b>		
1	Kennel for dogs and/or cats (in accordance with special regulations listed in section 90-78)		
	a. As an accessory use (indoor)	P	P
	b. As an accessory use (outdoor)	A	A
	c. As a primary use (indoor or outdoor)	C	C
2	Nursery		
	a. Wholesale	C	
	b. Retail	P	
<b>B.</b>	<b>Reserved</b>		
<b>C.</b>	<b>Commercial Uses</b>		
1	Reserved		
2	Arcade, video or internet	A	
3	Automotive, motorcycle, and marine vehicle services including but not limited to parts and equipment sales (including tires) with or without installation, engine and transmission maintenance and repair, smog certification, and window tinting installation	C	C
4	Automotive, motorcycle, and marine vehicle body and/or paint shop	C	C
5	Automotive, motorcycle, and marine vehicle sales		
	a. Without outdoor display	A	A
	b. With outdoor display	C	C

COMMERCIAL LAND USE MATRIX (from section 90-892 and modified for overlay zone uses)			
P=Permitted Use A=Administrative Use C=Conditionally Permitted Use			
	ZONE	C-2	C-M
6	Automotive, motorcycle, and marine vehicle rental		
	a. Without outdoor display	A	A
	b. With outdoor display	C	C
7	Automotive, motorcycle, and marine vehicle wash facility		
	a. Self service	A	A
	b. Full service	C	C
8	Bakery, with or without on-site sales	P	P
9	Bank, savings and loan, credit unions	P	P
10	Bar, nightclub, and dance hall		
	a. With on-site sale of alcoholic beverage	A	
	b. With on-site live entertainment or dancing	C	
11	Barber and/or beauty shop	P	
12	Big box retailer, >80,000 s.f. of gross floor area including outdoor display area	C	
13	Care facility		
	a. Home for the aged (nonlicensed)	C	
	b. Convalescent hospital licensed by the California Department of Health Services as a skilled nursing facility	C	
	c. Mental health care facility licensed by the California Department of Mental Health as a mental health rehabilitation center	C	
14	Cemetery and/or mortuary		
	a. Cemetery without mortuary or crematorium	C	C
	b. Cemetery with mortuary	C	C
	c. Cemetery with crematorium	C	C
	d. Mortuary without cemetery	C	C
	e. Crematorium without cemetery	C	C
15	Communication services without assembly or manufacturing	C	
16	Drive-through or drive-in facility including, but not limited to dry cleaners, fast food restaurants, and pharmacies	C	
17	Department store	P	
18	Equipment rental including but not limited to moving and construction vehicles and equipment	C	C
19	Flower or produce stand		
	a. Permanent	A	
	b. Nonpermanent as a temporary use subject to section 90-73	P	
20	Fortune telling	C	
21	Gasoline station including self-service or full-service facilities		
	a. As a primary use (offered for sale) on the site subject to the regulations listed in section 90-897(b). All vehicle fuel storage tanks shall be underground. Aboveground propane, natural, and other similar fuel gas tanks may be permitted when set back at least 50 feet from the public right-of-way, installed in accordance with the Uniform Fire Code, applicable state and federal laws, and screened in accordance with section 90-895(10)	C	
	b. Gasoline pumps as an accessory use and where fuel is not offered for sale	A	
22	Graphics production	P	
23	Grocery stores and bulk food outlets	A	
24	Hotel or motel	C	
25	Manufactured home sales with and without on-site display of models and inventory	C	
26	Medical and/or dental laboratory	A	A
27	Medical urgent care facilities		
	a. Open within the hours of 7:00 a.m. to 9:00 p.m.	P	P
	b. Open outside the hours of 7:00 a.m. to 9:00 p.m.	C	C
28	Mobile use including, but not limited to car washing, book and/or video rental, blood bank, MRI		
	a. <15 days in a 90-day period (subject to a temporary use permit, see section 90-73)		
	b. >15 days in a 90-day period	C	
29	Newspaper printing	C	

