

Chapter 9.08**GENERAL DEVELOPMENT STANDARDS****Sections:**

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Section 9.08.010 **Purpose and Intent**

The purpose and intent of general development standards is to ensure that new uses and development will contribute to, and be harmonious with existing and potential development in the surrounding area, as well as further the goals, objectives, policies, and implementation programs of the General Plan.

Section 9.08.020 **Applicability**

Any activity or use, and any permit or approval which authorizes new construction or substantial reconstruction of an existing building or structure shall be subject to the requirements of the underlying district and any applicable standards contained in this Chapter.

Section 9.08.030 **Accessory Structures****A. Accessory Structures Within Residential Districts****1. Accessory Structures Used for Living Purposes**

Subject to the provisions of this Section, an accessory structure which is used either wholly or in part for living purposes, shall meet all of the requirements for location of the main structure. Additions to existing dwellings which are nonconforming with respect to a required side yard setback may be built subject to the following exceptions and limitations:

- a. The distance between the addition and the property line shall be no less than 5 feet from the interior side property line and 10 feet from the street side property line; and
- b. With respect to an addition to an existing dwelling that is located on the interior side property line, the addition shall be constructed at said property line or a minimum of 5 feet from said property line.

- c. Granny Units and Second Units shall be subject to the setback requirements specified in Section 9.09.120 and Section 9.09.130 respectively.

[Amended by Ordinance 405, effective 8/12/93]

2. Accessory Structures Not Used for Living Purposes

Accessory structures may be attached to or detached from the main structure. Accessory structures include but are not limited to patio covers, storage sheds, barns, garages and gazebos. Special provisions regarding ham radio antennas and satellite dishes are specified in Section 9.09.040.

Accessory structures shall meet the requirements of the main structure except that:

- a. Unless otherwise provided for within this Section, structures up to 15 feet in height shall be located no closer than 5 feet to the rear property line and 5 feet to the interior side property line and 10 feet to the street side property line.
- b. Where single family residential uses were legally established on parcels which became substandard upon adoption of this Title, one story open-sided structures such as patio covers and gazebos shall be no closer than 5 feet to the rear property line and 3 feet to the interior side property line.
- c. A garage that is attached to the main structure shall be subject to the setback requirements of the main structure.

[Amended by Ordinance 405, effective 8/12/93]

3. Architectural Features

a. Projections Into Yards

Architectural features (such as steps, eaves, awnings, chimneys, balconies, stairways, wing walls and bay windows) may project not more than 4 feet into any required front or rear setback area. Such features may project up to 4 feet into any side yard area provided a minimum of 3 feet to the side property line is maintained.

b. Projections Above Height Limits

Architectural features, including flues, chimneys, elevators, spires, bell towers and mechanical equipment (such as air conditioners and associated screens) may exceed the height limit of the applicable district by not more than 10 feet.

4. Structure Separation

Separation between structures shall be subject to the requirements specified in Section 9.03.040 D. within the Residential Site Development Standards Table 9.03.040-6.

B. Accessory Structures within Nonresidential Districts

1. Unless otherwise provided for in paragraphs 3 through 8 below, in any nonresidential district, accessory structures shall meet all of the setback requirements for main buildings.
 2. In any nonresidential district, accessory structures shall not be located in front of the main building.
 3. Eaves, roof projections, awnings, and similar architectural features located at least 8 feet above grade may project into required building setback areas a maximum distance of 3 feet, provided that such feature shall be at least 5 feet from any property line.
 4. Fireplaces, chimneys, bay windows, balconies, fire escapes, exterior stairs and landings, and similar features may project into the required setback a maximum distance of 2 feet, provided that such features shall not occupy more than 25 square feet of each required building setback area, and shall be at least 5 feet from a property line.
 5. Flues, chimneys, antennas, elevators and other mechanical equipment, spires, bell towers, or similar architectural, utility, or mechanical features may exceed the height limit of the applicable district by not more than 15 feet, provided such feature shall not be used for habitable space and appropriate screening is provided.
 6. Ground mounted equipment incidental to commercial development shall be appropriately screened with solid walls and/or landscaping. Equipment location shall be away from the front of the building, and screening shall be similar to adjacent architecture and materials.
 7. Commercial and industrial loading and trash enclosures areas shall be screened from public view and adjacent residential developments, and shall be located a minimum of 35 feet from adjacent residential structures. (See Section 9.08.070 and 9.08.150).
 8. Roof-mounted equipment shall be completely screened from public view.
 - a. All roof screens must be solid and continuous.
 - b. Roof screens shall be sheathed in a matching or complimentary material to the exterior building material and may include metal panels, aluminum, copper, or ceramic tile.
 - c. Picket fence screening shall not be permitted.
 - d. Mechanical plants and distribution networks shall be minimized and contained within efficient roof-top penthouses.
 9. Accessory structures associated with residential uses shall be subject to the development standards for accessory structures within residential districts. Where said standards refer back to the requirements of the underlying district, the R5 District standards shall be used.
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Section 9.08.040 Condominiums, Condominium Conversions, and Mobile Home Park Conversions

