

CHAPTER 9.125. - C-P-S ZONE (SCENIC HIGHWAY COMMERCIAL)

Sec. 9.125.010. - Scope.

The provisions of this chapter shall apply in all C-P-S Zones.

Sec. 9.125.020. - Uses permitted.

A. The following uses are permitted only in enclosed buildings with not more than two hundred (200) square feet of outside storage or display of materials appurtenant to such use, provided a site development permit shall have been approved pursuant to the provisions of Section 9.240.330:

- (1) Ambulance services.
- (2) Antique shops.
- (3) Appliance stores, household.
- (4) Art supply shops and studios.
- (5) Auditoriums and conference rooms.
- (6) Automobile parts and supply stores.
- (7) Bakery goods distributors.
- (8) Bakery shops, including baking only when incidental to retail sales on the premises.
- (9) Banks and financial institutions.
- (10) Barber and beauty shops.
- (11) Bars and cocktail lounges.
- (12) Bicycle sales and rentals.
- (13) Billiard and pool halls.
- (14) Blueprint and duplicating services.
- (15) Book stores and binders.
- (16) Bowling alleys.
- (17) Catering services.
- (18) Ceramic sales and manufacturing for on-site sales, provided the total volume of kiln space does not exceed sixteen (16) cubic feet.
- (19) Cleaning and dyeing shops.
- (20) Clothing stores.
- (21) Confectionery or candy stores.

- (22) Costume design studios.
- (23) Dance halls.
- (24) Delicatessens.
- (25) Department stores.
- (26) Drug stores.
- (27) Dry goods stores.
- (28) Electrical substations.
- (29) Employment agencies.
- (30) Escort bureaus.
- (31) Feed and grain sales.
- (32) Fishing and casting pools.
- (33) Florist shops.
- (34) Food markets and frozen food lockers.
- (35) Gift shops.
- (36) Hardware stores.
- (37) Household goods sales and repair, including, but not limited to, new and used appliances, furniture, carpets, draperies, lamps, radios, and television sets, including repair thereof.
- (38) Hobby shops.
- (39) Ice cream shops.
- (40) Ice sales, not including ice plants.
- (41) Interior decorating shops.
- (42) Jewelry stores with incidental repairs.
- (43) Labor temples.
- (44) Laboratories, film, dental, medical, research or testing.
- (45) Laundries and laundromats.
- (46) Leather goods stores.
- (47) Locksmith shops.
- (48) Mail order businesses.
- (49) Manufacturer's agent.
- (50) Market, food, wholesale or jobber.
- (51) Massage parlors, Turkish baths, health centers and similar personal service establishments.
- (52) Meat markets, not including slaughtering.

- (53) Mimeographing and addressograph services.
- (54) Mobilehomes, provided they are kept mobile and licensed pursuant to state law, use for:
 - (a) Construction offices and caretaker's quarters on construction sites for the duration of a valid building permit, providing they are inconspicuously located.
 - (b) Agricultural worker employment offices for a maximum of ninety (90) days in any calendar year.
 - (c) Caretakers or watchmen and their families provided no rent is paid, where a permitted and existing commercial use is established. Not more than one (1) mobilehome shall be allowed for a parcel of land or a shopping center complex.
- (55) Music stores.
- (56) News stores.
- (57) Notions or novelty stores.
- (58) Nurseries and garden supply stores.
- (59) Offices, business.
- (60) One on-site operator's residence, which may be located in a commercial building.
- (61) Paint and wall paper stores, not including paint contractors.
- (62) Parking lots and parking structures.
- (63) Pawn shops.
- (64) Pet shops and pet supply shops.
- (65) Photography shops and studios and photo engraving.
- (66) Plumbing shops, not including plumbing contractors.
- (67) Poultry markets, not including slaughtering or live sales.
- (68) Printers or publishers.
- (69) Produce markets.
- (70) Radio and television broadcasting studios.
- (71) Recording studios.
- (72) Refreshment stands.
- (73) Restaurants and other eating establishments.
- (74) Schools, business and professional, including art, barber, beauty, dance drama, music and swimming.
- (75) Shoe stores and repair shops.
- (76) Shoeshine stands.
- (77) Signs, on-site advertising.

