

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLE 5 AND 17 OF THE TEMECULA MUNICIPAL CODE, MAKING MINOR REVISIONS TO MASSAGE ESTABLISHMENTS, ACCESSORY DWELLING UNIT (ADU), CAR WASH, FLAG POLE HEIGHT LIMITS, AND CONDITIONAL USE PERMITS (CUP'S), ESTABLISHES PARKING GARAGE STANDARDS, CLARIFIES PERMITTED USES IN THE OPEN SPACE ZONING DESIGNATION, IMPLEMENTS THE PROVISIONS OF THE LIVE ENTERTAINMENT ORDINANCE (ORDINANCE NO. 2022-06) FOR PLANNED DEVELOPMENT OVERLAY ZONES 4 AND 10, MODIFY THE DEFINITION OF ALCOHOLIC BEVERAGE MANUFACTURER, AND ADD DEFINITIONS FOR ACTIVE AND PASSIVE RECREATION, AND FIND THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061 (B)(3)

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Procedural Findings. The City Council of the City of Temecula does hereby find, determine and declare that:

A. City staff identified the need to make minor revisions and clarifications to portions of Title 5 (Business Licenses and Regulations), and Title 17 (Zoning) of the Temecula Municipal Code.

B. As required by State law, the Planning Commission considered the proposed amendments to Title 17 (Zoning) of the Temecula Municipal Code (“Code Amendments”) on November 16, 2022, at a duly noticed public hearing as prescribed by law, at which time the City staff and interested persons had an opportunity to and did testify either in support of or opposition to this matter.

C. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Planning Commission Resolution No. 2022-34, recommending that the City Council approve the Code Amendments.

D. The City Council, at a regular meeting, considered the Ordinance on January 24, 2023, at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter.

E. Following the public hearing, the City Council considered the entire record of information received at the public hearings before the Planning Commission and City Council.

Section 2. Further Findings. The City Council, in approving the proposed Ordinance, hereby makes the following additional findings as required by Section 17.01.040 (“Relationship to General Plan”) of the Temecula Municipal Code:

1. The proposed uses are allowed in the land use designation in which the use is located, as shown on the land use map, or is described in the text of the general plan.

Except for the amendments pertaining to the Open Space (OS) and Open Space-Conservation (OS-C) Zoning districts, none of the proposed Code Amendments change the types of uses allowed in City. The Code Amendments clarify that communication and microwave installation are not permitted uses in the OS-C zoning designation but that bicycle paths are a permitted use in the OS and OS-C Zoning districts. The Code Amendments also clarify that OS and OS-C Zoning districts allow passive recreational uses and defines passive and active recreation. These uses are consistent with the Open Space land use designation.

2. The proposed uses are in conformance with the goals, policies, programs and guidelines of the elements of the general plan.

The proposed changes to Title 17 conform with the goals, policies, programs and guidelines of the elements of the General Plan. The proposed changes allow for the separate conveyance of an ADU as well other revisions to ADU regulations is consistent with Goal 2 of the Growth Management/Public Facilities Element of the Temecula General Plan, which is to ensure “Orderly, and efficient patterns of growth that enhance quality of life for Temecula residents.” As a relatively new home product type, ADU’s further Policy 2.5 of the Growth Management/Public Facilities element of the General Plan that states, “Encourage new development that helps create and maintain a balance between jobs and housing opportunities.” The proposed changes to specifically allow bike paths in the OS and OS-C zoning districts are consistent with Goal 8 of the Open Space/Conservation Element of the General Plan, which is to ensure “Development of a trail system that serves both recreational and transportation needs.” The proposed changes to PDO 4 and 10 to expressly provide that restaurants with live entertainment must comply with the Entertainment License and Private Security Operator requirements of the Municipal Code are consistent with Goal 3 of the Noise Element of the Temecula General Plan, which is to “Minimize the impact of noise levels throughout the community through land use planning.” The proposed addition of parking garage standards is consistent with Goal 7 of the Circulation Element of the General Plan which is to ensure “An adequate supply of private and public parking to meet the needs of residents and visitors to the City.” The remaining proposed amendments to the Temecula Municipal Code are minor clarifications and a correction of typographical edits and do not result in an inconsistency between the Temecula Municipal Code and the adopted General Plan.

3. The proposed uses are to be established and maintained in a manner which is consistent with the general plan and all applicable provisions contained therein.

The proposed amendments to Title 17 of the Temecula Municipal Code do not propose any land use that is inconsistent with the Temecula General Plan. The majority of the Code Amendments do not create or allow new uses where they were not previously allowed. Only the revisions to the Open Space-Conservation (OS-C) and Open Space (OS) Zoning districts impact the use of land. The Code Amendments clarify that communication and microwave installation are not permitted uses in the OS-C zoning designation but that bicycle paths are a permitted use in the OS-C and OS Zoning districts. The Code Amendments also clarify that OS and OS-C Zoning includes passive recreational uses and defines passive and active recreation. These uses are consistent with the types of uses permitted in the OS-C Zoning district.