COMMERCIAL LAND USE MATRIX (from section 90-892 and modified for overlay zone uses)			
P=Permitted Use A=Administrative Use C=Conditionally Permitted Use			
	ZONE	C-2	C-M
30	Offices		
	a. General including, but not limited to accounting, appraising, architects, consulting, research, insurance, legal, stockbrokerage, real estate	P	P
	b. Medical, dental, and optometry	P	P
	c. Counseling	P	P
31	Parking lot, commercial	A	
32	Photographic studio		
	a. Excluding film processing, supplies, and retail sales	P	
	b. With film processing, supplies, and retail sales	P	
33	Radio station, AM and/or FM (without antennae)	C	
34	Recording studio	C	
35	Recycling facility		
	a. Nonpermanent collection center as a temporary use subject to the requirements of section 90-73	P	P
	b. Permanent collection center	C	C
	c. Processing center		C
36	Restaurant (not including bars and nightclubs)		
	a. Without b, c, d, or e	P	
	b. With on-site sale of alcoholic beverages	P	
	c. With dancing and/or live entertainment	C	
	d. With drive-through or drive-in	C	
	e. With micro-brewery or winery and limited distribution	C	
37	Retail service shop including but not limited to appliance repair and sales, stereo/TV/video repair and sales, catering, health spa, martial arts or dance studios, laundromat, dry cleaners, locksmith, mail receiving service, swimming pool/spa service and supplies, pet grooming, photographic processing, printing, lithography, engraving, copy, plumbing, electrical, heating/air conditioning, shoe repair, tailor, costume rental, dry cleaning without an on-site plant.		
	a. Open within the hours of 7:00 a.m. to 9:00 p.m.	P	
	b. Open outside the hours of 7:00 a.m. to 9:00 p.m.	A	
38	Retail sales shop including but not limited to books, stationery, arts and crafts (with light assembly), hobby, coins and/or stamps, candy, window coverings, gifts, hardware, home furnishings, florist, meat, delicatessen, medical supply, pharmacy, music (with or without instruction), furniture, jewelry, dry good or notions, shoes, pets, liquor, paint, fire arms, sporting goods, glass, clothing, ice cream, and antiques		
	a. Open within the hours of 7:00 a.m. to 9:00 p.m.	P	
	b. Open outside the hours of 7:00 a.m. to 9:00 p.m.	A	
39	Shopping and business center		
	a. Retail uses	C	
	b. Retail and nonretail uses	C	
	c. Nonretail uses with ancillary retail uses		C
	d. Nonretail	A	A
40	Smoke, cigarette, cigar, or tobacco store or hookah lounge	C	
41	Theater, motion picture and/or live		
	a. Indoor	A	
	b. Outdoor	C	
42	Transportation service including, but not limited to dial-a-ride, depot, train station, bus station (no truck terminals)	C	
43	Thrift store	A	

