

Code Amendment: Amusement/Entertainment Facilities

CHAPTER 21.15 – DEFINITIONS

• **21.15.165– Amusement/Entertainment Facilities.**

“Amusement/Entertainment Facilities” means a principal commercial land use providing amusement or entertainment services in an indoor or outdoor facility, for the purpose of some leisure activity, including, but not limited to, arcade, computer arcade, escape rooms, laser tag, miniature golf, skating rink, tennis club, virtual reality rooms and similar uses.

CHAPTER 21.32 – COMMERCIAL DISTRICTS

Table 32-1
Uses In All Other Commercial Zoning Districts

Uses	Neighborhood			Community				Regional	Other	Additional Regulations
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Entertainment (cont'd)										
Live or movie theater (w/more than 100 fixed seats)	AP	AP	AP	Y	AP	Y	Y	CY	N	
Mock boxing or wrestling	N	N	N	N	N	N	N	Y	N	City council hearing is required for new and transferred business licenses.
Pool tables (up to 3 tables)	A	A	A	A	A	A	A	A	N	Accessory to restaurant, tavern, club (see Section 21.51.260).
Private club, social club, nightclub, pool hall or hall rental within 500 ft. of district allowing residential uses	N	N	N	C	C	C	C	C	C	City council hearing is required for new and transferred business licenses.
Restaurant with entertainment	Y	Y	Y	Y	Y	Y	Y	Y	N	City council hearing is required for new and transferred business licenses.
Other Entertainment Uses										
Other entertainment uses (arcade, bowling alley, computer arcade, miniature golf, tennis club, skating rink)	N	N	N	C	C	C	C	C	N	See Section 21.52.203 (arcades) and Section 21.52.220.5 (computer arcades).

Indoor Amusement/ Entertainment Facility (arcade, bowling alley, computer arcade, escape rooms, laser tag, miniature golf, skating rink, tennis club, virtual reality rooms, etc.)	Up to 6,000 sq. ft. of GFA	AP	AP	AP	Y	Y	Y	Y	Y	N	See Section 21.45.115.5 , Section 21.52.203 (arcades) and Section 21.52.220.5 (computer arcades)
	Over 6,000 sq. ft. of GFA	C	C	C	AP	AP	AP	AP	AP	N	Indoor Amusement/Entertainment Facility uses shall be permitted (Y) in the PD-30 Downtown Plan Area (excluding Neighborhood Overlay). In all other PDs or SPs, the Zoning Administrator may determine if a PD or SP, or subarea thereof, allows for an Indoor Amusement/ Entertainment Facility use.
Outdoor Amusement/ Entertainment Facility (arcade, escape rooms, miniature golf, skating rink, tennis club, etc.)		N	N	N	AP	AP	AP	AP	AP	N	See Section 21.45.115.5 , Section 21.52.203 (arcades) and Section 21.52.220.5 (computer arcades) Outdoor Amusement/Entertainment Facility uses shall be permitted (Y) in the PD-30 Downtown Plan Area (excluding Neighborhood Overlay). In all other PDs or SPs, the Zoning Administrator may determine if a PD or SP, or subarea thereof, allows for an Outdoor Amusement/ Entertainment Facility use.

21.41 OFF STREET PARKING AND LOADING REQUIREMENTS

Table 41-1C

Required Number of Parking Spaces for Commercial, Industrial/Manufacturing and All Other Uses

(Continued)

Use	Required Number of Spaces
4. Hotel (guestrooms with direct access from an interior hallway) and	For hotel, 1 per guestroom, plus parking figured separately for banquet rooms, meeting rooms, restaurant and gift shops, plus 2

motel (guestrooms with direct access to the exterior)	loading and unloading spaces. For motel, same as hotel, plus 2 parking spaces for the motel managers unit
5. Hospitals, convalescent hospitals	For hospitals, 2 spaces per bed. For convalescent hospitals, 1 per every 3 beds
6. Library, museum	4 per 1,000 GFA, plus 1 bus parking stall for each 5,000 sq. ft. open to public; plus passenger loading and unloading areas shall be provided
7. Trade or vocational school	20 per 1,000 GFA or 1 per 3.3 fixed seats, whichever is greater
Recreation	
1. Amusement arcade	4 per 1,000 SF except in a tavern, then 20 per 1,000 SF
2. Amusement/Entertainment Facilities	4 per 1,000 SF-GFA
3. 2. Athletic club	5 spaces plus 4 spaces 1,000 SF-GFA; or 1 per 3 spectator seats, whichever is greater, plus 20 per 1,000 SF-GFA for exercise floors
4. 3. Basketball courts, volleyball courts	5 per court or 1 per 3 spectator seats, whichever is greater
5. 4. Bowling alley	5 spaces plus 4 spaces per alley, or 1 per 3 spectator seats, whichever is greater
6. 5. Commercial horse stables and horse riding schools	1 for each 5 stalls
7. 6. Dancing, dance hall, disco, skating rink	25 per 1,000 SF-GFA, excluding kitchen
8. 7. Golf course	3 per hole, or spaces required for restaurant, whichever is greater
9. 8. Golf range, batting cage, tennis alley and the like	1 per tee, cage or alley and the like
10. 9. Miniature golf course	2 per hole
11. 10. Open recreation	1 per 1,000 SF-GLA
12. 11. Passive park use	2 per acre-GLA

13. 12. Pool or billiard hall	2 spaces plus 5 spaces per 1,000 SF-GFA
14. 13. Tennis courts, racquetball courts, handball courts and the like	3 spaces plus 3 spaces per court or 1 per 3 spectator seats, whichever is greater

CHAPTER 21.45 – SPECIAL DEVELOPMENT STANDARDS

21.45.115.5 – Amusement/Entertainment Facilities.

The following special development standards shall apply to Indoor Amusement/Entertainment Facilities:

- A. Hours of operation shall be limited to between eight (8:00) a.m. to twelve o'clock (12:00) midnight;
- B. All activities associated with the use shall comply with the standards of the noise ordinance, Chapter 8.80 of the Municipal Code;
- C. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions;
- D. The operator of the use shall provide night lighting and other security measures to the satisfaction of the Chief of Police;
- E. Exterior lighting shall not intrude on surrounding properties;
- F. The operator shall demonstrate an ability to prevent problems related to potential noise, litter, loitering, crowd control and parking;
- G. A security plan, including a video surveillance system, exterior lighting plan, noise, litter, loitering, crowd control and parking to the satisfactory to the Chief of Police shall be submitted to and approved by the Police Department prior to the issuing of a Certificate of Occupancy.
- H. If the use contains a mixture of indoor and outdoor uses, the total square footage of each use shall be calculated together, and the more restrictive review process shall apply;
- I. Each indoor and outdoor use shall comply with the parking requirements set forth in Chapter 21.41; and
- J. If the use proposes to deviate from the special development standards, an Administrative Use Permit or a Conditional Use Permit shall be required.

