

ARTICLE 18A

SITE DEVELOPMENT PLAN REVIEW

18A.01 PURPOSE

This chapter outlines procedures to permit the City to review proposed development of the property within the City to assure compliance with the Development Standards of this Zoning Ordinance, including but not limited to: applicable size, set back, height bulk parking, access, drainage, waste disposal dedications, fire safety, and other regulations prior to the issuance of building permits. It is further the intent of the City by this Chapter to provide for the orderly administration of the various regulations of the City, and to minimize future problems therewith, by requiring the review and approval of development proposals by means of a Site Development Plan Approval and Review Board.

18A.02 REVIEW BOARD

There is hereby created a Review Board consisting of the Director of Community Development, the Building Official, Director of Public Works, Chief of Police, the Fire Chief, or their designated representatives, to achieve compliance with this chapter.

18A.03 PLAN REVIEW

No person shall construct any building or structure, or relocate, rebuild, or significantly enlarge or modify any existing building, structure, or site until a Site Development Plan had been approved. The Building Official shall refer to the Community Development Director, all the applications for building permits subject to this chapter. No building permit, business license, or certificate of occupancy shall be issued until the requirements of this chapter are met.

The term "significantly enlarge or modify" shall be defined as follows:

Residential construction – any addition larger than 125 square feet or any construction involving the expenditure equal to or exceeding 25% of the valuation of all structures on the property over three years as determined by the Building Official.

Commercial or industrial construction – Any enlargement, modification, remodel, rehabilitation, or reconstruction equal to or exceeding 25% of the valuation of all existing structures on the subject property as determined by the Building Official.

In the case of improvements to vacant commercial and industrial property or improvements to commercial and industrial property would not require modification of a building, all plans shall be reviewed.

The Director of Community Development may review and approve Site Development Plans for residential lots housing two units or less provided no contiguous lots under the same ownership and totaling three units or more has been developed within two years of one another.

18A.04 SUBMISSION OF SITE DEVELOPMENT PLANS

Application shall be made by the property owner or his authorized agent on forms provided by the Community Development Department. Fees, established by Resolution of the City Council, shall be paid at the time of filing.

The applicant shall submit a minimum of ten copies of the Development Plan to the Community Development Department. The Plan shall be drawn to scale (Engineer's scale only) and shall show clearly with full dimensions how the Development Standards of the zone are fulfilled with respect to the following information:

- A. Parcel or lot dimensions
- B. Walls and fences; location, height and materials
- C. Off street parking; location, number of spaces, internal circulation pattern
- D. Design of ingress-egress show width of all driveways and rights-of-ways.
- E. Areas to be landscaped or to be provided as usable open space or green belts.
- F. Building floor plans, exterior elevations, and proposed occupancy of structure.
- G. Design and location of all areas or improvements to be made available for use by the public or dedicated to a public agency of public utility.

- H. Location of trash enclosures (built to specification of the Public Works Department).
- I. Design and location of all signs, exterior lighting, and pedestrian walkways.
- J. Location of all existing fire hydrants.
- K. Such other data as may be required to assist the Review Board in its review of the Site Development Plan.

18A.05 SITE DEVELOPMENT PLAN DISPOSITION

Within 30 days after the Site Development Plan application is deemed complete, the Board shall approve the Site Development Plan and may be set forth conditions deemed necessary to protect the public health, safety and general welfare and assure compliance with this Chapter and various regulations of the City. In approving a plan, the Board shall find as follows:

- A. The project complies with all provisions of this Chapter, the Zoning Ordinance, and other relevant City Regulations.
- B. The following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, that there will be no adverse effects on surrounding property:
 - 1. Buildings, structures and improvements.
 - 2. Vehicular ingress, egress and internal circulation.
 - 3. Setbacks.
 - 4. Height of buildings.
 - 5. Service areas.
 - 6. Walls.
 - 7. Landscaping.
- C. All utility facilities are underground.

- D. Proposed lighting is so located as to reflect the light away from adjoining properties.
- E. Proposed signs will not by size, location, color or lighting, interfere with traffic or limit visibility.
- F. All applicable public easements and rights-of-way have been dedicated, or offered for dedication.

18A.06 MAILING OF APPROVED PLAN CONDITIONS

A copy of the Conditions of Approval by the Board, shall be mailed to the applicant, property owner and project engineer.

18A.07 APPEALS

Should the property owner, applicant or other interested party wish to appeal and or all of the Conditions of Approval not in Section 18A.06 above, such party shall, within ten days, submit a written appeal to the office of the City Manager.

The City Manager may affirm or modify, any or all of the appealed conditions. The decision of the City Manager shall be rendered in writing within fifteen days of the receipt of the appeal.

A decision of the City Manager may be appealed to the City Council. The appeal shall be filed with the office of the City Clerk along with the adopted appeal fee within ten days of the decision of the City Manager.

Within thirty days of the receipt of an appeal, the City Clerk shall schedule a hearing before the City Council within thirty days after the hearing the City Council shall affirm, reverse, or modify the Conditions of Approval required by the Review Board and/or the City Manager. The decision of the City Council shall be final.

18A.08 PURPOSE

The Home Occupation Permit is intended to limit enterprises which are conducted within single family homes, to those which are clearly incidental and secondary to the use of the dwelling unit and

compatible with surrounding residential uses. A Home Occupation Permit allows for the gainful employment in the home by the occupant(s) of a dwelling, to the extent that the enterprise does not require frequent customer access or have associated characteristics which would reduce the surrounding residents' enjoyment of their neighborhood.

A. USES PERMITTED

Except as specifically prohibited below, any use is permitted as a home occupation business, subject to the criteria listed below.

