

Chapter 9.01**ADMINISTRATION****Sections:**

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Section 9.01.010 **Purpose And Intent**

The City Council of the City of Moreno Valley has established these standards, guidelines, and procedures to protect and promote the public health, safety, convenience, and welfare of present and future citizens of Moreno Valley, specifically to:

Implement the goals, objectives, policies, and programs of the Moreno Valley General Plan, and to manage future growth and change in accordance with that plan;

Protect the physical, social, and economic stability and the vitality of residential, commercial, industrial, public, institutional, and open space uses within the City to assure their orderly development;

Reduce or eliminate hazards to the public resulting from potentially inappropriate location, use, or design of buildings and other improvements;

Attain the physical, social, and economic advantages resulting from comprehensive and orderly land use and resource planning.

Section 9.01.020 **Authority**

The authority for the regulations contained in this Title is based on Section 7, Article XI of the California Constitution, the provisions of the California Planning and Zoning Law (Division 1 of Title 7 of the California Government Code) which provide for the regulation of the intensity of land use and the adoption of standards for the regulation of population density, and the police power granted to municipalities by the laws of the State of California.

In addition, the provisions of this Title relating to the regulation and control of subdivisions are herein adopted pursuant to the authority of the Subdivision Map Act (Division 2 of Title 7 of the California Government Code). The provisions of the Subdivision Map Act are incorporated by this reference as though fully set forth herein. In the event of any actual conflict between the provisions of the Subdivision Map Act, as it may be amended from time to time, and provisions of this Title, the Subdivision Map Act shall prevail.

Section 9.01.030 **Applicability**

All land, buildings, and structures within the incorporated portions of the City of Moreno Valley shall be used only as hereinafter provided. No use of land, and no use, construction, maintenance, operation, reconstruction or enlargement of any building or structure shall be allowed unless permitted under the express provisions of this Title or by other applicable ordinances of the City.

1. Private Projects

- a. No land, building, or structure shall be used, constructed, altered, or maintained except in conformance with the provisions of this Title.
- b. No use that requires a permit or approval under the provisions of this title shall be established or operated until the permit or approval is finally granted, and all conditions of the permit or approval have been complied with.
- c. No use that requires a permit or approval under the provisions of this Title shall be established or operated in violation of, or contrary to, any terms and conditions of the granted permit or - approval.

2. Public Projects

Unless otherwise exempted, federal, state, county, city, and any other governmental projects shall be subject to the provisions of this Title, including projects operated by any combination of these agencies, or by a private person for the benefit of any such governmental agency.

3. Legal Procedure

Any building or structure erected or maintained, or any use of property, contrary to the provisions of this Title shall be and the same is hereby declared to be unlawful and a public nuisance, and the City Attorney, the District Attorney or other proper official may immediately commence action or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law; and may take such other steps, and may apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person from setting up, erecting or maintaining such building or structure, or using any property contrary to the provisions of this Title. It shall be the right and duty of every citizen to participate and assist City Officials in the enforcement of the provisions of this Title.

4. Applicable Standards

- a. In determining whether to approve or disapprove an application for a land development application which was accepted prior to the effective date of this Title, the Planning Agency shall apply those ordinances, policies and standards in effect when the application was accepted, except that lapse of approvals and extensions of time shall be governed by the provisions of Section 9.02.230.

[Amended by Ordinance 393, effective 4/22/93]

- b. The approval or conditional approval of a development application shall not limit the authority to impose the then current conditions, codes and standards with respect to subsequent approvals, extensions or permits necessary for the development at the time of such request, unless otherwise prohibited by law.

Section 9.01.040 **Enforcement**

1. The Sheriff and any law enforcement officers duly authorized, City Attorney, City Manager, District Attorney, Building Official, Public Works Director, Community and Economic Development Director, or any authorized designee and all Officials charged with the issuance of licenses and permits shall enforce the provisions of this Title.

[Amended by Ordinance 393, effective 4/22/93]

2. All officials and employees of the City of Moreno Valley vested with the authority or duty to issue permits shall conform to the provisions of this Title and shall not issue a permit, certificate or licenses for uses, purposes, buildings or structures in conflict with the provisions of this Title. Any such permit, certificate or license issued in conflict with the provisions of this Title shall be null and void.
3. Remedies. All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.
4. Violation Penalty. Any person, firm, association, corporation or other entity violating, or causing the violation, or permitting any of the provisions of this Title to be violated shall upon conviction thereof, be punished in accordance with the provisions of Sections 1.01.200 through 1.01.230 of the Municipal Code.
5. Continuing Violations. Any violation of this Title is a separate violation of this code for each and every day that such violation exists.