- (78) Sporting goods stores.
 - (79) Stained glass assembly.
 - (80) Stationery stores.
 - (81) Stations, bus, railroad and taxi.
 - (82) Taxidermist.
 - (83) Tailor shops.
 - (84) Telephone exchanges.
 - (85) Theaters, not including drive-ins.
 - (86) Tobacco shops.
 - (87) Tourist information centers.
 - (88) Toy shops.
 - (89) Travel agencies.
 - (90) Typewriter sales and rental and incidental repairs.
 - (91) Watch repair shops.
 - (92) Wedding chapels.
 - (93) Wholesale businesses with samples on the premises, but not to include storage.
 - (94) Recycling collection facilities.
 - (95) Gasoline service stations, not including the concurrent sale of beer and wine for off-premises consumption.
 - (96) Golf cart sales and service.
 - (97) Hotels, resort hotels and motels.
 - (98) Day care centers.
 - (99) Convenience stores, not including the sale of motor vehicle fuel.
 - (100) Churches, temples and other places of religious worship.
- B. Uses permitted by conditional use permit. The following uses are permitted, provided a conditional use permit has been granted pursuant to the provisions of Section 9.240.280:
- (1) Automobile repair garages, body shops, spray painting shops.
 - (2) Automobile sales and rental agencies.
 - (3) Boat sales, rentals and services.
 - (4) Car washes.
 - (5) Drive-in theaters.
 - (6) Equipment rental services, including rototillers, power mowers, sanders, power saws, cement and plaster mixers not exceeding twenty (20) cubic feet in capacity and other similar

- equipment.
- (7) Heliports.
 - (8) Liquid petroleum service stations, with or without the concurrent sale of beer and wine, provided the total capacity of all tanks shall not exceed ten thousand (10,000) gallons.
 - (9) Mortuaries.
 - (10) Sale, rental, repair, or demonstration of motorcycles, scooters or motorbikes of two (2) horsepower or greater.
 - (11) Animal hospitals.
 - (12) Sports and recreational facilities, not including motor-driven vehicles and riding academies, but including archery ranges, athletic fields, beaches, golf driving ranges, gymnasiums, miniature golf, parks, playgrounds, sports arenas, skating rinks, stadiums, and commercial swimming pools.
 - (13) Tire recapping.
 - (14) Tire sales and services, not including recapping.
 - (15) Trailer and boat storage.
 - (16) Travel trailers, mobilehomes and recreational vehicles sales and service.
 - (17) Truck sales and services.
 - (18) Trucks and trailers; the rental of trucks not over nineteen thousand, five hundred (19,500) pounds gross weight, with body not to exceed twenty-two (22) feet in length from the back of the cab to the end of the body; and the rental of trailers not exceeding six (6) feet in width or twenty-two (22) feet in length.
 - (19) Underground bulk fuel storage.
 - (20) All uses permitted in subsection (A) of this section that have more than two hundred (200) square feet of outside storage of display of materials.
 - (21) Gasoline service stations, with the concurrent sale of beer and wine for off-premises consumption.
 - (22) Convenience stores, including the sale of motor vehicle fuel.
 - (23) Liquor stores pursuant to the provisions of Section 9.240.490 (Alcoholic Beverage Sales).
- C. The uses listed in subsections A. and B. of this section do not include sex-oriented businesses.
- D. Accessory uses. An accessory use to a permitted use is allowed, provided the accessory use is established on the same lot or parcel of land, and is incidental to, and consistent with the character of the permitted principal use, including, but not limited to, limited manufacturing, fabricating, processing, packaging, treating and incidental storage related thereto, provided any

such activity shall be in the same line of merchandise or service as the trade or service business conducted on the premises and providing any such related activity does not exceed any of the following restrictions:

- (1) The maximum gross floor area of the building permitted to be devoted to such accessory use shall be twenty-five (25) percent.
- (2) The maximum total horsepower of all electric motors used in connection with such accessory use shall be five (5) horsepower.
- (3) The accessory use shall be so conducted that noise, vibration, dust, odor, and all other objectionable factors shall be reduced to the extent that there will be no annoyance to persons outside the premises. Such accessory use shall be located not nearer than fifty (50) feet to any residential zone.
- (4) Accessory uses shall be conducted wholly within a completely enclosed building.

E. Any use that is not specifically listed in subsections A. and B. of this section may be considered a permitted or conditionally permitted use, provided that the Community Development Director finds that the proposed use is substantially the same in character and intensity as those listed in the designated subsections. Such a use is subject to the permit process which governs the category in which it falls.