<b>COMMERCIAL LAND USE MATRIX</b> <i>(from section 90-892 and modified for overlay zone uses)</i>			
<i>P=Permitted Use A=Administrative Use C=Conditionally Permitted Use</i>			
	<b>ZONE</b>	<b>C-2</b>	<b>C-M</b>
<b>D.</b>	<b>Manufacturing and Assembly</b>		
1	Aboveground vehicle fuel storage tank used for an on-going manufacturing business. Sale of fuel to the public is prohibited. Tanks shall be considered structures; they shall comply with setback requirements of the zone and shall be set back minimum 100 feet from a Hemet Circulation Element Map road, and shall be screened from view from public streets. Requirements of the Uniform Fire Code and applicable state and federal laws shall be met.		C
2	Aboveground bulk vehicle fuel storage tank used for storage, distribution, and wholesale to businesses. Sale of fuel to the general public is prohibited. Tanks shall be considered structures; they shall comply with setback requirements of the zone and shall be set back minimum 100 feet from a Hemet Circulation Element Map road, and shall be screened from view from public streets. Requirements of section 90-895(10) of the Hemet Municipal Code, the Uniform Fire Code and applicable state and federal laws shall be met.		C
3	Assembly of small electrical appliances or equipment including, but not limited to, radios, phonographs, TVs, cameras, lighting fixtures, picture frames, fans, toasters, toys, electric motor repair, fiberglass blankets		P
4	Cabinet manufacturing and assembly		P
5	Ceramic products manufacturing using only previously pulverized clay and kilns fired only by electricity or low pressure gas		P
6	Cleaning, wholesale laundry and dyeing plant		A
7	Distribution facilities including, but not limited to bottled water, food products, prepackaged goods, machine parts, machinery	C	C
8	Food lockers, frozen		P
9	Furniture manufacturing	C	P
10	Furniture upholstery	P	P
11	Machine shop		C
12	Motion picture studios	C	C
13	Ornamental iron works	C	P
14	Transportation maintenance, storage and service yards, excluding truck terminals but including bus charter service subject to the requirements of section 90-895	C	C
15	Warehousing and storage, indoor and outdoor in compliance with section 90-895 (storage of fuel or flammable liquids is prohibited)		
	a. General storage		C
	b. Lumber and building materials and equipment storage (not associated with a retail store)	C	C
	c. Mini-storage including recreational and marine vehicles		C
<b>E.</b>	<b>Recreation and Open Space Uses</b>		
	1. Billiard parlor and/or pool hall	C	C
	2. Bowling alley	C	C
	3. Game court, lighted (with ten-foot high court fencing)	C	C
	4. Driving range, indoor or outdoor	C	C
	5. Lodge hall for civic, social, or fraternal organizations	C	C
	6. Recreation center, slot car racing, miniature golf, batting cages, game court (with ten-foot high court fencing), health club, racquetball, swim facility, and water park—Commercial	C	C
	7. Skating center	C	C
	8. Shooting range, indoor only	C	C
<b>F.</b>	<b>Miscellaneous Uses</b>		
1	Church, temple, synagogue or other religious facility including, but not limited to parish house, convent, parsonage, monastery, religious school	C	
2	Conversion of a structure from a residential use to a nonresidential use in compliance with article IX		
	a. For use by a permitted use	A	
	b. For use by a conditionally permitted use	C	
3	Library	P	
4	Meal and grocery charitable service		
	a. On-site distribution	C	C
	b. Off-site distribution	P	P
5	Museum	P	P

COMMERCIAL LAND USE MATRIX (from section 90-892 and modified for overlay zone uses)			
P=Permitted Use A=Administrative Use C=Conditionally Permitted Use			
	ZONE	C-2	C-M
6	Public facilities and utilities including but not limited to electrical substations, transmission substation, city facilities and public offices	P	P
7	School or college including, but not limited to art, business, cosmetology, craft, dance, music, professional, technical and trade	P	P
8	Stormwater facilities		
	a. Flood control channels	P	P
	b. Detention and retention basins	P	P
9	Swap meet and farmer's market		
	a. Permanent		C
	b. Nonpermanent as a temporary use subject to section 90-73	P	P
<b>G.</b>	<b>Accessory Uses</b>		
1	Accessory structures and uses located on the same site as a permitted use	P	P
2	Accessory structures and uses located on the same site as a conditional use	C	C
3	Satellite dish antennas		
	a. <39 inches in diameter when ground- or roof-mounted subject to the requirements of article XLVI and section 90-894 A.	P	P
	b. >39 inches when ground- or roof-mounted subject to the requirements of article XLVI and section 90-894 A.	P	P
4	Outdoor activities within a clearly defined area accessory to a primary use		
	a. Display of merchandise	A	A
	b. Outdoor seating	A	A

(Ord. No. 1808, § 3(Exh. A), 11-25-08)

**Sec. 90-902. Same—Site development requirements.**

(a) Up to 60 percent of the development capacity for the Acacia/Sanderson Overlay Zone may be developed with C-2 uses; the remaining portions of that overlay zone shall be developed with C-M uses permitted in section 90-901 of this article.

(b) Proposed C-M development shall be located within the Acacia/Sanderson Overlay Zone area that is at minimum 875 feet easterly of the centerline of Sanderson Avenue adjacent to the Acacia/Sanderson Overlay Zone.