Section 3. Environmental Findings. The City Council hereby finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Code Amendments would have a significant impact on the environment. The Code Amendments impose regulations on existing uses, but do not increase the intensity or density of any land use or allow any development where it was not otherwise permitted. The proposed amendments to Title 17 of the Temecula Municipal Code do not propose any land use that is inconsistent with the Temecula General Plan. The majority of the Code Amendments do not create or allow new uses where they were not previously allowed. Only the revisions to the Open Space (OS) and Open Space-Conservation (OS-C) Zoning districts impact the use of land. The Code Amendments clarify that communication and microwave installation are not permitted uses in the OS-C zoning designation but that bicycle paths are a permitted use. The Code Amendments also clarify that OS and OS-C Zoning includes passive recreational uses and defines passive and active recreation. These uses are consistent with the types of uses permitted in the OS and OS-C Zoning districts and, therefore, will not have an impact on the environment. The City Council hereby directs that a Notice of Exemption be filed in accordance with CEQA and the State CEQA Guidelines.

Section 4. Subsection A.7 of Section 5.22.120 (Exemptions.) of Chapter 5.22 (Massage and Massage Establishments) of Title 5 (Business License and Regulations) of the Temecula Municipal Code is hereby amended to read as follows (with additions appearing in underlined text), with all other provisions of Section 5.22.120 remaining unchanged:

- “7. Chair massage,” i.e., massage of the body from the waist up, to a person seated in a chair, provided that the massage is performed in an area that is within public view;
- a. Chair massage businesses are exempt from the maximum number of massage establishments as specified in Section 5.22.050 of this chapter.
 - b. All other requirements of this chapter are applicable to all chair massage businesses except those items that are expressly not deemed applicable to chair massage businesses as determined by the Chief of Police in written form.
 - c. In no case will a chair massage business be eligible to convert their existing business into a traditional massage establishment. A new massage business license would be required.”

Section 5. Subsection “27” (Emergency Communication) is hereby added to Subsection B (Operations) of Section 5.22.080 (Requirements applicable to the operation of massage establishments.) of Chapter 5.22 (Massage and Massage Establishments) of Title 5 (Business License and Regulations) of the Temecula Municipal Code to read as follows (with additions appearing in underlined text), with all other provisions of Section 5.22.080 remaining unchanged:

27. Emergency Communication. Each massage establishment shall have and maintain a dedicated telecommunication device physically at the business location with an assigned telephone number capable of receiving incoming calls and dialing out to emergency services, specifically 911.”

Section 6. Subsection “C” (Conservation District (OS-C)) of Section 17.14.020 (Open space/recreation districts.) of Chapter 17.14 (Open Space/Recreation/Conservation Districts) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows (with additions appearing in underlined text), with all other provisions of Section 17.14.020 remaining unchanged:

“C. Conservation District (OS-C). The conservation zoning district is intended for those lands that should remain in a natural state as much as feasible without intrusions from active recreational uses. Improvements may be made to these areas to allow for passive recreational uses or for control of erosion, geologic stability, or other public safety purposes. The construction of buildings or other habitable structures is not permitted. No profit-generating activities are intended for this zoning district on more than a temporary basis.”

Section 7. Table 17.14.030 (Schedule of Permitted Uses – Open Space) of Section 17.14.030 (Use regulations.) of Chapter 17.14 (Open Space/Recreation/Conservation Zoning Districts) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows (with deletions appearing in strikethrough text and additions appearing in underlined text), with all other provisions of Section 17.14.030 remaining unchanged:

Table 17.14.030 Schedule of Permitted Uses—Open Space				
Schedule of Uses	PR	OS	OS-C	OS-C-SM
Agricultural uses	-	C	C	-
Athletic field	P	-	-	-
Bicycle paths	P	<u>P</u> E	<u>P</u> E	-
Campground	C	-	-	-
Caretakers quarters	C	C	C	-
Cemeteries, mausoleums and related uses	C	C	-	-
Communications and microwave installations [†]	-	-	-	-

**Table 17.14.030
Schedule of Permitted Uses—Open Space**

Schedule of Uses	PR	OS	OS-C	OS-C-SM
Flood control structures	C	C	C	C
Game courts, badminton, tennis, racquetball	P	C	-	-
Golf driving range not part of a golf course	C	C	-	-
Golf course and clubhouse	C	C	-	-
Golf course resort (including accessory visitor supporting accommodations and commercial uses, such as hotels, fractional ownership units, day spa, restaurants and conference center)	C	-	-	-
Government and public utility facilities	C	C	C	C
Gymnasium	C	-	-	-
Commercial marijuana activities	-	-	-	-
Marijuana cultivation ²⁻¹	-	-	-	-
Nature centers/exhibits	P	C	C	-
Nurseries	-	C	-	-
Outdoor exhibits	P	P	P	-
Picnic group facilities	C	C	-	-
Private parks and recreation facilities	P	C	-	-
Parking areas	C	C	C	-
Public parks and recreation facilities	P	C	-	-
Recreational vehicle park	-	C	-	-
Riding stable, public or private	C	C	C	-
Shooting galleries, ranges, archery courses	-	C	-	-
Single-family dwellings (1 unit per 40 acres)	-	P	C	-
Tree farms	-	C	-	-

Note:

~~1. All development subject to the standards set forth in Section 17.06.080.~~

2-1. Marijuana cultivation (as defined in Chapter 8.52) for medical, non-medical or other purposes, are prohibited uses everywhere in the city including all zoning districts, specific plan areas, overlay zones and planned development zones and shall be prohibited uses, except as otherwise provided in Sections 8.52.040, 8.52.050, and 8.52.060 of the Temecula Municipal Code.