A. Purpose and Intent

The purpose of this Section is to establish development standards and special conditions for the protection of the community, purchasers and tenants with respect to condominiums, community apartments, stock cooperatives, and mobile home park residents, both when such developments are being developed, used and occupied, and when rental units are being converted into condominium projects, community apartment projects, or stock cooperative projects, and including mobile home parks.

B. Applicability

All new or converting residential condominiums, community apartment projects, stock cooperatives, cooperative apartments, and mobile home parks shall conform to the provisions of this Section in addition to any and all requirements for preparation, review, and approval of a subdivision map and any other applicable approvals.

C. Minimum Requirements

Except as otherwise provided by law, in approving or conditionally approving any condominium, stock cooperative or community apartment project, including conversions of apartment and mobile home park developments, the following shall be required:

1. Residential Parking

Off-street parking shall be provided in the amount and type pursuant to standards for new construction in Chapter 9.11.

2. Yard and Height Requirements

All new condominium, stock cooperative or community apartment projects, including conversions of apartment and mobile home park developments, shall comply with property development standards for the district in which the project is to be located; more restrictive requirements may be imposed which are consistent with or directed by and to implement specified General Plan policies and which serve to protect the public health, safety, or general welfare.

3. Covenants, Conditions, and Restrictions (CC & R's)

The Covenants, Conditions, and Restrictions (CC & R's) for a condominium or cooperative project shall include the following:

- a. Adequate provisions for maintenance, repair, and upkeep of common areas. The subdivider shall submit an estimate of and guarantee for the maintenance costs for a period of 12 months beginning

at the close of escrow on the first unit sold, the subdivider to be responsible for all costs of normal maintenance in excess of the estimate.

- b. Provisions that in the event of destruction or abolishment, reconstruction shall be in accordance with codes in effect at the time of such reconstruction.
- c. Provisions for guaranteeing and maintaining continuing structural integrity and operation of common area facilities, including but not limited to, the roof, plumbing, heating, air-conditioning, and electrical systems for a period of one year from the date of the sale of the last individual unit.

D. Condominium and Mobile Home Park Conversions

No condominium, stock cooperative or community apartment project conversion, including mobile home park conversion shall be approved unless all of the following conditions are met:

1. Prospective tenants have been given written notification of intent to convert pursuant to the provisions of California Government Code Section 66452.51 (Subdivision Map Act) prior to filing of the conversion implementing project with the Community and Economic Development Department. Such notice shall be given by the applicant, and shall contain information as to tenant's rights as provided by law;
 2. All other applicable provisions of the Subdivision Map Act of the State of California shall be complied with;
 3. Tenants have been notified in writing of all public hearings in connection with an application for conversion, and all tenants subsequent to the initial notice of intent have been notified in writing of the pending conversion prior to acceptance of any rent or deposit;
 4. The structural, electrical, fire, and life safety systems are in safe and operable condition, or that necessary repairs, including such alterations or repairs as are required by the Building Official, will be completed prior to sale of units;
 5. Plumbing is in sound condition, all water heaters, and where feasible, pipes for circulated hot water are insulated, individual gas and electrical meters are provided, and adequate protected trash areas are provided;
 6. All tenants have been given at least 180 days written notice of intention to convert prior to termination of tenancy; and
 7. For residential conversions, the decision-making body must determine that:
 - a. The conversion is consistent with the General Plan; and,
 - b. In the case of condominium conversions, the vacancy factor of rental housing units in the City exceeds five percent of the total rental housing inventory. Existing rental units may be approved for conversion regardless of the vacancy factor if the City Council determines that a new rental unit has or will be added to the City's housing inventory for each rental unit removed through conversion.
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Section 9.08.050 Conversion of Residential Structures to Nonresidential Use

No structure originally designed as a residence (also including, but not limited to hotels and motels) or as an accessory structure or addition to such a residence, shall have its primary use converted to a commercial or office use unless the building and site are improved to meet all code requirements for change in occupancy. This includes, but is not limited to, building, fire, police and zoning requirements.

The conversion of said residential structure to a nonresidential use shall be subject to major development review procedures.

[Amended by Ordinance 386, effective 3/11/93]

Section 9.08.060 Development Density

The maximum allowable development density shall be as per regulations of the General Plan land use designation and zoning district within which a parcel is located. In determining the allowable number of dwelling units all remainders shall be rounded to the next lowest whole number. The transfer of unused allowable density within a certain General Plan designation or zoning district to a separate General Plan designation or zoning district is prohibited.

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

Section 9.08.070 Fences and Walls**A. Walls and Fences in Residential Districts****1. In Required Front Yards of Residential Districts**

- a. A solid fence or wall located outside of vehicle lines-of-sight street intersections shall not exceed three feet in height and an open fence or wall shall not exceed five feet in height. Height of such fences and walls shall be measured from the finished grade at the bottom of the fence or wall. A fence or wall shall be considered open if at least 75% of that portion which is greater than 3 feet in height consists of openings that allow visibility and the passage of light and air.
- b. Any wall or fence within vehicle lines-of-sight at a street intersection shall not exceed 3 feet in height as measured from the road grade nearest the property line. A fence or wall is within a "vehicle line-of-sight" when located within the limited use area as described in the City of Moreno Valley Landscape Development Guidelines and Specifications.

2. In Required Side and Rear Yards of Residential Districts

A wall or fence along any interior side yard, rear yard or street side yard shall not exceed six (6) feet in height as measured from the finished grade. The height of a wall or fence constructed on top of a retaining wall shall be measured from the finished grade on the side of the wall or fence that is higher in elevation, except that the height of such a wall or fence located along the rear of a double frontage lot or street side yard shall be measured from the finished grade on the street side of the wall or fence.

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

B. Walls and Fences: Commercial, Office and Industrial Districts

1. In any required front or street side building setback area, a wall or fence shall not exceed three feet in height as measured from the road grade nearest the property line.
2. Walls for the purpose of visual screening and sound attenuation shall be required between commercial or industrial activities and any adjacent residential use or residentially zoned property, or where more sensitive adjacent land uses exist. The height, placement and design of such walls shall be considered on a site-specific basis considering the need for sound attenuation or visual screening.
3. Unless otherwise required pursuant to B.2. above, walls and fences in any required rear or interior side setback area shall not exceed six feet in height.

Section 9.08.080 Grading

Whenever a development approval is given for a project which will require grading or other preparation of the soil, the City may impose conditions on the approval of the development relating to grading. Such conditions shall be considered in issuance of any future grading permit and shall be complied with in addition to the other provisions of the Building Code. Such conditions may include, but shall not be limited to, the following:

1. A requirement that lots slope toward rather than away from the street;
 2. A requirement for an erosion control plan, prepared by a registered civil engineer and submitted to and approved by the Public Works Department prior to grading plan approval. The plan shall address methods of control (such as desilting basins, checkdams, sandbagging), and interim storm drain construction, if necessary;
 3. A requirement for dust control measures;
 4. Requirements for slope landscaping and irrigation;
 5. Requirements to design cut slopes to minimize scaring of the land by terracing, reducing slope gradients,
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- adding topsoil, building retaining walls, special slope planting or other means.
6. Limitations on the quantity of soil import and export;
 7. Designation of the streets over which trucks or equipment may travel;
 8. A limitation on hours of operation; and
 9. Such other conditions deemed necessary to protect the public health, safety or welfare while still providing for orderly development of the property in accordance with the provisions of the project approval.

Section 9.08.090 Hazardous Materials Management

A. Purpose and Intent

The purpose of this Section is to provide local regulations which are complementary to and not inconsistent with applicable federal, state and county regulations related to hazardous materials and waste. Such local regulations are necessary to protect life and property from the potential short-term and long-term deleterious effects of the necessary transportation, use, storage, treatment and disposal of hazardous materials and waste within the City of Moreno Valley.

B. Hazardous Materials Management Requirements

1. Commercial and industrial concerns which receive, utilize, store, transport, or dispose of hazardous waste and restricted use pesticides in quantities exceeding 500 lbs. at any one time, shall have access to sewer and freeways, and shall keep such materials at least 2,000 feet from the nearest area planned for residential use or as otherwise specified in the City of Moreno Valley General Plan.
 2. Commercial and industrial concerns which propose to locate within the City of Moreno Valley shall provide the Fire Department with a list of all hazardous materials to be used at the site, a description of where and how each is stored, and how each react in a fire.
 3. Placards or other appropriate signage indicating hazardous materials or wastes are being stored shall be placed on all buildings which have hazardous materials or wastes stored.
 4. The discharge of hazardous wastes into the air, land, or into water resources within City boundaries is prohibited.
 5. Commercial and industrial concerns which create, utilize, store or treat hazardous materials or waste, shall prepare a hazardous materials and waste management plan which provides for the use of the best available technology within the production process. The plan shall be subject to approval by the Public Safety Coordinator, and review by the Police Department and shall outline source reduction, treatment, handling, transportation, disposal, emergency response and employee training methods.
 6. Uses which create, utilize, store, or treat hazardous waste, shall implement the best available technology
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for on-site pre-treatment and reduction of hazardous wastes, whenever feasible.

Section 9.08.100 Lighting

1. All outdoor lighting associated with nonresidential uses shall be shielded and directed away from surrounding residential uses. Such lighting shall not exceed 0.5 foot-candles, minimum maintained of illumination beyond the property containing the nonresidential use, and shall not blink, flash, oscillate or be of unusually high intensity or brightness.
2. All parking areas of five or more spaces shall have a minimum maintained lighting of 1 foot-candle illumination per square foot of parking area for visibility and security during hours of darkness generally distributed over the entire parking surface. Wiring shall be underground unless existing overhead lines can serve the need without any additional overhead lines. Each parking area of five or more spaces existing prior to the effective date of this Section which is enlarged, constructed, altered, or changed from its previous configuration shall be subject to these illumination requirements.
3. Use of the following forms of outdoor lighting shall be prohibited between midnight and dawn:
 - a. The operation of searchlights for advertising purposes; and
 - b. The illumination of outdoor public recreational facilities, unless a specific recreational activity requiring the lighting is already in progress. Security lighting shall be provided.
4. Overhead roof lighting is prohibited.
5. Outdoor lighting within residential areas, except for street lighting, shall be on poles or other supports not exceeding 12 feet in height. Such lighting shall be designed to project downward and shall not create glare on adjacent properties.
6. All exterior commercial doors during the hours of darkness shall be illuminated with one (1) foot-candle, minimum maintained of light on the surface.
7. Aisles, passageways, and recesses related to and within a building complex, during the hours of darkness, shall be illuminated to fifty one hundredth (0.5) foot-candles, minimum maintained, on the surface.
8. All lighting shall be enclosed in vandal resistant fixtures.

Section 9.08.110 Manufactured Home Requirements**A. General Provisions**

Individual manufactured homes may be permitted on individual lots in the HR, RR, R1, RA2, R2, R3 and R5 Districts, subject to the following requirements.

1. The structure is placed on a permanent foundation in compliance with all applicable building regulations.
2. The structure is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and was constructed not more than 10 years prior to request to install. Documentation indicating certification and construction date must be submitted to the Community and Economic Development Department in order to secure valid building permit(s).
3. The Community and Economic Development Director shall determine if placement of the manufactured home is compatible with the immediate area and meets the development standards of the underlying district. Installations shall be subject to the minor development review process (Section 9.02.030 A) and the following design criteria:
 - a. The design of the structure shall be similar in character and appearance to other dwellings in the area with regard to unit size, roof overhangs, roof materials, roof pitch, and exterior materials;
 - b. All building setbacks, parking, coverage, height, width and sign requirements of the base district shall apply;
 - c. A roof constructed of asphalt composition, shingle, tile, crushed rock, or similar roofing material (except metal) which is compatible with surrounding development;
 - d. Exterior siding of brick, wood, stucco, plaster, concrete, or other material which is finished in a non-glossy and non-reflective manner and which is compatible with surrounding development;
 - e. A predominant shape and form that is compatible with the surrounding neighborhood; and
 - f. If an enclosed garage is required within the zoning district in which the dwelling unit is to be located, the design and materials of the garage shall be compatible with the main dwelling.

Section 9.08.120 Permitted Outdoor Uses

Subject to applicable City permits and approvals, the following uses, if identified as a permitted use in the district in which they are to be located, may be permitted as an accessory to a use within an enclosed building provided they are entirely on private property:

1. Drive-in and drive-through restaurants. (See Section 9.09.080)
 2. Patio tables, chairs, umbrellas, and similar outdoor accessories used in connection with a restaurant business which do not impede pedestrian or vehicular circulation. (See Section 9.09.180)
 3. Vending machines, including weighing scales, when accessory to a business conducted within a building.
 4. Border materials, flower pots, trellises and the like, provided they are accessory to a retail plant nursery.
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