

PLANNING COMMISSION

AGENDA

REGULAR MEETING OF THE HEMET PLANNING COMMISSION

City Council Chambers

450 East Latham Avenue, Hemet CA 92543

June 4, 2013

5:00 PM (Special Start Time)

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 Greg Vasquez, and Commissioners Michael Perciful, Vince Overmyer, and Rick Crimeni

Invocation and Flag Salute: Commissioner Crimeni

2. APPROVAL OF MINUTES:

A. Minutes for the Planning Commission Meeting of May 7, 2013

WORK STUDY ITEMS

Work Study items are not public hearings and do not require prior notice to the public, although notice may be given to interested persons depending upon the subject matter. The purpose of the Work Study session is to allow the Planning Commission to engage in an open, preliminary review and discussion of issues, ordinances, procedures, or projects prior to the formal public hearing process. The Planning Commission has the option to receive public comment, and is encouraged to provide direction to staff at the conclusion of the work study session.

3. RAMONA CREEK SPECIFIC PLAN (SP12-001) WORK STUDY

APPLICANT: Mr. Daniel Gryczman, Regent Properties
LOCATION: North side of Florida Avenue, between Myers Road and Warren Ave.
PLANNER: Ron Running – Contract Planner

Recommended Action:

That the Planning Commission receive the presentation and comments regarding the proposed project, with possible direction to staff and the applicant.

4. 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 HEARING ITEMS

**** COMMENCING AT OR AFTER 6:00 PM ****

Meeting Procedure for Public Hearing Items:

1. Receive Staff Report Presentation
2. Commissioners report any Site Visit or Applicant Contact, and ask questions of staff
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

5. ZONING ORDINANCE AMENDMENT (ZOA) NO. 13-006 (HOUSING ELEMENT COMPLIANCE) MULTIPLE FAMILY AND R-4 ZONES

APPLICANT: City-initiated
LOCATION: City-wide
PLANNER: Carole L. Kendrick, Assistant Planner

DESCRIPTION: A request for Planning Commission review and recommendation of approval to the City Council for a city-initiated ordinance amending Chapter 90 (Zoning), Article XIII of the Hemet Municipal Code by modifying the zoning and development regulations for Multiple-Family zones and adding a new R-4 zoning designation in compliance with the City's Housing Element and State Law requirements.

Recommended Action:

That the Planning Commission:

1. Adopt Planning Commission Resolution Bill No. 13-005 recommending APPROVAL of Zoning Ordinance Amendment No. 13-006 (Ordinance Bill No. 13-021) to the City Council.

DEPARTMENT REPORTS

6. **CITY ATTORNEY REPORTS:** Verbal report from Assistant City Attorney Stephen McEwen on items of interest to the Planning Commission.

7. **COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**

- A. Summary report regarding City Council Meeting of May 28, 2013
- B. Update on Planning Projects and Informational Items

□ CITY OF HEMET PLANNING COMMISSION MEETING □

JUNE 4, 2013

8. **HEMET ROCS CITIZEN ADVISORY COMMITTEE REPORT:** *Report from Chairman Gifford regarding the May 23, 2013 meeting of the CAC*

9. **PLANNING COMMISSIONER REPORTS:** *Commissioner reports on meetings attended or other matters of Planning interest.*
 - A. Chairman Gifford
 - B. Vice Chair Vasquez
 - C. Commissioner Perciful
 - D. Commissioner Overmyer
 - E. Commissioner Crimeni

10. **FUTURE AGENDA ITEMS:**
 - A. General Plan Consistency Zoning Updates
 - B. General Plan Annual Report
 - C. Workstudy for Proposed 2014-2021 Housing Element Update

11. **ADJOURNMENT:** To the meeting of the City of Hemet Planning Commission scheduled for **June 18, 2013 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).

PLANNING  COMMISSION

MEETING MINUTES

DATE: May 7, 2013

CALLED TO ORDER: 6:04 P.M.

MEETING LOCATION: City Council Chambers
450 East Latham Avenue
Hemet, CA 92543

1. CALL TO ORDER

PRESENT: Chairman John Gifford and Commissioners Rick Crimeni, Michael Perciful and Greg Vasquez

ABSENT: Vice Chairman Vince Overmyer absent with prior notice

Invocation and Flag Salute: Chairman John Gifford

2. INTRODUCTION OF NEW PLANNING COMMISSIONER – Community Development Director Deanna Elliano

CDD Elliano introduced newly appointed Planning Commissioner Rick Crimeni, a former Planning Commissioner from 2007 to 2009 and a community member with many volunteer involvements, such as Hemet Hospice, Ramona VMA, College Foundation, T.H.E. Center, Hemet/San Jacinto Chamber of Commerce, and a teacher at Mt. San Jacinto College for the past 15 years. He is also a business owner and resident of Hemet for 23 years.

6. APPROVAL OF MINUTES (Taken out of order)

A. Minutes for the Planning Commission Meeting of March 19, 2013

It was **MOVED** by Commissioner Perciful and **SECONDED** by Commissioner Vasquez to **APPROVE** the March 19th, 2013 Meeting Minutes, as presented.

The **MOTION** was carried by the following vote:

- AYES:** Chairman Gifford and Commissioners Perciful & Vasquez
- NOES:** None
- ABSTAIN:** None
- ABSENT:** Vice Chairman Overmyer

1 B. Minutes for the Planning Commission Meeting of April 2, 2013

2
3 It was **MOVED** by Commissioner Perciful and **SECONDED** by Commissioner Vasquez
4 to **APPROVE** the April 2nd, 2013 Meeting Minutes, as presented.

5
6 The **MOTION** was carried by the following vote:

7
8 **AYES:** Chairman Gifford and Commissioners Perciful & Vasquez
9 **NOES:** None
10 **ABSTAIN:** None
11 **ABSENT:** Vice Chairman Overmyer
12

13
14 **7. PUBLIC COMMENTS:**

15
16 There were no members of the public who wished to address the Commission
17 regarding items not on the agenda.
18

19
20 **3. OATH OF OFFICE FOR COMMISSIONER RICK CRIMENI –** *(Delayed by*
21 *Chairman John Gifford and taken out of order)*
22

23
24 Commissioner Crimeni was sworn into office by Minutes Clerk Rebecca Allen.
25

26
27 **4. NOMINATION AND ELECTION OF PLANNING COMMISSION CHAIR FOR**
28 **2013-14 –** *Community Development Director Elliano (Taken out of order)*
29

30 It was **MOVED** by Commissioner Vasquez and **SECONDED** by Commissioner Perciful
31 to **ELECT** John Gifford as Chairman of the Hemet Planning Commission for 2013-14.
32

33 The **MOTION** was carried by the following vote:

34
35 **AYES:** Commissioners Crimeni, Perciful, and Vasquez
36 **NOES:** None
37 **ABSTAIN:** Chairman Gifford
38 **ABSENT:** Vice Chairman Overmyer
39

40
41 **5. NOMINATION AND ELECTION OF PLANNING COMMISSION VICE CHAIR FOR**
42 **2013-14 –** *Community Development Director Elliano*
43

44 It was **MOVED** by Chairman Gifford and **SECONDED** by Commissioner Crimeni to
45 **ELECT** Commissioner Greg Vasquez as Vice Chairman of the Hemet Planning
46 Commission for 2013-14.
47

48 The **MOTION** was carried by the following vote:

49
50 **AYES:** Chairman Gifford, and Commissioners Crimeni & Perciful
NOES: None

1 **ABSTAIN:** Commissioner Vasquez-

2 **ABSENT:** Vice Chairman Overmyer

3
4 **** Brief Recess for Reorganization of Commission Members ****

5
6
7 **PUBLIC MEETING ITEMS**

8
9
10 **8. SITE DEVELOPMENT REVIEW NO. 13-001 (BROOKS ACCESSORY**
11 **STRUCTURE)**

12
13 **APPLICANT:** Shelby Brooks
14 **LOCATION:** 360 Juel Street
15 **PLANNER:** Soledad Carrisoza, Planning Technician

16
17 **DESCRIPTION:** A request for Planning Commission review and approval of a
18 site development review application for the construction of a 1,046 square foot
19 steel accessory structure located at 360 Juel Lane.

20
21 (PowerPoint Presentation by Planner Carrisoza)

22
23 Chairman Gifford explained that the reason this item is before the Commission is
24 because of the size of the structure, being 118 square feet larger than code, although
25 the visual and screening are not an issue. After asking for questions from
26 commissioners to staff, he opened the public hearing and invited speakers to the
27 lectern.

28
29 Shelby and Donald Brooks (360 Juel Street, Hemet) approached the lectern and
30 indicated that the remaining issue was the painting of the galvanized metal structure,
31 which they did not wish to do because the coating was designed to last 25 to 30 years.
32 Mr. Brooks indicated adjoining structures with galvanized metal accessory structures
33 and expressed his desire to keep their structure galvanized, with accents of white and
34 green.

35
36 CDD Elliano clarified that staff's concern was in terms of the exterior finish and wanting
37 it to blend in with the primary structure. She indicated it is up to the Commission
38 regarding whether to accept the condition as is or modify it.

39
40 Shelby Brooks indicated that it voids the warranty on the building if the galvanized
41 portion is painted. Their plan is to paint the ends, which will be aluminum siding, white
42 and green to match the existing structure of the house.

43
44 Commissioner Vasquez asked if there was mention of the warranty in any of the
45 materials that had been provided to staff.

46
47 Ms. Brooks indicated that while she had not included that material within the packet
48 she sent to the Planning Department, she could obtain it if needed.

49
50 There were further questions from Commissioners concerning setbacks, glare, and
Fire Department requirements

1 Lorena Ryle (375 Juel Lane, Hemet) a neighbor to the west of the Brooks property,
2 stated that theirs would be the home most impacted by this, but she felt that the impact
3 would not be a negative one, and stated that the Brooks have been wonderful
4 neighbors and had already discussed the shed with them when they were in the early
5 planning stages.

6
7 With no further speakers coming forward, Chairman Gifford closed the public hearing.
8 He stated that the question has to do with changing Condition No. 12 regarding
9 painting of the accessory structure. He suggested that the condition be modified to
10 state that "*Appropriate sections of the structure will be painted.*"

11
12 Commissioner Crimeni suggested that it be left with the two sides being painted.

