

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLES 5 AND 17 OF THE TEMECULA MUNICIPAL CODE MAKING MINOR REVISIONS TO MASSAGE ESTABLISHMENT, ACCESSORY DWELLING UNIT, HOME OCCUPATION PERMITS, AND TEMPORARY USE PERMIT REGULATIONS, ESTABLISH BATTERY STORAGE AND SHIPPING CONTAINER STANDARDS, CLARIFY THE PERMITTED USES ALLOWED IN THE OPEN SPACE-CONSERVATION DISTRICT, MODIFY THE DEFINITION OF SPECIALTY MARKET AND RESTAURANT, ADD DEFINITION FOR HEALTH AND EXERCISE CLUBS, MAKE OTHER CLERICAL REVISIONS AND MAKE A FINDING OF EXEMPTION UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (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 1, 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 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 PC Resolution No. 2023-20, recommending that the City Council approve the Code Amendments.

D. The City Council, at a regular meeting, considered the Ordinance on November 28, 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-Conservation (OS-C) Zoning designation, none of the proposed Code Amendments change the types of uses allowed in City. The Code Amendments remove riding stables and shooting galleries as conditionally permitted uses the OS-C zoning designation. These uses are inconsistent with the Open Space land use designation and are being removed to correct an inconsistency within the code.

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 modify the time the Office of Administrative Hearing has to render a decision on mass appeal 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.” Implementing an Accessory Dwelling Unit (ADU) addressing policy furthers Goal 4 of the Public Safety Element of the General Plan which states, “An effective response of emergency services following a disaster.” Adopting development standards for external staircases, security bars, storage/shipping containers and grid scale energy storage facilities furthers Goal 6 of the Land Use Element of the General Plan which is to ensure, “A development pattern that preserves aesthetics and enhances the environmental resources of the Planning Area.” The definition modifications further clarify what use constitutes a “Specialty Market,” and “Health and Exercise Club” in furtherance of Goal 5 of the Land Use Element of the General Plan which states, “A land use pattern that protects and enhances residential neighborhoods.” 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) Zoning district impact the use of land. The Code Amendments remove riding stables and shooting galleries as permitted uses in the OS-C zoning designation. These uses are inconsistent with the types of uses permitted in the OS-C Zoning district and are being removed to correct an inconsistency within the code.

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 Community Development Director is hereby directed to file a Notice of Exemption in accordance with CEQA and the State CEQA Guidelines.

Section 4. Subsection 5.22.140(D)(6) of Section 5.22.140(D) (Appeal) of Chapter 5.22.140 (Revocation, Permit Denial and Appeal) of 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 deletions appearing in strikethrough text and additions appearing in underlined text), with all other provisions of Section 5.22.140 remaining unchanged:

“6. The hearing officer may uphold, modify or reverse the decision of the chief of police. Within ~~ten~~ thirty (30) days of the conclusion of the appeal hearing, the hearing officer shall render his or her decision and make written findings supporting the decision. He or she shall send the decision to the city clerk. Upon receipt of the hearing officer’s decision, the city clerk shall send a copy of it to the chief of police and the appellant, along with a proof of mailing.”

Section 5. Subsection “G” (Exemptions) is hereby added to Section 17.04.020 (Temporary 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 17.04.020 remaining unchanged:

G. Exemptions. The following entities or organizations are exempt from the requirements of this section:

1. City, state, federal, school district, community college district, or other public agencies’ events when the events are conducted wholly on that agency’s property or with the consent of another public property owner and when the events do not require public road closures or encroachment upon adjacent public streets.

Section 6. Subsection “15” (Commercial Vehicles) is hereby added to Section 17.04.030 (Home Occupation Permits.) of Chapter 17 (Awesome chapter) 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 17.04.020 remaining unchanged:

D. Requirements for Approval, Conditional Approval or Denial of a Home Occupation Permit.

15. A maximum of two vehicles shall be dedicated to the home occupation. This two-vehicle limit includes instances where more than one home occupation permit is issued for the same residence.