Section 8. Section 17.34.010 (Definitions and illustrations of terms.) of Chapter 17.34 (Definition of Terms) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows (with deletions appearing in strikethrough text and additions appearing in underlined text) with all other provisions of Section 17.34.010 remaining unchanged:

~~“Accessory dwelling unit” means an attached or detached residential dwelling unit on a lot with an existing single-family residence (primary residence) that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the single-family dwelling is situated.~~ “Accessory dwelling unit” or “ADU” has the same meaning ascribed in Government Code section 65852.2, as the same may be amended from time to time. “Accessory dwelling unit” includes an “Efficiency Unit” as defined in Health and Safety Code Section 17958.1 and a “Manufactured Home” as defined in Health and Safety Code Section 18007.

“Alcoholic beverage manufacturing” means an establishment that produces or manufactures alcoholic beverages and is licensed by the Department of Alcoholic Beverage Control of the State of California. These types of establishments may: (1) sell alcohol that is produced or manufactured on the alcoholic beverage manufacturer’s licensed premises for on-sale or off-sale consumption; (2) include accessory uses such as tours, specialty dinners, food pairings, retail sales, and/or on-site consumption; and (3) include tasting rooms. Typical uses include breweries, distilleries and wineries.

Accessory uses may include one (1) “mobile food facility,” sometimes referred to as a “food truck,” as defined by Riverside County Ordinance 580, as may be amended from time to time. Said mobile food facility shall be subject to and required to comply with the provisions of all City, County, State, and Federal regulations applicable to mobile food facilities and maintain all current licenses, insurance, permits and/or approvals required from such regulations and presented to law enforcement or city staff upon request.

~~“Guest house” means an additional structure to a primary residence on a parcel zoned for single-family residential, designed to provide accommodations for visitors, attached or detached, but shall not be utilized as an accessory dwelling unit, and shall not contain provisions for the preparation of food, cooking, facilities or wet bar. A guest house shall not exceed one thousand two hundred square feet in area and shall contain a bathroom with a toilet, sink, and a bathtub and/or shower if it is over eight hundred square feet.~~ shall have the same definition as “Accessory Dwelling Unit” or “ADU.”

“Recreation Uses, Active” means the typical recreational activities that are offered in a developed community park, such as baseball, soccer and pickleball as well as swimming, camping, marinas, health resorts and retreat centers that offer similar activities in an indoor setting. These uses require considerable physical infrastructure and are dependent upon significant utilities to operate.

“Recreation Uses, Passive” means low intensity outdoor activities such as walking, hiking, bicycling, picnicking, nature education and bird watching. These uses do not require substantial infrastructure and require little to no utilities to operate.

Section 9. Section 17.16.070 (Approved Specific Plans) of Chapter 17.16 (Specific Plan Zoning District (SP-)) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows (with deletions appearing in strikethrough text and additions appearing in underlined text):

The following specific plans have been approved by the city and are designated on the official zoning map of the city:

- SP-1 Roripaugh Estates (previous reference: SP No. ~~149~~164)
- SP-2 Rancho Highlands (previous reference: SP No. 180)
- SP-3 Margarita Village (previous reference: SP No. 199)
- SP-4 Paloma del Sol (previous reference: SP No. 219)
- SP-5 Old Town
- SP-6 Campos Verdes (previous reference: SP No. 1)
- SP-7 Temecula Regional Center (previous reference: SP No. 263)
- SP-8 Village West (superseded by SP-15)
- SP-9 Redhawk (previous reference: SP No. 217)
- SP-10 Vail Ranch (previous reference: SP No. 223)
- SP-11 Roripaugh Ranch
- SP-12 Wolf Creek
- SP-13 Harveston
- SP-14 Uptown Temecula
- SP-15 Altair

Section 10. Table 17.22.136B (Schedule of Permitted Uses) of Section 17.22.134 (Use regulations.) of Article V (Temecula Creek Village Planned Development Overlay District-4) of Chapter 17.22 (Planned Development Overlay Zoning District (PDO-)) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows (with additions appearing in underlined text) with all other provisions of Table 17.22.136B remaining unchanged:

Table 17.22.136B Schedule of Permitted Uses Temecula Creek Village Planned Development Overlay District-4-		
Description of Use	PDO- 4R	PDO- 4V⁶
R		
Radio and broadcasting studios, offices	P	-
Radio/television transmitter	-	-
Recreational vehicle park	-	-
Recreational vehicle sales	-	-

Recreational vehicle, trailer, and boat storage within an enclosed building	-	-
Recreational vehicle, trailer and boat storage-exterior yard	-	-
Recycling collection facilities	-	-
Recycling processing facilities	-	-
Religious institution, without a day care center or educational institution	C	-
Religious institution, with an educational institution	C	-
Religious institution, with a day care center	C	-
Residential (one dwelling unit on the same parcel as a commercial or industrial use for use of the proprietor of the business)	-	-
Residential, multiple-family housing	-	-
Restaurant with drive-through window	-	-
Restaurants and other eating establishments (with or without the sale of beer and wine)	P	P ⁴
Restaurants and other eating establishments (with the sale of beer, wine and distilled spirits)	-	C ⁴
Restaurant (bona fide public eating establishment) with lounge or live entertainment (not including dancing) ^{7,8}	-	C ⁴
Retail support use (15 percent of total development square footage in BP and LI)	-	-
Rooming and boarding houses	-	-

Notes:

1. The CUP will be subject to Section 17.10.020(B) special standards for the sale of alcoholic beverages.
2. Subject to the requirements of Chapter 17.40 of the Temecula Municipal Code.
3. In PDO-4, all senior housing residential projects shall use the development and performance standards for the high density residential zone and the provisions contained in Section 17.06.050(H).
4. The size of the use or activity is limited to 5,000 square feet.
5. Outdoor entertainment in conjunction with an eating establishment is permitted provided that the outside noise levels do not interfere with off-site conversation.
6. Drive through facilities are not allowed in the village planning area.
Retail/support commercial planning area is identified as PDO-4R.
Village commercial planning area is identified as PDO-4V.
Multifamily planning areas A and B use the high density column in Table 17.06.030.
7. [Subject to the supplemental development standards contained in Chapter 17.10 of this code.](#)
8. [Subject to Chapter 9.10 \(Entertainment License\) and Chapter 9.11 \(Regulation of Private Security Operators\)](#)

Section 10. Table 17.22.216(B) (Schedule of Permitted Uses) of Section 17.22.216 (Use regulations.) of Article XI (Temecula Education Center Planned Development Overlay District -10) of Chapter 17.22 (Planned Development Overlay Zoning District (PDO-)) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows (with additions appearing in underlined text) with all other provisions of Table 17.22.216(B) remaining unchanged:

Table 17.22.216(B) Schedule of Permitted Uses Temecula Education Center Planned Development Overlay District-10	
Description of Use	PDO-10
R	
Radio and broadcasting studios, offices	P
Recycling collection facilities	C
Religious facilities	P
Religious institution, with a daycare center	P
Religious institution, with an educational institution	C
Religious institution, without a daycare center or educational institution	C
Residential, multiple-family housing	P
Residential-senior housing	C
Restaurants and other eating establishments	P
Restaurants (<u>bona fide public eating establishment</u>) with lounge or live entertainment (<u>not including dancing</u>) ^{3,4}	C
Notes:	
1. The CUP will be subject to Section 17.10.020(B), special standards for the sale of alcoholic beverages.	
2. Subject to citywide antenna standards.	
3. <u>Subject to the supplemental development standards contained in Chapter 17.10 of this code.</u>	
4. <u>Subject to Chapter 9.10 (Entertainment License) and Chapter 9.11 (Regulation of Private Security Operators)</u>	

Section 11. Section 17.23.020 (Definitions.) of Chapter 17.23 (Accessory Dwelling Units) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows (with additions appearing in underlined text) with all other provisions of Section 17.23.020 remaining unchanged:

“Accessory dwelling unit” or “ADU” has the same meaning ascribed in Government Code section 65852.2, as the same may be amended from time to time. Accessory dwelling unit includes an “Efficiency Unit” as defined in Health and Safety Code Section 17958.1 and a “Manufactured Home” as defined in Health and Safety Code Section 18007.

Section 12. Table 17.06.030 (Residential Districts) of Section 17.06.030 (Use regulations.) of Chapter 17.06 (Residential Districts) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows (with deletions appearing in strikethrough text and additions appearing in underlined text) with all other provisions of Table 17.06.030 remaining unchanged:

17.06.030 Use regulations.

The list of land uses on Table 17.06.030 shall be permitted in one or more of the residential zoning districts as indicated in the columns corresponding to each residential zoning district. Where indicated with a letter “P” the use shall be a permitted use. Where indicated with a “-,” the use is prohibited within the zone. A letter “C” indicates the use shall be conditionally permitted subject to the approval of a conditional use permit.

Table <u>17.06.030</u>									
Residential Districts									
Description of Use	HR	RR	VL	L-1	L-2	LM	M	H	HR-SM ⁹
Residential									
Single-family detached	P	P	P	P	P	P	P	-	P
Duplex (two-family dwellings)	-	-	-	- 2,13	- 2,13	- 2,13	P ¹³	P ¹³	-
Single-family attached (greater than two units)	-	-	-	-	-	P	P	P	-
Multifamily	-	-	-	-	-	-	P ¹³	P ¹³	-
Manufactured homes	P	P	P	P	P	P	P	P	P
Mobilehome park	-	-	C ⁸	C	C	C	C	C	-
Facilities for the mentally disordered, disabled, or dependent or neglected children (six or fewer)	P	P	P	P	P	P	P	P	P
Facilities for the mentally disordered, disabled, or dependent or neglected children (seven to twelve)	C	C	C	C	C	C	P	P	C
Alcoholism or drug abuse recovery or treatment facility (six or fewer)	P	P	P	P	P	P	P	P	P
Alcoholism or drug abuse recovery or treatment facility (seven or more)	C	C	C ⁸	C	C	C	P	P	C
Residential care facilities for the elderly (six or fewer)	P	P	P	P	P	P	P	P	P
Residential care facilities for the elderly (seven or more)	C	C	C	C	C	C	P	P	C
Residential care facilities (six or fewer)	P	P	P	P	P	P	P	P	P
Residential care facilities (seven or more)	C	C	C	C	C	C	C	P	C
Congregate care residential facilities for the elderly ⁶	-	-	-	-	P	P	P	P	-
Boarding, rooming and lodging facilities	-	-	-	-	-	-	C	C	-
Accessory dwelling units ⁴	P	P	P	P	P	P	P	P	P
Guest house	P	P	P	P	P	P	P ²	P ²	P
Family day care homes—small and large	P	P	P	P	P	P	P	P	P

Day care centers	C	C	C	C	C	C	C	C	C
Bed and breakfast establishments ⁶	C	C	C	C	C	C	C	C	C
Emergency shelters	C	C	C ⁸	C	C	C	P	P	C
Transitional housing ¹	P	P	P	P	P	P	P	P	P
Supportive housing ¹	P	P	P	P	P	P	P	P	P
Efficiency units	-	-	-	-	-	-	P	P	-