Proposed Code Amendment 2- Tutoring Centers:

Amend 21.15 to include new section 21.15.3151

21.15.3151 Tutoring Center.

“Tutoring Center” means a professional service, other than a school, that offers tutoring services for one-on-one and or groups as defined in the California Building Code occupancy grouping.

Amend 21.32 table 32-1

	Neighborhood			Community				Regional	Other	
Professional Services	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Accounting, advertising, architecture, artist studio, bookkeeping, business headquarters, chiropractic, computer programming, consulting, contracting, dentistry, engineering, insurance, lab testing, law, marketing, medicine, photography, psychiatry, psychology, real estate, or tax preparation	Y	Y	Y	Y	Y	Y	Y	Y	N	
<u>Tutoring Center up to 2,500 sq. ft. GFA</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Permitted in all Planned Development (PD) Districts allowing professional services commercial uses.</u>
<u>Tutoring Center greater than 2,500 sq. ft. GFA</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>N</u>	<u>See section 21.4552.280</u> <u>Permitted in all Planned Development</u>

										(PD) Districts allowing professional services commercial uses, subject to an AUP and section 21.52.280
All professional offices not listed	AP	AP	AP	AP	AP	AP	AP	AP	N	

Amend 21.~~5245~~ to include new section 21.~~52.28045.169~~

21.52.280 Tutoring Center

Tutoring centers greater than 2,500 sq. ft. shall be subject to the following:

1. Loading. Two (2) loading spaces shall be provided as per section 21.41.
2. Impacts on surrounding uses. Hours of operation and business practices shall mitigate impacts to surrounding uses. These include, but are not limited to, appointment-based tutoring sessions, maximum occupants, and hours of operation.

Proposed Code Amendment- Animal Services

21.32 – Commercial Districts Table 32-1, Uses In All Other Commercial Zoning Districts

	Neighborhood			Community				Regional	Other	Notes
Uses	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Personal Services										
Basic personal services (barber/beauty shop, diet center, dog/cat grooming , dry cleaner, fortunetelling, locksmith, mailbox rental, nail/manicure shop, repair shop for small appliances or electronic equipment, bicycles, tailoring, shoe repair, tanning salon, <u>or</u> travel agent, or veterinary clinic without boarding)	Y	Y	Y	Y	Y	Y	Y	Y	N	
<u>Indoor animal related uses with animal adoption and boarding not exceeding 25% of gross floor area (such as but not limited to animal grooming, veterinary clinic, animal lounge, animal daycare, pet shop)</u>	<u>Y*</u>	<u>Y*</u>	<u>Y*</u>	<u>Y*</u>	<u>Y*</u>	<u>Y*</u>	<u>Y*</u>	<u>Y*</u>	<u>N</u>	<p><u>*Subject to special development standards for indoor animal adoption and boarding 21.45.XXX</u></p> <p><u>*Such uses shall be permitted in all Planned Development (PD) Districts allowing commercial uses including but not limited to land use categories described as professional and personal</u></p>

										services, subject to section 21.45.XXX
Indoor animal related uses with animal adoption and boarding exceeding 25% of gross floor area (such as but not limited to animal grooming, veterinary clinic, animal lounge, animal daycare, pet shop)	AP*	AP*	AP*	AP*	AP*	AP*	AP*	AP*	N	*Subject to special development standards for indoor animal adoption and boarding 21.45.XXX *Such uses shall be permitted in all Planned Development (PD) Districts allowing commercial uses including but not limited to land use categories described as professional and personal services, subject to section 21.45.XXX

	Neighborhood			Community				Regional	Other	Notes
Uses	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	

Outdoor animal daycare	<u>AP*</u>	<u>AP*</u>	<u>AP*</u>	<u>AP*</u>	<u>AP*</u>	<u>AP*</u>	<u>AP*</u>	<u>AP*</u>	<u>AP*</u>	<u>N</u>	<p><u>*Subject to special development standards for outdoor animal daycare 21.45.XXX</u></p> <p><u>*Such uses shall be permitted in all Planned Development (PD) Districts allowing commercial uses including but not limited to land use categories described as professional and personal services, subject to section 21.45.XXX</u></p>
------------------------	------------	------------	------------	------------	------------	------------	------------	------------	------------	----------	--

Proposed Definitions (Section 21.15)

- “Animal boarding”- a facility designed to accommodate the overnight stay and care of household pets including adequate eating, sleeping, and living provisions.
- “Animal daycare”- a facility which provides non-medical care for animals on less than a twenty-four (24) hour basis. Animal daycare uses include but are not limited to instructional training, recreation, and animal nurseries.
- “Animal lounge”- a commercial land use primarily engaged with providing a space to allow both individuals and adoptable household animals to engage in recreational opportunities with one another.

Update & Codify Policy #22C (Outdoor Dog Day Care):

Outdoor dog daycare is not a specified use in the Long Beach Municipal Code, according to Section 21.32.120 — Prohibited Commercial Uses, no commercial uses shall be allowed outside of a building unless specified as a permitted commercial use in Tables 32-1 and 32-1A.

Pursuant to a determination by the Zoning Administrator on July 13, 2015 and confirmed by the Planning Commission on September 17, 2015, outdoor dog day care shall be considered as an ancillary use, subject to the following provisions:

- ~~1) Outdoor Dog Day Care Use. Shall be allowed only when it is ancillary to a primary permitted use on the site.~~
- ~~2) Zones Permitted. May be permitted in the following commercial zoning districts: Community Commercial Automobile-Oriented (CCA), Community Pedestrian-Oriented (CCP), Community R-4-R (CCR), Community R-4-N (CCN); and Regional Highway (CHW).~~
- ~~3) Review Process. An Administrative Use Permit (AUP) shall be required to allow public review and the opportunity to establish appropriate conditions of approval for the operation.~~
- ~~4) Separation distance. Outdoor dog day care uses shall be at least 200 feet from the nearest property zoned or used for residential purposes.~~
- ~~5) Attendant Required. Staff shall be in the outdoor area whenever dogs are in the outdoor area.~~
- ~~6) Limitation on the number of dogs. The number of dogs permitted in the outdoor area shall be limited to the total number of dogs that can be accommodated in the indoor dog care area, taking into consideration the number of small and large dogs.~~
- ~~7) Fencing. Opaque fencing of up to eight feet (8') in height shall be required to screen all outdoor areas from adjacent uses.~~
- ~~8) Landscaping. Landscaping shall be provided adjacent to the outdoor fencing to allow for planting to provide an additional noise buffer. Ancillary Outdoor Dog Day Care Policy September 17, 2015~~
- ~~9) Hours of operation. No outdoor dog day care shall be permitted other than between 7AM and 7PM Monday through Sunday to mitigate potential impacts to adjacent uses.~~
- ~~10) Daily cleaning. The operator shall clean all outdoor areas daily and properly dispose of associated dog waste.~~

Repeal Policy #22D (Accessory Boarding):

