

accordance with the provisions of either Section 18.26 or 18.26.a. of this County ordinance, whichever is applicable, and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing. Notwithstanding the above, or any other provision herein to the contrary, the hearing on any conditional use permit that requires approval of a general plan amendment, a specific plan amendment or a change of zone shall be heard in accordance with the provisions of Section 2.5, 2.6 or 20.3.a. of this ordinance, whichever, is applicable, and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

Amended Effective:
09-08-95 (Ord. 348.3727)
04-19-96 (Ord. 348.3770)

e. **CONDITIONS.** A conditional use permit 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 permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community.

f. **USE OF PERMIT.** Any conditional use permit that is granted shall be used within one year from the effective date thereof, or within such additional time as may be set in the conditions of approval, which shall not exceed a total of three years; otherwise, the permit shall be null and void. Notwithstanding the foregoing, if a permit is required to be used within less than three years, the permittee may, prior to its expiration, request an extension of time in which to use the permit. A request for extension of time shall be made to the Board of Supervisors, on forms provided by the Planning Department and shall be filed with the Planning Director, accompanied by the fee set forth in County Ordinance No. 671. Within 30 days following the filing of a request for an extension, the Planning Director shall review the applications, make a recommendation thereon, and forward the matter to the Clerk of the Board, who shall place the matter on the regular agenda of the Board. An extension of time may be granted by the Board upon a determination that valid reason exists for permittee not using the permit within the required period of time. If an extension is granted, the total time allowed for use of the permit shall not exceed a period of three years, calculated from the effective date of the issuance of the permit. The term "use" shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion, or the actual occupancy of existing buildings or land under the terms of the authorized use. The effective date of a permit shall be determined pursuant to either Section 18.26 or Section 18.26.a. of this ordinance.

Amended Effective:
09-08-95 (Ord. 348.3727)

g. **REVOCAION OF PERMIT.** Any conditional use permit granted may be revoked upon the findings and procedure contained in Section 18.31 of this ordinance.

Amended Effective:
03-12-87 (Ord. 348.2670)
06-30-88 (Ord. 348.2856)

SECTION 18.28a. SECOND UNIT PERMITS. Whenever a request is made for a standard or senior citizen hardship second unit permit, the following provisions shall take effect:

a. **APPLICATION.** Every application for a second unit permit shall be made in writing to the Planning 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:

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10-23-97 (Ord. 348.3800)

- (1) Name and address of the applicant, and evidence that the applicant resides at and is the owner of the premises involved.
- (2) Assessor's parcel number of premises involved.
- (3) A plot and development plan drawn in sufficient detail to clearly describe the following:
 - a) Physical dimensions of property.
 - b) Location and dimensions of all existing and proposed structures.
 - c) Location and dimensions of all easements, septic tanks, leach lines, existing seepage pits, drainage structures and utilities.

- d) Location, dimensions, and names of all clear adjacent roads, whether public or private, showing the location of the street centerline and all existing improvements such as sidewalks, curbs, gutters and curb cuts.
 - e) Setbacks.
 - f) Methods of circulation, including ingress and egress, access, yards, drives, parking areas, landscaping, walls or fences.
 - g) Topography of the property.
- (4) Panoramic photographs showing all sides of the on-site property and adjacent off-site properties.
 - (5) A description of walls, landscaping, architectural treatments and other methods which will be used to ensure that the second unit will be compatible with the neighborhood.
 - (6) A statement as to whether the second unit shall be used for family or rental purposes.
 - (7) A list of the names and addresses of all owners of the exterior boundaries of the property as shown on the last equalized assessment roll and any update issued by the County Assessor.
 - (8) Such additional information as shall be required by the application form.
 - (9) A clearance letter from the County Health Department.

b. HEARING AND NOTICE OF DECISION. Upon acceptance of an application as complete, the Planning Director shall transmit a copy of the application to the members of the Land Division Committee and the Sewer and Water District having jurisdiction over the property for review and comment.

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- (1) Not less than 30 days after an application is received as complete, the Planning Director shall schedule the time and date on which the Director's decision on the application is to be made. Not less than ten days prior to the date on which the decision is to be made, the Planning Director shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll and any updates as owning real property within a 300 foot radius of the exterior boundaries of the proposed project. Notice of the proposed use shall also be given by publication in a newspaper of general circulation in the County. The notice shall include the statement that no public hearing will be held unless a hearing is requested in writing before the date scheduled for the decision to be made. No public hearing on the application shall be held before a decision is made unless a hearing is requested in writing before the date scheduled for the decision to be made. No public hearing on the application shall be held before a decision is made unless a hearing is requested in writing by the applicant or other affected person, or if the Planning Director determines that a public hearing should be required. The Planning Director shall give notice of the decision to the applicant and to any other person who requests notice of the decision. The decision of the Planning Director shall be considered final unless within ten days of the date of mailing of decision to the applicant an appeal therefrom is filed.
- (2) If a public hearing is required under the provisions of this subsection, notice of the time, date and place of the hearing before the Planning Director, and a general description of the location of the real property which is the subject of the hearing, shall be given at least ten days prior to the hearing as follows:
 - a) Mailing or delivering to the owner of the subject real property or the owner's duly authorized agent.
 - b) Mailing or delivering to all owners of real property which is located within a 300 foot radius of the exterior boundaries of the subject property, as such owners are shown on the last equalized assessment roll and any updates.
 - c) The Planning Director may require that additional notice be given in any other matter