F. It is the intent of the City Council that a legally established pre-existing land use of an occupied property shall not assume a nonconforming status as a result of the adoption of the 2017 General Plan and the concurrent or subsequent adoption of a change of zone for consistency with the 2017 General Plan. Any pre-existing use certified pursuant to Section [9.240.080] that is not specifically listed in subsections a. and b. shall be considered a permitted or conditionally permitted use the same as provided for such use under the zoning classification of the subject property prior to the adoption of the new zoning classification concurrent with, or subsequent to, the effective date of City Council Resolution No. 2017-14[A3] adopting the 2017 General Plan. The expansion of significant modification of such a pre-existing use shall be subject to the approval process and zoning requirements that had governed the category of use in which it fell under the prior zoning classification. However, nothing in this subsection shall be construed to mean that a site development permit or conditional use permit is required to continue such pre-existing use.

(Ord. No. 2012-02, § 1, 6-7-2012; Ord. No. 2017-09, § 8C., 9-21-2017; Ord. No. 2021-09, § 4, 4-15-2021)

Sec. 9.125.030. - Planned commercial development.

Planned commercial developments are permitted, provided a land division is approved pursuant to the provisions of Title 7.

Sec. 9.125.040. - Development standards.

The following shall be the standards of development in the C-P-S Zones:

- (1) There is no minimum lot area requirement, unless specifically required by zone classification for a particular area.
- (2) There are no yard requirements for buildings which do not exceed thirty-five (35) feet in height, except as required for specific plans. Any portion of a building which exceeds thirty-five (35) feet in height shall be set back from the front, rear and side lot lines not less than two (2) feet for each foot by which the height exceeds thirty-five (35) feet. The front setback shall be measured from the existing street line unless a specific plan has been adopted in which case it will be measured from the specific plan street line. The rear setback shall be measured from the existing rear lot line or from any recorded alley or easement; if the rear line adjoins a street, the rear setback requirement shall be the same as required for a front setback. Each side setback shall be measured from the side lot line or from an existing adjacent street line unless a specific plan has been adopted in which case it will be measured from the specific plan street line.
- (3) No building or structure shall exceed fifty (50) feet in height, unless a greater height is approved pursuant to Section 9.240.370. In no event, however, shall a building or structure exceed seventy-five (75) feet in height, unless a variance is approved pursuant to Section 9.240.270.
- (4) Automobile storage space shall be provided as required by Section 9.240.120.
- (5) All roof mounted mechanical equipment shall be screened from the ground elevation view to a minimum sight distance of one thousand, three hundred and twenty (1,320) feet.

CHAPTER 9.80. - R-3 ZONE (GENERAL RESIDENTIAL)

Sec. 9.80.010. - Scope.

The provisions of this chapter shall apply in all R-3 Zones.

Sec. 9.80.020. - Uses permitted.

- A. The following uses are allowed, providing a site development permit shall first have been obtained pursuant to the provisions of Section 9.240.330, and is approved:
- (1) One (1) family dwelling.
 - (2) Field crops, flower and vegetable gardening, tree crops, and greenhouses used only for purposes of propagation and culture, including the sale thereof from the premises and one (1) unlighted sign that does not exceed two (2) square feet in size pertaining to the sale of products.
 - (3) The noncommercial keeping of horses on lots not less than twenty thousand (20,000) square feet in area and one hundred (100) feet in width, provided they are kept not less than one hundred (100) feet from any street and twenty (20) feet from any property line. A maximum of two (2) horses per twenty thousand (20,000) square feet and, in any event, not more than four (4) horses on a lot will be permitted. If a lot is one (1) acre or more in area, poultry, crowing fowl (chickens only), rabbits, chinchillas, guinea pigs, parakeets and small fowl may be kept for the use of the occupants of the premises only. The poultry, crowing fowl, rabbits, chinchillas, guinea pigs, parakeets and small fowl shall be kept in an enclosed area located not less than twenty (20) feet from any property line and not less than fifty (50) feet from any residence and shall be maintained on the rear portion of the lot in conjunction with a residential use. If a lot is two (2) acres or more in area, two (2) sheep or goats or combination thereof may be kept in addition thereto, provided they are kept not less than one hundred (100) feet from any street, twenty (20) feet from any property line and fifty (50) feet from any residence.
 - (4) Public parks and public playgrounds, golf courses with standard length fairways, and country clubs.
 - (5) Home occupations.
 - (6) On-site signs, affixed to building walls, stating the name of the structure, use, or institution, not to exceed five (5) percent of the surface area of the exterior face of the wall upon which the sign is located.
 - (7) One (1) family dwellings developed as restricted single-family residential subdivisions, subject to the development standards of Section 9.70.120. The provisions of Section 9.80.030 shall not be applicable to developments under this permitted use.
 - (8) Accessory buildings, to a specific permitted use; provided, that the accessory building is established as an incident to a principal use and does not change the character of that use.
 - (9) On-site signs, affixed to building walls, stating the name of the structure, use or institution, not to exceed five (5) percent of the surface area of the exterior face of the wall upon which the sign is located.
 - (10) Planned residential developments, provided a land division is approved pursuant to the provisions of Title 7 and the development standards in Section 9.240.060 or 9.240.070.
 - (11) Kennels and catteries are permitted, provided they are approved pursuant to the provisions of Section