~~"Overnight care for dogs and cats is currently defined as boarding of animals by policy, and requires a Conditional Use Permit in some commercial zones, if the use is accessory to a veterinarian service and/or retail animal sales. With no clear definition of boarding in the Municipal Code or animal code, the term boarding can be applied to pet sitting, breeding, buying, selling, renting, exhibiting or training of dogs and animals. When boarding, only contains one aspect of the definition, in this case overnight dog or cat care (pet sitting), the use is exempt from licensing, according to the animal care licensing. As an exempt business, the use is not considered problematic from a health standpoint; however, noise issues and proximity to residential properties remain a concern. Recognizing, the noise issues and the lack of a clear definition in regards to boarding, staff believes that commercial boarding is very limiting since the use is only allowed in industrial zones, where industrial space is limited.~~

~~With location limitations, staff feels the use is better suited in commercial areas that are away from residential uses, when only overnight care of dogs and cats is provided. Therefore, staff is recommending that overnight care of dog and cats require a conditional use permit in commercial zones, except the Commercial Storage zone and the greater Downtown area (PD-6 and PD-30), only when an attendant or supervised care is provided on a 24-hour bases."~~

Repeal Section 21.52.286 of Special Development Standards for Veterinary Uses

~~21.52.286 – Veterinary uses.~~

~~The following conditions shall apply to veterinary uses:~~

~~A. Uses permitted include medical treatment, retail sales and boarding. Animals included are dogs, cats and similar household pets, but exotic animals and species of equine are excluded;~~

~~B. All activities must be confined within a building that is fully air-conditioned and sound-proofed to the standards of the noise ordinance, Chapter 8.80 of the Municipal Code; and~~

~~C. The site shall not adjoin or abut a residential use district.~~

Proposed “Indoor Animal Adoption and Boarding” Special Development Standards (21.45.XXX)

The following special development standards shall apply to businesses involving indoor animal adoption and boarding uses by right or requiring an Administrative Use Permit:

A. Location. The site shall not adjoin or abut a residential use district. Planned Development Districts allowing ground floor mixed-use commercial and residential are exempt from this requirement.

B. Size. Adoption and boarding areas shall remain an ancillary component of the established primary operation and shall not exceed 50% of the gross floor area.

C. Building Improvements.

1. The facility shall be improved with sound abatement measures to ensure compliance with the noise ordinance, Chapter 8.80 of the Long Beach Municipal Code. Written documentation by a licensed acoustical engineer shall be provided to demonstrate compliance with the noise ordinance, subject to the approval of the Director of Development Services or designated staff.
2. Impervious flooring surfaces and floor drains shall be incorporated in the areas dedicated for recreation or boarding of animals. Operations involving the care of cats are exempt from providing floor drains.
3. Facilities shall be temperature-controlled with a heating, ventilation and air conditioning (HVAC) system. Ventilation and exhaust systems shall conform to the latest edition of the California Mechanical Code and California Building Energy Efficiency Standards for Residential and Nonresidential Buildings, as adopted and amended by Chapter 18.36 of the Long Beach Municipal Code, or as otherwise required by applicable State Health and Safety Code.

3.4. Facilities incorporating the handling, preparation, or sale of food or beverages shall be designed in accordance with Title 8 of the Long Beach Municipal Code and applicable State Health and Safety Code.

D. Operations.

1. All business activities must be confined within an enclosed building.
2. Operations and care of animals shall be in compliance with Title 6 of the Municipal Code.
3. The number of animals shall be limited to a minimum area of 75 square feet of floor area per animal.
4. The operator shall clean all recreational and boarding areas daily and properly dispose of associated animal waste.

Proposed “Outdoor Animal Daycare” Special Development Standards (21.45.XXX)

The following special development standards shall apply to businesses involving outdoor animal daycare services by right or requiring an Administrative Use Permit:

- 1) Outdoor Dog Day Care Use. Shall be allowed only when it is ancillary to a primary permitted use on the site.
- 2) Zones Permitted. May be permitted in the following commercial zoning districts: Community Commercial Automobile-Oriented (CCA), Community Pedestrian-Oriented (CCP), Community R-4-R (CCR); Community R-4-N (CCN); and Regional Highway (CHW).
- 3) Review Process. An Administrative Use Permit (AUP) shall be required to allow public review and the opportunity to establish appropriate conditions of approval for the operation.
- 4) Separation distance. Outdoor dog animal daycare uses shall be at least 200 feet from the nearest property zoned or used for residential purposes.
- 5) Attendant Required. Staff shall be in the outdoor area whenever animals are in the outdoor area.
- 6) Limitation on the number of dogs animals. The number of dogs animals permitted in the outdoor area shall be limited to the total number of dogs that can be accommodated in the indoor dog care area, taking into consideration the number of small and large dogs in accordance with the standards set by the American Society for the Prevention of Cruelty to Animals (ASPCA) with a minimum of 75 square feet of floor area per animal.
- 7) Fencing. Opaque fencing shall be required to screen all outdoor areas from adjacent uses and subject to the height requirements of Chapter 21.43 of the Long Beach Municipal Code.
- 8) Landscaping. Landscaping shall be provided adjacent to the outdoor fencing to allow for planting.
- 9) Hours of operation. Ooutdoor animal daycare hours of operation shall be limited to 7AM and 7PM Monday through Sunday.

10)Daily cleaning. The operator shall clean all outdoor areas daily and properly dispose of associated animal waste.

Proposed Code Amendment 4- Building Separation for Structures on a Parcel in Residential Zones

CHAPTER 21.31 – RESIDENTIAL DISTRICTS

Original

21.31.260 - Distance between buildings.

Two (2) or more detached principal use buildings on the same lot shall have a minimum separation of eight feet (8').

(Ord. C-7032 § 23, 1992: Ord. C-6684 § 41 (part), 1990: Ord. C-6533 § 1 (part), 1988)

Amended

21.31.260 - Repealed.

CHAPTER 21.51 – ACCESSORY USES

21.51.276 – Accessory dwelling units

[Text of section omitted, only edit is to last two lines of Table 51.276-1].

**Table 51.276-1
Accessory Dwelling Unit Development Standards**

	Limited ADU	Conforming ADU
Other Standards		
Distance between a detached ADU and principal structure	N/A	8 ft.

Proposed Code Amendment 5- Non-Conforming Parking for Historic Properties:

CHAPTER 21.27 - NONCONFORMITIES

21.27.010 - Purpose.

The City recognizes that the eventual elimination of existing nonconforming uses and structures benefits the health, safety and welfare of the community. It is the intent of this Chapter to establish regulations and procedures which ensure that the elimination of nonconforming uses and structures occurs as expeditiously and as fairly as possible and also avoids any unreasonable invasion of established property rights.

(Ord. C-7663 § 5, 1999)

21.27.020 - Continuance of nonconforming rights.

Nonconformities, as defined in Chapter 21.15 of this Title, may continue to be used and maintained in accordance with the provisions of this Chapter. The use and maintenance is permitted as a result of vested rights obtained through the legal establishment of the nonconforming use or structure so long as the use is operated and maintained in such a manner as not to be a nuisance, a blighting influence or a direct and substantial detriment to the rights of adjoining, abutting or adjacent uses.