the Director deems necessary or desirable.

(3) If a public hearing is required, the Director shall hear relevant testimony from interested persons and make a decision within a reasonable time after the close of the public hearing. The Planning Director shall give notice of the decision to the applicant, and the decision of the Planning Director shall be considered final unless within ten days of the date of mailing of the notice of decision to the applicant an appeal therefrom is filed.

c. STANDARD SECOND UNIT PERMITS

(1) STANDARDS FOR APPROVAL. No standard second unit permit shall be approved unless it complies with the following standards:

- a. The proposed second unit must conform to all the requirements of the General Plan for Riverside County.
- b. The lot is zoned for a one-family dwelling as a permitted use; provided, however, that the lot must be 14,400 square feet or greater in area and may not be part of a Planned Residential Development (PRD) or the R-6 Zone.
- c. The lot contains an existing one-family detached unit, and either the existing unit or the proposed additional unit is and will be the dwelling unit of the owner-occupant.
- d. The proposed second unit meets the following zoning, lot size and unit size standards:

MINIMUM LOT SIZE PER ZONING* STANDARD SECOND UNIT PERMIT**	
7200 to 19,999 sq. ft.	Minimum Lot Size: 14440 sq. ft. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1200 sq ft.
20,000 sq. ft. to 1.99 acre	Minimum Lot Size: 1 acre Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1500 sq. ft.
2 acres and larger	Minimum Lot Size: 2 acres Minimum Unit Size: 750 square feet Maximum Unit Size: 1800 square feet

*"Minimum lot size per zoning" refers to the minimum lot size required by the zoning designation of the parcel in question.
 **"Standard" second unit permit refers to a second unit which is attached to or detached from the principal dwelling unit. It can be occupied by family members or rented to anyone for residential use.

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10-23-97 (Ord. 348.3800)

e. Off-street parking spaces shall be required for the second unit in addition to any off-street parking requirements for the principal unit.

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f. The second unit shall be used as a dwelling unit only, and no businesses or home occupations of any kind may be conducted from or in the second unit.

g. Second units shall be located at the rear or in the side portions of the lot and shall comply with all setbacks applicable to the lot. A second unit may be located in front of the principal unit only where the placement of the second unit at the rear or side portion of the lot would be impractical due to the location of the principle unit. In addition, approval shall require a specific finding that the placement of the second unit in the front of the lot is compatible with the neighborhood.

h. All of the development standards of the zone in which the lot is located, including but not limited to, parking, height, setbacks, lot coverage, architectural review and health requirements for water and sewerage shall be applicable to the second unit. An applicant shall also be required to provide verification from the appropriate water and sewerage district of available capacity.

i. Any second unit placed more than 150 feet from a public street of way shall be

- i. Any second unit placed more than 150 feet from a public right-of-way shall be required to provide all-weather access for emergency vehicles.
- j. Findings are made by the Planning Director that there is no adverse impact on the public health, safety or welfare.

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(2) CONDITIONS. Any standard second unit permit granted shall be subject to such conditions as are necessary to protect the health, safety and general welfare of the public. In addition, a permit shall be subject to the following conditions:

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- a. The second unit shall be used for family members or rental purposes only and may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.
- b. The life of the permit shall be unlimited provided the second unit is being used in compliance with the provisions of Subsection 18.28a., as well as any conditions of approval imposed in connection with the permit, and that all construction permits and inspections which may be required pursuant to the provisions of Ordinance No. 457 have been obtained.

