

**Title 17**

**ZONING**

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## Chapter 17.04

### GENERAL PROVISIONS

#### Sections:

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#### **17.04.010 Short title.**

This title shall be referred to as the Bell zoning code. (Prior code § 9200)

#### **17.04.020 Replacement of previous regulations.**

Insofar as the provisions of this title are substantially similar to the former zoning regulations in effect as of the adoption of this title, the provisions of this title shall be construed as restatements and continuations of such regulations and not as new enactments. (Prior code § 9201)

#### **17.04.030 Purpose.**

The purpose of these regulations is to classify, designate, regulate and restrict the use of buildings, land and structures, in order to permit the highest and best use of land within the city to serve the needs of residential, commercial and industrial de-

velopments within the city, to regulate and limit the height, number of stories, size and location of buildings and other structures, hereafter designed, erected or altered; to regulate the size of yards and open spaces; to regulate and limit the density of population; to facilitate adequate provisions for community utilities, such as transportation, water, sewerage, schools, parks and other public requirements; to lessen congestion on streets; to promote the public health, safety, welfare and general prosperity with the aim of preserving a wholesome, serviceable and attractive community. (Prior code § 9202)

#### **17.04.040 Minimum requirements.**

In applying the provisions of these regulations to uses within the city, the same shall be deemed and construed to be the minimum requirements necessary for the promotion of the public health, safety, interest and welfare, unless the context of the regulation clearly otherwise provides. (Prior code § 9203)

#### **17.04.050 Reference to other laws.**

Whenever reference is made herein, to other provisions of this code, or other laws, such reference shall be deemed to apply to all amendments now, or hereafter, adopted, with reference thereto. (Prior code § 9204)

#### **17.04.060 Continuations of zone variances and conditional use permits.**

All uses allowed by reason of zone variances and conditional or special use permits heretofore issued by the city, shall be deemed to remain in full force and effect, subject to the provisions of Sections 17.96.170 and 17.96.180 of this title. Notwithstanding any other provision of this code, no use permitted by such variance or permit heretofore issued, which is being lawfully exercised in compliance with the conditions imposed upon the issuance thereof, shall be deemed to be nonconforming for any purpose, except as herein specifically set forth. (Prior code § 9206)

**17.04.070 Continuation of existing nonconforming uses.**

No use established or conducted, nor any building or improvement existing or maintained, in violation of the former zoning regulations of this city, shall be deemed to have acquired a legal nonconforming status by reason of the adoption of these regulations. (Prior code § 9207)

**17.04.080 Procedure regarding pending proceedings.**

If, as of the effective date of the ordinance codified in this chapter, pursuant to the provisions of Ordinance No. 380, as amended, legislative or administrative action is in process, such action shall be deemed to have been taken pursuant to the provisions of this title, and shall be finally processed, insofar as possible, in accordance with the provisions of this title. (Prior code § 9208)

**17.04.090 Clarification of ambiguity.**

If an ambiguity shall be found with reference to these regulations, including but not limited to, the appropriate classification of a particular use, the commission shall consider the matter and shall, by resolution, recommend to the city council the clarification of such ambiguity. When such a commission resolution has been approved by the city council, the same shall be deemed to be in force and effect and shall govern the interpretation of the affected provisions of this title, to which the same relates, until such time as an appropriate amendment thereto has been duly adopted. (Prior code § 9245)

**17.04.100 Certificates of occupancy required.**

No person shall use any building, land or structure, nor shall the owner of any property allow such use, unless and until the director issues, for such use, a certificate of occupancy, indicating the same complies with all applicable laws, including but not limited to, the provisions of this title. Where the director refuses the issuance of such a certificate, he shall give the applicant written notice thereof; his decision shall be subject to an appeal in the time

and manner provided in Sections 17.20.050 and 17.20.060 of this title. (Prior code § 9246)

**17.04.110 Violation of provisions—No building or certificate of occupancy to be issued.**

No building permit or certificate of occupancy shall be issued for any building, structure or use which has been erected, constructed, maintained or utilized in violation of any provision of this title, or any other applicable law. Any such permit or certificate issued erroneously for a use, building or structure, which does not comply with such laws, shall, for all purposes, be null, void and of no effect. (Prior code § 9247)

**17.04.120 Application of regulations to city-owned property.**

The provisions of this title shall not apply to real property which is owned or leased, and is in use by the city, the Bell community redevelopment agency or the Bell surplus property authority. (Prior code § 9248)

## Chapter 17.08

### DEFINITIONS

#### Sections:

#### 17.08.010 Definitions and rules of construction.

#### 17.08.010 Definitions and rules of construction.

For the purpose of carrying out the purpose of this title, the words, phrases and terms included in this chapter shall be deemed to have the meaning ascribed to them by this section.

“Abutting, adjoining or contiguous” means, in reference to real property, two or more lots sharing a common boundary line; with reference to two or more objects, “abutting, adjoining or contiguous” means in immediate contact with each other.

“Access” means the place, or way, by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a property.

“Accessory use” means a use customarily incidental, related and clearly subordinate, to a permitted principal use, which accessory use is established on the same lot as the principal use.

“Adjacent” means two or more objects which are located in close proximity to each other.

“Alcoholism hospital” means an institution intended solely for the admission, diagnosis and intensive short-term treatment of patients addicted to excessive use of alcohol, and related conditions, licensed as such by the state of California.

“Alley” means a public or private way, other than a street or highway, permanently reserved as a means of secondary vehicular access to adjoining properties.

“Antenna or wireless communication facility” means a device used in communications which transmits or receives radio signals. “Antennas and wireless communication facilities” shall include, but not be limited to, dish, panel, satellite, whips, building-mounted and freestanding structures used for the transmission or receipt of radio signals.

“Apartment house” means the same as multiple dwelling.

“Assessor” means the tax assessor of the county of Los Angeles.

“Basement” means that portion of a building which is totally or partly below the level finished grade of the lot upon which it is located,

“Board” or “architectural review board” means the architectural review board created by the city council which board shall perform the functions assigned to it pursuant to the provisions of the Bell zoning code.

“Borrow pit” means the same as quarry.

“Building” means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons or property of any kind.

**Building, Accessory.** “Accessory building” means a detached building housing a permitted accessory use, located on the same lot as the main building or principal use; provided, that if the same is attached to a main building by a common wall or roof, it shall be deemed to be a part of such main building.

“Building or structure height” means the vertical distance from the average finished grade of the lot to the highest point of the building or structure. The average finished grade of a lot shall be determined by taking the average of the highest and lowest elevations of the curb at the street providing primary access to the property.

**Building, Main.** “Main building” means a building in which is conducted a principal use permitted upon the lot upon which it is situated.

“CAO” means the chief administrative officer of the city of Bell.

“Carport” means a permanently roofed structure with not more than two enclosed sides, used or intended to be used for automobile shelter.

“Cellar” means the same as basement.

“Centerline” means the centerline of any street, highway or alley.

“Check cashing service” means an operation for which a license is required pursuant to Section 12004 et seq. of the Financial Code of the state of California.

“Child care facilities” means a child care facility which provides nonmedical care to children under eighteen years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24) hour basis. Child care facilities include day care centers and family day care homes.

“Children’s day care center (emotionally disturbed)” means a facility intended solely for the admission of minors with mental illness or neurological or emotional disorders, who are provided with an organized daytime program of services, licensed as such by the state of California. Patients are not permitted to remain overnight.

“Children’s treatment center (emotionally disturbed)” means an institution of one bed capacity or more intended solely for the admission and treatment of minors with mental illness or behavior or emotional disorders, licensed as such by the state of California.

“City” means the city of Bell.

“Clerk” means the city clerk of the city of Bell.

Club, Private. “Private club” means any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

“Commission” mean the planning commission of the city of Bell.

“Communications equipment buildings” means buildings housing operating electrical and mechanical equipment utilized in conducting a public utility communications operation.

“Condominium” means dwelling unit as is described in Section 783 of the Civil Code of the state of California.

“Convalescent home” means the same as nursing and convalescent hospital, licensed as such by the state of California.

“Council” means the city council of the city of Bell.

“Court” means an area which is open and unoccupied by any building or structure, bounded on three or more sides by the exterior walls of a building. An inner court is a court entirely enclosed within the exterior walls of a building. All other courts are outer courts.

“Dairy” means any premises where one or more cows or goats, or any combination thereof, are kept or maintained for the purpose of producing milk.

“Day care center” means any child care facility, other than a large or small family day care home, which includes infant centers, pre-schools and extended day care facilities, which provides day care to four or more children.

“Day center (mentally retarded)” means a facility intended solely for the admission of patients with mental retardation, who are provided with a daytime program of education or training, handicraft, vocational and recreational activities, licensed as such by the state of California. Patients are not permitted to remain overnight.

“Day treatment hospital” means a place intended solely for the admission and treatment of patients with mental illness or mental disorder, who are provided with a daytime program of organized treatment, activities and supervision under medical direction, licensed as such by the state of California. Patients are not permitted to remain overnight.

“Director” means the director of development services for the city of Bell or his or her designee.

“Duplex” means the same as two-family dwelling.

Dwelling, Multiple. “Multiple dwelling” means a building containing two or more dwelling units.

Dwelling, Single-Family or One-Family. “Single-family or one-family dwelling” means a building desired and used for occupancy, living quarters, for one family and containing not to exceed one dwelling unit.

Dwelling, Three-Family. “Three-family dwelling” means a building designed or used for occupancy, as living quarters, by three families and containing three dwelling units.

Dwelling, Two-Family. “Two-family dwelling” means a building designed or used for occupancy,

as living quarters, by two families and containing two dwelling units.

"Dwelling unit" means one or more rooms in a building used or intended to be used, for occupancy by one family, as its living quarters.

Dump, Inert Solid. "Inert solid dump" means an area devoted to the disposal of non-water soluble, nondecomposable inert solids such as natural earth, rock, sand and gravel paving fragments, concrete, brick, plaster and plaster products; steel mill slag; glass; asbestos fiber and products therefrom.

Dump, Rubbish and Refuse. "Rubbish and refuse dump" means an area devoted to the disposal of inert solids and/or decomposable organic refuse and scrap metal.

"Educational institution" means any public, private or parochial, elementary, junior high, high school, university, or other school giving general academic instruction in the several branches of learning.

"Explosives" means any explosive substance as defined in Section 12000 of the Health and Safety Code of the state of California.

"Facilities for drug addicts" means facilities licensed by the state which admit, treat and care for patients who are addicted to the use of narcotic drugs.

"Family" means persons living together as a single housekeeping unit in an apartment or dwelling unit.

"Family day care home" means a home which regularly provides care, protection and supervision of twelve (12) or fewer children, in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away and includes the following:

1. "Large family day care home" means a family day care home which provides family day care to seven to twelve children, inclusive, including children under the age of ten years who reside at the family day care home, as defined in regulations issued by the state of California; and

2. "Small family day care home" means a family day care home which provides family day care to six or fewer children, inclusive, including children

under the age of ten years who reside at the family day care home, as defined in regulations issued by the state of California.

"Family home (mentally ill)" means a facility intended solely for the admission of not more than six mentally ill or emotionally disordered patients who are provided with a program of services and protective supervision in a home setting.

"Family home (mentally retarded)" means a facility intended solely for the admission of one or more mentally retarded patients who are provided with a program of services and protective supervision in a home setting.

Fence, View-Obscuring. "View-obscuring fence" means a solid masonry wall, a wooden fence with openings between joints less than one-half inch, or chain link fabric with interwoven opaque plastic, metal or wooden slats with openings less than one-half inch.

Floor Area, Net. "Net floor area" means the total horizontal floor area of all the floors of a building included within the surrounding walls, exclusive of vents, shafts, courts and off-street parking facilities.

Floor Area, Gross. "Gross floor area" means the total horizontal floor area of all floors of a building included within its surrounding walls.

"Fortunetelling" means the business or art of astrology, phrenology, life reading, fortunetelling, clairvoyance, clairaudience, crystal gazing, hypnotism, mediumship, mesmerism, oriental mysteries, palmistry, spirit photography, spirit writing, spirit voices, spirit materialization, etherealization, numerology, augury, divination, or other similar or related art or business.

Frontage, Street. "Street frontage" means the width of the front boundary line of a lot which abuts upon a street or highway.

"Garage" means any building, with three enclosed sides, having not less than two hundred (200) square feet of floor area, provided with a closeable access door or doors, which is used or intended to be used for automobile shelter or storage.

Gender. When consistent with context, words in the masculine gender include the feminine and neuter genders.

**Grade, Ground Level.** "Ground level grade" means the average level of the finished ground surface of a lot, immediately surrounding a building, measured at the center of all walls of the building.

**"Gradient"** means the rate of vertical change of a ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

**"Guest house or accessory living quarters"** means living quarters within an accessory building for the sole use of persons employed on the premises, or for temporary use by guests of the occupants of the premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit.

**Height.** (See Building height)

**Highway, Major.** "Major highway" means a major highway designated as such by the city council.

**Highway, Secondary.** "Secondary highway" means a secondary highway designated as such by the city council.

**"Hog ranch"** means any premises where one or more weaned hogs are kept or maintained.

**"Home occupation"** means an occupation, calling or profession carried on by an occupant of a dwelling unit, located in an R zone, as an accessory use.

**"Hospital"** mean an institution staffed and equipped to provide the various types of intensified hospital care, including, but not limited to short-term care in acute medical, surgical and obstetrical services, but shall not include the treatment, other than on an emergency temporary basis, of alcoholic or mental patients.

**"Hotel"** means any building or portion of any building with access provided through a common entrance, lobby or hallway to one or more guest rooms, which have no cooking facilities, and which are designed and intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests.

**"Household pets"** means and is limited to only the following animals, birds and or fish, and no others:

1. Cats; and/or
2. Dogs; and/or

3. Fish; provided, however, that the total capacity of all containers for fish shall not exceed one hundred (100) gallons per dwelling unit; and/or

4. Any bird which is:

- a. Customarily kept in residence with man;
- b. Kept, at all times, within a dwelling unit; specifically, "bird," for the purpose of these regulations, shall specifically not include, chickens, roosters, geese or ducks.

**"Kitchen"** means any room or space within a building designed, intended to be used or used for the cooking or preparation of food.

**"Landscaped area"** means an area upon which landscaping is required to be continuously maintained.

**"Landscaping"** means the planting and maintenance of some combination of trees, shrubs, vines, groundcovers, flowers, lawn or other flora. Accessory to the plantings, natural features such as rock and stone, and structural features, including, but not limited to fountains, reflecting pools, artworks, screens, walls, fences and benches, may be included in the combination provided such nonflora features do not exceed seven and one-half percent of the landscaped area.

**"Long-term facility"** means an institution of one-patient capacity or more intended primarily for the admission of chronic mentally ill, or mentally disordered patients, who are provided nursing services and intensive supervision, licensed as such by the state of California.

**"Lot or parcel of land"** means:

1. A parcel of real property which is shown as a lot in a subdivision recorded pursuant to the provisions of the Subdivision Map Act; or
2. A parcel of real property, the dimensions and boundaries of which are defined by a recorded record of survey map; or
3. A parcel of real property shown on a parcel map, recorded pursuant to the provisions of the Subdivision Map Act; or
4. A parcel of real property lawfully created and dimensioned prior to the adoption of the ordinance codified in this title.

**“Lot area”** means the total area, measured in a horizontal plane, included within the lot lines of a lot.

**Lot, Corner.** **“Corner lot”** means a lot situated at the intersection of two or more streets and highways.

**“Lot depth”** means the horizontal distance measured between the midpoints of the front and rear lot lines.

**Lot, Interior.** **“Interior lot”** means a lot other than a corner or reversed corner lot.

**Lot Line, Front.** **“Front lot line”** means a line separating an interior lot from a street; in the case of a corner lot, the lot line separating the narrowest street frontage of the lot from the street. In the case of a lot having no street frontage, **“front lot line”** means the narrowest lot line parallel and closest to the nearest street or highway, as determined by the director.

**Lot Line, Rear.** **“Rear lot line”** means a lot line which is most distant from the front lot line.

**Lot Line, Side.** **“Side lot line”** means any lot boundary line which is not a front or rear lot line.

**Lot, Reversed Corner.** **“Reversed corner lot”** means a corner lot, the side lot line of which is substantially a continuation of the front line of a lot which adjoins the rear lot line of such corner lot.

**Lot, Through.** **“Through lot”** means a lot, having frontage on two approximately parallel streets or highways.

**“Lot width”** means the horizontal distance between the side lot lines measured between two points each located on the side lot lines at a distance midway between the front and rear lot lines.

**“May”** is permissive.

**“Medical and/or dental clinic”** means any facility providing physical health service, or medical, surgical or dental care of the sick or injured, but shall not include in-patient or overnight accommodations. **“Medical clinic”** includes health center, health clinic, doctors’ and dentists’ offices.

**“Motel”** means one or more buildings containing guest rooms or dwelling units, without kitchen facilities, with one or more such guest rooms or units, each having a separate entrance leading directly

from the outside of the buildings or from an inner court; which facilities are designed, used or intended to be used, rented or hired out for temporary or overnight accommodations for guests, and are offered primarily to automobile tourists or transients by signs or other advertising media; one unit, for use by a manager, may have kitchen facilities. **“Motel”** includes auto courts, motor lodges and tourists courts.

**“Mobilehome or coach”** means a structure which is:

1. Installed on a foundation system as specified in Section 18551 of the California Health and Safety Code;
2. Manufactured and certified under the National Mobile Home Construction and Safety Standards Act of 1974; and
3. Designed and used for occupancy, as living quarters, for one family.

**Nonconforming Building, Structure or Use.**

1. **“Nonconforming building or structure”** means a building or structure, or portion thereof, which was lawfully altered or constructed in accordance with the zoning regulations of the city in effect as of the time of such construction or alteration, but which, by reason of the application thereto of the provisions of this title, does not conform to the regulations contained in this title.

2. **“Nonconforming use”** means the utilization of land, building, buildings or structures, or any combination thereof, which use, when established, conformed to the then existing zoning regulations in effect as of the time of the commencement of such use, but which by reason of the application of the provisions of this title thereto, does not conform to the regulations contained in this title.

**Notice.** Whenever written notice is required to be given under this title, the same shall be given by personal service thereof upon the persons to be notified, or by United States mail, postage prepaid, addressed to such person at his last known address, such notice shall be conclusively deemed complete upon the same being deposited in the course of postal transmission.

"Nursery (mentally retarded)" means a facility intended primarily for the admission of nonambulatory mentally retarded patients, who are provided nursing services primarily in crib accommodations.

"Nursery school" means the same as child care facility.

"Nursing and convalescent hospital" means any place or institution which provides bed accommodations for one or more chronic or convalescent patients who, by reason of illness or physical infirmity, are unable to properly care for themselves. Alcoholics, drug addicts, persons with mental or communicable diseases, including contagious tuberculosis, shall not be admitted or cared for in nursing and convalescent hospitals.

"Oath" includes affirmation.

"Outdoor advertising structure" means a sign or other advertising structure, which is designed and primarily used to solicit public support or direct public attention to the sale, lease, hire or use of any objects, products, services or functions, which are not produced, sold or otherwise available on the premises where such sign or structure is located.

**Parking Space, Off-Street.** "Off-street parking space" means a readily accessible area on a lot, not including driveways, ramps, loading or work areas, maintained exclusively for the parking of one automobile.

"Person" means any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, district, political subdivision, public utility, or any other group or combination acting as a unit, except the city of Bell.

Plural. When consistent with the context, words in the plural include the singular.

"Processing" means, when used in reference to a commercial or industrial use, one or more acts or operations which have the effect of changing the form of a product or material, so as to render the same more salable or usable.

"Psychiatric hospital" means an institution intended primarily for the admission, diagnosis and inten-

sive short-term treatment of patients with mental illness or behavior or emotional disorders.

"Precise plan of development" means a precise plan of development approved as such pursuant to Chapter 17.48 of this title.

"Quarry" means any place on a lot where dirt, soil, sand, gravel, rock or other similar material is removed by excavation or otherwise, for any purpose except:

1. The excavation and removal of materials from a lot preparatory to construction of a building for which a building permit has been issued and remains in full force and effect, provided that such excavation is confined to that necessary for such building construction but in no event shall more than five thousand (5,000) cubic yards of soil or other excavated materials be removed from the premises; and

2. Excavation on a lot necessary to grading, building construction or operation on the premises, where a building permit is not in full force and effect, provided that such grading is necessary to prepare a site for a lawful use permitted thereon, and for which a grading plan has been approved.

"Recorder" means the county recorder of the county of Los Angeles.

"Recyclable material" means reusable material, including, but not limited to, metals, glass, plastic and paper, which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. "Recyclable material" does not include refuse or hazardous materials. "Recyclable material" may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2 of the California Health and Safety Code.

**Recycling Collection Facility, Small or Large.** "Small or large recycling collection facility" means a center for the acceptance, by donation, redemption, or purchase, of recyclable materials from the public. A recycling collection facility shall not use power-driven processing equipment.

1. "Small recycling collection facility" means a recycling collection facility which occupies an area of five hundred (500) square feet or less and includes any of the following:

a. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet; or

b. Kiosk type units, which may include permanent structures; or

c. Unattended containers placed for the donation of recyclable materials.

2. "Large recycling collection facility" means a recycling collection facility which occupies an area of more than five hundred (500) square feet and may include permanent structures.

Recycling Processing Facility, Light or Heavy. "Light or heavy recycling processing facility" means a building or enclosed space used for the collection and processing of recyclable materials. "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning or remanufacturing.

1. A light recycling processing facility is a facility occupying an area of under forty-five thousand (45,000) square feet of gross collection, processing and storage area and has up to an average of two outboard truck shipments per day. Light recycling processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light recycling processing facility shall not shred, compact or bale ferrous metals other than food and beverage containers.

2. A heavy recycling processing facility is any recycling processing facility other than a light recycling processing facility.

Recycling Unit, Mobile. "Mobile recycling unit" means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. "Mobile recycling unit" also means the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

"Resident facility (mentally retarded)" means an institution of one-bed capacity or more intended

solely for the admission of mentally retarded patients who require supervision and who are provided with an organized program of services, licensed as such by the state of California.

"Rest home" means the same as nursing and convalescent hospital, licensed as such by the state of California.

"Resident school (mentally retarded)" means a facility intended primarily for the training and education of mentally retarded persons.

"Reverse vending machine" means an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by state law. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine.

Reverse Vending Machine, Bulk. "Bulk reverse vending machine" means a reverse vending machine that is larger than fifty (50) square feet, is designed to accept more than one container at a time and will pay by weight instead of by container.

"Secretary" means the secretary of the commission.

"Shall" is mandatory.

"Service station" means a retail place of business engaged primarily in the sale of motor fuels but also in supplying goods and services generally required in the operation and maintenance of motor vehicles. Such goods and services include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting and body and fender work are excluded.

"Senior citizen housing complex" means and includes the following: two or more residential units located in a building off a lot within the city which are designated, used and/or restricted for use by

persons who are over the age of fifty-five (55) years or who are disabled, as defined by applicable law.

"Sign" means any device for visual communication, including any announcement, declaration, demonstration, display, illustration or insignia, which is used to advertise or promote the products or services of any person, business group or enterprise; but shall not include any temporary:

1. Political signs; or
2. "For rent," "for sale" or other signs, advertising the sale, lease or rental of the lot upon which the same are located.

**Singular.** When consistent with the context, words in the singular number shall include the plural.

"Solid fill" means any noncombustible materials, insoluble in water, such as soil, rock, sand or gravel, that can be used for grading land or filling depressions.

"Solid fill project" means any operation on a parcel of land where more than one thousand (1,000) cubic yards of solid fill materials are deposited for any purpose including the grading or reclaiming of land.

"State" means the state of California.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. Story includes a basement.

"Street" means a public or private way permanently reserved as a primary means of vehicular access to adjoining property.

Street Frontage. (See Frontage, Street.)

"Structure" means anything constructed or erected, which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

**Tenses.** When consistent with the context, words used in the present tense include the past and future tenses; and words in the future tense include the present tense.

"Townhouse" means a dwelling unit which is located upon a slot upon which only that dwelling

unit is located, and the lot is included in an approved precise plan of development.

"Trailer coach" means a mobilehome which is transportable in one or more sections, built on a permanent chassis, and is designed and equipped to be used as a dwelling unit, without a foundation system, containing one dwelling unit.

"Trailer park" means a lot where two or more trailer coaches or trailer coach sites are rented or leased or held out for rent or lease for trailer coaches.

"Trailer-site" means that portion of a trailer park designated for use or occupancy of one trailer coach and including all appurtenant facilities thereon.

"Transfer station" means an area, including any necessary building or structures, for the temporary storage and the salvage of rubbish, garbage or industrial waste.

"Triplex" means the same as three-family dwelling.

"Underlying zone classification," when used in conjunction with an overlay zone, means the zone classification of the lot as shown on the city's official zoning map, described in Section 17.12.020 of this code, to which it relates.

"Use" means the utilization of a lot, building, structure, or any other improvement upon a lot, or any combination thereof.

"Writing" includes any form of message recorded in English and capable of visual comprehension.

"Yard" means an area upon a lot or parcel of land, other than a court or open space, required as a front, side or rear yard, which shall be maintained unoccupied and unobstructed from the ground upward; provided that encroachment shall be permitted in yards only as expressly authorized in this title.

**Yard, Front.** "Front yard" means a yard extending across the full width of the front lot line of a lot. The depth of a required front yard shall be the specified horizontal distance measured between the front lot line and a line parallel thereto, on the lot.

**Yard, Rear.** "Rear yard" means a yard extending across the full width of the rear of a lot. The depth of a required rear yard shall be the specified hori-

zontal distance measured between the rear lot line and a line parallel thereto on the lot.

**Yard, Side.** "Side yard" means a yard extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the front line of the required rear yard, or the rear lot line where no rear yard is required. The width of a required side yard shall be the specified horizontal measured distance between each side lot line and line parallel thereto on the lot.

**"Zone"** means the classification of specific properties which are of the zones referred to in Section 17.12.010 of this code. (Ord. 1129 (part), 1997; Ord. 1099 § 1, 1995; prior code §§ 9210, 9211)

## Chapter 17.12

### ZONING DISTRICTS DESIGNATED

#### Sections:

- 17.12.010** Designation of zones.
- 17.12.020** Zoning map.
- 17.12.030** Uncertainty of boundaries.
- 17.12.040** Zoning of annexed areas.
- 17.12.050** Zoning of property not designated on zoning map.

#### **17.12.010** Designation of zones.

A. The following zones are established within the city, in order to carry out the purposes of this title.

- R-1 (Single-family residential)
- R-2 (Light multiple residential)
- R-3 (Heavy multiple residential)
- C-3R (General Commercial and Residential)
- C-3 (General Commercial)
- C-M (Commercial Manufacturing)
- M (Manufacturing)
- T (Transitional)

B. The most restrictive zone under this code shall be deemed to be Zone R-1, the other zones shall be deemed to be less restrictive in the order set forth in subsection A of this section. (Ord. 1129 (part), 1997: prior code § 9240)

#### **17.12.020** Zoning map.

There is adopted the official zoning map of the city of Bell, a true copy of which is attached to the ordinance codified in this section, marked "Exhibit A," and incorporated herein by this reference. All properties within the city are placed in the zones as indicated on such map. Such map shall remain on file in the office of the city clerk of the city, and all changes to such map shall be noted thereon as soon as the same become effective. The official zoning map for the city may be amended by reference to this section. (Prior code § 9241)

#### **17.12.030** Uncertainty of boundaries.

Where uncertainty exists as to boundaries of any zone shown upon the official zoning map, or any part thereof or amendment thereto, the same shall be resolved pursuant to Section 17.04.090 of this code. (Prior code § 9242)

#### **17.12.040** Zoning of annexed areas.

Areas annexed to the city may be classified in an appropriate zone by urgency ordinance of the city council, unless the council elects to utilize the prezoning procedure, as set forth in Section 65859 of the Government Code of the state of California. (Prior code § 9243)

#### **17.12.050** Zoning of property not designated on zoning map.

Any property which, for any reason, is not designated on the zoning map as being classified in any of the zones established by this chapter, shall be deemed to be classified in zone R-1. (Prior code § 9244)

**R-1 SINGLE-FAMILY RESIDENTIAL ZONE**

**Sections:**

- 17.16.010 Purpose.**
- 17.16.020 Permitted uses**
- 17.16.030 Limitations on uses**
- 17.16.040 Development standards**
- 17.16.050 Placement of buildings**
- 17.16.060 Exemption of existing uses.**

**17.16.010 Purpose.**

In order to provide for the development of single-family residential areas and to maintain the integrity of existing single-family residential areas within the city, the regulations of this chapter shall be applicable to all properties classified in zone R-1. (Prior code § 9340)

**17.16.020 Permitted uses.**

No person shall use, nor shall any property owner permit the use of, any property classified in any R-1 zone for any use, other than the following:

**A. Principal Uses:**

1. One single-family dwelling; or
2. One mobile home;
3. Guest house;
4. Small family day care home;
5. Large family day care home, subject to the following provisions:

a. An application for a nondiscretionary permit shall be submitted for approval to the director of community services ("director") prior to the commencement of the use, and

b. No hearing shall be held before a decision by the director is made on the application, and

c. The director shall approve the application upon finding that:

i. Drop-off facilities shall be provided as necessary to avoid interference with traffic and to promote the safety of children, and

ii. One off-street parking space is provided for each employee who drives to the large family day care home and who requires a parking space. The parking space shall not conflict with any required child drop-off/pick-up area and shall not block the public sidewalk or right-of-way, and

iv. That a large family day care home is not located within three hundred (300) linear feet of an existing large family day care home; provided, however, that the director shall disregard this requirement where the applicant can demonstrate:

(a) The existing large family day care home is operating at full capacity, or

(b) A need exists for a particular service not provided by the existing large family day care home, and

v. The proposed use complies with the noise element of the city's general plan, and

vi. A license for such use has been obtained from the state of California, and

vii. The proposed use complies with all State Fire Marshal requirements for building and safety which apply to large family day care homes, and with all local building and fire codes which apply to single-family residences.

d. Written Decision. The director shall prepare a written decision on the application which shall contain the findings of fact upon which such decision is based. The decision shall be mailed to the applicant and to property owners of parcels adjacent to the parcel for which the nondiscretionary permit was requested. Copies of the decision shall also be provided to the planning commission and/or city council,

e. Revocation. A nondiscretionary permit may be revoked by the director in the same manner as set forth in Section 17.96.170 pertaining to revocation of variances and conditional use permits,

f. Appeal. Any person aggrieved by the decision of the director may appeal the same to the CAO by filing a written letter of appeal with the city clerk within ten (10) days of notice of the director's decision, together with payment of a filing and processing fee therefore in a sum to be set by the city council. The city clerk shall set the matter for a hearing before the CAO. Any person aggrieved by the decision of the CAO may thereafter appeal the same to the city council by filing a written letter of appeal with the city clerk within ten (10) days of receipt of notice of the CAO's decision, together with payment of a filing and processing fee therefore in a sum to be set by the city council. The city clerk shall set the matter for a hearing before the city council. The decision of the city council shall be final and conclusive.

D. Accessory uses. In addition to the principal uses allowed in the R-1 zone, the following accessory uses, and no others, shall be permitted on all such zoned property:

1. Accessory buildings and structures;
2. Domestic animals may be kept in residential zones as permitted by Chapter 22.20, Title 22 and Title 10 of the Los Angeles County Code;
3. Home occupations, provided that there is:
  - a. No display or storage of goods, wares, merchandise or stock in trade maintained on the premises, and
  - b. No one, other than one person residing on the lot where the home occupation is located, shall be regularly employed in such occupation, and
  - c. No equipment used in conjunction with such occupation, which emits dust, fumes, noise, odor, etc., which would or could interfere with the peaceful use and enjoyment of adjacent properties, and
  - d. Not more than two hundred (200) square feet of the floor space of the dwelling devoted to such use, and
  - e. No appreciable increase of traffic, pedestrian and vehicular, by reason of such occupation, and
  - f. No alteration of the structure, nor the use of any signs not otherwise permitted in the zone in which the occupation is located. (Ord. 1129 (part), 1997; prior code §§ 9341, 9342)

#### **17.16.030 Limitations on uses.**

The following regulations shall be limitations on, and be applicable to, all uses on R-1 zoned lots.

##### **A. Dismantling or Storage of Vehicles Prohibited.**

1. Definitions. The following words, for the purpose of this subsection, shall be defined as follows:

"Disabled vehicle" means a vehicle which is not operable, by reason of the removal of, or damage to integral component parts.

"Floor Area Ratio": Floor area ratio shall mean the total gross floor area of building(s) on a lot (including garages) divided by the net lot area, after any dedications.

"Floor Area Gross" Floor area gross shall mean the total horizontal area within all floors of a building included within the surrounding walls.

Basements/Cellars (where more than 50% of the volume of the room is below grade) are exempted from inclusion in calculating the requirements limiting the floor area ratio.

"Disassemble" means the same as dismantle.

Dismantle means the removal or stripping of one or more component parts from a vehicle.

"Net Lot Area" Net Lot Area shall mean the total lot area that is exclusive of open space and set back requirements.

"Inoperable vehicle" means a vehicle that cannot be operated on a public street either because of noncompliance with the California Vehicle Code or the mechanical condition of the vehicle is such as to render it unsafe.

"Park" means the standing of a motor vehicle, other than for the purpose of loading or unloading merchandise or passengers.

"Repair" means the work necessary to restore a vehicle to a usable condition.

"Store" means to keep or locate for future use.

"Vehicle" means and includes motorcycle, motor driven cycle, motor truck, passenger vehicle, recreational vehicle, station wagon, truck, tractor and vehicle, as these phrases are defined in the Vehicle Code of the state of California, and all similar types of vehicles.

2. Parking of Vehicles. No person shall park any vehicle for any purpose, in any area, on any R-1 zoned lot, other than in a legally established parking facility or driveway leading to such parking facility.

3. Storage of Inoperable Vehicles Prohibited. No person shall store any inoperable vehicle or component thereof in a required front yard area on any R-1 zone, except such inoperable vehicles or components thereof may be stored at any location on an R-1 zoned lot, except in a required front yard area, when screened by a six-foot-high view-obscuring wall or fence and when such vehicles or components are owned by the person or persons in possession of the subject property.

4. Repair, Dismantling of Vehicles-Prohibited. No person shall assemble, repair, dismantle or store any vehicle, other than as provided in this section, on any part of any R-1 zoned lot, unless such work is done within a fully enclosed building, or in an open area which is completely enclosed by a view obscuring wall of not less than six feet in height, or by the exterior walls of a building or" buildings.

5. Exception. Provided, that the prohibition imposed by subdivision (4) of this subsection shall not be deemed to apply to the occasional and incidental repair of vehicles owned or leased by the person in possession of the lot on which such work takes place; provided that a disabled vehicle which is being repaired or assembled shall not be stored for a

thirty (30) day period.

B. **Storage of Boats and/or Trailers.** No person shall store or park any boat or trailer in any required front yard area on any R -1 zoned lot, nor store or park any boat or trailer in excess of thirty-four (34) feet in length on any portion of any property in an R-1 zone.

C. **Exterior Lighting.** All exterior lighting operated or maintained in conjunction with any activity or purpose on any R-1 zoned lot shall be arranged so as to reflect the light away from any other property.

D. **Commercial Vehicles.** No person shall park or store any commercial vehicle, as that phrase is described in the Vehicle Code of the state of California, which has a capacity of greater than three fourths of one ton in any R-1 zone.

E. **Restrictions and Permit Requirements for Garage or Yard Sales.**

1. No person shall sell or offer to sell personal property at a garage or yard sale ("sale") on any R-1 zoned lot ("Lot"), unless and until such person has obtained a yard sale permit ("permit") from the city department of development services. No such permit shall be issued unless:

a. The applicant has paid, contemporaneously with the filing of an application for a permit, in a form prepared by the CAO, a filing and processing fee in an amount set by resolution of the city council; and

b. The applicant has filed an affidavit stating that all of the personal property to be sold at the sale is owned by the applicant or by members of his or her family, which personal property has not been acquired by, or consigned to the applicant for purposes of resale.

2. If for any reason, a permit is issued after the commencement of the sale, a penalty fee in an amount established by city council resolution shall be assessed and paid by the applicant.

3. Only one permit shall be issued authorizing a sale on a lot to the same applicant for any sale at the same location in any consecutive six-month period.

4. A permit shall only be valid for two consecutive weekend days as designated on the face of the permit.

5. Personal property offered for sale shall not be displayed on any part of the lot, to which the permit relates, after six p.m. of any day during which the sale may be conducted under the terms of the permit.

to any sale of personal property made under court order or pursuant to a private foreclosure proceeding.

7. For the purposes of this subsection, the terms "personal property" and "sale" are defined as follows:

"Personal property" means any goods, wares, merchandise or other personal property;

"Sale" means any sale of or offer to sell any personal property which is displayed in the required front yard area, open space, carport or garage of an R-1 zoned lot.

8. All goods offered for sale shall be personal property. No person conducting a sale may sell or offer new items, live animals, food, tobacco products, alcoholic beverages, weapons, controlled substances or any items which are illegal to possess.

9. The number of permitted temporary signs shall be limited to two. Such sign shall not exceed nine square feet in overall size. Signs shall not be posted on telephone poles, trees, public property or public rights-of-way. Signs may be posted the day(s) of the sale and removed immediately after the sale.

10. An applicant conducting a sale shall display the permit in a conspicuous place on the property clearly visible from the public right-of-way.

11. Any person who violates or fails to comply with any provision of this subsection is guilty of an infraction.

12. The provisions of this subsection shall not apply to a sale of personal property made under court order. (Ord. 1129 (part), 1997: prior code § 9342a

#### **17.16.040 Development standards.**

All premises in the R-1 Zone shall comply with the following standards of development.

A. **Lot Dimensions.** Each lot in the R-1 zone shall conform to the following minimum dimensions:

1. **Area.** Each lot shall have a minimum area of five thousand square feet.

2. **Width.** Each lot shall have a minimum width of fifty (50) feet.

3. **Depth.** Each lot shall have a minimum depth of one hundred (100) feet.

B. **Landscaping.** All open areas except legally permitted driveways, parking areas, walkways, utility areas, improved decks, patios or porches, between the front lot line and the rear line of the main building shall be maintained with appropriate landscaping; provided, landscaping shall not include improved

required front yard area.

**C. Yards.**

1. **Minimum Front Yard Setbacks.** For any new construction, the first floor of any building or structure shall be setback a minimum of twenty-five feet (25'), except for the application of prevailing setbacks, measured from the front property line (street line). The minimum setback for two-story homes on lots 8,000 square feet and larger, shall be thirty feet (30').

No more than 40% of a second story front façade may occur at the specified first floor front setback. Remaining portions of the second story shall be set back a minimum of an additional five (5) feet.

2. **Side Yards.** Each lot in the R-1 zone shall maintain the following side yards: A minimum setback of five feet (5') for single-story homes. The minimum side yard setback for two-story homes shall be seven feet (7'), measured from the side lot line. A second story may be constructed on an existing first story wall that is no closer than five (5) feet from an interior side lot line provided the original wall was legally established.

The minimum side yard setback for two-story homes on lots that are 8,000 square feet and greater, shall be ten feet (10').

a. **Interior Lots.** Interior lots, which have a building located thereon, shall maintain side yards adjacent to each side lot line not less than five feet in width.

b. **Corner Lots.** Each corner lot shall maintain the following side yard requirements:

**Table 1: Single Family Residential Development Standards** \* Proposed maximum FAR or sq. ft. whichever is less.

R-1 District	Front/Side/Rear Setbacks (1 story)	Front/Side/Rear Setbacks (2-story)	Maximum FAR (1-story)	Maximum FAR (2-story)	Maximum Building Height	Maximum 2nd Floor/ 1st Floor*
R-1	25'/5'/10'	25'/7'/10'	.50 FAR or 2,800 square feet *	.50 FAR or 2800 square feet *	28'	80%
R-2	25'/5'/10'	25'/7'/10'	.50 FAR or 2800 square feet *	.50 FAR or 2800 square feet *	28'	80%
R-3 < 8,000 sq. ft.	25'/5'/10'	25'/7'/20'	.28 FAR or 2800 square feet *	.28 FAR or 2800 square feet *	30'	80%
R-3, C-3R > 8,000 sq. ft. size lots	25'/5'/10'	30'/10'/20'	.28 FAR or 2800 square feet *	.28 FAR or 2800 square feet *	30'	80%

side yard shall be not less than five feet in width; and  
 ii. **Corner-side street yards.** Any building or structure shall be set back a minimum of ten feet (10'), measured from the side lot line of the corner lot.

3. **Rear Yard Setbacks.** A minimum setback of twenty feet (20'). Subject to minor variance approval, the rear yard on corner lots may be reduced to not less than ten feet (10') abutting a street side yard setback line

provided the structure does not reduce the required rear yard area by more than fifty percent (50%).

**D. Height Limitation.**

1. **Height.** The maximum height of any building in the R-1 zone shall not exceed two (2) stories or twenty-eight feet (28'), whichever is less.

2. **Effective Date.** The effective date of this subsection shall be January 14, 1987.

3. **Exemption.** Notwithstanding the enactment of the regulation contained in this subsection, any building or structure having a height in excess of fifteen (15) feet, located on any lot classified in the R-1 zone, which building or structure was constructed or installed in accordance with the zoning regulations in effect prior to the effective date of regulation contained in this subsection, shall not be deemed to be non-conforming, provided that if such building or structure is damaged or destroyed by casualty it may be reconstructed only in accordance with the provisions of the regulation contained in this subdivision if the cost of the repair occasioned by such casualty is less than the amount annually established by the International Conference of Build-

mates determined pursuant to applicable provisions of the city's building regulations.

E. Off-Street Parking. The owner and/or person in possession of each lot or parcel of land in zone R-1 shall have and maintain off-street parking facilities as required by Chapter 17.76 of this code.

F. Design Standards. In addition to all other applicable to one-family dwellings, and mobile homes where permitted, each one-family dwelling, or mobile home whether detached or attached, shall comply with the following design standards:

**Minimum Floor Area.** All single-family dwellings and mobile homes where permitted, constructed or placed in use after the effective date of this regulation shall conform to the following minimum floor area requirements:

**Floor Area Ratio.** The maximum floor area ratio for a home in the R-1 zone and for two-story homes in the R-1 zone shall be 0.50 or 2800 square feet whichever is less.

1. The maximum allowable second floor area shall not exceed eighty percent (80%) of the first floor area in the R-1

- a. Dwelling units having one or two bedrooms:  
800 sq. ft. of floor area
- b. Dwelling units having more than two bedrooms: 800 sq. ft. of floor area plus 150 sq. ft. of floor area per bedroom over two

2. **Minimum Width.** Each one-family dwelling and mobile home where permitted, shall have and maintain a minimum width of twenty (20) feet exclusive of any appurtenant structures.

3. **Eave Projection.** Each single-family dwelling and mobile home where permitted, shall have an eave projection of at least twelve (12) inches, on at least two opposing sides.

4. **Exterior Siding.** Each single-family dwelling, and mobile home where permitted, shall have and maintain an exterior siding of wood, stucco, masonry or other approved material which is formed and finished to give the appearance of wood, stucco or masonry, provided that reflective, glossy or polished metal siding shall be prohibited.

5. **Roofing Material.** Each single-family dwelling, and mobile home where permitted, shall have and maintain a roof constructed with wood shake, shingle, asphalt composition, crushed rock or other similar roofing material; provided that reflective,

prohibited. (Ord. 1129 (part), 1997; prior code § 9343)

**17.16.050 Placement of buildings.**

Placement of buildings on each zone R -1 lot shall conform to the following:

A. No building shall occupy any portion of a required yard of open space area, except as otherwise provided in this title.

B. The distance between buildings shall not be less than ten (10) feet, provided that the distance between buildings used for human habitation and accessory buildings may be reduced to five feet:

1. When all facing walls are one-hour fire resistive construction throughout, as defined in the building regulations of the city; and

2. A minimum five-foot-wide yard area, open and unobstructed from the ground to the sky, shall be provided and maintained between such buildings.

C. No portion of any main or accessory building shall be located in any required yard area except as herein expressly provided. (Prior code § 9344)

**17.16.060 Exemption of existing uses.**

Notwithstanding any provision of this title to the contrary, any building and/or structure located on any R-1 zoned lot or for which building permits have been issued: (1) which was in existence or for which building permits have been issued as of the fourth day of August, 1969; and (2) which conformed to the zoning regulations of the city in effect as of such date; and (3) which would otherwise be rendered nonconforming solely by reason of the application thereto of Sections 17.16.040 and 17.16.050 of this code, shall not be deemed to have acquired a nonconforming status, within the meaning of Section 17.08.010 of this code, provided:

A. That any new use, building or structure, proposed to be located on such lot shall comply with all of the regulations contained in this title as to such proposed new use, building or structure; and

B. That the exemption granted hereunder shall not apply to any building, or structure which is damaged or destroyed, by any cause, to the extent that the cost of reconstruction or rehabilitation thereof would exceed an amount equal to the then-assessed value of such building or structure, as estimated by the city's building official, for building permit purposes. (Prior code § 9345)

## Chapter 17.20

### R-2 LIGHT MULTIPLE-FAMILY RESIDENTIAL ZONE

#### Sections:

- 17.20.010 Purpose.**
- 17.20.020 Permitted uses.**
- 17.20.030 Limitations on uses.**
- 17.20.040 Development standards.**
- 17.20.050 Placement of buildings.**
- 17.20.060 Exemption of existing uses.**

#### 17.20.010 Purpose.

In order to provide for the development of single-family residential areas and to maintain the integrity of existing single-family residential areas within the city, the regulations of this chapter shall be applicable to all properties classified in zone R-2. (Prior code § 9350)

#### 17.20.020 Permitted uses.

No person shall use, nor shall any property owner permit the use of, any property classified in any R-2 zone for any use, other than the following:

##### A. Principal Uses.

1. One two-family dwelling; or
2. Two single-family dwellings; or
3. One single-family dwelling, provided that for such use, the regulations contained in Chapter 17.16 of this code shall apply to the exclusion of the regulations set forth in this chapter.

B. Accessory Uses. In addition to the principal uses allowed in R-2 zones, the following accessory uses, and no others, shall be permitted on all such zoned property:

1. Accessory buildings and structures;
2. Domestic animals may be kept in residential zones as permitted by Chapter 22.20, Title 22 and Title 10 of the Los Angeles County Code;
3. Home occupations, provided that there is:
  - a. No display or storage of goods, wares, merchandise, or stock in trade maintained on the premises, and

b. No one, other than one person residing on the lot where the home occupation is located, shall be regularly employed in such occupation, and

c. No equipment used in conjunction with such occupation, which emits dust, fumes, noise, odor, etc., which would or could interfere with the peaceful use and enjoyment of adjacent properties, and

d. Not more than two hundred (200) square feet of the floor space of the dwelling devoted to such use, and

e. No appreciable increase of traffic, pedestrian and vehicular, by reason of such occupation, and

f. No alteration of the structure, nor the use of any signs not otherwise permitted in the zone in which the occupation is located. (Ord. 1129 (part), 1997; prior code §§ 9351, 9352)

#### 17.20.030 Limitations on uses.

The following regulations shall be limitations on, and be applicable to, all uses on R-2 zoned lots.

##### A. Dismantling or Storage of Vehicles Prohibited.

1. Definitions. The following words, for the purpose of this subsection, shall be defined as follows:

“Disabled vehicle” means a vehicle which is not operable, by reason of the removal of, or damage to integral component parts.

“Disassemble” means the same as dismantle.

“Dismantle” means the removal or stripping of one or more component parts from a vehicle.

“Inoperable vehicle” means a vehicle that cannot be operated on a public street either because of non-compliance with the California Vehicle Code or the mechanical condition of the vehicle is such as to render it unsafe.

“Park” means the standing of a motor vehicle, other than for the purpose of loading or unloading merchandise or passengers.

“Repair” means the work necessary to restore a vehicle to a useable condition.

“Store” means to keep or locate for future use.

“Vehicle” means and includes motorcycle, motor-driven cycle, motor truck, passenger vehicle, recreational vehicle, station wagon, truck, tractor and

vehicle, as these phrases are defined in the Vehicle Code of the state of California, and all similar types of vehicles.

2. **Parking of Vehicles.** No person shall park any vehicle for any purpose, in any area, on any R-2 zoned lot, other than in a legally established parking facility or driveway leading to such parking facility.

3. **Storage of Inoperable Vehicles Prohibited.** No person shall store any inoperable vehicle or component thereof in a required front yard area on any R-2 zone, except such inoperable vehicles or components thereof may be stored at any location on an R-2 zoned lot, except in a required front yard area, when screened by a six-foot-high view-obscuring wall or fence and when such vehicles or components are owned by the person or persons in possession of the subject property.

4. **Repair, Dismantling of Vehicles, Prohibited.** No person shall assemble, repair, dismantle or store any vehicle, other than as provided in this section, on any part of any R-2 zoned lot, unless such work is done within a fully enclosed building, or in an open area which is completely enclosed by a view-obscuring wall of not less than six feet in height, or by the exterior walls of a building or buildings.

5. **Exception.** Provided, that the prohibition imposed by subdivision (4) of this subsection shall not be deemed to apply to the occasional and incidental repair of vehicles owned or leased by the person in possession of the lot on which such work takes place; provided that a disabled vehicle which is being repaired or assembled shall not be stored for a period longer than seven consecutive days within any thirty (30) day period.

B. **Storage of Boats and/or Trailers.** No person shall store or park any boat or trailer in any required front yard area on any R-2 zoned lot, nor store or park any boat or trailer in excess of thirty-four (34) feet in length on any portion of any property in an R-2 zone.

C. **Exterior Lighting.** All exterior lighting operated or maintained in conjunction with any activity or purpose on any R-2 zoned lot shall be arranged so as to reflect the light away from any other property.

D. **Commercial Vehicles.** No person shall park or store any commercial vehicle, as that phrase is described in the Vehicle Code of the State of California, which has a capacity of greater than three-fourths of one ton in any R-2 zone.

E. **Restrictions and Permit Requirements for Garage or Yard Sales.**

1. No person shall sell or offer to sell personal property at a garage or yard sale ("sale") on any R-2 zoned lot ("lot"), unless and until such person has obtained a yard sale permit ("permit") from the city department of development services. No such permit shall be issued unless:

a. The applicant has paid, contemporaneously with the filing of an application for a permit, in a form prepared by the CAO, a filing and processing fee in an amount set by resolution of the city council; and

b. The applicant has filed an affidavit stating that all of the personal property to be sold at the sale is owned by the applicant or by members of his or her family, which personal property has not been acquired by, or consigned to the applicant for purposes of resale.

2. If for any reason, a permit is issued after the commencement of the sale, a penalty fee in an amount established by city council resolution shall be assessed and paid by the applicant.

3. Only one permit shall be issued authorizing a sale on a lot to the same applicant for any sale at the same location in any consecutive six-month period.

4. A permit shall only be valid for two consecutive weekend days as designated on the face of the permit.

5. Personal property offered for sale shall not be displayed on any part of the lot, to which the permit relates, after six p.m. of any day during which the sale may be conducted under the terms of the permit.

6. The provisions of this subsection shall not apply to any sale of personal property made under court order or pursuant to a private foreclosure proceeding.

7. For the purposes of this subsection, the terms "personal property" and "sale" are defined as follows:

"Personal property" means any goods, wares, merchandise or other personal property.

"Sale" means any sale of or offer to sell any personal property which is displayed in the required front yard area, open space, carport or garage of an R-2 zoned lot.

8. All goods offered for sale shall be personal property. No person conducting a sale may sell or offer new items, live animals, food, tobacco products, alcoholic beverages, weapons, controlled substances or any items which are illegal to possess.

9. The number of permitted temporary signs shall be limited to two. No such sign shall not exceed nine square feet in overall size. Signs shall not be posted on telephone poles, trees, public property or public rights-of-way. Signs may be posted the day(s) of the sale and removed immediately after the sale.

10. An applicant conducting a sale shall display the permit in a conspicuous place on the property clearly visible from the public right-of-way.

11. Any person who violates or fails to comply with any provision of this subsection, is guilty of an infraction.

12. The provisions of this subsection shall not apply to a sale of personal property made under court order. (Ord. 1129 (part), 1997: prior code § 9352a)

#### **17.20.040 Development standards.**

All premises in the R-2 zone shall comply with the following standards of development.

A. Lot Dimensions. Each lot in the R-2 zone shall conform to the following minimum dimensions:

1. Area. Each lot shall have a minimum area of five thousand (5,000) square feet.

2. Width. Each lot shall have a minimum width of fifty (50) feet.

3. Each lot shall have a minimum depth of one hundred (100) feet.

B. Yards.

1. Front Yards. Each lot in the R-2 zone shall maintain a front yard area of not less than twenty-five (25) feet in depth, or a depth equal to that as shown on that certain map, entitled "Official Front Yard Area Map" of the city dated September 4, 1969, on file in the office of the city clerk, whichever depth is the lesser.

2. Side Yards. Each lot in the R-2 zone shall maintain the following side yards:

a. Interior Lots. Interior lots, which have a building located thereon, shall maintain side yards adjacent to each side lot line not less than five feet in width.

b. Corner Lots. Each corner lot shall maintain the following side yard requirements:

i. On the side lot line which abuts another lot, the side yard shall be not less than five feet in width; and

ii. On the street side the required side yard shall be at least ten (10) feet in width.

3. Rear Yards. Each lot in zone R-2 shall maintain a rear yard of not less than ten (10) feet in depth.

C. Height Limits. No lot or parcel of land in zone R-2 shall have a building or structure in excess of thirty (30) feet in height or two stories, whichever is less.

D. Off-Street Parking. The owner and/or person in possession of each lot or parcel of land in zone R-2 shall have and maintain off-street parking facilities as required by Chapter 17.76 of this code.

E. Landscaping Required. All open areas except driveways, parking areas, walkways, utility areas, improved decks, patios or porches, between the front lot line and the rear line of the main building shall be maintained with appropriate landscaping; provided, landscaping shall not include improved masonry, concrete or wood decks or slabs in the required front yard area.

F. Size of Units. All two-family dwelling units constructed after the effective date of this regulation, shall conform to the following minimum floor area requirements:

1. Bachelor unit 450 sq. ft. of floor area

2. One-bedroom unit 650 sq. ft. of floor area

- 3. Two or more bedroom unit 800 sq. ft. of floor area

(Ord. 1129 (part), 1997; prior code § 9353)

**17.20.050 Placement of buildings.**

Placement of buildings on each R-2-zoned lot shall conform to the following:

A. No building shall occupy any portion of a required yard or open space area, except as otherwise provided in this title.

B. The distance between buildings shall not be less than ten (10) feet, provided that the distance between buildings used for human habitation and accessory buildings may be reduced to five feet, provided that:

- 1. All facing walls are one hour fire-resistive construction throughout, as defined in the building regulations of the city; and
- 2. A minimum five-foot-wide yard area, open and unobstructed from the ground to the sky, shall be provided and maintained between such buildings.
- 3. No portion of any main or accessory building shall be located in any required yard area except as herein expressly provided. (Prior code § 9354)

**17.20.060 Exemption of existing uses.**

Notwithstanding any provision of this title to the contrary, any building and/or structure located on any R-2 zoned lot or for which building permits have been issued: (1) which was in existence or for which building permits have been issued as of the fourth day of August, 1969; and (2) which conformed to the zoning regulations of the city in effect as of such date; and (3) which would otherwise be rendered nonconforming solely by reason of the application thereto of Sections 17.20.040 and 17.20.050 of this code, shall not be deemed to have acquired a nonconforming status, within the meaning of Section 17.08.010 of this code, provided:

A. That any new use, building or structure, proposed to be located on such lot shall comply with all of the regulations contained in this title as to such proposed new use, building or structure; and

B. That the exemption granted hereunder shall not apply to any building or structure which is damaged or destroyed, by any cause, to the extent that the cost of reconstruction or rehabilitation thereof would exceed an amount equal to the then-assessed value of such building or structure, as estimated by the city's building official, for building permit purposes. (Prior code § 9355)

## Chapter 17.24

### R-3 HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL ZONE

#### Sections:

- 17.24.010 Purpose.**
- 17.24.020 Permitted uses.**
- 17.24.030 Limitations on uses.**
- 17.24.040 Site plan required.**
- 17.24.050 Development standards.**
- 17.24.060 Placement of buildings and structures.**
- 17.24.070 Exemption of existing uses.**

#### 17.24.010 Purpose.

In order to provide for the development of multiple-family residential areas and to maintain the integrity of existing multiple-family residential areas within the city, the regulations of this chapter shall be applicable to uses of all R-3-zoned lots in the city. (Prior code § 9360)

#### 17.24.020 Permitted uses.

On R-3 zoned lots only the principal and accessory uses set forth in this section, shall be permitted uses. No person shall use, nor shall any person permit the use of, any R-3 zoned lot for any use except the following principal and accessory uses:

##### A. Principal Uses.

1. Any principal use first permitted in the R-1 zone (Chapter 17.16) provided that:

a. The provisions of Chapter 17.16 shall apply to the exclusion of the regulations imposed by this chapter, except

b. The provisions of Section 17.24.040A shall apply to such principal uses;

2. Any principal use first permitted in the R-2 zone (Chapter 17.20) provided that:

a. The provisions of Chapter 17.20 shall apply to the exclusion of any regulations imposed by this chapter, except

b. The provisions of Section 17.24.040A shall apply to such principal uses.

3. Multiple dwelling units.

B. Accessory Uses. In addition to the principal uses allowed in R-3 zones, the following accessory uses, and no others, shall be permitted on all such zoned property:

1. Accessory buildings and structures;
2. Domestic animals may be kept in residential zones as permitted by Chapter 22.20, Title 22 and Title 10 of the Los Angeles County Code;
3. Home occupations, provided that there is:
  - a. No display or storage of goods, wares, merchandise, or stock in trade maintained on the premises, and
  - b. No one, other than one person residing on the lot where the home occupation is located, shall be regularly employed in such occupation, and
  - c. No equipment used in conjunction with such occupation, which emits dust, fumes, noise, odor, etc., which would or could interfere with the peaceful use and enjoyment of adjacent properties, and
  - d. Not more than two hundred (200) square feet of the floor space of the dwelling devoted to such use, and
  - e. No appreciable increase of traffic, pedestrian and vehicular, by reason of such occupation, and
  - f. No alteration of the structure, nor the use of any signs not otherwise permitted in the zone in which the occupation is located. (Ord. 1129 (part), 1997; prior code §§ 9361, 9361a)

#### 17.24.030 Limitations on uses.

The following regulations shall be limitations on, and be applicable to, all uses on R-3 zoned lots.

A. Dismantling or Storage of Vehicles Prohibited.

1. Definitions. The following words, for the purpose of this subsection, shall be defined as follows:

"Disabled vehicle" means a vehicle which is not operable, by reason of the removal of, or damage to integral component parts.

"Disassemble" means the same as dismantle.

"Dismantle" means the removal or stripping of one or more component parts from a vehicle.

"Inoperable vehicle" means a vehicle that cannot be operated on a public street either because of non-

3. Multiple dwelling units.

B. Accessory Uses. In addition to the principal uses allowed in R-3 zones, the following accessory uses, and no others, shall be permitted on all such zoned property:

1. Accessory buildings and structures;

2. Domestic animals may be kept in residential zones as permitted by Chapter 22.20, Title 22 and Title 10 of the Los Angeles County Code;

3. Home occupations, provided that there is: a. No display or storage of goods, wares, merchandise, or stock in trade maintained on the premises, and

b. No one, other than one person residing on the lot where the home occupation is located, shall be regularly employed in such occupation, and

c. No equipment used in conjunction with such occupation, which emits dust, fumes, noise, odor, etc., which would or could interfere with the peaceful use and enjoyment of adjacent properties, and

d. Not more than two hundred (200) square feet of the floor space of the dwelling devoted to such use, and

e. No appreciable increase of traffic, pedestrian and vehicular, by reason of such occupation, and

f. No alteration of the structure, nor the use of any signs not otherwise permitted in the zone in which the occupation is located. (Ord. 1129 (part), 1997; prior code §§ 9361, 9361a)

**Chapter 17.24**

**R-3 HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL ZONE**

**Sections:**

- 17.24.010 Purpose.**
- 17.24.020 Permitted uses**
- 17.24.030 Limitations on uses**
- 17.24.040 Site plan required**
- 17.24.050 Development standards**
- 17.24.060 Placement of buildings and structures.**
- 17.24.070 Exemption of existing uses.**

**17.24.010 Purpose.**

In order to provide for the development of multiple-family residential areas and to maintain the integrity of existing multiple-family residential areas within the city, the regulations of this chapter shall be applicable to uses of all R-3-zoned lots in the city. (Prior code § 9360)

**17.24.020 Permitted uses.**

On R-3 zoned lots only the principal and accessory uses set forth in this section, shall be permitted uses. No person shall use, nor shall any person permit the use of, any R-3 zoned lot for any use except the following principal and accessory uses:

**A. Principal Uses.**

1. Any principal use first permitted in the R-1 zone (Chapter 17.16) provided that:

a. The provisions of Chapter 17.16 shall apply to the exclusion of the regulations imposed by this chapter, except

b. The provisions of Section 17.24.040A shall apply to such principal uses;

2. Any principal use first permitted in the R-2 zone (Chapter 17.20) provided that:

a. The provisions of Chapter 17.20 shall apply to the exclusion of any regulations imposed by this chapter, except

b. The provisions of Section 17.24.040A shall apply to such principal uses.

**17.24.030 Limitations on uses.**

The following regulations shall be limitations on, and be applicable to, all uses on R-3 zoned lots.

**A. Dismantling or Storage of Vehicles Prohibited.**

1. Definitions. The following words, for the purpose of this subsection, shall be defined as follows:

"Floor Area Ratio": Floor area ratio shall mean the total gross floor area of building(s) on a lot (including garages) divided by the net lot area, after any dedications.

"Floor Area Gross" Floor area gross shall mean the total horizontal area within all floors of a building included within the surrounding walls.

"Disabled vehicle" means a vehicle which is not operable, by reason of the removal of, or damage to integral component parts.

"Disassemble" means the same as dismantle.

"Dismantle" means the removal or stripping of

one or more component parts from a vehicle.

"Inoperable vehicle" means a vehicle that cannot be operated on a public street either because of non compliance with the California Vehicle Code or the mechanical condition of the vehicle is such as to render it unsafe.

"Net Lot Area" Net Lot Area shall mean the total lot area that is exclusive of open space and set back requirements.

"Park" means the standing of a motor vehicle, other than for the purpose of loading or unloading merchandise or passengers.

"Repair" means the work necessary to restore a vehicle to a usable condition.

"Store" means to keep or locate for future use.

"Vehicle" means and includes motorcycle, motor driven cycle, motor truck, recreational vehicle, station wagon, truck, tractor and vehicle, as these phrases are defined in the Vehicle Code of the State of California, and all similar types of vehicles.

2. Parking of Vehicles. No person shall park any vehicle for any purpose, in any area, on any R-3 zoned lot, other than in a legally established parking facility or driveway leading to such parking facility.

3. Storage of Inoperable Vehicles Prohibited. No person shall store any inoperable vehicle or component thereof in a required front yard area on any R-3 zone, except such inoperable vehicles or components thereof may be stored at any location on an R-3 zoned lot, except in a required front yard area, when screened by a six-foot-high view-obscuring wall or fence and when such vehicles or components are owned by the person or persons in possession of the subject property.

4. Repair, Dismantling of Vehicles, Prohibited. No person shall assemble, repair, dismantle or store any vehicle, other than as provided in this section, on any part of any R-3 zoned lot, unless such work is done within a fully enclosed building, or in an open area which is completely enclosed by a view obscuring wall of not less than six feet in height, or by the exterior walls of a building or buildings.

5. Exception. Provided, that the prohibition imposed by subdivision (4) of his subsection shall not be deemed to apply to the occasional and incidental repair of vehicles owned or leased by the person in possession of the lot on which such work takes place; provided that a disabled vehicle which is being repaired or assembled shall not be stored for a period longer than seven consecutive days within any thirty (30) day period.

B. Storage of Boats and/or Trailers. No person shall store or park any boat or trailer in any required front yard area on any R-3 zoned lot, or store or park any boat or trailer in excess of thirty-four (34) feet in length on any portion of any property in an R-2 zone.

C. Exterior Lighting. All exterior lighting operated or maintained in conjunction with any activity or purpose on any R-3 zoned lot shall be arranged so as to reflect the light away from any other property.

D. Commercial Vehicles. No person shall park or store any commercial vehicle, as that phrase is described in the Vehicle Code of the State of California, which has a capacity of greater than three-fourths of one ton in any R-3 zone.

E. Restrictions and Permit Requirements for Garage or Yard Sales.

1. No person shall sell or offer to sell personal property at a garage or yard sale ("sale") on any R-3 zoned lot ("lot"), unless and until such person has obtained a yard sale permit ("permit") from the city department of development services. No such permit shall be issued unless:

a. The applicant has paid, contemporaneously with the filing of an application for a pennit, in a form prepared by the CAO, a filing and processing fee in an amount set by resolution of the city council.

b. The applicant has filed an affidavit stating that all of the personal property to be sold at the sale is owned by the applicant or by members of his or her family, which personal property has not been acquired by, or consigned to the applicant for purposes of resale.

2. If for any reason, a permit is issued after the commencement of the sale, a penalty fee in an amount established by city council resolution shall be assessed and paid by the applicant.

3. Only one permit shall be issued authorizing a sale on a lot to the same applicant for any sale at the same location in any consecutive six-month period.

4. A permit shall only be valid for two consecutive weekend days as designated on the face of the permit.

5. Personal property offered for sale shall not be displayed on any part of the lot, to which the permit relates, after six p.m. of any day during which the sale may be conducted under the terms of the permit.

6. The provisions of this subsection shall not apply to any sale of personal property made under court order or pursuant to a private foreclosure proceeding.

7. For the purposes of this subsection, the terms "personal property" and "sale" are defined as follows:

"Personal property" means any goods, wares, merchandise or other personal property.

"Sale" means any sale of or offer to sell any personal property which is displayed in the required front yard area, open space, carport or garage of an R-3 zoned lot.

8. All goods offered for sale shall be personal property. No person conducting a sale may sell or offer new items, live animals, food, tobacco products, alcoholic beverages, weapons, controlled substances or any items which are illegal to possess.

9. The number of permitted temporary signs shall be limited to two. No such sign shall exceed nine square feet in overall size. Signs shall not be posted on telephone poles, trees, public property or public rights-of-way. Signs may be posted the day(s) of the sale and removed immediately after the sale.

10. An applicant conducting a sale shall display the permit in a conspicuous place on the property clearly visible from the public right-of-way.

11. Any person who violates or fails to comply with any provision of this subsection, is guilty of an infraction.

12. The provisions of this subsection shall not apply to a sale of personal property made under court order. (Ord. 1129 (part), 1997; prior code § 9361b)

#### **17.24.040 Site plan required.**

No use, building or structure shall be commenced or constructed on an R-3 zoned lot unless a site plan therefore has been approved pursuant to Chapter 1791. (Prior code § 8363)

#### **17.24.050 Development standards.**

The use of each R-3 zoned lot shall comply with all of the following development standards:

A. Minimum Lot Area. The minimum lot area of an R-3 zoned lot created after December 31, 1989, shall be seven thousand two hundred (7,200) square feet.

B. Minimum Lot Width.

1. Interior Lots. Each interior R-3 zoned lot created after December 31, 1989, shall have a minimum width of sixty (60) feet.

2. Corner Lots. Each R-3 zoned corner lot and reverse corner lot created after December 31, 1989, shall have a minimum lot width of sixty-five (65) feet.

C. Lot Area per Dwelling Unit. One unit may be located upon an R-3 zoned lot for each two thou

sand three hundred (2,300) square feet of lot area of such lot.

D. Lot Coverage. Not more than fifty (50) percent of the lot area of any R-3 zoned lot shall be covered by main or accessory buildings.

E. Building Height. The maximum height of any building in the R-3 zones, or for parcels greater than 8,000 square feet in any residential zone, shall not exceed two (2) stories or thirty (30) feet in height, whichever is less.

F. Minimum Yard Areas. Each lot in the R-3 zone shall maintain front, side and rear yards in conformance with the following requirements:

1. Minimum Front Yard Setbacks. For any new construction, the first floor of any building or structure shall be setback a minimum of twenty-five feet (25'), except for the application of prevailing setbacks, measured from the front property line (street line). The minimum setback for two-story homes on lots 8,000 square feet and larger, shall be thirty feet (30').

No more than 40% of a second story front façade may occur at the specified first floor front setback. Remaining portions of the second story shall be set back a minimum of an additional five (5) feet.

2. Side Yards. Each lot in the R-1 zone shall maintain the following side yards:

a. Interior Side Yards. A minimum setback of five feet (5') for single-story homes.

The minimum side yard setback for two-story homes shall be seven feet (7'), measured from the side lot line. A second story may be constructed on an existing first story wall that is no closer than five (5) feet from an interior side lot line provided the original wall was legally established.

The minimum side yard setback for two-story homes on lots that are 8,000 square feet and greater, shall be ten feet (10').

b. Corner Lots. Each corner lot shall maintain the following side yard requirements:

i. On the side lot line which abuts another lot, the side yard shall be not less than five feet in width; and

ii. Corner-side street yards. Any building or structure shall be set back a minimum of ten feet (10'), measured from the side lot line of the corner lot.

3. Rear Yard Setbacks. A minimum setback of twenty feet (20'). Subject to minor variance approval, the rear yard on corner lots may be reduced to not less than ten feet (10') abutting a street side yard setback line provided the structure does not reduce the required rear yard area by more than fifty percent (50%).

G. Floor Area Ratio. The maximum floor area ratio for a home in the R-1 zone and for two-story homes in the R-2 zone shall be 0.50 or 2800 square feet whichever is less. The maximum floor area ratio for two-story homes in the R-3 and C-3R zones shall be 0.28 or 2800 square feet whichever is less.

a. The maximum allowable second floor area shall not exceed eighty percent (80%) of the first floor area in the R-3 zones.

b. Floor Area per Dwelling Unit. Each multiple dwelling located on an R-3 zoned lot shall conform to the following minimum floor area requirements:

1. Dwelling Unit with one bedroom ..... 650 sq. ft.
2. Dwelling unit with two bedrooms. .... 800 sq. ft.
3. Dwelling unit with three bedrooms. .... 950 sq. ft

**Table 1: Single Family Residential Development Standards**

\* Proposed maximum FAR or square footage whichever is less.

H. Open Space. Each R-3 zoned lot shall have and maintain a minimum of three hundred (300) square feet of open space for each dwelling unit. "Open space" means an area other than a required setback area, driveway or off-street parking facility, which has no building or structure located therein except for such buildings or structures which are designed and used exclusively for recreational purposes. Such open space shall be provided as follows:

1. Private Open Space. A minimum of one hundred and fifty (150) square feet of private open space shall be provided for each dwelling unit located on the lot. "Private open space" means open space which is:

- a. Located immediately adjacent to, and on the same lot as, the dwelling unit it is designed to serve; and
- b. Available for use only by the occupants of the dwelling unit which it is designed to serve; and
- c. Easily accessible by the occupants of the dwelling unit which it is designed to serve; and
- d. Located on the ground level with a minimum of ten (10) feet in its least dimension.

2. Common Open Space. One hundred fifty (150) square feet of common open space shall be provided

R-1 District	Front/Side/Rear Setbacks (1 story)	Front/Side/Rear Setbacks (2-story)	Maximum FAR (1-story)	Maximum FAR (2-story)	Maximum Building Height	Maximum 2nd Floor/1st Floor*
R-1	25'/5'/10'	25'/7'/10'	.50 FAR or 2,800 square feet *	.50 FAR or 2800 square feet *	28'	80%
R-2	25'/5'/10'	25'/7'/10'	.50 FAR or 2800 square feet *	.50 FAR or 2800 square feet *	28'	80%
R-3 < 8,000 sq. ft.	25'/5'/10'	25'/7'/20'	.28 FAR or 2800 square feet *	.28 FAR or 2800 square feet *	30'	80%
R-3, C-3R > 8,000 sq. ft. size lots	25'/5'/10'	30'/10'/20'	.28 FAR or 2800 square feet *	.28 FAR or 2800 square feet *	30'	80%

plus for every additional bedroom in excess of three. one hundred fifty (150) sq. ft. of floor area shall be added to the total square footage of the dwelling unit.

for each dwelling unit located on an R-3 zoned lot. If the sum of all required square footage of common open space is less than one thousand (1,000) square feet, the required common space shall be combined

into a single common space area. "Common open space" means open space which is designed for use by all occupants of dwelling units located upon the lot upon which the common open space is located.

I. Walls. Walls shall be allowed on residential zoned lots as follows:

1. A decorative view-obscuring fence not to exceed six feet in height may be located and maintained on any part of such lot, except in any portion of a required front yard area.

2. A wall constructed of decorative material not to exceed forty-two (42) inches in height may be located and maintained in the front yard area of such lot, except corner lots, provided that such wall shall be designed and constructed in accordance with the Residential Block Walls and Fence Standards dated December 31, 1989, adopted by this reference as if set forth in full.

3. A wall constructed of a combination of masonry and wrought iron may be located in a required front yard area, provided: (1) such wall does not exceed a maximum height of six feet; and (2) the surface of such wall is at least sixty (60) percent open and an electrically operated security gate is installed; (3) such walls shall be designed and constructed in accordance with the Residential Block Walls and Fences Standard, dated December 31, 1989, hereby adopted by this reference as if set forth in full.

4. Chain link fences shall not be permitted to be located in any required front yard area.

5. An additional two feet of height may be added to a permitted view-obscuring six-foot-high wall located in a side or rear yard area, provided that the additional two feet shall be constructed of a decorative open material such as wrought iron fencing or shadow block.

J. Parking. Off-street parking facilities shall be provided on each R-3 zoned lot in accordance with Chapter 17.76 of this code.

K. Landscaping Required. All open areas except driveways, park areas, walkways, utility areas, improved decks, patios or porches, between the front lot line and the rear line of the main building shall be maintained with appropriate landscaping and shall include an automatic irrigation system, provided, landscaping shall include improved masonry, concrete or wood decks or slabs in the required front yard area.

L. Drainage. All areas of each R-3 zoned lot shall be maintained in a manner which will readily dispose

of all storm run-off and all surface water so as to eliminate any puddles or standing water in compliance with all National Pollutant Discharge Elimination System permit requirements adopted by the city. Drainage shall not be permitted in, over, under or upon any adjacent lot unless good cause exists therefore, and the consent, in writing, of the adjacent lot owner is first obtained.

M. Trash Enclosures. Each R-3 zoned lot, having three dwelling units or more shall have a fully enclosed trash enclosure, a minimum of six feet in height, five feet in width and six feet in length. Additional trash enclosure structures shall be provided in increments of one for every additional six dwelling units located on an R-3 zoned lot. Trash enclosure structures shall be located in a central location on the lot screened from view from any public right-of-way or adjacent lot; each such trash enclosure shall be constructed in accordance with AC. Martin & Associates Residential Design Guidelines, Exhibit 1 attached to the ordinance codified

in this section and incorporated herein by this reference.

N. Outdoor Clothes Drying Areas. No outdoor clothes drying area shall be allowed or maintained except:

1. On the ground floor level; and
2. On an area of an R-3 zoned lot which is not observable from adjacent lots of public streets.

O. Stairways. No exterior stairway shall be located in a required front yard area.

P. Exterior Lighting. All exterior lighting operated and maintained in conjunction with any activity or purpose on an R-3 zoned lot shall be maintained in a manner so that there is no light spill onto adjacent lots, or public property.

Q. Storage. A lockable storage cabinet having a capacity of at least eighty (80) cubic feet shall be provided for each dwelling unit located on an R-3 zoned lot, located either within the garage designated for each dwelling unit or at a similarly convenient location fully screened from adjacent lots and public rights-of-way.

R. Public Utilities. All public utilities serving any building or structure constructed on an R-3 zoned lot shall be underground. Utilities shall terminate in recessed utility cabinets located in the wall of the building or in the building to be served thereby. (Ord. 1129 (part), 1997; prior code § 9364)

**17.24.60 Placement of buildings and structures.**

Placement of buildings and structures on R-3 zoned lots shall conform to the following:

A. Building Locations. No building or structures shall be located in any portion of a required yard or open space area, except as is otherwise expressly provided in this title.

B. Distance Between Main Buildings. The distance between detached main buildings shall not be less than ten (to) feet.

C. Distance Between Main and Accessory Building distance between main buildings and accessory buildings shall be not less than five feet, provided that:

1. The facing walls of all such buildings are constructed of one-hour fire-resistive construction (as defined in the building regulations of the city); and
2. A minimum five-foot-wide yard area, open and unobstructed from the ground to the sky, is provided and maintained between such buildings.

D. Accessory Buildings. Accessory buildings shall be permitted to be attached to a main building on an R-3 zoned lot provided that all of the required side and rear yard areas are observed.

E. Interior Lots. A detached accessory building or structure may be located adjacent to the rear lot line and one side lot line of an R-3 zoned interior lot, except when the rear lot line of the lot abuts a public alley, in which case a minimum distance of five feet shall be observed between the rear lot line of the lot and such an accessory building.

F. Comer and Reversed Comer Lots. An accessory building may be located adjacent to the rear lot line and the side lot line of a comer or reversed comer R-3 zoned lot, except when the rear lot line abuts a public alley, then a minimum distance of five feet shall be observed between the rear lot line of the lot and such an accessory building. (Prior code § 9365)

**17.24.070 Exemption of existing uses.**

Notwithstanding any provision of this title to the contrary, any building and/or structure which: (1) was in existence or for which building permits were issued prior to the thirty-first day of December, 1989; and (2) conformed to the zoning regulations of the city in effect as of such date; and (3) would otherwise be rendered nonconforming solely by reason of the application thereto of the provisions of this chapter, shall not be deemed to have acquired a

nonconforming status, within the meaning of Section 17.08.010 of this code, provided:

A. That any new use, building or structure, proposed to be located on such lot shall be made to comply with all of the regulations contained in this code as to such proposed new use, building or structure; and

B. That the exemption set forth in this section shall not apply to any building or structure which is damaged or destroyed, by any cause, to the extent that the cost of reconstruction or rehabilitation thereof would exceed an amount equal to one-half the then value of such building or structure; the value of such building or structure, for the purpose of this subsection shall be determined by the city's building official, based upon the method of determining valuation for building permit purposes. (prior code § 9366)

## Chapter 17.28

### C-3R ZONE

#### Sections:

- 17.28.010 Purpose.**
- 17.28.020 Permitted uses.**
- 17.28.030 Limitations on permitted uses.**
- 17.28.040 Development standards.**
- 17.28.050 Site development plan approval.**
- 17.28.060 Exemption of existing uses.**

#### **17.28.010 Purpose.**

In order to provide for areas within the city in which commercial and residential uses can be developed, the following regulations of this chapter shall be applicable to all properties classified in zone C-3R. (Prior code § 9386)

#### **17.28.020 Permitted uses.**

No person shall use, or permit the use of, any property zoned C-3R except as herein provided:

A. Principal Uses. Premises in the C-3R zone may be used for the following principal uses:

1. Any use listed in zones C-1 or C-2;
2. Art supply shops;
3. Artificial limbs, orthopedic and therapeutic devices;
4. Auction houses or stores;
5. Automobile and trailers, sales;
6. Bakeries, including wholesale operations when conducted in conjunction with retail sales;
7. Battery sales, installation and service;
8. Bicycle sales, service and repair;
9. Blueprint shops;
10. Book binderies;
11. Building material sales and storage;
12. Ceramic stores;
13. Ceramic manufacturing incidental to retail sales from the premises provided the total volume of kiln space does not exceed sixteen (16) cubic feet;
14. Dairy products, limited to retail sales and package plant, providing that if any part of such

operation is to be conducted in the open, specifically including drive-in type uses, a conditional use permit shall first be obtained;

15. Drive-in restaurants, with no car service;
16. Equipment rental services, including rototillers, power mowers, sanders, power saws, cement mixers, and other similar equipment;
17. Feed and grain sales;
18. Frozen food lockers;
19. Furniture shops (new and used);
20. Garden supplies;
21. Gunsmiths and gun shops;
22. Health food stores;
23. Hotels, catering to transient occupancy only;
24. Job shop printers;
25. Kennels (entirely within enclosed building);
26. Laboratories, medical, dental, X-ray, biochemical;
27. Lapidary shops, retail sales and service, repair of equipment;
28. Lawnmowers, retail sales, service and repair;
29. Linoleum and floor tile, retail sales;
30. Markets, wholesale and jobbers;
31. Mimeographing and addressograph services;
32. Nurseries;
33. Office equipment and supplies;
34. Optical establishments, including the sale of lenses and frames and the grinding and mounting of lenses;
35. Patio equipment and outdoor furniture;
36. Photoengraving and finishing;
37. Printers or publishers;
38. Radio and television broadcasting studios;
39. Second hand goods and furniture stores;
40. Take-out sale of prepared food;
41. Telephone answering service;
42. Tourist information centers;
43. Toy shops;
44. Trailers, rental of house trailers;
45. Trailer sales, not to include truck trailers;
46. Typewriter sales and incidental repairs;
47. Variety stores;
48. Vending machines, coin-operated machine and amusement devices, sales, service and rental;
49. Upholstery shops;

50. Other similar uses which the commission finds, pursuant to Section 17.04.090 of this title, to be of a comparable nature and class of those enumerated above;

51. Any of the following uses shall be allowed in zone C-3R, provided a conditional use permit therefor is first obtained. Manufacturing, compounding, assembly, packaging or treatment of articles or merchandise from any of the following materials:

- a. Glass,
- b. Iron, not including foundries,
- c. Metal, products of precious metals; steel and brass stamp, including hand and machine engraving; metal fabricating, spinning and storage,

d. Paper, not including the manufacture of paper itself,

- e. Pottery,
- f. Textiles,
- g. Wood, including a planing mill;

52. Any of the following uses shall be allowed in zone C-3R, provided a conditional use permit therefor is first obtained. Manufacturing, compounding, assembling, processing packaging or treatment which creates any of the following products:

- a. Batteries,
- b. Beds and bedsprings,
- c. Cigars,
- d. Cigarettes,
- e. Clocks,
- f. Food products, except lards, pickles, sauerkraut, sausage or vinegar,
- g. Furniture,
- h. Gloves,
- i. Hearing equipment,
- j. Mattresses,
- k. Motors, electric,
- l. Prefabricated buildings,
- m. Shoes,
- n. Statuary,
- o. Wearing apparel, and garments;

53. Commercial hand laundries (not including industrial laundries);

54. Truck servicing and repairing, relating to vehicles of five-ton unladen weight or greater, pro-

vided a conditional use permit therefor is first obtained;

55. Residential uses shall be allowed in zone C-3R provided a conditional use permit, pursuant to the provisions of Chapter 17.96 and this section is first obtained therefor.

56. Motels, provided that a conditional use permit, pursuant to the provisions of Chapter 17.96 and this section, is first obtained therefor.

57. Condominiums, developed in accordance with Chapter 17.60 of this code, provided that a conditional use permit, pursuant to the provisions of Chapter 17.96 and this section, is first obtained therefor.

B. Accessory Uses. Property zoned C-3R may be used for accessory uses, provided that such uses are incidental to, and do not substantially alter the character of, any permitted principal use, including, but not limited to:

1. Accessory uses, buildings or structures;
2. Building materials, storage of, only when used in construction of a building or structure and then only during the construction and for thirty (30) days thereafter, including the contractor's temporary office, provided that any such accessory use shall be located on the lot where the building project is taking place or on a lot abutting the construction site.

C. Temporary Use Permits. Premises in the C-3R zone may be utilized for activities for which a temporary use permit is required. (Ord. 1129 (part), 1997; prior code § 9387)

#### 17.28.030 Limitations on permitted uses.

Every use in any C zone shall comply with the following:

A. All uses shall be conducted within a completely enclosed building except for those uses which are customarily conducted in the open, such as the sale of cars, boats and recreational vehicles, as determined by the planning commission pursuant to Section 17.04.090 of this code.

B. All outdoor storage permitted under subsection A of this section shall be maintained in an area of a lot, approved by the director, completely en-

closed by a view-obscuring fence or wall and paved with macadam or asphaltic pavement in accordance with adopted city standards therefor. Surfacing of such area shall be designated, constructed and maintained so as to dispose of all surface water.

C. All outdoor sales permitted under subsection A of this section shall be limited to commodities sold at retail on the premises.

D. Any commercial use which uses or produces hazardous materials, petroleum products, greases or oils shall be required to install and maintain an interceptor or clarifier and shall dispose of such hazardous materials, petroleum products, greases and oils only in accordance with applicable local, state and federal law. All pre-existing commercial uses not in compliance with this subsection shall be required to comply with this section within ninety (90) days of the effective date of the ordinance enacting this provision. (Ord. 1129 (part), 1997: prior code § 9386a)

#### **17.28.040 Development standards.**

The following development standards shall be applicable to each use, building or structure located in zone C-3R, except as hereinafter set forth:

##### **A. Lots.**

1. **Area.** The minimum required lot area of each lot in the C-3R zone shall be five thousand (5,000) square feet.

2. **Width.** The minimum width of each lot in the C-3R zone shall be fifty (50) feet.

3. **Depth.** The minimum depth of each lot in the C-3R zone shall be one hundred (100) feet.

**B. Yards.** The following yard areas shall be required, and observed, on all C-3R-zoned properties:

1. **Front Yards.** In the C-3R zone every lot shall have and maintain front yards as follows: Residential uses in C-3R zone shall have and maintain a front yard not less than twenty (20) feet in depth from the public right-of-way, provided that commercial uses may be placed in such front yard.

2. **Side Yards.** In the C-3R zone every lot shall have and maintain side yards as follows:

a. Each lot classified in zone C-3R which has a side lot line abutting any lot located in any of the

R zones, shall have and maintain, a side yard area of not less than ten (10) feet in width on the side adjoining such residentially zoned lot.

b. Where a permitted driveway enters the side wall of a building, that portion of such side wall shall be located not less than twenty (20) feet from the side lot line of the lot upon which located.

3. **Rear Yards.** Each lot in the C-3R zone, the rear lot line of which separates the same from any lot located in any R zone, shall have and maintain a rear yard area not less than ten (10) feet in depth. Each C-3R zoned lot, the lot line of which is separated from a residentially zoned lot by a public alley, shall maintain a rear yard not less than five feet in depth.

##### **C. Buildings.**

1. **Height.** No building or structure in the C-3R zone shall exceed a height of seventy (70) feet; provided that where a lot in the C-3R zone has one or more common lot lines with a lot zoned R-1, no building or structure on such C-3R-zoned lot, located within fifty (50) feet of such common lot line, shall exceed the maximum height permitted for buildings or structures in the R-1 zone.

2. **Building Bulk.** Buildings, including accessory buildings and structures, may cover all of the area of any lot in the C-3R zone, except for required yard areas, and areas required for off-street parking facilities.

**D. Off-Street Parking.** Each lot in the C-3R zone shall have and maintain off-street parking facilities as is required by Chapter 17.76 of this code.

**E. Loading.** Each lot classified in the C-3R zone shall have and maintain such loading facilities as may be required by Chapter 17.76 of this code.

**F. Required Walls.** Each lot in the C-3R zone, which has a common side or rear lot line with any R zoned property, shall have and maintain a solid masonry wall not less than six feet in height, in and along all such side and rear lot lines. Any such fence so required which is adjacent to the side of a required front yard area on the adjoining zoned property, shall conform to the height regulations applicable to front yard areas in such R zoned property.

**G. Trash Facilities.**

1. Each lot in the C-3R zone shall be provided with facilities for the storage and collection of trash as follows:

a. All outside trash and garbage collection areas shall be enclosed by a view-obscuring wall or fence, not less than six feet in height, so that the contents thereof are not visible from any public street or adjacent R zoned property; except that such enclosures shall not be required if such trash and garbage is kept in substantial metal containers, with close-fitting lids.

b. All trash, rubbish and garbage receptacles shall be regularly cleaned, inspected and maintained in a clean, safe and sanitary condition.

c. All trash storage areas shall be located for convenient vehicular access for pickup and disposal.

2. All existing uses, buildings and structures which do not comply with the provisions of this subsection as of the effective date of the ordinance codified in this section, shall so comply within twelve (12) months after such effective date.

**H. Compressors, Motors, Etc.**

1. Each lot in the C-3R zone which has, as an accessory to a permitted use, compressors, air conditioning units or similar machinery, located outside of the exterior walls of any building, shall comply with the following:

a. All such mechanical equipment shall be enclosed within a permanent noncombustible enclosure subject to the approval of the building inspector and subject to all yard area regulations.

b. All such mechanical equipment shall be maintained in a clean and proper condition to prevent a collection of litter and filth and to avoid the emission of unnecessary noise, dust or fumes.

2. All existing uses, buildings and structures which do not comply with the provisions of this subsection as of the effective date of the ordinance codified in this section, shall so comply within twelve (12) months after such effective date.

I. Exceptions. Any use, building or structure which is in existence or for which a building permit has been issued, as of the effective date of the ordinance codified in this section, and which, as of such

date, conformed to all zoning regulations of the city then in effect, shall not be rendered nonconforming within the meaning of Chapter 17.100 of this code, solely by reason of the application of the development standards, as set forth in this section, thereto; provided that any such existing use, building or structure, in case of expansion or reconstruction, shall, as to that portion thereof, comply with the provisions of this section. (Ord. 1129 (part), 1997; prior code § 9389)

**17.28.050 Site development plan approval.**

Prior to, or concurrently with, submission of plans to the building department, for a plan check or an application for a building permit for any building or structure in the C-3R zone, the provisions of Chapter 17.92 of this code, with regard to site development plans, shall be complied with. (Prior code § 9389.1)

**17.28.060 Exemption of existing uses.**

Notwithstanding any provision of this title to the contrary, any building and/or structure located on any C-3 zoned lot or for which building permits have been issued which: (1) was in existence or for which building permits have been issued as of the fourth day of August, 1969; and (2) conformed to the zoning regulations of the city in effect as of such date; and (3) would otherwise be rendered nonconforming solely by reason of the application thereto of Sections 17.28.040 and 17.28.050 of this chapter, shall not be deemed to have acquired a nonconforming status, within the meaning of Section 17.08.010 of this code, provided:

A. That any new use, building or structure, proposed to be located on such lot shall comply with all of the regulations contained in this title as to such proposed new use, building or structure; and

B. That the exemption granted in this section shall not apply to any building or structure which is damaged or destroyed, by any cause, to the extent that the cost of reconstruction or rehabilitation thereof would exceed an amount equal to the then value of such building or structure, as estimated by the

city's building official, for building permit purposes.  
(Prior code § 9389.2)

## Chapter 17.32

### C-3 HEAVY COMMERCIAL ZONE

#### Sections:

- 17.32.010 Purpose.**
- 17.32.020 Permitted uses.**
- 17.32.030 Limitations on permitted uses.**
- 17.32.040 Development standards.**
- 17.32.050 Site development plan approval.**
- 17.32.060 Exemption of existing uses.**

#### **17.32.010 Purpose.**

In order to provide for the development of commercial areas and to maintain the integrity of existing commercial areas within the city, the regulations of this chapter shall be applicable to all properties classified in zone C-3. (Ord. 1129 (part), 1997; prior code § 9390)

#### **17.32.020 Permitted uses.**

No person shall use, or permit the use of, any property zoned C-3 except as herein provided:

A. Principal Uses. Premises in the C-3 zone may be used for the following principal uses:

1. Ambulance services;
2. Antique sales;
3. Appliances, household. sales and incidental repair permitted;
4. Art stores, including galleries;
5. Art supply shops;
6. Artificial limbs, orthopedic and therapeutic devices, sales;
7. Auction houses or stores;
8. Automobile supply stores (retail sale of new parts only);
9. Automobiles and trailers, sales;
10. Bakeries, including wholesale operation when conducted in conjunction with retail sales;
11. Banks and financial institutions;
12. Barbershops or beauty parlors;
13. Battery sales, installation and service;
14. Bicycle sales, service and repair;
15. Blueprint and photocopying shops;

16. Boats, trailers, bicycles or motorcycles sales and repairs;
17. Book or stationery stores;
18. Book binderies;
19. Bowling alleys;
20. Building material sales and storage;
21. Carpet, sales only;
22. Ceramic stores;
23. Ceramic manufacturing incidental to retail sales from the premises provided the total volume of kiln space does not exceed sixteen (16) cubic feet;
24. Clothing stores;
25. Communications equipment buildings;
26. Dairy products, limited to retail sales and package plant;
27. Delicatessens;
28. Dental clinics;
29. Dental laboratories;
30. Department stores;
31. Dress or millinery shops (retail sale only);
32. Drive-in restaurants, with no car service;
33. Drugstores;
34. Dry cleaning establishments, and retail dry cleaning agencies, including those with accessory dry cleaning plants located on the same premises, but not including dry cleaning plants operated other than as accessory uses to retail dry cleaning agencies located on the same premises;
35. Dry goods or notion stores (retail sales only);
36. Electrical distribution facilities and all similar and related public utility facilities;
37. Equipment rental services, including rototillers, power mowers, sanders, power saws, cement mixers, and other similar equipment;
38. Feed and grain sales;
39. Florist shop;
40. Frozen food lockers;
41. Furniture stores (new and used);
42. Garden supplies;
43. Gift shops;
44. Glass edging, beveling and silvering in connection with the sale of mirror and glass decorated furniture;
45. Grocery or fruit stores (retail sales only);

46. Gunsmiths and gun shops;
47. Gymnasiums, baths, reducing salons and similar physical education centers;
48. Hardware stores;
49. Health food stores;
50. Hobby shops;
51. Hotels, catering to transient occupancy only;
52. Jewelry stores;
53. Job shop printers;
54. Kennels, (entirely within enclosed building);
55. Laboratories, medical, dental, X-ray, bio-chemical;
56. Lapidary shops, retail sales and service, repair of equipment;
57. Laundromat, self-service and automatically equipped;
58. Lawnmowers, retail sales, service and repair;
59. Libraries and reading rooms, non-publicly owned;
60. Linoleum and floor tile, retail sales;
61. Lithographic service and small job printers;
62. Locksmith stores;
63. Lodges and meeting halls;
64. Lumberyards (no planing mills or burners) indoor only;
65. Machinery and tools, retail sales;
66. Mail order houses, not to include warehousing;
67. Markets, meat, retail sales;
68. Markets, wholesale and jobbers;
69. Medical clinics;
70. Medical equipment and X-ray apparatus (sale of instruments, furniture and equipment);
71. Medical laboratories;
72. Mimeographing and addressograph services;
73. Mortuaries, funeral homes;
74. Motion picture films, processing of;
75. Movie theaters (including drive-ins);
76. Nurseries;
77. Office equipment and supplies;
78. Offices, business and professional;
79. Optical establishments, including the sale of lenses and frames and the grinding and mounting of lenses;
80. Paint stores;

81. Patio equipment and outdoor furniture;
82. Pet shops;
83. Photoengraving and finishing;
84. Photographic shop and studios;
85. Plating of precious metals (for retail services only);
86. Printers or publishers;
87. Radio and television broadcasting studios;
88. Radio and television stores, sales and repair;
89. Restaurants and cafes, food only;
90. Retail stores;
91. Secondhand goods and furniture stores;
92. Shoe stores and/or shoe repair shop;
93. Tailoring;
94. Take-out sale of prepared food;
95. Taxidermists;
96. Telephone answering service;
97. Tire sales;
98. Tobacco stores;
99. Tourist information centers;
100. Toy stores;
101. Trailers, rental of house trailers;
102. Trailer sales, not to include truck trailers;
103. Typewriter sales and incidental repairs;
104. Variety stores;
105. Upholstery shops;
106. Vending machines, coin-operated machine and amusement devices, sales, service and rental;
107. Other similar uses which the commission finds, pursuant to Section 17.04.090 of this code, to be of a comparable nature and class of those enumerated in this subsection.

B. Accessory Uses. Property zoned C-3 may be used for accessory uses, provided that such uses are incidental to, and do not substantially alter the character of any permitted principal use, including, but not limited to:

1. Accessory uses, buildings or structures;
2. Building materials, storage of, only when used in construction of a building or structure and then only during the construction and for thirty (30) days thereafter, including the contractor's temporary office, provided that any such accessory use shall be located on the lot where the building project is

taking place or on a lot abutting the construction site.

C. Temporary Use Permits. Premises in the C-3 zone may be utilized for activities for which a temporary use permit is required. (Ord. 1129 (part), 1997: prior code § 9391)

#### 17.32.030 Limitations on permitted uses.

Every use in any C zone shall comply with the following:

A. All uses shall be conducted within a completely enclosed building except for those uses which are customarily conducted in the open, such as the sale of cars, boats and recreational vehicles, as determined by the planning commission pursuant to Section 17.04.090 of this code.

B. All outdoor storage permitted under subsection A of this section shall be maintained in an area of a lot, approved by the director, completely enclosed by a view-obscuring fence or wall and paved with macadam or asphaltic pavement in accordance with adopted city standards therefor. Surfacing of such area shall be designated, constructed and maintained so as to dispose of all surface water.

C. All outdoor sales permitted under A of this section hereof shall be limited to commodities sold at retail on the premises. (Ord. 1129 (part), 1997: prior code § 9390a)

#### 17.32.040 Development standards.

The following development standards shall be applicable to each use, building or structure located in zone C-3, except as hereinafter set forth:

##### A. Lots.

1. Area. The minimum required lot area of each lot in the C-3 zone shall be five thousand (5,000) square feet.

2. Width. The minimum width of each lot in the C-3 zone shall be fifty (50) feet.

3. Depth. The minimum depth of each lot in the C-3 zone shall be one hundred (100) feet.

B. Yards. The following yard areas shall be required, and observed, on all C-3 zoned properties:

1. Front Yards. No front yard shall be required except that where permitted driveways enter the

front wall of a building, that portion of such front wall shall be located not less than twenty (20) feet from the front lot line.

2. Side Yards. In the C-3 zone every lot shall have and maintain side yards as follows:

a. Each lot classified in zone C-3 which has a side lot line abutting any lot located in any of the R zones, shall have and maintain a side yard area of not less than ten (10) feet in width on the side adjoining such residentially zoned lot.

b. Where a permitted driveway enters the side wall of a building, that portion of such side wall shall be located not less than twenty (20) feet from the side lot line of the lot upon which located.

3. Rear Yards. Each lot in the C-3 zone, the rear lot line of which separates the same from any lot located in an R zone, shall have and maintain a rear yard area not less than ten (10) feet in depth. Each C-3 zoned lot the rear lot line of which is separated from a residentially zoned lot by a public alley, shall maintain a rear yard not less than five feet in depth.

##### C. Buildings.

1. Height. No building or structure in the C-3 zone shall exceed a height of seventy (70) feet provided that where a lot in the C-3 zone has one or more common lot lines with a lot zoned R-1, no building or structure on such C-3 zoned lot located within fifty (50) feet of such common lot line shall exceed the maximum height permitted for buildings or structures in the R-1 zone.

2. Building Bulk. Buildings, including accessory buildings and structures, may cover all of the area of any lot in the C-3 zone, except for required yard areas, and areas required for off-street parking facilities.

D. Off-Street Parking. Each lot in the C-3 zone shall have and maintain off-street parking facilities as is required by Chapter 17.76 of this code.

E. Loading. Each lot classified in the C-3 zone shall have and maintain such loading facilities as may be required by Chapter 17.76 of this code.

F. Required Walls. Each lot in the C-3 zone, which has a common side or rear lot line with any R zoned property, shall have and maintain a solid

masonry wall not less than six feet in height, in and along all such side and rear lot lines. Any such fence so required which is adjacent to the side of a required front yard area on the adjoining R zoned property, shall conform to the height regulations applicable to front yard areas in such R zoned property.

**G. Trash Facilities.**

1. Each lot in the C-3 zone shall be provided with facilities for the storage and collection of trash as follows:

a. All outside trash and garbage collection areas shall be fully enclosed by a view-obscuring block wall, not less than six feet in height with a view-obscuring door which shall remain closed when not in use, so that the contents thereof are not visible from any public street or adjacent R zoned property.

b. All trash, rubbish and garbage receptacles shall be regularly cleaned, inspected and maintained in a clean, safe and sanitary condition.

c. All trash storage areas shall be located for convenient vehicular access for pickup and disposal.

2. All existing uses, buildings and structures which do not comply with the provisions of this subsection as of the effective date of the ordinance codified in this section shall so comply within twelve (12) months after such effective date.

**H. Compressors, Motors, Etc.**

1. Each lot in the C-3 zone which has, as an accessory to a permitted use, compressors, air conditioning units or similar machinery, located outside of the exterior walls of any building, shall comply with the following:

a. All such mechanical equipment shall be enclosed within a permanent noncombustible enclosure subject to the approval of the building inspector and subject to all yard area regulations.

b. All such mechanical equipment shall be maintained in a clean and proper condition to prevent a collection of litter and filth and to avoid the emission of unnecessary noise, dust or fumes.

2. All existing uses, buildings and structures which do not comply with the provisions of this subsection, as of the effective date of the ordinance

codified in this section, shall so comply within twelve (12) months after such effective date.

I. Exceptions. Any use, building or structure which is in existence or for which a building permit has been issued, as of the effective date of the ordinance codified in this section, and which, as of such date, conformed to all zoning regulations of the city then in effect, shall not be rendered nonconforming within the meaning of Chapter 17.100 of this code, solely by reason of the application of the development standards as set forth in this section, thereto; provided that any such existing use, building or structure, in case of expansion or reconstruction, shall, as to that portion thereof, comply with the provisions of this section. (Ord. 1129 (part), 1997: prior code § 9393)

**17.32.050 Site development plan approval.**

Prior to, or concurrently with, the submission of plans to the building department for a plan check or an application for a building permit for any building or structure in the C-3 zone, the provisions of Chapter 17.92 of this code, with regard to site development plans, shall be complied with. (Ord. 1129 (part), 1997: prior code § 9394)

**17.32.060 Exemption of existing uses.**

Notwithstanding any provision of this title to the contrary, any building and/or structure located on any C-3 zoned lot or for which building permits have been issued which: (1) was in existence or for which building permits have been issued as of the fourth day of August, 1969; and (2) conformed to the zoning regulations of the city in effect as of such date; and (3) would otherwise be rendered nonconforming solely by reason of the application thereto of Sections 17.32.040 and 17.23.050 of this chapter, shall not be deemed to have acquired a nonconforming status, within the meaning of Section 17.08.010 of this code, provided:

A. That any new use, building or structure, proposed to be located on such lot shall comply with all of the regulations contained in this title as to such proposed new use, building or structure; and

B. That the exemption granted in this section shall not apply to any building, or structure which is damaged or destroyed, by any cause, to the extent that the cost of reconstruction or rehabilitation thereof would exceed an amount equal to the then-assessed value of such building or structure, as estimated by the city's building official, for building permit purposes. (Ord. 1129 (part), 1997: prior code § 9395)

## Chapter 17.36

### C-M COMMERCIAL MANUFACTURING ZONE

#### Sections:

- 17.36.010 Purpose.**
- 17.36.020 Permitted uses.**
- 17.36.030 Limitations on permitted uses.**
- 17.36.040 Development standards.**
- 17.36.050 Site development plan approval.**
- 17.36.060 Exemption of existing uses.**

#### **17.36.010 Purpose.**

In order to provide for the development of heavy commercial-manufacturing areas, the regulations shall be applicable to all properties classified in zone C-M. (Prior code § 9396)

#### **17.36.020 Permitted uses.**

No person shall use or permit the use of any property zoned C-M except as herein provided:

A. Principal Uses. Premises in the C-M zone may be used for the following principal uses:

1. Any use listed in Zone C-3;
2. Manufacturing, compounding, assembly, packaging or treatment of articles or merchandise from any of the following materials:

- Cellophane,
- Cork,
- Corrugated cardboard,
- Feathers,
- Fiber, including fiberglass,
- Iron (not including foundries),
- Metal, products of precious metals; steel and brass stamp, including hand and machine engraving; metal fabricating, spinning and storage,
- Paper (not including the manufacture of paper itself),
- Plastics and synthetics,
- Pottery,
- Rope,
- Rubber (not including tire manufacturing),
- Textiles,

- Wire,
- Wood (not including a planing mill),
- Yarn;
- 3. Manufacturing, compounding, assembling, processing, packaging or treatment which creates any of the following products:

- Batteries,
- Beds and bedsprings,
- Brushes,
- Candles,
- Canvas,
- Cigars,
- Cigarettes,
- Clocks,
- Coffins,
- Cosmetics,
- Cutlery,
- Drugs,
- Dry goods,
- Furs,
- Furniture,
- Gloves,
- Hearing equipment,
- Mattresses,
- Motors (electric),
- Musical instruments,
- Phonograph records,
- Rugs,
- Shoes,
- Soap (cold mix only),
- Statuary,
- Store and commercial fixtures,
- Toys,
- Type printers,
- Venetian blinds,
- Wearing apparel and garments;
- 4. Warehousing, distribution and storage facilities;
- 5. The following uses, provided a conditional use permit is first obtained:
  - Electronic or neon products,
  - Food products, (except lards, pickles, sauerkraut, sausages or vinegar),
  - Foundries,
  - Paper manufacturing,

Planing mill,  
 Prefabricated buildings,  
 Tire manufacturing.

B. Accessory Uses. Property zoned C-M may be used for accessory uses, provided that such uses are incidental to, and do not substantially alter the character of, any permitted use, including but not limited to:

1. Accessory uses, buildings or structures;
2. Building materials, storage of, only when used in construction of a building or structure and then only during the construction and for thirty (30) days thereafter, including the contractor's temporary office, provided that any such accessory use shall be located on the lot where the building project is taking place or on a lot abutting the construction site.

3. Caretakers' living quarters provided a conditional use permit, pursuant to the provisions of Chapter 17.96 of this code, is first obtained therefor.

C. Temporary Use Permits. Premises in the C-M zone may be utilized for activities for which a temporary use permit is required. (Ord. 1129 (part), 1997; Ord. 1094 § 2, 1994; prior code § 9396.1)

#### 17.36.030 Limitations on permitted uses.

Every use in any C zone shall comply with the following:

A. All uses shall be conducted within a completely enclosed building except for those uses which are customarily conducted in the open, such as the sale of cars, boats and recreational vehicles, as determined by the planning commission pursuant to Section 17.04.090 of this code.

B. All outdoor storage permitted under subsection A of this section, shall be maintained in an area of a lot, approved by the director, completely enclosed by a view-obscuring fence or wall and paved with macadam or asphaltic pavement in accordance with adopted city standards therefor. Surfacing of such area shall be designated, constructed and maintained so as to dispose of all surface water.

C. All outdoor sales permitted under subsection A of this section shall be limited to commodities sold at retail on the premises.

D. Any commercial use which uses or produces hazardous materials, petroleum products, greases or oils shall be required to install and maintain an interceptor or clarifier and shall dispose of such hazardous materials, petroleum products, greases and oils only in accordance with applicable local, state and federal law. All pre-existing commercial uses not in compliance with this subsection shall be required to comply with this section within ninety (90) days of the effective date of the ordinance enacting this provision. (Ord. 1129 (part), 1997; prior code § 9396a)

#### 17.36.040 Development standards.

The following development standards shall be applicable to each use, building or structure located in zone C-M, except as hereinafter set forth:

A. Lots.

1. Area. The minimum required lot area of each lot in the C-M zone shall be five thousand (5,000) square feet.

2. Width. The minimum width of each lot in the C-M zone shall be fifty (50) feet.

3. Depth. The minimum depth of each lot in the C-M Zone shall be one hundred (100) feet.

B. Yards. The following yard areas shall be required, and observed, on all C-M zoned properties:

1. Front Yard. No front yard shall be required except that where permitted driveways enter the front wall of a building, that portion of such front wall shall be located not less than twenty (20) feet from the front lot line.

2. Side Yard. In the C-M zone every lot shall have and maintain side yards as follows:

- a. Each lot classified in zone C-M which has a side lot line abutting any lot located in any of the R zones, shall have and maintain a side yard area of not less than ten (10) feet in width on the side adjoining such residentially zoned lot.

- b. Where a permitted driveway enters the side wall of a building, that portion of such side wall shall be located not less than twenty (20) feet from the side lot line of the lot upon which located.

3. Rear Yards. Each lot in the C-M zone, the rear lot line of which separates the same from any

lot located in an R zone, shall have and maintain a rear yard area not less than ten (10) feet in depth. Each C-M zoned lot, the rear lot line of which is separated from a residentially zoned lot by a public alley, shall maintain a rear yard not less than five feet in depth.

**C. Buildings.**

1. **Height.** No building or structure in the C-M zone shall exceed a height of one hundred fifty (150) feet; provided that where a lot in the C-M zone has one or more common lot lines with a lot zoned R-1, located within fifty (50) feet of such common lot line, shall exceed the maximum height permitted for buildings or structures in the R-1 zone.

2. **Building Bulk.** Buildings, including accessory buildings and structures, may cover all of the area of any lot in the C-M zone, except for required yard areas, and areas required for off-street parking facilities.

**D. Off-Street Parking.** Each lot in the C-M zone shall have and maintain off-street parking facilities as is required by Chapter 17.76 of this code.

**E. Loading.** Each lot classified in the C-M Zone shall have and maintain such loading facilities as may be required by Chapter 17.76 of this code.

**F. Required Walls.** Each lot in the C-M zone, which has a common side or rear lot line with any R-zoned property, shall have and maintain a solid masonry wall not less than six feet in height, in and along all such side and rear lot lines. Any such fence so required which is adjacent to the side of a required front yard area on the adjoining R-zoned property, shall conform to the height regulations applicable to front yard areas in such R-zoned property.

**G. Trash Facilities.**

1. Each lot in the C-M zone shall be provided with facilities for the storage and collection of trash as follows:

a. All outside trash and garbage collection areas shall be enclosed by a view-obscuring wall or fence, not less than six feet in height, so that the contents thereof are not visible from any public street or adjacent R-zoned property; except that such enclosures shall not be required if such trash and garbage

is kept in substantial metal containers, with close-fitting lids.

b. All trash, rubbish and garbage receptacles shall be regularly cleaned, inspected and maintained in a clean, safe and sanitary condition.

c. All trash storage areas shall be located for convenient vehicular access for pickup and disposal.

2. All existing uses, buildings and structures which do not comply with the provisions of this subsection as of the effective date of the ordinance codified in this section, shall so comply within twelve (12) months after such effective date.

**H. Compressors, Motors, Etc.**

1. Each lot in the C-M zone which has, as an accessory to a permitted use, compressors, air conditioning units or similar machinery, located outside of the exterior walls of any building, shall comply with the following:

a. All such mechanical equipment shall be enclosed within a permanent noncombustible enclosure subject to the approval of the building inspector and subject to all yard area regulations.

b. All such mechanical equipment shall be maintained in a clean and proper condition to prevent a collection of litter and filth and to avoid the emission of unnecessary noise, dust or fumes,

2. All existing uses, buildings and structures which do not comply with the provisions of this subsection as of the effective date of the ordinance codified in this section, shall so comply within twelve (12) months after such effective date.

I. **Exceptions.** Any use, building or structure which is in existence or for which a building permit has been issued, as of effective date of the ordinance codified in this section, and which, as of such date, conformed to all zoning regulations of the city then in effect, shall not be rendered nonconforming within the meaning of Chapter 17.100 of this code, solely by reason of the application of the development standards, as set forth in this section, thereto; provided that any such existing use, building or structure, in case of expansion or reconstruction, shall, as to that portion thereof, comply with the provisions of this section. (Ord. 1129 (part), 1997; prior code § 9396.3)

**17.36.050 Site development plan approval.**

Prior to, or concurrently with, the submission of plans to the building department, for a plan check or an application for a building permit for any building or structure in the C-M zone, the provisions of Chapter 17.92 of this code, with regard to site development plans, shall be complied with. (Prior code § 9396.4)

**17.36.060 Exemption of existing uses.**

Notwithstanding any provision of this title to the contrary, any building and/or structure located on any C-M zoned lot or for which building permits have been issued which: (1) was in existence or for which building permits have been issued as of the effective date of the ordinance codified in this section; and (2) conformed to the zoning regulations of the city in effect as of such date; and (3) would otherwise be rendered nonconforming solely by reason of the application thereto of Sections 17.36.040 and 17.36.050 of this chapter, shall not be deemed to have acquired a nonconforming status, within the meaning of Section 17.08.010 of this code, provided:

A. That any new use, building or structure, proposed to be located on such lot, shall comply with all of the regulations contained in this title as to such proposed new use, building or structure; and

B. That the exemption granted in this section shall not apply to any building, or structure which is damaged or destroyed, by any cause, to the extent that the cost of reconstruction or rehabilitation thereof would exceed an amount equal to the then-assessed value of such building or structure, as estimated by the city's building official, for building permit purposes. (Prior code § 9396.5)

## Chapter 17.40

## M MANUFACTURING ZONE

## Sections:

- 17.40.010 Purpose.**  
**17.40.020 Permitted uses.**  
**17.40.030 Limitations on permitted uses.**  
**17.40.040 Development standards.**  
**17.40.050 Site development plan approval.**  
**17.40.060 Exemption of existing uses.**

**17.40.010 Purpose.**

In order to provide for the development of manufacturing areas and to maintain the integrity of existing manufacturing areas within the city, the regulations shall be applicable to all properties classified in zone M of this chapter. (Prior code § 9400)

**17.40.020 Permitted uses.**

No person shall use, or permit the use of any property zoned M except as herein provided:

A. Principal Uses. Premises in the M zone may be used for the following principal uses:

1. Any use permitted in zone C-3;
2. Contractors equipment yards, storage, sales or service;
3. Contractor or construction offices, shops and yards, including, but not limited to, the following:
  - Building,
  - Cement,
  - Electrical,
  - Heating, ventilating and air conditioning,
  - Masonry,
  - Painting,
  - Plumbing,
  - Refrigeration,
  - Roofing;
4. Distributing plants, total storage capacity not to exceed two hundred fifty thousand (250,000) gallons;
5. Engraving, machine metal engraving;

6. Fabricating, other than snap riveting or any process used in bending or shaping metal which produces any annoying or disagreeable noise;

7. Feed and fuel sales;

8. Flour mills;

9. Gases. Storage of the following gases are permitted, provided that the same is conducted in accordance with the provisions of all applicable laws, including, but not limited to, the Bell Municipal Code:

Acetylene,

Butane,

Oxygen;

10. Ice and cold storage plants;

11. Knitting mills;

12. Laundries;

13. Lumberyards;

14. Machine shops;

15. Machine storage yards (lathes, drop hammers, etc.);

16. Manufacturing, compounding, assembling, processing, packaging or treatment which creates any of the following products:

Batteries,

Beds and bedsprings,

Brushes,

Candles,

Canvas,

Casein, the manufacture of casein products, excepting glue,

Cigars,

Cigarettes,

Clocks,

Coffins,

Cosmetics,

Cutlery,

Drugs,

Dry goods,

Electric or neon signs,

Engines, internal combustion or steam, which shall not include foundries,

Food products, except lards, pickles, sauerkraut, sausages or vinegar,

Furniture,

Furs,

Gloves,  
Hearing equipment,  
Ink,  
Mattresses,  
Motors, electric,  
Musical instruments,  
Phonograph records,  
Prefabricated buildings,  
Rugs,  
Shoes,  
Soap, cold mix only,  
Statuary,  
Store and other commercial fixtures,  
Toys,  
Type, printers,  
Venetian blinds,  
Wearing apparel, and garments;  
17. Manufacturing, compounding, assembly,  
packaging or treatment of articles or merchandise  
from any of the following materials:  
Bone products,  
Cellophane,  
Cork,  
Corrugated cardboard,  
Feathers,  
Fiber, including fiberglass,  
Glass,  
Hair,  
Horn,  
Iron, not including foundries,  
Metal, products or precious metals; steel and  
brass stamp, including hand and machine engraving;  
metal fabricating, spinning and storage,  
Paper, not including the manufacture of paper  
itself,  
Plastics and synthetics,  
Pottery,  
Rope,  
Rubber, fabrication of products made from fin-  
ished rubber,  
Textiles,  
Wire,  
Wood, including a planing mill,  
Yarn;

18. Paints, paint mixing, provided a boiling pro-  
cess is not employed, no tank farm is permitted and  
above-surface thinner storage is limited to two hun-  
dred (200) gallons;

19. Public utility uses, including:

Bus terminal, bus garages, bus lots,

Electric service yards and/or electric distribution  
and transmission substations,

Public utility service yards,

Railroad rights-of-way,

Water filtration plants,

Water pumping stations;

20. Sand, gravel, fill dirt, topsoil sales and stor-  
age, not including a quarry operation;

21. Sheet metal shop;

22. Tile, wall and floor tile and related small  
products;

23. Tinsmiths;

24. Tire rebuilding, recapping and retreading;

25. Trade schools;

26. Transfer, moving and storage of furniture and  
household goods;

27. Truck repairing, overhauling and servicing;

28. Truck washing and cleaning;

29. Telephone microwave relay towers and tele-  
phone transmitting equipment buildings;

30. Welding shops;

31. Warehousing, distribution and storage facili-  
ties;

32. Wine storage and manufacture;

33. Any similar enterprises or business or other  
enterprises or businesses which the commission  
finds, by clarification of ambiguity, are similar to,  
and compatible with, the uses enumerated in this  
section.

B. Accessory Uses. Property zoned M may be  
used for accessory uses, provided that such uses are  
incidental to, and do not substantially alter the char-  
acter of, any permitted principal use, including, but  
not limited to:

1. Accessory uses, buildings or structures;

2. Building materials, storage of, only when  
used in construction of a building or structure and  
then only during the construction and for thirty (30)  
days thereafter, including the contractor's temporary

office, provided that any such accessory use shall be located on the lot where the building project is taking place or on a lot abutting the construction site;

3. Caretakers' living quarters provided a conditional use permit is first obtained therefor, pursuant to the provisions of Chapter 17.96 of this code.

C. Temporary Use Permits. Premises in the M zone may be utilized for activities for which a temporary use permit is required. (Prior code § 9401)

#### **17.40.030 Limitations on permitted uses.**

Every use in any M zone shall comply with the following:

A. All uses shall be conducted within a completely enclosed building except for those uses which are customarily conducted in the open, such as the sale of cars, boats and recreational vehicles, as determined by the planning commission pursuant to Section 17.04.090 of this code.

B. All outdoor storage permitted under subsection A of this section shall be maintained in an area of a lot, approved by the director, completely enclosed by a view-obscuring fence or wall and paved with macadam or asphaltic pavement in accordance with adopted city standards therefor. Surfacing of such area shall be designated, constructed and maintained so as to dispose of all surface water.

C. All outdoor sales permitted under subsection A of this section shall be limited to commodities sold at retail on the premises.

D. Any manufacturing use which uses or produces hazardous materials, petroleum products, greases or oils shall be required to install and maintain an interceptor or clarifier and shall dispose of such hazardous materials, petroleum products, greases and oils only in accordance with applicable local state and federal law. All pre-existing manufacturing uses not in compliance with this subsection shall be required to comply with this section within ninety (90) days of the effective date of the ordinance enacting this provision. (Ord. 1129 (part), 1997: prior code § 9400a)

#### **17.40.040 Development standards.**

The following development standards shall be applicable to each use, building or structure located in the M zone, except as hereinafter set forth:

##### **A. Lots.**

1. Area. The minimum required lot area of each lot in the M zone shall be five thousand (5,000) square feet.

2. Width. The minimum width of each lot in the M zone shall be fifty (50) feet.

3. Depth. The minimum depth of each lot in the M zone shall be one hundred (100) feet.

B. Yards. The following yard areas shall be required and observed, on all M zoned properties:

1. Front Yards. No front yard shall be required, except that where permitted driveways enter the front wall of a building, that portion of such front wall shall be located not less than twenty (20) feet from the front lot line.

2. Side Yards. In the M zone every lot shall have and maintain side yards as follows:

a. Each lot classified in zone M which has a side lot line abutting any lot located in any of the R zones, shall have and maintain, a side yard area of not less than ten (10) feet in width on the side adjoining such residentially zoned lot.

b. Where a permitted driveway enters the side wall of a building, that portion of such side wall shall be located not less than twenty (20) feet from the side lot line of the lot upon which located.

3. Rear Yards. Each lot in the M zone the rear lot line of which separates the same from any lot located in an R zone, shall have and maintain a rear yard area not less than ten (10) feet in depth. Each M zoned lot, the rear lot line of which is separated from a residentially zoned lot by a public alley, shall maintain a rear yard not less than five feet in depth.

##### **C. Buildings.**

1. Height. No building or structure in the M zone shall exceed a height of seventy (70) feet; provided that where a lot in the M zone has one or more common lot lines with a lot zone R-1, no building or structure on such M zoned lot, located within fifty (50) feet of such common lot line, shall

exceed a maximum height permitted for buildings or structures in the R-1 zone.

2. **Building Bulk.** Buildings, including accessory buildings and structures, may cover all of the area of any lot in the M zone, except for required yard areas, and areas required for off-street parking facilities.

D. **Off-Street Parking.** Each lot in the M zone shall have and maintain off-street parking facilities, as may be required by Chapter 17.76 of this code.

E. **Loading.** Each lot classified in the M zone shall have and maintain such loading facilities, as may be required by Chapter 17.76 of this code.

F. **Required Walls.** Each lot in the M zone, which has a common side or rear lot line with any R zoned property, shall have and maintain a solid masonry wall not less than six feet in height, in and along all such side and rear lot lines. Any such fence so required which is adjacent to the side of a required front yard area on the adjoining R zoned property, shall conform to the height regulations applicable to front yard areas in such R zoned property.

G. **Trash Facilities.**

1. Each lot in the M zone shall be provided with facilities for the storage and collection of trash as follows:

a. All outside trash and garbage collection areas shall be enclosed by a view-obscuring wall or fence, not less than six feet in height, so that the contents thereof are not visible from any public street or adjacent R-zoned property; except that such enclosures shall not be required if such trash and garbage is kept in substantial metal containers, with close-fitting lids.

b. All trash, rubbish and garbage receptacles shall be regularly cleaned, inspected and maintained in a clean, safe and sanitary condition.

c. All trash storage areas shall be located for convenient vehicular access for pickup and disposal.

2. All existing uses, buildings and structures which do not comply with the provisions of this subsection as of the effective date of the ordinance codified in this section, shall so comply within twelve (12) months after such effective date.

H. **Compressors, Motors, Etc.**

1. Each lot in the M zone which has, as an accessory to a permitted use, compressors, air conditioning units or similar machinery, located outside of the exterior walls of any building, shall comply with the following:

a. All such mechanical equipment shall be enclosed within a permanent noncombustible enclosure subject to the approval of the building inspector and subject to all yard area regulations.

b. All such mechanical equipment shall be maintained in a clean and proper condition to prevent a collection of litter and filth and to avoid the emission of unnecessary noise, dust or fumes.

2. All existing uses, buildings and structures which do not comply with the provisions of this subsection as of the effective date of the ordinance codified in this section, shall so comply within twelve (12) months after such effective date.

I. **Exceptions.** Any use, building or structure which is in existence or for which a building permit has been issued, as of the effective date of the ordinance codified in this section, and which as of such date, conformed to all zoning regulations of the city then in effect, shall not be rendered nonconforming within the meaning of Chapter 17.100 of this code, solely by reason of the application of the development standards, as set forth in this section, thereto; provided that any such existing use, building or structure, in case of expansion or reconstruction, shall, as to that portion thereof, comply with the provisions of this section. (Ord. 1129 (part), 1997; prior code § 9403)

**17.40.050 Site development plan approval.**

Prior to, or concurrently with, the submission of plans to the building department, for a plan check or an application for a building permit for any building or structure in the M zone, the provisions of Chapter 17.92 of this code, with regard to site development plans, shall be complied with. (Prior code § 9404)

**17.40.060 Exemption of existing uses.**

Notwithstanding any provision of this code to the

contrary, any building and/or structure located on any M zoned lot or for which building permits have been issued which: (1) was in existence or for which building permits have been issued as of the fourth day of August, 1969; and (2) conformed to the zoning regulations of the city in effect as of such date; and (3) would otherwise be rendered nonconforming solely by reason of the application thereto of Sections 17.40.040 and 17.40.050 shall not be deemed to have acquired a nonconforming status, within the meaning of Section 17.08.010 of this code, provided:

A. That any new use, building or structure, proposed to be located on such lot shall comply with all of the regulations contained in this title to such proposed new use, building or structure; and

B. That the exemption granted in this section shall not apply to any building, or structure which is damaged or destroyed, by any cause, to the extent that the cost of reconstruction or rehabilitation thereof would exceed an amount equal to the then-assessed value of such building or structure, as estimated by the city's building official, for building permit purposes. (Prior code § 9405)

## Chapter 17.44

### T TRANSITIONAL ZONE

#### Sections:

- 17.44.010 Purpose.**
- 17.44.020 Findings.**
- 17.44.030 Creation of T zone classification.**
- 17.44.040 Applicability.**

#### 17.44.010 Purpose.

The purpose of this chapter is to provide for an interim transitional zone classification applicable to certain specified properties, for the reasons hereinafter set forth. (Prior code § 9420)

#### 17.44.020 Findings.

The city council does find, determine and declare as follows:

A. That there exists within the city's boundaries, an area known as the Bell Federal Service Center; and

B. That the federal government, the owner of such property, has heretofore determined through process of law, that a portion of the property included within the Bell Federal Service Center (hereinafter "property") is surplus to its needs, and is to be disposed of, either by sale to an appropriate local agency, such as the surplus property authority of the city, or if not so sold, to be made available by way of public bidding, to private individuals for private use; and

C. That located upon such property are a number of warehouse-type buildings, having in excess of eight hundred thousand (800,000) square feet, which are approximately thirty-five (35) years of age; and

D. That it is apparent that whatever use is made of such property, assuming its sale to private individuals, the same will have a substantial impact upon this city, its residents, as well as other uses located in the immediate proximity to the property; and

E. That the property is in zone classification M; and

F. That it is essential to preserve the public peace, health and safety, that more detailed and specific controls be applied to the property, because of its size, if it is, in fact, sold or conveyed to private persons for private usage; and

G. That provisions of this title with reference to the M zone are more than adequate with respect to the existing M zone property in the city, but are not adequate with respect to the property because, among other things, of its size, location and street access relating thereto; and

H. That the planning commission has recommended that the T zone should be permanently included in this title, and that the zoning designation "T" should be made applicable, permanently, to the property described on Exhibit "A," attached to the ordinance codified in this chapter, to insure compatible development of the property.

I. That the city council has considered this matter, and it appears that the establishment of a T zone, with a conditional use permit requirement for development in such zone, is appropriate and is required in order to protect the public interest, convenience and necessity. (Ord. 1129 (part), 1997; prior code § 9421)

#### 17.44.030 Creation of T zone classification.

There is created the T zone. Property classified in such T zone, as shown on the map adopted pursuant to Section 17.12.020, may be developed for any use which is permitted in any R, C or M zone, subject to the provisions of Section 17.48.040. (Prior code § 9422)

#### 17.44.040 Applicability.

The provisions of this chapter shall apply to each of those properties which are designated, on the zoning map adopted by Section 17.12.020, by the letter T. Each such property shall be deemed to be classified in zone T. Any property classified in zone T may be developed for any use permitted in any of the zone classifications set forth in this title, provided that a conditional use permit therefore is first obtained. (Prior code § 9423)

## Chapter 17.48

### PLANNED DEVELOPMENT OVERLAY ZONE

#### Sections:

- 17.48.010 Created.
- 17.48.020 Limitation on applicability of overlay zone.
- 17.48.030 Purpose.
- 17.48.040 Permitted uses.
- 17.48.050 Compliance with chapter required.
- 17.48.060 Development plan required.
- 17.48.070 Plan application—Fee.
- 17.48.080 Plan application—Processing.
- 17.48.090 Exception from application of development standards when.
- 17.48.100 Effect of plan approval.
- 17.48.110 Duration of plan.
- 17.48.120 Modification of plan.

#### 17.48.010 Created.

There is created, as an overlay zone, the planned development overlay zone (hereafter "overlay zone"). Properties shall be classified in the overlay zone in the same manner as property is reclassified from one zone classification to another in the manner set forth in Chapter 17.64 of this code. When property has been classified in an overlay zone, it shall be designated upon the official zoning map of the city adopted pursuant to Section 17.12.020 of this code, by adding thereto the parenthetically enclosed letters "PD" after the zoning symbol which indicates the zone in which the property to which it relates is classified pursuant to this code. (Prior code § 9485)

#### 17.48.020 Limitation on applicability of overlay zone.

The overlay zone as created by this chapter shall be applied only to properties which are classified in zones R-3, C-3, C3-R, T, CM or M zones. (Prior code § 9486)

#### 17.48.030 Purpose.

The purpose of the adoption of the provisions of this chapter is to provide, as to properties, which are classified in the overlay zone:

A. A reasonably flexible development vehicle which will provide for development of the properties to which it is applied, in a manner consistent with the city's general plan and the provisions of this title; and

B. A mechanism to ensure the maintenance of desirable environmental features after development of such property; and

C. For the utilization of innovative land planning devices and building design in order to achieve high quality for commercial and industrial projects. (Prior code § 9487)

#### 17.48.040 Permitted uses.

Uses which shall be permitted on any property which is classified in the overlay zone shall be limited to those principal and accessory uses which are allowed pursuant to the underlying zone classification of property. (Prior code § 9488)

#### 17.48.050 Compliance with chapter required.

No person shall construct or maintain any building, structure or use on any lot which is included within the overlay zone unless such building, structure or use is allowed pursuant to the underlying zone classification of such lot. Further, no person shall construct or maintain any building, structure or use on any lot included within the overlay zone until a development plan therefor has been approved pursuant to the provisions of this chapter. (Prior code § 9489)

#### 17.48.060 Development plan required.

No permit or other entitlement shall be issued to allow the construction, reconstruction or relocation on any lot within the city, of any building or structure, nor shall any use be commenced or permitted on any lot within the city which is included within the overlay zone unless a precise plan of development therefor ("plan") has been approved in the

time and manner set forth in this chapter. (Prior code § 9490)

**17.48.070 Plan application—Fee.**

The chief administrative officer or his designee shall make available to all persons requesting the same, appropriate application forms for plan approval. No such application shall be accepted for filing unless the same is accompanied by a filing and processing fee in the amount set by the city council. (Prior code § 9491)

**17.48.080 Plan application—Processing.**

A. Applications for plan approval shall be submitted to the planning commission for its review which shall include the conduct of a public hearing noticed in the time and manner prescribed in Chapter 17.104 of this code. The action of the planning commission, shall be in the form of a recommendation to the city council; such recommendation shall be for denial, approval, approval in part and denial in part or approval with modifications of the plan as submitted. The commission may also recommend appropriate conditions of approval if the plan is recommended for approval, in whole or in part.

B. Upon receipt of a planning commission recommendation relating to a plan, the city council shall conduct a public hearing, duly noticed in the manner prescribed in Chapter 17.104 of this code, to consider whether the plan as submitted should be approved in whole or in part, modified or disapproved. The city council shall approve a plan if it finds that the plan as submitted:

1. Is in compliance with the provisions of this chapter; and
2. Is consistent with the purpose and intent of this title and the city's subdivision regulations; and
3. Is consistent with the general plan and any applicable specific plan; and
4. Is compatible with present and future development of property within the immediate vicinity thereof; and
5. Is consistent with and will further the general peace, health, safety and general welfare of the city and its residents.

C. The city council may condition its approval of any such plan as it reasonably determines to be necessary to ensure that the plan as approved will meet the purpose and intent of the provisions of this chapter. (Prior code § 9492)

**17.48.090 Exception from application of development standards when.**

The provisions of this title shall apply to the development of all lots which are classified in the overlay zone, except where a plan, as approved, makes such development standards inapplicable to such uses. Notwithstanding any other provisions of this chapter, no use shall be permitted pursuant to an approved plan which is not a use permitted by the underlying zone classification of the lot or lots to which the plan relates. (Prior code § 9493)

**17.48.100 Effect of plan approval.**

No person shall construct or maintain a building or structure or commence or maintain a use of a lot which is subject to an approved plan except in accordance with such plan. (Prior code § 9494)

**17.48.110 Duration of plan.**

A plan which is approved pursuant to the provisions of this chapter shall be in full force and effect for a period of twelve (12) months from and after the date of its approval by the city council. Within such period of time, the development allowed pursuant to such plan shall be commenced in accordance with the plan or the plan shall be deemed to have expired at the end of such period of time. The chief administrative officer or his designee, for good cause, may extend the period of time pursuant to this section for a reasonable period of time not to exceed an additional six-month period. The development under a plan shall be deemed "commenced" within the meaning of this section, if the permittee has been issued a valid building permit or other entitlement which allows the construction of a building or a structure as permitted under the plan. If such a building permit or other entitlement expires pursuant to applicable laws, the approved plan shall also be deemed to have expired. (Prior code § 9495)

**17.48.120 Modification of plan.**

A plan approved pursuant to the provisions of this chapter may be modified by the city council, upon a showing of good cause therefor. Modification proceedings can be commenced either by the permittee or by the chief administrative officer. No modification shall be granted unless and until the city council conducts a public hearing noticed in the time and manner required for the initial plan approval process and finds, based upon the evidence presented, that good cause exists for the proposed modification. (Prior code § 9496)

## Chapter 17.52

### GENERAL DESIGN AND USE REQUIREMENTS

#### Sections:

- 17.52.010**    **Applicability.**
- 17.52.020**    **Height of mechanical equipment and roof structures.**
- 17.52.030**    **Yard regulations.**
- 17.52.040**    **Modification of side yard requirement on combined lots.**
- 17.52.050**    **Vision clearance on corner and reverse corner lots.**
- 17.52.060**    **Permitted intrusions into required yards.**
- 17.52.070**    **Modified front yard on cul-de-sac.**
- 17.52.080**    **Through lots.**
- 17.52.090**    **Exemption of required fences from prohibition.**
- 17.52.100**    **Specific plan required when.**

#### **17.52.010**    **Applicability.**

The regulations and development standards set forth in this chapter shall be applicable to each use of property within the city, except as expressly otherwise provided herein. (Prior code § 9324)

#### **17.52.020**    **Height of mechanical equipment and roof structures.**

In any C or M zone, notwithstanding the regulations of this title relating to the height of buildings and structures, mechanical equipment and roof structures may be erected in excess of the prescribed height limitation, provided that such equipment is screened from view. Fire or parapet walls, skylights, microwave towers, flagpoles, chimneys, smokestacks, wireless masts and similar structures, mechanical equipment and roof structures may be erected in excess of the prescribed height limitation. (Prior code § 9325)

#### **17.52.030**    **Yard regulations.**

Except as expressly provided herein, every

required yard shall be open and unobstructed from the ground to the sky. No yard or open space provided around one building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building, nor shall any yard or open space on one lot be considered as providing a retired yard or open space for another lot. (Prior code § 9326)

#### **17.52.040**    **Modification of side yard requirement on combined lots.**

When the common boundary line separating two contiguous lots is covered by a building or permitted group of buildings, such lots shall be deemed to be a single lot and the yard area requirements of this title shall apply accordingly. (Prior code § 9327)

#### **17.52.050**    **Vision clearance on corner and reverse corner lots.**

The owners of each corner lot and each reverse corner lot in any R zone, shall maintain, for safety vision purposes, a triangular area within which no building, structure, tree, fence, shrub, nor other visual obstruction higher than forty-two (42) inches above the established grade of the lot shall be permitted or maintained. One angle of such triangular area shall be formed by the front and side lot lines separating the lot from the streets, and the sides of such triangle forming the corner angle shall each be fifteen (15) feet in length, measured from the aforementioned angle. The third side of the triangle shall be a straight line connecting the last two mentioned points which are distant fifteen (15) feet from the intersection of the front and side lot lines. (Prior code § 9328)

#### **17.52.060**    **Permitted intrusions into required yards.**

The following intrusions, and no others, may project into any retired yard area, but in no case shall such intrusions so extend more than thirty (30) inches except as hereinafter provided.

A. Cornices, eaves, belt courses, sill buttresses or other similar architectural features;

- B. Fireplace structures;
- C. Covered porches, provided that such porches are unenclosed and all means of support are located in other than a required yard area;
- D. Planting boxes or masonry planters;
- E. Guard railings for safety protection around ramps;
- F. Detached nondwelling accessory buildings and uses may be located in a required rear yard area on any R-zoned lot, provided that:
  - 1. No building or structure, other than a fence, shall be located within five feet of any alley right-of-way; and
  - 2. Where a detached nondwelling accessory building is located on, or within three feet of a lot line, the wall of such building adjacent to such lot line shall be constructed of material constituting the same as a one-hour firewall provided that if such accessory building is located upon such rear lot line, a six-foot-high masonry wall shall be constructed in and along all other portions of such lines;
- G. Utility poles and other facilities required to serve the property where located. (Ord. 1129 (part), 1997: prior code § 9329)

**17.52.070 Modified front yard on cul-de-sac.**

The depth of the required front yard in lots facing directly upon the arc of the cul-de-sac shall be measured on an arc parallel to the front property line comprising the arc of the cul-de-sac and being a distance therefrom of the required front yard depth as prescribed for each zone. (Prior code § 9331)

**17.52.080 Through lots.**

The commission shall determine, with regard to through lots, which line of the lot shall be the front lot line. (Prior code § 9332)

**17.52.090 Exemption of required fences from prohibition.**

The provision of this title shall not prohibit the erection of any fence or wall as required by any law or regulation of the state of California or any agency thereof. (Prior code § 9333)

**17.52.100 Specific plan required when.**

Any person who plans on developing a site of four acres or more shall be required to request the adoption of a specific plan by the city pursuant to the authority and procedure set forth in California Government Code Section 65450 et seq. Any person who plans on developing a site of four acres or more and who requests the preparation of a specific plan shall deposit with the city an amount equal to the estimated cost of preparing the specific plan prior to the preparation of the specific plan by the city. (Ord. 1129 (part), 1997: prior code § 9335.3)

## Chapter 17.56

### ADULT BUSINESSES

#### Sections:

- 17.56.010** Purpose.
- 17.56.020** Definitions.
- 17.56.030** Special regulations.
- 17.56.040** Nonconforming adult businesses.

#### 17.56.010 Purpose.

The purpose of the adoption of the provisions of this chapter is to establish a comprehensive set of regulations applicable to adult businesses. (Prior code § 9450)

#### 17.56.020 Definitions.

In addition to the definitions contained in Chapter 17.08 of this code, the following words and phrases shall, for the purpose of this chapter, be defined as follows, unless it is clearly apparent from the context that another meaning is intended:

“Adult bookstore” means an establishment which has, on an average, twenty-five (25) percent or more of its stock in trade, material which is distinguished or characterized by its emphasis on matter depicting, describing or related to specified sexual activities or specified anatomical areas.

“Adult business” means any business which is conducted exclusively for the patronage of adults, and as to which minors are specifically excluded from patronage thereat, either by law or by the operators of such business. “Adult business” also means and includes adult bookstores, adult picture arcades, adult theaters, adult massage parlors, adult modeling studios, adult motels or hotels. “Adult business” shall not include those uses or activities, the regulation of which is preempted by applicable state or federal law.

“Adult hotel/motel” means a hotel or motel, as defined in Section 17.08.010 of this code, which advertises and supplies material, which is distinguished or characterized by the emphasis on matter

depicting and/or describing specified sexual activities or specified anatomical areas.

“Adult massage parlor” means any establishment or business described in Chapter 5.72 of this code, access to which is limited to adults.

“Adult modeling studio” means any establishment or business as described in Chapter 5.76 of this code, access to which is limited to adults.

“Adult picture arcade” means a picture arcade, as described in Chapter 5.80 of this code, which shows films, twenty-five (25) percent or more of which are distinguished or characterized by their emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.

“Adult theater” means a theater which presents live entertainment, and/or motion pictures, and/or slide photographs, and/or videos, of which twenty-five (25) percent or more are distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.

“Films” as used in this chapter, shall be defined as set forth in Chapter 5.80 of this code.

“Material” means and includes, but is not limited to accessories, books, magazines, photographs, prints, drawings, paintings, tapes, videotapes, videocassettes, motion pictures, pamphlets, or any combination thereof.

“Specified anatomical areas” means:

1. Less than completely and opaquely covered:
  - a. Human genitals, pubic regions,
  - b. Buttocks, and
  - c. Female breast below a point immediately above the top of the areola;
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

“Specified sexual activities” means and includes:

1. Human genitals in a state of sexual stimulation or arousal; and/or
2. Acts of human masturbation, sexual stimulation or arousal; and/or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast. (Ord. 1129 (part), 1997; prior code § 9451)

**17.56.030 Special regulations.**

All uses subject to provisions of this chapter shall comply with all of regulations contained in this title, and the following regulations:

A. **Compliance Required.** No person shall permit the establishment or conduct of an adult business, or continue to operate or conduct an adult business unless in full compliance with all provisions contained in this title, including, but not limited to this chapter and the Bell Municipal Code.

B. **Location.** An adult business shall not be located or permitted on any lot unless such lot is classified in zone C-1 or a less restrictive zone; and shall not be located or permitted on any lot which:

1. Is within fifty (50) feet of any lot classified in any of the R zones; and/or
2. Is within five hundred (500) feet of any lot upon which there is located a church; and/or
3. Is within five hundred (500) feet of any lot upon which there is located any educational institution; and/or
4. Is within five hundred (500) feet of any lot upon which there is located a city owned, operated and maintained public park; and/or
5. Is within five hundred (500) feet of any lot on which there is located an adult business.

C. **Operating Requirements.**

1. **Manager Required.** Each adult business shall employ one or more full-time managers, one whom shall be physically present at the adult business at all times during which the adult business is open for business; and

2. **Visibility from Exterior.** No portion of the interior of an adult business shall be visible from the outside of the building in which it is located; and

3. **Age Restrictions.** No person under eighteen (18) years of age shall:

- a. Be employed, for any purpose, in any adult business, nor
- b. Be or remain in, enter or visit any adult business unless such minor is accompanied at all times by his or her parent, guardian or spouse who is over twenty-one (21) years of age; and

4. **Hours of Operation.** An adult business, except adult hotels/motels, may be operated only between the hours of eight a.m. and ten p.m. of any day; and

5. **Use of Alcohol or Drugs Prohibited.** The owner of an adult business shall not permit any person to be in or remain in any part of the building where the adult business is located while in the possession of, and/or under the influence of any alcoholic beverage or prohibited controlled substance. (Prior code § 9452)

**17.56.040 Nonconforming adult businesses.**

All adult businesses which were lawfully in existence as of the effective date of Ordinance No. 789, and which were rendered nonconforming by the application thereto of the provisions of that ordinance, shall be subject to abatement in the time and manner set forth in Chapter 17.100. (Prior code § 9483)

## Chapter 17.60

### CONDOMINIUMS

#### Sections:

- 17.60.010 Purpose.**
- 17.60.020 Definitions.**
- 17.60.030 Permitted zones.**
- 17.60.040 Development standards for new condominium projects.**
- 17.60.050 Development standards for condominium conversion projects.**
- 17.60.060 Public improvements.**
- 17.60.070 Subdivision tract map or parcel map—Review and approve.**

#### **17.60.010 Purpose.**

The purpose of the provisions of this chapter is to provide minimum standards for condominium projects, in order that there be a greater choice in the type of housing, and to regulate such projects in order to promote the public health, safety and general welfare. (Prior code § 9336)

#### **17.60.020 Definitions.**

In addition to the definitions contained in Chapter 17.08 of this code, the following words and phrases shall, for the purposes of this chapter, be defined as follows, unless it is clearly apparent from the context that another meaning is intended:

“Condominium conversion” means the process or effect of transferring ownership of a building from rental units to a condominium in accordance with appropriate law.

“Residential condominium” means 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 space in a residential complex located on such real property. A residential condominium may include, in addition, a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be either (a) an estate of inheritance of perpetual estates, (b) an estate for life,

or (c) an estate for years, such as leasehold or a sub-leasehold.

“Residential condominium project” or “project” means the entire parcel of real property divided or to be divided into condominiums including all structures located thereon.

“Residential condominium unit” or “unit” means the same as dwelling unit. (Prior code § 9336.1)

#### **17.60.030 Permitted zones.**

The construction of new residential condominium units, and the conversion of existing rental dwelling units to condominium units, shall be permitted only in the R-2 and R-3 residential zones of the city, subject to compliance with Chapter 17.20 and 17.24, respectively, of this code, except as expressly set forth in this chapter. (Prior code § 9336.2)

#### **17.60.040 Development standards for new condominium projects.**

Any residential condominium utilizing new and previously unoccupied buildings and structures, shall comply with the following development standards.

A. **Organizational Documents.** Prior to approval of a tentative subdivision or parcel map, the applicant shall submit all organizational documents, including the declaration of covenants, conditions and restrictions, the articles of incorporation, the by-laws, and the contracts for maintenance, management or operation of the condominium development, shall be submitted to, reviewed and approved by the city attorney to insure conformance with the provisions of applicable laws. Evidence of recordation of the approved organizational documents shall be presented to the city prior to the issuance of any permits relating to the project. A community association as specified in Section 1363 of the Civil Code, responsible for the maintenance and repair of all common areas shall be required and provided for in such documents.

B. **Parking.** Such projects shall have and maintain two off-street parking facilities per condominium unit, fifty (50) percent of which shall be located in completely enclosed garages. The development

of off-street parking facilities shall comply with the provisions of Chapter 17.76 of this code.

C. Utilities. The consumption of gas, electricity and water within each condominium unit of such a project shall be metered separately so that the unit owner may be separately billed for each utility. Separate gas and water shut-off valves shall be provided for each unit.

D. Minimum Floor Area. Each dwelling unit in such a project shall observe the following minimum floor area per condominium unit: eight hundred (800) square feet, plus an additional one hundred fifty (150) square feet of floor area for each bedroom over two.

E. Accessory Storage Space. Not less than two hundred (200) cubic feet of enclosed accessory storage space shall be provided within the garage for each dwelling unit in a new condominium project.

F. Central Trash Area. A central trash, garbage and refuse storage area shall be provided for such a project as follows:

1. The trash and garbage collection area shall be completely enclosed within a building, or within a concrete masonry fence not less than six feet in height with view-obscuring gates or doors; and

2. Trash containers shall be provided having the equivalent capacity of not less than forty-five (45) gallons per dwelling unit; and

3. All garbage, trash and refuse receptacles shall be regularly cleaned and maintained in a sanitary condition. Tight-fitting lids shall be provided for each container; and

4. All trash storage areas shall be located for convenient vehicular access, pickup and disposal; and

5. The trash collection area shall not be located in a required front or side yard area, nor shall such trash area obstruct, or eliminate, required parking spaces, turning radii or driveway.

G. Open Space. Each lot shall have and maintain a minimum of three hundred (300) square feet of open space for each dwelling unit. "Open space" means an area other than a required setback area, driveway, or off-street parking facility, which has no building or structure located therein, except for such

buildings or structures which are designed and used exclusively for recreational purposes. Such open space shall be provided as follows:

1. Private Open Space. A minimum of one hundred fifty (150) square feet of private open space shall be provided for each dwelling unit located on the lot. "Private open space" means open space which is:

a. Located immediately adjacent to, and on the same lot as, the dwelling unit it is designed to serve; and

b. Available for use only by the occupants of the dwelling unit which it is designed to serve; and

c. Easily accessible by the occupants of the dwelling unit which it is designed to serve; and

d. Located on the ground level with a minimum of ten (10) feet in its least dimension.

2. Common Open Space. One hundred fifty (150) square feet of common open space shall be provided for each dwelling unit located on an R-3 zoned lot. If the sum of all required square footage of common open space is less than one thousand (1,000) square feet, the required common space shall be combined into a single common space area. "Common open space" means open space which is designed for use by all occupants of dwelling units located upon the lot upon which the open space is located. (Ord. 1129 (part), 1997; prior code § 9336.3)

#### **17.60.050 Development standards for condominium conversion projects.**

Any project which proposes the conversion of existing rental dwelling units into a residential condominium project, shall comply with the following development standards.

A. Organizational Documents. No tentative subdivision tract major parcel map, which would have the effect of creating a condominium project as to existing rental dwelling units, shall be approved, nor shall a final or parcel map be recorded, unless the applicant for a condominium conversion project has complied with the following requirements:

1. The submittal, review and approval by the city, and evidence of recordation, of the

organizational documents as required by Section 17.60.040A of this chapter; and

2. The submittal of satisfactory evidence that the developer has complied with all requirements of the Subdivision Map Act by giving each tenant written notice of the intention to convert, and of the tenant's exclusive right to contract for the purchase of their respective unit.

**B. Parking.** Each condominium conversion project shall provide off-street parking facilities as required for a new condominium project by Section 17.60.040B of this chapter.

**C. Utilities.** The consumption of gas and electricity, within each dwelling unit of a condominium conversion project shall be metered separately so that the unit owner may be billed separately for each utility. Separate gas and water shutoff valves shall be provided for each dwelling unit.

**D. Minimum Floor Area.** Each dwelling unit in a condominium conversion project shall comply with the R-3 zone minimum floor area requirements as contained in Section 17.24.050G of this code.

**E. Accessory Storage Space.** Not less than sixty (60) cubic feet of enclosed accessory storage space shall be provided within the garage for each dwelling unit in a condominium conversion project.

**F. Central Trash Area.** A central trash garbage and refuse storage area shall be provided for a condominium conversion project as specified in Section 17.60.040F of this chapter; except in lieu of a concrete masonry fence enclosing the trash area, a solid view-obscuring fence may be provided.

**G. Open Space.** Each lot shall have and maintain a minimum of three hundred (300) square feet of open space for each dwelling unit. "Open space" means an area other than a required setback area, driveway, or off-street parking facility, which has no building or structure located therein, except for such buildings or structures which are designed and used exclusively for recreational purposes. Such open space shall be provided as follows:

1. **Private Open Space.** A minimum of one hundred fifty (150) square feet of private open space shall be provided for each dwelling unit located on

the lot. "Private open space" means open space which is:

a. Located immediately adjacent to, and on the same lot as, the dwelling unit it is designed to serve; and

b. Available for use only by the occupants of the dwelling unit which it is designed to serve; and

c. Easily accessible by the occupants of the dwelling unit which it is designed to serve; and

d. Located on the ground level with a minimum of ten (10) feet in its least dimension.

2. **Common Open Space.** One hundred fifty (150) square feet of common open space shall be provided for each dwelling unit located on an R-3 zoned lot. If the sum of all required square footage of common open space is less than one thousand (1,000) square feet, the required common space shall be combined into a single common space area. "Common open space" means open space which is designed for use by all occupants of dwelling units located upon the lot upon which the open space is located. (Ord. 1129 (part), 1997; prior code § 9336.4)

#### **17.60.060 Public improvements.**

Whenever the city council finds it necessary, in order to adequately serve the development proposed, to require the subdivider to construct public improvements and/or dedicate land for a public use, approved by the city council. (Prior code § 9336.5)

#### **17.60.070 Subdivision tract map or parcel map—Review and approval.**

Any subdivision tract map or parcel map for a condominium project shall be reviewed, and approved, conditionally approved or disapproved, in accordance with the provisions of the Subdivision Map Act, but may be approved or conditionally approved only if it complies with the applicable requirements of this chapter. (Prior code § 9336.6)

## Chapter 17.64

**HAZARDOUS WASTE FACILITIES**

## Sections:

- 17.64.010 Purpose and policies.
- 17.64.020 Definitions.
- 17.64.030 Conditional use permit required.
- 17.64.040 Facilities to be located in certain zones.
- 17.64.050 Application—Form and content.
- 17.64.060 Application—Procedural requirements.
- 17.64.070 Compliance required.
- 17.64.080 Proximity to immobile populations.
- 17.64.090 Capability of emergency services.
- 17.64.100 Flood hazard areas.
- 17.64.110 Proximity to active or potentially active faults.
- 17.64.120 Slope and soil stability subsidence/liquefaction.
- 17.64.130 Discharge of treated effluent.
- 17.64.140 Depth to groundwater.
- 17.64.150 Groundwater monitoring.
- 17.64.160 Major aquifer recharge area.
- 17.64.170 Soil permeability.
- 17.64.180 Existing groundwater quality.
- 17.64.190 Air emissions.
- 17.64.200 Recreation, cultural or aesthetic areas.
- 17.64.210 Areas of potential mineral deposits.
- 17.64.220 Proximity to areas of waste generation.
- 17.64.230 Distance from major transportation routes.
- 17.64.240 Consistency with the general plan.
- 17.64.250 Changes in real property values.

- 17.64.260 Required findings.
- 17.64.270 Appeal of land use decision.
- 17.64.280 Operation of all facilities.
- 17.64.290 Contingency operation plan.
- 17.64.300 Closure plan.
- 17.64.310 Financial responsibility.
- 17.64.320 Cost responsibility for response to release.
- 17.64.330 Indemnification agreement.

**17.64.010 Purpose and policies.**

A. The location, design and maintenance of hazardous waste facilities is a matter requiring uniform control and regulation by the city, in the manner set forth in this chapter, in order to protect the quality of the environment for the residents of Bell and their health, safety and general welfare as well.

B. The city will cooperate with the county of Los Angeles and other governmental authorities having jurisdiction, to ensure that household hazardous wastes are properly managed and disposed of. The city's general plan addresses household hazardous waste generated within the city, and this chapter is in implementation of the general plan, and applicable law, including, but not limited to, Section 25100 et seq. of the Health and Safety Code ("Act"). (Prior code § 9600)

**17.64.020 Definitions.**

The definitions contained in this code, including Chapter 17.08, and the definitions contained in the Act shall be applicable to the provisions of this chapter. (Prior code § 9601)

**17.64.030 Conditional use permit required.**

Notwithstanding any provision of this title to the contrary, every hazardous waste facility ("facility") shall be permitted to be located in the city, only if a conditional use permit ("CUP") is first obtained therefor, pursuant to the provisions of this title. This local permitting process is required to assure adequate protection of public health, safety and the environment without imposing undue restrictions on a facility. (Prior code § 9602 (part))

**17.64.040 Facilities to be located in certain zones.**

A facility shall be located only on a lot classified in the commercial manufacturing (CM) zone or in the manufacturing (M) zone. (Prior code § 9602 (part))

**17.64.050 Application—Form and content.**

Every application for a CUP for a facility shall be made in writing by the applicant to the CAO on the forms provided by him, and accompanied by a filing fee or other fees as set by resolution of the city council. An application must include fifteen (15) copies of the application, site plan, elevation, floor plans and landscape plans all drawn to scale. An application shall also include the following information:

- A. Name and address of the applicant;
- B. Evidence that the applicant is the owner of the premises involved or that the applicant has written permission of the owner to make such application;
- C. A plot and development plan drawn in sufficient detail as determined by the CAO to clearly describe the following:
  - 1. The location and physical dimensions of the lot or lots proposed for such use,
  - 2. Location of existing and proposed buildings and structures,
  - 3. Proposed setbacks and landscaping,
  - 4. Proposed methods of circulation and parking,
  - 5. Existing and proposed drainage patterns,
  - 6. Proposed ingress and egress,
  - 7. Proposed storage and processing areas,
  - 8. Utilization of property under the requested land use permit,
  - 9. The distance from the proposed lot lines to the nearest adjacent buildings or structures,
  - 10. Proximity of the facility to one hundred (100) year flood-prone areas,
  - 11. Proximity of the facility to any known earthquake fault zones,
  - 12. The relationship of the proposed facility to all aboveground water supplies and all known under-

ground aquifers that might be threatened with contamination,

13. Topographic description of the property and surrounding area,

14. A preliminary geological study of the property and surrounding area which comprehends as deep of a soils analysis as there are known aquifers, regardless of the potability of those aquifers,

15. Existing and proposed utilities which service or will be required to service the facility,

16. A vicinity map which indicates, at a minimum, the proximity of the facility to schools, parks, and other community facilities within the city, and

17. Proposed routes for trucks taking hazardous waste to and from the facility site and the city limits;

D. Identification of all wastewater, treated and untreated, generated by the proposed facility and the method and place of final discharge;

E. An analysis of visual, noise, and any olfactory impacts associated with the facility and recommended mitigation measures;

F. An analysis of all anticipated air quality impacts associated with the facility and proposed mitigation measures to ensure no degradation of air quality in the area;

G. Identification of any rare or endangered species of plant or animals within the facility site and recommended impact mitigation measures;

H. Identification of the amounts (in tons), sources, and types of hazardous wastes to be treated, stored or disposed of at the proposed facility site as well as the ultimate disposition of these wastes. A calculation of the anticipated life of the facility shall also be included. This information shall be based on an actual survey of the industries to be served and, thereby, be representative of the wastes that will be processed at the facility;

I. A risk assessment which analyzes all probabilities of accidents or spills at the facility site, transportation-related accidents from the point of origin to the facility, and any other probabilities requested by the CAO. Such analysis shall identify mitigation measures to reduce the identified risks;

J. A plan that identifies an ongoing monitoring program of air, soil and groundwater. This plan shall include any monitoring requirements imposed by other permitting agencies such as, but not limited to, the South Coast Air Quality Management District, the Regional Water Quality Control Board and Department of Health Services, or their successors in interest;

K. An environmental information form in sufficient detail to enable the city to complete an initial study pursuant to the California Environmental Quality Act. The applicant shall bear all costs of this study;

L. An emergency response plan consistent with any and all applicable county and regional emergency response plans and all city, county, state and federal regulatory requirements regarding emergency response procedure. The emergency response plan shall include, but not be limited to, the following:

1. Detailed procedures to be employed at the time of emergency for each and every type of chemical substance and emergency, including contingency procedures,

2. Anticipated impacts on local fire, police and medical services,

3. Names, home and business addresses, and home and business telephone numbers of all management personnel at the facility, if known, and a detailed description of uncontrolled release and emergency situation reporting procedures,

4. An application shall not be declared complete until such emergency response plan is approved by the CAO;

M. Such other information as may be required by the CAO. (Prior code § 9603)

#### **17.64.060 Application—Procedural requirements.**

All applications for a CUP for a facility shall be processed pursuant to the procedures set forth in the Act, Public Resources Code Sections 21000-21177, and Government Code Sections 65920 et seq. in addition to the provisions of this chapter. In the event of inconsistencies between the foregoing stat-

utes and this chapter, the provisions of this chapter shall govern.

A. Conflict of Interest. The person, or entity, preparing the documents required by the California Environmental Quality Act shall be free of any conflict of interest regarding the facility.

B. Public Education Program. All applications shall contain a proposed public education/participation program to be employed during the local land use decision making process. Such plan shall be mutually agreeable to the facility proponent and the chief administrative officer.

C. Architectural Review Board Comments. The architectural review board, as a unit, shall provide comments on the draft environmental impact report or proposed negative declaration, as appropriate.

D. CAO's Determination. The CAO shall determine whether an application is complete for filing purposes not later than thirty (30) days after the application is submitted for filing.

E. Consistency Determination. At the request of the applicant, the CAO shall, within sixty (60) days after the application has been deemed complete, issue an initial written determination on whether the facility is consistent with the general plan, applicable zoning ordinances, and has met the environmental guidelines of the city for implementing the California Environmental Quality Act ("CEQA"). This initial determination will not prohibit the city from making a different final determination if such a decision is based on information which was not considered when the initial determination was made (Health and Safety Code on 25199.5).

F. Planning Commission Hearing. The planning commission shall hold a hearing on the application for a CUP for facility within ninety (90) days after the application is deemed complete.

G. City Council Hearing. A public hearing to consider the CUP application shall be set expeditiously before the city council, when:

1. The CAO has determined that the application complies with all requirements of this chapter; and

2. All procedures required by the city with regard to the California Environmental Quality Act have been met;

3. All necessary state and federal permits regulating the facility have been obtained. (Ord. 1129 (part), 1997; prior code § 9604)

**17.64.070 Compliance required.**

No CUP for a facility shall be issued, unless compliance with all applicable laws, including this chapter, is had. (Prior code § 9605)

**17.64.080 Proximity to immobile populations.**

A risk assessment shall be performed for each facility which details the most severe potential accident from the facility operations and its impact on all immobile populations in the city. The scope of the study shall address the quantity and types of wastes that could be received at the facility and shall include consideration of the design features and planned operational practices of the facility. Also, the study shall provide an estimate of the distance over which the effects of a spill or emergency might carry, options for reducing the risks of their occurrence, and procedures for containing and cleaning such spills or emergencies. (Prior code § 9607)

**17.64.090 Capability of emergency services.**

Each facility shall be located in areas where fire services are able to immediately respond to hazardous waste emergencies, and where demonstrated emergency response times are the same or better than those recommended by the National Fire Prevention Association and the Los Angeles County Fire Department. (Prior code § 9608)

**17.64.100 Flood hazard areas.**

Facilities are prohibited in areas which are subject to inundation by floods with a one hundred (100) year return frequency, and shall not be located in areas subject to flash floods and debris flows. All other facilities shall avoid locating in floodplains or areas subject to flash floods and debris flows unless they are designed, constructed, operated and maintained to prevent migration of hazardous wastes in the event of inundation. (Prior code § 9609)

**17.64.110 Proximity to active or potentially active faults.**

All facilities are required to have a two hundred (200) foot setback from a known active earthquake fault. (Prior code § 9610)

**17.64.120 Slope and soil stability subsidence/liquefaction.**

Residuals repositories are prohibited in areas of potential rapid geologic change. Facilities shall not be located in areas of potential rapid geologic change unless containment structures are designed, constructed and maintained to preclude failure as a result of such changes. (Prior code § 9611)

**17.64.130 Discharge of treated effluent.**

Facilities generating wastewater shall be located in areas with adequate sewer capacity to accommodate the expected wastewater discharge. If sewers are not available, the site shall be evaluated for ease of connecting to another sufficient sewer line or for the feasibility of other lawful discharge. (Prior code § 9614)

**17.64.140 Depth to groundwater.**

Facilities are prohibited in areas where the highest anticipated elevation of underlying groundwater is five feet or less from the lowest subsurface point of the facility. At each facility, the foundation of all containment structures must be capable of withstanding hydraulic pressure gradients to prevent failure due to settlement, compression or uplift as certified by a California Registered Civil Engineering Geologist. (Prior code § 9616)

**17.64.150 Groundwater monitoring.**

Residuals repositories and facilities with subsurface storage and/or treatment shall establish a program which is approved by the Regional Water Quality Control Board ("RWQCB") for groundwater monitoring. Facilities which handle liquids shall be located where groundwater flow is in one direction with no vertical interformational transfer of water. (Prior code § 9617)

**17.64.160 Major aquifer recharge area.**

Residuals repositories are prohibited within any area known to be, or suspected of, supplying principal recharge to a regional aquifer. All other facilities located in areas known to be, or suspected of, providing recharge to an existing water supply well shall provide for increased spill containment and inspection measures. Facilities with subsurface storage or treatment must be located at least one mile away from potential drinking water sources. (Prior code § 9618)

**17.64.170 Soil permeability.**

Soil permeability requirements for disposal and subsurface treatment and storage facilities shall conform to those required by the State Water Resources Control Board. All other aboveground facilities shall have engineered structural design features common to other types of industrial facilities. (Prior code § 9619)

**17.64.180 Existing groundwater quality.**

Residuals repositories are allowed only where the uppermost water-bearing zone or aquifer is presently mineralized (by natural or human-induced conditions) to the extent that it could not reasonably be considered for beneficial use. All other facilities located in areas where existing groundwater quality is Class 1 or Class 2 shall provide increased spill containment and inspection measures as specified by the chief administrative officer in accordance with standards designed to provide maximum protection to groundwater. (Prior code § 9620)

**17.64.190 Air emissions.**

Facilities shall obtain a permit to construct and a permit to operate from the South Coast Air Quality Management District, prior to the effective date of a CUP. (Prior code § 9621)

**17.64.200 Recreation, cultural or aesthetic areas.**

Facilities shall not be located in proximity to recreational or cultural facilities. (Prior code § 9626)

**17.64.210 Areas of potential mineral deposits.**

Residual repositories shall not be located on or near lands classified as containing mineral deposits of significance by California's Mineral Land Class Maps and Reports. (Prior code § 9627)

**17.64.220 Proximity to areas of waste generation.**

Subject to other standards and criteria described in this chapter, facilities shall be located in areas best suited for providing services to the hazardous waste generators of the city. Facilities which will primarily serve generators from outside the city must demonstrate why the facility cannot be located closer to the points of hazardous waste generation to be serviced. (Prior code § 9628)

**17.64.230 Distance from major transportation routes.**

Distance traveled on minor roads associated with the facility shall be kept to a minimum. Facility proponents shall be required to pay user fees to ensure proper local road construction, reconstruction and maintenance charges necessary to accommodate the anticipated increase in traffic due to the facility. (Prior code § 9629)

**17.64.240 Consistency with the general plan.**

Each proposed facility shall be located in a manner consistent with all general plan requirements, and other applicable laws. (Prior code § 9632)

**17.64.250 Changes in real property values.**

The applicant shall fund a city-conducted independent study of the impact of the facility on real property values within the city. Such study shall be completed prior to action on the CUP application. (Prior code § 9633)

**17.64.260 Required findings.**

The findings specified in this section shall be made in writing prior to approval of a CUP for a facility:

A. The facility is consistent with the general plan; and

B. The facility is not to be detrimental to the health, safety or general welfare of the residents of the city; and

C. The facility site is or will be served adequately by roads and other public or private service facilities; and

D. The facility has met or exceeded each requirement of applicable law; and

E. The environmental impacts identified in the environmental impact report or proposed negative declaration have been adequately mitigated, and that a mitigation monitoring program has been established for each mitigation measure. (Prior code § 9637)

#### **17.64.270 Appeal of land use decision.**

A city council decision on an application for a CUP for a facility shall be final and conclusive in the absence of appeal filed in accordance with Health and Safety Code Section 25199.9 et seq. (Prior code § 9638)

#### **17.64.280 Operation of all facilities.**

A. Safety and Security. The owner and/or operator of a facility shall prevent unauthorized entry of any person onto any portion of the facility, including, but not limited to, providing for the following:

1. Surveillance. The facility operator shall provide a twenty-four (24) hour surveillance system which continuously monitors and controls entry onto the facility.

2. Fencing. Perimeter fencing shall be constructed and maintained to the satisfaction of the CAO.

3. Signage. Signs with the legend "DANGER HAZARDOUS WASTE AREA-UNAUTHORIZED PERSONNEL KEEP OUT," shall be posted at each entrance to the facility, and at other appropriate locations. The legend shall be written in English and Spanish and shall be legible during the daytime and nightfall from a distance of at least twenty-five (25) feet.

B. Monitoring.

1. Access to Facility. Upon reasonable notice, and for the purpose of ensuring compliance with all standards, conditions, the CAO may enter the premises on which a facility is located at any time.

2. Quarterly Reports. The owner/operator of a facility shall report quarterly to the CAO the amount, type and disposition of all wastes processed by the facility. Included in the report shall be copies of all manifests showing the delivery and types of hazardous wastes and include a map showing the exact location of quantities and types of materials placed in repositories or otherwise stored or disposed of on site.

3. Complaints—Forwarding to City. The owner/operator of a facility shall immediately send copies of all complaints as to facility operations and copies of all inspection reports made by other local, state or federal agencies to the CAO.

4. Emergency Response Plan. The emergency response plan shall be updated annually, signed by all management personnel at the facility, and filed with the CAO.

5. Environmental Monitoring Report. The owner/operators of a facility shall submit an annual air, soil and groundwater monitoring report to the CAO.

6. Extremely Hazardous Wastes. Any storage, treatment, disposal or transportation of "extremely hazardous waste" as defined in Section 25115 of the Health and Safety Code, by the facility owner/operator shall be reported to the CAO at least forty-eight (48) hours prior to such storage, treatment, disposal or transportation. (Prior code § 9639)

#### **17.64.290 Contingency operation plan.**

Every facility must have a contingency operation plan approved by the California Department of Health Services ("DHS"). A copy of the contingency plan approved by DHS shall be maintained at the facility. The facility owner or operator shall provide a current copy of the contingency plan to the CAO, chief of police, fire chief, each hospital within ten (10) miles, and the Los Angeles County Department of Environmental Health. (Prior code § 9641)

**17.64.300 Closure plan.**

The owner or operator of each facility shall submit to the CAO for approval, a written closure plan approved by the Department of Health Services. All revisions to such closure plan shall also be submitted to the CAO. (Prior code § 9642)

**17.64.310 Financial responsibility.**

Prior to effective date of CUP approval, the applicant shall submit, to the CAO, proof that it has met all of the financial responsibility requirements imposed by the Department of Health Services and any other federal or state agency. (Prior code § 9643)

**17.64.320 Cost responsibility for response to release.**

The facility owner/operator shall in a form acceptable to the city, including, but not limited to a security bond, agree to be responsible for all costs incurred by the city and its officers, agents, employees or contractors, for responding to a release or threatened release of hazardous wastes at or en route to or from the facility. (Prior code § 9644)

**17.64.330 Indemnification agreement.**

Each facility owner/operator shall, in a form approved by the city, agree:

A. To protect, defend, indemnify and hold harmless the city and its elected and appointed officers, agents and employees;

B. That the city may employ any and all methods permitted by law to, monitor and enforce the provisions of this chapter;

C. To pay all costs incurred by the city in enforcing the provisions of this chapter, including, but not limited to, officers' and employees' time, including the CAO and city attorney, and all applicable overhead costs. (Prior code § 9645)

## Chapter 17.68

### MINI-MALLS

#### Sections:

- 17.68.010 Purpose.**
- 17.68.020 Definitions.**
- 17.68.030 Conditional use permit required.**
- 17.68.040 Development standards.**

#### 17.68.010 Purpose.

The purpose of this chapter is to establish a comprehensive set of regulations which shall apply to the placement and the manner of operation of all mini-malls in the city. (Prior code § 9475)

#### 17.68.020 Definitions.

For the purpose of this chapter:

"Business tenant" means a person or entity who, by an oral or written lease or license, is permitted to conduct, within a mini-mall, a business involving, primarily, the sale of new or used goods or merchandise.

"Mini-mall" means a business enterprise housing five or more separate business tenants, located in a building, utilizing common exits and entrances, each of whom is engaged in the business of selling new or used goods or merchandise; mini-mall shall include "swap meet". (Prior code § 9476)

#### 17.68.030 Conditional use permit required.

No person shall conduct, operate or participate in the conduct of a mini-mall without first obtaining a conditional use permit therefor in the manner prescribed in this title. (Prior code § 9477)

#### 17.68.040 Development standards.

No person shall engage in the conduct of a mini-mall except in compliance with the following development standards, which shall apply to each mini-mall located in the city:

A. **Off-Street Parking.** One off-street parking space shall be provided and maintained for each two hundred (200) square feet of gross floor area of the

building housing the mini-malls; the required off-street parking facilities shall be permanently provided and maintained in accordance with the provisions of this title.

B. **Loading Space.** A minimum of one loading space, measuring at least twenty (20) feet by forty (40) feet shall be permanently provided and maintained; the same shall be located so as to not to interfere with the use of required off-street parking facilities.

C. **Landscaping.** Not less than six percent of the gross area of the lot upon which a mini-mall is located shall be suitably landscaped and permanently maintained.

D. **Compliance with Laws.** All laws and regulations relating to the facilities for handicapped, shall be complied with.

#### E. Restroom Facilities.

1. **Public Facilities.** There shall be provided and maintained, available for the use of members of the public, a minimum of two water closets for females and one water closet and a urinal for males.

2. **Tenant Facilities.** In addition to the public facilities there shall be provided and maintained for employees a minimum of one water closet facility for each gender for each business tenant space in the mini-mall.

F. **Aisles.** All pedestrian aisles shall be a minimum of ten (10) feet in width.

G. **Ventilation.** There shall be adequate heat, light and ventilation for the building in which the mini-mall is located and for each business tenant space. An analysis of, and plan for, the heating, lighting and ventilation shall be completed by a licensed engineer and submitted to the director of community development for approval; the heating, lighting and ventilation shall be provided and maintained in accordance with such approved plan.

H. **Electrical Fixtures.** Adequate permanent electrical fixtures and outlets shall be made available for each business on the site. An electrical output analysis and plan shall be prepared by a licensed engineer and shall be submitted to the director of community development for approval. The electrical

fixtures and equipment shall be installed in conformity with such approved plan.

**I. Minimum Floor Area.** The floor area which shall be exclusively provided for each business tenant shall be a minimum of one hundred fifty (150) square feet, twenty (20) percent of which shall be allotted for storage, which storage area shall be fully secured.

**J. Security Doors.** Roll-up painted steel doors shall be provided for the security of each business tenant space. Doors shall be of open grate material or solid steel. Sliding scissor-type doors or grates shall not be permitted.

**K. Partitions.** Metal or wood studs, drywall taped, textured and painted shall be used to partition each business tenant space. Each such business tenant space shall be partitioned on at least three sides with partition walls of a height of not less than five feet, six inches.

**L. Street Addresses.** Each business tenant shall have a street address designation.

**M. Sales Receipts.** Each business tenant shall provide sequential sales receipts to each customer and shall maintain records of the same for accounting and tax purposes.

**N. Retail Sales Order.** All sales shall be at retail, no wholesale sales shall be permitted.

**O. Business License—Tenants.** Each business tenant shall have, at all times, a valid current city business license and a valid current state sales tax resale certificate, each of which shall be prominently displayed in the space assigned to each such business tenant.

**P. Business License—Owners.** The owner and/or operator of each mini-mall shall have, at all times, a valid current city business license, and, such owner and/or operator if engaged in the sale of goods and merchandise, a valid current state sales tax resale certificate, which shall be prominently displayed.

**Q. Requirements Acceptable to Owners.** An owner and/or operator engaged in such sales shall comply with all other requirements of this part applicable to business tenants.

**R. Sound Equipment.** No loudspeakers or sound equipment shall be used on the premises of a mini-mall which can be heard from the exterior of the building in which the same is located.

**S. Location of Merchandise Within Buildings.** No merchandise or material shall be located, stored or offered for sale outside of the spaces assigned to business tenants.

**T. Uses Located Within a Building.** No merchandise or material shall be located, stored or offered for sale except within a building.

**U. Minimum Gross Floor Area.** The minimum gross floor area of a building housing a mini-mall shall be not less than eight thousand (8,000) square feet.

**V. Managers.** There shall be a manager on the mini-mall premises at all times during its hours of operation who shall be responsible for the operation of the mini-mall and who shall be responsible for enforcement of all development standards set forth in this chapter, as they apply to business tenants.

**W. Duties of Owner/Operator.** The owner/operator of a mini-mall shall be obligated to require compliance with these development standards, and all other applicable laws, by each and every business tenant or licensee located upon the site.

**X. Security Services.** Each mini-mall shall be provided with adequate security personnel, the level and extent of which shall be determined as a part of the conditional use permit process. (Prior code § 9478)

## Chapter 17.72

### PUBLIC COIN-OPERATED TELEPHONES

#### Sections:

- 17.72.010** Purpose and policies.
- 17.72.020** Special use permit required.
- 17.72.030** Application—Form and contents.
- 17.72.040** Special use permit—Issuance conditions.
- 17.72.050** Appeal.
- 17.72.060** Revocation.

#### **17.72.010** Purpose and policies.

The location, security and maintenance of public coin-operated telephones ("telephone") are matters requiring uniform control and regulation by the city, in the manner set forth in this chapter, in order to protect the health, safety and general welfare of the residents of the city. (Prior code § 9700)

#### **17.72.020** Special use permit required.

Notwithstanding any provision of this title to the contrary, every telephone located on the exterior of a structure or visible from the public right-of-way or a public place shall be permitted to be located in a C-3, C-3R, C-M or M zone in the city, only if a special use permit is first obtained therefor, pursuant to the provisions of this chapter. Telephones shall not be permitted on the exterior of any structure in any R zone in the city. (Ord. 1129 (part), 1997: prior code § 9701)

#### **17.72.030** Application—Form and contents.

Every application for a special use permit for a telephone shall be made in writing by the applicant to the director of development services ("director") on forms provided by him or her, and accompanied by a filing fee or other fees as set by resolution of the city council. An application shall also include the following information:

- A. Name and address of the applicant;
- B. Name and address of the vendor. For purposes of this chapter, "vendor" means the owner of the

specific telephone or telephone equipment in question, and/or pedestal on which such telephone or equipment is located;

C. Evidence that the applicant is the owner and/or person entitled to occupancy of the lot upon which a telephone is located;

D. A plot and development plan drawn in sufficient detail as determined by the director to clearly describe the following:

1. The location and physical dimensions of the lot or lots proposed for such use; and
2. Location of existing and proposed buildings and structures; and
3. The use conducted on the buildings and structures located on the lot or lots proposed for such use; and
4. The distance from the proposed lot lines to the nearest adjacent buildings or structures; and
5. The location or proposed location of the telephone on the lot or lots proposed for use. (Prior code § 9702)

#### **17.72.040** Special use permit—Issuance conditions.

The director shall issue a special use permit for a telephone provided the following regulations are complied with:

A. That the area in which a telephone is located shall be fully lit, to provide adequate security lighting, as approved by the police chief; and

B. That the vendor, as well as owner and/or person entitled to occupancy of the lot upon which a telephone is located, shall be responsible to insure that the telephone is maintained, at all times, in good working order and condition and in compliance with the provisions of this chapter; and

C. That the vendor, as well as owner and/or person entitled to occupancy of the lot upon which a telephone is located shall remove from the telephone and the areas immediately surrounding the telephone, any graffiti which is placed thereon, within forty-eight (48) hours following notification of such placement to vendor, or owner and/or person entitled to occupancy of the lot upon which a telephone is located; and

D. That one sign, not exceeding four square feet sign face area shall be permitted to be located upon each lot where a telephone is located; and that the purpose of such a sign shall be to advise by words, letter or symbols of the fact that a telephone is located on the premises; and

E. That each telephone located in the city which is inoperative as of the effective date of the ordinance codified in this chapter, shall be rendered operative or removed forthwith; and

F. That the vendor shall arrange with the appropriate telephone utility to block all incoming calls to the telephone; and

G. That no telephone shall be located so as to encroach onto the public right-of-way, or located so that any patron utilizing such telephone is required to be in a public right-of-way; and

H. That all telephones located in commercial-zoned lots which are improved with a motel, hotel or apartment complex, shall be located within an enclosed court of the motel, hotel or complex, where a courtyard exists; and

I. That any telephone permitted pursuant to this chapter shall be located, wherever possible, so as to be visible by the owner and/or person entitled to occupancy of the lot upon which a telephone is located and/or his or her authorized designee or manager, from the interior of a building located on the lot upon which the telephone is located; and

J. That the vendor and owner and/or person entitled to occupancy of the lot upon which a telephone is located shall acknowledge and approve all conditions of approval; and

K. That notwithstanding any other provisions of this code to the contrary, all telephones which are not in compliance with the provisions of this chapter, as of the effective date of the ordinance codified in this chapter, shall be made to comply with the provisions of this chapter within ninety (90) days; and

L. That all telephones shall be maintained in compliance with all requirements specified in this chapter. (Prior code § 9703)

#### **17.72.050 Appeal.**

A. Any interested person may file an appeal from the decision of the director to the CAO. The appeal shall be in writing, stating the grounds for appeal, accompanied by a fee as set by resolution of the city council, and shall be filed with the city clerk within ten (10) days of notice of the decision. The determination on the appeal shall be made by the CAO at a noticed hearing. The city clerk shall give ten (10) days' written notice of the hearing to the appellant and any person requesting such notice. The hearing on the appeal shall be based upon the director's records and files and upon any relevant evidence submitted by any interested person. Within a reasonable time after the hearing, the CAO shall make a determination. The city clerk shall promptly notify the appellant and other appearing parties of the CAO's decision.

B. Any interested person may file an appeal from the decision of the CAO to the city council. The appeal shall be in writing, stating the grounds for appeal accompanied by a fee as set by resolution of the city council, and shall be filed with the city clerk within ten (10) days of notice of the decision by the CAO. The determination on the appeal shall be made by the city council at a noticed public hearing. The city clerk shall give ten (10) days' written notice of the hearing to the appellant and any person requesting such notice. The hearing on the appeal shall not be a de novo hearing, but shall be based upon the director's and CAO's records and files and upon any relevant evidence submitted by any interested person. Within a reasonable time after the hearing, the city council shall make its determination. The city clerk shall promptly notify the appellant and other appearing parties of the decision. The decision of the city council shall be final and conclusive in all cases. (Ord. 1129 (part), 1997: prior code § 9704)

#### **17.72.060 Revocation.**

The director shall submit a request for revocation of a special use permit to the CAO if the director reasonably believes a violation of any of the terms and conditions set forth in this chapter or conditions

of approval imposed upon a permit, has occurred as to conduct of a vendor or permittee under a special use permit. A determination on the request for revocation shall be made at a hearing before the city council. Not less than five days' written notice of the time and place of the hearing shall be given to the vendor and the owner and/or person entitled to occupancy of the lot on which the telephone is located, and to any person requesting such notice. After such hearing, the city council shall revoke the special use permit only if it determines, based upon the director's records and files and any other relevant evidence submitted by any interested person at city council hearing, showing that the telephone is being operated in violation of any of the terms and conditions set forth in this chapter or any conditions of approval imposed upon such special use permit. If the city council determines that such violation has occurred, it shall revoke the permit; if it determines no violation occurred; it shall terminate the revocation proceedings forthwith. The decision of the city council shall be final and conclusive. (Prior code § 9705)

## Chapter 17.76

### OFF-STREET PARKING AND LOADING REQUIREMENTS

#### Sections:

- 17.76.010 Off-street parking facilities and loading spaces permitted as accessory uses in all zones.
- 17.76.020 Required off-street parking spaces designated.
- 17.76.030 Required off-street parking facilities—Mixed occupancies.
- 17.76.040 Joint use of off-street parking facilities.
- 17.76.050 Plans for proposed parking facilities—Approval required.
- 17.76.060 Parking areas—Installation and maintenance standards.
- 17.76.070 Parking areas—Landscaping requirements.
- 17.76.080 Location of commercial or industrial parking facilities.
- 17.76.090 Location of off-street parking facilities.
- 17.76.100 Loading space requirements.
- 17.76.110 Off-street parking requirements—Charts, diagrams and standards adopted by reference.

#### 17.76.010 Off-street parking facilities and loading spaces permitted as accessory uses in all zones.

The uses permitted in each zone, as set forth in this title shall be deemed to include off-street parking facilities for automobiles and loading spaces, as accessory uses serving a principal permitted use in each such zone. Every use permitted in any zone shall be permanently provided with off-street parking facilities and loading spaces maintained in accordance with the provisions of this chapter. (Prior code § 9310)

#### 17.76.020 Required off-street parking spaces designated.

The off-street parking spaces required for each principal use permitted by this title shall be not less than the following, provided that any fractional parking space shall be computed as a whole:

Use	Number of Parking Spaces Required
1. C zones. For any principal use permitted in any of the C zones, except for those uses specifically set forth in this section:	
a. Space devoted to a use located in a building of less than 5,000 square feet of gross floor area:	1 space for each 200 square feet of gross floor area of the building devoted to such use
b. Space devoted to a use located in a building or portion thereof, having more than 5,000 square feet but less than 20,000 square feet of gross floor area	25 parking spaces, and 1 parking space for each 250 square feet of gross floor area of the building devoted to such use in excess of 5,000 square feet
c. Space devoted to a use located in a building or portion thereof, having more than 20,000 square feet of gross floor area	125 parking spaces, and 1 parking space for each 300 square feet of gross floor area of the buildings, devoted to such use, in excess of 20,000 square feet
2. M Zone. For any use permitted in M zones, except for those uses specifically set forth in this section	1 parking space for each 500 square feet of gross floor area, of the building devoted to such use
3. Assembly buildings, including churches, stadiums, sports arenas, school auditoriums, theaters, dance halls, clubs and lodges	1 for each 4 fixed seats; if there are no fixed seats, 1 for each 50 square feet of gross floor area devoted to such use
4. Automotive, boat and trailer sales or rental; retail nurseries and other permitted uses expressly permitted to be conducted in the open	1 parking space for each 1,000 square feet of gross lot area devoted to open display or sales areas, provided that where such area exceeds 10,000 square feet only 1 parking space need be provided for each 5,000 square feet, of such gross lot area in excess of 10,000 square feet
5. Bowling alleys	2 parking spaces for each alley
6. Cocktail lounges, restaurants, bars and coffee shops	1 parking space for each 100 square feet of gross floor area devoted to the use up to 4,000 square feet and 1 parking space for each additional 50 square feet of gross floor area devoted to the use over 4,000 square feet; or 1 parking space for each 4 fixed seats, whichever is greater; or for such uses utilizing not more than 1,500 square feet of gross floor area and occupying less than

25 percent of total gross floor area of the building, shall provide 1 space for every 200 square feet of gross floor area devoted to such use

## 7. Dwelling Units.

- a. Single-family dwelling units  
2 parking spaces for each single-family dwelling unit, which shall be located in a garage having minimum dimensions of 20 feet by 20 feet
- b. Multi-family dwellings  
2 parking spaces for each multi-family dwelling unit which shall be located in a garage having minimum dimensions of 20 feet by 20 feet; and 1 guest open parking space for each 3 multi-family dwelling units having a minimum dimension of 9 feet by 20 feet
- c. There shall be a concrete apron of a minimum of 20 feet in length in front of the garage entrance within the property boundaries.
- d. The width of each individual driveway approach shall not be more than 24 feet nor less than 12 feet.
- e. The sum of all driveway widths on any lot shall not exceed 40 percent of the street frontage of the property on each abutting street.
- f. A 24 foot wide vehicle turnaround clearance shall be provided in front of the garage and open parking spaces.
- g. Garages and open parking space shall be located upon the lot so that the vehicular access thereto is not directly visible from the public right-of-way.
- h. Garages and open parking spaces shall be arranged so that cars are not required to back onto any right-of-way.

8. Educational Institutions.

- a. Elementary and junior high 1 parking space for each employee and each faculty member
- b. High schools and trade schools 1 parking space for each 5 students and 1 parking space for each faculty member and employee
- c. Colleges 1 parking space for each 3 students and 1 parking space for each faculty member and employee

9. Food stamp distribution centers, premium redemption centers 1 parking space for each 10 square feet of gross floor area devoted to such use

10. Hospitals 2 parking spaces for each bed

11. Hotels 1 parking space for each guest room

12. Motels 1 parking space for each sleeping unit

13. Medical or dental clinics and medical and professional offices 1 for each 200 square feet of gross floor area of the building devoted to such use

14. Nursing, convalescent home, rest homes and sanitariums 1 parking space for each 4 beds

15. Rooming houses, lodging houses, clubs and fraternity houses having sleeping homes 1 for each sleeping room

16. Trailer parks 1 for each trailer space

17. Warehouses and storage facilities 1 parking space for each 1,000 square feet of gross floor area of the building devoted to the use

18. Notwithstanding the foregoing, the off-street parking and loading space requirements for any use for which a conditional use permit is required, shall be set by the granting body as a part of the conditional use permit process.

19. For any use not referred to in this section, and for which a conditional use permit is not required, the director shall set the number of required off-street parking and loading spaces at an amount

reasonably necessary to serve the use. The director's determination pursuant to this subdivision, shall be subject to an appeal to the CAO, which written appeal shall be filed with the city clerk within ten (10) consecutive calendar days following the giving notice of decision by the director, by the affected property owner, or any other interested person. The appealing party shall pay a filing and processing fee in an amount set by resolution of the city council.

No appeal shall be accepted unless such fee is paid contemporaneously with such filing. The affected property owner or any other interested person may file a written appeal of the CAO's decision to the city council, which written appeal shall be filed with the city clerk within ten (10) consecutive calendar days following the giving notice of decision by the CAO. The appealing party shall pay a filing and processing fee in an amount set by resolution of the city council. No appeal shall be accepted unless such fee is paid contemporaneously with such filing. (Ord. 1129 (part), 1997; prior code § 9311)

**17.76.030 Required off-street parking facilities—Mixed occupancies.**

In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use. (Ord. 1129 (part), 1997; prior code § 9312)

**17.76.040 Joint use of off-street parking facilities.**

The director, upon application by the owner or lessee of any property, shall authorize the joint use of parking facilities by two or more uses only as is provided in this section.

A. The parking facilities required by this chapter for a use which is primarily a daytime use may be provided by the parking facilities of a use which is primarily a nighttime and/or Sunday use. The parking facilities required by this chapter for a use which is primarily a nighttime and/or Sunday use may be provided by the parking facilities of a use which is primarily a daytime use. Such joint use parking shall be permitted subject to the provisions of this section.

B. The following uses shall be deemed to be daytime uses: banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing, wholesale and similar uses. The following uses shall be deemed to be

nighttime and/or Sunday uses: auditoriums incidental to a public or parochial school, churches, dance-halls, theatres and cocktail lounges.

**C. Conditions Required for Joint Use.**

1. The outer boundaries of the lot upon which the proposed use is to be located shall be located within one hundred fifty (150) feet of such parking facilities; and

2. The applicant shall show that there is no substantial conflict in the principal operating hours of the uses for which the joint use of off-street parking facilities is proposed; and

3. The 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. Such instrument, when approved, shall be recorded in the office of the county recorder and copies thereof filed with the building and planning departments. (Prior code § 9313)

**17.76.050 Plans for proposed parking facilities—Approval required.**

The plan of any proposed parking area shall be submitted to the building department for approval at the time of submission of applications for building permits for the building which such parking facilities are to serve or, if no building permits are required, prior to the commencement of the use to be served. The plans shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking facilities. (Prior code § 9314)

**17.76.060 Parking areas—Installation and maintenance standards.**

A. Size. Required off-street parking spaces shall be provided as required by this section:

1. Conventional Car Spaces. Each off-street parking space shall have a depth of not less than twenty (20) feet, and a width of not less than nine feet; and

2. Compact Car Spaces. Parking spaces not less than seven and one-half feet in width and fifteen

(15) feet in length may serve as required off-street parking spaces where:

- a. They serve permitted uses located on a C or M zoned lot; and
- b. Not more than twenty (20) percent of the required off-street parking spaces may be reduced to the size specified in compact size; and
- c. All spaces constructed in accordance with this subdivision, shall be marked and identified as being for compact cars only; and
- d. All spaces provided in excess of those required by this chapter may be developed with parking spaces whose size is that specified in this subdivision.

3. Access. Each required space shall be provided with adequate ingress and egress.

B. Access Driveways. Paved driveway approaches shall be installed to provide access from a public street to the required off-street parking facilities on a lot. For the purpose of this chapter, the "width of driveway" means the net driveway width thereof, exclusive of side slopes and returns, measured along the curb line or centerline of the street or highway.

1. Width. All proposed driveways serving parking areas having eight or less off-street parking spaces on a residentially zoned lot shall be a minimum of ten (10) feet wide, all others shall be a minimum of twenty (20) feet in width. Driveways located on any C or M zoned lots, shall be a minimum of twenty-four (24) feet in width.

2. Joint Use. Joint use driveways used in combination with abutting properties shall be allowed when proper easements or agreements, approved as to form by the city attorney, have been executed and filed with the city and recorded in the county recorder's office.

3. Motion on Driveways. All parking areas located on, or servicing any lot classified in any C or M zone shall be designed so as to allow forward motion only, of all vehicles when entering a street from such parking areas.

4. Clearance. All driveways shall be maintained with a vertical clearance of not less than ten (10) feet. No encroachment of any type, shall be permitted within driveway areas.

5. Parking in Driveways.

a. "No parking" signs with lettering not less than two inches in height shall be conspicuously placed and maintained at the entrance to, and at intervals of not less than fifty (50) feet, along each required driveway.

b. Where a driveway serves parking facilities for five or more vehicles, no person shall park, stand or leave any vehicle in any portion of such driveway, except for the purpose, and during the process, of loading or unloading passengers or goods.

6. Other Access Requirements. The following additional requirements shall govern access to all off-street parking and loading facilities:

a. All uses, including residential uses, which adjoin a major or secondary highway, shall, whenever possible, take access by way of a secondary road or alley.

b. The location and design of all entrances and exits to streets or alleys from off-street parking facilities shall be subject to the approval of the director, to insure that such will result in a minimum of interference with the traffic flow on adjacent streets.

c. Access driveways across sidewalks or pedestrian ways shall be designed in such a manner as to promote pedestrian safety.

d. All abandoned or unused existing driveway approaches shall be removed and replaced with sidewalk, curb and gutters at the expense of the lot owner in accordance with adopted city standards.

C. Surfacing. All off-street parking areas including driveways and aisles shall be paved with macadam or asphaltic pavement in accordance with adopted city standards therefor. Such surfacing shall be designed, constructed and maintained so as to dispose of all surface water. In no case shall such drainage be allowed across public sidewalks.

D. Border Barricades. Every parking area which is not separated by a fence from any street or alley right-of-way line which it abuts, shall be provided with a suitable concrete curb or not less than six inches in height, located not less than three feet distant from such street or alley right-of-way line. Such curb shall be securely installed and main-

tained; provided no such curb shall be permitted across any driveway or entrance to such parking area.

E. Screening. Every parking area for five or more vehicles which is located upon on a lot which abuts an R zoned lot shall be separated from such lot by a solid view-obscuring fence or wall, six feet in height, and thirty-six (36) inches in height adjacent to front yards areas on such R zoned property, measured from the grade of the finished surface of the R zoned lot.

F. Lights. Suitable lights shall be provided so as to properly illuminate any parking area having spaces for five or more vehicles or new or used car sales areas, permitted by this title; such lighting shall be arranged and maintained so as to reflect the light away from adjacent premises.

G. Striping. All parking spaces shall be striped in a manner clearly showing the layout of the intended parking stalls. Such striping, not less than three inches in width, shall be maintained in a clear, visible and orderly manner.

H. Signs. Where required for public safety, as determined by the director, appropriate exit, entrance and directional signs shall be posted and maintained at locations approved by the director.

I. Maintenance and Irrigation. All off-street parking facilities shall be kept clean and free of dust, mud or trash, and shall be used only for the purpose of parking vehicles. Where landscaping is provided within or along parking areas, adequate irrigation and maintenance thereof shall be provided, as approved by the director. (Ord. 1129 (part), 1997; prior code § 9315)

#### **17.76.070 Parking areas—Landscaping requirements.**

A. Where a C zoned lot adjoins a street, a minimum area equivalent to six percent of the gross lot area shall be suitably landscaped and maintained.

B. Concrete curbs shall be installed along the borders of all required landscaped areas where such landscaped areas abut driveways, off-street parking and loading areas and other similar facilities.

C. Trees located within three feet of a public sidewalk or street curb shall be installed with root guards.

D. All trees shall be a minimum of fifteen (15) gallon size at the time of placement. Box trees shall be required on the site to enhance the appearance of the development. Shrubs shall be a minimum of five gallons in size at the time of placement.

E. The minimum inside width of any required landscaped area or any form of fixed planter box shall be three feet.

F. Only ten (10) percent of the required landscaped area can be in decorative gravel, rock, tree bark or other similar materials; provided such materials shall not be installed in a parkway or in a required front yard area. Exposed dirt areas are not permitted. (Prior code § 9316)

#### **17.76.080 Location of commercial or industrial parking facilities.**

Off-street parking facilities required for the uses permitted on any C and M zoned lot shall be located on the same lot as the use they are intended to serve; except, that in cases of practical difficulty, the director of community development may approve a substitute location which meets the following conditions:

A. That all or part of substitute location is within four hundred (400) feet of the lot upon which principal use to be served is located. Such distance shall be measured as walking distance along a public street; and

B. That the use of the substitute lot is guaranteed in a manner acceptable to the city attorney; and

C. That eighty (80) percent of the parking spaces, but no less than ten (10) spaces, shall be located on the same lot as the use they are intended to serve. (Prior code § 9317)

#### **17.76.090 Location of off-street parking facilities.**

A. Off-street parking facilities may be located on any portion of any lot, in any zone, where main or accessory buildings may be placed, except as follows:

1. No off-street parking facilities shall be located in front of any dwelling not located on an R-2 or R-3 zoned lot.

2. If any off-street parking facility is attached to, and is a part of, a main building on any lot classified in zone R-1, not more than fifty (50) percent of the total frontage of such main building, or twenty (20) feet, whichever is the greater, may be utilized for vehicular access to such off-street parking facility.

3. All off-street parking facilities located upon any lot classified in zones R-1, R-2 or R-3:

a. Access to which is from a public alley, shall be set back from the lot line separating the alley from the lot a sufficient distance so as to provide for a twenty-five (25) foot turning area, provided that the width of the abutting alley may be included for the purpose of ascertaining whether or not a twenty-five foot turning radius is available; and

b. Access to which is from a street, shall be setback as follows:

i. Garages shall be set back from the lot line separating the lot from the street which affords such access not less than twenty-two (22) feet; and

ii. Permitted open parking spaces shall be set back from the lot line separating the lot from the street a distance equal to the depth of the required yard area abutting the street which affords access.

4. On reversed corner lots, permitted open parking spaces may be located in the required rear yard, except that portion of a required rear yard area directly to the rear of a required side yard area abutting the street.

5. Permitted open parking spaces may be located in required side yard areas; except that on corner and reverse corner lots, open parking spaces shall not be located in the required side yard abutting the street.

B. All required off-street parking facilities on lots classified in zone R-1 shall be located within garages. At least fifty (50) percent of all required off-street parking facilities on lots classified in zones R-2 and R-3 shall be located within garages.

C. All off-street parking facilities shall be located upon the same lot as the use served by the same,

except as provided in Sections 17.76.040 and 17.76.080. (Prior code § 9318)

#### 17.76.100 Loading space requirements.

Every use permitted in any C zone and in the M zone, shall have and maintain loading space and/or spaces as specified in this section:

A. General Requirements. When the lot upon which the loading space is located abuts an alley such loading space shall take access from such alley and shall be maintained as follows:

1. The length of the loading space shall be measured perpendicular to and/or parallel with the centerline of the alley. Where such loading space is parallel with the alley the loading space shall extend across the full width of the lot except that if only two spaces are required the length of the loading area need not exceed sixty (60) feet.

2. No loading space shall be permitted in any required off-street parking area nor shall any part of an alley and/or street be used to meet the requirements of this section.

B. Each use in the C and M zones shall be permanently provided with the number of loading spaces as follows:

Total Square Feet of Gross Floor Area of Building	Number of Loading Spaces	Number of Passenger Loading/Unloading Spaces Required
1. Commercial Buildings.		
3,000— 15,000	1	0
15,000— 45,000	2	0
45,000— 75,000	3	0
75,001—105,000	4	0
105,000 and greater	5	0
2. Industrial Buildings.		
3,500— 20,000	1	0
20,001— 50,000	2	0
50,001— 80,000	3	0
80,001—110,000	4	0
110,001 and greater	5	0
3. Hospitals and Institutions.		
2,000—30,000	1	0

30,001—90,000	2	0
90,001 and greater	3	0

## 4. Hotels, Motels,

Motor Hotels, and  
Office Buildings.

3,500—40,000	1	1
40,001—90,000	2	2
90,001— and greater	3	3

C. Each required loading space shall be at least forty (40) feet in length, ten (10) feet in width with an unencumbered overhead clearance of at least fourteen (14) feet. Each required passenger loading/unloading space shall be at least twenty (20) feet in length, ten (10) feet in width, with an unencumbered overhead clearance of at least twelve (12) feet. (Prior code § 9319)

**17.76.110 Off-street parking requirements—  
Charts, diagrams and standards  
adopted by reference.**

Attached to the ordinance codified in this section, and incorporated herein by this reference, is that certain document entitled "Appendix A - Bell Municipal Code Off-Street Parking Requirements," dated November 16, 1987, which contains certain charts, diagrams and standards relating to off-street parking facilities. All off-street parking facilities shall be constructed and maintained in accordance with the charts, diagrams and standards as set forth in Appendix A, attached to the ordinance codified in this section. (Prior code § 9321)

## Chapter 17.80

### RECYCLING FACILITIES

#### Sections:

- 17.80.010** Purpose and policies.
- 17.80.020** Recycling facility defined.
- 17.80.030** Special use permit required.
- 17.80.040** Permit application—Content and form.
- 17.80.050** Permit issuance conditions.
- 17.80.060** Regulations applicable to all recycling facilities.
- 17.80.070** Additional regulations for reverse vending machines.
- 17.80.080** Additional regulations for small recycling collection facilities.
- 17.80.090** Additional regulations for mobile recycling units.
- 17.80.100** Appeal procedure.
- 17.80.110** Permit revocation.

#### **17.80.010** Purpose and policies.

The siting, security and maintenance of reverse vending machines, small recycling collection facilities and mobile recycling units is a matter requiring uniform control and regulation by the city, in the manner set forth in this chapter, in order to protect the peace, health, safety and general welfare of the residents of the city. The regulations under this chapter are consistent with the state policy under the California Beverage Container Recycling and Litter Reduction Act. (Prior code § 9750)

#### **17.80.020** Recycling facility defined.

For the purposes of this chapter, the term "recycling facility" shall refer to each of the following: reverse vending machine, small recycling collection facility and mobile recycling unit. (Prior code § 9751 (part))

#### **17.80.030** Special use permit required.

Notwithstanding any provision of this title to the contrary, a reverse vending machine, small recycling collection facility or mobile recycling unit shall be

permitted to be located in the city, only if a special use permit is first obtained therefor, pursuant to the provisions of this chapter. (Prior code § 9751 (part))

#### **17.80.040** Permit application—Content and form.

Every application for a special use permit for a recycling facility shall be made in writing by the applicant to the director of development services ("director") on forms provided by the director, and accompanied by a filing fee or other fees as set by resolution of the city council. An application shall also include the following information:

- A. Name and address of the applicant;
- B. Name and address of the vendor. For purposes of this provision, "vendor" means the operator of the specific recycling facility in question;
- C. Evidence that the vendor is entitled to occupancy of the lot upon which a recycling facility is located;
- D. A plot and development plan drawn in sufficient detail, as determined by the director, to clearly describe the following:
  1. The location and physical dimensions of the lot or lots proposed for such use, and
  2. Location of existing and proposed buildings and structures on the lot or lots proposed for such use, and
  3. The use conducted in the buildings and structures located on the lot or lots proposed for such use, and
  4. The distance from the proposed lot lines to the nearest adjacent buildings or structures, and
  5. The location or proposed location of the recycling facility on the lot or lots proposed for such use. (Prior code § 9752)

#### **17.80.050** Permit issuance conditions.

The director shall issue a special use permit for a recycling facility provided the regulations in Sections 17.80.060 through 17.80.090 are complied with. (Prior code § 9753 (part))

**17.80.060 Regulations applicable to all recycling facilities.**

A. The recycling facility shall be certified by the Department of Conservation under the provisions of the California Beverage Container Recycling and Litter Reduction Act.

B. The recycling facility shall be established in conjunction with a use which is in compliance with all applicable zoning, building and fire code requirements.

C. The recycling facility shall not obstruct pedestrian or vehicular circulation on the lot.

D. The recycling facility shall not occupy required off-street parking spaces or fire lanes on the lot.

E. The recycling facility shall be maintained in a clean, litter-free condition on a daily basis.

F. The color and decor of the recycling facility shall be consistent with the colors and design of the existing structures on the lot.

G. The area in which a recycling facility is located shall be fully lit, to provide adequate security lighting, as determined by the police chief.

H. The vendor shall be responsible to insure that the recycling facility is maintained, at all times, in good working order and condition and in compliance with the provisions of this chapter.

I. The vendor shall remove from the recycling facility and the areas immediately surrounding the recycling facility, any graffiti which is placed thereon, within forty-eight (48) hours following notification of such placement to vendor.

J. Notwithstanding any other provision of this title to the contrary, one sign, not exceeding four square feet of sign face area may be located upon each lot where a recycling facility is located, advising by words, letters or symbols of the fact that a recycling facility is located on the lot and stating the hours of operation of the recycling facility.

K. No recycling facility shall be located so as to encroach onto the public right-of-way, or located so that any patron utilizing the recycling facility is required to be in a public street area.

L. The director may conditionally issue a special use permit, provided such conditions are reasonably

necessary to assure compliance with the provisions of this title.

M. The vendor shall acknowledge and approve all conditions of approval imposed upon the issuance of the special use permit.

N. That notwithstanding any other provisions of this title to the contrary, all existing recycling facilities which are not in compliance with the provisions of this chapter as of the effective date of the ordinance codified in this chapter shall be made to comply with the provisions of this chapter within ninety (90) days after the effective date of the ordinance codified in this chapter.

O. All recycling facilities shall be maintained in compliance with all requirements specified in this title. (Prior code § 9753(1))

**17.80.070 Additional regulations for reverse vending machines.**

In addition to the regulations contained under Section 17.80.060, all reverse vending machines shall comply with the following:

A. The reverse vending machine shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall be no more than eight feet in height.

B. The reverse vending machine shall be constructed and maintained with durable waterproof and rustproof material.

C. The reverse vending machine shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

D. The reverse vending machine shall be established in conjunction with a retail-sale grocery store or market use. (Ord. 1129 (part), 1997; prior code § 9753(2))

**17.80.080 Additional regulations for small recycling collection facilities.**

In addition to the regulations contained under Section 17.80.060, all small recycling collection facilities shall comply with the following regulations:

A. The small recycling collection facility shall be no larger than five hundred (500) square feet.

B. The small recycling collection facility shall be setback at least ten (10) feet from any street line and shall not obstruct pedestrian or vehicular circulation.

C. The small recycling collection facility shall use no power-driven processing equipment.

D. The small recycling collection facility shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of materials, and shall be of a capacity sufficient to accommodate materials collected in the collection schedule.

E. The small recycling collection facility shall store all recyclable materials in containers and shall not leave materials outside of containers.

F. The permit for a small recycling collection facility shall specify the hours of operation and whether the facility is attended or unattended. No permit shall allow an attended small recycling collection facility to operate after seven p.m.

G. The containers used by the small recycling collection facility shall be clearly marked to identify the type of material which may be deposited. The facility shall be clearly marked to identify the name and telephone number of the facility operator and display a notice stating that no material shall be left outside the recycling containers.

H. The small recycling collection facility shall not intrude upon the landscaping required under this title.

I. The small recycling collection facility shall be integrated into existing site so as not to be obtrusive and the design shall be compatible with the existing architecture on the site. (Ord. 1129 (part), 1997; prior code § 9753(3))

#### **17.80.090 Additional regulations for mobile recycling units.**

In addition to the regulations contained in Section 17.80.060, all mobile recycling units shall comply with the following regulations:

A. The lot on which the mobile recycling unit is located shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile recycling unit is scheduled to be present.

B. The mobile recycling unit shall have all storage areas completely enclosed in a truck or van which does not exceed a three-quarter-ton capacity.

C. An attendant shall be present at the mobile recycling unit during all hours of operation.

D. The operation of the mobile recycling unit shall not encourage pedestrians or motorists to occupy required parking or aisles while waiting for redemption, nor expose pedestrians or motorists to any safety hazards.

E. The mobile recycling unit shall not be located within forty (40) feet of public right-of-way.

F. The mobile recycling unit shall only be located on the lot during the days and hours of operation specified in the permit. No permit shall allow a mobile recycling unit to remain on a lot after seven p.m. (Ord. 1129 (part), 1997; prior code § 9753(4))

#### **17.80.100 Appeal procedure.**

##### **A. Appeal from Director's Determination.**

1. The director's determination to issue or deny the issuance of a special use permit may be appealed by any interested person to the chief administrative officer ("CAO"). All such appeals shall be in writing and shall set forth the specific grounds for the appeal. Appeals shall be timely if filed with the CAO not later than the tenth consecutive calendar day following the giving of notice of the issuance or denial of the special use permit by the director. The CAO shall not accept an appeal for filing nor shall any appeal be valid for any purpose, unless it complies with the provisions of this chapter, including, but not limited to, being timely filed, and accompanied by a filing and processing fee in the amount set by the city council.

2. Upon the perfecting of an appeal, the CAO shall give not less than ten (10) days' written notice of the time and place of a hearing which shall be held by the CAO or his designee (hereafter "hearing officer"). At the time set for such hearing, the hear-

ing officer shall, de novo determine, based upon the evidence presented, whether the special use permit should be issued, conditionally issued or not issued, based upon the standards set forth in this chapter. The hearing officer shall accept evidence from any interested person bearing on the issuance or denial of the special use permit. The hearing officer shall follow the substance of the rules of evidence as utilized in judicial proceedings, provided that if the material offered in evidence is relevant and appears to be reliable and trustworthy, it shall be accepted in evidence. Based upon the evidence as submitted, and the director's records and files in the case, the hearing officer shall render a decision as soon as is possible following the close of such hearing, and shall thereafter promptly give written notice to the appellant and other persons requesting such notice, of such decision. The decision of the hearing officer shall be final and conclusive in the absence of a timely filed appeal, appealing the hearing officer's decision to the city council.

**B. Appeal from Hearing Officer's Decision.**

1. The decision of the hearing officer with reference to a special use permit may be appealed to the city council by any interested person. An appeal to the city council shall be written, and shall set forth the grounds for the appeal. Appeals shall be filed with the city clerk not later than the tenth consecutive calendar day following the giving of notice by the hearing officer to the owner of the decision. No appeal shall be valid for any purpose unless the same complies with the provisions of this chapter, including, but not limited to, being accompanied by payment of a filing and processing fee in an amount set by the city council. Upon the proper timely filing of an appeal, the hearing officer shall submit to the city council the summary of all proceedings before the director, and a record of the proceedings before the hearing officer (hereafter "record"). The city council shall consider the matter exclusively based upon the record together with any written objections received objecting to the content of the record. No such objection to the record shall be valid for any purpose except an objection contending that the record does not reflect the proceedings

before the hearing officer. No additional evidence shall be accepted by the city council bearing upon the hearing officer's decision, unless the party offering it clearly demonstrates that either the evidence was not available at the time of the hearing before the hearing officer or that it is newly discovered. In the event that the city council finds that additional evidence should be considered, it shall augment the record either accepting the evidence or it may return the matter to the hearing officer for further proceeding. Based upon the standards set forth in this chapter and the record the city council shall render its determination. Interested persons may present oral or written arguments to the city council, at a time set by the city council relating to the appeal. The city council's determination shall be final and conclusive.

2. The city clerk shall promptly give notice of the city council's determination. (Prior code § 9754)

**17.80.110 Permit revocation.**

The director may revoke a special use permit if the director reasonably determines, after hearing, that in operations under the special use permit, there has been a violation of any of the provisions of this code, or of the conditions of approval imposed upon such special use permit. The determination of the director shall be final unless a timely appeal to the CAO is perfected. The hearing process set forth in Section 17.08.100 shall apply to revocation proceedings. (Prior code § 9755)

## Chapter 17.84

### SIGNS

#### Sections:

<b>17.84.010</b>	<b>Purpose.</b>
<b>17.84.020</b>	<b>Scope.</b>
<b>17.84.030</b>	<b>Signs permitted on any lot.</b>
<b>17.84.040</b>	<b>Permitted signs—R zones.</b>
<b>17.84.050</b>	<b>Permitted signs—C and M zones.</b>

#### **17.84.010 Purpose.**

The purpose of this chapter shall be to preserve and enhance the city's character by protecting neighborhoods from commercial intrusions and by ensuring that signs and/or outdoor advertising structures contribute to the betterment of the established commercial districts. This purpose shall be accomplished by:

A. Coordinating the type, placement and dimensions of signs located on property other than the public right-of-way;

B. Recognizing the identification needs of the business community and their customers;

C. Ensuring the use of designs that are consistent with the goals of the city; and

D. Promoting both the renovation and proper maintenance of all signs. (Ord. 1129 (part), 1997: prior code § 9322)

#### **17.84.020 Scope.**

This chapter shall not regulate official traffic-control or governmental signs, nor shall this chapter regulate signs not visible from the public right-of-way or public areas or interior signs not visible in any way from the building exterior. (Ord. 1129 (part), 1997: prior code § 9322.1 (part))

#### **17.84.030 Signs permitted on any lot.**

Notwithstanding any other provision of this title, the following signs shall be permitted on any lot, in any zone, in the city:

A. Those signs customarily utilized by public utilities in the performance of their lawful function,

such as, but not limited to, those warning of underground facilities, high pressure, high voltage and public telephone signs; and

B. Those signs which are authorized or customarily utilized by a public utility. (Ord. 1129 (part), 1997: prior code § 9322.1 (part))

#### **17.84.040 Permitted signs—R zones.**

No signs shall be permitted or maintained in any R zoned property, except as follows:

A. Name plates, provided that the same do not exceed two square feet in area, and that such name plates contain only the name and address of the persons in residence.

B. For rent or for sale signs, not to exceed six square feet, provided that such signs relate only to the property upon which they are located.

C. In the case of subdivisions, signs shall be permitted to be erected and maintained of the size which are customary in connection with the sale of lots in subdivisions; provided that all such signs with reference to the sale of lots in subdivisions shall be removed thirty (30) days after the last lot is sold or within one year from and after the recording of the final tract map, whichever period is lesser. (Ord. 1129 (part), 1997: prior code § 9322.2)

#### **17.84.050 Permitted signs—C and M zones.**

Signs and outdoor advertising structures shall be permitted in C and M zones as follows:

A. Signs which identify the occupants, type of use or commodity sold or serviced on the premises, and which comply with the following standards:

1. Sign Face Area. Sign face area shall not exceed forty (40) percent of the area of the building wall upon which located, or face to which such signs pertain; or four square feet for each lineal foot of the frontage of the lot upon which the same is located, whichever is less.

2. Freestanding Signs. In addition to the above, one freestanding sign shall be permitted subject to compliance with the following standards:

a. No part of any such sign shall be less than eight feet above ground level. No part of such signs shall be located or constructed in any manner which

would constitute a hazard to pedestrian or vehicular traffic on public or private property.

b. No freestanding sign shall exceed a height of twenty-five (25) feet measured from the finished grade of the lot upon which located.

c. No such signs shall exceed two hundred (200) square feet in sign face area.

d. One such sign is permitted per each three hundred fifty (350) lineal feet of the lot frontage of the lot upon which located.

e. Any pole or structure carrying or supporting a freestanding sign shall be covered by a metal pylon or sheathed by a material approved by the director.

f. Where a shopping center consists of six or more businesses on a parcel of land one acre or more and under one ownership, the allowable sign face area may be increased an additional one hundred (100) square feet.

3. Interior Window Signs. No window sign shall exceed fifteen (15) square feet. Such signs shall not cover more than twenty (20) percent of the total window space.

**B. Signs which:**

1. Offer the property for rent or for sale, provided that such signs relate only to the property upon which they are located; and

2. Are authorized or required by any public agency; and

3. Are authorized or customarily utilized by any public utility; and

4. Are temporary and relate to any political issue, candidate or matter; and

5. Are temporary and relate to any specific sale of merchandise or services available on the premises.

**C.** Notwithstanding any other provision of this section, commercial and/or advertising signs painted directly on a building surface are prohibited. (Ord. 1129 (part), 1997: prior code § 9322.3)

## Chapter 17.88

### WATER CONSERVATION

#### Sections:

- 17.88.010 Purpose.**  
**17.88.020 Definitions.**  
**17.88.030 Design requirements for landscaping and irrigation systems.**

#### 17.88.010 Purpose.

This chapter is intended to encourage all residential developers, where more than four residential units are to be built or substantially renovated, and all commercial/industrial developers to design their projects to maximize water conservation within their projects. (Prior code § 9775)

#### 17.88.020 Definitions.

For the purpose of this chapter, the following words or phrases shall be defined as follows:

“Hydrazone” means a portion of a landscaped area having plants with similar water needs, that are served by a sprinkler valve or set of sprinkler valves, with the same watering schedules.

“Infiltration rate” means the rate of water entry into the soil expressed as a measure of the depth of water units over time (inches per hour).

“Overspray” means the water which is delivered beyond the landscaped areas wetting nonlandscaped areas or hydrazones not intended to be watered by the irrigation system being utilized.

“Recycled water” means reclaimed or treated water, sewage effluent water which has been rendered suitable for nonpotable use for landscape irrigation or industrial uses. Such water is not for human consumption.

“Runoff” means water which is not absorbed by the soil or landscape to which it is applied and flows from the area.

“Turf” means a surface layer of earth containing mowed grass and its roots. (Prior code § 9776)

#### 17.88.030 Design requirements for landscaping and irrigation systems.

All landscaping shall be designed to fully comply with the provisions of this title. Wherever possible, landscaping and irrigation systems shall also be designed to encourage water conservation. Conservation measures should include, but not necessarily be limited to, the following:

A. Limiting turf areas on project sites subject to city review and approval;

B. Design of all irrigation systems to ensure that proper water infiltration will occur based on soil and grading conditions;

C. Design of all irrigation systems to ensure they will supply needed quantities of water only and that these systems are fine-tuned to avoid use of unneeded water as well as avoiding overspray and runoff;

D. Where appropriate, developers should provide planters and planted areas which incorporate drought-tolerant groundcovers, shrubs and trees;

E. Where appropriate, developers should plant fast-growing, broad head trees (which shall be twenty-four (24) inch box-size trees or greater at the time of their planting) in order to provide shading and to reduce evaporation;

F. Where appropriate, planting should be grouped into hydrazones to maximize the efficiency of the irrigation system.

G. The city water conservation design strategy guidelines heretofore adopted include a list of drought-tolerant trees, shrubs and groundcovers which shall be used as reference material for developers when designing landscape/irrigation plans. (Prior code §§ 9777, 9778)

**Chapter 17.92****SITE PLANS****Sections:**

- 17.92.010 Purpose.**
- 17.92.020 Applicability.**
- 17.92.030 Application.**
- 17.92.040 Determination of board.**
- 17.92.050 Appeal procedure.**
- 17.92.060 Hearings—Notice—Conduct.**
- 17.92.070 Conditional approval.**
- 17.92.080 Site plan review—Effect upon building permits.**
- 17.92.090 Site plan review required by director when.**

**17.92.010 Purpose.**

The purpose of the site plan review process shall be to insure that the proposed development described therein will comply with all of the provisions of this title. (Prior code § 9251)

**17.92.020 Applicability.**

Whenever a site plan is required by the provisions of this title, the same shall be prepared and submitted for approval in accordance with the provisions of this chapter. (Prior code § 9250)

**17.92.030 Application.**

Where a site plan is required, the applicant shall submit an application therefor to the director, which application shall contain or depict the following information:

- A. The name, address and telephone number of the applicant, and of the person who prepared the plan;
- B. The street address and a brief legal description of the property involved, and the names of the streets which serve the subject property;
- C. The number of lots involved, if more than one, and the lot dimensions and lot area of each;
- D. The approximate size and location of all proposed buildings and structures, including off-street parking facilities;

- E. Open space areas and landscaped areas;
- F. All proposed uses;
- G. Building elevations, front, side and rear;
- H. Such other information the director deems necessary. (Prior code § 9252)

**17.92.040 Determination of board.**

A. Upon receipt of a site plan application together with the filing and processing fee, in an amount set by resolution of the city council, the director shall submit the same to the board to determine whether the uses shown on such plan comply with all applicable provisions of law, including but not limited to, this title. If the uses proposed by the site plan are found to fully comply therewith, the board shall approve the same, and endorse its approval thereon. If the board finds that the uses as proposed on the site plan as submitted do not so comply, it shall disapprove the site plan and note the reasons for such disapproval on the face thereof.

B. Within five consecutive calendar days after the board's determination, the director shall give the applicant, and any other person requesting, in writing such notice. The determination of the board shall be final and conclusive in the absence of an appeal, taken in the time and manner provided in this chapter. (Prior code § 9253)

**17.92.050 Appeal procedure.**

A. Decisions of the board on applications shall be final and conclusive as of the date the board adopts the same unless, within a period of not to exceed ten (10) consecutive calendar days thereafter, a written appeal is filed, by an interested person, with the city clerk appealing the decision of the board to the CAO. No appeal shall be effective for any purpose unless it is timely filed and unless a filing and processing fee is paid in connection therewith in an amount as set by resolution of the city council.

B. Upon the timely filing of an appeal of the board's decision, together with payment of the applicable fee, the decision of the board shall be suspended. The CAO shall set and conduct a hearing on such appeal. The action of the CAO shall be

taken with reference to such appeal based upon the standards applicable to the board action as set forth in this chapter. Decisions of the CAO on applications shall be final and conclusive as of the date the CAO renders and provides notice of the same unless, within a period of not to exceed ten (10) consecutive calendar days thereafter, a written appeal is filed, by an interested person, with the city clerk appealing the decision of the CAO to the city council.

C. Upon the timely filing of an appeal of the CAO's decision, together with payment of the applicable fee, the decision of the CAO shall be suspended. The city clerk shall place the matter upon the city council's next most convenient agenda for consideration by the city council. At the time the city council considers such an appeal, it shall examine the proposed site plan, the board's files and staff reports, the CAO's files and staff reports, if any, relating to it. If the city council finds the uses proposed by the site plan comply with all of the provisions of applicable law, including but not limited to, this title, it shall approve the same; if it finds that uses proposed by the site plan do not so comply, it shall disapprove the same. The decision of the city council shall be final and conclusive. (Ord. 1129 (part), 1997: prior code § 9254)

**17.92.060 Hearings—Notice—Conduct.**

Written notice of the time and place of appeal hearings conducted by the CAO and city council relating to such matter shall be given not less than ten (10) days in advance of such hearing to the appealing party, the applicant and/or any other person requesting in writing, such notice. All persons interested in such matter shall be given a reasonable opportunity to present relevant evidence relating to such appeal. (Ord. 1129 (part), 1997: prior code § 9255)

**17.92.070 Conditional approval.**

The action of the board and/or the city council, in approving a site plan, may include conditions of approval, if such conditions are designed to insure

compliance with this title and other applicable laws. (Prior code § 9257)

**17.92.080 Site plan review—Effect upon building permits.**

Where the provisions of this title require a site plan be submitted for approval, no building permit shall be issued, or, if one is issued in error, the same shall be suspended until a site plan has been approved in the manner set forth in this chapter. (Prior code § 9256)

**17.92.090 Site plan review required by director when.**

Whenever the director determines that a particular use, as proposed by an applicant for a building permit, or certificate of occupancy, is unique, he may require a site plan therefor. (Prior code § 9258)

## Chapter 17.96

### VARIANCES AND CONDITIONAL USE PERMITS

#### Sections:

#### Article I. Variances

- 17.96.010** Variances granted when.  
**17.96.020** Burden of proof.

#### Article II. Conditional Use Permits

- 17.96.030** Conditional use permits required when.  
**17.96.040** Burden of proof.  
**17.96.050** Exemption.

#### Article III. Application Procedure

- 17.96.060** Applications—Form and content—Withdrawal.  
**17.96.070** Applications—Filing and processing fee.  
**17.96.080** Development plan required.  
**17.96.090** Conditions of approval.  
**17.96.100** Public hearings required.  
**17.96.110** Notice of public hearing.  
**17.96.120** Commission recommendation.  
**17.96.130** Referral to city council when.  
**17.96.140** Determination of city council.  
**17.96.150** Notice of city council's decision.  
**17.96.160** Failure to give notice.

#### Article IV. Revocation, Modification and Expiration

- 17.96.170** Revocation.  
**17.96.180** Expiration—Extension.  
**17.96.190** Modification.

#### Article I. Variances

##### **17.96.010** Variances granted when.

When practical difficulties, unnecessary hardships, or results inconsistent with the general intent and purpose of this title, occur by reason of the strict and literal interpretation of any of its provisions, a zone variance may be granted in the manner set forth in this chapter. (Prior code § 9260)

##### **17.96.020** Burden of proof.

Before any zone variance shall be granted, the applicant must show the existence of all of the following facts:

That there are special circumstances applicable to the property involved or to the intended use of such property, such as size, shape, topography, location or surroundings, which do not generally apply to other properties located in the vicinity, in the same zone; and

That such variance, if granted, will not constitute a special privilege, inconsistent with the limitations imposed upon other property in the vicinity and similarly zoned; and

That the granting of the variance will not be materially detrimental to the public welfare or injurious to the adjacent property; and

That the granting of the variance will be consistent with the purpose and intent of the provisions of this title. (Prior code § 9261)

#### Article II. Conditional Use Permits

##### **17.96.030** Conditional use permits required when.

The purpose of any conditional use permit shall be to insure that the proposed use will be rendered compatible with other existing and permitted uses located in the general area of the proposed use. The following uses shall be permitted in all zones, except as otherwise herein provided, provided that a conditional use permit, unless such use is designated as a permitted use, is first obtained pursuant to the provisions of this chapter:

1. Airports and heliports;
2. Alcoholic Beverages, Sales.
  - a. Restaurants. Any bona fide restaurant otherwise permitted in the relevant zoning classification may serve alcohol for on-premises consumption only with a valid conditional use permit which shall be subject to at least yearly review by the city

council and which may contain but need not be limited to the following conditions:

i. The restaurant's total yearly alcohol sales make up no more than twenty (20) percent of the restaurant's total yearly gross combined food and alcohol sales.

ii. Prior to March 1st of each year the restaurant shall submit to the city's director of development services yearly financial statements for the prior calendar year, or portion thereof if the restaurant was not in business for the entire calendar year, demonstrating compliance with subsection (2)(a)(i) of this section along with a fee to be established by the city, to pay for processing of same.

iii. Notwithstanding submittal of a financial statement, if in the opinion of the director of development services or his or her designee a financial audit of the restaurant is necessary to determine compliance under this section the restaurant must pay the entire reasonable cost for such audit with the auditor to be selected by the director of development services or his or her designee.

iv. The chief of police has the power to determine if a continuing police problem exists at the restaurant and if he or she determines such, he or she may require that the restaurant pay the actual and reasonable cost for police services used and/or may require the presence of a police-approved doorman and/or security personnel.

v. Any other condition(s) deemed necessary or appropriate by the city to protect the health and welfare of its residents.

b. Gas Station Selling Beer and Wine for Off-Premises Consumption.

i. Conditional Use Permit Required. Any gas station otherwise permitted in the relevant zoning classification may sell for off-premises consumption beer and wine as defined in California Business and Professions Code Sections 23006 and 23007, as those code sections may be amended, supplemented or renumbered, only with a valid conditional use permit which shall be subject to at least yearly review by the city council and which may contain but need not be limited to the following conditions:

(A) Sale of beer and wine shall be limited to the hours between ten a.m. and ten p.m.

(B) The sale of beer in quantities of fewer than six cans or bottles is prohibited and no alcoholic beverage shall be sold in unit quantities less than the distributor's intended resale units.

(C) Sale of malt liquor is prohibited.

(D) At all times between the hours of ten a.m. and ten p.m., or when beer and wine is offered for sale if it is offered for sale at fewer hours, there shall be at least two attendants on duty, one of whom shall be responsible for the sale of beer and wine.

(E) At all times between the hours of ten a.m. and ten p.m., or when beer and wine is offered for sale if it is offered for sale at fewer hours, any attendant who is authorized to sell beer and/or wine must have participated in a licensee education on alcohol and drugs class put on by the California Department of Alcohol Beverage Control or a similar class approved by the city or must participate in such class within two months of his or her employment as a sales clerk. Establishments must maintain proof of such attendance on the premises and present such proof upon request by the director of development services or his or her designee.

(F) The chief of police has the power to determine if a continuing police problem exists at the establishment and if he or she determines such, he or she may require that the establishment pay the actual and reasonable cost for police services used and/or may require the presence of a police-approved doorman and/or security personnel.

(G) The conditional use permit conditions shall be placed on the property in a location and in a manner where employees can easily read the conditions.

(H) All alcoholic beverages sold must be bagged in clear plastic bags. Use of brown paper or other opaque bags or packaging is prohibited.

(I) Any other condition(s) deemed necessary or appropriate by the city to protect the health and welfare of its residents.

ii. Special Requirements. Pursuant to California Business and Professions Code Section 23790.5,

decisions to grant or deny conditional use permit applications for the concurrent sale of motor vehicle fuel and beer and wine for off-site consumption shall be based upon written findings which are based on substantial evidence in light of the whole record justifying the decision. The notice and conduct of the hearing shall be as provided for in Section 17.96.060 of this code as that section may be amended, supplemented or revised. All parties shall be given the opportunity to present at the hearing on the conditional use permit application.

**c. Beer and Wine Convenience Store.**

**i. Definition.** Any proposed retail establishment, other than a gas station, which will consist of less than twenty-three thousand (23,000) square feet in gross floor area, and which is proposed to sell for off-premises consumption beer and wine as defined in California Business and Professions Code Sections 23006 and 23007, as those code sections may be amended, supplemented or renumbered, for off-premises consumption, shall be deemed for the purpose of this section a beer and wine convenience store.

**ii. Geographic Requirements.** All beer and wine convenience stores must meet the following geographical requirements:

(A) The lot upon which the establishment is proposed to be located is not within five hundred (500) linear feet of a lot upon which is located an educational institution, public park or church.

(B) The lot upon which the establishment is proposed to be located, is not within five hundred (500) linear feet of a lot upon which is located another such use.

**iii. Conditional Use Permit Required.** All beer and wine convenience stores shall be permitted only with a valid conditional use permit which shall be subject to at least yearly review by the city council and which may contain but need not be limited to the following conditions:

(A) The establishment's total yearly alcohol sales make up no more than twenty-five (25) percent of the establishment's total yearly gross sales.

(B) Prior to March 1st of each year the establishment shall submit to the city's director of develop-

ment services yearly financial statements for the prior calendar year, or portion thereof if the establishment was not in business for the entire calendar year, demonstrating compliance with subsection (2)(c)(iii)(A) of this section along with a fee to be established by the city to pay for processing of same.

(C) Notwithstanding submittal of a financial statement, if in the opinion of the director of development services or his or her designee a financial audit of the establishment is necessary to determine compliance under this section the establishment must pay for such an audit with the auditor to be selected by the director of development services or his or her designee.

(D) Sales of beer and wine shall be limited to the hours between ten a.m. and ten p.m.

(E) The sale of beer in quantities of fewer than six cans or bottles is prohibited and no alcoholic beverage shall be sold in unit quantities less than the distributor's intended resale units.

(F) The sale of malt liquor is prohibited.

(G) At all times between the hours of ten a.m. and ten p.m. or when beer and wine is offered for sale if it is offered for sale at fewer hours, any sales clerk who is authorized to sell alcohol must have participated in a licensee education on alcohol and drugs class put on the California Department of Alcohol Beverage Control or must participate in such class with two months of his or her employment as a sales clerk. Establishments must show proof of such attendance on the premises and present such proof upon request by the director of development services or his/her designee.

(H) The chief of police has the power to determine if a continuing police problem exists at the establishment and if he determines such he or she may require that the establishment pay the actual and reasonable cost for police services used and/or may require the presence of a police-approved doorman and/or security personnel.

(I) The conditional use permit conditions shall be placed on the property in a location where employees can easily read the conditions.

(J) All alcoholic beverages sold must be bagged in clear plastic bags. Use of brown paper or other opaque bags or packaging is prohibited.

(K) Any other condition deemed necessary or appropriate by the city to protect the health and welfare of its residents.

d. Grocery Stores Selling Liquor.

i. Definition. Any proposed retail establishment, other than a gas station, which will consist of twenty-three thousand (23,000) square feet or more in gross floor area, and which is proposed to sell alcohol for off-premises consumption shall be deemed for the purpose of this section a grocery store selling liquor.

ii. Conditional Use Permit Required. All grocery stores selling liquor shall be permitted only with a valid conditional use permit which shall be subject to at least yearly review by the city council and which may contain but need not be limited to the following conditions:

(A) The establishment's total yearly alcohol sales make up no more than twenty-five (25) percent of the establishment's total yearly gross sales.

(B) Prior to March 1st of each year the establishment shall submit to the city's director of development services yearly financial statements for the prior calendar year, or portion thereof if the establishment was not in business for the entire calendar year, demonstrating compliance with subsection (2) (d)(ii)(A) of this section along with a fee to be established by the city to pay for processing of same.

(C) Notwithstanding submittal of a financial statement, if in the opinion of director of development services or his or her designee a financial audit of the establishment is necessary to determine compliance under this section the establishment must pay for such an audit with the auditor to be selected by the director of development services or his or her designee.

(D) The sale of beer in quantities of fewer than six cans or bottles is prohibited and no alcoholic beverage shall be sold in unit quantities less than the distributor's intended resale units.

(E) Alcoholic beverages, as defined in California Business and Professions Code Section 23004, as that code section may be amended or supplemented or renumbered, shall not be sold in quantities smaller than seven hundred fifty (750) milliliters.

(F) Any sales clerk who is authorized to sell alcohol must have participated in a licensee education on alcohol and drugs class put on the California Department of Alcohol Beverage Control or must participate in such class with two months of hire or her employment as a sales clerk. Establishments must show proof of such attendance on the premises and present such proof upon request by the director of development services or his/her designee.

(G) The chief of police has the power to determine if a continuing police problem exists at the establishment and if he determines such he or she may require that the establishment pay the actual and reasonable cost for police services used and/or may require the presence of a police-approved doorman and/or security personnel.

(H) The conditional use permit conditions shall be placed on the property in a location where employees can easily read the conditions.

(I) All alcoholic beverages sold must be bagged in clear plastic bags. Use of brown paper or other opaque bags or packaging is prohibited.

(J) Any other condition(s) deemed necessary or appropriate by the city to protect the health and welfare of its residents.

3. Alcoholism hospitals;

4. Animal hospitals, veterinarian offices and clinics;

5. Arcades, amusement centers, or other establishments which contain more than five coin-operated amusement devices (C zones only);

6. Auto repair garages and auto body shops including painting, provided that all such operations shall be conducted within a totally enclosed building (C and M zones only);

7. Automobile trailer parks;

8. Automobile or truck wash facilities (C and M zones only);

9. Business and/or vocational colleges, dance academies, music instruction and other commercial schools or instructional institutions;
10. Card clubs (C-M zone only);
11. Caretakers living quarters (C and M zones only);
12. Cemeteries;
13. Check cashing service and foreign currency exchange (C zones only);
14. Children's day care center (emotionally disturbed);
15. Children's treatment center (emotionally disturbed);
16. Churches, temples and other places of worship;
17. Any use or uses allowed in any C-3 or C-3R which:
  - a. Are proposed to be located on any corner lot or on lots abutting and to be developed along with a corner lot, or
  - b. Are proposed to be located on a lot, or on abutting lots, which are proposed to be developed as a complex, in a building or buildings which contain, collectively, more than twenty thousand (20,000) square feet of gross floor area;
18. Columbariums, crematories and mausoleums;
19. Condominiums and townhouses;
20. Contractors or construction offices, shops and yards (not required in M zone);
21. Dairy;
22. Dancing;
23. Day care center;
24. Day center (mentally retarded);
25. Day treatment hospitals;
26. Drive-in establishments, having car service;
27. Dump, inert solid fill (M zones only);
28. Dump, rubbish and refuse (M zones only);
29. Educational institutions;
30. Electronic or neon products (M zones only);
31. Employment agencies (C zones only);
32. Establishments or enterprises involving large assemblages of people or automobiles, including the following and similar uses:
  - a. Amusement parks,
  - b. Circuses, carnivals or fairgrounds,
  - c. Labor camps,
  - d. Open-air theaters,
  - e. Racetracks and rodeos, or
  - f. Stadiums;
33. Explosives, storage of ten (10) pounds or more (M zones only);
34. Facilities for drug addicts;
35. Family home (mentally ill);
36. Family home (mentally retarded);
37. Food products, (except lards, pickles, sauerkraut, sausages or vinegar) (M zones only);
38. Food stamp distribution centers, premium redemption centers;
39. Fortunetelling (C zones only);
40. Foundries (M zones only);
41. Freighting or trucking terminals (M zones only);
42. Hazardous waste facilities (subject to Chapter 17.64 of this title);
43. Home for aged;
44. Hospitals;
45. Hotels/motels subject to the following:
  - a. Such uses shall only be allowed on lots classified in zones C or M; and
  - b. That as to any hotel or motel authorized by a conditional use permit issued on or after March 6, 1985, the following regulations shall be observed:
    - i. The owner and/or operator of such a hotel or motel shall not permit any person to occupy a room in such a hotel or motel for a period in excess of thirty (30) consecutive calendar days, except for one permitted manager's unit,
    - ii. The owner and/or operator of any such hotel or motel shall not permit any hotel or motel room to be rented more than twice in any consecutive twenty-four (24) hour period,
    - iii. The owner and/or operator of any such hotel or motel shall have and maintain only one meter for each utility service to the entire use,
    - iv. Not to exceed one dwelling unit, which complies with the minimum multi-family standards as set forth in this code, may be maintained on the premises for management personnel,
    - v. The owner and/or operator of any such hotel or motel shall not permit the placement of laundry

facilities for use of the occupants of the hotel or motel on the premises where the hotel or motel use is located,

vi. The owner and/or operator of any such motel or hotel shall provide daily room cleaning service for each room in such hotel or motel,

vii. Each owner and/or operator of such a hotel or motel shall maintain an accurate, current guest registration ledger,

viii. No application for a hotel or motel shall be accepted unless a market feasibility study is first filed with the city identifying the factors which indicate a demand for such hotel or motel use of land,

ix. No conditional use permit shall be approved for a hotel or motel unless a development plan therefor is first filed for approval containing all of the information required pursuant to Section 17.96.080 of this code;

- 46. Kennels (M zones only);
- 47. Long term facility;
- 48. Mini-mall (subject to Chapter 17.68 of this title);
- 49. Mobile home park;
- 50. Newspaper assembly and distribution stations;
- 51. Nursing and convalescent hospitals;
- 52. Nursery (mentally retarded);
- 53. Off-street parking for commercial or manufacturing uses located on any R zoned property;
- 54. Outdoor advertising structures subject to the following:

a. Outdoor advertising structures shall only be allowed on lots classified in zones C and M, and

b. That all outdoor advertising structures comply with the following regulations:

i. The maximum height of any outdoor advertising structure shall not exceed forty (40) feet measured from the finished grade of the lot, and

ii. The maximum size of the sign face area of any outdoor advertising structure shall not exceed six hundred (600) square feet, and

iii. No flashing or rotating lights shall be located on any part of an outdoor advertising structure, and

iv. All such outdoor advertising structures shall be maintained in a clean condition and in good repair;

55. Parking commercial vehicles having a manufacturer's gross vehicle weight rating of six thousand (6,000) pounds or more on any lot within the C-3R, C-3, C-M and M zones, unless such commercial vehicle parking is for vehicles (1) used in connection with the primary business operated on the lot, (2) owned by a public utility or a licensed contractor while necessarily in use in the construction, installation or repair of any public utility, or (3) actually being used for the pickup or delivery or materials to be used in the repair, alteration, remodeling or construction of any building on the lot.

56. Paper manufacturing (M zones only);

57. Parks, playgrounds and other commercial recreation facilities open to the public;

58. Pawnshops (C-3 zone only); except that:

a. If the lot upon which the above-defined use is proposed to be located is within five hundred (500) linear feet of a lot upon which is located an educational institution, public park or church, no conditional use permit shall issue,

b. If the lot upon which such proposed use is located within five hundred (500) linear feet of a lot upon which is located another such use, then no conditional use permit shall issue;

59. Planing mill (C-M and M zones only);

60. Plating of metals, and finishing of metals (C-M and M zones only);

61. Pool halls (C-3 and M zones only);

62. Prefabricated buildings (M zones only);

63. Private commercial recreational facilities;

64. Psychiatric hospitals;

65. Public utility facilities, and utilities operated by mutual companies and agencies (M zones only), except as follows:

a. Any public utility facility for which a building permit is not required pursuant to the city's building regulations, and

b. Any public utility facility which is designated as a permitted use in a specific zone;

66. Radio or television towers, antennas, wireless communications facilities, cell-sites, and transmis-

sion facilities installed for commercial use (M zones only);

67. Recycling collection facility, large (C zones only);

68. Recycling processing facility, light (M zones only);

69. Recycling processing facility, heavy (M zones only);

70. Resident facility (mentally retarded);

71. Resident school (mentally retarded);

72. Residential uses located in C-3R zone;

73. Rest homes;

74. Secondary, nonaccessory, unrelated commercial uses (C zones only);

75. Senior citizen housing complexes subject to the following:

a. The construction of a building or structures for use as a senior citizen housing complex, and

b. The conversion of an existing building or structure, for use as a senior citizen housing complex;

76. Service stations (C and M zones only);

77. Storage of vehicles, boats, campers, trailers and recreational vehicles (M zone only);

78. Swap meets;

79. T zone developments;

80. Temporary real estate tract office and model homes in conjunction with a subdivision (R and C-3R zones only);

81. Theaters (C and M zones only);

82. Tire manufacturing (M zones only);

83. Truck servicing and repairing, relating to vehicles of five-ton unladen weight or greater (C and M zones only). (Ord. 1133 § 2, 1998; Ord. 1129 (part), 1997; Ord. 1112 § 1, 1996; Ord. 1104 § 1, 1995; Ord. 1099 § 2, 1995; Ord. 1096 § 1, 1994; Ord. 1094 § 1, 1994; prior code § 9265)

#### **17.96.040 Burden of proof.**

No conditional use permit shall be issued until the applicant has shown, to the reasonable satisfaction of the granting body, the existence of each of the following facts:

A. That the site for the proposed use is adequate in size, shape and topography to accommodate the proposed use; and

B. The site has sufficient access to public streets and highways adequate in width and pavement type, to carry the quantity and quality of vehicular and pedestrian traffic expected to be generated by the proposed use; and

C. That all buildings and structures proposed to be constructed or utilized in conjunction with the use will be architecturally compatible with existing and prospective uses of land located in the immediate vicinity of the site; and

D. That the location of the proposed use on the site will be compatible with existing and prospective uses of land located in the immediate vicinity of the site; and

E. That the conduct of the proposed use will be in compliance with the applicable provisions of any specific plan applicable to such site, and with the city's general plan. (Ord. 1129 (part), 1997; prior code § 9266)

#### **17.96.050 Exemption.**

Notwithstanding the provisions of Section 17.96.030 any use: (1) for which a conditional use permit is required pursuant to Section 17.96.030; and (2) as to which the city's former zoning regulations, in effect prior to September 4, 1969 or at the time the use was commenced, whichever is later, did not impose such a conditional use permit requirement; and (3) which was constructed and maintained in compliance with the city's zoning regulations in effect as of such latest date, shall not be deemed nonconforming solely by reason of the application thereto of Section 17.96.030 of this code, provided that: any expansion of the use; a change in Alcoholic Beverage Control Board license status, from an off-sale to on-sale, or from one type of on-sale to off-sale license to another type of on-sale or off-sale license; or any transfer of the license issued by the Alcoholic Beverage Control Board shall not be permitted unless a conditional use permit therefor is first obtained pursuant to the

provisions of this article. (Ord. 1129 (part), 1997: prior code § 9267.5)

### **Article III. Application Procedure**

#### **17.96.060 Applications—Form and content—Withdrawal.**

A. Applications for a variance or conditional use permit shall be filed with the director, on forms furnished by the director, setting forth fully the nature of the proposed use, and the facts deemed sufficient to justify the granting of the variance or conditional use permit, in accordance with the provisions of this chapter.

B. The applicant shall furnish to the director a certified copy of the names and addresses of all property owners to whom notice must be given as hereinafter provided.

C. Any applicant may withdraw his application prior to a decision thereon, by filing a written request to do so; no refund of the filing fee shall be permitted in case of withdrawal. (Ord. 1129 (part), 1997: prior code § 9270)

#### **17.96.070 Applications—Filing and processing fee.**

Each such application shall be accompanied by a filing and processing fee in an amount as set by the council. (Ord. 1129 (part), 1997: prior code § 9271)

#### **17.96.080 Development plan required.**

All applications for a conditional use permit or variance shall be accompanied by a development plan for the entire site.

A. The development plan submitted with a conditional use permit or variance application shall include the following:

1. The exact boundaries and legal description of the property to be developed;
2. All proposed improvements that are to be constructed on the land and their precise locations including (but not limited to) all residential and nonresidential structures, recreational facilities and typical plans showing walls, fences, trash areas, streets and walk areas;
3. Common open space showing size, grades and function upon completion;
4. The location and dimension of all off-street parking facilities, public and private;
5. Location and size of all public and quasi-public sites if applicable (i.e., schools, churches, parks, etc.);
6. A tabulation of the percentage of total building coverage of the development;
7. A tabulation of densities within each project area or sector;
8. Building elevations of typical architectural styles to be constructed;

9. A schematic landscaping plan indicating the type and size of plant material to be used, and method of providing permanent maintenance to all planted areas and open space;

10. Floor plans of typical dwelling units and buildings, the unit size in square feet, and the amount of private open space in square feet;

11. If applicable, a subdivision map showing land divisions. The tentative and final subdivision map shall comply with the city subdivision regulations and the State Subdivision Map Act; and

12. A proposed construction schedule from ground breaking to occupancy.

B. Development plans submitted with an application for a conditional use permit or variance shall adhere to the following design criteria:

1. The overall plan shall achieve and integrate land and building relationship;
2. Open spaces, pedestrian and vehicular circulation facilities, parking facilities and other pertinent amenities shall be an integral part of the landscape and particular attention shall be given to the retention of natural landscape features of the site;
3. The layout of structures and other facilities shall effect a conservation in street and utility improvements;
4. Recreational areas (active and passive) shall be easily accessible from all structural units; and
5. Architectural unity and environmental harmony within the development and within the surrounding properties shall be attained. (Ord. 1129 (part), 1997: prior code § 9271a)

#### **17.96.090 Conditions of approval.**

A. Conditions of approval may be imposed by the granting body upon the issuance of any conditional use permit or variance:

1. So as to insure that the provisions of this title will be met insofar as the operation of the use authorized is concerned; and
2. To insure that the use for which the permit is sought is located, placed and operated so as to prevent any unreasonable interference with the peaceful use and enjoyment of surrounding and adjacent properties, which shall include, but not be

limited to, restrictions and limitations reasonably necessary to control dust, vibration, noise, encroachment of artificial light, odor or any similar matter, incident to the authorized use which could cause the interference with the peaceful enjoyment of surrounding and adjacent properties; and

3. Any other condition found by the granting body to be reasonably required by the public interest convenience and necessity.

B. Each conditional use permit or variance issued pursuant to the provisions of this title shall be deemed conditioned so as to require that the proposed use shall be conducted in compliance with all applicable provisions of this title, including, but not limited to, the provisions hereof relating to off-street parking facilities. (Ord. 1129 (part), 1997: prior code § 9271b)

#### **17.96.100 Public hearings required.**

Every application for a zone variance or conditional use permit shall be set for a public hearing before the commission by the director. Hearings may be continued from time to time, by the commission or council, as it may deem necessary. (Ord. 1129 (part), 1997: prior code § 9272)

#### **17.96.110 Notice of public hearing.**

A. Notices of the time and place of public hearings before the commission and council, on zone variance and conditional use permit applications, shall be given by United States mail, postage prepaid, addressed to the owners of property located within a radius of three hundred (300) feet (or five hundred (500) feet in the case of applications for uses involving the sale or consumption of alcoholic beverages) from the external boundaries of the property to which the application relates, addressed to such owners as shown on the latest equalized assessment roll of the county of Los Angeles, or from other records which contain more recent and accurate addresses.

B. Notices shall contain a description of the subject property, a brief description of the proposed use, and the date, time and place of the hearing. (Ord. 1129 (part), 1997: prior code § 9273)

#### **17.96.120 Commission recommendation.**

Within a reasonable time after the public hearing upon a variance or conditional use permit application, the commission by motion adopted by not less than a majority of its total membership shall recommend approval, conditional approval or denial of the same. Such motion shall include a brief statement of facts upon which its recommendation is based. Within two days following the adoption of the motion by the commission, the secretary shall reduce such motion to writing and forward a copy thereof, by United States mail, postage prepaid, addressed to the applicant and any other person requesting the same, at his last known address. (Ord. 1129 (part), 1997: prior code § 9274)

#### **17.96.130 Referral to city council when.**

Where, by reason of disqualification, abstention or absence of any member of the commission, the commission is unable to reach a determination as to zone variance or conditional use permit applications, within thirty (30) days after the close of the public hearing relating thereto, such matter shall be automatically referred to the city council, without decision by the commission. In such event, the matter shall be placed upon the city council's agenda and a de novo public hearing held thereon, and the matter shall be finally determined by the city council. (Ord. 1129 (part), 1997: prior code § 9275)

#### **17.96.140 Determination of city council.**

The secretary of the planning commission shall forward to the city clerk the commission's files and recommendations with regard to each zone variance and conditional use permit application. Upon receipt of the same, the city clerk shall promptly set the matter for a public hearing before the city council. The city council shall conduct a de novo public hearing upon such matter, and thereafter, shall determine whether the application shall be approved, conditionally approved or denied. In making its determination, the city council shall observe the standards as set forth in Section 17.96.020 or Section 17.96.040 of this chapter, whichever is applicable. In its discretion, the city council may

refer, prior to its decision, such matter to the planning commission for a further report, with or without further public hearing before such commission. The determination of the council shall be by resolution, adopted by not less than a majority of the total voting membership of the city council. The decision of the city council shall be final and conclusive in all cases. (Ord. 1129 (part), 1997: prior code § 9276)

#### **17.96.150 Notice of city council's decision.**

Within five days following the adoption of the resolution by the council, the city clerk shall mail a copy thereof to the applicant and any other person requesting the same. (Ord. 1129 (part), 1997: prior code § 9277)

#### **17.96.160 Failure to give notice.**

Failure to give notice in the manner hereinabove prescribed shall have no effect upon any proceeding before the commission or the council. (Prior code § 9278)

### **Article IV. Revocation, Modification and Expiration**

#### **17.96.170 Revocation.**

A. Upon recommendation by the director, the body which initially granted any variance or conditional use permit, shall conduct a noticed public hearing to determine whether such variance or conditional use permit, should be revoked. The revocation procedure shall apply to permits or variances granted prior to the adoption of the regulations codified in this chapter. If the granting body finds any one of the following facts to be present, it shall revoke the variance or conditional use permit:

1. That the variance or permit was obtained by fraud; or
2. That the use for which such approval was granted has ceased to exist; or
3. That the permit or variance granted is being, or has been, exercised contrary to any conditions imposed upon such permit or variance, or in violation of any laws; or

4. That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or as to constitute a nuisance.

B. If the revocation hearing is conducted by the commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in Article III of this chapter. (Prior code § 9280)

#### **17.96.180 Expiration—Extension.**

Any variance or conditional use permit shall be null and void if the use permitted thereunder is not exercised within the time specified in the resolution approving such variance or conditional use permit, or if no time is so specified, if the same is not exercised within one year from the date such variance or permit is granted. The granting body, upon good cause shown by the applicant, may extend the time limitations imposed by this section, once, for a period of not to exceed one year. Provided that if litigation is filed prior to the exercise of such rights, attacking the validity of such variance or permit, the time for exercising such rights shall be automatically extended pending a final determination of such litigation. (Prior code § 9281)

#### **17.96.190 Modification.**

Any condition imposed upon the granting of a variance or conditional use permit, including such granted prior to the adoption of the regulations codified in this chapter, may be modified or eliminated, or new conditions may be added; provided, that the granting body shall first conduct a public hearing thereon, in the same manner as is required for the granting of the same. No such modification shall be made unless the granting body finds that such modification is necessary to protect the public peace, health and safety, or, in case of deletion of such a condition, that such action is necessary to permit reasonable operation under the variance or conditional use permit as granted. If the modification hearing is conducted by the commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in Article III of this chapter. (Prior code § 9282)

## Chapter 17.100

### NONCONFORMING USES AND STRUCTURES

#### Sections:

- 17.100.010** Applicability.
- 17.100.020** Continuation of nonconforming uses, buildings and structures.
- 17.100.030** Nonconformity—Limitation on other uses.
- 17.100.040** Bars and restaurants selling liquor deemed nonconforming when.
- 17.100.050** Stores selling liquor for off-premises consumption deemed nonconforming when.
- 17.100.060** Nonconformity—Abatement and termination.
- 17.100.070** Repair and maintenance.
- 17.100.080** Permitted alterations and/or additions to nonconforming buildings and structures.
- 17.100.090** Effect of work.
- 17.100.100** Exemptions and exceptions.

#### **17.100.010** Applicability.

The following regulations shall apply to all nonconforming uses, buildings or structures, located within any zone in the city. (Prior code § 9300)

#### **17.100.020** Continuation of nonconforming uses, buildings and structures.

Each and every nonconforming use, building or structure may be continually utilized and maintained, subject to the provisions of this chapter, provided that no alteration, addition or enlargement as to any such use, building or structure shall be permitted, except as otherwise expressly provided herein. (Prior code § 9301)

#### **17.100.030** Nonconformity—Limitation on other uses.

So long as a nonconforming use, building or

structure exists upon any lot, no new use, building or structure may be established or constructed thereon, except as hereinafter expressly provided. (Prior code § 9302)

#### **17.100.040** Bars and restaurants selling liquor deemed nonconforming when.

All new and existing establishments including bars and restaurants engaged in the sale of alcohol for on-site consumption shall be deemed a nonconforming use and subject to the provisions of this chapter if alcohol makes up twenty (20) percent or more of the establishment's total gross sales in a calendar year as established in Section 17.96.030(2)(a). (Ord. 1129 (part), 1997; Ord. 1112 § 2 (part), 1996; prior code § 9300.5)

#### **17.100.050** Stores selling liquor for off-premises consumption deemed nonconforming when.

All establishments including but not limited to liquor stores, drugstores, convenience and grocery stores shall be deemed nonconforming uses and subject to the provisions of this chapter under any of the following circumstances:

A. Alcohol sales make up twenty-five (25) percent or more of the establishment's total gross sales in a calendar year as established in Section 17.96.030(2)(c) or (2)(d); or

B. The establishment contains less than twenty-three thousand (23,000) square feet of gross floor area and engages in the sale of alcoholic beverages, as defined in California Business and Professions Code Section 2300, as that code section may be amended, supplemented or renumbered, for off-premises consumption, other than, or in addition to beer and wine as defined in California Business and Professions Code Sections 23006 and 23007, as those sections may be amended, supplemented or renumbered. (Ord. 1129 (part), 1997; Ord. 1112 § 2, 1996; prior code § 9300.6)

### **17.100.060 Nonconformity—Abatement and termination.**

Nonconforming uses, buildings or structures shall be subject to abatement and termination of usage, in the manner hereafter described in this section.

**A. Termination for Violation or Change of Use.** Whenever any of the following facts are found by the director to exist with reference to a nonconforming use, building or structure, the same shall automatically be deemed abated and usage thereof shall forthwith be terminated, except as otherwise herein expressly provided:

1. Violation of any applicable law; or
2. A change from a nonconforming use to another nonconforming use; or
3. An increase or enlargement of the area, space or volume of the building, structure or land occupied by, or devoted to a nonconforming use, except as otherwise herein provided; or
4. A change from a nonconforming use to a conforming use; or
5. Voluntary discontinuance of the utilization of a nonconforming use for a period of six months or more.

#### **B. Abatement—Expiration of Time.**

1. **General.** Whenever any provisions of this title, including, but not limited to this section, requires that an existing nonconforming use, building or structure, comply with the provisions of this title within a specified period of time, the owner of the lot upon which such building, structure and/or use are located shall:

- a. Take all steps necessary to render the same into compliance with the provisions of this title within the specified period of time allotted therefor; or
- b. Forthwith, terminate the nonconforming use after the expiration of the specified period of time; and/or
- c. Forthwith, demolish the nonconforming building or structure; and

2. **Adult Business.** That all existing adult businesses which do not comply with all of the provisions of this title as of the effective date of Ordinance No. 1047 shall be made to comply with the

provisions of this title within ninety (90) days following the effective date of Ordinance No. 1047; and

3. **Uses Described in Division III of Title 5.** That any use regulated by the provisions of Division III of Title 5 of this code, which, as of the effective date of Ordinance No 1047 was not in compliance with the provisions of this title and the Bell Municipal Code, shall be made to comply with the provisions of this title and the Bell Municipal Code, within ninety (90) days after the effective date of Ordinance No. 1047.

**C. Order of Abatement.** Where any one of the facts set forth in subsection A of this section are found to exist by the director, or where he finds that the abatement period, as to a building, use or structure, as set forth in subsection B of this section, has expired, he shall issue a written order of abatement (hereinafter "order"), and give notice thereof to the owners and/or persons in possession thereof. Such order shall contain a description of the property affected, the basis for the issuance of such order, the method of abatement, and the time within which such abatement shall occur. Such order shall be deemed final and conclusive on the thirtieth day after the giving of notice thereof, in the absence of an appeal, timely perfected as hereinafter provided. The owner and/or person in possession of the property, to which an order of abatement relates, shall comply within the same time and manner stated in such order, as of the date such order becomes final. The provisions of this code, relating to public nuisance abatement, may be, where deemed necessary by the city administrator, utilized to obtain compliance with a final order, as well as any other legal method to insure compliance with such order.

**D. Appeals from Decision of Director.** An appeal may be filed with the city clerk from a decision of the director with regard to an order. The order shall be, for all purposes, final and conclusive, unless within not to exceed ten (10) days after the giving of notice of such order, such an appeal is filed. The city clerk, upon receipt of such a timely appeal, shall set the matter for hearing before the CAO and shall cause notice of the time and place of the hear-

ing upon same to be given as specified herein. At the time of such de novo hearing, the CAO shall determine whether the use, building and/or structure has lost its nonconforming status pursuant to the provisions of this chapter. In the absence of a timely filing of an appeal, appealing the decision of the CAO to the city council, the decision of the CAO shall be final and conclusive, on the thirtieth day after its issuance by the CAO.

**E. Appeals from CAO Decisions.** An appeal, appealing the CAO's decision to the city council may be filed with the city clerk within ten (10) days after the date of the issuance by the CAO of such decision, with respect to an order. No appeal shall be effective for any purpose unless the same is filed with the city clerk within such ten (10) day period. The city clerk, upon receipt of a timely appeal, shall set the matter for hearing before the city council and shall give notice of the time and place of the hearing upon the same, as hereinafter specified. At the time and place set for such de novo hearing, the city council shall determine whether the use, building and/or structure has lost its nonconforming status pursuant to the provisions of this chapter. The decision of the city council shall be final and conclusive.

**F. Notice of Decisions.**

**1. By Director.** Upon issuance of an order by the director, he or she shall give notice thereof by depositing a copy of such order in the course of transmission of the United States Postal Service, addressed to the owners and/or persons in possession of the property to which the order relates, postage prepaid and addressed to their last known address as determined from records available to the director; in the alternative the director may personally serve such persons with copies of the order.

**2. By CAO.** Upon the issuance by the CAO of a decision with reference to an appeal from an order issued by the director, the city clerk shall forthwith give written notice of the same, in the same manner as set forth in subdivision (1) of this subsection.

**3. By Council.** Upon the adoption by the council of a decision on an appeal from a decision by the CAO, with reference to an order, the city clerk

shall, forthwith, give notice of the same in the same manner as set forth in subdivision (1) of this subsection.

**4. Content of Notice.** Notice shall contain a description of the property affected, the names of the owners and/or persons in possession thereof, the basis for the decision reached, the manner proposed for such abatement, and the time within which such usage shall terminate, if applicable.

**5. Definitions.** For the purpose of this chapter, "owner" means owner or owners of the fee interest in the property to which an order relates; the owner or owners of any beneficial interest under a trust deed relating to such property; the purchaser and vendor under a land sale contract relating to such property; and, a tenant under a written recorded lease, as such interests are shown by a title search conducted by a qualified title company.

**6. Date of Notice.** The notice required hereunder shall be deemed to have been given as of the date of personal service, or, as of the date of the deposit of such notice in the course of transmission of the United States Postal Service.

**G. Perfecting of Appeals.** The owner of property to which an order relates, or his authorized agent, shall be qualified to file an appeal from a decision relating to an order. No such appeal shall be effective for any purpose unless the same is filed within the times permitted pursuant to the provisions of this chapter, and a filing and processing fee is paid contemporaneously therewith, in an amount set by resolution of the city council.

**H. Conduct of Hearings.** At hearings held pursuant to this chapter, before either the CAO or the city council, any interested person shall be given a reasonable opportunity to be heard, any applicable staff reports relating to such matter shall be considered. In proceedings pursuant to subsection B of this section, the CAO and/or council shall determine whether the applicable abatement periods, as set forth in subsection B of this section is appropriate as applied to the facts of the case. In making such determination, the CAO and/or council shall consider the date the buildings or structures were constructed; the original cost thereof; whether such

original cost has been, or could have been, recovered by the owner under generally accepted accounting practices; and whether it is feasible to relocate such building or structures. Based upon such evidence, the CAO and/or council shall determine whether such abatement period specified in subsection B of this section is reasonable. The CAO and/or council may extend the prima facie periods of abatement, as set forth in subsection B of this section, in order to establish a reasonable period of abatement, based upon the facts so presented. (Ord. 1129 (part), 1997: prior code § 9303)

#### **17.100.070 Repair and maintenance.**

A. **Ordinary Repair and Maintenance.** The ordinary repair and maintenance of a nonconforming building or structure shall be permitted, provided that the cost thereof shall not exceed, in any calendar year, an aggregate total of fifty (50) percent of the then assessed value of the building or structure.

B. **Eminent Domain.** The repair, reconstruction or remodeling of any building or structure shall be permitted where a part of such building or structure is taken for any public use by condemnation, dedication or purchase by any agency having the power of eminent domain. Such reconstruction, alteration or repair shall be limited to that necessary to render the building or structure reasonably safe for continued use.

C. **Conforming Buildings.** This section shall not be construed to place any limitation upon any reconstruction, repair or remodeling deemed appropriate by the property owner where the building or structure is conforming but the use thereof is not.

D. **Partial Destruction.** Where any nonconforming building or structure is damaged or partially destroyed by fire, explosion, Act of God, or any other casualty, the same may be restored to the condition in which it existed immediately prior to the occurrence of such casualty, provided that the aggregate total reconstruction cost does not exceed a sum equal to one-half the then-assessed value of the building or structure; provided that all such construction and/or repair work shall be completed

within a period of one year from and after the date of the occurrence of the casualty.

E. **Assessed Value.** For the purpose of this section, "assessed value" means the then-assessed value of the building or structure as shown on the current assessment role in effect at the time of the occurrence of such casualty, or, the time of the maintenance and repair. (Prior code § 9304)

#### **17.100.080 Permitted alterations and/or additions to nonconforming buildings and structures.**

Nothing in this chapter shall be deemed to prevent the extension, expansion, construction, reconstruction or enlargement (hereinafter "work") of a nonconforming building or structure under any of the following conditions:

A. **Elimination of Nonconformity.** Such work shall be permitted in order to render the use, building or structure in conformity with the provisions of this title, or

B. **Compliance with Laws.** Such work shall be permitted in order to comply with any law enacted subsequent to the adoption of the provisions of this chapter, other than zoning regulations; or

C. **Nonconforming Residential Uses.** Such work shall be permitted as to any nonconforming residential use located in a residential zone, providing that any such work shall comply with all applicable regulations, including the regulations of this title, relating to such property, provided that such work does not expand the degree of such nonconformity.

D. **Other Nonconforming Uses—Parking Facilities.** Such work shall be permitted in connection with any nonresidential use, building or structure, which is nonconforming solely by reason of an insufficient number of off-street parking facilities, and such work would not otherwise require, by reason of such construction, additional parking facilities; provided that if the existing off-street parking facilities for any use, building or structure are not sufficient to comply with the requirements of this title after such expansion, increase or modification, additional parking facilities shall be added. The capacity of such additional facilities shall equal

the difference between the off-street parking facilities these regulations would require for such use as expanded, increased or modified, and the off-street parking facilities as required for such use before such expansion, increase or modification. Any additional off-street parking facilities required hereunder shall be developed pursuant to the provisions of this title. (Prior code § 9305)

#### **17.100.090 Effect of work.**

Accomplishment of any work permitted pursuant to Section 17.100.080, or repair or maintenance, permitted pursuant to Section 17.100.070, shall not be construed so as to extend the termination date of the nonconforming use, building or structure to which the same relates. (Prior code § 9306)

#### **17.100.100 Exemptions and exceptions.**

**A. Mixed Uses.** Where a building or buildings and/or structures, located on a lot or combination of lots forming a single complex are conforming, but all or a portion of the usage thereof is nonconforming, solely by reason of the fact that such use is not a permitted use in the zone, no new use shall be permitted in such building, buildings or structures unless the off-street parking requirements of these regulations are met as to such new use.

**B. Buildings or Structures Under Construction.** Any building or structure for which a valid lawful building permit has been issued, and is in force prior to the operative date of these regulations, or any amendment hereto, which enactment has the effect of rendering such building or structure nonconforming, may be completed and utilized provided that the same is completed in accordance with the plans and specifications based upon which such building permit was issued.

**C. Public Utilities Exempted.** The foregoing provision of this chapter 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 when such buildings and structures pertain directly to the rendering of the service or distribution of a utility, such as steam electric gener-

ating stations, electric distribution and transmission substations, communications equipment buildings, water wells and pumps, gas storage, metering and valve control stations; nor shall any provision of this chapter be construed or applied so as to prevent the expansion, 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 that this section shall not exempt such uses from the provisions hereof covering nonconformity of such buildings, structures or uses, as to those not immediately related to the direct service to consumers, such as warehouses, storage yards and the like.

**D. Public Acquisition.** Whenever any lot, any building or any structure is rendered nonconforming within the meaning hereof solely by reason of: (1) dedication to, or purchase by the city for any public purpose; or (2) eminent domain proceedings, which result in the acquisition by the city of a portion of such property, the same shall not be deemed nonconforming within the meaning of this chapter, provided that if, subsequent to such acquisition, the buildings and/or structures located upon such lot, are wholly destroyed, no reconstruction shall take place unless compliance is had with all applicable provisions of this title.

**E. Yard Requirements.** Notwithstanding any provision of this code, no building or structure which was erected subsequent to August 1, 1969 and prior to December 21, 1971, shall be deemed nonconforming if the sole reason for such nonconformity is the application thereto of the provisions of Sections 71.24.050 and 17.24.060 of this title, if such buildings and structures complied with the zoning regulations applicable to side yards as is set forth on Exhibit "A" attached to the ordinance codified in this section and incorporated herein by this reference. The public interest, convenience and necessity require the granting of the exemption contained in this section for the reason that during the period of time referred to herein, by inadvertence, the building department of the city, based upon the copies of the new zoning ordinance as published, were enforcing and requiring compliance

with the provisions of Exhibit "A," notwithstanding the fact that in August of 1969, the city council established different side yard requirements for the R-3 zone. In view of the enforcement which occurred during such period of time, it would be inequitable to render relatively new buildings nonconforming solely by reason of such enforcement.

F. Change of Use. A use which is nonconforming solely by reason that it does not meet the applicable off-street parking requirements for such use, may be changed to a use permitted in the zone, provided the applicable off-street parking requirements for such new use do not increase the degree of nonconformity. (Ord. 1129 (part), 1997: prior code § 9307)

**Chapter 17.104****AMENDMENTS****Sections:**

- 17.104.010** Amendment authority.
- 17.104.020** Initiation of amendments.
- 17.104.030** Amendments initiated by property owners—Application.
- 17.104.040** Public hearing—Notice.
- 17.104.050** Determination by commission.
- 17.104.060** City council hearing—Action.

**17.104.010** Amendment authority.

The provisions of this title, including but not limited to the classification of specific properties, shall be amended whenever the public interest and necessity so require. (Ord. 1129 (part), 1997: prior code § 9285)

**17.104.020** Initiation of amendments.

Amendments to this title may be initiated in any of the following ways:

- A. By motion of the city council; or
- B. By motion of the commission; or
- C. By the owner, or person in legal possession of any real property located within the city, or by any public agency having the power of eminent domain; or
- D. By council action taken pursuant to Section 65858 of the Government Code. (Prior code § 9286)

**17.104.030** Amendments initiated by property owners—Application.

The director shall prepare a suitable application form, entitled, "Request for Zone Change," and shall assist any applicant in preparing the request form. Any such application shall be accepted for filing by the director only upon the payment by the applicant of a filing and processing fee in a sum set by the council. Any applicant may, in writing, withdraw his request at any time during the processing of such request; provided, however, that there shall be no refund of any fees paid in connection therewith. (Prior code § 9287)

**17.104.040** Public hearing—Notice.

A. The commission shall conduct a public hearing on proposed amendments in the manner set forth in the Government Code of the state of California. In addition to the notice retirements contained in said Government Code, the requirements of Section 17.96.110, relating to variances and conditional use permits, shall be met, if the request for amendment relates to specific properties.

B. The applicant, where mailings are required, shall supply the director with a list of the names of the property owners who own property within three hundred (300) feet of the external boundaries of the subject property, as set forth in Section 17.96.110. (Prior code § 9288)

**17.104.050** Determination by commission.

A. After conducting a hearing on any proposed amendment, the commission shall take one of the following courses of action:

1. Recommend to the city council that the requested amendment be granted as requested; or
2. Recommend to the city council that the requested amendment be granted in part; or
3. Deny the requested amendment.

B. The commission's action shall be by resolution, adopted by not less than a majority of its total voting members, which shall contain the facts upon which the determination was based. Where the commission's action is to deny the requested amendment, such decision shall be final and conclusive in the absence of an appeal, as hereinafter provided. Where the commission's recommendation is made pursuant to subsection (A)(2) of this section, the entire matter requested or initiated, shall be considered by the council. (Prior code § 9289)

**17.104.060** City council hearing—Action.

Upon receipt by the city clerk of a commission recommendation in favor of an amendment, the clerk shall give the same type of notice of hearing before the council, as is required by Government Code Section 65856. The council shall conduct a hearing and take action upon such matter. (Ord. 1129 (part), 1997: prior code § 9291)

## Chapter 17.108

### ENFORCEMENT

#### Sections:

- 17.108.010 Chief administrative officer—Duty to enforce.**
- 17.108.020 Nuisance abatement.**
- 17.108.030 Each day of violation deemed separate offense.**
- 17.108.040 Violation—Penalty.**

#### **17.108.010 Chief administrative officer—Duty to enforce.**

It shall be the duty of the CAO, or his or her designee, to enforce the provisions of this title. (Ord. 1129 (part), 1997: prior code § 9410)

#### **17.108.020 Nuisance abatement.**

Any building or structure hereafter erected, built, moved, maintained or used, including the use of any property, contrary to the provisions of this title, is declared to be a public nuisance subject to abatement under the provisions of Chapter 8.36 of this code. The city attorney shall, upon order of the city council, commence proceedings for the abatement and/or removal thereof, in the manner provided by law; he or she shall take such steps as may be necessary to abate and remove such building, structure or use and restrain and enjoin any person from erecting, building, moving or maintaining any such building or structure, or using any property contrary to any of the provisions of this title. (Ord. 1129 (part), 1997: prior code § 9411)

#### **17.108.030 Each day of violation deemed separate offense.**

Each person violating the provisions of this title shall be deemed guilty of a separate offense for each day during any portion of which any violation of any provision of this title is committed, continued or permitted by such person, and shall be punishable therefor as provided for in this title. (Prior code § 9413)

#### **17.108.040 Violation—Penalty.**

Any person violating any of the provisions of this title shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six months, or both such fine and imprisonment. (Ord. 1129 (part), 1997: prior code § 9412)