(c) Proposals for development of property within the Acacia/Sanderson Overlay Zone shall designate whether the use is proposed as a C-2 or C-M zone use. Once the proposed development is approved, and for the life of that use, the zone designation shall not be changed for the purposes of calculating the percentage of C-2 and C-M zone uses within the overlay zone.

(d) For the Acacia/Sanderson Overlay Zone, the percentage of each commercial zone use shall be calculated over the entire contiguous overlay zone, and not over individual parcels. The calcu-

lation of the percentage of each commercial zone shall not be affected by the subdivision of any parcel within this Acacia/Sanderson Overlay Zone.

(e) Development in the Acacia/Sanderson Overlay Zone shall comply with all relevant development standards set forth in this chapter for the commercial zone to which an individual project is assigned, including, but not limited to, the following:

- (1) The general requirements set forth in section 90-894 for the C-2 and C-M zones, provided that the front yard setback shall comply with the C-2 standard;
- (2) The site development requirements set forth in section 90-895;
- (3) The exterior color requirements set forth in section 90-896;
- (4) The special development requirements set forth in section 90-897, zoning district designated for the proposed development;
- (5) The occupancy standards for hotels and motels as set forth in section 90-898;

**Exhibit**

**No. 2B**

**Article XXVII**

**Hub of the Valley Overlay  
Zone**

**Planning Commission**

**Meeting of**

**May 3, 2011**

Secs. 90-899—90-930. Reserved.

**ARTICLE XXVII. HUB OF THE VALLEY  
OVERLAY ZONE**

**Sec. 90-931. Purpose.**

In addition to the overall objectives stated in section 90-891, the HUB of the Valley overlay zone is established to encourage the provision of a HUB of activity within Planning Areas I and II which includes, but is not limited to: government, transportation, medical, historic, retail, and cultural/entertainment uses. Land uses are encouraged which promote pedestrian and vehicular traffic in an environment which is safe day and night. The arrangement of the uses should enhance retail viability and should develop a sense of community.

(Ord. No. 1616, § 1; Ord. No. 1617)

**Sec. 90-932. Encouraged and conditional uses.**

In the HUB of the Valley overlay zone, the following uses are encouraged and conditionally permitted, in addition to the permitted uses identified in section 90-892. Whenever a business is conducted, a city business license is required pursuant to chapter 18.

**HUB OF THE VALLEY LAND USE MATRIX**

E=Encouraged use    C=Conditional Use

1. Album show	E
2. Antiques	E
3. Apparel	E
4. Art, public	E
5. Art galleries	E
6. Artist's housing/studios	E
7. Arts/crafts	E
8. Audio/video stores and studios	E
9. Banks and savings and loans and other financial institutions	E
10. Book stores with or without food/beverage service	E
11. Center for the arts	E
12. Coffee house with or without food or books	E
13. College satellite promotional offices (including, but not limited to, Mt. San Jacinto Junior College, University of California at Riverside)	E
. Craft stores	E
. Depot/Metrolink station	E

ZONING

§ 90-932

16. Dining with or without alcoholic beverages	E
17. Dress shops	E
18. Entertainment and/or cultural facilities and displays	C
19. Events approved by the planning commission	C
20. Fairs	C
21. Certified Farmer's Market (Riverside County Health permits required)	C
22. Farming history displays	E
23. Food court (Riverside County Health permits required)	C
24. Gift and specialty shops	E

25. Grocery stores	E
26. Homet Theater including, but not limited to, arts, old movies, bands, recitals, dinner theater, community players	E
27. Hotels and motels	E
28. Libraries	E
29. Kite shops	E
30. Mixed uses including, but not limited to, retail, professional offices, service commercial, restaurants, residential uses on the second floor over office or commercial uses	C
31. Open-air entertainment/markets	C
32. Pageants approved by the planning commission	C
33. Transit center	E
34. Museums including, but not limited to, historic, Native American, art	E
35. Offices including, but not limited to, government, health/clinics/doctors, corporate	E
36. Optical	E
37. Outpatient clinics	C
38. Pharmacies	E
39. Post office	E
40. Professional offices	E
41. Restaurants with patio/outdoor dining and walk-up counters for seating and/or service	E
42. Retail and specialty shops	E
43. Schools including, but not limited to, the University of California at Riverside, law, and night college classes	E
44. Specialty clothing	E
45. Sporting goods	E
46. Youth center	E