Section 9.01.050 **Conflicting Regulations**

The provisions of this Title are not intended to interfere with or avoid any easements or legally established covenants or other existing agreements which are more restrictive than the provisions of this Title. Except where the expressed provisions of this Title or by the context hereof amend any existing ordinance, nothing in this Title shall be deemed to repeal any other ordinances relating to the properties and areas affected hereby.

Section 9.01.060 **Clarification of Ambiguities**

If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title, or if ambiguity exists with respect to matters of height, yard requirements, area requirements, or district boundaries as set forth herein, it shall be the duty of the Community and Economic Development Director to ascertain all pertinent facts and issue an interpretation. The Community and Economic Development Director's interpretation is subject to the appeal process as defined by Section 9.02.240.

Section 9.01.070 City To Be Held Harmless

Any person, organization, or entity who obtains or files an application to obtain a permit or approval pursuant to this Title shall hold the City harmless from any liability, including any claims of the applicant - arising out of the issuance of the permit or approval, or the denial thereof, or arising out of any action by any person seeking to have a granted permit or approval held void by a court of law.

Section 9.01.080 Moreno Valley General Plan

The City shall adopt and maintain a General Plan in accordance with the requirements of California Government Code Section 65000 et. seq. as may be amended from time to time.

A. Consistency with the General Plan

1. No use of land, buildings, or structures for which an application is required pursuant to this Title is to be approved for processing under this Title unless it is consistent with the General Plan or a concurrent General Plan amendment request.
2. All land divisions within the City and changes or amendments to land use classifications, districts or regulations, and conditional use permits, variances, development agreements, plot plans, and other permits and approvals shall be consistent with the Moreno Valley General Plan and all applicable specific plans.
3. A proposed use or approval is consistent with the General Plan when the following conditions exist:
 - a. The proposed use is allowed in the land use designation in which the use is located, as shown by the Land Use Map, and as described in the text of the General Plan;
 - b. The proposed use is in conformance with the goals, objectives, policies, programs, and guidelines of the elements of the General Plan and the intent thereof; and
 - c. The proposed use is to be established and maintained in a manner which is consistent with the elements of the General Plan and all applicable provisions contained therein.

B. Determinations of Consistency with the General Plan

The Community and Economic Development Director shall have the responsibility to prepare reports and make determinations as to the conformity of applications and requests pursuant to this Title.

C. Administration of the General Plan

After the City Council has adopted or amended all or part of the General Plan, the Planning Commission on recommendation from the Community and Economic Development Director, shall have the responsibility to:

1. Investigate and make recommendations to the City Council regarding reasonable and practical means for implementing the General Plan or any element thereof, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open space and natural resources, and for the efficient and effective expenditure of public funds relating to the subjects addressed in the General Plan;
2. Provide annual report to the City Council on the status of the General Plan and progress in its implementation.

Section 9.01.090 Zoning Districts**A. Districts -- Created**

In order to provide a uniform basis for regulating the use of land, buildings, and structures, and to establish minimum site development regulations and performance standards applicable to sites within the City, the City is hereby divided into the following districts:

Residential Districts

Rural Residential (RR) District	
Hillside Residential (HR) District	
Residential 1 (R1) District	(40,000 sq. ft. min. lot size)
Residential 2 (R2) District	(20,000 sq. ft. min. lot size)
Residential Agriculture 2 (RA2)	(20,000 sq. ft. min. lot size)
Residential 3 (R3) District	(10,000 sq. ft. min. lot size)
Residential 5 (R5) District	(7,200 sq. ft. min. lot size)
Residential 10 (R10) District	
Residential 15 (R15) District	
Residential 20 (R20) District	
Residential Single Family 10 (RS10) District	

[Amended by Ordinance No. 468, effective 9/22/95]

Commercial Districts

Neighborhood Commercial (NC) District
Community Commercial (CC) District
Village Commercial (VC) District
Tourist Recreation Commercial (TRC) District
Office Commercial (OC) District
Office (O) District

Employment Districts

Business Park (BP) District
Business Park - Mixed Use (BPX) District
Industrial (I) District

Open Space and Agricultural Districts

Open Space (OS) District
Agriculture (AG) District

Special Districts

Public District (P)
Planned Development District (PD)
Specific Plan District (SP) -- precise zoning adopted separately and reflected on Zoning Atlas
Civic Center Overlay District (CCO)
Village at Sunnymead Overlay (VS)
Airport Installation Compatibility Use Zone (AICUZ)
Outdoor Advertising Display Overlay (OADO)

Parenthesis () following district name is abbreviation appearing on Zoning Atlas Maps.

B. Adoption of Official Zoning Atlas

The boundaries of the zoning districts established pursuant to Section 9.01.090 A of this Title are delineated upon that certain map(s) entitled "Official Zoning Atlas of the City of Moreno Valley," sometimes referred to as the "Zoning Map." The Zoning Atlas, together with all pages, legends, notations, references, boundaries, and other information thereon, is attached to and incorporated by reference in the ordinance adopting this Title and is hereby incorporated into this Title by reference.

A copy of the Official Zoning Atlas shall be kept on file with the City Clerk and Community and Economic Development Director and shall be made available to the public. Changes in the boundaries of any district shall be made by ordinance pursuant to Section 9.02.050 of this Title, and shall be reflected on the official Zoning Atlas. The Community and Economic Development Director shall be responsible for keeping official records relative to Zoning Atlas amendments.

C. Determination of Zoning District Boundaries

1. Wherever a lot or site is divided by the boundary between districts, the regulations applicable within each district shall apply to each portion of the site situated in a separate district.

2. The following rules shall apply for determining the boundaries of any district on the Zoning Atlas:
 - a. Where boundaries are indicated as approximately following street and alley lines or other identifiable property or boundary lines, such lines shall be construed to be the district boundary. Where boundaries are indicated as within a street or alley, the center line thereof shall be - construed to be the district boundary;
 - b. In unsubdivided property, where a district boundary divides a lot, the location of the district boundary, unless the same shall be indicated by dimensions, shall be determined by use of the scale appearing on the Zoning Atlas;
 - c. A symbol or symbols indicating the classification of property on the Zoning Atlas shall in each instance apply to the whole of the areas within the Zoning District boundaries;
 - d. Where a public street, alley, or right-of-way is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to each half of such vacated or abandoned street, alley or right-of way adjacent to that abutting property.

Section 9.01.100 Planning Agency

Pursuant to Section 65100 of the California Government Code, the planning agency for the City of Moreno Valley shall include the City Council, Planning Commission, and the Community and Economic Development Director acting under authority of this Title.

[Amended by Ordinance 426, effective 7/14/94]

Section 9.01.110 Design Review Board

*[Amended by Ordinance 393, effective 4/22/93]
[Deleted by Ordinance 426, effective 7/14/94]*

Section 9.01.120 Project Review Staff Committee**A. Project Review Staff Committee -- Created**

The City Manager is hereby authorized to create a Project Review Staff Committee (PRSC) and to prescribe the duties, functions and makeup thereof. Any reference in this Title to the "Project Review Staff Committee" or to the "PRSC" shall mean a Project Review Staff Committee created by the City Manager pursuant to the authorization granted by this Section.

B. Powers and Duties

The Project Review Staff Committee shall have the general power to act in an advisory capacity to the Community and Economic Development Director and Planning Commission in regard to permits and approvals which are subject to the provisions of the Major Development Review process established in Section 9.02.030-B. In addition to the foregoing general power, the Project Review Staff Committee shall have the following particular powers and duties:

1. Study, consider, and develop recommendations for approval, approval with conditions, or denial of applications subject to the provisions of the Major Development Review process established in Section 9.02.030B;
2. Recommend such project revisions, alternatives, and conditions as may be necessary to achieve consistency with the Moreno Valley General Plan, as well as compliance with the provisions of this title;
3. Study, consider, and recommend on matters related to the development review process established by the City pursuant to this Title.

C. Chair and Committees

The Community and Economic Development Director or designated representative shall serve as Chair of the Project Review Staff Committee. The Committee may establish such standing and temporary subcommittees as it may deem expedient for the performance of its duties, and the Chairperson, with consent of the Committee, may fix and appoint the membership of such subcommittees.

