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Sec. 44-1. Title.

Chapter 44 of the La Palma City Code shall be known and cited as the City of La Palma Development Code.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-2. Purpose.

(a) *Purpose.* The purposes of this chapter are to:

- (1) Implement the goals, objectives, policies, and programs of the La Palma General Plan by classifying and regulating the uses of land and structures within the City of La Palma.
- (2) Designate the City into land use districts to guide the use of land and the implementation of development standards.
- (3) Provide standards that result in high quality planning and design of development which enhance the visual character of the City, preserve the quality of development, and avoid conflicts between land uses.
- (4) Manage growth in the limited undeveloped land within the City and guide actions to preserve or enhance development.
- (5) Provide regulations for the subdivision of land in compliance with the Subdivision Map Act, Title 7, Section 4, Division 2 of the California Government Code (Government Code § 66425 et seq.).
- (6) Provide clear and easily understood definitions for the terms used in this Development Code. The meaning of words and phrases defined in this article applies throughout this Development Code, except where the context clearly indicates a different meaning.

(b) *Reasons for regulations.* Regulations are necessary in order to encourage the most appropriate use of land. The following are reasons for regulations:

- (1) To enact the policies and goals of the general plan.
- (2) To maintain or improve the value of property.

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- (3) To promote high quality homes and desirable neighborhoods.
 - (4) To provide high quality of life within the community.
 - (5) To lessen congestion of streets.
 - (6) To facilitate adequate provisions for community needs such as transportation, parks, and other public requirements.
 - (7) To protect and promote the public health, safety, and general welfare of the City.
- (c) *Organization.* This Development Code is comprised of seven articles. The content of the articles is as follows:
- (1) *In General (Article I).* This article is an introduction to the Development Code and includes definitions.
 - (2) *Zoning districts and allowable land uses (Article II).* This article includes allowable uses and development standards for specific uses and specific zoning districts. Requirements for specialized uses such as adult oriented uses, automobile service stations, massage facilities, self-storage, community events, and tutorial facilities are included in this article.
 - (3) *Standards applicable in all zoning districts (Article III).* This article includes standards that are applicable to specific elements of development such as parking, signs, and landscaping. These standards are not zone specific and pertain to all areas of the City.
 - (4) *Administrative procedures (Article IV).* This article designates approval authority for discretionary and ministerial approvals and includes procedures for public hearings, appeals, amendments, enforcement actions, revocations, and modifications.
 - (5) *Permits, plans, and certificates (Article V).* This article includes the processes for various approvals and findings discussed in previous sections.
 - (6) *Subdivisions (Article VI).* This article outlines the processes for approving/disapproving certificates of compliance, lot line adjustments, parcel mergers, parcel maps, and tract maps. Requirements for dedication or fees in lieu are included in this article.
 - (7) *Water efficient landscaping (Article VII).*

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-3. Applicability.

All land and structures shall be used and constructed in compliance with regulations and requirements of this Development Code, including obtaining all permits prior to construction/use inauguration, as applicable.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-4. Interpretation and application of chapter.

This section provides rules for resolving questions about the meaning or applicability of any part of this Development Code, in order to ensure the consistent interpretation and application of its provisions.

- (1) *Authority to interpret.* The Community Development Director is assigned the responsibility and authority to interpret the requirements of this Development Code.

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- (2) *Minimum requirements.* In interpreting and applying the provisions of this Development Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.
- (3) *Greater restrictions control.* When provisions of this Development Code are more restrictive than are required by other provisions of the Municipal Code, other City regulations, or by private agreements, the provisions of this chapter shall control.
- (4) *Provisions substantially the same.* When the provisions of this Development Code are substantially the same as existing ordinances relating to the same subject matter, they shall be construed as restatements and continuations, and not as new enactments.
- (5) *Agreement between private parties.* It is not intended by this Development Code to interfere with, abrogate, or annul any easement, covenant, or other agreement between private parties.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-5. Interpretations of land uses.

If a proposed use of land is not specifically listed in sections 44-78 and 44-139, the use shall not be allowed, except as follows:

- (1) *Use substantially the same.* The Community Development Director or his/her designee may determine that a proposed use that is not listed in sections 44-78 and 44-139 is allowed if the proposed use is substantially the same in character and intensity as those listed in sections 44-78 and 44-139. Such a use is subject to the permit process that governs the category in which it falls.
- (2) *Treating in the same manner.* When the Community Development Director or his/her designee determines that a proposed, but unlisted, use is similar to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.
- (3) *Forward questions.* The Community Development Director or his/her designee may forward questions about similar uses directly to the Planning Commission for a determination.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-6. Word interpretations.

- (a) *Meaning of words.* When used in this Development Code, the terms "includes" and "including" shall mean including, but not limited to.
- (b) *Number of days.* Whenever a number of days is specified in this Development Code, or in any permit, condition of approval, or notice issued or given as provided for in this Development Code, the number of days shall be construed as calendar days. Time limits will extend to the following working day when the last of the specified number of days falls on a weekend, holiday, or any other day that City hall is not open.
- (c) *References as amended.* Where this Development Code references applicable provisions of State law (e.g., the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

(Ord. No. 2003-07, § 3(exh. A))

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Sec. 44-7. Division of zoning map.

For convenience, portions of the zoning map may be employed in amending the zoning map or in making official reference to the zoning map, in place of using the entire zoning map document.

(Ord. No. 2003-07, § 3(exh. A))

Editor's note—

Ord. No. 2010-02, adopted 10-5-2010, changed the designation of certain properties on the Land Use Zoning Map to "Planned Neighborhood Development." The zoning map was adopted by reference and incorporated into this Development Code by section 44-39 (Establishment of zoning districts), but has not been reprinted herein. The zoning map is on file and available for public examination in the offices of the Community Development Department.

Sec. 44-8. Consistency with County hazardous waste management plan.

All applicable zoning, conditional use permit, and variance decisions and determinations by the City shall be consistent with the applicable provisions of the County Hazardous Waste Management Plan, or other applicable County plans, which identify general areas or siting criteria for hazardous waste facilities.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-9. Partial invalidity.

If any, section, sentence, clause, or phrase of this Development Code is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of this Development Code. The City Council hereby declares that it would have adopted this Development Code and each article, section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more parts of this Development Code might be declared invalid.

(Code 1975, § 26-9; Ord. No. 2003-07, § 3(exh. A))

Sec. 44-10. Definitions.

The purpose of this section is to provide clear and easily understood definitions for the terms used in this Development Code. The meaning of words and phrases defined in this section applies throughout this Development Code, except where the context clearly indicates a different meaning. Terms not clearly defined in this section, other chapters of this City Code, or in Webster's Dictionary shall be subject to the interpretation of the Community Development Director.

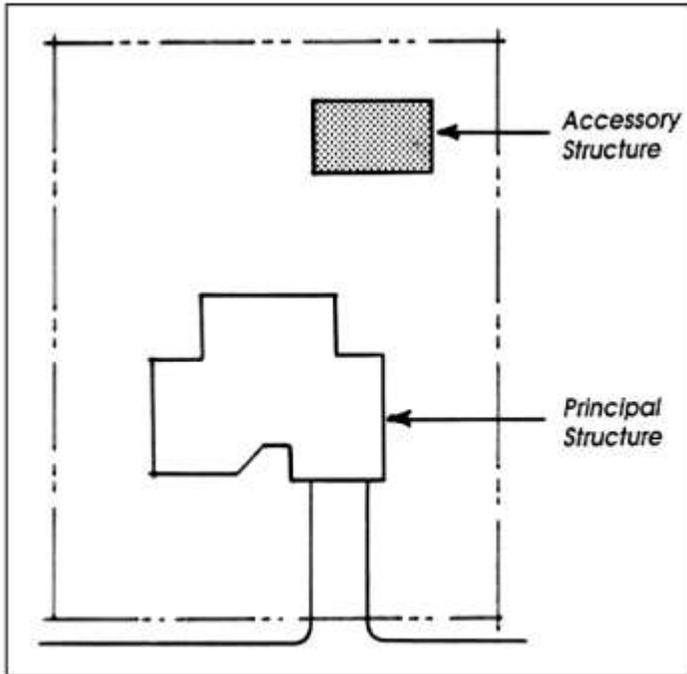
Abandoned means to cease from developing, using, or maintaining a structure (including signs) or use for a stated period of time. Exceptions are temporary closures for repairs, alterations, or other similar situations.

Abut or abutting. See *Adjoining*.

Access means usable ingress or egress to a property or use, from a public right-of-way.

Accessory structure/building means a permanent or temporary structure detached from a principal structure on the same parcel, incidental to the principal building, and not designed for human habitation.

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Accessory use means a use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.

Addition (expansion) means:

- (1) The physical alteration of a structure that results in an increase in its floor area, volume, or height; also
- (2) A structure added to the original structure after completion of the original structure.

Adjacent means:

- (1) Two or more parcels of land separated only by an alley, street, highway, or recorded easement; or
- (2) Two or more objects that lie near or close to each other.

Adjoining (abutting) means two or more parcels of land sharing a common boundary line or two or more objects that lie near or close to each other.

Adult means a person 18 years of age or more.

Adult oriented businesses. See section 44-195 for definitions of terms.

Alley means a public or private way, at the rear or side of property, permanently reserved as an ancillary means of vehicular or pedestrian access to adjoining property.

Alteration means the physical change or rearrangement of the supporting members of an existing structure (e.g., bearing walls, columns, beams, girders, or interior partitions) as well as any change in doors, windows, means of ingress or egress, or any addition to or diminution of a structure, whether horizontally or vertically, or the moving of a structure from one location to another.

Amusement arcade means an establishment that consists primarily of amusement devices.

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Amusement device means any device, machine, apparatus, computer, or other instrument (including electronic games, model games, and pinball games) operated electronically, mechanically, or manually for amusement purposes which requires the deposit of or payment of money, coin, token, or other thing of value, whether directly to the device or to the business establishment for the use or operation of the device, but which does not contain a payoff device for the return of slugs, money, coins, checks, or tokens. Amusement devices may include redemption games, devices or machines that dispense tickets that may be redeemed for non-cash prizes.

Antenna means the outdoor portion of the receiving and transmitting equipment used for receiving or transmitting television, Internet, or radio waves or signals and includes any system of wires, poles, rods, reflecting discs, or similar devices for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

Antenna, dish, means a curved, "dish-like" antenna.

Antenna, pole, means a single pole for transmitting and/or receiving television, radio, or other similar waves.

Antenna, tower, means a structure with two or more supports that touch the base or ground on which the tower is mounted.

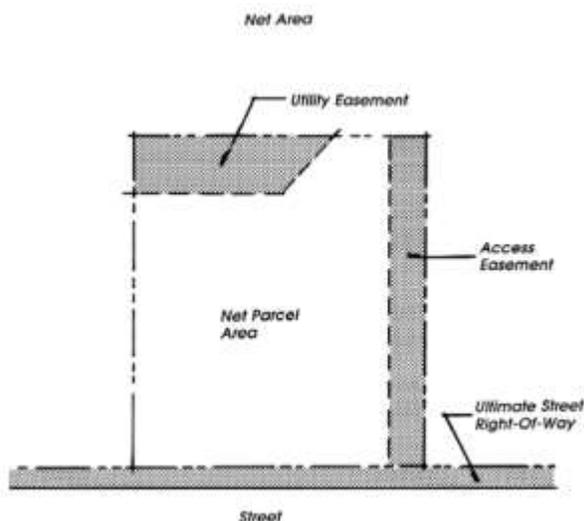
Apartment means a separate suite, not owner occupied, that includes kitchen facilities and is designed for and rented as the home, residence, or sleeping place of one or more persons living as a single housekeeping unit.

Applicant means an owner or lessee of property, or his or her authorized agents, or persons who have contracted to purchase property contingent upon his or her ability to acquire the necessary permits under this Development Code, or the agents of such person.

Approved massage school means any school or institution of learning approved by the Massage Therapy Council that meets the minimum standards for training, that meets any of the requirements specified in California Business & Code § 4601(a), and that has not been otherwise unapproved by the Massage Therapy Council.

Area means net area, unless otherwise specified.

Area, net, means the area of a lot or parcel of land, less the area of existing or proposed public alleys, highways, streets or other necessary public easements, when included within a proposed development project. The term "net area" includes "net acreage."



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Artificial turf. See *Turf, artificial.*

Assisted living facility means a facility that provides a combination of housing, meals, supportive services, personalized assistance, and/or health care that responds to the individual requirements of those who need assistance with the activities of daily living but do not need 24-hour skilled medical care. An assisted living facility may provide other services, including recreational activities, financial services, and transportation.

Attached means any structure that has a wall or roof in common with another structure.

Auto repair, major, means a facility that provides reconstruction, rehabilitation, and refurbishment services for motorized vehicles, including body repair, engine and transmission overhauls, painting services, and other heavy vehicle maintenance activities.

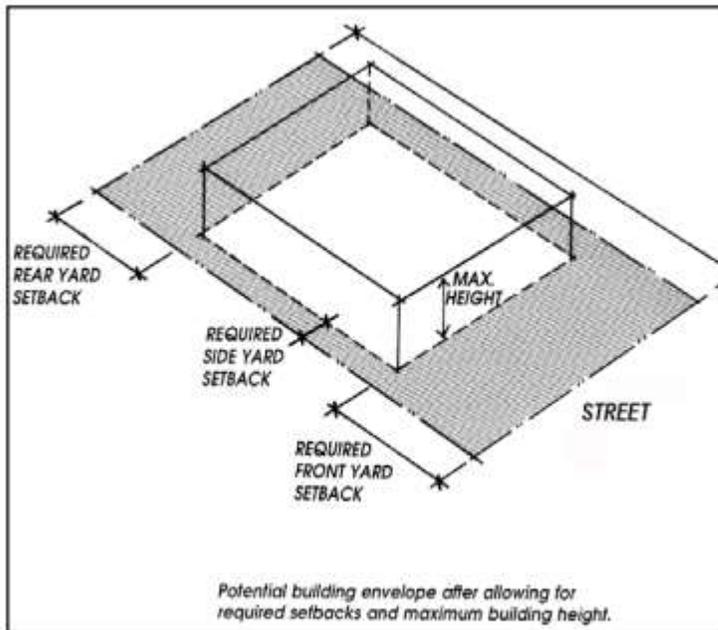
Auto repair, minor or routine maintenance, means and includes oil changes, the repair or replacement of tires, brake pads, hoses, fluids, and similar activities, but does not include maintenance or repair that involves the removal of the engine, transmission, or other major component or any significant body repair work that involves sanding, priming, or painting of a vehicle, motorized recreational vehicle, or recreational object.

Awning means any permanent or removable projection designed for shade, attached to the building by brackets or other means, with no direct connection or support on the ground.

Block means a contiguous area or parcels of land surrounded by public streets, highways, freeways, railroad rights-of-way, greenbelts, flood control channels, creeks, washes, rivers, or unsubdivided acreage, or any combination thereof.

Block party means a residential neighborhood social event that requires the temporary closure of a public right-of-way.

Buildable area means the net portion of the parcel remaining after deducting all required setbacks and open space requirements from the gross area of the parcel.



Building means any structure built and maintained for the support, shelter, or enclosure of persons, animals, or property of any kind. The term "building" shall include the term "structure."

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Building envelope means an area delineated on a plan in which all clearing and land disturbance for building construction shall be confined. If not delineated, it is the area of a parcel excluding any required front, side, or rear yard setback area, any recorded easement, or offer of dedication.

Building facade means that portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

Building height means the vertical distance from the lowest point of the finished grade adjacent to the structure to the highest point of the structure, excluding chimneys, vents, and other incidental projections.



Canopy means a portable, lightweight structure commonly constructed with cloth or nylon fabric over metal or plastic frames. Canopies may have open sides or be enclosed; they include tarps, exhibition tents, and other similar types of structures and exclude awnings, patios, porches, and carports.

Carport means a permanent roofed structure not completely enclosed to be used for vehicle parking for the occupants of the premises. The term "carport" includes the term "Porte-Cachere."

Certified massage practitioner means a person who is certified by the Massage Therapy Council, under subdivision California Business and Professions Code § 4604.2 and who administers massage.

Certified massage therapist means a person who is certified by the Massage Therapy Council, under California Business and Professions Code § 4604 and who administers massage.

Change of use means the replacement of an existing use by a new use, or a change in the nature of an existing use, but not including a change of ownership, tenancy, name, or management where the previous nature of the use, line of business, or other function is substantially unchanged.

Civic dance means any dance held or sponsored by any bona fide memorial, fraternal, or civic organization or by the City, any school, public recreation, or community service organization.

Client intake area means the area inside a building or facility designated to be used for the gathering or processing of information from clients for the specified use or operation of the business or facility.

Commercial coach has the same meaning as "commercial modular" as that term is defined in this section.

Commercial mixed-use means a project with planned integration of more than one type of significant sales tax revenue-producing uses in a building or set of buildings, specifically a combination of commercial, office, or institutional land uses. It maximizes space usage, has amenities and architectural expression and shall, to the greatest extent possible, be pedestrian-oriented and mitigate traffic and sprawl. All commercial mixed-use developments shall have not less than 65 percent of total square footage devoted to uses that generate retail sales tax on the first floor.

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Commercial modular, means a structure, transportable in one or more sections, designed and equipped for human occupancy for industrial, professional or commercial purposes, which is required to be moved under permit, and shall include a trailer coach as defined in California Vehicle Code § 635.

Commercial modular, new. See *Manufactured home, new*.

Commercial modular, used. See *Manufactured home, used*.

Commercial vehicle means a vehicle customarily used as part of a business for the transportation of goods or people, including any vehicle that has been registered as a commercial vehicle with the California Department of Motor Vehicles.

Communication facilities means a public or private structure that supports antennas, microwave dishes, and other related equipment (e.g., ground cabinets and structures) that sends and/or receives radio frequency signals. (Also see *Antenna*.)

Community benefits means physical improvements provided in conjunction with a development project that are provided to improve the community, help achieve the City's vision for a quality environment, and address any burdens such development imposes.

Community Development Director means the City Community Development Director and/or his or her designee.

Community event.

(1) The term "community event" means any of the following:

- a. Any activity that may result in the closure of any public street and which may temporarily require the installation or construction of material or devices using building, electrical, mechanical, plumbing, flammable, or similar materials.
- b. Any outdoor event, gathering, celebration, or activity held on public or private property where the public at-large is invited.
- c. Any indoor or outdoor private event, gathering, celebration, or activity exceeding 150 people held on public property.

(2) The term "community event" shall not include temporary uses, as defined herein.

Community Services Director means the City Community Services Director and/or his or her designee.

Conditional use permit means a discretionary entitlement granted by the Planning Commission under the provisions of this Development Code, which when granted, authorizes a specific use to be made of specific premises, subject to compliance with all terms and conditions imposed on the entitlement.

Condominium means a development consisting of an undivided interest in common for a portion of a parcel coupled with a separate interest in space in a residential or commercial building on the parcel.

Congregate care facility means a structure providing residence for more than 24 hours for a group of senior citizens or disabled persons, as defined by the State of California Health and Safety Code as a Congregate Living Health Care Facility, with central or private kitchen, dining, recreational, etc., facilities with separate bedrooms and/or living quarters.

Convalescent home means a licensed facility which provides 24-hour bed and ambulatory care for patients with post-operative convalescent, or chronic illness, or persons unable to care for themselves, but not including alcoholics, drug addicts, or persons with mental or contagious diseases or afflictions. The term "convalescent home" includes the terms "nursing home" and "rest home."

Dancing club means any club or association of persons which conducts dances, other than public dances, for its members or bona fide guests at least once per month for which fees are charged, any

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collection or donation of money is given or received, or for which the amount of dues paid by each member is dependent upon, or related to, the attendance at such dances.

Dangerous animal means any animal, reptile, fowl, or fish which is not naturally tame or which is known to be dangerous by the owner or which must be kept in confinement to be brought within the immediate power of the owner.

Day care facilities means facilities that provide non-medical care and supervision of persons for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services:

- (1) *Adult day care, residential*, means a facility, as defined in Section 1502 of the California Health and Safety Code, located in a single-family residence where an occupant of the residence provides care and supervision for six or fewer adults.
- (2) *Adult day care, business*, as defined in Section 1502 of the California Health and Safety Code, means commercial or nonprofit adult day care facilities designed and approved to accommodate seven or more adults and includes senior centers. These may be operated in conjunction with a school or church facility, or as an independent land use.
- (3) *Child day care center* means commercial or nonprofit child day care facilities designed and approved to accommodate 15 or more children and includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
- (4) *Large family day care home* means a day care facility located in a single-family residence where an occupant of the residence provides care and supervision for nine to 14 children served by the day care facility. Children under the age of ten years who reside in the home shall count as children served by the day care facility.
- (5) *Small family day care home* means a day care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight or fewer children. Children under the age of ten years who reside in the home shall count as children served by the day care facility.

Day spa means a personal service use providing a variety of health and beauty services, including hairdressing, manicure, and similar services. Facilities providing massage services are also considered massage parlors and are covered by regulations for that use.

Density means the number of dwelling units per net acre, unless otherwise stated, for residential uses.

Density bonus shall have the meaning as defined by State law (California Government Code § 65915 (f)).

Detached means the condition of not having a wall or roof in common with any other structure.

Development.

- (1) The term "development" means:
 - a. The placement or erection of any solid material or structure;
 - b. Discharge or disposal of any gaseous liquid, solid or thermal waste;
 - c. Grading, removing or extraction of any soil or materials;
 - d. Change in the density or intensity of use of land, including, but not limited to, subdivision in compliance with the Subdivision Map Act (Government Code § 66410 et seq.), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use;

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- e. Construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and
 - f. The removal of any major vegetation.
- (2) As used in this Development Code, the term "structure" includes any building, road, pipe, conduit, siphon, telephone line, and electrical power transmission and distribution line.
- (3) The term "project," as defined in State law (California Government Code § 65931), is included within this definition.

Disability shall have the meaning as set forth in Government Code Section 12926. *Driveway* means an improved area designated on a parcel that is unencumbered to a height of not less than eight feet, is clear of structures, and in all other ways is suitable to provide vehicular access to a garage, carport, or other required off-street parking space or loading facility. A driveway serving a residential use shall be further defined as a paved way over the shortest distance between a garage, carport, or other approved parking area and the point of access thereto from a street or alley.

Drought-tolerant plant means a native or non-native plant species that can survive extended periods of time without rain or supplemental irrigation, while remaining healthy and retaining acceptable appearance.

Duplex means a unit within a separate and detached building within a residential zoned area, which building consists of two self-contained units within the confines of the building, each of which provides housing accommodation for a single family within the confines of the unit. Duplexes that are able to undergo the subdivision process and are sold to differing entities do not qualify as second unit residences.

Dwelling means a room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen) that constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis.

Dwelling, multifamily, means a residential structure containing three or more dwelling units or a combination of three or more separate single-family dwelling units on a single parcel of land.

Dwelling, single-family, means a residential structure containing not more than one dwelling unit entirely surrounded by open area on a single parcel.

Dwelling, two-family. See *Residence, second unit*.

Easement means an area reserved for access, drainage, maintenance, open space, recreation, or the installation and servicing of utilities (e.g., cable, electrical, sewers, telephone, water, etc.).

Emergency shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of inability to pay.

Employee means any person engaged in the operation or conduct of any business, whether as owner, any member of the owner's family, partner, agent, manager, or solicitor and all other persons employed or working in the business.

Family. The term "family" means:

- (1) Two or more persons related by birth, marriage, or adoption (U.S. Bureau of the Census).
- (2) An individual or a group of persons living together who constitute a bona fide single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house or institution of any kind.

Fence means any device forming a physical barrier between two areas. This shall include wire mesh, steel mesh, chain link, louver, stake, masonry, lumber, and other similar materials.

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Floor area means the sum of the horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including any space where the floor-to-ceiling height is less than six feet.

Floor area ratio means the gross floor area permitted on a site divided by the total net area of the site, expressed in decimals to one or two places. For example, on a site with 10,000 net square feet of land area, a floor area ratio of 1.0 will allow a maximum of 10,000 gross square feet of building floor area to be built. On the same site, an FAR of 1.5 would allow 15,000 square feet of floor area; an FAR of 2.0 would allow 20,000 square feet; and an FAR of 0.5 would allow only 5,000 square feet. FARs are applied on a parcel-by-parcel basis as opposed to an average FAR for an entire land use or zoning district.

Formal dining area means an area that intensifies a dining use in a considerable manner and is not incidental in nature.

Fortune-telling means the telling of fortunes, forecasting of future events or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, faculty, or force, including, but not limited to clairvoyance, clairaudience, cartomancy, psychometry, phrenology, spirits, tea leaves, or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mindreading, telepathy, or other craft, art, science, cards, talisman, charm, potion, magnetism, magnetized article, or substance, crystal gazing, oriental mysteries or magic, of any kind or nature.

Frontage means the portion of a parcel or structure abutting a street (at the front lot line), except the side of a corner parcel.

Garage, private, means a detached accessory building or a portion of a main building on the same lot as a dwelling used for the housing of vehicles of the occupants of the dwelling, having a roof and enclosed on not less than four sides. Any such structure enclosed on three or less sides shall be considered a carport.

Garage, public, means any premises used exclusively for the storage of vehicles.

Garage sale means a sale of tangible personal property, conducted in a zone of the City zoned as not to permit a regular established business engaged in the sale of merchandise, to which the public is invited by an advertisement or otherwise. Includes lawn or yard sales, attic sales, estate sales, and similar sales.

General Plan means the adopted comprehensive, long range plan for the physical development of the City. The La Palma General Plan contains the community's vision for its future. Goals and policies throughout the plan are aimed at implementing the vision. The General Plan contains a land use map which identifies the appropriate use of land and which is the basis for the City's zoning map.

General plan amendment means an amendment to the City's General Plan.

Grade means the lowest horizontal elevation of the finished surface of the ground, paving, or sidewalk or the degree of rise or descent of a sloping surface.

Granny unit. See *Residence, second unit*.

Gross acreage means the total area within the lot lines of a lot or parcel of land before public streets, easements, or other areas to be dedicated or reserved for public uses are deducted from the lot or parcel.

Gross floor area means the area included within the surrounding exterior finish wall surface of a structure or portion thereof, exclusive of courtyards.

Guest house. See *Residence, second unit*.

Habitable area means sleeping quarters in a residence that include at least one door, closet, and window, or as further defined in the California Building Code.

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Hardscape or *hardscaping* consists of the part of a building's grounds consisting of inanimate nonliving structures, such as patios, retaining walls, and walkways, made with hard materials, but excluding artificial turf.

Hedge means a plant or series of plants, shrubs, or other landscape material, arranged so as to form a physical barrier or enclosure.

Home occupation means an activity conducted in compliance with chapter 22, article III of this Code, carried out by an occupant of the dwelling unit, and conducted as an accessory use to the dwelling unit. The term "home occupation" includes the terms "home-based business" and "home business."

Hospital means a licensed institution designed within an integrated campus setting for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.

Hotel means guest rooms or suites occupied on a transient basis (e.g., daily or weekly, but not monthly) for compensation, which may include ancillary facilities (e.g., restaurants, meeting rooms, and recreation facilities).

Incidental outdoor seating area means any minor, easily removable extension of an established retail or small food shop, consisting of movable tables and chairs that are arranged directly upon the sidewalk paving as an adjunct and directly adjacent to a retail business or restaurant for the purpose of displaying, exhibiting, or offering for sale the merchandise sold inside the retail shop.

Kennel means any parcel where four or more dogs, cats, or other small animals over the age of four months are kept, whether the keeping is for pleasure, profit, breeding, or exhibition, including places where the animals are boarded or kept for sale or hire.

Kitchen means any room, all or part of which is designed and/or used for the storage, refrigeration, cooking, and preparation of food.

Landscape coverage means the percentage of the net lot area, excluding the area of the buildings and any accessory structures and driveways, which is covered by landscaping as seen from a plan view.

Landscaping means the planting and maintaining of an area with predominantly plant materials, including live turf, artificial turf, groundcover, trees, shrubs, and other plant materials; and also including small amounts of accessory decorative outdoor landscape elements such as ponds, fountains, and paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), natural materials, and sculptural elements, all of which are suitably designed, selected, installed, and maintained to enhance a property.

Landscaping, full, means 100 percent of the required landscaping and irrigation system as required by section 44-335 is installed and functional.

Landscaping, minimal, means 70 percent of the required landscaping and irrigation system, as required by section 44-335, is installed and functional.

Landscaping plan means a plan which indicates the type, size, and location of vegetation and accent material proposed for the covering of all areas of a property not covered by a building, driveway, parking lot, or accessory structures that includes all irrigation and other devices necessary to maintain the landscaping.

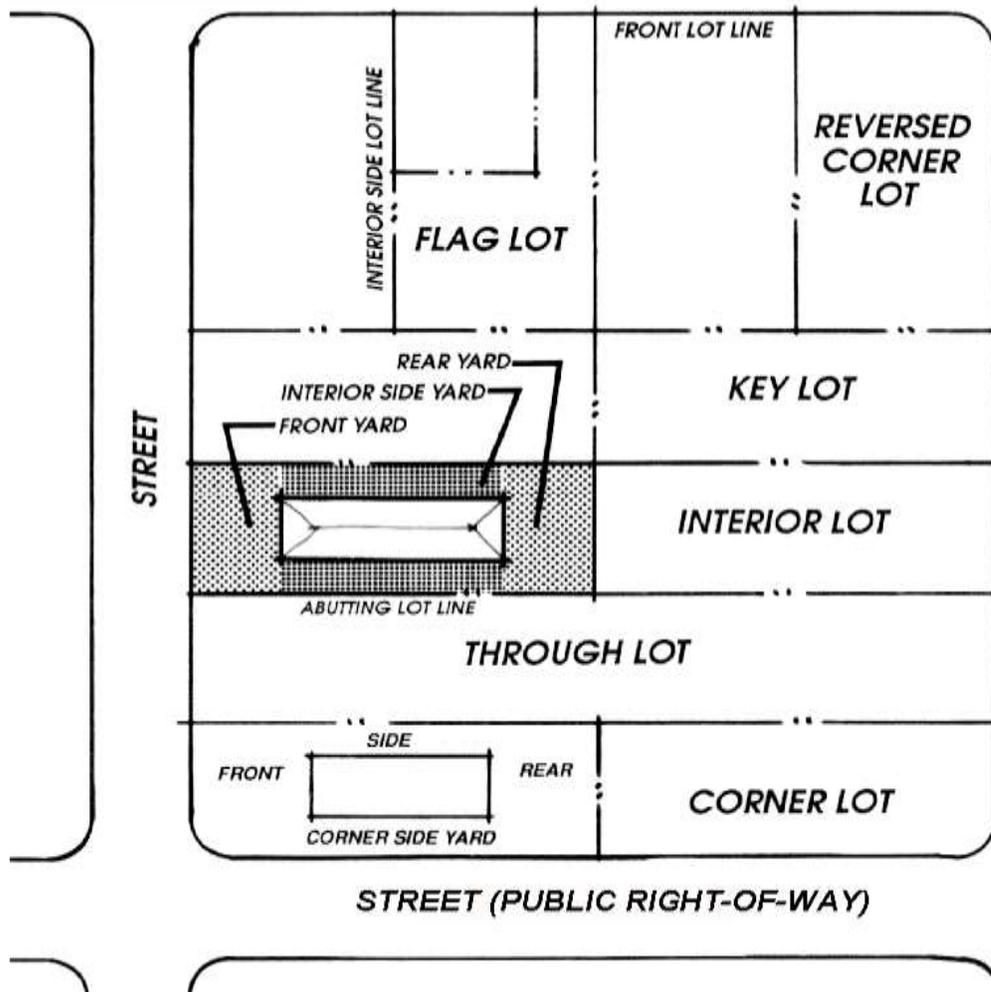
Lattice means an open framework of overlapping strips of pressure-treated wood or synthetic material, with openings in a woven 3D diagonal pattern, used as a height extension to a block wall for screening purposes.

Lot means a parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon. The classifications of lots are:

- (1) *Corner*. A lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "interior lot."

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- (2) *Flag*. A lot having access or an easement to a public or private street by a narrow, private right-of-way referred to as a panhandle.
- (3) *Interior*. A lot abutting only one street.
- (4) *Key*. A lot with a sideline that abuts the rear line of any one or more adjoining lots.
- (5) *Reverse corner*. A corner lot, the rear of which abuts the side of another lot.
- (6) *Through*. A lot having frontage on two generally parallel streets, with only one primary access.



Lot area means the total horizontal area included within the lot lines of a parcel.

Lot coverage means the percent of a parcel that is covered by structures, including main and accessory buildings. On parcels zoned exclusively for residential use, lot coverage excludes patios open on two or more sides and gazebos 300 square feet or less in area and garages and carports. In all other zones, lot coverage includes parking structures.

Lot depth means the average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line.

Lot frontage means the portion of the parcel contiguous to the street.

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Lot line means any boundary of a parcel. The classifications of lot lines are:

- (1) *Front.*
 - a. On an interior lot, the line separating the parcel from the street.
 - b. On a corner lot, the shorter lot line abutting a street. (If the lot lines on a corner lot are equal in length, the front lot line shall be determined by the Community Development Director.)
 - c. On a through lot, the lot line abutting the street providing the primary access to the lot.
- (2) *Interior.* Any lot line not abutting a street.
- (3) *Rear.* A lot line not abutting a street that is opposite and most distant from the front lot line. In the case of an irregular-shaped parcel, including a triangular parcel, a line within the parcel, parallel to and at a maximum distance from the front lot line, having a length of not less than ten feet.
- (4) *Side.* Any lot line that is not a front or rear lot line.

Lot width means the horizontal distance between side lot lines, measured at the front setback line.

Manufactured home.

- (1) The term "manufactured home" means a structure that:
 - a. Was constructed on or after June 15, 1976;
 - b. Is transportable in one or more sections;
 - c. Is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet;
 - d. Is built on a permanent chassis; and
 - e. Is designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.
- (2) The term "manufactured home" includes any structure that meets all the requirements of subsection (1) of this definition except the size requirements, and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act (42 USC 5401).
- (3) If a provision of this Development Code uses the term "manufactured home," and it clearly appears from the context that the term should apply only to manufactured homes, as defined in this definition, the provision shall apply only to those manufactured homes. If any provision of this Development Code, by its context, requires that the term applies to manufactured homes or mobile homes without regard to the date of construction, such provision shall apply to both manufactured homes, as defined above, and mobile homes, as defined in this section.

Manufactured home, new, means a manufactured home, mobile home, or commercial coach which is not defined as a "manufactured home, used," "mobile home, used" or "commercial modular, used," which is delivered for sale or lease in this State, and which has not been delivered to a first purchaser or lessor for purposes other than resale or reletting.

Manufactured home, used, means a manufactured home, mobile home, or commercial modular that was previously sold and registered or titled with the City, or with an appropriate agency or authority, or any other State, District of Columbia, territory or possession of the United States, or a foreign State, province, or country.

Massage means the scientific manipulation of the soft tissues of person's body.

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Massage certificate means a valid certificate issued by the Massage Therapy Council pursuant to California Business and Professions Code § 4600 et seq.

Massage facility or *massage establishment* means a fixed place of business where massage is performed for money or any other consideration.

Massage facility operator means any person or business entity that owns, in whole or in part, a massage facility.

Massage technician means any person who administers to another person, for any form of consideration, a massage, alcohol rub, fomentation, bath, electric or magnetic massage procedure, manipulation of the body, or other similar procedure.

Massage Therapy Council means the organization created pursuant to Chapter 10.5 of Division 2 of the California Business and Professions Code (Business and Professions Code § 4600 et seq.) to provide State certification of massage practitioners and massage therapists.

Materials, natural, means organic and inorganic materials such as rock, decomposed granite, gravel, bamboo, wood chips, etc., that are used to cover areas where landscaping and hardscaping is not present.

Medical center/clinic means a place for group medical services not involving overnight housing of patients.

Mixed-use project means the development of a parcel or structure with two or more different land uses (e.g., a combination of residential, office, commercial retail, public, or entertainment) in a single or physically integrated structure or group of structures.

Mobile home.

- (1) The term "mobile home" means a structure that:
 - a. Was constructed prior to June 15, 1976;
 - b. Is transportable in one or more sections;
 - c. Is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet;
 - d. Is built on a permanent chassis; and
 - e. Is designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.
- (2) The term "mobile home" includes any structure that meets all the requirements of subsection (1) of this definition and complies with the State standards for mobile homes in effect at the time of construction.
- (3) The term "mobile home" does not include a commercial modular, as defined in Health and Safety Code § 18001.8; factory-built housing, as defined in Health and Safety Code § 19971; a manufactured home, as defined in Health and Safety Code § 18007; a multifamily manufactured home, as defined in Health and Safety Code § 18008.7; or a recreational vehicle, as defined in Health and Safety Code § 18010.
- (4) Notwithstanding any other provision of law, if a provision of this Development Code uses the term "mobile home," and it clearly appears from the context that the term "mobile home" should apply only to mobile homes, the provision shall apply only to those mobile homes. If any provision of this Development Code, by its context, requires that the term applies to mobile homes or manufactured homes without regard to the date of construction, the provision shall apply to both mobile homes, as defined above, and manufactured homes, as defined in this section.

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Mobile home, new. See *Manufactured home, new.*

Mobile home, used. See *Manufactured home, used.*

Mobile home park means any area or tract of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership to accommodate manufactured homes, mobile homes, or recreational vehicles used for human habitation. Notwithstanding this definition, employee housing that has obtained a permit to operate pursuant to the Employee Housing Act (Health and Safety Code § 17000 et seq.) and that both meets the criteria of Health and Safety Code § 17021.6, and is comprised of two or more lots or units held out for lease or rent or provided as a term or condition of employment, shall not be deemed a mobile home park for the purposes of the requirement to obtain an initial or annual permit to operate or pay any related fees required by this chapter. Notwithstanding this definition, an area or tract of land shall not be deemed a mobile home park if the structures on it consist of residential structures that are rented or leased, or held out for rent or lease, if those residential structures meet both of the following requirements. First, the residential structures are manufactured homes constructed pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.), or mobile homes containing two or more dwelling units for human habitation. Second, those manufactured homes or mobile homes have been approved by a City, County, or City and County pursuant to Health and Safety Code § 17951(e) as an alternate which is at least the equivalent to the requirements prescribed in the California Building Standards Code or Part 1.5 of the Health and Safety Code (Health and Safety Code § 17910 et seq.) in performance, safety and for the protection of life and health.

Motel. See *Hotel.*

Multifamily manufactured home.

- (1) The term "multifamily manufactured home" means a structure, transportable under permit in one or more sections, designed and equipped to contain not more than two dwelling units, a dormitory, or efficiency unit, to be used either with a support system pursuant to Healthy and Safety Code § 18613 or a foundation system pursuant to Health and Safety Code § 18551(a).
- (2) The term "multifamily manufactured home" includes a structure, transportable under permit in one or more sections, designed to be used with a foundation system for three or more dwelling units, as defined by Health and Safety Code § 18003.3.

Notwithstanding any other provision of law, all provisions of law that apply to manufactured homes shall apply equally to multifamily manufactured homes, except as provided in this definition. For purposes of this definition, the term "dormitory" means a room or rooms inhabited for the purposes of temporary residence by two or more persons; the term "efficiency unit" has the same meaning as defined in Health and Safety Code § 17958.1; and the term "multiunit manufactured housing" has the same meaning as "multifamily manufactured home," as that term is defined in this definition.

New Construction. Refers to site preparation for, and construction of, entirely new structures and/or additions greater than 51% of the floor area to existing buildings or buildings receiving rehabilitation costing more than 51% of the replacement cost and are required to comply with all the provisions of the California Building Standards Code for new buildings.

Noise means any sound that is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying. Noise, simply, is unwanted sound. Certain noise levels are detrimental to the health and safety of individuals and are considered a public nuisance.

Nonconforming lot means any parcel of land that was lawfully established and in compliance with all applicable ordinances and laws at the time the property was granted a building permit, but which, due to any subsequently enacted ordinance or law, or other change in circumstances, no longer complies with all of the applicable regulations and standards of the zoning district in which the property is located.

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Nonconforming structure means any structure or improvement upon land, including any sign, other than the land itself, that was lawfully established and in compliance with all applicable ordinances and laws at the time the structure or improvement was established, but which, due to any subsequently enacted ordinance or law, or other change in circumstances, no longer complies with all of the applicable regulations and standards of the zoning district in which the structure or improvement is located.

Nonconforming use means any use of land that was lawfully established and in compliance with all applicable ordinances and laws at the time the use was established, but which, due to any subsequently enacted ordinance or law or other change in circumstances, no longer complies with all of the applicable regulations and standards of the zoning district in which the use is located.

Nonmotorized vehicle means a vehicle or object that is not self-propelled and must be drawn by a motorized vehicle. The term "nonmotorized vehicle" includes trailer, camp trailer, semi-trailer, and trailer coach.

Nonresident means any person who does not qualify as a "resident" as that term is defined by this section.

Onsite waiting area means the designated area outside of a building used to contain patrons or clients prior to the patrons or clients entering the building for the gathering or processing of information.

Open space means land areas which are not occupied by buildings, structures, parking, streets, or alleys.

Out-Call Massage Service means any massage business that engages in or carries on massage at a location other than at a massage establishment.

Outdoor area or incidental outdoor area means any ancillary outdoor area of an established retail business or food shop, consisting of outdoor furniture arranged directly along the sidewalk paving of the subject business.

Outdoor display area or *display area* means an easily removable extension of an established retail shop, consisting of movable display tables, standing sign, shelves, and/or racks that are arranged directly upon the sidewalk paving as an adjunct and directly adjacent to a retail business for the purpose of displaying, exhibiting, or offering for sale the merchandise sold inside the retail shop.

Outdoor sale means the temporary display of goods and merchandise for sale, outside a building, on private or publicly owned land in a nonresidential zone.

Oversized vehicle means a motorized or nonmotorized vehicle or any combination thereof, which exceeds 23 feet in length, and/or 97 inches in width, and/or 90 inches in height, exclusive of such projecting lights or devices as are expressly allowed pursuant to the California Vehicle Code as it now exists or hereafter may be amended.

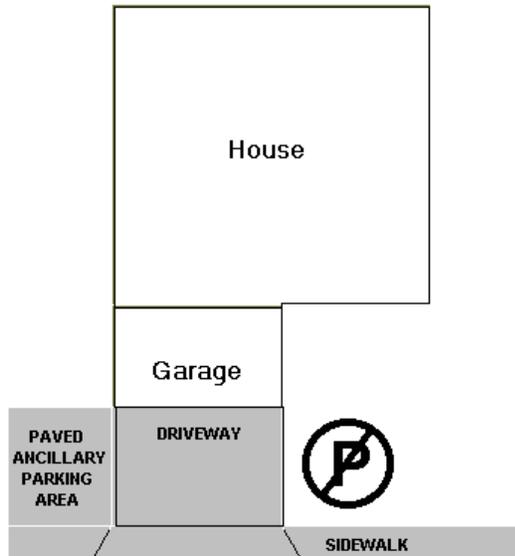
Parcel means a portion of land under one ownership that has been legally subdivided or combined and is shown as a single lot or property on the latest equalized assessment roll.

Patio cover means a roof-like structure either with open trellis work or solid material, placed over a surfaced area that is open on at least two sides.

Patio home means a detached single-family residence within a complex with common area and yards maintained by a common association.

Paved ancillary parking area means the area between the driveway of a residence and the closest adjacent property line that may be paved and used for the purposes of parking or storing of vehicles.

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Permitted use means any use allowed in a zoning district and subject to the provisions/regulations applicable to that district.

Person means an individual or a firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, the federal or State government, City-County, special district, any other governmental entity, or any other group or combination of groups acting as an entity.

Planned unit development (PUD) means the development of a parcel or of a combination of related parcels, which serves to unify or organize a development that includes cluster subdivisions, townhouses, condominiums, community apartments, and/or attached or detached single-family dwellings involving tailored development standards and site design.

Precise plan means a plan prepared for a development that is based on the general proposals in the General Plan. A precise plan may also be a detailed plan for developing property in compliance with the provisions of this chapter.

Precise plan amendment means a request for the alteration of, or addition to, a structure which was originally approved under a precise plan.

Principal use means the main, primary, or predominant use of any parcel or structure.

Property line. See *Lot line.*

Public dance means any dance where two or more persons dance or are permitted to dance in or upon any premises to which the public is admitted, either with or without charge.

Public right-of-way means a strip of land acquired by reservation, dedication, prescription or condemnation and occupied or intended to be occupied by a road, trail, water line, sanitary sewer, and/or other public uses.

Queuing lane means an area for temporary waiting of motor vehicles while obtaining a service or other activity from a drive-up service window/facility.

Reasonable accommodation means providing individuals with disabilities, and developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations,

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policies, practices, and procedures, or waiving certain land use and zoning requirements when it is necessary to eliminate barriers to housing opportunities for individuals with disabilities.

Recreational vehicle or object means a motorized or nonmotorized recreational vehicle or an object designed for recreational purposes, including camper shells off a truck, boats, trailer coaches, travel trailers, fifth wheel trailers, camp trailers, jet skis, and other non-self-propelled vehicles but also including off-road motorcycles, snowmobiles, airplanes, and any other vehicle made to carry one or more persons but not including bicycles, tricycles, on-road motorcycles and scooters. The term "recreational vehicle or object" shall not include permanently-founded manufactured homes or mobile homes.

Religious institution means a structure that is used primarily for religious worship and related religious activities, including churches, temples, and mosques.

Research and development means the scientific or commercial investigation of, and inquiry into, new products and manufacturing processes, light manufacturing and related uses.

Residence, second unit, means a second dwelling unit located in any residential zone that functions as separate living quarters from the primary unit of the property. A second unit has a separate entrance from the primary unit and contains its own living amenities.

Resident means a person whose place of domicile or, in the case of an entity, its place of operation, is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At any given time, a person may be a resident of only one City. For purposes of this Development Code, the term "resident" includes each of the following:

- (1) Every person who is in the City for other than a temporary or transitory purpose;
- (2) Every person domiciled in the City who is outside the City for a temporary or transitory purpose; and
- (3) Any person who is a resident even though temporarily absent from the City.

Retail sales means establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of the goods.

Review authority means the person, committee, commission, or council designated by the City as responsible for the review and final determination on a land use entitlement, map, permit, or amendment.

Rooming and/or boardinghouse means a dwelling structure, or part thereof, that has no more than one dining room and in which, for compensation, two or more rooms are leased and/or meals are provided by the week or month.

Satellite dish antenna means a device incorporating a reflective surface that is solid, open mesh, or bar configured and in the shape of a shallow dish/cone, used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include what are referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

School means an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code, or which is maintained in compliance with the standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university. Neither shall the term "school" apply to a tutorial facility, a child day care facility, or a day care center.

Secondary dwelling unit. See Residence, second unit.

Secondhand/thrift store means a use where used articles, goods, merchandise, or wares are offered for sale but not including the working on or dismantling of such items.

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Self-storage facility means a building or group of buildings, in a controlled access and fully enclosed compound, which contains various sized, individual compartmentalized and controlled access stalls for the storage of customers' goods and possessions. The facility shall be limited to storage only. No other activities other than the replacement or retrieval of personal goods shall be allowed within the units or within the compound.

Service station means any structure or parcel for a business whose primary use is to supply gasoline and other fuels, and may include the provision for minor services to automobiles and other motor vehicles. The term "service station" includes the term "gas station."

Setback means the required distance that a structure, use, or parking area shall be located from a lot line.

Sign means any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes and shall include every announcement, declaration, demonstration, display, illustration, insignia, surface, or space when erected, painted or maintained in view of the general public for identification, advertisement or promotion of the interest of any person.

Sign, animated, means a sign with movement or rotation in excess of eight revolutions per minute or a sign using or being a stereopticon, motion picture, searchlight, or wind-activated device, including balloons, banners, or flags; or a sign using live animals; or a sign which changes color or flashes on and off.

Sign, changeable copy, means a sign which is characterized by changeable copy, regardless of method of attachment.

Sign, electronic, means a permanently installed illuminated panel that presents variable advertising messages displayed by an electronically controlled lighting pattern against a contrasting background, and may be programmed to change the message display periodically.

Sign, official, means a sign required to be posted by the laws of the United States, the State, County, or the City or courts or administrative agencies thereof.

Sign, offsite advertising, means a sign that promotes or advertises goods or services that are not available on the property where the sign is placed.

Sign, projecting, means a sign extending outward in a plane other than parallel from the structure to which it is attached.

Sign, roof, means a sign attached to a building so that a part of the sign is higher than the roof or parapet of the building.

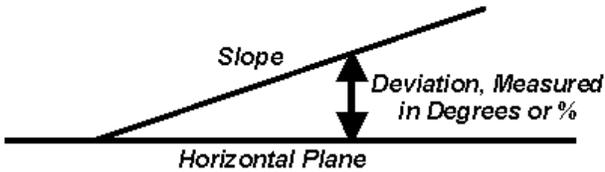
Signs, window, means signs mounted on windows and doors, except for allowed temporary signs.

Single room occupancy (SRO) facility means a cluster of guest units within a residential hotel of weekly or longer tenancy providing sleeping or living facilities in which sanitary and cooking facilities may be provided in the unit or shared within the facility.

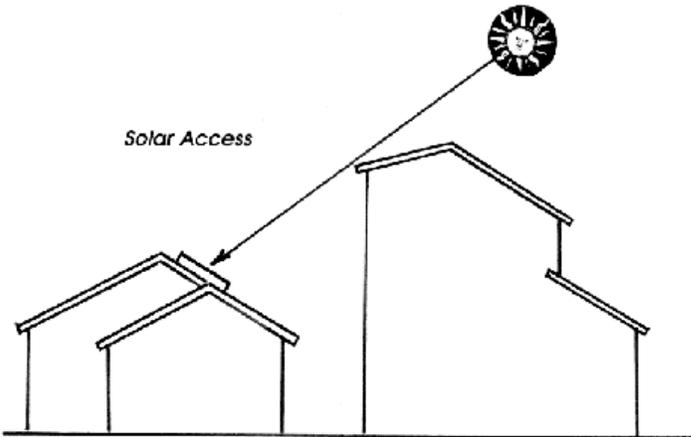
Skilled nursing facility means facilities providing nursing and health-related care as a primary use with in-patient beds and includes board and care homes, convalescent and rest homes, extended care facilities and rehabilitation centers. The term "skilled nursing facility" does not include long-term personal care facilities that do not emphasize medical treatment.

Slope means the degree of deviation of a surface from the horizontal plane, usually expressed in degrees, percentages, or as a ratio of feet of vertical change over a given horizontal distance (e.g., 4:12).

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Solar access means the provision of direct sunlight to an area specified for solar energy collection when the sun's azimuth is within 45 degrees of true south.



Special event. See *Community event*.

Special permit means a permit that authorizes an applicant to conduct a special event or type of business at a specific location. The event is subject to compliance with all the terms and conditions imposed on the permit.

Specific plan means a regulatory tool authorized by California Government Code § 65450 et seq. for the systematic implementation of the General Plan for a defined portion of a community's planning area. A specific plan specifies in detail the land uses, public and private facilities needed to support the land uses, phasing of development, standards for the conservation, development, and use of natural resources, and a program of implementation measures, including financing measures.

Storage means the keeping/maintaining of goods/materials for a period of time in excess of 72 hours.

Story means that portion of a structure included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

Streets, local. See *Streets, minor*.

Streets, major, means the transportation network that includes a hierarchy of freeways, arterials, and collectors to service through traffic.

Streets, minor, means local streets not shown on the circulation plan, map, or diagram whose primary intended purpose is to provide access to fronting properties.

Streets, through, means streets that extend continuously between other major streets in the community.

Strip center means a multi-tenant shopping center with up to 15,000 square feet of gross floor area.

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Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground and includes any building, road, pipe, conduit, siphon, telephone line, and/or electrical power transmission and distribution line.

Supportive housing means housing with no limit on the length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing may be designed as a residential group living facility or as a regular residential use and includes the following:

- (1) *Residential Apartment Type* means three or more dwelling units on one parcel, where each unit functions as a single housekeeping unit and no onsite social services are provided. This use is subject to the R-3 Multiple-Family Residential District development standards of this chapter.
- (2) *Residential Duplex Type* means two more dwelling units on one parcel, where each unit functions as a single housekeeping unit and no onsite services are provided. This use is subject to the Duplex development standards of this chapter.
- (3) *Residential group living 6 persons or fewer or Single-Family Type* means one residential facility on a parcel, with six residents or fewer (including minor children), excluding staff, that operates as a group living facility, where the residents share a common living area and a kitchen.
- (4) *Residential group living 7 persons or more* means a residential facility, with seven or more residents, that operates as a group living facility where the residents share a common living area and a kitchen.

Swap meet (indoor/outdoor) means the retail sale or exchange of new, handcrafted, and/or secondhand merchandise from temporary spaces/stalls/booths by one or more individual vendors. The term "swap meet" includes the terms "flea market" and "rummage sale."

Target population means persons, including persons with disabilities, and families who are homeless, as that term is defined by 42 USC 11302, or who are homeless youth, as that term is defined by Government Code § 11139.3(e)(2).

Tattoo Parlor, Body Piercing, Permanent Make-up, and Similar Establishment or Parlor means a place where people receive permanent decorative tattoos from a tattoo artist and/or body piercings, and/or permanent make-up, but does not include severe body mutilation.

Tattooing means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, to produce an indelible mark or figure visible through the skin.

Transitional housing means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. The term "transitional housing" shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.

Transitional housing development means a housing development configured such that each unit constitutes a unit of transitional housing, with examples being the following:

- (1) *Residential Apartment Type* means three or more dwelling units on one parcel, where each unit functions as a single housekeeping unit and no onsite social services are provided. This unit is subject to the Duplex or R-3 Multiple-Family Residential District development standards of this chapter.
- (2) *Residential Duplex Type* means two more dwelling units on one parcel, where each unit functions as a single housekeeping unit and no onsite social services are provided. This use is subject to the Duplex development standards of this chapter.

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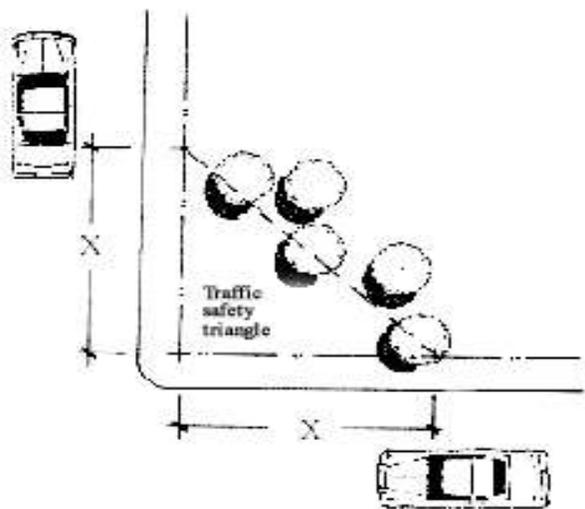
- (3) *Residential group living six persons or fewer or Single-Family Type* means one residential facility on a parcel, with six residents or less (including minor children), excluding staff, that operates as a group living facility, where the residents share a common living area and a kitchen. The facility is similar to a residential community care facility with six persons or less, and subject to the same development standards.
- (4) *Residential group living seven persons or more* means a residential facility, with seven or more residents, excluding staff that operates as a group living facility where the residents share a common facility with seven persons or more, and subject to the same development standards.

Telecommunication facilities. See *Communication facilities.*

Temporary use means a use established for a specified/limited period of time, with the intent to discontinue the use at the end of the designated time period. Temporary uses include such uses as construction trailers and guard offices, temporary structures, environmental remediation units, and outdoor sales.

Tenant space access means a clearly defined and legal means of access for pedestrians and motor vehicles, either directly or indirectly, from a public right-of-way.

Traffic safety triangle means a space that is set aside on a street corner or driveway entrance in which all visual obstructions (e.g., structures and plantings) that can prevent visibility, and thus could be a hazard to traffic and pedestrian safety, are prohibited.



Trailer, residential. See *Mobile home.*

Transportation demand management (TDM) means the implementation of programs, policies, or permit approvals designed to encourage changes in individual travel behavior, including emphasis on alternative travel modes to single occupant vehicle use, including carpools, vanpools, and public transit, reduction or elimination of vehicle trips, shifts in peak hour vehicle commuting, and similar measures and programs.

Turf, artificial, means a synthetic grass-like manmade surface made from nontoxic synthetic materials to resemble thriving, live, green grass.

Turf, live, means a surface layer of matted earth covered with grass.

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Tutorial facility means a school, teaching, or training facility that provides individual instruction or instruction to groups of eight students or less in one or more topics of curriculum taught in California public schools, with clients from pre-kindergarten through adult. A tutorial facility shall not include a facility solely providing instruction in extracurricular activities including dance, swimming, music, martial arts, or religious studies.

Uniform Building Code means the current edition of the Uniform Building Code as has been officially adopted by the City regarding construction standards, approved materials and projection standards unless otherwise specified herein.

Use means the purpose (type and extent) for which land or a structure is arranged, designed, or intended or for which either land or a structure is occupied or maintained.

Use inauguration (initiation) means the implementation of a use on a parcel or the occupancy of a structure, subject to determination by the Community Development Director.

Variance means a discretionary entitlement which permits a departure from the strict application of the development standards contained in this Development Code.

Veterinary clinic means a use providing grooming, housing, medical care, or other services to animals, including veterinary services, animal hospitals, overnight or short-term boarding ancillary to veterinary care, indoor or outdoor kennels, and similar services.

Village residential overlay district provides for a variety of housing types within one project or development, ranging from single-family housing to multiple-family dwellings, including affordable housing projects, senior housing projects, or planned unit developments that involve tailored development standards and site design.

Vocational/trade schools means private schools offering preponderant instruction in the technical, commercial, or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technical schools, and similar commercial establishments.

Wall means any structure or device forming a physical barrier, which is so constructed that 50 percent or more of the vertical surface is closed and prevents the passage of light, air, and vision through such surface in a horizontal plane. This shall include concrete, concrete block, masonry, stone, wood, or other material that are solids and are so assembled as to form a solid barrier.

Workshop means a permanently founded accessory structure that has access to electrical service and which shall not be utilized for habitation.

Xeriscaping means landscaping designed specifically for areas that are susceptible to drought or for properties where water conservation is practiced.

Yard means any open space, other than a court, on the same lot with a building or a dwelling group, which is generally open from the ground to the sky, except for the projections or accessory buildings permitted by this Development Code. No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Development Code, may be considered as providing a yard or open space for any other building; nor may any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.

Yard, front, means an area extending across the full width of the parcel between the front lot line or the existing or future street right-of-way and a structural setback line parallel thereto.

Yard sale. See *Garage sale*.

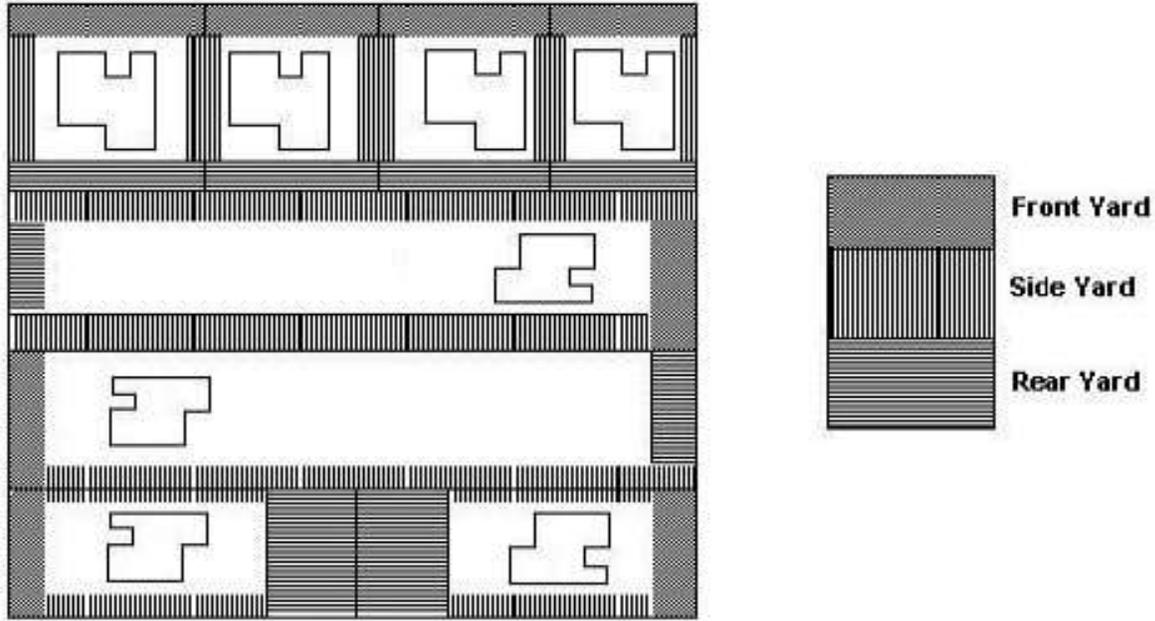
Yard, side, means an area extending from the required front yard to the required rear yard and from the side lot line to a setback line parallel thereto.

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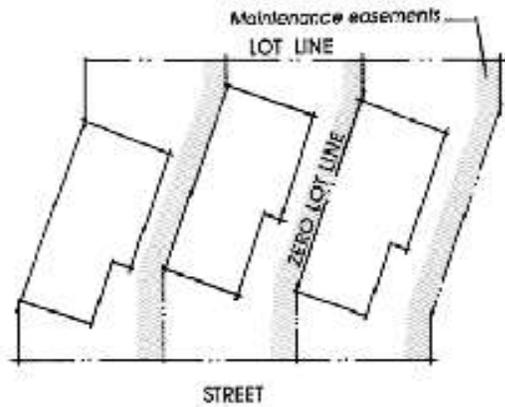
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Yard, rear, means an area extending across the full width of the parcel between the rear lot line and a setback line parallel thereto.



Zero lot line means the location of a structure on a parcel in which one or more of the structure's sides rest directly on a lot line and maintenance easements are provided.



Zoning district means a land area shown or described in the zoning land use map to which uniform regulations apply.

Zoning land use map means the official map which describes thereon the several zoning districts to which the regulations set forth in this chapter shall apply.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2005-02, §§ 1—4; Ord. No. 2008-04, § 1; Ord. No. 2009-04, § 3(26-10), 7-7-2009; Ord. No. 2009-05, § 1(26-10), 9-15-2009; Ord. No. 2010-02, § 6, 10-5-2010; Ord. No. 2010-03, § 2, 10-19-2010; Ord. No. 2011-02, § 3, 3-15-2011; Ord. No. 2013-01, § 3, 4-2-2013; Ord. No. 2013-02, § 1, 4-2-2013; Ord. No. 2013-03, § 1, 7-2-2013)

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[Sec. 44-39. Establishment of zoning districts.](#)

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[Sec. 44-42. Uncertainty of boundary location.](#)

[Sec. 44-43. Unclassified property.](#)

[Secs. 44-44—44-74. Reserved.](#)

Sec. 44-39. Establishment of zoning districts.

The City shall be divided into zoning districts that implement the General Plan. The following zoning districts are established and shall be shown on the official zoning map, which is hereby incorporated by reference into this chapter:

Zoning Map Symbol	Zoning Districts
R-1	Single-Family Residential
R-3	Multiple-Family Residential
OP	Office Professional
NC	Neighborhood Commercial
B-1	Mixed-Use Business
GI	General Industrial
PI	Public/Institutional
OS/R	Open Space/Recreation
VRO	Village Residential Overlay

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Zoning Map Symbol	Zoning Districts
(IO)	Industrial Overlay
(FO)	Freeway Overlay
PND	Planned Neighborhood Development

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2010-02, § 3, 10-5-2010)

Sec. 44-40. Location of boundaries.

The location and boundaries of the various zoning districts are as shown and delineated on the zoning map of the City.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-41. Changes in boundaries.

Changes in the boundaries of the zoning districts shall follow the process established in section 44-668.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-42. Uncertainty of boundary location.

Where uncertainty exists as to the boundaries of any zoning district, the following rules shall apply:

- (1) Where zoning district boundaries are indicated as approximately following street and alley centerlines, the boundaries shall be construed to be the centerlines. Where zoning district boundaries are indicated as approximately following lot lines, the boundaries shall be construed to be the lot lines.
- (2) In the case where a zoning district boundary divides a lot, the location of the boundaries shall be indicated by dimensions or description on the zoning map. Where dimensions or description are missing, the boundaries shall be determined by use of the scale shown on the zoning map.
- (3) If uncertainty still exists, the Planning Commission shall determine the boundary.
- (4) Where a public street or alley is officially vacated or abandoned, the area comprising the vacated street or alley shall acquire the classification of the property to which it reverts.

(Code 1975, § 26-14; Ord. No. 2003-07, § 3(exh. A))

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Sec. 44-43. Unclassified property.

- (a) Property that, for any reason, is not designated on the zoning map as being classified in any of the zoning districts established by this Development Code shall be deemed to be classified R-1, Single-Family Residential District. Land hereafter annexed to the City shall be zoned and classified in the R-1, Single-Family Residential District, unless a specific classification is established.
- (b) Whenever the City deems that the zoning of annexed land as R-1 is not adequate or desirable, the Planning Commission may recommend, and the City Council may adopt, the zoning district applicable to the annexed lands through the manner prescribed for amending this Development Code.
- (c) Dedicated streets or alleys and railroad rights-of-way, other than those designated on the zoning map, shall be deemed to be unclassified and, in the case of streets, permitted to be used only for purposes lawfully allowed and, in the case of railroad rights-of-way, permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices, and the movement of the rolling stock. For the purpose of constructing residential units, the density shall be based upon the lot area after dedication, if any.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-44—44-74. Reserved.

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[Sec. 44-75. Purpose.](#)

[Sec. 44-76. Purpose of residential zoning districts.](#)

[Sec. 44-77. Precise plan required.](#)

[Sec. 44-78. Allowed uses.](#)

[Sec. 44-79. Development standards for residential zoning districts.](#)

[Sec. 44-80. Lighting in multifamily housing.](#)

[Secs. 44-81—44-101. Reserved.](#)

Sec. 44-75. Purpose.

This division provides regulations applicable to development and land uses in the residential zoning districts established by section 44-39. The purpose of the individual residential zoning districts and the manner in which they are applied is provided in section 44-76.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-76. Purpose of residential zoning districts.

- (a) *R-1, Single-Family Residential.* The R-1 zoning district identifies areas intended for single-family housing types, including conventional single-family detached homes, patio homes, zero lot line homes, planned unit developments, mixed-use developments, and attached, lower-density developments such as duplexes. The allowable density range is from 1.0 to 8.7 dwelling units per net acre. This designation requires conventional single-family lots to be a minimum of 5,000 square feet. Allowable housing types, other than conventional single-family detached, are permitted on lots less than 5,000 square feet, subject to approval by the planning commission. The R-1 zoning district is consistent with the single-family residential land use designation of the general plan.
- (b) *R-3, Multiple-Family Residential.* The R-3 zoning district identifies areas intended for the development of a range of attached and detached residential uses. Typical housing types include higher density single-family residences, patio homes, zero lot line homes, planned unit developments, mixed-use developments, and attached multiple-family dwellings such as duplexes, townhomes, condominiums, and garden apartments. Congregate care facilities and similar uses may be approved as conditional uses in compliance with the provisions in article V, division 5 (Conditional Use Permits and Amendments) of this chapter. Smaller sites composed of two acres or less are permitted to be developed with a maximum density of ten dwelling units per net acre. Larger sites that are between 2.1 to four acres are permitted to be developed with densities up to 15 dwelling units per net acre and sites composed of at least 4.1 acres are permitted to be developed with a maximum density of 25 dwelling units per net acre. The R-3 zoning district is consistent with the multiple-family residential land use designation of the general plan.
- (c) *VRO, Village Residential Overlay.* The VRO designation is intended as an overlay zone for certain areas within the multiple-family residential land use designation that involve special development opportunities and require a tailored approach to planning and design. The designation is intended to provide for a variety of housing types within one project or development, ranging from single-family housing to multiple-family dwellings, including uses incidental to the residential uses. The types of

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developments that are suitable to the Village Residential Overlay include affordable housing projects, senior housing projects, or planned unit developments that involve tailored development standards and site design. The maximum allowable density on a parcel within the Multiple-Family Residential (R-3) to which the VRO designation is applied shall be 30 units to the acre (30 du/ac), regardless of the size of the parcel in the Multiple-Family Residential (R-3) to which the VRO designation is applied.

(Ord. No. 2003-07, § 3(exh. A); Ord. 2004-09, § 5; Ord. No. 2011-03, § 3, 5-17-2011)

Sec. 44-77. Precise plan required.

- (a) *New development.* All new development shall require approval of a precise plan by the Planning Commission.
- (b) *Residential remodel required.* Any additions or remodeling to the exterior of an existing residential dwelling must undergo the residential remodel process as specified in article V, division 4 of this chapter.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-78. Allowed uses.

The following table indicates those uses that are permitted (P), allowed subject to the approval of a conditional use permit (C), or prohibited (X) in residential zoning districts:

KEY TO ALLOWABLE USES AND PERMIT REQUIREMENTS

Symbol	Applicable Process	See Section
P	Permitted use	44-10
C	Conditional use	44-10, Article V, Division 5
X	Prohibited use	44-10
B	Block Party Permit	44-947, 44-486

Notes:

See section 44-139, regarding uses not listed.

See Article I for definitions of land uses.

TABLE II-1. ALLOWABLE USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS

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LAND USE	DISTRICT		STANDARDS IN SECTION
	R-1	R-3	
Single-Family Dwellings	P	P	44-79
Duplexes	P	P	44-79
Patio Homes and Zero Lot Line Residences	P	P	44-79
Apartments and Condominiums	X	P	44-79
Planned Unit Developments	P	P	44-79
Residential Accessory Uses and Structures (i.e., patios)	P	P	44-102
Home Occupations	P	P*	Chapter 22, Article III
Rooming/Boarding Houses	X	X	N/A
Child Day Care — Up to 8 children (small family)	P	P	N/A
Child Day Care — 9 to 14 children (large family)	C	C	N/A
Adult Day Care—up to 6 clients (residential)	P	P	N/A
Adult Day Care—7+ clients (business)	C	C	N/A
Drug/Alcohol Rehabilitation Homes—up to 6 residents	P	P	N/A
Congregate Care Facilities	X	C	N/A
Manufactured Home	P	X	44-79
Mobile Home Park	X	C	N/A

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Supportive Housing—Residential Group Living 6 Persons or Fewer, Single-Family Type and Duplex Type	P	P	44-110
Supportive Housing – Residential Apartment Type	X	P	44-110
Supportive Housing—Residential Group Living 7 Persons or More	C	C	44-110
Transitional Housing—Residential Group Living 6 Persons or Fewer or Single-Family and Duplex Type	P	P	44-110
Transitional Housing – Residential Apartment Type	X	P	44-110
Transitional Housing—Residential Group Living 7 Persons or More	C	C	44-110
Schools	C	C	N/A
Secondary Dwelling Units	P	P	44-111
Religious Institutions	C	C	N/A
Public Utility Facilities	C	C	N/A
Block Parties	B	B	44-947

*Requires written approval of landlord/property manager.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2013-02, § 2, 4-2-2013; Ord. No. 2013-03, § 2, 7-2-2013)

Sec. 44-79. Development standards for residential zoning districts.

- (a) New land uses and structures and alterations to existing land uses and structures shall be designed, constructed, and/or established in compliance with the requirements in Table II-2 (Development Standards for Residential Zoning Districts), in addition to all other applicable development standards (e.g., landscaping, parking, loading, etc.) in article III of this chapter (Standards Applicable in All Zoning Districts).
- (b) Permanently sited manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.) may not be excluded from lots

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zoned for single-family dwellings, and are subject to the same rules a site-built homes, except architectural requirements concerning the manufactured home's roof overhang, roofing materials, and siding materials. Pursuant to California Government Code § 65852.4, and with the exception of architectural requirements, the City shall not subject an application to permanently site a manufactured home on a lot zoned for single-family dwelling to any administrative permit, planning or development process, or requirement which would not be imposed on a conventional site-built single-family residential dwelling on the same lot.

TABLE II-2. DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

DEVELOPMENT FEATURE		R-1 DISTRICT	R-3 DISTRICT	
Minimum Parcel Size		5,000 sq. ft. ¹	10,000 sq. ft.	
Density Range		1.0 to 8.7 dwelling units per net acre	Parcel Size of 0—2.0 acres	Up to 10 dwelling units per net acre
			Parcel Size of 2.1—4.0 acres	Up to 15 dwelling units per net acre
			Parcel Size of 4.1 or more acres	Up to 25 dwelling units per net acre
Setbacks Required	Front ²	15 ft. ⁴	20 ft. ⁴ (
	Side ³	5 ft.	10 ft.	
	Side Adjacent to Residential Zoned Property	N/A	20 ft.	
	Street side	5 ft.	15 ft.	

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DEVELOPMENT FEATURE		R-1 DISTRICT	R-3 DISTRICT
	Rear	15 ft.	15 ft.
	Rear Adjacent to Residential Zoned Property	N/A	25 ft.
	Accessory structures	See section Sec. 44-102	See section Sec. 44-102
Maximum Height Limit		30 ft. (two stories)	30 ft. (two stories)
Minimum Building Separation	1 Story Building on Same Lot	N/A	10 ft.
	2 Story Buildings or Between 1 and 2 Story Buildings on the Same Lot	N/A	20 ft.
	1 Story Multifamily Buildings From Property Zoned for Single-Family Residences	N/A	20 ft.
	2 Story Multifamily Buildings From Property Zoned for Single-Family Residences on Different Lots	N/A	30 ft.
Maximum Lot Coverage		45%	40%

- ¹ For conventional single-family parcels only. For other permissible housing types, minimum lot size shall be determined by density range.
- ² Paved areas other than the driveway and paved ancillary parking area shall not encroach into the required front yard area in single-family developments.
- ³ Tailored development standards and site design permitted on housing projects, other than conventional single-family, shall be permitted with approval of the Planning Commission

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⁴ 23 foot setback for front loaded garages and 15 feet for side-loaded garages

(Ord. No. 2004-03, § 8; Ord. 2004-09, § 6; Ord. No. 2013-02, § 3, 4-2-2013)

Sec. 44-80. Lighting in multifamily housing.

(a) Lighting in multifamily housing type occupancies shall be as follows:

- (1) Aisles, passageways and recesses related to and within the building complex shall be illuminated with an intensity per Sec 44-278 at the ground level during the hours of darkness. Lighting devices shall be protected by weather and vandalism-resistant covers.
- (2) Open parking lots and carports shall be provided with a maintained minimum of one foot-candle of light on the parking surface during hours of darkness. Lighting devices shall be protected by vandal-resistant covers. These lighting devices shall be automatically energized during hours of darkness.
- (3) Each residential unit of multifamily housing type occupancies shall have an enclosed parking space with a garage door equipped as in section 10-336.

(Code 1975, § 7-46; Ord. No. 79-11, § 1)

Secs. 44-81—44-101. Reserved.

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[Sec. 44-102. Accessory uses and structures.](#)

[Sec. 44-103. Garage/yard sales.](#)

[Sec. 44-104. Animals.](#)

[Sec. 44-105. Block parties.](#)

[Sec. 44-106. Mechanical equipment.](#)

[Sec. 44-107. Vehicles, motorized recreational vehicles, and recreational objects—Maintenance and repair guidelines.](#)

[Sec. 44-108. Same—Parking and storage regulations.](#)

[Sec. 44-109. Parking and storage of oversized vehicles in residential areas.](#)

[Sec. 44-110. Emergency shelters, transitional and supportive housing.](#)

[Sec. 44-111. Second unit residences.](#)

[Secs. 44-112—44-135. Reserved.](#)

Sec. 44-102. Accessory uses and structures.

(a) *Required setbacks.*

TABLE II-3. REQUIRED SETBACKS FOR ACCESSORY STRUCTURES

Accessory Structure	Type of Setback	Minimum Required Setback
Patio covers, gazebos, storage sheds ^{4,5} , stationary barbecues, gas fireplaces, gas fire pits, canopies and similar structures (R-1 and R-3 only).	Interior side yard ^{1,2}	5 feet
	Street side yard	10 feet
	Rear yard	5 feet
	Between structures over 120 square feet of area	6 feet
Enclosed patios (R-1 and R-3 only).	Interior side yard	5 feet
	Street side yard	5 feet

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Accessory Structure	Type of Setback	Minimum Required Setback
	Rear yard	15 feet
	Rear yard when backing up to an arterial roadway, railroad right-of-way, Southern California Edison right-of-way, County flood control channel, or non-residential zoned property	10 feet
Workshops	Interior side yard	5 feet
	Street side yard	10 feet
	Rear yard	10 feet
Balconies	Front setback—above yard area	15 feet
	Front setback-front entry garage ³	23 feet
	Interior side yard	10 feet
	Street side yard	10 feet
		20 feet
	Rear yard when backing up to a street, railroad right-of-way, Southern California Edison right-of-way, County flood control channel, or non-residential zoned property	10 feet
Swimming pools	See section 44-273	
Mechanical equipment	See section 44-106	

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- 1 On lots with only one side yard, the minimum required side setback for patio covers shall be three feet.
- 2 Condominiums and townhouses shall have a minimum side yard setback of 3 feet for patio covers.
- 3 For side entry garages, setback to be determined by Development Committee or Planning Commission at the time of precise plan or amendment to precise plan approval.
- 4 Storage sheds requiring building permit per California Building Code (CBC) Section 105.1 must adhere to zoning setbacks. Storage sheds exempt from building permits per the California Building Code Section 105.2 are exempt from zoning setback requirements.
- 5 The total number of exempt storage sheds allowed on a single family (R-1) lot shall not exceed 480 square feet of total aggregate area.

(b) *Maximum height for an accessory structure.*

TABLE II-4. MAXIMUM HEIGHT FOR ACCESSORY STRUCTURES

Accessory Structure	Maximum Height
Patio Covers and gazebos	12 feet
Storage sheds and similar structures	8 feet
Workshops	12 feet
Stationary barbecue, gas fireplaces, and gas fire pits	8 feet
Canopies	10 feet

(c) *Specific accessory structure development standards.*

(1) *Balconies or decks for single-family structures.*

- a. *Outside stairway.* There shall be no outside stairway in the R-1 zoning district.
- b. *Screen or guardrail.* A minimum 36-inch high screen or guardrail shall be constructed of materials compatible with the design of the structure.
- c. *Screen wall.* A screen wall, a minimum of six feet in height, shall be constructed on both sides (ends) of the balcony or deck for the full depth of the balcony or deck or as required by the conditions of approval. This requirement may be waived by the Community Development Director where it is clear that the balcony will not negatively impact adjacent residential properties.

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- d. *Maximum size.* The maximum size of a balcony or deck shall be 120 feet square feet.
 - e. *Doors.* There shall be no outside doors above the first story except when allowed with an approved balcony or deck.
 - f. *Enclosure.* Balconies or decks shall not be enclosed except by the adjoining residential unit and any required screen walls.
- (2) *Patio covers.* Patio covers shall not cover more than 50 percent of the required rear yard area.
- (3) *Storage sheds.* Storage sheds shall not exceed 120 square feet in area. Permanent electrical service shall not be allowed within storage sheds.
- (4) *Workshops.*
- a. *Minimum/maximum.* Workshops shall have a minimum area of 120 square feet and not exceed a maximum area of 400 square feet.
 - b. *Habitable area.* Workshops shall not contain any habitable areas and shall not be used for habitation of humans.
 - c. *Enclosure.* Workshops shall be fully enclosed and shall contain at least one door not less than 32 inches in width and may contain no interior walls. If greater than 200 square feet, workshops shall contain a window with a minimum dimension of 24 inches by 36 inches.
 - d. *Air conditioning and heating units.* Workshops shall not have air conditioning and heating units.
 - e. *Permit.* Building permits are required for workshops.
 - f. *Separation.* Workshops shall be located at least ten feet from any portion of a residential structure.
- (5) *Canopies.*
- a. *Location.* Canopies are not to be permitted in the front yard area or visible from the public-right-of-way.
 - b. *Maintenance.* Canopies shall be maintained and remain in good condition at all times.
 - c. *Temporary permitted use.* Canopies may be located in a front yard area or be visible from the public right-of-way for up to 72 hours, with a temporary use permit or block party permit.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2004-03, § 9)

Sec. 44-103. Garage/yard sales.

- (a) *Number of sales.* A resident shall be allowed to hold a maximum of two garage/yard sales at his or her dwelling unit in each calendar year.
- (b) *Length of sale.* Garage/yard sales shall not extend for more than two consecutive days or three consecutive days on extended national holidays.
- (c) *Sales area.* Sale areas shall be confined to the garage and driveway area within the front yard. Where no driveway exists, one-half of the property width in the front yard area may be used for the sale of merchandise.
- (d) *Hours.* Garage/yard sales may only be conducted within the hours of 7:00 a.m. and sunset.

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- (e) *Permits.* A person shall obtain a permit from the community development department prior to having a garage/yard sale.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-104. Animals.

Up to four household pets are permitted in the residential zones. For the purposes of this section, household pets shall include dogs, cats, parrots, canaries and other house birds of a similar nature, hamsters, rabbits, guinea pigs, white rats, white mice, turtles, salamanders, newts, chameleons, kangaroo rats, nonpoisonous reptiles not over six feet long, any nonpoisonous toad, lizard or spider, and other animals of a similar nature. Any unweaned litter from such household pets not over six months old shall be permitted. Fowl (other than house birds), horses, sheep, cattle, pigs, goats, and similar farm animals are prohibited. Fish shall be excluded from the limitations established by this section. Regardless of any permissions granted by this section, all dangerous animals, as defined by this Development Code, shall be prohibited.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-105. Block parties.

- (a) *Permit required.* No block party shall be permitted to operate within the City unless the event holder obtains a block party permit, as well as any other permits or licenses required by law. Procedures for obtaining a block party permit are established in section 44-947
- (b) *Regulations.* Applicants for permits under this article shall comply with each of the following minimum requirements:
- (1) Block party hours are limited to 10:00 a.m. to 10:00 p.m.
 - (2) Only neighborhoods with cul-de-sacs may conduct block parties.
 - (3) Ninety percent of the residents affected by the closure of the street must consent to the block party by signing the application. For the purposes of this subsection, all residents of an affected property shall be deemed to have given consent if at least one owner or one legal tenant over the age of eighteen of said property has signed the application.
 - (4) If the block party includes equipment or services from a private vendor to be used on a public right-of-way, the responsible party must submit a copy of the vendor's General Liability Insurance Certificate naming the City as an additional insured in an amount to be determined at the time of application.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2005-04, § 2)

Sec. 44-106. Mechanical equipment.

- (a) *Location.* Mechanical equipment (e.g., HVAC units) may be located in the rear yard, side yard, or on the roof. Such equipment may only be located in an interior side yard if it is not feasible to locate it in the rear yard. All equipment in the side yard shall be located at the furthest possible location away from windows on the adjacent property but in no case shall the equipment be less than ten feet from any window on the adjacent property. Pool equipment is only permitted in the rear yard area.

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- (b) *Noise.* HVAC units shall be exempt from the community noise standards established in section 44-267, provided that the unit is properly located and is working at or below the manufacturer's decibel rating for the unit. All other mechanical equipment shall be subject to the requirements of section 44-267
- (c) *Visibility.* All reasonable efforts shall be taken to ensure that mechanical equipment is not visible from public streets and is screened from view of adjacent residential properties in a manner approved by the Community Development Director.
- (d) *Chimney structures.*
 - (1) Chimney structures that are incorporated within or affixed to the exterior of a residential structure shall be enclosed within a chassis and finished with brick, rock, stucco, or wood/metal siding. All materials, except for brick and rock, utilized for the chimney are required to be painted with colors that are compatible with the residence and any other chimney structure on the residence.
 - (2) Round metal pipes, clay pipes, guy wires, and straps for chimneys shall be fully enclosed within the chassis and shall not be visible from the property line.
 - (3) Gas vent pipes and other mechanical ducts that are less than six inches in diameter when leaving the interior of the structure are exempted from these requirements.

(Ord. No. 2003-07, § 3(exh. A); Ord. 2004-03, § 10; Ord. 2006-01, § 2)

**Sec. 44-107. Vehicles, motorized recreational vehicles, and recreational objects—
Maintenance and repair guidelines.**

- (a) No person shall perform other than minor or routine maintenance or repair on any vehicle, motorized recreational vehicle, or recreational object while parked on a driveway or paved ancillary parking area. Additionally, no person shall leave a vehicle, motorized recreational vehicle, or recreational object parked upon a driveway or paved ancillary parking area in a visible state of disrepair or semi-repair in excess of six hours.
- (b) The term "visible state of disrepair or semi-disrepair" shall include, without limitation, such a state that it is apparent to a casual observer that the repair or maintenance of the vehicle, motorized recreational vehicle, or recreational object has not yet been completed.
- (c) Upon written request of a residential property owner or residential tenant, the City Manager or his or her designee may grant a waiver of the regulations established by this section, provided that the waiver may be not granted for more than four days in a 30-day period or granted in an effort to facilitate an unauthorized home-based business.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-108. Same—Parking and storage regulations.

- (a) Unless the context indicates otherwise, the definitions set forth in article I of this chapter and the California Vehicle Code shall be applicable to this section.
- (b) No vehicle, motorized recreational vehicle, or recreational object shall be parked or stored on any portion of a front yard area of a residential structure. Vehicles, recreational vehicles, and recreational objects parked in driveways shall be parked perpendicular to the garage door of the structure or the public street. For purposes of this section, the term "front yard area of a residential structure" shall

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include all areas in front of the residential structure with the exception of the driveway of the structure, as the driveway was originally constructed and not more than one paved ancillary parking area.

- (c) No vehicle, motorized recreational vehicle, recreational object, or any accessory, which is parked or stored on private property, shall project into any public sidewalk or public right-of-way or be located in a position that would adversely affect vehicular or pedestrian traffic safety.
- (d) Recreational objects shall not be parked or stored on a driveway or paved ancillary parking area between the hours of 2:00 a.m. and 5:00 a.m. For the purposes of this section, the term "recreational objects" includes camper shells off a truck, boats, personal water craft, off-road vehicles, snowmobiles, airplanes, and any other object made to carry one or more persons, but not including bicycles, tricycles, on-road motorcycles, and scooters.
- (e) Motorized recreational vehicle and recreational object storage is permissible in the side or rear yard area if and only if it is screened in such a way as to be not readily visible from any public right-of-way or separated from any public right-of-way by an opaque fence or wall of approximately six feet in height. Stored vehicles, motorized recreational vehicles, and recreational objects may undergo maintenance of unlimited duration, provided that the portion visible from the public right-of-way or adjacent property from ground elevation is maintained in a clean and orderly appearance.
- (f) Notwithstanding any other provisions of this Development Code, vehicles, motorized recreational vehicles, nonmotorized vehicles, and commercial vehicles may be parked or stored on driveways or paved ancillary parking areas only if road operational and kept clean and free of debris. For the purposes of this section, the term "road operational" means a vehicle that possesses the minimum required equipment and certifications to be legally driven on the highways of the State of California, including a valid current license and registration or temporary registration and all proper safety equipment.

(Ord. No. 2003-07, § 3(exh. A); Ord. 2005-05, §§ 1, 2)

Sec. 44-109. Parking and storage of oversized vehicles in residential areas.

- (a) It shall be unlawful for any person, firm, company, or corporation to park, store, or permit to be parked or stored any oversized vehicle, as defined in section 44-10, on any privately owned property lying within any residential zoning district unless one of the following conditions can be met:
 - (1) The vehicle can be parked or stored completely within an enclosed garage.
 - (2) The vehicle is parked or stored such that it can be fully screened from view from the public right-of-way and neighboring residential properties. The method of screening shall adhere to the requirements of this Development Code in terms of materials used, maximum wall and structure heights, setback requirements, and other applicable standards and permitting requirements for the zoning district in which the subject property is located.
 - (3) The vehicle is in the act of making a pickup or delivery or is being used in conjunction with the performance of a bona fide service or construction activity on a residential property in the vicinity.
- (b) This section shall not be applicable to recreational vehicles or objects.
- (c) Nothing contained herein shall prohibit the parking of vehicles of public or private utility companies, including cable television companies, on any public street for a period of time required in the locating, relocating, installation, servicing, testing, or repair of equipment of such companies, nor shall the provisions of this section be construed to prohibit the parking of any vehicles used in the construction, repair, or maintenance of any road, street, or alley in such zoning districts.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2005-02, § 5)

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(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2013-03, § 4, 7-2-2013)

Sec. 44-111. Second unit residences.

- (a) *Review.* Second unit residences shall be reviewed ministerially and approved by the Community Development Director. Plans shall be submitted for review that show the lot dimensions, streets, utilities, drainage plan, building placement, access, parking areas, roof pitch, fencing, landscaping, exterior elevations, and material of all buildings. The plan should be detailed and adequately dimensioned and may contain added information to fully explain the development.
- (b) *Site and design standards.* The design and incorporation of a second unit on a residential property shall be such that the second unit:
 - (1) Is limited to one story in height not exceeding 16 feet if it is detached from the primary unit;
 - (2) Conforms to the height limits established in this Development Code for the zone in which the subject residential property lies, if the second unit is attached to the primary unit;
 - (3) Contains a total floor area of no more than 30 percent of the living area of the principal dwelling and in no case exceeds 1,200 square feet;
 - (4) Maintains architectural compatibility with the primary unit, which includes, but is not limited to, building proportion, architectural style, roof type, paint color, finish, details, and other qualities subject to the review and approval by the Community Development Director;
 - (5) Conforms to all setback and building separation requirements established in this Development Code for the zone in which the subject residential property lies;
 - (6) Conforms to all density requirements in this Development Code and in the General Plan;
 - (7) Conforms to all parking requirements in this Development Code.
 - (8) The applicant shall be the owner of the primary unit and shall occupy either the primary or second dwelling unit and shall record a covenant preventing rental of both units simultaneously.
- (c) *Sale of unit.* A second unit may be rented but shall not be sold, transferred, or assigned separately from the primary residence. A second unit shall not be approved by the City prior to the applicant's submittal of evidence that a deed restriction affirming this requirement has been filed with the County Recorder. This deed restriction shall run with the land and be continuous in tenure with the life of the second unit.
- (d) *Fees.* The fee for review of a proposed second unit shall be equivalent to the fee established by the City Council for a precise plan amendment.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-112—44-135. Reserved.

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[Sec. 44-136. Purpose.](#)

[Sec. 44-137. Purpose of nonresidential zoning districts.](#)

[Sec. 44-138. Precise plan required.](#)

[Sec. 44-139. Allowable uses.](#)

[Sec. 44-140. Nonresidential zoning districts general development standards.](#)

[Secs. 44-141—44-163. Reserved.](#)

Sec. 44-136. Purpose.

This division provides regulations applicable to development and land uses in the nonresidential zoning districts established by section 44-39. The purposes of the individual nonresidential zoning districts and the manner in which they are applied are provided section 44-137.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-137. Purpose of nonresidential zoning districts.

- (a) *OP, Office Professional.* The OP zoning district provides for single- or multi-tenant offices and may include limited supporting uses for onsite employees. Office developments may range from low-rise structures situated in a landscaped garden arrangement to mid-rise structures at appropriate locations. Typical uses include professional offices for legal, design, and engineering services, medical offices/health care centers, corporate headquarters, and general offices for insurance, real estate, and financial services. Supporting convenience services may be permitted to serve the needs of onsite employees or visitors/patients.
- (b) *NC, Neighborhood Commercial.* The NC zoning district provides localized commercial retail and service activities for surrounding neighborhoods. Typical uses include food markets, drug stores, clothing stores, sporting goods, cleaners, banks, offices, private schools and child care centers, hardware stores, other retail and personal service uses, mixed uses (residential/commercial), and community facilities. Neighborhood commercial projects should be compatible in design and scale with adjacent residential areas.
- (c) *B-1, Mixed-Use Business.* The B-1 zoning district provides for a compatible and complementary mixture of employment, commercial, and residential uses. Typical uses include business and professional offices, high-rise hotels, restaurants, retail and general service commercial uses, limited research and development operations, commercial recreation, and multiple-family residential development. Development in the Mixed-Use Business District should offer attractive and distinctive architectural design, integrated site layouts, substantial landscaping enhancements, and convenient pedestrian access between uses.
- (d) *GI, General Industrial.* The GI zoning district provides for a range of industrial uses including manufacturing, assembly, distribution, research and development facilities, science laboratories, warehousing, distribution, and utility buildings/facilities. Uses may include ancillary office and commercial activities. Commercial developments such as home improvement stores and wholesale and retail commercial activities may be conditionally approved in compliance with article V, division 5 of this chapter.

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- (e) *PI, Public/Institutional.* The PI zoning district is intended for a range of public and private uses including schools, government offices, police and fire stations, public utilities, flood control channels, utility easements, libraries, museums, hospitals, congregate care facilities, religious institutions, temporary emergency shelters, transitional shelters, and cultural facilities. Public or institutional uses may be permitted in other land use designations under the procedures of article V, division 5 of this chapter.
- (f) *OS, Open Space/Recreation.* The OS zoning district encompasses parkland and utility easements developed for recreational use. Only accessory buildings or those structures related to parks and recreation facilities are intended for open-space lands. This designation may also accommodate certain commercial outdoor recreation uses as a conditional use in compliance with article V, division 5 of this chapter.
- (g) *PND, Planned Neighborhood Development.* The Planned Neighborhood Development (PND) is intended to encourage commercial infill, redevelopment, and rehabilitation opportunities by allowing innovative land design and diversification in the relationship of various uses, buildings, structures, lot consolidation, parking, and landscaping while ensuring substantial compliance with the General Plan and the intent of the Development Code. In addition, the PND zoning district provides adequate standards necessary to protect and promote the public health, safety, and general welfare of the City.
 - (1) *Purpose and intent.* The purpose of the PND zoning district is to promote economic viability and sensitivity to design contexts and individual neighborhood character crucial to the success of any commercial infill or redevelopment project. It is recognized that an integrated development provides an opportunity for creative design when flexible yet defined regulations are applied. The PND zoning district regulations are established in order to:
 - a. Encourage and accommodate quality restaurant and retail development, in a unified project, through creative and imaginative planning solutions;
 - b. Ensure a more efficient use of space, increased project amenities, and compatibility with the surrounding neighborhoods and existing development;
 - c. Encourage the use of modern land planning and design techniques to create attractive, vibrant commercial developments integrating a mixture of different types of site uses;
 - d. Support revenue generating commercial uses that add needed services with economic, social, and aesthetic benefits to the City and its residents without causing the City to incur costs for municipal services that exceed the tax revenues attributable from such uses;
 - e. Achieve the coordinated planning and orderly development and redevelopment of different contiguous parcels to achieve a comprehensive planning and project effort and outcome, such as the consolidation of adjacent parcels or building sites for maximum flexibility in design and use; and
 - f. Encourage public art as a community resource and establish incentives, programs and objectives for incorporating public art into private commercial development projects.
 - (2) *Development objectives.* The following objectives serve as a blueprint for all development projects within the PND zoning district and during the approval process. The Planning Commission or City Council may require additional studies as they determine necessary or appropriate to consider project design and impacts. They may also require additional standards, regulations, limitations and/or restrictions to facilitate and encourage project designs that satisfy the goals in subsection (g)(1) of this section. Development objectives are intended to produce the desired uses and the quality of site development that will bring new economic development opportunities into the City that will benefit City residents and not adversely impact the provision of City services. Objectives include, but are not limited to, the following:

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- a. To attract retail and restaurant uses that will promote economic and efficient use of land and unified development;
- b. To permit the creation of functional and interesting commercial developments that do not adversely impact the City's ability to maintain its existing level of municipal services;
- c. To promote building site planning that takes into consideration the context of the development, the location of nearby uses and, whenever possible, to cluster buildings with one another and/or with those on an adjacent property; and
- d. To incorporate into the project unique and/or creative solutions specific to each site, project, and use in relation to the following requirements:
 1. Height limitations or any bulk requirements on buildings and structures, lot and yard requirements, distances between buildings;
 2. Percent coverage of land by buildings and structures;
 3. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area;
 4. The location, width, and improvement of vehicular and pedestrian access to various portions of the property including portions within abutting streets;
 5. Landscaped buffer areas to include fences, walls, and lighting of an approved design;
 6. Limitations upon the size, design, number, lighting, and location of signs and advertising structures;
 7. Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;
 8. Location and size of off-street loading areas and docks;
 9. Uses of buildings and structures by general classifications, and specific designation when there are unusual requirements for parking; or when use involves noise, dust, odor, fumes, smoke, vibrations, glare, or radiation incompatible with present or potential development of surrounding property;
 10. Quality architectural design of buildings and structures; and
 11. Public art.
- e. To consolidate building sites. The objective is to allow and encourage consolidation of parcels/sites for maximum flexibility in design and use. The following features are encouraged to be included in multiple parcel developments:
 1. Shared parking and access;
 2. Reciprocal easements;
 3. Off-site parking to meet City Code requirements; and
 4. Shared on-site pedestrian and vehicular circulation.
- f. To encourage the use of imaginative ideas for building and parking arrangements, architecture, and landscaping in order to make facilities convenient and attractive and in keeping with the goals and policies of the General Plan.
- h. FO - Freeway Overlay District. The FO designation is intended as an overlay zone for certain areas of non-residential land uses adjacent to the SR 91 freeway that provide special

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information display opportunities and require a tailored approach to planning and design. The designation is intended to allow for information dissemination from freestanding display structures along the SR 91. The types of mediums that are suitable in the Freeway Overlay District include freestanding display structures with static information displays or electronic/digital information displays which are tailored to certain specific development and site design standards.”

- (i) *(IO), Industrial Overlay.* The Industrial Overlay (IO) is intended to provide for areas where industrial uses are appropriate to provide for diverse commerce and employment in the City, while protecting adjacent and nearby commercial and residential uses from the potential impacts associated with industrial operations.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2010-02, § 4, 10-5-2010)

Editor's note—

On 11/17/2009, the City Council adopted Ord. Nos. 2009-06 and 2009-07 to temporarily suspend within the Neighborhood Commercial District the issuance of land use entitlements and development and building permits, approvals, and licenses, pending the completion of a planning study and the City Council's consideration of any amendments to the zoning provisions of La Palma City Code that may result from the planning study. The ordinances stated that the duration of the moratorium was 45 days from the effective date of these ordinances. This moratorium was extended by Ord. No. 2009-09, adopted 12-22-2009, for an additional period of ten months and 15 days, or sooner if the City adopts an ordinance modifying regulations for uses on the study parcels within the Neighborhood Commercial District.

Sec. 44-138. Precise plan required.

- (a) *Approval required.* All new developments, unless exempt per the provisions of this Development Code, shall require approval of a precise plan by the Planning Commission pursuant to article V, division 3 of this chapter.
- (b) *Amendment to precise plan.* All development on properties previously developed under an adopted precise plan shall require approval of an amendment to the precise plan by the Planning Commission.
- (c) *Modification of development standards.* The development standards listed in section 44-79 may be modified by the Planning Commission in its approval of a variance pursuant to article V, division 11 of this chapter. The use of imaginative ideas for building and parking arrangements, architecture, and landscaping in order to make facilities convenient and attractive and in keeping with the goals and policies of the General Plan is encouraged.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-139. Allowable uses.

- (a) *Table.* The following table indicates those uses that are permitted as of right (P), allowed subject to the approval of a conditional use permit (C), allowed as an accessory use (A), allowed with the approval of a temporary use permit (T), special permit (S), or adult oriented business permit (D), or prohibited (X). No uses shall be allowed which are not in compliance with all City, State, and federal laws and regulations.

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Key to Allowable Uses and Permit Requirements

Symbol	Applicable Process	See Section
P	Permitted Use (in most cases also requires approval of a Precise Plan and/or approval by the Community Development Director)	44-10
C	Conditional Use Permit	Article V, Division 5
A	Accessory Use (in most cases also requires approval of a Conditional Use Permit, Special Permit, and/or approval by the Community Development Director)	44-10
T	Temporary Use Permit	Article V, Division 10
S	Special Permit	Article V, Division 8
D	Adult Oriented Business Permit	Article V, Division 9
R	Review and Approval from Community Development Director	44-484
X	Use Prohibited	44-10

**TABLE II-5. ALLOWABLE USES AND PLANNING PERMIT REQUIREMENTS FOR
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LAND USE	ZONING DISTRICT						
	OP	NC	B-1	GI	PI	OS	PND ¹
Retail Uses							

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LAND USE	ZONING DISTRICT						
	OP	NC	B-1	GI	PI	OS	PND ¹
Outdoor Display And Incidental Seating Area	P	P	P	X	X		
Retail Stores under 10,000 sq. ft. floor area	A	P	P	A	X	X	P
Shopping Centers and Retail Stores with 10,000 to 50,000 sq. ft. total floor Area	C	P	P	C	X	X	P
Shopping Centers and Retail Stores with over 50,000 sq. ft. total floor area	C	C	C	C	X	X	P
Liquor and Convenience Stores under 10,000 sq. ft. floor area, with no consumption of alcohol on the premises	C	C	C	X	X	X	C
Pawn Shops, Secondhand Store	X	S	X	X	X	X	X
Plant Nurseries and Garden Supply Stores, with no propagation of plants on the premises	X	C	P	C	X	X	C
Showroom/Catalog Stores, without substantial on-site inventory	C	P	P	P	X	X	P
General Services							
Barber Shops, Beauty, Nail and Tanning Salons, and similar uses	P	P	P	C	X	X	X
Laundromats and Dry Cleaners (except central cleaning plants)	C	P	P	P	X	X	X
Miscellaneous Services such as Travel Services, Photo Developing, Videotape Rentals, Shoe Repair, Appliance Repair, and similar uses	C	P	P	C	X	X	X
Pet Grooming and Pet Supply	X	P	P	P	X	X	X
Printing, Blueprinting, and Copy Services	P	P	P	P	X	X	X

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LAND USE	ZONING DISTRICT						
	OP	NC	B-1	GI	PI	OS	PND ¹
Office Uses and Health Services							
Ambulance Services	X	X	P	P	X	X	X
Banks	P	P	P	C	X	X	C ³
Business and Professional Offices	P	P	P	P	X	X	X
Check Cashing Services	X	S	P	X	X	X	x
Hospitals: General, and Convalescent	C	X	C	C	C	X	X
Laboratories, Medical, Dental, Optical, and X-Ray	P	P	P	P	A	X	X
Massage Facilities	C	C	C	C	C	X	X
Medical Offices (physicians, dentists, optometrists, chiropractors, and similar practitioners)	P	P	P	C	A	X	X
Medical Centers/Clinics (four or more offices in one building)	P	C	P	C	A	X	X
Surgicenters	P	P	P	P	A	X	X
Veterinary Clinics, Animal Hospitals, and Kennels (indoor only)	X	C	P	C	X	X	X
Dining, Drinking, and Entertainment Uses							
Restaurants, counter take-out with ancillary seating, (such as yogurt, ice cream, pastry shops, and similar)	P	P	P	P	A	A	P
Restaurants, drive-in or drive-through, with no alcohol sold on the premises	X	C	P	X	X	X	P

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LAND USE	ZONING DISTRICT						
	OP	NC	B-1	GI	PI	OS	PND ¹
Restaurants, other than drive-in or drive-through, with no alcohol sold on the premises	C	P	P	C	A	X	P
Restaurants serving alcohol: bars, taverns, and cocktail lounges	C	C	C	X	X	X	C
Dancing or Live Entertainment as a principal use (excluding adult entertainment)	X	C	C	X	X	X	X
Dancing or Live Adult Oriented Entertainment as a principal use	X	D	X	D	X	X	X
Dancing or Live Entertainment as an accessory use (excluding adult entertainment)	X	C	C	X	X	X	C
Dancing or Live Adult Oriented Entertainment as an accessory use	X	D	X	D	X	X	X
Theaters: live or motion picture (excluding adult entertainment)	X	C	P	X	X	X	X
Adult Oriented Entertainment Theaters: live or motion picture	X	D	X	D	X	X	X
Recreation and Leisure Uses - Accessory							
Amusement Arcades with game machines, Internet cafes, and computer rental uses; all subject to sec. 44-164	X	C	C	X	X	X	X
Bicycle and Pedestrian Trails	P	P	P	P	P	P	X
Bowling, Pool, or Billiard Centers as a principal use	X	C	C	X	X	X	X
Family Recreation Centers (incorporating such uses as miniature golf or speedways and similar uses)	X	C	C	C	C	X	X
Game Machines as an accessory use, 1 to 2 machines	A	A	A	A	A	X	A

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LAND USE	ZONING DISTRICT						
	OP	NC	B-1	GI	PI	OS	PND ¹
Game Machines as an accessory use, 3 to 8 machines	C	C	A	C	C	X	C
Internet cafes or Computer Rental	X	C	P	X	X	X	X
Health Clubs and Day Spas	C	C	C	C	X	X	X
Martial Arts Studios, Music Studios, and Dance Studios.	P	P	P	P	P	X	X
Indoor Pistol, Rifle, or Archery Ranges	X	X	C	C	X	X	X
Libraries and Museums	P	P	P	P	P	X	X
Parks, Play Fields, and Open Space	P	P	P	P	P	P	X
Pool or Billiard Tables as an accessory use (4 tables or fewer)	X	C	C	A	A	X	C
Private Swim Schools	X	C	P	C	C	C	X
Skateboard Parks, Ice Rinks, and Roller Hockey Centers	X	X	C	C	C	C	X
Tennis Clubs, Racquetball, or Similar Centers	A	C	P	C	C	C	X
Assembly Uses							
Religious Institutions	C	X	X	C	C	X	X
Lodges, Union Halls, Social Clubs, and Senior Citizen Centers	C	X	X	C	C	X	X
Mortuaries and Funeral Homes	X	C	P	P	C	X	X
Public and Quasi-Public Uses							

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LAND USE	ZONING DISTRICT						
	OP	NC	B-1	GI	PI	OS	PND ¹
Adult Day Care (as principal use)	C	C	P	C	P	X	X
Child Day Care Facilities, Centers, and Preschools (as a principal use)	C	C	P	C	C	X	X
Colleges and Universities	C	X	C	C	P	X	X
Communication Towers and related facilities as a primary use	C	C	C	C	C	C	X
Electrical Substations	X	X	X	C	C	X	X
Fire and Police Stations	P	P	P	P	P	X	X
Government offices	P	P	P	P	P	X	X
Private Elementary, Intermediate, and High Schools	C	C	C	C	C	X	X
Public Flood Control Facilities and Devices	P	P	P	P	P	X	X
Public Reservoirs, Water Tanks, and Pump Stations	P	P	P	P	P	X	X
Public or Private Kennels and Animal Shelters (with indoor or outdoor pet boarding)	X	X	C	C	X	X	X
Tutorial Facility (after school hours)	C	C	C	X	C	X	X
Vocational Schools (barber, beauty, and similar)	C	C	P	C	C	X	X
Residential and Lodging Uses							
Caretaker Residences	X	X	X	X	C	X	X
Convalescent Homes	C	X	P	X	C	X	X

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LAND USE	ZONING DISTRICT						
	OP	NC	B-1	GI	PI	OS	PND ¹
Emergency Shelter (Homeless)	T	T	T	T	P	T	T
Hotels and Motels	C	C	P	X	X	X	C
Mixed-use Projects: residential and office/commercial ²	C	C	C	X	C	X	C
Multifamily Dwellings as a primary use	X	X	P	X	X	X	X
Senior Group Housing and Senior Citizen Hotels	X	X	P	X	C	X	X
Single Room Occupancy (SRO) Hotels	X	C	C	C	C	X	X
Supportive Housing – Residential Apartment Type	X	X	P	X	X	X	X
Supportive Housing—Residential Group Living 7 Persons or More	C	X	P	X	C	X	X
Transitional Housing – Residential Apartment Type	X	X	P	X	X	X	X
Transitional Housing—Residential Group Living 7 Persons or More	C	X	P	X	C	X	X
Automotive Uses							
Vehicle Dealerships and Rental Agencies	X	C	P	C	X	X	C
Vehicle Body Repair and Painting; Major Engine and Transmission Repair/Rebuilding (including major auto repair)	X	X	X	C	X	X	X
Vehicle Storage Yards (not including dismantling)	X	X	X	C	X	X	X
Vehicle Parts Stores, with no repair or parts installation on the premises	X	P	P	P	X	X	P

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LAND USE	ZONING DISTRICT						
	OP	NC	B-1	GI	PI	OS	PND ¹
Vehicle Repair Specialty Shops, providing minor auto maintenance: tire sales/service, muffler, brake, lube, and tune-up services (not including major engine or drivetrain repair)	X	C	X	C	X	X	X
Car Washes	X	C	P	C	X	X	X
Service Stations	X	C	P	C	X	X	C
Private Parking Lots/Garages as a principal use	C	C	P	P	C	X	X
Truck and/or Equipment Rentals	X	X	P	C	X	X	X
Truck, Recreation Vehicle, and Boat Sales	X	C	P	C	X	X	C
Accessory Uses and Structures							
Communication Towers and Facilities that may or may not be customarily associated with the principal use on the site	C	C	C	C	C	C	C
Communication Facilities that are roof-mounted and not visible from a public right-of-way	A	A	P	P	P	A	A
Communication Facilities that are roof-mounted and/or building mounted and visible from a public right-of-way	R	R	R	R	R	R	R
Fences and Walls	A	A	A	A	A	C	A
Incidental Products or Services for employees or businesses (child day care, cafeterias, and business support uses)	A	A	R	A	A	X	A
Portable Outdoor Vending Uses (such as flower stands, hotdog stands, and similar)	C	C	A	C	C	C	C

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LAND USE	ZONING DISTRICT						
	OP	NC	B-1	GI	PI	OS	PND ¹
Recycling Drop-off Bins	X	C	X	C	X	X	X
Reverse Vending Machines—indoor only	X	A	R	A	A	X	A
Satellite Dishes one meter (39.37 inches) in diameter or less and other antennas	A	A	R	A	A	A	A
Satellite Dishes more than one meter (39.37 inches) in diameter	C	C	A	C	C	C	C
Signs (subject to Article III, Division 5, Signs)	A	A	A	A	A	A	A
Swimming Pools as an accessory use	C	C	A	C	C	C	X
Other accessory uses and structures that the Community Development Director determines are customarily associated with, and subordinate to, the principal use on the premises and which are consistent with the purpose and intent of the zoning district	A	A	A	A	A	X	
Warehousing and Heavy Commercial Uses							
Central Cleaning or Laundry Plants	X	X	X	C	X	X	X
Contractor, Public Utility, and similar equipment/storage yards	X	X	X	C	X	X	X
General Warehouses, with no sales to consumers	X	X	X	C	X	X	X
Lumber and Building Material Yards, Outdoor (see retail stores for indoor lumber sales)	X	X	P	C	X	X	X
Self-storage Warehouses	X	X	X	C	X	X	X
Pest Control Services	X	X	P	P	X	X	X

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LAND USE	ZONING DISTRICT						
	OP	NC	B-1	GI	PI	OS	PND ¹
Plumbing Repair Shops, small non-auto related engine repair	X	C	P	P	X	X	X
Wholesaling and Distribution Centers, with no sales to consumers	X	X	C	C	X	X	X
Industrial and Research Uses							
Bottling plants	X	X	X	P	X	X	X
Indoor Manufacture and Assembly of Components or Finished Products from materials such as cloth, fiber, fur, glass, leather, stone, paper (except milling), plastics, metal, and wood	X	X	X	P	X	X	X
Junkyards	X	X	X	S	X	X	X
Offsite Hazardous Waste Facilities	X	X	X	C	X	X	X
Recording Studios	X	X	P	C	X	X	X
Recycling Centers as a primary use (collection and sorting only)	X	X	X	C	X	X	X
Research and Development	X	X	P	P	X	X	X
Sign Manufacturing	X	X	C	P	X	X	X
Special Events							
Circuses, Fairs, and Festivals	X	X	S	S	S	S	X
Community Events	S	S	S	S	S	S	S
Cycling Events	S	X	S	S	S	S	X

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LAND USE	ZONING DISTRICT						
	OP	NC	B-1	GI	PI	OS	PND ¹
Commercial Filming	S	S	S	S	S	S	S
Farmers' Markets	S	S	S	S	S	S	X
Organized Formation, Parade, Procession	X	X	S	X	S	S	X
Temporary Auto Sales	S	X	S	S	S	X	X
Walkathons and Running Events	X	X	S	X	S	S	X
Temporary Uses							
Christmas Tree Sales	X	T	T	T	T	X	T
Construction Trailers and Guard Offices	T	T	T	T	T	T	T
Transitional Shelters (i.e., temporary shelter for homeless persons or victims of domestic abuse)	T	T	T	T	T	T	X
Halloween Pumpkin Sales	X	T	T	T	T	X	T
Outdoor Sales	X	T	T	T	T	X	T
Temporary Structures	T	T	T	T	T	T	T
Environmental Remediation Equipment (Temporary or Accessory)	T	T	R	T	T	T	T
Vending Carts	S	S	S	S	S	S	S
Other Uses							
Adult Entertainment Businesses, subject to sec. 44-194—201	X	D	X	D	X	X	X

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LAND USE	ZONING DISTRICT						
	OP	NC	B-1	GI	PI	OS	PND ¹
Fortune telling and palmistry establishments	X	S	X	P	X	X	X
Tattoo Parlors, Body Piercing, and Permanent Make-up	X	C	C	P	X	X	X

¹Subject to PND Transition period in section 44-139(c).

²Mixed-Use in the PND Zone is limited to Commercial Mixed-Use as defined in section 44-10, Commercial Mixed-Use

³Subject to use demonstrating how it satisfies conditions set forth in sections 44-137(g)(1)d, (g)(2)b and 44-788(4).

- (b) *Uses not listed in table.* Land uses that are not listed in Table II-5 as allowed or prohibited may be permitted if:
- (1) The Community Development Director determines that the use is consistent with the purpose and intent of the applicable district as set forth in section 44-137; and
 - (2) A conditional use permit is approved in compliance with article V, division 5 of this chapter, and the use is in compliance with all City, State, and federal laws and regulations.
- (c) *Two or more uses on one site.* Two or more uses may be established on one building site if neither are prohibited under this section and all development standards are met as specified in section 44-140. However, the Community Development Director may require the processing of a conditional use permit if two or more principal uses are proposed that may cause, together or separately, adverse impacts on each other or on surrounding land uses. Impacts may include noise, vibration, odor, light, glare, or visual impacts.
- (d) *PND transition period.* Until December 31, 2015, any nonconforming commercial use established and operating within a wholly enclosed building in the PND zone on December 31, 2010, may be replaced by any use permitted in the NC Neighborhood Commercial Zone, subject to the following:
- (1) Notwithstanding the above, the following uses shall not be permitted to replace a nonconforming use in the PND at any time:
 - a. Car wash.
 - b. Bank.
 - c. Massage facilities, spas, and health or fitness clubs.
 - d. Fortune telling and palmistry.
 - e. Tattoo parlors, body piercing, and permanent make-up.
 - f. Check cashing services.
 - g. Pawn shops.
 - h. Veterinary clinics, animal hospitals, and kennels.

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- i. Dancing or any form of adult entertainment or sales of adult-only products.
 - j. Recreation and leisure uses.
 - k. Vehicle repair.
- (2) In no event shall a conforming use in a single story commercial building or on the ground floor of any two-story commercial building be permitted to be replaced by a nonconforming use, regardless of whether the conforming use being replaced occupies the same space previously occupied by a nonconforming use. This limitation shall not apply to uses on the second floor of any two story commercial building, which may be replaced by any use permitted in the Neighborhood Commercial District.
- (3) In no event shall a nonconforming use occupy a greater percentage of the building than the previous nonconforming use.
- (4) Commencing on January 1, 2016, all new uses established in the PND zone shall conform to the land use table and this subsection (e) shall be automatically repealed.
- (e) *Industrial Uses in Industrial Overlay.* The Industrial Overlay applies only to properties designated on the Zoning Map and shall only apply as an overlay to the B-1 zoning district. Notwithstanding the use regulations in this Section 44-139, the following uses shall be permitted to locate and/or continue as a legal use in the Industrial Overlay district:
- (1) Bottling plants
 - (2) Indoor Manufacture and Assembly of Components or Finished Products from materials such as cloth, fiber, fur, glass, leather, stone, paper (except milling), plastics, metal, and wood.
 - (3) Sign Manufacturing.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2004-03, § 11; Ord. No. 2008-05, §§ 2, 3(26-34), 12-2-2008; Ord. No. 2009-05, § 2(26-34(c)), 9-15-2009; Ord. No. 2010-02, §§ 3, 11, 10-5-2010; Ord. No. 2010-03, § 3, 10-19-2010; Ord. No. 2012-03, § 3, 4-3-2012; Ord. No. 2013-03, § 3, 7-2-2013)

Sec. 44-140. Emergency shelters, transitional and supportive housing.

- (a) Prior to the issuance of a certificate of occupancy and business license for an emergency shelter, submittal of a written agreement between the City and the operator of the shelter is required addressing all of the following conditions:
- (1) Emergency shelters shall be permitted solely within the Public/Institutional District areas shown on the City of La Palma Zoning Map.
 - (2) A single emergency shelter housing up to a maximum ten beds or persons to be served per night, or a combination of multiple shelters with a combined capacity not to exceed ten beds or persons per night, shall be a permitted use on any parcel within the Public/Institutional (PI) District. Religious institutions located within the PI District may establish onsite emergency shelters for up to ten beds or persons per night without the need to amend an existing precise plan and/or conditional use permit or apply for a new conditional use permit, regardless of current combined capacity with any existing emergency shelters currently in operation, subject to the minimum development standards contain within this section.
 - (3) The emergency shelter shall operate on a first-come, first-served basis with clients only permitted on site and admitted to the shelter between 6:00 p.m. and 8:00 a.m. during Pacific Daylight Time,

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and 5:00 p.m. and 8:00 a.m. during Pacific Standard Time. Clients must vacate the emergency shelter by 8:00 a.m. and have no guaranteed bed for the next night.

- (4) The maximum stay of a given person at the emergency shelter shall not exceed a total of 180 days (cumulative, even if not consecutive) within a 365-day period.
- (5) In no event shall an emergency shelter be established within 300 feet of an existing emergency shelter, as measured from the property line.
- (6) Exterior lighting shall be provided for the entire outdoor and parking area of the emergency shelter property per sections 26-101(6) and 44-362(e).
- (7) Size and location of on-site waiting areas and client intake areas. An on-site waiting area shall be provided and clearly identified for all clients. The on-site waiting area shall be no larger than ten square feet for every one bed provided at the emergency shelter. Said waiting area shall be in a location that is not adjacent to the public right-of-way. The client intake area shall be located directly adjacent to the on-site waiting area.
- (8) All emergency shelter improvements shall comply with this Development Code, and the most current adopted building and safety code, specific to the establishment of dormitories.
- (9) A security and safety plan shall be provided to the City for review and approval in conjunction with any application for a business license for an emergency shelter. The plan may be required to address additional security and safety needs as identified by the City Manager or his or her designee. The approved security and safety plan shall remain active throughout the life of the emergency shelter. The plan shall contain, at minimum, provisions addressing the following topical areas:
 - a. Sleeping areas. The separation of male/female sleeping areas, as well as any family areas within the shelter.
 - b. Loitering control. Specific off-site controls to minimize the congregation of clients in the vicinity of the shelter and in adjacent neighborhoods during hours that clients are not allowed on site.
 - c. Management of outdoor areas. A system for daily admittance and discharge procedures and monitoring of waiting areas, with the goal of minimizing disruption to nearby land uses.
 - d. Alcohol and illegal drugs. How the operator will control and regulate alcohol and illegal drug use by clients on the premises.
 - e. Contact information. The emergency shelter operators shall provide the City with the most current daytime office business hour contact information for the operator of the shelter, as well as the nighttime contact information for the "persons on duty" when the emergency shelter is open to clients.
 - f. Communication and outreach. A plan for the emergency shelter to maintain good communication and response to operational issues which may arise from whatever source.
 - g. The operators shall ensure proper compliance with all applicable federal, State and local laws pertaining to client residency and occupancy.
- (10) At least one manager shall be on site during all hours of operation of the emergency shelter. Such manager must be an individual who does not utilize the shelter's beds or other services and who resides off site. The manager must be accompanied by one supporting staff member for every five beds, or fraction thereof, in the facility. Such staff members must be individuals who do not utilize the shelter's beds or other services and who reside off site.

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- (11) The emergency shelter shall provide off-street parking at the ratio of one space per five beds and/or 0.5 spaces per bedroom designed as a family unit with children, plus one space per employee or volunteer staff member on duty. Alternatively, the emergency shelter may submit a parking study, subject to approval by the Community Development Director, demonstrating that the parking demand associated with the emergency shelter justifies requiring a reduced amount of off-street parking. Each shelter shall also provide a bike rack in a secured area on the premises.
- (12) Public health and safety requirements.
- a. Health permit. An emergency shelter operating without any food services shall be required to comply with applicable Orange County Health Care Agency standards and regulations and secure any necessary permits prior to issuance of a certificate of occupancy and a business license. Any emergency shelter that contains a kitchen, but that does not provide food services, shall comply with all applicable Orange County Health Department standards and regulations; however, such kitchen shall not be remodeled into a commercial kitchen.
 - b. Fire and safety. Sleeping sections or rooms shall be equipped with a smoke detector, a hand-held fire extinguisher, and an evacuation plan, subject to review by the Orange County Fire Authority (OCFA). The City may require the installation of a sprinkler system or other appropriate safety measures if recommended by the OCFA.
 - c. Sanitation. The emergency shelter shall provide a minimum of one toilet and one shower per gender for every five beds, and a minimum of one private shower and toilet facility for each area designated for use by individual families.

Sec. 44-141. Nonresidential zoning districts general development standards.

- (a) New land uses and structures, and alterations to existing land uses and structures, shall be designated, constructed, and/or established in compliance with the requirements in Table II-6, in addition to the other applicable development standards (e.g., landscaping, parking and loading, etc.) in article III (Standards Applicable in all Zoning Districts).

TABLE II-6. DEVELOPMENT STANDARDS FOR NONRESIDENTIAL AND MIXED (RESIDENTIAL AND NONRESIDENTIAL) USES IN NONRESIDENTIAL ZONING DISTRICTS

DEVELOPMENT STANDARD	OP	NC	B-1	GI	PI	OS	PND
Min. Lot Size (sq. ft.)	No minimum						
Max. Structure Height (ft.)	55	35	250	50	55/30 ⁴	30	55/35 ⁵
Max. Number of Stories	4	4	*	2	3/2 ⁴	2	4/2 ⁵
Max. Floor Area Ratio (FAR) ²	0.6	0.4	0.75/1.5 ⁸ 27 DU/Ac.	0.6	0.6	0.25	0.6

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DEVELOPMENT STANDARD		OP	NC	B-1	GI	PI	OS	PND
Min. Perimeter Building Setback/Perimeter Landscaping (in ft.) ³	From Ultimate Public Right-of-way	30/10 ¹	30/10	*	30/10 ¹	30/10	*	15 or 0/5 ⁶
	From Residential Districts	30/10 ¹	30/10	*	50/10 ¹	30/10	*	10
	From Abutting Commercial, Office, and Industrial Projects	20/10 ¹	10/5	*	20/5 ¹	20/10	*	5
	From Interior Property Lines Within the Same Project	0	0	*	0	0	*	0
Freestanding Communications Tower Max. Structure Height		65 ft	50 ft	75 ft	65 ft	75 ft	155 ft	55/35
Building Mounted Communications Facility Max. Structure Height ⁵		65 ft	50 ft	155 ft	65 ft	75 ft	100 ft	55/35 ft

¹ Minimum building setbacks shall be increased one foot for every foot in height above 35 ft. except for setbacks from interior property lines.

² FAR means the gross floor area of all buildings on a site (excluding parking levels, elevator shafts, or structures) divided by the building site area. FAR shall be inclusive of both residential and nonresidential uses.

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³ Perimeter landscaping shall consist of landscaped area (plus necessary driveways and walkways) located within the building setback. The remaining building setback area may contain parking and other facilities. In addition to the above perimeter landscaping, interior landscaping shall be provided as a percentage of the net project area as follows:

Parking area: min. three percent;

Non-parking areas: min. three percent.

⁴ When the proposed land use abuts property zoned for residential use (R-1 and R-3), the Maximum Structure Height is limited to 30 ft. and Maximum Number of Stories is limited to two stories.

⁵ Building mounted communications facilities shall not extend more than 15 ft. above the roofline of the building.

* As provided in the required precise plan for each project.

⁵ When the proposed land use abuts property zoned for residential use (R-1 and R-3), the Maximum Number of Stories is limited to 2 and Maximum Structure Height is limited to the figures in Table II-6.

⁶ Front setback requirements in PND districts are reduced to zero when identified building standards are met.

⁷ Building mounted communications facilities shall not extend more than 15 ft. above the roofline of the building. Cellular facilities in PND districts must be incorporated into a building structure.

⁸ Development FAR of 0.75 for all B-1 Properties located South of the 91 Freeway and a FAR of 1.5 for all B-1 Properties located North of the 91 Freeway and a max 27 Dwelling Units (DU's) per acre in all B-1 designated properties as identified in Table II-7.

(b) New residential land uses and structures, and alterations to existing residential land uses and structures, shall be designated, constructed, and/or established in compliance with the requirements in Table II-7, in addition to the other applicable development standards (e.g., landscaping, parking and loading, etc.) set forth in article III (Standards Applicable in all Zoning Districts) of this chapter.

TABLE II-7. DEVELOPMENT STANDARDS FOR RESIDENTIAL USES IN THE B-1 DISTRICT

DEVELOPMENT STANDARD		B-1 DISTRICT
Min. Lot Size (sq. ft.)		10,000 sq. ft.
Density – Maximum		27 dwelling units per net acre
Max. Structure Height (ft.)		250
Max. Floor Area Ratio (FAR) ²		0.75/1.5 ⁴
Minimum Unit Size		500 sq. ft.
	From Ultimate Street Right-of-way	15 ft.

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Min. Perimeter Building Setback/Perimeter Landscaping (in ft.) ³	From Abutting Commercial, Office, and Industrial Projects	20/5 ¹
	From Abutting Residential Projects	10 ¹
Minimum Building Separation		Per the Building and Fire Codes
Open Space – Per Unit		200 sq. ft. minimum, which may be provided as private, common, or combined open space
Maximum Lot Coverage		75%

¹ Minimum building setbacks shall be increased one foot for every foot in height above 35 ft., except for setbacks from interior property lines.

² FAR shall be inclusive of any nonresidential component.

³ Perimeter landscaping shall consist of landscaped area (plus necessary driveways and walkways) located within the building setback. The remaining building setback area may contain parking and other facilities. In addition to the above perimeter landscaping, interior landscaping shall be provided as a percentage of the net project area as follows:

Parking area: min. three percent;

Non-parking areas: min. three percent.

⁴ Development FAR of 0.75 for all B-1 Properties located South of the 91 Freeway and a FAR of 1.5 for all B-1 Properties located North of the 91 Freeway.

- (c) Whenever a change of use or occupancy occurs on a building constructed prior to 1973 in the GI zoning district, the building must be renovated to meet current seismic safety standards before the new tenant occupies the building or prior to obtaining a certificated of occupancy.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2004-03, §§ 12, 13; Ord. No. 2010-02, § 7, 10-5-2010)

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Sec. 44-142. Community benefits requirement for stand-alone housing in the B-1 zoning district.

A development consisting exclusively of housing (stand-alone housing) shall not be permitted in the B-1 Zone unless the development fulfills the Community Benefits Requirement, as determined by the Review Authority. The Community Benefits Requirement requires any application for a proposed stand-alone housing development in the B-1 Zone to incorporate at least two community benefits, from a minimum of two different categories, from the a-d list itemized below. Community benefits project features within categories b-c, and d as applicable, shall remain open for use by the public.

(a) Trip Reduction and Traffic Management

- (1) Bicycle facilities. These facilities can include, but are not limited to: bike storage facilities such as bike lockers, bike racks, or bike stands, or permanent bicycle repair stations. All such facilities shall be provided in proportion to the number of dwelling units in the development and shall be available to residents at no charge.
- (2) Car Sharing. This shall require the designation of a specific number of parking spaces within the project area for car-share vehicles. The number of car-share spaces shall be determined by the Review Authority based on the size and density of the development, and in compliance with existing City parking requirements.

(b) Open Space Improvements

- (1) Quality pedestrian, biking, and green connections. This includes, but is not limited to, lane designations and signage to create and/or improve connections to existing and planned bike lanes and infrastructure within and adjacent to the project site.
- (2) Community gathering and green open spaces. This includes, but is not limited to, public or quasi-public plazas, courtyards, community gardens, or open landscaped areas.
- (3) Recreational open space. This includes, but is not limited to, parks, playing fields or courts, or outdoor fitness zones.

(c) Social and Cultural Facilities

- (1) Arts and cultural facilities. This includes uses such as public art and/or gallery or live performance space within the development, open to members of the general public.
- (2) Child care, senior, or youth facilities. This includes childcare facilities, youth centers, senior citizens centers, or similar services located on the premises as part of, or adjacent to, the project.

(d) Other benefit(s).

Other benefits not included in the list shall be considered by and decided upon at the discretion of the Review Authority. To apply this category to meet the Community Benefits requirement, an

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applicant shall provide a narrative, with comprehensive site plans as appropriate, explaining the proposed feature and how it will benefit the larger La Palma community. Compliance with this requirement shall be evaluated by the responsible review authority in the review process.

Sec. 44-143. Architectural design standards for development in the B-1 zoning district

(a) Architectural articulation.

Buildings within the B-1 zoning district shall be designed to minimize the appearance of massing and provide for articulation and high-quality design. Buildings shall incorporate the features set forth below in a manner consistent with the style of the building(s).

- (1) *Façade plane modulation.* Exterior walls that vary in depth and/or direction, exhibiting offsets, recesses, or projections with depth of at least 18 inches, or a repeated pattern of offsets, recesses, or projections of smaller depth.
- (2) *Feature projections and recesses.* Projecting eaves and overhangs, balconies, porches, canopies, trellis features, arcades, and window recesses that provide human scale and help break up building mass.
- (3) *Variety in height and roof forms.* Varied building heights that result in a noticeable change in height or changes in pitch, plane, and/or orientation.
- (4) *Façade detail.* Details such as cornices, window trim, changes in material, and other architectural elements that provide architectural interest.

(b) Four-sided architecture.

- (1) All façades of a building that front onto or are visible from public or private streets, State Route 91, or from publically accessible open space, shall be designed to maintain an attractive appearance similar to the front of the building.
- (2) Building façades that face onto internal surface parking areas or adjacent properties shall have architectural features that have the same quality and similar treatments as the front façades with regard to roof design, architectural detail, recessed wall lines, and landscaping.
- (3) For new construction, excluding additions to existing buildings, no street frontage wall may run in a continuous plane for more than 20 feet without an opening. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep. Exceptions are subject to approval by the Responsible Review Authority.
- (4) For new construction, excluding additions to existing buildings, street-facing façades of all buildings shall incorporate windows and openings providing light to adjacent spaces, rooms, and uses. Placement and orientation of doorways, windows, and landscape elements shall create direct relationships with the street.

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- (c) Ground level floors shall be developed to create provide visual interest for pedestrians through elements such as, but not limited to:
 - (1) Outdoor gathering areas
 - (2) Retail display windows/cases
 - (3) Service-oriented activities visible through window glazing
- (d) Ground-related pedestrian entrances shall occur at least once every 100 feet, as measured along the front of the property line. Ground-related entrances include entrances to ground-floor uses, lobbies, or private courtyards.
- (e) Buildings that do not feature glazed windows towards the sidewalk shall have the corresponding wall treated with decorative architectural finishes such as murals, plant materials, display cases, or art that increases visual character.
- (f) *Materials*
 - (1) All building materials shall be selected with quality, durability, and environmental conservation in mind.
 - (2) Buildings or structures on separate parcels or part of a multi-building complex shall be designed, sited, and massed in a manner that is sensitive and compatible with existing improvements through the relationship of building style, texture, color, materials, form, scale, proportion, and location.
 - (3) Regional materials are encouraged be used where possible and practical in order to minimize transportation costs and benefit the local economy.
 - (4) Recycled materials are encouraged to be used where possible and practical.
- (g) *Parking*
 - (1) Structured parking shall be fronted or wrapped with habitable uses where possible.
 - (2) Where a parking structure is visible from a public street, it shall be vertically landscaped or otherwise augmented, such as with vines and/or public art, to soften the façade.
 - (3) Parking garages shall be designed so the visual impact of parking structures on the pedestrian experience and streetscape is minimized.
 - (4) Expanses of blank wall space are prohibited.
 - (5) Façades on parking structures shall be designed to be compatible in character and quality to the adjoining buildings, plazas, and streetscapes.

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Secs. 44-141—44-163. Reserved.

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[Sec. 44-166. Community events.](#)

[Sec. 44-167. Dances.](#)

[Sec. 44-168. Self-storage.](#)

[Sec. 44-169. Tutorial facilities.](#)

[Sec. 44-170. Supplemental development standards for the PND zoning district.](#)

[Secs. 44-171—44-193. Reserved.](#)

Sec. 44-164. Amusement arcades, amusement devices, internet cafes, and computer rentals.

(a) *Amusement devices accessory to an allowed use.*

- (1) Two amusement devices or computers for rental by the hour shall be allowed as an accessory use to an otherwise allowed use within the City without the issuance of a conditional use permit.
- (2) Up to eight amusement devices or computers for rental by the hour may be allowed as an accessory use to an otherwise permitted use upon the issuance of a conditional use permit subject to the provisions of this section.

(b) *Standards of operation.*

- (1) *Persons under 18 years of age.* No person under 18 years of age shall be permitted to operate any amusement device hereunder between the hours of 8:00 a.m. and 3:00 p.m. Monday through Friday during the regular school year, except during legal school holidays, unless accompanied by a person over 18 years of age.
- (2) *Bicycle racks.* Establishments that contain three or more amusement devices shall provide bicycle racks for the use of its patrons.
- (3) *Hours of operation.* Amusement arcades and internet cafes, shall not be open between the hours of 10:00 p.m. and 10:00 a.m.
- (4) *Location.* Amusement arcades and internet cafes shall not be located closer than 1,000 feet from another amusement arcade.
- (5) *Adult attendant.* There shall be a minimum of one adult employee on site at all times for every ten amusement devices or computers for rental by the hour.
- (6) *No obstruction of doors/windows.* There shall be no obstruction of the view into the facility through windows and glass doors, including heavy tinting, blinds, or shades.

(c) *Limitation on conditional use permits.* If deemed appropriate, the conditional use permit shall be reviewed after an initial term not to exceed six months. In addition, the approving body for the use permit may, in its discretion, undertake an annual review of the operations to ensure compliance with the use permit. If it is determined that the use permit may have been operated in violation of the

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conditions of approval or the provisions of this section, or if the use permit is the subject of complaints from adjacent property owners or businesses, the Community Development Director may initiate proceedings to revoke or modify the permit in compliance with section 44-853

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-165. Automobile service stations.

- (a) *Distance.* The distance between automobile service stations on the same side of the street shall be not less than 400 feet, except at intersections of major, primary, or secondary highways.
- (b) *Site area.* The minimum site area shall be 150 feet by 150 feet and shall have a minimum of a 150-foot frontage on a major, primary, or secondary highway.
- (c) *Operations outside of structures.* Operations outside of permanent structures shall be limited to the dispensing of fuel and the provision of water, air, and supplies for windshield cleaning. No outside display, work, or outdoor sales of merchandise shall be allowed.
- (d) *Orientation of service bays.* Entries to service bays shall not face the public right-of-way.
- (e) *Landscaping.* In addition to general landscaping provisions contained in division 3 of article III of this chapter, not less than ten percent of the area of the site shall be permanently landscaped, planted, and maintained in a healthy condition.
- (f) *Walls abutting residential district.* A solid masonry wall not less than eight feet in height shall be constructed where an automobile service station abuts a residential zoning district or use. The wall shall be reduced to three feet in height within any required setback area adjacent to a street.
- (g) *Repairs.* Only minor repairs to vehicles shall be allowed at service stations. No major repairs shall be permitted.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-166. Community events.

- (a) *Permit required.* No community event shall be permitted to operate within the City unless the event holder obtains a community event permit, as well as any other permits or license required by law. Procedures for obtaining a community event permit are established in 44-948
- (b) *Regulations.* Applicants for permits under this section shall comply with each of the following minimum requirements:
 - (1) If any City personnel (e.g., police or community services) is recommended to be used for the community event, the applicant shall pay in advance the estimated costs and reimburse any extra costs for all City personnel necessary. The costs will be based on the City personnel's salary from the current year's budget. The City will reimburse the applicant the amount of the prepaid fees that were not spent through the provision of City services to the community event.
 - (2) No dangerous animals may be permitted at any community event.
 - (3) There shall be no consumption of alcoholic beverages at any outdoor community event.
 - (4) Any facilities for the dispensing of food and beverages shall be inspected by the Orange County Health Department.

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- (5) The applicant must obtain a temporary sign permit from the Community Development Department for any banners or balloons displayed at the community event pursuant to section 44-394
 - (6) The applicant must obtain a temporary structure permit from the Community Development Department before the construction of any temporary structures.
 - (7) No applicant shall be issued more than four community event permits in a calendar year.
 - (8) The applicant shall, prior to the issuance of the community event permit, submit to the special permit committee a certificate showing that there is in full force and effect liability and property damage insurance, written on an occurrence basis, covering every activity of the proposed community event in a minimum amount to be determined at the time of application.
 - (9) Prior to the issuance of a community event permit, the applicant shall provide the City with an executed hold-harmless agreement on a form provided by the special permit committee, which shall substantially state that the applicant agrees to indemnify, defend, and hold harmless the City of La Palma and its officers, employees and agents and free from any liability, penalty, expense or loss of any nature, including but not limited to liability for damage or injury to any persons or property arising out of the willful or negligent acts, errors, or omissions of the applicant, its employees, agents, representatives, or subcontractors in the performance of any tasks or services conducted for or in connection with the event. The hold-harmless agreement shall in no way limit or affect the valid exercise of constitutionally protected speech and expression by the applicant or members of the event. Good cause shall include, but not be limited to, a determination that the application of this section would violate the constitutional rights of any individual.
- (c) *Regulations if on public property.* If a community event takes place on public property, including a public park, public sidewalk or public street, the applicant shall submit an agreement on a form provided by the City and signed by the applicant, stating that, within 48 hours of the conclusion of the community event, the applicant will clean and restore the public property upon which the community event is to occur to its original condition. A cash deposit or a surety bond of \$1,000.00, payable to the City, shall secure such agreement. The security deposit shall be refundable on compliance with the provisions and requirements of this article, including the removal of trash and debris, temporary signs, temporary circulation improvements, temporary fencing and accessory facilities and structures. In the event the applicant fails to comply with the terms of this section and remove all temporary facilities and structures or clean the site in a manner satisfactory to the special permit committee within 48 hours of the conclusion of the community event, the City may do so. The reasonable costs thereof shall be charged against the applicant's cash deposit or bond.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-167. Dances.

(a) *Permit required.*

- (1) *Public dances.* No public dance establishment shall be permitted to operate, engage in, conduct, or carry on business within the City unless the owner of the business first obtains a conditional use permit and a business license from the City as well as any other permits or licenses required by law.
- (2) *Temporary public dances.* No temporary public dance shall be permitted to operate, engage in, conduct, or carry on business within the City unless the owner of the business first obtains a special event permit as well as any other permits or licenses required by law.

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- (3) *Exemptions.* Civic dances and dancing clubs shall not be subject to the provisions of this section.
- (b) *Hours of operation.* No person shall operate or conduct any activity for which a permit is required under this section between the hours of 1:30 a.m. and 10:00 a.m.
- (c) *Illumination.* All premises for which a permit is required by this section shall, during the activity for which a permit is required, be illuminated sufficiently so that there shall be average illumination of at least 50 footcandles at a height of 30 inches above the floor of such premises. All parking areas serving such premises which are owned or operated by any person for whom a permit is required by this section shall be well lighted and supervised.
- (d) *Dance floor space.* No premises for which a permit is required under this section may have less than the following prescribed area, exclusive of hallway space, set aside and reserved exclusively for dancing:
- (1) Three hundred square feet of dance floor, where the seating capacity of the establishment is not more than 50 persons.
 - (2) Four hundred square feet of dance floor, where the seating capacity of the establishment is not more than 75 persons.
 - (3) Five hundred square feet of dance floor, where the seating capacity of the establishment is in excess of 75 persons.
- (e) *Age of persons on premises.* No person under the age of 21 years shall be permitted in or upon any premises for which a permit is required under this section where alcoholic beverages are sold, offered for sale, or consumed. No person under the age of 18 years shall be permitted in or upon any premises for which a permit is required under this section unless accompanied by a parent or guardian. Any person of whom a permit is required by this section shall be held responsible for determining whether any person is disqualified by age from being permitted in or upon such premises.
- (f) *Solicitation of alcoholic beverages.* No person of whom a permit is required by this section, nor any agent or employee of such person, shall solicit alcoholic beverages from any other person on any premises to which such permit applies.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-168. Self-storage.

- (a) *Uses.* Use of self-storage facilities shall be limited to storage only. No other activities other than the replacement or retrieval of personal goods shall be allowed within the units or within the compound. No business activity other than the rental of storage units and sale of related items (i.e., boxes, packing material, package tape, etc.) shall be conducted on the premises.
- (b) *Site area and access.* The site shall have a minimum area of not less than 1½ acres or more than five acres, with frontage access to a dedicated street.
- (c) *Setbacks.* Enclosed structures, fencing, storage, or parking areas shall be set back according to Table II-8.

TABLE II-8. SELF-STORAGE SETBACK REQUIREMENTS

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Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback
30 ft. (plus 5 feet for every story above 2 stories)	30 ft.	30 ft.
40 ft. for sites within 300 ft. of residentially zoned property or uses	40 ft. from any residential property line and a minimum of 100 ft. from any existing residential structure	40 ft. from any residential property line and a minimum of 100 ft. from any existing residential structure

- (d) *Building heights.* Enclosed structures shall be a maximum of 35 feet in height and a maximum of three stories.
- (e) *Limited storage of certain items.*
 - (1) Rental units shall not be used to store hazardous or toxic materials as defined by the California Department of Health in quantities or in concentrations greater than those normally found in the living portion of a residential dwelling.
 - (2) Rental units shall not be used to store materials that detonate or pose an unreasonable fire hazard upon decomposition, unstable organic compounds, or corrosive acids.
 - (3) Recreational vehicles, trucks, automobiles, boats, motorcycles, snowmobiles, lawn mowers, and other equipment with internal combustion engines and combustible fuel contained in the fuel tank shall be stored only in rental units with a one-hour fire rating.
- (f) *Within enclosed units.* Storage of merchandise, vehicles, trailers, or other materials is permitted only within the units and shall not be allowed outside enclosed units.
- (g) *Hours of operation.* Self-storage facilities shall limit the hours of operation to between 6:00 a.m. to 11:00 p.m.
- (h) *Size of units.* Individual rental units shall not exceed 400 square feet in area.
- (i) *Access and circulation.*
 - (1) An access road a minimum of 40 feet in width shall be provided for entry and exiting.
 - (2) Each interior drive aisle shall be continuous with no dead ends and shall be a minimum of 40 feet in width, providing temporary loading lanes ten feet in width along the storage units or perimeter block wall or fence, and a reserved fire access lane of 20 feet in width down the center. This is in addition to any landscape requirement.
 - (3) Lane striping and pavement signs shall be provided to maintain continuous access for emergency vehicles.
- (j) *Off-street parking.* Parking shall be provided in compliance with article III, division 4 of this chapter.
- (k) *Walls.* The premises shall be completely enclosed using a combination of structures, fences, and/or walls. The walls shall be masonry construction not less than eight feet in height as measured from the

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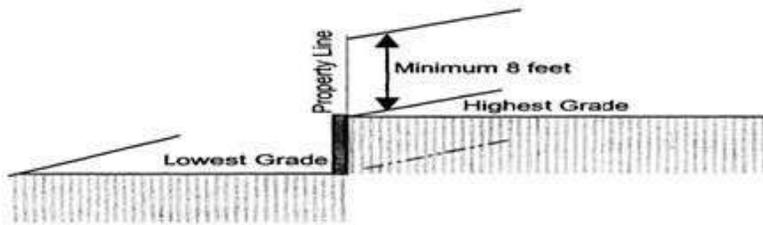
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property line at the highest grade. Sites within 300 feet of property zoned for residential use shall provide structures (i.e., masonry block walls or similar) on the outside perimeter of the development a minimum of ten feet in height to protect residences from noise, nighttime glare, and visual activity.



- (l) *Landscaping.*
 - (1) Landscaping shall be provided in compliance with the approved landscape plan and adhere to the landscaping requirements in this chapter.
 - (2) Self-storage sites within 300 feet of a residential zoning district or use shall provide one 36-inch box tree and six 25-gallon trees for every 1,000 square feet of setback area.
- (m) *Architectural character.* Self-storage facilities within 300 feet of a residential zoning district or use shall be designed to resemble a residential housing project in architectural character, landscaping, lighting, signage, color, and materials.
- (n) *Lighting.* A lighting system of sufficient intensity to discourage vandalism and theft shall be provided during nighttime hours. All lights shall be shielded to direct light away from adjacent properties.
- (o) *Security.* Self-storage facilities shall be operated under continuous supervision and/or surveillance to help discourage vandalism and theft.
 - (1) For the purposes of this section, the term "supervision" shall be defined as a facility with a resident caretaker. Housing accommodations for the resident caretaker shall have a clear view of the entrance and storage buildings. The housing unit shall contain a minimum of two bedrooms, two full bathrooms, and 1,150 square feet of area.
 - (2) For the purposes of this section, the term "surveillance" shall be defined as a facility utilizing a 24-hour security camera system to be monitored at all times by onsite personnel. The security camera system shall provide recorded videos of the entire perimeter of the property, around each structure, and within any public areas of structures such as interior hallways, elevators, and stairwells. Security tapes shall be kept onsite for a minimum of one month before being taped over or destroyed.
- (p) *Lease approval and right of entry.* Self-storage operators shall submit a copy of the proposed lease documents to the City for approval. The lease documents shall clearly disclose the City's conditions of operation and the restrictions of uses. The lease documents shall contain provisions giving the self-storage operator the right to inspect the unit for the presence of hazardous, toxic, unstable, and explosive materials and to otherwise determine whether the lessee is complying with the terms and conditions of the lease. The provisions shall permit the self-storage operator to be accompanied by representatives of the City's Community Development Department, Community Services Department, and/or the Orange County Fire Authority during the inspections.

(Ord. No. 2003-07, § 3(exh. A))

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Sec. 44-169. Tutorial facilities.

- (a) *Attendance limitations.* The maximum number of hours an individual student may occupy a tutoring facility is three hours per day during weekdays, four hours per day on Saturday or Sunday for elementary students, and six hours per day on Saturday or Sunday for middle school and high school students. The individual student shall not exceed a total of 15 hours per week. These restricted hours are applicable to holidays and school recesses as well as the normal school year. There are no restricted hours for adult students.
- (b) *Location.* Tutoring facilities shall not be located within 1,000 feet of another tutoring facility. Tutoring facilities with any student in the third grade or below shall not be permitted to operate on the second floor or higher of any building.
- (c) *Adult supervision.* Students shall be under adult supervision at all times both inside and outside of the facility. There shall be a minimum of one adult supervisor for every 15 students overall. Tutoring class sizes shall be limited to eight students per teacher.
- (d) *Records of attendance.* Tutoring facilities shall keep daily records of all attendants. Such records shall be maintained for two years and be available for inspection as provided herein.
- (e) *Inspections.* Tutoring facilities shall permit City officials to conduct unscheduled inspections of the premises of the tutoring facilities for the purpose of ensuring compliance with this section and the conditional use permit.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-170. Supplemental development standards for the PND zoning district.

In addition to the requirements in section 44-140(a), developments in the PND zoning district shall comply with the following development standards:

(1) *Buildings and structures.*

- a. By adhering to a minimum of three of the standards below, the front setback requirement in PND districts is reduced to zero feet:
 - 1. Place parking behind, underneath, or on side of building.
 - 2. Buildings are located immediately behind a public or semi-public use, such as outdoor dining, display, public art, entry forecourts, or other amenity appropriate to an urban development.
 - 3. A portion of the front building elevation may be set back to allow for outdoor use, such as outdoor patio dining.
 - 4. A variable street setback may be used where the average setback is greater than five feet.
- b. Corner parcels shall adhere to the traffic safety triangle standards in section 44-276
- c. Lots fronting any street designated an arterial highway, regardless of size, are required to have commercial uses along their frontage with the facades facing the public street in a manner that enhances pedestrian connections to outdoor pedestrian spaces such as courtyards, paseos, plazas, and porticos.

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- d. All projects shall incorporate softscape to enhance the quality of development to the maximum extent reasonable. Softscape refers to the live, botanical elements of a landscape. Softscape includes green plants, flowering plants, trees, shrubs, vines, flowerbeds, various grasses and groundcovers, and includes the flower, greenery or botanical elements planted in containers, pots and raised beds.
 - e. A ten-foot buffer zone is required where a nonresidential property abuts residential property. This area may consist of:
 - 1. Dense landscaping.
 - 2. Decorative screening wall.
 - 3. Landscaped berm.
 - f. While fences and walls are sometimes necessary to buffer uses, they can create visual barriers in an existing neighborhood. Fencing and walls constructed within the PND zoning district shall complement the design of the overall development and surrounding properties. All walls shall be constructed of decorative masonry.
 - g. Where a nonresidential property abuts residential property:
 - 1. Open spaces shall be designed to discourage or prohibit the gathering or loitering of groups of persons which may cause noise or other nuisance upon the premises whereby the quiet or good order of the premises or neighborhood are disturbed; and
 - 2. Excessive noise is prohibited and all exterior noise shall comply with section 44-267
- (2) *Encroachments.*
- a. No part of the structure, permanent attachment or other similar architectural feature may:
 - 1. Extend into an established setback, side or rear yard or minimum distance between buildings for more than two feet; or
 - 2. Extend into the public right-of-way without approval of an encroachment permit.
 - b. Hedges or any other shrubs or landscaping shall not encroach onto a curb or sidewalk or over a lot line.
 - c. No permanent seats, structures, or news-racks shall be placed in the public right-of-way without the review and approval of the City Engineer.
- (3) *Circulation.*
- a. Internal vehicle circulation shall provide a clear visual path to provide safe, convenient, and efficient vehicular access within and between developments.
 - b. Circulation patterns shall be designed to limit points of access from major thoroughfares and minimize the impacts of nonresidential traffic on adjacent residential properties.
- (4) *Loading, unloading, and service.*
- a. To the maximum extent feasible, common or shared service and delivery access shall be provided between adjacent parcels and/or buildings.
 - b. The loading and unloading area shall be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the use.
 - c. Trash and loading facilities shall be located either:

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1. At the rear of the site where they can be screened appropriately;
 2. Along the sides of the buildings not visible from a public street; or
 3. Incorporated into the building design.
- d. Service and loading zones where visible from public streets and neighboring buildings and properties shall be screened by the use of decorative walls and/or dense landscaping that will serve as both a visual and a noise barrier.
- e. In developments adjacent to residential uses, loading and unloading activities are permitted only during the hours of 7:00 a.m. to 7:00 p.m.
- f. Trash enclosures shall be screened by a fully enclosed, roofed structure that shall complement the colors and architecture of the building.
- g. Refuse enclosures shall be constructed in accordance with section 44-274 with exception to section 44-274(c)(1)d setbacks from residential districts. To permit flexibility in the PND zoning district, placement of refuse enclosures shall be sited and constructed to minimize any adverse impacts to adjacent residential uses.
- (5) *Parking.*
- a. Parking shall meet the requirements of division 4 of this article, Parking and Loading. Upon a finding that a reduction in on-site parking is appropriate for a particular use, the review authority may reduce the on-site parking requirements. Any such reduction in parking requirements shall be supported by a site-specific parking study prepared by a qualified engineer, and the reduced on-site parking shall be in accordance with a parking management plan prepared by a qualified engineer and approved by the review authority in conjunction with the precise plan for the development.
 - b. Reduced on-site parking may be accomplished, as appropriate, by such means as:
 1. Reducing the number of required parking spaces;
 2. Reciprocal/shared parking between adjacent facilities and/or developments;
 3. Off-site parking;
 4. Flexible work hour schedule;
 5. Bicycle parking facilities including associated shower and changing facilities; and
 6. Reciprocal access.
- (6) *Architecture.*
- a. The architecture shall be compatible with the predominant styles in the surrounding area and adhere to the design guidelines for the PND zoning district.
 - b. The following four design issues shall be addressed through project architecture:
 1. Quality;
 2. Aesthetics;
 3. Styles; and
 4. Materials.

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- c. The design of the building shall provide a distinctive, quality, consistent architectural character and style that avoid monotones or featureless building massing and design.
- d. The development shall include the following focal point features, which shall be visible from the streets:
 - 1. A distinctive design that does not represent standard franchise architecture;
 - 2. An architectural feature such as a clock tower, spire, or interesting roof form;
 - 3. Public art or sculpture;
 - 4. Enhanced customer walkways;
 - 5. Public seating; or
 - 6. Landscape feature.

(7) *Roofs.*

- a. Where buildings are adjacent to residential uses, rooflines shall be of a similar height to the residential uses or stepped down to a similar height to enhance the compatibility with nearby residential areas.
- b. Where architecturally appropriate, roofs shall provide articulation and variations to divide the massiveness of the roof. Sloped roofs shall include eaves which are a minimum of 18 inches in width.
- c. All rooflines in excess of 40 feet must be broken up through the use of gables, dormers, plant-ons, cutouts or other appropriate means.

(8) *Signage.*

- a. All PND developments shall comply with the signage requirements set forth in article III, division 5 of this chapter.
- b. A master sign plan is required for each PND multi-unit development or as determined by the Community Development Director.
- c. On all street frontages, signage material shall be integrated into the overall design of the building.
- d. Signs shall be located to complement the architectural features of a building such as above the building entrance, storefront opening, or other similar feature.
- e. Permitted sign types shall be limited to wall, window, awning and monument signs.
- f. Second floor signage is subject to a master signage plan and shall incorporate the following features:
 - 1. Signs shall be mounted in locations that respect the design of a building, including the arrangement of bays and openings;
 - 2. Signs shall be appropriately sized for visibility and continuity with the typical storefront or commercial facade of the first floor;
 - 3. Signs shall be centered within an area uninterrupted by doors, windows, or architectural details; and
 - 4. The top of the sign should be suspended in line with the lowest point of the roof.

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(9) *Landscape.*

- a. All PND developments shall comply with the landscape requirements set forth in section 44-336 and the drought tolerant landscape ordinance.
- b. A master landscape design plan shall be submitted for approval with the precise plan.
- c. All screening walls shall be landscaped with a minimum 50 percent coverage.

(10) *Flexibility in design standards.* Modifications greater than those previously mentioned in this section may be permitted if the improvement reflects best urban design practices and does not cause an unreasonable privacy nuisance, public health, or safety concern.

(Ord. No. 2010-02, § 8, 10-5-2010; Ord. No. 2012-03, §§ 4, 5, 4-3-2012)

Secs. 44-171—44-193. Reserved.

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Sec. 44-194. Purpose.

- (a) The intent of this subdivision is to regulate adult oriented businesses which, because of their very nature, are believed to have many of the recognized significant secondary effects on the community which include: depreciated property values and increased vacancies in residential areas in the vicinity of the adult oriented businesses; higher crime rates, noise, debris, or vandalism in the vicinity of adult oriented businesses; and blighting conditions such as low level maintenance of commercial premises and parking lots which thereby have a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the neighborhoods in the vicinity of the adult oriented businesses. It is neither the intent nor effect of this subdivision to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor effect of this subdivision to restrict or deny access by adults to sexually oriented materials or merchandise protected by the first amendment, or to deny access by the distributors or exhibitors of adult oriented business to their intended market.
- (b) Nothing in this subdivision is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any City ordinance or any statute of the State of California regarding public nuisances, unlawful exposure, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-195. Definitions.

When used in this subdivision, the words and phrases in this section have the following meanings ascribed to them, unless the context indicates a different meaning:

Adult bookstore means any establishment, which, as a regular and substantial course of conduct, displays and/or distributes adult merchandise, books, periodicals, magazines, photographs, drawings, sculptures, motion pictures, videos, slides, films, or other written, oral, or visual representations which are distinguished or characterized by an emphasis on a matter depicting, describing, or relating to specified sexual activities or specified anatomical parts.

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Adult cabaret means a nightclub, bar, lounge, restaurant, or similar establishment or concern which features as a regular and substantial course of conduct, any type of live entertainment, films, motion pictures, videos, slides, other photographic reproductions, or other oral, written, or visual representations which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts.

Adult hotel/motel means a hotel or motel, which, as a regular and substantial course of conduct, provides to its patrons, through the provision of rooms equipped with closed-circuit television or other medium, material which is distinguished or characterized by the emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts and/or which rents, leases, or lets any room for less than a 12-hour period and/or rents, leases, or lets any room more than once in a 24-hour period and/or which advertises the availability of any of the above.

Adult live entertainment means any physical human body activity, whether performed or engaged in alone or with other persons, including singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which:

- (1) The performer (including a topless and/or bottomless dancer, go-go dancer, exotic dancer, stripper, or similar performer) exposes to public view, without opaque covering, specified anatomical parts; and/or
- (2) The performance or physical human body activity depicts, describes or relates to specified sexual activities whether or not the specified anatomical areas are covered.

Adult model studio means any premises where there is furnished, provided, or procured a figure model or models who pose in any manner which is characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts where such model is being observed or viewed by any person for the purpose of being sketched, painted, drawn, sculptured, photographed, filmed, or videotaped for a fee, or any other thing of value, as a consideration, compensation, or gratuity for the right or opportunity to so observe the model or remain on the premises. The term "adult model studio" shall not include any live art class or any studio or classroom that is operated by any public agency or any private educational institution maintained pursuant to standards set by the Board of Education of the State of California.

Adult motion picture arcade means any business establishment or concern containing coin- or slug-operated or manually or electronically controlled still, motion picture, or video machines, projectors, or other image producing devices that are maintained to display images to an individual in individual viewing areas when those images are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts.

Adult oriented business.

- (1) The term "adult oriented business" means any business establishment or concern which, as a regular and substantial course of conduct, performs as an adult bookstore, adult theater, adult motion picture arcade, adult cabaret, stripper, adult model studio or adult hotel/motel (but not clothing optional hotel/motel); or any business establishment or concern, which as a regular and substantial course of conduct, sells or distributes sexually oriented merchandise or sexually oriented material; or any business establishment or concern, which, as a regular and substantial course of conduct, provides or allows performers, models, actors, actresses, or employees to appear in any place in attire, which does not opaquely cover specified anatomical parts.
- (2) For the purposes of this section, a business establishment or concern has established the provision of products, merchandise, services, or entertainment characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical

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parts as a regular and substantial course of conduct when one or more of the following conditions exist:

- a. The area devoted to adult merchandise and/or sexually oriented material exceeds more than 25 percent of the total display or floor space area open to the public;
- b. The business establishment or concern presents any type of live entertainment which is characterized by an emphasis on specified sexual activity or specified anatomical parts at least six times in any month in any given year;
- c. The regular and substantial course of conduct of the business consists of or involves the sale, trade, display or presentation of services, products, or entertainment which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts.

- (3) "Adult oriented business" does not include those uses or activities upon which regulation is preempted by State law. "

Adult theater means a business establishment or concern which, as a regular and substantial course of conduct, presents live entertainment, motion pictures, videos, slide photographs, or other pictures or visual reproductions which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts.

G-string means an article of clothing that opaquely covers the buttocks at least one inch on either side of the natal cleft and covers the entirety of the genitalia and pubis.

Individual viewing area means any area designed for occupancy of one person for the purpose of viewing live performances, pictures, movies, videos, or other presentations.

Live art class means any premises on which all of the following occur: there is conducted a program of instruction involving the drawing, photographing, or sculpting of live models exposing specified anatomical parts; instruction is offered in a series of at least two classes; the instruction is offered indoors; an instructor is present in the classroom while any participants are present; and pre-registration is required at least 24 hours in advance of participation in the class.

Pasties means an article of clothing that opaquely covers the nipple and areola of the female breast and is not designed to nor appears to look like the nipple and/or areola of the female breast.

Performer means any person who is an employee or independent contractor of an adult-oriented business, and who, with or without any compensation or other form of consideration, performs adult live entertainment for patrons of an adult-oriented business. Performer does not include a patron.

Regular and substantial course of conduct means when 25 percent of a business's stock in trade, and/or 25 percent of a business's total gross annual revenue, or 25 percent of a business's advertising, or 25 percent of a business's net interior public area (not including non-public areas such as office space, dressing rooms, non-public storage space and public and non-public bathrooms) is derived from or devoted to a particular thing.

School means an institution of learning for minors, whether public or private which offers instruction in those courses of study required by the provisions of the California Education Code applicable to the type of school at issue and/or is maintained pursuant to standards set by the Board of Education of the State of California and has an approved use permit, if required under the applicable jurisdiction. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, or any special institution of learning under the jurisdiction of the California Department of Education, but does not include a vocational or professional institution or an institution of higher learning, including a community college or junior college, college or university. Neither shall the term "school" apply to a "tutorial facility" as

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that term is defined in section 44-10; a "child day care facility" as that term is defined in Health and Safety Code § 1596.750; or a "day care center" as that term is defined in Health and Safety Code § 1596.76.

Sexually oriented material means any element of sexually oriented merchandise, or any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, video, or other written, oral, or visual representation or presentation which, for purposes of sexual arousal, provides depictions that are characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities or specified anatomical parts.

Sexually oriented merchandise means sexually oriented implements and paraphernalia, such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery-operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity.

Specified anatomical parts means:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breasts below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, or zoerastia.
- (2) Human genitals in a state of sexual stimulation, arousal, or tumescence.
- (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation.
- (4) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
- (5) Masochism, erotic or sexually oriented torture, beating, or the infliction of pain.
- (6) Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being.
- (7) Human excretion, urination, menstruation, or vaginal or anal irrigation.
- (8) The removal of clothing to the point where specified anatomical parts are either not opaquely covered or minimally covered with devices commonly referred to as pasties and g-strings or equivalent clothing.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-196. Permit required.

Notwithstanding any other provision of this Development Code no adult oriented business shall be permitted to operate, engage in, conduct, or carry on business within the City unless the owner of the business first obtains an adult oriented business permit and a business license from the City of La Palma, as well as any other permits or licenses required by law. The above notwithstanding, no adult oriented

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business proposing to provide live entertainment shall be required to obtain a special permit pursuant to article V, division 9 of this chapter. Nor shall any adult oriented business be required to be listed as a permitted or conditionally permitted use within the zone in which it proposes to locate if it otherwise complies with the other development requirements of this Code and the requirements of this section. If an adult oriented business intends to serve alcoholic beverages, the business shall be required to obtain a conditional use permit from the City for the service of the alcoholic beverages. Procedures for obtaining an adult oriented business permit are established in article V, division 9 of this chapter.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-197. Findings/locational and operational requirements.

The following findings and locational and operational requirements shall be applicable at all times to all adult oriented businesses. The City Manager shall deny the requested permit if the findings have not been made.

- (1) The adult oriented business shall not be located within 300 feet of a residential zoning district or any properly approved residential use unless the proposed location of the adult oriented business is physically separated from the residential zoning district or use by a freeway or a creek drainage channel.
- (2) For the purposes of this section, a use is "located" upon a site if an application for the use to be placed upon the site has been filed with the City prior to the date the adult oriented business application has been filed with the City.
- (3) The adult oriented business shall not be located within 300 feet from the perimeter of any lot upon which there is properly located a public park, school, or religious institution unless the proposed location of the adult oriented business is physically separated from the public park, school, or religious institution by a freeway or a creek drainage channel.
- (4) The adult oriented business property shall not be located within 100 feet from the perimeter of any lot of any establishment that serves alcoholic beverages for onsite consumption unless the proposed location of the adult oriented business is physically separated from the alcohol serving facility by a freeway or a creek drainage channel.
- (5) The adult oriented business shall comply with the City's parking standards for the underlying use. Where no City parking standards exist for a particular underlying use, the adult oriented business shall provide one space per occupant as based upon the maximum occupancy as determined by the building official.
- (6) Any signage for the adult oriented business shall comply with the sign regulations of this Code.
- (7) The adult oriented business shall not be located completely or partially within any mobile structure or pushcart.
- (8) The adult oriented business shall not stage any special events, promotions, festivals, concerts, or similar events that would increase the demand for parking beyond the approved number of spaces for the particular use or that would increase occupancy beyond the maximum building occupancy as determined by the fire marshal as required by law.
- (9) The adult oriented business shall not conduct any massage, tattooing, acupuncture, fortune telling, or escort services on the premises.

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- (10) The adult oriented business shall provide a security system that visually records and monitors all parking lot areas. All indoor areas of the adult oriented business shall be open to public view at all times with the exception of restroom facilities. The term "accessible to the public" shall include those areas that are only accessible to members of the public who pay a fee and/or join a private club or organization.
- (11) The adult oriented business shall comply with the development and design requirements of the zoning district in which it is to be located.
- (12) The adult oriented business shall not display any sexually oriented material, sexually oriented merchandise, or contain window display that would be visible from any location other than from within the adult oriented business.
- (13) The adult oriented business shall not allow admittance to any person under the age of 18 if no liquor is served or under the age of 21 if liquor is served.
- (14) The adult oriented business shall not operate between the hours of 12:00 midnight and 10:00 a.m.
- (15) Neither the applicant, if an individual, nor any of the officers or general partners, if a corporation or partnership, of the adult oriented business shall have pled guilty or nolo contendere or been found guilty within the past two years of a misdemeanor or felony classified by this State or any other statute as a sex-related offense and shall have not violated any of the provisions of an adult oriented business permit or similar permit or license in any City, County, territory or State.
- (16) The adult oriented business shall provide separate restroom facilities for male and female patrons. The restroom will be free from sexually oriented materials and sexually oriented merchandise. Only one person shall be allowed in the restroom at any time, unless otherwise required by law, in which case, the adult oriented business shall employ a restroom attendant/security officer of the same sex as the restroom user who shall be present in the public portion of the restroom, and that not more than one person is permitted to enter a restroom stall unless otherwise required by law and that the restroom facilities are used only for the intended sanitary uses.
- (17) The interior of the adult oriented business shall be configured such that there is an unobstructed view, by use of the naked eye and unaided by video, closed circuit cameras, or any other means, of every public area of the premises, including the interior of all individual viewing areas, from a manager's station, which is no larger than 32 square feet of floor area with no single dimension being greater than eight feet, in a public portion of the establishment. No public area, including the interior of any individual viewing area, shall be obscured by any door, curtain, wall, two-way mirror or other device that would prohibit a person from seeing the interior of the individual viewing area, solely with the use of the naked eye and unaided by video, closed circuit cameras or any other means, from the manager's station. The entire body of any patron in an individual viewing area must be visible from the manager's station without the assistance of a mirror or other device. A manager at least 21 years of age shall be stationed in the manager's station at all times the business is in operation or open to the public in order to enforce all laws and regulations. No individual viewing area shall be designed or occupied by more than one patron at a time.
- (18) All areas of the adult oriented business shall be illuminated at the following minimum foot-candle levels, evenly distributed at ground level:

TABLE II-7. ILLUMINATION REQUIREMENTS FOR ADULT ORIENTED BUSINESSES

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USE	ILLUMINATION REQUIREMENT
Bookstores	20 foot-candles
Retail Establishments	20 foot-candles
Theaters	5 foot-candles (except during performances when it may be 1.25 foot-candles)
Cabarets	5 foot-candles (except during performances when it may be 1.25 foot-candles)
Motion Picture Arcades	10 foot-candles in public areas
Individual Viewing Booths	1.25 foot-candles
Motion Picture Theaters	10 foot-candles (except during performances when it may be 1.25 foot-candles)
Motel/Hotel	20 foot-candles in public areas

- (19) The individual viewing areas of the adult oriented business shall be operated and maintained without holes, openings, or other means of direct visual or physical access between the interior spaces of two or more individual viewing areas. Any hole or opening shall be repaired within 24 hours using "pop" rivets to secure a metal plate over the hole or opening to prevent patrons from removing the metal plate.
- (20) A traffic study shall be prepared for the adult oriented business in conformance with industry standards. The applicant shall demonstrate that the project will not result in a reduction in any roadway level of service below that level of service designated in the general plan for that roadway.
- (21) The adult oriented business shall comply with the noise element of the general plan and noise standards of this Development Code, interior and exterior noise standards, and any mitigation measures necessary to reduce the project's noise impacts to the City's articulated noise standard.
- (22) The adult oriented business shall comply with all building and construction standards of the Uniform Building Code, Chapter 24, Title 24 of the California Code of Regulations (24 CCR 24), and all other federal, State and City-adopted standards for the specific use.

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- (23) Live entertainment shall only be performed on a permanently fixed stage raised at least 18 inches above the floor and separated from patrons by a fixed rail at least 30 inches in height placed at a distance of not less than eight feet from the perimeter of the stage such that no portion of the performer is, at any time, within six feet of any patron. This provision shall not apply to an individual viewing area where the performer is completely separated from the area in which the performer is viewed by a partner by a permanent, floor-to-ceiling solid barrier enclosed on all sides such that access by the patron is not possible.
- (24) No performer engaged in a performance which includes adult live entertainment shall have physical contact with any patron, and no patron shall have physical contact with any performer, while the performer is performing on the premises. In addition, while on the premises, no performer shall have physical contact with a patron and no patron shall have physical contact with a performer, which physical contact involves the touching of the clothed or unclothed genitals, pubic area, buttocks, cleft or the buttocks, perineum, anal region, or female breast with any part or area of the other person's body either before, during or after any adult live entertainment by such performer. This prohibition does not extend to incidental touching. Patrons shall be advised of the separation and no touching requirements by signs conspicuously placed on the railing separating patrons and performers and in each individual viewing area. If necessary, patrons shall also be advised of the separation and no touching requirements by employees or independent contractors of the adult business.
- (25) No building, premises, structure, or other facility shall be permitted to contain more than one type of adult oriented business as such types of adult oriented business are defined in section 44-195. For the purposes of this subsection, the phrase "adult oriented business" shall not itself embody all the various types of adult oriented businesses.
- (26) No individual viewing area may be occupied by more than one person at any one time. No beds shall be permitted in an individual viewing area.
- (27) No patron shall directly or indirectly pay or give any gratuity to any performer, and a performer shall not solicit or accept any direct gratuity from any patron. For the purposes of this section, the phrase "directly pay or give" shall mean the person-to-person transfer of the gratuity. This section shall not prohibit the establishment of a non-human gratuity receptacle placed at least eight feet from the stage or area occupied by the performer.
- (28) Public nudity shall be prohibited on the premises at all times. For the purposes of this subsection, the term "public nudity" shall mean the removal of clothing to the point where the individual is clothed in less than pasties and a g-string, as those terms are defined in section 44-195
- (29) The adult oriented business shall be operated consistent with the floor plan approved by the City. No changes to the floor plan shall be implemented unless and until the changes have first been approved by the City.
- (30) The adult oriented business shall provide dressing rooms for performers that are separated by gender and exclusively dedicated to the performers use, and which the performers shall use. Same gender performers may share a dressing room. Patrons shall not be permitted in dressing rooms.
- (31) The adult oriented business shall provide an entrance/exit for performers which is separate from the entrance/exit used by patrons, which the performers shall be required to use when entering and exiting the business.
- (32) At least one security guard will be on duty outside the premises, patrolling the grounds at all times the business is open to the public. The security guard shall be charged with prohibiting violations

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of law and enforcing the provisions of this chapter. All security guards will be uniformed so as to be readily identifiable as a security guard by the public. No person acting as a security guard shall act as a doorman, ticket taker or seller, or perform any other function while acting as a security guard. For all adult oriented businesses providing live entertainment, an additional security guard will be required with each increase in maximum occupancy of 50 persons. All security guards shall be licensed under the California State Private Security Services Act, Business and Professions Code § 7580 et seq.

(Ord. No. 96-1, § 1; Ord. No. 98-07, §§ 3—10; Ord. No. 02-02, §§ 5—7; Ord. No. 2003-07, § 3(exh. A))

Sec. 44-198. Distribution of harmful matter.

- (a) *Blinders required.* No person shall distribute, show, or otherwise display in any location which is visually accessible to minors, any harmful matter as defined in subsection (b) of this section without the placement of a completely opaque material covering the display such that the lower two-thirds of the material is not exposed to view.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Harmful matter means any matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest, and is matter which, taken as a whole, depicts or describes in a patently offensive way sexual conduct and which, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

Location visually accessible to minors means any location on a public or private street, sidewalk, or right-of-way as well as any location on private property which is visible from a public street, sidewalk or other right-of-way or from an area in which the public is invited and minors are not excluded.

Minor means any natural person under the age of 18.

- (c) *Punishment.* A violation of this section shall be a misdemeanor punishable according to the general penalties described in section 2-350 (Misdemeanor penalty) of this Code.

(Ord. No. 94-05, § 1)

State law reference— Authority of City to require blinders in front of material harmful to minors, Penal Code § 313.1(d).

Sec. 44-199. Inspections.

The holder of an adult oriented business shall permit officers of the City and any of their authorized representatives to conduct unscheduled inspections of the premises of the adult oriented business for the purpose of ensuring compliance with the law at any time the adult oriented business is open for business or occupied.

(Ord. No. 2003-07, § 3(exh. A))

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Sec. 44-200. Expansion of legal nonconforming uses.

Notwithstanding any other provision of this Code, no adult oriented business legally operating prior to the effective date of the ordinance codified in this section may be expanded in any manner unless and until the entire adult oriented business complies in all respects with the provisions of this section and/or any other provision of the Development Code pertaining to the operation of the business. For the purposes of this section, the term "expansion" shall include any physical expansion of the facility in which the adult oriented business is located or operating and/or the introduction and/or addition of any category of adult oriented business use not legally operating on the property prior to the enactment of said ordinance as such separate categories of adult oriented business uses are contained in section 44-195. For the purposes of this subsection, the phrase "adult oriented business" shall not itself embody all the various types of adult oriented business.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-201. Health services fee.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Health department or department means the Orange County Health Care Agency.

Health officer means the County Health Officer or his/her duly authorized representative.

Receipt means a County public health services fee receipt.

- (b) *Purpose and authority.* The purpose of this section is to establish fees sufficient to meet the reasonable expenses of the Health Officer in enforcing State statutes, orders, quarantines, and rules and regulations of State offices and departments relating to public health, which expenses are hereby found not to be met by the fees prescribed by the State. The authority for this subsection is contained in the Health and Safety Code § 101325, as amended.
- (c) *Area of application.* This section shall be enforceable within the territory in which the Health Officer enforces any State statute, order, quarantine, or rule or regulation of State offices and departments relating to public health, which expenses are hereby found not to be met by the fees prescribed by the State. The authority for this subsection is contained in Section 101325 of the Health and Safety Code, as amended.
- (d) *Violation.* Notwithstanding any provision to the contrary, it shall be unlawful for any person to conduct any activity enumerated in this section without obtaining a valid receipt.
- (e) *Separate activities.* If a person shall conduct more than one of the activities for which a receipt is required, he/she must obtain a separate receipt for each activity, except as otherwise provided herein.
- (f) *Applications.* Applications for a receipt shall be filed with the health department on a form to be provided by that department. The applications shall be accompanied by payment of the required fee. An applicant for or a recipient of a receipt shall provide the Health Officer with any information requested by him or her.
- (g) *Rules and regulations.* The Health Officer shall administer this section and may issue regulations and prepare application and identification forms pertaining thereto.

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- (h) *Fees.* The County shall, by annual resolution of the Board of Supervisors, adopt health service fees to be paid by the proprietor or operator of the adult oriented business. The fees are to be paid directly to the health department and retained by the department as reimbursement for services related to the administration and enforcement of this subdivision.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-202—44-225. Reserved.

FOOTNOTE(S):

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State Law reference— Authority of City to regulate the time, place, and manner of operation of sexually oriented businesses, Government Code § 65850.4, Penal Code §§ 318.5, 318.6. [\(Back\)](#)

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[Sec. 44-229. Records of treatment.](#)

[Sec. 44-230. Name of business.](#)

[Sec. 44-231. Applicability of provisions.](#)

[Sec. 44-232. Inspection.](#)

[Sec. 44-233. Minimum requirements.](#)

[Secs. 44-234—44-259. Reserved.](#)

Sec. 44-226. Permit and licenses required.

- (a) No person, association, partnership, corporation or other entity shall be permitted to operate, engage in, conduct, or carry on, or to permit to be engaged in, conducted or carried on, the operation of a massage establishment unless: (1) all persons providing massage at the establishment are certified massage practitioners and/or certified massage therapists; and (2) the massage establishment operator has obtained a business license and a conditional use permit from the City, as well as any other permits, licenses and other approvals required by law. Procedures for obtaining a business license are set forth in chapter 22 of this Code.
- (b) Any person administering massage in the City for compensation must be certified massage practitioner and/or certified massage therapist holding a valid certification from the Massage Therapy Council. No person may administer massage within the City without first providing, to the Community Development Department, a copy of his or her massage certificate and a list of the names and addresses of all massage establishments at which he or she will provide massage for compensation. Any change in the locations at which a person will provide massage for compensation shall be reported to the City within five (5) working days of the change.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2009-05, § 3(26-41(a)), 9-15-2009)

Sec. 44-227. Exemptions.

The provisions of this subdivision shall not apply to the following types of individuals while engaged in the performance of the duties of their respective professions:

- (a) Physicians, surgeons, chiropractors, osteopaths, acupuncturists or physical therapists who are duly licensed to practice their respective professions in the State of California;
- (b) Nurses registered and practicing under the laws of the State of California;
- (c) Barbers and beauticians who are duly licensed to practice their respective professions in the State of California;

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- (d) Licensed employees of hospitals, nursing homes, sanatoriums, or other health care facilities that are duly licensed by the State of California.

Sec. 44-228. Massage establishment business license.

- (a) Application. In addition to the information required to be provided under section 22-11 of this Code, a person applying for a business license for a massage establishment shall provide the following information:
 - (1) The prior business and permit history of the applicant, including but not limited to whether the applicant has ever had any permit or license issued by any agency, board, city, county, territory, or state; the date of issuance of such a permit or license; whether the permit or license was revoked or suspended; and whether a vocational or professional license or permit was issued, revoked, or suspended, and the reason for any revocation or suspension.
 - (2) All criminal convictions, other than misdemeanor traffic violations and infractions, the jurisdiction in which the conviction occurred, and the circumstances thereof;
 - (3) A description of the proposed massage establishment, including the type of treatments to be administered;
 - (4) Authorization for the City, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application.
 - (5) A complete current list of the names and residence addresses of all proposed massage technicians, aides, trainees and other employees who are or will be employed in the massage establishment, if known. If not known at the time of submission of the application, the applicant shall provide the required information no later than seven (7) calendar days prior to opening for business.
 - (6) For each person that the massage establishment does or will employ, retain or permit to perform massage for compensation, a copy of that person's current certificate issued by the Massage Therapy Council, and a copy of that person's identification card issued by the Massage Therapy Council.
 - (7) The name and residence addresses of the proposed operator(s) and manager(s) who will be principally in charge of the operation of the massage establishment.
- (b) Changes in information. Except as otherwise specifically provided in this subdivision, once a business license is issued to a massage establishment, the applicant shall submit to the City any change to any of the information required above within seven (7) calendar days of discovering that change. Such changes include, but are not limited to, changes in the types of services to be provided, and changes

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in the persons employed or retained by the massage establishment to perform massage for compensation.

Sec. 44-229. Out-call massage prohibited.

It shall be unlawful to provide out-call massage, or to cause or allow out-call massage to be provided.

Sec. 44-230. Massage establishment operating requirements.

Every person operating or maintaining a massage establishment in the City shall comply with each of the following requirements at all times:

- (a) Location. A massage establishment shall not be located within 1,000 feet of another massage establishment. The distance between massage establishments shall be measured in a straight line, without regard to intervening structures, from the closest exterior wall of one massage establishment to the closest exterior wall of the other massage establishment.
- (b) Hours of operation. Massage operations shall be carried on or conducted, and the premises shall be open, only between the hours of 8:00a.m. and 9:00p.m. The operator and/or manager of the massage establishment shall notify the City, in writing, at least thirty calendar days prior to the effective date of any change to the establishment's hours of operation. No person shall administer a massage in any massage establishment outside the permissible hours of operation specified in this paragraph.
- (c) Management. One or more managers shall be designated to act as the person(s) in charge of managing day-to-day operations of the massage establishment, including receiving all complaints. The names of such managers must be provided to the City. At least one manager shall be on premises of the massage establishment at all times during all business hours of operation. In addition to the holder of the massage facility's business license, on-site managers shall be responsible for all violations taking place on the massage establishment premises during their respective shifts.
- (d) List of services. A list of all available services, and their respective cost, shall be posted in an open public place within the massage establishment. The list shall, at minimum, be posted in English. No service shall be included on the list unless it is a service that falls within the professionally recognized scope of practice of a certified massage therapist or certified massage practitioner. No owner, manager or operator of a massage establishment shall allow, and no person shall perform or offer to perform, any service other than those posted pursuant to this paragraph.
- (e) Display of licenses and certificates. The massage establishment's business license and a copy of the massage certificate for every certified massage therapist and certified massage practitioner employed by the massage establishment, as an employee, independent contractor or otherwise, shall be displayed in an open and conspicuous public place on the massage establishment's premises.
- (f) Records of treatment. Every massage facility operator shall keep a written record of all services rendered on the premises. The record shall include, at minimum, the date and hour of each service, the full name and complete address of the patron, the full name of any certified massage practitioner or certified massage therapist who administered any portion of such service. The record shall be retained for a minimum of 2 years from the date of service, and shall be open to inspection upon demand by officials charged with the enforcement of this subdivision, and by emergency personnel, for law enforcement and emergency purposes and for no other purpose. The information furnished or secured as a result of any such records shall remain confidential to the extent permitted by law.

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- (g) Inspections. All areas of the massage establishment shall be subject to reasonable inspections during all hours of operation to ensure compliance with the City's Code, state law regulating the practice of massage, and all other applicable laws and regulations.
- (h) Massage school prohibited. No massage establishment shall operate as a school of massage or use, or permit use of, any portion of its facilities as a school of massage.
- (i) Advertisements. No massage establishment owner, operator, manager, employee or independent contractor shall place, publish or distribute, or cause or allow to be placed, published or distributed, any advertising matter that would reasonably suggest to prospective patrons that any service is available unless such service is listed on the massage establishment's list of available services required under Section 44-230(d), above.
- (j) Clothing. All owners, operators, managers, employees, and independent contractors of a massage establishment shall be clean and shall wear clean, nontransparent outer garments at all times when present on the premises of the establishment. Such garments shall not expose any genitals, pubic areas, buttocks or breasts, and shall otherwise comply with the standards set forth in Business and Professions Code section 4609.
- (k) Employees and independent contractors. The operator and/or manager of a massage establishment shall maintain on the premises a register of all employees and independent contractors of the establishment. Information concerning an employee or independent contractor shall be maintained for a minimum of two years after the person ceases to work for the establishment. The operator and/or manager shall make the register immediately available for inspection upon reasonable demand of a representative of City law enforcement or code enforcement. The register shall include, but not be limited to, the following information:
 - (1) The name, nicknames and/or aliases used by an employee.
 - (2) The employee's home address and relevant phone numbers (including but not limited to home, cellular and pager numbers.)
 - (3) The employee's age, date of birth, gender, height, weight, color of hair and eyes.
 - (4) The employee's Social Security number.
 - (5) The date of employment and termination, if any.
 - (6) The duties of each employee
- (l) Compliance with laws. Massage establishments shall be operated in compliance with all applicable laws and regulations, including without limitation, the California Massage Therapy Act (Business and Professions Code section 4600 et seq.).

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2009-05, § 3(26-41(a)), 9-15-2009)

Sec. 44-231. Massage establishment facility requirements.

To ensure the health and safety of all persons, every person operating or maintaining a Massage Establishment, and/or providing massage services, in the City shall comply with all of the following requirements at all times:

- (a) A recognizable and readable sign, compliant with all applicable City sign regulations, shall be posted at the main entrance of the massage establishment, identifying it as such an establishment.

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- (b) The hours of operation of the massage establishment must be posted in the front window in a manner that is clearly visible from the exterior of the establishment.
- (c) One front door that enters into the lobby and/or other waiting room of the establishment shall be provided for customer use. All customers and any other persons other than employees of the establishment shall be required to enter and exit through the establishment's front door.
- (d) Minimum lighting shall be provided in accordance with the Section 44-278 of this Code. In addition, at least one unobstructed, artificial light of not less than 40 watts shall be provided in each room or booth where massage services are performed on patrons and shall be illuminated at all times while any patron is present therein.
- (e) Minimum ventilation shall be provided in accordance with the California Building Standards Code.
- (f) Instruments used in performing massage services shall not be used on more than one patron unless they have been sterilized using approved sterilizing methods between use on different patrons. Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided at all times.
- (g) Hot and cold running water shall be provided at all times on the premises.
- (h) Adequate bathing, dressing, locker, and toilet facilities shall be provided for patrons. Each massage establishment shall provide a minimum of one tub or shower, one toilet, one sink, and one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked and a minimum of one toilet and one washbasin. If male and female patrons are to be served simultaneously at the establishment, separate bathing, separate massage rooms, separate dressing areas and separate toilet facilities shall be provided for each gender.
- (i) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition at all times. Wet and dry heat rooms, steam vapor rooms, steam and vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned with a disinfectant at least once each day that the business is in operation. Bathtubs shall be thoroughly cleaned with a disinfectant after each use. All walls, floors and ceilings of each restroom and shower area shall be constructed with materials that are smooth and easily cleanable. No carpeting shall be installed in these specified areas.
- (j) Clean and sanitary towels, coverings and linens shall be provided for each patron of the establishment. No common use of towels or linens shall be permitted. Clean towels, coverings and linens shall be stored in enclosed cabinets. Disposable towels and coverings shall be permitted, but shall not be used on more than one patron. Soiled linens, coverings and towels shall be deposited in separate, approved receptacles.
- (k) If any pads are used on massage tables, such pads shall be covered with a durable washable plastic or other waterproof material which shall be cleaned and disinfected with a disinfectant at least once each day the establishment is open.
- (l) A minimum of one separate washbasin shall be provided in each massage establishment for the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each washbasin sanitary towels placed in permanently installed dispensers.
- (m) No massage establishment shall be equipped with any of the following improvements:

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- (1) Tinted or "one-way" glass in any room or office;
 - (2) Door-viewer or peephole designed to look through a door or wall; or
 - (3) Locking mechanisms on any interior door that would impede unobstructed entrance to massage treatment rooms, including but not limited to a locking mechanism on any treatment room door, unless there is no staff person available to assure the security for clients and massage personnel who are behind closed doors. For the purpose of this paragraph, a staff member is available to assure the security of clients and massage personnel when the massage establishment employs a receptionist or other person who is stationed in a public location outside of the massage treatment rooms.
- (n) With the exception of massage establishments owned by one individual with one or no employees or independent contractors, massage establishments shall keep all doors leading to the exterior of the premises unlocked during the establishment's business hours.

Sec. 44-232. Prohibited conduct.

- (a) No massage shall be allowed in any areas of a massage establishment other than in designated massage rooms. If male and female patrons are to be served simultaneously at the establishment, separate massage rooms shall be provided for each gender. In any establishment in which massage services are rendered only to members of the same sex at any one time, such persons of the same sex may be placed in a single room, or the operators of the massage establishment may elect to place such persons in separate massage rooms.
- (b) No massage services shall be rendered to a patron unless the patron's genitals are fully covered. In the case of a female patron, the patron's breasts must also be fully covered. In addition, no patron's genitals or the breasts of any female patron shall intentionally be touched while the patron is on the premises of the massage establishment.
- (c) No alcoholic beverage or drug, other than a prescription medication in the possession of the person for whom the prescription was written, and no condoms, shall be stored or allowed on a massage establishment's premises. Service of alcoholic beverages shall not be permitted.
- (d) No person shall enter or remain on any part of the premises of a massage establishment, and no person shall conduct, operate, be employed by or provide massage, while in the possession of, while consuming, or while under the influence of any alcoholic beverage or drug, except for medication provided pursuant to a valid prescription issued by a physician duly licensed to practice in the State of California.
- (e) No sexually oriented material or sexually oriented merchandise may be allowed, displayed or stored anywhere on a massage establishment's premises. For purposes of this paragraph, the terms "sexually oriented material" and "sexually oriented merchandise" shall have the same meanings as set forth in Section 44-195 of this Code.
- (f) No person may record, or cause or allow to be recorded, any audio and/or video of the performance of a massage or of the conversation or other sounds in any massage room, dressing area, toilet area

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or other portion of the premises where there is a reasonable expectation of privacy, without the knowledge and express written consent of the patron.

- (g) No massage establishment shall have installed or utilize any signaling devices of any type to alert employees and/or patrons to the presence of law enforcement or other persons charged with enforcement of the provisions of this Code and/or other applicable laws and regulations.
- (h) No person shall reside, dwell, occupy or live inside, or be allowed to reside, dwell, occupy or live inside, a massage establishment at any time.

Sec. 44-233. Records of treatment.

Every person operating a massage establishment under a permit as herein provided shall keep a record of the date and hour of each treatment, the name and address of the patron, the type of treatment administered and the name of the person administering such treatment. Such record shall be maintained for a period of two years from the date services are rendered, and shall be open to inspection by officials charged with the enforcement of these provisions for the purposes of law enforcement and for no other purposes. The information furnished or secured as a result of any such inspection shall be confidential to the extent permitted by law. Any unauthorized disclosure or use of such information by any officer or employee of the City shall constitute a misdemeanor and such officer or employee shall be subject to penalties provided by law.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2009-05, § 3(26-41(a)), 9-15-2009)

Sec. 44-234. Name of business.

No person licensed to do business as herein provided shall operate under any name or conduct business under any designation not specified in the person's massage certificate.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2009-05, § 3(26-41(a)), 9-15-2009)

Sec. 44-235. Inspection.

The Police Chief or his or her agent, the Community Development Director, Fire Marshal, and/or the Orange County Health Care Agency or its successor agency may from time to time conduct unannounced inspections of a massage establishment, in accordance with applicable laws, for the purpose of confirming that the provisions of this subdivision are met, and may furnish a copy of the inspection report to any appropriate governmental agencies.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2009-05, § 3(26-41(a)), 9-15-2009)

Secs. 44-236—44-259. Reserved.

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[Sec. 44-276. Traffic safety triangle.](#)

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Sec. 44-260. Street numbers and identifying data.

Street numbers and other identifying data shall be displayed according to the provisions of section 44-277, Address numerals, and as follows:

- (1) Every dwelling unit shall display illuminated street address numerals during hours of darkness.
- (2) There shall be positioned at each entrance of each multifamily housing complex an illuminated diagrammatic representation of the complex which shows the location of the viewer and the unit designations within the complex. In addition, each individual unit within the complex shall display a prominent identification number which is easily visible to approaching vehicular and/or pedestrian traffic.

(Ord. No. 79-11, § 1)

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Sec. 44-261. Dish antennas, amateur radio communication facilities, and citizen band (CB) radio antennas.

This section provides standards for the location and installation of amateur radio communication antennas/facilities, citizen band radio antennas, and dish antenna, which shall be located, constructed, installed, and maintained in the following manner:

- (1) In all zoning districts, all antenna types shall comply with the following:
 - a. Antennas shall be designed, installed, and maintained in compliance with Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC) standards.
 - b. Antennas shall not be located within required front or side yard setback areas or closer than five feet from the rear property line.
 - c. No portion of an antenna shall extend beyond the property lines of the subject parcel.
 - d. Antennas and supporting structures shall be a neutral, non-glossy, non-reflective color (i.e., earth-tones, black, gray) and be located in the most inconspicuous location possible to receive and transmit signals.
 - e. Electrical and antenna wiring shall be placed underground.
 - f. Any antenna that requires a footing shall be required to have a building permit issued by the Community Development Director.
 - g. Antennas shall be maintained in proper working order and any graffiti shall be removed within 24 hours from the time it is reported.
 - h. No commercial advertising material shall be allowed on any antenna, except for requisite safety text and other labeling required by law.
 - i. Approval by the City shall not be deemed as approval by a homeowners' association pursuant to any covenants, conditions, and restrictions (CC&Rs).
 - j. Antenna poles and towers installed prior to the effective date of this section shall be deemed to be legally nonconforming.
- (2) In all zoning districts, all amateur radio and citizen band (CB) single pole and tower communication facilities shall comply with the following:
 - a. Maximum height of any pole or tower antenna is 15 feet above the highest point of the roof of the main or primary structure located on the same parcel.
 - b. Antenna poles and towers greater than 25 feet in height above the average finished grade of the subject site, when fully extended, shall require the approval of a conditional use permit.
 - c. Retractable poles and towers shall be fully retracted when not in use.
 - d. All antenna poles and towers shall be the self-supporting type, with no supporting guy wires.
 - e. No portion of any antenna pole or tower shall be allowed within required setback areas.
 - f. Any equipment on the base of an antenna pole or tower shall be screened subject to the approval of the Community Development Director.
 - g. Anti-climb devices shall be installed at the base of the antenna tower if required by the Community Development Director.

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- (3) Dish antenna. In addition to the conditions in subsection (1) of this section, the following conditions shall apply:
- a. In residential zoning districts, dish antennas:
 - 1. Shall not project or overhang into areas where they are prohibited (i.e., setback areas).
 - 2. With masts higher than 12 feet above the roofline, shall require a building permit issued by the Community Development Director.
 - 3. Shall be screened from public view so long as antenna placement does not prevent reception of an acceptable quality signal or impose unreasonable expense or delay.
 - 4. Shall only be used for private, noncommercial, purposes unless the use is directly related to a business for which the property owner has obtained a home occupation license pursuant to chapter 22, article III of this Code.
 - 5. Larger than one meter (39.37 inches) in diameter, shall be subject to the following additional standards:
 - (i) Shall be located only within the rear yard of the parcel, at least five feet from the rear or side lot lines and at least 15 feet from any street side property line.
 - (ii) Shall require a building permit issued by the Community Development Director.
 - b. In nonresidential zoning districts, dish antennas:
 - 1. Shall not project or overhang into areas where they are prohibited (i.e., setback areas).
 - 2. With masts higher than 12 feet above the roofline, shall require a building permit issued by the Community Development Director.
 - 3. Shall be screened from public view so long as antenna placement does not prevent reception of an acceptable quality signal or impose unreasonable expense or delay.
 - 4. Larger than one meter (39.37 inches) in diameter, shall be subject to the following additional standards:
 - (i) Shall be located only within the rear yard of the parcel, at least five feet from the rear or side lot lines and at least 15 feet from any street side property line.
 - (ii) Shall require a building permit issued by the Community Development Director.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2004-03, § 14)

Editor's note—

Does not pertain to telecommunication transmission equipment.

State law reference— City authorized to regulate amateur radio station antenna structures, Government Code § 65850.3.

Sec. 44-262. Fences, walls, and hedges.

- (a) *Applicability.* The provisions of this section pertaining to height shall not apply to fences required by State law to surround and enclose public utility installations or to chain link fences enclosing school

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grounds and public playgrounds. However, the provision pertaining to safety vision at corners shall apply to such fences.

(b) *General provisions.*

- (1) *Measuring height.* The height of a wall shall be measured from the top of the street curb to the top of the wall, including any retaining wall, if present. If there is no curb present, then the height shall be measured from the lowest adjacent finished grade. For a wall between commercial or industrial and residential zoning districts, the measurements shall be taken from the residential side.
- (2) *Height.* The maximum height of a wall, fence, hedge, or lattice, or any combination of along an arterial highway, a local street, or other public easement shall be eight feet unless otherwise approved by a precise plan.
- (3) *Maintenance.* A property owner is responsible for the maintenance and repair of any fence, wall, hedge or lattice extension exhibiting damage or a worn out appearance.
- (4) *Painting of wall.* Painting or changing the surface of any block wall facing an arterial highway, local street, or other public right-of-way is permitted with only the approved color as designated by the City Council.
- (5) *Location.* No fence, wall or hedge shall be located within the public right-of-way without approval of an encroachment permit from the Community Services Department.
- (6) *Joint ownership of a wall.* Any modification, repair or construction of a joint ownership (common) wall shall be subject to prior written approval of all joint owners.
- (7) *Water barrier.* Any modification, repair or construction of a wall that abuts a planter area will require a waterproof barrier located on the inside of the wall between the surface of the wall and the soil in the planter.
- (8) *Residential use adjacent to nonresidential use.* A decorative block wall of at least eight feet in height, and using at a minimum a six-inch-wide block, shall be constructed adjacent to all side and rear yard property lines, where a residential district or use is adjacent to a nonresidential district or use.
- (9) *Commercial property abutting residential property.* A decorative block wall of three feet in height shall be constructed where a commercial property line abuts the side of the front yard setback of a residential property.
- (10) *Permits required.* All block walls over three feet high and any extension to existing block walls shall require building permits from the Community Development Department. A height extension using lattice to a block wall shall require Community Development Director Approval and a building permit.
- (11) *Access to rights-of-way.* Gate openings from private property to any public right-of-way or street must be approved by the Community Development Director, based on the following criteria:
 - a. The gate opening shall not be located less than 30 feet from an intersection.
 - b. The gate opening shall not impact the vehicular or pedestrian traffic on the public right-of-way.
 - c. There shall be no modifications to the public right-of-way (e.g., curb cuts or drive approaches). Any gate openings that would require modifications to the public right-of-way will require a precise plan amendment.

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- d. All gate openings shall slide from side-to-side on the private side of the gate or shall be inward opening.
- e. Southern California Edison shall approve all requests, in writing, for a gate opening onto its right-of-way.

(c) *Lattice height extensions.*

- (1) A lattice extension to a wall is only permitted in the Single Family Residential (R-1) zone.
- (2) A lattice extension must be made of pressure-treated wood, vinyl or similar synthetic material.
- (3) A lattice extension of a wall shall be no higher than the lesser of two feet in height, or a total height for the wall plus lattice extension of eight feet, centered and mounted securely onto the top course of a wall as shown in figure B-1.

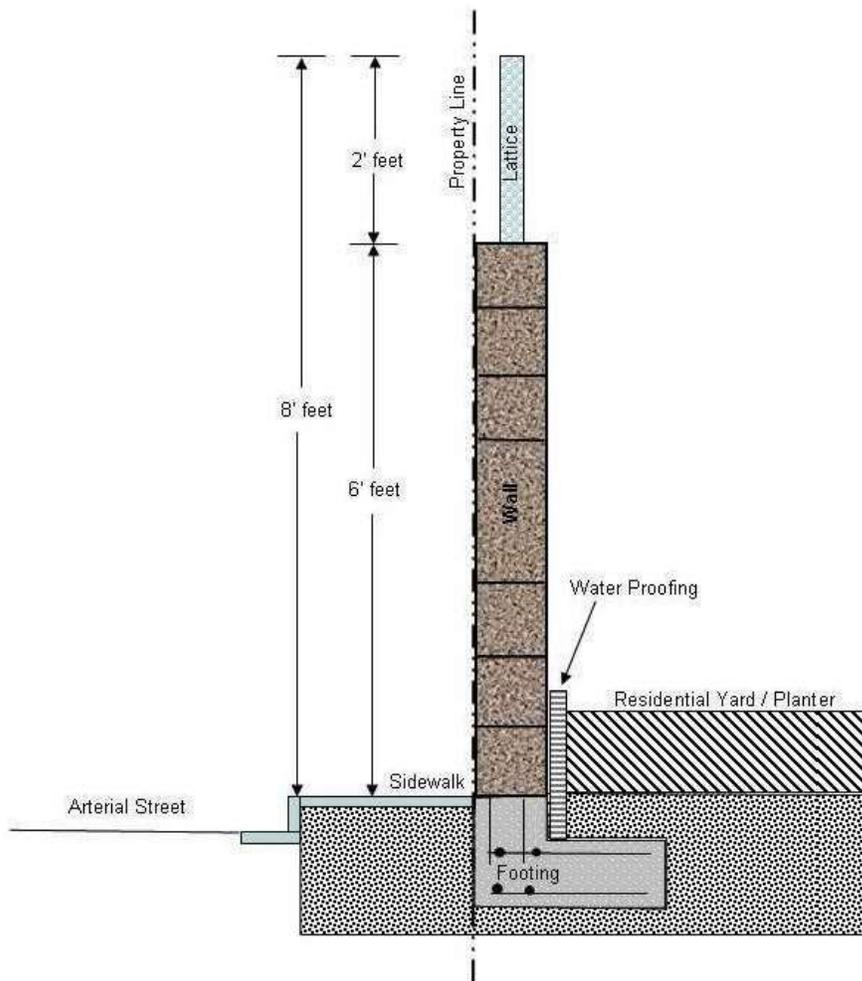


Figure B-1

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- (4) A lattice extension shall not project above the maximum height of a wall allowed under Table III-1 in this section.
 - (5) A lattice extension shall be white in color, unless the wall it is attached to is painted. In such circumstances, the lattice may be painted to match the wall color at the City's discretion.
 - (6) A lattice extension is not permitted within the front setback area.
 - (7) A lattice extension to a wall facing an arterial highway, local street or the public right-of-way does not have to be a complete section of wall. The lattice extension can be installed solely on an individual property basis and result in a "stair-stepping" effect at the property line.
 - (8) If a lattice extension includes trained vegetation growing onto the lattice, then such vegetation shall not include thorns or other features that would cause injury to the public passing by the lattice.
 - (9) A lattice extension shall be a framework made up of 1¼-inch wide strips of pressure-treated wood or solid synthetic material that is overlapped in a 3D diagonal pattern. A lattice extension shall also feature cap and divider moldings.
 - (10) A lattice extension shall have openings in a diagonal pattern that are no less than one inch square and no greater than two inches square.
- (d) *Block height extensions.*
- (1) A block extension shall not be of a different style, type or color of material used in the existing wall. If the block extension is on a painted wall, then the block extension shall be painted to match the wall color at the City's discretion.
 - (2) Any existing cap on a wall must be removed prior to an extension.
- (e) *Residential provisions.*
- (1) *Maximum heights.* The maximum height of a wall, fence, or hedge shall be as follows:

TABLE III-1: MAXIMUM HEIGHT OF FENCES, WALLS, AND HEDGES

Location	Maximum Height¹
Front yard, within the required setback area	4.5 feet
Side yard, interior lot	8 feet
Side yard, corner and reverse corner lots	8 feet
Rear yard	8 feet
Traffic safety triangle (section 44-276)	3 feet

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¹A height extension to a wall shall not exceed the maximum height identified in Table III-1.

- (2) *Required residential walls.* For all new developments, a decorative masonry block wall of at least six feet in height and six inches thick shall be constructed so as to be centered on all side and rear property lines. Replacement of existing residential walls between lots may be of any fencing type, except chain link.
- (3) *Required points of extension.* Required walls along side yard property lines of corner lots shall extend to a point perpendicular to the front elevation closest to the street. When side and rear yards abut, the wall shall extend the entire length of the rear property line.
- (4) *No chain link.* No chain link fencing shall be permitted in any residential yard where it is visible from the public right-of-way.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2004-03, § 15; Ord. No. 2011-02, § 4, 3-15-2011)

Sec. 44-263. Glare.

All lighting, both exterior and interior, shall be designed and located so as to confine direct light rays to the subject premises and to minimize the effects of reflected light on adjacent or nearby properties.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-264. Hours of operation.

The operation of permitted uses located within 300 feet of any property zoned R-1 or R-3 shall be limited to the hours between 6:00 a.m. and 11:00 p.m., except as approved by a precise plan or a conditional use permit.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-265. Irregular lots.

This section provides standards for the establishment and measurement of setbacks on irregular lots.

- (1) *Perimeter setbacks.* Perimeter setbacks shall be measured from the property line or the ultimate street right-of-way line, whichever results in the larger setback.
- (2) *Flag lots.*
 - a. *Setbacks.* All perimeter setbacks shall be measured from property lines, except that the property line adjacent and most perpendicular to the "panhandle" portion of the lot shall be extended across that portion and serve as the basis for measuring setbacks in that area.
 - b. *No structures in panhandle.* Structures shall not be allowed in the "panhandle" portion of the lot, nor shall that portion be credited to minimum lot area requirements.
- (3) *Determination of property lines.* Where a building site is situated so that any of the property lines are not readily determinable, required setbacks shall be as determined by the Community Development Director in compliance with the following criterion: required setbacks shall not allow the placement of buildings on the site in a manner that will constitute a grant of special privileges inconsistent with the limitations placed on other properties in the vicinity and incompatible with surrounding uses.

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- (4) *Setbacks from easements.* Where a surface easement for street, vehicular access, bikeway, recreation trail, or similar purposes has been granted across a lot, the building setback shall be measured from the property line or from the edge of the easement, whichever is closer to the building.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-266. Measurements, projections, and encroachments.

- (a) *Measuring building height.* The maximum height of buildings and other structures shall be defined as the vertical distance from finish grade to an imaginary plane above the building site. The imaginary plane shall be established above and parallel to the finish grade adjacent to the exterior walls at a vertical distance equal to the specified maximum height as established for the corresponding district.



- (b) *Allowable height projections.* Architectural features not containing usable floor space, such as chimneys, towers, gables, and spires, are permitted to extend five feet above the maximum structure height as established for the corresponding district, if approved as part of a precise plan or conditional use permit. The aggregate floor or "footprint" area of such architectural features shall not encompass more than ten percent of the ground floor area of the structure. Chimneys shall comply with building code regulations.
- (c) *Determining lot frontage.* The Community Development Director shall determine which property lines shall be considered the lot frontage for the purpose of complying with setback requirements. On all irregular and nonrectangular lots, the Community Development Director shall determine the location of front, side, and rear yard areas.
- (d) *Allowable encroachments.* The following structures may encroach a maximum of two feet into any required setbacks established for the corresponding district, provided the projections do not extend over the property line:
- (1) Eaves, buttresses, cornices, sills, or other similar architectural features.
 - (2) Fireplace structures not wider than eight feet.
 - (3) Awnings or open patio covers.
 - (4) Guard railings for safety protection around ramps.
 - (5) Bay windows, without a foundation, located in the front or rear setback area.

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- (e) *Prohibited encroachments.* Bay windows not meeting the allowable encroachment criteria identified above, balconies, pop outs, and similar features shall not encroach into the required setbacks established for the corresponding zoning district.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-267. Noise.

- (a) *Excessive noise prohibited.* A person shall not willfully make or continue, or willfully cause to be made or continued, any loud, unnecessary, or unusual noise that disturbs the peace or quiet of any neighborhood or zoning district or constitutes a public nuisance.
- (b) *Exterior noise standards.* Property owners/business operators/tenants shall be responsible for the attenuation/mitigation of noise. The following noise levels are the maximums permitted in the City, unless otherwise stated in a precise plan or conditional use permit.

TABLE III-2. EXTERIOR NOISE STANDARDS

TIME PERIOD	MAXIMUM NOISE LEVEL*
7:00 a.m. to 7:00 p.m.	65 dBA
7:00 p.m. to 10:00 p.m.	50 dBA
10:00 p.m. to 7:00 a.m.	45 dBA

*As measured at the property line of the noise source.

- (c) *Noise measurement.* Noise measurements shall be made with a sound level meter using the "A" weighted network (scale). Calibration of the measurement equipment, utilizing an acoustic calibrator, shall be performed immediately prior to recording any noise data.
- (d) *General regulations to control noise.*
 - (1) *Loading and unloading.* Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall not occur between the hours of 10:00 p.m. and 7:00 a.m. in a manner that would cause a noise disturbance to a residential zoning district.
 - (2) *Vehicle repairs and testing.* Repairs, rebuilding, modifying, or testing of motor vehicles, motorcycles, motorboats, or other motorized vehicles shall not occur between the hours of 7:00 p.m. and 7:00 a.m. in a manner that would cause a noise disturbance to a residential zoning district.
 - (3) *Maintenance activities.* Maintenance activities in landscape and parking areas (i.e., mechanical sweeping, mechanical grass cutting, mechanical blowing) shall not occur between the hours of 8:00 p.m. and 8:00 a.m. in a manner that would cause a noise disturbance to a residential zoning district.

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- (4) *Construction activities.* Construction activities shall include noise generated at the site during site preparation and construction, which includes utilizing various types of machinery and equipment. Construction activity also includes the transport of workers and export of debris and import of construction materials from the site. Construction activity shall be limited to the following:

TABLE III-3. RESTRICTED HOURS FOR CONSTRUCTION ACTIVITIES

Day	Time*
Monday-Friday	7:00 a.m.-5:00 p.m.
Saturday	9:00 a.m.-5:00 p.m.
Sunday and Federal Holidays	No construction permitted

*Modification of construction hours may be granted for temporary uses per section 44-1007(7).

Note—Section 26-202(g) provides for modification of hours for temporary uses.

- (e) *Exceptions.* Short-term or temporary intermittent bursts of noise may exceed maximum noise levels for approved construction projects, emergency vehicles and equipment, and other short-term incidents with City approval. Such short-term or temporary intermittent noises shall not exceed 30 seconds of constant sound above the established levels nor occur more frequently than one incident of noise level excession every five minutes over a period of not more than three hours.
- (f) *Residential design requirements.* New residential development shall be consistent with Title 24 of the California Code of Regulations in order to ensure an adequate interior noise environment for residential uses.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-268. Outdoor display, advertisement, and sales of merchandise.

There shall be no outdoor display, storage, or sales of merchandise, except where specifically permitted by section 44-139 or by a conditional use permit or by an outdoor display and seating permit.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2010-03, § 4, 10-19-2010)

Sec. 44-269. Outdoor work.

- (a) Outdoor work such as assembling, repairing, dismantling, and manufacturing of merchandise shall not be allowed unless approved by a conditional use permit.
- (b) Gardening, permitted construction activities, and loading and unloading of merchandise from vehicles shall not be considered outdoor work.

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(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-270. Items in the public right-of-way.

No person shall store, place, locate, or display any item in the public right-of-way other than operational vehicles, emergency equipment, or items approved by the City with an encroachment permit.

(Ord. No. 2004-03, § 16)

Sec. 44-271. Stormwater runoff.

All new development shall comply with the County of Orange Areawide Urban Storm Water Runoff Guidelines and any additional standards or guidelines that may be adopted by the City.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-272. Screening of equipment.

All mechanical equipment, including heating, ventilating, and air conditioning equipment, shall be screened from view of a public street or adjacent property in a manner approved by the Community Development Director, whether such equipment is located within a building, behind a roof parapet, or on the ground.

(Code 1975, § 26-54; Ord. No. 2003-07, § 3(exh. A))

Sec. 44-273. Swimming pools, fish ponds, and fountains.

- (a) *Compliance with codes.* Swimming pools, fish ponds, or other bodies of water 12 or more inches in depth at any point shall be developed in compliance with any applicable standards and codes as required by the City, County, and State.
- (b) *Required setbacks.*

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TABLE III-4. SETBACKS FOR SWIMMING POOLS

TYPE OF SETBACK	MINIMUM REQUIRED SETBACK
Interior Side Yard	5 feet
Street Side Yard	10 feet
Rear Yard	5 feet
Front Yard	15 feet

- (c) *Front yard.* Fish ponds, fountains, and other water features located in the front yard of a residence shall not exceed 12 inches in depth or 50 square feet in area.
- (d) *Mosquito abatement.* All fish ponds, fountains, or other water features shall contain mosquito fish or other mosquito abatement measures recommended by the Orange County Vector Control District.
 (Ord. No. 2003-07, § 3(exh. A))

Sec. 44-274. Trash and recyclable materials storage.

- (a) *Provisions for trash required.* Adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials shall be provided in compliance with State law.
- (1) *Multifamily uses.* The following are minimum requirements for common refuse and recyclable material storage areas for multifamily developments with five or more units. Storage areas may be located indoors or outdoors as long as they are readily accessible to all residents. Areas are measured in square feet. If the trash storage area is located outdoors, a trash enclosure is required.

TABLE III-5. MULTIFAMILY DEVELOPMENT

MINIMUM COMMON STORAGE AREAS REQUIRED (SQ. FT.)

DWELLINGS	TOTAL AREA
5 or more	24

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DWELLINGS	TOTAL AREA
10-15	48
16-25	96
26-50	192
51-75	288
76-100	384
101-125	480
126-150	576
151-175	672
176-200	768
201+	Every additional 25 dwellings shall require an additional 200 sq. ft.

(2) *Nonresidential uses.* Nonresidential uses shall provide refuse areas in compliance with the following requirements. Requirements apply to each individual structure. Areas are measured in square feet.

TABLE III-6. NONRESIDENTIAL STRUCTURES MINIMUM STORAGE AREAS
 REQUIRED (SQ. FT.)

BUILDING FLOOR AREA	TOTAL AREA
Up to 5,000	24
5,001—10,000	48

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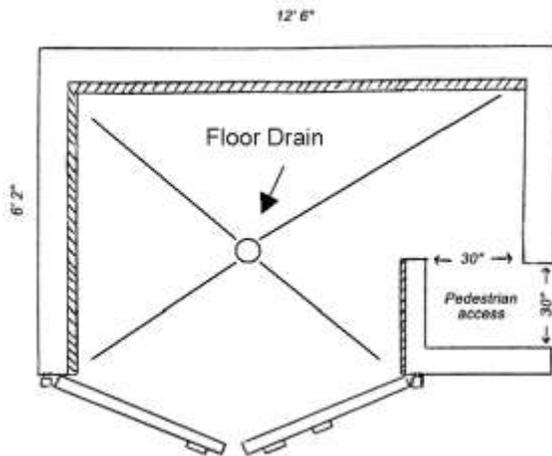
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BUILDING FLOOR AREA	TOTAL AREA
10,001—25,000	96
25,001—50,000	192
50,001—75,000	288
75,001—100,000	384
100,001 +	Every additional 25,000 sq. ft. shall require an additional 96 sq. ft.

- (b) *Area to be shown on plans.* Trash and recyclable materials storage areas shall be included on all applicable plans to be approved by the City. Design specifications shall include space allocation, location, design, and signage, if applicable.
- (c) *Enclosure standards.* Trash and recyclable materials containers shall be located within an enclosed area. Enclosures for trash and recycling containers shall comply with the following standards.
 - (1) *Enclosure placement.* Trash and recyclable materials enclosures shall be provided as follows:
 - a. Located within 250 feet of all businesses served by the enclosure.
 - b. Directly available to collection vehicles via alleys or driveways to avoid the necessity of substantial hand carrying of containers or hand pushing of dumpsters.
 - c. Located substantially away from public view and pedestrian and vehicle circulation areas unless determined infeasible by the review authority.
 - d. Located a minimum of 25 feet away from residentially-zoned property.
 - (2) *Enclosure design.* Enclosures shall be constructed on a concrete pad with a concrete apron and be of an adequate size to accommodate the containers they enclose, per disposal company standards. Access to the containers for collection shall also meet disposal company requirements. Enclosures shall comply with City standards as illustrated below. Walls shall be at least six feet high and shall be made of strong, masonry block, and finished as to match colors and finishes of nearby buildings and be consistent with current City standards. Doors shall be self-latching, metal or metal framed, and of heavy-duty construction sufficient to withstand hard usage. Trash enclosures shall incorporate a drain that carries wastewater to the sanitary sewer. Interior six-inch-high concrete or metal curbs shall be included to prevent damage to the walls from collisions with heavy containers.

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- (d) *Weather protection.* Each enclosure shall be designed and maintained so that deposited materials are contained during windy periods. The trash enclosure shall have a roof and individual containers shall have lids. The roof shall be constructed of a solid, high quality, and durable material, and shall incorporate a design that is architecturally compatible with the building on the property. Enclosures or containers designated for recyclable materials that could be damaged or be rendered unmarketable by rain or other environmental conditions shall provide adequate protection against such conditions.
- (e) *Maintenance of trash facilities.* It shall be the responsibility of the property owner to ensure that the immediate surroundings and the floor of the enclosures are kept clean and free of debris, that the enclosure gates have operable latches, that the enclosure gates remain closed, and that the container lids remain closed at all times except during periods of depositing trash and emptying the bin.

(Code 1975, § 26-56; Ord. No. 2003-07, § 3(exh. A); Ord. No. 2004-03, §§ 17, 18)

Sec. 44-275. Underground utilities.

- (a) *Underground installation.* Utilities, including electrical, telephone, cable television, and similar service wires or cables that provide direct service to the development on the property shall be installed underground unless otherwise approved by the Planning Commission or City Council when approving a precise plan. The developer or owner is responsible for complying with the requirements of this section and making the necessary arrangements with the utility companies for installation of facilities. Freestanding electrical boxes are not permitted in residential zones.
- (b) *Aboveground exceptions.* For the purpose of this section, appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed aboveground with approval of the Community Services Department. Such exceptions shall not be placed in required front or side yard setbacks and shall be adequately screened so as not to be visible from the street.

(Code 1975, § 26-57; Ord. No. 2003-07, § 3(exh. A))

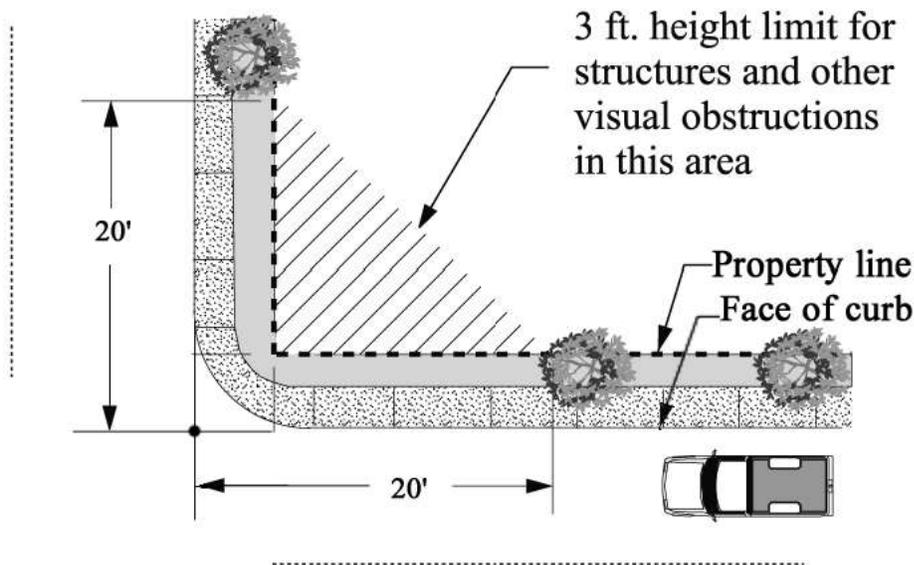
Sec. 44-276. Traffic safety triangle.

- (a) *Corner parcels.* Traffic safety triangles shall be developed in a manner that ensures visibility across the corners of the intersecting streets, alleys, and private driveways. The traffic safety triangle shall be described as a triangular shaped area on a corner parcel formed by 20 feet from the intersection of

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lines tangent to the face of the curb, and connecting the lines diagonally across the property making a 90-degree triangle as shown in the figure below.

- (b) *Height of obstructions.* The maximum height of any object (i.e., fence, landscaping, signs, or walls) located in the traffic safety triangle area shall be three feet, measured from the adjoining top of curb. The three-foot height limit shall not apply to traffic safety devices, trees trimmed to eight feet above the adjacent top of curb, utility poles, and other government or utility installed devices.



(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-277. Address numerals.

Street address numerals shall be provided pursuant to the following:

- (1) *Single-family units.* Street addresses shall be visible from the public street and may be displayed either on the front door, on the fascia adjacent to the main entrance, or on another prominent location. Numerals shall be a minimum four inches in height with not less than one-fourth inch stroke and shall contrast sharply with the background.
- (2) *Multifamily units.* Street addresses shall be visible from the public street and shall be displayed on the complex identification sign. If there is no complex identification sign, the street address may be displayed on the fascia adjacent to the main entrance or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Street address numerals shall be a minimum six inches in height with not less than one-half inch stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals of individual units shall be a minimum of four inches in height with not less than one-fourth-inch stroke and shall contrast sharply with the background.
- (3) *Nonresidential properties.* Street addresses shall be visible from the public street. Street addresses shall be displayed on a freestanding sign, on the fascia adjacent to the main entrance, or on another prominent location on the building. When the property has alley access, address

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numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum six inches in height with not less than one-half-inch stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals for the individual units shall be four inches in height with not less than one-fourth-inch stroke and shall contrast sharply with the background.

(Ord. No. 2004-03, § 19)

Sec. 44-278. Outdoor and Exterior Lighting Standards

Where applicable all outdoor and exterior lighting standards shall meet the recommended illumination levels as published by the then-current edition of the Illuminating Engineer Society of North America (IESNA or IES) Lighting Handbook.

Secs. 44-279—44-302. Reserved.

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DIVISION 2. AFFORDABLE HOUSING

DIVISION 2. AFFORDABLE HOUSING

[Sec. 44-303. Purpose.](#)

[Sec. 44-304. Applicability.](#)

[Sec. 44-305. Government Code § 65915 adopted by reference.](#)

[Secs. 44-306—44-334. Reserved.](#)

Sec. 44-303. Purpose.

The purpose of this division is to implement the provisions of the Government Code § 65915 of the State of California, and the City's Housing Element, regarding the provision of density bonuses and other regulatory incentives for affordable and senior housing projects.

Sec. 44-304. Applicability.

The provisions of this division shall apply to projects qualifying for density bonuses provided for by the Government Code § 65915 of the State of California.

Sec. 44-305. Government Code § 65915 adopted by reference.

California Government Code § 65915, a copy of which shall remain on file in the office of the La Palma City Clerk for use and examination by the public, is adopted and incorporated herein by reference as if fully set forth, and shall constitute the affordable housing density bonus regulations of the City.

Secs. 44-306—44-334. Reserved.

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DIVISION 3. LANDSCAPING

DIVISION 3. LANDSCAPING

[Sec. 44-335. Residential landscape standards.](#)

[Sec. 44-336. Commercial landscape provisions.](#)

[Secs. 44-337—44-360. Reserved.](#)

Sec. 44-335. Residential landscape standards.

(a) *Applicability.* This section provides landscaping requirements for residential uses that shall apply to:

- (1) All proposed new residential developments.
- (2) All existing residential developments.
- (3) All existing landscape and irrigation systems.

(b) *General provisions.*

- (1) All residentially zoned properties and nonresidential zoned properties developed with residential uses shall provide landscaping as required under this section.
- (2) Landscape design may emphasize water conservation through minimal irrigation and the use of plant materials that are drought tolerant and well adapted to the local climate and soil conditions.
- (3) New Development. All new development shall require approval of a landscape and irrigation plan pursuant to section 44-77
- (4) Should any provision of this chapter conflict with other any other provisions of the City of La Palma Municipal Code or any adopted specific plan, the Community Development Director shall clarify the spirit and intent of the Code.
- (5) All landscaping shall be maintained in an attractive and healthy condition. Attractive and healthy condition shall include the proper pruning, mowing of live turf areas, weeding, litter removal, replacement of all dead and deceased plants, and the regular application of appropriate quantities of water to all landscaped areas. Indoor/outdoor plastic or nylon carpeting and similar materials that do not resemble thriving, live, green grass shall not be permitted as a substitute for artificial turf and/or live turf.
- (6) Irrigation systems shall be maintained in a proper operating condition. Water line breaks, head/emitter ruptures, overspray or runoff conditions and other irrigation system failures shall be repaired immediately.
- (7) Restrictions for traffic safety. In compliance with section 44-276, landscaping in the traffic safety triangle shall not exceed a height of three feet.

(c) *Artificial turf standards.*

- (1) Artificial turf shall have polyethylene monofilament fiber with a minimum grass zone pile height of 1.5 inches.
- (2) A minimum face weight of 42 ounces per square yard of unfilled artificial turf.
- (3) Nylon, polypropylene, and similar fibers can be permitted in the thatch zone provided that the thatch zone is a minimum 0.25 inches lower than the grass zone pile height.

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- (4) Artificial turf installations requiring infill materials shall use infill of the silica sand variety. Rubber infill made from old tires is not acceptable for use as infill for artificial turf.
 - (5) All electric, water, gas, and irrigation lines and conduits shall be run outside the perimeter of an artificial turf installation with the exception of those that provide direct service to the residence.
 - (6) An appropriate solid barrier device (i.e., concrete mow strip) is required to separate artificial turf from soil and live vegetation.
 - (7) Artificial turf shall be lead free.
 - (8) Artificial turf shall be trimmed to fit against all regular and irregular edges to resemble a natural look.
 - (9) Artificial turf shall be designed to allow water to percolate through the synthetic grass at a minimum drain rate of 30 inches per hour to an adequate drainage system installed underneath the artificial turf to prevent run-off, pooling, and flooding.
 - (10) All artificial turf shall have a warranty that protects against color fading and a decrease in pile height. A minimum four-year manufacturer's warranty is required for a "do it yourself" homeowner's installation, and a minimum eight-year manufacturer's warranty is required for an installation certified by the manufacturer.
 - (11) Installation shall be done at minimum to the manufacturer's specifications, and include the following: removal of all sod or existing groundcover, a synthetic porous filter fabric shall be installed, compacted and porous decomposed crushed granite and/or road base material (minimum three inches), all edges and seams of the artificial turf are to be anchored with nails and glue, all seams shall be nailed and glued, not sewn, and artificial turf shall be visually level with the grain pointing in a single direction.
- (d) *Maintenance.*
- (1) All landscaping, including parkway landscaping, plant materials, and live turf areas shall be maintained by the property owner, in a healthy, neat, and orderly condition that is free of weeds, trash, and debris.
 - (2) Artificial turf shall be maintained by the property owner in an effective manner which includes cleaning, brushing, debris removal; repairing of depressions and ruts to maintain a level visual surface; elimination of any odors, flat or matted areas, weeds, evasive roots, looseness at edges, seams; and the replacement of the artificial turf when maintenance or repair is unable to simulate a natural thriving, green, grass appearance.
 - (3) Dead or diseased plants and/or any damaged or worn-out artificial turf areas shall be removed and appropriately replaced by the property owner. Repaired artificial turf areas shall be done so with like for like materials from the same manufacturer and done so in a manner that results in a repair that blends in with the existing artificial turf.
- (e) *Single-family development landscaping.*
- (1) Landscaped yards. Landscaping shall illustrate a concern for aesthetic elements such as balance, scale, texture, form, water conservation, and unity. Yards visible from the public right-of-way, excluding driveways, shall be landscaped. Seventy percent of the yard area visible from the public right-of-way, excluding the driveway, shall be landscaped with plant materials, and/or live turf or artificial turf.
 - (2) Period for landscape installation. Minimal landscaping shall be installed prior to initial occupancy of a residential dwelling. Full landscaping shall be installed within six months of initial occupancy.

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- (3) Landscaping should encourage the use of drought-tolerant plant materials, drip irrigation systems, and minimal use of turf and artificial turf, where feasible. Landscape design should encourage the implementation of landscape maintenance practices that foster long-term water conservation.
 - (4) Planned unit developments (PUD). In planned unit developments, a minimum of 30 percent of the site area shall be landscaped. An exception to this requirement may be granted with approval of a precise plan or precise plan amendment if the approval authority finds that the landscape plan provides exceptional creativity, which may include artificial turf.
 - (5) A permit shall be required for the installation of artificial turf in the single family residential (R-1) zoning district.
- (f) *Multiple-family development landscaping.* The following features shall be incorporated into the design of the proposed landscape and shown on the required landscape plans for multiple-family developments:
- (1) Landscaping shall be required in all setback areas except for driveways and walkways;
 - (2) Landscaping adjacent to the driveways and parking areas shall be protected from vehicle damage through the provision of a minimum of six-inch-high concrete curbs or other types of barriers as approved by the Community Development Director;
 - (3) Landscaping planter areas shall have a minimum inside width of three feet where trees and/or shrubs are provided and six feet where turf is provided;
 - (4) All landscaped areas shall incorporate an irrigation system and comply with the commercial irrigation standards in section 44-336(f);
 - (5) Plant materials shall be selected and installed to comply with the provisions for plant materials in the commercial landscaping requirements in section 44-336(e);
 - (6) Common open area. At least 200 square feet of recreational open space shall be required for each dwelling unit.
 - a. Recreational open space shall be lawn, garden, or other natural landscaping, and may include paved surfaces for walking/jogging, swimming pools, BBQ grills, play areas, and places to sit down.
 - b. Common open area shall not include setback areas or walkways providing access to buildings and/or other parts of the site.
 - (7) Private open area. At least 200 square feet on ground level shall be provided for each first floor unit. Second floor units may be exempt from providing private open area.
 - a. Private usable open space shall be provided for each dwelling unit immediately adjacent to, accessible to, and private to the unit it is designated to serve. Private open area shall not be permitted to be located in setback areas, driveway or parking areas and shall be distinguished from adjacent areas by a retaining wall, fence, or landscaping.
 - b. The space shall not be less than ten feet in any horizontal distance.
 - (8) Three percent landscape in parking areas and three percent in non-parking areas. A minimum landscaping area of three percent in the parking areas and three percent in the non-parking areas of all remaining areas of the site where no building will be located shall be provided.
 - a. The method of calculating the three percent parking and three percent non-parking landscaping shall not include setback areas, private open areas, or the common open area.

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- b. The three percent non-parking landscaping requirement shall be distributed evenly throughout the project site and located immediately adjacent to each building on the site and is not permitted to be located in the setback areas, private open space areas, or the common open area.

(9) A permit shall be required for the installation of artificial turf in the multiple-family residential (R-3) zoning district.

(Code 1975, § 26-65; Ord. No. 2003-07, § 3(exh. A); Ord. No. 2004-09, § 7; Ord. No. 2009-04, § 4(26-65), 7-7-2009)

Sec. 44-336. Commercial landscape provisions.

- (a) *Applicability.* This section provides landscaping and irrigation requirements for new construction on vacant property and for new construction increasing an existing development by 50 percent or more.
- (b) *Required landscaping.* Landscaping shall be provided for all setback areas adjacent to public rights-of-way, plus a minimum of three percent in the parking areas and three percent in the non-parking areas of all remaining areas of the site where no building will be located.
- (c) *Exceptions.* The approval authority may approve exceptions to the above requirements for plans that demonstrate exceptional creativity.
- (d) *General design standards.* The following features shall be incorporated into the design of the proposed landscape and shown on the required landscape plans:
 - (1) Landscaping shall be planned as an integral part of the overall project design considering the benefits of cooling, reduced evaporation, special continuity, and aesthetics. Landscaping shall not simply be located in excess space left over after parking areas and structures have been planned.
 - (2) Pedestrian access, solar access, and shading of window areas shall be considered in the design of landscaped areas.
 - (3) Landscaping adjacent to driveways and parking areas shall be protected from vehicle damage through the provision of minimum six-inch high concrete curbs or other types of barriers as approved by Community Development Director.
 - (4) Landscaped planter areas shall have a minimum inside width of three feet where trees and/or shrubs are provided and six feet where turf is provided.
 - (5) Landscaping within traffic safety triangles on corner lots shall be provided in compliance with section 44-276
 - (6) Re-circulating water shall be used for all decorative water features.
- (e) *Plant materials.* Plant materials shall be selected and installed to comply with the following requirements:
 - (1) A mix of plant materials and sizes shall be planted. Plant type variety is required to be attractive and to reduce the chance of landscape failure due to disease infestation. In addition, it is recommended that plant container sizes vary in order to further provide visual interest during initial project planting.
 - (2) Trees and shrubs shall be planted and maintained so that at maturity they do not interfere with utilities and traffic safety sight areas.

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- (3) Trees and shrubs shall be planted and maintained in a manner that protects the basic rights of adjacent property owners.
 - (4) Trees planted near public sidewalks or curbs shall be planted and maintained in a manner that prevents physical damage to sidewalks, curbs, gutters, and other public improvements.
 - (5) Ground cover shall be of live plant material, although limited quantities (ten percent maximum) of gravel, bark, or similar materials may be used in combination with a living ground cover.
 - (6) The landscape design plan shall provide for water-efficient landscaping.
 - (7) Turf areas shall not exceed 50 percent of the landscaped area with the following exceptions:
 - a. Public parks;
 - b. Child day care facilities;
 - c. Common open area, private open area, and park areas within planned unit residential developments.
 - (8) A two-inch layer of bark mulch shall be installed in areas where lawn or other ground cover material is not provided.
 - (9) A permit shall be required for the installation of artificial turf in any non-residential zoning district.
- (f) *Irrigation design standards.*
- (1) *Water efficiency.* The irrigation design plan shall provide for a permanent water-efficient irrigation system (i.e., drip systems, bubblers, or soakers).
 - (2) *Runoff and overspray.* Soil types and infiltration rates shall be considered when designing irrigation systems. Irrigation systems shall be designed to avoid runoff, low head drainage, overspray, and other similar conditions. Appropriate irrigation equipment and schedules shall be used to closely match application rates to rates of infiltration. Special attention shall be given to avoid runoff on slopes and overspray in narrow planting areas and median strips.
 - (3) *Equipment.*
 - a. *Controllers.* Automatic controllers are required for all irrigation systems and shall be able to accommodate all aspects of the design.
 - b. *Sprinkler heads.* Heads and emitters shall have consistently matched precipitation rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, adjustment capability, operating pressure, and ease of maintenance.
 - c. *Rain-sensing override devices.* Rain-sensing override devices are encouraged on all irrigation systems.
- (g) *Maintenance.* Landscaping shall be maintained in an orderly and healthy condition. This shall include proper pruning, mowing of turf, weeding, removal of litter, fertilizing, replacement of plants when necessary, and application of appropriate quantities of water to all landscaped areas. Practices may include performing routine irrigation system repair and adjustments, scheduling irrigation based on CIMIS (California Irrigation Management Information System), using moisture-sensing or rain shut-off devices, conducting water audits, and prescribing the amount of water to be applied per landscaped area.

(Ord. No. 2003-07, § 3(exh. A); Ord. 2004-09, § 8)

Secs. 44-337—44-360. Reserved.

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[Sec. 44-361. General parking standards.](#)

[Sec. 44-362. Nonresidential parking standards.](#)

[Sec. 44-363. Residential parking standards.](#)

[Sec. 44-364. Parking calculations.](#)

[Sec. 44-365. Minimum dimensions for angled parking layouts.](#)

[Sec. 44-366. Loading.](#)

[Secs. 44-367—44-390. Reserved.](#)

Sec. 44-361. General parking standards.

- (a) *Spaces accessible and usable.* Off-street parking spaces, whether in a garage, carport, or open area, shall be located so as to be accessible and usable for the parking of motor vehicles at all times.
- (b) *Parking purposes only.* Required parking shall be maintained exclusively for parking purposes and shall not be used for storage or other purposes.
- (c) *Provided on same lot.* Parking spaces shall be located on the same lot as the use they are intended to serve unless a reciprocal parking agreement is approved by the Planning Commission or City Council. Said reciprocal parking agreement shall be recorded on the title of all properties subject to the agreement in the Orange County Clerk-Recorder's office, a copy of which agreement shall be given to the City.
- (d) *Multiple uses on a lot.* Where there is more than one type of use on a lot, the parking requirements shall be the sum total of the requirements for the individual uses. A reduction in this parking requirement may be supported by a site-specific parking study prepared by a qualified engineer, and the reduced on-site parking shall be in accordance with a parking management plan prepared by a qualified engineer and approved by the Planning Commission.
- (e) *Open air spaces.* Where a garage or carport is not specifically required, open-air parking spaces are permitted.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-362. Nonresidential parking standards.

- (a) *Dimensions.* Parking spaces may include a two-foot overhang into landscape areas provided that concrete barriers (wheel stops) are provided and the landscaping is appropriately designed to accommodate the overhang.
- (b) *Clearly marked.* Parking spaces shall be clearly marked, maintained in an easily discernible manner, and conform to the adopted striping requirements of the City.
- (c) *Surface and parking area.* The thickness of paving and base material shall be established by a recognized soils engineer. However, the minimum thickness shall be two inches asphaltic concrete or 3½ inches Portland cement concrete.
- (d) *Border barricades.* Every parking area that is not separated by a wall from a street or alley shall be provided with a concrete barrier not less than six inches in height. No portion of the barrier shall be

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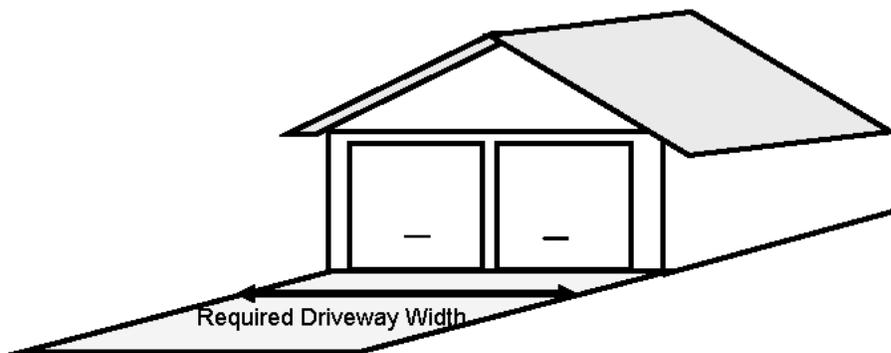
closer to the back of the sidewalk or the required yard line than two feet. Barriers shall be securely installed and maintained.

- (e) *Lighting.* Lighting shall be provided to illuminate parking areas for safety and security. Illumination levels shall comply with Section 44-278. Lighting shall be arranged to reflect light away from adjoining or nearby residential properties.

(Code 1975, § 26-68; Ord. No. 2003-07, § 3(exh. A))

Sec. 44-363. Residential parking standards.

- (a) *Garage dimensions.* When an enclosed garage is required, the minimum interior dimension for each parking space shall be ten feet wide by 20 feet deep.
- (b) *Doorway width.* Parking spaces within a garage or carport shall have a doorway not less than eight feet in width.
- (c) *Required driveway.* Parking spaces within a garage or carport shall be provided with an unobstructed driveway area of at least 20 feet in length paved with Portland cement concrete. The driveway shall have a vertical clearance of not less than eight feet.
- (d) *Driveway width.* The entire length of a driveway shall extend the full width of the garage or carport entry. The entire driveway in a residential district shall be paved with Portland cement concrete or other comparable nonasphaltic material as approved by the City Engineer. The width of a driveway shall not be in excess of that specified by a precise plan or by a conditional use permit except that the Community Development Director may issue a permit for a paved ancillary parking area.



- (e) *Paved ancillary parking area.*
 - (1) A permit for a paved ancillary parking area shall be obtained from the Community Development Director prior to installation.
 - (2) Paved ancillary parking areas must be designed and constructed to the specifications required by this Code for driveways. All material utilized for the paved ancillary parking area shall be consistent with the driveway material.
 - (3) Paved ancillary parking areas shall not exceed ten feet in width and may extend from the front of the garage to the back of the right-of-way providing access to the driveway.
 - (4) Paved ancillary parking areas shall be located on the side of the original driveway that is closest to an adjacent property line. Where it is not obvious which side of the driveway is the closest to an adjacent property line, the Community Development Director shall make the determination.

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- (5) The proposed widening shall not be detrimental to the adjacent property by creating conditions that would result in an appreciable diminution of adjoining property values or a potential traffic hazard.
- (6) Modifications to the public right-of-way are not permitted unless a permit is obtained from the Community Services Department.
- (7) Paved ancillary parking areas shall have the same parking and storage standards as driveways.
- (f) *Drive aisles.* If the driveway does not connect directly to a street or alley, a drive aisle paved with Portland cement concrete shall be provided. For drive aisles not exceeding 100 feet in length, the width shall be not less than ten feet. For drive aisles over 100 feet in length, the width shall be at least 15 feet.

(Code 1975, § 26-69; Ord. No. 2003-07, § 3(exh. A))

Sec. 44-364. Parking calculations.

Parking calculations for all zoning districts shall be determined by use, as identified in the following table.

TABLE III-7. PARKING REQUIREMENTS BY LAND USE

Land use	Minimum Vehicle Spaces Required	
Single Family Residential	Two parking spaces in a fully enclosed garage for each dwelling unit.	
Multiple-family Residential	Up to 2 bedrooms	2 plus 1 guest space—at least 66% covered
	3 bedrooms	3 plus 1 guest space—at least 50% covered
	4 or more bedrooms	4 plus 1 guest space—at least 40% covered
Second Unit Residences	One parking space per secondary unit or one space per every bedroom of the secondary unit, whichever is greater.	
Religious Institutions	One parking space for each 3 seats in the main sanctuary or assembly area. Where no fixed seats are provided, 1 space for every 30 sq. ft. in the main assembly room.	
Congregate Care/Assisted Living Facilities	0.5 space for each residential unit, plus one space for each 4 units for guests unless specified in an approved precise plan.	

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Land use	Minimum Vehicle Spaces Required
Hospitals	One space for each 2 patient beds the facility is licensed to accommodate plus required spaces for ancillary uses as determined by the planning division.
Hotels/Motels	One space for each guest room, plus 0.75 space for each employee, plus any spaces required for ancillary uses.
Self-Storage, Personal Storage Facilities	One space for each 10 storage units but not less than 6 spaces total, plus 2 spaces for the manager's office. If a resident caretaker is provided, an enclosed garage, 20 feet by 20 feet shall be included in the parking requirements.
Offices	One parking space for each 250 square feet of gross floor area.
Restaurants	One parking space for each 100 square feet of gross floor area.
Retail and services	One parking space for each 200 square feet of gross floor area.
Schools (Private) Elementary/Junior High	1.5 spaces for each classroom, plus one space for every 75 sq. ft. of assembly area in an auditorium, plus one bus loading space for each 100 students or portion thereof.
High School	Five spaces for each classroom, plus one space for each 75 square feet in assembly rooms and auditoriums, plus one bus loading space for each 150 students or portion thereof.
Trade and Business Schools	One space for each student.
Tutoring Facilities	One space for every 50 sq. ft. of gross floor area.
Service Stations (Including Multi-Use Stations)	One space for each 200 sq. ft. of gross floor area, plus 3 spaces for each service bay. 50 percent of the parking provided at pump islands may be credited towards meeting parking requirements.

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Land use	Minimum Vehicle Spaces Required
Light Manufacturing and Warehouses	First 25,000 sq. ft.: 1 for every 500 sq. ft.
	25,001 to 100,000 sq. ft.: 1 for every 750 sq. ft.
	100,001 to 200,000 sq. ft.: 1 for every 1,000 sq. ft.
	Anything over 200,000 sq. ft.: 1 for every 2,000 sq. ft.
	(This is a cumulative requirement: for example, a 250,000 sq. ft. building requires 50 + 100 + 100 + 25 = 275 spaces)
	Incidental office areas for warehousing and distribution facilities exceeding 15 percent of the gross building area will require one parking space for each 300 square feet of floor area.
Emergency Shelter (Homeless) ¹	One parking space for every 5 beds and 0.5 space per bedroom designed as a family unit with children, plus 1 space for every employee and/or volunteer staff member on duty. Each shelter shall also provide a bike rack for clients in a secured area.

¹Alternatively, an emergency shelter may submit a parking study, subject to approval by the Community Development Director, demonstrating that the parking demand associated with the emergency shelter justifies requiring a reduced amount of off-street parking.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2004-03, § 20; Ord. No. 2004-09, § 9; Ord. No. 2013-03, § 5, 7-2-2013)

Sec. 44-365. Minimum dimensions for angled parking layouts.

The following table depicts the minimum parking space dimensions for all parking areas:

TABLE III-8. MINIMUM DIMENSIONS FOR ANGLED PARKING LAYOUTS

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Angle (a)	Curb length per vehicle (b)	Stall length (c)	Aisle dimension (d)	Bay width (e)
30°	18'-0"	18'-0"	11'-0"	47'-0"
45°	12'-9"	20'-0"	13'-0"	53'-8"
60°	10'-5"	21'-0"	18'-0"	60'-0"
90°	9'-0"	20'-0"	25'-0"	65'-0"

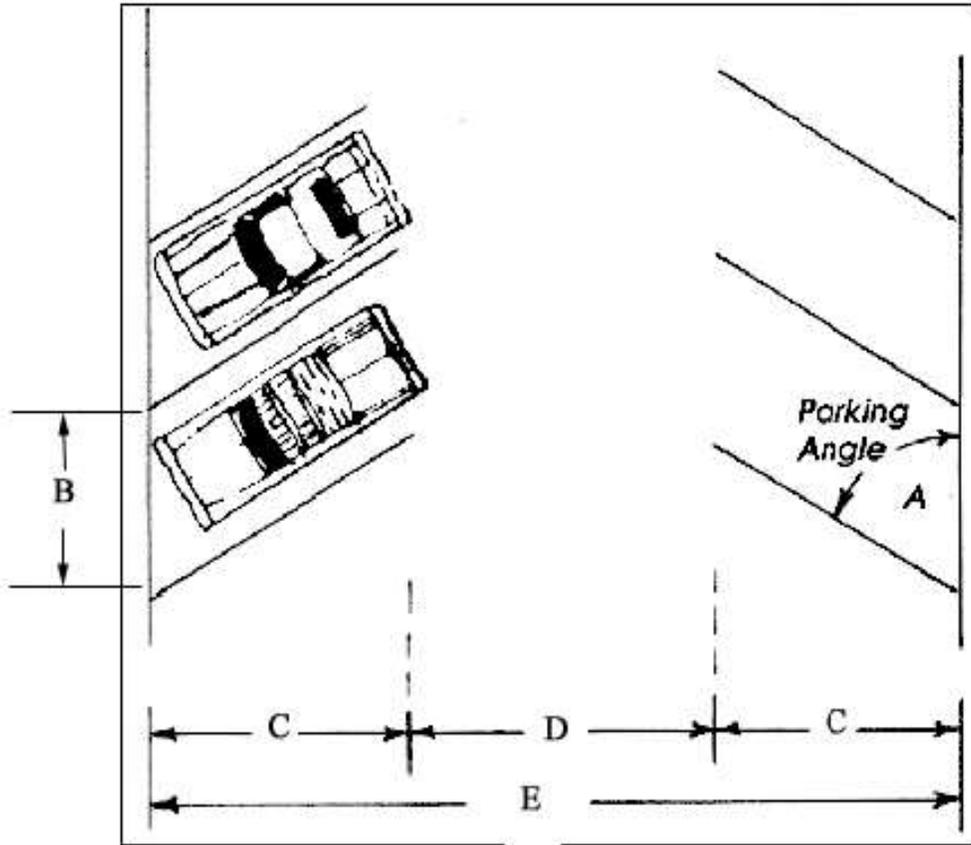
For parallel parking, the dimensions of the parking stall shall be not less than 10 feet in width and 23 feet in depth.

Where two-way traffic is desired, the aisle width shall be a minimum of 25 feet.

The location of bumpers or wheel stops shall depend on the angle of parking, ranging from at least two feet from the property line for 90-degree parking to one foot from the property line for 30-degree parking.

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(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-366. Loading.

- (a) Every hospital, institution, hotel, commercial, or industrial building shall have and maintain off-street loading spaces in addition to required off-street parking requirements as follows:

TABLE III-9. LOADING REQUIREMENTS BY LAND USE AND BUILDING SIZE

Type A loading spaces shall be not less than 20 feet in length and 12 feet in width, with 14 feet of vertical clearance.	
Type B loading spaces shall be not less than 40 feet in length and 12 feet in width, with 14 feet of vertical clearance.	
Total Gross Floor Area (Square Feet)	Loading Spaces Required

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Commercial Buildings	
3,000 to 15,000	One Type A
15,001 to 50,000	Two Type A
50,001 and over	Three Type A
Hospitals and Institutions	
3,000 to 20,000	One Type A
20,001 to 50,000	Two Type A
50,001 to 80,000	Three Type A
80,001 to 110,000	Four Type A
110,001 and over	Five Type A
Hotels and Office Buildings	
3,500 to 50,000	One Type A
50,001 to 100,000	Two Type A
100,001 and over	Three Type A
Industrial Buildings	
3,000 to 15,000	One Type B
15,001 to 50,000	Two Type B
50,001 and over	Three Type B

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- (b) Loading areas shall be clearly marked with striping and lettering to indicate that such areas are for loading purposes only. Parking and circulation areas shall not be used for loading purposes.
- (c) Loading areas may be used for truck parking when the associated facility is closed.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-367—44-390. Reserved.

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DIVISION 5. SIGNS AND SIGNBOARDS ^[3]

[Sec. 44-391. Signs, Purpose.](#)

[Sec. 44-392. Definitions.](#)

[Sec. 44-393. Sign Permits.](#)

[Sec. 44-394. Temporary Sign Permits.](#)

[Sec. 44-395. Master Sign Plan.](#)

[Sec. 44-396. Exemptions from sign permits Prohibited signs.](#)

[Sec. 44-397. Prohibited signs](#)

[Sec. 44-398. Sign standards.](#)

[Sec. 44-399. Signboards, Purpose.](#)

[Sec. 44-400. Signboards, General Provisions](#)

[Sec. 44-401. Application](#)

[Sec. 44-402. Regulations for Signboards in the FO District](#)

[Secs. 44-403—44-422. Reserved.](#)

Sec. 44-391. Purpose.

This division is intended to guarantee the rights of persons to use their properties for private gain under reasonable limits, while also protecting the public interest as it relates to signs. Installation or continued use of signs that unduly distract the attention of motorists from driving, create traffic hazards, constitute a danger to vehicular or pedestrian traffic, or constitute an obstacle to effective fire and police protection are prohibited. Recognizing the rights of businesses and the importance of proper design, placement, and maintenance of signs to the appearance of the community, it is the intent of these sections to ensure that:

- (1) *Sign design.* Signs shall be designed, erected, and maintained in a manner that enhances the appearance of the community.
- (2) *Sign maintenance.* Signs erected within the City shall be properly maintained and kept in an attractive and clean condition.
- (3) *Sign removal.* Failure to properly maintain a sign shall be reason for the City to revoke the permit and cause the sign to be removed. Cost of such removal shall be charged against the owner of the property upon which the sign is located. (See section 44-638.)
- (4) *Sign materials.* Signs must be made of a durable material. With the exception of political signs, cardboard or paper signs shall not be allowed.

(Ord. No. 2014-3, § 5, 10-21-14)

Sec. 44-392. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Billboard. Shall mean an advertising sign structure which advertises goods, products, services or facilities that are not, or only incidentally, sold, produced, manufactured or furnished on the premises on which the sign structure is located (also known as outdoor advertising, off-premises sign or off-site sign).

Digital Display Billboard. A billboard with an electronic "message center" advertising display that is located at the top of a monopole structure where the message is changed more than once every two minutes, but no more than once every six seconds.

Official Sign. A sign installed by governmental jurisdiction when acting in its governmental capacity.

Pole Sign. A sign located at the top of a monopole structure or pylon that promotes or advertises a business, goods, products, services and/or facilities sold, produced, manufactured or furnished on the premises on which the sign structure is located. Pole signs may not use a digital display.

Sign. Any medium of visual communication, including copy, structure, component parts, and humans which is used or intended to be used to attract attention to and identify an establishment, product, service, activity, location, or to provide information.

Signboard. A pole sign or digital display billboard oriented toward motorists on SR 91 Freeway within the FO District.

Temporary Sign. A sign not permanently attached to the ground, a wall or a building, and not designed or intended for permanent display.

Traffic Safety Triangle. A triangular shaped area on a corner parcel as defined in Sec. 44-276.

(Ord. No. 2014-3, § 5, 10-21-14)

Sec. 44-393. Sign permits.

- (a) *Required.* A sign permit is required for all signs, unless specifically exempted under section 44-396.
- (b) *Application.* An application for a sign permit shall be made to the Community Development Department upon a form provided by the Community Development Director in conformance with section 44-876.

(Ord. No. 2014-3, § 5, 10-21-14)

Sec. 44-394. Temporary sign permit.

- (a) *Required.* Unless specifically exempted under Sec. 44-396, a permit shall be obtained from the Community Development Director for temporary signs, subject to the limitations provided in this section.
- (b) *Approval authority.* The Community Development Director shall examine and approve each temporary sign for which a permit is required as to materials, method of construction, attachment, and location, before it may be placed or erected within the City subject to the following standards:
 - (1) *Duration.* Temporary signs (including banners and flags) may be displayed for a total of sixty-three days within a calendar year. The period of display shall not exceed twenty-one consecutive days with a minimum of thirty days between display periods. Notwithstanding the foregoing, the following exceptions shall apply:

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- a. "Grand Opening" temporary signs for new business may be displayed for up to thirty consecutive days provided that the period of display shall count toward the maximum number of days permitted by this subsection.
 - b. Non-commercial temporary signs may be displayed consecutively for the full number of days in a calendar year permitted by this subsection provided that the period of display shall count toward the maximum number of days permitted by this subsection.
- (2) *Size.* Temporary sign size shall not be greater than the size permitted for permanent building-mounted signage contained in Table III - 10.
 - (3) *Location.* The location of temporary signs shall be the same general area as permitted for permanent signs. Temporary signs over three feet high shall not be located within the traffic safety triangle.
- (c) *Temporary balloon signs.* The Community Development Director shall examine and approve each temporary balloon sign both as to materials and location, before it may be placed or erected within the City. Temporary balloon signs may be displayed for a total of ten days within a calendar year. The period of display shall not exceed five consecutive days, with a minimum of thirty days between display periods.
- (d) *Nonresidential real estate signs.*
- (1) *Commercial and office/professional.* For commercial, office, and professional buildings, there shall be a limit of one sign per street frontage not to exceed twenty-four square feet, to be removed within thirty days after the property is no longer available for sale, lease, or rent.
 - (2) *Industrial.* For industrial buildings, there shall be a limit of one sign per street frontage not to exceed thirty-two square feet, to be removed within thirty days after the property is no longer available for sale, lease, or rent.
 - (3) *Unimproved parcels.* For unimproved nonresidential parcels, there shall be a limit of one sign per street frontage not greater than thirty-two square feet per acre, with a maximum of two hundred square feet, to be removed within thirty days after the property is no longer available for sale, lease, or rent.
 - (4) *Signs within public right-of-way.* No sign advertising nonresidential real property, either improved or unimproved, for sale, lease, or rent shall be allowed within the public right-of-way.
 - (5) *General standards for nonresidential real estate signs.* Freestanding real estate signs shall be mounted on sturdy wood or metal stakes. Cardboard or paper signs shall not be allowed. All real estate signs shall include the name of the owner of the sign and the owner's address and telephone number. Signs shall be posted so as not to obstruct the public right-of-way or to constitute a hazard to public safety.
- (e) *Future development signs.* Signs advertising future development on a site shall be limited to one sign per street frontage, not greater than thirty-two square feet in area and ten feet in height, to be placed a minimum of twenty feet from any property line.
- (f) *Construction signs.* Signs posted on construction sites of new residential or commercial buildings providing the names of the building contractor, architect, or engineer working on the site shall be limited

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to one sign per development. Maximum sign area shall be thirty-two square feet and maximum sign height shall be eight feet, to be placed a minimum of ten feet from any property line. The sign shall be removed prior to the issuance of a certificate of occupancy.

- (g) *Minor residential projects.* One construction sign for minor projects (remodeling, swimming pools) on residential sites shall be allowed provided the sign does not exceed five square feet in area and is placed a minimum of five feet from the property line.

(Ord. No. 2014-3, § 5, 10-21-14)

Sec. 44-395. Master Sign Plan.

- (a) *Purpose.* The purpose of a Master Sign Plan is to integrate a project's signs with the structure's design into a unified architectural statement of high quality. It is expected that the design quality of signs proposed under a Master Sign Plan will be of a superior quality and creativity as those that might result through the normal sign permit process.
- (b) *Applicability.* The approval of a Master Sign Plan in accordance with Chapter 44, Article V, Division 7 shall be required whenever any of the following circumstances exist:
- (1) Whenever three or more separate nonresidential tenant spaces are created on the same parcel.
 - (2) Whenever three or more non-exempt signs are proposed for a single use.
 - (3) Whenever a pole sign is proposed on a parcel in the Freeway Overlay District.
 - (4) Whenever the Community Development Director or the Development Committee determines that a Master Sign Plan is needed because of special project characteristics (e.g., the size of proposed signs, limited site visibility, a business within a business, or the location of the site relative to major transportation routes).
- (c) *Modification of regulations.* A variance pursuant to Article V, Division 11 of this chapter shall be obtained for any deviations from the regulations of this section.

(Ord. No. 2014-3, § 5, 10-21-14)

Sec. 44-396. Exemptions from sign permits.

Sign permits shall not be required for the signs listed in this section. Exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site or use. Exempt signs shall be required to follow the applicable regulations provided below.

- (1) Political signs. Noncommercial signs related to a campaign issue, ballot measure, or candidate in a municipal, state, or federal election, or a municipal, county, state, or federal political issue shall be allowed in any zoning district subject to the following provisions:
 - a. Removal. Political or voting signs shall be removed not later than ten days following the date of the election.

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- b. California Elections Code. All signs posted under this section shall comply with all applicable provisions of the California Elections Code (Elections Code § 1 et seq.), including, the identification and address of the persons or organizations responsible for the signs.
 - c. Authority to remove. The City shall have the authority to remove signs placed contrary to the provisions of this division.
 - d. Location. Signs shall not be permitted in the public right-of-way.
 - e. Size. Election and voting signs shall not exceed twelve square feet.
- (2) Residential real estate signs. Real estate signs offering property for sale, lease, or rent are allowed on private property in any residential zoning district subject to the owner's permission and the following limitations:
- a. A maximum of one real estate sign not greater than six square feet for single family uses and twelve square feet for multi-family, to be removed within thirty days after the property is no longer available for sale, lease, or rent.
 - b. Open House Directional Signs. Temporary and portable real estate signs promoting the viewing of real property for sale as open house are permitted only during periods when either the property owner or sales agent is present and are subject to the following conditions:
 - i) *Size and height.* The maximum size shall not exceed five (5) square feet and the maximum height shall not be more than three (3) feet above grade.
 - ii) *Identification.* The owner of the sign(s) shall affix its name and telephone number to the sign prior to placement of the sign.
 - iii) *Location.* Signs may be placed on private property with the consent of the owner or within the public right-of-way subject to the following:
 - a. Placement shall be prohibited on all median strips, center dividers, roadway islands or safety zones; and,
 - b. Placement cannot reduce in size, or interfere with, the required disabled access path of travel or impede pedestrian, bicycle, or vehicular travel; and,
 - c. The sign shall not be affixed to traffic control devices, government signs, light standards, utility poles, bus shelters, or other structures, posts, fences, shrubs or trees; and,
 - d. On days weather forecasts predict winds of 15 miles per hour or greater, freestanding signs shall be anchored with appropriate weight to prevent dislodging of signs placement.
 - iv) *Time period.* Open house signs may be displayed during the hours of 11:00 a.m. to 6:00 p.m. on Saturdays and Sundays, and during the hours of 8:30 a.m. to 2:30 p.m. on Wednesdays.

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- v) *Number.* The total number of open house directional signs per owner or its agent pursuant to this section shall not exceed one (1) per change in direction from the nearest Major Arterial to the property for sale.
- (3) Garage sale signs. Garage sale signs may be placed within the public right-of-way during the hours of 7:00 a.m. to 6:00 p.m. on Saturdays and Sundays, subject to the following conditions:
- i) *Size and height.* The maximum size shall not exceed five (5) square feet and the maximum height shall not be more than three (3) feet above grade.
 - ii) *Identification.* The owner of the sign(s) shall affix its name and telephone number to the sign prior to placement of the sign.
 - iii) *Location.* Signs may be placed on private property with the consent of the owner or within the public right-of-way subject to the following:
 - a. Placement shall be prohibited on all median strips, center dividers, roadway islands or safety zones; and,
 - b. Placement cannot reduce in size, or interfere with, the required disabled access path of travel or impede pedestrian, bicycle, or vehicular travel; and,
 - c. The sign shall not be affixed to traffic control devices, government signs, light standards, utility poles, bus shelters, or other structures, posts, fences, shrubs or trees; and,
 - d. On days weather forecasts predict winds of 15 miles per hour or greater, signs shall be anchored with appropriate weight to prevent dislodging of signs placement.
 - iv) *Removal.* Garage sales signs shall be removed no later than 24 hours after event.

(Ord. No. 2014-3, § 5, 10-21-14)

Sec. 44-397. Prohibited signs.

The following signs are inconsistent with the purposes and standards of this division and are prohibited in all zoning districts:

- (1) Signs erected or maintained without the consent of the owner of the land upon which the sign is located.
- (2) Tract directional signs that advertise property developed outside of the City.
- (3) Signs placed, attached, or hung from any vehicle to advertise goods or services, except signs on common carriers or names, trademarks, and addresses permanently placed on business vehicles.
- (4) Abandoned signs that advertise goods or services that have not been available for a period of sixty days or more.
- (5) Permanent signs not made of durable materials or not appropriately constructed, such as the following:

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- a. Signs made of cloth, paper, or plywood.
 - b. Sandwich, A-frame, freestanding, or movable signs.
 - c. Signs placed on the ground or propped against a vehicle or object in the public right-of-way or in a parking lot.
 - d. Signs attached to light standards, trees, and similar items.
 - e. Signs painted directly on a wall of a building or structure.
- (6) Signs covering more than ten percent of a window area of a commercial business.
- (7) Permanent signs identifying or advertising for a business, whether on-site or off-site, located on real property in a residential zone.
- (8) Projecting signs, roof signs, electronic signs, and animated signs. Electronic signs are conditionally permitted in the public/institutional zone only and digital display billboards and pole signs are permitted in the Freeway Overlay District as specified in this division.
- (9) Subdivision or tract directional signs within five hundred feet of the following: Valley View Street, Walker Street, Moody Street, Orangethorpe Avenue, La Palma Avenue, Crescent Avenue, or the SR 91 freeway.
- (10) Signs that may obstruct fire escapes or stairways or interfere in any way with public or private safety enforcement.
- (11) Signs related to outdoor merchandising or display unless explicitly approved by an Outdoor Display and Incidental Seating Permit.

(Ord. No. 2014-3, § 5, 10-21-14)

Sec. 44-398. Sign standards.

The sign standards provided in Table III-10 are intended to apply to signs in all zoning districts, unless otherwise approved pursuant to a master sign plan in accordance with Sec. 44-39. Only signs authorized by this section shall be allowed unless otherwise expressly provided in this chapter or by an approved master sign plan. Refer to the regulations for specific types of signs (e.g., monument and wall) that follow Table III-10.

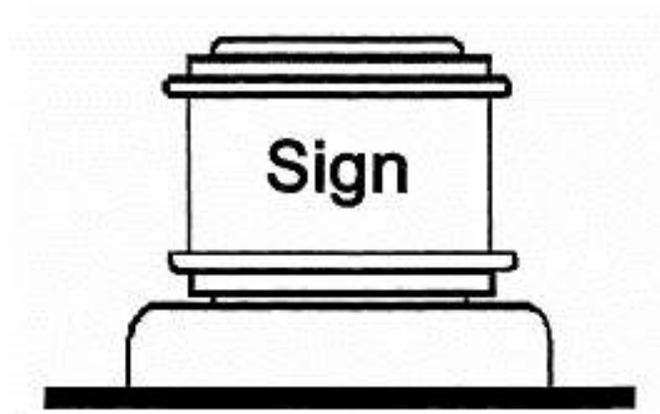
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TABLE III-10: SIGN STANDARDS

(1) Monument signs.

- a. Monument signs are allowed only for frontages adjoining a public street and shall be located in compliance with the traffic safety triangle requirements of Sec. 44-276.



Monument Sign

- b. Monument signs shall be set back a minimum of twenty feet from the edge of a driveway.
- c. There shall be a minimum ten feet between a monument sign and any other structure that exceeds ten feet in height.
- d. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign or seventy-five square feet, whichever is greater. For example, forty sq. ft. of sign area = eighty sq. ft. of landscaped area.
- e. Signs shall contain an address plate identifying the project or use by specific street address or range of addresses. Numbers shall be a minimum of six inches in height and shall be clearly visible from the adjacent street. Address plates shall not be calculated against the allowed sign area.
- f. The height of monument signs shall be measured from the nearest sidewalk grade.
- g. Electronic monument signs in the public/institutional zoning district shall also comply with the following:
1. Sign shall not contain content that creates a distraction or confusion to vehicular traffic, with such words as "stop," "go," "look," "danger," etc.
 2. Message content shall not blink, flash, or continuously scroll.

(2) Wall signs.

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Use	Sign Type	Maximum Number	Maximum Sign Area	Maximum Height	Remarks
Neighborhood Commercial	Wall or Marquee	One sign per street frontage	0.5 sq. ft. per lineal foot of building frontage	Not above the parapet on a flat roof or the eave on a pitched roof.	No building shall be given credit for more than two street frontages.
	Window	One per window	Not to exceed 10% of window area		
	Monument	One per project	0.5 sq. ft. per lineal foot of building frontage Max. 100 sq. ft. per face	8 ft.	Sign shall be a minimum of 30 ft. from a side property line and shall not obstruct visibility of motorists or pedestrians. Shopping Centers with two street frontages can have two signs as approved in a Precise Plan or Precise Plan Amendment.
	On-site Directional	As needed for traffic safety	8 sq. ft. total all signs	3 ft.	Sign shall not contain business or product names or advertisements. Logos are permitted.
	Flag Pole	Four per project	Not applicable	Shall not exceed either the height of the building or 35 ft.	Shall not be in "safety triangle area" and shall be at least 15 feet from property line.
Planned Neighborhood Development	Wall or Marquee	As required by Master Sign Plan (Sec. 44-395)			
	Window	As required by Master Sign Plan (Sec. 44-395)			
	Monument	As required by Master Sign Plan (Sec. 44-395)			
	On-site Directional	As required by Master Sign Plan (Sec. 44-395)			
	Flag Pole	As required by Master Sign Plan (Sec. 44-395)			
Office Professional	Wall	One per street frontage	0.5 sq. ft. per lineal foot of building	Not above the parapet on a flat roof or the	Sign text shall give the building/business name and address only. Logos are permitted.

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			frontage Max. 75 sq. ft.	eave on a pitched roof.	
	Window	One per window	Not to exceed 10% of aggregate window area		
	Monument	One per project	Max. 75 sq. ft.	8 ft.	Sign text shall give the building name and address only. Logos are permitted.
	Office Directory	Two signs subject to approval of a Master Sign Plan	Max. 100 sq. ft. or 50 sq. ft. per face	8 ft.	Each name panel within the directory sign shall not exceed 15 sq. ft. Location shall not be within the front setback area.
	Flag Pole	Four per project	Not Applicable	Shall not exceed either the height of the building or 35 ft.	Shall not be in "safety triangle area" and shall be at least 15 feet from property line.
Public or Institutional	Wall	One per street frontage	0.5 sq. ft. per lineal foot of building frontage	Not above the parapet on a flat roof or the eave on a pitched roof.	
	Monument	One per project	100 sq. ft. per face	8 ft.	Sign text shall give the building name and address only. Logos are permitted. Electronic monument signs shall not exceed 50% of the permitted sign area and shall require a conditional use permit and comply with the specific provisions under subsection (a)(7) of this section.
	Flag Pole	Four per project	Not Applicable	Shall not exceed either the	Shall not be in "safety triangle area" and shall

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				height of the building or 35 ft.	be at least 15 feet from property line.
General Industrial	Wall or Marquee	As required by Master Sign Plan (Sec. 44-395)			
	Window	As required by Master Sign Plan (Sec. 44-395)			
	Monument	As required by Master Sign Plan (Sec. 44-395)			
	On-site Directional	As required by Master Sign Plan (Sec. 44-395)			
	Flag Pole	As required by Master Sign Plan (Sec. 44-395)			
Multi-Use Business	Wall or Marquee	As required by Master Sign Plan (Sec. 44-395)			
	Window	As required by Master Sign Plan (Sec. 44-395)			
	Monument	As required by Master Sign Plan (Sec. 44-395)			
	On-site Directional	As required by Master Sign Plan (Sec. 44-395)			
	Flag Pole	As required by Master Sign Plan (Sec. 44-395)			
Freeway Overlay	Pole Sign (single or double faced)	One per freeway adjacent parcel occupied by a commercial retail establishment	160 square feet per face	Maximum 18 feet above adjacent finished grade of the SR 91 Freeway to bottom of sign face	As required by Master Sign Program (Sec 44-395).
	Billboard Sign (single or double faced)	One per 2,500 lineal feet on each side of SR 91 Freeway	1,200 square feet per face	Maximum 55 feet above adjacent finished grade of the SR 91 Freeway to bottom of Digital Display Billboard	Sign shall require approval of a Precise Plan (Section 44-138); a conditional use permit (Section 44-848); a development agreement (or other similar type of agreement with the City), and shall be consistent with Chapter 44 Sections 399 through 402.
Service Station	As required by Master Sign Plan (Sec. 44-395)				
Multifamily Residential	Monument	One per project	32 sq. ft. per frontage	6 ft.	Sign text shall give the name of the development and

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					address only. Logos are permitted.
	Flag Pole	Three per project	Not Applicable	Shall not exceed either the height of the building or 20 ft.	Shall not be in "safety triangle area" and shall be at least 15 feet from property line.
Single Family Residential	Flag Pole	One	Not Applicable	20 ft.	Must be at least 15 feet from right-of-way.

- a. Signs shall be located only on a building frontage and shall not extend above an eave or parapet or above or below a fascia on which they are located, unless approved by a precise plan, conditional use permit or Master Sign Plan.
- b. Can or cabinet signs are not allowed. Signs shall use channel letters or have the appearance of channel letters.
- c. Signs shall be placed flat against the wall and shall not project from the wall more than required for normal construction purposes and in no case more than twelve inches. The Director of Community Development may waive this requirement in special circumstances when an especially creative and unique sign design is proposed.
- d. Signs shall not be placed to obstruct any portion of a window.

(3) Window signs, permanent, and temporary.

- a. Signs on the inside of the building that are located within five feet of a window and can be seen from the exterior of the building shall be considered a window sign.
- b. Window signs shall be counted in the aggregate sign area allowed for wall signs.

(4) Service station signs. In addition to all other provisions of this division, the following regulations shall be applicable to service stations.

- a. A Master Sign Plan shall be approved in conjunction with the application for a sign permit to erect, move, alter, or reconstruct any service station sign.
- b. One monument sign, not to exceed one hundred square feet for each sign face, and six feet in height shall be allowed.
- c. The total area of all building-mounted signs (including canopy signs) shall not exceed one-half square foot of sign area for each linear foot of street frontage. Corner lots are permitted two street frontages to determine maximum allowable sign area.

(5) Directional signs.

- a. On-site directional signs are intended to aid vehicle and pedestrian traffic to maneuver safely onto and within the site. Copy shall relate only to the provision of directions for motorists and pedestrians.

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b. Directional signs shall not exceed two square feet in area and three feet in height.

(6) Flags.

- a. A building permit must be obtained prior to erecting a freestanding flagpole.
- b. Flags shall be displayed only on flagpoles or staffs designed and constructed specifically and exclusively for flag display. No flag shall be displayed or attached in any manner to light poles, sign poles, trees, or similar structures or objects.
- c. Flagpoles shall not be closer than fifteen feet from any property line.
- d. The vertical length of a permitted flag on a flagpole shall not exceed thirty percent of the length of the pole upon which the flag is hung. For single-family residential use, the gross surface area of a flag shall not exceed twenty-four square feet.
- e. No portion of a flag shall project over any property line or contact any other structure when fully extended. For the purposes of this section, a structure shall include trees, shrubs, and landscaping.
- f. Flags shall not be mounted on roofs. Wall-mounted flags shall be displayed from flag poles not to exceed ten feet in length, and such poles shall not extend above the roof line. In a single-family residential zone, building-mounted flagpoles shall not exceed five feet in length.
- g. Official flags should be displayed in accordance with The Flag Code, Title 36. U.S.C. Chapter 10, as amended by P.L. 344, 94th Congress, approved July 7, 1976, or as amended from time to time.
- h. Flags shall be maintained in an orderly fashion and in good condition. Tattered or torn flags shall be removed or replaced.

(Ord. No. 2014-3, § 5, 10-21-14)

Sec. 44-399. Signboards, Purpose.

These regulations in this division concerning signboards are established to permit larger on-site and off-site signage on properties within the Freeway Overlay District (FO) in a manner that furthers the following:

- (1) Promotion of the economic advantage of the SR 91 Freeway within the City while ensuring an attractive business climate for businesses and agencies along the SR 91 Freeway corridor;
- (2) Protection of La Palma rights-of-way street views by strategically limiting pole and billboard signs to the parcels within the FO District;
- (3) Limitation of visual clutter by providing regulations as to the number, size and location of signboards;
- (4) Provision of clear development standards pursuant to which allowable signboards may be designed and installed within the FO District;

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- (5) Support of revenue generating commercial uses and activities that add economic benefit to the City and its residents without causing the City to incur municipal expenses that exceed the tax revenue attributable to those uses;
- (6) Promotion of the public's health, safety and welfare.

(Ord. No. 2014-3, § 5, 10-21-14)

Sec. 44-400. – Signboards, General Provisions.

The regulations applicable to the land use designations underlying the FO District shall apply to property within the FO District with the exception of the subject matters regulated in Chapter 44 Sections 399 through 402, which shall be known as the La Palma Signboard Code. Signboards in the FO District shall comply with all applicable provisions of the Federal Highway Beautification Act of 1965, the California Outdoor Advertising Act, the California Vehicle Code, all other applicable laws and regulations, and all of the following:

- (1) No signboard shall imitate or resemble any official traffic sign, signal, or device.
- (2) No signboard shall obstruct or interfere with an official sign, as that term is defined in this chapter.
- (3) No signboard shall be larger than 25 feet in height and 60 feet in width, excluding border, trip, and supports.
- (4) Signboards shall not include flashing, intermittent lights, moving lights, and shall not emit light that could obstruct or impair the vision of a driver.
- (5) Signboards shall not display any statements, words or depictions of an obscene, indecent, or immoral nature, as provided for in the California Business and Professions Code and the California Code of Regulations.

(Ord. No. 2014-3, § 5, 10-21-14)

Sec. 44-401. – Application.

Applications for new signboard permits in the FO District shall be filed in compliance with Chapter 44, Article V, Division 6 (Sign Permits), and shall contain the additional information listed below, based on the type of signboard being requested.

- (1) Applications for a pole sign shall include all of the following:
 - a. Lot Survey with topographic data that extends to the centerline of the abutting SR 91 right-of-way.
 - b. View simulations of the area of the project site and surrounding area.
 - c. A vicinity map showing where in the FO District the project is located. Map must show the project is located in compliance with all applicable California Department of Transportation (CalTrans) regulations, the California Outdoor Advertising Act and the federal Highway Beautification Act if project is located within 660 feet of the SR 91 right-of-way.

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- d. A Master Sign Plan package for all existing and proposed signage at the site.
 - e. Elevation drawings of the site that include any building(s) and proposed structures, with the lowest and highest points identified for height measurement purposes.
 - f. Title report for the parcel on which the pole sign is proposed to be erected.
 - g. Any other information reasonably requested by the Community Development Director.
- (2) Applications for a digital billboard shall include all of the following:
- a. Lot Survey with topographic data that extends to the centerline of the abutting SR 91 right-of-way.
 - b. View simulations of the area of the project site and surrounding area.
 - c. A vicinity map showing where in the FO District the project is located. Map must show the project is located in compliance with all applicable CalTrans regulations, the California Outdoor Advertising Act and the federal Highway Beautification Act. Map must show the project is located within 660 feet of the SR 91 right-of-way.
 - d. Elevation drawings of the site that include any building(s) and proposed structures, with the following identified: (i) the lowest adjacent grade to the billboard support (datum point), (ii) the finished grade elevation of the SR 91 right-of-way perpendicular to the billboard support, and (iii) the elevation of the highest point of the billboard.
 - e. Luminance documentation demonstrating compliance with CalTrans luminance standards.
 - f. Title report for the parcel on which the billboard is proposed to be erected.
 - g. Any other information reasonably requested by the Community Development Director.

(Ord. No. 2014-3, § 5, 10-21-14)

Sec. 44-402. – Regulations for Signboards in the FO District.

- (1) Pole Signs
- a. Pole signs shall only be allowed on parcels in the FO District occupied by a commercial retail establishment.
 - b. The allowable sign area for the face of a pole sign shall be a maximum of 160 square foot for each sign face, with a total aggregate area not to exceed 320 square feet for each double-sided pole sign.
 - c. No more than one pole sign per parcel in the FO District.
 - d. Each pole sign shall utilize only one (1) support post which shall be clad with an architectural finish.

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- (2) Billboard Signs: Only digital display billboards are permitted in the FO District, subject to approval of a conditional use permit and development agreement (or other similar type of agreement with the City), and subject to the following standards:
- a. Quantity. The number of billboards located within the FO District shall not exceed a total of two (2), with a maximum of two faces per billboard.
 - b. Spacing. No digital display billboard may be located within 2,500 feet of another digital display billboard on the same side of the SR 91 right-of-way.
 - c. Height. The maximum height of each digital billboard shall be 55 feet above the adjacent pavement level of the SR 91 freeway to the bottom of the digital display.
 - d. Size. The maximum size of each digital billboard face display area shall be 25 feet in height and 60 feet in width, with the area of each face not to exceed an overall maximum of 1,500 square feet, including border and trim.
 - e. Location.
 - 1. Digital display billboards may be free-standing or located on the wall or roof of another structure.
 - 2. Digital display billboards shall not be erected on properties zoned as R-1 - Single-family district residential, R-3 - Multiple family residential districts, VO - Village residential overlay district or OS - Open-space/Recreation district.
 - f. Design.
 - 1. Each digital display billboard shall utilize only one (1) support post which shall be clad with an architectural finish.
 - 2. All digital display billboards shall either be double faced or include covered backs or facings.
 - g. Brightness. Digital display billboards must comply with all applicable laws and regulations concerning brightness and illumination, including, without limitation, California Vehicle Code Section 21466.5.

(Ord. No. 2014-3, § 5, 10-21-14)

Secs. 44-403—44-422. Reserved.

FOOTNOTE(S):

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State Law reference— Authority of City Council to regulate outdoor advertising, Government Code § 38774. [\(Back\)](#)

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DIVISION 6. TRANSPORTATION DEMAND MANAGEMENT

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[Sec. 44-423. Purpose.](#)

[Sec. 44-424. Definitions.](#)

[Sec. 44-425. Applicability to development projects; exemptions.](#)

[Sec. 44-426. TDM facility provisions.](#)

[Sec. 44-427. Enforcement and appeals.](#)

[Secs. 44-428—44-452. Reserved.](#)

Sec. 44-423. Purpose.

The purpose of this division is to:

- (1) Meet the requirements of Orange County's Measure M Growth Management Program.
- (2) Mitigate the impacts that development projects may have on transit mobility and air quality and to promote transportation demand management strategies that encourage employers to more efficiently utilize the existing and planned transportation system.
- (3) Specify the responsibilities of public and private developers proposing nonresidential development within the City to consider transportation demand management strategies in conjunction with development application submittal and to incorporate design standards during project review that facilitate the reduction of single-occupant vehicle trips and support trip reduction activities of employers on the site.
- (4) Support the development of physical facilities that would promote and encourage the use of alternative and energy-conserving transportation modes.
- (5) Encourage the development of safe and secure transportation facilities at worksites.
- (6) Achieve related reductions in vehicle trips, traffic congestion, and air pollution through utilization of existing local mechanisms and procedures for project review and permit processing.
- (7) Promote coordinated implementation of transportation demand management strategies that may reduce transportation demand and achieve the most efficient use of local resources.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-424. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative transportation mode means any mode of travel that serves as an alternative to the single occupant vehicle. This can include all forms of ridesharing such as carpooling or vanpooling, as well as public transit, bicycling, or walking.

Applicable project means a development project that is determined to meet or exceed a 100-employee threshold.

Carpool means two to six persons traveling together in a single vehicle.

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DIVISION 6. TRANSPORTATION DEMAND MANAGEMENT

Development project means a nonresidential project being processed by the City that requires discretionary action.

Employee means a person employed by a firm, person, business, educational institution, non-profit agency or corporation, government agency, or other entity that collectively employs 100 or more persons at a single worksite. The term "employee" shall include persons employed on a full-time, part-time, or temporary basis.

Employer means a person, firm, business, educational institution, government agency, non-profit agency or corporation, or other entity that employs or houses tenants and that collectively employs 100 or more employees at a single worksite within the City on a full-time, and/or part-time or temporary basis, and may either be a property owner or tenant of an applicable development project.

Improvement plans means plans submitted to the City as part of an application for a building permit for a new or an enlarged or expanded existing nonresidential building or use, or change of use (as defined by the Uniform Building Code) of a nonresidential building.

Minimum building size means the total gross floor area measured in square feet of a building or group of buildings at a common work location (includes the total floor area of both new and existing facilities).

Mixed-use development means the development of a parcels or structures with two or more different land uses such as, a combination of residential, office, commercial retail, public, or entertainment in a single or physically integrated group of structures.

Property owner means the legal owner of the applicable development project who serves as lessor to an employer or tenant. The property owner shall be responsible for complying with the provisions of this division either directly or by delegating such responsibility as appropriate to an employer or tenant.

Tenant means the lessee of facility space at an applicable development project who may also serve as an employer.

Transportation demand management (TDM) means the implementation of programs, plans, or policies designed to encourage changes in individual travel behavior. TDM can include an emphasis on:

- (1) Alternative travel modes to the single occupant vehicle such as carpools, vanpools, and transit;
- (2) Reduction or elimination of the number of vehicle trips; or
- (3) Shifts in the time of vehicle commutes to other than the peak period.

Trip reduction means a reduction in the number of work-related trips taken during peak period hours in single occupant vehicles.

Vanpool means a van or similar vehicle occupied by seven or more persons traveling together.

Worksite means a building or group of buildings that is in actual physical contact or separated solely by a private or public roadway or other private or public right-of-way, owned or operated by the same employer (or by employers under common control), and includes the place of employment, base of operation, or predominate location of an employee.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-425. Applicability to development projects; exemptions.

(a) *Applicability.* The provisions of this division shall apply to all development projects as follows:

- (1) New commercial, office/professional, business park/industrial, mixed-use, institutional, or other nonresidential use or combination thereof, at a worksite that is expected to employ 100 or more

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persons, as determined by employee projections or by employee generation factors established by the City.

- (2) An existing or approved facility or development for which the property owner/tenant submits subsequent discretionary application to change the proposed use, project design, or development intensity, and which will employ 100 or more persons as determined as stated in subsection (a)(1) of this section.
- (b) *Exemptions.* Notwithstanding any other provisions of this chapter, the following uses and activities shall be specifically exempt from the provisions of this division:
 - (1) Development projects expected to employ fewer than 100 persons.
 - (2) Temporary construction activities on any affected project, including activities performed by engineers, architects, contract subcontractors, and construction workers.
 - (3) Other temporary activities, authorized by the City, when such temporary activities shall discontinue at the end of the designated time period.
- (c) *Applicable development size.* For purposes of determining whether an applicable development project, as set forth in this section, is subject to this division, either of the following options shall apply:
 - (1) Employment projections developed by the project applicant, subject to approval by the Community Development Director.
 - (2) The following minimum building sizes that shall be considered equivalent to the 100-employee threshold:

TABLE III-11. MINIMUM BUILDING SIZE EQUIVALENT TO 100 EMPLOYEES

Type of use	Minimum building size equivalent to 100 employees
Office/professional	35,000 gross leasable square feet
Hospital and medical/dental	40,000 gross leasable square feet
Industrial (excluding warehouses)	50,000 gross leasable square feet
Commercial	50,000 gross leasable square feet
Hotel/motel	125 hotel rooms
Resort hotel	84 hotel rooms

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Type of use	Minimum building size equivalent to 100 employees
Warehouse	100,000 gross leasable square feet
Mixed or multiple use	The employment projection for a development of mixed or multiple uses shall be calculated on a case-by-case basis upon the proportion of development devoted to each type of use.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-426. TDM facility provisions.

- (a) Development projects subject to the provisions of this division shall, during project review and City action, incorporate consideration of TDM facility design opportunities, which shall be identified on project plans.
- (b) It is the intent of this section to provide a menu of mandatory and optional facility standards that can be incorporated into project design to encourage increased ridesharing and alternative transportation modes. In conjunction with project action by the project approval body, the approval body shall identify TDM facility standards that shall be applied to project design as conditions of approval, based upon review of the proposed use, project design characteristics, and other project considerations.
- (c) Nothing in this division shall prevent a project applicant from incorporating additional TDM facility strategies into the project proposal to encourage and facilitate TDM opportunities or related air quality requirements.
 - (1) *Carpool/vanpool parking.*
 - a. A percentage of parking spaces, located as close as is practical to the entrance of the use or at other preferential locations within the employee parking area, shall be reserved for use by carpool and vanpool vehicles, as determined by the approval body reviewing the development project.
 - b. These spaces shall be reserved and designated for carpool/vanpool parking by marking such spaces "carpool only."
 - (2) *Bicycle parking.* The site shall provide bicycle racks in a designated area for use by employees and tenants who commute to the site by bicycle. The bicycle parking area shall be established in a secure location and be in close proximity to employee entrances.
 - (3) *Transit waiting shelters.* Transit waiting shelters, including bus pullouts, bus pads and right-of-way for bus shelters, may be required by the City in consultation with the Orange County Transportation Authority for development projects located along high traffic volume streets and established or proposed bus routes. The applicability of this provision shall be determined in conformance with standard traffic engineering principals including, the frequency and relative impact of blocked traffic due to stopped buses and the level of transit ridership at the location.
 - (4) *Pedestrian access.*

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- a. Sidewalks and other paved pathways shall be provided onsite to connect off site pedestrian circulation systems (planned or existing) to the building site.
 - b. Sidewalk locations shall connect existing and planned transit waiting shelters with building entrances.
- (5) *Bicycle access.* Implementation of the City's master plan of bike trails shall be integrated with project review to provide continuity and transition of bike trail access from the development site to existing and planned on-street and off-street bike trails.
- (6) *Joint access and shared parking.* For multi-building developments designed as a "worksite" as defined in this division, provision of joint access and shared parking across multiple parcels shall be incorporated into project design to facilitate integration of TDM facility strategies.
- (7) *Additional TDM mechanisms.* It is the intent of this subsection to identify additional TDM mechanisms that the project applicant may elect to consider with project design, taking into consideration project use, size, and building site layout:
- a. A commuter information area, located within the central building, to provide employees with information on alternative transportation modes. This area shall be centrally located and accessible to all employees or tenants and shall be of sufficient size to provide and display information on alternative transportation modes, such as current maps, routes, and schedules for public transit.
 - b. Shower and locker facilities onsite for use by employees or tenants who commute to the site by bicycling or walking.
 - c. Rideshare vehicle passenger loading and unloading areas to provide employees who vanpool or carpool a location to embark and disembark from rideshare vehicles to and from the building site. The design and location of such loading areas shall consider onsite circulation characteristics, pedestrian access, and building site entrances to provide for employee access.
 - d. Onsite day care facilities.
 - e. Onsite lunch rooms/cafeterias.
 - f. Onsite commercial services such as banks, restaurants, and small retail uses.
 - g. Parking spaces designated for park-and-ride users.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-427. Enforcement and appeals.

Policies and procedures set forth in this division are enforceable under the provisions of division 6 of article IV of this chapter.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-428—44-452. Reserved.

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Secs. 44-453—44-474. Reserved.

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Sec. 44-475. Purpose.

The purpose of this division is to describe the authority and responsibilities of the City staff and officials in the administration of this Development Code.

(Code 1975, § 26-85; Ord. No. 2003-07, § 3(exh. A))

Sec. 44-476. Planning agency defined.

As provided by State law (Government Code § 65100), the City Planning Commission, Development Committee, and the Community Development Director shall perform the functions of the planning agency.

(Code 1975, § 26-86; Ord. No. 2003-07, § 3(exh. A))

State law reference— Local planning agencies, Government Code § 65100 et seq.

Sec. 44-477. Review authorities.

The following review authorities shall make decisions on the procedures authorized by this Development Code, and as identified in Table IV-1:

- (1) City Council.

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- (2) Planning Commission.
- (3) Development Committee.
- (4) Special Permit Committee.
- (5) Special Permit Subcommittee.
- (6) City Manager.
- (7) Community Development Director.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-478. City Council duties and authority.

The City Council shall perform the duties and functions prescribed in this Development Code, including reviewing, or making determinations on applications for development projects in compliance with Table IV-1.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-479. Planning commission.

- (a) *Membership.* The members of the City Council or their appointees shall sit as the Planning Commission.
- (b) *Duties and authority.* The Planning Commission shall perform the duties and functions prescribed in this Development Code, including reviewing, making recommendations, or making determinations on applications for development projects in compliance with Table IV-1.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-480. Development committee.

- (a) *Membership.* The Development Committee shall be composed of five members. The five members shall be a resident of the City, appointed by the City Council.
- (b) *Duties and authority.* The Development Committee shall perform the duties and functions prescribed in this Development Code, including reviewing, making recommendations, or making determinations on applications for development projects in compliance with Table IV-1. The Development Committee shall also serve as the board of appeals related to disputes concerning the building code.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-481. Special permit committee.

- (a) *Membership.* A representative of each City department shall comprise a Special Permit Committee to investigate, conduct meetings to issue certain special permits, and consider the revocation or extension of special permits.
- (b) *Duties and authority.* The Special Permit Committee shall perform the duties and functions prescribed in this Development Code, including making determinations on applications for special permits in compliance with Table IV-1.

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(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-482. Special Permit Subcommittee.

- (a) *Membership.* The Special Permit Committee Subcommittee shall be composed of three members. The members shall include the City Manager, the Community Development Director, and a representative from the Police Department.
- (b) *Duties and authority.* The Special Permit Subcommittee shall perform the duties and functions prescribed in this Development Code, including making determinations on applications for special permits in compliance with Table IV-1.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-483. City Manager.

The City Manager shall perform the duties and functions prescribed in this Development Code, including reviewing, making recommendations, or making determinations on applications for development projects in compliance with Table IV-1.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-484. Community Development Director.

The Community Development Director shall perform the duties and functions prescribed in this Development Code, including reviewing, making recommendations, or making determinations on applications for development projects in compliance with Table IV-1.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-485. Authority for land use and zoning decisions.

Table IV-1 identifies the City official or authority responsible for reviewing and making decisions on each type of application or land use entitlement required by this Development Code.

TABLE IV-1. REVIEW AUTHORITY

Type of Entitlement or Decision	Section of Development Code	Community Development Director	Development Committee	Planning Commission	City Council	Special Permit Committee
Artificial Turf Permit	44-335	Decision	Appeal	N/A	N/A	N/A
Conditional Use Permits	44-849	Recommend	N/A	Decision	Appeal	N/A

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Type of Entitlement or Decision	Section of Development Code	Community Development Director	Development Committee	Planning Commission	City Council	Special Permit Committee
Development Agreements	N/A	Recommend	N/A	Recommend	Decision	N/A
Development Code Amendments	44-666	Recommend	N/A	Recommend	Decision	N/A
General Plan Amendments	44-666	Recommend	N/A	Recommend	Decision	N/A
Interpretations	44-4	Decision	N/A	Appeal	Appeal	N/A
Outdoor Display and Seating Permit	44-1137	Decision	Appeal	N/A	Appeal	N/A
Precise Plan, Residential New	44-784	Recommend	Recommend	Decision	Appeal	N/A
Amendment	44-824	Recommend	Decision	Appeal	Appeal	N/A
Precise Plan, Nonresidential New	44-784	Recommend	Recommend	Decision	Appeal	N/A
Amendment	44-784	Recommend	Recommend	Decision	Appeal	N/A
Single-family Residential Remodels	44-824	Decision for Procedure A and Procedure B and Recommend for Procedure C	Appeal for Procedure B Decision for Procedure C	Appeal	Appeal	N/A

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Type of Entitlement or Decision	Section of Development Code	Community Development Director	Development Committee	Planning Commission	City Council	Special Permit Committee
Specific Plans	44-1071	Recommend	Recommend	Recommend	Decision	N/A
Temporary Use Permits	44-1006	Decision	N/A	N/A	Appeal	N/A
Variances	44-1038	Recommend	Recommend	Decision	Appeal	N/A
Minor Exceptions	44-1038	Decision	Appeal	N/A	N/A	N/A
Zoning Map Amendments	44-666	Recommend	N/A	Recommend	Decision	N/A
Sign Permits and Master Sign Plan	44-875	Refer to 44-487 (Sign review authority)				
Reasonable Accommodation	44-1157	Decision	N/A	Appeal	N/A	N/A

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2004-03, § 23; Ord. No. 2009-04, § 5(26-95), 7-7-2009; Ord. No. 2010-03, § 6, 10-19-2010; Ord. No. 2013-01, § 4, 4-2-2013)

Sec. 44-486. Special permit review authority.

Table IV-2 identifies the City official or authority responsible for reviewing and making decisions on each type of special permit application as required by this Development Code.

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TABLE IV-2. SPECIAL PERMIT REVIEW AUTHORITY

Type of Special Permit	Special Permit Committee	Special Permit Subcommittee	City Manager	City Council
Block Parties	N/A	N/A	Decision	Appeal
Community Events	Decision	N/A	N/A	Appeal
Filming	Decision	N/A	N/A	Appeal
Special Business	N/A	Decision	N/A	Appeal

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-487. Sign review authority.

Table IV-3 identifies the City official or authority responsible for reviewing and making decisions on each type of sign application as required by this Development Code.

TABLE IV-3. SIGN REVIEW AUTHORITY

Type of Sign	Approval	Appeal
Building-Mounted	Community Development Director	Development Committee
Monument (1)	Development Committee	Planning Commission
On-Site Directional	Community Development Director	Development Committee
Window	Community Development Director	Development Committee
Real Estate Sign—Residential	Exempted	Exempted

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Type of Sign	Approval	Appeal
Real Estate Sign—Nonresidential	Community Development Director	Development Committee
Construction Sign	Community Development Director	Development Committee
Flag Poles	Community Development Director	Development Committee
Future Development Sign	Community Development Director	Development Committee
Garage Sales	Exempted	Exempted
Master Sign Plan	Development Committee	Planning Commission
Temporary Sign	Community Development Director	Development Committee

*N/A—Not Applicable

(1) Electronic monument signs are allowed in the public/institutional zoning district subject to a conditional use permit. The bodies with decision making and appeal authority for a conditional use permit are identified in Table IV-1 in section 44-485, and the decision making body will consider applications based upon recommendations of both the Community Development Director and the Development Committee.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2008-04, § 4)

Sec. 44-488. Public hearings required.

- (a) The Development Committee and Planning Commission, where identified as having review or appeal authority in Table IV-1, shall hold a public hearing prior to considering, reviewing, and/or taking action on any of the following entitlements:
- (1) Conditional use permits.
 - (2) Precise plans and precise plan amendments.
 - (3) Variances.
 - (4) Specific plans.

- (b) All public hearings shall comply with the notification and procedural requirements in section 44-518

(Ord. No. 2003-07, § 3(exh. A))

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Sec. 44-489. Specific plan initiation.

Adoption of a new specific plan or an amendment to an existing specific plan may be initiated in the following manner:

- (1) *Council.* The City Council may initiate the preparation of a specific plan.
- (2) *Property owner.* The property owner or the authorized agent, or an affected party, may file an application for a specific plan. If the property for which a specific plan or specific plan amendment is proposed has more than one owner, all of the owners or their authorized agents shall join in filing the application.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-490—44-516. Reserved.

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[Sec. 44-517. Purpose.](#)

[Sec. 44-518. Notice of public hearing.](#)

[Sec. 44-519. Content of notice.](#)

[Sec. 44-520. Continuance.](#)

[Sec. 44-521. Summary of testimony.](#)

[Sec. 44-522. Notice of decision.](#)

[Secs. 44-523—44-552. Reserved.](#)

Sec. 44-517. Purpose.

This division provides procedures for scheduling and conducting public hearings before the Development Committee, Planning Commission, and City Council. When a public hearing is required by this Development Code, public notice shall be given and the hearing shall be conducted in compliance with this division.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-518. Notice of public hearing.

Notice of the time and place of public hearings shall be given in accordance with State law.

- (1) Notice of a public hearing shall be posted at City hall, the public library, Community Center, and when applicable in front of the subject property.
- (2) Additional requirements for drive-through facilities. In accordance with Government Code § 65090, whenever a local agency considers the adoption or amendment of policies or ordinances affecting drive-through facilities, the local agency shall incorporate, where necessary, notice procedures to the blind, aged, and disabled communities in order to facilitate their participation. Access restrictions to commercial establishments affecting the blind, aged, and disabled is a critical statewide problem.
- (3) Additional requirements for subdivision approvals. In accordance with Government Code § 65091, any notice relating to an approval governed by the Subdivision Map Act, Government Code § 66410 et seq., or article VI of this chapter shall also be given to any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Civil Code § 883.230.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-519. Content of notice.

Notices shall contain the following information:

- (1) The required description of the property under consideration, which shall use either a street address, a legal description, or other method that substantially identifies the property.

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- (2) The purpose or nature of the application or public hearing.
- (3) The time, place, and the review body for the public hearing.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-520. Continuance.

If for any reason the public hearing is to be continued beyond the day set, the public hearing may be continued; such continuance shall not be subject to the notice requirements set forth in section 44-518.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-521. Summary of testimony.

A summary of all pertinent testimony offered at a public hearing and the names of persons testifying shall be condensed in writing and made a part of the permanent files of the case.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-522. Notice of decision.

Following the rendering of a decision on an application, a copy of the decision shall be mailed to the applicant and any other person who has made a written request for a copy of the decision.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-523—44-552. Reserved.

FOOTNOTE(S):

--- (4) ---

State Law reference— Public notice of public hearings for planning and zoning matters, Government Code §§ 65090, 65091; planning commission public hearing on proposed zoning ordinance or amendment to zoning ordinance, Government Code § 65854. [\(Back\)](#)

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[Sec. 44-553. Authority.](#)

[Sec. 44-554. Form and content.](#)

[Sec. 44-555. Status of original decision.](#)

[Sec. 44-556. Time period for appeal.](#)

[Sec. 44-557. Progression of appeals.](#)

[Secs. 44-558—44-577. Reserved.](#)

Sec. 44-553. Authority.

Any decision made by an approval authority designated in section 44-485, Table IV-1, section 44-486, Table IV-2, or section 44-487, Table IV-3 may be appealed pursuant to the procedures established in this division. The appeal authority shall be that person or body designated in the appropriate review authority table referenced herein.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-554. Form and content.

The appellant shall state in writing the specific reasons for the basis of the appeal. Only those items raised in the written appeal shall be considered by the appeal authority. Appeal applications shall include the required fee.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-555. Status of original decision.

From the time that the appeal is filed until such time that the appeal is decided upon by the appeal authority, the entire original decision shall be suspended and no action on the application or permit shall be taken by the applicant or the City until such time that the appeal is resolved. Once the appeal is resolved, all elements of the original decision, excluding those items raised in the appeal, shall be in effect.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-556. Time period for appeal.

The appeal shall be filed with the City Clerk within 15 calendar days following the date of the decision by the appropriate review authority.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-557. Progression of appeals.

- (a) When more than one body is designated as having appeal authority in a subject review authority table, the appeal shall be presented to the bodies in the following order:

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- (1) Community Development Director.
 - (2) Development Committee.
 - (3) Planning Commission.
 - (4) City Council.
- (b) The appeal process may continue until the matter is resolved or is abandoned by the appellant or until all appeal options have been exhausted. Only those appeal bodies listed in a subject review authority table for a given action shall be included in the appeal progression for that action.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-558—44-577. Reserved.

FOOTNOTE(S):

--- (5) ---

State Law reference— Authority of local government to provide by ordinance procedures for appeals from zoning decisions, Government Code § 65903. [\(Back\)](#)

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DIVISION 4. EXPIRATION AND EXTENSION

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[Sec. 44-578. Purpose.](#)

[Sec. 44-579. Expiration of permit/entitlement.](#)

[Sec. 44-580. Time extensions.](#)

[Secs. 44-581—44-608. Reserved.](#)

Sec. 44-578. Purpose.

This division provides requirements for the implementation of the permits and entitlements specified by this Development Code, including time limits and procedures for granting extensions of time.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-579. Expiration of permit/entitlement.

Unless otherwise specified, permits and entitlements not subject to the Subdivision Map Act shall comply with the following provisions:

- (1) The applicant for a permit shall file a written acceptance of the terms and conditions imposed by the permit with the Community Development Director within 15 days of the issuance of the permit.
- (2) The applicant must agree to indemnify the City for all costs, including any legal fees and court costs, which may result from a challenge to the issuance of the permit/entitlement.
- (3) The permit/entitlement shall expire and be of no further force or effect if:
 - a. The permit is not established within 180 days of the permit's effective date or such other time period designated by the permit's approval, by State law or by this Code.
 - b. After establishment, the use or activity for which the permit was approved is discontinued or abandoned for a period of one year.
- (4) If the application for the permit/entitlement also involves the approval of a tentative map, the date of construction shall be consistent with the tentative map and the permit/entitlement shall be exercised before the expiration of the companion tentative map.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-580. Time extensions.

An extension of a permit or entitlement shall be subject to the following provisions:

- (1) *Written request.* The applicant shall file a written request for an extension of time prior to the expiration of the permit/entitlement, together with the filing fee required.
- (2) *Decision on request for extension.* Upon showing good cause, the request for a time extension may be approved, approved with modifications, or disapproved by the original approval authority. This decision may be appealed to the City Council.

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- (3) *Limits on extensions.* The maximum number of years that a permit/entitlement may be extended may not exceed a total of three additional years beyond the expiration date of the original approval. Extensions shall be limited to one-year increments.
- (4) *Criteria for granting an extension.* An extension of the approval of a permit/entitlement may be granted only if it is found that there have been no significant changes in the General Plan, applicable specific plans, this chapter, the City Code, or the character of the area surrounding the subject property that would cause the approved permit/entitlement to be injurious to the public convenience, health, safety, or general welfare.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-581—44-608. Reserved.

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DIVISION 5. REVOCATION AND MODIFICATION

DIVISION 5. REVOCATION AND MODIFICATION

[Sec. 44-609. Purpose.](#)

[Sec. 44-610. Authority.](#)

[Sec. 44-611. Initiation.](#)

[Sec. 44-612. Findings.](#)

[Sec. 44-613. Actions.](#)

[Sec. 44-614. Appeal.](#)

[Secs. 44-615—44-631. Reserved.](#)

Sec. 44-609. Purpose.

The purpose of this division is to provide a process for revoking or modifying permits, in order to protect the public convenience, health, safety, and general welfare, as well as the rights to due process of permit holders within the City. In order to ensure the protection of the greater public interest and to enforce the provisions of this Development Code, it may become necessary to revoke or modify a previously approved permit or entitlement.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-610. Authority.

The original approval body is authorized to revoke or modify a permit or the entitlement following a public hearing in compliance with division 2 of this article.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-611. Initiation.

Revocation or modification of a permit may be initiated by a vote of the City Council, or the original approval authority based on reasonable evidence demonstrating one of the findings listed in section 44-612.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-612. Findings.

A permit or entitlement may be revoked or modified if any one of the following findings of fact can be made:

- (1) The use for which the approval was granted has been exercised so as to be detrimental to the public health or safety, or to constitute a nuisance.
- (2) The approval was obtained by fraud.
- (3) The use for which such approval is granted is not being exercised within the time specified.

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- (4) The use for which approval was granted has ceased to exist or has been suspended for one year or more.
- (5) The permit as granted is being or recently has been exercised contrary to the terms and conditions of approval or in violation of a statute, ordinance, law, or regulation.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-613. Actions.

At the conclusion of the public hearing, the original approval body may revoke or modify the subject permit.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-614. Appeal.

The decision to revoke or modify a permit may be appealed to the City Council, subject to division 3 of this article. The subsequent decision by the City Council shall be final.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-615—44-631. Reserved.

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[Secs. 44-639—44-664. Reserved.](#)

Sec. 44-632. Purpose.

This division provides procedures to ensure compliance with the requirements of this Development Code. Enforcement of these provisions and any approvals granted by the City shall be diligently pursued in order to provide for effective administration, ensure compliance with any conditions of approval, promote the City's planning efforts, and protect the public convenience, health, safety, and general welfare.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-633. Responsibility for enforcement.

The Community Development Director shall be responsible for monitoring and enforcing the conditions and standards imposed on all land use permits, entitlements, licenses, maps, and approvals granted by the City. The enforcement shall include the right to inspect properties and structures to ensure adequate compliance with the standards of this Development Code. The Police Department, a peace officer, or code enforcement officials may issue citations to enforce this section.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-634. Violations.

- (a) Any use, structure, or property which is altered, enlarged, erected, established, maintained, moved, or operated, contrary to the provisions of this Development Code and/or other related ordinances of the City, or any applicable condition of approval, is hereby declared to be unlawful and a public nuisance, and shall be subject to the remedies and penalties specified in the Municipal Code, including this division. The term "public nuisance" does not include legal nonconforming uses provided under section 44-706
- (b) A violation of any provision of this Development Code shall be subject to enforcement under article XI of chapter of this Code

(Ord. No. 2003-07, § 3(exh. A))

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Sec. 44-635. Remedies are cumulative.

- (a) *Cumulative, not exclusive.* All remedies contained in this Development Code for the handling of violations or enforcement of the provisions of this Development Code and other related ordinances of the City shall be cumulative and not exclusive of any other applicable provisions of City, County, State, or federal law.
- (b) *Other remedies.* If a person is found guilty and convicted of an infraction or misdemeanor for the violation of any provision of this Code, the conviction shall not prevent the City from pursuing any other available remedies to correct the violation.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-636. Initial enforcement action.

This section describes the procedures for initiating enforcement action in cases where it has been determined that property within the City is being used, maintained, or allowed to exist in violation of the provisions of this Development Code or other related ordinances of the City.

- (1) *Notice to responsible parties.* The City shall provide the record owner of the subject site and any person in possession or control of the site (referred to as the responsible party) with a written notice. The Community Development Director shall send a notice by either personal delivery or United States mail to the last known address of the responsible party, specifying the existence of the violation. The notice shall include the following information:
 - a. A description of the property by street address, parcel number, or other reference sufficient to identify the property.
 - b. A description of the violations that exist on the property.
 - c. Reference to the specific legal authority under which the enforcement action is being taken.
 - d. A time limit for correcting the violation, in compliance with subsection (2) of this section.
 - e. A statement outlining the penalties for violating the provisions of this Code.
 - f. A statement that the City intends to charge the property owner for all enforcement and administrative costs associated with the abatement of the violation, in compliance with section 44-638 and/or initiate legal action as described in section 44-637
 - g. A statement that the property owner may request and be provided a meeting with City representatives to discuss possible methods and time limits for the correction of the violations.
 - h. Other information that the City deems pertinent to obtain compliance.
- (2) *Time limit for correction.*
 - a. The specific time period for correcting the violations shall be determined by the Community Development Director and shall be based on the severity of its impact upon the community and surrounding properties and the amount of time and expense estimated to be necessary to correct the violation.
 - b. The written notice shall state that the violation shall be corrected within the specified number of days from the date of the notice to avoid further enforcement action by the City, unless the responsible party contacts the Community Development Director within the specified time to arrange for a longer period for correction.

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- c. The Community Development Director may approve a time extension where it is determined that the responsible party would likely correct the violation within a reasonable time.
 - d. If the Community Development Director determines that the violation constitutes a hazard to public health or safety, or if deemed appropriate, the Community Development Director may require immediate corrective action.
- (3) *Use of other enforcement procedures.* The enforcement procedures of section 44-637 may be employed by the Community Development Director after or instead of the provisions of this section where the Community Development Director determines that this section would be ineffective in securing the correction of the condition/violation within a designated/reasonable period of time.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-637. Legal remedies.

In order to enforce the regulations and standards of this Development Code, the City may choose to undertake legal actions as prescribed in section 2-350 through 2-352.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-638. Recovery of costs.

This section establishes procedures for the recovery of administrative costs (e.g., staff, legal, etc.), including staff time expended in the enforcement of the provisions of this Development Code and other related ordinances of the City, in cases where no entitlements are required to correct a violation. The intent of this section is to recover City administrative and legal costs reasonably related to the required enforcement actions.

- (1) *Record of costs.*
- a. The Community Development Director shall maintain records of all administrative costs, incurred by responsible City departments, associated with the processing of violations and enforcement of the Code, and shall recover the costs from the property owner, in compliance with this section.
 - b. Staff time shall be calculated at an hourly rate as established and revised from time to time by resolution of the City Council.
- (2) *Summary of costs and notice.*
- a. At the conclusion of the case, the Community Development Director shall send a summary of costs associated with enforcement to the responsible party by United States mail. The summary shall include a notice, in a form approved by the City Attorney, advising the responsible party of their right to request a hearing on the charges for City cost recovery within ten days of the date of the notice, and that if no request for hearing is filed, the responsible party shall be liable for the charges.
 - b. In the event that no request for hearing is filed or, after a hearing, the responsible party shall be liable to the City in the amount stated in the summary or any lesser amount determined by the City Manager.
- (3) *Request for hearing on costs.* A responsible party who receives a summary of the costs shall have the right to a hearing before the City Council on any objections to the charges.

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- a. A request for hearing shall be filed with the City within ten days following the date of mailing the summary of costs.
- b. Within 30 days of the filing of the request, and on ten days' written notice to the responsible party, the City Council shall hold a hearing on the party's objections and determine their validity.
- c. In determining the validity of the costs, the City Council shall consider whether total costs are reasonable and necessary in the circumstances of the case.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-639—44-664. Reserved.

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[Sec. 44-673. Limits on general plan amendments.](#)

[Secs. 44-674—44-704. Reserved.](#)

Sec. 44-665. Purpose.

The purpose of this division is to provide procedures for the amendment of the General Plan, the zoning map, and this Development Code, whenever required by public convenience, health, safety, and general welfare. In addition, State law (Government Code § 65400 et seq.) requires that the General Plan be periodically updated.

(Ord. No. 2003-07, § 3(exh. A))

State law reference— Duties of local planning agency to periodically update general plan, Government Code § 65400 et seq.

Sec. 44-666. Authority.

Authority for the approval of amendments to the general plan, the zoning map, and this Development Code shall be vested in the City Council. The Community Development Director and the Planning Commission shall provide written recommendations to the City Council regarding the amendments.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-667. Hearing required.

A public hearing in compliance with division 2 of this article shall be required.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-668. Amendments requiring general plan amendment.

Amendments to zoning district designations or text of this Development Code that are not consistent with the adopted General Plan shall be accompanied by a general plan amendment application.

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(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-669. Method of adoption.

- (a) *General Plan.* Amendments to the General Plan shall be adopted by resolution of the City Council.
- (b) *Zoning map and Development Code.* Amendments to the zoning map or this Development Code shall be adopted by ordinance.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-670. General plan consistency.

The City Council may amend all or part of the General Plan, or any element thereof. Zoning districts, specific plans, and other plans of the City that are applicable to the same area or matter affected by the General Plan amendment shall be reviewed and amended concurrently as necessary to ensure consistency with the General Plan.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-671. City Council action on amendments.

- (a) *Form of action.* Upon receipt of the Planning Commission's recommendation, the City Council shall approve, approve in modified form, or disapprove the proposed amendment based on the findings contained in section 44-672
- (b) *Substantial modification.* If the City Council proposes to adopt a substantial modification to the amendment which has not previously been considered by the Planning Commission during a public hearing, the proposed modification shall be first referred back to the Planning Commission for its recommendation, in compliance with State law (Government Code §§ 65356 (General Plan Amendments) and 65857 (Zoning Map/Code Amendments)). Failure of the Planning Commission to report back to the City Council within 45 days after the referral, or within a longer time if set by the City Council, shall be deemed as an approval of the modification.

(Ord. No. 2003-07, § 3(exh. A))

State law reference— Procedure for modification of proposal or amendment to zoning ordinance by legislative body not previously considered by the Planning Commission, Government Code § 65857.

Sec. 44-672. Findings for amendments.

An amendment to the General Plan, zoning map, or this Development Code may be approved only if all the following findings can be made. It is the responsibility of the applicant to establish evidence in support of the required findings.

- (1) *Mandatory required findings for all amendments.* The following shall be required for all amendments to the General Plan, zoning map, and Development Code:
 - a. The proposed amendment is consistent with all of the applicable objectives, policies, general land uses, programs, and actions of all applicable elements in the General Plan.

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- b. The proposed amendment shall not be detrimental to the public convenience, health, safety, or general welfare of the City.
 - c. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).
- (2) *Additional required finding for zoning map amendments.* The site is physically suitable, including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints, for the requested zoning designation and anticipated land use development.
- (3) *Additional required finding for Development Code amendments.* The proposed amendment is internally consistent with other applicable provisions of this Development Code.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-673. Limits on general plan amendments.

Except as otherwise provided in State law, no mandatory element of the General Plan shall be amended more frequently than four times during a calendar year. Each amendment may include more than one change to the General Plan.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-674—44-704. Reserved.

FOOTNOTE(S):

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State Law reference— Procedure for amending a general plan, Government Code § 65350; procedure for amendment to zoning ordinance, Government Code § 65853. [\(Back\)](#)

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[Sec. 44-706. Restrictions on nonconforming uses and structures.](#)

[Sec. 44-707. Loss of nonconforming status.](#)

[Secs. 44-708—44-729. Reserved.](#)

Sec. 44-705. Purpose.

Within the zoning districts established by this Development Code, there exist land uses, structures, and lots that were lawful and in compliance with existing standards at the time they were established, constructed, or formed, but that are now prohibited, regulated, or restricted differently under the requirements of this Development Code. This division establishes uniform provisions for the regulation of these legal nonconforming land uses, structures, and lots.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-706. Restrictions on nonconforming uses and structures.

- (a) *Nonconforming uses of land.* A nonconforming use of land may be continued, transferred, or sold, provided that the use shall not be enlarged or intensified, nor be extended to occupy a greater area than it lawfully occupied before becoming a nonconforming use.
- (b) *Nonconforming structures.* A nonconforming structure may undergo normal/necessary maintenance and repairs, provided no additions or structural alterations are made. The term "maintenance and repairs" as used in this section shall include roof repair and replacement, removal of a non-bearing wall, window replacement/repair, painting, garage door replacement, and other types of similar activities.
- (c) Except for the activity described in subsection (b), an alteration and/or expansion of a nonconforming structure or use may only be undertaken if the alteration / expansion is performed in compliance with all applicable land use regulations and procedures in existence at the time of the alteration or expansion.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-707. Loss of nonconforming status.

- (a) *Termination by discontinuance.* If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a period of at least 180 consecutive days or a total of 12 nonconsecutive months, rights to a legal nonconforming status shall be terminated, regardless of the owner's intention to abandon.
- (b) *Termination by destruction.*

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- (1) If a nonconforming structure or a conforming structure used for a nonconforming use is damaged, destroyed, or demolished, the right to continue occupancy of the nonconforming structure or to continue the nonconforming use shall cease.
- (2) If the cost of repairing or replacing the damaged portion of the structure does not exceed 50 percent of the current appraised value of the structure, as shown in the County Assessor's records or established by a State licensed appraiser, the structure may be restored and the use continued if the restoration is started within six months of the date of damage or destruction and is diligently pursued to completion.
- (c) *Residential unit exemptions.* Nonconforming single-family and multiple-family residential dwelling units damaged or destroyed due to a catastrophic event, including damage by fire, may be reconstructed or replaced with a new structure using the same development standards applied to the damaged or destroyed structure and at the same densities that existed prior to the catastrophic event. The new construction shall comply with the current building and fire code requirements.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-708—44-729. Reserved.

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[Secs. 44-737—44-755. Reserved.](#)

Sec. 44-730. Application required.

Requests for permits, licenses, appeals, amendments, approvals, and other discretionary actions required or allowed by this Development Code shall require that a City application form be filled out in its entirety and submitted to the Community Development Director. In addition, other materials, reports, dimensioned plans, or other information required to take an action on the application, as identified in this division and the application guidelines, shall be submitted with the application. The application guidelines, which include a list of required items for each type of application, are available as a handout in the Community Development Department. It is the responsibility of the applicant to ensure that all required information is provided.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-731. Completed application.

A completed application shall consist of the following:

- (1) The application form with all applicable information included on, or attached to, the form.
- (2) Other information or forms required for implementation of the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.) in compliance with City and State guidelines for the implementation of CEQA.
- (3) A statement indicating that the applicant is the owner of the property or is the legal representative of the property owner.
- (4) Payment in full of the required fees and/or deposit for processing the application, in compliance with the City Council's fee resolution (application fees).
- (5) Address and legal description of the property under consideration.
- (6) Current title report for the property under consideration.
- (7) Other information required by the Community Development Director.

(Ord. No. 2003-07, § 3(exh. A))

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Sec. 44-732. Applicant notification.

- (a) *Notification to applicant.* Within 30 days of the filing of the application, the applicant shall be informed by a letter, in compliance with State law (Government Code § 65943), either that the application is complete and has been accepted for processing or that the application is incomplete and that additional information, as specified in the letter, shall be provided.
- (b) *Additional information.* The planning division may notify the applicant that additional information is required for the environmental review of the project in compliance with section 44-736

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-733. Application fees.

The City Council shall establish by resolution, and from time to time amend by resolution, a schedule of fees and costs for applications for permits, licenses, appeals, amendments, and approvals required or allowed by this Development Code in order to reimburse the City for all costs reasonably and necessarily incurred as the result of processing the application.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-734. Concurrent applications.

Where review authority rests with the Development Committee, and the review authority on one or more related cases being processed concurrently rests with the Planning Commission, the review authority for all permits, licenses, and approvals shall rest with the Planning Commission. The Development Committee's review shall be in the form of a written recommendation to the Planning Commission.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-735. Conflicting permits.

All departments, officials, and public employees vested with the duty or authority to issue permits or licenses, when required by law or any of the provisions of this Development Code, shall comply with the provisions of this Development Code. No license or permit for uses, buildings, or purposes shall be issued when the same would be in conflict with the provisions of this Development Code. Any license or permit, if issued in conflict with the provisions of this Development Code, shall be null and void.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-736. Environmental review.

Permits, licenses, or approvals shall not be granted in compliance with this Development Code before the completion and/or certification of applicable environmental documentation in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.).

(Ord. No. 2003-07, § 3(exh. A))

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Secs. 44-737—44-755. Reserved.

FOOTNOTE(S):

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State Law reference— Applications for development projects, Government Code § 65943. ([Back](#))

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Sec. 44-756. Applicability.

To ensure compliance with the provisions of this Development Code, a certificate of compliance shall be obtained from the Community Development Department before the following may occur:

- (1) A building permit is issued.
- (2) A change in use of improved or unimproved premises is made.

(Code 1975, § 26-146; Ord. No. 2003-07, § 3(exh. A))

Sec. 44-757. Procedure.

- (a) *Community Development Department's action.* A certificate of compliance may be issued by the Community Development Department only after determining that the request complies with all of the applicable standards and provisions of this Development Code.
- (b) *Inspection.* An application for a certificate of compliance may require that the Community Development Director performs an onsite inspection of the subject parcel before determining/verifying that the request complies with all of the applicable standards and provisions of this Development Code.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-758—44-782. Reserved.

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DIVISION 3. PRECISE PLANS AND AMENDMENTS

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[Secs. 44-793—44-822. Reserved.](#)

Sec. 44-783. Purpose.

The purpose of this division is to provide a process for reviewing applications for any new construction or exterior revisions for existing approved precise plans. The precise plan application process allows for the review of the design of the development, an identification of potential impacts on the surrounding properties, and an assurance that the proposed project complies with the provisions of this Code and the General Plan.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-784. Authority.

The approval authority designated in section 44-485, Table IV-1 may grant approval of precise plans and amendments to precise plans.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-785. Pre-application conference.

Before submitting an application for a precise plan, the applicant or prospective developer is strongly encouraged to request a pre-application conference with the Community Development Department to obtain information and guidance before preparing plans, surveys, and other data. Coordination of the preparation of the environmental documentation should also be discussed. Neither the pre-application review nor the provision of available information and/or pertinent policies shall be construed as a recommendation for approval or disapproval of a future precise plan proposal.

(Ord. No. 2003-07, § 3(exh. A))

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Sec. 44-786. Application.

Applications for precise plans or amendments shall be filed in compliance with division 1 of this article.
(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-787. Findings.

The review authority may approve a precise plan or an amendment to precise plan only if all of the following findings of fact can be made:

- (1) The proposed use is allowed within the subject zoning district and complies with all applicable provisions of this Development Code.
- (2) The proposed use would be consistent with the objectives, policies, general land uses, and programs of the General Plan and any applicable specific plan and is in compliance with all City, State, and federal laws and regulations.
- (3) The approval of the precise plan or an amendment to precise plan for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.).
- (4) The location, size, design, and operating characteristics of the proposed use would be compatible with existing land uses within the general area in which the proposed use is to be located.
- (5) The subject site is physically suitable for the type and density/intensity of the use being proposed.
- (6) The proposed project will have no adverse effect on abutting or adjacent properties and is compatible with those properties.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2008-05, § 4(26-152(b)), 12-2-2008)

Sec. 44-788. Additional required findings for PND zoning district.

In addition, in approving precise plans, conditional use permits or other development plan applications under the Planned Neighborhood Development (PND) zoning regulations, the review authority shall find all of the following:

- (1) The precise plan, conditional use permit, and any development plan for the site are consistent with the General Plan and objectives of this division;
- (2) The proposed development will create an economically viable commercial environment of sustained desirability and stability, and it will complement and harmonize with the character of the surrounding neighborhood and community;
- (3) The location, design, and proposed uses are compatible with the character of existing development in the vicinity and will be well integrated into its setting;
- (4) The proposed rezoning will help enhance necessary sales tax revenues needed to support General Fund City services;
- (5) That provision is made for common area use and maintenance; and
- (6) The proposed development integrates elements such as the location of structures, circulation pattern, parking, open space, utilities and other amenities, together with a program for provision,

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operation and maintenance of all areas, improvements, facilities and services provided for the common use.

(7) The proposed development is consistent with the adopted PND design guidelines.

(Ord. No. 2010-02, § 9, 10-5-2010)

Sec. 44-789. Conditions.

In approving a precise plan or an amendment to a precise plan, the review authority may impose specific development conditions relating to both on- and off-site improvements (e.g., dedications, easements, public improvements, etc.), as it finds are reasonable and necessary to ensure that the approval would be in compliance with the findings required by section 44-787, and to carry out the purpose and requirements of the respective zoning district.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-790. Change in ownership.

A precise plan that is valid and in effect shall run with the land and continue to be valid upon a change of ownership of the land or any lawfully existing structure on the land. The applicant shall indicate in writing agreement to the conditions of approval prior to the issuance of a building permit.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-791. Revocation and modification.

A precise plan may be revoked or modified in compliance with article IV, division 5 of this chapter.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-792. Expiration of precise plan and amendments.

A precise plan is subject to the expiration provisions in article IV, division 4 of this chapter.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-793—44-822. Reserved.

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DIVISION 4. RESIDENTIAL REMODEL

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[Sec. 44-823. Purpose.](#)

[Sec. 44-824. Authority.](#)

[Sec. 44-825. Application.](#)

[Sec. 44-826. Findings.](#)

[Sec. 44-827. Expiration of a residential remodel approval.](#)

[Secs. 44-828—44-847. Reserved.](#)

Sec. 44-823. Purpose.

The purpose of this division is to provide a process for the review and approval of residential remodels, namely additions to single-family residences.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-824. Authority.

- (a) *Procedure A, minor modifications to rear portion of the property.* The approval authority designated in section 44-485, Table IV-1, may grant approval of additions or modifications to single-family residences when the project meets the following conditions:
- (1) The addition or modification shall be located in a rear or side yard and not readily visible from the street.
 - (2) The addition or modification shall match the existing structure in terms of roof slope, roof materials, roof design, eave dimensions, siding materials, color, and general design.
 - (3) The addition or modification shall be single-story.
 - (4) The addition or modification shall maintain a 15-foot rear yard setback, or a ten-foot rear yard setback provided the rear yard backs up to an arterial roadway, railroad right-of-way, Southern California Edison right-of-way, flood control channel, industrial zoned property, or commercial zoned property and maintain a minimum rear yard area of 1,000 square feet. The addition or modification shall comply with all other applicable setbacks and other Development Code requirements.
 - (5) The addition or modification does not include the construction of a balcony.
- (b) *Procedure B, minor modifications requiring neighborhood notification.* The approval authority designated in Table IV-1 of section 44-485 may approve a single-family residential remodel upon meeting the notification requirements set forth in this subsection. Adjacent neighbors affected by the addition or modification shall be notified of the proposed action and offered the opportunity to sign the plans in support of the addition or modification or offered a 15-day period to respond with any objections or concerns. Should the objections or concerns be unresolved, the matter shall be referred to the appeal body designated in Table IV-1 of section 44-485 for determination after conducting a public hearing. No fee shall be required for the referral to the appeal body. If there are no unresolved objections, the approval authority designated in Table IV-1 of section 44-485 may consider and

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approve the application for a residential room addition which complies with all of the following conditions:

- (1) The project is a minor addition or modification to the front of the house.
 - (2) The addition or modification shall match the existing structure in terms of roof slope, roof materials, roof design, eave dimensions, siding materials, color, and general design.
 - (3) The addition or modification may be a single- or two-story room addition.
 - (4) The addition or modification shall maintain a 15-foot rear yard setback, or a ten-foot rear yard setback provided the rear yard backs up to an arterial roadway, railroad right-of-way, Southern California Edison right-of-way, flood control channel, industrial zoned property, or commercial zoned property and maintain a minimum rear yard area of 1,000 square feet. The addition or modification shall comply with all other applicable setbacks and other Development Code requirements.
 - (5) The addition or modification does not include the construction of a balcony.
- (c) *Procedure C, other residential remodels.* A single-family residential remodel that does not comply with the conditions of a Procedure A residential remodel or a Procedure B residential remodel as provided in this section shall require an amendment to the precise plan.
- (d) *Discretionary authority.* Notwithstanding the provisions identified in this section, the Community Development Director shall have the authority to request neighborhood notification or amendment to precise plan approval on projects that may meet the conditions established in this section, but which have certain unique characteristics that may require additional notification or review. In addition, the Development Committee shall have the authority to request Planning Commission approval on projects that may have certain unique characteristics that may require additional review.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-825. Application.

Applications for residential remodels shall be filed in compliance with division 1 of this article.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-826. Findings.

The review authority may approve a residential remodel only if all of the following findings of fact can be made:

- (1) The proposed use is allowed within the subject zoning district and complies with all applicable provisions of this Development Code.
- (2) The proposed use would be consistent with the objectives, policies, general land uses, and programs of the General Plan and any applicable specific plan.
- (3) The location, size, design, and operating characteristics of the proposed use would be compatible with existing land uses within the general area in which the proposed use is to be located.
- (4) The subject site is physically suitable for the type and density/intensity of the use being proposed.
- (5) The proposed project will have no adverse effect on abutting or adjacent properties and is compatible with those properties.

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(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-827. Expiration of a residential remodel approval.

A residential remodel is subject to the expiration provisions in article IV, division 4 of this chapter.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-828—44-847. Reserved.

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DIVISION 5. CONDITIONAL USE PERMITS AND AMENDMENTS

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[Sec. 44-848. Purpose.](#)

[Sec. 44-849. Authority.](#)

[Sec. 44-850. Application.](#)

[Sec. 44-851. Findings.](#)

[Sec. 44-852. Conditions.](#)

[Sec. 44-853. Revocation and modification.](#)

[Sec. 44-854. Change in ownership.](#)

[Sec. 44-855. Expiration of conditional use permit.](#)

[Secs. 44-856—44-873. Reserved.](#)

Sec. 44-848. Purpose.

The purpose of this division is to provide a process for reviewing conditional use permit applications and amendments to existing permits, which are intended to allow the establishment of uses that are deemed to have special impact, uniqueness, or affect on the properties or neighborhood surrounding the subject site. The permit application process allows for the review of the location and potential impacts on the surrounding properties and community in order to ensure that the uses in each zoning district maintain the integrity of that district.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-849. Authority.

The approval authority designated in section 44-485, Table IV-1 may grant approval of conditional use permits and amendments to conditional use permits.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-850. Application.

Applications for conditional use permits and amendments to conditional use permits shall be filed in compliance with division 1 of this article.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-851. Findings.

Following a review of the application and a public hearing in compliance with article IV, division 2 of this chapter, the approval authority shall act to approve, approve with conditions, or disapprove the conditional use permit or amendment. The approval authority may approve a conditional use permit only if all of the following findings of fact can be made:

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- (1) The proposed use is conditionally allowed within the subject zoning district, would not impair the integrity and character of the district, and complies with all applicable provisions of this Development Code.
- (2) The proposed use is consistent with the goals, policies, general land uses, and programs of the General Plan, and any applicable specific plan and is in compliance with all City, State, and federal laws and regulations.
- (3) The approval of the conditional use permit, or amendment, for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.).
- (4) The site is suitable for the type and intensity of use or development that is proposed.
- (5) The proposed project will have no adverse effect on abutting or adjacent properties and is compatible with those properties.
- (6) The proposed use will not be adverse to the public health, safety, or general welfare.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2008-05, § 5(26-165(b)), 12-2-2008)

Sec. 44-852. Conditions.

In approving a conditional use permit or amendment, the approval authority may impose specific conditions concerning location, development, and operation relating to both on-site and off-site improvements (e.g., dedications, easements, public improvements, etc.), as it finds are reasonable and necessary to ensure that the use and development of the property conform with the site plan, architectural drawings, and statements submitted in support of the application. The approval authority may also make modifications to the proposed project that are deemed necessary to protect the public convenience, health, safety, and general welfare. In addition, conditions shall be imposed to ensure compliance with the objectives of the General Plan, any applicable specific plans, this Development Code, and the findings required by section 44-851.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-853. Revocation and modification.

A conditional use permit may be revoked or modified in compliance with article IV, division 5 of this chapter.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-854. Change in ownership.

A conditional use permit that is valid and in effect shall run with the land and continue to be valid upon a change of ownership of the land or any lawfully existing structure on the land.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-855. Expiration of conditional use permit.

A conditional use permit is subject to the expiration provisions in article IV, division 4 of this chapter.

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(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-856—44-873. Reserved.

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DIVISION 6. SIGN PERMITS

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[Sec. 44-874. Purpose.](#)

[Sec. 44-875. Authority.](#)

[Sec. 44-876. Applications for sign permits.](#)

[Sec. 44-877. Expiration of a sign permit.](#)

[Sec. 44-878. Modification of sign permits.](#)

[Secs. 44-879—44-904. Reserved.](#)

Sec. 44-874. Purpose.

The purpose of this division is to provide a process for the review and approval of signs.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-875. Authority.

The approval authority designated in section 44-487, Table IV-3, the sign review authority, may grant approval of sign permits.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2004-03, § 24)

Sec. 44-876. Applications for sign permits.

Applications for sign permits shall be filed in compliance with division 1 of this article. In addition, the sign permit application shall include three copies of:

- (1) A site plan;
- (2) Appropriate building elevations indicating the street frontage;
- (3) Dimensions of the building;
- (4) Photographs of the building and any freestanding signs; and
- (5) Sign plans drawn to scale indicating the following:
 - a. Overall sign dimensions.
 - b. Sign location.
 - c. Letter colors.
 - d. Background colors.
 - e. Trim cap color.
 - f. Letter styles.
 - g. Method of illumination.
 - h. Method of attachment

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DIVISION 6. SIGN PERMITS

- i. Typical cross section.
(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-877. Expiration of a sign permit.

Sign permits are subject to the expiration provisions in article IV, division 4 of this chapter.
(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-878. Modification of sign permits.

A sign permit may be revoked or modified in compliance with article IV, division 5 of this chapter.
(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-879—44-904. Reserved.

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DIVISION 7. MASTER SIGN PLANS

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[Sec. 44-905. Purpose.](#)

[Sec. 44-906. Authority.](#)

[Sec. 44-907. Applications for master sign plans.](#)

[Sec. 44-908. Findings for a master sign plan.](#)

[Sec. 44-909. Revisions to master sign plans.](#)

[Secs. 44-910—44-936. Reserved.](#)

Sec. 44-905. Purpose.

The purpose of this division is to provide a process for the review and approval of master sign plans.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-906. Authority.

The approval authority designated in section 44-487, Table IV-3 may grant approval of master sign plans.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-907. Applications for master sign plans.

- (a) Applications for master sign plans shall be filed in compliance with division 1 of this article. All tenants included in a master sign plan shall obtain a sign permit in accordance with division 6 of this article and comply with the approved master sign plan. The master sign permit application shall include provisions for the following:
 - (1) Applicable signs.
 - (2) Prohibited signs.
 - (3) Permitted locations for all tenant signs.
- (b) The following standards shall be included in master sign plans:
 - (1) Letter colors.
 - (2) Background colors.
 - (3) Trim cap color.
 - (4) Letter styles.
 - (5) Overall permitted sign area and dimensions.
 - (6) Method of illumination.
 - (7) Method of attachment.
 - (8) Typical cross-section.

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DIVISION 7. MASTER SIGN PLANS

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-908. Findings for a master sign plan.

In approving a master sign plan, the review authority shall find that the plan's contribution to the design quality of the site and the surrounding area will be superior to the quality that would result under the regulations of this Code. In order to approve a master sign plan, the following findings shall be made:

- (1) The master sign plan complies with the purpose of this Code, including any design guidelines.
- (2) Proposed signs enhance the overall development and are in harmony with other signs included in the plan with the structures they identify and with surrounding development.
- (3) The master sign plan contains provisions to accommodate future revisions that may be required because of changes in use or tenants.
- (4) The master sign plan complies with the standards of this Code, except that flexibility is allowed with regard to sign area, number, location, and/or height to the extent that the master sign plan will enhance the overall development, achieve superior quality design, and more fully accomplish the purposes of this Code.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-909. Revisions to master sign plans.

Revisions to master sign plans may be approved by the Community Development Director if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new master sign plan by the review authority.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-910—44-936. Reserved.

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DIVISION 8. SPECIAL PERMITS

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[Sec. 44-937. Purpose.](#)

[Sec. 44-938. Authority.](#)

[Sec. 44-939. Exemptions.](#)

[Sec. 44-940. Applications.](#)

[Sec. 44-941. Period of validity.](#)

[Sec. 44-942. Display.](#)

[Sec. 44-943. Transferability.](#)

[Sec. 44-944. Renewal.](#)

[Sec. 44-945. Violations; revocations.](#)

[Sec. 44-946. Types of special permits.](#)

[Sec. 44-947. Block party permit.](#)

[Sec. 44-948. Community event permit.](#)

[Sec. 44-949. Film permit.](#)

[Sec. 44-950. Massage permit.](#)

[Sec. 44-951. Special business permit.](#)

[Secs. 44-952—44-975. Reserved.](#)

Sec. 44-937. Purpose.

The purpose of this division is to provide a process for governing the issuance of special permits for certain events, businesses and related activities, as deemed necessary by the City Council, to protect the health, safety, convenience, and general welfare of the public.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-938. Authority.

The approval authority designated in section 44-486, Table IV-2, may grant approval of special permits.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-939. Exemptions.

Applicants claiming to be entitled to exemption from the requirement of obtaining any special permit provided for under this article shall file a verified statement with the City Clerk disclosing the nature of the business and the basis upon which such an exemption is claimed. All such claims shall be referred to the review authority for investigation and recommendation.

(Ord. No. 2003-07, § 3(exh. A))

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Sec. 44-940. Applications.

A permit application shall be filed in compliance with division 1 of this article. A public hearing shall not be required for the issuance of a special permit.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-941. Period of validity.

Issuance of special permits, unless otherwise provided by the review or appeal authority, or any other ordinance of the City, shall be valid one year from the date of issuance.

(Ord. No. 2004-04)

Sec. 44-942. Display.

The special permit, or copies thereof, shall be posted in a conspicuous place on the site where the activity for which the permit was issued is conducted.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-943. Transferability.

Special permits under the provisions of this division shall not be transferable except with the consent of the review authority, which may require the desired transferee to file an original application in accordance with this division.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-944. Renewal.

Any special permit issued under this division, which has not been previously revoked, may be renewed by filing a request for renewal accompanied by payment of the renewal fee. This request shall be filed with the City Manager at least 15 days prior to the date of expiration.

- (1) *Reissuance.* If, in the judgment of the review authority, the continued operation of the activity under the terms and conditions of the existing special permit will conform with the peace, health, safety, convenience, good morals, and general welfare of the public and all land use regulations and other applicable municipal ordinances and regulations thereunder have been complied with, the review authority shall reissue the special permit for an additional period of one year or other term if a different period of validity was specified in the original special permit.
- (2) *Reconsideration by City Council.* If the request for renewal is filed later than 15 days prior to the date of expiration or if the review authority determines that the continued operation of activity under the terms and conditions of the existing special permit will not comport with the peace, health, safety, convenience, good morals, and general welfare of the public or will not comply with the ordinances or regulations of the City, the review authority shall deny the extension; such denial is subject to the right of the applicant to appeal as provided by this Code.

(Ord. No. 2003-07, § 3(exh. A))

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Sec. 44-945. Violations; revocations.

- (a) *Permits required by all employees and operators.* Every person, except those persons who are specifically exempted by this division, must obtain a valid special permit from the City. This includes one acting as an individual, owner, employee of the owner, operator, or employee of the operator; or one acting as a helper for the owner, employee, or operator; or one acting as a participant or worker in any way, who does or practices any of the other things or acts mentioned in this division for which a special permit is required. Any person that engages in an activity which requires a special permit without first obtaining a valid special permit from the City shall be guilty of a misdemeanor.
- (b) *Activities that constitute a public nuisance.* Any establishment regulated by this article, operated, conducted, or maintained contrary to the provisions of this division or not in compliance with all City, State, and federal laws and regulations shall be declared to be unlawful and a public nuisance. The City Attorney may prosecute a criminal action hereunder. The City Attorney may, in lieu of prosecution, commence an action, proceeding for the abatement, removal, and enjoinder thereof in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such establishments and restrain and enjoin any person from operating, conducting, or maintaining an establishment contrary to the provisions of this chapter.
- (c) *Employment of persons without a valid permit.* Any owner, operator, manager, or permittee in charge or in control of an establishment that requires a special permit and who knowingly employs a person performing an action regulated by this Code who is not in possession of a valid special permit, or who allows such an employee to perform, operate, or practice within such a place of business, is guilty of a misdemeanor.
- (d) *Revocation; conditions or compliance standards.* The review authority may at any time revoke or temporarily suspend such special permits where the holder thereof or any person responsible for the management or supervision of the activity in question violates or permits any infraction of any law of the State or of any ordinance or regulation of the City, including any condition or restriction imposed upon issuance of the special permit or where the permittee obtained the special permit by misrepresentation or where the review authority becomes satisfied for any reason that the conduct of the activity under the existing conditions or restrictions imposed under the terms of the special permit does not or will not comport with the peace, health, safety, convenience, good morals, and general welfare of the public or comply with the ordinances or regulations of the City. Special permits shall not be revoked under the provisions of this division unless a public hearing is conducted in compliance with article IV, division 2 of this chapter.
- (e) *Process for revocation.* Any special permit may be temporarily suspended by the review authority prior to notice of public hearings. Adequate notice of a public hearing at which the revocation of a special permit is to be considered shall be deemed to be given if a certified letter, addressed to the permittee at the address given in the application, is deposited in the mail by the City Clerk at least ten days before the hearing. At such public hearing, the permittee shall be given the opportunity to submit written statements, appear in person, and present witnesses.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2008-05, § 6(26-188(b)), 12-2-2008)

Sec. 44-946. Types of special permits.

The following types of special permits may be issued:

- (1) Block party permit.
- (2) Community event permit.

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- (3) Film permit.
 - (4) Special business permit.
- (Ord. No. 2003-07, § 3(exh. A))

Sec. 44-947. Block party permit.

The purpose of this section is to provide a process for reviewing applications for block parties.

- (1) *Content of permit application.* An application for a block party permit must be submitted at least two weeks prior to the event. The following information is required at the time a block party permit is submitted to the City:
 - a. Name, address and telephone number of responsible party;
 - b. A complete description of the community event, including the:
 - 1. Purpose of the event;
 - 2. Date and hours of the event;
 - 3. Location of the event;
 - 4. Description of any equipment that will be used at the event;
 - c. Description of proposed closure of public rights-of-way;
 - d. Signatures of at least 90 percent of the residents that will be affected by the closure of the public right-of-way.
- (2) *Issuance of permit.* The review authority shall review a block party permit within five business days of receipt of a completed application and shall approve the requested permit if the following findings can be made:
 - a. All statements made in the application are factually correct.
 - b. The applicant has complied with all the provisions of this Code.
 - c. The conduct of the block party is in compliance with State and federal law and will not interfere with the preservation of the public peace, health, safety or welfare.
 - d. The proposed date and location will not conflict with planned City projects or events.
- (3) *Refusal to issue permit.* If the review authority deems that the applicant does not fulfill the requirements as set forth in this Code, the application shall be denied and the review authority shall notify the applicant of such denial.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2005-04, § 3)

Sec. 44-948. Community event permit.

The purpose of this section is to provide a process for reviewing applications for community events which require special consideration due to an increase in traffic, parking, glare, odor, impact on public parkland/facilities, visual impact, or other effects incidental to the operation of a community event.

- (1) *Exceptions.* The following activities are exempt from the community event permit requirement:

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- a. Demonstrations that do not involve the use of vehicles, animals, fireworks, pyrotechnics, or equipment;
 - b. Lawful picketing;
 - c. Funeral processions by a licensed mortuary;
 - d. Civic dances;
 - e. Block parties;
 - f. City-sponsored events.
- (2) *Content of permit application.* The review authority shall review a community event permit application within 30 days of receipt of a completed application. The review authority will receive the investigation report from the Police Chief and the Community Development Director. The following information is required at the time a community event permit is submitted to the City:
- a. Name, address and telephone number of sponsoring business or organization.
 - b. Name and telephone number of an individual representing sponsoring business or organization.
 - c. A complete description of the community event, including:
 - 1. Purpose of the event.
 - 2. Date and hours of the event.
 - 3. Location of the event.
 - 4. The anticipated number of people who will attend the event.
 - 5. List of all employees, vendors and contractors involved with the event.
 - 6. A description of any food, beverages or merchandise that will be sold or dispensed at the event.
 - 7. Description of any equipment (including vehicles) that will be used at the event.
 - d. List of communities where the event has been previously conducted by the operator or operators of the proposed event.
 - e. Description of proposed closure of public streets.
 - f. A plot plan showing the property, placement of temporary buildings, placement of equipment, parking, and on site circulation.
- (3) *Permit processing.* An application for a community event permit must be submitted in accordance with Table V-1:

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TABLE V-1. COMMUNITY EVENT PERMIT PROCESSING

Event Type	Application Submittal/Processing Time
Parade/Run/Walk/Auto Procession	45 days prior to event
Carnival/Festival/Concert	45 days prior to event
Exhibition/Car Show/Auto Sale	45 days prior to event
Small Athletic	45 days prior to event
Large Athletic	45 days prior to event
Private Party/Health Fair	45 days prior to event

- (4) *Findings.* The review authority shall approve the requested permit if the following findings can be made:
- a. All statements made in the application are factually correct.
 - b. The applicant has complied with all the provisions of this Code and is in compliance with all City, State, and federal laws and regulations.
 - c. The time, route, or size of the community event will not substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route, or disrupt the use of a street at a time when it is usually subject to traffic congestion.
 - d. Adequate temporary parking to accommodate vehicular traffic generated by the use will be available either on site or at alternate locations.
 - e. The community event shall not impact the normal operations of the Police Department or Community Services Department.
 - f. The concentration of persons, animals, and vehicles at the site of the event will not prevent proper police, fire, or ambulance services to areas contiguous to the event.
 - g. Proof of insurance required by this Code as a prerequisite to the holding of the community event has been filed with the City.
 - h. The conduct of the community event is in compliance with State and federal law and will not interfere with the preservation of the public peace, health, safety or welfare.
- (5) *Refusal to issue permit.* If the review authority, following investigation of the applicant, deems that the applicant does not fulfill the requirements as set forth in this Code, the application shall be denied. The review authority shall notify the applicant of such denial within 30 days of a completed application.

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- (6) *Permit conditions.* The review authority may condition the issuance of a community event permit by imposing reasonable requirements as necessary to protect the safety of persons and property, and the control of traffic, provided such conditions shall not unreasonably restrict individual rights as guaranteed under the United States Constitution. Such conditions include:
- a. Alteration of the date, time, route, or location of the event proposed.
 - b. Requirement of security.
 - c. Requirements for the provision of first aid or sanitary facilities.
 - d. Notification of affected property owners.
 - e. Restrictions on the use of amplified sound.
 - f. Requirements for the use of traffic cones, delineators, or barricades.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2008-05, § 7(26-191(d)(2)), 12-2-2008)

Sec. 44-949. Film permit.

The purpose of this section is to provide a process for reviewing applications for filming in the City of La Palma. Applications shall be required for filming that may affect normal traffic patterns, may impact adjacent properties, may produce additional light, noise, or glare, and/or may result in other similar impacts.

- (1) *Content of permit application.* An application for a film permit must be submitted two weeks prior to the event. The following information is required at the time a film permit is submitted to the City:
 - a. Name, address and telephone number of responsible party.
 - b. A complete description of the filming, including:
 1. Date and hours of the filming.
 2. Location of the filming.
 3. Description of any equipment that will be used at the filmings.
 - c. Description of proposed closure of public rights-of-way.
- (2) *Issuance of permit.* The review authority shall review a film permit application within five business days of receipt of a completed application and shall approve the requested permit if the following findings can be made:
 - a. All statements made in the application are factually correct.
 - b. The applicant has complied with all the provisions of this Code and is in compliance with all City, State, and federal laws and regulations.
 - c. The filming is in compliance with State and federal law and will not interfere with the preservation of the public peace, health, safety, or welfare.
- (3) *Refusal to issue permit.* If the review authority deems that the applicant does not fulfill the requirements as set forth in this Code, the application shall be denied and the review authority shall notify the applicant of such denial within 30 days.

(Code 1975, § 26-192; Ord. No. 2003-07, § 3(exh. A); Ord. No. 2008-05, § 8(26-192(b)(2)), 12-2-2008)

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Sec. 44-950. Reserved.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2008-05, §§ 9, 10(26-193(b)(1)(b), (b)(2)(b)), 12-2-2008)

Sec. 44-951. Special business permit.

- (a) *Applicability.* No individual, firm, partnership, joint venture, association, corporation, estate, trust, or any other entity shall operate, conduct or manage any business falling with the categories enumerated in this section without a special business permit as hereinafter provided.
- (b) *Businesses requiring a permit.* The businesses for which a special business permit is required hereunder are as follows:
- (1) Junk dealer.
 - (2) Junkyard.
 - (3) Pawnbroker.
 - (4) Secondhand store or dealer.
 - (5) Itinerant vendor.
 - (6) Peddler.
 - (7) Fortuneteller.
 - (8) Check cashing services.
 - (9) Tattoo parlors.
 - (10) Body piercing.
 - (11) Permanent make-up.
 - (12) Any business in which any product or commodity is sold at retail from a motor vehicle, truck, or trailer or any business in which a product or commodity is sold at retail from any place except a fixed place of business within the City on which real property and ad valorem taxes are levied and collected.
- (c) *Content of permit application.* The following information is required at the time a special business permit application is submitted to the City:
- (1) Name, address and telephone number the business.
 - (2) Name and telephone number of an individual representing sponsoring business or organization.
 - (3) A complete description of the business, including:
 - a. Purpose of the business.
 - b. Dates and hours of operation of the business.
 - c. Description of any equipment (including vehicles) that will be used.
 - d. Plot plan/floor plan showing the property, floor plan, placement of buildings, placement of equipment, parking, and onsite circulation.
- (d) *Issuance of permit.* A special business permit application may be approved by the review authority in whole or in part, with or without conditions, only if all of the following findings of fact can be made:

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- (1) The proposed use is allowed within the subject zoning district and complies with all applicable provisions of this Development Code.
 - (2) All statements made in the application are factually correct.
 - (3) The applicant has complied with all the provisions of this Code and is in compliance with all City, State, and federal laws and regulations.
 - (4) The issuance of the special business permit is in compliance with State and federal law and will not interfere with the preservation of the public peace, health, safety, or welfare.
 - (5) The operation of the activity for which the permit is required comports with the peace, health, safety, convenience, good morals, and general welfare of the public.
 - (6) The applicant, the applicant's employees, or associates of the person or persons who would be responsible for the management or supervision of the activity has not, within the previous five years, been convicted of any violation of this chapter or any law relating to dishonesty, fraud, deceit or moral turpitude.
- (e) *Refusal to issue permit.* If the review authority, following investigation of the applicant, deems that the applicant does not fulfill the requirements as set forth in this chapter, the application shall be denied and the review authority shall notify the applicant of such denial, within 30 days of a completed application.
- (f) *Conditions.* In approving an application for a special business permit, the review authority may impose conditions that are deemed essential to ensure that the use shall be operated in compliance with this Code. These conditions may address any pertinent factors affecting the operation of the use.

(Ord. No. 2003-07, § 3(exh. A); Ord. No. 2004-03, § 25; Ord. No. 2008-05, § 11(26-194(c)(3)), 12-2-2008)

Secs. 44-952—44-975. Reserved.

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DIVISION 9. ADULT ORIENTED BUSINESS PERMIT

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[Sec. 44-976. Purpose.](#)

[Sec. 44-977. Application requirements.](#)

[Sec. 44-978. Issuance of permit; investigation.](#)

[Sec. 44-979. Permits non-transferable; use specific.](#)

[Sec. 44-980. Revocation.](#)

[Sec. 44-981. Violation and penalty.](#)

[Secs. 44-982—44-1005. Reserved.](#)

Sec. 44-976. Purpose.

- (a) The intent of this division is to regulate adult oriented businesses which, because of their very nature, are believed to have many recognized significant secondary effects on the community which include, but are not limited to: depreciated property values and increased vacancies in residential areas in the vicinity of the adult oriented businesses; higher crime rates, noise, debris, or vandalism in the vicinity of adult oriented businesses; and blighting conditions such as low level maintenance of commercial premises and parking lots which thereby have a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the neighborhoods in the vicinity of the adult oriented businesses. It is neither the intent nor effect of this section to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent, nor effect of this section to restrict or deny access by adults to sexually oriented materials or merchandise protected by the first amendment, or to deny access by the distributors or exhibitors of adult oriented business to their intended market.
- (b) Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any City ordinance or any statute of the State of California regarding public nuisances, unlawful exposure, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-977. Application requirements.

- (a) The property owner, or authorized agent of the property owner, is eligible to request an adult oriented business permit. A single adult oriented business permit shall suffice for the operation of any single adult oriented business on any particular site or in any particular structure within the City.
- (b) The following information is required at the time an adult oriented business permit application is submitted to the Community Development Director:
 - (1) A completed adult oriented business permit application signed by the property owner or authorized representative.
 - (2) A nonrefundable deposit and/or fee as set forth by resolution of the City Council.
 - (3) A letter of justification describing the proposed project and explaining how it will comply with the findings/requirements contained in this chapter.
 - (4) All other information is required by the City of La Palma adult oriented business permit information sheet.

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(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-978. Issuance of permit; investigation.

- (a) *Determination of completeness.* The City Manager shall determine whether the application contains all of the information required by the provisions of this section. If it is determined that the application is not complete, the applicant shall be notified in writing within ten business days of the date of receipt of the application that the application is not complete and the reasons therefor, including any additional information necessary to render the application complete. The applicant shall have 30 calendar days to submit additional information to render the application complete. Failure to do so within the 30-day period shall render the application null and void. Within five business days following the receipt of an amended application or supplemental information, the City Manager shall again determine whether the application is complete in accordance with the procedures set forth above. Evaluation and notification shall occur as provided above until such time as the application is found to be complete. Once the application is found to be complete, the applicant shall be notified within five business days of that fact. All notices required by this chapter shall be deemed given upon the date they are either deposited in the United States mail, or the date upon which personal service of such notice is provided.
- (b) *Issuance of permit.* The City Manager shall issue an adult oriented business permit within 15 calendar days of receipt of a completed application if he or she finds that the application fully complies with the findings/locational and operational requirements contained in section 44-197. The applicant shall be notified within five business days of the date the City Manager issues the adult oriented business permit in the manner provided above. The decision of the City Manager to issue or deny a permit shall be final. If the City Manager does not issue or deny the permit within 15 calendar days of the date the application is complete pursuant to this chapter, the application shall be deemed issued by operation of law.
- (c) *Prompt judicial review.* Any applicant whose permit has been denied pursuant to this chapter shall be afforded prompt judicial review of that decision as provided by law.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-979. Permits non-transferable; use specific.

No adult oriented business permit may be sold, transferred, or assigned by any permittee or by operation of law, to any other person, group, partnership, corporation, or any other entity. Any such sale, transfer, or assignment or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of the permit and the permit shall be thereafter null and void. An adult oriented business permit held by a corporation or partnership is subject to the same rules of transferability as contained above. Any change in the nature or composition of the adult oriented business from one element of an adult oriented business to another element of an adult oriented business shall also render the permit null and void. An adult oriented business permit shall only be valid for the exact location specified on the permit.

(Ord. No. 2003-07, § 3(exh. A))

Sec. 44-980. Revocation.

- (a) *Revocation grounds.* The City Manager may revoke an adult oriented business permit when he or she discovers that any of the following have occurred:
 - (1) Any of the findings/operational and locational requirements contained in article II of this chapter are violated. A permit shall not be revoked for a violation if the accused can show, by clear and

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convincing evidence, that he or she did not know, and could not have reasonably learned, that the person on the premises was under the required age.

- (2) The application contains incorrect or false information.
 - (3) The applicant is convicted of any felony or misdemeanor which is classified as a sex or sex-related offense, including, Penal Code §§ 220, 261, 262, 264, 264.1, 265, 266 (including 266(a) through 266(k)), 267, 286.5, 288, 288(a), 289, 647, 647(b), 647(d), and 647.6 or any violation of the City's massage ordinance, or any violation of any other adult oriented business ordinance of any other City, County, or State.
 - (4) Any person who has been convicted of a sex-related offense including, those offenses listed in subsection (a)(3) of this section as a result of his or her activity on the premises of the adult oriented business.
 - (5) Any person has engaged in any active obscenity on the premises; or
 - (6) Any person has engaged in any act of public nudity.
- (b) *Revocation notice.* Upon determining that the grounds for permit revocation exist, the Community Development Director shall furnish written notice of the proposed revocation to the permittee. Such notice shall summarize the principal reasons for the proposed revocation, shall state that the permittee may appeal the decision within 15 calendar days of the posting or the postmark date on the notice. The notice shall be delivered both by posting the notice at the location of the adult oriented business and by sending the same, certified mail, return receipt requested and postage prepaid, to the permittee as the permittee's name and address appear on the permit. Not later than 15 calendar days after the latter of the mailing or posting of the notice, the permittee may file an appeal of the Community Development Director's determination with the City Clerk. The appeal shall state the specific basis for the appeal. If the appeal is filed within 15 calendar days of the mailing or posting of the notice referenced above, the appeal hearing shall be provided as contained in subsection (c) of this section.
- (c) *Hearing on appeal.* Upon receipt of a written request for an appeal hearing, the City Manager shall provide the applicant with a list of five potential hearing officers. The applicant shall pick one of the names from the list to act as the hearing officer. The applicant shall have the opportunity, but not the obligation, to pay 50 percent of the cost of the hearing officer. Unless jointly agreed to by the City and the permittee, the hearing officer shall conduct the hearing within 45 days of receipt of the notice of appeal. Written notice of the time, date, and place of the hearing shall be provided to the appellant/permittee no later than 15 calendar days prior to the date of the hearing. At the hearing, the appellant/permittee and the City shall be given the opportunity to present relevant evidence and call witnesses. The hearing officer shall not be bound by the formal rules of evidence in conducting the hearing.
- (d) *Reapplication after revocation.* No person, corporation, partnership, or member thereof or any other entity may obtain an adult oriented business permit for a business for a two-year period once its permit has been revoked.
- (e) *Maintenance of status quo.* The status quo shall be maintained pending conclusion of the revocation hearing. If a judicial action is commenced challenging the revocation, the status quo shall be maintained until such time as a judicial decision is rendered from the court in which the action is filed.

(Ord. No. 2003-07, § 3(exh. A))

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Sec. 44-981. Violation and penalty.

- (a) Every person, whether acting as an individual owner, employee of the owner, permittee, or operator or employee of the permittee, or whether acting as a mere helper for the owner, permittee, employer, or operator, or whether acting as a participant or worker in any way, who operates or conducts or who participates in the operation of an unpermitted adult oriented business, or who operates an adult oriented business without having within the establishment a valid adult oriented business permit issued by the City shall be guilty of a misdemeanor and shall be punished according to the general penalties described in section 2-350 (Misdemeanor penalty) of this Code. Each day the violation continues shall be regarded as a separate offense for which the full penalty may be imposed. Except as expressly provided in this subdivision or the Penal Code, no other violations of the provision of this section shall be criminally prosecuted.
- (b) Any establishment operated, conducted, or maintained contrary to the provisions of this chapter is unlawful and a public nuisance, and the City Attorney may commence an action or actions, proceeding or proceedings, for the abatement, removal, and enjoinder thereof in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such adult oriented business and restrain and enjoin any person from operating, conducting, or maintaining such an establishment contrary to the provisions of this chapter.

(Ord. No. 2003-07, § 3(exh. A))

Secs. 44-982—44-1005. Reserved.

FOOTNOTE(S):

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State Law reference— Local authority to regulate the time, place, and manner of operation of sexually oriented businesses, Government Code § 65850.4, Penal Code §§ 318.5, 318.6. [\(Back\)](#)

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DIVISION 10. TEMPORARY USE PERMITS

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[Sec. 44-1006. Purpose.](#)

[Sec. 44-1007. Types of temporary uses.](#)

[Sec. 44-1008. Application.](#)

[Sec. 44-1009. Findings.](#)

[Sec. 44-1010. Conditions.](#)

[Sec. 44-1011. Condition of site following temporary use.](#)

[Sec. 44-1012. Revocation.](#)

[Secs. 44-1013—44-1037. Reserved.](#)

Sec. 44-1006. Purpose.

The purpose of this division is to provide appropriate regulations for short-term activities on privately or publicly owned property, so that the activities will be compatible with adjacent and surrounding uses.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1007. Types of temporary uses.

The following qualify as temporary uses, which are allowed in compliance with article II of this chapter, subject to the issuance of a temporary use permit:

- (1) *Construction trailers and guard offices.* Mobile trailers on active construction sites, for use as a construction office or temporary quarters for security personnel.
- (2) *Temporary structures.* The temporary use of buildings without a permanent foundation that can be relocated.
- (3) *Environmental remediation units.* The temporary use of remediation equipment to treat contamination.
- (4) *Christmas tree sales.* The temporary display of Christmas trees for sale, on private or publicly owned land.
- (5) *Halloween pumpkin sales.* The temporary display of Halloween pumpkins for sale, on private or publicly owned land.
- (6) *Outdoor sales.* The temporary display of goods and merchandise for sale, outside a building, on private or publicly owned land.
- (7) *Modification of construction hours.* The modification of the permitted hours for construction activities as referenced in Table III-3.

(Ord. 2003-07, § 3(exh. A))

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Sec. 44-1008. Application.

A permit application shall be filed in compliance with division 1 of this article. A public hearing shall not be required for the issuance of a temporary use permit. Temporary uses may be subject to additional permits, other City department approvals, licenses, and inspections as required by any applicable laws or regulations.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1009. Findings.

The Community Development Director may approve a temporary use permit application in whole or in part, with or without conditions, only if all of the following findings of fact can be made:

- (1) The operation of the requested temporary use at the location proposed within the time period specified will not jeopardize, endanger, or otherwise constitute a hazard to the public convenience, health, safety, or general welfare and is not for a use that is not in compliance with all City, State, and federal laws and regulations.
- (2) The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site.
- (3) The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use would or could reasonably be expected to generate.
- (4) Adequate temporary parking to accommodate vehicular traffic generated by the use will be available either on site or at alternate locations.

(Ord. 2003-07, § 3(exh. A); Ord. No. 2008-05, § 12(26-204(a)), 12-2-2008)

Sec. 44-1010. Conditions.

In approving an application for a temporary use permit, the Community Development Director may impose conditions that are deemed essential to ensure that the temporary use shall be operated in compliance with the findings required by section 44-1009. These conditions may address any pertinent factors affecting the operation of the temporary use and may include the following:

- (1) *Nuisance factors.* Regulation of nuisance factors, including prevention of glare or direct illumination of adjacent properties, dirt, dust, gases, heat, noise, odors, smoke, trash, or vibration.
- (2) *Operating hours and days.* Regulation of operating hours and day, including limitation of the duration of the temporary use to a shorter time period than requested.
- (3) *Parking facilities.* Provision of temporary parking facilities, including on site vehicular and pedestrian circulation and vehicular ingress and egress.
- (4) *Performance bond.* Submission of a performance bond or other surety device in an amount determined by the Community Development Director to ensure that temporary facilities or structures used for the proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.
- (5) *Sanitary and medical facilities.* Provision of sanitary and medical facilities, if deemed necessary by the Community Development Director.

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- (6) *Security measures.* Provision of security and safety measures, if deemed necessary by the Community Development Director.
- (7) *Signs.* Regulation of signs.
- (8) *Structures.* Regulation of temporary structures and facilities, including placement, height, size, location of equipment, and the provision of open spaces, buffer areas, and other yards.
- (9) *Waste collection.* Provision for solid waste collection and disposal.
- (10) *Other.* Other conditions that would ensure the operation of the proposed temporary use in an orderly and efficient manner in compliance with the purpose of this division.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1011. Condition of site following temporary use.

The site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion of the temporary use.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1012. Revocation.

The Community Development Director may revoke or modify a temporary use permit in compliance with article IV, division 5 of this chapter.

(Ord. 2003-07, § 3(exh. A))

Secs. 44-1013—44-1037. Reserved.

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DIVISION 11. VARIANCES

DIVISION 11. VARIANCES AND MINOR EXCEPTIONS ¹⁹¹

[Sec. 44-1038. Purpose.](#)

[Sec. 44-1039. Types of variances.](#)

[Sec. 44-1040. Application.](#)

[Sec. 44-1041. Findings.](#)

[Sec. 44-1042. Conditions.](#)

[Sec. 44-1043. Precedents.](#)

[Secs. 44-1044—44-1069. Reserved.](#)

Sec. 44-1038. Purpose.

- (a) The purpose and intent of this division is to provide a process for reviewing variance and minor exceptions applications, which are intended to allow for adjustment in the development standards of this Development Code only when the strict application of this Code denies the property owner privileges enjoyed by other property owners in the vicinity and within identical zoning districts. Special circumstances that justify the granting of a variance or minor exception include the location, shape, size, surroundings, or topography of a site.
- (b) Any variance or minor exception granted shall be subject to conditions that would ensure that the variance does not constitute a granting of special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is situated, in compliance with State law (Government Code § 65906). The reviewing authority may grant a variance or minor exception from any property development standard (including setbacks, heights, parking requirements, and other numerical standards) in this zoning code, subject to the procedures set forth in this section. Except for the minor exceptions listed below, all requests to deviate from code requirements shall require the approval of a variance. In calculating percentages specified in this section, rounding up of fractions shall not be permitted. The following deviations from code requirements may be processed as minor exceptions:
 - (i) Minor exceptions for up to ten (10) percent of standard. Any deviation of numerical standard contained in this zoning code of ten (10) percent or less of the maximum or minimum standard may be granted.
 - (ii) Minor exceptions are not applicable to new construction projects as define in Section 44-10.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1039. Types of variances.

The review authority identified in Table IV-1 in section 44-485 may grant approval of variances from the requirements of this Development Code governing only the following development standards:

- (1) *Dimensional standards.* Dimensional standards including distance-separation requirements, lot area, fence and wall requirements, landscape and paving requirements, lot dimensions, on site parking areas, and open space.
- (2) *Driveway length.* A reduction in the required driveway length.

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- (3) *Onsite parking.* A reduction in the number of required onsite parking spaces and/or loading spaces.
- (4) *Parcel coverage.* An increase in the maximum percent of parcel coverage allowed.
- (5) *Setback/yard area.* A reduction in the required setback/yard areas for structures, landscaping, swimming pools/spas, and equipment.
- (6) *Signs.* A change related to the number, size, placement, or illumination.
- (7) *Structure height.* An increase in the maximum allowed height of a structure.
- (8) *Other standards.* Other standards including operational/performance standards relating to dust, hours of operation, landscaping, light, noise, parking, and other controls established by this Code.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1040. Application.

- (a) *Contents.* Applications for a variance shall be in compliance with division 1 of this article.
- (b) *Additional requirements.* Applications for a variance shall also contain statements that address the following:
 - (1) The precise nature of the variance requested.
 - (2) The hardship or practical difficulty that would result from the strict interpretation and enforcement of this Development Code.
 - (3) Proof that the application meets the findings specified in section 44-1041. The burden of proof to establish evidence in support of the findings is within the responsibility of the applicant.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1041. Findings.

Following a public hearing held in compliance with article IV, division 2 of this chapter, the review authority shall record the decision along with the findings upon which the decision is based, in compliance with State law (Government Code § 65906). The review authority may approve an application, with or without conditions, only if all the following findings of fact can be made:

- (1) There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.
- (2) Granting the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
- (3) Granting the variance would not authorize a use of activity that is not otherwise expressly authorized by the zoning district regulations governing the subject property.

(Ord. 2003-07, § 3(exh. A))

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DIVISION 11. VARIANCES

Sec. 44-1042. Conditions.

In approving a variance, the review authority may impose specific development conditions relating to both on-site and off-site improvements (e.g., dedications, easements, and public improvements), as it finds are reasonable and necessary to ensure that the approval would be in compliance with the findings required by section 44-1041.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1043. Precedents.

Each application is reviewed on a case-by-case basis and the granting of a prior variance is not admissible evidence for the granting of a subsequent variance.

(Ord. 2003-07, § 3(exh. A))

Secs. 44-1044—44-1069. Reserved.

FOOTNOTE(S):

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State Law reference— Variances from zoning ordinances, Government Code § 65906. [\(Back\)](#)

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DIVISION 12. SPECIFIC PLANS AND AMENDMENTS

DIVISION 12. SPECIFIC PLANS AND AMENDMENTS

[Sec. 44-1070. Purpose.](#)

[Sec. 44-1071. Authority.](#)

[Sec. 44-1072. Contents and adoption of specific plan.](#)

[Sec. 44-1073. Application contents.](#)

[Secs. 44-1074—44-1099. Reserved.](#)

Sec. 44-1070. Purpose.

The purpose of this division is to provide a method for the adoption of specific plans, in order to provide adequate development flexibility for innovation in development concepts, land use mixes, and site design.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1071. Authority.

The review authority designated in section 44-485, Table IV-1 may grant approval of specific plans and specific plan amendments.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1072. Contents and adoption of specific plan.

Specific plans must comply with Government Code §§ 65450 to 65457.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1073. Application contents.

Applications for a specific plan shall be in compliance with division 1 of this article.

(Ord. 2003-07, § 3(exh. A))

Secs. 44-1074—44-1099. Reserved.

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DIVISION 13. ARTIFICIAL TURF PERMITS

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[Sec. 44-1100. Purpose.](#)

[Sec. 44-1101. Authority.](#)

[Sec. 44-1102. Applications.](#)

[Sec. 44-1103. Expiration of permit.](#)

[Sec. 44-1104. Time extensions of permits.](#)

[Sec. 44-1105. Modification of permits.](#)

[Sec. 44-1106. Fee amount.](#)

[Secs. 44-1107—44-1135. Reserved.](#)

Sec. 44-1100. Purpose.

The purpose of this division is to provide a permit process for the review and approval of artificial turf.
(Ord. No. 2009-04, § 6(26-240), 7-7-2009)

Sec. 44-1101. Authority.

The approval authority designated in section 44-485, Table IV-1 (review authority) may grant approval of artificial turf permits.
(Ord. No. 2009-04, § 6(26-241), 7-7-2009)

Sec. 44-1102. Applications.

Applications for artificial turf permits shall be filed in compliance with division 1 of this article. In addition, the artificial turf permit application shall include a sample of the artificial turf material, a sample of the infill material (if applicable); warranty information; installation details; material specifications (i.e., face weight, pile height, composition, etc.)
(Ord. No. 2009-04, § 6(26-242), 7-7-2009)

Sec. 44-1103. Expiration of permit.

Artificial turf permits are subject to the expiration provisions in article IV, division 4 of this chapter.
(Ord. No. 2009-04, § 6(26-243), 7-7-2009)

Sec. 44-1104. Time extensions of permits.

An artificial turf permit may be extended if, in the judgment of the review authority, the proposed installation under the terms and conditions of the existing artificial turf permit will conform with all applicable municipal ordinances and regulations thereunder have been complied with. The review authority may

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extend the artificial turf permit for an additional period of one year or other term if a different period of validity was specified in the original artificial turf permit.

(Ord. No. 2009-04, § 6(26-244), 7-7-2009)

Sec. 44-1105. Modification of permits.

An artificial turf permit may be revoked or modified in compliance with article IV, division 5 of this chapter.

(Ord. No. 2009-04, § 6(26-245), 7-7-2009)

Sec. 44-1106. Fee amount.

The artificial turf permit fee shall be established by resolution of the City Council to offset the costs associated with administering the artificial turf regulations.

(Ord. No. 2009-04, § 6(26-246), 7-7-2009)

Secs. 44-1107—44-1135. Reserved.

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[Sec. 44-1136. Purpose.](#)

[Sec. 44-1137. Authority.](#)

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[Sec. 44-1139. Incidental outdoor areas; general requirements.](#)

[Sec. 44-1140. Outdoor display areas; additional standards.](#)

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[Sec. 44-1142. Prohibited outdoor display and seating areas.](#)

[Sec. 44-1143. Expiration of permit.](#)

[Sec. 44-1144. Time extensions of permits.](#)

[Sec. 44-1145. Modification of permit.](#)

[Sec. 44-1146. Fee amount.](#)

[Secs. 44-1147—44-1156. Reserved.](#)

Sec. 44-1136. Purpose.

The purpose of this division is to allow outdoor display and incidental seating as an accessory use in conjunction with a lawfully established business. This division is intended to ensure that outdoor displays and incidental seating furniture enhance the overall appearance of businesses and commercial centers.

(Ord. No. 2010-03, § 7(26-247), 10-19-2010)

Sec. 44-1137. Authority.

The approval authority designated in section 44-485, Table IV-1 (review authority) may grant approval of outdoor display and seating permits.

(Ord. No. 2010-03, § 7(26-248), 10-19-2010)

Sec. 44-1138. Applications permits.

Applications for outdoor display and seating permits shall be filed in compliance with division 1 of this article, permits, plans, and certificates. The outdoor display and seating permit application shall include the following information:

- (1) The physical location of the proposed outdoor display or seating area.
- (2) The type of permitted activity (i.e., outdoor display, seating, or standing sign).
- (3) A statement of the days and hours the applicant will engage in the permitted activity.
- (4) Location and size of all existing and proposed display furniture and equipment with photographs or catalogue pictures of such items.

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- (5) The total square footage, exact dimensions, and the proposed occupancy of the incidental outdoor display or seating area (i.e., the number of seats and tables within the incidental outdoor dining area).
 - (6) The existing and proposed on-site vehicular and pedestrian circulation patterns.
 - (7) Description and height dimensions of the proposed outdoor furniture to be used.
- (Ord. No. 2010-03, § 7(26-249), 10-19-2010)

Sec. 44-1139. Incidental outdoor areas; general requirements.

All incidental outdoor areas shall conform to the following general requirements:

- (1) Outdoor areas shall be located on a hard and durable surface in a location so as not to impede pedestrian or vehicular ingress/egress to the establishment, and specifically shall not be located within public rights-of-way or create unsafe conditions.
- (2) Outdoor areas shall be located at least 25 feet from any residentially used or zoned property.
- (3) Display items and furniture shall not exceed five feet in height except for accessories providing shade such as canopies and umbrellas.
- (4) Outdoor areas shall not be allowed in areas set aside, required, or designated for driving aisles, driveways, maneuvering areas, emergency access ways, off-street parking, or unloading/loading.
- (5) Outdoor areas shall be permitted only on privately owned walkways where a minimum width of five feet is maintained for pedestrian movement.
- (6) A-frame signs shall not be permitted as part of an outdoor area.
- (7) Outdoor areas shall only be accessory to businesses that conduct most activities within an enclosed building.
- (8) An outdoor area shall not extend into a frontage of a neighboring business.
- (9) Merchandise or accessories shall not be attached to wall surfaces, columns, roofs, or any other part of the building unless approved by the City.
- (10) The permit holder for the outdoor area shall be responsible for keeping the area clean of all trash and litter. Hosing or pressure washing shall not be permitted along sidewalks and walkways.
- (11) The permit holder shall not operate any bell, siren, horn, loudspeaker, flashing lights, or any similar device to attract the attention of possible customers or be a nuisance to the general public.
- (12) All sales shall take place inside of the established business.
- (13) In the event of an emergency or in a situation where necessary circumstances arise, a permit holder shall remove all articles from the sidewalk when directed to do so by any City employee, law enforcement officer, fire official, or emergency medical personnel.
- (14) Outdoor seating, display furniture, and signs shall be of high visual quality and shall enhance the aesthetic character of the surrounding commercial area.
- (15) Chairs and tables shall not be exclusively made of plastic and shall be constructed of a durable material.
- (16) Any change, alteration, or enlargement of an already permitted outdoor area shall require the permittee to submit a new application and plans to the Community Development Department.

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- (17) An outdoor area shall be an incidental extension of a legally established commercial business. The approval in no way grants or permits a secondary business that is not in conjunction with the already established business at the subject location.
 - (18) Accessories providing shade, such as umbrellas or canopies, shall be of durable fabric and not be composed of nylon taffeta or any other synthetic plastic material unless otherwise approved by the review authority.
 - (19) Shades and umbrellas may not be promotional accessories used to advertise or market a service or product. They shall be of a single color and enhance the appearance of the area unless otherwise approved by the review authority.
 - (20) The incidental outdoor dining area shall comply with the Americans with Disabilities Act (ADA) and Title 24 handicap accessibility requirements of the California Code.
 - (21) The City shall reserve the right to modify or rescind the outdoor display and seating permit at any time and for any circumstances it deems appropriate.
 - (22) Only display materials and signs approved on the officially submitted application shall be permitted in association with the outdoor display or seating area.
 - (23) Outdoor entertainment shall not be allowed in conjunction with an outdoor area.
 - (24) Coin-operated machines, drop off boxes/bins, vending machines, or any other device shall not be permitted as an outdoor display under this division.
 - (25) If deemed necessary, the review authority shall have the right to require the applicant to provide stanchions which enhance the appearance of the outdoor area to delineate between the outdoor area and the walkway.
 - (26) Signs may be six square feet in area or one-half in area for each linear foot of outdoor area, up to a maximum of 12 square feet of aggregate sign area.
 - (27) All outdoor furniture shall be maintained in a high-quality state and remain free of cracks, chips, rips, fading, rust, and other signs of wear.
- (Ord. No. 2010-03, § 7(26-250), 10-19-2010)

Sec. 44-1140. Outdoor display areas; additional standards.

Proposed outdoor merchandise displays and signs shall conform to the following standards:

- (1) Display areas shall be limited to cover no more than one-half of the total frontage of a retail business and shall not be located within three feet of a business entrance.
- (2) All display tables shall have a topper and or skirt in order to enhance the appearance of the display furniture.
- (3) The review authority shall have the right to require additional parking as provided in article III, division 4 of this chapter if necessary.
- (4) All outdoor merchandise, displays, and signs shall be moved inside the retail building at any time the business is not in operation or in the event of inclement weather.
- (5) The issuance of a permit for an outdoor display use does not grant or infer vested rights to the use of an incidental outdoor seating area by the permit holder unless explicitly approved by the review authority.
- (6) Outdoor displays shall not be used exclusively to advertise liquidation merchandise and products.

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(Ord. No. 2010-03, § 7(26-251), 10-19-2010)

Sec. 44-1141. Outdoor seating areas; additional standards.

Incidental outdoor seating and dining areas shall conform to the following requirements:

- (1) An incidental outdoor seating area may include, but not be limited to chairs, tables, canopies, and other accessories used for outdoor seating or dining which are specifically indicated on the permit application.
- (2) Seating areas shall not be located within three feet of a business entrance.
- (3) An outdoor seating area shall be limited to:
 - a. A maximum of 20 percent of the number of indoor seats or a maximum of 20 seats, whichever is more restrictive; and
 - b. A maximum of five tables.
- (4) All outdoor seating or signs shall be moved inside a building at any time a business is not in operation unless otherwise permitted by the review authority.
- (5) The issuance of a permit for an outdoor seating use does not grant or infer vested rights to the use of an outdoor display area by the permit holder unless explicitly approved by the review authority.
- (6) No sales or consumption of alcohol shall be allowed in an incidental outdoor seating area.
- (7) No smoking shall be allowed in an incidental outdoor seating area.
- (8) Outdoor furniture shall not be mismatched or in haphazard assembly.

(Ord. No. 2010-03, § 7(26-252), 10-19-2010)

Sec. 44-1142. Prohibited outdoor display and seating areas.

Except as a permit may be issued pursuant to section 44-269, it shall be unlawful for any person to display, exhibit, sell, or offer for sale any food, beverages, goods, or wares of any kind whatsoever, by whatever name called, outdoors within the City of La Palma. Any person violating this section shall be subject to the enforcement provisions of the City Code.

(Ord. No. 2010-03, § 7(26-253), 10-19-2010)

Sec. 44-1143. Expiration of permit.

Outdoor display and permits shall be valid for one year and may be extended in accordance with the City Code.

(Ord. No. 2010-03, § 7(26-254), 10-19-2010)

Sec. 44-1144. Time extensions of permits.

An outdoor display and seating permit may be extended if, in the judgment of the review authority, the proposed installation under the terms and conditions of the existing outdoor display and seating permit conforms to all applicable municipal ordinances and all regulations in this division have been complied with.

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The review authority may extend the outdoor display and seating permit for an additional period of one year or other term if a different period of validity was specified in the original outdoor display and seating permit.

(Ord. No. 2010-03, § 7(26-255), 10-19-2010)

Sec. 44-1145. Modification of permit.

An outdoor display and seating permit may be modified with the submittal of a new application to the Community Development Department. The new application shall clearly indicate all relevant details in association with the modified outdoor use and shall require the owner's consent. Once the new application is formally submitted to the community development department it shall be reviewed by the designated review authority and the applicant will be informed of the determination.

(Ord. No. 2010-03, § 7(26-256), 10-19-2010)

Sec. 44-1146. Fee amount.

The outdoor display and seating permit fee shall be established by resolution of the City Council to offset the costs associated with administering the outdoor display and seating regulations.

(Ord. No. 2010-03, § 7(26-257), 10-19-2010)

Secs. 44-1147—44-1156. Reserved.

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DIVISION 15. REASONABLE ACCOMMODATION REQUEST

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[Sec. 44-1157. Purpose.](#)

[Sec. 44-1158. Review authority.](#)

[Sec. 44-1159. Applicability of division.](#)

[Sec. 44-1160. Application request; required information; compliance procedure.](#)

[Sec. 44-1161. Findings.](#)

[Sec. 44-1162. Decision.](#)

[Sec. 44-1163. Appeals.](#)

[Secs. 44-1164—44-1170. Reserved.](#)

Sec. 44-1157. Purpose.

It is the policy of the City, pursuant to the federal Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter "fair housing laws"), to provide individuals with the disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and to facilitate the development of housing for individuals with disabilities. This division establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the City to comply fully with the intent and purpose of the fair housing laws.

(Ord. No. 2013-01, § 5(26-217.10), 4-2-2013)

Sec. 44-1158. Review authority.

Requests for reasonable accommodation shall be reviewed by the Community Development Director pursuant to section 44-485, Table IV-1, and using the criteria set forth in section 44-1161.

- (1) The Community Development Director shall issue a written decision on a request for reasonable accommodation within 30 days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation, in accordance with the required findings set forth in section 44-1161
- (2) If necessary to reach a determination on a request for reasonable accommodation, the Community Development Director may request further information from the applicant, consistent with the fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the 30-day period to issue a decision is stayed until the applicant responds to the request.

(Ord. No. 2013-01, § 5(26-217.20), 4-2-2013)

Sec. 44-1159. Applicability of division.

A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application

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of a City land use, zoning or building regulation, or policy, practice or procedure acts as a barrier to fair housing opportunities for persons with disabilities.

(Ord. No. 2013-01, § 5(26-217.30), 4-2-2013)

Sec. 44-1160. Application request; required information; compliance procedure.

In order to make housing available to an individual with a disability, any person to which this division applies as set forth in section 44-1159 may request a reasonable accommodation in land use, zoning or building regulations, or policies, practices, or procedures in the following manner:

- (1) Requests for reasonable accommodation shall be made in writing to the Community Development Director and shall provide the following information:
 - a. Name and address of the individual requesting reasonable accommodation;
 - b. Name and address of the property owner;
 - c. Address of the property for which reasonable accommodation is requested;
 - d. Description of the requested accommodation and the regulations, policies and/or procedures for which accommodation is sought; and
 - e. Reason that the requested accommodation may be necessary for the individual with the disability to use and enjoy the housing.
- (2) Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection unless otherwise required by law or court order.
- (3) A request for reasonable accommodation in regulations, policies, practices, or procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligation to comply with other applicable regulations not at issue in the requested accommodation.
- (4) If an individual needs assistance in making the request for reasonable accommodation, the City shall provide assistance, to the extent reasonably feasible, to ensure that the process is accessible.

(Ord. No. 2013-01, § 5(26-217.40), 4-2-2013)

Sec. 44-1161. Findings.

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

- (1) Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under the fair housing laws;
- (2) Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
- (3) Whether the requested accommodation would impose an undue financial or administrative burden on the City; and
- (4) Whether the requested accommodation would require a fundamental alteration in the nature of the City's land use and zoning and/or building program.

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(Ord. No. 2013-01, § 5(26-217.50), 4-2-2013)

Sec. 44-1162. Decision.

The Community Development Director shall prepare a written decision in the form of an administrative approval on a request for reasonable accommodation.

- (1) The written decision on an application for reasonable accommodation shall explain in detail the basis of the decision, including the Community Development Director's findings on the criteria set forth in section 44-1161. All written decisions shall give notice of the applicant's right to appeal and request reasonable accommodation in the appeals process as set forth in section 44-1163. The notice of decision shall be sent to the applicant by mail.
- (2) The written decision of the Community Development Director shall be final unless an applicant appeals it to the City's Planning Commission in accordance with the procedures set forth in this division.
- (3) If the Community Development Director fails to render a written decision on an application for reasonable accommodation within the 30-day time period set forth in section 44-1158, the request shall be deemed granted.
- (4) While an application for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

(Ord. No. 2013-01, § 5(26-217.60), 4-2-2013)

Sec. 44-1163. Appeals.

- (a) Within 30 days of the date of the Community Development Director's written decision, an applicant may appeal an adverse decision to the Planning Commission. Appeals from the adverse decision shall be made in writing and filed with the City Clerk. A decision made by the planning commission concerning the appeal shall be final.
- (b) If an individual needs assistance in filing an appeal on an adverse decision, the City will provide assistance, to the extent reasonably feasible, to ensure that the appeals process is accessible.
- (c) All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection unless otherwise required by law or court order.
- (d) Nothing in this procedure shall preclude an aggrieved individual from seeking any other State or federal remedy available.

(Ord. No. 2013-01, § 5(26-217.70), 4-2-2013)

Secs. 44-1164—44-1170. Reserved.

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FOOTNOTE(S):

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State Law reference— Subdivision Map Act, Government Code § 66410 et seq. [\(Back\)](#)

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DIVISION 1. GENERALLY

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[Sec. 44-1171. Purpose.](#)

[Secs. 44-1172—44-1190. Reserved.](#)

Sec. 44-1171. Purpose.

- (a) The purpose of this article is to promote the public health, safety, and general welfare and to preserve the aesthetic quality of the City through the regulation and control of the division of land in compliance with the Subdivision Map Act.
- (b) This article is adopted to implement the Subdivision Map Act, Government Code § 66410 et seq., and may be cited as the City's subdivision ordinance. If the provisions of this article conflict with any provision of the Subdivision Map Act, the provisions of the Subdivision Map Act shall prevail.
- (c) Land shall not be subdivided and/or developed for any purpose that is not consistent with the General Plan, any applicable specific plan, and this Development Code.

(Code 1975, ch. 26, art. VI, div. 1; Ord. 2003-07, § 3(exh. A))

Secs. 44-1172—44-1190. Reserved.

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DIVISION 2. REVIEW AUTHORITY

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[Sec. 44-1191. Final review authority.](#)

[Sec. 44-1192. City Attorney.](#)

[Secs. 44-1193—44-1217. Reserved.](#)

Sec. 44-1191. Final review authority.

- (a) *City Engineer.* The City Engineer shall have final authority in the approval, conditional approval, or disapproval of certificates of compliance, lot line adjustments, and parcel mergers.
- (b) *Commission.* The Planning Commission shall have final authority in the approval, conditional approval, or disapproval of tentative parcel maps, tentative tract maps, and vesting tentative maps.
- (c) *Council.* The City Council shall have final authority in the approval, conditional approval, or disapproval of final maps, and the acceptance by the City of lands and/or improvements proposed for dedication to the City.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1192. City Attorney.

The City Attorney shall be responsible for approving as to form all subdivision improvement documents that affect public rights-of-way related to subdivisions.

(Ord. 2003-07, § 3(exh. A))

Secs. 44-1193—44-1217. Reserved.

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DIVISION 3. MAPS

DIVISION 3. MAPS ^[11]

[Sec. 44-1218. Division of land—Five or more parcels.](#)

[Sec. 44-1219. Same—Four or less parcels.](#)

[Sec. 44-1220. Correction and amendment of maps.](#)

[Sec. 44-1221. Expiration of tentative map.](#)

[Sec. 44-1222. Extension of tentative map.](#)

[Secs. 44-1223—44-1247. Reserved.](#)

Sec. 44-1218. Division of land—Five or more parcels.

A tentative and final tract map shall be required for subdivisions creating five or more parcels, in compliance with State law.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1219. Same—Four or less parcels.

- (a) *Parcel map required.* A tentative and final parcel map shall be required for all divisions of land creating four or less parcels, as well as those divisions identified in State law (Government Code § 66426).
- (b) *Parcel map not required.* A tentative and final parcel map shall not be required for those divisions outlined in State law (Government Code § 66428), nor for lot line adjustments as provided in Government Code § 66412(d).

(Ord. 2003-07, § 3(exh. A))

State law reference— Authority of local government to waive requirement of tentative and final parcel map, Government Code § 66428.

Sec. 44-1220. Correction and amendment of maps.

After a final tract or parcel map is filed with the County Recorder, it may be amended by a certificate of correction or an amending map, in compliance with State law (Government Code § 66469 et seq.). The certificate of correction or amending map shall be submitted to the City Engineer and processed in compliance with State law (Government Code § 66471).

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1221. Expiration of tentative map.

Approved or conditionally approved tentative maps shall expire two years following the actual date of approval or conditional approval, unless an extension is approved in compliance with this division.

(Ord. 2003-07, § 3(exh. A))

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DIVISION 3. MAPS

Sec. 44-1222. Extension of tentative map.

A subdivider may request an extension by written application to the Community Development Director. Prior to the expiration of an approved or conditionally approved tentative map, and upon an application by the subdivider to extend that map, the tentative approval of the map shall automatically be extended for 60 days after the expiration date or until the application for the extension is finally approved, conditionally approved, or disapproved, whichever first occurs. The burden of proof is on the subdivider to establish, with substantial evidence, why the tentative map should be extended.

(Ord. 2003-07, § 3(exh. A))

Secs. 44-1223—44-1247. Reserved.

FOOTNOTE(S):

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State Law reference— Division of land and tentative and final maps, Government Code § 66426. ([Back](#))

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DIVISION 4. REQUIREMENT OF DEDICATION OR FEES IN LIEU

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[Sec. 44-1248. Authority.](#)

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[Sec. 44-1250. Total land required for recreation purposes.](#)

[Sec. 44-1251. Determination of population density of subdivision.](#)

[Sec. 44-1252. Amount of land to be dedicated.](#)

[Sec. 44-1253. Credit for private open space.](#)

[Sec. 44-1254. Choice of land dedication or fee.](#)

[Sec. 44-1255. Prerequisites for approval of final map.](#)

[Sec. 44-1256. Limitation on use of land and fees.](#)

[Secs. 44-1257—44-1285. Reserved.](#)

Sec. 44-1248. Authority.

State law (Government Code § 66477) provides that cities may require the dedication of land, the payment of fees in lieu, or a combination of both, as a condition of approval of a final subdivision map in order to serve park and recreation purposes.

(Ord. 2003-07, § 3(exh. A))

State law reference— City, by ordinance, may require dedication of land or require payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to approval of a tentative map or parcel map, Government Code § 66477.

Sec. 44-1249. Applicability.

Every subdivider who subdivides land shall dedicate a portion of such land, pay a fee in lieu, or a combination of both, as set forth in this division for the purpose of providing park and recreation facilities to serve the subdivision.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1250. Total land required for recreation purposes.

- (a) The public interest, convenience, health, welfare, and safety require that four acres of property for each 1,000 residents of the City should be devoted to park and recreation purposes.
- (b) The requirement shall be satisfied in part by cooperative arrangements between the City and the local school districts and local park and recreation districts. This should make available 1½ acres of property for park and recreation purposes for each 1,000 residents of the City.
- (c) The remainder of the required four acres shall be supplied by the requirements of this division and the recreation program of the City.

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DIVISION 4. REQUIREMENT OF DEDICATION OR FEES IN LIEU

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1251. Determination of population density of subdivision.

In order to calculate the population density of a subdivision in conjunction with determining the land required for recreation purposes, the average number of residents by housing unit type shall be multiplied by the number of each type of dwelling unit in the subdivision.

- (1) The average number of residents in the City by housing unit type shall be as determined by the latest U.S. Census.
- (2) The number of dwelling units shall be the number of each type of unit allowed by the City in the subdivision at the time the final tract map is filed for approval.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1252. Amount of land to be dedicated.

The amount of land required to be dedicated by a subdivider pursuant to this article shall be based on the gross area included in the subdivision, according to the following Table VI-1:

TABLE VI-1. AREA OF DEDICATION REQUIRED

Net Density per Dwelling Unit	Percentage of gross acre required for dedication
1 dwelling unit per acre or more	0.60%
1 dwelling unit per 0.5 to 1 acre	1.20%
1 dwelling unit per 10,000 sq. ft. to 0.5 acres	1.73%
1 dwelling unit per 9,000 to 9,999 sq. ft.	2.70%
1 dwelling unit per 8,000 to 8,999 sq. ft.	3.01%
1 dwelling unit per 7,000 to 7,999 sq. ft.	3.40%
1 dwelling unit per 6,000 to 6,999 sq. ft.	3.90%
1 dwelling unit per 5,000 to 5,999 sq. ft.	4.58%
10 to 19 dwelling units per acre	5.79%

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Net Density per Dwelling Unit	Percentage of gross acre required for dedication
20 to 29 dwelling units per acre	9.30%
30 to 39 dwelling units per acre	12.56%
40 to 49 dwelling units per acre	15.58%
50 to 59 dwelling units per acre	18.40%

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1253. Credit for private open space.

Where private open space for park and recreational purposes is provided in a proposed subdivision and the space is to be privately owned and maintained, such areas may be credited against the requirement of dedication for park and recreation purposes or against the payment of fees in lieu thereof, provided the City Council finds it is in the public interest to do so, and that the following standards are met:

- (1) That yards, setbacks, and other open areas required to be provided by the zoning regulations shall not be included in the computation of private open space.
- (2) That the private ownership and maintenance of the open space is adequately provided for by written agreement.
- (3) That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land and which cannot be eliminated without the consent of the City Council.
- (4) That the proposed private open space is adaptable for use for park and recreational purposes, taking into consideration factors of size, shape, topography, geology, access and location of the private open space land.
- (5) That facilities proposed for the open space area are in substantial compliance with the provisions of the open space element of the general plan and are approved by the City Council.
- (6) Where a fee is to be paid in lieu of land dedication, the amount of the fee shall be as established by resolution of the City Council.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1254. Choice of land dedication or fee.

The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both, shall be as follows:

- (1) *Preference of subdivider.* At the time of filing of a tentative tract map for approval, the owner of the property shall as a part of the filing indicate the preference to either dedicate property or to

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pay a fee in lieu. If the subdivider prefers to dedicate land for this purpose, this area shall be designated on the tentative tract map submitted.

- (2) *Determination of the Council.* At the time of the tentative tract approval, the City Council shall determine as a part of the approval whether to require a dedication of land, a payment of a fee in lieu, or a combination of both. The determination of the City Council shall be final and conclusive. This shall be determined through consideration of the following:
- a. Open space element of the City's General Plan.
 - b. Topography, geology, access, and location of land in the subdivision that is available for dedication.
 - c. Size and shape of the land in the subdivision that is available for dedication.
 - d. On subdivisions involving 50 lots or less, only the payment of fees shall be required unless the subdivider prefers to dedicate land and the City Council concurs.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1255. Prerequisites for approval of final map.

- (a) When land dedication is required it shall be accomplished in accordance with the provisions of the Subdivision Map Act.
- (b) When fees are required in lieu, they shall be deposited with the City prior to the approval of the final map.

(Ord. 2003-07, § 3(exh. A))

Sec. 44-1256. Limitation on use of land and fees.

The land and fees received under this article shall be used only for the purpose of providing park and recreation facilities to serve the subdivision for which received. The location of the land and amount of the fees shall bear a reasonable relationship to the use of the park and recreation facilities by the future residents of the subdivision.

(Ord. 2003-07, § 3(exh. A))

Secs. 44-1257—44-1285. Reserved.

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Sec. 44-1286. Purpose.

(a) The State Legislature has found that:

- (1) The waters of the State are of limited supply and are subject to ever increasing demands;
- (2) The continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
- (3) It is the policy of the State to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
- (4) Landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development;
- (5) Landscape design, installation, maintenance, and management can and should be water efficient;
- (6) Article X, Section 2 of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served, and the right does not and shall not extend to waste or unreasonable method of use of water.

(b) The City has found that:

- (1) Incentive-based water use efficiency programs have been actively implemented within Orange County since before 1991;
- (2) Current local design practices in new landscapes typically achieve the State Model Water Efficient Landscape Ordinance water use goals;
- (3) All water services within the City are metered;
- (4) All new irrigation controllers sold after 2012 within Orange County will be smart controllers;
- (5) Landscape plan submittal and review has been a long standing practice in the City of La Palma;
- (6) The average rainfall in Orange County is approximately 12 inches per year;
- (7) The City, as the local water purveyor, is implementing enforcement of water waste prohibitions for all existing metered landscaped areas within its jurisdiction.

(c) Consistent with these findings, the purpose of this article is to establish an alternative model acceptable under AB 1881 as being at least as effective as the State Model Water Efficient Landscape Ordinance in the context of conditions in the City in order to:

- (1) Promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;

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- (2) Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- (3) Establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
- (4) Establish provisions for water management practices and water waste prevention for existing landscapes;
- (5) Use water efficiently without waste by setting a maximum applied water allowance as an upper limit for water use and reduce water use to the lowest practical amount; and
- (6) Encourage the use of economic incentives that promote the efficient use of water.

(Ord. No. 2010-01, § 2(26A-2), 4-6-2010)

Sec. 44-1287. Definitions.

The purpose of this section is to provide clear and easily understood definitions for the terms specifically used in this article. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applied water means the portion of water supplied by the irrigation system to the landscape.

Ecological restoration project means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

Estimated applied water use means the average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the Guidelines. It is based on the reference evapotranspiration rate, the size of the landscape area, plant water use factors, and the relative irrigation efficiency of the irrigation system.

Evapotranspiration (ET) means a term used to describe the sum of evaporation and plant transpiration from the earth's land surface to atmosphere.

ET adjustment factor (ETAF) is equal to the plant factor divided by the irrigation efficiency factor for a landscape project, as described in the guidelines. The ETAF is calculated in the context of local reference evapotranspiration, using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area. A combined plant mix with a sitewide average plant factor of 0.5 (indicating a moderate water need) and average irrigation efficiency of 0.71 produces an ET adjustment factor of $(0.7) = (0.5/0.71)$, which is the standard of water use efficiency generally required by this article and the guidelines, except that the ETAF for a special landscape area shall not exceed 1.0.

Guidelines means the Guidelines for Implementation of the Water Efficient Landscape Code, as adopted by the City, which describes procedures, calculations, and requirements for landscape projects subject to this article.

Hardscapes means any durable material or feature (pervious and non-pervious) installed in or around a landscaped area, such as pavements or walls. Pools and other water features are considered part of the landscaped area and not considered hardscapes for purposes of this article.

Homeowner installed landscape means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this Code, is a person who occupies the dwelling he or she owns. This definition excludes speculative homes, which are not owner-occupied dwellings and which are subject under this Code to the requirements applicable to developer-installed residential landscape projects.

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Irrigation efficiency means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this article is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

Landscape contractor means a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

Landscape documentation package means the documents required to be provided to the City for review and approval of landscape design projects, as described in the guidelines.

Landscape project means the total area of landscape in a project, as provided in the definition of "landscaped area," meeting the requirements under section 44-1288.

Landscaped area means all the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance and estimated applied water use calculations. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

Local agency means a City or County, including a charter City or charter County, that is authorized by the City to implement, administer, and/or enforce any of the provisions of this article on behalf of the City. The local agency may be responsible for the enforcement or delegation of enforcement of this article, including, but not limited to, design review, plan check, issuance of permits, and inspection of a landscape project.

Local water purveyor means any entity, including a public agency, City, County, or private water company that provides retail water service.

Maximum applied water allowance (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in section 2.2 of the guidelines. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscaped area. The estimated applied water use shall not exceed the maximum applied water allowance.

Mined-land reclamation projects means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975 (Public Resources Code § 2710 et seq.).

New construction means a new building with a landscape or other new landscape such as a park, playground, or greenbelt without an associated building.

Non-pervious means any surface or natural material that does not allow for the passage of water through the material and into the underlying soil.

Permit means an authorizing document issued by local agencies for new construction or rehabilitated landscape.

Pervious means any surface or material that allows the passage of water through the material and into the underlying soil.

Plant factor or plant water use factor means a factor, when multiplied by ETo, that estimates the amount of water needed by plants. For purposes of this article, the plant factor range for low water use plants is 0 to 0.3; the plant factor range for moderate water use plants is 0.4 to 0.6; and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this article are derived from the Department of Water Resources 2000 publication Water Use Classification of Landscape Species.

Reference evapotranspiration (ETo) means a standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year as represented in

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appendix A of the guidelines, and is an estimate of the evapotranspiration of a large field of four-to-seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowances.

Rehabilitated landscape means any re-landscaping project that meets the applicability criteria of section 44-1288(a), where the modified landscape area is greater than 2,500 square feet, is 50 percent of the total landscape area, and the modifications are planned to occur within one year.

Smart automatic irrigation controller means an automatic timing device used to remotely control valves that operate an irrigation system and which schedules irrigation events using either evapotranspiration (weather-based) or soil moisture data.

Special landscape area means an area of the landscape dedicated solely to edible plants such as orchards and vegetable gardens, areas irrigated with recycled water, water features using recycled water, and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

Turf means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue, and tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.

Water feature.

- (1) The term "water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscaped area.
- (2) Constructed wetlands used for on-site wastewater treatment, habitat protection or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features and, therefore, are not subject to the water budget calculation.

(Ord. No. 2010-01, § 2(26A-3), 4-6-2010)

Sec. 44-1288. Applicability.

- (a) All planting, irrigation, and landscape-related improvements required by this article shall apply to the following landscape projects:
 - (1) New landscape installations or landscape rehabilitation projects by public agencies or private non-residential developers, except for cemeteries, with a landscaped area, including pools or other water features but excluding hardscape, equal to or greater than 2,500 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature;
 - (2) New landscape installations or landscape rehabilitation projects by developers or property managers of single-family and multifamily residential projects or complexes with a landscaped area, including pools or other water features but excluding hardscape, equal to or greater than 2,500 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature;
 - (3) New landscape installation projects by individual homeowners on single-family or multifamily residential lots with a total project landscaped area, including pools or other water features but excluding hardscape, equal to or greater than 5,000 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature.

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- (b) The landscape water use standards found in section 44-1290 shall apply to:
 - (1) All landscaped areas, whether installed prior to or after May 7, 2010; and
 - (2) All landscaped areas installed after May 7, 2010, to which section 44-1288(a) is applicable.
- (c) This article does not apply to:
 - (1) Registered local, State, or federal historical sites;
 - (2) Ecological restoration projects that do not require a permanent irrigation system;
 - (3) Mined-land reclamation projects that do not require a permanent irrigation system; or
 - (4) Plant collections, as part of botanical gardens and arboretums open to the public.

(Ord. No. 2010-01, § 2(26A-4), 4-6-2010)

Sec. 44-1289. Implementation procedures.

- (a) Prior to installation, a landscape documentation package shall be submitted to the City for review and approval of all landscape projects subject to the provisions of this article. Any landscape documentation package submitted to the City shall comply with the provisions of the guidelines.
- (b) The landscape documentation package shall include a certification by a professional, appropriately licensed in the State of California, stating that the landscape design and water use calculations have been prepared by or under the supervision of the licensed professional and are certified to be in compliance with the provisions of this article and the guidelines.
- (c) Landscape and irrigation plans shall be submitted to the City for review and approval with appropriate water use calculations. Water use calculations shall be consistent with calculations contained in the guidelines and shall be provided to the local water purveyor, as appropriate, under procedures determined by the City.
- (d) Verification of compliance of the landscape installation with the approved plans shall be obtained through a certification of completion in conjunction with a certificate of use and occupancy or permit final process, as provided in the guidelines.

(Ord. No. 2010-01, § 2(26A-5), 4-6-2010)

Sec. 44-1290. Landscape water use standards.

- (a) For applicable landscape installation or rehabilitation projects subject to section 44-1288(a), the estimated applied water use allowed for the landscaped area shall not exceed the MAWA calculated using an ET adjustment factor of 0.7, except for special landscaped areas where the MAWA is calculated using an ET adjustment factor of 1.0; or the design of the landscaped area shall otherwise be shown to be equivalently water-efficient in a manner acceptable to the City; as provided in the guidelines.
- (b) Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules and requirements, and shall be subject to penalties and incentives for water conservation and water waste prevention as determined and implemented by the local water purveyor or as mutually agreed by local the water purveyor and the local agency. For applicability of this subsection, refer to section 44-1288(b).

(Ord. No. 2010-01, § 2(26A-6), 4-6-2010)

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Sec. 44-1291. Delegation.

The City may delegate to, or into a contract with, a local agency to implement, administer, and/or enforce any of the provisions of this article on behalf of the City.

(Ord. No. 2010-01, § 2(26A-7), 4-6-2010)

FOOTNOTE(S):

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State Law reference— Water Conservation in Landscaping Act, Government Code § 65591 et seq.