(Ord. No. 1616, § 1, 11-23-99; Ord. No. 1617, 11-30-99)

**Sec. 90-933. Site development requirements.**

(a) *Awnings/canopies.* All structures within HUB Area I shall incorporate awnings or canopies over public walkways for shade, per the HUB design guidelines in the downtown neighborhood planning area of the general plan.

(b) *Color palette.* All buildings, and appurtenances thereto, shall comply with the HUB design guidelines in the downtown neighborhood planning area of the general plan.

(c) *Parapets and mechanical equipment screening.* All roof-mounted mechanical equipment shall be screened from view from any public area, and shall be screened with materials and design consistent with the architecture of the building upon which it is mounted. The use of parapets is encouraged for design purposes, and as a method for screening roof-mounted mechanical equipment.

(d) *Facades.* The facades of any new or remodeled structures shall comply with the HUB design guidelines in the downtown neighborhood planning area of the general plan.

(e) *Landscaping.* Existing commercial buildings constructed on, or within one foot of the front property line shall be provided with decorative aboveground planters at a ratio of one planter per every 20 feet of building frontage. Said planters shall incorporate decorative trees or shrubs and ground cover or other plants which bloom. Encroachment permits shall be requested for any aboveground planters in public rights-of-way. The style of said planters and plant materials shall be subject to review and approval by the downtown collaborative. Planters shall be maintained in an attractive, trash, weed and disease free condition.

(f) *Decorative lighting.* Decorative night lighting is encouraged. Said lighting shall be mounted in a professional manner, and shall complement the architectural style, form and period of the building. Blinking lighting, rotating lighting, or lighting simulating movement is prohibited. Any decorative lighting shall be subject to review and approval by the downtown collaborative. All dec-