13
14 It was **MOVED** by Commissioner Crimeni and **SECONDED** by Commissioner Perciful
15 to **MODIFY** Condition No. 12 to state that: "*The exterior of the accessory structure*
16 *should be painted to correspondingly match the principal structure with the exception of*
17 *the galvanized roof and sides.*"

18
19 The **MOTION** was carried by the following vote:

20
21 **AYES:** Chairman Gifford and Commissioners Crimeni, Perciful and Vasquez

22 **NOES:** None

23 **ABSTAIN:** None

24 **ABSENT:** Vice Chairman Overmyer

25
26 ***(Adopted Planning Commission Resolution No. 13-005)***

30 PUBLIC HEARING ITEMS

31 32 9. **ZONING ORDINANCE AMENDMENT NO. 13-001 (HOUSING ELEMENT** 33 **COMPLIANCE)**

34
35 **APPLICANT:** City-initiated

36 **LOCATION:** City-wide

37 **PLANNER:** Nancy Gutierrez, Contract Planner

38
39 **DESCRIPTION:** A request for Planning Commission review and
40 recommendation regarding amendments to Hemet Municipal Code Chapter 90
41 (Zoning Ordinance) to satisfy State law and bring the zoning ordinance into
42 compliance with the General Plan Housing Element Programs in regard to
43 Emergency Shelters, Farmworker Housing, and removing age restrictions in the
44 Small Lot Residential Zone.

45
46 (PowerPoint Presentation by Nancy Gutierrez)

47
48 CDD Elliano explained that this is an effort to comply with Federal and State law. Staff
49 is trying to put as many protections in place as possible for senior housing, yet still
50 comply with limitations under State law. The City's preference is to continue having
senior zoning. But the housing consultant and attorneys have looked at housing

1 element law and indicated the changes outlined in this ordinance are necessary in
2 order to comply with State law.

3
4 Planner Gutierrez noted that two public responses had been received via telephone.
5 One from Linda Rogers of Valley Restart pertained to emergency shelters. Ms. Rogers
6 requested that the maximum number of beds permitted be increased from 30 to 35 to
7 meet the shelter's current occupancy. Another call came from the Airport Land Use
8 Commission requesting that the city submit the zoning ordinance proposal to them for
9 determination of compliance with the 1992 Airport Land Use Plan.

10
11 There were further questions from the Commission relating to overlay zones, homeless
12 populations, and emergency shelter housing.

13
14 Chairman Gifford opened the public hearing.

15
16 Ms. Linda Rogers, Executive Director at Valley Restart (200 E. Menlo Ave., Hemet)
17 explained that presently and for the last eight and a half years, they have had 35 beds,
18 even though they have a Certificate of Occupancy for 77, and their maximum stay is no
19 more than 90 days. They have limited the number of single men to five, single women
20 to five, and family units where families reside together. Family units are parents with a
21 child under 18. She does not wish to expand their existing operation.

22
23 Chairman Gifford clarified that if the guideline says 30 beds, the Planning Department
24 can approve that, but if a request is for 35, then it's going to come to the Planning
25 Commission for a CUP.

26
27 After extensive conversation among staff and commissioners, it was decided to
28 continue this item for two weeks to clarify the language.

29
30 Ms. Robin Lowe (8075 Carnouistic, Hemet) asked about the future zone change of
31 some land currently zoned SR-3 to R-3 and how many acres would be included as that
32 could be a major amount of acreage.

33
34 Planner Gutierrez responded that the SR-3 zone has already been removed, so what
35 staff has left to do is take those SR-3 zone parcels that are still on the zoning map and
36 convert them to R3. The properties will still remain senior housing.

37
38 After more discussion regarding senior housing and some confusion regarding
39 proposed language, an additional audience member came to the lectern.

40
41 Troy Molaug (26570 Princeton Street, Hemet) reported that Valley Restart had helped
42 his brother in the '90s. Now a board member of a charity called Homemade, he
43 indicated that he would like to collaborate with Linda Rogers, and wished to express
44 his support for the facility.

45
46 With no further public speakers, Chairman Gifford asked for a motion to continue the
47 public hearing for two weeks.

48
49 It was **MOVED** by Commissioner Crimeni and **SECONDED** by Commissioner Vasquez
50 to **CONTINUE** the public hearing for Zoning Ordinance Amendment No. 13-001 to the
regularly scheduled Planning Commission meeting of May 21, 2013.

1
2 The **MOTION** was carried by the following vote:

3
4 **AYES:** Chairman Gifford and Commissioners Crimeni, Perciful & Vasquez
5 **NOES:** None
6 **ABSTAIN:** None
7 **ABSENT:** Vice Chairman Overmyer
8
9

10 **DEPARTMENT REPORTS**

11
12 **10. CITY ATTORNEY REPORTS:**

13
14 Assistant City Attorney McEwen reported on the recent Supreme Court decision
15 regarding the City of Riverside vs. Inland Empire Patient Association medical
16 marijuana case, the final decision being that cities have the zoning authority to ban
17 medical marijuana dispensaries altogether. It was a complete victory for cities and
18 counties.
19

20 Commissioner Vasquez asked if there were expected to be challenges to that by
21 legislators trying to change the law.
22

23 Assistant City Attorney McEwen indicated that they were expecting to see some
24 challenges, expressly trying to impose that cities and counties have to allow them in
25 their zoning codes, in a similar manner that allows emergency shelters. He indicated
26 that this would bring another issue: Whether cities and counties can authorize the
27 existence of medical marijuana dispensaries without running against federal law.
28

29 Commissioner Perciful wondered if legislation were to pass again in favor of medical
30 marijuana dispensaries, would the issue come back before the Supreme Court, which
31 has already ruled that cities have a right to ban them.
32

33 City Attorney McEwen stated that, no, the Supreme Court said they were interpreting
34 that state law, as it is currently written, does not overwrite local zoning authority, but if
35 further legislation were passed that had a provision stating cities and counties can
36 regulate but not ban dispensaries, that would be a different issue for the Supreme
37 Court. He suggested it was likely that local initiatives would come up.
38

39 CDD Elliano added that Assistant City Attorney McEwen had been very instrumental in
40 the Supreme Court decision as he wrote the brief supporting the League of California
41 Cities and the City of Riverside and had his work quoted within the Supreme Court
42 decision.
43
44

45
46 **11. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**

- 47
48 **A.** Report on City Council actions from the April 9 and April 23, 2013 City
49 Council meetings
50

CDD Elliano reported that two work study items were presented at the April 9th City
Council meeting. The first, by AP Northlake Solar Project, more commonly known as

1 "Sun Edison", pertained to the MWD property, and was scheduled in an attempt to get
2 a read on the Council's view of the property comprising about 200 acres for which
3 MWD has a lease option agreement with Sun Edison. The Council had concerns
4 about the best use of the property, as well as noise, glare, and other issues, as well as
5 the underlying zoning being single-family residential. At this point, staff has not
6 received any applications.

7
8 The second work study was presented by the Police Chief regarding a Public Safety
9 Action Plan, which was well-received by the Council.

10
11 Additionally, the Council made a decision regarding the Planning Commission's
12 recommended ordinance allowing additional extensions of time for development
13 projects with the requirement that the project come back to the Commission. The
14 Council determined their preference for the original ordinance, giving automatic
15 extensions to the qualifying developments.

16
17 The Zoning Ordinance Amendment pertaining to Homemade Food Operators was
18 approved with a three-to-two vote. Council Members Milne and Smith dissented,
19 stating that they had issues with the state-mandated requirements.

20
21 There were no planning items to report regarding the April 23rd meeting.

22 23 **B. SCAG Local Profiles Report for the City of Hemet**

24
25 CDD Elliano distributed a SCAG publication presenting a profile of the City of Hemet,
26 with a statistical summary as of 2012. It examines the historical demographics,
27 comparing statistics between 2000 and 2012, outlining income levels, housing units,
28 percentage of rentals versus nonrentals, sales tax, and property tax.

29 30 **C. Verbal report regarding Highway 79 Realignment Project and Project Design** 31 **Team Meetings**

32
33 CDD Elliano gave a verbal update on the Highway 79 Realignment Project, reporting
34 that she and the City Engineer had attended a meeting last week with RCTC and
35 Caltrans, who are the proponents for the project. They are presently in the comment
36 period and are looking at a final EIR in 2014. They have also reactivated what they call
37 their Project Design Team, consisting of CDD Elliano, Hemet's City Engineer,
38 representatives from the City of San Jacinto, County of Riverside, Caltrans, RCTC, and
39 consulting engineers. The team is hoping, after reviewing the comments, to have a
40 preferred alternative moving forward to RCTC for consideration in July of this year,
41 which will be wrapped into the final EIR package. This project has been ongoing for
42 years and years, but until the final environmental clearance and project approval, they
43 are not in a good position to apply for federal funding. This is a major milestone,
44 however, even though there is still a ways to go before construction.

45 46 47 **12. HEMET ROCS CITIZEN ADVISORY COMMITTEE REPORT**

48
49 Chairman Gifford reported on the April 25th Hemet ROCS Citizens Advisory Committee
50 meeting, which will have its final meeting later this month. The primary topic of

1 discussion at the meeting was a review of the proposed rental registration and crime
2 free housing ordinance and fee, and how these would be applied.

3
4 CDD Elliano reported that mobile home parks would be exempt from this proposed
5 ordinance, as they are regulated under Title 25.

6
7 Chairman Gifford noted that the CAC has asked staff to supply an update on all of its
8 accomplishments since the committee's inception. He noted that there were 18
9 different ordinances under review, with 12 having already been moved through the
10 Planning Commission and City Council. He applauded CDD Elliano and felt it was a
11 very successful endeavor, well worth the City's time and expense.
12

13
14 **13. PLANNING COMMISSIONER REPORTS:**

- 15
16 A. Chairman Gifford (Nothing to report)
17 B. Vice Chairman Overmyer (Absent)
18 C. Commissioner Perciful (Nothing to report)
19 D. Commissioner Vasquez (Nothing to report)
20 E. Commissioner Crimeni (Nothing to report)
21

22
23 **14. FUTURE AGENDA ITEMS:**

- 24
25 A. General Plan Consistency Zoning Updates
26 B. General Plan Annual Report – *will be brought back to the Commission*
27 *in June or July, including a report on Chapter 12 regarding*
28 *implementation programs, many of which have already been started.*
29 C. CUP 12002 Tractor Supply, Inc.
30 D. SDR for Woodside Homes (McSweeny Farms SP)
31 E. Workstudy for Proposed 2014-2021 Housing Element Update
32 F. Workstudy for Proposed Ramona Creek Specific Plan
33

34
35 **15. ADJOURNMENT:**

36
37 It was unanimously agreed to adjourn the meeting at 8:02 p.m. to the regular meeting
38 of the City of Hemet Planning Commission scheduled for **May 21, 2013 at 6:00 p.m.** to
39 be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue,
40 Hemet, CA 92543.
41

42
43
44
45 _____
46 John Gifford, Chairman
47 Hemet Planning Commission

48 **ATTEST:**

49
50 _____
Nancie Shaw, Records Secretary
Hemet Planning Commission

AGENDA #5

Staff Report



TO: Honorable Chairman and Members of the Planning Commission

FROM: Deanna Elliano, Community Development Director *DE*
Carole L. Kendrick, Assistant Planner *CLK*

DATE: June 4, 2013

RE: **ZONING ORDINANCE AMENDMENT (ZOA) NO. 13-006 (Multiple Family Zones)**
LOCATION: City-wide
PLANNER: Carole L. Kendrick, Assistant Planner
DESCRIPTION: A city-initiated ordinance of the City of Hemet amending Chapter 90 (Zoning) Article XIII of the Hemet Municipal Code by amending the zoning and development regulations for Multiple Family zones.

STAFF RECOMMENDATION:

That the Planning Commission Adopt Planning Commission Resolution Bill No. 13-005, APPROVING Zoning Ordinance Amendment No. 13-006, and entitled as follows:

"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING ORDINANCE AMENDMENT NO. 13-006, AN ORDINANCE AMENDING ARTICLE XIII "MULTIPLE-FAMILY ZONES" OF CHAPTER 90 OF THE HEMET MUNICIPAL CODE."

BACKGROUND

The Hemet General Plan includes a chapter on housing (Chapter 11), also known as the Housing Element. It is the only element of the General Plan that requires certification by the California Department of Housing and Community Development (HCD) and is required to be recertified every four to eight years on a schedule set regionally. HCD certified Hemet's Cycle 4 (2008-2013) Housing Element on June 28, 2012. The certified document contains specific actions required by State law that the City has agreed to complete prior to submission of its adopted Cycle 5 (2013-2021) Housing Element to HCD in October 2013. This staff report addresses the following action that is stated in Program H-3a and H-3f of the Housing Element:

- *The City shall establish a very high-density residential zone (R-4) to accommodate the General Plan Very High Density Residential designation; and*
- *The City shall amend the R-3 zoning to establish a high-density residential zone to accommodate the General Plan High Density Residential designation; and*
- *The City will amend its zoning district regulations and development standards to remove conditional use permit requirements in multifamily zones to allow multi-family housing "by right".*

DESCRIPTION OF PROPOSED ORDINANCE AMENDMENT

The existing Municipal Code (Article XIII) includes two multiple family zones, the R-2 (two family residential) and the R-3 (multiple family residential), that provide for multiple family uses. The maximum density permitted under the R-3 zoning is 25 dwelling units per acre. Pursuant to State Housing Element law, the newly adopted General Plan provides two residential land use designations with density ranges over the City's current Zoning code. The High Density Residential (18.1-30 du/ac) and the Very High Density Residential (30.1-45.0 du/ac) land use designations that cannot be achieved under the City's current zoning limitations. In an effort to bring consistency to the zoning, staff has prepared modifications to the Multiple Family Zoning to include a new R-4 zone that provides the necessary density range equivalent to the higher density residential land use designations. The newly proposed R-4 zone will meet the requirements of Program H-3a of the City's Housing Element.

The Housing Element also required the removal of conditional use permits for multi-family housing in multifamily zones, as stated in Program H-3f. Staff has removed the requirement for conditional use permits for multifamily projects in all multiple family zones. Multiple family projects will be required to submit a Site Development Review application for design review and consistency with the Zoning Code, General Plan and Multiple Family Residential Design Guidelines. Residential Site Development Review applications for multi-family units will require a public meeting at the Planning Commission to review and approve the design aspects.

In addition to the changes required by the Housing Element, staff has taken the opportunity to update the multiple family zone to be consistent with best practices in a number of other cities. The updates to the zoning code include minor modifications that are in line with multiple family zoning in the Inland Empire. Staff analyzed seven (7) Inland Empire cities that include Temecula, Corona, San Jacinto, Riverside, Beaumont, Wildomar and Murrieta. The proposed ordinance (Exhibit A1) and the existing ordinance (Attachment 2) are attached for review.

Staff has also added a new Section 90-387 regarding Senior Housing development standards in order to encourage the continuation of senior housing developments in the City.

ANALYSIS

The main purpose of the proposed zone text amendments is to comply with State housing element law. The ramifications of not complying with the statutory deadline could be onerous. The City would fall out of the 8-year cycle for preparation of its housing element and would be required to submit an updated document every four years, which is time consuming, expensive, and potentially controversial for the community. Additionally, the City's Cycle 4 Regional Housing Needs Allocation (RHNA) of affordable housing units would be added to the Cycle 5 allocation instead of being considered met. The Cycle 4 RHNA allocation is substantially higher than the Cycle 5 allocation and it would not be in the City's best interest to carry it over. And, most importantly, the City would be deemed ineligible for most State and federal grants regardless of funding source or proposed use.

COORDINATION AND PUBLIC REVIEW

On May 24, 2013, the City published a notice in the Press Enterprise of the holding of a public hearing before the Planning Commission at which the amendment to the City's zoning ordinances would be

considered. To date, staff has not received any public comments on the draft ordinance. A draft of the ordinance has also been sent to the Housing Element consultants for their review and comment.

CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS

As mentioned above, the main purpose of the proposed amendment is to comply with provisions outlined in State law and the Housing Element of the General Plan. With adoption of ZOA13-006, compliance is achieved with Housing Element Program H-3a and H-3f which, among other things, requires that the City's zoning ordinance be amended to establish zoning that accommodates the General Plan High and Very High Density Residential designations and requires the removal of conditional use permits for apartments in multifamily zones.

CEQA REVIEW AND COMPLIANCE

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. Where as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It does not relate to any physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment and, therefore, the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Prepared by:



Carole L. Kendrick
Assistant Planner

Reviewed by:



Deanna Elliano
Community Development Director

ATTACHMENTS:

1. Planning Commission Resolution Bill No. 13-005
 Exhibit A – Proposed City Council Ordinance Bill No. 13-021
 Exhibit A1 – Proposed Article 20 (Multiple Family Zones)
2. Existing Article 20 (Multiple Family Zones)

Attachment

No. 1

Resolution No. 13-005

Planning Commission

Meeting of

June 4, 2013



**CITY OF HEMET
Hemet, California**

**PLANNING COMMISSION
RESOLUTION BILL NO. 13-005**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEMET, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING ORDINANCE AMENDMENT NO. 13-006, AN ORDINANCE AMENDING ARTICLE XIII OF "MULTIPLE-FAMILY ZONES" OF CHAPTER 90 OF THE HEMET MUNICIPAL CODE.

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; and

WHEREAS, on May 24, 2013, the City gave public notice by publishing notice in the Press Enterprise of the holding of a public hearing at which the amendment to the City's zoning ordinances would be considered; and

WHEREAS, on June 4, 2013 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 time 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 because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect of the environment; and

WHEREAS, attached as Exhibit "A" is the proposed Ordinance Bill No. 13-021; and

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

SECTION 1: ENVIRONMENTAL FINDINGS

**Planning Commission Resolution Bill No. 13-005
ZONING ORDINANCE AMENDMENT NO. 13-006
MULTIPLE FAMILY ZONES**

1 The Planning Commission, in light of the whole record before it, including but not limited
2 to, the City's Local CEQA Guidelines and Thresholds of Significance, the direction of
3 the Planning Commission at its meeting on June 4, 2013 and documents incorporated
4 therein by reference, and any other evidence (within the meaning of Public Resources
5 Code Sections 21080(e) and 21082.2) within the record or provided at the public
6 hearing of this matter, hereby finds and determines as follows:
7

- 8 1. **CEQA:** The City has analyzed this proposed project and has determined that it is
9 exempt from the California Environmental Quality Act ("CEQA") under section
10 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to
11 projects that have the potential for causing a significant effect on the
12 environment. Where, as here, it can be seen with certainty that there is no
13 possibility that the activity in question may have a significant effect on the
14 environment, the activity is not subject to CEQA. The addition of this section to
15 Chapter 90 only relates to regulations for Group Homes. It does not relate to any
16 physical project and will not result in any physical change to the environment.
17 Therefore, it can be seen with certainty that there is no possibility that this
18 Ordinance may have a significant adverse effect on the environment, and
19 therefore the adoption of this Ordinance is exempt from CEQA pursuant to
20 Section 15061(b)(3) of the CEQA Guidelines.
21

22 **SECTION 2: ZONING ORDINANCE AMENDMENT FINDINGS**

23 Pursuant to Hemet Municipal Code Section 90-41.5(a), the Planning Commission
24 makes the following findings with respect to this zoning ordinance amendment:
25

- 26
27 1. The zoning ordinance amendment is in conformance with the latest adopted
28 general plan for the City.
29

30 The zoning ordinance is in conformance with the latest adopted general plan for
31 the City in that revising development regulations and provisions for multiple
32 family zones implement and complies with Housing Element H-3a and H-3f which
33 requires that the City's zoning ordinance be amended to establish zoning that
34 accommodates the General Plan's High and Very High Density Residential Land
35 Use designations and removes the conditional use permit requirement for
36 multifamily projects in the multifamily zones. This Ordinance is in conformance
37 with a fundamental objective of the City's general plan and residential zoning
38 program to provide opportunities for safe and decent housing of all income levels
39 while preserving the quality and character of multiple family residential
40 neighborhoods.
41