Notes:

1. Subject to the provisions of Section 17.06.050(I) of this chapter.
2. A duplex or two-family dwelling may be permitted on corner lots with a planned development overlay pursuant to the provisions of Chapter 17.22 of this title.
3. Subject to the provisions of Section 17.24.020(D)(2) of this title.
4. ~~Allowed only with a single-family residence.~~ [Subject to the provisions of Chapter 17.23 of this code.](#)
5. The director of planning shall have the discretion to waive submittal of an administrative development plan, if it is determined that the construction trailer will not have an adverse impact on adjacent residences or businesses.
6. Subject to the supplemental development standards contained in Chapter 17.10 of this title.
7. Not used.
8. These uses are not permitted within the Nicolas Valley rural preservation area, as identified in Figure LU-5 of the land use element of the general plan.
9. Development within the HR-SM zoning district is subject to Section 17.06.080, Hillside development standards.
10. Marijuana cultivation (as defined in Chapter 8.52) for medical, non-medical or other purposes, are prohibited uses everywhere in the city including all zoning districts, specific plan areas, overlay zones and planned development zones and shall be prohibited uses, except as otherwise provided in Sections 8.52.040, 8.52.050, and 8.52.060 of the Temecula Municipal Code.
11. Legal nonconforming single-family residences will be permitted to construct accessory dwelling units if they meet the requirements of this Section 17.06.050(L).

Section 13. Table 17.06.050A (Accessory Structures Setbacks for the HR, RR, VL, L-1, L-2, LM, M and H Zoning Districts) of Section 17.06.050 (Special use standards and regulations.) of Chapter 17.06 (Residential Districts) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows (with deletions appearing in strikethrough text) with all other provisions of Table 17.06.050A remaining unchanged:

Table 17.06.050A			
Accessory Structures Setbacks for the HR, RR, VL, L-1, L-2, LM, M and H Zoning Districts			
Accessory Structure	Front Yard	Rear Yard	Interior Side Yard¹
Carpports	Not permitted	5 ft. min. for support columns	5 ft. min. for support columns

Table 17.06.050A			
Accessory Structures Setbacks for the HR, RR, VL, L-1, L-2, LM, M and H Zoning Districts			
Accessory Structure	Front Yard	Rear Yard	Interior Side Yard¹
Detached guest house⁶	Not permitted in the actual front yard⁴	Refer to the rear yard setbacks in <u>Table 17.06.040</u>	Refer to the side yard setbacks in <u>Table 17.06.040</u>
Garage	20 ft. (Entrance faces street) 10 ft. (Entrance from side not facing front yard)	5 ft. min., but no less than 15 ft. from centerline of alley	5 ft. min.
Storage/utility enclosure	Not permitted	3 ft.	3 ft.
Swimming pool ³	Not permitted ³	5 ft. to water's edge	5 ft. to water's edge
Swimming pool equipment	Not permitted ³	3 ft.	3 ft.
Spa	Not permitted ³	3 ft. to water's edge	3 ft. to water's edge
Antennas	Not permitted	5 ft.	5 ft.
Gazebo/garden structure	Not permitted	5 ft.	5 ft. if interior side yard 10 ft. if street side yard on corner lot
Solar collector (ground mounted)	Not permitted in front yard	10 ft. 0 in.	10 ft. 0 in.
Decks (not to exceed 36 inches above the ground)	Not permitted	5 ft. min.	5 ft. min.
Roof decks	Must meet district development standards (i.e. setbacks, height, lot coverage, etc.)		
Patio covers measured at vertical supports	15 ft.	5 ft. min.	5 ft. min.

Notes:

1. On a corner lot, accessory structures are not permitted, unless otherwise noted above.
2. Accessory structures with walls must be separated from other accessory and primary structures by at least six feet.
3. Swimming pools, spas and pool and spa equipment in the VL, RR and HR zoning districts may be located in the front yards as outlined in Section 17.06.050(E).
- ~~4. Guest house in the L-1, VL, RR and HR zoning districts may be located in the actual front yard and shall be compatible with the design of the primary dwelling and the surrounding neighborhood in terms of height, bulk and mass, landscaping, and architectural materials, shall be subject to the residential performance standards as outlined in Section 17.06.070, and subject to the front yard setback requirements in Table 17.06.040.~~
- ~~5. Only one detached guest house shall be permitted on any one lot with a single family dwelling.~~

Section 14. Table 17.22.116 (Schedule of Permitted Uses) of Section 17.22.116 (Use regulations) of Article III (Margarita Road Planned Development Overlay District-2) of Chapter 17.22 (Planned Development Overlay Zoning District (PDO-)) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows (with deletions appearing in strikethrough text and additions appearing in underlined text) with all other provisions of Table 17.22.116 remaining unchanged:

Table 17.22.116
Schedule of Permitted Uses
Margarita Road Planned Development Overlay District-2

Description of Use	PDO-2
Residential	
<u>Accessory Dwelling Unit (ADU)</u>	<u>P³</u>
Single-family detached	P ¹
Duplex (two-family dwellings)	P ¹
Single-family attached (greater than two units)	P
Multiple-family	P
Manufactured homes	P
Mobilehome park	-
Facilities for the mentally disordered, disabled or dependent or neglected children (six or fewer)	P
Facilities for the mentally disordered, disabled or dependent or neglected children (seven to twelve)	P
Alcoholism or drug abuse recovery or treatment facility (six or fewer)	P
Alcoholism or drug abuse recovery or treatment facility (seven or more)	P
Residential care facilities for the elderly (six or fewer)	P
Residential care facilities for the elderly (seven or more)	P
Congregate care residential facilities for the elderly	P
Boarding, rooming and lodging facilities	C
Secondary dwelling units	-
Guest house	P³
Family day care homes—small	P
Family day care homes—large	P
Day care centers	C
Bed and breakfast establishments	-
Emergency shelters	P
Transitional housing	P