FIGURE 1  
Area 1

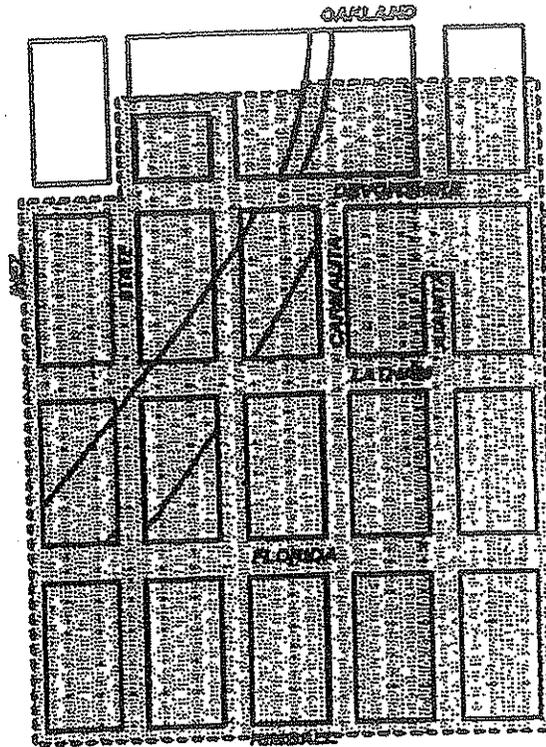
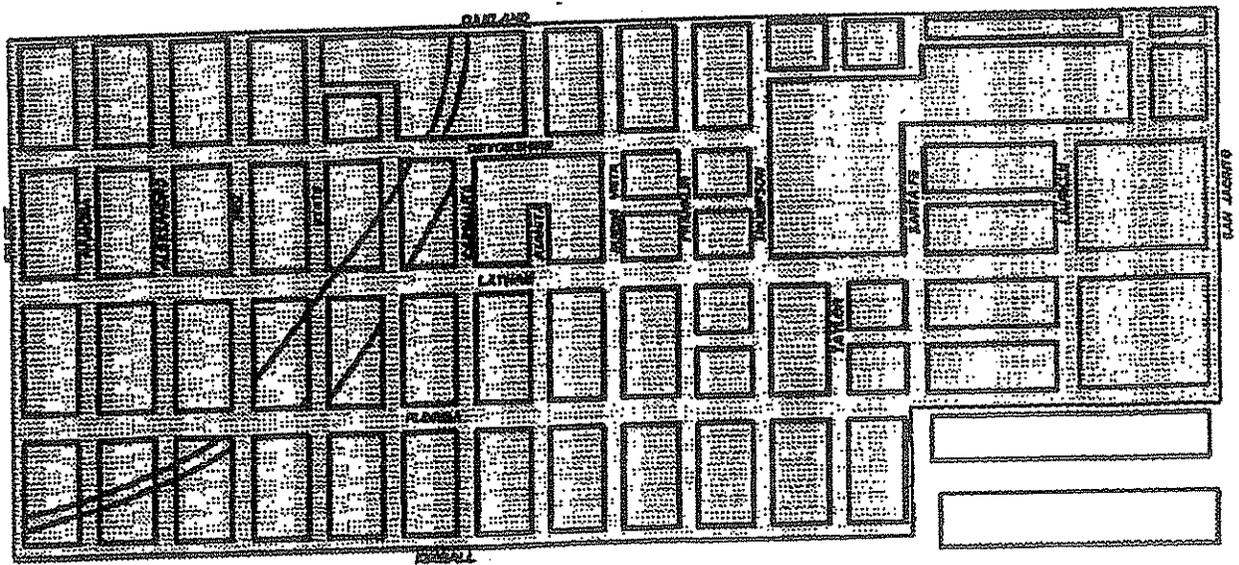


FIGURE 2  
Area 2



## Sec. 90-937. Downtown collaborative.

A downtown collaborative shall be established to review all plans in HUB Area 1 for compatibility with the HUB of the Valley overlay zone.

- (a) *Membership.* There shall be a minimum of four members who shall own property and/or a business in HUB Area 2; one community member at large who shall not own a business or property in the area; and an ex officio member of the city staff. Members shall be elected, at large, by majority vote of businesses within Hub Area 2. Members shall serve overlapping four-year terms. A list of current members shall be filed with the city manager's office.
- (b) *Meetings/findings.* The downtown collaborative (collaborative) shall appoint a chairperson and a recording secretary from their elected membership. Meetings shall be held on-call, with 48 hours' advance notice, or on regularly scheduled dates adopted by the collaborative in advance. The collaborative shall review plans presented to them, and shall make specific findings, in writing, of compliance with the purpose and site development requirements of the Hub of the Valley overlay zone.
- (c) *Appeals.* Appeals shall be pursuant to section 90-42.6.

(Ord. No. 1616, § 1, 11-23-99; Ord. No. 1617, 11-30-99)

Secs. 90-938—90-970. Reserved.

## ARTICLE XXVIII. RESERVED\*

Secs. 90-971—90-1010. Reserved.