B. PROHIBITED HOME OCCUPATION USES

The following uses, wither by operation or nature, are not considered to be incidental to or compatible with residential activities, and therefore, shall not be permitted as home occupations:

1. Automotive and other vehicles repair (body or mechanical), upholstery, painting, storage, or sales;
2. The sale, use or manufacture of ammunition, explosives or fireworks;
3. Massage parlors (this shall not be construed to prohibit medical massage performed by licensed professionals as defined in the City of San Jacinto Municipal Code);
4. Junk yards;
5. Home Occupations that are classified in accordance with the Uniform Building Code as Group H occupancies are prohibited. Group H occupancies involve quantities of materials which may present a health and/or safety hazard including, but not limited to, explosives, flammable or combustible dusts, liquids or gases, corrosives, irritants and toxic materials;
6. Escort services;

7. Any use which, in the opinion of the Community Development Director, has the potential for frequent customer access or that will adversely affect the nature of the residential area.

C. CRITERIA

The following conditions shall apply to all Home Occupation Permits:

1. The Home Occupation shall be clearly subordinate to the use of the property for residential purposes. Further, not more than twenty percent (20%) of the gross floor area, excluding the garage area, shall be used for a home occupation. If the home occupation is conducted within a garage area, alternative on-site parking shall be provided on the driveway or other improved surface. Any structural modification of a garage that requires a permit shall not impair the use of a garage as a parking shelter for at least one automobile in a single-car garage or at least two automobiles in a double-car or larger garage.
2. The Home Occupation shall not alter the appearance of the dwelling unit such as the structure is likely recognized as serving a nonresidential use (either by color, materials or construction, lighting, signs, sounds or noises, vibrations, and any alike).
3. There shall be no sale or display of goods or merchandise on the premises. Mail order sales are permitted. Unless otherwise prohibited by law, merchandise shall be shipped or delivered off site to the customer.
4. One sign advertising the business name and address, no larger than three square feet, shall be permitted.
5. There shall be no additional advertising, on or in the vicinity of the property or otherwise which identifies the home occupation by street address, whose purpose is to attract customers to the home occupation.

6. No commercial vehicles may be used for delivery of materials, with the exception of occasional and reasonable courier services or commercial delivery services such as United Parcel Service to or from the premises, and no more than one vehicle larger than a $\frac{3}{4}$ ton truck may be used in connection with a home occupation. Vehicles used for mobile vending shall be subject to the State Health and Safety Codes.
7. Activities conducted and equipment, material, or hazardous materials used shall be identified on the Home Occupation Permit Application.
8. No use shall create or cause noise, dust, vibration, odors, smoke, glare, electrical interference or other conditions in violation of the Zoning Ordinance.
9. No one other than the resident(s) of the dwelling unit and one employee, shall be allowed to work, gather, or congregate on the premises in connection with a home occupation, with the exception of babysitters, domestic staff, students, or clients. The applicant shall be aware that the City may require an agreement to limit the traffic to a home occupation.
10. The home occupation shall comply with and shall not violate any applicable local, state or federal law or regulation.
11. There shall be no outdoor storage of materials or supplies which constitutes a public nuisance as defined in the City of San Jacinto Municipal Code. Horticulture may be conducted in the rear portion of the parcel.
12. The home occupation shall not generate pedestrian or vehicular traffic beyond that which is normal and incidental to the residential district in which it is located.
13. If the applicant is not the property owner, the Community Development Director shall promptly notify the property owner of the application for a

Home Occupation Permit. If the property owner has an objection to use of the permit, such object must be filed in writing with the Community Development Director within ten (10) days after the notice of the application is mailed to the owner. Alternatively, written authorization of the property owner or his/her authorized representative of the proposed use shall be provided prior to acceptance of an application for a Home Occupation Permit.

14. The home occupation and the building in which it is conducted shall comply with the occupancy requirements of the Uniform Building Code and the Uniform Fire Code.
15. A home occupation shall only take place within a **single family dwelling** or a **mobilehome (MH)**.

D. APPEAL

The applicant, or any aggrieved party, may appeal the decision of the Community Development Director. Said appeal shall be made in writing, to the Planning Commission within 30 days of the date of the decision. The appropriate appeal fee shall be paid.

The Planning Commission shall hold a public hearing on the matter at a regularly scheduled meeting. Property owners within 300 feet of the applicant's property shall be notified a minimum of 10 days prior to the hearing. Said appeal shall also be publicized in a newspaper of general publication a minimum of 10 days prior to the hearing.

In order for the Planning Commission to approve a Home Occupation Permit, it shall make findings in support of its decision which shall include:

1. The proposed home occupation permit is consistent with purposes of Ordinance 340.
2. The proposed home occupation permit meets the purpose as defined under the "Purpose" heading of Section 18A.08 above.

3. The proposed home occupation permit will not be detrimental to public health, safety, or welfare, or materially injurious to properties or improvements in the neighborhood.
4. The proposed home occupation permit complies with the criteria listed in Section C above.

E. VALIDITY

The applicant shall agree in writing to all conditions.

F. APPLICATION FEES

1. A forty dollar (\$40.00) processing fee shall be charged for all requests for a Home Occupation Permit.
2. Any Home Occupation found operating without an approved Home Occupation Permit shall pay a processing fee of \$75.00 to cover both the costs of processing the application as well as the enforcement activity necessitated by the commencement of business without approval.
3. An appeal fee of \$200.00 shall be submitted with any letter of appeal.

ORDINANCE 746, ADOPTED 040583, ORDINANCE 769, ADOPTED 060584
ORDINANCE 1048, ADOPTED 020598