D. Meetings and Rules of Procedure

The Committee shall hold one or more regular monthly meetings, and designate the times, dates, and places thereof. All meetings of the Committee and each of its subcommittees shall be open to the public. The Committee shall keep a public record of its actions. Promptly after approval thereof by the Committee, minutes of Committee meetings shall be filed with the City Clerk.

Section 9.01.130 Community and Economic Development Director

This Title shall be administered by the Community and Economic Development Director whose responsibilities include the following functions which may be carried out by authorized subordinate employees.

A. Application Process

The Community and Economic Development Director shall receive and review all applications for - permits and approvals pursuant to this Title. Processing includes:

1. The certification of completed applications;
2. Responsibility for completion of appropriate documentation under the California Environmental Quality Act;
3. The establishment of a permanent file;
4. Giving and posting of public notices;
5. Applicable fees;
6. Preparation of reports;
7. Processing of appeals; and
8. Presentation of staff reports to the Project Review Staff Committee, Planning Commission, and City Council.

[Amended by Ordinance 426, effective 7/14/94]

B. Interpretation

The Community and Economic Development Director shall have the responsibility to interpret the provisions and advise the public on the requirements of this Title.

C. Permit Issuance

The Community and Economic Development Director shall be responsible for issuing such permits, granting such approvals, and preparing such notices as are authorized under this Title.

D. Coordination

The Community and Economic Development Director shall refer and coordinate matters related to the - administration of this Title with other agencies, City departments, and City Boards and Commissions, and shall provide information on the status of development proposals.

Section 9.01.140 Incorporation by Reference**A. Purpose and Intent**

The purpose and intent of this Section is to list documents that are attached hereto and incorporated in the ordinance adopting this Title and are hereby incorporated by reference into this Title as if set forth in full:

1. City of Moreno Valley Landscape Development Guidelines and Specifications, Ordinance 247, adopted March 27, 1990;

- 2. Official Zoning Atlas; and
- 3. Road Improvement Standards and Specifications as adopted by the City of Moreno Valley as Ordinance No. 1, or as may be amended from time to time;
- 4. Design Guidelines.

Three copies of each of the above listed documents are on file with the City Clerk.

Section 9.01.150 Refund of Fees

A. Purpose and Intent

The purpose and intent of this Section is to establish a uniform schedule by which to refund application fees.

B. Projects that Require a Hearing or Public Notice

Whenever an application that requires a public hearing or public notice is terminated for any reason, upon request of the applicant, a refund of fees paid may be made by the Community and Economic Development Department in accordance with the following schedule; if any portion of the application fee has been paid out by the Community and Economic Development Department to another jurisdiction or agency for services to be rendered in connection with the application, no refund of that portion of the fee shall be made by the Community and Economic Development Department to the applicant:

<u>STAGE IN PROCESSING</u>	<u>REFUND PERCENTAGE</u>
(1) Application accepted by the Department but no project review begun	100
(2) Project review begun, but project not reviewed by the Project Review Staff Committee or other City committee.	80
(3) Application reviewed by the Project Review Staff Committee or other City committee.	60
(4) Hearing advertised or public notices sent	40
(5) Planning Commission Staff Report or Conditions of Approval prepared.	20
(6) Public hearing held or decision rendered	0

[Amended by Ordinance 475, effective 11/10/95]

C. Projects that Do Not Require Public Notice

A refund of 100 percent will be made if no project review has begun. A refund of 50% of the fee paid will be made in association with an application that is withdrawn prior to approval or denial of such application.

*[Amended by Ordinance 398, effective 5/27/93]
[Amended by Ordinance 475, effective 11/ 10/95]*

D. Minor Development Review

A refund of 50% of the fee paid may be made in association with a non-hearing application that is withdrawn prior to approval or denial of such application.

[Added by Ordinance 398, effective 5/27/93]

Appeals 1-9
Civic Center Overlay District 1-7
Density 1-2
Development Agreements 1-5
Extensions of Time 1-3
General Plan Amendment 1-5
Hillside Residential 1-6
Improvement Standards 1-10
Outdoor Advertising Display 1-7
Planned Development District 1-7
Project Review Staff Committee 1-1, 1-8-1-10
Public District 1-7
Public Hearing 1-11-1-11
Refund of Fees 1-1
Specific Plan District 1-7
Variances 1-5