

ORDINANCE NO. 556 - 20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, AMENDING TITLE 16 OF THE MURRIETA MUNICIPAL CODE TO REVISE THE CITY'S DEVELOPMENT CODE, APPROVING DCA-2019-1880 RELATED TO SECTIONS 16.08, 16.10, 16.11, 16.12, 16.14, 16.34, 16.44, 16.46, 16.52, 16.56, 16.62 16.76, 16.78, 16.94, and 16.110, AND AUTHORIZING THE FILING OF THE ENVIRONMENTAL DETERMINATION.

WHEREAS, as the City of Murrieta proposes an amendment to the City's Development Code for the purpose of revising and updating sections 16.08, 16.10, 16.11, 16.12, 16.14, 16.34, 16.44, 16.46, 16.52, 16.56, 16.62, 16.76, 16.78, 16.94, and 16.110 ("Development Code Amendment"); and

WHEREAS, DCA 2019-1880 includes an update and clean-up in order to provide consistency and eliminate errors within the sections of the City's Municipal and Development Code identified above; and

WHEREAS, on January 22, 2020 the City of Murrieta Planning Commission held a duly noticed public hearing on the proposed Development Code Amendment, at which a staff report was presented as well as written comment from the public regarding the need for the proposed Development Code Amendment and providing evidence in the record to support the findings required by the Murrieta Development Code Section 16.58.080; and

WHEREAS, the Planning Commission considered and discussed the public comments and written information provided at the public hearing and determined that the proposed Development Code Amendment is appropriate; and

WHEREAS, the Planning Commission considered the potential for environmental effects as a result of the proposed Development Code Amendment pursuant to the California Environmental Quality Act (CEQA), and concurred with staff's recommendation that the proposed code amendment is exempt under Section 15061(b)(3), and statutory exempt, pursuant to Public Resources Code Section 21080.17 (adoption of an ordinance by a city to implement the provisions of Section 65852.1 or 65852.2 of the Government Code), of the CEQA Guidelines; and

WHEREAS, on February 18, 2020 the City Council of the City of Murrieta held a duly noticed public hearing on the proposed Development Code Amendment, at which was presented the staff report and evidence in the record to support the findings required by the Murrieta Development Code Section 16.58.080; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Murrieta, does ordain as follows:

SECTION 1. FINDINGS

Based upon the substantial evidence presented at the public hearing on February 18, 2020, including written and oral staff reports and public and applicant written and oral testimony, and on the record from the Planning Commission public hearing, in accordance with Murrieta Development Code Chapter 16.58, the City Council of the City of Murrieta approves Development Code Amendment 2019-1880 in accordance with the following findings pursuant to Development Code Section 16.58.080:

Findings and Recommended Approval for Development Code Amendments:

1. The proposed amendment ensures and maintains internal consistency with all of the objectives, policies, general plan land uses, programs and actions of all elements of the general plan;

FACTS: The Development Code is the primary tool for implementing the General Plan, providing regulating standards, identification of permitted uses, and other regulations that support the proper implementation of the General Plan Land Use Element. This Development Code Amendment updates and amends sections 16.08, 16.10, 16.11, 16.12, 16.14, 16.34, 16.44, 16.46, 16.52, 16.56, 16.62, 16.76, 16.78, 16.94, and 16.110 in order to provide accurate and consistent information throughout the City's Development Code.

2. The proposed amendment would not be detrimental to the public convenience, health, safety or general welfare of the city;

FACTS: The proposed amendment addresses points of clarification within the City's Development Code, in order to provide accurate and consistent information throughout the City's Development Code which will maintain the public convenience, health and safety, and general welfare of the City.

3. The proposed amendment is internally consistent with other applicable provisions of the development code.

FACTS: The proposed amendment addresses errors within the City's Development Code, in order to provide accurate and consistent information throughout the City's Development Code specifically sections 16.08, 16.10, 16.11, 16.12, 16.14, 16.34, 16.44, 16.46, 16.52, 16.56, 16.62, 16.76, 16.78, 16.94, and 16.110 and thereby, is internally consistent.

4. The proposed amendment is in compliance with the provision of the California Environmental Quality Act (CEQA).

FACTS: The proposed Development Code Amendment is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, and statutory exempt, pursuant to Public Resources Code Section 21080.17 (adoption of an ordinance by a city to implement the provisions of Section 65852.1 or 65852.2 of the Government Code), as it is certain that the proposed Development Code revisions have no significant adverse effects on the environment.

SECTION 2. Section 16.08.010, Table 16.08-01 of the Murrieta Municipal Code is hereby amended to add the following:

**TABLE 16.08-1
USE TABLE
FOR RESIDENTIAL (SINGLE-FAMILY) ZONING DISTRICTS
Permit Requirement by District**

Symbol	Applicable Process						See Chapter
P	Permitted Land Use - Compliance with development standards and zoning clearance required						16.74
C	Conditional Use - Conditional use permit required						16.52
"Blank"	Land use not permitted						
Land Use ^{(1) (2)}	RR	ER-1	ER-2	ER-3	SF-1	SF-2	See Standards in Section
Electric Vehicle Charging Stations ⁽⁷⁾	P	P	P	P	P	P	15.63 16.34 16.44.110
Residential							
Small Family Day-Care Homes - Up to 8 children ⁽⁵⁾	P	P	P	P	P	P	16.44.050
Large Family Day-Care Homes - 9 to 14 children ⁽⁵⁾	P	P	P	P	P	P	16.44.050
Child Day-Care Centers	C	C	C	C	C	C	16.44.050
Junior Accessory Dwelling Unit	P	P	P	P	P	P	16.44.160
Notes:							
(1) See Section 16.04.020 regarding uses not listed.							
(2) See Article VI for definitions of the land uses listed.							
(3) Kennels existing as of January 1, 2014 within the RR zone are a legal-conforming land use and are permitted to continue in operation subject to no changes in the existing operation and/or compliance with the development standards contained in Section 16.44.040.E.2.							
(4) Minimum five (5) acre property.							
(5) Zoning clearance not required.							
(6) Any development standards imposed shall be limited to those specified in state law. No Manufactured Housing shall be installed on a lot in a permitted residential zone if more than 10 years has elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home in the affected zone. This exclusion shall not apply to legally permitted Manufactured Homes converting from a pier foundation system to a permanent foundation system.							
(7) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues as described in Section 15.63.							

SECTION 3. Section 16.08.010, Table 16.08-02 of the Murrieta Municipal Code is hereby amended to read as follows:

TABLE 16.08-2 USE TABLE FOR RESIDENTIAL (MULTI-FAMILY) ZONING DISTRICTS Permit Requirement by District				
Symbol	Applicable Process			See Chapter
P	Permitted Land Use - Compliance with development standards and zoning compliance required			16.74
C	Conditional Use - Conditional use permit required			16.52
"Blank"	Land use not allowed			
Land Use ^{(1) (2)}	MF-1	MF-2	MF-3	See Standards in Section
Parking				
Electric Vehicle Charging ⁽⁵⁾ Stations	P	P	P	15.63 16.34 16.44.110
Residential				
Accessory Dwelling Units ⁽⁴⁾	P	P	P	16.44.160
Small Family Day-Care Homes - Up to 8 children ⁽³⁾	P	P	P	16.44.050
Large Family Day-Care - 9 to 14 children ⁽³⁾	P	P	P	16.44.050
Child Day-Care Centers	C	C	C	16.44.050
Junior Accessory Dwelling Unit				
Notes: (1) See Section 16.04.020.D regarding uses not listed. (2) See Article VI for definitions of the land uses listed. (3) Zoning clearance not required. (4) As it pertains to Accessory Dwelling Units, per Section 16.44.160, allowances for implementation are applied to the Downtown Murrieta Specific Plan per state law. (5) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues as described in Section 15.63.				