9.240.460.

- (12) Two-family dwellings, multiple-family dwellings, bungalow courts and apartment houses, subject to the development standards set forth in Section 9.240.545.
- (13) Boarding, rooming and lodging houses.
- (14) Churches, educational institutions, public libraries, museum and art galleries not operated for compensation or profit.
- (15) Temporary real estate tract offices located within a subdivision, to be used only for and during the original sale of the subdivision, but not to exceed a period of two (2) years in any event.
- (16) Congregate care residential facilities.
- (17) Beauty shops operated from a home by its inhabitants where no assistants are employed and the on-site sign is unlighted and does not exceed two (2) square feet in area.
- (18) Nurseries, horticultural.
- (19) Nonprofit clubs and lodge halls.
- (20) Fraternity and sorority houses.
- (21) Hotels, resort hotels, and motels.
- (22) Child day care center.
- (23) Institutions for the aged licensed by the state or county as such.
- (24) Offices, including medical, dental, chiropractic law offices, architectural, engineering, community planning and real estate; provided there is no outdoor storage of materials, equipment or vehicles, other than passenger cars.
- (25) The noncommercial raising of not more than one (1) miniature pig on lots from seven thousand, two hundred (7,200) to nineteen thousand, nine hundred and ninety-nine (19,999) square feet or not more than two (2) miniature pigs on lots of not less than twenty thousand (20,000) square feet, subject to the following conditions:
 - (a) Any person owning or having custody or control of a miniature pig over the age of four (4) months shall pay for and obtain a license from the Riverside County Animal Service Department.
 - (b) Any miniature pig kept or maintained on a lot with a use permitted under subsection (A)(1) of this section shall be spayed or neutered as a condition of being licensed. No license shall be issued unless the owner or custodian of the miniature pig presents a valid certificate from a veterinarian. All unaltered miniature pigs shall be subject to immediate impoundment.
 - (c) No miniature pig may weigh more than two hundred (200) pounds.
 - (d) Any person owning or having charge, care, custody or control of any miniature pig shall keep such pig exclusively upon his or her own premises, provided, however, such pig may be off such premises if under restraint of a competent person.
 - (e) The miniature pig must be kept in an enclosure that is no closer than thirty (30) feet from the front property line, fifteen (15) feet from any side or rear property line and no closer than thirty-five (35) feet of any dwelling unit other than the dwelling unit on the subject lot.
- (26) Churches, temples, and other places of religious worship.