Section 7. Table 17.06.030 (Schedule of Permitted Uses – 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 Section 17.06.030 remaining unchanged:

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	P	P	P	P	P	P	P	P	P
Guest house	P	P	P	P	P	P	P ⁴	P ⁴	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	-
Nonresidential									
Agriculture/open space uses ⁶	P	P	P	P	P	P	P	P	C
Religious institutions	C	C	C	C	C	C	C	C	C
Public utility facilities	C	C	C	C	C	C	C	C	C
Educational institutions	C	C	C	C	C	C	C	C	C
Libraries	C	C	C ⁸	C	C	C	C	C	-
Commercial marijuana activity	-	-	-	-	-	-	-	-	-
Marijuana cultivation ¹⁰	-	-	-	-	-	-	-	-	-
Medical marijuana dispensaries	-	-	-	-	-	-	-	-	-
Museums and art galleries (not for profit)	C	C	C ⁸	C	C	C	C	C	-
Commercial kennels, commercial catteries, or cat/dog training center ¹²	-	-	-	-	-	-	-	-	-
Noncommercial kennel	-	-	-	-	-	-	-	-	-
Noncommercial cattery	-	-	-	-	-	-	-	-	-
Large animals (horses, cattle, and mules) ¹²	-	P	P	P	P	-	-	-	-
Small animals (burros, pigs, ponies and sheep) ¹²	-	P	P	P	P	-	P	P	-
Temporary real estate tract offices	P	P	P	P	P	P	P	P	P
Recreational vehicle storage yard ³	-	C	C ⁸	C	C	C	C	C	-
Parking for commercial uses	-	-	-	-	-	-	P	P	-
Nonprofit clubs and lodge halls	-	-	-	-	-	-	P	P	-
Convalescent facilities	-	-	-	-	-	-	P	P	-
Golf courses	C	C	C ⁸	C	C	C	C	C	-
Home occupations	P	P	P	P	P	P	P	P	P
Construction trailers ^{5,6}	P	P	P	P	P	P	P	P	P
Short-term rentals	-	-	-	-	-	-	-	-	-
Animal keeping ¹²	-	P	P	P	P	P	P	P	-
Apiaries or beekeeping ¹²	-	P	P	P	P	P	P	P	-
Poultry ¹²	-	P	P	P	P	P	P	-	-
Outdoor aviary ¹²	-	P	P	P	P	P	P	P	-

Notes:

1. Transitional housing and supportive housing shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.
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.
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(K).
12. Subject to the supplemental development standards contained in Chapter Title 6 6.04 of this code.

Section 8. Table 17.06.040 (Development Standards – Residential Districts) of Section 17.06.040 (Development Standards.) 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 Section 17.06.040 remaining unchanged:

Table 17.06.040 Development Standards—Residential Districts									
Residential Development Standards	HR	RR	VL	L-1	L-2	LM	M	H	HR-SM
Lot Area									
Minimum net lot area (sq. ft.)	-	-	-	-	-	7,200	7,200 ²	-	-
Minimum net lot area (acres)	10	5	2.5	1	½	-	-	-	10
Density range (dwelling units per net acre ¹)	<0.1	0.1-0.2	0.2-0.4	0.5-2.9	0.5-2.9	3.0-6.9	7.0-12.9	13.0-20.0	<0.1
Lot Dimensions									
Minimum lot frontage at front property line (feet)	50	50	40	40	30	30	30	30	50
Minimum lot frontage for a flag lot at the front property line (feet)	40	40	30	30	25	20	20	20	40
Minimum width at required front setback area (feet)	100	100	100	70	50	50	40	30	100
Minimum average width (feet)	100	100	80	70	60	50	50	50	100
Minimum lot depth (feet)	150	150	120	100	90	80	80	100	150
Setbacks									
Minimum front yard (feet)	40	40	25	25	15 ³	10 ³	10 ³	20 Avg. ⁴	40
Minimum corner side yard (feet)	40	40	15	15	15	15	15	15	40
Minimum interior side yard (feet)	25	25	10	10	10	Variable ⁵	Variable ⁵	Variable ⁵	25
Setbacks (continued)									
Minimum rear yard (feet)	25	25	20	20	20	20	20	20	25
Other Requirements									
Maximum height (feet)	35	35	35	35	35	35	40	50	Subject to Section 17.06.080
Maximum percent of lot coverage	10%	15%	20%	25%	25%	35%	35%	30%	Subject to Section 17.06.080
Open space required	90%	75%	70%	60%	40%	25%	25%	30%	Subject to Section 17.06.080
Private open space/per unit (square feet)	NA	NA	NA	NA	NA	NA	200	150	Subject to Section 17.06.080