SECTION 4. Section 16.08.040.B.3 of the Murrieta Municipal Code is hereby amended to read as follows:

3. Carports and Garages.

- a. **Standard:** Where carports or garages are utilized, they shall follow the same criteria for spatial arrangement as parking areas above.
- b. **Standard:** See “Carports, Visual Requirements” under Section 16.34.070(J)(2).

SECTION 5. Section 16.10.010, Table 16.10-01 of the Murrieta Municipal Code is hereby amended to add the following:

TABLE 16.10-1 USE TABLE FOR COMMERCIAL ZONING DISTRICTS				
Symbol	Applicable Process		See Chapter	
P	Permitted Land Use - Compliance with development standards and zoning clearance required		16.74	
C	Conditional Use - Conditional use permit required		16.52	
'Blank'	Land use not permitted			
Land Use^{(1) (2)}	NC	CC	RC	See Standards in Section
Services				
Child Day-Care Centers	C	C	C	16.44.050
Transportation				
Electric Vehicle Charging Stations ⁽³⁾	P	P	P	15.63 16.34 16.44.110
Notes: (1) See Section 16.04.020 regarding uses not listed. (2) See Article VI for definitions of the land uses listed. (3) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues as described in Section 15.63.				

SECTION 6. Section 16.11.010, Table 16.11-01 of the Murrieta Municipal Code is hereby amended to add the following:

TABLE 16.11-1 ALLOWABLE USES AND PERMIT REQUIREMENTS FOR OFFICE DISTRICTS			
Symbol	Applicable Process		See Chapter
P	Permitted Land Use - Compliance with development standards and zoning clearance required		16.74
C	Conditional Use - Conditional use permit required		16.52
"Blank"	Land use not allowed		
Land Use^{(1) (2) (3) (4) (5) (6)}	O	ORP	See Standards in Section
Support Services			
Child Day-Care Centers	C	C ⁽⁷⁾	16.44.050
Transportation			
Electric Vehicle Charging Stations ⁽⁹⁾	P	P	15.63 16.34 16.44.110
Notes: (1) See Section 16.04.020 regarding uses not listed. (2) See Chapter 16.110 for definitions of land uses listed. (3) A development permit may also be required (Chapter 16.56 Development Plan Permits). (4) Permanent and/or temporary outdoor storage of materials in conjunction with an on-site primary use requires approval of a conditional use permit (Chapter 16.52 Conditional Use Permits). (5) Storage of hazardous materials in excess of threshold established by the Uniform Building Code requires approval of a minor conditional use permit (Chapter 16.62 Conditional Use Permits) and compliance with Section 16.18.070 Hazardous Materials Storage. (6) Conversion or reuse of an existing residential structure may be allowed with approval of a conditional use permit (Section 16.32.030 B.3). (7) Use shall be integrated as an accessory use of a primary office and/or research use and such use shall be incorporated within the primary use's structure. Use shall not be located in a stand-alone building. (8) Non-conforming single family residential uses are allowed limited additional development subject to Section 16.32.030, Restriction on Nonconforming Uses and Structures. (9) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues as described in Section 15.63.			

SECTION 7. Section 16.12.010, Table 16.12-01 of the Murrieta Municipal Code is hereby amended to add the following:

TABLE 16.12-1 USE TABLE FOR BUSINESS PARK AND INDUSTRIAL DISTRICTS				
Key to Permit Requirements				
Symbol	Applicable Process			See Chapter
P	Permitted Use - Compliance with development standards and zoning clearance required⁽³⁾			16.74
C	Conditional Use - Conditional use permit required			16.52
"Blank"	Use not allowed			
Land Use^{(1) (2) (3) (4)} <small>(5) (6) (7) (8)</small>	BP	GI	GI-A	See Standards in Section
Services				
Child Day-Care Centers	C	C	C	16.44.050
Transportation				
Electric Vehicle Charging Stations ⁽⁹⁾	P	P	P	15.63 16.34 16.44.110
<p>Notes:</p> <p>(1) See Section 16.04.020 regarding uses not listed.</p> <p>(2) See Article VI for definitions of the land uses listed.</p> <p>(3) A development plan permit may also be required. See Chapter 16.56 .</p> <p>(4) Outdoor storage of materials in conjunction with an on-site primary use requires approval of a conditional use permit in compliance with Chapter 16.52 .</p> <p>(5) Storage of hazardous materials in excess of threshold established by the uniform building code requires approval of a minor conditional use permit (16.52) and compliance with Section 16.18.070 (Hazardous Materials Storage).</p> <p>(6) Conversion or reuse of an existing residential structure may be allowed with approval of a conditional use permit. See Section 16.32.030 (B)(3).</p> <p>(7) This use specifically excludes rental to persons not employed as a caretaker or security for the site on which the use is located. See Section 16.11.020 .</p> <p>(8) All uses shall demonstrate adequate parking in accordance with Chapter 16.34 - Off-Street Parking and Loading Standards.</p> <p>(9) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues as described in Section 15.63.</p>				

SECTION 8. Section 16.14.010, Table 16.14-1 of the Murrieta Municipal Code is hereby amended to add the following:

TABLE 16.14-1 USE TABLE FOR SPECIAL PURPOSE DISTRICTS				
Key to Permit Requirements				
Symbol	Applicable Process			See Chapter
P	Permitted Use - Compliance with development standards and zoning clearance required⁽³⁾			16.74
C	Conditional Use - Conditional use permit required			16.52
"Blank"	Use not allowed			
Land Use^{(1) (2)}	P&R	C&I	OS	See Standards in Section
Services				
Child Day-Care Centers		C		16.44.050
Transportation and Communication Facilities				
Electric Vehicle Charging Stations ⁽³⁾	P	P	P	15.63 16.34 16.44.110
Notes:				
(1) See Section 16.04.020 regarding uses not listed.				
(2) See Article VI for definitions of the land uses listed.				
(3) For EVCS - Subject to the Minor Conditional Use Permit appeal provisions for identified Public Health and Safety issues as described in Section 15.63.				

SECTION 9. Section 16.34.030 of the Murrieta Municipal Code is hereby amended to add the following:

16.34.030 General Parking Regulations.

E. Electric Vehicle Parking. Electric vehicle parking spaces shall be implemented consistent with Section 16.44.110 (Electric Vehicle Parking Requirements) and California Vehicle Code Section 22511.2.

F. Clean-Air-Vanpool-Electric Vehicle Parking. Parking allocation and quantities for non-residential and residential locations shall be provided in accordance with the latest version of the California Green Building Code.

SECTION 10. Section 16.34.0040 of the Murrieta Municipal Code is hereby amended to read as follows:

16.34.040 Number of Parking Spaces Required.

K. Electric Vehicle Parking. Electric vehicle parking spaces shall be implemented consistent with Section 16.44.110 (Electric Vehicle Parking Requirements) and California Vehicle Code Section 22511.2.