Amended Effective:
12-17-91 (Ord. 348.3407)
10-23-97 (Ord. 348.3800)

The following section [Senior Citizen and Hardship Second Unit Permits] has been repealed by State Law 65852.1(b) effective January 1, 2007:

~~d. SENIOR CITIZEN AND HARDSHIP SECOND UNIT PERMITS:~~

~~(1) STANDARD OF APPROVAL. No senior citizen/hardship exemption second unit permit shall be approved unless it complies with the following standards:~~

- ~~a. The proposed second unit must conform to all the requirements of the General Plan for Riverside County.~~
- ~~b. The lot is zoned for a one-family dwelling as a permitted use; provided, however, that the lot must be 7200 square feet or greater in area and may not be part of a Planned Residential Development (PRD) on the R-6 Zone.~~

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10-23-97 (Ord. 348.3800)

- ~~c. The second unit shall be used as a dwelling unit only and shall be intended for the sole occupancy of one or two adult persons who are sixty years of age or over, or family members, or those persons with special disabilities or handicaps.~~
- ~~d. The proposed second unit meets the following zoning, lot size and unit size requirements:~~

MINIMUM LOT SIZE PER ZONING SENIOR/HARDSHIP SECOND UNIT PERMITS**	
7200 to 19,000 sq. ft.	Minimum Lot Size: 7200 sq. ft. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1200 sq. ft.
20,000 sq. ft. to 1.99 acre	Minimum Lot Size: 20,000 sq. ft. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1200 sq. ft.
2 acres and larger	See requirements for "standard" second unit permit

* "Minimum lot size per zoning" refers to the minimum lot size required by the zoning designation of the parcel in question.

** "Senior Citizen Hardship" second unit permits must specify that the second unit is to be used as a dwelling unit for the sole occupancy of one or two adult persons who are 60 years of age or over, or immediate family members, or those persons with special disabilities or handicaps. They cannot be rented out to others.

- ~~e. Off-street parking requirements, location of second units, development standards, access for emergency vehicles, necessary findings and the requirements that there be~~

~~access for emergency vehicles, necessary findings and the requirements that there be an existing one-family detached unit and that either the existing unit or the proposed additional unit is and will be the dwelling unit of the owner-occupant, shall be the same as for the standard second-unit permit.~~

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10-23-97 (Ord. 348.3800)

~~(2) CONDITIONS~~

~~a. The second unit may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.~~

~~b. The life of the permit shall be unlimited provided the second unit is being used in compliance with the provisions of Subsection 18.28a., as well as any conditions of approval imposed in connection with the permit, and that all construction permits and inspections which may be required pursuant to the provisions of Ordinance No. 457 have been obtained. Non-compliance with the conditions of approval and/or construction permits may result in the revocation of the second unit permit in accordance with Subsection 18.28a.g.~~

Amended Effective:
12-17-91 (Ord. 348.3407)
10-23-97 (Ord. 348.3800)

e. **PROHIBITED AREAS.** Second units shall not be permitted in those areas of the County which have significant problems with regard to water availability or quality, sewage disposal or other public health or safety concerns. The prohibited areas include, but is not limited to, those areas where a development moratorium has been imposed, including a moratorium for water or sewer, whether imposed by the County or another public agency with the authority to impose a development moratorium.

f. **APPEAL.** An applicant or any interested person may appeal the decision of the Planning Director by the following procedure:

(1) **Appeal to Planning Commission.** Within ten calendar days after the date of mailing of the decision by the Planning Director, an appeal, in writing, may be made to the Planning Commission on the form provided by the Planning Department, which shall be accompanied by a filing fee as set forth in Ordinance No. 671. Notice of the appeal shall be given in the same manner that notice was given for the original hearing. The Planning Commission shall render its decision within thirty days following the close of the hearing on the appeal.

(2) **Appeal to the Board of Supervisors.** Within ten calendar days after the date of mailing of the Planning Commission's decision, an appeal, in writing, may be made to the Board of Supervisors, on the forms provided by the Planning Department, which shall be accompanied by the fee set forth in Ordinance No. 671.- Upon receipt of a completed appeal, the Clerk of the Board shall set the matter for hearing before the Board of Supervisors not less than five days nor more than thirty days thereafter and shall give written notice of the hearing to the appellant, the applicant and the Planning Director. The Board of Supervisors shall render its decision within thirty days following the close of the hearing on the appeal.

g. **REVOCATION OF PERMIT.** Any second unit permit granted may be revoked at any time upon the findings and procedure contained in Section 18.31, provided, however, that any appeal shall be heard by the Planning Commission.

Amended Effective:
07-10-84 (Ord. 348.2360)
03-05-85 (Ord. 348.2444)
08-29-85 (Ord. 348.2510)
06-05-86 (Ord. 348.2580)
03-12-87 (Ord. 348.2670)
06-30-88 (Ord. 348.2856)
12-17-91 (Ord. 348.3407)
10-23-97 (Ord. 348.3800)

SECTION 18.28b. CROWING FOWL PERMIT. Whenever a request is made to increase the permitted numbers of mature crowing fowl, in zones where such requests are allowed, the following provisions shall take effect:

a. **APPLICATION.** Every application for a crowing fowl permit shall be made in writing to the Planning Director on the minor plot plan or crowing fowl permit forms provided by the Planning Department,