Notes:

1. Detached residential or zero lot-line units, duplexes and two-family dwellings are permitted only with the approval of the planning commission.
2. Subject to the provisions of Section 17.24.020(D)(2).
3. ~~Allowed only with a single family residence.~~ Subject to the provisions of Chapter 17.23 of this code.
4. The community development director shall have the discretion to waive submittal of an administrative development plan if it is determined that the construction trailer will not have an adverse impact on adjacent residences or businesses.

Section 15. Section 17.23.050 (ADU standards.) of Chapter 17.23 (Accessory Dwelling Units) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows (with deletions appearing in strikethrough text and additions appearing in underlined text) with all other provisions of Section 17.23.050 remaining unchanged:

17.23.050 ADU standards.

Except those ADUs approved pursuant to Subsection 17.23.030, ADUs shall comply with the following standards:

- A. Location Restrictions. One ADU shall be allowed on a lot with a proposed or existing primary dwelling that is zoned residential.
- B. Development Standards.
 1. Size Restrictions. If there is an existing primary dwelling, an attached ADU shall not exceed fifty percent of the gross floor area for the primary dwelling. An attached ADU that is proposed with a new primary dwelling shall not exceed one thousand two hundred square feet in floor area. A detached ADU shall not exceed one thousand two hundred square feet in floor area. In no case shall an ADU be less than an “efficiency unit” as defined in Section 17958.1 of Health and Safety Code with respect to square footage.
 2. Height Restrictions. An ADU shall not exceed sixteen feet in height.
 3. Transfer. An ADU shall not be sold, transferred, or assigned separately from the primary dwelling, but may be rented. The ADU shall not be used for short-term rentals for less than thirty-one days.
 4. Setback. No setback shall be required for an ADU that is within an existing structure or new ADU that is constructed in the same location and with the same dimensions as an existing structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet. An ADU shall comply with all required front yard setbacks otherwise required by the municipal code.
 5. Lot Coverage. An ADU shall conform to all lot coverage requirements applicable to the zoning district in which the property is located, except where the application of the lot coverage regulations would not permit construction of an eight hundred square foot ADU that is sixteen feet in height with four-foot side and rear yard setbacks.
 6. Historic Resources. An ADU that has the potential to adversely impact any historical resource listed on the California Register of Historic Resources, shall be designed and constructed in accordance with the “Secretary of the Interior’s Standards for the

Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings” found at 36 CFR 68.3, as amended from time to time. An ADU shall also comply with all local historic register requirements, as well as all objective local requirements, ordinances, or specific plans that pertain to historic resources.

C. Design and Features.

1. Design. The ADU shall have the same design, architecture, colors and materials of the primary dwelling, and shall comply with any objective design standards adopted by the city that are applicable to the zoning district or specific plan area where the ADU is located.
2. Fire Sprinklers. ADUs are required to provide fire sprinklers if they are required for the primary dwelling.
3. An ADU shall have a separate exterior access.
4. All utility equipment to include window mounted cooling/heating equipment must not be visible from the public right-of-way.

D. Covenant Required. The property owner shall record a declaration of restrictions, in a form approved by the city attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (1) the ADU is to be rented only for terms of thirty days or longer; and (2) the ADU is not to be sold or conveyed separately from the primary dwelling except in conformity with Government Code Section 65852.26. Proof of recordation of the covenant shall be provided to the city before the city finals the building permit.

E. Parking Requirements.

1. In addition to the off-street parking space(s) required for the primary dwelling, one off-street parking space shall be provided for each ADU, except when:
 - a. The ADU is located within one-half mile walking distance of public transit;
 - b. The ADU is located within an architecturally and historically significant historic district;
 - c. The ADU is part of a proposed or existing primary dwelling or accessory structure;
 - d. The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant; or
 - e. The ADU is located within one block of a city-approved and dedicated parking space for a car share vehicle.
2. When the ADU is created by converting or demolishing a garage, carport or covered parking structure, replacement of parking space(s) eliminated by the construction of the ADU shall not be required as long as the ADU remains in use as a legal ADU.

Section 16. A new Subsection “K” is hereby added to Section 17.04.010 (Conditional Use Permits.) of Chapter 17.04 (Permits) of Title 17 (Zoning) of the Temecula Municipal Code to read as follows, (with additions appearing in underlined text) with all other provisions of Section 17.04.010 remaining unchanged:

- K. “All Conditional Use Permits that include the onsite consumption of alcohol, shall be physically posted on site in a conspicuous manner viewable to customers, patrons or guests and presented upon request to any Law Enforcement or City Staff authorized to enforce this Chapter. The posting shall include the approval letter, Conditions of Approval, and approved site plan.”