- (27) The keeping or raising of not more than four (4) mature female crowing fowl (chickens only) on single-family lots or parcels between seven thousand, two hundred (7,200) square feet and thirty-nine thousand, nine hundred ninety-nine (39,999) square feet or not more than twelve (12) mature female crowing fowl (chickens only) on family residential lots of forty thousand (40,000) square feet or more for the use of the occupants of the pre crowing fowl shall be kept in an enclosed area located not less than twenty (20) feet from any property line and not less than fifty (50) feet from any residence and shall be maintained on the rear portion of the lot in conjunction with residential use.
- (28) Future Farmers of America (FFA) or 4-H projects conducted by the occupants of the premises. Provided, however, if the project involves crowing fowl, an unexpired crowing fowl affidavit form describing the project must be on file with the Community Development Director. Affidavit forms are available at the Planning Department and may be filed free of charge.
- B. The following uses shall be permitted provided a conditional use permit is obtained pursuant to this title:
- (1) Mobilehome parks, developed pursuant to Section 9.260.030.
 - (2) Parking area for commercial uses;
 - (3) Congregate care residential facilities, developed pursuant to Section 9.270.030.
- C. The outside storage of materials on improved lots or parcels of one-half (½) acre to one (1) acre provided the amount is limited to one hundred (100) square feet with a maximum height of three (3) feet and on improved lots or parcels of one (1) acre or more provided the amount is limited to two hundred (200) square feet with a maximum height of three (3) feet.
- D. Any use that is not specifically listed in subsections A. and B. of this section may be considered a permitted or conditionally permitted use provided that the Community Development Director finds that the proposed use is substantially the same in character and intensity as those listed in the designated subsections. Such a use is subject to the permit process which governs the category in which it falls.

(Ord. No. 2020-01, § 6, 2-20-2020; Ord. No. 2021-09, § 4, 4-15-2021)

Sec. 9.80.030. - Development standards.

The following standards of development shall apply in the R-3 Zone, except that planned residential developments shall comply with the development standards contained in Section 9.240.060.

- (1) The minimum lot area shall be seven thousand, two hundred (7,200) square feet with a minimum average width of sixty (60) feet and a minimum average depth of one hundred (100) feet, unless different minimums are specifically required in a particular area.
- (2) The minimum front and rear yards shall be ten (10) feet for buildings that do not exceed thirty-five (35) feet in height. Any portion of a building which exceeds thirty-five (35) feet in height shall be set back from the front and rear lot lines no less than ten (10) feet plus two (2) feet for each foot by which the height exceeds thirty-five (35) feet. The front setback shall be measured from any existing or future street line as shown on any specific street plan of the city. The rear setback shall be measured from the existing rear lot line or from any recorded alley or easement; if the rear line adjoins a street, the rear setback requirement shall be the same as required for a front setback.
- (3) The minimum side yard shall be five (5) feet for buildings that do not exceed thirty-five (35) feet in height.

Any portion of a building which exceeds thirty-five (35) feet in height shall be set back from each side lot line five feet plus two (2) feet for each foot by which the height exceeds thirty-five (35) feet; if the side yard adjoins a street, the side setback requirement shall be the same as required for a front setback. No structural encroachments shall be permitted in the front, side, or rear yard except as provided in Section 9.240.180.

- (4) No lot shall have more than fifty (50) percent of its net area covered with buildings or structures.
- (5) The maximum ratio of floor area to lot area shall not be greater than two to one (2:1), not including basement floor area.
- (6) All buildings and structures shall not exceed fifty (50) feet in height, unless a height up to seventy-five (75) feet is specifically permitted under the provisions of Section 9.240.370.
- (7) Automobile storage space shall be provided as required by Section 9.240.120.

Sec. 9.240.080. - Nonconforming structures and uses.

The following provisions shall apply to all nonconforming structures and uses:

- (1) Any nonconforming structure or use may be continued and maintained for the periods of time hereinafter set forth, provided there are no structural alterations except as hereinafter allowed. Agricultural crops are not subject to the provisions of this section; agricultural uses that involve permanent structures are subject to this section, however such uses shall be permitted to make any changes or improvements that are required by any city or state law, including structural alterations that are necessary as a part thereof.
- (2) Verification of nonconforming structure or use. When it is necessary to obtain from the city a written verification of the nonconforming status of a structure or use the following procedure shall apply:
 - (a) *Application.* Every application for a determination of nonconforming use status shall be made in writing to the Community Development Director on the forms provided by the Planning Department, shall be accompanied by the filing fee as set forth in County Ordinance No. 671, and shall include the following information:
 - (i) Name, address and phone number of applicant (or representative) and the property owner.
 - (ii) Assessor's parcel number of premises involved.
 - (iii) A site plan drawn in sufficient detail to clearly describe the following:
 - a. Physical dimensions of property.
 - b. Location and dimensions of all existing structures.
 - c. Setback dimensions.
 - d. Location and dimensions of all driveways, parking areas, landscape areas, fences, and walls.
 - e. Location and dimensions of all adjacent roadways showing location of street centerline and all existing improvements such as sidewalks, curbs, gutters, or curb cuts.
 - (iv) Panoramic photographs showing all sides of the on-site property, and adjacent off-site properties.
 - (v) Current zoning (with change of zone case number) and date it was adopted and became effective.
 - (vi) Prior zoning designation.
 - (vii) Written statement of justification for the nonconforming subject use of the property.
 - (viii) Supporting documentation showing that the site has been in continuous use. Documentation may include, but is not limited to, bills of sale, bills of lading, utility bills, property tax records, Board of Equalization records, fictitious business statement, Articles of Incorporation, canceled business checks, sales receipts, rental or lease agreements, or licenses.
 - (ix) Such other information as determined necessary by the Planning Department.
 - (b) *Review and notice of decision.* Not less than thirty (30) days from acceptance of an application as complete, the Planning Department shall verify the current zoning and supporting documentation. If the nonconforming use or structure is substantiated, the Planning Department shall complete a "Certificate of Nonconforming Use" which shall include the following information: Assessor's Parcel Number, situs address, nature of nonconforming use, expiration date, and such other information as deemed appropriate. If the subject use or structure is not able to be substantiated the Planning Department shall prepare a letter of denial of the nonconforming use to include the following information: Assessor's parcel number, nature of nonconforming use, and justification for the denial of the request.
- (3) A nonconforming structure or use may be maintained for the following periods of time:

- (a) Where the property is unimproved: One (1) year.
 - (b) Where the only improvements are structures, the replacement of which would not require a building permit three (3) years.
 - (c) Outdoor advertising: Five (5) years.
 - (d) General commercial uses, such as those primarily permitted in C Zones: One (1) year.
 - (e) General manufacturing uses, such as those primarily permitted in M Zones: Forty (40) years.
 - (f) Kennels and catteries: Twenty (20) years; provided, however, that the nonconforming right shall be lost upon a transfer of ownership which occurs five (5) years or more after the building or use becomes nonconforming.
 - (g) Commercial agricultural operations:
 - (i) Dairy farms: Thirty (30) years.
 - (ii) Goat, sheep and other small animal farms: Ten (10) years.
 - (iii) Hog ranches: Ten (10) years.
 - (iv) Horse ranches: Twenty (20) years.
 - (v) Menageries: Five (5) years.
 - (vi) Pen fed cattle operations: Thirty (30) years.
 - (vii) Poultry: Twenty (20) years.
 - (viii) Rabbits: Ten (10) years.
 - (h) Noncommercial agricultural operations:
 - (i) Goats, sheep and other small animals: Three (3) years.
 - (ii) Hogs: Three (3) years.
 - (iii) Horses and cattle: Three (3) years.
 - (iv) Menageries: Three (3) years.
 - (v) Poultry: Three (3) years.
 - (vi) Rabbits: Three (3) years.
 - (vii) Crowing fowl: Eighteen (18) months.
- (4) Extension of amortization period. Whenever a commercial or industrial structure or use has exceeded the time periods specified in Section 9.240.080(3) an extension to a time certain may be granted. The total time allowed for the extension shall not exceed ten (10) years. The following procedure shall apply to all applications for approval of Nonconforming Use Extensions for commercial or industrial uses only.
- (a) *Application.* Every application for a Nonconforming Use Extension shall be made in writing on the forms provided by the Planning Department, shall be accompanied by the filing fee as set forth in Ordinance No. 671, and shall include the following information:
 - (i) Name, address and phone number of applicant, or representative, and the property owner.
 - (ii) Assessor's parcel number of premises involved.
 - (iii) A site plan drawn in sufficient detail to clearly describe the following:
 - a. Physical dimensions of property.
 - b. Location and dimensions of all existing structures.
 - c. Setback dimensions.