L. Clean-Air-Vanpool-Electric Vehicle Parking. Parking allocation and quantities for non-residential and residential locations shall be provided in accordance with the latest version of the California Green Building Code.

SECTION 11. Section 16.34.0040, Table 3-7 of the Murrieta Municipal Code is hereby amended to read as follows:

**TABLE 3-7
PARKING REQUIREMENTS BY LAND USE**

Assembly/Quasi-Public Uses	Vehicle Spaces Required
Churches, other places of worship, and mortuaries	One space for each three fixed seats or one space for every 35 square feet (s.f.) of gross assembly area, meeting rooms, classroom, where there are no fixed seats.
Libraries, museums, art galleries	One space for every 500 s.f. of gross floor area, plus one space for each official vehicle.
Cinemas	Single screen: One space for each three seats, plus six spaces for employees.
	Multi screen: One space for each four seats, plus ten spaces for employees.
Performance theaters, meeting halls, lodges and membership organization	One space for every three fixed seats, or one space per 50 s.f. of gross assembly or viewing area, plus parking for ancillary uses (e.g. bar restaurant).
Day-care centers	One space per child/adult based on 15% of the maximum number of children/adults allowed on site as set forth by the licensing agency, plus one space for each employee.
Hospital and medical centers	One space for every three patient beds the facility is licensed to accommodate, plus one space for every 400 s.f. of office area, plus required spaces for ancillary uses as determined by the Director.

SECTION 12. Section 16.34.060 of the Murrieta Municipal Code is hereby amended to read as follows:

16.34.060 Disabled/Handicapped Parking Requirements.

Parking areas shall include parking spaces accessible to the disabled in the following manner:

A. Number of Spaces, Design Standards. Parking spaces for the disabled shall be provided in compliance with Section 1129B of the Uniform Building Code (UBC), Section 16.44.110(B)(2) (Electric Vehicle Parking Requirements), and California Vehicle Code Section 22511.2;

SECTION 13. Section 16.34.070.J of the Murrieta Municipal Code is hereby amended to read as follows:

J. Carports and Garages.

- 1. Carports, Minimum Size.** Carports/covered parking, shall consist of a solid roof structure overhang, or combination of both, that completely covers a parking stall with a minimum vertical clearance of eight feet.
- 2. Carports, Visual Requirements.**

- a. Carports shall be screened from public view by structural components or masonry walls at least four feet in height subject to visual clearance requirements at driveways.
 - b. Carports adjacent to common property lines shall have solid walls as specified in the Uniform Building Code.
 - c. Carport support columns shall be set back a minimum of three feet from carport face to increase maneuverability
 - d. Carports (including any support structures) shall incorporate the same trim materials (example: decorative wrap), roofing materials, and color palette as the nearest building to the proposed carport structure.
 - e. At residential locations, carports may be incorporated into patio walls and used to define common and private open space as contained within the boundaries of the project site. Incorporating carports into exterior project walls adjacent to streets is prohibited.
3. **Carports, Storage Space Required.** (For Residential Uses) Lockable storage space of at least ninety (90) cubic feet shall be provided for each parking stall in a carport and shall be designed and maintained so as to not obstruct vehicle access to the required parking space.
 4. **Garages, Minimum Size.** Garages shall be completely enclosed on four sides and have a solid roof. The minimum interior dimensions shall be twenty (20) feet in width by twenty (20) feet in length for a two-car garage.

SECTION 14. Section 16.44.050 of the Murrieta Municipal Code is hereby amended to read as follows:

16.44.050 Child Day-Care Facilities.

This section establishes standards for the provisions of child day-care facilities, in conformance with state law and in a manner that recognizes the needs of day-care operators and minimizes the effects on surrounding properties. These standards apply in addition to the other provisions of this development code and requirements imposed by the California department of Social Services. Licensing by the department of Social Services is required for child day-care facilities.

A. Definitions. For the purpose of this section, the following definitions shall apply. Additional definitions are contained in Article VI (Definitions):

1. **Small Family Day-Care Homes (Eight or fewer Children).** Allowed within a single-family or a multi-family residence located in a residential zoning district, with no city land use permits or clearances required;
2. **Large Family Day-Care Homes (Nine to fourteen (14) Children).** Allowed within a single-family or multi-family residence located in a residential zoning district with no city land use permits or clearances required; and
3. **Child Day-Care Centers.** Allowed in the zoning districts determined by Article II (Zoning Districts and Allowable Land Uses), subject to conditional use permit approval, in compliance with Chapter 16.52, and the standards in subsection B. (Standards for Child Day-Care Centers) below.

B. Standards for Child Day-Care Centers

1. Fire Department Standards. The facility shall contain a fire extinguisher(s), CO detector(s), and smoke detector device(s) and comply with the standards established by the city fire department, as well as, all applicable state requirements.

2. Health and Safety Standards. Each facility shall be inspected by the city for compliance with any regulations adopted by the state Fire Marshal concerning health and safety standards which are applicable to care facilities.

3. Noise. In order to protect adjacent residential dwellings from noise impacts, a facility within a residential zoning district may only operate up to fourteen (14) hours for each day between the hours of six a.m. and eight p.m. and may only conduct outdoor activities between the hours of seven a.m. and seven p.m.

4. Off-Street Parking Standards. Each facility shall have the number of parking spaces in compliance with Chapter 16.34 (Parking and Loading Standards).

5. Separation Standards. A residential parcel shall not be bordered on more than one side by a child day-care facility and a child day-care facility shall not be legally operated on a parcel within three hundred (300) feet of the parcel subject to the application.

6. Fence or Wall. A six-foot high solid decorative fence or wall shall be constructed on all property lines, except in the front yard or within a traffic safety sight area. Fences or walls shall provide for safety with controlled points of entry in compliance with Chapter 16.22 (Fences, Hedges, and Walls);

7. Indoor Play Areas. The facility shall be provided with indoor play areas in compliance with state requirements.

8. Outdoor Play Areas. The facility shall be provided with outdoor play areas in compliance with state requirements; and

9. Swimming Pools/Spas. Swimming pools/spas shall meet County and state requirements.

SECTION 15. Section 16.44.110 of the Murrieta Municipal Code is hereby added to read as follows:

16.44.110 “Electric Vehicle Parking Requirements”

A. Definitions

1. *Electric Vehicle Supply Equipment.* Refer to Vehicle Code Section 22511.2.
2. *Electric Vehicle Charging Space.* Refer to Vehicle Code Section 22511.2.

B. Standards

1. A parking space served by *electric vehicle supply equipment* or a parking space designated as a future electric vehicle charging space shall count as at least one standard automobile parking space for the purpose of complying with any applicable minimum parking space requirements as established by the City.

2. An accessible parking space with an access aisle served by electric vehicle supply equipment or an accessible parking space with an aisle designated as a future *electric vehicle charging space* shall count as at least two standard automobile parking spaces for the purpose of complying with any applicable minimum parking space requirements as established by the City.

SECTION 16. Section 16.44.160.A through I of the Murrieta Municipal Code is hereby amended to read as follows:

A. Purpose. This section provides standards for the establishment of accessory dwelling units. Pursuant to Government Code 65852.2 local governments have the authority to adopt regulations designed to promote accessory units. An accessory dwelling unit which conforms to the requirements of this Section 16.44.160 shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential unit, which is consistent with the General Plan and zoning classification for the lot.

B. Definitions. The following are definitions of specialized terms and phrases used in this chapter. Definitions of general terms and phrases are located in Article VI (Development Code Definitions).

1. *Accessory Dwelling Unit (ADU)*. Refer to Government Code Section 65852.2 for definition.
2. *Junior Accessory Dwelling Unit (JADU)* shall have the same meaning as defined in Government Code Section 65852.2 and 65852.22.
3. *Public Transit* means, including but limited, a fixed-route service open to the public at large and includes transit stations, bus stations, and bus stops, as operated by the Riverside Transit Agency or another fixed route service as adopted by City Council resolution as it pertains to Chapter 16.44.160 of this title.

C. Standard of Review. *ADU* and *JADU* applications shall be considered a ministerial action without discretionary review or a public hearing if all requirements of this Section 16.44.160 are met, notwithstanding any other requirements of state law or this development code.

D. Number of Accessory Dwelling Units and Junior Accessory Dwelling Units Allowed. The number of *accessory dwelling unit(s)* and *junior accessory dwelling unit* on a parcel shall be allowed pursuant to State Law as applicable to single-family, multi-family, and mixed-zoned parcels:

1. At a residential parcel with an existing or proposed single-family dwelling: one *ADU* and one *JADU* shall be permitted. An *ADU* may be combined with a *JADU* unit within a single-family residence pursuant to the requirements of Government Code 65852.2
2. At a parcel with an existing multi-family dwelling, two detached *ADUs* shall be permitted pursuant to Government Code 65852.2. Additionally, one *ADU* and 25 percent of the number of existing units within the multi-family building may be counted towards the conversion requirements of Government Code 65852.2.

E. Site Requirements. A parcel proposed for an accessory dwelling unit shall comply with all the following requirements:

1. The parcel shall allow for setbacks for an *ADU* or *JADU* consistent with Government Code 65852.2 and 65852.22.
2. Occupancy requirements of the *ADU* and *JADU* shall be consistent with the provisions of Government Code 65852.2. For a *JADU*, a covenant shall be recorded in the Riverside

County clerk's office against the title declaring that the property owner must occupy either the primary residence or the *JADU*.

3. An *ADU* may only be sold in limited situations pursuant to Government Code Section 65852.26.
4. A covenant shall be recorded in the Riverside County clerk's office against the title of the parcel declaring that the *ADU(s)* and/or *JADU* shall not be used for short term rentals less than 30 days.

F. Design Standards. An *ADU* and *JADU* shall meet the following:

1. Size and Setback Restrictions:
 - a. A *JADU* shall be reflective of the setback and square footage provisions consistent with Government Code 65852.2 and 65852.22.
 - b. An attached or detached *ADU* shall be reflective of the setback and square footage provisions consistent with Government Code 65852.2.
 - c. If the *ADU* and/or *JADU* unit is proposed within the parameters of an existing or proposed single-family dwelling, any proposed expansion shall be consistent with the requirements of Government Code 65852.2. If the *ADU* is proposed within the parameters of an existing accessory structure, any proposed expansion shall be consistent with the requirements of Government Code 65852.2. *ADU* and *JADU* types are also required to meet fire and safety standards per Government Code 65852.2(e)(1)(A)(iii).
2. Architecture and Standards:
 - a. At single-family locations the exterior roofing, trim, walls, windows and the color palette of the *ADU* or *JADU* shall incorporate the same features as the main dwelling unit;
 - b. At multi-family locations, the exterior roofing, trim, walls, windows and the color palette of the *ADU* addition shall incorporate the same features as the existing building that the *ADU* would be provided within. For detached *ADUs*, it shall be reflective of the nearest building as measured from the wall of the existing building to the nearest wall of the proposed unit.
 - c. Restroom and kitchen facilities for *ADUs* and *JADUs* shall be provided consistent Government Code 65852.2 and 65852.22.
 - d. Access for *ADUs* and *JADUs* shall be provided consistent Government Code 65852.2 and 65852.22.

G. Parking. The *ADU* shall provide one off-street parking space in addition to that required for the main dwelling unit, in compliance with Chapter 16.34 (Off-Street Parking and Loading Standards). No off-street parking is required for the *ADU* if it meets any of the following:

1. Is within a half mile walking distance from *public transit*. Refer to definition in Section 16.44.160.B.
2. Is within an architecturally and historically significant historic district.

3. Is in an area where on-street parking permits are required, but not offered to the occupant of the *ADU*.
4. Is located within one block of a car share area.
5. The *ADU* is a part of the proposed or existing primary residence or an accessory structure.
6. Is a *JADU* as defined under Government Code 65852.2 and 65852.22.

H. Review of Application. Review of the *ADU* and *JADU* shall be consistent with the following:

1. A permit application for an *ADU* or a *JADU* unit shall be considered and approved ministerially without discretionary review or a hearing.
2. The City shall act on an application to create an *ADU* or a *JADU* within 60 days from the date the local agency receives a completed application.
3. If the permit application to create an *ADU* or a *JADU* is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the *ADU* or the *JADU* until the City acts on the permit application to create the new single-family dwelling, but the application to create the *ADU* or *JADU* shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

I. Conflicting Standards. If there is a conflicting applicability between the requirements of this section and requirements as described under State Law, State Law shall apply.

SECTION 17. Section 16.46.050.C, Table 4-1 of the Murrieta Municipal Code is hereby amended to read as follows:

**TABLE 4-1
APPROVAL AUTHORITY AND PUBLIC HEARING REQUIREMENTS**

Type of Action	Public Hearing Required	Planning Director	Planning Commission	City Council
Agricultural Preserves and Land Conservation Contract Action (16.50)	x		Advisory	x
Certificates of Compliance (16.92.050)		x		
Conditional Use Permits (16.52)	x		x	
Minor Conditional Use Permits (16.52)	√ (Subject to Review Process) ^E	x	√	
Development Agreements (16.54)	x		Advisory	x
Development Code Amendments (16.58)	x		Advisory	x
Development Plan Permits (16.56)	√ (Subject to Review Process) ^G	x	√	
Final Maps (16.98)				x
General Plan Amendments (16.58)	x		Advisory	x
Home Occupation Permits (16.60)		x		
Lot Line Adjustments (16.102)		x		
Master Development Plans (16.64)	x		Advisory	x
Parcel Maps, Residential – Director Determination (16.-140)	√ (Subject to Review Process) ^F	x	√	
Parcel Maps, Industrial and Commercial (16.98)	x		x	
Parcel Mergers (16.104)		x		
Reversions to Acreage (16.104)	x			X
Sign Permits (16.38.040)		x		
Specific Plans (16.66)	x		Advisory	x
Surface Mining Permits (16.68)	x		x	
Temporary Use Permits (16.70)		x		
Time Extensions (16.80)		x		
Tract Maps (16.92)	x		x	
Variance (16.72)	x		x	
Minor Variances (16.72)		x		
Vesting Maps (16.96)	x		x	
Zoning Clearances (16.74)		x		
Zoning Map Amendments (16.58)	X		Advisory	x

Notes:

- A. For matters that are considered to have special significance or impact, the director may refer the items to the commission for determination.
- B. A decision of the director may be appealed to the commission. A decision of the commission may be appealed to the council (see Chapter 16.78).
- C. Minor changes to an approved project may be approved in compliance with Section 16.80.070 (Changes to Approved Projects).
- D. Accessory dwelling units may be developed in compliance with Section 16.44.160 (Accessory Dwelling Units).
- E. Minor Conditional Use Permits shall be subject to the director's review process and referral to Planning Commission as described with Section 16.52.020.B.2 (Authority to Approve Minor Conditional Use Permits) through B.4 (Director's Decision on Minor Conditional Use Permits).
- F. Tentative Residential Parcel Maps shall be subject to the director's review process and referral to Planning Commission as described with Section 16.94.140.A (Authority to Approve or Deny Residential Tentative Parcel Maps through 16.94.140.F (Disapproval of Residential Tentative Parcel Maps).
- G. Certain Development Plan Permits shall be subject to the director's review process and referral to Planning Commission as described within 16.56.025.B.1 (Authority to Approve Development Plan Permits) through 15.56.025.B.3 (Director's Decision on Development Plan Permits).

SECTION 18. Section 16.52.020.A.2 of the Murrieta Municipal Code is hereby amended to read as follows:

- 2. Director.** The director may grant minor conditional use permits, in compliance with subsection B of this section, unless the application is referred to commission for further review for the reasons stated in Section 16.52.020.B.2 (Authority to Approve Minor Conditional Use Permits) through B.4 (Director's Decision on Minor Conditional Use Permits). This referral would not be considered an appeal action and the use would be still subject to the appeal provisions of Chapter 16.78 (Appeals).

SECTION 19. Section 16.52.020.B of the Murrieta Municipal Code is hereby amended to read as follows:

B. Minor Conditional Use Permits

- 1.** Minor Conditional Use Permits may be granted for only the following land use activities, in addition to those listed in Article II (Zoning Districts and Allowable Land Uses) or Article III (Site Planning and General Development Standards) as requiring a minor conditional use permit:
 - a. Alcoholic Beverage Sales.** Alcoholic beverage sales for on-site consumption pursuant to the standards set forth in Section 16.44.030 (Alcoholic Beverage Sales);

- b. Bulk Vending Machines and Small Collection Facilities.** Pursuant to the standards set forth in Section 16.44.140 (Recycling Facilities);
 - c. Electric Vehicle Charging Stations.** Pursuant to the appeal provisions as described within Section 15.63 (Electric Vehicle Charging Stations);
 - d. Hazardous Materials Storage.** Storage of hazardous materials in conjunction with an on-site primary use where quantities are in excess of the threshold specified in the uniform building code pursuant to Section 16.18.070 (Hazardous Materials Storage);
 - e. Indoor Commercial Recreation.** Indoor recreation facilities including amusement centers, game arcades, pool/billiard rooms, and similar uses as determined by the director, but not including cyber cafes as defined in Section 5.14.010;
 - f. Indoor Vehicle Sales.** The sale of vehicles conducted entirely within a building;
 - g. Outdoor Display and Storage.** Permanent area(s) for the outdoor display and sale of merchandise pursuant to the standards set forth in Section 16.44.120 (Outdoor Display and Sales Standards) and permanent area(s) for outside storage pursuant to the standards set forth in Sections 16.44.120 (Outdoor Display and Sales Standards) and 16.44.130 (Outdoor Storage);
 - h. Outdoor Dining and Seating.** Pursuant to the standards set forth in Section 16.44.120C (Outdoor Dining and Seating Areas);
 - i. Wireless Communications Facilities.** Pursuant to the standards set forth in Section 16.44.170 (Telecommunication Facilities); and
 - j. Non-commercial Wind Energy Conversion System.** Pursuant to the standards set forth in Section 16.44.220 (Non-Commercial Wind Energy Conversion Systems).
 - k. Residential Wedding/Event Facilities.** Pursuant to the standards set forth in Section 16.44.230 (Residential Wedding/Event Facilities).
- 2. Authority to Approve Minor Conditional Use Permits.**
- a.** The Planning Commission shall retain the authority to approve, conditionally approve, or disapprove a Minor Conditional Use Permit application if an application is referred for their decision, or if public hearing is requested.
 - b.** The director shall have the authority to approve, conditionally approve, or disapprove applications for a Minor Conditional Use Permit unless otherwise stated.
 - c.** The director shall serve as the environmental review officer and shall make decisions for implementing Minor Conditional Use Permits in compliance with the California Environmental Quality Act (CEQA) as pursuant to Section 16.01.040 (Relationship to California Environmental Quality Act). Preliminary noticing shall be provided pursuant to CEQA requirements. If the Minor Conditional Use Permit application is referred to the Planning Commission for further consideration, the Commission would then be designated as the environmental review decision body for CEQA.

- d. For Minor Conditional Use Permits that may have special community impacts or other unique circumstances, the director may refer the application to the commission for review. Noticing for would be provided pursuant to Chapter 16.76 "Public Hearings".

3. Review.

- a. The director shall review each minor conditional use permit application filed pursuant to this chapter. If required, the director shall prepare a written report for the commission describing the proposed use for which the commission makes the decision.

4. Director's Decision on Minor Conditional Use Permits.

- a. **Notice of Intent to Approve or Deny.** For a Minor Conditional Use permit application within the director's approval authority, the director shall make a decision to approve, conditionally approve or disapprove the minor conditional use permit and corresponding CEQA determination pursuant to the following requirements:
 - i. The notice shall provide that any person notified may submit written comments on the application no later than 10 days after the date of the notice.
 - ii. The notice shall specify that an individual can request a public hearing at the Planning Commission no later than 10 days after the date of the notice.
 - iii. The applicant can request a public hearing at the Planning Commission for review of the decision, or if the decision is for denial, no later than 10 days after the date of the notice.
 - iv. The director shall provide this notice pursuant Chapter 16.76.020 (Notice of Public Hearing) through 16.76.040 (Evidence of Notice). Please Note: The public hearing component of the referred sections would not apply with a Notice of Intent to Approve or Deny.
 - v. This notice shall also be provided to appropriate City Departments.
 - vi. If the last day to file a request for a public hearing falls on a legal holiday recognized by the city or on a Saturday or Sunday, the following business day shall be deemed the last day to file the request.
- b. **Notice of Public Hearing.** If the director receives a timely filed written request for a public hearing or review of the director's decision, the director shall schedule a public hearing with the Planning Commission and shall provide public notice pursuant to Chapter 16.76 (Public Hearings), notify the applicant and/or subdivider, any interested parties, and appropriate City departments and agencies of the date, time and location of the hearing.
- c. **Approval.** If the action is to approve the permit, the director shall identify all the applicable findings and appropriate Conditions of Approval. This documentation shall be transmitted to the applicant.
- d. **Denial.** If the director's decision is to disapprove the Minor Conditional Use Permit application, the decision shall include the reasons for the disapproval and corresponding findings. Furthermore, the applicant can request a public hearing at the Planning Commission for review of the decision.
- e. **Notice of Decision.** In the event no person makes a written request for review within the time prescribed in subsection (a), or files an appeal as prescribed under subsection (f) after

the decision date, the decision shall become final. The director shall provide a final notice of approval or disapproval with the corresponding CEQA determination to the applicant, any interested parties, and appropriate City departments.

- f. **Project and CEQA Appeal.** Minor Conditional Use Permits as reviewed by the director or by the Planning Commission shall be subject to appeal provisions as described within Section 16.78 (Appeals).
- g. **Conditions & Post Approval.** – The decision maker shall have the authority to impose reasonable and necessary conditions as described under 16.52.050 (Conditions) and application shall be subject to 16.52.060 (Post Approval Procedures).

SECTION 20. Section 16.56.020.A.3.b. of the Murrieta Municipal Code is hereby amended to read as follows:

16.56.020 Applicability.

A. Development plan permit required.

1. A development plan permit shall be required under the following conditions:
 - a. Development of vacant property;
 - b. Change in use that requires additional off-street parking;
 - c. Expansion or modification of an existing entitled multi-family or non-residential structure or use not subject to Section 16.80.070; or,
 - d. As may otherwise be required by this chapter.
2. Projects meeting the conditions above and subject to Section 16.52 (conditional use permits) are not required to process a development plan permit. However, all requirements and findings associated with a development plan permit shall also apply to the conditional use permit.
3. Notwithstanding Section 16.56.020.A.1, a development plan permit shall not be required for the following.
 - a. Individual residential development such as a custom, speculative, or relocated single-family residence.
 - b. Accessory dwelling units, Refer to Section 16.44.160 for criteria.
 - c. Single-family residential building additions or residential accessory structures that are less than 1,000 square feet in size.

SECTION 21. Section 16.56.025.B through C of the Murrieta Municipal Code is hereby amended to read as follows:

B. Development Plan Permit Decision - Director's Review and Processing. For projects subject to a development plan permit and not listed in section 16.56.025 (A) (Development Plan Permit Decision - Administrative) the following process shall be implemented:

1. Authority to Approve Development Plan Permits.

- a. The Planning Commission shall retain the authority to approve, conditionally approve, or disapprove a Development Plan Permit application if an application is referred for their review or if a public hearing is requested.
- b. The director shall have the authority to approve, conditionally approve, or disapprove applications for a Development Plan Permit unless otherwise stated.
- c. The director shall serve as the environmental review officer and shall make decisions for implementing Development Plan Permits in compliance with the California Environmental Quality Act (CEQA) pursuant to Section 16.01.040 (Relationship to California Environmental Quality Act). Noticing shall be provided pursuant to CEQA requirements. If the Development Plan Permit application is referred to the Planning Commission for further consideration, the commission would be designated as the environmental review decision body for CEQA.
- d. For Development Plan Permits that may have special community impacts or other unique circumstances, the director may refer the application on to the commission for a decision. Noticing for would be provided pursuant to Chapter 16.76 "Public Hearings".

2. Review. The director shall review each development permit application filed pursuant to this chapter. If required, the director shall prepare a written report for the commission describing the proposed project for which the commission makes the decision.

3. Director's Decision on Development Plan Permits.

- a. **Notice of Intent to Approve or Deny.** For a Development Plan Permit application within the director's approval authority, the director shall make a decision to approve, conditionally approve or disapprove the Development Plan Permit and the corresponding CEQA determination pursuant to the following requirements:
 - i. The notice shall provide that any person notified may submit written comments on the application no later than 10 days after the date of the notice.
 - ii. The notice shall specify that an individual can request a public hearing at the Planning Commission no later than 10 days after the date of the notice.
 - iii. The applicant can request a public hearing at the Planning Commission for review of the decision, or if the decision is for denial, no later than 10 days after the date of the notice.
 - iv. The director shall provide this notice pursuant Chapter 16.76.020 (Notice of Public Hearing) through 16.76.040 (Evidence of Notice). Please Note: The public hearing component of the referred sections would not apply with a Notice of Intent to Approve or Deny.
 - v. This notice shall also be provided to appropriate City Departments.
 - vi. If the last day to file a request for a public hearing falls on a legal holiday recognized by the city or on a Saturday or Sunday, the following business day shall be deemed the last day to file the request.

- b. Notice of Public Hearing.** If the director receives a timely filed written request for a public hearing or review of the director's decision, the director shall schedule a public hearing with the Planning Commission and shall provide public notice pursuant to Chapter 16.76 (Public Hearings), notify the applicant and/or subdivider, any interested parties, and appropriate City departments and agencies of the date, time and location of the hearing.
- c. Approval.** If the action is to approve the permit, the director shall identify all the applicable findings and appropriate Conditions of Approval. This documentation shall be transmitted to the applicant.
- d. Denial.** If the director's decision is to disapprove the Development Plan permit application, the decision shall include the reasons for the disapproval and corresponding findings. Furthermore, the applicant can request a public hearing at the Planning Commission for review of the decision, or if the decision is for denial.
- e. Notice of Decision.** In the event no person makes a written request for review within the time prescribed in subsection (a), or files an appeal as prescribed under subsection (f) after the decision date, the decision shall become final. The director shall provide a final notice of approval or disapproval with the corresponding CEQA determination to the applicant, any interested parties, and appropriate City departments.
- f. Project and CEQA Appeal.** Development Plan Permits as reviewed by the director or by the Planning Commission shall be subject to appeal provisions as described within Section 16.78 (Appeals).
- g. Conditions & Post Approval.** – The decision maker shall have the authority to impose reasonable and necessary conditions as described under 16.56.050 (Conditions) and application shall be subject to 16.56.060 (Post Approval Procedures).

SECTION 22. Remove Section 16.62 of the Murrieta Municipal Code.

SECTION 23. Section 16.76.010 of the Murrieta Municipal Code is hereby amended to read as follows:

This chapter provides procedures for scheduling and conducting public hearings before the commission and council. When a public hearing is required by this development code, public notice shall be given and the hearing shall be conducted in compliance with this chapter.

SECTION 24. Section 16.76.080.A of the Murrieta Municipal Code is hereby amended to read as follows:

- A. Effective on Eleventh (11th) Day.** Home occupation permits, temporary use permits, development plan permits, minor variances, variances, minor conditional use permits, conditional use permits, surface mining permits, and residential tentative parcel maps, shall become effective on the eleventh (11th) day following the date the decision is rendered by the appropriate review authority, provided that no appeal of the review authority's action has been filed in compliance with Chapter 16.78 (Appeals).

SECTION 25. Section 16.78.020.A, Table 4-3 of the Murrieta Municipal Code is hereby amended to read as follows:

TABLE 4-3 DIRECTOR ACTIONS SUBJECT TO APPEAL	
ACTION TYPE	APPEAL REFERENCE CODE SECTION
Code Interpretations	16.04.030C
Development Plan Permits (administrative) and (Director's Review and Processing)	16.56.025A and B
Home Occupation Permits	16.60.100A
Impact Fee Reduction	16.36.050B
Minor Conditional Use Permits	16.52.020
Minor Variances	16.72.020
Residential Tentative Parcel Maps	16.94.070A and 16.94.140
Revised Permits	16.80.070D2
Temporary Use Permits	16.70.020
Time Extensions	16.42.110A

SECTION 26. Section 16.94 of the Murrieta Municipal Code is hereby amended to read as follows:

Sections:

- 16.94.010 Purpose.**
- 16.94.020 Application.**
- 16.94.030 Content and Form.**
- 16.94.040 Accompanying Data and Reports.**
- 16.94.050 Application Filing and Department Review.**
- 16.94.060 Environmental Subdivisions.**
- 16.94.070 Extension of Time for Acting on Map.**
- 16.94.080 Commission Determination.**
- 16.94.090 Expiration.**
- 16.94.100 Extensions.**
- 16.94.110 Amendments.**
- 16.94.120 Judicial Review.**
- 16.94.130 Indemnification.**
- 16.94.140 Director Determination.**

SECTION 27. Section 16.94.050.C of the Murrieta Municipal Code is hereby amended to read as follows:

- C. Notice to Public Agencies, Utilities, and City Departments.** The department shall forward copies of the tentative map to the affected public agencies, and utilities, and city departments, including but not limited to the City Engineer, Fire Department, Police Department, Building and Safety, and Community Services, which may, in turn, forward to the Development Services Department their findings and recommendations. Public agencies and utilities shall certify that the proposed subdivision can be adequately served.

SECTION 28. Section 16.94.080 of the Murrieta Municipal Code is hereby amended to read as follows:

16.94.080 Commission Determination.

- A. Notice of Public Hearings – Tentative Tract Maps and Commercial/Industrial Maps.** Upon receipt of a complete tentative map application, the department shall prepare a written report with recommendations. The department shall schedule the matter for a public hearing before the Planning Commission for tract maps and commercial/industrial parcel maps, in compliance with Chapter 16.76 (Public Hearings). A copy of the department report shall be provided to the subdivider at least three days before the public hearing at the address designated on the application.
- B. Action.** The Commission shall approve, conditionally approve, or disapprove the tentative map within the time limits identified in state law after the tentative map application has been determined by the department to be complete.
- C. No Action.** If not action is taken upon a tentative map by the Commission to approve, conditionally approve, or disapprove the tentative map, or by the council, within the time limits identified in state law, or an authorized extension thereof, the tentative map as filed shall be deemed to be approved, insofar as it complies with other applicable requirements of state law and this development code. The city clerk shall certify the approval, in compliance with state law (Government Code Section 66452.4).
- D. Findings.**
1. **Approval.** The tentative map may be approved or conditionally approved by the commission if it finds that the proposed subdivision, together with the provisions for its design and improvements are in conformance with the general plan, any applicable specific plan or master development plan, and all applicable provisions of this development code.
 2. **Disapproval.** The tentative map may be disapproved by the commission based on any of the findings contained in the subdivision map act or this development code. The commission shall disapprove the tentative map if it makes any of the following mandatory findings of fact, in compliance with state law (Government Code Section 66474):
 - a. The proposed map, design or improvement is not consistent with the objectives, policies, general land uses, and programs of the general plan and any applicable specific plans, as specified by state law (Government Code Section 65451);
 - b. The site is not physically suitable for the type or density of development proposed;
 - c. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - d. The design of the subdivision or type of improvements is likely to cause serious public health problems; or
 - e. The design of the subdivision of the type of improvements would conflict with easements, acquired by the public at large for access through or use of property within the proposed subdivision.
- E. Payment of Fees.** The commission may require as a condition of approval, that the payment by the subdivider of all development fees required to be paid at the time of the application for, or issuance of

a building permit shall be made at the rate for applicable fees in effect at the time of the application or issuance of the building permit.

SECTION 29. Section 16.94.100.C of the Murrieta Municipal Code is hereby amended to read as follows:

C. Conditions of Approval. In granting an extension, new conditions or exactions may be imposed and existing conditions may be revised, as deemed appropriate and necessary by the director, in order to support the findings identified in Section 16.94.080(D) (Findings) and Section 16.94.140(E) (Director's Decision on Residential Tentative Parcel Maps).

SECTION 30. Section 16.94.140 of the Murrieta Municipal Code is hereby added to read as follows:

16.94.140 Director Determination

A. Authority to Approve or Deny a Residential Tentative Parcel Map.

1. The Planning Commission shall retain the authority to approve, conditionally approve or disapprove a Residential Tentative Parcel Map application if an application is referred for their review or if a public hearing as described under Section 16.94.140.C (Director's Decision on Residential Tentative Parcel Maps) is requested.
2. The director shall have the authority to approve, conditionally approve or disapprove all other applications for a Residential Tentative Parcel Map, and for these applications, the City Council assigns its responsibilities under Government Code Sections 66473.5, 66474, 66474.1 66474.6, 66474.7 to the Director.
3. The director shall serve as the environmental review officer and shall make decisions for implementing Residential Tentative Parcel Maps in compliance with CEQA unless the map is referred to the Planning Commission for further consideration, pursuant to Section 16.01.040 (Relationship to California Environmental Quality Act). Preliminary noticing shall be provided pursuant to CEQA requirements. If the Residential Tentative Parcel Map application is referred to the Planning Commission for further consideration, the commission would be designated as the environmental review decision body for CEQA.
4. For Residential Tentative Parcel Maps that may have special community impacts or other unique circumstances, the director may refer the application to the commission for decision. Noticing for would be provided pursuant to Chapter 16.76 (Public Hearings).

B. Review.

1. The director shall review each Residential Tentative Parcel Map application filed pursuant to this chapter. If applicable, the director shall prepare a written report for the commission describing the proposed use for which the commission makes the decision and extent of "improvements," as that term is defined in Government Code section 66419, in which the subdivider will be required to install or that will be required to serve the land to be subdivided.
2. The director shall transmit copies of the map with accompanying information and request a written recommendation on the application to the entities as described under Section 16.94.50.C. (Notice to Public Agencies) These entities shall make a recommendation to approve, conditionally approve, or disapprove Residential Tentative Parcel Maps within the Director's authority in

pursuant to the procedures specified in Section 16.094.140.C. (Director's Decision on Residential Tentative Parcel Maps) Section 16.094.140.D (Disapproval of Tentative Residential Parcel Maps) Section 16.094.140.F (Payment of Fees) Section 16.094.140.G (Conditions & Post Approval).

C. Director's Decision on Residential Tentative Parcel Maps.

- 1. Notice of Intent to Approve or Deny.** For a Residential Tentative Parcel Map application within the director's approval authority, the director shall provide notice that identifies that a decision will be made to approve, conditionally approve or disapprove the Residential Tentative Parcel Map by the director, and the corresponding CEQA determination, pursuant to the following requirements:
 - a.** The notice shall provide that any person notified may submit written comments on the application no later than 10 days after the date of the notice.
 - b.** The notice shall specify that an individual can request a public hearing at the Planning Commission no later than 10 days after the date of the notice.
 - c.** The applicant, and or subdivider, can request a public hearing at the Planning Commission for review of the decision, or if the decision is for denial, no later than 10 days after the date of the notice.
 - d.** The director shall provide this notice pursuant Chapter 16.76.020 (Notice of Public Hearing) through 16.76.040 (Evidence of Notice). Please Note: The public hearing component of the referred sections would not apply with a Notice of Intent to Approve or Deny.
 - e.** This notice shall also be provided to appropriate City Departments.
 - f.** If the last day to file a request for a public hearing falls on a legal holiday recognized by the city or on a Saturday or Sunday, the following business day shall be deemed the last day to file the request.
- 2. Notice of Public Hearing.** If the director receives a timely filed written request for a public hearing or review of the director's decision, the director shall schedule a public hearing with the Planning Commission and shall provide public notice pursuant to Chapter 16.76 (Public Hearings), notify the applicant and/or subdivider, any interested parties, and appropriate City departments and agencies of the date, time and location of the hearing.
- 3. Approval.** If the director's decision is to approve the Residential Tentative Parcel Map, the director shall include the appropriate findings and conditions as described within Section 16.94.140.G (Conditions and Post Approval), the City's Municipal Code and State law to the applicant and/or subdivider.
- 3. Denial.** If the director's decision is to disapprove the Residential Tentative Parcel Map, the decision shall include the reason for the disapproval. Refer to Section 16.94.140.D (Disapproval of Tentative Residential Parcel Maps) for the specific criteria. Furthermore, the applicant can request a public hearing at the Planning Commission for review of the decision.
- 4. Notice of Decision.** In the event no person makes a written request for review within the time prescribed in 16.94.140.C.1 (Notice of Intent to Approve or Deny), or files an appeal as prescribed under 16.94.140.C.5 (Tentative Map and CEQA Appeal), after the decision date, the decision shall become final. The director shall provide a final notice of approval or disapproval

with the corresponding CEQA determination to the applicant, any interested parties, and appropriate City departments.

5. **Tentative Map and CEQA Appeal.** Residential Tentative Parcels Maps as reviewed by the director or by the Planning Commission shall be subject to appeal provisions as described within Section 16.78 (Appeals).

D. Disapproval of Residential Tentative Parcel Maps.

1. The Director shall disapprove a Residential Tentative Parcel Map under any of the following circumstances in compliance with state law (Government Code Section 66474):
 - a. The subdivision proposes to create five or more lots, exclusive of a designated remainder parcel.
 - b. The proposed map, design or improvement is not consistent with the objectives, policies, general land uses, and programs of the general plan and any applicable specific plans, as specified by state law (Government Code Section 65451);
 - c. The site is not physically suitable for the type or density of development proposed;
 - d. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - e. The design of the subdivision or type of improvements is likely to cause serious public health problems; or
 - f. The design of the subdivision of the type of improvements would conflict with easements, acquired by the public at large for access through or use of property within the proposed subdivision.

E. No Action. If no action is taken upon a tentative residential parcel map by the decision maker to approve, conditionally approve, or disapprove the Residential Tentative Parcel Map within the time limits identified in state law, or an authorized extension thereof, the Residential Tentative Parcel Map as filed shall be deemed to be approved, insofar as it complies with other applicable requirements of state law and this development code. The City Clerk shall certify the approval, in compliance with state law (Government Code Section 66452.4).

F. Payment of Fees. The decision maker may require as a condition of approval, that the payment by the subdivider of all development fees required to be paid at the time of the application for, or issuance of a building permit shall be made at the rate for applicable fees in effect at the time of the application or issuance of the building permit.

G. Conditions & Post Approval. The decision maker shall have the authority to impose reasonable and necessary conditions and improvements as described pursuant to Article V (Subdivisions) and the Subdivision Map Act.

SECTION 31. Section 16.110.020 of the Murrieta Municipal Code is hereby amended to read as follows:

A. Definitions, "A". The following definitions are in alphabetical order.

Accessory Dwelling Unit (ADU). Refer to Government Code Section 65852.2 for definition.

SECTION 32. Section 16.110.020 of the Murrieta Municipal Code is hereby amended to read as follows:

16.110.020 Definitions of Specialized Terms and Phrases.

Child Day-Care Facilities. Facilities that provide care and supervision of minor children for periods of less than twenty-four (24) hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services:

1. **Child Day-Care Center.** A commercial or non-profit child day-care facility not operated as a small or large family day care home. Includes infant centers, preschools, and extended day-care facilities. These may be operated in conjunction with a business, school or religious facility, or as an independent land use.

2. **Large Family Day-Care Home.** A day-care facility located in a single-family or multi-family residence where an occupant of the residence provides care and supervision for nine to fourteen (14) children. Children under the age of ten years who reside in the home count as children served by the day-care facility.

3. **Small Family Day-Care Home.** A day-care facility located in a single-family or multi-family residence where an occupant of the residence provides care and supervision for eight or fewer children. Children under the age of ten years who reside in the home count as children served by the day-care facility.

SECTION 33. Section 16.110.020 of the Murrieta Municipal Code is hereby amended to read as follows:

Electric Vehicle Charging Space. Refer to Vehicle Code Section 22511.2.

Electric Vehicle Supply Equipment. Refer to Vehicle Code Section 22511.2.

SECTION 34. Section 16.110.020 of the Murrieta Municipal Code is hereby amended to read as follows:

J. Definitions, "J".

Junior Accessory Dwelling Unit (JADU) shall have the same meaning as defined in Government Code Sections 65852.2 and 65852.22.

SECTION 35. Section 16.110.020 of the Murrieta Municipal Code is hereby amended to read as follows:

16.110.020 Definitions of Specialized Terms and Phrases.

Multi-family Housing. Includes a structure or a portion of a structure used and/or designed as residences for one or more families living independently of each other. includes: detached units, duplexes, triplexes and fourplexes (individual structures containing three, and four housing units, respectively) apartments (five or more units under one ownership in a single structure); townhouse development (three or more attached single-family dwellings where no unit is located over another unit); senior citizen multi-family housing; single-and common ownership, attached unit projects (such as condominiums). Single resident/single room occupancy units (SROs) are separately defined.

SECTION 36. Section 16.110.020 of the Murrieta Municipal Code is hereby amended to read as follows:

Public Transit. Means a fixed-route service open to the public at large and includes transit stations, bus stations, and bus stops, as operated by the Riverside Transit Agency or another fixed route service as adopted by City Council resolution as it pertains to Chapter 16.44.160 of this title.

SECTION 37. EFFECTIVE DATE.

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


SECTION 38. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

SECTION 39. NOTICE OF ADOPTION.


The City Clerk shall certify to the adoption of this ordinance and shall publish a summary of this ordinance and post a certified copy of the full ordinance in the office of the City Clerk at least five (5) days prior to the adoption of the proposed ordinance; and within fifteen (15) days after adoption of the ordinance, the City Clerk shall publish a summary of the ordinance with the names of the council members voting for and against the ordinance.

ADOPTED by the City Council, signed by the Mayor, and attested by the City Clerk this 3rd day of March, 2020.




Gene Wunderlich, Mayor

ATTEST:



Stephanie D. Smith, MMC, City Clerk

APPROVED AS TO FORM:



Leslie E. Devaney, City Attorney

I, Stephanie Smith, MMC, City Clerk of the City of Murrieta, California, hereby certify under penalty of perjury that the foregoing Ordinance was duly and regularly introduced at a meeting of the City Council on the 18th day of February, 2020, and that thereafter the said ordinance was duly and regularly adopted at a regular meeting of the City Council on the 3rd day of March, 2020, by the following vote, to-wit:

AYES: Ingram, Seyarto, Vinton, White, Wunderlich

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Murrieta, California, this 3rd day of March, 2020.



Stephanie D. Smith, MMC, City Clerk