(Ord. C-7663 § 5, 1999)

21.27.030 - Illegal uses or structures.

Illegal uses or structures have no vested rights. Illegal uses and structures shall either be brought into legal conforming status or shall be removed.

(Ord. C-7663 § 5, 1999)

21.27.040 - Maintenance.

Ordinary maintenance and repair of a building containing a nonconforming use, such as painting, plumbing repair, shall be permitted as necessary to ensure the protection of general health, safety and welfare. All nonconforming uses and structures are subject to all applicable property maintenance and substandard buildings laws.

(Ord. C-7663 § 5, 1999)

21.27.050 - Abandonment.

A. **Loss of rights to a nonconforming use.** All rights to a nonconforming use are lost if the use is abandoned for twelve (12) months (see Section 21.15.030) or if the structure housing the use is demolished (see Section 21.15.750) except as follows:

1. **Nonconforming nonresidential structure.** A nonconforming nonresidential structure, which has been abandoned for a period greater than twelve (12) months, may apply for an administrative use permit to establish a CNP (neighborhood pedestrian) permitted use and may apply for a conditional use permit to establish a CNP (neighborhood pedestrian) discretionally permitted use.
2. **Nonconforming nonresidential historic landmark.** A designated City landmark which has been abandoned for a period greater than twelve (12) months, may apply for an administrative use permit to establish a CNP (neighborhood pedestrian) permitted use or discretionally permitted use, and may apply for a conditional use permit to establish another nonconforming use subject to the following:

- a. A special building inspection is conducted to ensure the building conforms or can be repaired to conform to minimum building, plumbing, fire, housing, electrical and earthquake code provisions as necessary to protect public health and safety, and
 - b. The proposed use is necessary to avoid an unnecessary hardship on the property owner due to the condition of the structure, the value of the property, or the potential economic life of the building, and
 - c. The proposed change of use will provide a desirable service or will be beneficial to the neighborhood, and
 - d. The proposed use and adaptive reuse design plan has obtained a certificate of appropriateness from the Cultural Heritage Commission.
- B. **Loss of rights to nonconforming parking.** All nonconforming rights related to parking shall be lost if the primary structure on the lot is demolished. Rights shall not be lost if a building is merely vacated.
- C. **Abandonment/revocation of rights through nuisance, blight or detrimental effect upon adjoining, abutting or adjacent property.** Any nonconforming use which is operated in such a way as to be a nuisance or a direct detriment to adjoining, abutting or adjacent properties or which is neglected to the point of being a blight on the community shall be considered to have had its nonconforming rights abandoned. Such abandonment shall be determined by a revocation hearing according to the procedures of Division VI, "Revocations", of Chapter 21.21 of this Title, provided, that:
1. A fully noticed public hearing is held before the Planning Commission; and
 2. The Planning Commission, or City Council on appeal, finds that:
 - a. The use adversely affects the health, peace or safety of persons residing or working on the premises or in the surrounding area, or
 - b. The use jeopardizes or endangers the public health or safety, or
 - c. The use constitutes a direct and substantial detriment to surrounding uses by repeated adverse activities and incidences, including, but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assault, battery, acts of vandalism, loitering, excessive littering, illegal parking, loud noises (particularly in late night or early morning), noise code violations, traffic violations, curfew violations, lewd conduct or police detentions and arrests, or
 - d. The uses cause repeated violations under Public Health and Safety Code, Title 8 or Title 9, and
 - e. The owner or operator has been unwilling or unable to eliminate the adverse activities, if any;
 3. If it finds that conditions and/or modifications of the use will be ineffective in eliminating the adverse activities, the Planning Commission, or City Council on appeal, shall revoke only the nonconforming rights to the use;
 4. Continuation of any use after abandonment or revocation pursuant to this Subsection shall constitute a violation of this Chapter and shall be penalized as provided for in Section 21.10.080.

(Ord. C-7663 § 5, 1999)

21.27.060 - Expansion.

A nonconforming use or structure may not be expanded or altered in any way so as to increase that nonconformity, except as follows:

- A. **Uses permitted by CUP or AUP.** Any use which was originally established in a zone district by right and has since been reclassified as a discretionary use in that district shall obtain an administrative use permit or a conditional use permit prior to expansion of the use or any structure

related to the use. An application to change an alcoholic beverage license to expand the range of beverages sold shall be considered an expansion of that use.

- B. **Conforming nonresidential uses with nonconforming parking.** A conforming nonresidential use with nonconforming parking may be expanded or intensified, as long as parking is provided for the expansion or intensification in accordance with current parking standards. The required number of spaces shall be calculated based on the additional square feet of new construction or other applicable unit of measurement.
- C. **Nonconforming residential uses.**
1. **Maximum expansion.** A nonconforming residential use (i.e., that exceeds the allowable density for the zone, or is located in a zone that does not permit residential uses) may expand up to two hundred fifty (250) square feet per unit.
 2. **Parking.** Any expansion beyond two hundred fifty (250) square feet per site of cumulative addition shall require one (1) additional conforming parking space for each additional two hundred fifty (250) square feet. For single-family dwellings outside the parking impacted areas, no additional parking shall be required on sites with driveways twenty feet (20') or more in length.
 3. **Development standards.** The expansion shall be consistent in style and materials with the existing building, and shall conform to the current development standards of the zone.
- D. **Conforming residential use with nonconforming parking.** A residential use with nonconforming parking may be expanded as follows:
1. **Demolition of nonconforming parking.** Nonconforming parking demolished during remodeling or additions may be replaced with new parking of equal size or a more conforming size. The new parking shall provide for the best feasible turning radius. For the purposes of this Section, "best feasible turning radius" means the most conforming turning radius that may be created by relocating the new parking on the lot up to the point it conflicts with the existing building.
 2. **Addition of new dwelling unit.** The addition of new dwelling units on a lot shall require the provision of additional parking spaces for the new dwelling units as well as existing units if substandard in parking in accordance with the standards for new construction.
 3. **Expansion of existing dwelling unit.** A residential use with nonconforming parking may be expanded by up to two hundred fifty (250) square feet after July 1, 1989, without providing additional parking. Expansion beyond two hundred fifty (250) square feet per site of cumulative addition shall require one (1) additional conforming parking space for each additional two hundred fifty (250) square feet. However, for single-family dwellings outside the parking impacted areas, no additional parking shall be required on sites with driveways twenty feet (20') or more in length.
- E. **Nonconforming commercial, institutional and park uses.**
1. **General.** Nonconforming uses shall not be expanded to occupy a greater area of land or building than was occupied at the time the use or structure became nonconforming.
- F. **Nonconforming industrial uses.**
1. **General.** Nonconforming industrial uses shall not be expanded to occupy a greater area of land or building than was occupied at the time the use or structure became nonconforming.
 2. **Machinery and equipment.** Nonconforming machinery and equipment requiring a building permit may be relocated within the site or replaced with machinery or equipment of equal size or capabilities. The number of machines or equipment, the size of the machines or equipment, or the capabilities of the machines or equipment to do heavier work may not be expanded.

3. **Outside uses.** Outside nonconforming equipment and machinery may be relocated or altered, provided the equipment or machinery is not relocated any closer to the nearest residential district.
4. **Volumes.** Increased sales, production or throughput volume shall not be considered as an expansion, provided the use does not expand to occupy additional land or another building.

(ORD-05-0037 § 1, 2005; Ord. C-7663 § 5, 1999)

21.27.065 - Interior alteration to residential uses with nonconforming parking to create additional bedrooms.

- A. **Single-family residential.** Interior alteration to create additional bedrooms is prohibited unless parking is provided in compliance with the requirements in Section 21.41. However, for single-family dwellings outside the parking impacted areas, as those areas are defined in Resolution C-24607 or any successor resolution, no additional parking shall be required on sites with driveways twenty feet (20') or more in length.
- B. **Multifamily residential.** Interior alteration to create additional bedrooms is prohibited unless parking is provided in compliance with the requirements in Section 21.41.

(ORD-09-0004, § 1, 2009; ORD-05-0037 § 2, 2005)

21.27.070 - Change in use.

A nonconforming use may be changed to a conforming use, and may be changed to another nonconforming use if the use or structure housing the nonconforming use has not been abandoned for twelve (12) months (see Section 21.15.030) or the structure has not been demolished (see Section 21.15.750), as follows:

- A. **To a CNP permitted use.** An existing nonconforming nonresidential use may change to a CNP (neighborhood pedestrian) permitted use.
- B. **To another nonconforming use with an administrative use permit.** An existing nonconforming use may be changed to another nonconforming use if an administrative use permit is granted as provided for in this Title and provided:
 1. A special building inspection is conducted to ensure the building conforms or can be repaired to conform to minimum building, plumbing, fire, housing, electrical and earthquake code provisions as necessary to protect public health and safety; and
 2. The change of use is necessary to avoid an unnecessary hardship on the property owner due to the condition of the structure, the value of the property or the potential economic life of the building; or
 3. The change of use will allow a designated City landmark to be economically productive, thus extending the life of the structure, as long as the proposed use and rehabilitation are approved by the Cultural Heritage Commission; and
 4. The change of use will provide a service or will be beneficial to the neighborhood, and will more closely conform to the zoning of the site than the existing use.
- C. **Change of use with nonconforming parking.** A use with nonconforming parking may change to another use without adding parking except:
 1. If the new use would require more parking than the existing use. Then, in order to establish the new use, the applicant must add parking equal to the difference between the parking requirement of the existing use and the new use (net change in parking intensity); and
 2. If the new use is a limousine service or a fleet service/company vehicle operation, the applicant must bring the parking up to current new construction parking standards.

(Ord. C-7663 § 5, 1999)

21.27.090 - Restoration.

Any building containing a nonconforming use or any nonconforming structure may be repaired and restored to its nonconforming state if the need for repairs or restoration shall be the result of fire, explosion, earthquake, imminent public hazard, acts of terrorism, sabotage, vandalism, warfare or abatement of earthquake hazard in accordance with City regulations. Such restoration shall comply with the following conditions:

- A. **Level of restoration.** The damaged use or structure may be repaired or rebuilt to the area and footprint of the previous use or structure. Alternatively, the use or structure may be repaired or rebuilt to a more conforming area or footprint.
- B. **Additional floor area added.** If during restoration and/or reconstruction additional floor area is added, the use or structure shall abandon its nonconforming status.
- C. **Time limit.** The repairs must be commenced within one year of the event causing damage to the use or structure, and the repairs must be diligently pursued until completed.

(Ord. C-7663 § 5, 1999)

21.27.110 - Special uses and structures.

Nothing in this Chapter shall prohibit the establishment of special regulations for specific nonconforming uses and structures regulated by other Sections of the Zoning Code. Such regulations may provide for the retirement or amortization of those specific uses and structures.

(Ord. C-7663 § 5, 1999)

21.27.130 - Historic landmark and landmark district exemption.

Any building, ~~or~~ structure, or lot designated as a historic landmark or contributing building, structure, or lot located within a designated landmark district established under Chapter 2.63 of this Code, shall be exempted from restrictions of this Chapter relating to restoration (Section 21.27.090), interior alteration to residential uses with nonconforming parking to create additional bedrooms (Section 21.27.065), expansion (Section 21.27.060), and maintenance (Section 21.27.040), provided that any use or construction plans are approved with a certificate of appropriateness issued ~~by the Cultural Heritage Commission in accordance with Section 2.63.080.~~

(Ord. C-7729 § 3, 2001: Ord. C-7663 § 5, 1999)

21.27.150 - Amortization—Adult entertainment.

After May 18, 1996, no person shall cause or permit the continued operation, maintenance or use of a lot, building or structure as a legal nonconforming adult entertainment business which does not comply with the locational requirements of Section 21.45.110. For the purposes of this Section, the term "legal nonconforming adult entertainment business" shall mean any adult entertainment business which existed on May 1, 1988, and any adult entertainment business which received a standards variance pursuant to former Subsection 21.45.110.B.

(Ord. C-7663 § 5, 1999)

21.27.160 - Amortization—Fleet service/company vehicle operations.

Any fleet service/company vehicle operation as defined in Section 21.15.1065 which was lawfully in existence as of the effective date of this Section (August 7, 1998) which does not comply in whole or in part

with the parking requirements of Section 21.41.216, shall be terminated or otherwise be brought into full compliance within one year of the effective date of this Section (August 7, 1998). For those fleet service/company vehicle operations which cannot be brought into compliance with these provisions because they do not meet the parking requirements of Section 21.41.216, the use may be extended for only one (1) additional period of time (not to exceed one (1) year), to be established by the Planning Commission, upon a showing by the operator of the use that such extension is reasonably necessary to permit the owner of the use adequate time to amortize or otherwise recover any long-term investment in the fleet service/company vehicle operation.

Any request for an extension of the one (1) year amortization period must be made in writing by the owner of the use to the Planning Commission by filing a request with the Planning Bureau of the Department of Planning and Building no later than sixty (60) days prior to the end of the one (1) year period provided for in this Section.

The Planning Commission may grant an extension of up to one (1) additional year only if the business is otherwise in compliance with all other applicable provisions of law, and upon a showing by the applicant/owner of the use:

- A. That the business involved a substantial financial investment in real property, improvement or stock in trade, or
- B. The business is subject to a written long-term lease entered into prior to January 1, 1995, with a termination date extending beyond one (1) year from the effective date of this Section, or
- C. Other factors establishing that the nature of the business is such that the business cannot be easily relocated.

(Ord. C-7663 § 5, 1999)

Proposed Code Amendment 6- Floor Area Ratio (FAR) Calculation for Multifamily and Commercial Parking

CHAPTER 21.15

DEFINITIONS

21.15.1070 - Floor area, gross (GFA).

~~A. "Gross floor area (GFA)" means the total area of all floors of a building, as measured to the outside surfaces of exterior walls. Gross floor area includes halls, stairways, elevator shafts, on grade, and semi-subterranean, and subterranean garages, lofts and mezzanines, basements, and finished or habitable attics, except as otherwise defined or exempted in a specific Section of this Title. Gross floor area does not include subterranean garages. For the purpose of calculating GFA for all residential dwelling units, outdoor roof deck or balcony areas open to the sky or covered by patio cover or similar structure, when enclosed on all sides by a parapet, solid railing or building wall greater than three feet six inches (3'6") in height, shall be included. However, open areas within the building above normal ceiling height shall not be calculated. See also definitions for floor area ratio and lot coverage.~~

~~B. For the purpose of calculating GFA in all residential districts, up to four hundred (400) square feet of garage area may be exempted from floor area. For single-family dwellings, the exemption may be up to six hundred (600) square feet.~~

~~C. For the purpose of calculating GFA in for all residential districts dwelling units, outdoor roof deck or balcony areas open to the sky or covered by patio cover or similar structure, when enclosed on all sides by a parapet, solid railing or building wall greater than three feet six inches (3'6") in height, shall be included. However, open areas within the building above normal ceiling height shall not be calculated.~~

~~D. For the purpose of calculating GFA in all nonresidential buildings, utility and elevator cores, and stairwells, and restrooms shall be exempted.~~

(Ord. C-7326 § 3, 1995: Ord. C-6684 § 13, 1990: Ord. C-6533 § 1 (part), 1988)

21.15.1090 - Floor area ratio.

"Floor area ratio" means the numerical value obtained by dividing the gross floor area of a building or buildings located on a lot or parcel of land by the total area of the lot or parcel of land (Figure 15-6). For purposes of calculating Floor Area Ratio:

- A. For single-family dwellings, up to seven hundred (700) square feet of garage GFA shall be exempted.
- B. For multi-family dwellings, the GFA of all garage area and parking structure shall be exempted.
- C. For all residential dwelling units, outdoor roof deck or balcony areas open to the sky or covered by patio cover or similar structure, when enclosed on all sides by a parapet, solid railing or building wall greater than three feet six inches (3'6") in height, shall be included. However, open areas within the building above normal ceiling height shall not be calculated.
- D. For nonresidential buildings, the GFA of all garage area and parking structure, utility and elevator cores stairwells, and restrooms shall be exempted.

(Ord. C-6533 § 1 (part), 1988)

21.15.1620 - Lot coverage.

"Lot coverage" means the percentage of the area of the lot covered by a building at all levels. This includes the perimeter of the building as viewed from a plan view, plus the area of all accessory buildings and structures, including garages not fully below grade (unless exempted—See Section 21.31.225). Lot coverage does not include any open projections such as balconies and eaves. For the purpose of calculating Lot Coverage

- A. For single-family dwellings, up to seven hundred (700) square feet of garage GFA may be exempted.
- A.B. For multi-family dwellings and non-residential buildings, the GFA of all garage area and parking structure may be exempted.

(Ord. C-7032 § 6, 1992: Ord. C-6533 § 1 (part), 1988)

21.25.806 - Permitted structures.

Structures permitted in, over or under established special setback areas shall be the same as those allowed in the required yard area of the applicable zone district. However, subterranean parking garages shall not be allowed under special setback areas, unless approved by the City Engineer.

21.31.225 - Lot coverage.

Lot coverage shall conform to the standards specified in Table 31-2. The actual garage area up ~~to four hundred (400) square feet per unit, and up to~~ seven hundred (700) square feet for a single-family dwelling, and all garage area for multi-family dwellings, shall be exempt from lot coverage.

(Ord. C-6684 § 41 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.31.235 - Floor area ratio.

The maximum ratio of building floor area to lot size shall be as specified in Table 31-2. For calculating residential floor area, the total area within a building shall include stairway and elevators on all floors.

- A. Basements. Basements and open areas shall not be calculated in residential floor area.
- B. Open Room. If outdoor roof deck or balcony is enclosed on all sides by parapet, solid railing or building wall greater than three feet, six inches (3'6") in height, such open area shall be calculated in residential floor area.
- C. Garages. The actual garage ~~area up to four hundred (400) square feet per unit and up to seven hundred (700) square feet for a single-family dwelling, and all garage area for multi-family dwellings,~~ shall be excluded from the calculation of floor area ratio. ~~Floor area~~GFA above the garage is not excluded.

(Ord. C-6684 § 41 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.31.245 - Accessory structures.

Table 31-7

Garages in R-3 and R-4 Zone Districts

Setbacks (a,*):			
Type of Garage	Front/Side Street	Side/Rear(**)	Maximum Height
1. On grade	30' from street property line(s) and shall be screened by residential use from all street frontages	In the front half of the lot: no projections into the required yard. In the rear half of the lot: 5' from property line	Projecting into required yard area- 13'. Outside of required yard area- same as principal structure
2. Semi-subterranean	Required yard area***	Same as on-grade garage	Not to exceed 4' above grade***
3. Subterranean	Required yard area*** <u>None</u>	Same as on-grade garage <u>None</u>	Below grade

NOTES:

(a) For developments of 1 or 2 units on a lot, refer to Subsection 21.31.245.A.

* For 3 or more units, no vehicle shall be permitted to back into the street.

** Along the interior property lines, a minimum of 5 feet landscaping buffer shall be provided in accordance with Section 21.42.040 (landscaping standards).

*** Through a site plan review process, the maximum height of semi-subterranean garages may be increased ~~a subterranean garage may be permitted to project into a portion of the required front or side street setback area. Further, the SPR process can be utilized to increase the maximum height of semi-subterranean garages.~~

(Ord. C-7326 § 11, 1995)

Proposed Code Amendment 7- Fences in Flood Zones

CHAPTER 21.43

FENCES AND GARDEN WALLS

21.43.010 – Permitted.

Fences and garden walls are permitted accessory structures in all zones, subject to the conditions and requirements set forth in this Chapter.

(Ord. C-6533 § 1 (part), 1988)

21.43.020 – Height limits.

Fence and garden wall heights shall not exceed the maximum heights set forth in Table 43-1. Fence heights shall be measured from grade adjoining the fence on the public right-of-way side of the fence (for fences adjoining the public right-of-way) and the average grade of both sides of the fence (for fences between 2 private properties). For fences in flood hazard zones where the Building Code requires the finish floor of a building to be constructed at or above the top of the flood plain, fence height shall be measured from the top of the flood plain.

(Ord. C-7247 § 24, 1994; Ord. C-7127 § 6, 1993; Ord. C-6933 §§ 35, 36, 1991; Ord. C-6684 § 36, 1990; Ord. C-6533 § 1 (part), 1988)

21.43.030 – Prohibited fence and wall materials.

Barbed wire or similar fencing with sharp, protruding objects capable of cutting or puncturing a person is prohibited, except in the IM, IG, and IP Zones when located atop a fence more than six feet (6') in height. In all other zones, such objects shall not be attached to, imbedded in, or laid upon any fence or wall. This restriction does not include decorative wrought iron.

(Ord. C-7360 § 11, 1995; Ord. C-6533 § 1 (part), 1988)

Table 43-1
Fence and Garden Wall Height Limits

Zone Districts	Maximum Permitted Height ^(a)
1. Residential	
-Front yard	3 ft. ^{(b), (f)}
-Other yard area	6 ft. 6 in.
-Outside of required yard area	10 ft.
-Abutting a nonresidential area-district or use	8 ft.
-Abutting an alley, <u>flood control channel, or</u> other public right-of-way other than a street, or a flood control channel	8 ft. ^(c)
-Abutting a major arterial/regional corridor	8 ft. ^(d)
2. Commercial and industrial	
-Within required street frontage setback	3 ft. ^(e)
-Abutting residential front yard	3 ft.
-Abutting residential side or rear yard	8 ft.
-Other yard	12 ft.
3. Institutional	
-Front yard	3 ft.
-Other yard area	8 ft.
4. Park	
-Within ten foot (10') yard area abutting a public street	6 ft. ^(g)
-Other yard	12 ft. ^(g)
5. Public right-of-way	<u>8 ft.—As determined by the City Engineer</u>
6. All zones—corner cut-off <u>cutoff</u> area	3 ft.

NOTES:

- (a) The limitations shall not apply in the following instances:
- i) Where a greater height is required by any other City ordinance; or
 - ii) Where a greater height is required by a conditional approval of a permit pursuant to this Title or is required by State or Federal law; or
 - iii) Where a wall return of greater height is allowed;
 - ~~iv) Fence heights shall be measured from grade adjoining the fence on the public right-of-way side of the fence (for fences adjoining the public right-of-way) and the average grade of both sides of the fence (for fences between 2 private properties). Factors such as flood hazard zone heights or averaged lot elevations shall not apply to fences;~~
 - iv) In corner cutoff areas, chain link and wrought iron/metal tubing fences ~~above more than~~ three feet (3') in height are allowed if they do not obstruct visibility.

- (b) In the area designated as the special fence height area, as designated by resolution of City Council, the fence height in the front yard setback shall be increased to four feet (4'), provided the additional foot of height is wrought iron or chain link.
- (c) Only applicable for rear and side lines that abut an alley or other public right-of-way other than a street, or a flood control channel.
- (d) Only applicable for 1) a rear property line that abuts a ~~major arterial~~ regional corridor, boulevard, or major avenue as designated in the ~~transportation element~~ Mobility Element of the General Plan, and 2) ~~Also applicable for~~ side property line(s) of a reverse corner lot ~~that abuts~~ abutting a ~~major arterial~~ regional corridor, boulevard, or major avenue, and ~~is in~~ a continuous formation with the rear property lines of the remainder of the block facing ~~the arterial~~ said right-of-way.
- (e) Industrially zoned properties may construct a twelve foot (12') high wrought iron/metal tubing fence within the required street frontage setback area.
- (f) Fence height may exceed three feet (3') in the front yard of residential lots located in high crime areas, through approval of an administrative use permit. (See Section 21.52.231.5 for criteria.)
- (g) Wrought iron ~~F~~ences that exceed these height limits may be approved pursuant to site plan review for a development project, Section 21.25.~~504~~508.

(Ord. C-7607 §§ 13, 16, 1999; Ord. C-7378 § 18, 1995)

AMENDMENTS TO OTHER CHAPTERS AND SECTIONS

21.15.660 - Corner ~~cut-off~~ cutoff.

"Corner ~~cut-off~~ cutoff" means the triangular area created by measuring from the corner of a lot six by six feet (6' × 6') to ten by ten feet (10' × 10') along each property line or driveway and connecting the points at the end of those lines (Figure 15-4). ~~Within the corner cut-off area, no structure or vegetation which obstructs view shall be permitted.~~

(Ord. C-6533 § 1 (part), 1988)

21.31.215 - Yard requirements.

- G. Corner Cutoff. A corner cutoff, as defined in Section 21.15.660 of this Title, shall be required in all residential districts at all intersections of streets, driveways, or alleys. Nothing shall be erected or allowed to grow within the corner cutoff in such a manner as to impede visibility or accessibility from three feet up to eight feet (~~3' to 8'~~) in height. Corner cutoffs shall be a minimum of six feet by six feet (6' × 6'). ~~Chain link and wrought iron fences higher than three feet (3') are allowed in corner cutoffs.~~

21.32.220 - Yards.

The yard areas indicated in Subsections 21.32.220.A through 21.32.220.D shall be clear of all structures from the ground to the sky (except as otherwise permitted) and shall be landscaped and maintained in a neat and healthy condition according to the landscaping provisions of this Title.

- A. Required. Yard areas shall be provided as indicated in Tables 32-2 and 32-2A.
- B. Corner ~~Cut-Offs~~Cutoffs. Corner ~~cut-offscutoffs~~, as defined in Section 21.15.660 of this Title, shall be required in all commercial districts at all intersecting streets, driveways or alleys. Nothing shall be erected or allowed to grow within the corner ~~cut-offcutoff~~ in such a manner which impedes access or visibility up to eight feet (8') in height. Required corner ~~cut-offscutoffs~~ shall be a minimum of six feet by six feet (6' x 6').
- C. Permitted Structures. No structures are permitted in required yards, except:
 - 1. Signs, as specified in the Chapter relating to on-premises signs (Chapter 21.44);
 - 2. Outdoor dining;
 - 3. Structures allowed in Table 31-3 (structures in required yards, residential districts);
 - 4. Vehicle parking as allowed by Table 32-2 or 32-2A;
 - 5. Vehicle loading in street frontage setbacks as provided in Section 21.41.310; and
 - 6. Awnings as allowed by the Uniform Building Code.
- D. Required Landscaping. All required yard areas, except yards abutting alleys and yards used for outdoor dining, shall contain an area not less than five feet (5') in width planted with trees, shrubs and/or groundcover. The four foot (4') setback area from the abutting alley shall also be landscaped unless such area is used for a driving aisle. For additional landscape requirements, see Chapter 21.42, Landscape Standards.

(ORD-10-0031, § 1, 2010; Ord. C-7663 § 16, 1999; Ord. C-7150 § 1, 1993; Ord. C-7127 § 3, 1993; Ord. C-7047 §§ 14, 15, 16, 17, 1992; Ord. C-6933 § 28, 1991; Ord. C-6822 §§ 13, 14, 1990; Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.33.140 - Setbacks and yards.

- A. Setbacks and Yards Required. Building setbacks and yards shall be provided as indicated in Table 33-4. Yard areas shall be clear of all structures from the ground to the sky, except for permitted projections, and shall be landscaped in accordance with the landscaping provisions (Chapter 21.42) of this Title.
- B. Corner ~~Cut-offcutoff~~ Required. Corner ~~cut-offscutoffs~~, as defined in ~~Chapter 21.15~~Section 21.15.660 of this Title, shall be required in all industrial districts at the intersections of streets, driveways, and alleys. The corner ~~cut-offcutoff~~ shall be free of any structure or vegetation which impedes or obstructs access or visibility up to eight feet (8') in height.
- C. Permitted Projections. No appurtenances, projections, or other building features may project into required yards, except:
 - 1. Architectural elements not more than two feet (2') into the required yard area;
 - 2. Awnings;
 - 3. Bay windows projecting not more than two feet (2') into the required yard area;
 - 4. Lamp posts;
 - 5. A porte cochere;

6. Roof eaves projecting no closer than two feet, six inches (2' 6") from the property line; and
 7. Signs, as specified in Chapter 21.44 (On-Premises Signs) of this Title.
- D. Permitted Uses. The following uses and accessory structures shall be the only uses and structures permitted in required yard areas: driveways, automobile surface parking lots, landscaping, and on-premises signs. All other uses shall be prohibited.

(Ord. C-7360 § 3, 1995)

21.34.225 - Corner ~~cut-off~~cutoffs.

- A. Corner ~~Cut-off~~Cutoff Required. Corner ~~cut-off~~cutoffs shall be required in all institutional districts at intersections of streets, driveways and alleys. Corner ~~cut-off~~cutoff shall be a minimum of six feet by six feet (~~{6'}~~ × ~~{6'}~~).
- B. The corner ~~cut-off~~cutoff shall be free of any structure or vegetation which impedes or obstructs access or visibility up to eight feet (8') in height.

(Ord. C-6533 § 1 (part), 1988)

21.42.040 - Landscaping standards for R-3, R-4 and Nonresidential Districts.

[section is too long to quote in entirety, no changes other than the below]

- F. Plant Height. Plant height shall not exceed three feet (3') in corner ~~cut-off~~cutoff areas.

21.44.140 - Freestanding/monument signs.

[section is too long to quote in entirety, no changes other than the below]

Any self-supporting permanent on-premises sign that is not attached to a building is either a freestanding sign (see Section 21.15.2580), or a monument sign (see Section 21.15.2620). Table 44-1 sets forth the zoning districts in which freestanding and monument signs are allowed. Freestanding and monument signs are permitted subject to the following provisions:

D. Location.

3. No freestanding/monument sign shall be located within the required corner ~~cut-off~~cutoff area of a driveway, alley, or street, as defined in Section 21.15.660 and illustrated in Figure 15-4.

21.44.600 - Prohibited signs.

[section is too long to quote in entirety, no changes other than the below]

The following signs shall be prohibited:

- I. Obstruction of Use or Visibility. No sign shall be located so that any portion of the sign or its supports interferes with the free use of any fire escape or exit or obstructs any required fire standpipe, stairway, door, ventilator or window; nor shall any sign be located so as to obstruct the visibility (corner ~~cut-off~~cutoff areas) of vehicles or pedestrians using driveways or doorways.

Proposed Code Amendment 8- Height Limitation Exemption for Solar in Non-Residential Districts

21.32 Commercial Districts

21.32.210 - Building height.

21.31.220 - Height limits.

The height of all buildings shall be limited as indicated in Tables 32-2 and 32-2A.

Table 32-2

- (a) In all cases, minimum setback of 10 ft. from curb face.
- (b) Measured from centerline of alley.
- (c) Setback may be reduced to 0 ft. if the structure is attached to a building abutting on lot or if no building on an abutting lot is within 5 ft. of property line.
- (d) Setback may be reduced to 10 ft. for a single-story commercial building through site plan review.
- (e) No setback is required for commercial or residential over ground floor commercial; an 8 ft. front street setback is required for ground-floor residential, and 5 ft. side street setback is required for ground-floor residential.
- (f) An accessory structure is limited to 15 ft. in height.
- (g) Elevator and mechanical equipment penthouses shall not be included in the measurement of height for commercial buildings.

(h) Rooftop solar collectors and associated supporting structures may exceed the applicable height limit only if necessary for the sole purpose of solar collection, and not otherwise installed on any occupiable areas of the roof.

Table 32-2A

- (a) An accessory structure is limited to 15 ft. in height
- (b) High-rise overlay applicable at appropriate locations.
- (c) In a high-rise overlay zone, no flagpole shall exceed 60 ft. in height.
- (d) In all cases, minimum setback of 10 ft. from curb face.

(e) Measured from centerline of alley. Special setback requirements apply to all residential development in a commercial district.

(f) This setback shall apply to the ground floor only.

(g) Setback may be reduced to 0 ft. if the structure is attached to a building abutting on lot or if no building on an abutting lot is within 5 ft. of property line.

(h) Elevator and mechanical equipment penthouses shall not be included in the measurement of height for commercial buildings.

(i) Rooftop solar collectors and associated supporting structures may exceed the applicable height limit only if necessary for the sole purpose of solar collection, and not otherwise installed on any occupiable areas of the roof.

21.33 Industrial Districts

21.33.130 - Maximum building and structure height.

A. No building or other structure shall be constructed to exceed the height limitations indicated in Table 33-3, except for signs, which are subject to the standards set forth in Chapters [21.44](#) (On-Premises Signs) and [21.54](#) (Billboards).

B. Flagpoles, when placed on the roof of a building, may exceed the height limit for a principal building by ten feet (10'). When placed on the ground, flagpoles shall not exceed a height of sixty feet (60').

C. Television or radio receiving or transmitting antennas may exceed the applicable height limit as provided for in Section 21.46.060 (Special Development Standards).

D. The following rooftop elements and equipment may extend up to ten feet (10') above the building height:

1. Rooftop stair and elevator penthouse enclosures.
2. Rooftop heating and air conditioning equipment and ducts.
3. Rooftop safety rails.
(Ord. C-7360 § 3, 1995)

E. Exceptions

1. Rooftop solar collectors and associated supporting structures may exceed the applicable height limit only if necessary for the sole purpose of solar collection, and not otherwise installed on any occupiable areas of the roof.

21.34 Institutional Districts

21.34.210 - Building height.

Maximum building and structure heights shall be as indicated in Table 34-2.

Table 34-2

(a) Rooftop solar collectors and associated supporting structures may exceed the applicable height limit only if necessary for the sole purpose of solar collection, and not otherwise installed on any occupiable areas of the roof.

Proposed Code Amendment 9: Re-Noticing a Continued Public Hearing

Draft Zoning Code Amendment

Strikeout Text = Deletions, Underline = New Text

21.21.402 - Action by hearing body.

- A. Following the completion of testimony at a public hearing, action shall be taken to approve, conditionally approve, partially approve, deny, continue or take under advisement the subject of the public hearing.
- B. ~~Unless a matter is continued to be heard at the next regularly scheduled meeting, or taken under advisement to be heard at the next regularly scheduled meeting, the matter shall be re-noticed in accordance with Division III "Notice of Hearings".~~ Hearings continued to a date certain shall be exempt from re-noticing in accordance with Division III "Notice of Hearings".
- C. Conditions. Reasonable and necessary conditions on development may be attached to all decisions to ensure their consistency with the Zoning Regulations.

(ORD-08-0020 § 2, 2008: Ord. C-6533 § 1 (part), 1988)
