Article XI. General Provisions, Conditions and Exceptions.

Division 1. Generally.

Sec. 44-91. Classification regulations subject to article.

The foregoing regulations contained in this chapter pertaining to the several classifications shall be subject to the general provisions, conditions, requirements and exceptions contained in this article.

(Ord. No. 178)

Division 2. Uses.

Sec. 44-92. Limitations on land use.

Except as provided in this article, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is specifically permitted in the zone in which such building or land is located.

Unless otherwise specifically stated in this chapter, an individual lot or building site as each is defined herein is intended to be the unit to which all of the provisions, requirements, permitted uses, yards and open spaces apply.

(Ord. No. 178)

Sec. 44-93. What constitutes main building; accessory building or use not permitted alone.

Any building which is the only building on a lot or building site is a main building unless otherwise authorized by a variance. No accessory building or use is allowed on a lot or building site unless the primary use to which it is accessory exits on the same lot or building site.

(Ord. No. 178)

Sec. 44-94. Identification of unlisted uses and clarification of ambiguities.

In developing and adopting the ordinance from which this chapter derives, it has been the purpose of the city council to employ the fact that the characteristics of uses may be recognized and established whereby comparable, compatible or similar uses may be grouped together thus creating classifications of uses. This chapter establishes several classifications each permitting uses of a similar character and type, and certain uses are specifically named to further define the types of uses permitted. The city council is also aware of the fact that it is not possible to enumerate and classify within this chapter every use to which land may be devoted, either now or in the future. It is further recognized that ambiguity may exist with reference to the appropriate and consistent classification of any use. Therefore, with reference to any use in either of the following three categories, it shall be the responsibility and duty of the planning commission to ascertain all pertinent facts relating to any of such uses and, by resolution, set forth its findings and its interpretations, the city council shall govern unless appealed by any party at interest, which appeal shall be taken to the city council.

(a) Any use identified by a long-established title, trade name or operating characteristics which type of use has existed and persisted in great numbers over a period of years but which use has been omitted from the lists in any classification.

(b) Any use already listed in a classification in this chapter by a known title, trade name or designation but which because of new technology, equipment, substances or materials used, possesses measurably different performance standards than those uses in the same classification and possibly warrants being made permissible in a more restrictive classification.

(c) Uses which have newly come into existence by reason of developments in the trades and in the sciences and the processing of new materials or the operation of equipment and devices resulting therefrom, including forms of communications.

For purposes of arriving at determinations under this section, the degree of compatibility of any such use to other uses listed as permissible in each of the several classifications shall be evaluated. So far as technical evidence and scientific means of measurement are available they shall be considered in determining the form and intensity of performance standards typically associated with any identifiable type of use. The term "performance standards" as here employed refers to such conditions, effects or results which flow from the maintenance and operation of any use including, but not limited to, the flow of sound measured in decibels; ambient level of sound; vibrations above and below the auditory range; odors, fumes; smoke or other emissions whether toxic or nontoxic; incidence of hazard, including explosion or contamination; the identification and classification in terms of chemical composition of the emissions from any type of use whether industrial, commercial or domestic; the traffic-generating capacity, both in terms of freight and passengers, the volume of either or both, and the time or times of daily cycle that represent peak flow or minimum flow; the consuming capacity of and need for electrical energy, natural gas, oil, water, sewage disposal and transportation facilities including water, rail and air.

The city council, or planning commission, on its own motion, may initiate proceedings under this section, or any person desiring to ascertain the most restrictive zone in which a use may be located shall file a written application for such determination with the planning commission upon forms supplied by the city, and accompanied by such data as is available upon the factors enumerated herein.

An up-to-date list of all uses classified pursuant to this section shall be maintained in the office of the planning commission and, at least once each year, copies of such list shall be prepared and made available to all persons requesting the same.

(Ord. No. 178)

Sec. 44-95. Appeals from administrative decisions.

If, in the administration of the provisions of this chapter a property owner believes and alleges that there is error in any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of this chapter, an appeal may be taken to the planning commission, whereupon such commission shall deal with the matter in the manner set forth in this article pertaining to clarification of ambiguities.

(Ord. No. 178)

Sec. 44-96. Purposes of site plan; precise plan.

Wherein the Zoning Map establishes only zone boundaries and the text of this chapter establishes the permitted use of land in the various zones and the conditions applicable to such use, a site plan, as the term is employed in this chapter, has a two-fold purpose:

(a) To correlate the detailed provisions, conditions and requirements of this chapter and other applicable provisions of this Code and other ordinances as they apply to the site by means of a map on which shall be shown, among other things, the design and placement of essential related facilities such as off-street parking, loading and unloading areas, points of ingress and egress particularly related to bordering traffic flow, pattern and flow of on-site traffic, placement and arrangement of buildings as well as any other subjects included in this chapter which are essential to the best utilization of the land in order to conserve public safety and general welfare and which will encourage modern specialized land development and use. A site plan may be used as the means for applying the provisions of this chapter or other ordinances to undivided property or to consolidated subdivided property the dimensions, shapes and sizes of which do not individually lend themselves advantageously to modern land utilization.

(b) If the site plan contains any area that may require acquisition for public purposes, such as opening and widening of streets or alleys, such features in addition to being indicated on the site plan shall be identified in exact detail on a precise plan showing dimensions, directions, radii, bearings and any other information pertinent for identification as a precise plan within the meaning of the State Planning Law. Hearings on the site plan and the precise plan shall be separately noted in the public notice of hearing, but may be held concurrently, and action on each shall be taken separately.

(Ord. No. 178)

Sec. 44-97. Use control in reclassified site plan.

In order to assure that the purpose and provisions for a formally adopted site plan of record shall be conformed to, the land reclassified within any site plan shall be limited exclusively to such uses as are first permitted in the zone to which it is classified unless otherwise stipulated in the plan itself. Uses shown on such site plan, including automobile parking, shall conform to such site plan even though such use, or uses, are not otherwise specifically classified by this chapter as permissible in any given zone.

(Ord. No. 178)

Sec. 44-98. Outdoor advertising structures or displays on state or county freeways.

(a) Notwithstanding any other provisions of this chapter, no outdoor advertising structure or outdoor advertising display shall be placed within five hundred feet of either side of a state or county freeway.

(b) This regulation shall have no application to the following:

(1) Signs used exclusively:

a. For the display of official notices used by any court or public body or official, or for the posting of notices by any public officer in the performance of a public duty, or by any person in giving legal notice; and

b. For directional, warning or informational purposes of a public or semipublic nature, established by an official body;

c. To advertise the ownership, sale or lease of the property upon which such sign is placed, or to advertise a business conducted, or services rendered, or goods produced or sold upon such premises, or for other lawful activity conducted upon such premises; provided, that such signs shall not rotate, or otherwise move or simulate motion, nor shall they be so located that any green, yellow or red light thereon will materially or practically tend to interfere with approaching drivers readily distinguishing them from a traffic signal.

(c) As used in this chapter, the term "off-site billboards" shall include any advertising structure used as an outdoor display which advertises or promotes goods, services or business enterprises which do not pertain to the business or activity on the premises where the structure is located.

(d) Off-site billboards are permitted in the C-3, C-M, M-1 and M-2 zones only after first obtaining a conditional use permit.

(e) General development standards:

(1) Density. No off-site billboard shall be located within a five hundred foot radius of an existing off-site billboard.

(2) Area. The overall area of an off-site billboard shall not exceed three hundred square feet per face.

(3) Height. The height of an off-site billboard shall not exceed thirty-five feet.

(4) Steel supports. All off-site billboards with a sign face in excess of ninety square feet shall be erected on steel supports.

(5) The minimum distance from the placement site to a public library, school (kindergarten through twelfth grade), the City Hall, a public park or a residential zone shall be one hundred feet.

(Ord. Nos. 178, 325)

Sec. 44-99. Effect of chapter as to public utilities.

The provisions of this chapter shall not be construed to limit or interfere with the installation, maintenance and operations of public utility pipelines and electric or telephone transmission lines, or railroads (but not including switching yards or round houses), when located in accordance with the applicable rules and regulations of the public utilities commission of the state within rights-of-way, easements, franchises or ownerships of such public utilities; nor shall they restrict the right of a public utility to increase the capacity of facilities necessary to and used directly for the delivery of or distribution of services; provided, however, that in any "R" zone all yard requirements of the zone in which the site is located shall be maintained, and no enlargement of the site is involved.

(Ord. No. 178)

Sec. 44-100. Temporary uses--Construction buildings.

Temporary structures for the housing of tools and equipment, or containing supervisory offices in connection with major construction on major construction projects may be established and maintained during the progress of such construction on such project, and shall be abated within thirty days after completion, or thirty days after cessation of work.

(Ord. No. 178)

Sec. 44-101. Same--Construction signs.

Signs identifying persons engaged in construction on a site shall be permitted as long as construction is in progress, but not to exceed a six month period; provided, that at any time the removal is required for a public purpose such signs shall be moved at no expense to the city or other public agency.

(Ord. No. 178)

Sec. 44-102. Same--Real estate offices.

One temporary real estate sales office may be located on any new subdivision in any zone; provided, that the activities of such office shall pertain only to the selling of lots within the subdivision upon which the office is located; and, provided further, that if the subdivision is in any "R" zone, the temporary real estate office shall be removed at the end of a twelve month period measured from the date of the recording of the map of the subdivision upon which such office is located.

(Ord. No. 178)

Sec. 44-103. Same--Real estate signs.

Two temporary real estate signs or billboards, not to exceed fifty square feet in area per face, or one sign or billboard not to exceed an area of one hundred square feet per face may be located on any new subdivision in any area; provided, that such signs or billboards, if in an "R" zone, shall be removed at the end of a twelve month period measured from the date of the resolution by the city council accepting the public improvements of the subdivision upon which such signs or billboards are located.

(Ord. No. 178)

Sec. 44-104. Limited increase of "C" zone lot depth.

When a lot in a "C" zone is located at a corner formed by intersecting or intercepting streets, highways or both, and the lot has a depth of one hundred feet or less as measured from the corner along the side property line away from the corner toward "R" classified properties fronting upon such side street or highway and in the same block, then additional lots to the rear of the "C" classified property may be utilized to provide an extension of the "C" use; provided, that the first lot so used is contiguous to the "C" classified property and the balance of the property so used is in sequence thereto. Such additional property and the property classified for "C" purposes shall not aggregate a depth greater than one hundred sixty feet measured as in this section provided, and no entrance, exit or driveway shall be established or used upon the forty feet farthest removed from the corner formed by the intersecting or intercepting streets, highways or both.

(Ord. Nos. 178, 267)

Sec. 44-104.1. Dedication and improvement.

Unless otherwise provided in this section, no building or structure shall be used on any lot which abuts a street or major or secondary highway unless the one-half of the street or highway which is located on the same side of the center line as the lot has been dedicated and improved as provided in this section.

(a) Exceptions. This section does not apply to the following buildings or structures which if they comply with all other provisions of this chapter, may be used without complying with any provision of this section:

(1) Accessory agricultural buildings where used primarily for agricultural purposes.

(2) Gas distribution, meter and control stations of a public utility.

(3) Outdoor advertising displays.

(4) Temporary uses permitted in this chapter for a period not to exceed thirty days.

(5) Other similar uses which, in the opinion of the planning commission, will not generate a greater volume of traffic than the uses enumerated in this subsection.

(b) Dedication standards for streets and highways. Streets and major and secondary highways shall be dedicated to the width from the center line specified in this subsection and, in the case of corner cut-offs, to the radius specified in the division of land regulations of the city; except, that dedication in any case shall not be required to such an extent as to reduce either the area or width of any lot to less than seventy-five percent of the minimum required area or width for such lot.

(1) Dedication shall be to a distance of fifty feet from the center line of every major highway.

(2) Dedication shall be to a distance of forty feet from the center line of every secondary highway.

(3) Dedication shall be to a distance of one-half the planned ultimate width of all streets pursuant to the standards of the division of land regulations of the city, unless in the opinion of the city manager, topographic features, subdivision plans or other conditions create an unnecessary hardship or unreasonable regulation and he deems a lesser width adequate. The city manager shall designate the distance from the center line in any case where such ultimate width is not specified.

(c) Agreement to dedicate. In lieu of dedication, the city engineer may accept an agreement to dedicate, signed by all persons having any right, title, interest or lien in the property or any portion thereof to be dedicated. The signatures on such agreement shall be acknowledged, and the agreement shall be recorded in the office of the county recorder of this county.

(d) Completion of improvements. Before a building or structure subject to the provisions of this section may be used, curbs, gutters, sidewalks and drainage structures where required shall be constructed in accordance with city specifications.

(e) Agreement to improve. In lieu of the required improvements, the superintendent of streets may accept from any responsible person a contract to make such improvements. Such improvements shall be completed within the time specified in the agreement to improve; except, that the superintendent of streets may grant such additional time as is deemed necessary if, in the opinion of the superintendent of streets, a good and sufficient reason exists for the delay.

(1) Such contract shall be accompanied by a good and sufficient improvement security, acceptable to the city, which, in the opinion of the superintendent of streets, equals the cost of the required improvements.

(2) Upon the failure of such responsible person to complete any improvement within the time specified in an agreement, or grant of additional time, the city council may, upon notice in writing of not less than ten days served upon the person signing such contract, or upon notice in writing of not less than twenty days served by registered mail addressed to the last known address of the person signing such contract, determine that such improvement work or any part thereof is incomplete and may cause to be forfeited to the city such portion of deposits given for the faithful performance of such work, or may cash any instrument of credit so deposited in such amount as may be necessary to complete the improvement work.

(f) Modification of improvement requirements by superintendent of streets. The superintendent of streets may modify any improvement requirements, if he finds that any of the following conditions exist:

(1) Because of the location of the property, the terrain or condition of the property or other similar reasons, the construction of the curbs, gutters, sidewalks or drainage structures would be impractical or unnecessary.

(2) Because of lack of adequate data in regard to grades, plans or surveys, the construction of curbs, gutters, sidewalks or drainage structures should be waived.

(3) The construction of curbs, gutters, sidewalks or drainage structures is included in a budgeted city project or within an approved assessment district.

(g) Existing structures. This section does not apply to the use, alteration or enlargement of an existing building or structure or the erection of one or more buildings accessory thereto, or both, on the same lot or parcel of land, if the total value of such alteration, enlargement or construction does not exceed one-half of the current market value of all existing buildings on such lot or parcel of land.

(h) Variance. Any person deeming himself aggrieved may apply for a variance from any provision of this section pursuant to article XII whether he has applied for a modification or not. In such case, the normal zone variance case fees are waived. The provisions of subsection (6) shall constitute additional grounds for the approval of a variance from any provision of this section.

