

ORDINANCE NO. 2009-53
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE
ADOPTING CHAPTER 9.2 OF THE MENIFEE MUNICIPAL CODE
PROVIDING FOR GUEST DWELLINGS

The City Council of the City of Menifee does ordain as follows:

1. Findings and Purpose: City Council finds as follows:
 - a. The City of Menifee incorporated on October 1, 2008 and has adopted the County of Riverside zoning ordinances while developing its own ordinances; and
 - b. Prior to incorporation, the County had imposed a moratorium on guest dwellings; and
 - c. The City Council now has determined that such moratorium no longer is appropriate for Menifee and has lifted that moratorium through Ordinance No. 2009-53U; and
 - d. After investigation and consideration, the provisions of this Ordinance address requirements for guest dwellings within the City of Menifee.

2. Chapter 9.2 is added to the Menifee Municipal Code to read as follows:

Chapter 9.2

Guest Dwellings

Section

9.2.010	Definition
9.2.020	Standards
9.2.030	Permit Requirement
9.2.040	Continuation of Nonconforming Uses

9.2.010 Definition

As used herein and in Riverside County Ordinance No. 348 as adopted by the City, and any successor thereto, "guest dwelling" shall mean a building (generally detached from a main building) which contains no cooking facilities and which is used principally for housing members of a single family and their nonpaying guests and which meets the development standards set out in this Chapter and any relevant portions of Ordinance No. 348. "Guest dwellings" also may be known as "casitas." A "guest dwelling" is not a second unit or a "granny flat."

9.2.020 Development Standards

A guest dwelling is permitted in all residential zones and where the principal use of that residential parcel is a main dwelling, subject to the following requirements, which are in addition to any requirements of that residential zone.

- (a) Where a rear yard is required, the guest dwelling may not occupy more than one-half of the required rear yard.
- (b) No guest dwelling shall be within five (5) feet of the front half of an adjacent lot. For purposes of this section, a depth of not more than seventy-five (75) feet shall be deemed to be such front half of such adjacent lot; notwithstanding, the guest dwelling may not extend further into the front yard than the main dwelling.
- (c) In the case of an interior lot, no guest dwelling shall be erected so as to encroach upon the front half of the lot, provided, however, that the guest dwelling need not be more than 75 feet from the street line.
- (d) In the case of a corner lot abutting upon more than two streets, no guest dwelling shall be nearer any street line than one-fifth of the width and length of the lot.
- (e) In the case of through lots, no guest dwelling shall encroach upon the required front yard on either street.
- (f) No guest dwelling shall be nearer than ten feet to the main building.
- (g) Height: notwithstanding any limits of the zone, the height limit of a guest dwelling shall be twenty (20) feet for parcels of two acres or less and thirty-five (35) feet for parcels larger than two acres.
- (h) Setbacks: for residential parcels of two acres or less, the minimum setback from the side property line is 5 feet and the minimum setback from the rear property line is twenty (20) feet unless the zone requires a greater setback. For residential parcels of more than two acres, the minimum side and rear setbacks shall be ten feet unless the zone requires greater.
- (i) The guest dwelling may not be a metal building.
- (j) The guest dwelling may not be larger than 2% of total usable lot size.
- (k) The guest dwelling must be compatible with the style or architecture of the main dwelling and consistent with the character of the surrounding neighborhood as a whole.
- (l) There may be only one guest dwelling per parcel.
- (m) One on-site parking space shall be provided for any guest dwelling.
- (n) The guest dwelling may not be larger than the main dwelling.
- (o) A guest dwelling may be located in or on a legally permitted detached accessory use (such as a garage) as long as the guest dwelling otherwise meets all requirement of this ordinance.

9.2.030 Permit Requirement

A guest dwelling may be allowed only with a plot plan approved pursuant to this Code or to Section 18.30 of Riverside County Ordinance No. 348.

9.2.040 Nonconforming Uses

An otherwise legally permitted guest dwelling which becomes legally nonconforming as a result of the adoption of this Chapter shall be allowed to remain unless 50% or more of the guest dwelling is destroyed. In that case, any rebuilt guest dwelling must meet the requirements of the current code.

3. Effective Date: This ordinance shall take effect 30 days from the date of its adoption.

PASSED, APPROVED AND ADOPTED THIS 1st day of September, 2009, by the following vote:

AYES: Denver, Edgerton, Kuenzi, Mann, Chryman
NOES: None
ABSENT: None
ABSTAIN: None

Wallace W Edgerton
Wallace W. Edgerton, Mayor

ATTEST:

Kathy Bennett
Kathy Bennett, City Clerk

Approved as to form:

Elizabeth Martyn
Elizabeth Martyn, City Attorney