Section 9. Table 17.08.030 (Schedule of Permitted Uses Commercial/Office/Industrial Districts) 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							
Aerobics/dance/gymnastics/jazzercise/martial arts/ <u>yoga and Pilate studios (greater than 5,000 sq. ft.)</u>	-	P	P	P	-	C	-
Aerobics/dance/gymnastics/jazzercise/martial arts/ <u>yoga and Pilate studios (less than 5,000 sq. ft.)</u>	C	P	P	P	C	C	-
E							
<u>Energy Storage Facility</u>	=	=	=	=	=	<u>C</u>	<u>C</u>

Section 10. Subsection “I” (Stairs) is hereby added to 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 added to read as follows (with additions appearing in underlined text), with all other provisions of Section 17.08.050 remaining unchanged:

I. Stairs. All staircases and stairwells shall be located entirely within and incorporated into the design of the building.

Section 11. Subsection “J” (Window Security) is hereby added to 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 added to read as follows (with additions appearing in underlined text), with all other provisions of Section 17.08.050 remaining unchanged:

J. Security Bars. All security bars shall be entirely located within the building and shall not be visible from the exterior of the building and the public right of way. Security bars shall include any device physically installed for the security of a building whether placed on a door or window. All security bars shall be compliant with the adopted edition of the California Building and Fire Code.

Section 12. Table 17.08.040(A) (Development Standards – Commercial/Office/Industrial Districts for Developments within Planned Shopping Centers or Industrial/Business Parks) of Section 17.08.040 (Development 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 Table 17.08.040(A) remaining unchanged:

Table 17.08.040A Development Standards—Commercial/Office/Industrial Districts for Developments within Planned Shopping Centers or Industrial/Business Parks							
Development Standards	NC	CC	HT	SC	PO	BP	LI
Minimum gross area of site	5 acres	10 acres	10 acres	10 acres	5 acres	10 acres	10 acres
Target floor area ratio ²	0.25	0.30	0.30	0.30	<u>0.35</u>	0.40	0.40

Table 17.08.040A Development Standards—Commercial/Office/Industrial Districts for Developments within Planned Shopping Centers or Industrial/Business Parks

Development Standards	NC	CC	HT	SC	PO	BP	LI
Maximum floor area ratio with intensity bonus as per Section 17.08.050	0.40	1.0	1.0	1.5	1.0	1.5	1.0
Front yard adjacent to a street:							
Arterial street	25 ft.	20 ft.	25 ft.	25 ft.	25 ft.	20 ft.	20 ft.
Collector	20 ft.	15 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Local	15 ft.	10 ft.	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.
Yard adjacent to residentially zoned property	25 ft.	25 ft.	30 ft.	30 ft.	25 ft.	35 ft.	40 ft.
Interior side yard	0	0	0	0	0	0	0
Rear yard	15 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Accessory structure—Side/rear setback	5 ft.	5 ft.	5 ft.				
Minimum building separation:							
One story:	10 ft.	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Two stories:	15 ft.	15 ft.	15 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Three stories or more		20 ft.	20 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Maximum height	35 ft.	50 ft.	75 ft.	50 ft.	75 ft.	50 ft.	40 ft.
Maximum percent of lot coverage	25%	30%	30%	30%	50%	40%	40%
Minimum required landscaped open space ¹	25%	20%	20%	20%	25%	25%	20%
Fence, wall or hedge screening outdoor storage—Minimum height		6 ft.		6 ft.	Not allowed	6 ft.	6 ft.
Fence, wall or hedge screening outdoor storage—Maximum height	6 ft.	8 ft.	8 ft.	12 ft.	Not allowed	12 ft.	12 ft.
Accessory structure—Maximum height	12 ft.	12 ft.	12 ft.				

- Notes:**
1. Minimum required landscaped open area does not include necessary planting within the right-of-way.
 2. All projects proposing an increase in FAR beyond the target FAR are required to comply with the criteria described in Section 17.08.050(A).