(Ord. Nos. 267, 288)

Sec. 44-104.2. Development of automobile service stations and laundries.

Development of automobile service stations and automobile laundries shall be subject to the following conditions:

(a) Buildings, other structures, and landscaping shall be located between streets and gasoline pumps in such a manner that activity at gasoline pumps is screened. Service bays within the building shall be designed to open only to the rear of an interior lot or to the interior corner of a corner lot. The minimum lot area shall not be less than twenty-two thousand five hundred square feet and the minimum lot width shall not be less than one hundred fifty feet.

(b) Repealed by Ord. No. 592.

(c) That minimum setbacks shall be provided as follows:

(1) All buildings shall be not less than ten feet from any property line and not less than twenty-five feet from any property line abutting a street or highway.

(2) All gasoline pumps or other facilities for providing motor vehicles with fuel, and the pump islands on which they are placed, shall be not less than fifteen feet from any property line.

Distance from a property line abutting a street or highway shall be measured as required for measurement of front yards by section 44-113.

(d) That a six foot high decorative masonry wall shall be installed and maintained along all interior property lines not occupied by a building.

(e) (1) All outside trash, garbage, refuse and other storage areas shall be enclosed by a solid decorative masonry wall not less than six feet in height, with appropriate solid gate. Such storage areas shall be located to permit adequate vehicular access to and from for the collection of trash and other materials. No storage shall be permitted above the height of the surrounding walls.

(2) Public restroom facilities shall be provided free of charge during business hours, for use by service station customers. The public restroom shall not be temporary or portable but shall be permanent and shall include separate facilities for men and women, each with toilets and sinks suitable for use by the handicapped in accordance with Section 19955-5 of the Health and Safety Code and Title 24 of the California Code of Regulations and shall be maintained in a clean and sanitary manner. Entrances to restroom facilities shall be located within a building obscured from view from surrounding areas.

(f) That landscaping shall be provided as follows:

(1) Landscaping shall comprise at least twenty percent of all nonbuilding area. Landscaping shall consist of trees of at least fifteen gallon size, shrubs of at least five gallon size, and suitable ground cover. Ten foot wide planters shall be permanently maintained adjacent to every street and highway frontage for the full length thereof except for driveways. Six foot planters shall be permanently maintained adjacent to any interior lot line.

(2) Not less than four hundred square feet of planting areas shall be installed and maintained at the intersection of two property lines at street or highway corners.

(3) Raised planters not less than three feet wide shall be constructed and maintained along the full length of each building facade facing any street or highway.

(4) All planting areas shall be separated from adjacent asphalt or concrete paving by a curb or wall at least twelve inches in height.

(5) All planting, other than trees, shall be of a variety that will not achieve a height greater than thirty inches, shall not be thorny or spiked and shall not extend over the sidewalk.

(6) Planters not less than three feet wide shall be installed and maintained adjacent to all interior property lines for a total distance of not less than one-half the length of such property lines.

(7) Permanent underground irrigation systems shall be installed and maintained for every landscaped area, and all such landscaped areas shall be planted and maintained in a clean and workmanlike manner.

(g) That access and circulation shall comply with the following requirements:

(1) Not more than two driveways or means of access shall be provided to any one street or highway.

(2) Every driveway shall be separated from adjacent property by a full-height curb extending at least five feet in length from the adjacent property line.

(3) No driveway shall exceed a width of thirty feet at the sidewalk.

(4) No driveway shall encroach into the curve of a street or highway corner.

(5) There shall be a minimum distance of twenty-two feet of full-height curb between driveways serving the station.

(h) That required parking shall be provided as follows:

(1) Two parking spaces shall be provided for each service bay in the building.

(2) One parking space shall be provided for each employee on the largest shift.

(3) Vehicles may only be parked in designated parking spaces.

(4) Vehicles being repaired on the premises may be stored outside only during business hours and for no more than twenty-four hours.

(i) That all hydraulic hoists and pits, all equipment for lubrication, greasing, automobile washing and permitted repairs shall be enclosed entirely within a building.

(j) That the entire lot shall be paved, except as otherwise provided herein, and surface drainage provided as required for off-street parking areas.

(k) That any lights provided for illumination shall be so arranged as to prevent glare, reflections, nuisance or hazardous interference of any kind on adjoining street, highways or property.

(l) That all operations, sales and service shall be limited as specified by section 44-1, thereby further providing that:

(1) No sale of automobiles, boats, trucks, trailers, motor bikes, peat moss, fertilizer, toys or other merchandise not clearly incidental to operation of a service station shall be permitted; provided however, that convenience items such as soft drinks and cigarettes may be sold from dispensers within or abutting the main building.

(2) Rentals of trailers, etc., where otherwise permitted in the zone, may only be conducted on property in excess of the required minimum site size. Such areas must be screened from all surrounding areas by a six foot high decorative masonry wall.

(m) All entrances to rest rooms shall be located within the building in such a manner as to not be visible from adjacent property.

(n) Repealed by Ord. No. 592.

(o) That plot and preliminary architectural plans indicating compliance with the provisions of this section and embodying "Spanish," "Mediterranean" or other acceptable design shall be submitted for approval and made a condition of an approved conditional use permit.

(p) Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness, and the decibel level measured at property lines shall not exceed street background noise normally occurring at location of site.

(q) Signs must conform to the following standards:

(1) A sign drawing must be submitted to the director of community development for approval prior to the installation of any sign. All necessary permits shall be obtained prior to the installation of any sign.

(2) All name, logo, and pricing information is limited to a maximum sign area of one-half foot of signage per one lineal foot of street frontage not to exceed one hundred square feet.

(3) Name and logo information shall be contained entirely on monument or wall signs.

(4) One monument sign shall be allowed for each one hundred fifty lineal feet of street frontage.

(5) Monument signs shall be placed in a landscaped planter area of not less than four hundred square feet.

(6) Monument signs shall have a concrete or brick base and shall not exceed six feet in height.

(7) In no case shall a monument sign be located closer than a distance computed as forty percent of the lot width from any side property line (excluding side property lines adjacent to a public street).

(8) Pricing information may be displayed on monument or wall signs and may be permitted on identification signs or pump island canopies provided that the distance from the top to the bottoms of the sign face be no greater than three feet.

(r) That the requirements and limitations contained in this section shall be considered minimum standards and conditions of an approved conditional use permit; provided, however, that the commission may:

(1) Require such additional conditions as are deemed necessary within the intent of section 44-159; or

(2) Modify or waive such requirements or limitations contained herein which, in the opinion of the commission, are inappropriate or inapplicable either to the intended use of the property, to the property itself or to adjacent property.

(Ord. Nos. 313, 592, 763)

Sec. 44-104.3. Abandoned automobile service stations.

If any service station is closed, vacated, abandoned or not operated so as to engage in the sale of petroleum products or the dispensing of gasoline for a period of six consecutive months, any legal permits and city entitlements in effect at the end of such six month period will become null and void and no further sales or service from such service station will be allowed. Any service station that is closed, vacated, abandoned or not operated so as to provide sales of petroleum products for a period of six consecutive months is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering and vandalism, to create fire hazards and constitute an attractive nuisance creating a hazard that will be injurious to the health, safety and welfare of the general public. The presence of a service station that has been vacated or abandoned for a period of six consecutive months is hereby declared to constitute a public nuisance and shall be cause for removal from the premises of all pumps, pump islands, tanks, canopies, signs and other appurtenances related to the dispensing of gasoline after proper notification by the chief building official in accordance with the Building Code, dangerous building provisions. Prior notification shall be made by the city planner to the property owner of record at least ninety days prior to the expiration date setting forth the intent to declare such abandoned service station a nuisance and revoke any active permits.

(Ord. No. 378)

Sec. 44-104.4. Conversion of automobile service stations to new use.

Conversion of an automobile service station structure to a new use shall be subject to the following standards and conditions:

(a) A conversion of an abandoned station to a new automobile service station use shall be subject to a conditional use permit as provided in the provisions of this chapter.

(b) A conversion of an abandoned automobile service station to a different use shall be subject to approval of the development review board as provided in article XV of this chapter. The minimum standards of development for such conversion shall be as follows:

(1) Curb cuts and drive approaches within twenty-five feet of intersections shall be removed and replaced with full curbs, sidewalks and landscaping to match existing or proposed improvements unless it can be shown that the conversion traffic pattern requires such drives.

(2) All underground tanks shall be removed or filled in with acceptable material such as sand or concrete if conversion use does not involve gas sales to general public.

(3) Canopies shall be removed unless they are made an integral part of an enclosed structure to be a part of the conversion use.

(4) Sign structures and lighting structures shall be removed or be made a part of new use.

(5) Service station buildings shall be refaced with wood, masonry or stucco. Service stations having these materials already may be retained with no reface upon development review board approval.

(6) Pumps and pump islands shall be removed.

(7) If the service station building is placed at an angle across the corner the applicant must justify retention of the building by proving that it will be compatible with the conversion use.

(8) Unless it can be shown by the applicant that the converted use requires such overhead doors or windows, such doors or windows shall be removed and replaced with solid walls or windows.

(9) All remaining service station equipment inside the building shall be removed unless it can be shown that it is needed as an integral part of the conversion use.

(Ord. No. 378)

Sec. 44-104.5. Development of worm farms.

The conditions regulating the development of worm farms shall be, but not limited to, the following conditions:

(a) Worm farms, as defined by section 44-1, shall be permitted in the light manufacturing and heavy manufacturing zones only, and shall be subject to a conditional use permit.

(b) All worm beds or containers used for the keeping, propagating or raising of earthworms shall be placed on the property or adequately screened so as not to be visible from the public street or adjacent properties.

(c) All worm beds or containers used for the keeping, propagating or raising of earthworms, for the purpose of enumerating such containers, shall not exceed four feet in width, eight feet in length and two feet in depth.

(d) Worm food material shall include any organic decaying material comprised of horse, cow, rabbit or bird excreta. Such food shall not include garbage material, as defined by section 33-2 of this Code. All such food material shall be treated so as to prevent the infestation of flies or other insects.

(e) All solid material, organic or chemical, used in conjunction with the raising of worms shall be stored so as not to be objectionable to adjacent properties.

(f) All areas used in conjunction with the placement of active worm beds shall be surfaced with two inches of gravel.

(Ord. No. 415)

Sec. 44-104.6. Condominium and community apartment conversion.

The city council finds and determines that condominiums and community apartments differ from apartments in numerous respects, and for the benefit of public health, safety and welfare, such projects should be treated differently from apartments. The city council therefore states its express intent to treat such projects differently from apartments and like structures. Thus, it is the purpose of this section to provide reasonable standards for the location, design and development of condominium and community apartment projects.

(a) Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in a space in a building on such property. Such estate may, with respect to the duration of its enjoyment, be:

(1) An estate of inheritance or a perpetual estate;

(2) An estate for life; or

(3) An estate for years, such as a leasehold or a subleasehold.

Condominium project. The entire parcel of real property divided, or to be divided, into condominiums, including all structures thereon.

Condominium unit. The element of a condominium project which is not owned in common with other owners of the condominium project.

Common areas. The entire condominium project, excepting all units therein granted or reserved.

Common useable outdoor space. Areas available for common use and enjoyment for passive or active recreational purposes.

Community apartment project. A community apartment project is created when an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment thereon. Such a project shall be subject to the same restrictions, conditions and requirements as for condominium projects.

(b) Applicability of section. The provisions of this section shall apply to apartment projects and units which do not meet current zone standards for R-M (Multi-Family Residential) development. Apartment projects meeting all current R-M zone standards may be converted to condominiums by the processing of a tract or parcel map.

(c) Division of land required. A tentative map of a condominium project or a community apartment project shall be prepared and processed in accordance with chapter 39 of this Code.

(d) Criteria for conversion to condominium project. Notwithstanding any other provision of this Code to the contrary, no tentative tract or parcel map, which would have the effect of creating a condominium or a community apartment project, shall be approved, nor shall a final map be recorded, unless the following requirements are met or guaranteed in a manner approved by the city council:

(1) All existing buildings and structures shall be made to comply with all applicable building regulations of the City in effect at the time of filing the tentative map.

(2) Units built prior to the City's adoption of the 1982 Los Angeles County Building Code shall not be eligible for conversion.

(3) Projects which contain less than three dwelling units shall not be eligible for conversion.

(4) Each dwelling unit shall contain no less than the following minimum required floor area, exclusive of stairways, bathrooms, and garage or carport:

a. One bedroom unit..... 850 square feet

b. Two bedroom unit.....1,000 square feet

c. Three bedroom unit.....1,250 square feet

Each additional habitable room must contain at least 150 square feet.

The city council, at its discretion may waive the minimum floor area requirements.

(5) Useable common outdoor space shall be provided at a ratio of two hundred fifty square feet per 2-bedroom or larger dwelling unit; one hundred fifty square feet per 1-bedroom or smaller unit. The city council, at its discretion, may waive the common outdoor space requirement.

(6) Each unit shall have air conditioning, or provision for future installation of air conditioning. All air conditioning units must be adequately screened from view.

(7) Every unit receiving Development Review Board approval after March, 1990 shall be equipped with a trash compactor in the kitchen area.

(8) Exterior storage space for each unit shall be provided. Minimum exterior storage area shall be 80 cubic feet, unless an alternate plan to provide an exterior storage area is approved by the city council.

(9) Each unit shall be equipped with individual plumbing hookups for installation of washing machines and dryers. If the units are not equipped with individual hookups, the applicant shall submit a feasibility plan for providing individual hook-ups for washers and dryers. The feasibility plan must document the structural and design changes which would be necessary to provide individual washer and dryer hook-ups, and the cost of these alterations. The feasibility plan shall also discuss how the installation of individual washer and dryer hook-ups will impact or disrupt the residents of the complex. Common laundry facilities other than individual washer and dryer hook-ups shall be subject to approval by the city council.

(10) Parking requirements shall be determined by the city council on a project by project basis. Applicant shall submit a plot plan showing all parking spaces provided for the project. Applicant shall indicate on the plot plan the spaces that are assigned to specific dwelling units, and the spaces provided for guest parking.

(11) All resident parking areas shall be equipped with a security system, which may include a security gate.

(12) Sound attenuation between units shall meet Sound Transmission Class 50 or current state standard.

(13) Floors between units shall meet Impact Insulation Class 50 or current state standard.

(14) The subdivider shall submit a report to the city setting forth all repairs and replacements necessary to immediately place the buildings in substantial compliance with current building and safety codes and the probable cost of such work. Such report shall include a report prepared by a licensed mechanical engineer verifying the condition of the mechanical elements in the project, including but not limited to furnaces, air conditioners, pumps, water heaters and plumbing fixtures.