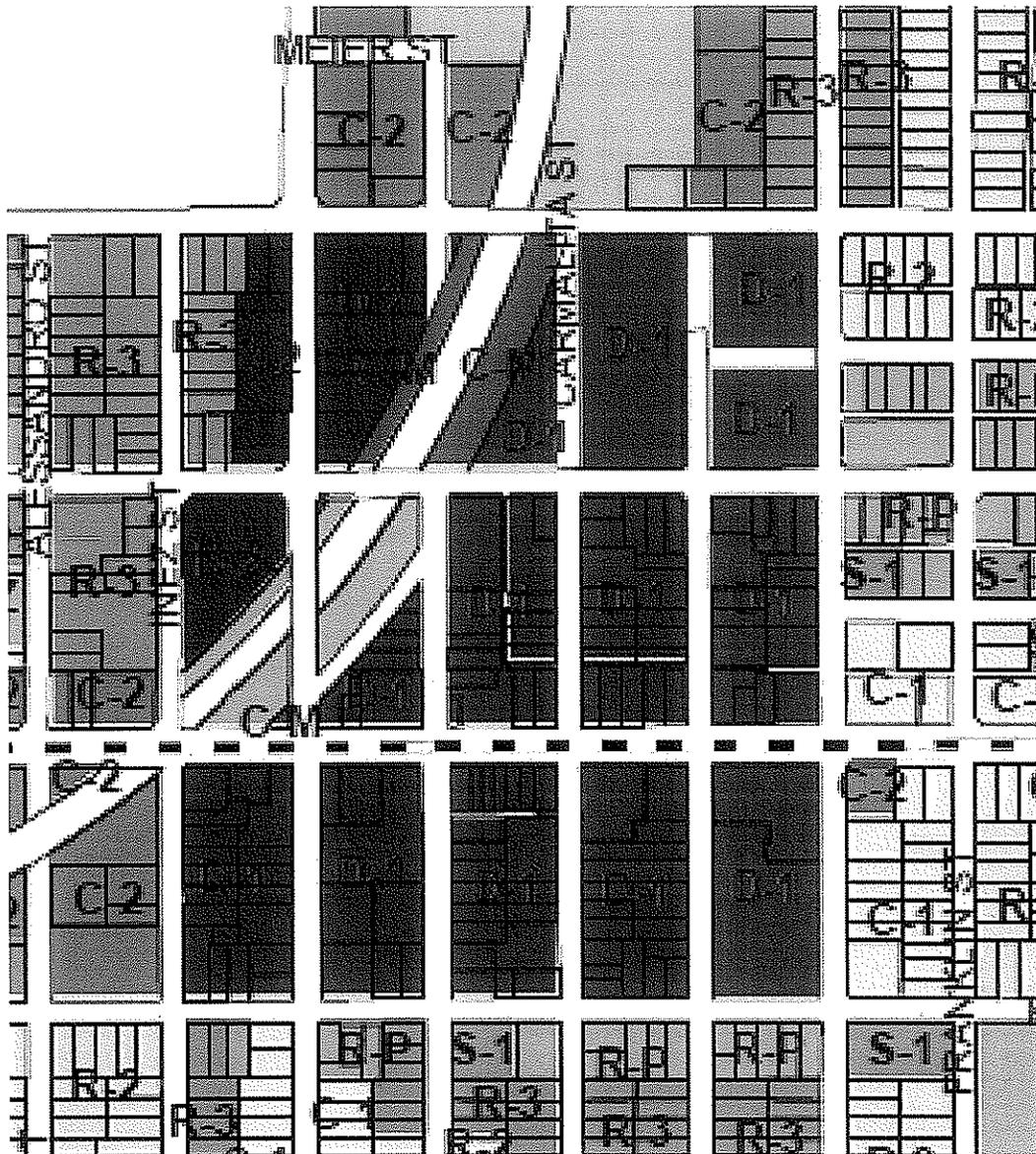
\*Editor's note—Ordinance No. 1553, § 2, adopted January 28, 1997, deleted §§ 90-971—90-983. Formerly, such sections pertained to C-M heavy commercial-limited industrial zone and derived from Ord. No. 621; Ord. No. 944; Ord. No. 965; Ord. No. 969; Ord. No. 975; Ord. No. 987; Ord. No. 1022; Ord. No. 1042; Ord. No. 1133; Ord. No. 1134; Ord. No. 1175; Ord. No. 1300; Ord. No. 1310; §§ 23400—23412 of the 1984 Code; Ord. No. 1520, § 1, 5-23-95; Ord. No. 1530, 5-25-95.

## ARTICLE XXIX. RESERVED†

Secs. 90-1011—90-1040. Reserved.

# Attachment No. 3 Zoning & Vicinity Map

Planning Commission  
Meeting of  
May 3, 2011



# Zoning & Vicinity Map

## ZOA 10-005