Section 13. Table 17.08.040(B) (Development Standards – Commercial/Office/Industrial Districts for a Development on a Separate Lot) of Section 17.08.040 (Development 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 Table 17.08.040(B) remaining unchanged:

Table 17.08.040B Development Standards—Commercial/Office/Industrial Districts for a Development on a Separate Lot

Development Standards	NC	CC	HT	SC	PO	BP	LI
Minimum net lot area (sq. ft.)	30,000 sq. ft.	30,000 sq. ft.	20,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.
Target floor area ratio ²	0.25	0.30	0.30	0.30	<u>0.35</u>	0.40	0.40

Table 17.08.040B Development Standards—Commercial/Office/Industrial Districts for a Development on a Separate Lot							
Development Standards	NC	CC	HT	SC	PO	BP	LI
Maximum floor area ratio with intensity bonus as per Section 17.08.050	0.40	1.0	1.0	1.5	1.0	1.5	1.0
Minimum width at required front setback area	50 ft.	50 ft.	80 ft.	100 ft.	80 ft.	100 ft.	100 ft.
Minimum depth	100 ft.	100 ft.	100 ft.	120 ft.	120 ft.	120 ft.	120 ft.
Minimum frontage on a street	30 ft.	30 ft.	50 ft.	80 ft.	60 ft.	80 ft.	80 ft.
Yard area adjacent to a street:							
Arterial street	25 ft.	15 ft.	25 ft.	25 ft.	20 ft.	20 ft.	20 ft.
Collector	25 ft.	10 ft.	25 ft.	25 ft.	20 ft.	20 ft.	20 ft.
Local	15 ft.	10 ft.	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.
Interior side yard	0	0	0	0	0	0	0
Rear yard	15 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Accessory structure—side/rear setback	5 ft.	5 ft.	5 ft.				
Yard areas adjacent to residentially zoned property	25 ft.	25 ft.	30 ft.	30 ft.	25 ft.	30 ft.	40 ft.
Maximum height	35 ft.	50 ft.	75 ft.	50 ft.	75 ft.	50 ft.	50 ft.
Maximum percent of lot coverage	25%	30%	30%	30%	50%	40%	40%
Minimum required landscaped open space ¹	25%	20%	20%	20%	25%	25%	20%
Fence, wall or hedge—maximum height	6 ft.	6 ft.	6 ft.				
Accessory structure—maximum height	12 ft.	12 ft.	12 ft.				
Fence, wall or hedge screening outdoor storage—minimum height		6 ft.		6 ft.	Not allowed	6 ft.	6 ft.
Fence, wall or hedge screening outdoor storage—maximum height	6 ft.	8 ft.	8 ft.	12 ft.	Not allowed	12 ft.	12 ft.
Notes:							
1. Minimum required landscaped open area does not include necessary planting within the right-of-way.							
2. All projects proposing an increase in FAR beyond the target FAR are required to comply with the criteria described in Section 17.08.050(A).							

Section 14. Subsection 17.10.020(B)(4) 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 deletions appearing in strikethrough text and additions appearing in underlined text) with all other provisions of Section 17.10.020 remaining unchanged:

4. Restaurants shall operate under the following requirements:
 - a. Restaurants that are open to the public for business and engaged in the ancillary sale of alcoholic beverages shall provide restaurant services to the public during all hours that the establishment is open. Restaurant service shall include, but not be limited to, an offering and the ability to order a varied menu of foods of not less than five main courses with appropriate nonalcoholic beverages, desserts, salads, and other attendant dishes.

- b. A conditional use permit is required for restaurants that plan on offering, selling, or serving beer, wine, and distilled spirits (typically a Type ~~47~~ ~~41~~ California ABC license), unless otherwise regulated by a current specific plan. Restaurants offering beer, wine, and distilled spirits must cease alcohol sales one half hour prior to closing.
- c. Restaurants are permitted to serve beer and wine (typically a Type ~~41~~ ~~42~~ California ABC license) as a matter of right

Section 15. Subsection “U. (Storage Containers)” 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 deletions appearing in strikethrough text and additions appearing in underlined text) with all other provisions of Section 17.10.020 remaining unchanged:

U. Storage Containers.

- 1) Purpose and Intent. The intent of this section is to provide for the limited temporary use of storage containers for residential, commercial/office/industrial, Planned Development Overlay (PDO) and Specific Plan zoned properties.
- 2) Definition. For the purposes of this chapter, Storage Container shall mean any sturdy container greater than one hundred and twenty (120) square feet with strength suitable to withstand shipment, storage, and handling with or without utility connection(s). Any device or container that meets this definition shall be considered a storage container, regardless of its nomenclature, construction material, type of container, design, original purpose or new/repurposed use.
- 3) All Residential and Open Space Zoning Districts. Storage containers are not a permitted use or accessory use in any residential or open space zoning district throughout the city and therefore shall not be permitted.
 - a) Exemptions.
 - (i) Temporary placement to support the construction of a new primary residence with a valid building permit.
 - (a) Required to obtain a Temporary Use Permit (TUP) in accordance with Chapter 17.04.020 and subject to the requirements of this section of the Temecula Municipal Code.
 - (b) Limited for use as storage only, no habitation is permitted.
 - (c) Limited to the duration of construction or date specified in the TUP, whichever is less.
 - (d) Shall be removed from the site prior to final inspection of the new primary residence.
 - (ii) A storage container for the purpose of moving, storing, transporting personal property for the purposes of moving residences or placing items in long term storage can be placed on the private driveway of any residence for a time not to exceed seven days without a TUP.

- (a) Placement of storage containers in the public right of way shall not be permitted without an encroachment permit as specified in Chapter 18.12 of this Code.
- 4) Commercial, Business Park, Professional Office and Industrial Districts. Storage containers may be permitted through a Temporary Use Permit (TUP) for a limited duration subject to the requirements of Chapter 17.04.020 and this section of the Temecula Municipal Code.
- a) Storage containers shall be placed in loading or service areas only and shall not be visible from the public right-of-way.
 - b) Storage containers shall not be located in any landscaped area.
 - c) Storage containers shall not be placed in any parking stalls without a parking analysis demonstrating compliance with Chapter 17.24 of this code, to the satisfaction of the Director of Community Development.
 - d) Storage containers shall not have any signage or advertising.
 - e) Utility connection(s) shall require a building permit.
 - f) Containers may be required to be painted to match the existing building, at the discretion of the Director of Community Development.
 - g) Containers must be maintained free of graffiti, vandalism, rust, circumstances that may arise from a lack of maintenance.
 - h) Any three violations during the effective period of the TUP shall be cause for the revocation of the TUP.
 - i) Where a zoning district addresses storage, those standards shall apply to the extent they are inconsistent with the provisions of this Section.
- 5) Mixed Use Zoning Districts.
- a) Storage containers may be approved through a TUP as a temporary accessory use for commercial land uses located on the first floor in zoning districts that permits mixed use development and shall comply with Section 17.10.020(U)(4) of this chapter.
 - b) Storage containers are not a permitted accessory use for residential land uses in zoning districts that permit mixed use development, without exemption.
- 6) Specific Plan Districts.
- a) Where a Specific Plan addresses the accessory use of storage containers, those standards shall be applicable to all properties subject to its requirements.
 - b) Where a Specific Plan does not address the accessory use of storage containers, the standards in this Section shall apply.
 - c) The Director of Community Development shall have the sole discretion to determine which standards shall apply when there is ambiguity in the Municipal Code or Specific Plan related to zoning districts.
- 7) Ancillary Use Only. Storage containers shall only be allowed as a temporary ancillary use for property with a completed development plan or on a property with all active and valid building permits for the construction of new buildings.
- 8) Time duration. Placement of storage containers shall be set by the TUP and in no case shall a storage container be placed or installed on the site for longer than one year. Relocation or movement of the storage container on the site does not impact the time limits set by the TUP.

Section 16. Subsection “V. (Energy Storage Facility)” 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 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 17.10.020 remaining unchanged:

V. Energy Storage Standards.

- 1) Purpose and Intent. Energy Storage Facility regulations are adopted with the intent of advancing and protecting the public health, safety, and welfare of the City of Temecula by establishing regulations for the installation and use of energy storage systems. The regulations herein are intended to protect the health, welfare, safety, and quality of life for the general public, to ensure compatible land uses in the areas affected by energy storage facilities and to mitigate the impacts of energy storage facilities on the environment.
 - a) Energy Storage facilities shall be permitted through a Conditional Use Permit (CUP) only in the zoning specified in Table 17.08.030, Schedule of Permitted Uses Commercial/Office/Industrial Districts.
- 2) Definitions. The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section as follows:
 - a) Battery. A single cell, stack, core building block, or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this chapter, batteries utilized in consumer products are excluded from these requirements.
 - b) Battery Management System. An electronic system that prevents storage batteries from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected. The system generates an alarm and trouble signal for abnormal conditions.
 - c) Battery Energy Storage System. A system consisting of electrochemical, kinetic, thermal, or other form of energy-storage technology storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.
 - d) Cell. The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.
 - e) Commissioning. A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.
 - f) Decommissioning Plan. A plan to retire the physical facilities of the project, including decontamination, dismantlement, rehabilitation, landscaping and monitoring. The plan contains detailed information on the proposed decommissioning and covers the schedule, type and sequence of decommissioning activities; waste management, storage and disposal of the waste from decommissioning; the timeframe for decommissioning and site rehabilitation.

- g) Energy Storage facility. Are stationary commercial facilities, that contain one or more energy storage system(s) for the purposes of capturing or purchasing energy and releasing, selling, transferring or trading energy back to the utility providers for monetary or other gain. This definition does not include private residential energy storage or backup systems.
- h) Energy Storage System. A system which stores energy and releases it in the same form as was input.
- 3) Applicability. The requirements of this ordinance shall apply to all energy storage facilities permitted, installed, or modified after the effective date of this ordinance, excluding general maintenance and repair. Energy Storage Facilities constructed or installed prior to the effective date of this ordinance shall not be required to meet the requirements of this chapter. Modifications to, retrofits or replacements of an existing energy storage facility that increases the total energy storage system designed discharge duration or power rating shall be subject to this chapter. The continuation of legally established existing utility-scale Energy Storage Systems shall be subject to the regulations and guidelines of Chapter 17.03.070 (Legal nonconformities) of this Code.
- 4) Development Standards.
 - a) Energy storage facilities must meet all applicable standards of the adopted Building and Safety Codes and of the adopted Fire Codes.
 - b) Energy storage facilities shall comply with the site design requirements set forth below in addition to all other applicable chapters of the Temecula Municipal Code:
 - (i) Where visible from public view, the site shall be fully enclosed by a minimum six-foot, non-scalable solid wall. Where not visible from public view, the site shall be enclosed by a minimum six-foot, non-scalable solid wall or tubular steel or wrought iron fencing. Said wall or fencing shall be located outside of the required yard of the applicable zone. Walls shall consist of either decorative concrete masonry block or decorative concrete tilt-up walls. Decorative concrete masonry block means neutral colored slump stone block, split-face block, or precision block with a stucco, plaster, or cultured stone finish. Decorative concrete tilt-up wall means concrete with a combination of paint and raised patterns, reveals, and/or trim lines.

When sound and visual attenuation requires a wall exceeding 6 feet above the grade of the adjacent roadway, earth mounds shall be used, such that no more than 6 feet of the wall is visible from the roadway. The mounds shall not exceed a three-to-one (3:1) ratio slope. The mounds may support the wall or be placed against the wall on the street side.

Wall heights shall be limited to the standards in the applicable zoning district.

- (ii) No landscaping is required on the interior side of the screen walls described in subparagraph (b)(i), above, regardless of the percentage of open space landscaping required.

The minimum required open space, as required by this Title, shall be limited to the perimeter landscaping surrounding the perimeter screening wall or fencing described in subparagraph (b)(i), above. Said perimeter landscaping shall be no less than the applicable required yard setbacks.

- (iii) Solid walls surrounding facilities which are below grade of an adjacent street or property shall incorporate a berm/slope along the entire length of the wall to ensure facilities are not visible from public view.
- (iv) Anti-graffiti coating or equivalent measure to prevent graffiti shall be provided for all solid screen walls
- (v) Except as set forth in subparagraph (vi), no equipment or appurtenances not in an enclosed structure shall exceed the screen wall height described in subparagraph (i), above, unless it can be demonstrated through a line-of-sight analysis to the satisfaction of the Director of Community Development that the wall height will sufficiently screen said equipment and/or appurtenances. Enclosures for batteries and other systems shall not exceed fifteen (15) feet in height.
- (vi) Accessory structures such as utility poles or utility connection equipment, substation switchyard and similar equipment, necessary for the operation of the facility may exceed the height standards of the applicable zone subject to the Director of Community Developments approval.
- (vii) Within the Business Park (BP) zone, all equipment or appurtenances shall be located within an enclosed building. However, accessory structures such as utility poles or utility connection equipment substation switchyard, and similar equipment, necessary for the operation of the facility is not required to be located within the enclosed building.
- (viii) On-site parking shall be provided as specified below:
 - (a) For sites occupied daily by employees or contractors, one parking space per employee or contractor shall be provided.
 - (b) For unoccupied sites, one on-site parking space shall be provided.
 - (c) All parking, fire access roadways, and drive aisles shall be paved with asphalt or concrete, to the satisfaction of the Director of Community Development.
 - (d) All parking lots shall comply with Chapter 17.24 of this code.
 - (e) All facilities shall have an approved signage plan including safety signage to be posted at the site.
 - (f) All improvements and site specifications shall be subject to approval of a Hazard Mitigation Analysis. Said reports shall be reviewed by the City of Temecula Fire Department and Building and Safety Departments. These reports must be approved concurrently with any entitlements. The purpose of this analysis is to evaluate the potential for adverse effects to people or the environment related to hazards and hazardous materials. The California Environmental Quality Act (CEQA) requires the analysis of potential adverse effects of a project on the environment. Consistent with Appendix G of the CEQA Guidelines, a proposed project would cause adverse impacts related to

hazards and hazardous materials if they would create a significant hazard to the public or the environmental through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

5) Decommissioning.

a) Decommissioning Plan. Prior to issuance of any building permits related to decommissioning activities, the applicant shall submit a Decommissioning Plan containing a narrative description of the activities to be accomplished for removing the energy storage system from service, and from the facility in which it is located. The Decommissioning Plan shall also include:

(i) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all energy storage system components, structures, equipment, security barriers, and transmission lines from the site;

(ii) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

(iii) The anticipated life of the Battery energy storage system;

(iv) The manner in which the Battery energy storage system will be decommissioned, and the Site restored, including a description of how any changes to the surrounding areas and other systems adjacent to the Battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and

(v) A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

b) Ownership Changes. If the owner of the Battery energy storage facility changes or the owner of the property changes, the project approvals shall remain in effect, provided that the successor owner or operator assumes in writing all the obligations of the project, site plan approval, and Decommissioning Plan. A new owner or operator of the Battery energy storage facility shall notify the Community Development Department of such change in ownership or operator within thirty (30) days of the ownership change. A new owner or operator must provide such notification to the Community Development Department in writing. The project and all approvals for the Battery energy storage facilities shall be void if a new owner or operator fails to provide written notification to the Community Development Department in the required timeframe. Reinstatement of a voided project or approvals will be subject to the same review and approval processes for new applications under this chapter.

6) Performance Measures and Standard Conditions of Approval.

The following measures shall be included as performance measures and standard conditions of approval for all energy storage facilities.

a) Facilities shall not store any products, goods, materials, or containers outside of any building on-site.