(15) Copies of the required covenants, conditions and restrictions, articles of incorporation and bylaws or other documents of the owner's association or other identity which controls the common facilities shall be submitted to the city for approval.

(16) All open areas, with the exception of vehicular accessways and parking areas, pedestrian walkways and paved or covered recreational facilities, shall be landscaped and irrigated with a permanent underground irrigation system. Such landscaping and irrigation shall be permanently maintained.

(17) Utility systems shall exist or shall be constructed to adequately provide for individual metered utility services to all condominium units.

(e) Development plan approval. Prior to the filing of a tentative tract or parcel map creating a condominium or community apartment project as to an existing structure, the subdivider shall submit to the city's planning commission and city council for approval development plans containing the following information:

(1) Application for condominium conversion, including required submittals.

(2) A list of all current tenants in the complex, including names and mailing addresses.

(3) Location, height, gross floor area and proposed uses of each existing structure to remain and for each proposed structure.

(4) Location, use and type of surfacing of all open storage areas.

(5) Location and type of surfacing of all driveways, pedestrian ways, vehicle parking areas and curb cuts.

(6) Location, height and type of material for walls or fences.

(7) Location of all landscaped areas, type of landscaping and a statement specifying the method by which the landscaping areas shall be maintained.

(8) Location of all recreational facilities and a statement specifying the method of maintenance thereof.

(9) Location of parking facilities to be used in conjunction with each condominium unit.

(10) Architectural elevations of all structures showing types and materials of construction, including details of the method used to provide sound insulation in all common walls.

(f) Public hearings required. Applications for condominium conversions shall be subject to public hearings before the planning commission and city council. Notice of such hearings shall be provided as required by State of California Government Code Sections 65090 and 66451.3, subsections (b), (c) and (d).

(Ord. Nos. 786, 801)

Sec. 44-104.7. Special event sales, grand openings and temporary advertising devices.

(a) Special Events Sale.

(1) No special event sale may be conducted without first obtaining a permit from, and receiving approval by, the Director of Community Development. No fee shall be charged for this permit.

(2) Five special event sales with a maximum duration of four consecutive days shall be permitted in each calendar year. No more than 20 days in each calendar year shall be devoted to special event sales. Excess days resulting from special event sales of lesser duration than the limits established by this ordinance may not be utilized during special event sales in any subsequent calendar year.

(3) The sales area shall be cleared of all stock in trade, merchandise, equipment and trash by 9:00 a.m. on the day immediately following termination of said sale.

(4) Such sales shall be designed so as not to obstruct the orderly flow of pedestrian traffic in or about existing store areas, or obstruct or hinder the orderly movement of vehicular traffic or emergency vehicles. Special event sales shall not be permitted on any portion of the public sidewalk, alley, or street.

(5) Temporary advertising devices may be permitted only in conjunction with a special events sale subject to the conditions as set forth below:

a. Temporary advertising devices shall include, but not be limited to, banners, balloons, flags, pennants, valances or advertising displays constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, or other light material, as well as any mechanical audible or animated statuary device. Feather flags are subject to the provisions of Section 44-104.7(d) and shall not be considered under the Special Events Sale provisions.

b. All temporary advertising devices shall be approved by the Director of Community Development prior to their installation.

(6) Every applicant shall have the right to appeal the actions and decisions of the Director of Community Development to the Planning Commission within ten days after his decision. The decision of the Planning Commission may be appealed to the City Council in the manner provided in Section 44-215.

(b) Grand Opening. A grand opening may be permitted in the parking area or walkway areas upon private property only for the opening of a new business or change of ownership of an existing business.

(1) No grand opening may be conducted without first obtaining a permit from the Department of Community Development, and receiving approval by the Director of Community Development. No fee shall be charged for this permit.

(2) A grand opening shall be limited to a maximum of 30 days per calendar year per location as stated on the business license.

(3) The premises shall be cleared of all stock in trade, merchandise, equipment and trash by 9:00 a.m. on the day immediately following termination of said grand opening. A refundable $100 deposit for clean up shall be required.

(4) Such grand openings shall be designed so as not to obstruct the orderly flow of pedestrian traffic in or about existing store areas, or obstruct or hinder the orderly movement of vehicular traffic or emergency vehicles. Grand openings shall not be permitted on any portion of the public sidewalk, alley or street.

(5) Temporary advertising devices may be permitted only in conjunction with a grand opening subject to the conditions set forth below:

a. Temporary advertising devices shall include, but not be limited to, banners, balloons, flags, pennants, valances or advertising displays constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, or other light material, as well as any mechanical, audible or animated statuary device.

b. Temporary advertising may be permitted only during a grand opening for any business provided the display of temporary advertising devices shall not exceed 30 days.

c. All temporary advertising devices shall be approved by the Director of Community Development prior to their installation.

(6) Every applicant shall have the right to appeal the actions and decisions of the Director of Community Development to the Planning Commission within ten days after his decision. The decision of the Planning Commission may be appealed to the City Council in the manner provided in Section 44-215.

(c) Banners.

(1) Banners shall be allowed subject to the following:

a. Prior to the installation of a banner(s), a permit shall be obtained from the Director of Community Development.

b. Each business shall be allowed one banner, except:

1. Businesses occupying corner units, which shall be allowed one banner per building side, up to a maximum of two banners for each business; and

2. Businesses occupying single unit buildings, which shall be allowed one banner per building side, up to a maximum of four banners per building.

3. No more than one banner may be placed on each separate building side.

c. The Director of Community Development shall have the authority, as an administrative act, to allow more than one banner per building side for businesses located in corner units, which shall be allowed a maximum of two banners per business, and for businesses occupying single unit buildings, which shall be allowed a maximum of four banners per business.

(2) All banners shall be constructed in a professional manner, installed flat against the wall or façade and anchored at all four corners.

(3) Maximum banner length shall be 30 percent of the unit or building frontage.

(4) Maximum banner width shall be four (4) feet.

(5) Banners shall not be permitted to replace permanent business signage.

a. If a business does not contain a permanent sign at the time the banner permit is approved, a permanent sign must be installed within 30 days from the date of issuance of the banner permit. If a permanent sign is not installed within 30 days from issuance of the banner permit, the permit shall be subject to revocation by the Director of Community Development.

(6) All banners shall be maintained in good condition. The criteria utilized in evaluating the condition of the banners shall include, but not be limited to, faded and or discolored lettering and background, torn material, and damaged banner mounts.

a. The City shall regularly inspect the condition of banners.

b. The Director of Community Development shall make the determination that a banner(s) in a deteriorated condition must be removed. The banner(s) must be removed within seven (7) days from receiving a Notice of Violation.

c. The decision of the Director of Community Development may be appealed to the City Council.

1. All appeals must be made in writing to the Director of Community Development within seven (7) days from receiving a Notice of Violation.

2. If the City Council upholds the decision of the Director of Community Development, the banner(s) shall be removed within seven (7) days from the decision of the City Council. The decision of the City Council shall be final.

d. If the business owner neglects to remove the deteriorated banner(s) within the time frame permitted in this section, the banner permit shall be revoked. A $500 fee shall be assessed to the business owner to renew the banner permit.

(d) Feather flags.

(1) Feather flags shall be allowed subject to the following:

a. Prior to the fabrication or installation of a feather flag, a permit shall be obtained from the Director of Community Development. The applicant shall submit a site plan indicating the proposed location for a feather flag. Approval criteria includes, but is not limited to, a determination that the proposed flag will not contribute to an overproliferation of feather flags at the site, and vehicular and pedestrian safety will be maintained.

b. Each business shall be allowed one feather flag. A single suite that contains more than one business shall be allowed a maximum one feather flag.

a. A corner suite or single pad building shall be allowed a second feather flag. The second feather flag shall be displayed on a separate side of the suite or building from the first flag. The two flags shall maintain a minimum distance of five feet apart.

b. Feather flags shall be separated by distance to avoid overproliferation. When more than one feather flag is requested on a property that contains more than one business, a feather flag shall not be placed nearer than ten feet from another feather flag of another business. Feather flags on separate properties shall be separated by a minimum of ten feet.

(2) Feather flags shall be displayed a maximum of 50 days in a calendar year.

(3) Feather flags shall not be permitted to replace permanent business signage. If a business does not contain a permanent sign at the time the feather flag permit is approved, a permanent sign must be installed within 30 days from the date of issuance of the feather flag permit. If a permanent sign is not installed within 30 days from issuance of the feather flag permit, the feather flag permit shall be subject to revocation by the Director of Community Development.

(4) All feather flags shall be maintained in good condition. The criteria utilized in evaluating the condition of the feather flags shall include, but not be limited to, faded and or discolored lettering and background, torn material, and damaged feather flag poles.

a. The City shall regularly inspect the condition of feather flags.

b. The Director of Community Development shall make the determination that a feather flag(s) in a deteriorated condition must be removed. The feather flag(s) must be removed within seven (7) days from receiving a Notice of Violation.

c. The decision of the Director of Community Development may be appealed to the City Council.

1. All appeals must be made in writing to the Director of Community Development within seven (7) days from receiving a Notice of Violation.

2. If the City Council upholds the decision of the Director of Community Development, the feather flag(s) shall be removed within seven (7) days from the decision of the City Council. The decision of the City Council shall be final.

d. If the business owner neglects to remove the deteriorated feather flag(s) within the time frame permitted in this section, the feather flag permit shall be revoked. A $500 fee shall be assessed to the business owner to renew the feather flag permit.

(Ord. Nos. 819, 830, 834, 860, 872, 876, 901, 927, 938, 954, 1036)

Sec. 44-104.8. Development of automobile and trailer sales lots.

(a) No person shall use any lot or parcel of land for the purpose of conducting or maintaining thereon an open-air type facility for the display and sale of new or used vehicles without complying with the following minimum regulations:

(1) The sale of new or used vehicles, as defined by Section 44-1, shall be permitted in the Commercial Manufacturing, Light Manufacturing, and Heavy Manufacturing zones only, and shall be subject to a conditional use permit.

(2) The complete plans, showing the location and design of all buildings, structures, signs, lights, fences, bumpers or barricades and the proposed development thereof, including landscaping, shall first be submitted to, and be approved by, the development review board, before any construction or improvement is commenced.

(3) The entire area of such lot or parcel shall be surfaced, thereafter maintained in good condition with not less than a two-inch thickness of blacktop or other equally serviceable hard surface pavement, and prior to the laying of such surfacing, the entire area shall be effectively treated with a weed destroyer.

(4) The property shall be attractively maintained in a neat and orderly condition, and the business conducted thereon shall be operated in a manner so as not to be detrimental to others residing or working in the vicinity.

(5) Adequate devices or structures shall be installed and maintained so as to protect any boundary line fence, wall or building from damage and to prevent any part of a vehicle from extending across any public or private property lines and that all such installations and the maintenance thereof shall be in conformance with standards and specifications approved by the community development department.

(6) Open areas shall be used solely for the display of new and used vehicles as defined by Section 44-1, and shall not be used for the display of vehicles acquired for dismantling purposes or vehicles classified as total loss salvage vehicles.

(7) A solid masonry wall shall be erected and attractively maintained along all property lines.

(8) No advertising sign, structure or device, whether temporary or permanent in character, shall be erected or maintained upon the premises without the design thereof and the proposed location having first been submitted to the community development department for approval. Temporary advertising devices shall include, but not be limited to: banners, balloons, flags, pennants, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, or other light material, as well as any mechanical, audible or animated statuary device. Temporary advertising may be permitted only during an approved special events sale which shall be limited to a maximum of eight days per calendar year. No single sale may exceed two consecutive days. All temporary advertising divides shall be approved by the director of community development prior to their installation.

(b) Abatement of nonconforming uses. Wherever a vehicle sales lot exists upon any property within the city at the time of adoption of this section, such use shall be abated or shall meet all provisions of this section within ninety days after the date of adoption of this ordinance.

(Ord. No. 563)

Sec. 44-104.9. Reasonable accommodations in housing.

(a) Purpose. The purpose of this section is to establish an appropriate review process for making reasonable accommodations in zoning and land use laws, regulations, policies, or procedures when necessary to afford individuals with disabilities an equal opportunity to use and enjoy a dwelling while minimizing potential impacts on neighboring properties.

(b) Applicability. The review process as established by this section applies to an individual with a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having any such an impairment, or anyone who has a record of having such an impairment.

(c) Notice to the public of availability of accommodation process. Under Federal and State fair housing laws, a jurisdiction has an affirmative duty to make reasonable accommodations in rules, policies, practices and procedures where accommodation may be necessary to ensure that people with disabilities have equal access to housing. By providing the public with notice of the availability of its procedure for requesting accommodation, the City takes an affirmative step in accordance with the Federal and State mandates to make accommodation available to people with disabilities. Accommodation request forms shall be available in the Community Development Department.

(d) Application for reasonable accommodation.

(1) In order to make housing available to an individual with a disability, any eligible person as defined in Section 44-104.9 (b) may request a reasonable accommodation in land use and zoning regulations, policies, practices and procedures.

(2) Applications for reasonable accommodation shall be made in writing, and shall contain such information as may be specified by the Community Development Department Director.

(3) Requests must demonstrate a clear nexus with a disability. It is the applicant's responsibility to describe the connection between the disability and the reasonable accommodation requested by the applicant, and shall provide:

a. Name, address, and contact information of the individual requesting reasonable accommodation;

b. Name, address, and contact information of the property owner;

c. Address of the property for which accommodation is requested;

d. The specific code section, regulation, procedure, or policy of the City from which relief is sought;

e. A site plan or illustrative drawing showing the proposed accommodation, if applicable;

f. An explanation of why the specified code section, regulation, procedure, or policy is denying, or will deny a disabled person equal opportunity to use and enjoy the dwelling;

g. The basis for the claim that the fair housing laws apply to the applicant and evidence satisfactory to the City supporting the claim, which may include a letter from a medical doctor or other licensed health care professional, a disabled license, or any other appropriate evidence;

h. A detailed explanation of why the accommodation is reasonable and necessary to afford the disabled person an equal opportunity to use and enjoy the dwelling; and

i. Any other information required to make the findings required by Section 44-104.9, consistent with the fair housing laws.

j. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

k. When an application is made, the City may engage in an interactive process with the applicant to devise alternative accommodations that provide the applicant an opportunity to use and enjoy a dwelling, where such alternative accommodations would reduce impacts to neighboring properties or the surrounding area.

(e) Approval process.

(1) Requests for reasonable accommodation shall be reviewed by the Community Development Department Director or designee using the criteria set forth in Section 44-104.9 (f). The Community Development Department Director may refer the matter to the Development Review Board as appropriate.

(2) The Director of Community Development or designee shall render a written decision or refer the matter to the Development Review Board within thirty (30) days after the application is complete, and shall approve, approve with conditions, or deny the application for reasonable accommodation in accordance with the required findings set forth in Section 44-104.9 (f).

(3) If the application for reasonable accommodation is referred to or reviewed by the Development Review Board, then the Development Review Board shall approve, approve with conditions, or deny the application for reasonable accommodation in accordance with the required findings set forth in Section 44-104.9 (f).

(4) If necessary to reach a determination on the request for reasonable accommodation, the Community Development Department Director or Development Review Board may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

(f) Required findings. The written decision to approve, approve with conditions, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

(1) Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;

(2) Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;

(3) Whether the requested accommodation would impose an undue financial or administrative burden on the City; and

(4) Whether the requested accommodation would require a fundamental alteration in the nature of the City's land use and zoning.

(g) Written decision on the request for reasonable accommodation.

(1) The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the findings of the Community Development Department Director or Development Review Board on the criteria set forth in Section 44-104.9 (f). All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by mail;

(2) The written decision shall be final unless an applicant appeals a Community Development Department Director decision to the Development Review Board or a Development Review Board decision to the City Council;

(3) If the Development Review Board fails to render a written decision on the request for reasonable accommodation within the thirty (30) day time period allotted by Section 44-104.9 (e) the request shall be deemed approved; and

(4) While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

(h) Appeals.

(1) Within thirty (30) days of the date of the written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision shall be made in writing.

(2) If an individual needs assistance in filing an appeal, the City will provide assistance to ensure that the appeals process is accessible.

(3) All appeals shall contain a written statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

(4) Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

(Ord. No. 1074)

Division 3. Yards, Height and Area.

Sec. 44-105. Height of buildings on through lots.

On through lots one hundred fifty feet or less in depth, the height of a building on such lot shall be measured from the sidewalk level of the street on which the building fronts. On through lots of more than one hundred fifty feet in depth, the height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred fifty feet from the street.

(Ord. No. 178)

Sec. 44-106. Penthouses and roof structures.

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; fire or parapet walls, skylights, towers, roof signs, flagpoles, chimneys, smokestacks, wireless masts, church steeples and belfries and similar structures may be erected above the height limits by this chapter prescribed, but no penthouse or roof structure or any other space above the height limit prescribed for the zone in which the building is located shall be allowed for the purpose of providing additional floor space.

(Ord. No. 178)

Sec. 44-107. Yards and open spaces generally.

Except as provided in this article, every required yard and open space shall be open and unobstructed from the ground to the sky. No yard or open space provided around any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or open space on any adjoining property shall be considered as providing a yard or open space on a building site whereon a building is to be erected.

(Ord. No. 178)

Sec. 44-108. Greater yard and open space requirements include minimum requirements.

Wherever in this chapter a particular use, or a building in connection with a particular use, is specifically required to maintain a distance from any boundary property line or other building on the site greater than the minimum standard required yard or open space set forth for the zone, such greater distance is intended to apply only to the particular building, use or project involved, and the standard required minimum yards and open spaces required for the zone (if any) shall be included as a part of the greater distance or open space for the specified building or use.

(Ord. No. 178)

Sec. 44-109. Modification of side yard requirements on combined lots.

When the common boundary line separating two contiguous lots is covered by a building or permitted group of buildings, such contiguous lots shall constitute a single building site and the yard spaces required by this chapter shall then not apply to such common boundary line.

(Ord. No. 178)

Sec. 44-110. Yard requirements when more than one main building exists.

Where two or more buildings are, by definition of this chapter, considered main buildings, then the front yard requirements shall apply to the buildings closest to the lot front line.

(Ord. No. 178)

Sec. 44-111. Modification of required front yards when nonconformities exist.

When, in a given block, there are lots so improved as to create nonconforming front yards, then:

(a) The depth of required front yards on unimproved lots may be modified when any of the following circumstances apply:

(1) When the unimproved lot or lots are located between lots having a nonconforming front yard.

(2) When the unimproved lot or lots are located between a lot having a nonconforming front yard and a lot having a conforming front yard.

(3) When the unimproved lot or lots are located between a lot having a nonconforming front yard and a vacant corner lot.

(4) When a vacant corner lot or reverse corner lot adjoins a lot having a nonconforming front yard.

(b) A nonconforming front yard shall be deemed to be an area between the lot front line and the portion of the main building closest to it which area is less in depth than that defined by this chapter as constituting a required front yard. On a lot having a nonconforming front yard the degree of nonconformity to be credited in making the adjustment shall in no instance exceed sixty percent of the front yard depth required on the nonconforming lot, such percentage to be measured from the rear line of the required front yard on such lot toward the lot front line.

(c) The rear line of the modified front yard on the unimproved lot or lots as referred to in the foregoing subsection (2) shall be established in the following manner:

(1) On lots having nonconforming front yards a point shall be established at the intersection of the line determining the depth of the lot with a line coincident with the front of the building causing the nonconforming condition.

(2) On lots having conforming front yards or on a vacant corner lot, a point shall be established at the intersection of the line determining the depth of the lot with the rear line of the required front yard.

(3) A straight line shall be drawn from such point of intersection on the lot with the nonconforming front yard across any intervening unimproved lot or lots to a point established on the next lot in either direction as set forth in subsections (1) and (2) above.

(4) The depth of the modified front yard on any lot traversed by the straight line defined in (c) above shall be established by the point where such straight line intersects the line constituting the depth of each such intervening lot.

(d) When an unimproved corner lot or reverse corner lot adjoins a lot having a nonconforming front yard, the front yard on the corner lot or reverse corner lot may be the same as that on the adjoining lot; provided, that the placement of the building does not interfere with the required vision clearance at the corner formed by the intersection of the streets.

(Ord. No. 178)

Sec. 44-112. Tree trimming standards--Obligations of commercial and industrial property owners.

(a) The owners of private property zoned commercial or industrial shall:

(1) Properly maintain and provide adequate water to any tree planted on his or her property.

(2) Comply with professionally accepted pruning, trimming or thinning standards for all trees on the property.

(3) Not permit severe trimming, topping, heading back, stubbing, or pollarding of any tree on the property.

(b) Work being undertaken to trees on commercial or industrial property may be stopped immediately by oral or written order of the director of Public Works if it is in violation of the regulations of this section.

(c) For purposes of this section, the following terms shall have the meanings set forth below:

(1) Maintain. Root pruning, trimming, spraying, watering, fertilizing mulching, treating for disease or injury, or any other similar act which promotes the growth, health, beauty and life of any tree.

(2) Severe trimming, topping, heading back, stubbing and pollarding. Type of pruning, trimming, or thinning not using professionally accepted standards which substantially reduces the overall size, symmetrical appearance or natural shape of the tree, or which results in the removal of the main lateral branches leaving the trunk of the tree in a stub appearance.

(3) Professionally accepted standards. Tree pruning, trimming or thinning standards established by the International Society of Arborculture (ISA), National Arborists Association (NAA), American National Standards Institute (ANSI), or other professional arborists association, to control the height and spread of a tree, lessen the wind resistance, preserve its health and natural appearance, produce fuller branching and shaping, aid in disease prevention by allowing more light and air passage within the branches, or make adjustments which increase the longevity of a tree in an urban environment.

(Ord. No. 884)

Sec. 44-113. Measurement of front yards.

Front yard requirements shall be measured from the lot front line, such line being coterminous with the ultimate street or highway line of the fully or partially widened street or highway. Where property abuts upon a private street, the depth of the required front yard shall be measured from the indicated edge of the private street.

(Ord. Nos. 178, 267)

Sec. 44-114. Vision clearance requirements for corner lots and reverse corner lots.

All corner lots and reverse corner lots subject to yard requirements shall maintain for safety vision purposes a triangular area one angle of which shall be formed by the lot front line and the side line separating the lot from the street, and the sides of such triangle forming the corner angle shall each be fifteen feet in length measured from the aforementioned angle. The third side of such triangle shall be a straight line connecting the last two mentioned points which are distant fifteen feet from the intersection of the lot front and side lines, and within the area comprising such triangle no tree shall be allowed nor any fence, shrub or other physical obstruction higher than forty-two inches above the established grade shall be permitted.

The same requirement shall apply to all lots in all "C" and "M" zones, which lots are located at the intersection of major or secondary thoroughfares; except, that if the building on any such lot is to be two or more stories in height a bearing column may be located in the angle formed by the intersection of the two streets; provided, further, that the width of such bearing column in any direction shall not exceed twenty-four inches.

(Ord. No. 178)

Sec. 44-115. Permitted intrusions into required yards.

The following intrusions may project in any required yards:

(a) Fireplace structures not wider than eight feet measured in the general direction of the wall of which it is a part, one foot.

(b) Uncovered porches and platforms which do not extend above the floor level of the first floor, eighteen inches; provided, that they may extend six feet into the front yard.

(c) Planting boxes or masonry planters not exceeding twenty-four inches in height measured from the ground level may extend into any required front yard. Such height limitation does not apply to plants contained in planter boxes.

(d) Eaves may intrude into a required yard eighteen inches.

(Ord. No. 178)

Sec. 44-116. Location of swimming pools.

In any zone, a swimming pool may not be located in any front yard, nor closer than five feet to any exterior property line or to any building on the same premises.

(Ord. No. 178)

Sec. 44-116.1. Satellite dish receivers.

The installation of satellite dish receivers shall be subject to Development Review Board approval. Development Review submittal must include a complete scaled, dimensioned site plan, elevation of the antenna and supporting structures, manufacturer's specifications, and photographs of the site and location of installation. Such receivers shall be regulated in the manner set forth below:

(a) General Requirements:

(1) Receivers shall not be located between the street and the main structure on the lot.

(2) Receivers shall not be located in any required front or side setback.

(3) Receivers shall be a color offering minimum contrast with its surroundings, and no form of advertising or identification shall be permitted on the dish or supporting structure other than a manufacturer's identification tag.

(4) Receivers and architectural screening shall, to the maximum extent possible, be compatible with the building on which the antenna is mounted.

(5) Receivers shall be screened from view from the public right-of-way, and from surrounding properties to the satisfaction and discretion of the Development Review Board by decorative fencing, walls, landscaping or other suitable material in a manner aesthetically harmonious with the architecture and landscaping of the area, without impairing the reception of the receiver.

(6) Receivers require a building permit issued by the Division of Building and Safety.

(b) Residential Zones:

(1) Ground mounted satellite dish receivers are permitted in residential zones provided they can be screened from view from the public right-of-way.

(2) Roof mounted satellite dish receivers are permitted in residential zones provided that roof mounted dishes are on the rear of the structure and shall not project above the peak of the roof unless screened by architecture or landscape so as not to be visible from the public right-of-way.

(3) Each parcel shall contain only one satellite dish receiver.

(c) Commercial and Industrial Zones:

(1) Ground mounted satellite dish receivers are permitted in commercial and industrial zones provided such receivers are obscured from view from the public right-of-way to the satisfaction and discretion of the Development Review Board.

(2) Roof mounted satellite dish receivers are permitted in commercial and industrial zones provided such receivers are not visible from either the public right-of-way or areas zoned for residential use to the satisfaction and discretion of the Development Review Board.

(Ord. No. 829)

Sec. 44-116.2. Telecommunications Antennae used for aerial transmission or relay of telecommunications signals.

Installation of telecommunications facilities shall be subject to review based on the potential for impact on adjacent properties and the overall community, as determined by the type of antenna proposed, as follows:

(a) Stealth/Facade-Mounted Antennae:

Subject to approval of an Administrative Action; as provided in Section 44-212 (a) (3) of the Municipal Code.

(1) Antennae shall be architecturally integrated into building design so as to be as unobtrusive as possible in context with the adjacent environment and architecturally compatible with existing structures in terms of design, color and materials.

(b) Roof/Parapet Mounted Antennae:

Subject to approval of the Development Review Board; as provided in Section 44-213 of the Municipal Code.

(1) Antennae shall be concealed, screened, or obscured by virtue of design compatible with or integrated into existing buildings in terms of design, color and materials.

(c) Support Structure or Tower Antennae:

Subject to approval of an Unclassified Use Permit; as provided in Section 44-87 of the Municipal Code.

(1) Antennae shall be located and designed to minimize aesthetic impact from adjacent properties and public rights-of-way and screened or obscured to the maximum extent feasible.

(d) General Requirements:

(1) Conform to all underlying zone standards.

(2) Antennae height and mass shall be the minimum required for the activity.

(3) Antennae shall to the maximum extent feasible be compatible with site and surroundings in terms of design, color, and materials.

(4) Accessory equipment buildings shall be architecturally compatible and consistent with surrounding buildings.

(5) Facilities shall not be located in required parking, circulation, or open space areas.

(6) Fencing shall be wrought iron, decorative block or other decorative materials, as approved.

(7) Photo documentation of the proposal is required in order to establish architectural integration, obscuring or screening and otherwise allow evaluation of aesthetic impact.

(8) Antennae facilities shall comply with any additional measures deemed necessary to mitigate visual impact.

(9) Antennae facilities require building permits issued by the division of Building and Safety.

Antennae shall be regulated in the manner as set forth above, except that no antennae shall be permitted in residential zones.

(Ord. No. 862)

Sec. 44-117. Walls, fences and hedges in "R" zones.

In any "R" zone a wall, fence or hedge is permitted under the following conditions:

(a) A wall, fence or hedge not exceeding forty-two inches in height may be located or maintained in any required front yard.

(b) A fence, wall or hedge not exceeding eight feet in height, may be located anywhere on any lot to the rear of the rear line of the required front yard except:

(1) Where lots rear upon an alley, any such wall, fence or hedge along the lot rear line shall contain a gate affording access to the alley.

(2) On corner lots and reverse corner lots, if a vehicular entrance is provided from the side street side, an area for safety vision clearance shall be maintained on each side of the driveway. Such area for vision clearance shall be defined by a diagonal line beginning at the intersection of the edges of the driveway and the inside line of the required side yard and extending away from the driveway at an angle of thirty degrees to the edge of the driveway toward the side street property line of the lot.

(c) Where a retaining wall protecting a cut below the natural grade is located on the line separating lots or parcels, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed as measured from the ground on the high side of the property line.

(d) Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall or hedge; provided, that in any event a protective fence or wall not more than forty-two inches in height may be erected at the top of the retaining wall, and any portion of such fence above the six foot maximum height shall be an open work fence. An "open work fence" means a fence in which the component solid portions are evenly distributed and constitute not more than fifty percent of the total surface area of the face of the fence.