Section 17. Subsection G (Car Washes) of Section 17.10.020 (Supplemental Development Standards.) of Chapter 17.10 (Supplemental Development Standards) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows (with additions appearing in underlined text) with all other provisions of Section 17.23.050 remaining unchanged:

- G. Car Washes. A conditional use permit shall be required for all full-service or self-service car washes within the commercial districts. Car washes shall comply with the following criteria:
1. Such businesses shall be located at least two hundred (200) feet from any residentially zoned district property line. That distance shall be measured in a straight line regardless of physical encumbrances, and shall be inclusive of all:
 - a. Vacuum equipment;
 - b. Vehicle dryer or blower units;
 - c. Air compressors and hydraulic, electric, or pneumatic motors;
 - d. Parking areas; and
 - e. Drive or queuing isles.
 2. Wash bays and vacuum areas shall be screened from public view.
 3. Regular monitoring of the facility by an attendant shall be provided during business hours to control noise, litter, and other nuisances.
 4. Hours of operation shall be limited to seven a.m. to ten p.m., unless otherwise specifically established as a condition of approval. Automatic shut-off of water and electrical systems, except for security and fire protection, shall be provided during non-business hours.

Section 18. A new Subsection “T” (Parking Garage Standards) is hereby added to Section 17.10.020 (Supplemental Development Standards) of Chapter 17.10 (Supplemental Development Standards) of Title 17 (Zoning) of the Temecula Municipal Code to read as follows, (with additions appearing in underlined text) with all other provisions of Section 17.10.020 remaining unchanged:

“T. Parking Garages. All parking garages shall be designed in a manner that incorporates the following requirements:

1. Elevators
 - a. Elevators should be oriented to adjacent streets, when possible.
 - b. Elevators shall have glass backs and be glass enclosed with a minimum of 75% visibility.
 - c. When it is impossible for glass backed elevator or glass enclosed elevator, an active video surveillance system shall be required within the elevator and adjacent to elevator entrances.

2. Stairwells

- a. Stairwells shall provide internal and external visibility, with a minimum of 75% transparency.
- b. Stairwells should be oriented to adjacent streets, when possible.
- c. Stairwell walls shall be made of glass and/or have exterior openings where the stairwell is open and visible to the exterior
- d. Stairwell door use should be minimized; but when utilized, one third of the door must be made of clear durable glass to encourage transparency and safety.

Sample Image of Glass Enclosed Elevator and Open Stairwell



3. Security fencing

- a. Security fencing shall be installed below stairwells to eliminate unauthorized access. Fencing shall be compatible with the design of the parking structure; no chain link fencing of any kind is permitted.

4. Safety

- a. Emergency Call boxes shall be conspicuously dispersed throughout parking garages, with a minimum of one call box on each level. Additional call boxes may be required at the discretion of the Chief of Police or Director of Community Development.

5. Minimum Floor Heights

- a. The minimum height from the floor to the lowest ceiling structure, support beam, or overhead fixture, such as a conduit, pipeline, signage, lighting, or any other obstruction mounted on the ceiling shall be eight (8) feet two (2) inches in height.

6. Interior Treatment. The interior treatment of a parking structure shall be of a light color. The treatment shall include a coordinated interior sign program designed to identify parking levels and locate stairwells, elevators, phones, exits and other interior features.
7. Mirrors for Sight Distance. Blind corners shall be provided with viewing mirrors maintained in a position and condition to provide adequate sight distance.
8. Integral Design. Parking structures should be designed as an integral component of the coordinated site plan and architectural theme. Rooftop solar arrays and green roof technologies are encouraged.
9. Signage. A well-designed graphics and signage system will effectively communicate necessary information to patrons, reduce confusion, improve safety, and enhance the overall user experience.
 - a. Vehicular Signs. Examples of vehicular signs include “Park” and “Exit” directional signs. Vehicular signs are ten or twelve inches in height with six or seven inch letters. Ten (10)-inch signs are recommended for precast structures where sign visibility can be a problem. Vehicular signs should be centered over the drive lane or centered over the drive aisle when signs are mounted back-to-back.
 - b. Pedestrian Signs. Examples of pedestrian signs include “Level #,” “Remember Level #,” “Row #,” and “Stair” and “Elevator” identification and directional signs. Pedestrian signs shall be light in color, easy to read in day and night settings, and contain a number or memorable icon/character for easy pedestrian wayfinding. Pedestrian signs shall be clearly distinguishable from vehicle signs so as not to interfere with vehicular traffic. Pedestrian signs in parking bays shall be located perpendicular to traffic flow, and placed at the rear of parking stalls. Color-coding shall be used to help patrons find their vehicles. The elevator court area shall include super graphics which are graphics that cover a large area and are generally painted on a vertical surface, such as painted walls or elevator doors, with level designation incorporated.
 - c. No offsite signage is permitted.
10. Bicycle parking/storage. Bicycle parking shall be provided in quantities required in accordance with Temecula Municipal Code Section 17.24.040(F)(2) ‘Minimum Bicycle Parking Requirements.’ All bicycle facilities are required to be located exclusively on the ground level.
11. Pedestrian access points and pathways shall be located to avoid pedestrian/vehicle conflicts.
12. Parking structures that propose to charge a fee or propose gates/entry control devices for parking shall provide a stacking analysis to demonstrate such activities will not impact the flow of traffic surrounding the parking structure.
13. Parking structures that exceed one hundred (100) parking spaces, or greater than two stories, to include below grade parking, shall be required to provide a parking analysis or “counting” system to indicate total number of spaces and total number of unoccupied spaces on the entrance(s) of the parking structure.
14. Stall width

- a. When the side of any parking stall abuts a building, fence, wall, support column or other obstruction which would interfere in any way with access to a motor vehicle, the width of the stall shall be increased to at least eleven (11) feet.