- 42 2. *The zoning ordinance amendment will protect the public health, safety and*
43 *welfare.*
44

Planning Commission Resolution Bill No. 13-005
ZONING ORDINANCE AMENDMENT NO. 13-006
MULTIPLE FAMILY ZONES

1 The Zoning Ordinance Amendment protects the public health, safety and welfare
2 by establishing and maintaining zoning requirements by preserving the quality
3 and character of multi-family residential neighborhoods.
4

5 **SECTION 3: PLANNING COMMISSION ACTIONS**
6

7 The Planning Commission hereby takes the following actions:
8

- 9 1. The Planning Commission approves Resolution Bill No. 13-005 recommending
10 that the City Council adopt the proposed Ordinance which is attached hereto and
11 incorporated herein by reference as Exhibit "A."
12

13 **PASSED, APPROVED AND ADOPTED** this 4th day of June, 2012, by the
14 following vote:
15

16 AYES:

17 NOES:

18 ABSTAIN:

19 ABSENT:
20
21
22

23 _____
24 John Gifford, Chairman
25 Hemet Planning Commission

26 ATTEST:
27
28
29

30 _____
31 Nancie Shaw, Records Secretary
Hemet Planning Commission

**Planning Commission Resolution Bill No. 13-005
ZONING ORDINANCE AMENDMENT NO. 13-006
MULTIPLE FAMILY ZONES**

Exhibit No. A

Proposed City Council
Ordinance Bill No. 13-021

Planning Commission
Meeting of
June 4, 2013



**CITY OF HEMET
Hemet, California**

ORDINANCE BILL NO. 13-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA, ADOPTING ORDINANCE AMENDMENT NO. 13-006 AMENDING ARTICLE XIII "MULTIPLE-FAMILY ZONES" OF CHAPTER 90 OF THE HEMET MUNICIPAL CODE.

WHEREAS, on January 24, 2012 City Council adopted Resolution No. 4476 approving a comprehensive update to the Hemet General Plan; and

WHEREAS, on May 22, 2012 City Council adopted Resolution Nos. 4501 and 4502 amending Chapter 11 (Housing Element) of the General Plan to ensure its certification by the California Department of Housing and Community Development (HCD); and

WHEREAS, HCD certified the City's Housing Element on June 28, 2012; and

WHEREAS, the certified Housing Element contains goals, policies, and programs that provide the framework for compliance with State housing element law (California Government Code Section 65580); and

WHEREAS, Program H-3a and H-3f of the certified Housing Element requires the creation of a Very High Density Residential Zone (R-4) and the removal of a conditional use permit requirement for multifamily, which will then be permitted in one or more zoning districts by right; and

WHEREAS, since it has been several years since the last comprehensive update to the City's Multifamily Zones, a complete update in accordance with current best practices was incorporated into the zoning text amendment; and

**CITY OF HEMET ORDINANCE BILL NO. 13-021
MULTIPLE FAMILY ZONES**

1 **SECTION 4: EFFECTIVE DATE.**

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

4 **SECTION 6: PUBLICATION.**

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

11
12 **INTRODUCED** at the regular meeting of the Hemet City Council on July __, 2013.

13
14 **APPROVED AND ADOPTED** this ___ day of July, 2013.

15
16
17 _____
18 **Robert Youssef, Mayor**

19 **ATTEST:**

APPROVED AS TO FORM:

20
21 _____
22 **Sarah McComas, City Clerk**

23 _____
24 **Eric S. Vail, City Attorney**

RIV #4825-7812-0209 v2
11/26/12
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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 was introduced and first read on the ___ day of July 2013, and
6 had its second reading at the regular meeting of the Hemet City Council on the ___ day
7 of July, 2013, and was passed by the following vote:

- 8 **AYES:**
- 9 **NOES:**
- 10 **ABSTAIN:**
- 11 **ABSENT:**

12
13 _____
14 Sarah McComas, City Clerk

15
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**CITY OF HEMET ORDINANCE BILL NO. 13-021
MULTIPLE FAMILY ZONES**

Exhibit No. A1

Proposed Article 20

Planning Commission
Meeting of
June 4, 2013

EXHIBIT "A"

ARTICLE XIII. - MULTIPLE-FAMILY ZONES

- Sec. 90-381. - Purposes.
- Sec. 90-382. - Zones established.
- Sec. 90-383. - Permitted uses.
- Sec. 90-384. - Reserved.
- Sec. 90-385. - General requirements.
- Sec. 90-386. - Site development requirements.
- Sec. 90-387. - Senior residential projects.
- Secs. 90-388—90-420. - Reserved.

Sec. 90-381. - Purposes.

- (a) The multiple-family zones provide areas for low-medium to very high density residential uses with a variety of housing types where adequate public facilities and services exist with the capacity to serve development. Commonly maintained on-site recreational facilities and open space are typically required to serve the more concentrated residential population.
- (b) The multiple family zones implement the low medium density to very high density residential designations of the General Plan. The designations provide for multiple family housing with allowable densities that range from 5 to 45 dwelling units per acre.

Sec. 90-382. – Zones Established

- (a) R-2 (Low-Medium Density) zone: Provides for the development of low to medium density multiple-family residential uses with density not-to-exceed 8 dwelling units per acre. Typical housing units may include detached or attached single family homes, duplexes, or other low-medium density housing types. The R-2 zone is consistent with the Low Medium Density Residential (LMDR) designation of the General Plan.
- (b) R-3 (Medium-High Density) zone: Provides for the development of medium to high density multiple-family residential uses with density not-to-exceed 25 dwelling units per acre. Typical housing units may include townhouse, condominiums, cluster development, apartments, or residential care facilities. R-3 development is typically located near commercial nodes, school sites, parks, and other activity centers. The R-3 zone is consistent with the Medium Density Residential (MDR) and High Density Residential (HDR) designations of the General Plan.

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

(Ord. No. 1552, § 2, 1-28-97)

Sec. 90-383. - Permitted uses.

In the R-2, R-3 and R-4 zones, permitted and conditionally permitted uses shall be as listed within the "Land Use Matrix."

MULTIPLE-FAMILY RESIDENTIAL LAND USE MATRIX				
X=Not Permitted Use P=Permitted Use C=Conditionally Permitted Use (CUP)				
A=Administrative Use (AUP) SGHP=Small Group Home Permit				
ZONE				REFERENCE
	R-2	R-3	R-4	Additional or Explanatory Regulations or Requirements
A.	Residential Uses			
1.	Accessory Dwelling Unit	P	P	P
2.	Mobile Home Parks	C	X	X
3.	Multi-Family Housing including duplexes, condominiums, apartments, or similar residential units*			
	a. Senior	P	P	P
	b. Two family dwellings	P	P	X
	c. Multiple family dwellings	P	P	P
4.	Single-Family detached condominiums	P	P	X
5.	Single-Family Homes	P	P	X
B.	Residential - Other			
1.	Home occupations	P	P	P
				90-72

2.	Animal keeping	P	P	P	90-77
3.	Residential Accessory Uses and Structures	P	P	P	90-386
C.	Care Uses				
1.	Assisted Living Facility	C	C	C	
2.	Boarding houses or Congregate Care Facilities	C	C	X	Section 90-261
3.	Child or Adult Day Care Facility	C	C	C	
4.	Group Homes and Small Licensed Care Facilities				
	a. Small, licensed residential care facilities	P	P	X	Article X
	b. Large group homes (10 or fewer occupants)	A	A	X	Article X
	c. Large group homes (11 or more occupants)	C	C	X	Article X
	d. Small group home	SGHP	SGHP	X	Article X
D.	Education, Public Assembly, and Recreation uses				
1.	Auditoriums, Meeting Halls, and Conference Facilities - Public and Private	C	C	C	
2.	Churches, places of worship	C	C	C	
3.	Commercial recreation facilities	C	C	C	
	a. Indoor	X	C	C	
	b. Outdoor (golf courses, lawn bowling, basketball courts)	C	C	C	
4.	Community Centers	C	C	C	
5.	Cultural institutions	C	C	C	
6.	Educational facilities - private and public				
	a. Academic (Grades K-12)	C	C	C	
	b. Colleges/Universities	C	C	C	
	c. Commercial schools	C	C	C	
7.	Libraries and museums	C	C	C	
8.	Parks				
	a. Active	P	P	P	
	b. Passive	P	P	P	
E.	Service Uses				
1.	Health and Fitness Centers				
	a. Small - 2,000 sq. ft. or less	P	P	P	
	b. Large - Over 2,000 sq. ft.	X	X	X	

2.	Lodging				
	a. Bed and Breakfast Inns	C	C	C	
	b. Motels and Hotels	X	X	X	90-898
F.	Transportation, Communication, and Infrastructure Uses				
1.	Parking Facilities	P	P	P	Article XL
2.	Satellite dish antennas	P	P	P	
3.	Solar Energy Systems (non-commercial) (serving the development)	P	P	P	
4.	Transit Stop Shelter	P	P	P	
5.	Utility facility	C	C	C	
6.	Wireless Telecommunication Facility				
	a. Minor Facility	C	C	C	Article XLVI
	b. Major Facility	X	X	X	Article XLVI
G.	Government Uses				
1.	Government Facilities	C	C	C	
2.	Public Safety Facility	C	C	C	

(Ord. No. 1552, § 2, 1-28-97; Ord. No. 1622, § 1, 5-23-00; Ord. No. 1657, § 1, 2-12-02; Ord. No. 1684, § 1—5, 5-27-03; Ord. No. 1782, § 1(Exh. A), 7-10-07; Ord. No. 1798, § 2(c)(Exh. C), 5-27-08; Ord. No. 1852, § 4(Exh. C), 6-12-12)

Sec. 90-384. - Reserved.

Sec. 90-385. - General requirements.

(a) No person shall construct any multiple family building or structure, or relocate, rebuild or significantly enlarge or modify any existing multiple family building or structure, until a Site Development Review Plan to review the site design and architecture has been approved by the Community Development Director or Planning Commission pursuant to Article XLI.

(b) All multiple family development projects shall comply with the adopted City's Design Guidelines for Multiple Family Residential uses.

(c) Prior to the construction of any building or structure a building permit shall be required in accordance with the latest city-adopted California Building Code, and shall meet all Hemet Municipal Code and applicable State and Federal Code requirements.

- (d) Developments projects established within the boundaries of the Hemet-Ryan Airport Land Compatibility Zones shall be in accordance with the adopted Airport Land Use Plan.
- (e) Whenever a commercial or rental unit business is conducted, a city business license is required pursuant to Chapter 18 of the Hemet Municipal Code. The owners or agent of all existing and proposed rental units shall be required to register with the City as a non-owner occupied residential rental unit.
- (f) The following are minimum requirements, unless otherwise noted, and shall apply to all land, buildings, and structures in their respective zones. All area dimensions are in square feet, unless otherwise noted. All linear dimensions are in feet, unless otherwise noted.

A. MULTIPLE-FAMILY ZONE MINIMUM DEVELOPMENT STANDARDS				
	ZONE	R-2	R-3	R-4
1.	Density (maximum units/gross acre)	8	25	45
2.	Net lot area	6,000	1 acre	2 acres
4.	Lot width	60	100	100
5.	Lot depth	100	150	150
6.	Front yard setback to a building or structure other than a garage or carport	20	25	25
7.	Front yard setback to a garage or carport	25	25	25
8.	Rear yard setback	One story = 10 feet Two story = 15 feet	One story = 10 feet Two story = 20 feet Three story = 30 feet	One story = 10 feet Two story = 20 feet Three story or more = 50 feet
9.	Side yard setback			
	a. Interior side, corner and reverse corner	5 feet for each story	5 feet for each story	5 feet for each story
	b. Street side	10 Landscaped	15 Landscaped	15 Landscaped
10.	Lot coverage (15 percent of the remaining area shall be in live landscaping)	50	60	60
11.	Building Separation (primary structures and accessory buildings)	See Section 90-386(e)	See Section 90-386(e)	See Section 90-386(e)
12.	Habitable building and structure height (see section 90-386 C. for exceptions)	30 (two stories)	45 (three stories)	55 (four stories)
13.	Floor area (interior)			
	a. Studio	550 sq. ft.	550 sq. ft.	550 sq. ft.
	b. One bedroom	750 sq. ft.	750 sq. ft.	750 sq. ft.
	c. Two bedroom	900 sq. ft.	900 sq. ft.	900 sq. ft.
	d. Three bedroom	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.
14.	Parking required	See Article XL	See Article XL	See Article XL
15.	Signing permitted	See Article XXXV	See Article XXXV	See Article XXXV
16.	Open space			

	a. Common	250 sq. ft.	250 sq. ft.	250 sq. ft.
	b. Private	100 - 150 sq. ft. (see Section 90-386(f)(1)b.1)	100 - 150 sq. ft. (see Section 90-386(f)(1)b.1)	100 - 150 sq. ft. (see Section 90-386(f)(1)b.1)
17.	Landscaping	See Section 90-386(f)(2)	See Section 90-386(f)(2)	See Section 90-386(f)(2)

(Ord. No. 1552, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98)

Sec. 90-386. - Site development requirements.

(a) Measurement of yards.

- (1) 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.
- (2) Garage doors shall not, when open or being opened, project beyond any lot line.

(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 two (2) feet, six (6) inches. In no case shall the projection be closer than three (3) feet from another structure or property line.
- (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 (6) 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 (3) feet, and such balconies or stairway may extend into a required front yard not more than the required exit dimension. In no case shall the projection be closer than three (3) feet from another structure or property line.
- (4) Fire escapes may extend or project into any required yard four (4) feet; provided however, that at least a three (3) feet 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 or the sum of all additions shall not exceed 50 percent of the floor area of the original 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. The maximum area that can utilize the height exception is limited to ten (10) percent of the roof area.

(d) *Accessory buildings.*

(1) Accessory structures shall meet the required setbacks of the zone in which they are located. Except that, accessory structures less than 120 square feet in area and less than eight feet in height which are not permanently affixed to the ground may be located as close as three feet to interior side or rear property lines. In no instance shall any accessory structure be placed closer to the front property line than the principal structure.

(2) The total area of all accessory structures shall not exceed 50 percent of the floor area of the principal structure. Except that, on lots larger than one acre, accessory structures may be constructed in excess of 50 percent of the principal structure upon review by the Community Development Director.

(3) Accessory structures shall not exceed the height of the principal structure.

(4) Accessory structures shall be architecturally compatible with the principal structure, except that:

- a. For accessory structures under 120 square feet, compatibility shall be limited to the structures' primary color;
- b. For accessory structures over 120 square feet, compatibility shall include the structures' primary color and construction materials; and
- c. For portable carports and/or RV covers, compatibility shall be limited to the structures' primary color.

(5) Where Community Development Director review is required, the Community Development Director shall review the project and shall either approve it as

submitted, approve it subject to conditions, or deny it based on the following criteria. The accessory structure: a) is otherwise consistent with the regulations of the zone in which it is located; b) is not detrimental to the public health, safety and welfare particularly that of adjacent properties; and c) does not detract from the residential character of the surrounding neighborhood.

(6) All accessory structures shall be screened to the maximum intent possible with landscaping, fencing, or combination thereof, so as to minimize visual impacts from adjacent rights-of-way and from adjoining properties.

(e) Placement of buildings in the R-2, R-3 and R-4 zones. Placement of buildings shall be as prescribed in section 90-385, except that there shall be a minimum distance between buildings as follows:

Minimum Distance Between Buildings (in feet)			
Adjacent Condition	Stories In Structure		
	1 story to 1 story	1 story to 2 stories	1 story to 3 stories
Wall to wall	10	10	10
Wall to window	10	15	15
Window to window	15	15	20
Patio or Balcony	15	15	20

(f) Open space and recreational facilities in the R-2, R-3 and R-4 zones, the following minimum open space and recreational facility requirements shall apply:

(1) Required area. Each new apartment project of three or more units shall provide the following usable open space; which shall be exclusive of the front yard setback:

a. Common open space.

1. A minimum of 250 square feet of common open space shall be provided for each dwelling unit. Common open space shall have no dimension less than 25 feet. A minimum of 1,000 square feet of common open space shall be required for any project. Common open space shall be planned and located so that the maximum number of units derives benefit by being adjacent to common open space areas.
2. The design and orientation of open space shall be oriented to take advantage of available sunlight and should be sheltered from the noise and traffic of adjacent streets.

b. Private open space.

1. Generally. An average of 125 square feet of private open space shall be provided per unit, with a minimum dimension of seven feet. The following minimum private open space shall be provided for each unit type:

i. One-bedroom or studio: 100 square feet.

ii. Two or more-bedroom: 150 square feet.

2. Ground floor space. The patio area shall be completely enclosed on all sides by a minimum 42-inch up to a six-foot high decorative fence or masonry wall.

3. Above ground floor space. Private balconies or lanais shall have at least one exterior side open above railing height.

(2) Minimum open space improvements. The common open space shall be improved as indicated in this subsection:

Common Open Space Development Standards					
Minimum Open Space/Improvement	Number of Units in Development				
	3–25	26–50	51–100	100–200	200 or more
Landscaping with automatic sprinklers	Yes	Yes	Yes	Yes	Yes
Trees per dwelling unit (at least one-third up to one-half of the trees shall be in the open areas. Trees shall be a mix of 24-inch box and 15-gallon size)	1.00	1.25	1.50	1.50	1.75
Walkways (at least five (5) feet wide, curvilinear preferred)	Yes	Yes	Yes	Yes	Yes
Sitting areas (shall be located adjacent to walkways and shaded by trees and/or shade facility)	Yes	Yes	Yes	Yes	Yes
Shade facilities (minimum of ten (10) feet by ten (10) feet)	Yes	Yes	Yes	Yes	Yes
Barbecue facilities (at a rate of one (1) grill or pit per ten (10) units)	Yes	Yes	Yes	Yes	Yes
Court areas including, but not limited to basketball (full or half) and tennis courts, shuffleboard, horseshoe pits, putting greens and spas	N/A	N/A	Yes	Yes	Yes
Children's play area including, but not limited to swings, slides and bars	N/A	Yes	Yes	Yes	Yes
Pool areas	N/A	N/A	N/A	a	b
Recreation building	N/A	N/A	N/A	c	c

Footnotes:

- a. At least one-third of the common open space shall be in one or more pool areas, with the pool area having no dimension less than 75 feet.
- b. At least one-half of the common open space shall be in one or more pool areas, with the pool area having no dimension less than 100 feet.

c. Recreational buildings are optional, and may be located in the common open space areas. The buildings will be a minimum of 1,000 square feet in size, up to a maximum of 2,500 square feet. Total square footage of all buildings shall not exceed ten percent of the required common open space, or 7,500 square feet, whichever is smaller. If recreational buildings are proposed, the amount of required common open space may be reduced by two square feet for every one square foot of building provided.

(3) Adjustments. The director may adjustment the type of facilities required when alternate facilities provide specific benefit to the type of occupancy anticipated.

(g) Parking in the R-3 and R-4 zones, except for parking lots. The following minimum requirements for parking shall apply:

(1) No offstreet parking area shall be located facing or adjacent to a required front yard.

(2) Parking is discouraged adjacent to a side street frontage, however if parking is placed adjacent to a side street frontage, trees, shrubs, and berms shall be installed in sufficient quantity and size to visually screen vehicles and carport or garage structures.

(h) 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.

(i) 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 planning 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.

(1) 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.

(j) Buffer with adjacent uses. All multi-family projects shall provide adequate buffering to adjoining or adjacent uses. This can be accomplished through implementation of the following:

- (1) Grade levels shall be maintained at an equal or lower level than adjacent uses unless there are unique topographical features.
- (2) When adjoining a single family residential use a minimum landscape setback of 20 feet in addition to the five feet per story required under section 90-385.
- (3) When the adjacent land use is other than single family residential, the minimum landscape setback shall be ten feet in addition to the five-foot per story required under section 90-385 of the zoning ordinance.

(k) Lighting. All on-site lighting shall be shielded to prevent off-site glare.

- (1) All outdoor lighting shall be designed to illuminate uses, while minimizing light trespass into neighboring areas.
- (2) The candlepower of outdoor lighting shall be the minimum required for safety purposes.
- (3) Light for safety purposes shall be provided at entryways, along walkways, between buildings, and within parking areas.
- (4) All lights shall be directed, oriented, and shielded downward to prevent light from shining onto adjacent properties, onto public rights-of-way, and into driveway areas in a manner that would obstruct drivers' vision.
- (5) Light sources shall not be located in required buffer areas, except those required to illuminate pedestrian walkways.

(l) Laundry facilities. Common laundry facilities shall be provided for multi-family projects, unless provided in individual units, at a minimum ratio of one washing machine/dryer for every ten units. Laundry facilities shall be located on each floor unless elevators are provided.

(m) Accessory dwelling units - including "granny flats" and "second units". Accessory dwelling units shall be permitted in R-2, R-3 and R-4 zones subject to the following procedures and criteria.

(1) Procedures. An accessory dwelling unit:

- a. Shall be permitted ministerially without discretionary review; and

- b. Shall be approved only if the unit meets all of the criteria listed in subsection 90-386(l)(2).

(2) Criteria. An accessory dwelling unit shall meet all of the following criteria.

- a. An accessory dwelling unit shall only be located on a lot that has a net lot area equal to or greater than 130 percent of the minimum net lot area of the zone in which it is located.
- b. The floor area of an accessory dwelling unit shall not exceed 30 percent of the floor area of the principal dwelling unit.
- c. The lot upon which an accessory dwelling unit is to be located shall comply with all standards of the zone in which it is located.
- d. An accessory dwelling unit shall be architecturally compatible with the principal dwelling unit. Compatibility shall be based on the architectural style, construction materials, and primary color, of the principal dwelling unit.
- e. An accessory dwelling unit shall not exceed the height of the principal dwelling unit.
- f. An accessory dwelling unit shall comply with the required setbacks of the zone in which it is located. In addition to the required setbacks, a second unit shall not be located closer to the front property line than the principal dwelling unit.
- g. The floor area of a second unit shall be subject to the limitation of allowable total area of accessory structures for the lot on which it is located as specified in subsection 90-386(e).
- h. An accessory dwelling unit shall provide one parking space per bedroom in a garage or carport. Said parking space(s) shall be in addition to spaces required for the principal dwelling unit and shall otherwise meet the requirements of Hemet Municipal Code, Chapter 90, Article XL.
- i. An accessory dwelling unit shall not cause the level of traffic, water, or sewer service to drop below the minimum standards established in the city's general plan.
- j. This section shall not validate any existing unpermitted accessory dwelling unit. An application for an accessory dwelling unit may be

submitted to convert an unpermitted accessory dwelling unit to a conforming accessory dwelling unit; however, the standards and requirements for said conversion shall be the same as for a newly proposed accessory dwelling unit.

Sec. 90-387. – Senior Residential Projects.

The following development standards shall be applied to apartment, condominium or similar residential units for senior residential projects permitted within the R-2, R-3 and R-4 zones. In the event that specific development standards are not set forth below, the standards contained in Section 90-385 and 90-386 shall apply.

- (1) Density. Density shall be within the density limitations of the applicable zone. Density bonuses shall be allowed as permitted by Government Code §65915 et seq; and Article VI. of the Hemet Municipal Code;
- (2) Floor area. The interior floor area of the individual senior housing units may be reduced below the minimum floor area per unit types required in Section 90-385 provided that additional square footage is allocated to common area activity centers or facilities. In no case shall a one-bedroom units be less than 460 square feet or a two-bedroom unit be less than 690 square feet;
- (3) Accessibility. Dwelling units shall be constructed with Americans with Disabilities Act compliant features in accordance with State and Federal accessibility requirements;
- (4) Parking. Parking requirements shall be subject to the Hemet Municipal Code Article XL;
- (5) Occupancy. The occupancy of all dwelling units within an approved senior-only housing development shall be secured by appropriate conditions, covenants, and restrictions (CC&Rs) recorded against the property and provided to the City prior to the issuance of Building Permits;
- (6) Open space reduction. Senior-only housing developments may request a reduction in private and common open space required per unit pursuant to this Article, provided that compensating alternative indoor, recreational or outdoor open space amenities is approved by the Community Development Director or the Planning Commission as a component of the Site Development Review;
- (7) Wall and landscape buffer for yards adjoining certain uses. Where 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 materials, 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 landscape buffer is required;

- (8) Recreational facilities. An indoor recreation building or space shall be provided for each senior development project based on the following:
- a. For developments of 20 units up to 100 units, a minimum of 1,200 square feet, or 25 square feet per unit, whichever is greater;
 - b. For developments with 100 or more units, a minimum of 1,600 square feet, or ten square feet per unit, whichever is greater, to a maximum requirement of 4,000 square feet;
 - c. The recreation building shall provide the following uses: kitchen, library, dining and game playing area, restrooms and conversation and lounging areas. An outdoor patio and recreation area shall be provided in addition to these uses.
- (9) Elevators. Any project two stories in height or greater shall be furnished with an elevator large enough to accommodate a gurney, which shall be accessible to all units higher than the first floor.

(Ord. No. 1552, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98; Ord. No. 1657, § 1, 2-12-02; Ord. No. 1675, 10-8-02; Ord. No. 1684, §§ 1—5, 5-27-03; Ord. No. 1782, § 2(Exh. B), 7-10-07; Ord. No. 1783, § 1, 7-10-07)

Secs. 90-388—90-420. - Reserved.

FOOTNOTE(S):

⁽¹⁰⁸⁾ *Editor's note— Ordinance No. 1552, § 2, adopted January 28, 1997; reorganized the residential zones by deleting §§ 90-381—90-393 and adding §§ 90-381—90-385. Formerly, such sections pertained to R-2 two-family zone and derived from Ord. No. 1217; Ord. No. 1229, §§ 21600—21612 of the 1984 Code; Ord. No. 1520, § 1, 5-23-95.*

Attachment No. 2

Existing Article 20

Planning Commission
Meeting of
June 4, 2013

Hemet, California, Code of Ordinances >> - CODE >> Chapter 90 - ZONING >> ARTICLE XIII. - MULTIPLE-FAMILY ZONES >>

ARTICLE XIII. - MULTIPLE-FAMILY ZONES ^[B]

Sec. 90-381. - Purposes.

Sec. 90-382. - Permitted uses.

Sec. 90-383. - Reserved.

Sec. 90-384. - General requirements.

Sec. 90-385. - Site development requirements.

Secs. 90-386—90-420. - Reserved.

Sec. 90-381. - Purposes.

- (a) In addition to the overall purposes stated in section 90-1, the residential zones are established to provide properly located family living areas based on a wide range of population densities in conformity with the general plan to protect residential properties from noise, odors, smoke, dirt, vibration, glare, fire, explosion, noxious fumes, unsightliness and other hazards or objectionable influences; to protect residential properties from congestion and nuisances caused by commercial and industrial traffic; to ensure adequate privacy, light, air and usable open space for each dwelling unit; and to provide areas for institutional uses that require a residential environment and for public and semipublic facilities needed to serve the residential uses.
- (b) R-2 two-family zone: To provide for the development of low to medium density multiple-family residential uses.
- (c) R-3 multiple-family zone: To provide for the development of medium density multiple-family residential uses.

(Ord. No. 1552, § 2, 1-28-97)

Sec. 90-382. - Permitted uses.

In the R-2 and R-3 zones, permitted and conditionally permitted uses shall be as listed within the "Land Use Matrix." Whenever a business license is required pursuant to chapter 18.

MULTIPLE-FAMILY RESIDENTIAL LAND USE MATRIX		
X=Not Permitted Use P=Permitted Use C=Conditionally Permitted Use (CUP)		
A=Administrative Use (AUP) SGHP=Small Group Home Permit		
	ZONER-2	R-3
A. Agricultural Uses		
1. Poultry (except turkeys, geese and guinea fowl) chinchillas, hamsters,	P	P

	rabbits and other small animals (see section 90-188 for additional requirements)		
B. Residential Uses			
1.	Apartment, condominium or similar residential unit (see section 90-985(n) for additional requirements)	C	C
2.	Bed and breakfast	C	C
3.	Day care facility		
	a. >six but less than 12 clients	P	P
	b. >12 clients	C	C
4.	Duplexes and/or two single-family homes on the same lot	C	C
5.	Group homes and small licensed residential care facilities (see section 90-261 et seq.)		
	a. Small licensed residential care facility	P	P
	b. Large group home (ten or fewer occupants)	A	A
	c. Large group home (11 or more occupants)	C	C
	d. Small group home	SGHP	SGHP
6.	Home occupations subject to the requirements of section 90-72	P	P
7.	Household pets including, but not limited to, dogs, pot belly pigs and cats (see section 90-77)	P	P

8.	Mobile home park	C	C
9.	Single-family residential dwelling unit including manufactured housing, prefabricated housing, and mobile homes built after 1986 when installed on permanent foundations when in accordance with section 90-315 (a).	P	P
10.	Rented room (a maximum of one room) within an existing single-family dwelling	P	P
11	Travel trailer park	C	C
12	Accessory dwelling unit (including "granny flat" and "second unit") in accordance with subsection 90-385(g)	P	P
C. Commercial Uses			
1.	Boarding house	C	C
2.	Convalescent hospital	C	C
3.	Environmental cleanup and treatment systems (subject to a temporary use permit, see section 90-73)	P	P
4.	Home for the aged	C	C
5.	Home or center for mentally, emotionally or physically handicapped persons	C	C
6.	Hotel or motel	X	C
7.	Parking lot	X	C

8.	Nursing home	C	C
9.	Rest home	C	C
10.	Recycling facility - nonpermanent (subject to a temporary use permit, see section 90-73)	P	P
11	Sanitarium	C	C
12	Parolee-Probationer Homes	X	X
13.	Plant nurseries, wholesale and/or retail (signing and parking shall comply with articles XXVI and XL; growing shall be incidental to the retail/wholesale use; container growing may be permitted but shall not exceed 49 percent of the area devoted to plant display; no field growing is allowed)	C	C
D. Recreation and Open Space Uses			
1.	Cemetery, crematorium, columbariums and related facilities	C	C
2.	Game court, lighted (with ten-foot high court fencing)	C	C
3.	Golf course, country club and/or driving range	C	C
4.	Lodge hall for civic, social or fraternal organizations	C	C
5.	Recreation center, park, playground, unlighted game court (with ten-	P	P

6.	foot high court fencing) racquetball center, swim club Skating rink, outdoors	C	C
E. Miscellaneous Uses			
1.	Church, temple synagogue, or other religious facility including, but not limited to, parish house, convent, parsonage, monastery, religious school	C	C
2.	Flood control facilities including, but not limited to, detention and retention basins, flood control channels	P	P
3.	Museum	C	C
4.	School or college including, but not limited to, art, business, cosmetology, craft, dance, music, professional, technical and trade	C	C
5.	Public facilities and utilities including, but not limited to, electrical substations, transmission substations, city facilities, libraries and public offices	C	C
F. Accessory Uses			
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.	Antennas for microwave, cellular phones, and the like	C	C
4.	Satellite dish antennas		
	a. <39 inches in diameter when ground or roof mounted meeting the requirements of subsection 90-184.A.	P	P
	b. >39 inches but less than eight feet in diameter when ground- or roof-mounted meeting the requirements of subsection 90-184.A.	P	P

(Ord. No. 1552, § 2, 1-28-97; Ord. No. 1622, § 1, 5-23-00; Ord. No. 1657, § 1, 2-12-02; Ord. No. 1684, § § 1—5, 5-27-03; Ord. No. 1782, § 1(Exh. A), 7-10-07; Ord. No. 1798, § 2(c)(Exh. C), 5-27-08; Ord. No. 1852, § 4(Exh. C), 6-12-12; Ord. No. 1855, § 3(Exh. B, § 2), 9-11-12)

Sec. 90-383. - Reserved.

Sec. 90-384. - 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. MULTIPLE-FAMILY ZONE MINIMUM DEVELOPMENT STANDARDS			
	ZONER-2		R-3
1.	Density (maximum units/gross acre)	17	25
2.	Net lot area	6,000	8,000

3.	Lot area per dwelling unit	3,000	1,000
4.	Lot width		
	a. Standard	60	100
	b. Cul-de-sac/knuckle	35	40
	c. Flag lots/width of flag	20	20
5.	Lot depth	100	150
6.	Front yard setback to a building or structure other than a garage or carport	20	25
7.	Front yard setback to a garage or carport	25	25
8.	Rear yard setback	10	10
9.	Side yard setback		
	a. Interior side, corner and reverse corner	Five feet for each story	Five feet for each story
	b. Street side	10	10
10.	Lot coverage (ten percent of the remaining area shall be in live landscaping)	50	60
11	Habitable building and structure height (see section 90-385 C. for exceptions)	35 (two stories)	45 (three stories)
12	Building area excluding the garage and carport		
	a. Single-family	700	900
	b. Duplex	1,400	1,400

c. Triplex or more		
1. One bedroom or studio unit	None	500
2. Two bedrooms or more	None	700
13. Parking required (see article XL)		
14. Signing permitted (see article XXXV)		

(Ord. No. 1552, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98)

Sec. 90-385. - Site development requirements.

(a) *Measurement of yards.*

- (1) 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.
- (2) Garage doors shall not, when open or being opened, project beyond any lot line.

(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 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) Accessory structures shall meet the required setbacks of the zone in which they are located. Except that, accessory structures less than 120 square feet in area and less than eight feet in height which are not permanently affixed to the ground may be located as close as three feet to interior side or rear property lines. In no instance shall any accessory structure be placed closer to the front property line than the principal structure.
- (2) The total area of all accessory structures shall not exceed 50 percent of the floor area of the principal structure. Except that, on lots larger than one acre, accessory structures may be constructed in excess of 50 percent of the principal structure upon review by the planning commission.
- (3) Accessory structures shall not exceed the height of the principal structure.
- (4) Accessory structures shall be architecturally compatible with the principal structure, except that:
 - a. For accessory structures under 120 square feet, compatibility shall be limited to the structures' primary color;
 - b. For accessory structures over 120 square feet, compatibility shall include the structures' primary color and construction materials; and
 - c. For portable carports and/or RV covers, compatibility shall be limited to the structures' primary color.
- (5) Where planning commission review is required, the planning commission shall review the project and shall either approve it as submitted, approve it subject to conditions, or deny it based on the following criteria. The accessory structure: a) is otherwise consistent with the regulations of the zone in which it is located; b) is not detrimental to the public health, safety and welfare particularly that of adjacent properties; and c) does not detract from the residential character of the surrounding neighborhood.
- (6) All accessory structures shall be screened to the maximum intent possible with landscaping, fencing, or combination thereof, so as to minimize visual impacts from adjacent rights-of-way and from adjoining properties.

(e) *Placement of buildings in the R-3 zone.* Placement of buildings shall be as prescribed in section 90-314, except that there shall be a minimum distance between buildings used for human habitation as follows:

Minimum Distance Between Buildings (in feet)			
Adjacent Condition	Stories In Structure		
	1:1	1:2	2:2
Wall to wall	10	10	10
Wall to window	10	15	15
Window to window	15	15	20

- (f) Open space and recreational facilities in the R-3 zone, the following minimum open space and recreational facility requirements shall apply:
- (1) *Required area.* Each new apartment project of three or more units shall provide the following usable open space:
- a. *Common open space.* A minimum of 30 square feet of common open space shall be provided for every 100 square feet of apartment floor area allocated to living space. Living space shall include but not be limited to areas set aside for sleeping, eating, cooking and sanitation in each dwelling unit. Common open space shall have no dimension less than 25 feet. A minimum of 1,000 square feet of common open space shall be required for any project. Common open space shall be planned and located so that the maximum number of units derives benefit by being adjacent to common open space areas.
 - b. *Private open space.*
 1. Generally. An average of 150 square feet of private open space shall be provided per unit, with a minimum dimension of seven feet. The following minimum private open space shall be provided for each unit type:
 - i. One-bedroom or studio: 100 square feet.
 - ii. Two-bedroom: 150 square feet.
 - iii. Three-bedroom: 150 square feet.
 2. Ground floor space. The patio area shall be completely enclosed on all sides by a minimum 42-inch up to a six-foot high fence or masonry wall.
 3. Aboveground floor space. Private balconies or lanais shall have at least one exterior side open above railing height.
- (2) *Minimum open space improvements.* The common open space shall be improved as indicated in this subsection:

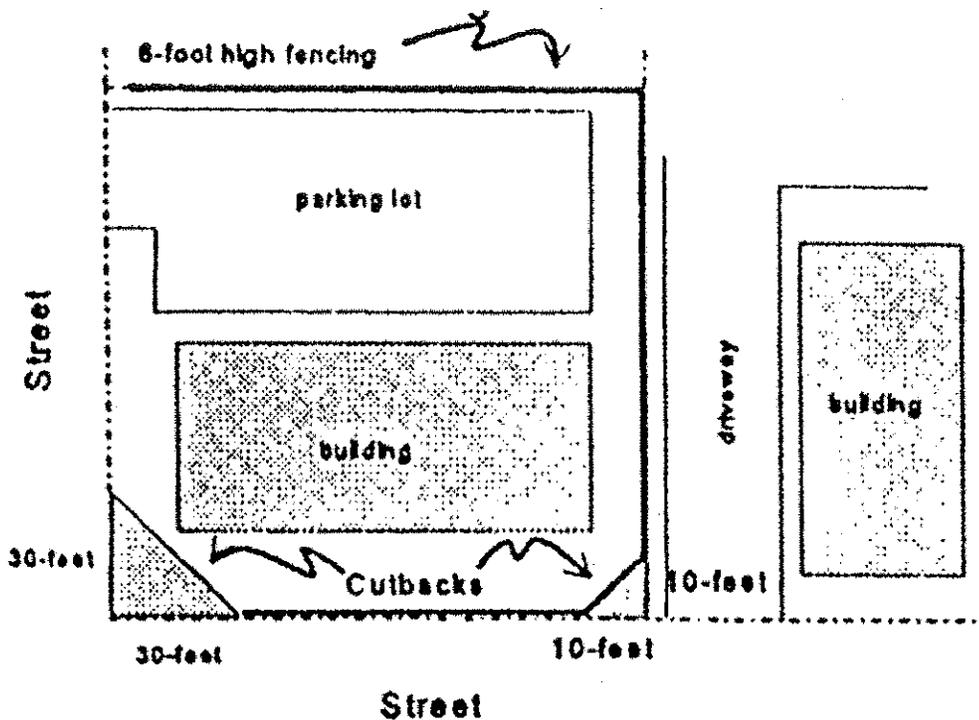
Common Open Space Development Standards					
Minimum Open Space Improvement	Number of Units in Development				
	3–25	26–50	51–100	100–200	200 or more
Landscaping with automatic sprinklers	Yes	Yes	Yes	Yes	Yes
Trees per dwelling unit (at least one-third up to one-half of the trees shall be in the open areas. Trees shall be a mix of 24-inch box and 15-gallon size)	1.00	1.00	1.25	1.50	1.75

Walkways (at least five feet wide, curvilinear preferred)	Yes	Yes	Yes	Yes	Yes
Sitting areas (shall be located adjacent to walkways and shaded by trees and/or shade facility)	Yes	Yes	Yes	Yes	Yes
Shade facilities (minimum of ten feet by ten feet)	Yes	Yes	Yes	Yes	Yes
Barbecue facilities (at a rate of one grill or pit per ten units)	Yes	Yes	Yes	Yes	Yes
Court areas including, but not limited to basketball (full or half) and tennis courts, shuffleboard, horseshoe pits, putting greens and spas	N/A	N/A	Yes	Yes	Yes
Children's play area including, but not limited to swings, slides and bars	N/A	Yes	Yes	Yes	Yes
Pool areas	N/A	N/A	N/A	a	b
Recreation building	N/A	N/A	N/A	c	c

Footnotes:

- a. At least one-third of the common open space shall be in one or more pool areas, with the pool area having no dimension less than 75 feet.

- b. At least one-half of the common open space shall be in one or more pool areas, with the pool area having no dimension less than 100 feet.
- c. Recreational buildings are optional, and may be located in the common open space areas. The buildings will be a minimum of 1,000 square feet in size, up to a maximum of 2,500 square feet. Total square footage of all buildings shall not exceed ten percent of the required common open space, or 7,500 square feet, whichever is smaller. If recreational buildings are proposed, the amount of required common open space may be reduced by two square feet for every one square foot of building provided.
- (3) *Adjustments.* The director may make adjustments with regard to type of facilities required where alternate facilities are provided which are of specific benefit to the type of occupancy anticipated.
- (g) *Parking in the R-3 zone, except for parking lots.* The following minimum requirements for parking shall apply:
- (1) No offstreet parking area shall be located facing or adjacent to a required front yard.
- (2) Parking is discouraged adjacent to a side street frontage, however if parking is placed adjacent to a side street frontage, trees, shrubs, and berms shall be installed in sufficient quantity and size to visually screen vehicles and carport or garage structures.
- (h) *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.
- (i) *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 highest finished grade 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 a maximum of 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.



Corner Cutback Lines

- (2) *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.
- (3) *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.
- (4) *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 must be in place and approved by the city building department.
- (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. A fence or wall shall be constructed along the perimeter of all areas considered by the director to be dangerous to the public health and safety. The height of fence or wall in excess of six feet in height shall be as determined by the director in relation to the danger or hazard involved. Such fence or wall may be required when a use requires a permit, or at the discretion of the director, according to the danger or hazard involved.
- (6) For multiple-family or high density developments such as duplexes, apartments, condominiums, mobile home parks, convalescent homes or similar residential uses, perimeter fencing may be permitted within yard setbacks up to a maximum of six feet

in height, greater fence heights may be allowed when the fencing is for security reasons and meet the requirements of section 90-385(i)(5). In all cases the following requirements shall be met:

- a. There shall be at least eight units.
 - b. Fencing shall be wrought iron, tubular steel, or similar materials in combination with masonry no higher than 42 inches in height and wrought iron designed and located in a manner which does not hinder surveillance activities of the police.
 - c. The color of wrought iron shall be either black, white or beige. Any other color requires approval by the director.
 - d. Pilasters shall be up to 18 inches square, and the distance between pilasters shall be at least eight feet edge to edge for the main run of the fence.
 - e. Gates shall provide emergency access with the installation of a Knox box system or other similar method approved by the fire department.
 - f. Access shall be provided for essential city services, including but not limited to refuse pickup.
 - g. A means of access to visitor parking spaces, such as call boxes, shall be provided to the public.
 - h. Intersection and driveway visibility is maintained by limiting opaque fencing, including pilasters, to 42 inches in height within cutback areas.
 - i. Adequate area for vehicle stacking at the entrance(s) and exit(s) of the development shall be provided and approved by the city traffic engineer.
 - j. Concertina, razor, barbed wire, electrified or chainlink materials are expressly prohibited.
 - k. A minimum of five feet of live landscaping shall be planted between the curb and fence line (i.e., within the parkway), to soften the appearance of the fence.
 - l. Fencing constructed in accordance with this section shall obtain appropriate building permits and inspections. Plans shall be submitted to the building department for review and approval by all affected departments prior to the issuance of permits. The project shall meet applicable requirements of the I.C.B.O. Uniform Building Code, Uniform Fire Code, and related codes.
- (7) *For recreational vehicle storage.* Fences for recreational vehicle storage shall be six-foot solid walls (no wood permitted). An additional five feet of fence height may be permitted, consisting of chainlink or wire or any combination thereof, placed on top of the solid wall but not exceeding a total height of 11 feet.
- (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 planning 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.

- (j) *Buffer with adjacent uses.* All multi-family projects shall provide adequate buffering to adjoining or adjacent uses. This can be accomplished through implementation of the following:
- (1) Grade levels shall be maintained at an equal or lower level than adjacent uses unless there are unique topographical features.
 - (2) When adjoining a single family residential use a minimum landscape setback of 20 feet in addition to the five feet per story required under section 90-384
 - (3) When the adjacent land use is other than single family residential, the minimum landscape setback shall be ten feet in addition to the five-foot per story required under section 90-384 of the zoning ordinance.
- (k) *Lighting.* All on-site lighting shall be shielded to prevent off-site glare.
- (l) *Laundry facilities.* Common laundry facilities shall be provided for multi-family projects, unless provided in individual units, at a minimum ratio of one washing machine/dryer for every ten units.
- (m) *Accessory dwelling units - including "granny flats" and "second units".* Accessory dwelling units shall be permitted in R-2 and R-3 zones subject to the following procedures and criteria.
- (1) Procedures. An accessory dwelling unit:
 - a. Shall be permitted ministerially without discretionary review; and
 - b. Shall be approved only if the unit meets all of the criteria listed in subsection 90-315(g)(2).
 - (2) Criteria. Notwithstanding subsection 90-315(a), an accessory dwelling unit shall meet all of the following criteria.
 - a. An accessory dwelling unit shall only be located on a lot that has a net lot area equal to or greater than 130 percent of the minimum net lot area of the zone in which it is located.
 - b. An accessory dwelling unit shall only be located and maintained on a lot with an existing owner-occupied single-family residence. At such time as the principal dwelling unit is no longer owner occupied, the use of the accessory dwelling unit as a separate dwelling unit shall cease.
 - c. An accessory dwelling unit shall not be permitted on a lot with more than one existing dwelling unit.
 - d. No more than one accessory dwelling unit shall be permitted on a single lot.
 - e. The floor area of an accessory dwelling unit shall not exceed 30 percent of the floor area of the principal dwelling unit.
 - f. The lot upon which an accessory dwelling unit is to be located shall comply with all standards of the zone in which it is located.
 - g. An accessory dwelling unit shall be architecturally compatible with the principal dwelling unit. Compatibility shall be based on the architectural style, construction materials, and primary color, of the principal dwelling unit.
 - h. An accessory dwelling unit shall not exceed the height of the principal dwelling unit.
 - i. An accessory dwelling unit shall comply with the required setbacks of the zone in which it is located. In addition to the required setbacks, a second unit shall not be located closer to the front property line than the principal dwelling unit.

- j. The floor area of a second unit shall be subject to the limitation of allowable total area of accessory structures for the lot on which it is located as specified in subsections 90-315(d) and 90-385(d).
 - k. An accessory dwelling unit shall provide one parking space per bedroom in a garage or carport. Said parking space(s) shall be in addition to spaces required for the principal dwelling unit and shall otherwise meet the requirements of Hemet Municipal Code, Chapter 90, Article XL.
 - l. The applicant for an accessory dwelling unit shall be the owner of the principal dwelling unit.
 - m. An accessory dwelling unit may not be metered separately from the principal dwelling unit for gas, electricity, and water/sewer services and may not be sold separate and apart from the principal dwelling unit.
 - n. Prior to the issuance of a building permit for an accessory dwelling unit, a covenant of restriction to run with the land, shall be recorded which specifies that the use of the accessory dwelling unit as an independent dwelling unit may continue only as long as the conditions on the lot remain in compliance with the criteria listed in this section and the accessory dwelling unit may not be sold separate and apart from the principal dwelling unit.
 - o. An accessory dwelling unit shall not cause the level of traffic, water, or sewer service to drop below the minimum standards established in the city's general plan.
 - p. This section shall not validate any existing illegal accessory dwelling unit. An application for an accessory dwelling unit may be submitted to convert an illegal accessory dwelling unit to a conforming legal accessory dwelling unit; however, the standards and requirements for said conversion shall be the same as for a newly proposed accessory dwelling unit.
- (n) *Apartment, condominium or similar residential units.* Apartment, condominium or similar residential units shall be allowed upon issuance of a conditional use permit in the R-2 and R-3 zones subject to the following conditions:
- (1) The approval body shall determine the appropriate density for the project by taking into account the following factors:
 - a. The density ranges established by the general plan land use designation;
 - b. The physical limitations of the project site;
 - c. The environmental impacts on the site;
 - d. The project's compatibility with the surrounding neighborhood;
 - e. The goals and policies of the general plan; and
 - f. The project's impact on the public health, safety, and welfare.
 - (2) All apartment, condominium or similar residential projects must comply with all applicable development standards contained in Chapter 90 of the Hemet Municipal Code.
- (o) *Multifamily development projects with fifteen or fewer units.* The approval body shall make the following findings to approve an application for a multifamily residential complex with 15 or fewer units, such as duplexes, triplexes, and quadplexes and other similar multifamily residential buildings with 15 or fewer units:
- (1) The project is compatible with surrounding land uses;
 - (2) The project is in accord with the objectives of this chapter and the purposes of the zone in which the site is located;

- (3) The project will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;
- (4) The project is consistent with the general plan;
- (5) The project will provide adequate on-site security to protect public safety as well as the safety of residents; and
- (6) The project will provide adequate administration and management of the multifamily residential units in order to preserve and promote public health, safety and welfare.

(Ord. No. 1552, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98; Ord. No. 1657, § 1, 2-12-02; Ord. No. 1675, 10-8-02; Ord. No. 1684, § § 1—5, 5-27-03; Ord. No. 1782, § 2(Exh. B), 7-10-07; Ord. No. 1783, § 1, 7-10-07)

Secs. 90-386—90-420. - Reserved.

FOOTNOTE(S):

— (9) —

Editor's note— Ordinance No. 1552, § 2, adopted January 28, 1997, reorganized the residential zones by deleting §§ 90-381—90-393 and adding §§ 90-381—90-385. Formerly, such sections pertained to R-2 two-family zone and derived from Ord. No. 1217; Ord. No. 1229, §§ 21600—21612 of the 1984 Code; Ord. No. 1520, § 1, 5-23-95.

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