(e) No barbed wire, concertina wire, razor wire, cut glass or other sharp points shall be used as a fence or part of a fence, wall or hedge along any property line or within any required side, rear or front yard.

(Ord. Nos. 178, 448, 893)

Sec. 44-118. Landscaping and ornamental features permitted in yards generally.

Hedges not more than forty-two inches in height, and shrubs, flowers, plants, trees, mailboxes and ornamental lighting standards are permitted in any required yard except as set forth in Section 44-114.

(Ord. No. 178)

Sec. 44-119. Required increase of side yard--Where multiple or row dwellings front upon a side yard.

The minimum width of the side yard upon which multiple or row dwellings front shall not be less than ten feet. Open, unenclosed porches not extending above the floor level of the first floor may project into the side yard upon which such dwellings front a distance of not more than two feet.

(Ord. No. 178)

Sec. 44-120. Same--Where multiple or row dwellings rear upon a side yard.

Where multiple or row dwellings are arranged so that the rear of such dwellings abut upon a side yard, and such dwellings have openings onto such side yard used as secondary means of access to such dwellings, the required side yard to the rear of such dwellings shall be increased one foot for each dwelling unit opening onto such side yard.

(Ord. No. 178)

Sec. 44-121. Plot plan required where increased yards are required.

Wherever in this chapter increased yard dimensions are required in connection with multiple residential developments a plot plan of the premises showing location of all buildings, and the required dimensions of yards and open spaces for the entire development on the premises shall be filed with the building department at the time of applying for the building permit for the first building to be erected after the effective date of the ordinance from which this chapter derives, and thereafter any building permit issued shall conform to the plot plan.

(Ord. No 178)

Sec. 44-122. Through lots may be divided in certain instances.

Through lots may be improved as two separate lots, with the dividing line midway between the street frontages, and each resulting one-half shall be subject to the controls applying to the street upon which such one-half faces. If each resulting one-half be below the minimum lot area as determined by this chapter, then no division may be made. If the whole of any through lot is improved as one building site, the main building shall conform to the classification of the frontage occupied by such main building, and no accessory building shall be located closer to either street than the distance constituting the required front yard on such street.

(Ord. No. 178)

Sec. 44-123. Lot area not to be reduced.

Except as provided in Section 44-104.1, no lot area shall be so reduced or diminished that the lot area, lot width, yard or other open spaces shall be less than prescribed by this chapter for the zone in which the lot is located, nor shall the density of population be increased in any manner except in conformity with the regulations established by this chapter.

(Ord. Nos. 178, 267)

Sec. 44-124. Greater lot area may be required.

Greater lot areas than those prescribed in the various classifications provided for by this chapter may be required when such greater areas are established by the adoption of a site plan in the manner prescribed by law designating the location and size of such greater required areas.

(Ord. No. 178)

Sec. 44-125. Substandard lots generally.

When a lot has less than the minimum required area or width as set forth in any of the classifications contained in this chapter, and such lot was of record on the effective date of the ordinance from which this chapter derives, such a lot shall be deemed to have complied with the minimum required lot area or width as set forth in this chapter for the zone in which the property is located. The yards, open spaces and lot area per dwelling unit, however, shall remain as specified in the zone in which the property is located. In no instance shall this provision prevent the erection of a single-family dwelling on any substandard lot.

(Ord. No. 178)

Sec. 44-126. Use of lots or parcels containing more than minimum required lot area.

When a lot contains substantially two or more times the minimum lot area required for the zone in which it is located, and the owner desires to use each unit of area equivalent to the minimum lot area as a separate building site; provided, that not more than two such units result, and no dedication of streets, highways, alleys or other public ways, public easements or public utility easements are involved, such area units may be so utilized by resorting to the lot split procedures as prescribed in the subdivision regulations set forth in chapter 39. When such units are thus defined, then all of the provisions of this chapter governing the use of a lot in the zone in which such property is located shall apply thereto. Each resulting unit shall have frontage upon a dedicated public thoroughfare or be provided with a permanent easement of record which shall afford legal access to a publicly dedicated street or highway and which easement shall be approved as to adequacy by the planning commission and the city council.

(Ord. Nos. 178, 267)

Sec. 44-127. When required area reduced by public use.

If a lot or parcel of land has not less than the required area and after the creation of such lot or parcel of land a part thereof is acquired for public use in any manner including dedication, condemnation or purchase and after such acquisition the remainder of such lot or parcel of land has not been less than eighty percent of the area, such remainder shall be considered as having the required area. In addition to any other definition of required area, for the purpose of this section the required area of a lot or parcel shall also be deemed to be the legal nonconforming area of such lot or parcel.

(Ord. No. 153)

Division 4. Loading Areas and Off-Street Parking.

Sec. 44-128. Required loading spaces.

In any "C" or "M" zone, and for any institutional use in whatever zone it may be located, every building or portion of building hereafter erected shall provide loading spaces as follows:

(a) A minimum of one loading space shall be provided for every structure with ten thousand square feet of floor area or more.

(b) A loading space shall measure a minimum of twelve feet by forty feet, with a sixteen foot vertical clearance.

(c) A parking aisle of adequate size may double as a loading space.

(d) A loading space need not be delineated.

(f) A driveway serving a loading space shall be a minimum of sixteen feet wide.

(Ord. Nos. 178, 426)

Sec. 44-129. Off-street parking generally.

Every building hereafter erected shall be provided with parking space as required in this article, and such parking space shall be made permanently available and be permanently maintained for parking purposes and used only for the parking of automobiles or trucks. Any alteration of parking and loading areas shall be subject to the procedures and requirements established in this article.

Any construction or alteration of required off-street parking shall be submitted to and approved by the building and safety department and the planning department prior to issuance of building permits.

The development plan shall clearly indicate the proposed development, including location, size, shape, design, entrances, walls, lighting, signs, screening, paving specifications, drainage, landscaping and such other data and features as the department directors may deem necessary to show compliance with this article.

(Ord. Nos. 178, 426)

Sec. 44-130. Number of off-street parking spaces required.

The amount of off-street parking required shall be no less than as set forth in the following provisions, and these requirements shall not be considered as providing for employee parking unless specifically set forth:

(a) R-1 zones: Two parking spaces.

(b) R-2 zone:

(1) Two off-street parking spaces must be provided per dwelling unit; one of these two spaces must be covered via carport or garage.

(c) R-M zone:

(1) Resident parking for multiple residential uses shall be provided at the rate of two covered spaces per unit. Parking spaces shall be covered and located within a carport or garage.

(2) Vehicles shall enter into or exit from all parking areas onto any public street or alley in a forward direction.

(3) Guest parking for multiple residential uses shall be provided at the rate of one-quarter space per unit, to be located off-street and clearly labeled as such.

(4) Resident parking for multiple residential uses shall be assigned to individual units by clearly labelling spaces with unit numbers or other identifying labels. One assigned parking space shall be located no further than one hundred feet from the unit assigned to the parking space.

(d) Uses in C-3 zone: Uses in the C-3 zone shall provide one automobile storage space for each two hundred fifty square feet of gross floor area of any building or structure to be served thereby.

(1) General and professional. One parking space for each three hundred square feet of gross floor area.

(2) Medical, dental, and clinical. One parking space for each two hundred square feet of gross floor area.

(e) Uses in C-M zone: Uses in the C-M zone shall provide one automobile storage space for each five hundred square feet of gross floor area of any building to be served thereby.

(1) General and professional. One parking space for each three hundred square feet of gross floor area.

(2) Medical and dental offices, medical and dental clinics, medical and dental laboratories, and optometrist offices. One parking space for each two hundred square feet of gross floor area.

(f) Uses in M-1 and M-2 zones:

(1) Properties containing 15,000 square feet or less of area shall provide parking based on the following:

a. Single unit buildings having not more than eight thousand square feet of floor area, one parking space for each one thousand square feet of gross floor area shall be provided. Buildings with less than four thousand square feet shall have a minimum of four parking spaces.

b. Single unit buildings having more than 8,000 square feet, one space for each seven hundred fifty square feet of gross floor area.

(2) Properties containing more than 15,000 square feet of area shall provide parking based on the following:

a. One space for each 500 square feet of gross floor area.

(3) Parking spaces for nonconforming commercial uses in the M-1 (Light Manufacturing) and M-2 (Heavy Manufacturing) zones shall be made permanently available and be permanently maintained for parking purposes. Storage of commercial vehicles and recreational vehicles is prohibited, including temporary overnight storage. Any alteration of parking and loading areas shall be subject to the procedures and requirements established in this article.

(g) Specific Uses: The following uses, wherever located shall provide parking facilities as follows:

(1) Banks: One space per two hundred square feet floor area.

(2) Bowling alleys: Four parking spaces for each alley.

(3) Churches: One parking space for each four seats in the principal place of assembly for worship, including balconies and choir lofts. Where fixed seats consist of pews or benches, the seating capacity shall be computed upon no less than twenty-two lineal inches of pew or bench length per seat. If there be no fixed seats, there shall be provided one parking space for each sixty square feet of gross floor area of such principal place of assembly or worship.

(4) General and professional offices: One parking space for each three hundred square feet of gross floor area.

(5) Hospitals: Two parking spaces for each bed.

(6) Hotels: One parking space for each bedroom.

(7) Libraries, when located on publicly-owned sites: One parking space for each two hundred fifty square feet of gross floor area.

(8) Medical and dental offices, medical and dental clinics, medical and dental laboratories, and optometrist offices: One parking space for each two hundred square feet of gross floor area.

(9) Mortuaries: One parking space for each twenty-five square feet of floor area devoted to assembly purposes.

(10) Motels: One parking space for each sleeping unit or dwelling unit.

(11) Outdoor uses (auto sales, boat sales, nurseries, and other uses not contained in a building or structure, except for truck equipment storage yards): One space per two thousand square feet lot area, four spaces minimum; or one per two employees, whichever is greater.

(12) Public uses (utility facilities, including electrical substations, telephone exchanges, maintenance and storage facilities; support systems such as fire stations and maintenance facilities which are not generally visited by the general public): One space per five hundred square feet office/work area space within a structure; or one per two employees, whichever is greater. Plus one space per use-related vehicle.

(13) Racquetball facilities: Three parking spaces for each racquetball court.

(14) Restaurants: One parking space for every three permanent or removable seats (or three twenty-two inch bench sections), provided, however, that each restaurant must provide a minimum of five parking spaces.

(15) Rest homes, nursing and convalescent homes: One space for each four beds.

(16) Rooming houses and boarding houses: One parking space for each sleeping room.

(17) Sanitariums: One parking space for each four beds.

(18) Schools, (business and trade): One space per one hundred fifty square feet; or one per two students designed capacity whichever is greater.

(19) Schools, elementary and junior high: One parking space for each employee and each faculty member.

(20) Schools, high schools: One space per total number of employees and faculty; designed capacity, plus one space per seven students designed capacity.

(21) Schools, (nursery, daycare facilities): Three spaces minimum including one space per every two employees working on the largest shift. An off-street area for loading and unloading children shall be provided on the site and laid out in such a manner as to provide for forward movement of vehicles during entry and exit.

(22) Service stations: Two spaces per bay in building, plus one additional space per employee on largest shift. Vehicles may be parked only in designated spaces, and only during business hours, or not more than twenty-four hours.

(23) Stadiums, sports arenas, auditoriums (including school auditoriums) and other places of public assembly (other than churches and theaters) and clubs and lodges having no sleeping quarters: One parking space for each three fixed seats in all parking-generating areas used simultaneously for assembly purposes. Where fixed seats consist of pews or benches, the seating capacity shall be computed upon not less than twenty-two lineal inches of pew or bench length per seat. If there be no fixed seats, then one parking space for each forty square feet of floor area used for assembly purposes.

(24) Theaters: One parking space for each five fixed seats, (or five twenty-two inch bench sections), or one space per thirty-five square feet non-fixed seating area for assembly purposes; ten spaces minimum.

(25) Truck storage, truck transportation yards, truck terminals and related heavy equipment yards: One parking space per truck, tractor, or trailer; plus one additional parking space for each three employees or operators of each truck or tractor, to be utilized for parking of employees' or owners' vehicles.

The parking requirements for a use not specifically named herein shall be determined by the planning commission in the manner set forth in section 44-94 and such determination shall be based upon the requirements for the most comparable use specified herein.

(Ord. Nos. 178, 426, 437, 526, 576, 835, 951, 1002, 1028)

Sec. 44-131. Joint use of required parking facilities.

The planning commission may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:

(a) Except for churches, auditoriums and theaters and residential uses up to fifty percent of the parking facilities required by this article for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use; up to fifty percent of the parking facilities required by this article for a use considered to be primarily a nighttime use may be provided by the parking facilities of a use considered to be primarily a daytime use; provided, that such reciprocal parking arrangement shall be subject to conditions set forth in subsection (3) of this section. In the case of churches, auditoriums and theaters located in a commercial zone, twenty-five percent of the required parking may be so provided.

(b) The following uses are typical of daytime uses: Banks, business offices, retail stores, personal service shops, clothing stores, shoe repair or service shops, manufacturing or wholesale buildings and similar uses. The following uses are typical of nighttime and/or Sunday uses: Auditoriums incidental to public or parochial schools, churches, dance halls, theaters, bars and lodge halls.

(c) Conditions required for joint use parking are as follows:

(1) For uses requiring no more than fifty off-street parking spaces and for which application is being made for authority to utilize the existing off-street parking facilities provided by another use, such uses shall be located within one hundred fifty feet of such parking facilities.

(2) For uses requiring fifty or more off-street parking spaces and for which application is being made for authority to utilize the existing off-street parking facilities provided by another use, such uses shall be located no further than a distance to be determined by the planning commission, which in no case shall be further than five hundred feet of such parking facilities. In establishing such distance, the planning commission shall be guided by the following criteria:

a. The compatibility of existing street patterns in providing access to the off-site parking facilities.

b. The availability and compatibility of pedestrian linkages between the off-site parking facilities and the use.

c. Potential negative impacts on adjacent uses which may occur as a result of expanded use of off-site parking facilities and increased pedestrian traffic between the subject facilities and the use.

(3) The applicant shall show that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of off-street parking facilities is proposed.

(3) Parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a proper legal instrument approved by the city attorney as to form and content. Such instrument, when approved shall be recorded with the office of the county recorder as a limiting covenant applicable to the property comprising the parking facilities, and copies thereof filed with the building department and the planning commission.

(Ord. Nos. 178, 674)

Sec. 44-132. Size, location and design of parking spaces and areas.

(a) Size of parking spaces. Each off-street parking space shall have an area not less than one hundred eighty square feet exclusive of drives or aisles, and a width of not less than nine feet. Each such space shall be provided with adequate ingress and egress, and shall be improved as provided in Section 44-133.

If either of the lengthwise sides of any space immediately abuts a fence, wall, building or other structure, then the space shall be ten feet wide; if both lengthwise sides of any space immediately abut a fence, wall, building or other structure, then the space shall be eleven feet wide.

Compact automobile parking spaces shall not be less than seven and one-half feet in width or fifteen feet in depth. The total number of compact parking spaces shall not exceed thirty-five percent of the required number of parking signs. Individual spaces shall be identified by a sign located at the front of each space. Several spaces located in a common area shall be identified with adequate signing.

(b) Ingress and egress.

(1) In the R-3 and R-4 zones, ingress and egress to off-street parking facilities on a site shall not exceed a width of twenty-six feet.

(2) On corner lots and reverse corner lots in the R-3 zones, all entrance-exit facilities on the side street side shall be located on the one-half of the premises farthest removed from the corner.

(3) Driveway widths for all "R" zones are as follows: Nine feet minimum width for up to four dwelling units; twelve feet minimum width for over four units; two way ingress and egress driveways for over four units shall be sixteen feet in width.

(c) Location. Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve:

(1) For single-family, two-family, limited-multiple or unlimited-multiple family dwellings, parking facilities shall be located on the same lot or building site as the building they are required to serve.

(2) For all other uses, parking facilities shall be located not more than one hundred fifty feet from the use such facilities are required to serve.

(d) Design. Off-street open parking lots, whether privately or publicly owned and operated, shall be designed to the following specifications:

(1) A parking facility shall be divided into parking lanes.

(2) A parking lane shall be composed of an unobstructed driving aisle flanked on each side by a tier of parking stalls.

(3) Parallel parking lanes shall be separated from each other by a physical barrier or bumper firmly attached to the ground and having a height of not less than eight inches, or by metal posts not less than four inches in diameter and four feet in height, which are firmly anchored in the ground.

(4) The width of a parking lane shall be the horizontal distance of a line drawn at right angles to the fixed bumper strips or posts on either side of the parking lane, and the required width of such lanes shall be as indicated in the following diagram:

(5) Adjoining parallel parking lanes shall be designated for car movements in opposing directions. The parking lanes and connecting driveways shall be comprehensively designed so far as possible to permit circulation of cars from one parking lane to another without the necessity to emerge onto boundary streets to reach one parking lane from another.

(6) Where a multiple lane parking lot fronts upon only one street, there may be only one entrance-exit to each one hundred twenty feet of frontage upon such street.

(7) Where parking lots occupy property located at the angle formed by intersecting streets, any exit from the parking lot by which cars will emerge from the parking lot into the traffic flow that is approaching the street intersection shall be located no closer to the intersection than seventy-five feet, or two-thirds of the length or width of the frontage of the parking lot upon the same street, whichever is least.

(8) Where parking lots, by reason of shape or restricted area, can provide only one tier of angle parking, or where larger parking lots designed according to the specifications herein set forth have remnant of area capable of accommodating only one tier of angle parking stalls, such single tier of parking stalls and the driving aisle shall maintain the same ratio of dimensions as pertain to full parking lane under the schedule of widths contained herein.

(9) Any off-street parking facility shall be so designated that any vehicle emerging from the parking facility shall be able to enter the bounding street or alley by moving in a forward direction. This provision need not apply to off-street parking facilities in the R-1 zone.

(e) Spaces for the physically handicapped. These spaces shall be provided for publicly funded facilities and private facilities serving the general public at the rate of one off-street parking space measuring twelve feet by twenty feet per every zero to twenty-five required spaces. Such spaces shall be delineated by stencilling "Handicapped Only" in block letters on the surface of each space.

(Ord. Nos. 178, 211, 426, 525, 564, 1002)

Sec. 44-133. Required improvement and maintenance of parking areas, etc., sales areas.

Every lot used as a public or private parking area and having a capacity of five or more vehicles, and vehicle sales areas and trailer sales areas, shall be developed and maintained in the following manner:

(a) Surfacing. Off-street parking areas and vehicle sales areas shall be surfaced and maintained with portland cement, concrete or bituminous pavement, or suitable materials so as to eliminate dust or mud, and shall be so graded and drained as to dispose of all surface water. Drainage shall be taken to the curb or gutter and away from adjoining property. In no case shall such drainage be allowed across sidewalks.

(b) Border barricades, screening, landscaping and lighting.

(1) Every parking area and vehicle sales area that is not separated by a wall from any street or alley property line upon which it abuts shall be provided with a suitable concrete curb or timber barrier not less than eight inches in height, located not less than three feet from such street or alley property lines and such curb or barrier shall be required across any driveways or entrances to such parking area or vehicle sales area.

(2) Every parking area or vehicle sales area which abuts property located in one of the "R" zones shall be separated from such property on the common property line by a solid wall not less than six feet in height measured from the grade of the finished surface of such parking area closest to the contiguous "R" zoned property; provided, that along the portion of the common property line constituting depth of the required front yard on the adjoining "R" zoned property, the wall shall be not more than forty-two inches in height. No such wall need be provided where the elevation of that portion of the parking area or vehicle sales area immediately adjacent to an "R" zone is six feet or more below the elevation of such "R" zoned property along the common property line.

(3) Landscaping plans for required off-street parking areas shall be approved by the office of landscape architecture and shall meet the following minimum standards:

a. A minimum of two percent of all off-street parking areas shall be landscaped with suitable plant materials.

b. One fifteen gallon size tree shall be provided for every six C-3, C-M, M-1, and M-2 parking spaces and every twelve uncovered multiple residential parking spaces in the R-3 and R-4 zones and shall be permanently maintained within the off-street parking area, even if such provision causes the two percent landscaping requirement to be exceeded. Where the total quota of trees results in a fraction the next lower full unit shall be provided.

c. In the case of parking areas with less than twelve parking spaces, a minimum of two fifteen gallon size trees shall be provided.

d. No tree shall be planted closer than thirty inches from the edge of any planter.

e. All landscaping shall be planted in permanent planters surrounded by six inches wide by six inches tall concrete curbing, except where a planter abuts a building or a concrete block fence.

f. All landscaping areas shall be provided with a fixed and permanent watering system, consisting of piped water lines with sufficient sprinklers to insure complete coverage.

g. Approval criteria shall consider adequacy of plant material, buffers along public streets, dispersion of trees to break up large pavement expanses and general suitability of plant materials selected.

(c) All C and M zone parking areas and vehicle sales areas shall be illuminated with artificial lighting to a degree equal to one point five candles per square foot. Any lights provided to illuminate outdoor parking areas or vehicle sales areas shall be arranged to prevent glare or direct illumination in any adjacent residential zone.

(Ord. Nos. 178, 426)

Sec. 44-134. Comprehensive planned facilities.

Areas may be exempted from the parking requirements as otherwise established in this article, provided, that:

(a) Such area shall be accurately defined as a district by the planning commission after processing in the same manner required for an amendment to this chapter.

(b) No such district may be established and exempted from the provisions of Section 44-130 unless sixty percent or more of all record lots comprising such proposed district are zoned to uses first permitted in a "C" or "M" zone.

(c) Such exemptions shall apply only to uses first permitted in the "C" and "M" zones.

(d) Before such defined district shall be exempt as provided in this section, active proceedings under any applicable legislative authority shall be instituted to assure that the exempted area shall be provided with comprehensive parking facilities which will reasonably serve the entire district.

(Ord. No. 178)

Sec. 44-135. Waiver or modification of requirements of division.

The planning commission may, by resolution, waive or modify the requirements set forth in this division establishing the amount of required parking areas for uses such as unattended public utility facilities or other uses of a similar or like nature involving very limited numbers of persons, or which do not require personnel in daily attendance for operation or maintenance.

(Ord. No. 178)

Division 5. Nonconforming Buildings and Uses.

Sec. 44-136. Applicability of division.

The provisions of this division shall apply to buildings, lands and uses which become nonconforming as a result of the application of this chapter to them, or from classification or reclassification of the property under this chapter or any subsequent amendments thereto. If a use originally authorized by variance or conditional use permit or occupancy permit prior to the effective date of the ordinance from which this chapter derives is located within a zone in which such use is not permitted by the terms of this chapter, such use shall acquire a nonconforming status and be subject to the provisions of this division pertaining to nonconforming buildings and uses.

(Ord. No. 178)

Sec. 44-137. Effect of destruction or removal of nonconforming building.

If any nonconforming building is destroyed, or is removed, every future use of the land on which the building was located shall conform to the provisions of this chapter.

(Ord. No. 178)

Sec. 44-138. Reconstruction of building partially destroyed or damaged.

A nonconforming building damaged or partially destroyed to the extent of not more than fifty percent of its value at the time of its destruction by fire, explosion or other casualty or act of God or the public enemy, may be restored and the occupancy or use of such building or part thereof which existed at the time of such partial destruction or damage may be continued subject to all other provisions of this division, but the restoring of any such nonconforming building shall not serve to extend the abatement date of the original building. The provisions of this section shall not apply to legal non-conforming single family residences, which may be rebuilt. Reconstruction shall begin within eighteen months of destruction and shall be in accordance with R-1 (Single Family Residential) development standards.

(Ord. Nos. 178, 856)

Sec. 44-139. Structural alteration or enlargement of non-conforming buildings.

(a) Unless otherwise specifically provided in this chapter, nonconforming buildings may not be enlarged or structurally altered unless an enlargement or structural alteration makes the building more conforming, or is required by law; however, where one or more buildings and customary accessory buildings are nonconforming only by reason of substandard yards or open spaces, the provisions of this chapter prohibiting structural alterations or enlargements shall not apply; provided, further, that any structural alterations or enlargements of an existing building under such circumstances shall not increase the degree of nonconformity of yards or open spaces, and any enlargements shall observe the yards and open spaces required on the lot.

(b) Structural alterations or enlargements may be permitted if necessary to adapt one or more nonconforming buildings to new technologies or equipment pertaining to the uses housed in such buildings. Such alterations and enlargements, however, shall be authorized only by a variance processed in the manner prescribed by this chapter. Any structural alterations or enlargements thus authorized shall be subject to the condition that such alteration or enlargements or equipment installations shall not extend the period of abatement of the building and use.

(c) Normal upkeep, repairing and maintenance of nonconforming buildings is permitted; provided, that such activities shall not be considered as extending the life of the building or the time of required abatement when established under the procedures set forth in this chapter.

(d) A residential legal nonconforming building located in an industrial or commercial zone may be enlarged subject to the issuance of a conditional use permit and subject to the following:

(1) Any life-threatening Building Code violations shall be corrected in any nonconforming building.

(2) The design of the expansion requires development review board approval.

(3) Legal nonconforming residential uses must conform to all R-2 (Two Family Residential) zone development standards.

(4) Additions must either provide adequate living space or relieve overcrowding.

(5) Expansion will only be allowed where it can be shown that it would not adversely affect existing development nor impede future development patterns.

(Ord. Nos. 178, 673)

Sec. 44-140. Continuation of nonconforming use of nonconforming building.

The nonconforming use of a nonconforming building may be continued, and may be expanded or extended throughout such building so long as such nonconforming building remains nonconforming; provided, that other regulations of the city do not prohibit such expansion; and, provided, further, that no structural alterations or additions are made except those that may be required by law or which are specifically permitted by this division. A nonconforming use of a nonconforming building may be changed to another use of the same or more conforming classification, but if the change is to a more conforming use the building cannot thereafter be used by or for a less restricted use. Any uses outside of the building shall not be expanded on the same or adjoining property.

(Ord. No. 178)

Sec. 44-141. Nonconforming use limits other uses.

While a nonconforming use exists on any lot, no additional use may be established thereon, even though such additional use would be a conforming use, unless:

(a) The use is a nonconforming use of a conforming building and such use has had a terminating date established by action of record by the planning commission; or

(b) The nonconforming use is a building of a more restricted type than that allowed in the zone (except residential) and an abatement date by which such building shall be abated has been established by action of the city. If the nonconforming building shall be used for residential purposes, any conforming building on the lot shall be so placed as to retain contiguous to the residential building the side yards and open spaces as required in the R-3 zone, and such side yards and open spaces shall be subject to the same limitations of use as governed in the R-3 zone, and the principal access to the dwelling units shall be from the lot front line in the case of an interior lot, or from either the lot front line or side street side line in the case of a corner or reverse corner lot, and the passageway shall not be less than five feet in width.

(Ord. No. 178)

Sec. 44-142. Abatement--Nonconforming use of land when no structure is involved.

In any zone the nonconforming use of land wherein no structure is involved and which use existed on the effective date of the ordinance from which this chapter derives shall be abated within one year from such date, and any future use of such land shall conform to the provisions of this chapter. If the nonconforming use of land is discontinued for six months or more, any future use of such land shall conform, to the provisions of this chapter. During the period of the permissible nonconforming use of land such nonconforming use of the land shall not in any way be expanded or extended either on the same or adjoining property.

(Ord. No. 178)

Sec. 44-142.1. Regulations for metal-related manufacturing and/or processing uses, but which, by the adoption of Ordinance No. 1106, have been determined to be a legal nonconforming use.

The following provisions apply exclusively to any legally existing metal-related use in an M-1, M-2, and PD-PS zone that was legally existing as of the effective date of Ordinance No. 1106, but which is determined to be legal nonconforming by the adoption of Ordinance No. 1106.

(a) A legally established use existing prior to the adoption of Ordinance No. 1106, shall be considered a legal non-conforming use in the M-1, M-2, or PD-PS zone after the effective date of Ordinance No. 1106.

(b) Notwithstanding anything to the contrary contained in Division 5, Chapter 44, Article XI of the Paramount Municipal Code beginning with Section 44-136, or any other provision of the Paramount Municipal Code relating to nonconforming uses, any permitted legal nonconforming use as defined in Paragraph 1, above, shall be allowed to remain and operate, subject to the requirements of this Section 44-142.1.

(c) A legal nonconforming use may be allowed to expand, including its physical size, operational capacity, production output, and/or equipment installations, within a conforming or nonconforming parcel upon review and approval of a conditional use permit from the Planning Commission. Where such expansion requires the alteration of existing buildings or the construction of new buildings, such alterations or construction shall comply with all regulations and requirements under the Paramount Municipal Code. No expansion will be allowed until a conditional use permit has been approved. A development review application shall be approved if required by the Paramount Municipal Code.

(d) A legal nonconforming use shall be allowed to continue operations in accordance with the rules and regulations in place prior to the effective date of Ordinance No. 1106, except as otherwise set forth in this Section 44-142.1.

(e) Notwithstanding anything to the contrary in this Section 44-142.1, a legal nonconforming use shall, at all times, obtain and maintain required permits from the South Coast Air Quality Management District and all other applicable regulatory agencies. A legal nonconforming use shall comply with all requirements of permits issued by the South Coast Air Quality Management District and all other regulatory agencies.

(f) All legal nonconforming uses shall comply with required housekeeping and best management practices of the South Coast Air Quality Management District and all other applicable regulatory agencies.

(g) To the extent the installation of emissions control equipment is required by an adopted and applicable South Coast Air Quality Management District rule or regulation, then such emissions control equipment, including retrofit equipment, required for the operation of a legal nonconforming use shall comply with Best Available Control Technology requirements. A metal-related manufacturing and/or processing use shall install Lowest Achievable Emission Rate equipment if required by the South Coast Air Quality Management District.

(h) Core production and manufacturing activities relating to a legal nonconforming use shall be conducted within an enclosed structure. Ancillary activities of a legal nonconforming use shall be permitted outdoors, including, but not limited to, the following activities:

(1) Storage established prior to the adoption of Ordinance No. 571 on July 3, 1984 or with the approval of a conditional use permit for outdoor storage;

(2) Maintenance;

(3) Inspection;

(4) Measuring;

(5) Packing; and

(6) Loading and unloading.

Other ancillary activities shall be approved by the Community Development Director.

(i) At least one clearly visible exterior wall sign identifying the business shall be installed in public view following separate review and approval of the Community Development Department in compliance with approval criteria of the Paramount Municipal Code and the individual zone.

(j) Failure to continuously operate a legal nonconforming use for a period of six (6) consecutive months shall result in such use losing its nonconforming status. For the purpose of this paragraph, a failure to continuously operate means the discontinuance of all activities relating to the legal nonconforming use for six (6) consecutive months.

(Ord. No. 1106)

Sec. 44-142.2. Regulations for existing non-metal-related manufacturing and/or processing uses, but which, by the adoption of Ordinance No. 1106, have been determined to be a legal nonconforming use.

The following provisions apply to any legally established non-metal-related business operation that was rendered legal nonconforming by the adoption of Ordinance No. 1106.

(a) Expansion. A legally established non-metal-related use which, by the adoption of Ordinance No. 1106, has been rendered legal nonconforming may be permitted to expand provided that a conditional use permit is obtained from the Planning Commission and provided that:

(1) All requirements of the Paramount Municipal Code, all federal environmental regulations, as set by the United States Environmental Protection Agency, all California Environmental Quality Act regulations, and all South Coast Air Quality Management District regulations are met.

(2) The use of Best Available Control Technology is required at minimum. A facility shall install Lowest Achievable Emission Rate equipment if required by the South Coast Air Quality Management District.

(Ord. No. 1106)

Sec. 44-143. Same--Uses in open where accessory buildings or structures are involved.

Where a nonconforming use has buildings or structures accessory to the main open air use such nonconforming use shall be discontinued, and such buildings and structures shall be completely removed or altered to conform to the uses permitted in the zone in which the property is located at such times as the buildings or structures are required to be removed according to the schedule contained in this chapter. Trailer parks, trailer courts, trailer camps and mobile home parks are considered to be in this category.

In trailer parks, residential buildings and community or recreational buildings are considered to be main buildings; required service buildings are considered to be accessory buildings.

(Ord. No. 178)

Sec. 44-144. Same--Dairies, including wholesale milk producers.

Dairies, and the keeping of cows, is not permitted as a new use in any zone. Dairies and the keeping of cows, where existing on the effective date of the ordinance from which this chapter derives are declared to be nonconforming uses, and any building or structure in connection therewith is considered to be a nonconforming building or structure and subject to the provisions of Section 44-151 with reference to abatement. The keeping of dairy cattle on the premises may be continued until the buildings or structures are removed as required in this division. Where no building is involved, the keeping of cattle shall terminate within three years from the effective date of the ordinance from which this chapter derives.

(Ord. No. 178)

Sec. 44-145. Same--Horses and beasts of burden.

The keeping of horses or other beasts of burden is not permitted as a new use in any zone. The keeping of horses and other beasts of burden, where existing on the effective date of the ordinance from which this chapter derives is declared to be a nonconforming use, and any building or structure in connection therewith is considered to be a nonconforming building or structure and subject to the provisions of Section 44-151 with reference to abatement. The keeping of horses and beasts of burden, where such use existed on the effective date of the ordinance from which this chapter derives, may be continued until the buildings or structures are removed as required by this division. Where no building is involved, then the keeping of horses and beasts of burden shall terminate within three years from the date this chapter or such ordinance becomes applicable thereto.

(Ord. No. 178)

Sec. 44-146. Same--Rabbits, poultry, fowl (wild or domestic), sheep and goats.

The keeping of rabbits, poultry, fowl (wild or domestic), sheep and goats is not permitted as a new use in any zone. The keeping of rabbits, poultry, fowl, sheep or goats, where existing on the effective date of the ordinance from which this chapter derives, is declared to be a nonconforming use, and any building or structure in connection therewith is considered to be a nonconforming building or structure and subject to the provisions of Section 44-151 with reference to abatement. The keeping of rabbits, poultry, fowl, sheep or goats, where such use existed on the effective date of such ordinance, may be continued until the buildings or structures are removed as required by this division. Where no building is involved, then the keeping of rabbits, poultry, fowl, sheep or goats shall terminate within three years from the date this chapter or such ordinance becomes applicable thereto.

(Ord. No. 178)

Sec. 44-147. Same--Abatement of nonconforming use of conforming building.

(a) In "R" zones. Every nonconforming use of a conforming building in any of the "R" zones shall be discontinued within three years from the date of formal notice to the owner from the planning commission.

(b) In "C" zones. Every nonconforming use of a conforming building in a C-3 zone which use is first permitted in a C-M, M-1 or M-2 zone shall be discontinued within ten years from the date of formal notice to the owner from the planning commission. In a C-M zone, every nonconforming use of a conforming building which use is first permitted in an M-2 zone shall be discontinued within ten years from the date of formal notice to the owner from the planning commission.

(c) In "M" zones. The nonconforming building in the "M" zones shall be discontinued within ten years from the date of formal notice to the owner from the planning commission.

(Ord. No. 178)

Sec. 44-147.1. Abatement--Garage conversion.

No conversion of a garage shall be permitted after July 1, 1986 unless it is in conformity with all applicable development standards. Any garage which has been found to have been converted after July 1, 1986 shall be abated immediately.

(Ord. No. 681)

Sec. 44-147.2. Nonconforming garage conversions.

Any garage converted prior to July 1, 1986 shall be deemed legal nonconforming.

(Ord. No. 681)

Sec. 44-147.3. Conformance to Building Code, etc.--Garage conversion.

Nothing in this section shall permit the continuation of any substandard conditions which may be found to exist within a garage conversion in the course of an inspection by a building, health, fire, or code enforcement inspector. If, in the course of any inspection of a garage conversion by the city, conditions are found which do not meet all provisions of the Paramount Municipal Code, such conditions shall be corrected by the property owner within a reasonable time period specified by the inspector at the time of the inspection.

(Ord. No. 681)

Sec. 44-148. Same--Reference to Building Code, etc.

The abatement provisions of this division are based upon the requirements of the Building Code and the state Housing Act for specific types of buildings, in matters of design, materials and structural features, to accommodate specific types of uses such as residential, commercial and industrial. The provisions of this division are not intended to require abatement of buildings by reason of structural obsolescence or inadequacies, or failure to conform to the requirements of the building regulations of the city.

(Ord. No. 178)

Sec. 44-149. Conformance of existing uses required to be in entirely enclosed building.

Where this chapter requires a use to be contained within an entirely enclosed building as such term is defined in this chapter, and a use existing on the effective date of the ordinance from which this chapter derives is not in an entirely enclosed building, the building or structure containing such use shall be made to conform to the requirements of this chapter with respect to such enclosure within a period of three years from the date of notification by the planning commission authorized by the city council. The planning commission shall notify the owner or lessee of the subject property of the intent to consider the matter at a public meeting and the date of such meeting. The planning commission shall consider all pertinent data in connection therewith and provide the opportunity for the owner or lessee to present such evidence which properly relates to such case. The planning commission shall, by resolution, establish the facts upon which the determination is made to require such property owner to make the building conforming, and shall formally notify the owner or lessee in writing of the commission's decision and of the date by which such building shall be made conforming. Such formal notification shall be mailed to the property owner or lessee at the address of record not more than ten days following the date of the public meeting at which the matter was considered.

(Ord. No. 178)

Sec. 44-150. Conformance to exterior improvements.

Where a use in a "C" or "M" zone exists on the date the ordinance from which this chapter derives became effective and such use is nonconforming only because it does not meet the requirements of this chapter with reference to improvement of outside areas used for storage, parking or outside activities, or if the property on which any use is located has a common property line with "R" zoned property and no wall exists on such property line as is required by this chapter, such use shall be made to conform to the requirements of this chapter with respect to such features within a period of sixty days from the date of notification by the planning commission authorized by the city council. The procedures to be followed in serving notice upon the property owner, or lease if there be such, shall be in the same manner as that set forth in Section 44-149.

(Ord. Nos. 178, 479)

Sec. 44-151. Removal, etc.--Nonconforming buildings.

(a) In "R" zones. Every nonconforming building in any of the "R" zones, except residential buildings, churches, schools and public utility facilities (other than offices, administrative buildings and service yards) which nonconforming building was designed or intended for a use not permitted in the "R" zone in which it is located, shall be completely removed or altered to structurally conform to the uses permitted in the zone in which it is located within the herein specified times upon notice from the planning commission. The specified times shall be measured as follows:

(1) If the nonconforming building has remained in one ownership between the date of construction of the building and the effective date of the ordinance from which this chapter derives, then the time by which the removal of the building shall occur shall be measured from the date of the construction of the building;

(2) If the nonconforming building changed ownership by transfer of title by any means other than inheritance or gift prior to the effective date of the ordinance from which this chapter derives, then the time by which removal of the building shall occur shall be measured from the date of the last transfer of title. Any change in ownership subsequent to the effective date of such ordinance shall not serve to extend the time by which removal shall be required.

In no case, however, shall the period of time be less than ten years from the date of notification by the planning commission; provided, that this ten year minimum period shall not apply to Type V, Group J buildings and structures as indicated in item 10 below. As used in this section the designations "Type I buildings," "Type II buildings," "Type III buildings," "Type IV buildings" and "Type V buildings" are employed as defined in the existing Building Code of the city.

a. If property is occupied by structures of a type for which the existing Building Code does not require a building permit, one year.

b. Type I buildings, seventy years.

c. Type II buildings, sixty years.

d. Type III buildings, one-hour, fifty-five years.

e. Type III buildings, non-one-hour, fifty years.

f. Type IV buildings, one-hour, forty-five years.

g. Type IV buildings, non-one-hour, forty years.

h. Type V buildings, one-hour (excluding Group J), forty years.

i. Type V buildings, non-one-hour (excluding Group J), forty years.

j. Type V buildings, Group J, but not limited to agricultural buildings, sheds and garages, three years.

(b) In "C" zones.

(1) In the C-3 and C-M zones residential structures and structures containing dwelling units on the ground floor existing on the effective date of the ordinance from which this chapter derives shall be considered as nonconforming buildings but, as such, shall be subject only to those provisions of this division pertaining to abatement which provides that a nonconforming building removed or destroyed shall not be replaced by other than a conforming building, that the nonconforming building may not be enlarged or expanded unless such enlargement or expansion makes the building conforming, and that the degree of nonconformity may not be increased by changing to a less restricted residential use.

(2) Every nonconforming building in a C-3 zone which is designed for a use first permitted in a C-M, M-1 or M-2 zone shall be completely removed, or altered to conform to those uses permitted in the C-3 zone within the herein specified times upon notice from the planning commission. The specified times shall be measured as follows:

a. If the nonconforming building has remained in one ownership between the date of construction of the building and the effective date of the ordinance from which this chapter derives, then the time by which the removal of the building shall occur shall be measured from the date of construction of the building;

b. If the nonconforming building changed ownership by transfer of title by any means other than inheritance or gift prior to the effective date of such ordinance, then the time by which removal of the building shall occur shall be measured from the date of the last transfer of title. Any change in ownership subsequent to the effective date of such ordinance shall not serve to extend the time by which removal shall be required.

In no case, however, shall the period of time be less than ten years from the date of notification by the planning commission; provided, that this ten year minimum period shall not apply to Type V, Group J buildings and structures as indicated in item "j." below. As used in this section, the designations "Type I buildings," "Type II buildings," "Type III buildings," "Type IV buildings" and "Type V buildings" are as defined, in the existing Building Code of the city.

1. If property is occupied by structures of a type for which the existing Building Code does not require a building permit, one year.

2. Type I buildings, seventy years.

3. Type II buildings, sixty years.

4. Type III buildings, one-hour, fifty-five years.

5. Type III buildings, non-one-hour, fifty years.

6. Type IV buildings, one-hour, forty-five years.

7. Type IV buildings, non-one-hour, forty years.

8. Type V buildings, one-hour (excluding Group J), forty years.

9. Type V buildings, non-one-hour (excluding Group J), forty years.

10. Type V buildings, Group J, but not limited to agricultural buildings, sheds and garages, three years.

(c) In "M" zones.

(1) In the "M" zones any building, which by definition of this chapter, is not designed, arranged or constructed for a use permitted in the "M" zones shall be considered a nonconforming building, and shall be completely removed or altered to structurally conform to the uses permitted in the zone within the herein specified times upon notice from the planning commission. The specified times shall be measured as follows:

a. If the nonconforming building has remained in one ownership between the date of construction of the building and the effective date of the ordinance from which this chapter derives, then the time by which removal of the building shall occur shall be measured from the date of the construction of the building;

b. If the nonconforming building changed ownership by transfer of title by means other than inheritance or gift prior to the effective date of such ordinance, then the time by which removal of the building shall occur shall be measured from the date of the last transfer of title. Any change in ownership subsequent to the effective date of such ordinance shall not serve to extend the time by which removal shall be required.

In no case, however, shall the period of time be less than ten years from the date of notification by the planning commission; provided, that this ten year minimum period shall not apply to Type V, Group J buildings and structures as indicated in item "j." below. As used in this section, the designations "Type I buildings," "Type II buildings," "Type III buildings," "Type IV buildings" and "Type V buildings" are employed as defined in the existing Building Code of the city.

1. If the property is occupied by structures of a type for which the existing Building Code does not require a building permit, one year.

2. Type I buildings, seventy years.

3. Type II buildings, sixty years.

4. Type III buildings, one-hour, fifty years.

5. Type III buildings, non-one-hour, fifty years.

6. Type IV buildings, one-hour, forty-five years.

7. Type IV buildings, non-one-hour, forty years.

8. Type V buildings, one-hour (excluding Group J), forty years.

9. Type V buildings, non-one-hour (excluding Group J), forty years.

10. Type V buildings, Group J, but not limited to agricultural buildings, sheds and garages, three years.

(2) Nonconforming residential buildings in an "M" zone may be structurally altered or enlarged; provided, that:

a. Such alterations or enlargements shall not extend the time of required removal as established by this chapter for the building to which such enlargement or alterations have been made;

b. That any such structural alterations or enlargements shall conform to all requirements of this chapter for the R-3 zone, including yards, open spaces, height and floor area restrictions; and

c. That the amount of floor space that may be added to the nonconforming building or structure by means of structural alterations or enlargements during the remainder of the time preceding the date of the required removal shall not exceed a total of fifty percent of the floor space contained within the building or structure at the time the removal date was established and recorded.

(Ord. No. 178)

Sec. 44-152. Same--Nonconforming structures other than buildings.

Any nonconforming structure which is not a building, and which structure existed on the effective date of the ordinance from which this chapter derives, shall be completely removed within five years from the date this chapter or such ordinance becomes applicable to it.

(Ord. No. 178)

Sec. 44-152.1. Same--Non-conforming exterior security doors, gates and window coverings.

Any non-conforming exterior security doors, gates and window coverings existing on the effective date of Ordinance No. 956 shall be completely removed within 180 days from the date this ordinance or such section becomes applicable to it.

(Ord. Nos. 178, 956)

Sec. 44-153. Same--Procedure for determination of date of removal.

When any nonconforming condition exists in any zone, other than the nonconforming use of land where no structure is involved or where buildings and structures are accessory to the nonconforming use, it shall be the responsibility of the planning commission on its own initiative, to fix a date upon which the nonconforming building was established. It shall also be the responsibility of the planning commission to determine whether, by reason of structural alterations or enlargements, or the installation of major equipment designed into the building prior to the date this chapter or the ordinance from which it derives became applicable thereto, or certain transfer of title has occurred, it is deemed necessary to establish a later date for removal than that prescribed herein for the building itself in order to assure that the investment represented by such structural alterations, enlargements, equipment installations or newly-acquired title maybe amortized. In performing this function the planning commission shall consider all pertinent data in connection therewith and, at a public meeting, provide the opportunity for the owner of record, or lessee if there be such, to present such evidence as they may possess and which property relates to such case. The planning commission, by resolution, shall establish a date of removal and shall set forth such facts as bear upon which the determination of such date of removal is based, and shall formally notify the owner of such nonconforming property of the action of such commission by mailing to such owner a copy of the formally-adopted resolution not later than ten days following the date of subject action by the planning commission.

A copy of the resolution establishing the date of removal for subject property shall be filed with the county recorder after the expiration of the ten days within which an appeal can be taken, and such resolution shall be in such form as to clearly identify the property to which the removal date applies.

The decision on the removal date by the planning commission shall be final and conclusive unless within ten days after the mailing of the resolution to the owner or lessee, if there be such, an appeal in writing is filed with the city council. If an appeal is filed with the city council, the city council shall, within sixty days, and at a public meeting, review the findings set forth in the resolution of the planning commission, and the facts upon which the action of such commission was based. If the action of the city council is to affirm the action of the planning commission, such action shall be final. If the council proposes an action that is in any way contrary to the actions by the planning commission, the city council shall, before any such action is taken, refer its findings and proposed action to the planning commission and request a further report of the planning commission on the matter. Failure of the planning commission to report to the city council within forty days after reference may be deemed to be approval by the planning commission of any proposed change.

(Ord. No. 178)

Sec. 44-154. Same--Public utility exemptions.

The foregoing provisions of this division concerning the required removal of nonconforming buildings and uses and the reconstruction of nonconforming buildings partially destroyed shall not apply to public utility buildings and structures pertaining directly to the rendering of service or distribution, such as power generating plants and electric distribution and transmission substations; water wells and pumps; gas storage and metering and valve control stations. Nothing in this division shall be construed or applied so as to prevent the expansion, increase in capacity, modernization or replacement of such public utility buildings, structures, equipment and features as are used directly for the delivery of, or distribution of, the service; provided, however, that all yard requirements of the zone in which the site is located shall be maintained and there shall be no enlargement of the site. The provisions of this section shall not exempt from the provisions covering nonconformity any of the buildings, structures or uses which do not immediately relate to the direct service to customers, such as warehouses, storage yards, service yards and the like.

(Ord. No. 178)

Sec. 44-154.1. Automatic expiration of nonconforming uses and nonconforming buildings.

Irrespective of other provisions of this division, nonconforming uses, buildings and structures shall be subject to abatement and termination of usage in the manner and time as hereinafter set forth:

(a) Any nonconforming use which has been suspended or discontinued for a continuous period of at least one hundred eighty days shall be considered to have automatically expired.

(b) A nonconforming building which is vacant for a continuous period of at least one hundred eighty days shall not thereafter be occupied, except by a use which conforms to the use regulations of the zone in which it is located; provided, that such nonconforming building is brought into conformity with building laws and zone in which it is located.

(c) An increase or enlargement of the area, space or volume of the building, structure or land occupied by or devoted to such nonconforming use shall automatically abate the right of the nonconforming use.

(d) A change from a nonconforming use to a conforming use shall terminate the right of the nonconforming use.

(Ord. No. 358)

Sec. 44-154.2. Expiration of non-conforming signs and on-premise advertising displays.

(a) Definition. A sign means any structure, housing, device, figure statuary, painting, display message, placard, or other contrivance, or any part thereof, which is designated, constructed, created, engineered, intended, or used to advertise, or to provide date or information in the nature of advertising, for any of the following purposes:

    (1) To designate, identify, or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located.

    (2) To advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display is erected.

(b) A non-conforming sign shall be required to be removed, without compensation, if any of the following criteria are met:

(1) Any legal non-conforming sign which was lawfully erected but whose use to advertise or identify an ongoing business, product or service has ceased, or the structure upon which the sign is located has been abandoned by its owner, for a period of not less than 180 days. Costs incurred in removing an abandoned display may be charged to the legal owner.

(2) Any legal non-conforming sign which has been more than 50 percent destroyed, and the destruction is other than facial replacement, and the display cannot be repaired within 30 days of the date of its destruction.

(3) Any legal non-conforming sign whose owner, outside of a change of copy, requests permission to remodel and remodels that non-conforming sign or expands or enlarges the building or land use upon which the non-conforming sign is located, and the non-conforming sign is affected by the construction, enlargement or remodeling, or the cost of construction, enlargement or remodeling of the non-conforming sign exceeds 50 percent of the cost of reconstruction of the building.

(4) Any legal non-conforming sign whose owner seeks relocation thereof and relocates the non-conforming sign.

(c) Any flashing or rotating features of a legal nonconforming sign may be deactivated without compensation within 45 days after this ordinance becomes law, unless the flashing or rotating features of the legal nonconforming sign has historical significance.

(d) An inventory and identification of all illegal and abandoned non-conforming signs shall commence within six months from the date of adoption of this ordinance. Within 60 days after the six-month period, abatement of the identified preexisting illegal and abandoned non-conforming signs shall commence.

(1) For purpose of this section "illegal nonconforming sign" means any of the following:

a. A sign erected without first complying with all ordinances and regulations in effect at the time of its construction and erection and use.

b. A sign that was legally erected, but whose use has ceased , or the structure upon which the display is placed has been abandoned by its owner, not maintained, or not used to identify or advertise an ongoing business for a period of not less than 180 days.

c. A sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rendering the display nonconforming has expired, and conformance has not been accomplished.

d. A sign which is a danger to the public or is unsafe.

e. A sign which is a traffic hazard not created by relocation of street or highways or by acts of the City.

(e) Adoption of resolution for abatement of illegal signs.

(1) The City Council shall declare, by resolution, as public nuisances and abate all illegal on-premise advertising displays. The resolution shall describe the property upon which or in front of which the nuisance exists by giving its lot and block number according to the county assessment map and its street address if known. Any number of parcels of private property may be included in one resolution.

(2) Prior to adoption of the resolution by the City Council, the City Clerk shall send not less than a 10 days' written notice to all persons owning property described in the proposed resolution. The notice shall be mailed to each person on whom the described property is assessed on the last equalized assessment roll available on the date the notice is prepared. The notice shall state the date, time, and place of the hearing and generally describe the purpose of the hearing and the nature of the illegality of the sign.

(3) After adoption of the resolution, the enforcement officer shall cause notices to be conspicuously posted on or in front of the property on which the display exists.

(4) The notice shall be substantially in the following form:

NOTICE TO REMOVE ILLEGAL ADVERTISING DISPLAY

Notice is hereby given that on the __ day of _____, 19_, the City Council of the City of Paramount adopted a resolution declaring that an illegal sign is located upon or in front of this property which constitutes a public nuisance and must be abated by the removal of the sign. Otherwise, it will be removed, and the nuisance abated by the City of Paramount. The cost of removal will be assessed upon the property from or in front of which the display is removed and will constitute a lien upon the property until paid. Reference is hereby made to the resolution for further particulars. A copy of this resolution is on file in the office of the City Clerk.

(5) The notices shall be posted for notice at least 10 days prior to the time for hearing objections by the City Council of the City of Paramount.

(6) In addition to posting of the resolution and notice of the meeting when objections will be heard, the City Council of the City of Paramount shall direct the City Clerk to mail written notice of the proposed abatement to all persons owning property described in the resolution. The City Clerk shall cause the written notice to be mailed to each person to whom the described property is assessed in the last equalized assessment roll available on the date the resolution was adopted by the City Council. The notices mailed by the City Clerk shall be mailed at least 10 days prior to the time for hearing objections by the City Council. The notices mailed by the City Clerk shall be substantially in the form provided by Section 44-154.2 (5)(d).

(7) At the time stated in the notices, the City Council shall conduct a hearing regarding removal of the illegal sign and consider all objections to the proposed removal of the illegal sign. It may continue the hearing from time to time. By motion of resolution at the conclusion of the hearing, the City Council shall allow or overrule any objections. At that time, the City Council acquires jurisdiction to proceed and perform the work of removal. The decision of the City Council is final. If objections have not been made or after the City Council has disposed of those made, it shall order the enforcement officer to abate the nuisance by having the sign removed. The order shall be made by motion or resolution.

(8) The enforcement officer may enter private property to abate the nuisance.

(9) Before the enforcement officer arrives, any property owner may remove the illegal sign at the owner's expense. Nevertheless, in any case in which an order to abate is issued, the City Council, by motion or resolution, may further order that a special assessment and lien be assessed against the property, and such lien shall be limited to the costs incurred by the City in enforcing abatement upon the property, including investigation, boundary determination, measurement, clerical, and other related costs.

(10) The enforcement officer shall keep an account of the cost of the abatement of an illegal sign for each separate parcel of property where the work is done by him or her. He or she shall submit to the City Council for confirmation an itemized written report showing that cost.

a. A copy of the report shall be posted for at least three days, prior to its submission to the City Council on or near the chamber door of the City Council, with notice of the time of submission.

b. At the time fixed for receiving and considering the report, the City Council shall hear it with any objections of the property owners liable to be assessed for the abatement. It may modify the report if it is deemed necessary. The City Council shall then confirm the report by motion or resolution.

(11) Abatement of the nuisance may, in the discretion of the City Council be performed by contract awarded by the City Council on the basis of competitive bids let to the lowest responsible bidder. In that event, the contractor shall keep the account and submit the itemized written report for each separate parcel of property required by Section 44-154.2(5)(j).

(12) The cost of abatement in front of or upon each parcel of property, and the cost incurred by the City, in enforcing abatement upon the parcels, including investigation, boundary determination, measurement, clerical, and other related costs, are a special assessment against that parcel. After the assessment is made and confirmed, a lien attaches on the parcel upon recordation of the order confirming the assessment in the office of the County Recorder of the County of Los Angeles. However, if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the assessment would become delinquent, the lien which would otherwise be imposed by this section shall not attach to the real property and the costs of abatement and the costs of enforcing abatement, as confirmed, relating to the property shall be transferred to the unsecured roll for collection.

After confirmation of the report, a copy shall be given to the County of Los Angeles Tax Assessor, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

If the county assessor and the tax collector assess property and collect taxes for the city, the city shall file a certified copy of the report with the county auditor on or before August 10. The description of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.

The county auditor shall enter each assessment on the county tax roll opposite the parcel of land.

The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. If delinquent, the amount is subject to the same penalties and procedures of foreclosure and sale provided for ordinary municipal taxes.

The City Council may determine that, in lieu of collecting the entire assessment at the time and in the manner of ordinary municipal taxes, assessments of fifty dollars ($50) or more may be made in annual installments, not to exceed five, and collect one installment at a time and in the manner of ordinary municipal taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for foreclosure and sale provided for ordinary municipal taxes. The payment of assessments so deferred shall bear interest on the unpaid balance at a rate to be determined by the City Council, but not to exceed six percent per annum.

(13) As an alternative method, the county tax collector, at his or her discretion, may collect the assessments without reference to the general taxes by issuing separate bills and receipts for the assessments.

(14) Law relating to the levy, collection, and enforcement of county taxes apply to these special assessments.

(15) The lien of the assessment has the priority of the taxes with which it is collected.

(16) The enforcement officer may receive the amount due on the abatement cost and issue receipts at any time after the confirmation of the report and until 10 days before a copy is given to the assessor and tax collector or, where a certified copy is filed with the county auditor, until August 1 following the confirmation of the report.

(17) The City Council may order a refund of all or part of an assessment pursuant to this chapter if it finds that all or part of the assessment has been erroneously levied. An assessment, or part thereof, shall not be refunded unless a claim is filed with the clerk of the legislative body on or before November 1 after the assessment became due and payable. The claim shall be verified by the person who paid the assessment or by the person's guardian, conservator, executor, or administrator.

(Ord. No. 817)

(Ord. Nos. 153, 178, 211, 267, 288, 313, 325, 358, 378, 415, 426, 437, 448, 479, 525, 526, 563, 564, 576, 592, 673, 674, 681, 763, 775, 786, 801, 817, 819, 829, 830, 834, 835, 856, 860, 862, 872, 876, 884, 893, 901, 927, 938, 951, 954, 956, 1002, 1028, 1036, 1074, 1106)