15. Lighting

<u>Parking Structure Lighting Standards</u>			
<u>Area</u>	<u>Minimum Horizontal Illuminance on Floor (Footcandles)</u>	<u>Minimum Vertical Illuminance at 5 Feet (Footcandles)</u>	<u>Maximum to Minimum Uniformity Ratio</u>
<u>Parking and Pedestrian Areas</u>	<u>2</u>	<u>1</u>	<u>10:1</u>
<u>Stairwells</u>	<u>2</u>	<u>1</u>	<u>10:1</u>
<u>Ramps and Corners -Day</u>	<u>1</u>	<u>0.5</u>	<u>10:1</u>
<u>Ramps and Corners -Night</u>	<u>1.0</u>	<u>1.0</u>	<u>10:1</u>
<u>Entrance Areas - Day</u>	<u>50</u>	<u>25</u>	<u>10:1</u>
<u>Entrance Areas – Night</u>	<u>1</u>	<u>0.5</u>	<u>10:1</u>

“

Section 19. Subsection C (Flags) of Section 17.28.050 (Exempt Signs.) of Article I (General) of Chapter 17.28 (Sign Standards) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows (with additions appearing in underlined text) with all other provisions of Section 17.28.050 remaining unchanged:

C. Flags.

1. A flagpole shall not exceed the zoning district height limits set forth in the ~~Development Municipal Code Section 17.08.050(H).~~ or fifty feet if no height limit is provided by the Development Code.
2. A single flag of the United States of America and two of the following flags shall be permitted per parcel or center:
 - a. The state of California, or another state of the United States.
 - b. A county.
 - c. A municipality.
 - d. Official flags of other countries.
 - e. Flags of nationally or internationally recognized organizations.
 - f. A corporate flag.
3. The maximum area for a corporate flag may not exceed fifty square feet.

Section 20. Subsection H (Flagpoles) of Section 17.08.050 (Special Use Regulations and Standards) of Chapter 17.08 (Commercial/Office/Industrial Districts) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows (with additions appearing in underlined text) with all other provisions of Section 17.08.050 remaining unchanged:

H. Flag Poles. A maximum height of fifty (50) ~~seventy-five~~ feet.

Section 21. Table 17.03.010 (Planning and Zoning Approval Authority) of Section 17.03.010 (Purpose and intent.) of Chapter 17.03 (Administration of Zoning) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows (with additions appearing in underlined text) with all other provisions of Table 17.03.010 remaining unchanged:

Table 17.03.010 Planning and Zoning Approval Authority				
Application	Administrative Approval	Planning Director	Planning Commission	City Council
General plan amendment			Recommendation ¹	X ¹
Zoning amendment: text changes			Recommendation ¹	X ¹
Zoning amendment: map changes			Recommendation ¹	X ¹
Zoning amendment: specific plan, includes specific plan amendments			Recommendation ¹	X ¹
Conditional use permit (<u>CUP</u>) — existing building		X ^{1,2}		
Conditional use permit with a development plan		X ^{1,2,3}	X ^{1,3}	
<u>CUP modification (all changes)</u>		<u>X¹</u>		
Development plan (10,000 sq. ft. or greater)			X ¹	
Development plan (less than 10,000 sq. ft.)		X ¹		
Major modifications	X ^{2,4}		X ^{1,4}	
Minor modifications	X ²			
Administrative development plan	X ²			
Home occupation plan	X ²			
Minor exceptions	X ²			
Sign permits	X ²			
Sign programs, including sign program modifications	X ²			
Temporary use permits	X ²			
Variance			X ¹	
Accessory dwelling unit	X ⁵			
Hillside development permit			X ¹	
Notes:				

1. Requires consideration at a noticed public hearing.
2. For matters that are considered to have special significance or impact, the director of planning may refer such items to the planning commission for consideration.
3. Conditional use permits without development plans are approvable by the director of planning. Conditional use permits with development plans are approvable by hearing body required for the development plan.
4. Major modifications of projects which were approved by the planning commission or city council shall be considered by the original approval body. Increases in building square footage that results in a building larger than 10,000 square feet shall be considered by the planning commission.
5. State law requires the administrative consideration of secondary dwelling units. These applications cannot be promoted to the planning commission.

Section 22. Table 17.08.030 (Schedule of Permitted Uses) of Section 17.08.030 (Use regulations.) of Chapter 17.08 (Commercial/Office/Industrial Districts) of Title 17 (Zoning) of the Temecula Municipal Code is hereby amended to read as follows (with deletions appearing in strikethrough text and additions appearing in underlined text) with all other provisions of Table 17.08.030 remaining unchanged:

Table 17.08.030 Schedule of Permitted Uses Commercial/Office/Industrial Districts							
Description of Use	NC	CC	HT	SC	PO	BP	LI
A							
Adult businesses—subject to Chapter 17.09 <u>5.09</u> of the Temecula Municipal Code	-	C	C	C	-	-	-
Aerobics/dance/gymnastics/jazzercise/martial arts studios (greater than 5,000 sq. ft.)	-	P	P	P	-	C	-

Section 23. Severability. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

Section 24. Certification. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

Section 25. Effective Date. This Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula
this day of , .

Zak Schwank, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Ordinance No. 2023- was duly introduced and placed upon its first reading at a meeting of the City Council of the City of Temecula on the 28th day of February, 2023, and that thereafter, said Ordinance was duly adopted by the City Council of the City of Temecula at a meeting thereof held on the day of , , by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk