

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A MUNICIPAL CODE AMENDMENT (PA11-0030) AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING THE CREATION OF THE MIXED USE OVERLAY DISTRICT (APPROXIMATELY 147.69 ACRES) AND AMENDING THE MUNICIPAL CODE TO INCLUDE STANDARDS RELATED TO THE MIXED USE OVERLAY DISTRICT.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1:

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The City of Moreno Valley Official Zoning Atlas shall be modified to reflect the Mixed Use Districts Overlay.

1.3. An environmental assessment, including an initial study, has been prepared to address the environmental impacts associated with application PA11-0030 described above and environmental determinations have been adopted pursuant to the California Environmental Quality Act (CEQA).

SECTION 2: FINDINGS:

Based on substantial evidence presented to this City Council during its public hearing on April 23, 2013, including written and oral staff reports and the record from the public hearing, this City Council hereby finds as follows:

1. Conformance with General Plan Policies – The amendment is consistent with the General Plan, and its goals, objectives, policies and programs, and with any applicable specific plan.

FACT: All of the proposed changes are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan or any specific plan. The amendment creates the Mixed-Use Overlay District to replace the current Mixed Use Zoning Districts 1 and 2 (MUD1 and MUD2). The amendment also includes development standards for the Mixed Use Overlay District.

The General Plan currently references and encourages the concept of mixed use development. At this time, only limited specific plan areas

within the City (Village at Sunnymead – Specific Plan 204 and the expired Moreno Highlands – Specific Plan 208) are zoned for mixed use development. The creation of the Mixed Use Overlay District will help promote the concept of mixed use in the City of Moreno Valley.

General Plan Objective 2.4 states that the City shall “Provide commercial areas within the City that are conveniently located, efficient, attractive, and have safe and easy pedestrian and vehicular circulation in order to serve the retail and service commercial needs of Moreno Valley residents and businesses.” The creation of the Mixed Use Overlay District will help meet this objective.

- 2. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or general welfare.

FACT: The proposed changes do not have the potential of adversely affecting the public health, safety or welfare of the residents of City of Moreno Valley or surrounding jurisdictions. The amendment deals with administrative matters that would not cause a physical effect on the environment.

- 3. Conformance with Zoning Regulations – The proposed amendment is consistent with the purposed and intent of Title 9.

FACT: The amendments to the Municipal Code provides for an internally consistent set of regulations that are compatible with the purpose and intent of Title 9. The proposed changes (creation of the Mixed Use Overlay District, deletion of the MUD1 & MUD2 and inclusion of the development standards for the Mixed Use Overlay District) eliminate conflicts or clarify the meaning of some sections of Title 9. As such, it furthers the specific purpose and intent of Title 9 to “implement the goals, objectives, policies and programs of the Moreno Valley General Plan and manage future growth and change in accordance with that plan.”

SECTION 3: MUNICIPAL CODE AMENDED:

3.1 Removal of MUD1 & MUD2 Information from Chapter 9.07 Special Districts. Both Section 9.07.090 Mixed Use Development 1 (MUD1) and Section 9.07.100 Mixed Use Development 2 (MUD2) will be deleted from Municipal Code as followed:

~~9.07.090 Mixed Use Development 1 (MUD1)~~
~~9.07.100 Mixed Use Development 2 (MUD2)~~

3.2 Chapter 9.11 - Parking, Pedestrian and Loading Requirements’ Section 9.11.060 of the Off-street bicycle parking requirements will be revised by deleting the current Section shown below:

~~A. Type of Facilities.~~

~~1. Class 1 Facilities. Class 1 bicycle facilities required pursuant to the provisions of this chapter are intended for long-term parking, and shall be protected against theft of the entire bicycle and of its components and accessories.~~

~~2. Class 2 Facilities. Class 2 facilities are intended for short-term parking, and shall include a stationary object to which the owner or operator can lock the frame and both wheels with a user-provided lock. The facility shall be designed so as to protect the lock from physical assault.~~

~~3. Class 3 Facilities. Class 3 facilities are also intended for short-term parking, and shall include a stationary object to which the user can lock the frame and both wheels with a user-provided six-foot cable (or chain) and lock.~~

~~B. Number of Parking Spaces Required. Bicycle parking spaces shall be provided in all commercial, office and industrial districts equal to five percent of the required automobile parking spaces, with a minimum of two bicycle parking stalls required for any one use. Single-family and multiple-family residences, senior housing complexes, mobile home parks and model home complexes are exempt from this section.~~

~~C. Class Requirements. All required bicycle parking spaces shall include a Class 2 or 3 facility, except elementary and junior high schools, which shall include an enclosed Class 1 facility.~~

~~D. General Requirements.~~

~~1. All bicycle spaces shall be located as close as possible to the entrance(s) of the use that they are intended to serve, but situated as not to obstruct primary pedestrian circulation.~~

~~2. All bicycle facilities shall be located in highly visible areas to minimize theft and vandalism.~~

~~3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition. Pervious pavement is recommended.~~

~~4. A minimum aisle width of five feet shall be provided between and adjacent to rows of bicycle spaces for access and pedestrian pathways.~~

~~5. Bicycle parking areas shall be separated from automobile parking areas by a physical barrier of sufficient identification and distance to protect parked bicycles from damage by cars.~~

3.3 Urban design strategies to intensify land uses along the Alessandro Boulevard Corridor have been combined into the “Mixed Use Districts Overlay”. It is the intent to replace MUD1 and MUD2 with the enhanced districts of the “Mixed Use Districts Overlay”. **Exhibit A** of this Ordinance includes the Chapters and Sections, complete with Figures and Tables, which will be added to Chapter 9 of the Municipal Code.

Exhibit A includes the following chapters to be added to Chapter 9 of the Municipal Code:

Chapter 9.02 – Permits and Approvals [Addition]

9.02.090 – Administrative variances.

Chapter 9.07.090 – Mixed-Use Overlay Districts [New]

9.07.091 – Purpose and Intent

9.07.092 – Applicability

9.07.093 – Purposes of Mixed-Use Overlay Districts

9.07.094 – Permitted Uses in Mixed-Use Overlay Districts

9.07.095 – Mixed-Use Overlay District Site Development Standards

9.07.096 – Building Frontage Type Standards

9.07.097 – Open Space Standards – Publicly-Accessible Open Space

9.07.098 – Open Space Standards – Private/Common Open Space

9.07.099 – Lot Area Requirements and Lot Consolidation Incentives

Chapter 9.09 – Specific Use Development Standards [New]

9.09.250 – Live-Work Development

9.09.260 – Mixed-Use Development

9.09.270 – Outdoor Dining

Chapter 9.11 – Parking, Pedestrian, and Loading Requirements [New/Revised]

9.11.030 – General Regulations

9.11.040 – Off-Street Parking Requirements

9.11.060 – Off-Street Bicycle Parking Requirements

Chapter 9.15 – Definitions [New]

9.15.030 – Definitions

3.4 The Permitted Uses Table 9.02.020-1 in Chapter 9.02.020 will be replaced with **Exhibit B** of this Ordinance.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 23rd day of April, 2013.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____,

_____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)