- d. Location and dimensions of all driveways, parking areas, landscape areas, fences, and walls.
- e. Location and dimensions of all adjacent roadways showing location of street centerline and all existing improvements such as sidewalks, curbs, gutters, or curb cuts.
- (iv) Panoramic photographs showing all sides of the on-site property and improvements as well as adjacent off-site properties.
- (v) Current zoning (with change of zone case number) and date it was adopted and became effective.
- (vi) Prior zoning designation.
- (vii) Written statement of justification for continued nonconforming use of the property.
- (viii) Supporting documentation showing that the site has been in continuous use. Documentation may include, but is not limited to: bills of sale, bills of lading, utility bills, property tax records, Board of Equalization records, fictitious business statement, Articles of Incorporation, canceled business checks, sales receipts, rental or lease agreements, or licenses.
- (ix) Such other information as determined necessary by the Planning Department.
- (b) *Public hearing.* A public hearing shall be held on the application for a Nonconforming Use Extension in accordance with the provisions of Section 9.240.250 and all the procedural requirements and rights of appeal as set forth therein shall govern the hearing.
- (c) *Conditions.* A Nonconforming Use Extension shall not be granted unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety, or general welfare of the community. Any extension that is granted shall be subject to such conditions as shall be necessary to protect the health, safety, or general welfare of the community.
- (5) Expansion of nonconforming use. The total square footage of an existing nonconforming structure or use, excluding mobilehomes, may be expanded a maximum of twenty-five (25) percent on the same parcel of land from the time the use was deemed nonconforming. Such expansion shall require issuance of a building permit only and shall not extend the period of nonconforming time in which the use must be eliminated.
- (6) Any part of a structure or land occupied by a nonconforming use which is changed to or replaced by a use that conforms to the provisions of this chapter as they apply to the particular zone shall not thereafter be used or occupied by a nonconforming use.
- (7) Any part of a structure or land occupied by a nonconforming use, which use is discontinued for one (1) year or more, shall thereafter be used in conformity with the provisions of this chapter and the nonconforming right shall be lost.
- (8) Any structure for which a permit has been legally issued, and on which substantial construction has been performed on the site before an amendment to the ordinance from which this chapter is derived making the use nonconforming, may nevertheless be continued and completed in accordance with the plans and specifications upon which the permit was issued.
- (9) The provisions of this section shall not prevent the reconstruction, repairing, rebuilding, or replacement and continued use of any nonconforming structure that is damaged by fire, explosion or acts of God; provided, however, any such rebuilding, reconstruction, or repairing shall not extend the period of nonconforming time in which the use must be eliminated.
- (10) Whenever dwelling units in an area are zoned, as part of a senior citizen development, for permanent occupancy only by persons above a minimum age, any person below the minimum age requirement residing in a dwelling unit in the area at the time the zone classification becomes effective is not subject to the age restriction and may

continue residency in the dwelling unit for an unlimited period of time. The right to continue such occupancy is not transferable to any other person.

- (11) The provisions of this section apply to structures and uses which become nonconforming by reason of the adoption of this chapter or any amendment thereof, as of the effective date of such adoption or amendment. No use shall be deemed to have become nonconforming by virtue of decreased lot size resulting solely from the acquisition of any portion of the lot for public road or storm or drainage channel purposes or the adoption of any specific plan for such purpose.
- (12) Exceptions for the 2017 General Plan. Concurrently with, or subsequent to, the effective date of City Council Resolution No. 2017-14[A6] adopting the 2017 General Plan, the city shall adopt a change of zone for each property for which the existing zoning classification is not consistent with the land use element or city's official land use map. No pre-existing use of land that was legally established on a legal parcel shall be made nonconforming by such change of zone. Any such pre-existing use that is not listed under the new zoning classification applicable to such property, either as permitted or as permitted subject to a conditional use permit, shall be considered a conforming permitted or conditionally permitted use only with respect to the subject property so affected, and only until such time as the use is:
 - (a) Discontinued for longer than one (1) year; or
 - (b) Converted to another use that is permitted or conditionally permitted under the new zoning classification or any other subsequent change of zone applicable to the subject property. For purposes of this subsection, the status of a preexisting use as a permitted and conforming use shall attach to the subject property and apply to any tenant, owner or occupant of the subject property for the conduct of the pre-existing use, which pre-existing use shall be certified pursuant to subsection (13) of this section.
- (13) Certification of conformance. Each owner of property occupied by a preexisting use considered to be permitted and conforming pursuant to subsection (12) of this section shall receive a certification from the Planning Department that such pre-existing use is a permitted and conforming use under the new zoning classification adopted for the subject property for consistency with the adopted 2017 General Plan. The certification shall be in a form that will permit recordation by the Assessor-County Clerk-Recorder for Riverside County.

(Ord. No. 2017-09, § 8H., 9-21-2017; Ord. No. 2021-09, § 4, 4-15-2021)