- b) Facilities shall comply with noise requirements in Chapter 9.20 of this code.
 - c) Operators shall address any nuisance, safety issues or violations of conditions of approval within forty-eight hours of being notified by the city that an issue exists.
 - d) Prior to the issuance of a Certificate of Occupancy or Business License, any operator of an energy storage facility shall sign a statement acknowledging acceptance of all operational conditions of approval associated with the approved entitlements for the facility.
- 7) Finding of Economic Benefit; Public Benefit Agreement; Exempt Projects.
- a) Consistent with Public Resources Code section 25545.9, and in addition to all other findings and determinations necessary for the grant of a CUP, no conditional use permit for a Energy Storage Facility, shall be granted unless the City finds that the construction and operation of the facility will have an overall net positive economic benefit to the City. For purposes of this sub-section, economic benefits may include, but are not limited to, any of the following:
 - (i) Employment growth.
 - (ii) Housing development.
 - (iii) Infrastructure and environmental improvements.
 - (iv) Assistance to public schools and education.
 - (v) Assistance to public safety agencies and departments.
 - (vi) Property taxes and sales and use tax revenues.
 - b) Consistent with Public Resources Code section 24454.10, no conditional use permit for a Battery Energy Storage Facility, shall be granted unless the City has entered into a legally binding and enforceable agreement with, or that benefits, the City, where there is mutual benefit to the parties to the agreement. The topics and specific terms of the community benefits agreements may vary and may include funding for or providing specific community improvements or amenities such as park and playground equipment, urban greening, enhanced safety crossings, and paving roads and bike paths.
 - c) The City of Temecula finds and declares that, where a Battery Energy Storage Facility, Utility Scale is issued a certificate pursuant to Chapter 6.2 (commencing with Section 25545) of Division 15 of the Public Resources Code, and where such certificate is in lieu of a conditional use permit or other permit, certificate, or document required by the City, a community benefit agreement in the form described in subsection (a), above, shall satisfy the obligations on Public Resources Code section 24454.10.

Section 17. 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 additions appearing in underlined text) with all other provisions of Table 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	C	C	-
Campground	C	-	-	-
Caretakers' quarters	C	C	C	-
Cemeteries, mausoleums and related uses	C	C	-	-
Communications and microwave installations ¹			-	-
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	-	-	-	-
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	<u>C</u>	<u>C</u>	-
Shooting galleries, ranges, archery courses	-	<u>C</u>	-	-
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. 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 18. Item 2 of Subsection D of Section 17.23.030 (Projects exempt – Building permit approval only.) 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 17.23.030 remaining unchanged:

2. One detached, new construction ADU ~~that does not exceed~~ that has a minimum four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The ADU may be combined with a JADU described in subsection (D)(1) above. The ADU shall be no more than eight hundred square feet in size, with a height limit of sixteen feet.

Section 19. Subsection I (Separation) is hereby added to Section 17.23.040 (General requirements and application procedure.) of Chapter 17.23 (Supplemental Development Standards) 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 17.23.040 remaining unchanged:

- I. Separation. All detached accessory dwelling units (ADU’s) shall have a minimum 6 foot separation from the primary residence, as measured in a straight line from exterior wall to exterior wall. Existing accessory structures converted to an ADU shall not be required to meet this standard.

Section 20. Item 7 (Addressing) is hereby added to Subsection 17.23.050(B) (Development Standards) of Section 17.23.050 (ADU Standards) of Chapter 17.23 (Accessory Dwelling Units) of Title 17 (Zoning) of the Temecula Municipal Code, (with deletions appearing in strikethrough text and additions appearing in underlined text) with all other provisions of Section 17.23.050(B) remaining unchanged:

7. Addressing. Addressing for all ADU and JADU units shall be as follows, without exception:
- a. The primary residential unit, newly constructed or existing, shall be addressed according to existing policy and shall include an illuminated “Unit 1” identifier. This shall only be applicable if an ADU or JADU is proposed for the same parcel.
 - b. A second residential unit, an ADU or JADU, shall bear the same main address as the primary residence with the additional unit bearing an illuminated “Unit 2” identifier.
 - c. A third and final residential unit, an ADU or JADU, shall bear the same main address as the primary residence with the additional unit bearing an illuminated “Unit 3” identifier.
 - d. All addresses shall be legible and physically installed in a prominent location on the building that clearly identifies which entry is associated with each address and in accordance with Section 17.28.050(N) of this code.

Section 21. 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 add a definition of “Health and Exercise Club” and to amend the definition of “Specialty market” 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:

H. “Health and Exercise Club” means fitness centers, gymnasiums, health and athletic facilities which charge a membership fee for access that may include indoor sauna or hot tub facilities.

S. “Specialty market” means a retail market that specializes in a specific type or class of food, drink, and related products. ~~Specialty markets generally range in size from ten thousand to~~

~~forty thousand square feet.~~ In no case shall a specialty market be less than ten thousand (10,000) square feet.

Section 22. 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 23. 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 24. 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 November, 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 , 2023, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk