



AGENDA

REGULAR MEETING OF THE HEMET CITY COUNCIL

May 27, 2014

5:00 p.m.

City of Hemet Council Chambers
450 E. Latham Avenue

www.cityofhemet.org

Please silence all cell phones

**Notice: Members of the Public attending shall comply with the Council's adopted Rules of Decorum in Resolution No. 4545. A copy of the Rules of Decorum are available from the City Clerk.*

Call to Order

Roll Call

ROLL CALL: Council Members Krupa, Wright and Youssef, Mayor Pro Tem Milne and Mayor Smith

Closed Session

Notice of Opportunity for Public Comment

Members of the Public may comment upon any identified item on the closed session agenda. Since the Council's deliberation on these items is confidential the City Council and City Staff will not be able to answer or address questions relating to the items other than procedural questions. At the conclusion of the closed session, the City Attorney will report any actions taken by the City Council which the Ralph M. Brown Act required to be publicly reported.

1. Conference with Labor Negotiators

Pursuant to Government Code section 54957.6

Agency designated representatives: City Manager Hill

Employee organization:

Hemet Fire Fighters Association

Hemet Non-Sworn Police Employees Association

Service Employees International Union (SEIU) General Employees

2. Conference with Legal Counsel - Existing Litigation

Pursuant to Government Code section 54956.9(d)(1)

Name of case: *Randy Cordero v. Hemet Police Department et al.*

USDC Case No. EDCV 10-01935-JAK-PJW

Work Study

Discussion regarding this item, with possible direction to staff

3. Presentation and Discussion regarding the Preliminary FY 2014-15 Budget and Capital Improvement Plan – City Manager Hill

REGULAR SESSION

7:00 p.m.

City of Hemet City Council Chambers
450 E. Latham Avenue

Call to Order

Roll Call

ROLL CALL: Council Members Krupa, Wright and Youssef, Mayor Pro Tem Milne and Mayor Smith

Invocation

Pledge of Allegiance

City Attorney Closed Session Report

4. Conference with Labor Negotiators
Pursuant to Government Code section 54957.6
Agency designated representatives: City Manager Hill
Employee organization:
Hemet Fire Fighters Association
Hemet Non-Sworn Police Employees Association
Service Employees International Union (SEIU) General Employees

 5. Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code section 54956.9(d)(1)
Name of case: *Randy Cordero v. Hemet Police Department et al.*
USDC Case No. EDCV 10-01935-JAK-PJW
-

City Council Business

Notice to the Public

The Consent Calendar contains items which are typically routine in nature and will be enacted by one motion by the Council unless an item is removed for discussion by a member of the public, staff, or Council. If you wish to discuss a Consent Calendar item please come to the microphone and state the number of the item you wish to discuss. Then wait near the lecture. When the Mayor calls your turn give your last name, and address, then begin speaking. You will have three minutes at that time to address the Council.

Consent Calendar

6. **Receive and File – Warrant Register**
 - a. Warrant registers dated May 1, 2014 in the amount of \$1,047,032.18 and May 6, 2014 in the amount of \$2,841,424.12. Payroll for the period of April 14, 2014 to April 27, 2014 was \$591,647.44 and April 28, 2014 to May 11, 2014 was \$605,648.50.
7. **Receive and File – Investment Portfolio as of March 2014**
8. **Recommendation by Community Development - Zoning Ordinance Amendment No. 14-001 (Updates to the Agriculture Zone, Open Space zone and Animal Keeping provisions)**
 - a. Adopt an ordinance amending portions of the Hemet Municipal Code Chapter 90 (Zoning) to update Article VII (Agriculture Zones), Article XXXIII (Open Space Zone), and Article II, Section 90-77 (Animal Regulations and Keeping Requirements) to achieve compliance with the Hemet General Plan as part of the City's General Plan Consistency zoning program. **Ordinance Bill No. 14-014**
9. **Recommendation by Community Development - Zoning Ordinance Amendment (ZOA) No. 14-003 (Temporary Sign Regulations)**
 - a. Adopt an ordinance amending Article XXXVI (Signs Generally) of Chapter 90 (Zoning) of the Hemet Municipal Code. **Ordinance Bill No. 14-022**
10. **Recommendation by City Manager - Amendment to the Contract between the Board of Administration California Public Employees Retirement System and the City Council of the City of Hemet for Cost Sharing**
 - a. Adopt an ordinance to allow cost sharing of the Employer Contribution to CalPERS with the "classic" CalPERS members of the Hemet Police Officer's Association (HPOA) and the Hemet Police Management Association (HPMA). **Ordinance Bill No. 14-024**
11. **Recommendation by Community Development - Municipal Code Amendment No. 14-001: Chapter 58 (TUMF Ordinance)**
 - a. Adopt an ordinance amending Sections 58-70.2 and 58-70.3 of Division 2 "Western Riverside County Transportation Uniform Mitigation Fee Program" of Chapter 58 of the Hemet Municipal Code to include a new exemption for newly construction specially adapted homes for severely disabled veterans. **Ordinance Bill No. 14-025**
12. **Recommendation by Fire Department – Local Hazard Mitigation Plan**
 - a. Adopt a resolution to adopt the Local Hazard Mitigation Plan (LHMP) annex as pre-approved by County of Riverside Office of Emergency Services, State of California Office of Emergency Services, and FEMA. **Resolution Bill No. 14-032**

13. **Recommendation by Fire Department** – Proclaiming Termination of a Local Emergency
- a. Adopt a resolution proclaiming termination of a local emergency.
Resolution Bill No. 14-030
-

Approval of Minutes

14. **May 13, 2014**
-

Discussion/Action Item

15. **Municipal Code Section 46-10** – City Attorney Vail
- a. In light of *People v. Nguyen* (2014) 222 Cal.App.4th 1168, Adopt an urgency Ordinance and repeal Hemet Municipal Code section 46-10.
Ordinance Bill No. 14-031
-

Communications from the Public

Anyone who wishes to address the Council regarding items not on the agenda may do so at this time. As a courtesy, please complete a Request to Speak Form found at the City Clerk's desk. Submit your completed form to the City Clerk prior to the beginning of the meeting. Presentations are limited to three minutes in consideration of others who are here for agenda items. Please come forward to the lectern when the Mayor calls upon you. When you are recognized, you may proceed with our comments.

****Notice: Members of the Public attending shall comply with the adopted Rules of Decorum in Resolution No. 4545. A copy of the Rules of Decorum are available from the City Clerk.***

State law prohibits the City Council from taking action or discussing any item not appearing on the agenda except for brief responses to statements made or questions posed by the public. In addition, they may, on their own initiative or in response to questions posed by the public, ask a question for clarification, provide a reference to staff or other resources for factual information, or request staff to report back to them at a subsequent meeting. Furthermore, a member of the City Council or the Council itself may take action to direct staff to place a matter of business on a future agenda.

City Council Reports

16. CITY COUNCIL REPORTS AND COMMENTS
- A. Council Member Krupa
 1. Traffic and Parking Commission
 2. Riverside Conservation Authority (RCA)
 3. Ramona Bowl Association
 4. Indian Gaming Distribution Fund
 5. Riverside Transit Agency (RTA)
 6. Watermaster Board

- B. Council Member Wright
 - 1. Park Commission
 - 2. Planning Commission
 - 3. Indian Gaming Distribution Fund
 - 4. Riverside County Habitat Conservation Agency (RCHCA)
 - 5. Ramona Bowl Association

- C. Council Member Youssef
 - 1. Western Riverside County of Governments (WRCOG)
 - 2. Riverside County Transportation Commission (RCTC)

- D. Mayor Pro Tem Milne
 - 1. Library Board
 - 2. League of California Cities
 - 3. Riverside County Habitat Conservation Agency (RCHCA)
 - 4. Riverside Transit Agency (RTA)
 - 5. Riverside Conservation Authority (RCA)
 - 6. Disaster Planning Commission

- E. Mayor Smith
 - 1. League of California Cities
 - 2. Riverside County Transportation Commission (RCTC)
 - 3. Western Riverside County of Governments (WRCOG)
 - 4. Public Safety Update
 - 5. National League of Cities
 - 6. Hemet Community Activities

- F. Ad-Hoc Committee Reports
 - 1. Crime Stoppers Plus Ad-Hoc Committee
 - 2. West Hemet MSHCP Ad-Hoc Committee
 - 3. Regent Development Agreement Ad-Hoc Committee

- G. City Manager Hill
 - 1. Manager's Reports
 - 2. Designation of Voting Delegate and Alternate for the League of California Cities Annual Conference, September 3 – 5, 2014 Los Angeles
 - 3. City Council Meeting Schedule for July and August, 2014

Continued Closed Session

City Attorney Continued Closed Session Report

Future Agenda Items

If Members of Council have items for consideration at a future City Council meeting, please state the agenda item to provide direction to the City Manager.

Adjournment

Adjourn to Tuesday, June 10, 2014 at 7:00 p.m. for consideration of items placed on that agenda. The next regular meeting will be held June 24, 2014.

Staff reports and other disclosable public records related to open session agenda items are available at the City Clerk's Office or at the public counter located at 445 E. Florida Avenue during normal business hours.



Staff Report

TO: Honorable Mayor and Members of the City Council

FROM: ^{TK} Thomas M. Kanarr, Interim Director of Finance;
Wally Hill, City Manager *Wally Hill*

DATE: May 27, 2014

RE: Warrant Register

The City of Hemet's warrant registers dated May 1, 2014 in the amount of \$1,047,032.18 and May 6, 2014 in the amount of \$2,841,424.12 are currently posted on the City's website in the Finance Department section, under *Financial Information*. Payroll for the period of April 14, 2014 to April 27, 2014 was \$591,647.44 and April 28, 2014 to May 11, 2014 was \$605,648.50.

CLAIMS VOUCHER APPROVAL

"I, Thomas M. Kanarr, Interim Director of Finance, do hereby certify that to the best of my knowledge and ability, that the warrant register posted on the city's website is a true and correct list of warrants for bills submitted to the City of Hemet, and the payroll register through the dates listed above, and that there will be sufficient monies in the respective funds for their payment."

Respectfully submitted,

Thomas M. Kanarr
Interim Director of Finance

TMK: mh

CITY OF HEMET
VOUCHER/WARRANT REGISTER
FOR ALL PERIODS

CLAIMS VOUCHER APPROVAL

I, THOMAS M. KANARR, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND ABILITY, THAT THE WR POSTED ON THE CITY WEBSITE IS A TRUE AND CORRECT LIST OF WARRANTS FOR BILLS SUBMITTED TO THE CITY OF HEMET THROUGH THE DATES LISTED ABOVE, AND THAT THERE WILL BE SUFFICIENT MONIES IN THE RESPECTIVE FUNDS FOR THEIR PAYMENT.

THOMAS M. KANARR
INTERIM DIRECTOR OF FINANCE



AGENDA

7

Staff Report

TO: Honorable Mayor and members of the City Council
FROM: Judith L. Oltman, City Treasurer
DATE: May 27, 2014
RE: Investment Portfolio as of March 2014

RECOMMENDED ACTION:

Receive and file.

ANALYSIS:

The summary statement of activity and balances of the Treasurer's Investment Portfolio for the month of March 2014 is forwarded herewith for your review. On 3/14/14 we purchased a five year medium term note no. 5014 G.E. Capital Corp. for \$500,000 at 2.3% and on 3/25/14 we purchased a five year local government New York State Revenue Bond for \$500,000 at 2% with a yield of 2.05%. On 3/12/14 our FNMA no. 2271 was called; on 3/18/14 our FNMA no. 2272 was called and on 3/27/14 our FNMA no. 2273 was called.

I hereby certify that this report accurately reflects all City of Hemet pooled investments and is in conformity with the investment policy of the City of Hemet and that a copy hereof is on file in the office of the City Clerk. Our third party custodial bank, Bank of New York Mellon, has provided us with the monthly market values.

It is further certified that there is sufficient liquidity to meet the next six months' estimated day-to-day operational expenses.

Respectfully Submitted,

Judith L. Oltman
City Treasurer

attachment

CITY OF HEMET, CALIFORNIA
Monthly Report of Investment Activities

MARCH 2014

INVESTMENT CLASSIFICATIONS	MONTHLY ACTIVITY	CONSOLIDATED BALANCE
PORTFOLIO AS OF FEBRUARY	64,985,789.22	
CERTIFICATES OF DEPOSIT		
Placed this month		
Matured this month		
Balance		7,440,000.00
LOCAL AGENCY INVESTMENT FUND: City of Hemet		
Deposits		
Withdrawals		
Balance		33,179,030.04
LOCAL AGENCY INVESTMENT FUND: City of Hemet		
Deposits		
Withdrawals		
Balance		1,878.41
BANK OF NEW YORK MELLON Custodial Acct.		
Deposits	1,540,009.93	
Withdrawals	-1,053,246.06	
Balance		1,566,489.77
RABO BANK: Money Market Account		
Deposits		
Withdrawals		
Balance		200,000.00
CITIBANK: Money Market Account		
Deposits	46,564.38	
Withdrawals		
Balance		1,058,982.19
CITIBANK: Money Market Account 3		
Deposits	1,951,399.30	
Withdrawals	-3,109,478.55	
Balance		5,929,657.81
MUNICIPAL BONDS & NOTES		
Deposits	1,000,000.00	
Withdrawals		
Balance		4,995,000.00
GOVERNMENT AGENCIES		
2249 1.20% FNMA 5/16/17		500,000.00
2251 1.05% FNMA 6/27/17		500,000.00
2252 1.0% FNMA 8/21/17		500,000.00
2253 1.0% FNMA 11/29/17		500,000.00
2254 1.05 FHLB 1/17/18		500,000.00
2255 1.15% FNMA 2/28/18		500,000.00
2256 1.10% FHLMC 4/17/18		500,000.00
2257 1.15% FHLMC 4/25/18		500,000.00
2258 1.0% FNMA 4/30/18		500,000.00
2259 .70% FNMA 4/30/18		500,000.00
2260 1.0% FNMA 5/21/18		500,000.00
2261 1.17% FHLB 6/13/18		500,000.00
2262 1.40% FHLMC 6/26/18		500,000.00
2263 1.45% FHLB 6/27/18		500,000.00
2265 1.55% FHLMC 7/17/18		500,000.00
2266 1.93% FFCB 7/23/18		500,000.00
2270 2.28% FFCB 9/11/18		500,000.00
2271 2.05% FNMA 9/12/18	-500,000.00	
2272 2.15% FNMA 9/18/18	-500,000.00	
2273 2.20% FNMA 9/27/18	-500,000.00	
2274 1.81% FFCB 11/19/18		500,000.00
2275 2.0% FHLMC 1/16/19		500,000.00
PORTFOLIO BALANCE AS OF MARCH 2014	63,861,038.22	63,861,038.22

INTEREST EARNINGS	13-14 FISCAL YEAR-TO-DATE	
EARNINGS BALANCE As of Mar. 1, 2014		215,380.43
CERTIFICATES OF DEPOSIT INT.	7,957.22	
OTHER GOVERNMENT SECURITIES	48,250.00	
CITIBANK MONEY MARKET ACCOUNT	132.51	
CITIBANK MONEY MARKET ACCOUNT 3	727.06	
BANK OF NY MONEY MARKET ACCT.	4.50	
ADJUSTMENT	-0.20	
LOCAL AGENCY INVESTMENT FUNDS		
City of Hemet Interest		
City of Hemet Interest		
MONTHLY EARNINGS TOTAL	57,071.09	57,071.09
MEMO ONLY:		
MERCHANT BANK CHG.	-2,764.29	
LIBRARY CREDIT CARD FEES	-296.46	
ARMORED CAR	-410.21	
ASSET SEIZURE FUNDS		
Charges as of Feb. 1, 2014	-30,150.62	
	-33,621.58	
13-14 YEAR-TO-DATE INTEREST EARNINGS		272,451.62

**CITY OF HEMET
Portfolio Management
Portfolio Summary
March 31, 2014**

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Certificates of Deposit - Bank	2,723,000.00	2,757,616.49	2,723,000.00	4.26	1,462	596	1.408	1.428
Managed Pool Accounts	33,180,908.45	33,180,908.45	33,180,908.45	51.95	1	1	0.256	0.260
Passbook/Checking Accounts	8,745,129.97	8,745,129.97	8,745,129.97	13.69	1	1	0.361	0.366
Local Government Bonds	3,495,000.00	3,570,351.30	3,488,764.94	5.46	1,552	667	4.296	4.356
Medium Term Notes	1,500,000.00	1,499,745.00	1,513,867.40	2.37	1,719	1,478	1.460	1.480
Federal Agency Issues - Coupon	9,500,000.00	9,402,090.00	9,500,000.00	14.87	1,826	1,474	1.297	1.315
Negotiable CDs	4,717,000.00	4,729,501.54	4,717,000.00	7.39	1,672	1,160	1.302	1.320
Investments	63,861,038.42	63,885,342.75	63,868,670.76	100.00%	584	402	0.801	0.812

Cash and Accrued Interest

Accrued Interest at Purchase		13,515.28	13,515.28					
Subtotal		13,515.28	13,515.28					
Total Cash and Investments	63,861,038.42	63,898,858.03	63,882,186.04		584	402	0.801	0.812

Total Earnings	March 31 Month Ending	Fiscal Year To Date
Current Year	43,073.39	373,715.49
Average Daily Balance	63,613,714.58	
Effective Rate of Return	0.80%	

JUDITH L. OLTMAN, TREASURER

Reporting period 03/01/2014-03/31/2014

Run Date: 05/20/2014 - 14:57

Portfolio COFH
AP
PM (PRF_PM1) 7.3.0
Report Ver. 7.3.5

CITY OF HEMET
Portfolio Management
Portfolio Details - Investments
March 31, 2014

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Certificates of Deposit - Bank												
02004MB51	3124	Ally Bank		07/30/2010	247,000.00	253,572.67	247,000.00	2.450		2.451	485	07/30/2015
02587DCK2	3138	AMERICAN EXPRESS CENTURIAN		08/25/2011	248,000.00	248,930.52	248,000.00	1.150		1.151	146	08/25/2014
06740KEX1	3146	BARCLAYS BANK DE		12/07/2011	247,000.00	253,672.48	247,000.00	1.900		1.902	981	12/07/2016
05568PYZ4	3130	BMW BANK OF NORTH AMERICA, UT		10/22/2010	248,000.00	249,772.18	248,000.00	1.550		1.551	204	10/22/2014
SYS3174	3174	BANK OF HEMET		09/06/2013	494,000.00	494,000.00	494,000.00	0.500		0.500	889	09/06/2016
SYS3144	3144	BANK OF THE WEST		10/12/2011	249,000.00	254,892.04	249,000.00	1.750		1.750	925	10/12/2016
SYS3136	3136	CIT BANK		08/24/2011	247,000.00	253,284.25	247,000.00	1.800		1.800	876	08/24/2016
SYS3134	3134	DISCOVER BANK		08/24/2011	248,000.00	248,000.00	248,000.00	1.050		1.050	146	08/25/2014
36160WVR7	3132	G.E. Capital Financial, Inc.		08/12/2011	247,000.00	253,492.35	247,000.00	1.850		1.850	864	08/12/2016
SYS3140	3140	GOLDMAN SACHS		08/31/2011	248,000.00	248,000.00	248,000.00	1.200		1.200	154	09/02/2014
Subtotal and Average			2,723,000.00		2,723,000.00	2,757,616.49	2,723,000.00			1.428	596	
Managed Pool Accounts												
SYS1001	1001	LOCAL AGENCY INVESTMENT FUND			33,179,030.04	33,179,030.04	33,179,030.04	0.260		0.260	1	
SYS1002	1002	LOCAL AGENCY INVEST. FUND			1,878.41	1,878.41	1,878.41	0.260		0.260	1	
Subtotal and Average			33,180,908.45		33,180,908.45	33,180,908.45	33,180,908.45			0.260	1	
Passbook/Checking Accounts												
SYS5009	5009	BANK OF NEW YORK			1,556,489.97	1,556,489.97	1,556,489.97			0.000	1	
SYS5001	5001	Citibank			1,058,982.19	1,058,982.19	1,058,982.19	0.450		0.450	1	
SYS5003	5003	CITIBANK			0.00	0.00	0.00	3.050		3.050	1	
SYS5004	5004	CITIBANK3			5,929,657.81	5,929,657.81	5,929,657.81	0.450		0.450	1	
SYS5011	5011	RABOBANK		02/28/2013	200,000.00	200,000.00	200,000.00	0.260		0.260	1	
SYS5002	5002	UNION BANK OF CALIFORNIA		07/01/2013	0.00	0.00	0.00	0.012		0.012	1	
Subtotal and Average			8,219,468.88		8,745,129.97	8,745,129.97	8,745,129.97			0.366	1	
Local Government Bonds												
423542KL2	5006	HEMET UNIFIED SCHOOL DISTRICT		07/22/2010	2,000,000.00	2,057,000.00	1,994,940.98	5.375		5.609	456	07/01/2015
533020DC4	5012	CITY OF LINCOLN		03/02/2013	995,000.00	1,017,626.30	995,000.00	3.000		3.000	519	09/02/2015
650035J66	5015	NEW YORK STATE REVENUE BONDS		03/25/2014	500,000.00	495,725.00	498,823.96	2.000		2.050	1,809	03/15/2019
Subtotal and Average			3,102,420.57		3,495,000.00	3,570,351.30	3,488,764.94			4.356	667	
Medium Term Notes												
36962G7G3	5014	G.E. CAPITAL CORP.		03/14/2014	500,000.00	508,450.00	510,265.39	2.300		1.932	1,749	01/14/2019

CITY OF HEMET
Portfolio Management
Portfolio Details - Investments
March 31, 2014

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Medium Term Notes												
68389XAN5	5010	ORACLE		03/28/2013	500,000.00	496,070.00	500,859.97	1.200		1.150	1,293	10/15/2017
94974BFG0	5013	WELLS FARGO		04/26/2013	500,000.00	495,225.00	502,742.04	1.500		1.350	1,386	01/16/2018
Subtotal and Average			1,299,948.94		1,500,000.00	1,499,745.00	1,513,867.40			1.480	1,478	
Federal Agency Issues - Coupon												
3133ECV43	2266	FEDERAL FARM CREDIT BANKS		07/23/2013	500,000.00	501,725.00	500,000.00	1.930		1.930	1,574	07/23/2018
3133ECZB3	2270	FEDERAL FARM CREDIT BANKS		09/11/2013	500,000.00	502,325.00	500,000.00	2.280		2.280	1,624	09/11/2018
3133EDA51	2274	FEDERAL FARM CREDIT BANKS		11/19/2013	500,000.00	500,065.00	500,000.00	1.810		1.810	1,693	11/19/2018
313381MV4	2254	FEDERAL HOME LOAN BANK		01/17/2013	500,000.00	491,510.00	500,000.00	1.050		1.050	1,387	01/17/2018
313383GY1	2261	FEDERAL HOME LOAN BANK		06/13/2013	500,000.00	489,955.00	500,000.00	1.170		1.170	1,534	06/13/2018
313383JZ53	2263	FEDERAL HOME LOAN BANK		06/27/2013	500,000.00	493,150.00	500,000.00	1.450		1.450	1,548	06/27/2018
3134G37C8	2256	FEDERAL HOME LOAN MTG ASSOC.		04/17/2013	500,000.00	490,185.00	500,000.00	1.100		1.100	1,477	04/17/2018
3134G37H7	2257	FEDERAL HOME LOAN MTG ASSOC.		04/25/2013	500,000.00	490,870.00	500,000.00	1.150		1.150	1,485	04/25/2018
3134G47G7	2262	FEDERAL HOME LOAN MTG ASSOC.		06/26/2013	500,000.00	492,600.00	500,000.00	1.400		1.400	1,547	06/26/2018
3134G4BG2	2265	FEDERAL HOME LOAN MTG ASSOC.		07/17/2013	500,000.00	494,915.00	500,000.00	1.550		1.550	1,568	07/17/2018
3134G4S74	2275	FEDERAL HOME LOAN MTG ASSOC.		01/16/2014	500,000.00	502,125.00	500,000.00	2.000		2.000	1,751	01/16/2019
3136G0GA3	2249	FEDERAL NTL MORTGAGE ASSOC.		05/16/2012	500,000.00	500,670.00	500,000.00	1.200		1.200	1,141	05/16/2017
3136G0NY3	2251	FEDERAL NTL MORTGAGE ASSOC.		06/27/2012	500,000.00	498,185.00	500,000.00	1.050		1.050	1,183	06/27/2017
3135G0NF6	2252	FEDERAL NTL MORTGAGE ASSOC.		08/21/2012	500,000.00	496,085.00	500,000.00	1.000		1.000	1,238	08/21/2017
3136G04U2	2253	FEDERAL NTL MORTGAGE ASSOC.		11/29/2012	500,000.00	493,750.00	500,000.00	1.000		1.000	1,338	11/29/2017
3135G0UN1	2255	FEDERAL NTL MORTGAGE ASSOC.		02/28/2013	500,000.00	494,830.00	500,000.00	1.150		1.146	1,429	02/28/2018
3135G0WN9	2258	FEDERAL NTL MORTGAGE ASSOC.		04/30/2013	500,000.00	488,185.00	500,000.00	1.000		1.000	1,490	04/30/2018
3136G1LB3	2259	FEDERAL NTL MORTGAGE ASSOC.		04/30/2013	500,000.00	492,305.00	500,000.00	0.700		0.700	1,490	04/30/2018
3135G0XG3	2260	FEDERAL NTL MORTGAGE ASSOC.		05/21/2013	500,000.00	488,655.00	500,000.00	1.000		1.000	1,511	05/21/2018
Subtotal and Average			10,370,967.74		9,500,000.00	9,402,090.00	9,500,000.00			1.315	1,474	
Negotiable CDs												
02437PAG8	3173	AMERICAN NATIONAL BANK DALLAS		08/12/2013	248,000.00	248,000.00	248,000.00	1.250		1.251	1,229	08/12/2017
0606247B3	3176	BANK OF BARODA N.Y.		11/12/2013	248,000.00	248,000.00	248,000.00	2.150		2.151	1,687	11/13/2018
856284-E3-4	3147	BANK OF INDIA NEW YORK		04/27/2012	248,000.00	255,248.79	248,000.00	2.000		2.001	1,122	04/27/2017
106895AY1	3161	BREMER BANK GRAND FORKS, MN		06/22/2012	249,000.00	249,656.24	249,000.00	1.200		1.217	1,178	06/22/2017
10700QBC7	3160	BREMER BANK OF MOORHEAD ND		06/22/2012	249,000.00	249,656.24	249,000.00	1.200		1.217	1,178	06/22/2017
107003AK1	3162	BREMER BANK NA		06/28/2012	249,000.00	249,656.24	249,000.00	1.200		1.217	1,184	06/28/2017
17037TDV6	3169	CHOICE FINANCIAL GROUP		11/20/2012	248,000.00	245,314.18	248,000.00	1.000		1.001	1,329	11/20/2017
20033AAG13	3168	COMENITY CAPITAL BANK		10/25/2012	249,000.00	247,105.56	249,000.00	1.050		1.065	1,303	10/25/2017

Portfolio COFH

AP

CITY OF HEMET
Portfolio Management
Portfolio Details - Investments
March 31, 2014

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Negotiable CDs												
20451PEN2	3175	COMPASS BANK		09/25/2013	247,000.00	250,950.07	247,000.00	2.000		2.001	1,638	09/25/2018
20786AAL9	3177	CONNECTONE BANK N.J.		12/13/2013	247,000.00	248,390.61	247,000.00	1.850		1.851	1,717	12/13/2018
29976DNY2	3166	EVERBANK		10/15/2012	248,000.00	248,000.00	248,000.00	1.000		1.001	1,294	10/16/2017
373128DS3	3167	GEORGIA BANK AND TRUST		10/17/2012	249,000.00	246,678.97	249,000.00	1.000		1.014	1,295	10/17/2017
36159CRZ1	3126	GE Money Bank		07/30/2010	247,000.00	253,406.69	247,000.00	2.400		2.400	485	07/30/2015
48124JSB5	3171	JP MORGAN CHASE BANK		01/28/2013	248,000.00	248,000.00	248,000.00	0.850		0.850	1,398	01/28/2018
7865803L2	3164	SAFRA NATIONAL BANK		09/27/2012	249,000.00	249,000.00	249,000.00	0.800		0.800	545	09/28/2015
795450NR2	3163	SALLIE MAE		07/25/2012	248,000.00	248,000.00	248,000.00	1.200		1.200	482	07/27/2015
84603M2W5	3165	SOVEREIGN BANK		10/03/2012	249,000.00	249,587.04	249,000.00	0.750		0.750	185	10/03/2014
909557CL2	3170	United Bankers' Bank		11/29/2012	249,000.00	246,850.91	249,000.00	1.100		1.115	1,338	11/29/2017
94986TMF1	3172	WELLS FARGO		03/28/2013	248,000.00	248,000.00	248,000.00	1.000		1.000	1,457	03/28/2018
Subtotal and Average			4,717,000.00		4,717,000.00	4,729,501.54	4,717,000.00			1.320	1,160	
Total and Average			63,613,714.58		63,861,038.42	63,885,342.75	63,868,670.76			0.812	402	

CITY OF HEMET
Portfolio Management
Portfolio Details - Cash
March 31, 2014

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity
Average Balance			0.00	Accrued Interest at Purchase		13,515.28	13,515.28				0
				Subtotal		13,515.28	13,515.28				
Total Cash and Investments			63,613,714.58		63,861,038.42	63,898,858.03	63,882,186.04			0.812	402

CITY OF HEMET
Received Interest
Sorted by Issuer
Received March 1, 2014 - March 31, 2014

Issuer	CUSIP	Investment #	Security Type	Par Value	Current Rate	Interest																									
						Date Due	Date Received	Amount Due	Amount Received	Variance																					
BANK OF HEMET	SYS3174	3174	BCD	494,000.00	0.500	03/06/2014	03/11/2014	189.48	189.48	-																					
								Subtotal	189.48	189.48																					
BANK OF THE WEST	SYS3144	3144	BCD	249,000.00	1.750	03/12/2014	03/13/2014	334.27	334.28	0.01																					
								Subtotal	334.27	334.28																					
BREMER BANK GRAND FORKS, MN	106895AY1	3161	NC2	249,000.00	1.200	03/22/2014	03/24/2014	232.40	229.22	-3.18																					
								Subtotal	232.40	229.22																					
BREMER BANK OF MOORHEAD ND	10700QBC7	3160	NC2	249,000.00	1.200	03/22/2014	03/22/2014	232.40	229.22	-3.18																					
								Subtotal	232.40	229.22																					
BREMER BANK NA	107003AK1	3162	NC2	249,000.00	1.200	02/28/2014	03/03/2014	257.30	253.78	-3.52																					
								107003AK1	3162	NC2	249,000.00	1.200	03/28/2014	03/31/2014	232.40	229.22	-3.18														
															Subtotal	489.70	483.00														
COMENITY CAPITAL BANK	20033AAG13	3168	NC2	249,000.00	1.050	03/25/2014	03/26/2014	203.35	200.56	-2.79																					
								Subtotal	203.35	200.56																					
COMPASS BANK	20451PEN2	3175	NC2	247,000.00	2.000	03/25/2014	03/26/2014	2,449.70	2,449.70	-																					
								Subtotal	2,449.70	2,449.70																					
CONNECTONE BANK N.J.	20786AAL9	3177	NC2	247,000.00	1.850	03/13/2014	03/17/2014	350.54	350.54	-																					
								Subtotal	350.54	350.54																					
FEDERAL FARM CREDIT BANKS	3133ECZB3	2270	FAC	500,000.00	2.280	03/11/2014	03/11/2014	5,700.00	5,700.00	-																					
								Subtotal	5,700.00	5,700.00																					
FEDERAL NTL MORTGAGE ASSOC.	3135G0UN1	2255	FAC	500,000.00	1.150	02/28/2014	03/03/2014	2,843.06	2,875.00	31.94																					
								3136G1SB6	2268	FAC	0.00	2.000	02/28/2014	03/03/2014	5,000.00	5,000.00	-														
															3136G1TN9	2271	FAC	0.00	2.050	03/12/2014	03/12/2014	5,125.00	5,125.00	-							
																						3136G1U64	2272	FAC	0.00	2.150	03/18/2014	03/18/2014	5,375.00	5,375.00	-
																													3136G1VG1	2273	FAC

CITY OF HEMET
 Received Interest
 Received March 1, 2014 - March 31, 2014

Issuer	CUSIP	Investment #	Security Type	Par Value	Current Rate			Interest		Variance
						Date Due	Date Received	Amount Due	Amount Received	
							Subtotal	23,843.06	23,875.00	
GEORGIA BANK AND TRUST	373128DS3	3167	NC2	249,000.00	1.000	03/17/2014	03/18/2014	193.67	191.01	-2.66
							Subtotal	193.67	191.01	
GOLDMAN SACHS	SYS3140	3140	BCD	248,000.00	1.200	02/28/2014	03/03/2014	1,488.00	1,475.77	-12.23
							Subtotal	1,488.00	1,475.77	
CITY OF LINCOLN	533020DC4	5012	NCB	995,000.00	3.000	03/02/2014	03/04/2014	14,925.00	14,925.00	-
							Subtotal	14,925.00	14,925.00	
SAFRA NATIONAL BANK	7865803L2	3164	NC2	249,000.00	0.800	03/27/2014	03/31/2014	996.00	987.81	-8.19
							Subtotal	996.00	987.81	
United Bankers' Bank	909557CL2	3170	NC2	249,000.00	1.100	02/28/2014	03/03/2014	235.86	225.12	-10.74
							Subtotal	235.86	225.12	
WELLS FARGO	94974BFG0	5013	MTN	500,000.00	1.500	01/16/2014	03/19/2014	3,750.00	3,750.00	-
	94986TMF1	3172	NC2	248,000.00	1.000	03/28/2014	03/31/2014	611.51	611.51	-
							Subtotal	4,361.51	4,361.51	
							Total	56,224.94	56,207.22	
							Total Cash Overpayment	31.95		
							Total Cash Shortfall	-49.67		

CITY OF HEMET
 Received Interest
 Received March 1, 2014 - March 31, 2014

Issuer	CUSIP	Investment #	Security Type	Par Value	Current Rate	Date Received	Interest
							Amount Received
Cash Accounts							
BANK OF NEW YORK	SYS5009	5009	PA1	1,561,994.53		03/03/2014	4.50
						Subtotal	4.50
Citibank	SYS5001	5001	PA1	1,058,632.06	0.450	03/31/2014	132.51
						Subtotal	132.51
CITIBANK3	SYS5004	5004	PA1	5,928,930.75	0.450	03/31/2014	727.06
						Subtotal	727.06
						Total	864.07

Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001
CITY OF HEMET

www.treasurer.ca.gov/pmia-laif
May 20, 2014

CITY TREASURER
445 EAST FLORIDA AVENUE
HEMET, CA 92543-4209

PMIA Average Monthly Yields

Account Number:
98-33-362

Tran Type Definitions

March 2014 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	33,179,030.04
Total Withdrawal:	0.00	Ending Balance:	33,179,030.04

Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

www.treasurer.ca.gov/pmia-laif
May 20, 2014

HEMET :

TREASURER
445 EAST FLORIDA AVENUE
HEMET, CA 92543-4209

PMIA Average Monthly Yields

Account Number:
65-33-006

Tran Type Definitions

March 2014 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	1,878.41
Total Withdrawal:	0.00	Ending Balance:	1,878.41

HEMET REDEVELOPMENT AGENCY
Cash W/Fiscal Agent: US BANK and LAIF
1999 TAX ALLOCATION BONDS/RDA

Date	Activity	98510810 496-1502 Interest Fund	98510811 Principal Fund	98510812 Sinking Fund	98510813 496-1503 Reserve Fund	98510814 Redemption Fund	98510815 390-1502 Cost of Issuance	RDA 390-1503 Acquisition Fund	TOTAL All Accounts
	BALANCE	0.00	0.00	0.00	605,149.30	0.00	0.00	(0.00)	605,149.30
7/31/2013	Interest								0.00
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Payment								0.00
	BALANCE	0.00	0.00	0.00	605,149.30	0.00	0.00	(0.00)	605,149.30
8/31/2013	Interest								0.00
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Payment								0.00
	BALANCE	0.00	0.00	0.00	605,149.30	0.00	0.00	(0.00)	605,149.30
9/30/2013	Interest				0.53				0.53
	Interfund transfer	(2,028.77)			2,028.77				0.00
	Debt Service from City of Hemet	466,505.02							466,505.02
	Debt Service Payment	(464,476.25)							(464,476.25)
	BALANCE	0.00	0.00	0.00	607,178.60	0.00	0.00	(0.00)	607,178.60
10/31/2013	Interest	0.36	0.66		7.99				9.01
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Payment								0.00
	BALANCE	0.36	0.66	0.00	607,186.59	0.00	0.00	(0.00)	607,187.61
11/30/2013	Interest				8.26				8.26
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Payment								0.00
	BALANCE	0.36	0.66	0.00	607,194.85	0.00	0.00	(0.00)	607,195.87
12/31/2013	Interest				8.00				8.00
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Payment								0.00
	BALANCE	0.36	0.66	0.00	607,202.85	0.00	0.00	(0.00)	607,203.87
1/31/2014	Interest				8.26				8.26
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Payment								0.00
	BALANCE	0.36	0.66	0.00	607,211.11	0.00	0.00	(0.00)	607,212.13
2/28/2014	Interest				8.26				8.26
	Interfund transfer								0.00
	Debt Service from City of Hemet								0.00
	Debt Service Payment								0.00
	BALANCE	0.36	0.66	0.00	607,219.37	0.00	0.00	(0.00)	607,220.39
3/31/2014	Interest				7.46				7.46
	Interfund transfer	48.23			(48.23)				0.00
	Debt Service from City of Hemet	157,760.12							157,760.12
	Debt Service Payment	(157,801.25)							(157,801.25)
	BALANCE	7.46	0.66	0.00	607,178.60	0.00	0.00	(0.00)	607,186.72

First American Treas Oblig CL D Corp Tr
Money Market/RDA

607,186.72

607,186.72

0.00

CITY OF HEMET
Cash W/Fiscal Agent: US BANK
2006 Refunding Bonds Series Heartland Project

Date	Activity	103852000 788-1508 Bond	103852001 788-1508 Prepayment	103852002 Special	103852003 788-1510 Escrow	103852004 788-1502 Cost of	103852005 788-1506 Reserve	TOTAL	
	BALANCE	0.00	189,385.68	2,295,930.78	10,736.85	0.00	0.00	466,136.25	2,962,189.56
1/31/2014	Interest								0.00
	Transfer funds								0.00
	City of Hemet		419,594.72						419,594.72
	Debt Service								0.00
	Khov prepay (31 lots)								0.00
	Trust fees								0.00
	BALANCE	0.00	189,385.68	2,715,525.50	10,736.85	0.00	0.00	466,136.25	3,381,784.28
2/28/2014	Interest								0.00
	Transfer funds	69,660.57	(58,923.72)	(10,736.85)					0.00
	City of Hemet								0.00
	Debt Service								0.00
	Khov prepay (31 lots)								0.00
	Trust fees								0.00
	BALANCE	0.00	259,046.25	2,656,601.78	(0.00)	0.00	0.00	466,136.25	3,381,784.28
3/31/2014	Interest								0.00
	Transfer funds	(259,046.25)							(259,046.25)
	City of Hemet								0.00
	Debt Service								0.00
	Khov prepay (31 lots)								0.00
	Trust fees								0.00
	BALANCE	0.00	0.00	2,656,601.78	(0.00)	0.00	0.00	466,136.25	3,122,738.03
	First American Treasury Oblig		3,122,738.03						
	US Treasury Notes, various								not carried on COH books
	Misc Assets		1.00						
			<u>3,122,739.03</u>						
	Cash held by FA, net of Escrow acct		3,122,738.03						
			0.00						

CITY OF HEMET
Cash W/Fiscal Agent: US BANK
2006 Refunding Bonds Series Heartland Project

Date	Activity	103852000 788-1508 Bond	103852001 788-1508 Prepayment	103852002 Special	103852003 788-1510 Escrow	103852004 788-1502 Cost of	103852005 788-1506 Reserve	TOTAL	
	BALANCE	0.00	857,031.93	2,283,323.34	10,736.85	0.00	0.00	466,136.25	3,617,228.37
7/31/2013	Interest								0.00
	Transfer funds								0.00
	City of Hemet								0.00
	Debt Service								0.00
	Khov prepay (31 lots)								0.00
	Trust fees								0.00
	BALANCE	0.00	857,031.93	2,283,323.34	10,736.85	0.00	0.00	466,136.25	3,617,228.37
8/31/2013	Interest								0.00
	Transfer funds								0.00
	City of Hemet								0.00
	Debt Service								0.00
	Khov prepay (31 lots)								0.00
	Trust fees								0.00
	BALANCE	0.00	857,031.93	2,283,323.34	10,736.85	0.00	0.00	466,136.25	3,617,228.37
9/30/2013	Interest								0.00
	Transfer funds								0.00
	City of Hemet		12,607.44						12,607.44
	Debt Service	(667,646.25)							(667,646.25)
	Khov prepay (31 lots)								0.00
	Trust fees								0.00
	BALANCE	0.00	189,385.68	2,295,930.78	10,736.85	0.00	0.00	466,136.25	2,962,189.56
10/31/2013	Interest								0.00
	Transfer funds								0.00
	City of Hemet								0.00
	Debt Service								0.00
	Khov prepay (31 lots)								0.00
	Trust fees								0.00
	BALANCE	0.00	189,385.68	2,295,930.78	10,736.85	0.00	0.00	466,136.25	2,962,189.56
11/30/2013	Interest								0.00
	Transfer funds								0.00
	City of Hemet								0.00
	Debt Service								0.00
	Khov prepay (31 lots)								0.00
	Trust fees								0.00
	BALANCE	0.00	189,385.68	2,295,930.78	10,736.85	0.00	0.00	466,136.25	2,962,189.56
12/31/2013	Interest								0.00
	Transfer funds								0.00
	City of Hemet								0.00
	Debt Service								0.00
	Khov prepay (31 lots)								0.00
	Trust fees								0.00



#9

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**CITY OF HEMET
Hemet, California
ORDINANCE BILL NO. 14-014**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET CALIFORNIA AMENDING PORTIONS OF HEMET MUNICIPAL CODE CHAPTER 90 (ZONING) TO UPDATE ARTICLE VII (AGRICULTURE ZONES), ARTICLE XXXIII (OPEN SPACE ZONE), AND ARTICLE III, SECTION 90-77 (ANIMAL REGULATIONS AND KEEPING REQUIREMENTS) TO ACHIEVE COMPLIANCE WITH THE HEMET GENERAL PLAN AS PART OF THE CITY'S GENERAL PLAN CONSISTENCY ZONING PROGRAM.

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

WHEREAS, the Planning Division is in the process bringing the zoning ordinance into compliance with the General Plan in accordance with State law; and

WHEREAS, the amendment updates zoning code requirements to meet industry standards and General Plan goals and policies; and

WHEREAS, approval of these zoning ordinance amendments will not detrimentally affect the health, safety, or welfare of residents of the City of Hemet; and

WHEREAS, on April 15, 2014, the Planning Commission was presented with a draft of this Ordinance Bill No. 14-014 and, after conducting a duly noticed public hearing, voted to recommend that the City Council approved Ordinance Bill No. 14-014

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET DOES HEREBY ORDAIN AS FOLLOWS:

1 **SECTION 1: AMENDMENT OF CHAPTER 90**

2 Chapter 90 (Zoning) is to be amended as shown in Exhibits "A1", "A2", and "A3"
3 hereto.

4 **SECTION 2: CEQA FINDINGS.**

5 This Ordinance is exempt from the California Environmental Quality Act ("CEQA")
6 under CEQA Guideline 15061(b)(3) because it can be said with certainty that there is no
7 possibility the proposed Ordinance may have a significant effect on the environment.
8 The proposed Ordinance does not relate to any physical project and will not result in any
9 physical change to the environment. Additionally, the proposed land use designations
10 were analyzed by the environmental impact report prepared for the comprehensive
11 update to the Hemet General Plan and adopted in January 2012. Therefore, it can be
12 seen with certainty that there is no possibility that this Ordinance may have a significant
13 adverse effect on the environment and, therefore, the adoption of this Ordinance is
14 exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

15 **SECTION 3: SEVERABILITY.**

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

24 **SECTION 4: EFFECTIVE DATE.**

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

27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECTION 5: PUBLICATION.

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

INTRODUCED at the regular meeting of Hemet City Council on the 13th day of May, 2014.

APPROVED AND ADOPTED this 27th day of May, 2014.

Larry Smith, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah McComas, City Clerk

Eric S. Vail, City Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Ordinance was introduced and first read on the 13th day of May, 2014, and had its second reading at the regular meeting of the Hemet City Council on the 27th day of May, 2014, and was passed by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Sarah McComas, City Clerk

ARTICLE VII. - AGRICULTURE ZONES

Sec. 90-181. - Purposes.

Sec. 90-182- Zones Established

Sec. 90-~~182~~ **183.** - Permitted uses.

Sec. 90-~~183~~ **184.** - Reserved.

Sec. 90-184 **185.** - General requirements.

Sec. 90-~~185~~ **186.** - Site development requirements.

Sec. 90-187. – Site development review requirements.

Sec. 90-188. - Performance standards.

Sec. 90-189. - Appeals

Secs. 90-~~186~~ **190—90-210.** - Reserved.

Sec. 90-181. - Purposes.

The purpose of the agricultural zones is to:

- (1) Provide appropriate areas for the **managed production of agricultural resources** ~~continuation of agriculture as a business and a way of life~~ on land of sufficient size.
- (2) **Provide for the orderly development of large areas of open land which will have a definite public value as open space or which have been intended for eventual development, pending proper timing for the economical provision of utilities, major streets and other facilities.**
- (3) Implement the intention of the underlying land use designation of the General Plan.

Sec. 90-182. – Zone Established

The Agriculture zones are established in accordance with the standards of this article and as shown on the official zoning map pursuant to Sec. 90-6.

(1)

~~A—Agriculture zone: To provide for the orderly development of large areas of open land which will have a definite public value as open space or which have been intended for eventual development, pending proper timing for the economical provision of utilities, major streets and other facilities, so that orderly development will occur. It is also the purpose to provide appropriate areas for the establishment of light agricultural uses.~~

(2 1)

~~A-1-C—Light agricultural zone: To provide appropriate areas for the continued managed production of agricultural resources and associated uses for the establishment of light agricultural land uses in a manner consistent with county standards~~ **or for eventual development consistent with the land use designation of the General Plan.**

(3 2)

~~A-2-C—Heavy agricultural zone: To provide appropriate areas for the establishment of heavy agricultural land uses in a manner consistent with county standards~~ **at two minimum lot sizes:**

1. **A-2-5: five acre minimum lot size**
2. **A-2-10: ten acre minimum lot size**

(Ord. No. 1552, § 2)

Sec. 90-182~~182~~183. - Permitted uses.

In the A zones, permitted and conditionally permitted uses shall be as listed within the "Land Use Matrix." Whenever a business is conducted, even if it is a home occupation, a city business license is required pursuant to chapter 18. **All other uses not specifically listed in the matrix shall be interpreted as not permitted unless a Similar Use Determination is made by the Community Development Director pursuant to Sec 90-3. Uses located within the Hemet-Ryan Airport Influence Area are subject to the requirements of the Riverside County Airport Land Use Plan.**

NOTE: THIS MATRIX TO BE REPLACED WITH THE MATRIX THAT FOLLOWS AGRICULTURAL LAND USE MATRIX				
P=Permitted Use — C=Conditionally Permitted Use				
		ZONE	A 1- G	A- 2- G
A.	Agricultural Uses			
1.	Above ground or underground vehicle fuel storage tanks for use with an on-going agricultural operation. Sale of fuel to the public is prohibited. Tanks shall be considered structures, they shall comply with setback requirements of the zone and shall be setback a minimum 100 feet from a Hemet Circulation Element Map road, and shall be screened from view from public streets. Requirements of the Uniform Fire Code and applicable state and federal laws shall be met.	P	P	P
2.	Aircraft landing strip or heliport pad for use in agricultural operations (Approval by the Riverside County Airport Land Use Commission may be required)			C
3.	All types of horticulture (excluding forestry operations) including, but not limited to apiaries and aviaries (in accordance with Chapter 10), farms, orchards:			
	a. Operated as a business	P	P	P
	b. Operated as part of a residential use	P	P	P
4.	Animal husbandry for commercial purposes including, but not limited to: the feeding, grazing, or keeping for sale, breeding (including experimental), and, by products of cattle, horses, sheep and/or goats, chinchilla, fish or frogs, and rabbits. Hogs are specifically excluded (See section 90-182 A.9. for requirements).	P	P	P
5.	Animal shelters, large animal hospital, veterinary hospitals/offices	C	C	C
6.	Cattle (pen-fed operation)			C
7.	Chickens (see section 90-182 A.18.)			
8.	Dairy (The maximum number of cows will be determined based upon available land and normal dairy operations)			C
9.	Fairgrounds, including the usual associated commercial uses			C
10.	Fertilizer operation for farm animal manure including, but not limited to drying, stockpiling, and sale			C
11.	Fertilizer, storage of packaged dry	C	C	
12.	FFA (Future Farmers of America), 4-H (head, heart, hands, health) or similar projects conducted by the occupants of the premises (A no fee temporary use permit is required,	P	P	P

	see section 90-73. For animal keeping requirements see section 90-77).			
13.	Grange Hall		G	G
14.	Hogs (weaned and unweaned) raised for noncommercial purposes subject to the requirements of <u>section 90-77</u>		P	P
<u>15</u>	Hog ranch			C
<u>16</u>	Kennels for dogs and/or cats			
	a. Commercial (See <u>section 90-78</u> for requirements)		G	G
	b. Noncommercial on a minimum of one acre of land		G	P
17.	Menagerie (The number and type of animals shall be determined on the basis of available land and the proposed operation of the facility)		C	C
18.	Nurseries, greenhouses and gardening			
	a. Wholesale		P	P
	b. Retail		C	C
19.	Pigs, pigmy goats, miniature horses and other small animals		P	P
20.	Poultry (except turkeys, geese, and guinea fowl) chinchillas, hamsters, rabbits and other small animals, (See <u>section 90-188</u> for additional requirements).		P	P
21.	Poultry farm and operations (The maximum number of poultry shall be determined based upon the available land and the normal operation of a poultry farm)			C
<u>22</u>	Produce processing (grown on the premises, provided that buildings or structures used for processing operations such as canning, drying, packaging and freezing, are a minimum of 20 feet from all property lines).		P	P
23.	Produce processing grown off-premises			G
24.	Produce stands permanent (For temporary produce stands see <u>section 90-73.</u>)		G	G
25.	Slaughterhouse			G
<u>26</u>	Winery and incidental use including, but not limited to wine tasting, winery tours, and retail wine sales		C	C
<u>27</u>	Wildlife preserve and sanctuary		P	P
B.	Residential Uses			
1.	Bed and breakfast		G	G
2.	Family care home (state licensed) for mentally disordered, handicapped, dependent or neglected children, serving up to a maximum of six persons		P	P
3.	Family day care facility up to a maximum of 12 clients		P	P
4.	Guest house on the same site as an existing single-family home		P	P
5.	Home occupations subject to the requirement of <u>section 90-72</u>		P	P
6.	Household pets including, but not limited to dogs, pot belly pigs and cats (See <u>section 90-77</u>)		P	P
7.	Mobile homes as a caretaker residence		P	P
8.	Recreational vehicle park		C	C
9.	Rented room (one) within an existing single-family dwelling		P	P
10.	Residential care facility (state licensed) for the elderly serving up to a maximum of six persons		P	P

11	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 <u>section 90-315(a)</u>	P	P	P
12	Travel trailer park	G	G	G
C. Commercial Uses				
1.	Auction or sales yard	G	G	G
2.	Beauty shop		G	G
3.	Contractors equipment storage	G		
4.	Environmental cleanup and treatment systems (subject to a temporary use permit see <u>section 90-73</u>)	P	P	P
5.	Equipment used in agriculture, sales and repairs			G
6.	Feed store including tack and other similar items	G	G	G
7.	Meat cutting and packing			G
8.	Real estate sales office		G	G
9.	Truck station including, but not limited to cartage, storage, maintenance weighing or transfer of agricultural commodities			G
10.	Recycling facility – nonpermanent (subject to a temporary use permit see <u>section 90-73</u>)	P	P	P
11	Recycling facility – permanent	G	G	G
12	Dentist and doctor's office on the site of an existing single-family home		G	
13.	Commercial recording studio on the site of an existing single-family home		G	
D. Manufacturing Uses				
1.	Oil production (excluding refining or processing)		G	G
2.	Storage of petroleum products for use on the premises but not for resale	P	P	P
E. Recreation and Open Space Uses				
1.	Cemetery, crematorium, columbariums, and related facilities	G		
2.	Equestrian activities including, but not limited to riding academies, stables, and thoroughbred farms	G	G	P
3.	Game court – lighted (with ten-foot high court fencing)	G		
4.	Golf course and/or driving range	G		
5.	Hunt club including skeet ranges, trap ranges, and rifle ranges			G
6.	Lodge hall for civic, social, or fraternal organizations		G	G
7.	Recreation center, park, playground, unlighted game court (with ten-foot high court fencing) racquetball center, swim club	P	P	P
8.	Shooting range outdoor			G
9.	Skating rink, outdoor	G	G	G
F. Miscellaneous Uses				
1.	Church, temple-synagogue or other religious facility including, but not limited to, parish house, convent, parsonage, monastery, religious school	G	G	G
2.	Flood control facilities, including, but not limited to, detention and retention basins, flood control channels	P	P	P

3.	Mining, including extraction of sand, gravel and soil. A reclamation plan shall be included as part of the conditional use permit		C	C
4.	Museum		C	C
5.	Public facilities and utilities including but not limited to, electrical substations, transmission substations, city facilities, libraries and public offices	C	C	C
6.	School or college including, but not limited to art, business, cosmetology, craft, dance, music, professional, technical and trade	C	C	C
7.	Waterworks facility (public or private) for the production and distribution of water for irrigation	P	P	P
G. Accessory Uses				
1.	Accessory structures and uses located on the same site as a permitted use	P	P	P
2.	Accessory structures and uses located on the same site as a conditional use	C	C	C
3.	Antennas for microwave, cellular phones and the like	C	C	C
4.	Satellite dish antennas			
	a. <39 inches in diameter when ground or roof mounted meeting the requirements of section 90-184(a)	P	P	P
	b. >39 inches but less than eight feet in diameter when ground or roof mounted meeting the requirements of section 90-184(a)	P	P	P

(Ord. No. 1552, § 2, 1-28-97; Ord. No. 1566, § 2(A), 8-26-97; Ord. No. 1581, § 2, 2-24-98; Ord. No. 1591, § 1(1), 9-29-98)

AGRICULTURE (A) ZONE LAND USE MATRIX				
P = Permitted Use A = Administratively Permit Use C = Conditionally Permitted Use X = Not Permitted REQUIREMENTS: Additional or explanatory regulations or requirements				
LAND USE	A-1	A-2-5	A-2-10	REQUIREMENTS
A. Agriculture and Natural Resources				
1. Animal keeping	P	P	P	Sec. 90-77
2. Commercial crop production including fruits, vegetables, flowers, and ornamental plants	P	P	P	
3. Feed store including tack and other similar items	A	A	A	
4. Fertilizer operation for farm animal manure including but limited to drying, stockpiling, storage, and sale	X	C	C	
5. Produce processing (canning, drying, freezing, packing) of food grown on the premises	X	P	P	Article XLI
6. Produce stands				
a. Permanent	P	P	P	Article XLI
b. Temporary	P	P	P	Sec. 90-73
7. Winery for grapes grown on the premises and incidental uses such as wine tasting, tours,	C	C	C	

AGRICULTURE (A) ZONE LAND USE MATRIX				
P = Permitted Use A = Administratively Permit Use C = Conditionally Permitted Use X = Not Permitted REQUIREMENTS: Additional or explanatory regulations or requirements				
LAND USE	A-1	A-2-5	A-2-10	REQUIREMENTS
sales				
8. Wildlife preserve and sanctuary	P/C	P/C	P/C	Sec. 10-3 and Sec. 90-77. A CUP is required if any exotic animals are associated with the use.
B. Residential Uses				
1. Farmworker housing of up to 36 beds or 12 family units as a component of an agricultural use pursuant to Health and Safety Code §§ 17021.6 and 50199.7	P	P	P	Not subject to the maximum density requirements of Sec. 90-185
2. Secondary dwelling unit	P	P	P	Sec. 90-316(g)
3. Single family home	P	P	P	
C. Residential – Other				
1. Animal keeping	P	P	P	Sec. 90-77
2. Home occupations	P	P	P	Sec. 90-72
3. Residential accessory uses and structures	P	P	P	Sec. 90-186(e)
D. Education, Public Assembly, and Recreation Uses				
1. Fairgrounds	X	C	C	
2. Equestrian activities	A	P	P	
3. Commercial recreation	C	C	C	
E. Service Uses				
1. Animal Services				
a. Boarding/Training – day only	P	P	P	
b. Boarding/Training – overnight stays	A	P	P	
c. Grooming	A	P	P	
d. Veterinary clinic, animal hospital	C	C	C	
2. Bed and breakfast inn	C	C	C	
F. Industrial Uses				
1. Petroleum products distribution and storage for on-site agricultural use	X	P	P	
2. Mining, including extraction of sand, gravel, and soil.	X	C	C	A mining and reclamation plan per State and County standards is required as part of the CUP process
G. Transportation, Communication, and Infrastructure Uses				
1. Flood control facilities, including, but not limited to detention and retention basins, flood control channels	P	P	P	

AGRICULTURE (A) ZONE LAND USE MATRIX				
P = Permitted Use A = Administratively Permit Use C = Conditionally Permitted Use X = Not Permitted REQUIREMENTS: Additional or explanatory regulations or requirements				
LAND USE	A-1	A-2-5	A-2-10	REQUIREMENTS
2. Public facilities and utilities including but not limited to electric substations, waterworks facilities, and public safety facilities.	C	C	C	
3. Satellite dish antenna	P	P	P	
4. Wireless communication facility				Article XLVI
a. Minor facility	A	A	A	
b. Major facility	C	C	C	

Sec. 90-483~~184~~. - Reserved.

Sec. 90-484~~185~~ - 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 California 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-ZONES MINIMUM DEVELOPMENT STANDARDS					
	ZONE A	A-1-C	A-2-5-C	A-2-10-C	REQUIREMENTS
1. Density (maximum units/gross acre) (Maximum number of single family dwelling units per lot)	None	None 1	None 1	None 1	Does not apply to farmworker housing or secondary units
2. Net Minimum lot area	20,000	20,000 1 acre	20,000 5 acres	20,000 10 acres	
3. Lot width		100	100	100	
a. Standard	100	100	100	100	
b. Cul-de-sac/knuckle	40	40	40	40	
c. Flag lots/width of flag	20	20	20	20	
4. Lot depth	150	150	150	150	
5. Front yard setback	20	20	20	20	
6. Rear yard setback	10	10	10	10	
7. Side yard setback		10	10	10	
a. Interior side	Five feet for each story				
b. Street side	10	10	10	10	
8. Lot coverage	None	None	None	None	
9. Habitable Building and	40	40;sub\sub;	40;sub\sub;	40;sub\sub;	

	structure height.				
10.	Parking required (see article XL)				Article XL
11.	Signing allowed (see article XXXVI)				Article XXXVI

~~Footnotes:~~

- ~~a. All buildings or structures in excess of 40 feet in height shall be permitted by conditional use permit pursuant to article XLIV.~~
 - ~~b. All buildings and structures, except for single-family homes, shall not exceed a height of 50 feet. A height of up to 75 feet for buildings or 105 feet for other structures may be specifically permitted by conditional use permit pursuant to article XLIV.~~
 - ~~c. For advertising only the sale of services or products produced on the premises, a unlighted sign, single or double-faced, not exceeding 12 square feet in area per face, is permitted. Flashing objects or banners are not permitted.~~
- (Ord. No. 1552, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98)

Sec. 90-485186. - Site development requirements.

- (a) Single-family dwellings standards, including manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 on permanent foundations, in any zone. The following standards shall be met for any single-family dwelling in any zone:
 - (1) **Structure design shall be consistent with the City's residential design guidelines and shall incorporate sustainable design features as reasonably feasible.** Exterior siding shall be of brick, wood, stucco, metal, concrete or other similar material. Glossy, reflective, polished and roll-formed type metal siding is expressly prohibited unless this requirement is modified pursuant to subsection (b) of this section.
 - (2) Eave overhangs shall be at least 12 inches up to a maximum of 30 inches.
 - (3) Roof material of the main dwelling and garage shall be of wood shingle, asphalt composition, crushed rock or other similar material. Glossy, reflective, polished and roll-formed type metal roofing is expressly prohibited unless this requirement is modified pursuant to subsection (b) of this section. Any roof mounted equipment including, but not limited to air conditioners, evaporation coolers, shall be architecturally screened from view.
 - (4) The minimum dwelling unit width shall be 20 feet.
 - (52) The floor elevation of the dwelling unit shall be as close as possible to grade level of the lot, while still permitting good drainage of water away from the dwelling unit.
 - (63) An enclosed storage area of not less than 175 cubic feet of interior area shall be provided within the garage or carport in the form of a loft or other usable area set aside specifically for storage purposes. This standard shall also apply to new garages or carports.
 - (7) **Modifications:** The city council may, without conducting a public hearing, approve a modification to the standards required in subsections (a)(1) through (6) of this section. In approving a modification, the city council shall find as follows:
 - a-

That such modification will enhance the architectural compatibility of the proposed dwelling with existing dwellings in the surrounding area.

b.

That such modification will enhance the public health or safety or is necessary to comply with other applicable regulations.

(b)

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.

(3)

On most lots the required yards shall be as defined in section 90-4. On lots of unusual shape the director shall determine the front, rear and side yard areas based upon the location of the entrance to the house, the address of the house, the floor plan of the house, the slope of the lot, and other similar considerations. The yards shall be indicated on a site plan and maintained on file along with the building permit. See Figure 1 below.

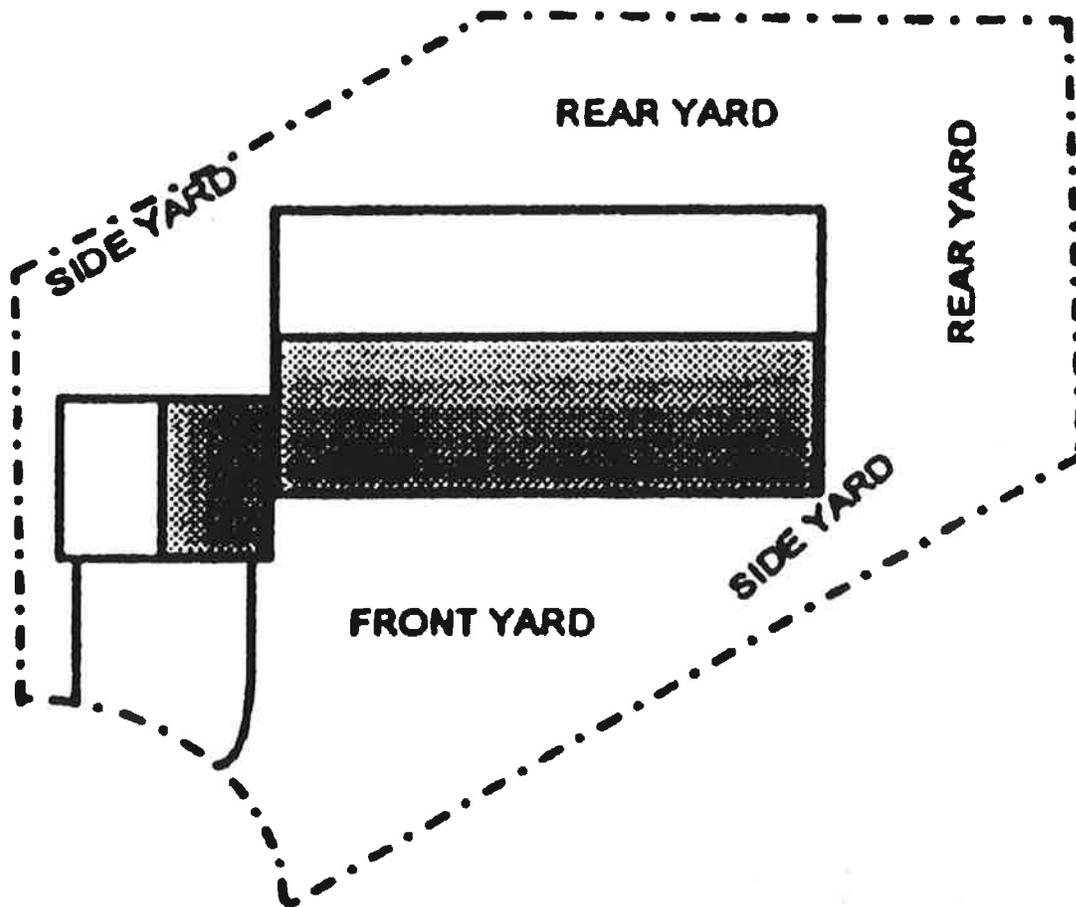


Figure 1: Unusually Shaped Lot ~~Figure 1 to be removed~~

(4)

On lots at the terminus of a cul-de-sac street and lots on the knuckle of a street the required setbacks of section 90-184(a) shall be an average of the closest and furthest setback from the proposed building. For example if the closest side yard setback is five feet and the furthest side yard setback on that same side is 15 feet, the average setback would be ten feet. In no case shall the required yard be less than five feet, see Figure 2 below.

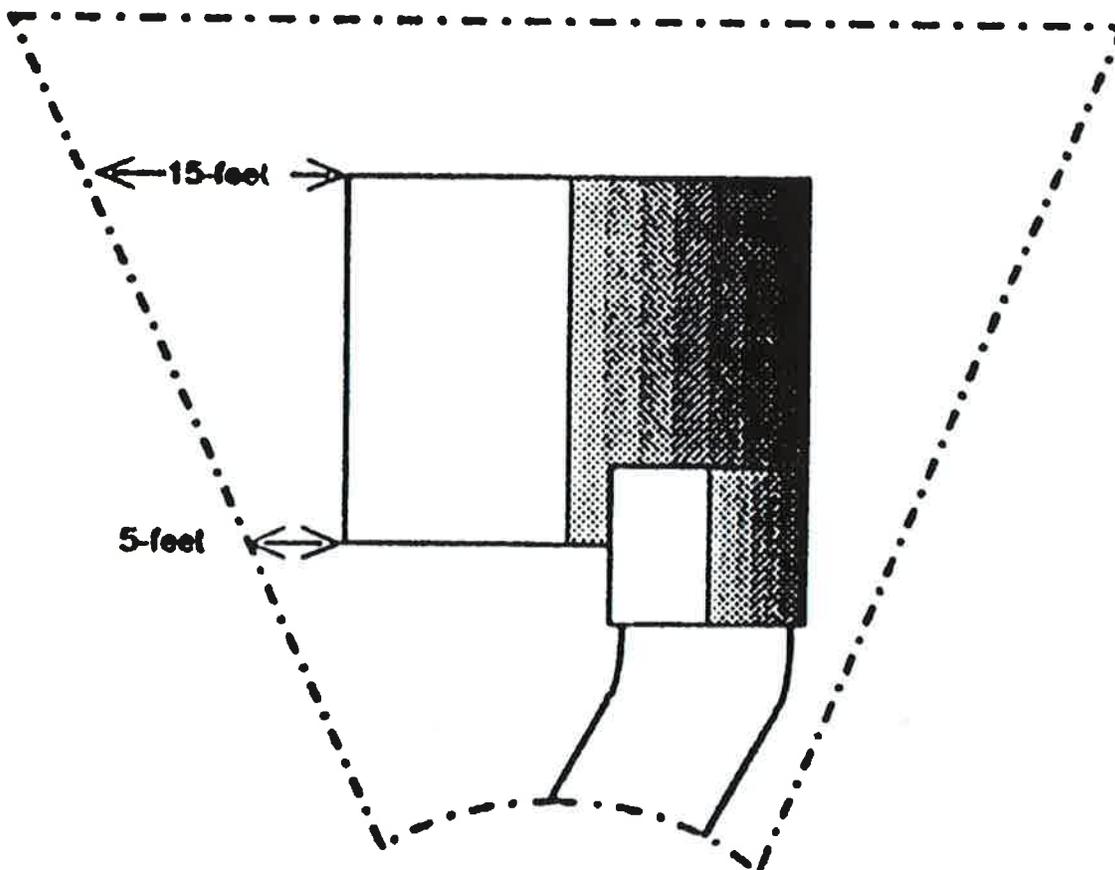


Figure 2: Cul-de-Sac and Knuckle Lots ~~Figure 2 to be removed.~~

(c)

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 (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.

(4)

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.

(d)

Height exceptions. (4) Structures permitted above a specified height limit may be erected as follows: Structure 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.

(e)

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)

In all agricultural zones, accessory structures may be constructed in excess of 50 percent of the principal structure, may exceed the height of the principal structure, and need not be architecturally compatible with the principal structure. ~~Except that, on property designated other than agriculture by the general plan land use map, planning commission review is required.~~ The Community Development Director shall determine that the (3) ~~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.

(43)

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.

(f)

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 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, measured from the higher of the two finished grades adjoining the wall or fence, may be permitted in any required yard, or along the edge of any yard.

a.

Walls, fences, screening or hedge plantings in any required front yard shall be 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.

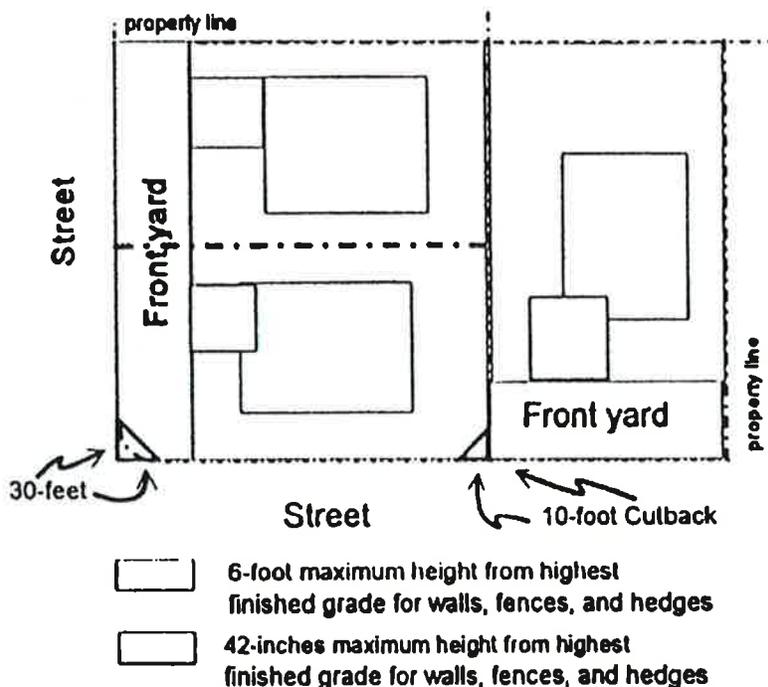
A wall, fence or hedge up to six feet in height may be located parallel to the edge of the sidewalk on the street side yard adjacent to the lot, whether the sidewalk area is monolithic or has a planted parkway.

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 *Graphic to be removed*

(2)

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

(3)

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.

(Ord. No. 1552, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98; Ord. No. 1675, 10-8-02)

(g)

Agricultural buffers. Landscape setbacks and fencing shall serve as buffers between residential developments and agricultural uses to reduce potential conflicts. Any new residential development proposed adjacent to an existing long-term agricultural operation and any new agricultural operation proposed adjacent to an existing residential subdivision shall provide a minimum 20-foot setback from property line, of which 10 feet shall be landscaped. Fencing at the property line shall be provided pursuant to this section. The agricultural buffer shall be approved by the Community Development Director.

Sec. 90-187 - Site development review requirements.

Principal buildings, structures, or uses, or a significant alteration or enlargement of an existing building, structure, or use may be subject to the requirements of Article XLI (Site Development Review) of this chapter.

Sec. 90-188 – Performance standards.

Agricultural operations shall comply with the regulations of Sec. 90-1048 unless specified elsewhere in this article.

Sec. 90-189 – Appeals.

Appeal of a decision of the community development director or designee may be made to the planning commission pursuant to Sec.90-43(6).

Secs. 90-186~~190~~—90-210. - Reserved.

88; Ord. No. 1520, § 1, 5-23-95. ([Back](#))

ARTICLE VII. - AGRICULTURE ZONES

Sec. 90-181. - Purposes.

Sec. 90-182- Zones Established

Sec. 90-182 **183.** - Permitted uses.

Sec. 90-183 **184.** - Reserved.

Sec. 90-184 **185.** - General requirements.

Sec. 90-185 **186.** - Site development requirements.

Sec. 90-187. – Site development review requirements.

Sec. 90-188. - Performance standards.

Sec. 90-189. - Appeals

Secs. 90-186 **190—90-210.** - Reserved.

Sec. 90-181. - Purposes.

The purpose of the agricultural zones is to:

- (1) Provide appropriate areas for the **managed production of agricultural resources** ~~continuation of agriculture as a business and a way of life~~ on land of sufficient size.
- (2) Provide for the **orderly development of large areas of open land which will have a definite public value as open space or which have been intended for eventual development, pending proper timing for the economical provision of utilities, major streets and other facilities.**
- (3) Implement the intention of the underlying land use designation of the General Plan.

Sec. 90-182. – Zone Established

The Agriculture zones are established in accordance with the standards of this article and as shown on the official zoning map pursuant to Sec. 90-6.

(1)

~~A—Agriculture zone: To provide for the orderly development of large areas of open land which will have a definite public value as open space or which have been intended for eventual development, pending proper timing for the economical provision of utilities, major streets and other facilities, so that orderly development will occur. It is also the purpose to provide appropriate areas for the establishment of light agricultural uses.~~

(2 1)

~~A-1-G—Light agricultural zone: To provide appropriate areas for the continued managed production of agricultural resources and associated uses for the establishment of light agricultural land uses in a manner consistent with county standards~~ **or for eventual development consistent with the land use designation of the General Plan.**

(32)

~~A-2-G—Heavy agricultural zone: To provide appropriate areas for the establishment of heavy agricultural land uses in a manner consistent with county standards~~ **at two minimum lot sizes:**

1. **A-2-5: five acre minimum lot size**
2. **A-2-10: ten acre minimum lot size**

(Ord. No. 1552, § 2)

Sec. 90-182~~182~~183. - Permitted uses.

In the A zones, permitted and conditionally permitted uses shall be as listed within the "Land Use Matrix." Whenever a business is conducted, even if it is a home occupation, a city business license is required pursuant to chapter 18. **All other uses not specifically listed in the matrix shall be interpreted as not permitted unless a Similar Use Determination is made by the Community Development Director pursuant to Sec 90-3. Uses located within the Hemet-Ryan Airport Influence Area are subject to the requirements of the Riverside County Airport Land Use Plan.**

NOTE: THIS MATRIX TO BE REPLACED WITH THE MATRIX THAT FOLLOWS AGRICULTURAL LAND USE MATRIX					
P=Permitted Use — C=Conditionally Permitted Use					
		ZONE	A	A- 1- C	A- 2- G
A.	Agricultural Uses				
1.	Above-ground or underground vehicle fuel storage tanks for use with an on-going agricultural operation. Sale of fuel to the public is prohibited. Tanks shall be considered structures, they shall comply with setback requirements of the zone and shall be setback a minimum 100-feet from a Hemet Circulation Element Map road, and shall be screened from view from public streets. Requirements of the Uniform Fire Code and applicable state and federal laws shall be met.	P	P	P	
2.	Aircraft landing strip or heliport pad for use in agricultural operations (Approval by the Riverside County Airport Land Use Commission may be required)				C
3.	All types of horticulture (excluding forestry operations) including, but not limited to apiaries and aviaries (in accordance with Chapter 10), farms, orchards:				
	a. Operated as a business	P	P	P	
	b. Operated as part of a residential use	P	P	P	
4.	Animal husbandry for commercial purposes including, but not limited to: the feeding, grazing, or keeping for sale, breeding (including experimental), and, by-products of cattle, horses, sheep and/or goats, chinchilla, fish or frogs, and rabbits. Hogs are specifically excluded (See section 90-182 A.9. for requirements).	P	P	P	
5.	Animal shelters, large animal hospital, veterinary hospitals/offices	C	C	C	
6.	Cattle (pen-fed operation)				C
7.	Chickens (see section 90-182 A.18.)				
8.	Dairy (The maximum number of cows will be determined based upon available land and normal dairy operations)				C
9.	Fairgrounds, including the usual associated commercial uses				C
10.	Fertilizer operation for farm animal manure including, but not limited to drying, stockpiling, and sale				C
11.	Fertilizer, storage of packaged dry	C	C		
12.	FFA (Future Farmers of America), 4-H (head, heart, hands, health) or similar projects conducted by the occupants of the premises (A no fee temporary use permit is required,	P	P	P	

	see section 90-73. For animal keeping requirements see section 90-77).			
13.	Grange Hall		C	C
14.	Hogs (weaned and unweaned) raised for noncommercial purposes subject to the requirements of <u>section 90-77</u>		P	P
15	Hog ranch			C
16	Kennels for dogs and/or cats			
	a. Commercial (See <u>section 90-78</u> for requirements)		C	C
	b. Noncommercial on a minimum of one acre of land		C	P
17.	Menagerie (The number and type of animals shall be determined on the basis of available land and the proposed operation of the facility)		C	C
18.	Nurseries, greenhouses and gardening			
	a. Wholesale		P	P
	b. Retail		C	C
19.	Pigs, pigmy goats, miniature horses and other small animals		P	P
20.	Poultry (except turkeys, geese, and guinea fowl) chinchillas, hamsters, rabbits and other small animals, (See section 90-188 for additional requirements).		P	P
21.	Poultry farm and operations (The maximum number of poultry shall be determined based upon the available land and the normal operation of a poultry farm)			C
22	Produce processing (grown on the premises, provided that buildings or structures used for processing operations such as canning, drying, packaging and freezing, are a minimum of 20 feet from all property lines).		P	P
23.	Produce processing grown off-premises			C
24.	Produce stands permanent (For temporary produce stands see <u>section 90-73</u> .)		C	C
25.	Slaughterhouse			C
26	Winery and incidental use including, but not limited to wine tasting, winery tours, and retail wine sales		C	C
27	Wildlife preserve and sanctuary		P	P
B.	Residential Uses			
1.	Bed and breakfast		C	C
2.	Family care home (state licensed) for mentally disordered, handicapped, dependent or neglected children, serving up to a maximum of six persons		P	P
3.	Family day care facility up to a maximum of 12 clients		P	P
4.	Guest house on the same site as an existing single-family home		P	P
5.	Home occupations subject to the requirement of <u>section 90-72</u>		P	P
6.	Household pets including, but not limited to dogs, pot belly pigs and cats (See <u>section 90-77</u>)		P	P
7.	Mobile homes as a caretaker residence		P	P
8.	Recreational vehicle park		C	C
9.	Rented room (one) within an existing single-family dwelling		P	P
10.	Residential care facility (state licensed) for the elderly serving up to a maximum of six persons		P	P

11	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 <u>section 90-315(a)</u>	P	P	P
12	Travel trailer park	G	G	G
C. Commercial Uses				
1.	Auction or sales yard	G	G	G
2.	Beauty shop		G	G
3.	Contractors equipment storage	G		
4.	Environmental cleanup and treatment systems (subject to a temporary use permit see <u>section 90-73</u>)	P	P	P
5.	Equipment used in agriculture, sales and repairs			G
6.	Feed store including tack and other similar items	G	G	G
7.	Meat cutting and packing			G
8.	Real estate sales office		G	G
9.	Truck station including, but not limited to cartage, storage, maintenance weighing or transfer of agricultural commodities			G
10.	Recycling facility – nonpermanent (subject to a temporary use permit see <u>section 90-73</u>)	P	P	P
11	Recycling facility – permanent	G	G	G
12	Dentist and doctor's office on the site of an existing single-family home		G	
13.	Commercial recording studio on the site of an existing single-family home		G	
D. Manufacturing Uses				
1.	Oil production (excluding refining or processing)		C	C
2.	Storage of petroleum products for use on the premises but not for resale	P	P	P
E. Recreation and Open Space Uses				
1.	Cemetery, crematorium, columbariums, and related facilities	G		
2.	Equestrian activities including, but not limited to riding academies, stables, and thoroughbred farms	G	G	P
3.	Game court – lighted (with ten-foot high court fencing)	G		
4.	Golf course and/or driving range	G		
5.	Hunt club including skeet ranges, trap ranges, and rifle ranges			G
6.	Lodge hall for civic, social, or fraternal organizations		G	G
7.	Recreation center, park, playground, unlighted game court (with ten-foot high court fencing) racquetball center, swim club	P	P	P
8.	Shooting range outdoor			G
9.	Skating rink, outdoor	C	C	C
F. Miscellaneous Uses				
1.	Church, temple synagogue or other religious facility including, but not limited to, parish house, convent, parsonage, monastery, religious school	G	G	G
2.	Flood control facilities, including, but not limited to, detention and retention basins, flood control channels	P	P	P

3.	Mining, including extraction of sand, gravel and soil. A reclamation plan shall be included as part of the conditional use permit		C	C
4.	Museum		C	C
5.	Public facilities and utilities including but not limited to, electrical substations, transmission substations, city facilities, libraries and public offices	C	C	C
6.	School or college including, but not limited to art, business, cosmetology, craft, dance, music, professional, technical and trade	C	C	C
7.	Waterworks facility (public or private) for the production and distribution of water for irrigation	P	P	P
G. Accessory Uses				
1.	Accessory structures and uses located on the same site as a permitted use	P	P	P
2.	Accessory structures and uses located on the same site as a conditional use	C	C	C
3.	Antennas for microwave, cellular phones and the like	C	C	C
4.	Satellite dish antennas			
	a. <39 inches in diameter when ground or roof mounted meeting the requirements of <u>section 90-184(a)</u>	P	P	P
	b. >39 inches but less than eight feet in diameter when ground or roof mounted meeting the requirements of <u>section 90-184(a)</u>	P	P	P

(Ord. No. 1552, § 2, 1-28-97; Ord. No. 1566, § 2(A), 8-26-97; Ord. No. 1581, § 2, 2-24-98; Ord. No. 1591, § 1(1), 9-29-98)

AGRICULTURE (A) ZONE LAND USE MATRIX				
P = Permitted Use A = Administratively Permit Use C = Conditionally Permitted Use X = Not Permitted REQUIREMENTS: Additional or explanatory regulations or requirements				
LAND USE	A-1	A-2-5	A-2-10	REQUIREMENTS
A. Agriculture and Natural Resources				
1. Animal keeping	P	P	P	Sec. 90-77
2. Commercial crop production including fruits, vegetables, flowers, and ornamental plants	P	P	P	
3. Feed store including tack and other similar items	A	A	A	
4. Fertilizer operation for farm animal manure including but limited to drying, stockpiling, storage, and sale	X	C	C	
5. Produce processing (canning, drying, freezing, packing) of food grown on the premises	X	P	P	Article XLI
6. Produce stands				
a. Permanent	P	P	P	Article XLI
b. Temporary	P	P	P	Sec. 90-73
7. Winery for grapes grown on the premises and incidental uses such as wine tasting, tours,	C	C	C	

AGRICULTURE (A) ZONE LAND USE MATRIX				
P = Permitted Use A = Administratively Permit Use C = Conditionally Permitted Use X = Not Permitted REQUIREMENTS: Additional or explanatory regulations or requirements				
LAND USE	A-1	A-2-5	A-2-10	REQUIREMENTS
sales				
8. Wildlife preserve and sanctuary	P/C	P/C	P/C	Sec. 10-3 and Sec. 90-77. A CUP is required if any exotic animals are associated with the use.
B. Residential Uses				
1. Farmworker housing of up to 36 beds or 12 family units as a component of an agricultural use pursuant to Health and Safety Code §§ 17021.6 and 50199.7	P	P	P	Not subject to the maximum density requirements of Sec. 90-185
2. Secondary dwelling unit	P	P	P	Sec. 90-316(g)
3. Single family home	P	P	P	
C. Residential – Other				
1. Animal keeping	P	P	P	Sec. 90-77
2. Home occupations	P	P	P	Sec. 90-72
3. Residential accessory uses and structures	P	P	P	Sec. 90-186(e)
D. Education, Public Assembly, and Recreation Uses				
1. Fairgrounds	X	C	C	
2. Equestrian activities	A	P	P	
3. Commercial recreation	C	C	C	
E. Service Uses				
1. Animal Services				
a. Boarding/Training – day only	P	P	P	
b. Boarding/Training – overnight stays	A	P	P	
c. Grooming	A	P	P	
d. Veterinary clinic, animal hospital	C	C	C	
2. Bed and breakfast inn	C	C	C	
F. Industrial Uses				
1. Petroleum products distribution and storage for on-site agricultural use	X	P	P	
2. Mining, including extraction of sand, gravel, and soil.	X	C	C	A mining and reclamation plan per State and County standards is required as part of the CUP process
G. Transportation, Communication, and Infrastructure Uses				
1. Flood control facilities, including, but not limited to detention and retention basins, flood control channels	P	P	P	

AGRICULTURE (A) ZONE LAND USE MATRIX				
P = Permitted Use A = Administratively Permit Use C = Conditionally Permitted Use X = Not Permitted REQUIREMENTS: Additional or explanatory regulations or requirements				
LAND USE	A-1	A-2-5	A-2-10	REQUIREMENTS
2. Public facilities and utilities including but not limited to electric substations, waterworks facilities, and public safety facilities.	C	C	C	
3. Satellite dish antenna	P	P	P	
4. Wireless communication facility				Article XLVI
a. Minor facility	A	A	A	
b. Major facility	C	C	C	

Sec. 90-183~~184~~ - Reserved.

Sec. 90-184~~185~~ - 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~~ California 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-ZONES MINIMUM DEVELOPMENT STANDARDS					
	ZONE A	A-1-C	A-2-5-C	A-2-10-C	REQUIREMENTS
1. Density (maximum units/gross acre) (Maximum number of single family dwelling units per lot)	None	None 1	None 1	None 1	Does not apply to farmworker housing or secondary units
2. Net Minimum lot area	20,000	20,000 1 acre	20,000 5 acres	20,000 10 acres	
3. Lot width		100	100	100	
a. Standard	100	100	100	100	
b. Cul-de-sac/knuckle	40	40	40	40	
c. Flag lots/width of flag	20	20	20	20	
4. Lot depth	150	150	150	150	
5. Front yard setback	20	20	20	20	
6. Rear yard setback	10	10	10	10	
7. Side yard setback		10	10	10	
a. Interior side	Five feet for each story				
b. Street side	10	10	10	10	
8. Lot coverage	None	None	None	None	
9. Habitable Building and	40	40;sub\sub;	40;sub\sub;	40;sub\sub;	

	structure height.				
10.	Parking required (see article XL)				Article XL
11.	Signing allowed (see article XXXVI)				Article XXXVI

~~Footnotes:~~

- ~~a. All buildings or structures in excess of 40 feet in height shall be permitted by conditional use permit pursuant to article XLIV.~~
 - ~~b. All buildings and structures, except for single-family homes, shall not exceed a height of 50 feet. A height of up to 75 feet for buildings or 105 feet for other structures may be specifically permitted by conditional use permit pursuant to article XLIV.~~
 - ~~c. For advertising only the sale of services or products produced on the premises, a unlighted sign, single or double-faced, not exceeding 12 square feet in area per face, is permitted. Flashing objects or banners are not permitted.~~
- (Ord. No. 1552, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98)

Sec. 90-185186. - Site development requirements.

- (a) Single-family dwellings standards, including manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 on permanent foundations, in any zone. The following standards shall be met for any single-family dwelling in any zone:
 - (1) **Structure design shall be consistent with the City's residential design guidelines and shall incorporate sustainable design features as reasonably feasible.** Exterior siding shall be of brick, wood, stucco, metal, concrete or other similar material. Glossy, reflective, polished and roll-formed type metal siding is expressly prohibited unless this requirement is modified pursuant to subsection (b) of this section.
 - (2) Eave overhangs shall be at least 12 inches up to a maximum of 30 inches.
 - (3) Roof material of the main dwelling and garage shall be of wood shingle, asphalt composition, crushed rock or other similar material. Glossy, reflective, polished and roll-formed type metal roofing is expressly prohibited unless this requirement is modified pursuant to subsection (b) of this section. Any roof mounted equipment including, but not limited to air conditioners, evaporation coolers, shall be architecturally screened from view.
 - (4) The minimum dwelling unit width shall be 20 feet.
 - (52) The floor elevation of the dwelling unit shall be as close as possible to grade level of the lot, while still permitting good drainage of water away from the dwelling unit.
 - (63) An enclosed storage area of not less than 175 cubic feet of interior area shall be provided within the garage or carport in the form of a loft or other usable area set aside specifically for storage purposes. This standard shall also apply to new garages or carports.
 - (7) **Modifications:** The city council may, without conducting a public hearing, approve a modification to the standards required in subsections (a)(1) through (6) of this section. In approving a modification, the city council shall find as follows:
 - a-

That such modification will enhance the architectural compatibility of the proposed dwelling with existing dwellings in the surrounding area.

b.

That such modification will enhance the public health or safety or is necessary to comply with other applicable regulations.

(b)

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.

(3)

On most lots the required yards shall be as defined in section 90-4. On lots of unusual shape the director shall determine the front, rear and side yard areas based upon the location of the entrance to the house, the address of the house, the floor plan of the house, the slope of the lot, and other similar considerations. The yards shall be indicated on a site plan and maintained on file along with the building permit. See Figure 1 below.

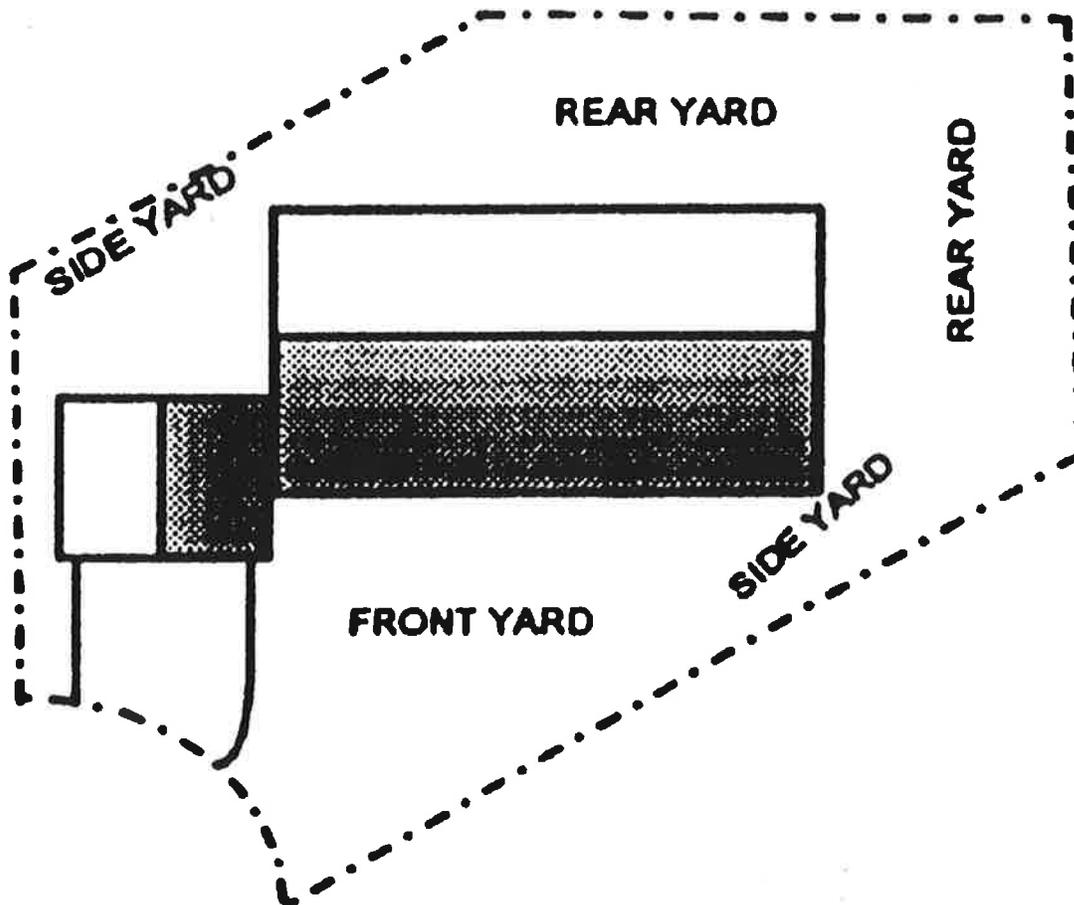


Figure 1: Unusually Shaped Lot Figure 1 to be removed

(4)

On lots at the terminus of a cul-de-sac street and lots on the knuckle of a street the required setbacks of ~~section 90-184(a)~~ shall be an average of the closest and furthest setback from the proposed building. For example if the closest side yard setback is five feet and the furthest side yard setback on that same side is 15 feet, the average setback would be ten feet. In no case shall the required yard be less than five feet, see Figure 2 below.

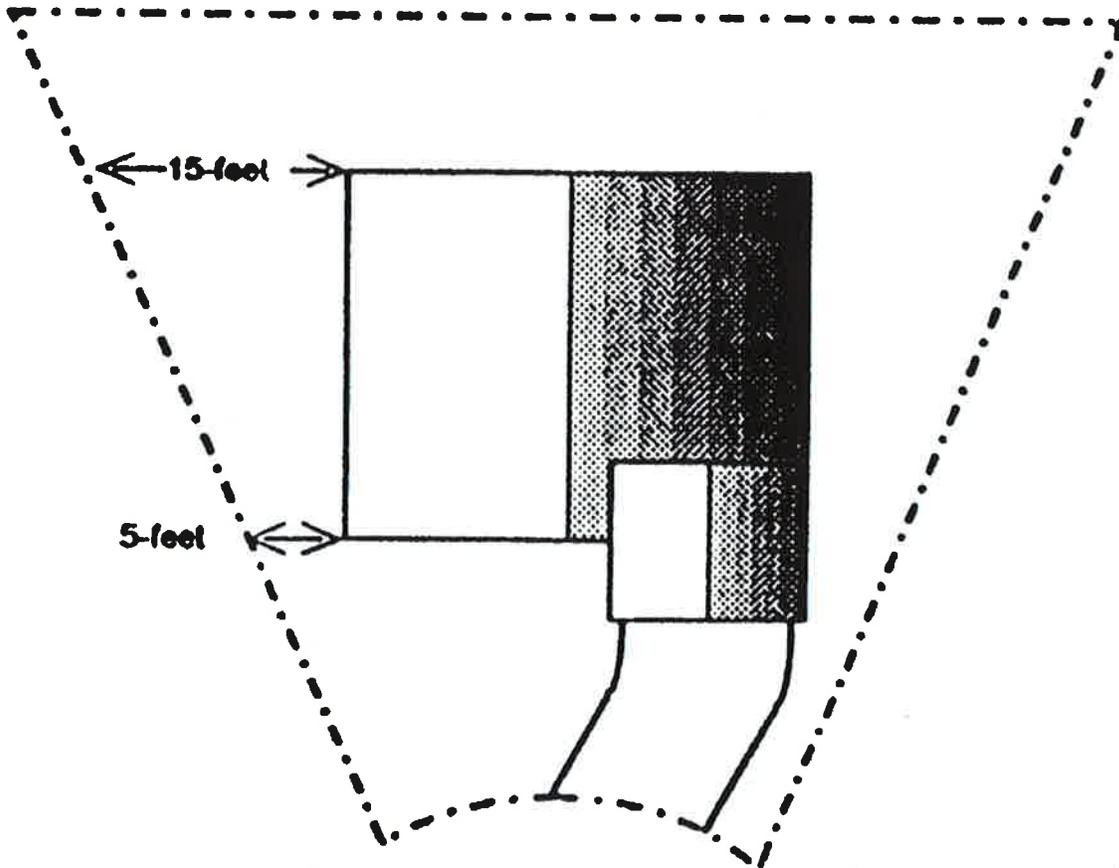


Figure 2: Cul-de-Sac and Knuckle Lots Figure 2 to be removed.

(c)

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 (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.

(4)

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.

(d)

Height exceptions. (4) Structures permitted above a specified height limit may be erected as follows: Structure 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.

(e)

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)

In all agricultural zones, accessory structures may be constructed in excess of 50 percent of the principal structure, may exceed the height of the principal structure, and need not be architecturally compatible with the principal structure. ~~Except that, on property designated other than agriculture by the general plan land use map, planning commission review is required.~~ The Community Development Director shall determine that the (3) ~~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.

(43)

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.

(f)

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 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, measured from the higher of the two finished grades adjoining the wall or fence, may be permitted in any required yard, or along the edge of any yard.

a.

Walls, fences, screening or hedge plantings in any required front yard shall be 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.

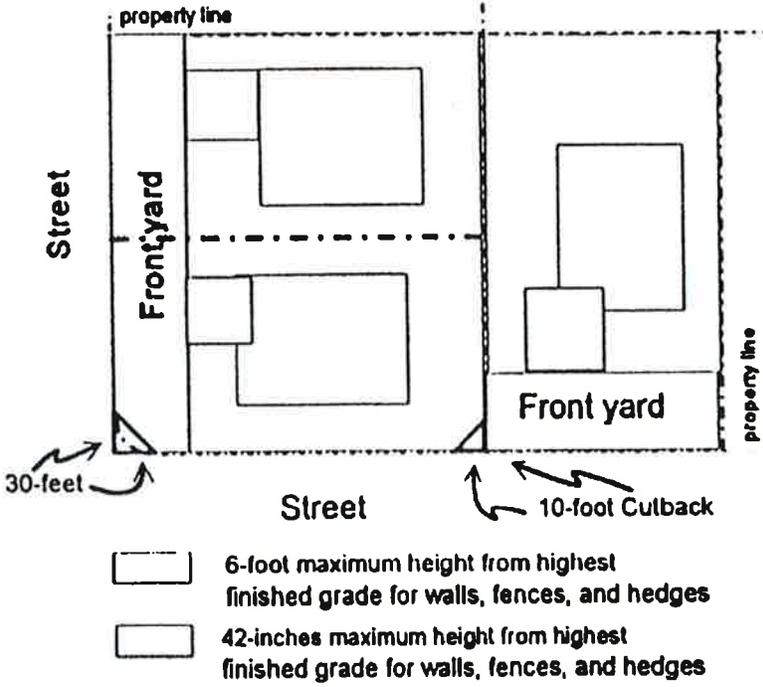
A wall, fence or hedge up to six feet in height may be located parallel to the edge of the sidewalk on the street side yard adjacent to the lot, whether the sidewalk area is monolithic or has a planted parkway.

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 *Graphic to be removed*

- (2) *Swimming pool fencing.* Swimming pools shall be entirely enclosed by buildings, fences or walls. The fence or wall shall be at least a minimum of five feet above grade level immediately adjacent thereto, and shall be equipped with self-latching gates or doors, with the latching device not less than four feet above the ground. Prior to filling the pool the required fencing or walls must be in place and approved by the city building department.
- (3) 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.

(Ord. No. 1552, § 2, 1-28-97; Ord. No. 1581, § 2, 2-24-98; Ord. No. 1675, 10-8-02)

- (g) *Agricultural buffers.* Landscape setbacks and fencing shall serve as buffers between residential developments and agricultural uses to reduce potential conflicts. Any new residential development proposed adjacent to an existing long-term agricultural operation and any new agricultural operation proposed adjacent to an existing residential subdivision shall provide a minimum 20-foot setback from property line, of which 10 feet shall be landscaped. Fencing at the property line shall be provided pursuant to this section. The agricultural buffer shall be approved by the Community Development Director.

Sec. 90-187 - Site development review requirements.

Principal buildings, structures, or uses, or a significant alteration or enlargement of an existing building, structure, or use may be subject to the requirements of Article XLI (Site Development Review) of this chapter.

Sec. 90-188 – Performance standards.

Agricultural operations shall comply with the regulations of Sec. 90-1048 unless specified elsewhere in this article.

Sec. 90-189 – Appeals.

Appeal of a decision of the community development director or designee may be made to the planning commission pursuant to Sec.90-43(6).

Secs. ~~90-186~~190—90-210. - Reserved.

88; Ord. No. 1520, § 1, 5-23-95. ([Back](#))

ARTICLE XXXIII OPEN SPACE ZONES

- Sec. 90-1151. - Purpose.
- Sec. 90-1152. – Zones established
- Sec. 90-1153. - Permitted and conditionally permitted uses.
- Sec. 90-1154. - Site area.
- Sec. 90-1155. - Lot coverage.
- Sec. 90-1156. - Offstreet parking and loading.
- Sec. 90-1157. - Signs.
- Sec. 90-1158. - Utilities.
- Sec. 90-1159. - Building height.
- Sec. 90-1160. - Lighting.
- Sec. 90-1161. – Site development review requirements.
- Sec. 90-1162. - Appeals
- Secs. 90-1163—90-1180. - Reserved.

Sec. 90-1151. - Purpose.

- (a) The purpose of the OS-open space zones is to protect and preserve open space for natural and manmade resources, outdoor recreation and education, and public health and safety. It is also the intent of this district to provide open space in the city by limiting development in areas which are so located or configured, or which possess such physical features, that they may provide valuable and functional open space for the purposes of helping to shape urban form, to provide local or buffer greenbelts, and to serve as linkages between open space areas. Any building or structure permitted in this district shall be subordinate to and in furtherance of use of the land for open space as defined in the city general plan and the state planning and zoning law.
(Ord. No. 997; Code 1984, § 23900)
- (b) The open space zones implement the General Plan Open Space/Natural Resource designation, which provides for open space areas to be managed in as near a natural state as possible, and the Park/Recreation designation, which provides for open space for outdoor recreation.

Sec. 90- 1152. – Zones established.

The open space zones are established as follows:

Sec. 90-1152. – Permitted uses.

~~In the OS zone, buildings, structures and land shall be used, and buildings and structures shall be erected, structurally altered or enlarged, only for the following uses. Any use other than those listed may be permitted, provided the planning commission determines the use is similar to those listed in this section, as prescribed by article XLII of this chapter.~~

~~(1)~~

General uses.

- (a) The OS-G Open Space – General zone is for the preservation of natural resources, including but not limited to areas necessary for the preservation of plant and animal life, including habitat for fish and wildlife species, channels, creeks, lakes, reservoirs; banks of channels and creeks, lake shores and watershed lands; and areas known to contain natural mineral deposits. Typically, the OS-G zone is reserved for public or quasi-public lands. It also provides (e-) open space for public health and safety, including but not limited to areas which require special management or regulations because of hazardous or special

conditions, such as earthquake fault zones, unstable soil areas, floodplains, retention basins, watershed areas presenting high fire risk, areas required for the protection of water quality and water reservoirs, areas of groundwater basins, areas required for recharge of groundwater basins, and areas required for the protection and enhancement of air quality.

- (b.) The OS-R Open Space – Recreation zone is for outdoor recreation, including but not limited to areas of outstanding scenic, historic and cultural values; areas particularly suited for park and recreation purposes; and areas which serve as links between major recreation and open space reservations, including utility easements, banks of channels and creeks, trails and scenic highway corridors.

(2)

Specific uses.

- a. ~~Apiaries.~~
- b. ~~Aquariums.~~
- c. ~~Arboretums.~~
- d. ~~Botanical gardens.~~
- e. ~~Country clubs and golf courses.~~
- f. ~~Cultural centers.~~
- g. ~~Field crops and horticulture.~~
- h. ~~Fisheries.~~
- i. ~~Flood control channels and spreading grounds.~~
- j. ~~Forest reserves.~~
- k. ~~Orchards and vineyards.~~
- l. ~~Scenic reserves.~~
- m. ~~Transportation corridors.~~
- n. ~~Tree farms and horticulture.~~
- o. ~~Utility easements.~~
- p. ~~Wildlife reserves.~~
- q. ~~Zoological gardens.~~
- r. ~~Living quarters of caretakers or managers of those uses set forth in this subsection.~~
- s. ~~Accessory structures and uses necessary or incidental to the uses listed in this subsection.~~

(Ord. No. 997; Code 1984, § 23901)

Sec. 90-1153. -- Uses permitted by conditional use permit.

The following uses may be permitted in the OS zone as prescribed in article XLIV of this chapter, pertaining to conditional use permits:

- (1) Cemeteries, including mortuaries as an accessory use, mausoleums and crematoriums.
- (2) Public utility facilities.
- (3) Commercial uses incidental and accessory to permitted uses, including but not limited to:
 - a. Sale of food and beverages.
 - b. Operation of riding academies and stables.
 - c. Parking facility concessions.
 - d. Concessions.

(Ord. No. 997; Code 1984, § 23902)

Sec. 90-11523 . - Permitted and conditionally permitted uses.

In the OS zones, buildings, structures and land shall be used, and buildings and structures shall be erected, structurally altered or enlarged, only for the following uses. Any use other than those listed may be permitted, provided the planning commission determines the use is similar to those listed in this section, as prescribed by article XLII of this chapter. In the OS zones, permitted and conditionally permitted uses shall be as listed within the "Land Use Matrix." Whenever a business is conducted a city business license is required pursuant to chapter 18. All other uses not specifically listed in the matrix shall be interpreted as not permitted unless a Similar Use Determination is made by the Community Development Director pursuant to Sec 90-3. Uses located within the Hemet-Ryan Airport Influence Area are subject to the requirements of the Riverside County Airport Land Use Plan.

OPEN SPACE (OS) ZONE LAND USE MATRIX			
P = Permitted Use A = Administratively Permit Use C = Conditionally Permitted Use X = Not Permitted REQUIREMENTS: Additional or explanatory regulations or requirements			
LAND USE	OS-G	OS-R	REQUIREMENTS
A. Agriculture and Natural Resources			
1. Animal keeping	P	X	Sec. 90-77
2. Community gardens	P	P	
3. Produce stands			
a. Permanent	X	X	
b. Temporary	P	X	Sec. 90-73
4. Scenic reserves	P	P	
5. Wildlife reserve and sanctuary	P/C	P/C	Sec. 10-3 and Sec. 90-77. A CUP is required if any exotic animals are associated with the

OPEN SPACE (OS) ZONE LAND USE MATRIX			
P = Permitted Use A = Administratively Permit Use C = Conditionally Permitted Use X = Not Permitted REQUIREMENTS: Additional or explanatory regulations or requirements			
LAND USE	OS-G	OS-R	REQUIREMENTS
			use.
B. Education, Public Assembly, and Recreation Uses			
1. Amphitheater	X	C	
2. Arboretums, botanical gardens	A	P	
3. Commercial recreation facilities – outdoor	X	C	
4. Golf courses	X	P	
5. Parks and playgrounds	X	P	
6. Trails and passive parkland	P	P	
7. Zoo or animal preserve	X	C	
C. Transportation, Communication, and Infrastructure Uses			
1. Flood control facilities, including, but not limited to detention and retention basins, flood control channels	P	P	
2. Utility easement	P	P	
3. Wireless communication facility			Article XLVI
a. Minor facility	A	A	
b. Major facility	C	C	

Sec. 90-1154. - Site area.

No minimum site area is required in the OS-G and OS-R zones.

(Ord. No. 997; Code 1984, § 23903)

Sec. 90-1155. - Lot coverage.

Buildings and structures, when permitted, shall not occupy more than one-fourth of the gross area of the parcel in the OS-G and OS-R zones, except as permitted by approval of a variance from development standards.

(Ord. No. 997; Code 1984, § 23904)

Sec. 90-1156. - Offstreet parking and loading.

Offstreet parking and loading shall be provided for each use in the OS-G and OS-P zones as prescribed in article XL of this chapter.

(Ord. No. 997; Code 1984, § 23905)

Sec. 90-1157. - Signs.

Signs in the OS-G and OS-R zones shall conform to article XXXVI of this chapter.

(Ord. No. 997; Code 1984, § 23906)

Sec. 90-1158. - Utilities.

All utility services in the OS-G and OS-R zones shall be installed underground. This requirement may be waived by the city council where the city council finds that this requirement would cause undue hardship or constitute an unreasonable requirement.

(Ord. No. 997; Code 1984, § 23907)

Sec. 90-1159. - Building height.

No building in the OS-G and OS-R zones shall exceed 35 feet in height, **unless otherwise allowed under a Conditional Use Permit.**

(Ord. No. 997; Code 1984, § 23908)

Sec. 90-1160. - Lighting.

All exterior lighting in the OS-G and OS-R zones shall be directed away from adjacent properties.

(Ord. No. 997; Code 1984, § 23909)

Sec. 90-1161 - Site development review requirements.

Principal buildings, structures, or uses, or a significant alteration or enlargement of an existing building, structure, or use may be subject to the requirements of Article XLI (Site Development Review) of this chapter.

Sec. 90-1162 – Appeals.

Appeal of a decision of the community development director or designee may be made to the planning commission pursuant to Sec.90-43(6).

Secs. 90-1161~~3~~—90-1180. - Reserved.

Sec. 90-77. Animal regulations and keeping requirements.

- (a) The regulation and keeping of animals is additionally subject to the provisions of HMC Chapter 10 Animals.
- (b) Offspring of animals shall not be counted toward the maximum allowed number of animals until they have reached the age of four months for cats, dogs and other small animals, six months for large animals, and 12 months for horses.
- (c) Animals shall not be kept in any required front or side yard setback.
- (d) The conditions under which animals are kept must meet all applicable local, state, and federal laws and regulations.
- (e) Animals and/or conditions under which animals are kept shall not create a public nuisance and shall protect the public health and safety and the health and safety of the animals.
- (f) The raising, training, breeding, or keeping of allowed animals in residential zones for commercial purposes shall require a conditional use permit.
- (g) Animals permitted in each zone shall be as listed within the Animal Regulations and Keeping Requirements Matrix.

Animal Regulations and Keeping Requirements Matrix						
	Type of Animal Use		Allowable Zoning District	Minimum Lot Size	Maximum Number Allowed	Supplemental Regulations
1.	Apiary (Beekeeping)		A-1, A-2, RA, OS-G	Per Sec. 10-108	Per Sec. 10-108	Chapter 10, Article III
2.	Aviaries (large space that allows birds to fly)	a. Noncommercial	A-1, A-2, RA	1 acre	No Maximum	All birds must be confined.
		b. Commercial	A-1, A-2	Per zone	By Administrative Use Permit	
3.	Birds (Household)	a. Small birds - parakeets, finches, love birds and similar size birds	All residential	Per zone	20	All birds must be confined.
		b. Large birds - macaws, parrots, mynahs and similar size birds		Per zone	5	

Animal Regulations and Keeping Requirements Matrix						
	Type of Animal Use		Allowable Zoning District	Minimum Lot Size	Maximum Number Allowed	Supplemental Regulations
4.	Bovine	Cows, oxen, buffalo	A-1, A-2	Per zone	5 per acre up to maximum of 10	No bovine or any pen, coop, stable or barn shall be kept within 50 feet of a residentially zoned property line
5.	Cats domesticated		All residential	Per zone	4	
6.	Dogs domesticated		All residential	Per zone	3	
7.	Equine animals	Including but not limited to all types of horses, mules, burros, donkeys, ponies, lamas, and alpacas	A-1, A-2, RA, R-1-40	1 acre	5 per acre up to a maximum of 20	No equine or any pen, coop, stable or barn shall be kept within 50 feet of a residentially zoned property line
8.	Exotic and/or wild animals		A-1, A-2, R1, RA	Per zone	Must meet requirements of Chapter 10	Sec.10-3 Wild Animal Permit
9.	Fish (koi), amphibian and/or frog ponds		A-1, A-2, R1, RA	Per zone	No maximum	Pursuant to building code regulations
10.	Pigs and hogs		RA	20,000 sf	2	No swine or any pen, coop, stable or barn shall be kept within 50 feet of a residentially zoned property line
			A-1, A-2	Per zone	5	
11.	Poultry and other domesticated birds kept for their eggs, meat, or feathers.	Chickens	A-1, A-2	Per zone	12 hens and 1 rooster per acre to a maximum of 50 hens and 2 roosters.	No poultry or any pen, coop, stable or barn shall be kept within 50 feet of a residentially zoned property line
			RA, R1-20, R1-40	20,000 sq ft	2 hens, no rooster	

Animal Regulations and Keeping Requirements Matrix						
	Type of Animal Use		Allowable Zoning District	Minimum Lot Size	Maximum Number Allowed	Supplemental Regulations
		Other domesticated birds including turkeys, geese, ducks, peacocks, pigeons, and emu	RA, A-1, A-2	1 acre	6	
12.	Sheep and/or goats-all types		RA, A-1, A-2	1 acre	4 per acre to a maximum of 15.	No sheep, goats or any pen, coop, stable or barn shall be kept within 50 feet of a residentially zoned property line.
			All zones	None	No maximum	With a Temporary Use Permit per Sec. 90-73, goats and/or sheep may be used for cleaning vacant sites of plant materials for no more than four weeks per six-month period.
13.	Small animals	Including but not limited to chinchilla, hamsters, guinea pigs, rats, mice, rabbits and non-venomous reptiles	All residential	None	10	No small animal pen or coop shall be kept within 10 feet of a residentially zoned property line
			A-1, A-2	Per zone	20	

John Jansons

From: Community Relations <Community@Lowe.com>
Sent: Wednesday, May 21, 2014 4:28 PM
To: John Jansons
Subject: Automatic reply: Grant Funding Request

Thank you very much for your request. We will answer questions as soon as possible.

If you are requesting a donation, please read the information below. **Due to the large number of requests we receive, we are unable to respond to each request and will only notify you if you receive funding.**

Lowe's and the Lowe's Charitable and Educational Foundation focus giving on public education and community improvement projects, providing funding only to 501 (c) (3) tax-exempt non-profits and public agencies in communities where Lowe's operates stores and distribution centers.

The Foundation's charitable contributions are not used for:

- Individuals and families
- National health organizations and their local affiliates
- Religious organizations and church or denomination-sponsored programs or events
- Special events, such as conferences, dinners, sport competitions, festivals or art exhibits
- Sponsorship of fundraising events (i.e. dinners, walks, golf tournaments and auctions)
- Goodwill advertising or marketing
- Political, labor, veteran/fraternal organizations, civic clubs or candidates
- Sports teams or athletic events
- Arts-based programs
- Animal rescue and support groups
- Travel-related events, including student trips or tours
- Development or production of books, films, videos or television programs
- Capital campaigns, endowments or endowed chairs
- Activities of organizations serving primarily their own membership
- Private Schools
- Continuing education for teachers and staff
- Institutional overhead and/or indirect cost (i.e. salaries, stipends, benefits, and most project labor costs)
- Memorial campaigns
- Multi-year requests
- Tickets to events

If your organization and project meet the Lowe's Charitable and Educational Foundation guidelines, your request will be considered, but not guaranteed a grant.

If your request is greater than \$2,000, visit www.lowes.com/community to learn about our larger grant programs.

If you are an affiliate of one of the following organizations, please check with your national office about our existing grant programs:

- Habitat for Humanity
- Rebuilding Together
- Keep America Beautiful

- The Nature Conservancy
- SkillsUSA/SkillsCanada

NOTICE: All information in and attached to the e-mails below may be proprietary, confidential, privileged and otherwise protected from improper or erroneous disclosure. If you are not the sender's intended recipient, you are not authorized to intercept, read, print, retain, copy, forward, or disseminate this message. If you have erroneously received this communication, please notify the sender immediately by phone (704-758-1000) or by e-mail and destroy all copies of this message electronic, paper, or otherwise.

By transmitting documents via this email: Users, Customers, Suppliers and Vendors collectively acknowledge and agree the transmittal of information via email is voluntary, is offered as a convenience, and is not a secured method of communication; Not to transmit any payment information E.G. credit card, debit card, checking account, wire transfer information, passwords, or sensitive and personal information E.G. Driver's license, DOB, social security, or any other information the user wishes to remain confidential; To transmit only non-confidential information such as plans, pictures and drawings and to assume all risk and liability for and indemnify Lowe's from any claims, losses or damages that may arise from the transmittal of documents or including non-confidential information in the body of an email transmittal. Thank you.



#9

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**CITY OF HEMET
Hemet, California
ORDINANCE BILL NO. 14-022**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET, CALIFORNIA AMENDING ARTICLE XXXVI (SIGNS GENERALLY) OF CHAPTER 90 (ZONING) OF THE HEMET MUNICIPAL CODE.

WHEREAS, Article XXXVI of Chapter 90 of the Hemet Municipal Code regulates signs on private property throughout the City; and,

WHEREAS, Article XXXVI of Chapter 90 includes regulations on certain types of temporary signage; and,

WHEREAS, Article XXXVI of Chapter 90 was added to the Code by Ordinance No. 1751, which was adopted in December 2005, and has not been updated since it was adopted; and,

WHEREAS, since Ordinance No. 1751 was adopted, new types of temporary signage have emerged and the City Council desires to amend the Code to include regulations on these new types of signage; and,

WHEREAS, the City Council also desires to amend the Code to address concerns City business owners have raised regarding the availability of temporary signage to adequately market their businesses; and,

WHEREAS, on April 15, 2014, the Planning Commission conducted a duly noticed public hearing on this ordinance and recommended that the City Council adopt the Ordinance; and,

WHEREAS, on May 13, 2014, the City Council held a duly noticed public hearing on the adoption of this 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

1 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is
2 no possibility that the activity in question may have a significant effect of the
3 environment; and

4 **NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET DOES**
5 **HEREBY ORDAIN AS FOLLOWS:**

6
7 **SECTION 1: ENVIRONMENTAL FINDINGS**

8
9 The City Council, in light of the whole record before it, including but not limited to, the
10 City's Local CEQA Guidelines and Thresholds of Significance, the direction of the City
11 Council at its meeting on May 13, 2014 and documents incorporated therein by
12 reference, and any other evidence (within the meaning of Public Resources Code
13 Sections 21080(e) and 21082.2) within the record or provided at the public hearing of
14 this matter, hereby finds and determines as follows:

15 **CEQA:** The City has analyzed this proposed project and has determined that it is
16 exempt from the California Environmental Quality Act ("CEQA") under section
17 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects
18 that have the potential for causing a significant effect on the environment. Whereas
19 here, it can be seen with certainty that there is no possibility that the activity in question
20 may have a significant effect on the environment, the activity is not subject to CEQA.
21 The addition of this section to Chapter 90 only relates to regulations for Temporary
22 Signage. It does not relate to any physical project and will not result in any physical
23 change to the environment. Therefore, it can be seen with certainty that there is no
24 possibility that this Ordinance may have a significant adverse effect on the environment,
25 and therefore the adoption of this Ordinance is exempt from CEQA pursuant to Section
26 15061(b)(3) of the CEQA Guidelines.

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

2 Pursuant to Hemet Municipal Code Section 90-41.5(a), the City Council makes the
3 following findings with respect to this zoning ordinance amendment:

4 1. *The zoning ordinance amendment is in conformance with the latest adopted*
5 *general plan for the City.*

6 The proposed zoning ordinance amendment is in conformance with the latest adopted
7 general plan for the City in that adopting regulations and provisions for temporary
8 signage does not conflict with any allowable uses in the land use element and does not
9 conflict with any policies or programs in any other element of the general plan. This
10 Ordinance is in conformance with a fundamental objective of the City's general plan and
11 non-residential zoning program to ensure well designed signage (Community Design
12 Goal CD-6), and Community Design Policy 6.1 which encourages interesting, creative
13 and unique approaches to sign design to be complimentary with buildings and be
14 complimentary with the desired streetscape.

15 2. *The zoning ordinance amendment will protect the public health, safety and*
16 *welfare.*

17 The Zoning Ordinance Amendment protects the public health, safety and welfare by
18 recognizing the right of individuals and business owners to provide temporary
19 advertising while maintaining the City's legitimate interest in local land use regulation
20 and public safety. This Zoning Ordinance maintains zoning requirements through the
21 regulation of temporary signage which will reduce the potential for visual clutter and
22 visual blight, preserve the quality and character of commercial districts, and enhance
23 the safety of residents in such a manner to avoid visual distractions and avoid blocking
24 line of sight to and from moving vehicles.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECTION 3. AMENDMENT OF ARTICLE XXXVI OF CHAPTER 90 OF THE HEMET MUNICIPAL CODE.

Article XXXVI (Signs Generally) of Chapter 90 (Zoning) of the Hemet Municipal Code is amended in its entirety and shall read as shown in Exhibit "A" to this Ordinance.

SECTION 4: SEVERABILITY.

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

SECTION 5: EFFECTIVE DATE.

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

SECTION 6: PUBLICATION.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INTRODUCED at the regular meeting of Hemet City Council on May 13, 2014.

APPROVED AND ADOPTED this 27th day of May, 2014.

Larry Smith, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah McComas, City Clerk

Eric S. Vail, City Attorney

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

3 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the
4 foregoing Ordinance was introduced and first read on the 13th day of May 2014, and
5 had its second reading at the regular meeting of the Hemet City Council on the 27th day
6 of May, 2014, and was passed by the following vote:
7

8 **AYES:**

9 **NOES:**

10 **ABSTAIN:**

11 **ABSENT:**

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Sarah McComas, City Clerk

EXHIBIT “A”

ARTICLE XXXVI. SIGNS GENERALLY

Sec. 90-1241. Purpose of article.

Sec. 90-1242. Definitions.

Sec. 90-1243. Applicability.

Sec. 90-1244. General provisions.

Sec. 90-1245. Signs not requiring a sign permit.

Sec. 90-1246. Administration.

Sec. 90-1247. General location, height and area standards.

Sec. 90-1248. Design, material, construction and maintenance standards.

Sec. 90-1249. Permanent signs permitted in all or multiple zones.

Sec. 90-1250. Permanent signs generally permitted in residential zones.

Sec. 90-1251. Permanent signs permitted in commercial zones.

Secs. 90-1252—90-1254. Reserved.

Sec. 90-1255. Permanent signs permitted in church and institutional zones (S-1, I).

Secs. 90-1256—90-1260. Reserved.

Sec. 90-1261. Permanent signs permitted in parking zones.

Secs. 90-1262—90-1270. Reserved.

Sec. 90-1271. Permanent signs permitted in manufacturing zones (M-1 and M-2).

Sec. 90-1272. Permanent signs for shopping centers and big box uses.

Sec. 90-1273. Permanent signs for automobile service stations and drive-in restaurants

Sec. 90-1274. Permanent signs for outdoor sales.

Sec. 90-1275. Temporary signs.

Secs. 90-1276—90-1279. Reserved.

Sec. 90-1280. Prohibited signs.

Sec. 90-1281. Legal nonconforming signs.

Sec. 90-1282. Removal of signs.

Sec. 90-1283. Violation of article; penalty.

Sec. 90-1284. Appeals.

Secs. 90-1285—90-1310. Reserved.

Sec. 90-1241. Purpose of article.

The purposes and intent of these sign regulations include to:

- (1) Regulate signs located on private property within the city and on property owned by public agencies other than the city and over which the city has zoning and land use regulatory power.
- (2) Implement the city's community design and safety standards as set forth in the city's general plan, specific plans, special districts, design guidelines and municipal code.
- (3) Maintain and enhance the city's appearance by regulating the design, character, location, number, type, quality of materials, size, illumination and maintenance of signs.
- (4) Serve the city's interests in maintaining and enhancing its visual appeal for residents, tourists and other visitors, by preventing the degradation of visual quality which can result from excessive and poorly designed, located or maintained signage.
- (5) Generally limit commercial signage to on-site locations in order to protect the aesthetic environment from the visual clutter associated with the unrestricted proliferation of signs, while providing channels of communication to the public.
- (6) Limit the size and number of signs to levels that reasonably allow for the identification of a residential, public or commercial location and the nature of any such commercial business.
- (7) Encourage signs that are appropriate to the zoning district in which they are located and consistent with the permitted uses of the subject property.
- (8) Establish sign sizes in relationship to the scale of the parcel and building on which the sign is to be placed or to which it pertains.
- (9) Minimize the possible adverse effects of signs on nearby public and private property, including streets, roads and highways.
- (10) Protect the investments in property and lifestyle quality made by persons who choose to live, work or do business in the city.
- (11) Protect and improve pedestrian and vehicular traffic safety by balancing the need for signs that facilitate the safe and smooth flow of traffic (e.g., directional signs and on-site signs) without an excess of signage which may distract drivers or overload their capacity to quickly receive information.
- (12) Reduce hazardous situations, confusion and visual clutter caused by the proliferation, placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic.
- (13) Regulate signs in a manner so as to not to physically interfere with or obstruct the vision of pedestrian or vehicular traffic.
- (14) Avoid unnecessary and time consuming approval requirements for certain minor or temporary signs that do not require review for compliance with the city's

building and electrical codes while limiting the size and number of such signs so as to minimize visual clutter.

(15) Respect and protect the right of free speech by sign display, while reasonably regulating the structural, locational and other noncommunicative aspects of signs, generally for the public health, safety, welfare and specifically to serve the public interests in community aesthetics and traffic and pedestrian safety.

(16) Enable the fair, consistent and efficient enforcement of the sign regulations of the city.

(17) Regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs. All administrative interpretations and discretion is to be exercised in light of this policy and consistent with the purposes and intent stated in this section.

Sec. 90-1242. Definitions.

The following words, terms and phrases, when used in this article, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means any sign which no longer advertises an approved use or activity being undertaken or existing upon the lot, parcel of land or premises on which the sign is located. *Balloon* means an air or gas filled three-dimensional object attached to a string, rope or cable, and tethered to a place or object.

Balloon, large means a balloon that is larger than three square feet deflated.

Balloon, small means a balloon that is three square feet or less in size deflated.

Banner sign means any sign printed or displayed upon cloth or other flexible material, with or without a frame.

Banner sign, award means a banner sign advertising the receipt of an award by the establishment on which the banner sign is displayed from an established organization or entity.

Bulletin board sign means a sign that is characterized by changeable copy, letters symbols, or numerals used to announce a coming event attraction or used to convey a specific message related to the structure or use of the property on which the bulletin board is located. Bulletin board signs include only those signs with manually changeable copy.

Campaign sign means a sign that is designed to influence the passage or defeat of any measure on a ballot or to influence voters with respect to the nomination, election, defeat, or removal of a candidate from public office at any national, state, or local election.

Candela means the base unit of luminous intensity in the International System of Units that is equal to the luminous intensity in a given direction of a source which emits monochromatic

radiation of frequency 540×10^{12} hertz and has a radiant intensity in that direction of $\frac{1}{683}$ watt per unit solid angle.

Cane sign means a portable, self-supporting advertising banner, usually tall and narrow with a single pole on one side that curves across the top to frame the banner. Cane signs are typically affixed to the ground by inserting a metal stake into turf or soil.

Canopy means a fixed shelter of any material and of any length projecting from a building or structure and supported by columns or posts from the ground, or a freestanding shelter supported by columns and posts from the ground.

Canopy sign means a sign painted on or attached to the vertical or underneath side of, or erected on the roof surface of, a canopy.

Commercial message means any wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a commercial or industrial business, product, good, service or other commercial or industrial activity.

Commercial sign means any sign that is intended to attract attention to a commercial or industrial business, occupancy, product, good, service, or other commercial or industrial activity for a commercial or industrial purpose.

Community Event means an event open to the general public conducted by the City, another public agency, or other community organization that has received a permit from the City to conduct the event.

Construction sign means any sign or nameplate which relates only to individuals, businesses or firms directly connected with construction or development of a building, property or premises upon which such signs or nameplates are located.

Department means the planning department of the city.

Director means the director of the planning department or the director's designee.

Directional sign means an on-site sign that provides directional information to assist drivers, pedestrians and travelers with wayfinding through a multi-tenant center.

Double-faced sign means a sign that has two display surfaces, which are backed against each other or against the same supporting structure in such a manner that each display surface is designed to be viewed from a different direction.

Drive-in or drive-through restaurant means any building or structure in which food or drink are catered or served to the occupant of a vehicle where such occupant is not required to leave the vehicle for a rendered service or where the primary business activity consists of carryout food orders.

Erect means to build, construct, attach, place, suspend or affix to or upon any surface.

Freestanding sign means a permanent sign standing directly upon the ground or having one or more supports standing directly upon the ground, and detached from any building or structure.

Frontage: Building frontage means the linear distance of a building utilized for one or more purposes, facing a street, mall, driveway or parking lot. Lot frontage means the linear distance of a site or separate portion of a site utilized for one or more purposes facing a street, mall, driveway or parking lot on property used in conjunction with that of the applicant.

Fuel pricing sign means a sign indicating the brand or trade name, method of sale, grade designation and price per gallon of gasoline or other motor vehicle fuel offered for sale on the premises, and such other information regarding fuel and service as may be required by law.

Future development sign means a sign indicating the future location of a building or use and the developer of such building or use.

General outdoor advertising sign means a sign that directs attention to a business, profession, product, commodity or service that is not the primary business, profession, commodity, product or service sold, manufactured, conducted or offered on the site on which the sign is located (i.e., a billboard). These signs do not include off-site directional real estate signs.

Grand opening means a special event held within 60 days of the start of a business's occupancy of a location for the purpose of promoting the newly established business or location.

Gross mural area means the entire area of a mural painted or applied to a building or wall surface.

Hand-held sign means a sign that is held by or otherwise mounted on a person. For the purposes of this article, hand-held sign does not include a noncommercial sign.

Identification sign means any sign which is used to identify or advertise the occupant of a building, lot, premises or parcel or the merchandise or activity available at the building, lot, premises or parcel where the sign is located.

Illegal sign means: (a) Any sign originally erected or installed without first complying with all structural, locational, design, building, and electrical regulations in effect at the time of its construction or installation; (b) Any abandoned sign; (c) Any unsafe sign; (d) Any legal nonconforming sign that has not been removed following the expiration of any applicable amortization period provided in this code; and (e) Any sign that is in violation of the provisions of this article.

Incidental sign means a sign indicating credit cards accepted, trade affiliations, no solicitation, no trespassing and similar property-related matters.

Inflatable sign means a sign that is inflated by air or other gaseous matter.

LED display board sign means that portion of an on-site freestanding sign with the capability of presenting variable messages or displays through electronically controlled lighting and which can be programmed to change the content of the display periodically.

Legal nonconforming sign means a sign that was originally erected or installed in compliance with all structural, locational, design, building, and electrical regulations at the time of its erection or installation, but which no longer conforms to the provisions of this article.

Lighted sign means a sign which is illuminated either directly or indirectly by artificial light.

Marquee means a permanent cantilevered roof structure attached to and solely supported by a building wall, and which projects over a public right-of-way.

Marquee sign means a sign painted on or attached to the vertical or underneath side of, or erected on the roof surface of, a marquee.

Master sign program means a plan showing the location, dimensions, area, color, lighting and materials of all signs located on a single parcel or parcels, either under the same ownership or under the same planned development permit.

Minor identification sign means an identification sign that does not exceed four square feet in area and the copy does not exceed four inches in height.

Mobile sign means the use of a moving trailer, automobile, truck, or any other vehicle to display commercial or noncommercial messages primarily for advertising purposes unrelated to the principal use of such vehicle.

Monument sign means a low-profile sign which is mounted on the ground or on a low supporting base upon the ground and has no vertical supports or members which raise the sign display area above the ground such that the sign display area is visibly detached from the ground or the supporting base more than eight inches at any point.

Moving or flashing sign means any sign or other advertising medium that moves, flashes or blinks in an on and off manner, or gives the illusion of movement in any form, or that rotates, oscillates, shimmers or glitters, or gives the appearance thereof.

Mural means a pictorial illustration or graphic presentation painted on or applied to a building or wall. Colors will not be limited by subsection 90-1248(a).

Noncommercial message means any wording, logo or other representations that does not directly or indirectly, name, advertise or calls attention to a commercial or industrial business, product, good, service or other commercial or industrial activity.

Noncommercial sign means a sign that does not name, advertise or call attention to a commercial or industrial business, commodity, product, good, service or other commercial or industrial activity for a commercial or industrial purpose.

Off-site sign means a commercial sign not located on the site of the business or entity indicated or advertised by the sign, or a commercial sign advertising a commodity, good, product, service or other commercial or industrial activity which originates on a site other than where the sign is maintained. For the purposes of this article, all signs with noncommercial messages are deemed to be "on-site," regardless of location.

On-site sign means any sign which directs attention to occupancy, business, commodity, good, product, service or other activity conducted, sold or offered upon the site where the sign is maintained. For the purposes of this article, all noncommercial messages are deemed to be "on-site," regardless of location.

Pennant means a long, tapering, usually triangular flag made of flexible materials, such as cloth, paper or plastic, which is attached by a string to buildings or light fixtures and used for promotional purposes and to attract the attention of passersby.

Portable sign means a sign that is not permanently affixed, anchored or secured to either the ground or a structure on the premises it is intended to occupy, but does not include hand-held signs. For the purposes of this article, a portable sign does not include a noncommercial sign.

Portable sign, menu means a portable sign with an "A" frame that is at a location suitable for and scaled for pedestrian viewing.

Projecting sign means any sign projecting more than 12 inches from the face of a building, structure, canopy or marquee.

Promotional poster frame sign means a permanently mounted frame located at drive-thru establishments that allow for unlimited interchangeable temporary signs to be placed within the frame. The temporary signs within the frame are usually printed on paper or lightweight cardboard and promote temporary sales and events.

Real estate sign means a sign announcing that a building, premises, parcel or portion thereof is for sale, lease or rent.

Real estate sign, on-site means a real estate sign located on the property that is for sale, lease or rent.

Real estate sign, off-site directional means a real estate sign used during specified times to assist with wayfinding to existing homes for sale that are being shown to the public during an "open house" event.

Roof sign means any sign supported by or attached to or projecting through the roof of a building or structure and projecting above the eave line or parapet wall of the building or structure.

Security warning sign means a sign used to announce a neighborhood watch security system.

Sign means any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or

otherwise identify, advertise or attract the attention of the public. However, a sign does not include the following:

- (1) Official notices authorized by a court, public body or public officer.
- (2) Traffic, directional, warning or information signs authorized by federal, state or municipal authority.
- (3) The official flag, emblem or insignia of a government, public school or religious group or agency.
- (4) Memorial plaques or tablets, or cornerstones indicating the name of a building and the date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure.
- (5) Signs within a building, except window signs signs permitted under Section 90-1275(c)(4) and banner signs in automobile service bays permitted under Section 90-1275(c)(1)(g)(ii).
- (6) Signs on public school property.
- (7) Signs on street legal vehicles, license plates, license plate frames, registration insignia, including noncommercial messages, messages relating to the business or service of which the vehicle is an instrument or tool (not including general advertising that is unrelated to the principal use of such vehicle for such business or service) provided the vehicle is being used as an instrument or tool of the business and service and not primarily for advertising, and messages relating to the proposed sale, lease or exchange of a vehicle.

Sign face means that portion of a sign intended to be viewed from one direction at a time.

Special event means a temporary event conducted at a commercial business establishment, including but not limited to, grand openings, going out of business/liquidation sales, parking lot sales, and seasonal/holiday sales subject to the granting of a Temporary Use Permit or other special events conducted for the benefit of the community at large. Special events do not include temporary promotions of particular items or services for sale.

Stake sign means a temporary sign usually made of cardboard or plastic mounted to a wood or metal stake that is stuck into the ground.

Subdivision sign means a sign erected and maintained within the boundaries of a recorded subdivision and indicating the name of the subdivision, the name of the contractor or subdivider, and the name of the owner or agent, and giving information regarding directions, prices or terms.

Temporary sign means any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, wood or other light materials, with or without frames, intended to be displayed for a limited period of time.

Theatrical Event means a live performance of artistic work, such as a play or musical compositions, that is open to the general public and will be occurring for a limited duration of time.

Time and temperature device means that portion of any sign, exclusive of any advertisement copy or advertising media, which may on a periodic basis change its character and appearance to provide information as to time of day or condition of the weather measured in degrees.

Unsafe sign means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property on account of the condition of the sign structure, its location, or its mounting mechanism.

Wall sign means any permanent sign painted or otherwise marked on or attached parallel to the face of an exterior wall or on any exterior surface of any structure or building.

Window sign, permanent means a sign attached to or painted on a window designating the name or identifying the type of business conducted on the premises.

Window sign, temporary means a sign attached to or placed on or within three feet of the interior of a window that does not designate the name or identify the type of business conducted on the premises. Temporary window signs do not include signs utilized as part of a window display of merchandise when such signs are incorporated within the display.

Sec. 90-1243. Applicability.

This article regulates signs located on private property within all zoning districts of the city and on property owned by public agencies other than the city and over which the city has zoning and land use regulatory power. Except where otherwise expressly provided in this article, all signs located in such areas of the city must be erected and maintained in conformity with this article.

Sec. 90-1244. General provisions.

(a) *Sign permit required.* Except as otherwise expressly provided in this article, it is unlawful for any person to place, erect, structurally or electrically alter, change any commercial message, move or display any temporary or permanent sign without first obtaining a sign permit from the department in accordance with the provisions of this article. No sign permit is required for cleaning or other normal maintenance of a properly approved sign, unless a structural or electrical change is made.

(b) *Owner's consent required.* The consent of the property owner or person in control or possession of the property is required before any sign may be erected on any private property within the city.

(c) *Noncommercial signs.* Noncommercial signs are allowed wherever commercial signage is permitted on a site or building and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this article. A permit is required for a permanent noncommercial sign only when a permanent commercial sign has not been previously approved. For purposes of this article, all noncommercial messages are deemed to be "on-site," regardless of location.

(d) *Substitution of noncommercial messages.* Subject to the consent of the property owner or person in control or possession of the property, a noncommercial message of any type may be substituted for all or part of the commercial or noncommercial message on any sign allowed under this article. No special or additional approval is required to substitute a noncommercial message for any other message on a permitted sign, provided the sign structure is already approved or exempt from the sign permit requirement and no structural or electrical change is made. When a noncommercial message is substituted for any other message, however, the sign is still subject to the same design, locational and structural regulations (e.g., color, materials, size, height, illumination, maintenance, duration of display, etc.), as well as all building and electrical code requirements that would apply if the sign were used to display a commercial message. In the event of any perceived or actual conflict between the general provisions of this subsection and any other specific provisions in this article, the provisions of this subsection will prevail.

(e) *Substitution of commercial messages.* The substitution of one commercial message for another commercial message is not automatically allowed nor is the free substitution of a commercial message in a place where only a noncommercial message is allowed. In addition, no off-site commercial messages may be substituted for on-site commercial messages.

(f) *Legal nature of sign rights and duties.* All rights, duties and responsibilities related to permanent signs attach to the land on which the sign is erected or displayed and run with the land or personal property. The city may demand compliance with this article and with the terms of any sign permit from the permit holder, the owner of the sign, the property owner or person in control or possession of the property, or the person erecting the sign.

Sec. 90-1245. Signs not requiring a sign permit.

The following signs do not require a sign permit under section 90-1246, nor will the area of such signs be included in the maximum area of signs permitted; provided, however, that each such sign must comply with all applicable requirements of this article. The intent of this section is to avoid unnecessary or time-consuming review procedures where certain permitted signs are minor or temporary or the erection of such sign does not require review for compliance with the city's building or electrical codes.

- (1) Campaign signs.
- (2) Construction signs.
- (3) Hand-held noncommercial signs.

- (4) Incidental signs, provided that the maximum sign area for all such signs does not exceed two square feet per use or occupancy on a parcel.
- (5) Minor identification signs.
- (6) Real estate signs.
- (7) Temporary freestanding noncommercial signs permitted by subsection 90-1250(c).
- (8) Window signs.
- (9) Portable menu signs, promotional posters within a permitted promotional poster frame, and temporary window signs in compliance with the regulations contained in section 90-1275.

Sec. 90-1246. Administration.

- (a) *Purpose.* The purpose of a sign permit is to help ensure compliance with the provisions of this article, in particular, the provisions regulating the design, illumination, location, materials, number, size and type of sign.
- (b) *Sign permit application process.*
 - (1) Where specifically required by this article, an application for a sign permit must be made in writing on the form provided by the department and accompanied by any required materials, plans and exhibits and the required fee or bond established by city council resolution.
 - (2) The director will initially determine whether the application contains all the information and items required by the provisions of this article and may be deemed complete.
 - (3) All notices required by this article are deemed given upon the date any such notice is either deposited in the United States mail or the date upon which personal service of such notice is provided.
 - (4) No sign permit application will be accepted if:
 - a. The applicant has installed any sign on the site of the proposed sign in violation of the provisions of this article and, at the time of submission of the application, each such illegal sign has not been legalized, removed or included in the application.
 - b. There is any other existing code violation located on the site of the proposed sign(s) (other than an illegal sign that is not owned or controlled by the applicant and is located at a different business location on the site from that for which the approval is sought) that has not been cured at the time of the application.

c. The sign permit application is substantially the same as an application previously denied, unless: (i) 12 months have elapsed since the date of the last application, or (ii) new evidence or proof of changed conditions is furnished in the new application.

d. The applicant has not submitted for processing or obtained any applicable use permit or approval.

(c) *Standard sign permit review process.*

(1) After receiving a complete sign permit application, the director will cause the application to be reviewed and render a written decision to approve or deny the application within ten business days.

(2) Determinations on sign permit applications are to be guided by the standards and criteria set forth in this article. An application will be approved whenever the proposed sign conforms to all design, size, height and other standards for signs subject to a permit requirement, as such requirements are set forth in this article.

(3) An application may be granted either in whole or in part when more than one sign or location is proposed by an applicant. When an application is denied in whole or in part, the determination must be in writing and must specify the grounds for such denial.

(d) *Sign permit review: master sign programs, special sign programs, modifications, and variances.*

(1) *Sign programs for planned developments.* Large scale development projects permitted under the planned community development (PCD), planned development overlay district (PUD) and specific plan (SP) zones may have uniform sign programs developed and approved which carry out the intent of such detailed plans. Uniform sign programs approved pursuant to this subsection will take precedence over other standards outlined in this article. Provisions for the review and approval of each uniform sign program will be the same as the provisions outlined in the planned development each uniform sign program is intended to support.

(2) *Special sign program for contiguous uses.* Notwithstanding any other provisions of this article, a group of three or more contiguous commercial uses occupying a site of less than five acres, or a group of three or more uses having common frontage upon a public street, mall or parking lot, may be permitted signage as specifically permitted in this subsection.

a. Where appropriate, applicants may submit detailed drawings to the department indicating an overall integral sign theme that may not specifically comply with all sections of this article regulating colors, height, locations and total allowable area. All sign programs developed under this concept will be required to receive approval of the director. All proposed revisions or alterations to a previously approved sign program will be resubmitted to the

department and will be required to receive approval of the director before issuance of any permits.

b. Where the director deems appropriate under the provisions of this section, the director may allow modifications and variations of this article where such modifications and variations are within the intent and purpose of this article and lend themselves toward a more creative and harmonious signage program.

c. Signs or sign programs approved under this section will not be construed as a basis for the granting of variances to provisions of this article, nor for granting special privileges which are denied other applicants under this article.

d. No freestanding sign approved under this section may exceed 100 square feet in area per face.

(3) *Modifications.* The director may grant minor modifications from the permitted sign area, height or setback requirements of this article provided that no such modification exceeds ten percent of the applicable requirement. Before granting any such minor modification, the director must make the following findings:

a. The sign will not interfere with pedestrian or vehicular safety.

b. The sign will not be located so as to have a significant negative impact on the visibility or aesthetic appearance of any adjacent property.

c. The sign will generally be compatible with other on-site signs, the structure or development it identifies, and surrounding development.

(4) *Variances.* The planning commission may grant variances from the provisions of this article for the erection and maintenance of signs when difficulties, unnecessary hardship or results inconsistent with the general purpose of this article would otherwise occur and would deprive the owner of rights enjoyed by others. The application and review process for a sign variance will follow the applicable procedures set forth in Article XLV of Chapter 90 of this Code.

(e) *Permit fee; bond.* Prior to the issuance of a sign permit, the department must collect the fee of cash bond, if any, in accordance with the schedule approved by city council resolution.

(f) *Time limit.* Signs authorized by a permit issued pursuant to this article must be erected within one year of the issuance of the permit, otherwise the approval will be null and void

(g) *Revocation of a sign permit or other approval.* Subject to section 90-1284, the director may revoke any permit or approval upon refusal of the permit [permittee] or approval holder to comply with the provisions of this article after written notice of noncompliance and at least 15 days opportunity to cure.

Sec. 90-1247. General location, height and area standards.

(a) *Location standards.*

(1) Except as specifically provided in this article, no sign may be located upon or project over a public right-of-way.

(2) Except as specifically provided in this article, no sign may extend above the eave line or parapet or the lowest point on the sloping roof of the building on which it is located. Roof signs may not extend above the highest point on the building on which it is erected. No wall sign may extend beyond or project above the vertical or horizontal line of any exterior wall or portion of the structure upon which such sign is affixed.

(3) Signs must be designed and located so as not to interfere with the unobstructed clear view of the public right-of-way and nearby traffic regulatory signs or any pedestrian, bicyclist or motor vehicle driver.

(4) Except as specifically provided in this article, all signs authorized under this article must be placed on the side of the property facing on a public or private right-of-way, and may not be placed in such a manner that it is observable only over private property not used in conjunction with the property of the applicant.

(5) No sign may be erected in such a manner that any portion of its surface or supports is within six feet horizontally or 12 feet vertically of overhead electric conductors which are energized in excess of 750 volts.

(6) No sign over 42 inches in height may be erected at the intersection of any street or within the segment created by drawing an imaginary line between points 30 feet back from where the curb lines of the intersection quadrant intersect.

(b) *Sign height.* Sign height will be measured using the greatest vertical measurement from grade level along the base of the sign structure to the highest point of the sign. Sign height will be measured from the elevation of the top of the curb fronting such sign when within ten feet of a street property line. When a sign is set back from a property line more than ten feet, sign height will be measured from the elevation of the ground level surrounding the base of the sign.

(c) *Sign area.* The area of any sign as regulated by this article will be measured by computing the area within a maximum of eight straight lines enclosing the entire perimeter of a sign, including all text, emblems, arrows, ornaments or other sign media. Where the letters or characters of a sign are painted, mounted or otherwise attached to a panel which is of a color or material which contrasts with the color or material of the building upon which such panel is painted or mounted, the sign area will be the area of such panel. Where individual letters or characters are painted, mounted or otherwise attached directly to a wall or structure, the area of the sign will be measured by means of straight lines drawn around the perimeter of such letters or characters.

Sec. 90-1248. Design, material, construction and maintenance standards.

Each permanent sign that requires a sign permit must comply with the following standards:

- (1) *Materials and colors.* All permanent signs must be constructed of durable materials that are compatible in appearance to the building supporting or identified by the sign. Sign colors and materials should be selected to be compatible with the existing building designs and should contribute to legibility and design integrity. No sign may contain more than five colors. Tints and shades of a color will be considered as one color. Black and white will be considered as colors.
- (2) *Relationship to buildings.* Each permanent sign located upon a site with more than one main building, such as a commercial, office or industrial complex must be designed to incorporate the materials common or similar to all buildings.
- (3) *Relationship to other signs.* Where there is more than one sign on a site or building, all permanent signs must have designs that similarly treat or incorporate the following design elements:
 - a. Type of construction materials;
 - b. Sign/letter color and style of copy;
 - c. Method used for supporting sign (e.g., wall or ground base);
 - d. Sign cabinet or other configuration of sign area;
 - e. Illumination; and
 - f. Location.
- (4) *Sign illumination.* Illumination from or upon any sign must be shaded, shielded, directed or reduced so as to minimize light spillage onto the public right-of-way or adjacent properties, and in no event may illumination be permitted to cause such excessive glare as to constitute a potential hazard to traffic safety. Externally illuminated signs must be lighted by screened or hidden light sources. The provisions of this subsection do not apply to LED display boards.
- (5) *Construction.* Every sign, and all parts, portions and materials thereof, must be manufactured, assembled and erected in compliance with all applicable state, federal and city regulations including the city's building code and electrical code. Under no circumstances may a permanent sign have an exposed back.
- (6) *Maintenance.* Every sign and all parts, portions and materials must be maintained in good repair. The display surface of all signs must be kept clean, neatly painted, and free from rust, cracking, peeling, corrosion or other states of disrepair. This maintenance obligation includes the replacement of malfunctioning or burned-out lamps, replacement of broken faces, repainting of rust, chipped or peeling structures or faces within 15 days following written notification by the city.

(7) *Removal of signs and restoration of building or property.* When there is a change or discontinuance of a business or occupancy such that a sign no longer properly identifies a place of business or occupancy, the sign must be removed or the name of the prior business or occupant either removed, or the sign face covered in a manner that blends with the building or supporting structure within 60 days of the change or discontinuance of a business or occupancy. Within 30 days of the removal of a sign from a building or from the grounds of the premises if a freestanding sign, the building or the grounds of the premises must be repaired and restored to remove any visible damage or blemish left by the removal of the sign.

Sec. 90-1249. Permanent signs permitted in all or multiple zones.

The following types of permanent signs are permitted in all zones subject to the applicable regulations:

(1) *Directional signs.*

a. *Eligibility.* Directional signs may be authorized and approved by the director through the amendment of an existing, or the creation of a new, master sign program for a multi-tenant commercial center having met one or more of the following criteria:

i. The commercial center has 25,000 or more square feet of commercial building space.

ii. The commercial center has ten or more tenants

iii. The director determines the configuration of the commercial center warrants the need for additional directional signage.

b. *Changeable copy.* Directional signs may include individual panels for each tenant that may be changed out.

c. *Size.* Directional signs shall be human scale. The director shall have the discretion to determine the appropriate size for a directional sign based on the size of the commercial center, the number of tenants that will be listed on the sign, the proposed placement of the sign and visibility concerns.

d. *Materials.* Directional signs shall be professionally designed and constructed using durable materials capable of withstanding exposure to sunlight and weather for prolonged periods of time.

(2) *Murals.*

a. *Number.* A mural is permitted on each building frontage, except in residential zones where murals are not permitted. All existing signs on the frontage proposed for a mural must be removed prior to the commencement of a mural. The mural will take the place of all other signage on the same

building frontage as a mural, except window and canopy signs in accordance with this article.

b. *Area and height.* The mural may not extend beyond or project above the vertical or horizontal line of any wall or structure upon which the mural is painted or affixed. Any lettering, text, numerals or other similar identifications will be limited to a maximum of six percent of the gross mural area, or 100 square feet maximum, whichever is less, and must be within an area that can be enclosed by eight straight lines drawn around the perimeter of such lettering, text, numerals or other similar identification. The lettering, text, numerals or other similar identification must be painted on the surface or must be raised letters applied to the surface.

c. *Location.* Where the building face upon which a mural is proposed adjoins a building wall on an adjacent property, the bottom of the mural must be placed a minimum of one foot above the vertical line where the two walls meet. No portion of the mural may project more than six inches from the surface upon which the mural is painted or affixed are [where] prohibited.

d. *Lighting.* No internal illumination is permitted.

e. *Additional application requirements.* In addition to the procedures outlined in section 90-1246, the applicant for a mural permit must also provide the following:

1. An affidavit signed by the property owner, and notarized, giving the applicant permission to place the mural on the building.
2. An agreement between the property owner and the city in a form reasonably acceptable to the city attorney whereby the property owner agrees to: (1) Restore chipping, fading, peeling, vandalism or other similar defects to mural quality within seven days of written notice from the city to correct such conditions, and (2) To comply with the requirements of subsection 90-1248(g). No certificate of occupancy may be issued to a new tenant until the mural has been removed or a new permit for a mural has been issued.

Sec. 90-1250. Permanent signs generally permitted in residential zones.

(a) *Signs based on usage.* In addition to any other applicable signage allowed under this article, in the R-A, R-1, R-2, R-3 and R-P zones on property subject to the designated uses, the following signs are permitted:

- (1) *Residential-agricultural.* On property in agricultural use, one unlighted, double-faced sign not more than 16 square feet in area and not in excess of six feet in height may be permitted on each parcel.

(2) *Dwellings.* On all property utilized for residential purposes, one nameplate not exceeding two square feet in area may be permitted for each single-family dwelling unit, indicating the name of the occupant.

(3) *Multiple-family dwellings.* On property used for multiple-family dwellings, clubs and lodges, one or more wall or freestanding identification signs, lighted or unlighted, single- or double-faced, all of which total not more than 32 square feet in area for each separate street frontage. A freestanding identification sign may not exceed six feet in height.

(4) *Offices.* On property used for office purposes, one or more wall or freestanding identification signs may be permitted on each separate frontage. The signs may be lighted or unlighted, single- or double-faced, and all of which may not total more than one square foot in display area for each one linear foot of building frontage, or 100 feet, whichever is less. Freestanding signs may not exceed eight feet in height.

(b) *Neighborhood/community identification signs.* Identification signs are permitted at the entrance to each neighborhood subject to the following regulations:

(1) *Number.* A freestanding or wall identification sign is permitted at each major street entrance to a designated neighborhood/community.

(2) *Area.* A sign may not exceed 20 square feet per sign face.

(3) *Height.* A freestanding sign may not exceed six feet in height.

(4) *Lighting.* A sign may be illuminated.

(5) *Special approval.* Specially designed neighborhood/community identification signs will be subject to planning commission approval.

(c) *Security warning signs.*

(1) *Number.* A security warning sign is permitted at each major street entrance to a neighborhood.

(2) *Area.* A security warning sign may not exceed seven square feet in area and must be single-faced.

(3) *Height.* A freestanding security warning sign may not exceed six feet in height.

(4) *Location.* A security warning sign may be located in a public right-of-way subject to the issuance of an encroachment permit.

Sec. 90-1251. Permanent signs permitted in commercial zones.

In addition to any other applicable signage allowed under this article, the following permanent signage is permitted in commercial zones.

(1) *Permitted sign area.* Each business in a commercial zone is permitted two square feet in permanent sign area for each one linear foot of building frontage up to a maximum of 200 square feet in permanent sign area. For the purposes of this section, only one face of a double-faced sign will be counted in determining total sign area.

(2) *Primary sign types.* Subject to any additional regulations set forth in this section or article, the permitted sign area set forth in subsection (1) must be used in conjunction with one or more of the following sign types in all commercial zones: bulletin board signs, freestanding signs, monument signs, projecting signs or wall signs. For the purposes of this section, freestanding or monument signs are not permitted on lot frontages less than 60 feet in width.

(3) *Special regulations.*

a. *Freestanding signs.* Freestanding signs may not exceed 25 feet in height or the height of the building to which the sign pertains, whichever is less.

b. *Marquee and under-canopy signs.* One marquee or under-canopy sign per business is allowed. The sign may not exceed one foot in height, and the lowest point of such sign may not be not less than eight feet above the public sidewalk. The sign may be double-faced, may not project beyond the outer edge or above the canopy or marquee, and must be stationary. All fluorescent lighting devices must be protected by shatterproof material. The size of a marquee sign will not be included in computing the total allowable sign area for the premises.

c. *Minor identification signs.* One minor identification wall or window sign is permitted in addition to any other signage permitted under this section.

d. *Monument signs.* One monument sign is permitted for each separate commercial frontage, which may be placed only in lieu of a freestanding sign on the same parcel. Monument signs may be placed in setback areas subject to the restrictions of subsection 90-16(f), pertaining to corner and driveway visibility, and may not exceed eight feet in height. The maximum sign area is 64 square feet.

e. *Permanent window signs.* Permanent window signs may not exceed 20 percent of the window area or a maximum of 25 square feet in total area.

f. *Projecting signs.*

1. *Number.* Any single business or tenant with frontage on a public right-of-way is permitted one projecting sign along that public street. The projecting sign may exist instead of, but not in addition to, a freestanding sign, wall sign or roof sign.

2. **Area.** A projecting sign may not exceed four square feet in area.
3. **Location.** The projection over public property is limited to three inches for each linear foot of building frontage, measured from the nearest face of the building. No projecting sign may extend more than six feet from the face of the building and must be at least two feet back from the curblin. Subject to the same maximum limits, projecting signs on corner properties are otherwise permitted a 20 percent increase in projection.
4. **Height.** Projecting signs must have a minimum clearance of ten feet between the bottom of the sign and the ground. Signs may not extend above the vertical height of any exterior wall, fascia or roof, or any portion of the structure upon which the sign is attached.
5. A projecting sign four square feet in area or less will not be included in computing total allowable sign area for the premises.
6. An encroachment permit will also be required for any projecting sign that projects above a public right-of-way.

g. *LED display board signs.*

1. An LED display board sign may be permitted in the following situations, subject to the requirements of this subsection (3)(g):
 - i. as a part of a freestanding sign for a commercial center with an approved master sign program pursuant to section 90-1246(d),
 - ii. as a part of a monument sign for an individual commercial pad and not a part of a commercial center.
2. **Number.** Only one LED display board sign may be allowed per commercial center.
3. **Display.** Each electronic display shall appear for at least 8 seconds. Electronic displays shall not be animated, flash, or contain anything other than a static image.
4. **Transitions.** The transition from one electronic display to another shall be instantaneous and shall not contain scrolling, fading in or out, dissolving or any other animation.
5. **Advertisements.** An LED display board shall contain on-site advertisements and advertisements for civic events, fire and police emergencies, or other City-approved public service announcements. Any such sign shall not be used for off-site advertising.

6. *Safety.* The City Engineer shall review the sign for traffic safety purposes. The LED display board shall comply with all local and state safety standards.

7. *Illumination.* LED display board signs shall have automatic dimming controls. The sign's illumination shall not exceed 750 candelas per square meter from one-half hour before sunset until sunrise. After sunrise, the sign may resume illumination levels appropriate for daylight conditions.

(4) *Time and temperature devices.* Time and temperature devices will not be considered as part of the sign area under subsection (1) above unless there is a commercial message. No time and temperature device may exceed 24 square feet in area per face.

Secs. 90-1252—90-1254. Reserved.

Sec. 90-1255. Permanent signs permitted in church and institutional zones (S-1, I).

In addition to any other applicable signage allowed under this article, the following permanent signage is permitted in church and institutional zones (S-1, I) or for a church or institutional use located in a residential zone.

(1) *Permitted sign area.* Each church or institutional use is permitted on each separate frontage, one and one-half square feet of permanent sign area for each one linear foot of frontage up to a maximum of 100 square feet in area. For the purposes of this section, only one face of a double-faced sign will be counted in determining total sign area.

(2) *Primary sign types.* Subject to any additional regulations set forth in this section or article, the permitted sign area set forth in subsection (a) must be used in conjunction with one or more of the following sign types: bulletin board signs, freestanding signs, monument signs or wall signs. For the purposes of this section, freestanding or monument signs are not permitted on lot frontages less than 60 feet in width.

a. *Height.* The maximum height of any freestanding sign is 25 feet, or the height of the building to which the sign pertains, whichever is less.

b. *Lighting.* Only wall or monument signs may be illuminated.

Secs. 90-1256—90-1260. Reserved.

Sec. 90-1261. Permanent signs permitted in parking zones.

(a) Where rates are charged in P zones, the following signs are permitted for parking lots and parking structures:

- (1) *Number.* Pay parking lots and structures are permitted one freestanding or wall sign identifying the lot or operator and referring to the availability and charges for parking spaces on the parking lot or in the parking structure.
- (2) *Area.* For each three linear feet of frontage on a public street there is permitted one square foot in permanent sign area per sign face.
- (3) *Height.* The sign may not exceed 15 feet in height.
- (4) *Lighting.* The sign may be lighted only during the hours that the parking lot or parking structure is open for business.

(b) Where rates are not charged in P zones, the following signs are permitted for parking lots and parking structures:

- (1) *Number.* Free parking lots or structures are permitted one freestanding sign on each side of the premises fronting on a public street.
- (2) *Area.* The sign may not exceed four square feet in area per sign face.
- (3) *Height.* The sign may not exceed six feet in height.
- (4) *Lighting.* The sign may be illuminated.

Secs. 90-1262—90-1270. Reserved.

Sec. 90-1271. Permanent signs permitted in manufacturing zones (M-1 and M-2).

In addition to any other applicable signage allowed under this article, the following permanent signage is permitted in manufacturing zones M-1 and M-2.

- (1) *Permitted sign area.* Each business is permitted on each separate street, mall or parking lot commercial frontage, one and one-half square feet of area for each one linear foot of frontage up to a maximum of 100 square feet in area. For the purposes of this section, only one face of a double-faced sign will be counted in determining total sign area.
- (2) *Primary sign types.* Subject to any additional regulations set forth in this section or article, the permitted sign area set forth in subsection (1) above must be used in conjunction with one or more of the following sign types: bulletin board signs, freestanding signs, monument signs or wall signs. For the purposes of this section, freestanding or monument signs are not permitted on lot frontages less than 60 feet in width.
 - a. *Height.* The maximum height of any freestanding sign is 25 feet, or the height of the building to which the sign pertains, whichever is less.
 - b. *Lighting.* Only wall or monument signs may be illuminated.

Sec. 90-1272. Permanent signs for shopping centers and big box uses.

The following on-site signs for primary identification are permitted in shopping centers and for big box uses and supersede the regulations under sections 90-1251 and 90-1271.

(1) *Number.* One lighted or unlighted double-faced, freestanding sign is permitted for each separate street frontage as shown in the following table:

Shopping Center/Big Box Uses (Gross Floor Area)	Maximum Sign Area (in square feet)	Maximum Height (in feet)
Less than 30,000	Per requirements of section 90-1251	25
30,000 to 69,900	150	30
70,000 to 140,999	250	40
150,000 or more	300	45

(2) *Additional signage for shopping centers.* Each building frontage, whether in-line or freestanding, is permitted a wall sign or signs totaling not more than two square feet of area for each one linear foot of building frontage up to a maximum of 200 square feet.

(3) *Additional signage for big box uses.* Big box uses may be permitted a wall sign or signs totaling not more than 1.4 square feet of display area for each one linear foot of building frontage.

Sec. 90-1273. Permanent signs for automobile service stations and drive-in restaurants.

For automobile service station uses and drive-in restaurants in all zones, the following regulations apply:

- a. One freestanding lighted or unlighted, double-faced, identification sign not exceeding 50 square feet in area per face is permitted. Such sign may not exceed 25 feet in height.
- b. Two lighted or unlighted, single-faced identification canopy or wall signs not exceeding 50 square feet in combined area are permitted.
- c. The following additional signs are also permitted for automobile service station uses:
 - 1. One fuel pricing sign not to exceed 20 square feet per sign face, which may be part of a monument or freestanding sign.
 - 2. Three unlighted signs not exceeding four square feet in combined area, which indicate credit cards honored and trading stamps available on the premises.

Sec. 90-1274. Permanent signs for outdoor sales.

Only the following on-site signs for primary identification are permitted for plant nurseries, mobile home sales and similar outdoor sales uses not involving showrooms or large offices:

- (1) General types. Each business is permitted one wall, roof or projecting sign on each separate commercial frontage.
- (2) Area. The permitted sign area for each sign is two square feet for each one linear foot of lot frontage up to a maximum of 200 square feet.
- (3) One freestanding, lighted or unlighted, double-faced identification sign may be included in the sign area under subsection (2). The maximum height of any such sign is 16 feet, except as specifically approved by conditional use permit where it can be demonstrated that the 16-foot height limitation precludes the effectiveness of the sign's purpose for identification.
- (4) One low-silhouette monument sign per separate commercial frontage may be included in the sign area under subsection (2), which sign may be placed only in lieu of a freestanding sign on the same site. Monument signs may be placed in setback areas subject to the restrictions of subsection 90-16(f), pertaining to corner and driveway visibility, provided that the height does not exceed eight feet and the sign area does not exceed 64 square feet.

Sec. 90-1275. Temporary Signs

(a) All Zones. In addition to any other applicable signage allowed under this article, the following types of temporary signs are permitted in all zones without a permit or other prior approval from the City, subject to the regulations contained in this subsection (a).

- (1) *Campaign signs.*
 - a. *Number.* Each parcel may have one temporary freestanding campaign sign for each political candidate or issue on each street frontage.
 - b. *Area.* In agricultural, commercial, and industrial zones, no campaign sign may exceed 32 square feet in area per face. A campaign sign may be double-faced if it is placed perpendicular to the right-of-way. In residential areas, no campaign sign may exceed six square feet in total area per face and may be double-faced.
 - c. *Height.* No freestanding campaign sign may exceed four feet in height.
 - d. *Location.* Campaign signs may be placed in the front, side or rear yard of any parcel that fronts, sides or rears on a public street. No campaign sign may encroach into the public right-of-way.

e. *Time limit.* All campaign signs must be removed within seven days following the election for which they are intended.

f. *Lighting.* Campaign signs may not be illuminated.

(2) *Construction signs.*

a. *Number.* Any parcel with construction activity is permitted one construction sign.

b. *Area.* A construction sign may not exceed 32 square feet in area per face.

c. *Height.* A freestanding construction sign may not exceed eight feet in height.

d. *Location.* Construction signs must be parallel to a public right-of-way but may not encroach into the right-of-way.

e. *Time limit.* A construction sign may not be erected until the issuance of any applicable building or grading permit. The sign must be removed upon completion of the construction activity and before issuance of a certificate of occupancy, if applicable, and in no event later than the expiration of the applicable building permit.

f. *Lighting.* Construction signs may not be illuminated.

(3) *On-site real estate signs.*

a. Parcels less than one acre in area are subject to the following regulations:

1. *Number and area.* On each public street frontage, one wall-mounted or freestanding real estate sign is permitted, provided the sign does not exceed four square feet in area for each sign face. On a parcel zoned for a senior community, an additional two square feet of sign area is permitted indicating that the property is a "Senior Community 55+."

2. *Height.* Freestanding real estate signs may not exceed six feet in height.

3. *Location.* Freestanding real estate signs may be placed in front yard setback areas, provided such signs are not located within the corner cutback and not overlaying into the public right-of-way. For purposes of this section, "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. 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.

4. *Time limit.* All real estate signs must be removed within 15 days after the applicable property has been rented, leased or sold.

5. *Lighting.* Real estate signs may not be illuminated.

b. Parcels greater than one acre in area or which are located in a commercial or industrial zone are subject to the following regulations:

1. *Number and area.* On each public street frontage, one wall-mounted or freestanding real estate sign is permitted, provided the sign does not exceed 32 square feet in area for each sign face. On a parcel zoned for a senior community, an additional four square feet of sign area is permitted indicating that the property is a "Senior Community 55+."

2. *Height.* Freestanding real estate signs may not exceed six feet in height.

3. *Location.* Freestanding real estate signs may be placed in front yard setback areas, provided such signs are not located within the corner cutback and not overlaying into the public right-of-way. For purposes of this section, "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. 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.

4. *Time limit.* All real estate signs must be removed within 15 days after the applicable property has been rented, leased or sold.

5. *Lighting.* Real estate signs may not be illuminated.

- (4) *Off-site directional real estate signs.*
- a. *Location.* Off-site directional real estate signs may be placed on private property with the owner's permission or within the public right-of-way, including parkways, from 7:00 a.m. to 6:00 p.m.
 - b. *Removal.* Off-site directional real estate signs shall be promptly removed upon the conclusion of the open house.
 - c. *Size.* Off-site directional real estate signs shall not exceed two feet by three feet and the bottom of the sign shall be no more than 3 feet high off the ground.
 - d. *Location.* Off-site directional real estate signs shall be securely fastened to the ground. They shall not be affixed to trees, poles or other structures. They shall not be placed within 10 feet of a corner or driveway approach, or within a center median, or within a sidewalk.
 - e. *Number.* No more than 3 off-site directional real estate signs per business, entity or person shall be placed on a single block.
 - f. *Materials.* Signs shall be professionally manufactured and constructed of sturdy material. They shall not be constructed of single-layer cardboard, paper or bond stock.

(5) *Temporary freestanding noncommercial signs.*

- a. *Number.* Each parcel is permitted two temporary freestanding noncommercial signs at all times. Such signs are in addition to all other signage allowed in this article.
- b. *Area.* A temporary freestanding noncommercial sign may not exceed six square feet in area.
- c. *Height.* A temporary freestanding noncommercial sign may not exceed four feet in height.
- d. *Location.* Temporary freestanding noncommercial signs may be placed in the front yard or side yard of any property, provided that the signs do not encroach into any public right-of-way.
- e. *Lighting.* Temporary freestanding noncommercial signs may not be illuminated.

(b) Residential Zones. In addition to any other applicable signage allowed under this article, the following types of temporary signs are permitted in all residential zones.

(1) *Subdivision signs.*

- a. *[Number.]* An applicant may request up to three subdivision signs for any one subdivision project.

- b. *Area.* Subdivision signs may not exceed 40 square feet in area per face.
- c. *Height and location.* The location of each subdivision sign will be determined by the director. Subdivision signs may not extend above the height of any wall or fence to which it may be attached. If freestanding, such signs may not exceed six feet in height.
- d. *Security.* A bond or similar security in an amount and form satisfactory to the city is required to be posted to guarantee removal of any approved subdivision signs.
- e. *Time limits.* A subdivision sign must be removed no later than 18 months following recordation of the final subdivision map, provided that this time limit may be extended for up to six additional months by the director upon written request.
- f. *Lighting.* Subdivision signs may not be illuminated.

(2) *Residential subdivision signs.*

- a. *Banners and pennants.* In all subdivisions where an approved model home marketing complex is located, banners and pennants may be erected with or without advertisement to designate an open house or a sales office. The banners or pennants must be removed when the last phase of a subdivision is sold or until the sales office is closed or removed, whichever comes first. A cash deposit of \$200.00 with the city will be required to ensure the removal of any banners and pennants.
- b. *Advertising flags.* A new subdivision may be permitted flags as part of its sign program subject to the following regulations:
 - 1. *Number.* No more than six flagpoles are permitted, and only two flags are permitted on a pole. The applicant must also obtain a building permit for the erection of each flagpole.
 - 2. *Height.* The maximum height of a flagpole is 25 feet.
 - 3. *Location.* Flagpoles may be located at subdivision entry areas, model home marketing complexes, or at the subdivision sales office. Flagpoles may also be permitted along the perimeter of the subdivision beyond the entry statement. The flagpoles which are placed along the perimeter of the subdivision must be removed when the nearest house is occupied. All flagpoles on the perimeter of a subdivision must be spaced a minimum of 100 feet apart. Flagpoles placed along the perimeter must also have a 20-foot setback from any adjacent residentially-used property.

4. *Time limitation.* Flagpoles must be removed when the last phase of a subdivision is sold, or until the sales office is closed or removed, whichever comes first. A \$200.00 cash deposit for each flagpole, up to a maximum of \$600.00, must be deposited with the city to ensure the removal of the flagpoles. The developer may apply for an extension of up to six months subject to the approval of the director.

5. *Maintenance.* Flags must be inspected periodically by the developer and replaced when torn, tattered, or faded, or is otherwise no longer in attractive condition.

(3) *Advertising flags at rental properties.* Flags used for advertising purposes are permitted at multiple-family rental complexes of 20 units or more subject to the following regulations.

- a. *Number.* For the first 100 feet of lot frontage, two flagpoles are permitted and one additional flagpole is permitted for each additional 50 feet of lot frontage. No more than two flags are permitted on a flagpole.
- b. *Area.* A flag may not exceed six square feet in area.
- c. *Height.* Flagpoles may not exceed 25 feet in height.
- e. *Time limitation.* The maximum time period for flagpoles to display a flag with a commercial message is one year. The owner may apply for an extension of up to six months subject to the director's approval.
- f. *Deposit.* A \$200.00 deposit for each flagpole, up to a maximum of \$600.00, will be collected at the issuance of the building permit to ensure the timely removal of flags with commercial messages.

(c) Commercial, Industrial and Manufacturing Zones. In addition to any other applicable signage allowed under this article, the following types of temporary signs are permitted in all commercial, industrial and manufacturing zones.

(1) *Banner signs.*

- a. *Permit.* The director may issue a permit for a banner sign, subject to such conditions as the director may prescribe, for the advertising of Special Events, Theatrical Events, Community Events and Awards.
- b. *Time limitation.* A banner sign permit may not exceed 45 continuous days, except that the director may extend the permit for an additional 15 days if the banner sign is:
 - i. Being used in lieu of permanent identification signage while the permanent sign is being fabricated; or,

- ii. Issued for a Theatrical or Community Event.
- c. *Permit Interval.* Except for banner sign permits issued for Theatrical or Community Events, the director may not allow a banner sign to be installed within 14 days from the expiration date of any previously approved banner sign permit.
- d. *Removal.* A banner sign shall be removed on or before the expiration date of the banner permit. Banner signs for Community Events and Theatrical Events shall be removed within 5 days of the conclusion of the event.
- d. *Number.* One banner per building elevation, up to a maximum of two banners, may be permitted at any time.
- e. *Size.* Banner signs shall not exceed 1.5 square feet per lineal foot of frontage, up to a maximum of 80% of the frontage or 30 feet, whichever is less. In no case shall the maximum area of a banner exceed 100 square feet.
- f. *Location.* Banner signs may be placed on the following on-site locations:
 - i. On an exterior wall of a building facing a public right-of-way.
 - ii. On an exterior wall of a building facing private property, if the private property is a vacant lot and the director determines that the placement of the banner will not be detrimental to the public health, safety or welfare and there is no other suitable location for the banner on an exterior wall facing a public right-of-way.
 - iii. In landscaped areas when there is no suitable place for the banner on an exterior wall of the building. Banner signs in landscaped areas shall only be permitted if the permit applicant owns or occupies the landscaped area, the landscaped area is not a part of the required setback or the common area landscaping for a commercial center, and the banner is installed on an approved freestanding structure intended for the display of banners. Banners shall not be attached to trees, shrubs or other landscaping materials or light poles.
 - iv. Adjacent to or within a covered walkway, provided that a minimum vertical clearance of 8 feet is provided from the sidewalk to the underside of the banner sign.

- g. *Exceptions.*
 - i. Notwithstanding subsection (c)(1)(f) above, the director may approve the display of an off-site banner for a Community Event, provided that the property owner consents to the placement of the banner on the property.
 - ii. Banners placed inside an automobile service bay are exempt from the requirement to obtain a banner permit provided that the banner is placed at least 10 feet from the service bay entrance.
 - iii. Award banners are exempt from the requirement to obtain a banner permit and do not count toward the number of banners that may be displayed at any time in subsection (c)(1)(d) above. Award banners may be displayed for the award period or up to one year. All other provisions of this subsection (c)(1) apply to Award banners.
- h. *Substitution of cane sign.* An existing business may substitute 1 cane sign for 1 banner sign for the purpose of advertising a temporary special promotion. The cane sign shall be subject to all of the provisions of this subsection (c)(1), except the location provisions in subsection (c)(1)(f). Cane signs permitted as a substitute for a banner shall adhere to the locational requirements in subsection (c)(2)(e).

(2) *Cane signs.*

- a. *Permit.* The director may issue a permit for one or more cane signs, subject to such conditions as the director may prescribe, to advertise a Special Event. Cane signs are not permitted in the Downtown zones (D-1 and D-2).
- b. *Time limitation.* Cane signs shall be displayed for no more than 14 consecutive days.
- c. *Removal.* Cane signs must be removed at the conclusion of the event the sign is advertising.
- d. *Number.* The number of cane signs shall be approved by the director in conjunction with the permit approval.
- e. *Location.* Cane signs may be placed on-site only. Off-site cane signs are not allowed. Cane signs shall not be placed in the required landscaped setback, parkways, or within the City's right-of-way. Cane signs shall not be placed on any building.

(3) *Pennants.*

a. *Permit.* The director may issue a permit for one or more pennants or small balloons, subject to such conditions as the director may prescribe, to advertise a Special Event.

b. *Time limitation.* Pennants permitted in connection with a grand opening shall be displayed for no more than 14 consecutive days. Pennants permitted in connection with a Special Event may be displayed for the duration of the Temporary Use Permit issued in connection with the Special Event.

(4) *Temporary window signs.*

a. *Permit.* Temporary window signs are permitted without a permit or other prior approval from the City subject to the requirements of this subsection (c)(4).

b. *Maximum coverage.* No more than 50% of each window pane shall be covered with opaque materials, except no more than 25% of each window pane shall be covered with opaque materials in the Downtown zones (D-1 and D-2) or in any establishment selling alcohol, tobacco, or tobacco related products.

c. *Transparency.* Temporary window signs, with or without commercial messages or pictures, that are wholly or partially transparent may be displayed provided that they do not cover more than 50% of each window pane (25% in the Downtown zones). Window tinting is not considered a temporary window sign under this section provided that views into the establishment are not completely obscured and a passerby is able to see through the window tint or temporary sign and into the establishment standing at least 10 feet away from the window.

d. *Illumination.* Temporary window signs shall not be illuminated, except for "Open/Closed" signs.

(5) *Promotional Poster Frames (Drive-thru establishments).*

a. *Permit.* The director may issue a permit for a promotional poster frame, subject to such conditions as the director may prescribe. A permit is not required for the individual posters placed within the promotional poster frame.

b. *Number.* No more than 4 promotional poster frames may be installed at any drive-thru establishment.

c. *Location.* Promotional poster frame must be attached to the building and located in a place that is visible from the drive-thru aisle.

- d. *Size.* Each promotional poster frames shall not exceed six square feet.
- e. *Materials.* Promotional poster frames must be made of durable and attractive materials approved by the director.
- f. *Prohibited Uses.* Promotional poster frames shall not be used to advertise alcohol, tobacco, or tobacco related products.

(6) *Portable menu signs.*

- a. *Permit.* Portable menu signs are permitted without the prior approval or consent of the City subject to the provisions of this subsection (c)(6).
- b. *Uses.* Portable menu signs are allowed in connection with the following uses: restaurants, coffee shops, delicatessens, bakeries, and uses in the Downtown zones (D-1 and D-2).
- c. *Number.* One portable menu sign is allowed per business.
- d. *Size.* A portable menu sign shall not exceed 5 square feet per sign face.
- e. *Location.* Portable menu signs must be located within 5 feet of the main entrance to the establishment and placed in a manner to maintain clearance around the sign for pedestrian and disabled persons access in compliance with the Americans with Disabilities Act.
- f. *Removal.* Portable menu signs shall not be displayed when the establishment is closed to the public.
- g. *Illumination.* Portable menu signs shall not be illuminated.

(7) *Balloons.*

- a. *Permit.* The director may issue a permit for a large balloon, subject to such conditions as the director may prescribe, in conjunction with a grand opening. This section shall not apply to the Hemet Auto Mall Specific Plan, which specifies requirements for this type of temporary signage.
- b. *Permit interval.* No establishment shall display a large balloon more than two times per year.
- c. *Time limitations.* A large balloon shall be displayed for a maximum of 5 consecutive days.
- d. *Locations.* Large balloons are only allowed in the C-1, C-2, and C-M zones and within the Hemet Auto Mall Specific Plan.
- e. *Number.* Only one large balloon is permitted at any one time on a site.

f. *Height.* Any large balloon must be maintained so that its highest point is no more than 20 feet above the roof line of the applicable premises. The maximum height of the balloon may not exceed 55 feet. When the premises lies within the Hemet-Ryan Airport Areas of Risk I, the balloon height may not exceed 35 feet. All large balloons must be maintained at least 20 feet below any overhead utility line.

g. *Separation.* No new permit will be granted for a large balloon within 1,000 feet or three blocks, whichever is greater, from any other large balloon.

h. *Maintenance/Safety.* The balloon must be maintained in a clean and attractive manner at all times it is on display. A deflated balloon shall be immediately removed until it is repaired. The Building Official shall approve the method of tethering the large balloon prior to installation.

i. *Illumination.* Large balloons may not be internally illuminated.

(8) *Future development signs.* Future development signs for an approved shopping center or industrial park are permitted without a permit or other prior approval from the City as follows:

a. One lighted or unlighted, double-faced, freestanding sign is permitted for each separate street frontage as shown in the following table:

SIGNS PERMITTED ON VACANT PARCELS

Acreage of Property (acres)	Size of Sign (square feet)	Maximum Height of Sign (feet)
0—5	64	12
5—10	96	12
10—20	128	14
20 or more	160	16

b. All future development signs must be removed from the property 18 months after approval of the sign by the city, or on the issuance of an occupancy permit for a structure within the shopping center or industrial park, whichever comes first.

c. All future development signs must be placed a minimum of 25 feet from the property line.

Secs. 90-1276—90-1279. Reserved.

Sec. 90-1280. Prohibited signs.

The following signs are prohibited in all zones:

- (1) Temporary signs, except as specifically permitted in sections 90-1245 and 90-1275. Prohibited temporary signs include, but are not limited to, stake signs (except real estate open house signs) and hand-held commercial signs.
- (2) Devices projecting or otherwise reproducing the image of a sign or message on any surface or object.
- (3) General outdoor advertising signs, except legal nonconforming signs as permitted in subsection 90-1281(c).
- (4) Inflatable signs, except balloons as permitted under section 90-1275.
- (5) Mobile signs.
- (6) Moving and flashing signs.
- (7) Off-site signs, except for off-site directional real estate signs as permitted under section 90-1275.
- (8) Portable commercial signs, except temporary signs as permitted under section 90-1275.
- (9) Roof signs.
- (10) Signs located in such a manner to constitute a potential traffic hazard or obstruct the view of any authorized traffic sign or signal device, or designed to resemble or conflict with any authorized traffic control sign.
- (11) Signs emitting audible sounds, odors or particulate matter.

Sec. 90-1281. Legal nonconforming signs.

(a) *Generally.* In order to limit the number and extent of legal nonconforming signs created by the adoption of this article, it is the intent to permit nonconformities to continue until they are removed, but not to encourage their survival. Therefore, a sign existing before the effective date of the original ordinance codified in this article (August 28, 1984), or existing on the date of any amendment to this article or a zone change or annexation to the city, may be used in accordance with other provisions of this article, provided that no such legal nonconforming sign may be enlarged, expanded, extended, altered, moved, reestablished after abandonment, or restored after destruction, except that the text or sign face of a legal nonconforming sign may be changed as long as there is no change in area or sign structure.

(b) *Special circumstances.* In accordance with California Business and Profession Code § 5499, no legal nonconforming sign will be required to be removed on the sole basis of its height or size if special topographic circumstances would result in a material impairment of visibility of the sign or the owner's or user's ability to adequately and effectively continue to communicate to the public through the use of the sign. The owner or user may maintain the sign at the premises and at a location necessary for continued public visibility at the height or

size at which the sign was previously lawfully erected pursuant to all applicable codes, regulations and permits. Any such sign will be deemed to be in conformance with this article.

(c) *Legal nonconforming general outdoor advertising signs.* Existing legal nonconforming general outdoor advertising signs may be relocated when the following requirements are met:

- (1) Proof that the existing sign was legally erected.
- (2) A conditional use permit has been approved in accordance with sections 90-42 through 90-42.11 of this Code. Prior to approval of the conditional use permit, an additional finding must be made by the approving authority that the removal and relocation of the general outdoor advertising sign fulfills a public purpose. In furtherance of that requirement, the conditional use permit must include a requirement that the sign be made available for use by the city for civic advertising purposes, at no charge, for up to a maximum of 30 calendar days per year, on such terms as may be set forth in the conditional use permit.
- (3) The existing sign must be removed prior to erecting a new sign.
- (4) If the existing sign was double-faced, then its replacement may be double-faced. However, in no case may the sign area exceed 300 square feet per face. The maximum height of the sign may not exceed 25 feet. In addition, existing single-faced signs currently located within the D-1 and D-2 (Downtown) zone districts may be relocated outside of the D-1 and D-2 zone districts with a double-faced sign.
- (5) The relocated sign may not be illuminated unless the original sign was illuminated.
- (6) If the sign is illuminated, the illumination must be turned off no later than 10:00 p.m.
- (7) There may be no moving parts or electrification of the sign.

Sec. 90-1282. Removal of signs.

(a) *Unsafe signs.* Any unsafe sign may be removed by the city without prior notice. Alternatively, the director may issue a notice of violation and give the permit holder, property owner or person in possession and control of the property up to 15 days to cure the violation.

(b) *Illegal signs.*

- (1) *Permanent.* Any illegal permanent sign must be removed or brought into conformity by the permit holder, property owner, or person in possession and control of the property following written notice from the director. Such notice must specify the nature of the violation, order the cessation thereof and require either the removal of the sign or the execution of remedial work in the time and in the manner specified by the notice. The time for removal or repair may not be less than 15 days from the date of mailing the notice.

(2) *Temporary.* Any temporary sign posted or otherwise affixed in violation of this article may be removed by the city. The city employee or agent removing the sign will immediately attempt to notify the owner of the sign, if such owner can be ascertained.

(c) *Abatement of signs.* All signs erected or maintained in violation of the provisions of this article are hereby declared to be a public nuisance, and may be removed at the direction of the city manager whenever the permit holder, property owner, or person in possession or control of the property fails to comply with an order of the director requiring compliance with this article. The city may abate any such sign in the manner set forth in Article II of Chapter 30 of this Code.

(d) *Retrieval of removed signs.* Any person desiring to retrieve a sign removed by the city may do so upon the payment of an administrative fine for each sign. The amount of such fine will be set by resolution of the city council. In lieu of paying such administrative fine, a person may retrieve a sign upon signing a promise to appear citation issued to such person. If a person wishes to contest the fact that a sign was placed in violation of this article prior to paying the fine or signing the citation, the person has the right to an administrative hearing before the director. If the director finds that the sign was lawfully posted, the director will cause the return of the sign without an administrative penalty or the issuance of a citation.

(e) *Disposal of removed signs.*

(1) *Permanent.* No permanent sign that has been removed and stored by the city may be released until the administrative fine and any other penalties have been paid. If a sign remains unclaimed for a period of 30 days after notice of removal is sent to the permit holder, property owner, or person in possession and control of the property, it will be deemed to be unclaimed personal property and may be disposed of in accordance with the law.

(2) *Temporary.* Any temporary sign removed by the city may be considered abandoned if it is not retrieved within 15 days after the date of such removal and may be disposed of by the city without liability therefor to any person.

Sec. 90-1283. Violation of article; penalty.

Any person, whether a principal, agent, employee or other person, violating or causing the violation of any of the provisions of this article will be guilty of an infraction, and upon conviction thereof may be punished by:

- (1) A fine not exceeding \$50.00 for a first violation.
- (2) A fine not exceeding \$100.00 for a second violation.
- (3) A fine not exceeding \$250.00 for each additional violation within one year.

Such person will be deemed guilty of a separate offense for each and every day during any portion of which any violation of this article is committed or continued by such person, and will be punished as provided in this section.

Sec. 90-1284. Appeals.

Any person aggrieved by a decision of the director made pursuant to the provisions of this article has the right to appeal such decision to the design review board as follows:

(1) *Appeal of director's decision.* Any decision made pursuant to the provisions of this article by the director will become final upon the expiration of 30 days from the date such decision is served on the applicant, unless an appeal to the design review board is filed prior to the expiration of such period of time. If such appeal is timely filed, all action will be stayed until the appeal is finally decided.

(2) *Procedure.* Any appeal brought pursuant to this section will be submitted on an application form to be provided by the department, and must be filed with the department. All portions of the application must be substantially completed. Each application on appeal must be verified. If the application form is not sufficiently completed, the department will return such application to the applicant, indicating the portions requiring additional completion. If the application is not returned to the department within ten days of the time mailed, the appeal will be deemed waived. The director will initiate an investigation of each of the points covered in the application, and will prepare recommendations for consideration by the design review board. An appeal hearing must be set before the board within 30 days of receipt of the appeal unless the applicant agrees to a continuance. The applicant must be notified of the hearing date not less than ten days before such hearing date.

(3) *Hearing by design review board.* The design review board will hear the testimony of the applicant, the recommendation of the secretary, and other testimony deemed relevant. The decision of the design review board must be rendered and provided to the applicant not more than 15 days from the date of the conclusion of the hearing.

(4) *Appeal to city council.* The decision of the design review board will become final upon the expiration of 15 days from the date of mailing to the applicant, unless an appeal to the city council is filed prior to the expiration of such period of time. If such appeal is timely filed, all action will be stayed until the appeal is finally decided. Upon receipt of the appeal, the city clerk will set the appeal for public hearing before the city council within 30 days unless the applicant agrees to a continuance. The city clerk will notify the applicant of the date of the hearing not less than ten days before such hearing date. The city council will review all decisions made in the case and hear other testimony deemed relevant. The decision of the city council must be in the form of a resolution and will be final.

(5) *Judicial review.* Any person dissatisfied with the final action taken by the city council may seek prompt judicial review of such decision pursuant to California Code of Civil Procedure § 1094.8.

Secs. 90-1285—90-1310. Reserved.



10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**CITY OF HEMET
Hemet, California
ORDINANCE BILL NO. 14-024**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMET AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF HEMET AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

The City Council of the City of Hemet does ordain as follows:

SECTION 1: That an amendment to the contract between the City Council of the City of Hemet and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

SECTION 2: The Mayor of the City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3: EFFECTIVE DATE

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

SECTION 4: PUBLICATION.

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to

1 cause this Ordinance to be published in the manner required by law using the alternative
2 summary and pasting procedure authorized under Government Code Section 39633(c).

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INTRODUCED at the regular meeting of Hemet City Council on May 13, 2014.
APPROVED AND ADOPTED this 27th day of May, 2014.

Larry Smith, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah McComas, City Clerk

Eric S. Vail, City Attorney

1 State of California)

2 County of Riverside)

3 City of Hemet)

4

5 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the
6 foregoing Ordinance was introduced and first read on the 13th day of May, 2014, and
7 had its second reading at the regular meeting of the Hemet City Council on the 27th day
8 of May, 2014, and was passed by the following vote:

9

10 **AYES:**

11 **NOES:**

12 **ABSTAIN:**

13 **ABSENT:**

14

15

16

Sarah McComas, City Clerk

17

18

19

20

21

22

23

24

25

26

27

28



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Hemet

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective July 1, 1969, and witnessed May 23, 1969, and as amended effective May 1, 1977, July 1, 1980, December 31, 1984, June 17, 1985, March 10, 1986, October 14, 1993, December 9, 1994, December 26, 1997, April 27, 2002, January 17, 2005, June 19, 2006 and February 24, 2012 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 16 are hereby stricken from said contract as executed effective February 24, 2012, and hereby replaced by the following paragraphs numbered 1 through 16 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members, age 50 for local safety members entering membership in the safety classification on or prior to February 24, 2012 and age 55 for local safety members entering membership for the first time in the safety classification after February 24, 2012.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after July 1, 1969 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

NO ADDITIONAL EXCLUSIONS

6. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment before and not on or after January 17, 2005 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service prior to March 31, 1977, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment on or after January 17, 2005 and not entering membership for the first time in the miscellaneous classification after February 24, 2012 shall be determined in accordance with Section 21354.5 of said Retirement Law, subject to the reduction provided therein for service prior to March 31, 1977, termination of Social Security, for members whose service has been included in Federal Social Security (2.7% at age 55 Full and Modified).
8. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after February 24, 2012 shall be determined in accordance with Section 21354.4 of said Retirement Law (2.5% at age 55 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member entering membership in the safety classification on or prior to February 24, 2012 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

10. The percentage of final compensation to be provided for each year of credited current service as a local safety member entering membership for the first time in the safety classification after February 24, 2012 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
11. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 21571 (Basic Level of 1959 Survivor Benefits) for local police members only.
 - b. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance).
 - c. Section 20042 (One-Year Final Compensation).
 - d. Section 20903 (Two Years Additional Service Credit).
 - e. Section 21573 (Third Level of 1959 Survivor Benefits) for local fire members only.
 - f. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local miscellaneous members only.
 - g. Section 21024 (Military Service Credit as Public Service).
 - h. Section 20475 (Different Level of Benefits). Section 21354.4 (2.5% @ 55 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after February 24, 2012.

Section 21363.1 (3% @ 55 Full formula) is applicable to local safety members entering membership for the first time in the safety classification after February 24, 2012.
 - i. Section 20516 (Employees Sharing Additional Cost):

From and after the effective date of this amendment to contract, 1% for classic local police members in the Hemet Police Officers Association and the Hemet Police Management Association.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

12. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on May 1, 1977. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
13. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
14. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local fire members.
 - b. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.
 - c. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - d. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

15. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
16. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF HEMET

BY _____
KAREN DE FRANK, CHIEF
CUSTOMER ACCOUNT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

PRESIDING OFFICER

Witness Date

Attest:

Clerk



#11

**CITY OF HEMET
Hemet, California
ORDINANCE BILL NO 14-025**

AN ORDINANCE OF THE CITY OF HEMET AMENDING SECTIONS 58-70.2 AND 58-70.3 OF DIVISION 2 "WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE PROGRAM" OF CHAPTER 58 OF THE HEMET MUNICIPAL CODE TO INCLUDE A NEW EXEMPTION FOR NEWLY CONSTRUCTED SPECIALLY ADAPTED HOMES FOR SEVERELY DISABLED VETERANS.

WHEREAS, on May 13, 2003, by Ordinance number 1683, the Hemet City Council first adopted the Western Riverside County Transportation Uniform Mitigation Fee Program ("TUMF") codified in Hemet Municipal Code Chapter 58, Division 2, Sections 58-70 through 58-70.6 inclusive; and,

WHEREAS, on January 26, 2010, by Ordinance number 1824, the Hemet City Council adopted a comprehensive update of TUMF; and,

WHEREAS, the Hemet City Council desires to adopt the amendments to TUMF recommended by the Executive Committee of the Western Riverside Council of Governments ("WRCOG"), as set forth herein.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: FINDINGS.

A. The City is a member agency of the Western Riverside Council of Governments ("WRCOG"), a joint powers agency comprised of the County of Riverside, the March Joint Powers Authority, and 17 cities located in Western Riverside County. Acting in concert, the WRCOG Member Agencies developed a plan whereby the shortfall in funds needed to enlarge the capacity of the Regional System of Highways and Arterials in Western Riverside County (the "Regional System") could be made up in

1 part by a Transportation Uniform Mitigation Fee (“TUMF”) on future residential,
2 commercial and industrial development.

3 B. WRCOG, upon the recommendation of the WRCOG Executive
4 Committee, now desires to adopt one new exemption under the Western Riverside
5 County Transportation Uniform Mitigation Fee Program Ordinance of 2009. The
6 exemption is for newly constructed, specially adapted homes for severely disabled
7 veterans designed for maximum freedom of movement and the ability to live more
independently at no cost to qualifying disabled veterans.

8 C. The City Council finds and determines that the new exemption, because of
9 its small number of estimated properties, will not threaten the reasonable and rational
10 relationship between the use of the TUMF and the type of development projects on
11 which the fees are imposed, because the fees will be used to construct the
12 transportation improvements that are necessary for the safety, health and welfare of the
13 residential and non-residential users of the development in which the TUMF will be
14 levied. The City Council has also estimated the cost of the new exemption and
15 understands that the TUMF fees will not be used to cover the fair share of these
exempted properties on the Regional System.

16 **SECTION 2: AMENDMENTS.**

17 **A. Definitions.**

18 The following new definitions shall be added to Section 58-70.2, inserted at the
19 appropriate place in the existing alphabetical order, as follows:

20 “Disabled Veteran” means any veteran who is retired or is in the process of
21 medical retirement from military service, who is or was severely injured in a theatre of
22 combat operations, and has received a letter of eligibility for the Veterans Administration
Specially Adapted Housing (SAH) Grant Program.”

23 “Non-Profit Organization” means an organization operated exclusively for exempt
24 purposes set forth in section 501(c)(3) of the Internal Revenue Code, and none of its

1 earnings may inure to any private shareholder or individual. In addition, it may not be
2 an action organization, i.e., it may not attempt to influence legislation as a substantial
3 part of its activities and it may not participate in any campaign activity for or against
4 political candidates. For the purposes of the TUMF Program, the non-profit must be a
5 501(c)(3) charitable organization, as defined by the Internal Revenue Service.”

6 **B. Exemption.**

7 The following exemption shall be added as subdivision (11) of Section 58-70.3(f)
8 “Exemptions” of the Hemet Municipal Code as follows:

9 “(11) New homes, constructed by non-profit organizations, specially adapted and
10 designed for maximum freedom of movement and independent living for qualified
11 Disabled Veterans, as per the definition set forth in Section 58-70.2.”

12 **SECTION 3: EFFECT.**

13 No provisions of this Ordinance shall entitle any person who has already paid the
14 TUMF to receive a refund, credit or reimbursement of such payment because of this
15 new exemption.

16 **SECTION 4: SEVERABILITY.**

17 If any one or more of the terms, provisions or sections of this Ordinance shall to
18 any extent be judged invalid, unenforceable and/or voidable for any reason whatsoever
19 by a court of competent jurisdiction, then each and all of the remaining terms, provisions
20 and sections of this Ordinance shall not be affected thereby and shall be valid and
21 enforceable.

22 **SECTION 5: JUDICIAL REVIEW.**

23 In accordance with State law, any judicial action or proceeding to attack, review,
24 set aside, void or annul this Ordinance shall be commenced within ninety (90) days of
the date of adoption of this Ordinance.

SECTION 6: EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after its adoption.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

SECTION 7: FULL FORCE AND EFFECT.

Except to the extent specifically modified or amended hereunder, all of the terms, covenants, and conditions of Ordinance No. 1824 shall remain in full force and effect between the Parties hereto.

INTRODUCED at the regular meeting of Hemet City Council on May 13, 2014.

APPROVED AND ADOPTED this 27th day of May, 2014.

Larry Smith, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah McComas, City Clerk

Eric S. Vail, City Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Ordinance was introduced and first read on the 13th day of May, 2014, and had its second reading at the regular meeting of the Hemet City Council on the 27th day of May, 2014, and was passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sarah McComas, City Clerk



Staff Report

TO: Honorable Mayor and Members of the Hemet City Council
FROM: Peter Bryan, Interim Fire Chief ; Wally Hill, City Manager
DATE: May 27, 2014
RE: Approval of the Resolution adopting the Local Hazard Mitigation Plan

RECOMMENDED ACTION:

It is respectfully recommended that the City Council:

1. Approve and adopt the attached resolution to adopt the Local Hazard Mitigation Plan (LHMP) annex as pre-approved by County of Riverside OES State of California OES and FEMA.

BACKGROUND:

On July 1, 2003 the Riverside County Fire Department's Office of Emergency Services hosted an initial hazard Mitigation Planning meeting to discuss a multi-jurisdictional approach to writing a hazard Mitigation Plan. The disaster Mitigation Act of 2000 states that for disasters declared after November 1, 2004 a local government must have a mitigation plan approved in order to receive Hazard Mitigation Grant Program project grants. This plan would better assist communities in assessing their risks and vulnerabilities and identifying activities to strengthen the community to become less susceptible to disaster. Under the multi-jurisdictional concept, all jurisdictions within Riverside County would contribute to the completion of one document. This document would then be adopted by all participating jurisdictions as their own Local Hazard Mitigation Plan. To participate each jurisdiction must commit in writing to participate, signed by the Disaster Director (City Manager).

PROJECT DESCRIPTION:

Participation with Riverside County Office of Emergency Services in a multi-jurisdictional approach to updating the City of Hemet's current Riverside Operational Area Hazard Mitigation Plan as required by the Disaster Mitigation Act of 2000.

ANALYSIS:

Participating with Riverside County as lead will save the City many hours of staff time and administrative costs. It will also make available a large base of professional resources to research and develop a plan that will be comprehensive and consistent. Those jurisdictions without approved plans will be ineligible to apply for pre-disaster or post-disaster mitigation funds.

CONSISTENCY WITH ADOPTED GOALS, PLANS, AND PROGRAMS:

This is a requirement of the Federal Emergency Management Agency under 44CFR 201.6. This will identify hazards unique to the City; identify criteria for multi-jurisdictional mitigation and plans, and is a requirement for the processing of grants.

FISCAL IMPACT:

None – no additional matching funds are required.

Respectfully submitted,


Peter Bryan
Interim Fire Chief


Tom Kanarr
Interim Finance Director

Attachments: Resolution



**CITY OF HEMET
Hemet, California
RESOLUTION BILL NO. 14-032**

A RESOLUTION ADOPTING THE CITY OF HEMET LOCAL HAZARD MITIGATION PLAN ANNEX FROM THE RIVERSIDE COUNTY OPERATIONAL AREA JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN AS REQUIRED BY THE FEDERAL DISASTER MITIGATION AND COST REDUCTION ACT OF 2000.

WHEREAS, William J. Clinton signed H.R. 707, the Disaster Mitigation and Cost Reduction Act of 2000, into law on October 30, 2000.

WHEREAS, the Disaster Mitigation Act of 2000 requires all jurisdictions to be covered by a Local Hazard Mitigation Plan to be eligible for Federal Emergency Management Agency post disaster funds; and

WHEREAS, the City of Hemet has committed to participate in the development of the Riverside County Operational Area Multi-Jurisdictional Local Hazard Mitigation Plan; and

WHEREAS, the City of Hemet coordinated the development of the City of Hemet Local Hazard Mitigation Plan annex; and

WHEREAS, the City of Hemet is concerned about mitigating potential losses from natural disasters before they occur, and

WHEREAS, the plan identifies potential hazards, potential losses and potential mitigation measures to limit losses, and

WHEREAS, the California State of Emergency Services has reviewed the plan on behalf of the Federal Emergency Management Agency; and

WHEREAS, formal adoption of the plan by the City Council is required before final approval of the plan can be obtained from the Federal Emergency Management Agency; and

WHEREAS, the City of Hemet has determined that it would be in the best interest of the City of Hemet to adopt the Local Hazard Mitigation Plan annex.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL
HEREBY ADOPTS** the Local Hazard Mitigation Plan Annex to meet the requirements of the Disaster Mitigation and Cost Reduction Act of 2000; and directs the City of Hemet to forward Local Hazard Mitigation Plan Annex to the Riverside County Fire Department, Office of Emergency Services, the California Governor’s Office of Emergency Services and to the Federal Emergency Management Agency on behalf of the City of Hemet for final approval.

PASSED, APPROVED, AND ADOPTED this 27th day of May, 2014.

Larry Smith, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah McComas, City Clerk

Eric S. Vail, City Attorney

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Resolution is the actual Resolution adopted by the City Council of the City of Hemet and was passed at a regular meeting of the City Council on the 27th day of May, 2014 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Sarah McComas, City Clerk

13



**CITY OF HEMET
Hemet, California
RESOLUTION BILL NO. 14-030**

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HEMET, CALIFORNIA, PROCLAIMING
TERMINATION OF A LOCAL EMERGENCY**

WHEREAS, a local emergency existed in the City of Hemet in accordance with the Proclamation of Local Emergency by the Director of Emergency Services on the 1st day of May, 2014, and its ratification by the City Council on the 5th day of May, 2014, by Resolution No. XXXX as a result of conditions of disaster or of extreme peril to the safety of persons and property caused by sever wind event and fires; and

WHEREAS, the situation resulting from the conditions of disaster or of extreme peril is now deemed to be within the control of the normal protective services, personnel, equipment, and facilities of and within the City of Hemet;

NOW, THEREFORE, BE IT RESOLVED, PROCLAIMED, AND ORDERED by the City Council of the City of Hemet as follows

Section 1. The City Council of the City of Hemet, State of California, does proclaim the termination of this local emergency.

Section 2: This Resolution shall take effect immediately.

PASSED, APPROVED AND ADOPTED by the City Council this 27th day of May, 2014.

Larry Smith, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah McComas, City Clerk

Eric S. Vail, City Attorney

1 **State of California**)
2 **County of Riverside**)
3 **City of Hemet**)
4

5 I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing
6 Resolution is the actual Resolution adopted by the City Council of the City of Hemet and
7 was passed at a regular meeting of the City Council on the 27th day of May, 2014 by the
8 following vote:
9

10 **AYES:**
11 **NOES:**
12 **ABSTAIN:**
13 **ABSENT:**
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Sarah McComas, City Clerk



#14

MINUTES

REGULAR MEETING OF THE HEMET CITY COUNCIL

May 13, 2014

6:00 p.m.

City of Hemet Council Chambers
450 E. Latham Avenue

www.cityofhemet.org
Please silence all cell phones

Call to Order

Mayor Smith called the meeting to order at 6:00 p.m.

Roll Call

PRESENT: Council Members Krupa, Wright and Youssef, Mayor Pro Tem Milne
and Mayor Smith

ABSENT: None

Closed Session

Notice of Opportunity for Public Comment

There were no public comments presented at this time.

The City Council recessed to Closed Session at 6:01 p.m.

1. Conference with Labor Negotiators

Pursuant to Government Code section 54957.6

Agency designated representatives: City Manager Hill

Employee organization:

Hemet Fire Fighters Association

Hemet Non-Sworn Police Employees Association

Service Employees International Union (SEIU) General Employees

2. Conference with Legal Counsel - Anticipated Litigation

One matter of significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) & (3)

REGULAR SESSION

7:00 p.m.

City of Hemet City Council Chambers
450 E. Latham Avenue

Call to Order

Mayor Smith called the meeting to order at 7:03 p.m.

Roll Call

PRESENT: Council Members Krupa, Wright and Youssef, Mayor Pro Tem Milne and Mayor Smith
ABSENT: None

Invocation

Invocation was given by Andrea McKenna, Hemet-San Jacinto Interfaith Council

Pledge of Allegiance

Pledge of Allegiance was led by Mayor Smith

City Attorney Closed Session Report

3. Conference with Labor Negotiators

Pursuant to Government Code section 54957.6

Agency designated representatives: City Manager Hill

Employee organization:

Hemet Fire Fighters Association

Hemet Non-Sworn Police Employees Association

Service Employees International Union (SEIU) General Employees

The City Council voted 3-2 to declare impasse with the Hemet Fire Fighters Association. Council Members Krupa and Wright voted No. There was no additional reportable action.

4. Conference with Legal Counsel - Anticipated Litigation

One matter of significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) & (3)

This discussion was continued to the end of the Regular Session.

City Council Business

Wally Hill, City Manager, requested that the City Council consider adding an urgency item to the Consent Calendar that came up subsequent to the preparation of the agenda and requires approval prior to the next Regular Meeting amending Resolution No. 4568.

Council Member Krupa moved and Council Member Wright seconded a motion to add Item No. 8.A to the Consent Calendar. Motion carried 5-0.

Consent Calendar

5. **Receive and File** – Warrant Register

- a. Warrant registers dated April 17, 2014 in the amount of \$1,621,910.20 and April 22, 2014 in the amount of \$2,297,836.05. Payroll for the period of March 31, 2014 to April 13, 2014 was \$617,729.92.

6. **Receive and File** – Investment Portfolio as of February 2014
7. **Recommendation by City Manager** – Amend Deputy City Manager/Administrative Services Job Description and Posted Salary
 - a. Approve an amended job description for the Deputy City Manager/Administrative Services position and approve a posted salary of \$165,000, with authority for the City Manager to negotiate a salary up to \$175,000, if necessary.
8. **Recommendation by Fire Department** – 2014 Riverside County Community Health Agency Grant (CHOG)
 - a. Accept the grant from the Riverside County Department DOPH Public Health Emergency Preparedness and Response in the amount of \$67,000 for the period of August 29, 2013 through February 28, 2015; and
 - b. Amend the budget in the Public Safety Grant Fund #232 to reflect the award amount of \$67,000 to cover the cost of training and the purchase of hazardous material mitigation equipment.
- 8.A **Recommendation by City Manager** – Revised Resolution Proclaiming the Existence of a Local Emergency
 - a. Adopt a revised resolution confirming the City Manager/Director of Emergency Services, proclamation of the existence of a local emergency.

Resolution No. 4569

Wally Hill, City Manager, requested that the resolution be amended to remove the words “continue that said Local Emergency shall be deemed to” from the first Resolved Further.

Council Member Krupa, asked how the Emergency will be terminated.

Eric Vail, City Attorney, the City Council will have to declare continuation of the Emergency, otherwise it expires.

Item No. 7 was removed from the Consent Calendar. **Council Member Youssef moved and Mayor Pro Tem Milne seconded a motion to approve the remaining Consent Calendar Items. Motion carried 5-0.**

Item No. 7

Mayor Smith, asked if this position is unique to Hemet or there are comparable positions in other cities.

Wally Hill, City Manager, the position is not unique except for the Chief Negotiator duties. This addition to the position will reduce City Attorney fees. The City accepted applications but did not interview any of the candidates.

Mayor Smith, asked when the position would be filled.

Mr. Hill, it will be posted for 30 days. Given the necessary time for the interview process and possible relocation it will be 2 to 3 months before the successful candidate would be on board

Mayor Smith, asked if relocation expenses have been budgeted.

Mr. Hill, the lapsed salary savings will be used if necessary.

Mayor Pro Tem Milne, expressed concern with the salary, but noted that the ACM was abolished and the duties will be consolidated.

Mr. Hill, confirmed that the ACM position is currently budgeted for and will be abolished, saving over \$200,000 a year.

Council Member Youssef, expressed concern that the position will be hard to fill given the need for experience in three different career tracks.

Mr. Hill, the position will attract someone that is ambitious, wants to take on more duties and wants to be a City Manager someday. This is a common cluster of responsibilities and grouping of duties in the public sector.

Council Member Krupa, expressed concern with the salary range and ability to negotiate additional.

Mr. Hill, I will not pay more than I have to, but I do want the ability to negotiate if necessary.

Mayor Smith, also expressed concern with the need to go up to \$175,000. I hope the \$10,000 isn't a deciding factor for the applicant.

Mayor Pro Tem Milne moved and Mayor Smith seconded a motion to approve this item as presented. Motion carried 5-0.

Approval of Minutes

9. April 22, 2014

Council Member Krupa, noted that Item No. 9 states that Mayor Pro Tem Smith seconded the motion and Mayor Smith voted No. Council Member Krupa requested that the minutes be corrected.

Mayor Pro Tem Milne moved and Council Member Krupa seconded the motion to approve the minutes as amended. Motion carried 5-0.

10. May 5, 2014

Council Member Krupa moved and Council Member Wright seconded a motion to approve the minutes as presented. Motion carried 4-0. Mayor Pro Tem abstained.

Public Hearing

11. Appeal No. 13-002 (Conditional Use Permit No. 13-004 – Valero Gas Station Alcohol Sales) – Community Development Director Elliano

- a. Conduct a public hearing; and
- b. Deny the Appeal and affirm the Planning Commission's denial of Conditional Use Permit No. 13-004 by adopting City Council **Resolution No. 4570**;

OR

- c. Grant the Appeal and overturn the Planning Commission's denial of Conditional Use Permit 13-004 (CUP 13-004), **and** Provide the required findings for the granting of CUP 13-004, **and** Direct staff and the City Attorney to return with an appropriate Resolution granting approval of CUP 13-004, including approval Conditional of Approval.

Council Member Youssef, recused himself due to a possible conflict of interest with a potential business interest.

Deanna Elliano, Community Development Director, gave the City Council a powerpoint presentation regarding Appeal No. 13-002. Conditional Use Permit (CUP) No. 13-004 was submitted on June 11, 2013 by Nick Patel to sell beer and wine at the existing Valero gas station & mini mart located at 1701 West Florida Avenue. The Planning Commission conducted public hearings in September and October 2013 and denied the CUP, based on the City's new ordinance regarding alcohol sales and the required findings. The Applicant filed an

Appeal of the denial. Ms. Elliano displayed the zoning map for the area around the location, as well as, an aerial site map. The surrounding land use is: Valero Gas Station and Convenience Store – Zoning C-2 (General Commercial) and General Plan – CC (Community Commercial); North of Project Site – Shell Gas Station and Convenience Store – Zoning C-2 (General Commercial) and General Plan – CC (Community Commercial); South of Project Site – Shopping Center – DD’s Discount and Super Dollar Plus – Zoning C-M (Commercial Manufacturing) and General Plan – CC (Community Commercial); East of Project Site – Walgreens Drug Store – Zoning C-1 (Neighborhood Commercial) and General Plan – CC (Community Commercial); and West of Project Site – Shopping Center – CitiBank and Fallas – Zoning C-1 (Neighborhood Commercial) and General Plan CC (Community Commercial). Ms. Elliano displayed an Aerial Map including the surrounding area, as well as, street views from Florida Avenue and Lyon Avenue. The business includes one 2,811 square foot stand-alone building. The Convenience Store hours are 5:00 a.m. to midnight. The gas pumps are available 24 hours. There is one manager or assistant manager on duty at all times. The proposal is to allot 45 square feet of shelf space to the sale of beer & wine. A letter from the Applicant’s agent indicates that the Beer & Wine License for Valero Gas will be purchased from Castle Liquor, located at 4290 East Florida Avenue. However, if this transfer fails, the Applicant will seek another license from elsewhere, likely outside of the City limits. On January 22, 2013, the City Council adopted Ordinance No. 1858 amending the City’s code for alcohol sales. The new regulations require a CUP for this project because: the site is a mini-market and proposed alcohol sales; and there is a proposed premise-to premise transfer of an existing ABC license; and the subject site is in an area of “Undue Concentration” of alcohol licenses per the ABC. The following findings are required to grant a CUP: 1) Conditional Use Permit Findings; 2) Findings to Grant Alcohol Sales; and 3) Findings for Public Convenience or Necessity (due to Undue Concentration). The Planning Commission was not able to make all of the findings to support the proposal, and therefore recommended Denial of the CUP. The Planning Commission findings for each topic are included in the staff report. ABC sets the threshold for the number of alcohol beverage sales licenses within a Census Tract: each type of ABC license is generally allowed one per 2,500 people living in the Census Tract; or when considering mixed licenses, e.g. Type 20 and Type 41, the “general retail license” threshold is one ABC license per 1,250 people in a tract; and when a tract is over-concentrated, findings must be made to approve all types of ABC licenses. The project site is in Census Tract 435.03. Staff evaluated existing ABC licenses issued within Census Tract 435.03. This Tract has a total of 21 ABC licenses: Type 40 & 41 = on-sale (restaurants) (6); Type 20 & 21 = off-sale licenses (11); and Other types = 4. A maximum of two Type 20 (beer & wine) licenses and two Type 21 (general liquor) licenses (4 total off-sale) are allowed before being considered over-saturated. There are currently 2 Type 20 and 9 Type 21 licenses within the Census Tract, and 6 on-sale licenses. A map was displayed showing ABC Census Tracts in Hemet. Based on ABC established thresholds for the number of alcoholic beverage sales licenses within a Census tract, the following information applies to the Tract in which the project is located, and the immediately adjacent Tract: Census Tract No. 434.05 population of 4,217 and 14 ABC Licenses (2 – Type 20, 3 – Type 21 and 5 - Type 41) with an allowable concentration of 3; Census Tract No. 435.03 population 4,112 and 21 ABC Licenses (2 – Type 20, 7 – Type 21 and 6 – Type 41) with an allowable concentration of 3. The existing locations where patrons may purchase alcoholic beverages within walking distance of the Valero gas station include: Off-Sale: Walgreens Drug Store 1661 W. Florida Avenue; Lyon’s Market 1690 W. Florida Avenue; and Shell Gas Station 1704 W. Florida Avenue. On-Sale: Angie’s Diner 1770

W. Florida Avenue; Mimi's Café 1778 W. Florida Avenue; and Red Robin 199 W. Florida Avenue. The following are the Hemet Police Department calls for service in the vicinity of the project. From 11/11/2012 through 10/14/2013, there were 149 calls for service for alcohol related matters between 1399 E. and 1899 W. Florida Ave. 26 calls were in the 1600 Block of West Florida Avenue. 18 calls were in the 1700 Block of West Florida Avenue. To date in 2014: 396 overall calls for service in the area for a number of criminal behavior and complaints. On April 21, 2014, the Applicant submitted supplemental information: 1) Written statement by Applicant, with photographs, stating why Valero Gas is better suited for alcohol sales than other existing Shell and Lyon's Market, regarding security and lighting; 2) Written statement, with photographs, stating that Shell location is not as safe as Valero for sales of alcoholic beverages; 3) Written statement, with photographs, stating that Lyon's Market location is not as safe as Valero for sales of alcoholic beverages; and 4) Petition for support of CUP Approval with 406 signatures. The project was denied by the Planning Commission for the following reasons: the number and nature of police calls to the area, the sale of alcohol at this location would serve to exacerbate the problem and calls for service; the sale of alcohol would be detrimental to the public health and welfare; the proposed location is in an area of over-concentration for alcohol sales already; and an additional outlet for alcohol sales is not needed at this location for the convenience of the public due to the number of other existing off-sale establishments in the immediate area. There are two possible Actions before the City Council: B) Deny the Appeal of CUP 13-004, affirming the Planning Commission's decision on the project, and adopt City Council resolution; or C) Overturn the Planning Commission's denial of CUP 13-004, approving CUP 13-004, and direct staff to return with an appropriate City Council resolution, appropriate findings and conditions of approval for consideration.

Mayor Smith declared the Public Hearing opened at 7:36 p.m.

Laksman Koka, Hemet, personally I not crazy about more ABC licenses however I'm also a businessman and understand the need to be competitive. There is a responsibility to make sure residents are safe and also to make sure business owners are given the opportunity. Staff does an awesome job and I concur that each situation should be considered on a case by case basis. Mr. Patel has been a responsible business owner and has ensured that the necessary safety measures are in place. Mr. Koka recommended that the City Council consider this request with possible terms in the Conditions of Approval or even on a temporary basis.

Nick Patel, Valero Gas, I have been a business owner in Hemet for over 7 years, first business was a dollar store in east Hemet. We run our businesses responsibly and try to provide what the consumers need. Some of our customers drink and smoke, if we do not provide that for them they will go elsewhere for gas. We upgraded the facility to include more security for the safety of our customers. We will follow any conditions that will be required.

Diana Manangan, Hemet, spoke in support of Mr. Patel and recommended that the City Council consider allowing him to the opportunity to show that he is very responsible. Ms. Manangan recommended that the City Council consider issuing with conditions or on a temporary basis.

Palala Tajni, San Jacinto, spoke in support of Mr. Patel. Ms. Tajni expressed concern that all other similar businesses near Valero have a liquor license making it difficult to be competitive. Ms. Tajni recommended that the City Council confirm with PD that the calls for service to Valero are low.

Mayor Smith declared the Public Hearing Closed at 7:45 p.m.

Council Member Krupa, I do buy my gas at Valero. My concerns regarding the issuance of a liquor license has nothing to do with Mr. Patel being a good business person or responsible.

The concern is the over concentration and the high volume of police calls in that area. If we had the authority we might consider revoking licenses in that area. One of the components of the ROCS program is to reduce the number of businesses that sell alcohol.

Council Member Wright, I understand from a business perspective, however, the number of licenses in that area are a concern. The Walgreens to the east has a number of issues that are of concern to the PD. The City Council needs to be consistent with goals that were set with the ROCS program.

Mayor Pro Tem Milne, I am a very strong free market girl and agree that another liquor license will not make more alcoholics or hang out on that corner because he began selling beer and wine. My concern is the PD's high volume of calls in that area and the over saturation. Mayor Pro Tem Milne recommended that the issuance of the CUP be considered on a temporary basis then revoked if it doesn't work.

Eric Vail, City Attorney, temporary CUP's do not exist in California. Once a CUP is issued they are vested and it runs with the land. Revocation with cause process requires a public hearing and a very lengthy due process rendering the revocation almost impossible even if the applicant does not meet the Conditions of Approval.

Mayor Smith, previously there was a house of worship near the property location. Mayor Smith expressed concern that the issuance of a license would hinder future nearby uses.

Ms. Elliano, the separation requirements limits the encroachment of the ABC license on certain existing uses, but would not hinder those uses from located nearby.

Mayor Smith, expressed concern with the calls for service and over concentration. The businesses owner's responsibility is not the issue. This is a concern and part of the ROCS program.

Council Member Krupa moved and Council Member Wright seconded a motion to approve Item No. 11.B denying Appeal No. 13-002. Motion carried 4-0.

12. **Zoning Ordinance Amendment (ZOA) No. 14-003 (Temporary Sign Regulations)** – Community Development Director Elliano

- a. Conduct a public hearing; and
- b. Introduce, read by title only and waive further reading of an ordinance amending Article XXXVI (Signs Generally) of Chapter 90 (Zoning) of the Hemet Municipal Code. **Ordinance Bill No. 14-022**

Deanna Elliano, Community Development Director, gave the City Council a powerpoint presentation regarding Temporary Sign Regulations. The purpose was to re-evaluate the types of temporary signs currently permitted and offer new options for signage for the benefit of business owners and consumers, and create new performance standards for temporary signage. Strike a balance between being "business friendly" and community values regarding aesthetics. Staff has met with private business owners and members of the Hemet-San Jacinto Chamber of Commerce. Planning Commission held four work study sessions and one Public Hearing. During the work study sessions the following issues were raised by business and property owners: design of existing centers creates poor visibility into site; not enough panels on existing monument signs for all tenants; perimeter and right-of-way landscaping blocks existing signs; prime locations for temporary signage are often prohibited for placement of temporary signs; additional temporary signage will make businesses more visible; and extend time limits for display of temporary signs. The proposed Zoning Ordinance Amendment considers more types of signage than currently allowed and more clarity in performance standards (number and size of signs, location of signs and permit required or

exempt). Staff reviewed sign ordinance for the cities of Corona, Moreno Valley, Murrieta, Ontario, Rancho Cucamonga, San Jacinto, Temecula and the County of Riverside. A visual glossary of sign types was displayed and each sign type and its specific regulations were explained in detail to the City Council. Ms. Elliano noted that hand held signs that are currently prohibited, in 2009 the City Council at the time put a stay on the enforcement of them due to the downturn in the economy. In summary, the amendment will add new and amended definitions. Existing "sign" sections were changed to "Permanent Signs". The Municipal Code was reorganized into 4 general categories: General Provisions, Permanent Signs, Temporary Signs, and Enforcement. The amendment creates new categories of Temporary Signs. It also establishes performance criteria for each type of temporary sign. The Planning Commission unanimously recommended approval on April 15, 2014. Staff is recommending that the City Council conduct a public hearing and introduce, read by title only and waive further reading of the ordinance approving ZOA 14-003.

Mayor Smith, thanked Council Member Wright for attending the Planning Commission meetings.

The City Council and staff discussed the hand held signs. The term "Hand Held" refers to all signs held by a human. Free speech signs are not regulated.

Mayor Smith declared the Public Hearing opened at 8:20 p.m.

Andy Anderson, Hemet-San Jacinto Chamber of Commerce, thanked the City for allowing the Chamber to participate in this initiative. The business community felt that there was a lot of gray area in the sign ordinance and that it was a disadvantage to have a business in Hemet. Mr. Anderson on behalf of the Chamber thanked Deanna Elliano for her effort. There is a need to strike a balance and this is a great step toward doing that. This ordinance offers new advertising opportunities and clarification for the businesses.

Mayor Smith declared the Public Hearing closed at 8:34 p.m.

Mayor Smith, this is one of the most debated sections in the Hemet Municipal Code. As a previous business owner on Florida Avenue, I wanted the biggest sign possible.

Council Member Wright, incredible effort it took to compromise on difficult issues. This ordinance considers both community values and business promotion. The discussions at the Planning Commission were long but everyone was very considerate of each other. Council Member Wright expressed appreciation to the business community and city staff for their efforts. I hope we can continue this type of relationship.

Council Member Youssef, staff has done a great job. This was not an easy task the last time either. Council Member Youssef thanked the Chamber for their participation.

Council Member Krupa, thanked staff and the Chamber. Council Member Krupa asked that the Chamber and press help get the information out that the ordinance offers new opportunities for businesses to advertise.

Mayor Pro Tem Milne, appreciated that the Chamber worked with the City. Issues like these are not static forever.

Mayor Smith, thanked Deanna for putting the players together and the Planning Commission for their input. Mayor Smith recommended that human signs be discussed again in the near future.

Council Member Wright moved and Mayor Pro Tem Milne seconded a motion to approve this item as presented. Motion carried 5-0.

Ordinance was read by title only.

13. **Zoning Ordinance Amendment No. 14-001 (Updates to the Agriculture Zone, Open Space zone and Animal Keeping provisions)** – Community Development Director Elliano
- a. Conduct a public hearing; and
 - b. Introduce, read by title only and waive further reading of an ordinance amending portions of the Hemet Municipal Code Chapter 90 (Zoning) to update Article VII (Agriculture Zones), Article XXXIII (Open Space Zone), and Article II, Section 90-77 (Animal Regulations and Keeping Requirements) to achieve compliance with the Hemet General Plan as part of the City’s General Plan Consistency zoning program. **Ordinance Bill No. 14-014**

Deanna Elliano, Community Development Director, this zoning ordinance amendment update certain zoning and development regulations in the agriculture zones, open space zones, and animal keeping regulations to achieve consistency with the City’s adopted General Plan accordance with State law. The Planning Commission recommended minor revisions to the proposed animal keeping regulations and incorporated the proposed amendments. The proposed updates to Article VII (Agriculture Zones) is to combine the A (Agriculture) and A-1-C (Light Agriculture) zones into an A-1 Zone (Light Agriculture) and remove the C which was from the previous county designation when annexed. The A-2-C would become A-2 again removing the C. Proposed updates to Article XXXIII (Open Space Zones) is to create two zones to correspond with the General Plan designations: OS-G (Open Space – General) for the preservation of natural resources, and OS-R (Open Space – Recreation) for outdoor recreation. ZOA 14-001 proposed to appeal and replace Section 90-77 (Animal regulations and keeping requirements) consolidating categories of animals and clarify existing standards. The proposed amendment recommends reducing the minimum lot size for hens from one acre to 20,000 square feet. The Planning Commission recommended applying the County standard of five equine animals per acre up to a maximum of twenty to ensure that residents who currently meet the County standard would be compliant with the City standard in the event of incorporation. A-1, A-2, RA and R-1-40 zones were amended to incorporate the County standard.

Mayor Smith declared the Public Hearing opened at 8:36 p.m.

There were no public comments presented at this time.

Mayor Smith declared the Public Hearing closed at 8:36 p.m.

Mayor Pro Tem Milne, suggested that the regulations on chickens be re-considered.

Ms. Elliano, most communities grapple with the appropriate size lot and number of chickens allowed.

Council Member Youssef moved and Council Member Krupa seconded the motion to approve this item as presented. Motion carried 5-0.

The ordinance was read by title only.

Discussion/Action Item

14. **HOME Consortium Sponsored by Riverside County** – Community Investment Director Jansons
- a. Adopt a resolution authorizing membership in the HOME Consortium and Authorize the City Manager to execute all documents pertaining to membership in the Consortium, including the “Consortium Agreement”.
- Resolution Bill No. 14-027**

John Jansons, Community Investment Director, on April 8, the City Council heard a presentation from Riverside County staff regarding the Home Consortium proposal. The purpose of the proposed Consortium of Riverside County is to pool HOME funds to provide affordable housing activities for four main areas: 1) home buyer assistance; 2) owner-occupied rehabilitation; 3) acquisition, rehabilitation, or new construction of affordable rental housing; and 4) tenant-based rental assistance programs. The cities of Lake Elsinore, Hemet, Indio, Temecula, Palm Springs and Palm Desert are all being asked to participate. Hemet is not eligible for direction allocation. Cities that do not qualify for individual allocations can join neighboring localities and form a Consortium. By not joining the Consortium, any funds calculated for Hemet are returned to the State to be included in a competitive grant pool. By joining the Consortium, Hemet's un-awarded allocation would be included in the pool of funds. Award of HOME funds by the County to a project or activity will be conducted on a first come, first served basis. Consideration of the proposal raised additional concerns: 1) the contract permits any and all HOME eligible activities and is not restricted to Down Payment Assistance; 2) there is no guarantee that the funds will be used for the betterment of Hemet or its residents; and 3) membership in the Consortium precludes Hemet from applying directly for HOME funds for the three year term of the Agreement. Previously Hemet received directed HOME awards totaling \$7 million by demonstrating qualifying need and capacity. However, direct awards require a ready project and matching funds which were previously provided by the RDA and personnel no longer available. The City is able to edit the agreement we were successful in our request for mutual indemnification. Staff is recommending consideration. Adopting the Resolution and authorizing the City Manager to sign the agreement will approve participation in the Consortium.

Council Member Krupa, asked if there would be funding available for low or affordable housing and first time buyer programs that Hemet would qualify for. Council Member Krupa expressed concern with the funds being used for rental assistance.

Mr. Jansons, there are no funds available for these programs. The County's 5-year consolidated plan does lay out their proposed activities. The plan calls for 1/3 of the funding to be used for new unit construction, 1/3 of the funding will be used for down payment assistance and the remaining 1/3 is to be other housing assistance. In reality the funds available to the consortium is limited. Large amounts of new low income housing will not be constructed with these limited funds.

Council Member Krupa, expressed concern that the City would not have any say on development being senior low income housing as opposed to just low income housing.

Mr. Jansons, the best way to influence the use of the funds is to advertise and market the program to our residents.

Council Member Youssef, expressed concern with the ability to use the funds for new affordable housing. This was not discussed during the previous workstudy. If the funds are pooled together and the criteria is "first come first served" the funds should be used and marketed as we see fit. It is my recommendation that these funds be marketed to and benefit professional residents. Council Member Youssef expressed concern that the requirements are not stringent enough.

Mr. Jansons, the recipient's income level must be 80% or lower of the low to moderate income level. Specific group of residents can't be targeted at the expense of other groups. Young professional at the onset of their careers might qualify depending on their family size. The City can focus their outreach through the hospital and the Chamber of Commerce.

Eric Vail, City Attorney, the contract will allow us to market the program anyway. The County is the sole administrator of the program and they will have to administer it according to the guidelines set forth by US Department of Housing. All applications received will have to be considered in a non-discriminatory manner.

Council Member Youssef, the median income in Hemet is considerably lower so the qualifications will be lower. Council Member Youssef asked what will keep residents from getting down payment assistance and then selling the house.

Mr. Jansons, the program requires and monitors owner occupancy. If the buyer sells before the 15 years, they will have to pay back a pro-rated amount. The applicant must meet the criteria for home ownership. Lower income residents will not have the required match, the necessary income or credit score to qualify. A typical scenario is that a resident working with a lender for pre-qualification finds out about this program from the City, the County or a lender. The City's Home Buyer Workshops have helped some great families that are lower earners and ready to become homeowners.

Stephany Adams, County of Riverside EDA, the recipient can sell the home before the 15 years, they will have to pay back a pro-rated portion of the money. The property must be owner occupied or sold. Previously the County has not experienced a problem with the First Time Home Buyer program most recipients stay in the home for the duration.

Council Member Wright, asked the population threshold to become an independent recipient of funding.

Ms. Adams, was not sure of the population requirement and noted that several factors are taken into consideration when allocating funds.

Council Member Wright, asked if there is a cost to the City of Hemet to participate and if the allocation is based on the number of cities that participate in the Consortium.

Ms. Adams, there is no cost to participate and allocation is not based on the number of cities that participate. The cities of Indio, Palm Springs and Palm Desert have joined. Lake Elsinore and Temecula are considering tonight.

Council Member Wright, asked about the administrative fees.

Ms. Adams, 10% of the allocation can be used for administration of the program.

Mayor Smith, confirmed that the funds are distributed on a first come first serve basis and asked for an explanation of the process. The City must commit to participate in the program for three years.

Ms. Adams, it is based on the applications received. Applications are processed in the order that they are received. Typically the Council allocates 50% to new construction and rehabilitation and 50% to First Time Home Buyers. The County does have the ability to reallocate the funding.

Council Member Krupa, asked if the 50% requirement for new units can be used to rehabilitate Mobley Lane.

Mr. Vail, the City will not be the property owners if we continue with the process. Mobley Lane will also be rentals. The project would not qualify for these funds.

Mayor Smith, asked why the City would not have the capacity to get individual funds especially since funds have been received in the past.

Mr. Jansons, the loss of the Redevelopment Agency and its capacity to provide the local match. That local match would now be paid from the City's General Fund. The City does not have any shelf ready projects to request funding for, that is an exotic endeavor that requires a large housing staff.

Mayor Smith, asked the down payment assistance is for 100% or if a match is required.

Mr. Jansons, the program will pay for up to 20% of the purchase price. Each application and allocation will be different based on the sale price and the loan type.

Mayor Pro Tem Milne, the Federal Government has no right to loan money. The City should not consider participating in the program. Home buyers need to save for their down payment.

Mayor Smith, I have reservations and concerns, especially if participation in the Consortium keeps the City from participating in other funding programs. There needs to be a buy in by the home buyer or it makes it too easy to walk away.

Council Member Youssef, there are too many unknowns for me. I agree that home buyers need to have some skin in the game. Lenders will approve home buyers for way more money than they can afford to pay back. I'm not satisfied with the requirements.

Council Member Youssef moved and Mayor Pro Tem Milne seconded a motion to deny this item. Motion carried 5-0.

15. **Municipal Code Amendment No. 14-001: Chapter 58 (TUMF Ordinance) – Community Development Director Elliano**

- a. Introduce, read by title only and waive further reading on an ordinance amending Sections 58-70.2 and 58-70.3 of Division 2 "Western Riverside County Transportation Uniform Mitigation Fee Program" of Chapter 58 of the Hemet Municipal Code to include a new exemption for newly construction specially adapted homes for severely disabled veterans. **Ordinance Bill No. 14-025**

Deanna Elliano, Community Development Director, WRCOG has established TUMF which is required of all new construction of single family resident. There are some very limited exemptions. This action proposed an exemption specifically for non-profit organizations that build new homes specially constructed to accommodate severely disabled veterans that were injured in combat. TUMF is usually the biggest hurdle for builders of single family homes this is a huge benefit to provide housing for disable veterans.

Mayor Smith, TUMF drives our developer's nuts but is necessary to mitigate the impact of development. Great way to thank the veterans wounded in combat.

Council Member Krupa moved and Mayor Pro Tem Milne seconded a motion to approve this item as presented. Motion carried 5-0.

Ordinance was read by title only.

16. **Amendment to the Contract between the Board of Administration California Public Employees Retirement System and the City Council of the City of Hemet for Cost Sharing – City Manager Hill**

- a. Introduce, read by title only and waive further reading on an ordinance to allow cost sharing of the Employer Contribution to CalPERS with the "classic" CalPERS members of the Hemet Police Officer's Association (HPOA) and the Hemet Police Management Association (HPMA). **Ordinance Bill No. 14-024**

Wally Hill, City Manager, the employment agreements that you have reached with the two police unions that require them to contribute an additional amount to the employer contribution for their retirement benefit. This action is require to amend the City's contract with CalPERS.

Mayor Pro Tem Milne moved and Council Member Youssef seconded a motion to approve this item as presented. Motion carried 5-0.

Ordinance was read by title only.

Communications from the Public

Paul Raver, Hemet, distributed a letter to the City Council. Mr. Raver read his letter explaining that the cost to contract with CalFire will be greater than retaining Hemet Fire Department and the service level will not increase. Mr. Raver recommended that the City Council stop spending money on attorneys and consultants and diverting staff from their responsibilities by ending the RFP process in favor of retaining Hemet Fire Department.

Kevin Morningstar, Hemet, continues to validate his claim calling Hemet his home. There are a number of first generation resident who have expressed interest in helping. My recent endeavor working with staff like Charles Russell, Chuck Proze, Victor Monz and John Jansons, the City has a great team of employees. The residents don't think that the City cares, but it is clear that you do. Mr. Morningstar recommended again that the City make effort to reach the online critics and engage the naysayers. Small steps lead to big changes.

Josh Pagliaroli, Hemet, asked the City Council for assistance with a request to have a storage container at his place of business. Mr. Pagliaroli was told they are not allowed, but noted that there are at least 50 other businesses that have storage containers in sight.

Mayor Smith, recommended that Deanna Elliano, Community Development Director contact Mr. Pagliaroli regarding his request.

Jenn Purkerson, Hemet, expressed concern that the City has to pay City crews to clean up the dirt from the undeveloped field on the east side of Hemet Street. The homes to the west were affected twice by the recent winds.

Mayor Smith, your contact information will be given to the City Manager to follow up with you.

Michael Quill, Hemet, suggested that the City Council consider a mural wall similar to the one in Huntington Beach. It is a great outlet for artistic kids. As a former graffiti artist, Mr. Quill also suggested that it would be a great place to catch taggers. The mural project could be coordinated with the Hemet Valley Arts Association.

Mayor Smith, recommended that Mr. Quill put his idea in writing and submit to City Hall.

City Council Reports

17. CITY COUNCIL REPORTS AND COMMENTS

A. Council Member Krupa

1. Traffic and Parking Commission
2. Riverside Conservation Authority (RCA)

Council Member Krupa, attended the RCA Meeting. The Board did not vacate the position of Board Chairperson, however the by-laws were change to remove the positions authority. The non-profit HANS process was tabled and the Board agreed to continue to work with the stake holders.

3. Ramona Bowl Association
4. Indian Gaming Distribution Fund
5. Riverside Transit Agency (RTA)

Council Member Krupa, announced that Natalie Gomez, Clerk of the Board, retired after many years and she will be missed. The Board is working on their FY 14-15 Annual Budget.

6. Watermaster Board

Council Member Krupa, announced that at the Hemet Theater on May 27th through May 30th will be the premier screening of Stephen Savage's movie "Vertical". On May 31st and June 1st there will be a mini Film Festival.

Council Member Krupa, attended SCAG's meeting "Connecting the Dots". Council Member Krupa will be formulating a report to distribute to the City Council.

B. Council Member Wright

1. Park Commission

Council Member Wright, the Park Commission planted a tree in Brubaker Park for Arbor Day.

2. Planning Commission

Council Member Wright, the Planning Commission is still working on the Ramona Specific Plan.

3. Indian Gaming Distribution Fund
4. Riverside County Habitat Conservation Agency (RCHCA)
5. Ramona Bowl Association

Council Member Wright, the City crews did a tremendous job in a short period of time cleaning up after the recent wind storms.

Council Member Wright, met with a film producer that is doing the mini film festival and he is very excited about it. The event in Idyllwild brings in about \$175,000 to the community and will most likely generate more in Hemet.

The mini Film Festival on May 31st and June 1st will include 32 films showing at both the Hemet Theater and DVAC. The event cost is \$20.00 for one day or \$25.00 for a two-day pass.

C. Council Member Youssef

1. Western Riverside County of Governments (WRCOG)
2. Riverside County Transportation Commission (RCTC)

Council Member Youssef, proudly announced that another younger brother is leaving with the 13th Battalion. That means I'll be purchasing another banner.

D. Mayor Pro Tem Milne

1. Library Board

Next meeting, May 16, 2014

2. League of California Cities
3. Riverside County Habitat Conservation Agency (RCHCA)

Next meeting, May 15, 2014

4. Riverside Transit Agency (RTA)
5. Riverside Conservation Authority (RCA)
6. Disaster Planning Commission

Mayor Pro Tem Milne, letters are out and staff is conducting the recruitment.

Mayor Pro Tem Milne, thanked Kevin Morningstar for his help with the recent clean up.

Mayor Pro Tem Milne, Deputy Chief Webb and I are going to CSUSB to talk about the City's Special Needs Registry. The DVAC will be hosting a Special Needs Art Exhibit in the fall.

E. Mayor Smith

1. League of California Cities
2. Riverside County Transportation Commission (RCTC)

Mayor Smith, surprised that very few people were present to make comments on RCTC's annual budget that is between \$1.4 and \$1.5 Billion dollars.

3. Western Riverside County of Governments (WRCOG)
4. Public Safety Update
5. National League of Cities
6. Hemet Community Activities

Mayor Smith, announced that Jersey Mike's opened tonight.

Mayor Smith, I was in Sacramento during the wind storms which gave me the opportunity to meet with State Official's about Hemet situation.

F. Ad-Hoc Committee Reports

1. Crime Stoppers Plus Ad-Hoc Committee
2. West Hemet MSHCP Ad-Hoc Committee
3. Regent Development Agreement Ad-Hoc Committee

G. City Manager Hill

1. Manager's Reports

Wally Hill, City Manager, the State Department has confirmed that the water from the City's two effected wells are fine. Public Works will continue to conduct tests.

The City Council recessed to Closed Session at 9:55 pm.

Continued Closed Session

2. Conference with Legal Counsel - Anticipated Litigation

One matter of significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) & (3)

City Attorney Continued Closed Session Report

4. Conference with Legal Counsel - Anticipated Litigation

One matter of significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) & (3)

The City Council received an briefing from the City Attorney and gave direction to prepare the necessary documents to repeal HMC Section 46-10, Child Safety Zone Ordinance due to CA Supreme Court Case: People v. Nguyen.

Future Agenda Items

There were no future agenda items requested at this time.

Adjournment

Adjourned at 10:07 p.m. to Tuesday, May 27, 2014 at 7:00 p.m.



Staff Report

TO: Honorable Mayor and Members of the City Council

FROM: Eric S. Vail, City Attorney

DATE: May 27, 2014

RE: Municipal Code Section 46-10

RECOMMENDATION:

In light of *People v. Nguyen* (2014) 222 Cal.App.4th 1168, adopt Urgency Ordinance Bill No. 14-031 and repeal Hemet Municipal Code section 46-10.

BACKGROUND:

Following the passage of Proposition 83, the Sexual Predator Punishment and Control Act, commonly referred to as Jessica's Law, Riverside County, Orange County, and numerous California cities adopted ordinances restricting the locations where sex offenders may be present. These ordinances generally restricted sex offenders from being present in parks or other locations where children frequently gather unless the sex offender has a lawful purpose for being there. On December 13, 2011, the City Council adopted Ordinance No. 1844, which created Municipal Code section 46-10 and imposed similar location restrictions on sex offenders in Hemet as those that were adopted by Riverside County.

On January 10, 2014, the Fourth District Court of Appeal issued its decision in *People v. Nguyen* (2014) 222 Cal.App.4th 1168, holding that state law preempted Irvine's ordinance prohibiting all sex offenders from entering a city park or recreational facility without permission from the police chief. The Court of Appeal concluded that the state statutory scheme restricting sex offenders' daily lives fully occupied the field and therefore preempted supplementary restrictions by local agencies. The Court of Appeal concluded that these statutes "are all closely related and establish a patterned approach for regulating a sex offender's daily life to reduce the risk the offender will commit another offense." Taken as a whole, this statutory scheme "reflects the Legislature's considered judgment on how to protect children and other members of the public from the risk of a sex offender reoffending while also recognizing a sex offender's right to live, work, assemble, and move about the state." The Irvine restriction on sex offenders in parks, therefore, was preempted because it "invoke[d] the same purpose in imposing

geographical restrictions” on sex offenders.

On April 23, 2014, the California Supreme Court denied Irvine’s Petition for Review, which means that *Nguyen* will remain the controlling authority on this issue.

ANALYSIS:

Based on *Nguyen*, cities and counties cannot add supplemental restrictions on the places that sex offenders can visit in their daily lives or impose restrictions that are designed to decrease the possibility of a sex offender reoffending. In light of the Supreme Court’s decision to not review *Nguyen*, the City Council should repeal section 46-10. The broad finding of state law preemption in *Nguyen* leaves no room for local restrictions on where sex offenders can go in their daily lives.

An urgency ordinance is requested because Section 46-10 is inconsistent with state law as interpreted by *Nguyen* and cannot be enforced. It is critical for the Hemet Police Department to have immediate clarity regarding the scope of enforceable restrictions on registered sex offenders located within the City.

FISCAL IMPACT:

None.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. Vail", with a stylized flourish at the end.

Eric S. Vail, City Attorney



**CITY OF HEMET
Hemet, California
ORDINANCE BILL NO. 14-031**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF HEMET, CALIFORNIA, REPEALING HEMET
MUNICIPAL CODE SECTION 46-10.**

WHEREAS, Article XI, § 7 of the California Constitution authorizes cities to make and enforce within their limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and,

WHEREAS, pursuant to Proposition 83, the Sexual Predator Punishment and Control Act, commonly referred to as Jessica’s Law, Riverside County and numerous cities in the County and State enacted ordinances restricting where sex offenders may lawfully be present; and,

WHEREAS, Municipal Code section 46-10, which the City adopted on December 13, 2011 in Ordinance No. 1844, prohibits sex offenders from entering “child safety zones” unless an exemption applies; and,

WHEREAS, on January 10, 2014, the Fourth District Court of Appeal issued its decision in *People v. Nguyen* (2014) 222 Cal.App.4th 1168, and held that state law preempted Irvine’s ordinance prohibiting all sex offenders from entering a city park or recreational facility without permission from the police chief; and,

WHEREAS, on April 23, 2014, the California Supreme Court denied Irvine’s Petition for Review, which means that *Nguyen* will remain the controlling authority on this issue; and,

WHEREAS, Based on *Nguyen*, cities and counties cannot add supplemental restrictions on the places that sex offenders can visit in their daily lives or impose restrictions that are designed to decrease the possibility of a sex offender reoffending; and,

CITY OF HEMET ORDINANCE BILL NO. 14-031

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEREAS, due to *Nguyen*, the City must repeal Municipal Code section 46-10.

WHEREAS, this Ordinance must take effect immediately under Government Code section 36937(b) to preserve the public peace, health and safety.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: REPEAL OF HEMET MUNICIPAL CODE SECTION 46-10.

Hemet Municipal Code section 46-10 is hereby repealed in its entirety.

SECTION 2: SEVERABILITY.

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

SECTION 3: EFFECTIVE DATE.

This Ordinance is hereby declared an urgency measure pursuant to the terms of California Government Code section 36937 (b) and shall be effective immediately upon adoption by a four-fifths (4/5th) vote of the City Council. Section 46-10 is inconsistent with state law as interpreted by *Nguyen* and cannot be enforced. It is critical for the Hemet Police Department to have immediate clarity regarding the scope of enforceable restrictions on registered sex offenders located within the City.

SECTION 4: PUBLICATION.

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

INTRODUCED, APPROVED AND ADOPTED this 27th day of May, 2014.

Larry Smith, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah McComas, City Clerk

Eric S. Vail, City Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

State of California)
County of Riverside)
City of Hemet)

I, Sarah McComas, City Clerk of the City of Hemet, do hereby certify that the foregoing Ordinance was introduced and adopted as an urgency measure pursuant to the terms of California Government Code section 36937 (b) at a regular meeting of the Hemet City Council on the 27th day of May, 2014, and was passed by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

Sarah McComas, City Clerk

16.D.2

Council Action Advised by July 31, 2014

May 1, 2014

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 3 - 5, Los Angeles**

The League's 2014 Annual Conference is scheduled for September 3 - 5 in Los Angeles. An important part of the Annual Conference is the Annual Business Meeting (*at the General Assembly*), scheduled for noon on Friday, September 5, at the Los Angeles Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 15, 2014. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

-over-

Annual Conference Voting Procedures 2014 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.